



VILLAGE OF SUTTONS BAY
Village Council Regular Meeting
420 N. Front Street, Suttons Bay, MI 49682
April 15, 2024 5:30 p.m.

Agenda

1. Regular Meeting Called to Order
2. Roll Call
3. Consent Agenda
 - a. Approval of Minutes-March 18, 2024 Minutes
 - b. Payment of Invoices
4. Agenda Approval
5. Public Comment / Communication (please limit to no more than three (3) minutes)
6. Unfinished Business
7. New Business
 - a. VSB-2024-16 Stratton Way
 - b. VSB-2024-15 School Championship Sign Resolution
 - c. VSB-2024-19 Cultural Sign Proposal
 - d. VSB-2024-20 Brightspeed METRO Permit
8. Special Committee Reports/Staff Reports
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
 420 N FRONT ST, SUTTONS BAY, MI 49682
 VILLAGE COUNCIL REGULAR MEETING
 MINUTES OF MARCH 18, 2024

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

Present: Bahle, Case, Christensen and Lutke
 Absent: Smith, Suppes and Yoder
 Staff Present: Aylsworth, Fay and Larrea

Consent Agenda Approval

Lutke moved, Christensen seconded, CARRIED, to approve the Consent Agenda as presented. The Village Council meeting minutes of February 20, 2024 are approved. The payment of invoices is approved. Ayes: 4, No: 0.

Agenda Approval

Lutke moved, Case seconded, CARRIED, to approve the agenda as presented. Ayes: 4, No: 0.

Public Comment/Communication

A public comment, North Stratton Way Updated Petition, was received from the residents of Stratton Way.

VSU-2024-11 Public Hearing Marina Master Plan

The public hearing was opened at 5:32 p.m. by President Lutke.

A written public comment was received from Lari Greenleaf, President of the Barkentine Condominium Association, regarding the proposed 2024 Marina Master Plan.

In addition, Lari Greenleaf voiced public comments, stating lots of favorability in the proposed Marina Master, but had concerns about A-Dock, the walkway, view from the condo's, maintenance and outcomes, and the possibility of acquiring easements from the Bahle or Millside properties for bathhouses.

Dan Penning voiced concerns about the uplands, buildup of debris from the stream, maintenance of weeds, and A-dock.

Mark Clark, seasonal boat slip holder, stated the plan looks great, further stating the Village has the best Harbor Master in Grand Traverse Bay.

Lois Bahle suggested solar panels on the bathhouse, adding recycling bins, and suggested restoring the north side of the coal docks.

The Public hearing closed at 5:45 p.m.

Bahle moved, Christensen seconded, CARRIED, to adopt Resolution 1 of 2024, Resolution Recommending Adoption of the Village of Suttons Bay Marina Master Plan, with an affirmative unanimous roll call vote. Ayes: Bahle, Case, Christensen and Lutke. No: None.

DDA Appointment

Lutke nominated Fred Sitkins of Inland Seas as a Downtown Development Authority board member, with a term ending December 2027. Bahle moved, Case seconded, CARRIED, to appoint Fred Sitkins to the DDA board with a term ending December 2027. Ayes: 4, No: 0.

VSB-2024-12 Pedestrian Bridge Grant Consideration

Bahle moved, Christensen seconded, CARRIED, to approve Resolution 2 of 2024, Authorization for Pedestrian Bridge Improvements, with an affirmative unanimous roll call vote. Ayes: Bahle, Case, Christensen and Lutke. No: None.

Good of the Order

Christensen supported the North Stratton Way updated petition. Case too, supported the North Stratton Way updated petition. Case further thanked Larrea and Aylsworth for their work on the Marina Master Plan

Public Comment

Public comments received from Dan Penning regarding and Lois Bahle regarding the proposed Marina Master Plan.

The meeting adjourned at 6:12 p.m.

Meeting minutes submitted by Shar Fay, Clerk.

User: DOROTHY

CHECK DATE FROM 03/07/2024 - 04/10/2024

4

DB: Suttons Bay

Check Date	Check	Vendor Name	Description	Amount
Bank GEN FIFTH THIRD CHECKING				
03/26/2024	19130(E)	FIFTH THIRD BANK	BANK FEES MARCH 2024	175.40
03/26/2024	47080	GRAINGER	SEWER BYPASS SUPPLIES	879.90
03/26/2024	47081	ART'S AUTO AND TRUCK PARTS INC	CUST# 5GAL JUG DEF FLUID	160.65
03/26/2024	47082	BECKETT & RAEDER	PLANNING SERVICES JAN 2024	672.70
03/26/2024	47083	THE COPY SHOP	24 X 36 PLANS SOUTH SHORE	6.75
03/26/2024	47084	FERGUSON PLUMBING SUPPLY	MOWER PARTS/HAND TOOLS	186.86
03/26/2024	47085	HAMPEL'S INC	CHANGE HARDWARE/ADMIN LOCK	200.00
03/26/2024	47086	MERIT LABORATORIES	CUST# SUT01 PFAS ANALYSIS	1,760.00
03/26/2024	47087	OBENER, REID	UB refund for account: YCDR-000738-0037-	40.48
03/26/2024	47088	NUTRIEN AG SOLUTIONS	PARKS FERTILIZER	194.67
03/26/2024	47089	JOHN SNODGRASS	BWH CLEANING DEPOSIT REFUND	100.00
03/26/2024	47090	MIKE BIRTLES	MARINA REFUND MM TO CD	250.00
03/26/2024	47091	ROBERT ANDERSON	SLIP REFUND MM TO CD	250.00
03/26/2024	47092	MR CLEAN	PROFESSIONAL CLEANING FEB 2024	340.00
03/26/2024	47093	JACOBS ENGINEERING GROUP, INC	CUST#120525 PROJ# 40472315.15	17,020.83
03/26/2024	47094	INTEGRITY BUSINESS SOLUTIONS	OFFICE SUPPLIES	69.27
03/26/2024	47095	PV BUSINESS SOLUTIONS	2024 OSHA COMPLIANCE JOURNAL	298.50
03/26/2024	47096	LEELANAU CTY ROAD COMMISSION	18 YARDS WINTER MIX	454.46
03/26/2024	47097	SECURITY SANITATION, INC	PORTA JOHN WATERWHEEL FEB 2024	240.00
03/26/2024	47098	SOS ANALYTICAL	ROUTINE LAB ANALYSIS	100.00
03/26/2024	47099	SONDEE, RACINE & DOREN	PROFESSIONAL FEES-FEB 2024	144.00
03/26/2024	47100	STANDARD INSURANCE COMPANY	64946 0117 APRIL 2024 PREMIUM	502.67
03/26/2024	47101	USABLUEBOOK	CUST# 820127 6" X 10" SUCTION HOSE	1,967.73
03/26/2024	47102	VALLEY TRUCK PARTS	2007 STERLING REPAIR/MAINTENNACE	5,793.25
03/26/2024	47103	VILLAGE OF SUTTONS BAY	DEPOSIT TO IB MONEY MARKET ACCT	2,500.00
03/27/2024	19131(E)	AMAZON	ANNUAL MEMBERSHIP FEE 2024	139.00
03/27/2024	19132(E)	CHARTER COMMUNICATIONS	ACCT# 005327301 665 N FRONT STREET	119.98
03/27/2024	19133(E)	CHARTER COMMUNICATIONS	ACCT # 005327201 420 FRONT	159.98
03/27/2024	19134(E)	MICHIGAN RETAILERS SERVICES	ID# 46597-001 PREMIUM APRIL 2024	555.32
03/27/2024	19135(E)	PITNEY BOWES - PURCHASE POWER	ACCT# 8000909002229933 MARCH 2024	200.00
03/27/2024	19136(E)	VISION SERVICE PLAN	ACCT# 30017164 001 APRIL 2024 PREMIUM	200.77
03/27/2024	19137(E)	ZOOM.US	ANNUAL FEE 2024	159.90
03/27/2024	19138(E)	UPS STORE 0170	RETURNED PARTS TO GRAINGER	20.20
03/27/2024	19139(E)	AMAZON	LABOR LAW POSTERS 2024	29.85
03/31/2024	19117(E)	CONSUMERS ENERGY	MULTIPLE-MARCH 2024	3,633.69
03/31/2024	19118(E)	CHERRYLAND ELECTRIC	ACCT# 8364410 1522 RICHTER ROAD	211.52
03/31/2024	19119(E)	DTE ENERGY	MULTIPLE ACCTS MARCH 2024	1,152.36
03/31/2024	19120(E)	ADOBE	MNGR SOFTWARE APR 2024	21.19
03/31/2024	19121(E)	AT&T MOBILITY	CELL PHONE-MULTIPLE ACCTS MARCH 2023	487.94
03/31/2024	19122(E)	BARN OWL TECH	BWH CAMERA	95.47
03/31/2024	19123(E)	BRIGHTSPEED	1522 RICHTER ROAD FEB 2024	211.57
03/31/2024	19124(E)	BRIGHTSPEED	TELEPHONE SERVICE-MULTIPLE FEB 2023	673.28
03/31/2024	19125(E)	CHARTER COMMUNICATIONS	ACCT# 8284131220008513 146 S SHORE DR	204.97
03/31/2024	19126(E)	CHARTER COMMUNICATIONS	ACCT# 005326901 FEB 2024 326 FRONT	137.98
03/31/2024	19127(E)	GFL ENVIRONMENTAL	ACCT# 002105664 1520 RICHTER	319.47
03/31/2024	19128(E)	CHARTER COMMUNICATIONS-NATL	ACCT# 103479401 MONTH 2023	127.97
03/31/2024	19129(E)	WELLS FARGO FINANCIAL LEASING	CONTRACT# 60302144390000 MARCH 2024	72.92
04/05/2024	19140(E)	CONSUMERS ENERGY	MULTIPLE ACCOUNT-APRIL 2024	3,693.29
04/05/2024	19141(E)	AMAZON	ATOMIC CLOCKS-MEETING ROOM	48.90
04/05/2024	19142(E)	AMAZON	CYBER POWER MINI TOWER	152.95
04/05/2024	19143(E)	BARN OWL TECH	BILLING PLAN/DATA	43.26
04/05/2024	19144(E)	CHARTER COMMUNICATIONS	ACCT# 005326901 326 N FRONT STREET	139.99
04/05/2024	19145(E)	GFL ENVIRONMENTAL	ACCT# 002105664 1520 RICHTER ROAD	319.47
04/05/2024	47104	BRAMER AUTO SUPPLY	CUST# 8571 MULTI-PURPOSE CLEANER	19.28
04/05/2024	47105	FERGUSONS LAWN EQUIP.	CUST# 7057 PARTS -WALK BEHIND/MOWER	171.04
04/05/2024	47106	BUNEKS HARDWARE	PIPE SEAL TAPE/SEALANT	16.30
04/05/2024	47107	STATE OF MICHIGAN-EGLE	NPDES APPLICATION WWTP PERMIT	400.00

User: DOROTHY

CHECK DATE FROM 03/07/2024 - 04/10/2024

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DB: Suttons Bay

Check Date	Check	Vendor Name	Description	Amount
04/05/2024	47108	EAST BAY MEDICAL	DOT SCREEN MRO	60.00
04/05/2024	47109	FLEIS& VANDENBRINK ENGINEERING	HARBOR HEIGHTS THRU JAN 27, 2024	4,618.66
04/05/2024	47110	KENNEDY INDUSTRIES, INC	SEWAGE PUMP/WASTEWATER	64,545.00
04/05/2024	47111	MICHIGAN PIPE & VALVE	CUST# 0001710 8" SCHL 40 TEE	132.00
04/05/2024	47112	MICHIGAN MUNICIPAL LEAGUE	UIA EMPLOYER NO. 801-119 1ST QTR 2024	57.93
04/05/2024	47113	INTEGRITY BUSINESS SOLUTIONS	W2/W3 LASER FORMS	5.00
04/05/2024	47114	PRIORITY HEALTH	GROUP 784340 APRIL 2024 PREMIUM	9,949.10
04/05/2024	47115	PURE WATER WORKS	(2) 5 GAL WATER/ DELIVERY	25.50
04/05/2024	47116	LEELANAU CTY ROAD COMMISSION	UNLEADED/DIESEL MARCH FUEL CHARGES	1,048.59
04/05/2024	47117	SECURITY SANITATION, INC	PORTA JOHN WW PARK MARCH 2024	120.00
04/05/2024	47118	SLC METER, LLC	2" METER/ENDPOINT/FLANGE	1,351.41
04/05/2024	47119	SOS ANALYTICAL	ROUTINE LAB ANALYSIS	150.00
04/05/2024	47120	TKS SECURITY	146 S SHORE CAMERA SERVICE	280.00
04/05/2024	47121	USABLUEBOOK	CUST#820127 STRAINER 6"	239.95
04/09/2024	19146(E)	AT&T MOBILITY	CELL PHONE-MULTIPLE ACCTS APRIL 2023	489.30
04/09/2024	47122	MISSION NORTH	DDA PLANNING CONSULTANT JANUARY	1,500.00
04/10/2024	47123	DC COLLECTIVE GROCER	OFFICE SUPPLIES	10.67
04/10/2024	47124	NORTHERN BUILDING SUPPLY, LLC	MULTIPLE INVOICES-MARCH 2024	655.39
04/10/2024	47125	LEELANAU ENTERPRISE	MARCH 18, 2024 SYNOPSIS	69.60
04/10/2024	47126	AIRGAS USA, LLC	RENTAL FEES MARCH 2024	53.16
04/10/2024	47127	UP NORTH FLAG & POLES	35 ' FLAG POLE/FLAG/INSTALLATION 1/2 DOW	3,770.00
04/10/2024	47128	MICHIGAN CAT	WINDOW FOR 426	248.82
04/10/2024	47129	MI MUNICIPAL LEAGUE	MML DUES/LEGAL ANNUAL THRU 5/31/2025	637.00
04/10/2024	47130	JACOBS ENGINEERING GROUP, INC	PROJ# 40472315.15 CUST# 120525	17,020.83
04/10/2024	47131	INTEGRITY BUSINESS SOLUTIONS	OFFICE SUPPLIES	34.76
04/10/2024	47132	LEELANAU CTY ROAD COMMISSION	6.5 YDS WINTER MIX 5:1	161.95
04/10/2024	47133	SECURITY SANITATION, INC	PORTA JON RENTAL MARINA	120.00
04/10/2024	47134	SONDEE, RACINE & DOREN	PROFESSIONAL SERVICES THRU MARCH 2024	558.00

GEN TOTALS:

Total of 85 Disbursements:

156,160.55

		VILLAGE OF SUTTONS BAY REPORT VSB -2024 -16	
Prepared:	April 4, 2024	Pages:	1 of 1
Meeting:	April 15, 2024	Attachments:	<input type="checkbox"/>
Subject:	Stratton Way Petition - Update		

PURPOSE

To discuss a request for a change in traffic flow on Stratton Way.

OVERVIEW

Residents of Stratton Way have voiced their concerns with the narrowness of the street and traffic speed of vehicles as they enter from M-204. Residents submitted a petition for the Village Council to consider changing the street to a one-way. That petition has since been modified, however, following several meetings and discussions the intent of the petition remains.

The request was discussed at the following meetings: February 6, 2024 (Report VSB-2024-02), February 20, 2024 (Report VSB-2024-06), March 18, 2024 (verbal update), April 2, 2024 (Report VSB-2024-14).

BACKGROUND

1. In 1871, the Plat of Suttonsburgh was recorded essentially laying out the Village in a traditional grid pattern with small narrow residential lots, 66 ft street right of ways and 20 ft alleys.
2. In 1990, the Village Council passed a resolution proclaiming “the alley between Concord Street and M-204, a village street to be called Stratton Way, being a width of 20 feet.”
3. In 2005, the discussions regarding the street’s validity came into question.
4. In 2007, It was determined that a resolution was passed in 1989 to include Stratton Way into the Village Street system, however, it was never filed with the State of Michigan.
5. In 2007, Resolution 7 of 2007 was passed by the Village Council and properly provided to State for recognition of Stratton Way becoming a Street and receiving funding.

No further review occurred past 2007.

STAFF COMMENT

The General Committee reviewed and discussed the below options and determined that #4 provided the option in addressing residents’ concerns.

1. The Village could budget for the expansion of the roadbed to 20 feet, maximizing the ROW and leaving vehicular travel as it is. This is the costliest option with the highest probability of compounding the concerns.
2. Create a one-way travel way from Concord towards M-204. This is likely to be the most problematic and has the highest probability of failing due to human nature. To continue this option, I believe a “Traffic Control Order” (TCO) would be required by the State Police.

VILLAGE COUNCIL

3. Place "Do Not Enter" signs at M-204 preventing vehicles from entering Stratton Way. Like number 2 above, this option would require a TCO performed by the State Police.
4. Place "No Thru Traffic" signs on M-204. This appears to be the quickest and most affordable "first step" type of solution. This option does not require an immediate TCO, and would allow for further observation prior to having to implement #3 above.

RECOMMENDATION

Following an informal conversation with a traffic engineer, attorney and M-DOT officials, staff agrees with the General Committee recommendation. Regardless of the Village Councils determination, MDOT has requested that the decision be reflected in the minutes.

		VILLAGE OF SUTTONS BAY REPORT VSB -2024 - 15	
Prepared:	April 9, 2024	Pages:	1 of 1
Meeting:	April 15, 2024	Attachments:	<input checked="" type="checkbox"/>
Subject:	SB School Championship Sign Request		

PURPOSE

The Village Council is being asked to support the attached Resolution #3 of 2024.

STAFF COMMENT

Suttons Bay Schools has made a request to MDOT to upgrade the Championship signs located on M-22. These signs are located underneath the Village Limit signs when entering our community. As a part of the process, MDOT requests support from the community to allow the specific placement of the signs.

The sign will read as follows:



ACTION REQUESTED

The General Service Committee has recommended adoption of Resolution #3 of 2024 to the Village Council in support of the Suttons Bay Schools request.



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

RESOLUTION # 3 of 2024

WHEREAS, the Village of Suttons Bay has a longstanding history of supporting the Suttons Bay School District; and

WHEREAS, the Village of Suttons Bay is proud of the Suttons Bay Norsemen athletic program and their achievements over the years; and

WHEREAS, Suttons Bay Schools is requesting the installation of updated Championship signs below the Village Limit signs located on M-22.

NOW, THEREFORE, BE IT RESOLVED, THAT the Village Council of the Village of Suttons Bay, hereby adopts Resolution 3 of 2024 supporting the request to install the new sign.

Moved: Supported:

Ayes:

Nays:

Absent:

RESOLUTION DECLARED:


By: _____
Shar Fay, Clerk
Village of Suttons Bay

CERTIFICATE

I, Shar Fay, Clerk of the Village of Suttons Bay, Leelanau County do hereby certify that the above is a true and correct copy of a Resolution which was adopted by the Village of Suttons Bay, on the 15th day of April, 2024.

Dated: _____

Shar Fay, Clerk

		<h2>VILLAGE OF SUTTONS BAY</h2> <h3>REPORT VSB -2024-19</h3>	
Prepared:	April 9, 2024	Pages:	1 of 1
Meeting:	April 15, 2024	Attachments:	<input checked="" type="checkbox"/>
Subject:	Cultural Sign Discussion		

PURPOSE

To continue discussion on the installation of the cultural marker

OVERVIEW

In 2023, the Village was presented with the opportunity to support the Kchi Wiikwedong Anishinaabe History Project and cultural marker installation. The Village Council unanimously supported the installation of the marker however the location was still up for discussion.

Emily Modrall has since proposed to place the marker outside the library (beach side), between the pathway and landscaped area of the library. A request has since been submitted to the Library Board who will render a decision on the request at their April 17, 2024 meeting.

RECOMMENDATION

Being that the library board meeting follows the Village Council meeting, the General Service Committee has made a recommendation to the Village Council to support the installation of the sign pending the decision of the library board.

April 1, 2024

To the Board of the Suttons Bay Bingham District Library,

Last month, I submitted a request to the Suttons Bay Village Council on behalf of the Kchi Wiikwedong Anishinaabe History Project to approve a specific installation site for a new cultural marker. In March 2023, the Village Council conceptually approved the marker installation initiative, indicating that they would approve an agreed-upon installation site for the marker at a later date. Seeking to complete region-wide marker installation, the KWAHP mapped two potential sites in Suttons Bay for the Council to consider.

Both potential installation sites are close to the Suttons Bay Bingham District Library building on Village property. I have included with this letter the same communication that I sent to the Village Council. Among those documents is an illustration of the proposed sites. As mentioned in the information sent to the Village Council, the KWAHP prioritizes safety and visibility when suggesting marker installation sites; the Village property between the Library building and the TART trail offers a highly visible location where a marker would not pose a visibility barrier to trail users (or other pedestrians or traffic) and would put the marker at a safe distance from any road or sidewalk salt that the Village might use in winter months. The marker is made of Cor-ten steel, which, when placed out of the way of corrosive salt, has a life expectancy of many decades and requires little maintenance, if any.

In addition to accounting for safety and environmental interests, the KWAHP selected locations for markers in Traverse City and Leelanau County that are historically significant in regional Anishinaabe history. All nine approved markers will be positioned along historic Anishinaabe overland trails, village sites, and/or waterways. In Suttons Bay, the marker – with a view of the bay and Stoney Point – relates closely to all three: a known overland trail that was later overlain by M-22, mapped mid-19th-century Anishinaabe gardens, and camp sites marked on Stoney/Lee Point (an area where 19th-century Anishinaabe individuals and bands also selected land for purchase and allotment in the mid- and late 19th century). Seven of the nine markers present the Seven Grandfather Teachings (one on each marker); two markers (at Peterson Park and Clinch Park) present a summary of local Anishinaabe history. All marker text is bilingual.

The Village has asked that the Library Board consider the proposed marker sites and provide feedback before the Village Council makes a selection. The KWAHP would like to plan a May or June installation, if possible, wherever the marker is to be placed. To that end, I have asked the Village to suggest an alternative site and move forward with approval in the event that the Library Board and/or the Village Council chooses not to install the Suttons Bay marker near the Library.

I appreciate your time and consideration. The Kchi Wiikwedong Anishinaabe History Project has worked with Grand Traverse Band elders and tribal staff on the text and placement of the markers and is grateful to the individuals, entities, and municipalities that have elected to partner with the project in giving Anishinaabe history a more visible presence in our communities.

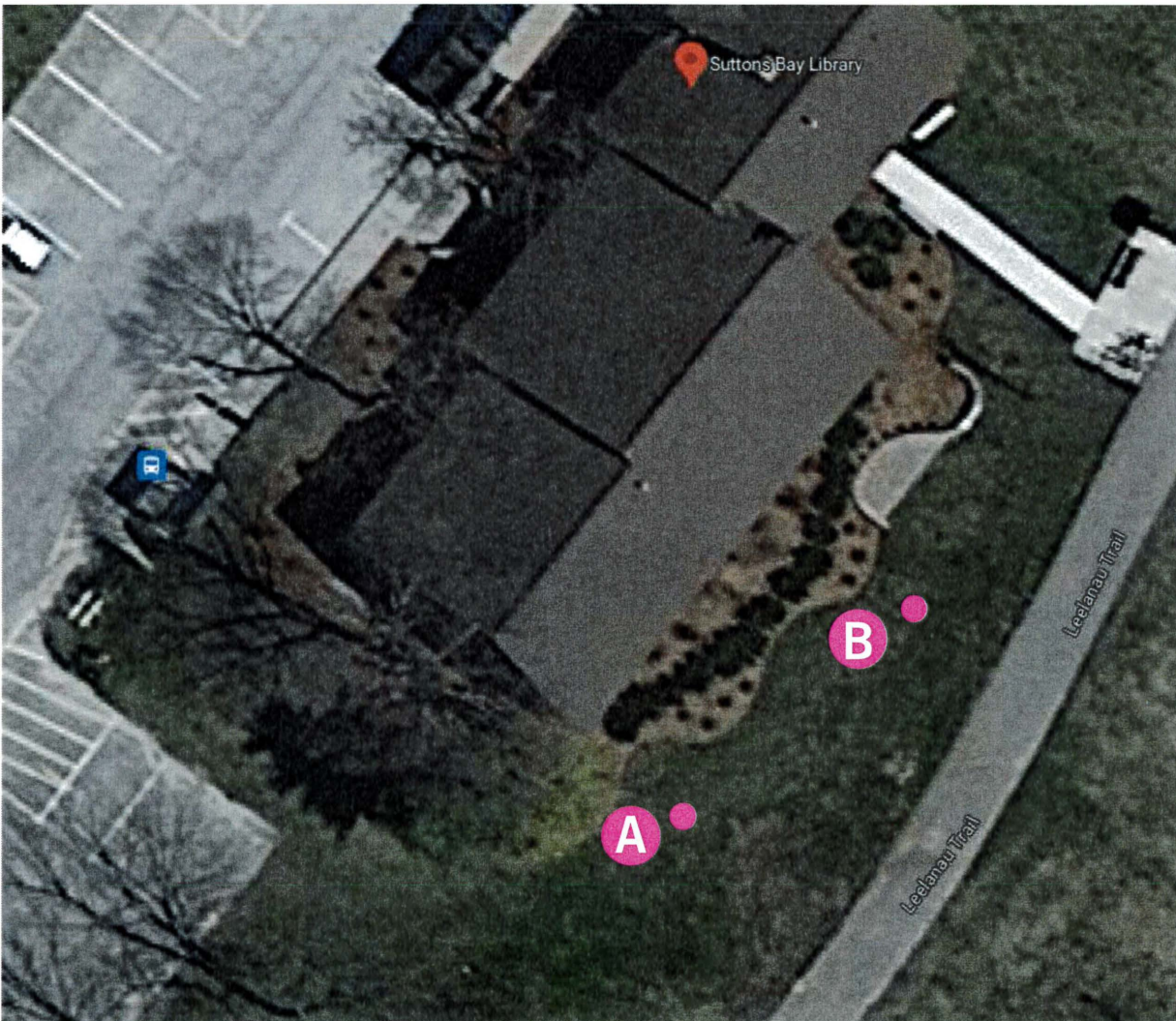
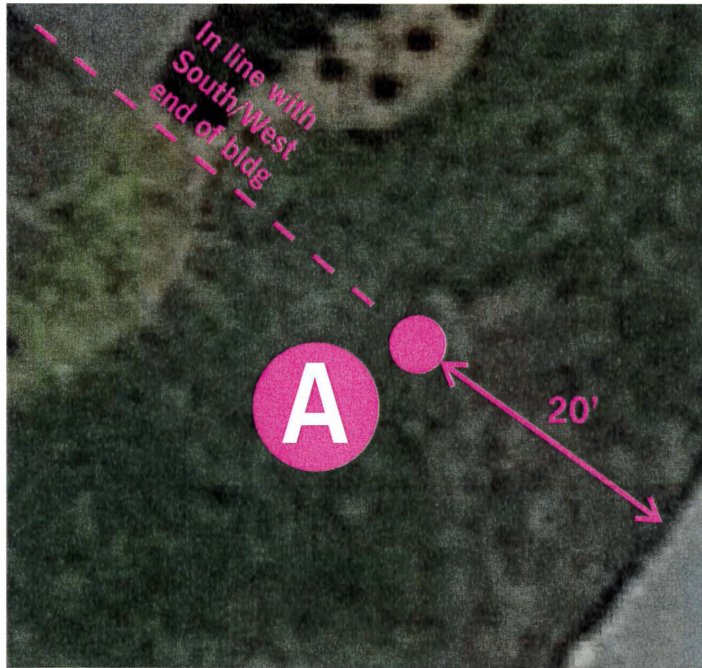
Sincerely,

A handwritten signature in black ink, appearing to read 'Emily Modrall', with a stylized flourish at the end.

Emily Modrall

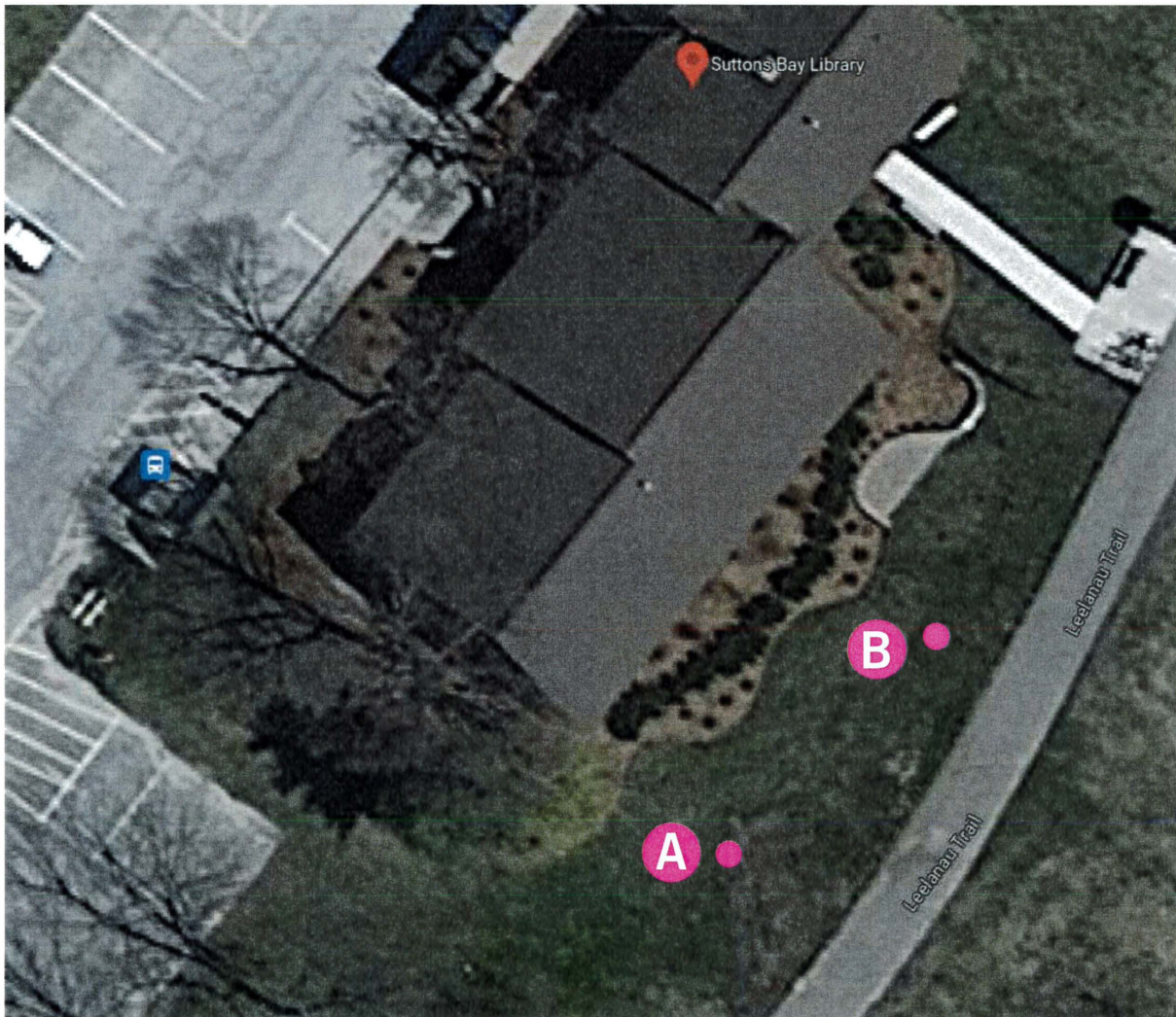
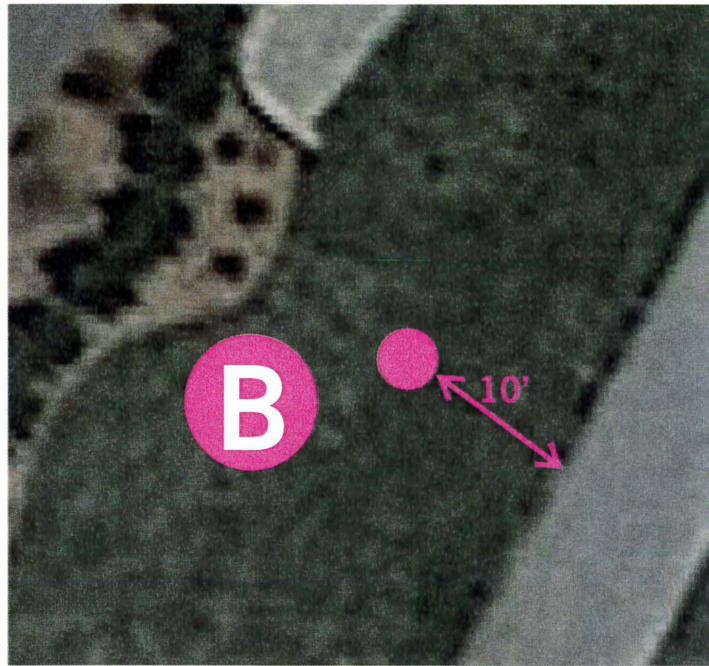
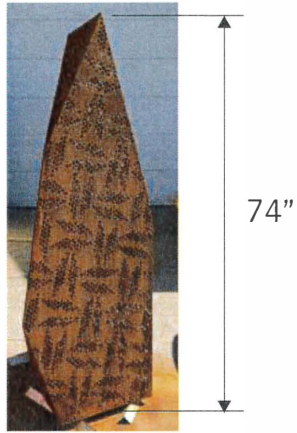
Anishinaabe Monument Sign Placement Sutton's Bay Library

Location - A



Anishinaabe Monument Sign Placement Sutton's Bay Library

Location - B



Kchi Wiikwedong Anishinaabe History Project: Cultural/Historic Markers

Village of Suttons Bay: Marker Installation Proposal

Background

The Kchi Wiikwedong Anishinaabe History Project proposed installation of one new historic marker on Suttons Bay Village property at the Village Council meeting on March 20, 2023. At that time, the Village Council approved the proposal without designating a specific installation site. The marker, when installed, will become an asset and property of the Village.

The Kchi Wiikwedong Anishinaabe History Project is coordinated by Emily Modrall under the auspices of (and through fiscal partnership with) the Traverse Area Historical Society. The Grand Traverse Band of Ottawa and Chippewa Indians Tribal Council has approved the project and acts as a project partner. Decisions related to the markers – design and text – were made by Anishinaabe collaborators, including an advisory group of Grand Traverse Band elders, in consultation with contracted designers and fabricators. The Cultural Services Department of the Grand Traverse Band has provided language translation for the markers.

Marker text will convey Anishinaabe teachings and history in English and Anishinaabemowin. There are currently nine markers planned in total: four in Traverse City, and five in Leelanau County (one each in Suttons Bay, Northport, and Leland Township; two in Leelanau Township).

Each marker is composed of a three-dimensional steel form and a bronze plaque with bilingual text. The steel is Cor-ten steel, with an anticipated lifespan of 100+ years, and is perforated; the decorative perforation pattern is taken from Anishinaabe beadwork (photos attached).

Nuart Signs (Traverse City) fabricated the markers and will be responsible for installation.

Installation Process and Timing

At this stage the Kchi Wiikwedong Anishinaabe History Project seeks approval to install the Suttons Bay Village marker in May-June 2024.

The marker will be mounted on a concrete pad that slightly exceeds the size of the marker's footprint providing an 'apron' around the base. The marker will be mounted

roughly 3” above the level of the concrete to allow the space underneath to be cleaned out.

One marker was installed in fall 2023 at Brown Bridge Quiet Area in Grand Traverse County. The Brown Bridge ‘test case’ confirmed that Nuart’s installation process works well. Details related to installation follow:

- Nuart needs to be on site twice for each installation, approximately 4 hours each time.
- There will be a lag of a couple of days (at least) between the first and second day on site.
- Nuart will not allow cement trucks to drive onto Village property grass, only a pick-up truck.
- Wet conditions might result in a delay to scheduled site visits.
- When the area for the foundation is excavated, it will remove about 1/2 yard of dirt; it is ideal if (but not strictly necessary that) the municipality can help with the removal of that dirt from each site.

Nuart is insured up to \$2M to work on municipal property.

Suttons Bay Village Marker Site

The Project prioritizes accessibility, safety, and ease of long-term maintenance in proposing/selecting marker installation sites. It seeks to avoid sites where markers might come into contact with road salt or sidewalk salt due to salt’s corrosive properties.

Proposed Site

A marker in Suttons Bay could be installed between the Library building and the section of TART trail that runs through the marina/beach park.

In this area, two specific installation sites – ‘A’ and ‘B’ – were mapped. Please see the attached illustration.


Fabrication, Installation, and Maintenance

The Kchi Wiikwedong Anishinaabe History Project will fund marker fabrication and installation. Each municipality in which a marker is installed will be responsible for its maintenance, which is expected to be very minimal. Marker design, fabrication, and mounting plans will be given to the municipality in case markers need to be moved, repaired, or replaced in the future.

Installation Proposal and Request

At this time, the Kchi Wiikwedong Anishinaabe History Project requests approval by the Suttons Bay Village Council of a specific marker installation site – A or B on the attached illustration – and proposes the period of May-June 2024 for installation.

If the Village Council prefers a different installation site for the marker ('C'), the Project proposes that this alternate location be identified and approved before mid-May 2024 so that installation can go ahead as proposed above.

		VILLAGE OF SUTTONS BAY REPORT VSB -2024-20	
Prepared:	April 11, 2024	Pages:	1 of 1
Meeting:	April 15, 2024	Attachments:	<input checked="" type="checkbox"/>
Subject:	METRO Request		

PURPOSE

To discuss a request to access the Villages Street ROW by way of the METRO Act.

OVERVIEW

Brightspeed of Michigan, Inc. has requested access to the Villages Street ROW for the installation of underground telecommunications. Brightspeed is a telecommunications company that purchased Century Tel a few years ago, however, neither party (Century Tel/Village) could locate a previous (unilateral or bilateral) permit issued to Century Tel. Therefore, a bilateral application for permit has been submitted to construct, install, and maintain telecommunication facilities in those portion of the public right of way identified in the attached Exhibit "A".

STAFF COMMENTS

The process is highly regulated by the Metropolitan Extension Telecommunication Rights-of-Way Oversight (METRO) procedure, established by Public Act 48 of 2002. Therefore, approval of the application will allow Brightspeed the permission to access and use the public right-of-way, including public roadways, highways, streets, alleys and easements, in the Municipality for telecommunications. Following the receipt of a completed application, as established by law, the Village has 45 days to approve or deny access.

RECOMMENDATION

If the Village Council finds they are satisfied with the information provided, a motion has been provided for consideration.

MOTION THAT the Village Council direct Staff to execute the Bilateral agreement with Brightspeed of Michigan, Inc. F/KA, CenturyTel of Michigan for the use of Village right of way.

METRO Act Permit Application Form
Revised February 2, 2015

Name of Local Unit of Government

APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS
UNDER
METROPOLITAN EXTENSION TELECOMMUNICATIONS
RIGHTS-OF-WAY OVERSIGHT ACT
2002 PA 48
MCL SECTIONS 484.3101 TO 484.3120

BY
Brightspeed of Michigan, Inc.
 [Name of Company]
 (“APPLICANT”)

Unfamiliar with METRO Act?--Assistance: Municipalities unfamiliar with Michigan Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (“METRO Act”) permits for telecommunications providers should seek assistance, such as by contacting the Telecommunications Division of the Michigan Public Service Commission at 517-284-8190 or via its web site at http://www.michigan.gov/mpsc/0,4639,7-159-16372_22707---,00.html.

45 Days to Act—Fines for Failure to Act: The METRO Act states that “A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way.” MCL 484.3115(3). The Michigan Public Service Commission can impose fines of up to \$40,000 per day for violations of the METRO Act. It has imposed fines under the Michigan Telecommunications Act where it found providers or municipalities violated the statute.

Where to File: Applicants should file copies as follows [municipalities should adapt as appropriate—unless otherwise specified service should be as follows]:

-- Three (3) copies (one of which shall be marked and designated as the master copy) with the Clerk at [insert address].

Name of local unit of government

**APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS**

By
[Name of Company]
("APPLICANT")

Brightspeed of Michigan, Inc.

This is an application pursuant to Sections 5 and 6 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48 (the "METRO Act") for access to and ongoing usage of the public right-of-way, including public roadways, highways, streets, alleys, easements, and waterways ("Public Ways") in the Municipality for a telecommunications system. The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3).

This application must be accompanied by a one-time application fee of \$500, unless the applicant is exempt from this requirement under Section 5(3) of the METRO Act, MCL 484.3105(3).

1 GENERAL INFORMATION:

1.1 Date: 4/5/2024

1.2 Applicant's legal name: Brightspeed of Michigan, inc.
Mailing Address: 1120 S. Tyron Street
Ste. 700
Charlotte, N.C. 28203

Telephone Number: 833-365-3220.
Fax Number: _____
Corporate website: www.brightspeed.com

Name and title of Applicant's local manager (and if different) contact person regarding this application:

Wade Miller, Network Implementation Engineer
Mailing Address: 144 S. Saginaw Street
Chesaning, MI 48616

Telephone Number: 833-365-3220.
 Fax Number: _____
 E-mail Address: Wade.miller@brightspeed.com

1.3 Type of Entity: (Check one of the following)

- Corporation
 General Partnership
 Limited Partnership
 Limited Liability Company
 Individual
 Other, please describe: _____

1.4 Assumed name for doing business, if any: CenturyTel of Michigan, Inc

1.5 Description of Entity: Brightspeed of Michigan, Inc.

1.5.1 Jurisdiction of incorporation/formation; State of Michigan

1.5.2 Date of incorporation/formation; 10/03/2022

1.5.3 If a subsidiary, name of ultimate parent company; N/A

1.5.4 Chairperson, President/CEO, Secretary and Treasurer (and equivalent officials for non-corporate entities).

1.6 Attach copies of Applicant's most recent annual report (with state ID number) filed with the Michigan Department of Licensing and Regulatory Affairs and certificate of good standing with the State of Michigan. For entities in existence for less than one year and for non-corporate entities, provide equivalent information.

1.7 Is Applicant aware of any present or potential conflicts of interest between Applicant and Municipality? If yes, describe: N/A

1.8 In the past three (3) years, has Applicant had a permit to install telecommunications facilities in the public right of way revoked by any Michigan municipality?

Circle: Yes No

If "yes," please describe the circumstances.

1.9 In the past three (3) years, has an adverse finding been made or an adverse final action been taken by any Michigan court or administrative body against Applicant under any law or regulation related to the following:

1.9.1 A felony; or

1.9.2 A revocation or suspension of any authorization (including cable franchises) to provide telecommunications or video programming services?

Circle: Yes No

If "yes," please attach a full description of the parties and matters involved, including an identification of the court or administrative body and any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.

1.10 [If Applicant has been granted and currently holds a license to provide basic local exchange service, no financial information needs to be supplied.] If publicly held, provide Applicant's most recent financial statements. If financial statements of a parent company of Applicant (or other affiliate of Applicant) are provided in lieu of those of Applicant, please explain.

1.10.1 If privately held, and if Municipality requests the information within 10 days of the date of this Application, the Applicant and the Municipality should make arrangements for the Municipality to review the financial statements.

If no financial statements are provided, please explain and provide particulars.

2 DESCRIPTION OF PROJECT:

2.1 Provide a copy of authorizations, if applicable, Applicant holds to provide telecommunications services in Municipality. If no authorizations are applicable, please explain.

2.2 Describe in plain English how Municipality should describe to the public the telecommunications services to be provided by Applicant and the telecommunications facilities to be installed by Applicant in the Public Ways.

2.3 Attach route maps showing the location (including whether overhead or underground) of Applicant's existing and proposed facilities in the public right-of-way. To the extent known, please identify the side of the street on which the facilities will be located. (If construction approval is sought at this time, provide engineering drawings, if available, showing location and depth, if applicable, of facilities to be installed in the public right-of-way).

2.4 Please provide an anticipated or actual construction schedule.

2.5 Please list all organizations and entities which will have any ownership interest in the facilities proposed to be installed in the Public Ways.

2.6 Who will be responsible for maintaining the facilities Applicant places in the Public Ways and how are they to be promptly contacted? If Applicant's facilities are to be installed on or in existing facilities in the Public Ways of existing public utilities or incumbent

telecommunications providers, describe the facilities to be used, and provide verification of their consent to such usage by Applicant.

3 TELECOMMUNICATION PROVIDER ADMINISTRATIVE MATTERS:

Please provide the following or attach an appropriate exhibit.

- 3.1 Address of Applicant's nearest local office; [144 S. Saginaw Street, Chesaning, MI 48616](#)
- 3.2 Location of all records and engineering drawings, if not at local office;
- 3.3 Names, titles, addresses, e-mail addresses and telephone numbers of contact person(s) for Applicant's engineer or engineers and their responsibilities for the telecommunications system; [Wade Miller, Network Implementation Engineer; S. Saginaw St. Chesaning, MI 48616; 833-365-3220; wade.miller@brightspeed.com](#)
- 3.4 Provide evidence of self-insurance or a certificate of insurance showing Applicant's insurance coverage, carrier and limits of liability for the following:
 - 3.4.1 Worker's compensation;
 - 3.4.2 Commercial general liability, including at least:
 - 3.4.2.1 Combined overall limits;
 - 3.4.2.2 Combined single limit for each occurrence of bodily injury;
 - 3.4.2.3 Personal injury;
 - 3.4.2.4 Property damage;
 - 3.4.2.5 Blanket contractual liability for written contracts, products, and completed operations;
 - 3.4.2.6 Independent contractor liability;
 - 3.4.2.7 For any non-aerial installations, coverage for property damage from perils of explosives, collapse, or damage to underground utilities (known as XCU coverage);
 - 3.4.2.8 Environmental contamination;
 - 3.4.3 Automobile liability covering all owned, hired, and non-owned vehicles used by Applicant, its employee, or agents.
- 3.5 Names of all anticipated contractors and subcontractors involved in the construction, maintenance and operation of Applicant's facilities in the Public Ways.

4 CERTIFICATION:

All the statements made in the application and attached exhibits are true and correct to the best of my knowledge and belief.

NAME OF ENTITY ("APPLICANT")

Brightspeed of Michigan, Inc

April 5, 2024

Date

By:

Type or Print Name: Patrick Holston

Project Manager, Engineering and Construction

Title

S:\metroapplicationform.doc

SITE LOCATION MAP



PREPARED BY



465 PRINCETON DR
CONWAY, AR 72034
501-932-0800



PROJECT: VILLAGE OF SUTTONS BAY

AUTHORITY: VILLAGE OF SUTTONS BAY

CO AREA: SUTTONS BAY, MI

FOOTAGE: 15,253'

COUNTY: LEELANAU

PERMIT #:

EXCH: STBYMIXI

DATE: 1/5/2024

SHEET: 1 OF 20