



Village of Paw Paw Council Regular Meeting  
Monday October 28, 2024, 7 PM  
Paw Paw District Library, Community Room  
609 W. Michigan Ave, Paw Paw, MI 49079

## **Regular Meeting Agenda**

### **I. Call to Order**

### **II. Pledge of Allegiance**

**III. Roll Call:** President Roman Plaszczak; President Pro-Tem Douglas Craddock; Trustees Steve Richardson, Nadine Jarvis, Nik Martinez, David McQueen, and Donne Rohr.

### **IV. Approval of Agenda**

### **V. Approval of Minutes:**

1. Approval of the minutes from the regular meeting of October 14, 2024

**VI. Authorization to Pay Claims** October 28<sup>th</sup> (Rohr, McQueen).  
October 28<sup>th</sup> (Craddock, Richardson).

### **VIII. Audience Participation (Limited to 3 minutes per speaker):**

### **IX. Council Member Comments**

### **X. Presentations**

1. FY 2023-2024 Audit – Presentation from Maner Costerisan
2. WWTP Rehabilitation – Presentation from Scott Hall

### **XI. Action Items**

1. Partial Payment Request #12 – Water Distribution System & Storage Improvements – Lounsbury Excavating
2. Partial Payment Request #13 – Water Distribution System & Storage Improvements – Lounsbury Excavating
3. Change Order WWTP CWSRF CO 10 - Oselka
4. Establish a fee for food trucks Recommendation for MML presentation from Economic Opportunity Committee
5. Consideration of Purchasing an Asphalt Milling Machine – Bradco HP100 Cold Planer
6. **Closed Session:** Pursuant to Michigan Open Meetings Act Section 15.268(e) consultation with attorney regarding trial or settlement strategy in connection with specific pending litigation.

## **XII. Non-Action/Workshop Items – Discussion**

1. Short Term Rental regulations

## **XIII. Committee Meetings and Reports** (committees may have items to bring to the council) *Estimated 30 minutes for all with next meeting dates.*

- Area Parks & Rec. Board (Jarvis) November 7 - **4:30 PM**
- Downtown Development Authority Plaszczak November 18 - **5:30 PM**
- Economic and Residential Opportunity (Plaszczak): October 24 - **4 PM**
- Farmers Market (Martinez): November 20 – **5 PM**
- Fire District Board (Craddock): November 12 – **6 PM**
- Historical Commission (Plaszczak): **TBD**
- Housing Commission (Rohr): ): October 15- **3 PM**
- Maple Lake Preservation and Improvement (Plaszczak) **TBD**
- Planning Commission (TBD): November 7 - **7 PM**
- Wellhead Protection Committee: **TBD**
- Wine & Harvest Board (Craddock): November 6 – **6 PM**

## **XIII. Council Member Comments**

## **XIV. Manager & Departmental Reports**

## **XV. Adjournment**

### **Notice to Public Attendees**

If you would like to speak to the Village Council, please respond during the Public Comment Period. Public comments are limited to **3 minutes** per speaker.

## **Approval of Minutes**

**Minutes, Paw Paw Village Council  
Regular Meeting, October 14, 2024**

The Regular Village Council meeting of Monday, October 14, 2024, convened at 7:00p.m. at the Paw Paw District Library, Community Room. President Plaszcak presiding.

Present: President Roman Plaszcak, Pro Tem Douglas Craddock, Trustees Steve Richardson (excused), Nadine Jarvis, Nicolas Martinez, David McQueen and Donne Rohr. Also present: Village Manager Bryan Myrkle, Assistant Manager Ed Hellwege, Clerk Karla Tacy, Chief of Police Eric Rottman and Director of Public Services Tim Brandys.

Motion by Rohr with support from Jarvis to approve the agenda as presented with moving Action Item #5 Red Arrow Convoy Lighted Truck Parade to #1. All members present voting yes, motion carried.

Motion by Jarvis with support from Martinez to approve the regular meeting minutes of September 23, 2024, with corrections. All members present voting yes, motion carried.

Motion by Martinez with support from Jarvis to approve claims for Monday, October 14, 2024, in the amount of \$499,035.81. All members voting yes, motion carried.

Motion by McQueen with support from Jarvis to authorize the Village of Paw Paw to assist with the required temporary road closure permit for M-40 and to assist with traffic control during the December 14<sup>th</sup> Lighted Truck Parade. All members present voting yes, motion carried.

Motion by Martinez with support from Rohr to approve the Wastewater Treatment Plant #9 change order for \$248,776. Roll call vote; Martinez, Jarvis, McQueen, Plaszcak, Craddock and Rohr, voting yes, motion carried.

Motion by Rohr with support from Craddock to approve the CWSRF pay request No. 19 for Oselka Constructors Co LLC in the amount of \$546,591.17. Roll call vote; Rohr, Craddock, Plaszcak, McQueen, Jarvis and Martinez, voting yes, motion carried.

Motion by Jarvis with support from Craddock to authorize execution of a utility easement for MEC at the wastewater treatment plant. All members present voting yes, motion carried.

Motion by Rohr with support from Craddock to approve the Fleis & Vandenbrink 2024 Road Resurface Project contract amendment for \$12,000. Roll call vote; Rohr, Craddock, Plaszcak, McQueen, Jarvis and Martinez, voting yes, motion carried.

Motion by McQueen with support from Rohr to authorize Manager Myrkle to draft a lease agreement, allowing Gabe Guimond to install vending machines in several Village parks. All members present voting yes, motion carried.

**Meeting Convened**

**Members Present**

**Approval of Agenda**

**Approval of Minutes**

**Approval of Claims**

**Action Items:  
Red Arrow Convoy  
Lighted Truck Parade**

**WWTP #9 Change  
Order**

**CWSRF Pay Request**

**WWTP MEC  
Easement**

**Fleis & Vandenbrink  
Contract Amendment**

**Non-Action Items:  
Parks Vending  
Machines Proposal**

**Minutes, Paw Paw Village Council  
Regular Meeting, October 14, 2024**

The Parks and Rec Committee discussed the renewal of the parks millage and the Maple Island Bridge project. Weather permitting, park restrooms will remain open until the week of November 4<sup>th</sup>.

No Report.

No Report.

No Report.

No Report.

The Historical Commission's next meeting will be in February.

No Report.

No Report.

No Report.

No Report.

The Wine & Harvest Board made a \$7,000 donation to the Chamber of Commerce.

Trustee McQueen inquired as to what the next steps are for renewing the parks millage.

Trustee Martinez reports the last Farmers Market of the season will be this Sunday and include trick or treating.

Manager Myrkle reports Abonmarche has turned in the design work for the Maple Island Bridge project and applied for permitting from the State. The project will be put out to bid soon. The Food Truck Ordinance is now in effect and an application form has been drafted. Manager Myrkle and Asst. Manager Hellwege are looking into an alternative from Nixel for a customer notification system.

Director Brandys reported that DLZ from the State is replacing the storm sewer at the intersection of Gremps St and Commercial Ave.

Chief Rottman reports that Larry Haynor is doing part-time ordinance enforcement, due to the retirement of Leonard Lux. Installation has begun on a surveillance system for the exterior of the PD and DPS.

**Committee Meetings  
Parks and Rec**

**DDA**

**Economic &  
Residential  
Opportunity**

**Farmers Market**

**Fire Board**

**Historical  
Commission**

**Housing Commission**

**Maple Lake  
Preservation**

**Planning Commission**

**Wellhead Protection**

**Wine & Harvest**

**Council Member  
Comments:  
McQueen**

**Martinez**

**Manager Comments**

**Staff Comments  
Brandys**

**Rottman**

**Minutes, Paw Paw Village Council  
Regular Meeting, October 14, 2024**

Motion by Craddock with support by Martinez to adjourn the meeting. All members present voting yes, motion carried. Meeting adjourned at 8:15p.m.

**Adjournment**

Respectfully submitted:

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Karla Tacy  
Village Clerk

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Roman Plaszczak  
Village President

DRAFT

# Action Items

**Partial Payment No.12 – Water  
Distribution System & Storage  
Lounsbury Excavating**



# CONTRACTOR PAYMENT REQUEST

September 10, 2024

## PARTIAL PAYMENT REQUEST NO.12 For Work Completed Through 09/09/2024

OWNER	CONTRACTOR
Village of Paw Paw 111 E. Michigan Avenue Paw Paw, MI 49079	Lounsbury Excavating, Inc. 32673 E. Red Arrow Hwy Paw Paw MI 49079

RE: Lounsbury Excavating, Inc.  
Water Distribution System & Storage Improvements  
ACI Project No.: 21-2011

Original Contract Amount	\$ 5,736,481.00
Change Orders	\$ 56,558.00
Current Contract Amount	\$ 5,793,039.00
Work Completed	\$ 3,170,393.45
Retainage	\$ 317,039.35
Amount Earned	\$ 2,853,354.10
Less Previous Payments	\$ 2,478,472.12
<b>Amount Due Contractor This Payment</b>	<b>\$ 374,881.98</b>

**Please remit payment directly to the contractor at the address above.**

RECOMMENDED BY: Contractor



Michael Hiestand, President (Lounsbury Excavating, Inc.)

9/11/2024

Date

RECOMMENDED BY: Abonmarche Engineer



Corey Kandow (Abonmarche)

09/11/2024

Date

ACCEPTED BY: Owner

\_\_\_\_\_  
Bryan Myrkle (Village of Paw Paw)

\_\_\_\_\_  
Date

**Please contact Abonmarche Consultants at 269.927.2295 with any questions or concerns.  
abonmarche.com**

**Partial Payment No.13 – Water  
Distribution System & Storage  
Lounsbury Excavating**

# CONTRACTOR PAYMENT REQUEST

September 26, 2024

## PARTIAL PAYMENT REQUEST NO.13

For Work Completed Through 09/24/2024

OWNER	CONTRACTOR
Village of Paw Paw 111 E. Michigan Avenue Paw Paw, MI 49079	Lounsbury Excavating, Inc. 32673 E. Red Arrow Hwy Paw Paw MI 49079

RE: Lounsbury Excavating, Inc.  
Water Distribution System & Storage Improvements  
ACI Project No.: 21-2011

Original Contract Amount	\$ 5,736,481.00
Change Orders	\$ 56,558.00
Current Contract Amount	\$ 5,793,039.00
Work Completed	\$ 3,192,353.49
Retainage	\$ 319,235.35
Amount Earned	\$ 2,873,118.14
Less Previous Payments	\$ 2,853,354.10
<b>Amount Due Contractor This Payment</b>	<b>\$ 19,764.04</b>

**Please remit payment directly to the contractor at the address above.**

RECOMMENDED BY: Contractor



Michael Hiestand, President (Lounsbury Excavating, Inc.)

9/27/24

Date

RECOMMENDED BY: Abonmarche Engineer

Corey A. Kadow

Digitally signed by Corey A. Kadow  
DN: C=US, E=ckadow@abonmarche.com,  
O=Abonmarche, CN=Corey A. Kadow  
Date: 2024.09.27 10:15:32-04'00'

Corey Kadow (Abonmarche)

Date

ACCEPTED BY: Owner

Bryan Myrkle (Village of Paw Paw)

Date

**Please contact Abonmarche Consultants at 269.927.2295 with any questions or concerns.  
abonmarche.com**

# **Change Order WWTP CWSRF CO 10 - Oselka**

## Bryan Myrkle

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**From:** Scott Hall <shall@fveng.com>  
**Sent:** Friday, October 25, 2024 11:25 AM  
**To:** Timothy Brandys; Bryan Myrkle; Robert Harvey  
**Cc:** Emma Graham  
**Subject:** Paw Paw WWTP CWSRF CO 10  
**Attachments:** 5779-01 & 5779-02 Paw Paw Change Order No. 10.pdf

**CAUTION: This email originated from outside the Village of Paw Paw. Maintain caution when opening external links/attachments**

Tim and Bryan,

As discussed at the last progress meeting, Change Order No. 10 for the irrigation piping repairs at the WWTP is attached for your review and approval. Oselka would like to order the pipe and complete the work next week if possible, so please let us know if you would like them to proceed.

This change order will include the following items:

1. Repair of overflow pipe in irrigation structure H - \$19,770
2. Repair of failed sub-drain pipe at sampling manhole No.2 - \$11,000

A summary of the remaining project contingency is below.

	Original Contract	Current Contract	Pending CO 10 - \$30,770.00
Contract Price	\$ 8,400,800.00	\$ 8,790,280.10	\$ 8,821,050.10
Contingency Balance	\$ 545,597.00	\$ 156,116.90	\$ 125,346.90

Please let me know if you have any questions.

Thanks,

**Scott Hall, PE**

Project Manager, Associate

**FLEIS & VANDENBRINK**  
DESIGN. BUILD. OPERATE.

O: 616.977.1000

C: 231.720.5656

D: 616.965.8767

2960 Lucerne Drive SE, Grand Rapids, MI 49546



[www.fveng.com](http://www.fveng.com)



**CHANGE ORDER**  
**No. 10**

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**OWNER:** Village of Paw Paw  
**CONTRACTOR:** Oselka Constructors Co. LLC  
**CONTRACT:** 2022 WWTP Improvements Project  
**PROJECT:** 2022 WWTP Improvements Project  
**SRF Project No.** 5779-01/5779-02      **ENGINEER's Project No.** 840561  
**ENGINEER:** Fleis & VandenBrink Engineering, Inc.

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**The Contract is modified as follows upon execution of this Change Order:**

**Description:**

Item No. 1;

Bulletin No. 1, Item No.1: Irrigation Structure Overflow Piping Replacement. Sch 40 PVC

Add: \$19,770.00

Item No. 2:

Bulletin No. 4, Item No.1: Irrigation Field No. 2 – Sub drain repair

Add: \$11,000.00

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**NET ADDITION:** **\$ 30,770.00**


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**Attachments:** Bulletin No. 1  
Bulletin No. 4

CHANGE IN CONTRACT PRICE:	
Original Contract Price	\$ <u>8,400,800.00</u>
Net <b>increase</b> from previous Change Orders No. <u>1</u> to <u>9</u> :	\$ <u>389,480.10</u>
Contract Price prior to this Change Order:	\$ <u>8,790,280.10</u>
Net <b>increase</b> of this Change Order:	\$ <u>30,770.00</u>
Contract Price incorporating this Change Order:	\$ <u>8,821,050.10</u>

CHANGE IN CONTRACT TIMES:	
Original Contract Times:	Substantial completion: <u>October 1, 2024</u> Ready for final payment: <u>November 1, 2024</u>
Net <b>increase (Decrease)</b> from previous Change Orders	No. <u>1</u> to <u>9</u> : Substantial completion: <u>31 days</u> Ready for final payment: <u>30 days</u>
Contract Times prior to this Change Order:	Substantial completion: <u>November 1, 2024</u> Ready for final payment: <u>December 1, 2024</u>
Net <b>increase</b> of this Change Order:	Substantial completion: <u>0 days</u> Ready for final payment: <u>0 days</u>
Contract Times incorporating this Change Order:	Substantial completion: <u>November 1, 2024</u> Ready for final payment: <u>December 1, 2024</u>

RECOMMENDED:

By:   
ENGINEER (Authorized Signature)  
Title: Project Manager  
Date: 10-25-24

APPROVED:

By: \_\_\_\_\_  
OWNER (Authorized Signature)  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
CONTRACTOR (Authorized Signature)  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved by Funding Agency:

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Food Truck Fees



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# Village of Paw Paw MICHIGAN

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## Memorandum

To: Village Council  
From: Bryan Myrkle, Village Manager  
Re: Establishment of food truck permit fee  
Date: October 2024

### Background

As Village Councilmembers likely recall, the newly established Mobile Feed Vending ordinance is now in effect. However, one step the Village Council still needs to take to fully enact the ordinance is to establish a permit fee. The fee is intended to recover costs associated with processing and recording the permits. Permits are good for one year, so this would be an annual fee for Mobile Food Vendors operating within the Village.

After reviewing the staff work associated with permit process, I believe a fee of \$50 is appropriate. I also think the fee should be reviewed after one year to determine whether this amount is, indeed, covering our costs.

We already have several applicants waiting for a permit to be issued.

### Recommendation

Establish a fee of \$50 for Mobile Food Vending permits.



111 E. Michigan Ave. Paw Paw, MI  
49079

Fee: \$50	
Paid <input type="checkbox"/>	Unpaid <input type="checkbox"/>
Date: _____	
Received By: _____	

## VILLAGE OF PAW PAW MOBILE FOOD VENDOR APPLICATION

### 1. Applicant Information

Mobile Food Vendor: \_\_\_\_\_

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### 2. Vehicle Information

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

Length: \_\_\_\_\_ Width: \_\_\_\_\_ Driver's License #: \_\_\_\_\_

### 3. General Business Description

Provide a general description of the food products to be offered as well as the proposed method of food preparation/cooking, source of water, source of power, the address(es) at which Mobile Food Vending is proposed and information related to trash collection and removal.

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Provide the address of each property where the Mobile Food Vending unit is proposed to be stationed for the one-year duration that the permit is active. List the streets or areas of the Village in which you plan to operate. This location will be agreed upon BEFORE the day of the event, please coordinate with Village staff.

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**Provide a sketch (separate sheet) of the parcel where each Mobile Food Vending event is proposed throughout the annual permit duration showing existing improvements and areas proposed to be occupied by the Mobile Food Vendor.** Indicate the days and times you expect to be operating. Dates and times will be agreed upon BEFORE the day of the event, please coordinate with Village staff.

Sunday: \_\_\_\_\_  
Monday: \_\_\_\_\_  
Tuesday: \_\_\_\_\_  
Wednesday: \_\_\_\_\_  
Thursday: \_\_\_\_\_  
Friday: \_\_\_\_\_  
Saturday: \_\_\_\_\_

**Additional Information required with the parcel sketch**

1. Location of existing buildings and distance from proposed Mobile Food Vending location.
2. The proposed location of the Mobile Food Vending Unit, indicating which side of the unit the service window is located.
3. Existing public improvements adjacent to the site include fire hydrants, light poles, utility poles, roads, and sidewalks.
4. The surface on which the Mobile Food Vending Unit will be stationed (e.g., asphalt, gravel, grass, etc.).
5. Existing and proposed parking (if applicable) on the property.
6. Location of trash receptacles.
7. Location of seating, if applicable.
8. Location of a generator if applicable.

**4. Supplemental Documents Required**

In order for this application to be complete, you must also submit the following documents:

- Copies of all necessary licenses or permits issued by the Van Buren-Cass District Health Department, and/or the State of Michigan.
- Proof of Liability Insurance Coverage and Automobile Insurance, listing the Village of Paw Paw
- Proof of Vehicle Registration.
- Written approval from the Wine and Harvest festival board if a Mobile Food Vending event is proposed during the Wine and Harvest Festival.
- Written documentation of the Village Council's approval is proposed in conjunction with a special event.

**Application procedures.**

- Upon submittal of a completed application for a temporary Mobile Food Vendor, the **Zoning Administrator shall provide a copy to the following departments and agencies (as applicable):**
  - Department of Public Services
  - Police Department
  - Fire Department
  - Van Buren County
  - Village Manager
  - Michigan DNR

The Zoning Administrator shall solicit comments and/or concerns from each department in writing.

**Long-Term Mobile Food Vending (longer than 90 days in one location).**

- A.** Long-term Mobile Food Vendors shall be considered a special land use in all zoning districts.
- B.** Long-term Mobile Food Vendors must apply for a Special Land Use permit and meet the general special use standards, and the specific special use standards contained within Section 42-367(30) of this Ordinance.
- C.** Applications for a zoning permit for long-term Mobile Food Vending shall be submitted in accordance with the application procedures and required documentation contained herein after the Planning Commission and Village Council have approved the Special Land Use request in accordance with Section 42-367(30) of this Ordinance.
- D.** Zoning permit applications for Long-Term Mobile Food Vendors shall include the duration or number of consecutive days the Mobile Food Vending Unit will be stationed in a single location.

**5. Attest**

As the applicant, I hereby agree and understand it is my responsibility to ensure compliance with all policies, rules, and guidelines set forth by the Village of Paw Paw. I understand that any violations may result in immediate termination of our vendor/Village relationship.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**6. Return this form and supporting materials to:**

Village of Paw Paw 111 E. Michigan Ave., Paw Paw, MI 49079  
Attention: Zoning Administration

# **Consideration of Purchasing an Asphalt Milling Machine**



10/11/2024

Bradco HP 1000

Cold Planer Purchase

I have spoken to council in the past about the condition of our roads regarding potholes. The way we currently fill potholes is to add cold patch and run the patch over. Placing cold patch in a pothole that is an inch thick does not make for a very good repair as the patch will come out, sometimes as soon as the next morning. Cold patch is roughly 3 times the price of hot patch. The issue is that hot patch is only made during the warm months.

In my experience working at Sturgis, we found that if we milled the potholes to a depth of 2"-3" and then placed hot patch (if available) or cold patch when hot is not available into the deeper hole it made for a longer lasting and better overall repair, this is because the deeper hole gave more surface area to bind to. When using hot patch, we would rent the roller from the rental shop in town.

Lounsbury has a Bradco HP 1000 cold planer that they purchased new in 2020, and this unit has not had much use. Lounsbury is getting out of the paving business, and they have offered this to us for \$18,100.00. They paid \$25,500 when they purchased it, and this unit is now just shy of \$31,000.00. I would like permission to make this purchase, since we will not be paving on Elm Street this year and it will be moved to 2025, we would have funds left to make this purchase.

Thank you for your consideration of this purchase.

Tim Brandys

Director of Public Services

Village of Paw Paw



May 17, 2024

Village of Paw Paw  
111 E. Michigan Ave  
Paw Paw, MI 49079

Re: Asphalt Equipment

The following is a list of asphalt equipment items that we are proposing to sell AS-IS. I have also attached the original invoices to confirm model numbers, specs, etc.

- |   |                     |
|---|---------------------|
| 1) Bradco HP1000 Cold Planer                        | 18,100.00           |
| a. High-Flow Bobcat attachment                      |                     |
| <del>2) L250T Tack Distributor, trailer style</del> | <del>9,500.00</del> |

Taxes are not included.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,

Michael Hiestand  
President, CEO

DATE: 3/3/2020 CUST #: SALES REP: Detzler BUYER'S NAME: Mike Hiestand  
 COMPANY: Lounsbury Excavating, Inc. ADDRESS: 32673 Red Arrow Hwy PHONE:  
 CITY: Paw Paw STATE: MI COUNTY: VanBuren ZIP: 49079 FAX:

QTY:	UNIT #:	MAKE, MODEL, DESCRIPTION	SERIAL #	PRICE
1	New order	New Bradco HP1000 cold planer (for use on HF Bobcat)	tbd	\$ 25,500.00
Customer to pick up units at ALTA Byron Center All pieces are per quotes dated 2-24-2020				

ALTA to shop for and advise of any aggressive financing options that our lending partners may be able to offer for the package (36-60mo std financing)

TOTAL PRICE	
TAXABLE	Yes

TRADE-INS							
Buyer warrants the following trade-ins and all additional security are free & clear of all liens and encumbrances.					1.	Cash Down Payment	\$ -
YEAR	MANUFACTURER	MODEL	SERIAL #	TRADE ALLOWANCE	2.	Rent Applied*	\$ -
					3.	Trade Down Payment	\$ -
					4.	Service and Parts	\$ -
					5.	Accrued Interest	\$ -
					6.	Sales Tax	\$ -
					7.	Total Sales Price	\$ -

I. Total Trade Allowance	\$ -	FINANCING: This sale is contingent on Buyer's ability to qualify for and obtain financing for payment terms of "Lease" or "installment sale contract" as described above within 30 days execution from date of this agreement, which Buyer agrees to apply for immediately and accept promptly, including providing current financial statements or other financial or operational information required to obtain financing. In the event financing is not obtained, Buyer shall be charged rental on a monthly basis at Seller's current published rental rate effective from date of receipt of equipment by Buyer and Buyer agrees to pay such charges within 30 days from date of invoice.
II. Less Amount Owed To		
III. Other (Specify)		
IV. Trade Down Payment (Transfer to item 3)	\$ -	


**WARRANTY: BUYER BUYS THE EQUIPMENT WITH THE FOLLOWING WARRANTY**

AS IS, WHERE IS       STANDARD       EXTENDED PT\*       EXTENDED PT+H\*       PREMIER\*

BUYER ACKNOWLEDGES AND AGREES THAT EACH UNIT OF EQUIPMENT (a) IS THE SIZE, DESIGN AND MODEL SELECTED BY BUYER, (b) SUITABLE FOR BUYER'S INTENDED PURPOSES AND (c) CONTAINS ALL SAFETY FEATURES DEEMED NECESSARY BY BUYER. BUYER ACKNOWLEDGES THAT SELLER IS NOT THE MANUFACTURER OF THE EQUIPMENT AND DOES NOT MAKE AND IS NOT AUTHORIZED TO GIVE ANY OTHER WARRANTY. THE WARRANTY PROVIDED ABOVE IS THE SOLE WARRANTY, IS EXPRESSLY IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, OR THE CONDITION, QUALITY, DESCRIPTION OF DURABILITY OF THE EQUIPMENT. SELLER ASSIGNS TO BUYER, TO THE EXTENT ASSIGNABLE, ANY WARRANTIES OF THE EQUIPMENT BY ITS MANUFACTURER, PROVIDED THAT ANY ACTION TAKEN BY BUYER BY REASON THEREOF SHALL BE AT THE EXPENSE OF BUYER. IN THE EVENT THAT SELLER HAS ASSUMED ANY RESPONSIBILITIES WHATSOEVER, SELLER'S SOLE OBLIGATION AND BUYER'S SOLE REMEDY FOR BREACH OF SUCH WARRANTY, IS SELLER'S PROVIDING OF PARTS AND SERVICE THE SELLER DETERMINES ARE REQUIRED FOR PERFORMANCE OF THE WARRANTY.

SELLER'S ACCEPTANCE: This Equipment Sales and Security Agreement shall be effective only upon acceptance by an Officer of Seller, which shall be signified by Seller's Officer's execution hereof. Buyer has read and agrees to all of the terms and conditions and the "Additional Terms" on the reverse side of this Equipment Sales and Security Agreement by signing of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Equipment Sales and Security Agreement this \_\_\_\_\_  
 If Buyer is a corporation, this individual signing this Agreement on its behalf warrants that it is authorized by authority of its Board of Directors.

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_      Signature  Date 3 / 3 / 2020

Printed Name & Title \_\_\_\_\_      Printed Name & Title Michael Hiestand, President  
 Alta Representative      Customer



NOT ALL ITEMS ARE IN STOCK. PLEASE CALL 513.777.6666 TO CHECK AVAILABILITY IF YOU ARE CONCERNED. THERE IS A 35% RESTOCKING FEE ON CANCELED ORDERS.

(513) 777-6666 CONTACT US

ENGLISH LOGIN 0

HOME SHOP BLOG

Search



### BRADCO HP SERIES COLD PLANER, HIGH FLOW (SSL)(CTL)

\$30,989.00

Pay in 4 interest-free installments for orders over \$50.00 with [shop Pay](#) [Learn more](#)

as low as \$109/mo >

60 month term | [Details](#)

#### MODEL

HP400 HP450 HP600 HP750 **HP1000**

#### VALVE

**4 FUNCTION VALVE** 3 FUNCTION VALVE

#### HYDRAULIC MOTOR

**22-25 GPM** 26-30 GPM 31-44 GPM

#### Qty

- 1 +

**ADD TO CART**



Twitter Facebook Pinterest Email

#### DESCRIPTION

#### SPECIFICATIONS

#### SHIPPING

#### OPTIONS

### COLD PLANER

The value and popularity of Bradco's skid steer cold planer attachments are becoming increasingly more evident because of the variety of jobs they can assist with. In addition to small milling jobs in which large milling machines can't efficiently be used, cold planers are an effective tool for asphalt and concrete pothole and frost heave repair, curb cutting, pavement texturing for improved skid resistance, and the removal of traffic lane stripes and roadway around manholes. This product is also available CE certified.

- Planetary drive delivers high torque
- High rear spoil clearance to prevent re-circulation of material
- Protective shields for hydraulic and electrical components
- Efficient piston drive motor
- Optional water tank available with adjustable mounting brackets to fit most skid steer loaders

CALL OR TEXT BIG DAVE WITH ANY QUESTIONS (513)276-5500

## **Non-Action Items**

# **Short Term Rentals - Regulations**

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# Village of Paw Paw MICHIGAN

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## Memorandum

To: Village Council  
From: Bryan Myrkle, Village Manager  
Re: Short Term Rental Ordinance  
Date: October 25, 2024

### Background

Councilmembers no doubt remember that the Council did not take any action after discussion regarding the Short-Term Rental Ordinance recommended by the Planning Commission. At the time, most of the Council felt the ordinance was addressing a problem that did not really exist.

However, in a follow-up discussion, the Planning Commission requested that the Council reconsider the issue in light of a point that was not raised during the Council's consideration of the issue. That is, because of the nature of Zoning, land uses that are not specifically allowed by the ordinance are presumed not to be allowed. Therefore, everyone currently operating a Short-Term Rental inside the Village is doing so illegally, even if inadvertently. If the Village Council wishes to allow the continued existence of Short-Term Rentals in Paw Paw, it should, at a minimum, add it as a permitted land use in our Zoning Ordinance.

I would also like to make sure the Village Council is aware that Paw Paw Township has recently enacted an ordinance regulating Short Term Rentals that is very similar to the one proposed by the Village Planning Commission. I have included a comparison table of the two ordinances prepared by Assistant Manger Hellwege in your packets for review. I do believe there would be some value in adopting an ordinance similar to the one already in use by the Township.

### Recommendation

Discuss whether to proceed with the proposed Short Term Rental Ordinance.

Short Term Rental Ordinance Village of Paw Paw

**Bold fonts indicate the similarities between the Village and Twp Ordinances**

**Colored Fonts show more specific details**

	YOPP	YOPP Finer Details	Paw Paw Township	Paw Paw Township Finer Details
<b>Purpose / Intent</b>	A matter <b>closely connected with the public health, safety, and welfare of the community. This Ordinance is intended to strike an appropriate balance between the interests of community residents, community business owners, visitors to engage in short-term rental of dwelling units as defined in the Village of Paw Paw Zoning Ordinance.</b>	Can simultaneously create concerns surrounding traffic, parking, congestion, litter, noise, and similar matters. <b>Meanwhile, issues related to fire safety and life safety must be considered in order to maximize the safety and well-being of all residents and visitors of the Village of Paw Paw.</b>	The Township Board finds that the Short-Term Rental of Single-Family dwellings within Paw Paw Township is a <b>matter closely connected with the public health, safety, and welfare of the community. The Township Board intends to adopt regulations that will strike an appropriate balance between the interests of community residents, community business owners, visitors to the community, and real property owners wishing to engage in the Short-Term Rental of Single-Family Dwellings.</b>	Township Board finds that the areas of the Township with Single Family dwellings are especially susceptible to the negative effects of Short-Term Rentals, since these areas are the least intensively developed residential areas in the Township. While visitors to the community who rent Single-Family Dwellings on a short-term basis bring many benefits to the community, they can simultaneously create concerns surrounding issues of traffic, parking, congestion, litter, noise, and other similar issues. <b>Meanwhile, issues related to fire safety and life safety codes must be considered to maximize the safety and well-being of all in the community. This Ordinance is intended to strike a balance between competing interests.</b>
<b>Short term rental</b>	<b>The rental or subletting of a residential dwelling unit for compensation for not more than 29 consecutive nights</b>		<b>The rental or subletting of a residential dwelling unit for compensation for not more than 29 consecutive nights</b>	
<b>Short term rental agreement</b>	A legal contract between the owner of a dwelling unit to be rented as a short-term rental, which outlines the terms, conditions, and regulations for the short-term rental use of the property.		The permission, provision, or offering of possession or occupancy of a Single-Family Dwelling with some type of remuneration paid to the Owner for a period of not more than 29 days, to a person who is not the Owner, pursuant to a written or verbal agreement.	
<b>Long term rental</b>	Long-term rentals, as regulated in as regulated in Article VI, Business/Rental Property Registration of the Village of Paw Paw General Code of Ordinances, shall not be subject to the regulations applicable to short-term rentals.		The permission, provision, or offering of possession or occupancy of a Single-Family Dwelling with some type of remuneration paid to the Owner for a period of 29 days or more, to a	Long-term rentals shall not be subject to the regulations applicable to short-term rentals.
<b>Short-term rental agreement / permit</b>	<b>Upon the acceptance of a completed application for rental registration and the completed and approved inspection of the dwelling unit proposed to be used as a short-term rental, the applicant (owner or agent) shall be issued a Short-Term Rental Permit, which shall serve as evidence that the applicant has completed the registration and the dwelling unit has passed all inspections</b>	<b>Shall not be subject to the regulations applicable to short-term rentals.</b>	<b>Upon the acceptance of a completed application for rental registration and the completed and approved inspection of the dwelling unit proposed to be used as a short-term rental, the applicant (owner or agent) shall be issued a Short-Term Rental Permit, which shall serve as evidence that the owner has completed the registration, and the dwelling unit has passed all inspections. All short-term rentals shall register with the Village on an annual basis. Each new registration will be assigned a registration number. Annual registration renewals shall continue using the same registration number.</b>	<b>A permit shall be valid for one year from the date of issuance, unless terminated due to a violation, and shall be renewed annually.</b>
<b>Registration</b>	<b>All short-term rentals shall register with the Village on an annual basis. Each new registration will be assigned a registration number. Annual registration renewals shall continue using the same registration number.</b>	A floor plan depicting each floor, sleeping rooms, and beds, number and location of off-street parking spaces maximum number of parking spaces the dwelling unit can support, maximum number of occupants, as determined by the International Property Maintenance Code (IPMC), to which the applicant intends to rent in any given rental period, also specify the maximum occupancy for the dwelling unit, vi. The maximum and minimum number of consecutive days the Owner intends to rent the dwelling unit as a short-term rental under a single rental agreement (or contract), and the months of the year during which the Owner intends to do so; A copy of a blank rental agreement/contract between the Owner and occupant that will be executed when an occupant commits monetarily to the short-term rental; each sleeping room has a functioning smoke alarm; each floor has a functioning carbon monoxide detector, check the alarms every 90 days, property owner consents to required annual inspections by the Village representative	The owner of a short-term rental unit shall register it with the Township within thirty (30) days after the date of acquiring ownership or control of a previously registered short-term rental unit, or in the case of a newly constructed or converted short-term rental unit, before that short-term rental unit is occupied.	To register a short-term rental unit, the owner shall truthfully provide and certify as true the following information on a form provided by the Township: 1. street address of the short-term rental unit, 2. street address of the short-term rental unit, #bedrooms, intended occupant #, # bedrooms, scaled floor plan, copy of the lease form, off-street parking requirements, noise regulations and other ordinance requirements. Proof that the homestead exemption is legally appropriate, statement certifying that each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and that the owner or local agent will check those devices at the conclusion of each rental. Statement certifying that the property owner consents to inspections by the Township and will make the dwelling unit available for inspections upon request, any other TWSP request.

**Short Term Rental Ordinance Village of Paw Paw**

**Bold fonts indicate the similarities between the Village and Twsp Ordinances**

**Colored Fonts show more specific details**

	YOPP	YOPP Finer Details	Paw Paw Township	Paw Paw Township Finer Details
<b>Inspections</b>	<p>The owner must also consent to inspections of the dwelling unit by the Village upon request of the Village representative responsible for administering this Ordinance or another authorized Village official, provided that at least 48 hours' notice is provided to the property owner or their local agent prior to an inspection.</p>	<p>Owner or local agent must be available to accept phone calls at all times that the short-term rental is rented, be physically present at the unit within 60 minutes when contacted by the Village or law enforcement to address issues. A minimum of two (2) off-street parking spaces located on the subject property shall be provided per dwelling unit. Exterior appearance of the dwelling shall have a residential character, shall not be incompatible with other dwellings in the vicinity. Occupants of dwelling units used as short-term rentals must be provided with information. All short-term rental occupants shall comply with Ordinances Against Public Peace, and shall not disturb the peace and quiet of any street, alley, neighborhood, family or person within the corporate limits of the Village of Paw Paw.</p>	<p>Before issuing or renewing a short-term rental unit permit, the Township or its agent shall inspect the short-term rental unit to determine whether it follows the housing and property maintenance code, the fire code, this ordinance, and other applicable laws and regulations. If the Township becomes aware of code or other deficiencies or violations after the issuance or renewal of a permit, the Township may (upon verification) revoke the current permit and may also take any other action allowed by law.</p>	<p>Owner shall schedule and permit that inspection no later than 20 days before the expiration of that permit. Inspections shall occur during the Township inspector's regular business hours unless the inspector agrees to other arrangements. Inspections shall occur during the expiration of that permit. Inspections shall occur during the Township inspector's regular business hours unless the inspector agrees to other arrangements. The owner shall be provided a written list of deficiencies or violations that must be corrected before a permit is issued. Has reasonable cause to believe a rental unit is in violation of any township ordinance between each short-term rental to a different tenant, the local agent shall inspect the premises shall ensure that all smoke detectors, carbon monoxide detectors, lights in common areas and stairways, egress doors, railings and all utilities are in a safe and working condition; any defects discovered shall be corrected promptly.</p>
<b>Violations</b>	<p>The Village may revoke the permit for any dwelling unit used as a short-term rental that is the subject of three violations in a single calendar year,</p>	<p>Violations of the Village of Paw Paw General Code of Ordinances -Poor upkeep of the exterior of the dwelling unit;Lack of required smoke detectors and/or carbon monoxide detectors; Unlawful sleeping areas; Exceeding the maximum occupancy for the dwelling unit.</p>	<p>Any violation of a provision of this Ordinance or failure to comply with any of its requirements shall be a municipal civil infraction violates any of the provisions of the Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by civil fine</p>	<p>Violates any of the provisions of the Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by civil fine. 2)All other violations (Noise/Nuisance/occupancy, etc. Fine amounts based on first and subsequent violations laid out in the ordinance.</p>
<b>Permit Revocation Procedure</b>	<p>Upon a determination by an official designated by the Village Council to administer and enforce this Ordinance, that the short-term rental registration permit is subject to revocation, such official shall issue a notice to the owner that the Village intends to revoke the rental registration permit. Prior to such revocation, the Village shall schedule a hearing before the Village Council and notify the owner in writing at least 14 days prior to the hearing of a time and place for that hearing. At the hearing, the owner may present evidence that the requirements for revocation provided in subsection 2.A are not satisfied, or that the owner should not be held responsible for one or more of the three requisite violations due to extenuating circumstances.</p>	<p><i>Upon revocation of registration, an Owner shall not be issued a short-term rental permit for a period of one year, and the subject dwelling unit cannot be used as a short-term rental until a permit is issued pursuant to the provisions of this Ordinance.</i></p>	<p>Upon revocation of registration, an Owner shall not be issued a short-term rental permit for a period of one year, and the subject dwelling unit cannot be used as a short-term rental until a permit is issued pursuant to the provisions of this Ordinance.</p>	<p><i>Revocation Period and Effect. Upon revocation of registration, an Owner shall not be issued a short-term rental permit for a period of one year, and the subject dwelling unit cannot be used as a short-term rental until a permit is issued pursuant to the provisions of this Ordinance.</i></p>
<b>Severability</b>	<p>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.</p>		<p>The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. This Ordinance is to be construed as being consistent with State and Federal law and regulations.</p>	

# **Manager & Departmental Reports**

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# Village of Paw Paw MICHIGAN

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## Memorandum

To: Village Council  
From: Bryan Myrkle, Village Manager  
Re: Village Manager's Report for October 28, 2024  
Date: October 25, 2024

### Updates & Reports

**Maple Island Bridge** – The Maple Island Bridge replacement project is now out for bids. You can see the bid notice on our website if you are interested. It is also posted elsewhere. Bids are due on November 14 at 2 p.m. While we have not yet received the project permit from EGLE, the Department of natural Resources has reviewed the final project proposal and let us know that it will meet the requirements of the Natural Resources grant that is helping pay for the majority of the project. As Councilmembers may remember, it is critical that we get this project under contract before the end of the year so that we can make use of approximately \$300,000 in ARPA funding.

**Redevelopment Ready Communities** – I met with the RRC representative from the Michigan Economic Development Corporation this week to assess where Paw Paw stands in relation to its potential certification under this program. RRC is an initiative of the MEDC that encourages communities to adopt certain 'best practices' associated with planning and economic development. It appears that substantial progress toward certification was made during Sarah Moyer-Cale's time as Village Manager and that Paw Paw is in a position to attain certification over the next year, or so. RRC Certification would have several benefits for the Village. For one, it would help the Village qualify more easily for certain grants and incentives offered by the State. It also sends a strong signal to potential developers and investors that development decisions made by the Village will follow recognizable and predictable patterns.

**Zoning Administration** – Since the retirement of Leonard Lux, I have been handling most of the Zoning Administration work within the Village. I expect this to continue for some time as we



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evaluate our staffing needs moving forward. Because of this, I will be asking the Village Council to adopt a resolution at your next meeting designating me the official Zoning Administrator for the Village. Eventually, I expect the Village to hire a qualified person to manage this task.

**EV Chargers** – As Councilmembers may remember, the Village has been approached by a major manufacturer of electric vehicles about installing a large bank of chargers within the Village. This request has been on the table for nearly two year. However, there are still a few unanswered questions about the load this will place on our electrical system, which could impact its capacity and reliability. We have asked Michael McGeehan of GRP, one of our regular electrical service consultants, to help us evaluate the infrastructure improvements that might be necessary for this project, as well as the costs. This will help us determine whether the project is feasible and help the manufacturer determine whether the cost of these improvements make sense as an investment for them.

**MEDC Revitalization & Placemaking** – I talked to the Village of Paw Paw DDA Board this past week about the MEDC’s Revitalization and Placemaking Program. This program could bring quite a bit of additional funding to downtown Paw Paw in the form of façade improvement assistance to downtown property owners. The MEDC has tied its program tightly to communities with DDA’s that have existing and successful local façade improvement programs. I talked to the board about making some short-term adjustments to our façade program to help maximize the amount of assistance to property owners who qualify to participate in the state’s RAP program.

**Warner Vineyards** – It is my understanding that Warner Vineyards is still awaiting the final report from Audio Impact on its findings from this summer’s concert series. Once we have the information from that report, we will be able to move forward with the proposed Outdoor Entertainment Ordinance.

**Briggs Dam** – Now that the pre-application meeting with EGLE has taken place, Barr Engineering is close to finalizing the plans for next summer’s replacement of Briggs Dam. We expect to receive a final review copy of the plans the first week of November and then expect to submit the plans for permitting approximately one week after that.



10/14/2024

### LIEAF – Low Income Energy Assistance Fund

We have opted out of the State Mandated fund which would have required us to charge our customers a set amount each month, this amount is based on what the state required. At the time the amount was around .88-\$1.00, and I have heard that this is being raised to \$1.25 with a cap of \$2.00.

Even though we opted out of this program we are being required by the State to have a fund of our own to assist low income with electric and heating costs. We can set whatever amount we feel is necessary to meet these needs. Some of the communities that had opted in are now wanting to opt out as they are collecting too much money and being opted in, they must collect the amount that the state directs. So, by setting our own amount based on actual needs in our community we can limit the impact to our customers.

When the State decided to make this available for the communities that opted out, they said we could not perform shut offs all year long, it was brought to their attention that without having shutoffs all year we would not necessarily know who needed assistance, so having this program we will have the right to shut off any time during the year. In talking with other communities in this program it was felt that shut offs could continue up to the end of November and start again in the March/April timeframe. No one wanted to shut people off during the real cold timeframe.

We will need to set this up, maybe we could join with a local organization such as a church to make this assistance available to our low-income customers. This would also need to be tracked. I am still obtaining more information and am not sure if this is based on household income or what the criteria will be to prove there is an actual hardship need.

Tim Brandys

Director of Public Services

Village of Paw Paw