



UTILITY/MARINA COMMITTEE
420 N Front St.
Suttons Bay, MI 49682
Thursday, February 6, 2020 at 8:10 am

AGENDA

Call to Order

1. Reports (staff)
 - a. DPW Director Report
 - b. Marina Report
 - c. WWTP Report
 - d. Treasurer Report
2. Public Comments
Please limit remarks to no more than three (3) minutes or less.
3. Committee Business
 - a. Report VSB 2020 - 06 Marina Boat Launch
4. Status Update – Other Committees
 - a. Report VSB - 2020 -07 Land Division Ordinance
 - b. Report VSB – 2020 - 03 2020 Vehicle Purchase
 - c. Report VSB – 2020 - 05 USBR 35 Modification of Route
 - d. Broadway Street-Temporary Solution Discussion-No Report
 - e. Waterwheel Park Discussion-No Report
5. Public Comments/Written Communication
6. Committee Member Comments
7. Announcements
8. Adjournment

Committee Status Report

David B. Miller, Director

Suttons Bay DPW and Utilities

1/30/2020

Utilities

WATER: System is operating normally and maintaining a steady production. Lead and Copper Sampling Plan & Preliminary Distribution System Materials Inventory was submitted prior to the January 1, 2020 deadline. Annual updates were completed for the Emergency Response Plan and Bacteriological-Sample Siting Plan for Total Coliform. SBV-CCR (Consumers' Confidence Report) is currently being reviewed prior to publishing. Next up is the EGLE Annual Water Usage Report and Cross Connection Reporting due on 3/31/20.

SEWER: Sewer stations are operating normally and are operating in good condition. Station wet wells will need to be cleaned. Pumps will need to be pulled, cleaned and impeller clearances checked this spring. Collections system cleaning is needed and will be performed in early spring. Evaluation of shoreline erosion, this was brought up in the 12/2/20 Committee report regarding South Shore Beach effluent manhole located near the water on the beach. EGLE has now published a bulletin regarding high water levels, erosion and BMP's (Best Management Practices) concerning municipal infrastructure. SBVDPW will continue to monitor lake levels and closely monitor events that may impact our systems: <https://content.govdelivery.com/accounts/MIDEQ/bulletins/276975e>

Emergency/Critical Equipment: Components for the generators at Port Sutton water and sewer sites are being staged before groundwork begins. Vactor repairs are underway and estimated completion time is mid-March.

DPW

Scheduled daily work continues, now that winter has settled in. Hauling snow to the dump has been ongoing. New tires were installed on the salt truck and the turbo was just recently replaced due to normal wear. One-ton GMC truck has had the rust scrapped and sanded off the dump box with a fresh coat of paint applied. Maintenance of DPW equipment is being emphasized and repairs are being addressed as they arise. Currently, we are evaluating a CMMS work order system for the department. It is an application that is designed for a mobile workforce. Preventative maintenance inspections of equipment, tracking of hours and miles for equipment maintenance, scheduling of work for various village assets and locations, and inventories.

STAFF

SAFETY and TRAINING: January training was completed and documented. Highlights were personal health, proper lifting techniques, driving safety, and safe operation of heavy equipment.

SUTTONS BAY WWTP MONTHLY OPERATIONS REPORT

January 2020

TO: Rob Larrea
Dave Miller

FROM: Mark Huggard, Jacobs

DATE: January 29th, 2020

COPY: Kevin Dahl, Jacobs
Elizabeth Hart, Jacobs

This report describes our activities during the month of January 2019. If there is additional information you would like included in the report, please let us know.

Permit compliance:

Available lab results for the month of January indicate full permit compliance.

Jacobs completed and submitted December's Discharge Monitoring Report (DMR) to the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The facility was in full compliance.

Operations:

January

Average Influent Flow 2020*	184,749	Gallons per day
Average Influent Flow 2019	94,985	Gallons per day
Total monthly hauled truck waste 2020**	-----	Gallons
Total monthly hauled truck waste 2019	182,516	Gallons

* Data compiled through January 26th.

**Data unavailable for January 2020.

The influent auto sampler controller failed and was sent to Hach for repair.

On Saturday 1-4-20, we were called out for a low temperature in the screening building. As a result of the exhaust fan being out of service because of a failed motor, Hurst mechanical had to adjust the HVAC setpoints to allow the unit to run. With the Village's approval, a replacement motor has been ordered.

We replaced the failed solenoid on the Rotomat fine screen spray bar.

Periodically, grit that collects in the influent channel and downstream splitter box needs to be removed to prevent it from entering downstream processes. Normally, Jacobs and the Village work together to remove the grit with the use of the Village's Vactor truck. Because the Vactor truck is currently in the process of being repaired and it is too costly to have an outside contractor perform the grit removal, Jacobs is manually removing grit from the upstream side of the partial flume as needed until the Village's Vactor truck is available.

On 12-31-19 and 1-16-20, we responded to power loss alarms. We conducted full plant walk-throughs and reset all affected equipment.

On Friday 1-24-20 at 10:00 am, we responded to a fine screen failure alarm. When we arrived, we found a Williams Pumping hauler had offloaded grease through the system, which jammed the rock trap and the fine screen unit. Jacobs staff was able to free both units and return them to service. We took pictures of the grease in the rock trap, fine screen and the pile of grease that was left in the driveway. Jacobs is tracking the repair costs related to this incident and will provide a detailed work order report to the Village. Jacobs will work with the Village to help recoup the cost associated with this incident and to prevent this from occurring in the future.

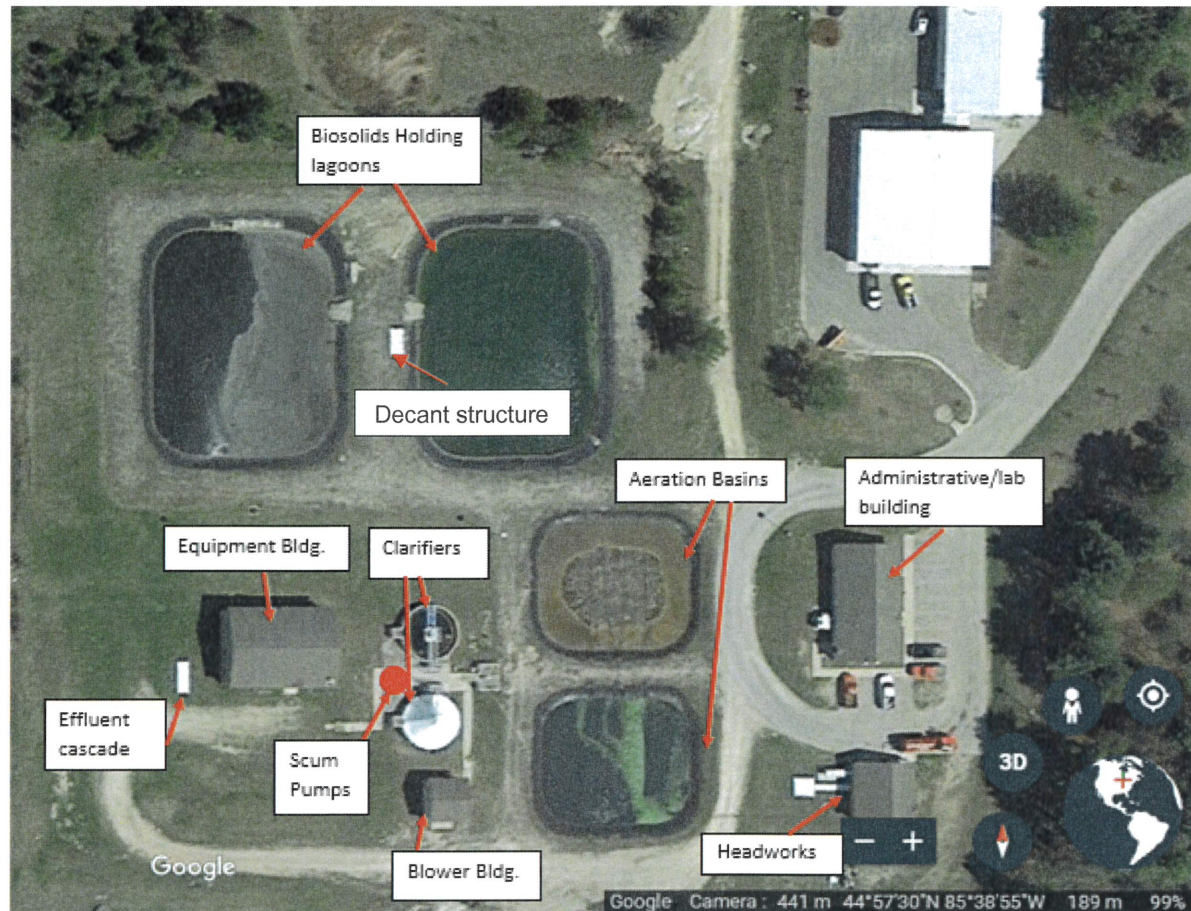
Driveway



Rock Trap



Treatment Plant Aerial View

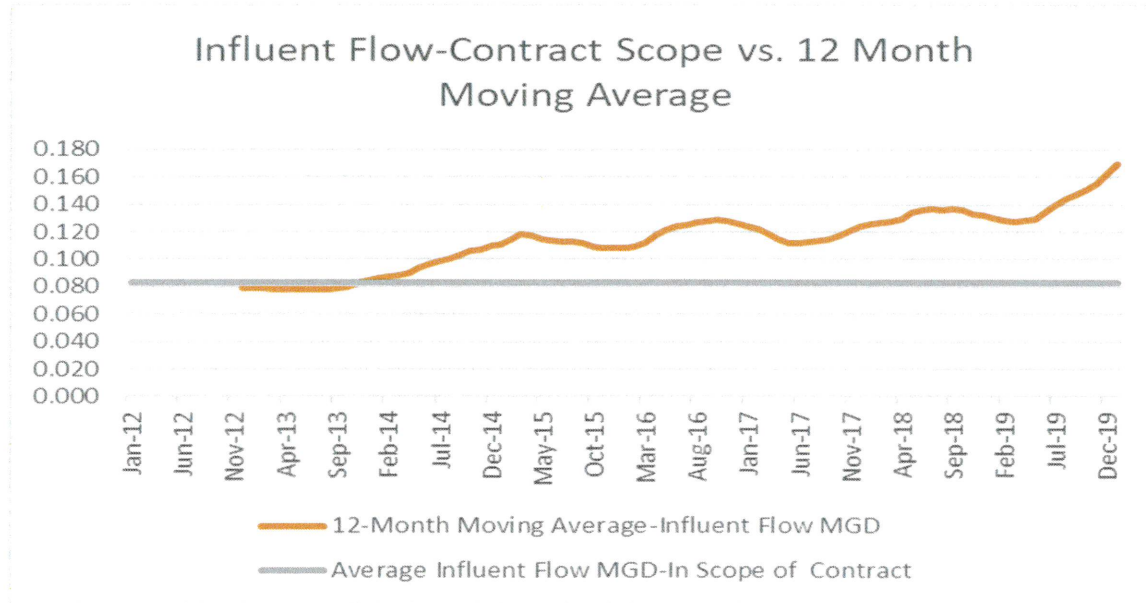


On the Horizon:

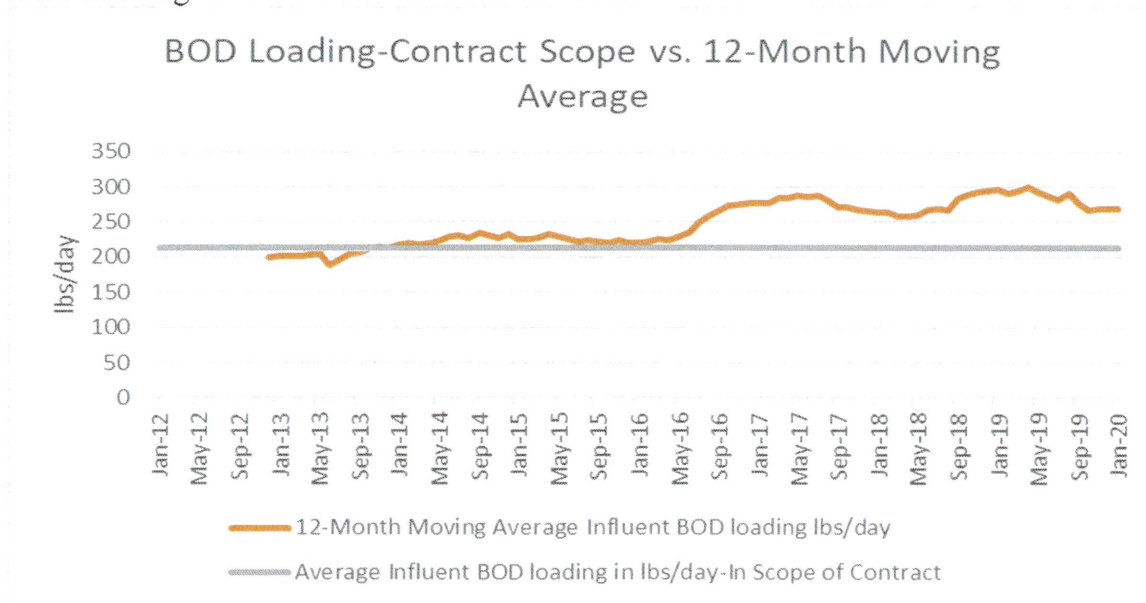
- Complete spare parts inventory list.
- Installation of the new lower bearing unit for the influent building's fine screen. (2020)
- Rebuild of Decant and Scum pump control cabinets. (2020)
- Ferric Chloride pump programming upgrades. (Windemuller to complete week of January 27th).
- Acquiring RAS/WAS pump replacement costs. These pumps are nearing the end of their life, impellers are worn to the point of needing replaced and parts are obsolete. Jacobs will provide a replacement memo detailing the options and our recommendation.
- Investigate the SCADA hauled truck waste flow logs. (Windemuller).
- Replace headworks exhaust fan motor (Hurst Mechanical).
- Replace influent sampler.
- Removal of Grit from Influent channel.
- Replacement of Bank A UV modules.

The following graphs illustrate the facility's influent characteristics encompassed in our scope per Amendment 3 to our 2010 agreement compared to actual influent characteristics. Influent flow characteristics are based on a 12-month moving average.

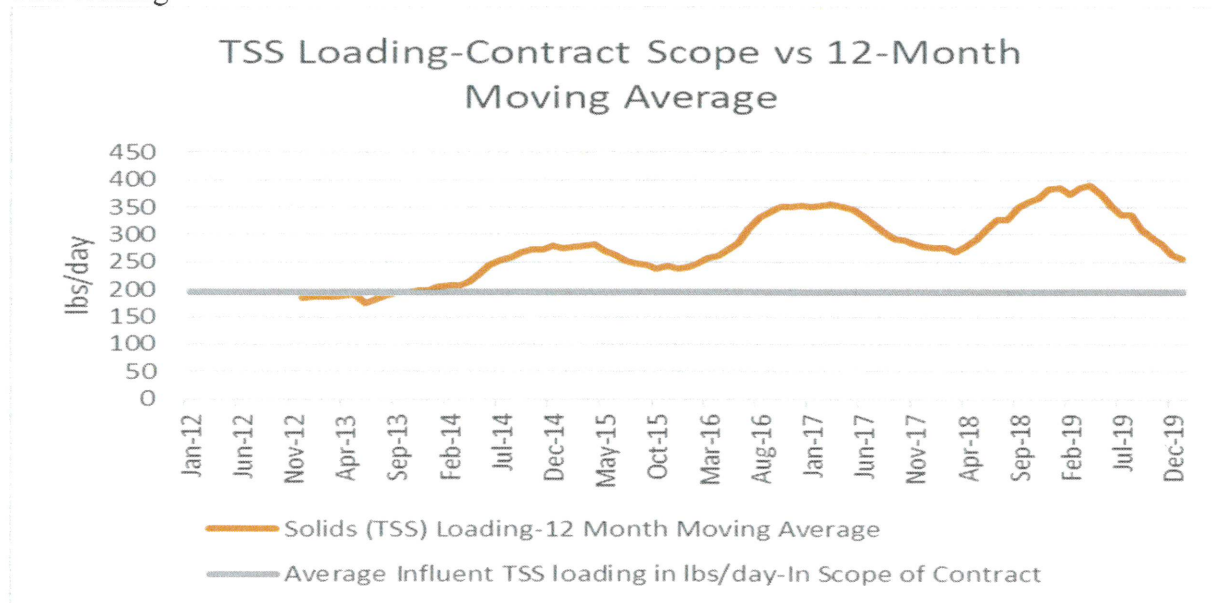
Influent Flow



BOD Loading



TSS loading



Financial Report

Current Month	Jan-20	Comments
Current Month Repairs	\$ -	Nothing to report
Current Month Repair Labor Hrs	\$ -	
Current Month Chemicals	\$ -	
Current Month Utilities	\$ -	
YTD Repairs	\$ -	
Repair Budget Remaining (\$6,000 Limit)	\$ 6,000.00	
YTD Repair Labor Hrs	\$ -	
Repair Labor Hrs Remaining (Limit 104 hrs)	\$ 104.00	
YTD Chemicals	\$ -	
Chemical Budget Remaining (\$4,500 Limit)	\$ 4,500.00	
YTD Utilities	\$ -	
Utility Budget Remaining (\$33,000 Limit)	\$ 33,000.00	

Mark Huggard, Jacobs
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 231-922-4922

Elizabeth Hart, Jacobs
Elizabeth.hart@jacobs.com
 231-922-4922

PERIOD ENDING 12/31/2019


GL NUMBER	DESCRIPTION	2019 AMENDED BUDGET	YTD BALANCE 12/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 101 - General Fund					
Revenues					
101-000-402.000	Current Property Taxes	692,000.00	692,770.18	(770.18)	100.11
101-000-410.000	Personal Property Tax Revenue	17,400.00	20,672.49	(3,272.49)	118.81
101-000-476.000	Permits and Fees	4,000.00	4,340.13	(340.13)	108.50
101-000-573.000	LOCAL COMMUNITY STABILIZATION	0.00	4,360.10	(4,360.10)	100.00
101-000-574.000	State Shared Revenue	50,000.00	45,552.25	4,447.75	91.10
101-000-632.000	Bahle Park Rental	1,100.00	2,025.00	(925.00)	184.09
101-000-633.100	Motor Vehicle Leases	102,975.00	102,835.00	140.00	99.86
101-000-665.000	Interest Earnings	5,000.00	5,117.48	(117.48)	102.35
101-000-674.000	Contributions - Private	500.00	500.00	0.00	100.00
101-000-695.000	Miscellaneous Income	550.00	583.58	(33.58)	106.11
TOTAL REVENUES		873,525.00	878,756.21	(5,231.21)	100.60
Expenditures					
101	Village Council	29,300.00	16,023.60	13,276.40	54.69
171	Village Manager	29,200.00	27,470.97	1,729.03	94.08
215	Village Clerk	8,565.00	8,029.84	535.16	93.75
253	Treasurer	21,655.00	20,033.86	1,621.14	92.51
265	Village Hall	43,006.00	36,307.02	6,698.98	84.42
345	Police	82,000.00	57,742.77	24,257.23	70.42
441	Public Works	104,120.00	82,435.23	21,684.77	79.17
443	Motor Pool Department	123,750.00	104,779.25	18,970.75	84.67
448	Streetlighting	13,000.00	13,719.29	(719.29)	105.53
701	Zoning & Planning	42,745.00	32,312.87	10,432.13	75.59
751	Parks & Recreation	122,803.00	85,984.53	36,818.47	70.02
999	Transfers to Other Funds	400,100.00	400,100.00	0.00	100.00
TOTAL EXPENDITURES		1,020,244.00	884,939.23	135,304.77	86.74
TOTAL REVENUES		873,525.00	878,756.21	(5,231.21)	100.60
TOTAL EXPENDITURES		1,020,244.00	884,939.23	135,304.77	86.74
NET OF REVENUES & EXPENDITURES		(146,719.00)	(6,183.02)	(140,535.98)	4.21
Fund 202 - Major Street					
Revenues					
202-000-574.000	State Shared Revenue	77,000.00	71,798.70	5,201.30	93.25
202-000-665.000	Interest Earnings	4,000.00	2,549.76	1,450.24	63.74
202-000-691.000	Contributions - Other Funds	220,000.00	220,000.00	0.00	100.00
202-000-692.000	Contrib fr Gov Units - County	31,000.00	31,613.41	(613.41)	101.98
TOTAL REVENUES		332,000.00	325,961.87	6,038.13	98.18
Expenditures					
000		202,729.00	120,949.66	81,779.34	59.66
TOTAL EXPENDITURES		202,729.00	120,949.66	81,779.34	59.66
TOTAL REVENUES		332,000.00	325,961.87	6,038.13	98.18
TOTAL EXPENDITURES		202,729.00	120,949.66	81,779.34	59.66
NET OF REVENUES & EXPENDITURES		129,271.00	205,012.21	(75,741.21)	158.59
Fund 203 - Local Street Fund					
Revenues					
203-000-574.000	State Shared Revenue	43,000.00	42,309.37	690.63	98.39
203-000-665.000	Interest Earnings	1,600.00	924.04	675.96	57.75
203-000-691.000	Contributions - Other Funds	60,000.00	60,000.00	0.00	100.00
TOTAL REVENUES		104,600.00	103,233.41	1,366.59	98.69
Expenditures					
000		116,888.00	93,599.02	23,288.98	80.08
TOTAL EXPENDITURES		116,888.00	93,599.02	23,288.98	80.08
TOTAL REVENUES		104,600.00	103,233.41	1,366.59	98.69
TOTAL EXPENDITURES		116,888.00	93,599.02	23,288.98	80.08

PERIOD ENDING 12/31/2019

GL NUMBER	DESCRIPTION	2019 AMENDED BUDGET	YTD BALANCE 12/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 203 - Local Street Fund					
NET OF REVENUES & EXPENDITURES		(12,288.00)	9,634.39	(21,922.39)	78.40
Fund 248 - DDA Fund					
Revenues					
248-000-665.000	Interest Earnings	5.00	(0.56)	5.56	(11.20)
TOTAL REVENUES		5.00	(0.56)	5.56	(11.20)
Expenditures					
000		7,059.00	3,637.02	3,421.98	51.52
TOTAL EXPENDITURES		7,059.00	3,637.02	3,421.98	51.52
TOTAL REVENUES		5.00	(0.56)	5.56	11.20
TOTAL EXPENDITURES		7,059.00	3,637.02	3,421.98	51.52
NET OF REVENUES & EXPENDITURES		(7,054.00)	(3,637.58)	(3,416.42)	51.57
Fund 402 - Property Replacement Fund					
Revenues					
402-000-665.000	Interest Earnings	3,000.00	2,223.79	776.21	74.13
402-000-691.000	Contributions - Other Funds	156,050.00	156,160.00	(110.00)	100.07
TOTAL REVENUES		159,050.00	158,383.79	666.21	99.58
Expenditures					
000		149,101.00	112,122.58	36,978.42	75.20
TOTAL EXPENDITURES		149,101.00	112,122.58	36,978.42	75.20
TOTAL REVENUES		159,050.00	158,383.79	666.21	99.58
TOTAL EXPENDITURES		149,101.00	112,122.58	36,978.42	75.20
NET OF REVENUES & EXPENDITURES		9,949.00	46,261.21	(36,312.21)	464.98
Fund 590 - Sewer Fund					
Revenues					
590-000-476.000	Permits and Fees	5,500.00	5,500.00	0.00	100.00
590-000-600.000	Charge for Services	140,000.00	143,092.46	(3,092.46)	102.21
590-000-628.000	RTS Fees	113,800.00	114,247.57	(447.57)	100.39
590-000-629.000	Waste Hauler Fees	92,000.00	116,335.79	(24,335.79)	126.45
590-000-630.000	Capital Charge	165,000.00	163,036.00	1,964.00	98.81
590-000-659.000	Penalties	2,500.00	3,422.51	(922.51)	136.90
590-000-665.000	Interest Earnings	7,500.00	7,521.58	(21.58)	100.29
590-000-691.600	Contributions -Fr GF - Parks	10,000.00	10,000.00	0.00	100.00
590-000-691.800	Contributions -Fr Marina Fund	10,000.00	10,000.00	0.00	100.00
590-000-691.900	Contrib - GF - Public Works	5,000.00	5,000.00	0.00	100.00
590-000-695.000	Miscellaneous Income	24,000.00	24,134.08	(134.08)	100.56
TOTAL REVENUES		575,300.00	602,289.99	(26,989.99)	104.69
Expenditures					
537	Sewer Fund - Collection	342,414.00	300,781.83	41,632.17	87.84
538	Sewer - Plant	710,490.00	694,746.37	15,743.63	97.78
TOTAL EXPENDITURES		1,052,904.00	995,528.20	57,375.80	94.55
TOTAL REVENUES		575,300.00	602,289.99	(26,989.99)	104.69
TOTAL EXPENDITURES		1,052,904.00	995,528.20	57,375.80	94.55
NET OF REVENUES & EXPENDITURES		(477,604.00)	(393,238.21)	(84,365.79)	82.34
Fund 591 - Water Fund					
Revenues					
591-000-476.000	Permits and Fees	650.00	879.58	(229.58)	135.32
591-000-600.000	Charge for Services	75,000.00	69,223.98	5,776.02	92.30
591-000-628.000	RTS Fees	60,000.00	63,493.75	(3,493.75)	105.82
591-000-630.000	Capital Charge	55,000.00	55,085.70	(85.70)	100.16
591-000-633.000	Hydrant Rental	25,000.00	25,000.00	0.00	100.00
591-000-659.000	Penalties	800.00	1,551.58	(751.58)	193.95

PERIOD ENDING 12/31/2019

GL NUMBER	DESCRIPTION	2019 AMENDED BUDGET	YTD BALANCE 12/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 591 - Water Fund					
Revenues					
591-000-665.000	Interest Earnings	2,300.00	2,094.42	205.58	91.06
591-000-691.600	Contributions -Fr GF - Parks	5,000.00	5,000.00	0.00	100.00
591-000-691.800	Contributions -Fr Marina Fund	5,000.00	5,000.00	0.00	100.00
591-000-691.900	Contrib - GF - Public Works	1,800.00	1,800.00	0.00	100.00
591-000-695.000	Miscellaneous Income	200.00	305.00	(105.00)	152.50
TOTAL REVENUES		230,750.00	229,434.01	1,315.99	99.43
Expenditures					
000		300,280.00	219,919.97	80,360.03	73.24
TOTAL EXPENDITURES		300,280.00	219,919.97	80,360.03	73.24
TOTAL REVENUES		230,750.00	229,434.01	1,315.99	99.43
TOTAL EXPENDITURES		300,280.00	219,919.97	80,360.03	73.24
NET OF REVENUES & EXPENDITURES		(69,530.00)	9,514.04	(79,044.04)	13.68
Fund 594 - Marina Fund					
Revenues					
594-000-631.000	Pump outs	3,200.00	3,474.00	(274.00)	108.56
594-000-642.000	Gas Sales	129,000.00	132,354.28	(3,354.28)	102.60
594-000-642.100	Gas Sales - Tax Exempt	1,300.00	1,556.62	(256.62)	119.74
594-000-646.000	Sale of Ice	1,400.00	1,510.01	(110.01)	107.86
594-000-648.000	Launch Fees	30.00	32.00	(2.00)	106.67
594-000-648.100	Annual Launch Pass	0.00	6.30	(6.30)	100.00
594-000-649.000	Waiting List	2,100.00	2,400.00	(300.00)	114.29
594-000-653.000	Transient Fees	72,000.00	75,534.32	(3,534.32)	104.91
594-000-653.100	Marina Day Use	1,600.00	1,694.89	(94.89)	105.93
594-000-654.000	Slip Fees	270,000.00	272,351.00	(2,351.00)	100.87
594-000-659.000	Penalties	300.00	419.20	(119.20)	139.73
594-000-665.000	Interest Earnings	17,000.00	17,370.56	(370.56)	102.18
594-000-691.400	Contributions - Fr Water Fund	21,160.00	21,160.00	0.00	100.00
594-000-695.000	Miscellaneous Income	0.00	70.64	(70.64)	100.00
TOTAL REVENUES		519,090.00	529,933.82	(10,843.82)	102.09
Expenditures					
000		2,119,240.00	1,918,342.41	200,897.59	90.52
TOTAL EXPENDITURES		2,119,240.00	1,918,342.41	200,897.59	90.52
TOTAL REVENUES		519,090.00	529,933.82	(10,843.82)	102.09
TOTAL EXPENDITURES		2,119,240.00	1,918,342.41	200,897.59	90.52
NET OF REVENUES & EXPENDITURES		(1,600,150.00)	(1,388,408.59)	(211,741.41)	86.77
TOTAL REVENUES - ALL FUNDS					
TOTAL EXPENDITURES - ALL FUNDS					
NET OF REVENUES & EXPENDITURES					
		2,794,320.00	2,827,992.54	(33,672.54)	101.21
		4,968,445.00	4,349,038.09	619,406.91	87.53
		(2,174,125.00)	(1,521,045.55)	(653,079.45)	69.96

		VILLAGE OF SUTTONS BAY	
		Marina Report VSB- 2020-06	
Prepared:	January 23, 2020	Pages:	1 of 1
Meeting:	February 6, 2019	Attachments:	<input type="checkbox"/>
Subject:	Marina Boat Launch		

PURPOSE

To enable discussion to consider temporarily closing the Marina boat launch

OVERVIEW

As we witness an unprecedented rise in lake levels, the effects of the high-water levels, seiches and increased storm water runoff, a series of unique issues for the Marina and boat launch have arisen. The boat launch itself was not designed for the high-water level we are witnessing, and has resulted in the cement pads being undermined. Once these pads become compromised, they cannot properly distribute the weight of larger vessels resulting in the potential sloping, or breaking of the pads. In addition, the launch was designed to have a gradual angle rather than a steep incline. This design is not ideal for such high-water levels and forces vehicles to back further into the water to reach a safe launch depth. When this occurs, the vehicles exhaust tends to become submerged increasing the risk of stalling the vehicle, which could cause both the vessel and vehicle to become "fish habitat" within our harbor.

STAFF COMMENTS


Due to a lack of sidewalk connecting the marina slip users, beach goers and pedestrians to our downtown, (and our Harbor pier) the parking lot and marina launch area provides a direct route for foot traffic. This essentially increases the potential for pedestrian-vehicular conflicts and has been a concern for several years. The high water is now compromising the launch area and adds to the safety concerns of the marina.

Prior to these concerns associated with the high-water levels, the Marina Master Plan public input session, offered the following comments which supported the closure of the marina:

1. "Eliminate launch totally, too congested",
2. "Improve North Park launch ramp & remove launch ramp from marina",
3. "Move current launch ramp",
4. "Take launch site out of marina to new site up town",
5. "Eliminate launch ramp in marina, use facility north of marina for all launching",
6. "Phase out boat launch in current marina & relocated at North Park".

ACTION REQUESTED

MOTION TO RECOMMEND Temporarily closing the Marina boat launch to the VC due to the safety concerns outlined in Report VSB-2020-06.

		VILLAGE OF SUTTONS BAY REPORT VSB -2019- 07	
Prepared:	January 27, 2020	Pages:	1 of 1
Meeting:	February 5, 2020	Attachments:	<input checked="" type="checkbox"/>
Subject:	Land Division Ordinance Draft		

PURPOSE

To generate discussion regarding the DRAFT Land Division Ordinance.

STAFF COMMENTS

A DRAFT land division ordinance is before you for discussion. This ordinance will replace the adopted ordinance that is in need of several updates to comply with current law. Rather than attempt a fix to the current Ordinance, I have drafted a new Ordinance for consideration. We are also creating a new application that complies with the requirements of the law as well as approval documents and most importantly, a checklist for applicants and Staff.

We will be forming a committee of three to review applications. The review committee will be comprised of the Assessor, Zoning Administrator and Village Planner or Manager. The review session will eliminate sending the application back and forth between the Township and Village, which has proven to be time consuming and a burden to the Applicant.

Once a completed application is received and reviewed, written feedback will be provided to the applicant by the committee. A second review will finalize the application and the applicant will be provided with instructions to record the document. This is a proven procedure that keeps everyone accountable, including Staff, and the applicant.

ACTION REQUESTED

Discussion on the DRAFT Ordinance prior to finalization.

THE
VILLAGE OF SUTTONS BAY ORDINANCE
NO. XX

Land Division Ordinance

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*) and the General Law Village Act, Public Act 3 of 1895, as amended, (MCL 61.1, *et seq.*), to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

THE VILLAGE OF SUTTONS BAY ORDAINS:

Section I: Title

This ordinance shall be known and cited as the Village of Suttons Bay Land Division Ordinance.

Section II: Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Village by establishing reasonable standards for prior review and approval of land divisions within the Village.

Section III: Legal Basis

This Ordinance is enacted pursuant to the statutory authority granted by the Land Division Act, formerly known as the Subdivision Control Act of 1967, Act 288, P.A. 1967, as amended by Act 591 of P.A. 1997.

Section IV: Definitions

For purposes of this ordinance, certain terms and words used herein shall have the following meaning:

- A. "Accessible" in reference to a parcel, means that the parcel meets one or both of the following requirements:
- (i) Has an area where a driveway provides vehicular access to an existing and approved public or private road or street and meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, and of the Village, or has an area where a driveway can provide vehicular access to an existing and approved public or private road or street and meet all such applicable location standards.

- (ii) Is served by an existing easement that provides vehicular access to an existing and approved public or private road or street and that meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969 and road width and other dimensional standards in the Zoning Ordinance and which will comply with the road width and other dimensional standards in the Zoning Ordinance or can be served by a proposed easement that will provide vehicular access to an existing and approved public or private road or street and that will meet all such applicable location standards and which will comply with the road width and other dimensional standards in the Zoning Ordinance.
- B. "Adequate Permanent Access" means a public or private street or place along with its right-of-way, easement or general common area, which provides vehicular access to a lot or parcel.
- C. "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- D. "Boundary Adjustment" means a property transfer between two or more adjacent parcels where property is taken from one parcel and added to an adjacent parcel.
- E. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the applicant thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable local ordinances.
- F. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the applicant thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act or the requirements of other applicable local ordinances.
- G. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- H. "Governing Body (or Village Council)" means The Village Council of the Village of Suttons Bay.
- I. "Land Division Committee": The body responsible for the review of Land Division applications under Article IV of the Ordinance, composed of the Township Assessor, Village Zoning Administrator and Village Planner and/or Village Manager.

- J. "Lot Split" shall mean the partitioning of a lot, outlot or other parcel of land within a recorded plat.
- K. "Private Road or Street": A road or street held in private ownership dedicated to the use of adjacent property owners which meets the definition, design and construction standards of the Zoning Ordinance.
- L. "Public Road or Street": A road or street dedicated to the public, such dedicating having been accepted by the appropriate public entity, which meets the definition, design, and construction standards as adopted by the Village, and/or Department of Transportation and otherwise meets the standards of the Zoning Ordinance.
- M. "Village": The Village of Suttons Bay.
- N. "Zoning Ordinance": The Village of Suttons Bay Zoning Ordinance.

Section V: Prior Approval Requirement

Land in the Village shall not be divided nor shall a boundary adjustment be affected without the prior review and approval of the Land Division Committee, in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
- B. A parcel proposed for subdivision that will be transferred to a federal, state, county or local unit of government for public purposes.
- C. A parcel proposed for subdivision through a recorded site condominium pursuant to the State Condominium Act.
- D. A lot in a recorded site condominium proposed to be divided in accordance with the State Condominium Act.
- E. An exempt split as defined in this Ordinance.

Section VI: Application for Land Division or Boundary Adjustment Approval

An applicant shall file all of the following with the Township Assessor and Village Zoning Administrator before making any land division or boundary adjustment either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form provided by the Village.
- B. Proof of fee ownership of the land proposed to be divided.
- C. Proof that all taxes payable upon the property have been paid in full.
- D. Two copies of a survey map in accordance with E below, and drawn to scale, illustrating all resulting parcels, current structures and setbacks.
- E. For boundary adjustments, both the area of the boundary adjustment and the original parcel before adjustment must be separately shown. The survey map must be prepared by a surveyor or civil engineer licensed to practice in the State of Michigan. The survey must show the legal description and dimensions of all created parcels and the location of existing and proposed structures, land improvements, easements, streets, driveways, and ingress and egress to public or private streets. This map must be at a scale of at least one-inch equals 100 feet and should show the location of wetlands or flood plain areas, the zoning of proposed parcels, and the location of existing buildings, streets, or driveways within 50 feet of the property lines. The survey map will represent the parcels AFTER the division or boundary adjustment has occurred. Label the newly created parcels as "Parcel 1, Parcel 2, etc.". The application should include two copies of site plans for the proposed development.

In lieu of such survey map, and prior to application, the applicant may submit a tentative preliminary parcel map to be reviewed, for conceptual purposes, by the Land Division Committee. The tentative preliminary parcel map shall be drawn to a scale of not less than that provided for in the application form, and shall show the boundary lines, dimensions and accessibility of each proposed land division or boundary adjustment from existing or proposed public roads and public utilities. When submitting a tentative preliminary parcel map, the applicant shall waive the 45-day statutory requirement for a decision and shall include a fee that is set by resolution of the Township Board. The Land Division Committee's decision regarding the feasibility of the proposed land division or boundary adjustment is not binding upon the application or the Township.

- F. Proof that all standards of the Land Division Act and this Ordinance have been met.
- G. The history and specifications of the land proposed to be divided sufficient to establish that the proposed land division complies with Section 108 of the State Land Division Act. Specifically, the application shall state that the land proposed to be divided is a parent parcel, or if not a parent parcel, then it shall provide the history of the land proposed to be divided from the parent parcel to present, including all leases, land contracts and conveyances.
- H. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- I. All land divisions and boundary adjustments shall result in "buildable" parcels sufficient to comply with all required area and width requirements, setback provisions, minimum floor areas, off-street parking spaces, public water and sewer service, access to existing public utilities and public roads, and maximum allowed area coverage of buildings and structures on the site, if applicable.
- J. The fee as may from time to time be established by Resolution of the Village Council for land division reviews.

Section VII: Procedure for Review of Applications for Approval

- A. The Land Division Committee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division or boundary adjustment applied for within forty-five (45) days after receipt of a complete application conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision and, if denied, the reasons for denial. If the application does not conform to this Ordinance's requirements and the Land Division Act, the Land Division Committee shall return the same to the applicant for completion and re-filing in accordance with this Ordinance and the Land Division Act.
- B. A decision approving a land division or boundary adjustment is effective for 90 days, after which it shall be considered revoked unless:
 - 1. within such period the Village certificate of approval and the written instrument creating such land division or boundary adjustment, together with the approved survey, are recorded with the Leelanau County Register of Deeds office and filed with the Township Assessor; or
 - 2. an extension of time has been granted in writing by the Land Division Committee to fulfill the conditions of approval. Such extension shall only be granted when factors beyond the reasonable control of the applicant have prevented fulfillment of the conditions and completion of the land

division or boundary adjustment application.

- C. The Assessor or designee shall maintain an official record of all approved and accomplished land division and boundary adjustments.
- D. Approval of a land division or boundary adjustment is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Village and its officers and employees shall not be liable for approving a land division or boundary adjustment if building permits for construction on the parcels are subsequently denied due to inadequate water supply, sewage disposal facilities, wetlands or otherwise, and any notice of approval may include a statement to this effect.

Section VIII: Standards for Approval

A proposed land division or boundary adjustment reviewable by the Township shall be approved if the following criteria are met:

- A. All resulting parcels have the minimum width required and as measured by the applicable zoning district pursuant to the Zoning Ordinance.
- B. All resulting parcels have the minimum area required for the applicable zoning district pursuant to the Zoning Ordinance.
- C. The ratio of depth to width of all resulting parcels created by the land division or boundary adjustment do not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of all resulting parcels created by a land division or boundary adjustment shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.
- D. The proposed land division or boundary adjustment complies with all requirements of this Ordinance and the Land Division Act.
- E. All resulting parcels are "accessible" as that term is defined in the Ordinance.
- F. All resulting parcels have adequate easements for public utilities from the parcel to existing public utility facilities.
- G. If any resulting parcel contains a pre-existing structure, the structure shall comply with minimum setbacks and maximum parcel coverage standards as required by the applicable zoning district pursuant to the Zoning Ordinance.

Section IX: Lot Splits

Lot splits shall be processed in the same manner and subject to the same standards and conditions as a land division or boundary adjustment application, provided that no lot, outlot or other parcel of land within a recorded plat shall be partitioned or divided into more than four (4) parts.

Section X: Consequences of Noncompliance with Approval Requirement

Any resulting parcel created in non-compliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, including but not limited to land use permits, conditional land use approval or site plan approval, and shall not be recognized as a separate parcel on the tax roll or assessment roll. The Village shall further have the authority to initiate injunctive or other relief to prevent any violation or

continuance of any violation of this Ordinance.

In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful land division, boundary adjustment or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section XI: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section XII: Repeal

The Village of Suttons Bay Ordinance No. XX and all previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, or other ordinances of the Village that shall remain in full force and effect notwithstanding any land division approval hereunder.

Section XIII: Effective Date

This ordinance shall take effect upon publication following its adoption.

The following voted:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

I hereby certify that the foregoing was duly adopted by the Village of Suttons Bay, Leelanau County, Michigan, at its regular meeting on the XXth day of XXXXXXXX and that (7) seven members of the Village Council were in attendance and (7) seven voted for the adoption of the Ordinance.


Shar Fay, Clerk

Village of Suttons Bay

INTRODUCED:

ADOPTED:

EFFECTIVE:

		VILLAGE OF SUTTONS BAY REPORT VSB -2020- 03	
Prepared:	January 15, 2020	Pages:	1 of 1
Meeting:	February 4, 2020 General Service Committee	Attachments:	<input checked="" type="checkbox"/>
Subject:	Vehicle Purchase		

PURPOSE

To discuss the purchase of a vehicle as previously budgeted for in the 2019 budget and recommended to be placed in the 2020 budget.

STAFF COMMENTS

Over the past several months we have discussed the purchase of a second vehicle to replace the 2003 Dodge. Following discussion on various vehicle / cab styles we have opted for a 2020 F250 (4-doors) which is a departure from the traditional 2-door style, however, with an extra man now working in the field, it will better suit the Village’s needs. This purchase will essentially upgrade our DPW fleet to include the 2015 (yellow), 2019 (white utility) and a 2020 (white) pick-up trucks. All trucks are equipped to plow, tow, and transport Staff safely and efficiently.

BUDGET BACKGROUND

In 2019, the Village Council allocated \$60,000 towards the purchase and upgrade of various vehicles associated with the Utilities and DPW departments. After discussion last May, it was determined to purchase the GMC vehicle with the Utility box and to postpone purchase of the second vehicle until 2020. The funds for the second vehicle were not expended in 2019 nor were they allocated for and transferred to the 2020 budget. This request essentially finalizes the process by reallocating the funds needed to purchase the vehicle and add all necessary equipment.

ACTION REQUESTED

RECOMMEND that the Village Council amend the budget line item 402-000-974 by \$40,000 for the purchase of a new vehicle.

CNGP530

VEHICLE ORDER CONFIRMATION

09/17/19 11:42:10

==>

Dealer: F48017

2020 F-SERIES SD

Page: 1 of 1

Order No: 9999 Priority: 99

Order Type: 1 Price Level: 015

Ord PEP: 600A Cust/Flt Name: SUTTONS BAY

PO Number:

RETAIL DLR INV

RETAIL DLR INV

	RETAIL	DLR INV		RETAIL	DLR INV
X2B F250 4X4 S/C	\$39040	\$37088.00	10000# GVWR PKG		
164" WHEELBASE			425 50 STATE EMISS	NC	NC
Z1 OXFORD WHITE			473 SNOW PLOW PKG	250	228.00
A VNYL 40/20/40			512 SPARE TIRE/WHL2	NC	NC
S MEDIUM EARTH GR			JACK		
600A PREF EQUIP PKG			67D 200/240 AMP ALT	NC	NC
.XL TRIM			FUEL CHARGE		96.90
572 .AIR CONDITIONER	NC	NC	DEST AND DELIV	1595	1595.00
.AMFM/MP3/CLK			TOTAL BASE AND OPTIONS	40885	39007.90
996 .6.2L EFI V8 ENG	NC	NC	TOTAL	40885	39007.90
44S 6-SPD AUTOMATIC	NC	NC	*THIS IS NOT AN INVOICE*		
TD8 .LT245 BSW AS 17					
X37 3.73 REG AXLE	NC	NC			
JOB #1 BUILD					
TRAILER TOW PKG					

F1=Help

F2=Return to Order

F3/F12=Veh Ord Menu


F4=Submit

F5=Add to Library

S099 - PRESS F4 TO SUBMIT

QC03523

YOUR COST \$30360 plus DELIVERY

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2020- 05	
Prepared:	1-22-20	Pages:	1 of 1
Meeting:	2-04-20 General Service Committee	Attachments:	<input checked="" type="checkbox"/>
Subject:	USBR 35 Route Realignment		

PURPOSE

To consider the adoption of a resolution to re-route Michigan Bike Route 35 off of St. Joseph Street.

OVERVIEW

Some of you may have noticed signs throughout the Village that look like the picture to the right. These signs identify US Bike Route 35, which stretches from Indiana through the Village of Suttons Bay, around the Leelanau Peninsula and up to Sault Ste. Marie Canada. This route spans 500 miles and mostly follows the Great Lake shoreline.



Interested residents and TART Trail representatives have identified a more bicycle friendly route through the Village. The resolution requests to re-route US BR 35 which currently travels along Cedar Street, crossing M-22 and continuing down M-22/ST Joseph Street, then through the Marina Park, and finally crossing Front Street to M204. The proposed Route would modify US BR 35 from the TART trail west (First Street) north along St Mary’s Street to M-204.

STAFF COMMENTS

The modification of the route will take bicyclist off the heavily traveled M-22 and direct them to a less traveled, less congested residential road. That is not to say that they will no longer be traveling downtown or to our waterfront but it would provide those wanting to avoid the congestion an alternative route.

Procedurally, the Village is required to request the modification for the American Association of State Highway and Transportation Officials (AASHTO) to consider the change. Prior to consideration by AASHTO, M-DOT will first review the request and make a recommendation to AASHTO.

Attached you will find the application, map, and a Resolution of Support to M-DOT for your consideration. Please give this request your immediate attention so we may finalize this very time-sensitive request.

ACTION REQUESTED

MOTION TO RECOMMEND Report VSB-2020- 05 to the VC for consideration.



**VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MI**

RESOLUTION 1 OF 2020

SUPPORT OF THE U.S. BICYCLE ROUTE 35 THROUGH THE VILLAGE OF SUTTONS BAY

WHEREAS, bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists; and

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor along the western shore of the lower peninsula of Michigan connecting to Sault Ste. Marie be developed as United States Bicycle Route 35 (USBR 35); and

WHEREAS, M-22 through the Village of Suttons Bay will be closed in the Spring for a streetscape project with new bump outs and with no bike lanes proposed. The proposed new route is a less traveled Street through residential neighborhoods;

WHEREAS, A stakeholder group namely TART TRAILS recommended the proposed reroute to USBR 35 in consultation with the Village of Suttons Bay, a map of which is herein incorporated into this resolution by reference; and

WHEREAS, the proposed route for USBR 35 passes through the Village of Suttons Bay and can therefore provide a benefit to our residents and businesses; and

WHEREAS, the proposed reroute would increase bicycle safety by eliminating heavily traveled roads; and

WHEREAS, the recommended change to the North bound route in the Village of Suttons Bay would start at 1st Street heading west to St Mary's Street. St Marys Street north seven (7) blocks to M204 with signs directing travel West on M204.

WHEREAS, the recommended change to the south bound route in the Village of Suttons Bay from M-204 head South along St Marys Street 7 blocks turning east onto first street one block to the TART Trail entrance.

WHEREAS, the Village of Suttons Bay has investigated the proposed reroute and found it to be a suitable route, which will avoid the heavily traveled M-22, offering safer travel and still allowing access to all the amenities the Village has to offer. The Village

desire is that the route be designated so that it can be mapped and signed, thereby promoting bicycle tourism in our area; and

WHEREAS, the Village of Suttons Bay acknowledges that they will work in cooperation with MDOT on sign placement.

NOW THEREFORE BE IT RESOLVED, that the Village of Suttons Bay Council strongly supports the development of USBR 35 and the proposed route changes, and requests that the appropriate officials see to it that the route is officially designated by AASHTO as soon as this can be achieved.

YES:

NO:

ABSENT:

RESOLUTION DECLARED ADOPTED

I hereby certify that the above Resolution was adopted by the Village Council on _____, at a meeting of the Village Council held in the Council Chamber, Village Hall, 420 N. Front St., Suttons Bay, MI 49682

Dated:

Shar Fay
Village Clerk

Michigan U.S. Bicycle Route Modification Request Process and Form

Prepared: November 2015
Last Updated: March 2016

Background Overview:

In 2009 the Michigan Department of Transportation (MDOT) began the process of identifying and designating U.S. Bicycle Routes (USBR) through the American Association of State Highway and Transportation Officials (AASHTO) process. The designation of USBR's facilitate the movement of long-distance touring bicyclists across the state and region. Through designation, USBR's facilitate cross state and regional bicycle travel resulting in economic, safety and mobility benefits.

To date there are 3 AASHTO designated USBR's; USBR20 between Marine City and Ludington, USBR 35 between New Buffalo and Sault. Ste. Marie, and USBR 10 between St. Ignace and Iron Mountain. Combined these routes cover nearly 1,000 miles of Michigan's local and county roads, state highways and shared use pathway. This network is owned and maintained by numerous agencies. The designation of a road or pathway segment as a USBR requires the owning jurisdiction to pass a resolution of support recognizing the designation.

Just as land uses, infrastructure, and roadway safety can change over time, so too can designated bicycle routes. AASHTO accepts applications for the designation or realignment of routes twice per year. Because applications for designation and realignment to AASHTO require authorization by local road agencies and MDOT's Director, request to make modifications to the route should not be done without just cause. As a result, MDOT has prepared the following document to assist with the evaluation and review process.

The following document should be submitted to MDOT's Bicycle and Pedestrian Coordinator by a representative(s) of authority from the Act 51 agency(ies) for whom has jurisdiction over the road(s) under consideration for designation or removal thereof. If the segment in questions is not the responsibility of an Act 51 agency requests should be prepared by authorized representatives of the agency or organizations with responsibility of the infrastructure.

U.S. Bicycle Route Modification Request

U.S. Bicycle Route Number: **35**

MDOT Region: **Northwest Region**

County: **Leelanau**

City or Village (if applicable): **Village of Suttons Bay**

Is this a request to eliminate a segment designation and realign the route; or for the consideration of an alternate (secondary) route segment? (check one)

Eliminate segment designation and realign route XX or Alternate (secondary) route _____

Name of managing/owning agency for roadway or pathway segment (s): **VILLAGE OF SUTTONS BAY**

Signature of authorized agent for managing agency for roadway or pathway segment

Print Name and Position: **Rob Larrea, Village Manager**

Signature: _____ Date: _____

Phone: **231.271.3051 ext. 1**

Email: **manager@suttonsbayvillage.org**

Instructions:

To remove the designation of an existing USBR road or pathway segment and designate a new segment complete SECTION 1 and SECTION 2. If the request is for the designation of a second route that will serve an alternative route to the originally designated route please complete only SECTION 2. Requests for modifications of USBRs should also include the following items.

- A formal letter from the managing agency.
- Formal Resolution from the governing commission, board or council.
- Maps must be provided to clearly illustrate the existing route and any proposed changes. Show existing route upon which a designation is being removed using black x's on the segment; highlight proposed new route in yellow. If the existing route will remain and a secondary/alternative route is being proposed please show the existing route in green and the alternative route highlighted in yellow.
- Map must show connecting segments and any changes in jurisdiction or roadway ownership.
- Detailed turn by turn directions of the new route. Directions must include length of the modified connecting segments, name of all proposed road segments and the length of each segment to the nearest tenth of a mile. Directions should note turn direction (left or right) and cardinal directions (north, south, east, west). Turn by turn directions must be provided for each direction of travel as appropriate (north to south and south to north; or east to west and west to east).

SECTION 1- Eliminate Segment Designation: Please provide the following information for each existing designated USBR road or pathway segment being considered for delisting as a segment of designated bicycle route.

Name of road or pathway segment(s): **M-22**

Managing Agency for road or pathway segment(s): **Michigan Department of Transportation**

Endpoints of road or pathway segment(s): **North-Duck Lake Road, M-204 South – 1st Street & Leelanau Trail**

Length of road or pathway segment (s) (individual segments and total): **< one (1) mile**

Posted speeds of road segment (s): **30 MPH**

Typical cross section(s) of road segment (number of lanes and widths including shoulders/bike lanes):

Two-Lane—Parking on either side

Please provide the name(s) of the agency(ies) with jurisdiction over the segments that connect to the endpoints of the segment being considered for elimination: **Village of Suttons Bay and Michigan Department of Transportation**

Are U.S. Bicycle M1-9 signs present on the segment in question or the connecting segments: **Yes**

If Yes have discussion on sign relocation with appropriate agencies been initiated: **Yes**

Please provide a concise but detailed explanation as to why this segment of road or pathway is being considered for delisting as a designated USBR: **M-22 will be closed in Spring of 2020 for Streetscape project. The Street is the main thoroughfare through the village and is heavily traveled. After project completion, M-22 will remain a heavily traveled roadway.**

SECTION 2- New Segment Designation: Please provide the following information for each new segment of road or pathway being considered for designation as a new USBR.

Name of road or pathway segment(s): **St Mary's Street**

Managing Agency for road or pathway segment(s): **Village of Suttons Bay**

Will this designation serve as a new USBR route to replace a segment being considered for delisting as a designated route or as an alternative (secondary) route to an existing designated USBR. (check one)

X - this will be a new segment that will replace an existing designated segment.

Endpoints of road or pathway segment(s): **North-Duck Lake Road (M202) South- 1st Street to Leelanau Trail**

Lengths of road and pathway segment (s) (individual segments and total): **< one (1) mile**

Posted speeds of road segment (s): **25 MPH**

Typical cross section of road segment (number of lanes and widths including shoulders/bike lanes): **two (2) lanes, parking on both sides**

Please list any observations with respect to the safety and mobility of bicyclists using the new proposed route. Roadway characteristics such as the ease and safety of the bicyclists to make necessary left turns, pavement condition, presence of railroad crossings and any skews, sight distances, etc. should be evaluated from the perspective of a bicyclists. **The new route is a less traveled Village Street rather than on "Main Street" with continuous flow of traffic and various turns. Once the traveler leaves the Leelanau Trail from the South or M-204 from the North on the new route, it is a straight shot through the Village.**

Please provide a concise but detailed explanation as to why this segment of road or pathway is being considered for designated as a new USBR: **The new route is a less traveled route with lower posted speed. This route allows the traveler a straight shot through the village while still offering an easy access to all the amenities the village has to offer. In addition, M-22 will be closed in Spring of 2020 for streetscape project. After project completion, M-22 will remain a heavily traveled roadway.**

Village of Clinton

SERVING CLINTON SINCE 1829

January 24, 2020

Mr. Rob Larrea
420 N. Front St.
PO Box 395
Suttons Bay, MI 49682-0395

Dear Mr. Rob Larrea:

As a General Law Village, you are likely aware of the new lead and copper rules, but you may not be aware of what the Village of Clinton believes to be a conflict between the rule and existing law that have governed us for years.

Protecting public health and safety is a priority for all of us and the new administrative rules trying to make our water systems safer is a noble pursuit. However, these rules create real legal challenges for all of us. While the rules are intended to limit lead and copper in drinking water, the rules are contrary to the General Law Village Charter and the Michigan Constitution. This is because the rules require General Law Villages to replace lines on private property.

As communities with a General Law Village Charter, we have long been governed by Michigan Compiled Law, 1895 PA 3, MCL 61.1 et seq. Chapter XI, Section 5, MCL 71.5, which states "The connecting or supplying pipes, leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be connected with the main pipe until a permit is obtained from the Village."

The new state lead and copper rules include several provisions that require the water supply to remove privately owned lead service lines at the water supply's expense, R 325.10604f(5)(c) and (6)(e). As noted above, however, the General Law Village Act prevents the Village from replacing the private portion of the water service line at the supply's expense. Instead that cost that must be borne by the property owner/occupant. MCL 71.5

In addition, the new rules appear to violate the Michigan Constitution of 1963 which forbids the use of public funds for a private purpose. We are also faced with potential challenges under the Michigan Supreme Court decision of *Bolt v. City of Lansing*.

Addressing this conflict will require legal action and we're looking to General Law Villages to gauge interest in participating in such action. We're working with a law firm with expertise in this area in consultation with the Michigan Municipal League to potentially seek judicial relief from the DEGLE lead and copper rule.

We're hoping to get commitments from as many General Law Villages as we can to contribute \$1,000 or more each to pursue such action. The Village of Clinton is willing to take the lead on this issue to help coordinate this action.

Bottom line is the new lead and copper rule places village leaders in the precarious position of either violating the General Law Village Charter and the Michigan Constitution or an administrative rule.

We all take our responsibilities with the public water system very seriously. We are moving diligently to follow the line and replace affected service lines under our control. But we also want to follow long-standing state law regarding water service lines on private property.

At this point we would like to find out how many General Law Villages may be interested in participating in the legal action and committing financial support to the effort of \$1,000 or more. Meanwhile, we will be working with the law firm to get cost estimates for the legal action. Once we get the estimates and determine how many villages will be willing to join us in this initiative, we will get back to you with more specific information and total expense details.

If you have questions or would like to express your commitment to this effort, please contact Clinton Village manager Kevin Cornish. You can reach him at cornishk@villageofclinton.org.

On behalf of the Clinton Village Council.

Sincerely,



Doris Kemner
President

Sincerely,



Kevin Cornish
Village Manager

Village of Clinton

SERVING CLINTON SINCE 1829

January 24, 2020

Mr. Rob Larrea
420 N. Front St.
PO Box 395
Suttons Bay, MI 49682-0395

Dear Mr. Rob Larrea:

As a General Law Village, you are likely aware of the new lead and copper rules, but you may not be aware of what the Village of Clinton believes to be a conflict between the rule and existing law that have governed us for years.

Protecting public health and safety is a priority for all of us and the new administrative rules trying to make our water systems safer is a noble pursuit. However, these rules create real legal challenges for all of us. While the rules are intended to limit lead and copper in drinking water, the rules are contrary to the General Law Village Charter and the Michigan Constitution. This is because the rules require General Law Villages to replace lines on private property.

As communities with a General Law Village Charter, we have long been governed by Michigan Compiled Law, 1895 PA 3, MCL 61.1 et seq. Chapter XI, Section 5, MCL 71.5, which states "The connecting or supplying pipes, leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be connected with the main pipe until a permit is obtained from the Village."

The new state lead and copper rules include several provisions that require the water supply to remove privately owned lead service lines at the water supply's expense, R 325.10604f(5)(c) and (6)(e). As noted above, however, the General Law Village Act prevents the Village from replacing the private portion of the water service line at the supply's expense. Instead that cost that must be borne by the property owner/occupant. MCL 71.5

In addition, the new rules appear to violate the Michigan Constitution of 1963 which forbids the use of public funds for a private purpose. We are also faced with potential challenges under the Michigan Supreme Court decision of *Bolt v. City of Lansing*.

Addressing this conflict will require legal action and we're looking to General Law Villages to gauge interest in participating in such action. We're working with a law firm with expertise in this area in consultation with the Michigan Municipal League to potentially seek judicial relief from the DEGLE lead and copper rule.

We're hoping to get commitments from as many General Law Villages as we can to contribute \$1,000 or more each to pursue such action. The Village of Clinton is willing to take the lead on this issue to help coordinate this action.

Bottom line is the new lead and copper rule places village leaders in the precarious position of either violating the General Law Village Charter and the Michigan Constitution or an administrative rule.

We all take our responsibilities with the public water system very seriously. We are moving diligently to follow the line and replace affected service lines under our control. But we also want to follow long-standing state law regarding water service lines on private property.

At this point we would like to find out how many General Law Villages may be interested in participating in the legal action and committing financial support to the effort of \$1,000 or more. Meanwhile, we will be working with the law firm to get cost estimates for the legal action. Once we get the estimates and determine how many villages will be willing to join us in this initiative, we will get back to you with more specific information and total expense details.

If you have questions or would like to express your commitment to this effort, please contact Clinton Village manager Kevin Cornish. You can reach him at cornishk@villageofclinton.org.

On behalf of the Clinton Village Council.

Sincerely,



Doris Kemner
President

Sincerely,



Kevin Cornish
Village Manager