

MEETING MINUTES

December 18, 2006

VILLAGE OF LYONS

212 Water Street, P.O. Box 175
Lyons, Michigan 48851
989.855.2125 FAX: 989.855.2813
villageoflyons@lyonsvillage.org

Meeting called to order by President Bernard Russell at 7:00 p.m.

Pledge of Allegiance to the Flag

Roll Call:	Ann Randall	P	Rosie Ferris	P	Jim Shattuck	AB
	Carrie Webster	P	Stan Nave	P	Paul Tunell	P
	Bernie Russell	P				

Also attending:		Linda Rairigh	P	Susan Craft	P
	Steve Larson	P			

Guest attending:

Jim Honnold, Charity Wooden, Judy Rich, Jerry Rich

Motion to approve agenda offered by Trustee Webster, second by Trustee Tunell, **Motion carried by voice vote**

Public Comment:

1. Bea Zander – wants to straighten out situation with Mothers house regarding disagreement over classification of house as an apartment. She has contacted her attorney and will have to take it to court if we can not resolve this issue. The Council discussed “dwelling” definition and the possibility of amending the ordinance – Ordinance Committee will look at the ordinance again and make recommendation back to council and will send a letter to Mrs. Zander with results.

Presidents List:

1. Based on written complaint by Vern Thayer – requested a stop sign be placed on the corner of Elizabeth & Isham. It was noted that MDOT requires a safety study before any signs are added to village streets. We recommend that Mr. Thayer provide more specific information including recording the time and nature of the problems. He can then contact the DPW with the details so we can determine what further action is necessary.
2. Based on written complaint by Kevin Maddox – asked the council to have the yard of 641 E. Isham cleaned up and have debris removed. Council recommended that yard be cleaned up and wood stacked. President Russell and DPW Susan Craft will check the location to determine if problem still exists and we will send a letter if needed.
3. Motion offered by Trustee Randall, second by Trustee Webster to give a \$50.00 staff bonus to the Clerk, the Treasurer and both full time DPW employees. **Motion carried by voice vote.**
4. a. Update for Council regarding Terry May: There has been an ongoing dispute as a result of work done on the Village right-of-way as part of the road project. He has removed, replaced and changed Village property located on the right-of-way. The County Road Commission is now watching the situation and will follow up if there are further problems.
4. b. Vern Shattuck has dug a trench over our sanitary sewer line behind the Chrysler Plant to drain water from one location into the river. It is believed that he is mining gravel in this same area. DEQ has filed a “Notice of Violation”. Before we follow-up regarding the mining ordinance violation we will wait to see the results of the DEQ “Notice of Violation”.

- 5. Tree Program was referred to the Street Committee to look into.
- 6. Sidewalks – Telecom money must be spent and was also referred to Street Committee
- 7. Road Ordinance – This ordinance needs to be adopted to prevent damage to our streets. If Vern Shattuck continues mining gravel he will want to go over our streets. His trucks and others will cause damage to our streets.

Ordinance offered by Trustee Webster, supported by Trustee Randall, moved to have the following ordinance adopted: **Motion carried by voice vote.**

ORDINANCE No. 2006-1-30.036
TRUCK ROUTE ORDINANCES

THE VILLAGE OF LYONS ORDAINS:

Section 1.

Ordinance No. 2006-1 is hereby added to the Code of Ordinances, Village of Lyons, immediately following Part 30: Section 36 to read in its entirety as follows:

Truck Routes

Sec. 36.001. Purpose.

The purpose of this article is to regulate the orderly operation of trucks on the streets of the Village. The primary objectives are to facilitate the transfer of goods and services by trucks to businesses and to preserve the quality of life of neighborhoods. Prime considerations involved with the purpose of this article are:

- (a) The safety of our citizens;
- (b) Avoidance of unreasonable or unnecessary disturbance or reduction in property values due to truck noise, vibrations, and/or air pollution;
- (c) Protection against the deterioration of those streets not designated for truck traffic; and
- (d) Adequate truck service to businesses and residences in an expeditious manner, having due regard for economical vehicle operation.

Sec. 36.002. Traffic Control Signs.

Where density of traffic, protection of life and property, construction and condition of the roadway, or any hazardous condition make it advisable, the direction of traffic flow, and routing of buses, trucks, and heavy vehicles, will be made by this article by duly posting traffic control signs and it shall be unlawful to drive or cause to be driven, any vehicle in violation of such direction and routing.

Sec. 36.003. Truck Routes Map. The streets designated as forming the truck route system are indicated upon the Truck Route Map attached as Appendix A and all notations, references or other information located thereon, are made a part of this article and shall have the same force and effect as if there were fully set forth or described herein. The map shall be properly attested by the Street Administrator and shall be on file with the Village Clerk.

Sec. 36.004. Street Designations.

The streets of the Village are hereby designated for purposes of this article as follows:

- (a) **Truck Routes:** Those streets or portions of streets specifically designated as Truck Routes in Section 36.005.

Sec. 36.005. Truck Routes.

The following roadways, or portions of roadways, in the Village of Lyons, are hereby designated as Truck Routes for purposes of this article:

STREET LOCATIONS

Keefer Hwy. To Libhart St. to W. Bridge Street

Riverside Dr to Libhart St

W. Bridge St from Libhart to E. Bridge St to Kimball Rd

Tabor St from E. Bridge St. north to the corporate limits

Edward St from W Bridge St. north to corporate limits

Sec. 36.006. Motor Vehicles of Restricted Class.

Motor vehicles of the restricted class as used in this article are defined as all motor vehicles having a weight of 10,000 pounds or more including the load therein, except vehicles carrying or designated to carry passengers, all governmentally-owned or leased vehicles, public utility vehicles and vehicles used for private refuse handling.

Sec. 36.007. Travel Into or Out of Village.

Motor vehicles of the restricted class, which do not have a pick-up, delivery, or service within the Village, shall enter and exit the Village on Truck Routes only. Motor Vehicles of the restricted class will subject to the Ionia County seasonal load restrictions on the truck routes or any other roadway in the Village during the seasonal load restriction times placed on County roadways.

Sec. 36.008. Travel within the Village; Truck Routes; Exceptions.

Motor vehicles of the restricted class, while, in the Village of Lyons, shall travel on Truck Routes only, except as follows:

- (a) The operation of authorized emergency vehicles may occur on any roadway in the Village. (b) The operation of recreational vehicles as defined by State law, which are of the restricted class, may use any roadway in the Village.
- (c) The operation of motor vehicles of the restricted class is permitted on any roadway in the Village for pick-up, delivery, or service where the destination is not on a Truck Route, provided that ingress and egress thereto or therefrom is accomplished in the following manner:
 - (1) Vehicles of the restricted class shall utilize designated Truck Routes to the point closest to delivery, pick-up or service.
 - (2) Upon leaving or returning to the Truck Route, vehicles of the restricted class shall utilize the shortest route available to reach the delivery, pick-up or service destination.
 - (3) In making consecutive deliveries, pick-ups or services to destinations not on Truck Routes, motor vehicles of the restricted class shall proceed on roadways other than Truck Routes only if the distance traveled on non-Truck Routes as a result of this routing would be less than the distance traveled on non-Truck Routes if the vehicle had returned to a Truck Route as in (2) above and then proceeded to the next delivery points in (1) and (2) above.
- (d) The roadways designated as Truck Routes in Section 163.05 shall be posted with signs at appropriate intervals. Such signs shall consist of the words "Truck Route" below which shall be placed an arrow indicating the direction of the Truck Route.
- (e) Non-Truck Route streets may be posted with signs at reasonable intervals where appropriate. Such signs shall indicate "No Trucks" or "Not a Truck Route".
- (f) It shall be the duty of any person driving or in charge or control of any buses, trucks, or heavy vehicles, other than vehicles carrying or designed by carry passengers upon any roadway not a designated Truck Route upon the request of a police officer to stop and answer any questions regarding the weight of the truck, its destination, and its point of origin; and such persons shall also present log book, weight slips, delivery slips, and other written evidence of destination or point of origin, for the officer's examination.
- (g) If any designated Truck Route or portion thereof shall be under repair or otherwise temporarily out of use, motor vehicles of the restricted class shall use such other temporary Truck Routes as may be designated by the Village DPW, or designee.
- (h) In case of an emergency, a temporary permit allowing exceptions to this article may be issued by the Village DPW or designee.
- (i) Any truck or equipment owned or operated by the Village; or working under the direction of the Village, shall be exempt from this section.

Sec. 36.009. Municipal Civil Infraction.

- (a) A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$500.00, plus costs of repair of damaged streets, and other sanctions, for each infraction.
- (b) Repeat offenses shall be subject to increased civil fines as provided by section 3.008(a) of this Code.
- (c) Ordinance Fine for 1st Violation \$750.00
Fine for 2nd Violation \$1,000.00
Fine for 3rd or any subsequent violation \$500.00

Section 2. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3. Effective Date. By publishing as required by law this ordinance shall become effective twenty (20) days after its adoption.

Yeas: Randall, Webster, Ferris, Nave, Tunell, Russell

Nays: None

Absent: Shattuck

ORDINANCE No. 2006-1-30.036 DECLARED ADOPTED

Bernard C. Russell

Bernard C Russell, President

Jill Stilson

Jill Stilson, Village Clerk

I hereby certify the foregoing to be a true copy of an ordinance duly adopted at a regular meeting of the Village Council of the Village of Lyons held on December 18, 2006.

Introduced by: President Russell
 Adopted: December 18, 2006
 Published: December 30, 2006 in the Ionia County Shoppers Guide
 Effective Date: January 7, 2007

8. Municipal Code quote – Motion offered by Trustee Webster, second by Trustee Tunell to accept and pay the base cost of \$5,160.00 to have Village Ordinances codified but to exclude the \$400 fee for linking to their website if it is not required. **Motion carried by voice vote.** Codification to include the following;

SCOPE OF WORK

MUNICIPAL CODE CORPORATION, a corporation duly organized and existing under the laws of the State of Florida, hereinafter referred to as MCC, hereby offers to perform codification services for the VILLAGE OF LYONS, MICHIGAN, hereinafter referred to as Client.

MCC will research, edit, index and publish (both in print and electronically) the finally enacted legislation Client specifies for inclusion in the Code. Material Included. All legislation of a general and permanent nature, passed in final form by the Client, as of the cut off date established by the MCC attorney (usually after conference); will be included in the new Code. MCC prefers the material in an editable electronic form, and will rely upon the electronic media during the codification process when furnished electronically, unless otherwise instructed. However, materials are not required to be furnished in electronic form and can be provided via fax or printed copy.

All material received by MCC will be acknowledged via e-mail or the postal service. Research of minutes can be provided as agreed upon by the Client and MCC.

Omitted Material. The following legislation, which is not of a general and permanent nature, will be omitted from the Code unless otherwise instructed by MCC and the Client: Appropriations; Franchises; Bonds; Vacating Streets and Other Public Properties; Sales of Surplus Assets and Properties; Tax Levies; Special Elections; Contracts and Agreements; Rezoning; Personnel Regulations; Annexations and Disannexations; Tax Anticipated Notes and Issuances of Similar Debt Instruments; Appointments of Named Individuals to Positions within a Governmental Body; Comprehensive Master Plans and Traffic Schedules.

Ordinance Research Tools. To facilitate finding sample provisions during this project, MCC will provide the Client with two (2) subscriptions to the Multiple Code Search Service. This will allow the Client to provide two (2) people with access to the search software on our website for full state searching (see Additional Services). MCC will also provide samples of provisions, as requested during the project.

Supplementing Existing Code during Codification. MCC can provide Supplementation Services, electronic options and web hosting for the existing Code while the codification project is underway. MCC can update the existing Code on any schedule the Client desires. MCC can also provide Electronic Updates in lieu of Printed Supplements during this project. All service options are described in greater detail in the Supplement Service portion of the proposal.

Legal and Editorial Work. MCC will assign a team, consisting of a lead attorney, editor, proofreader and indexer, to the project. All recommendations by this legal team are intended for use by the Client's attorney and should not be considered legal advice. This legal team is responsible for the following:

- **Research and Review.** MCC will research all legislation submitted by the Client against the State Constitution, State Law, the Charter (if the Client has adopted one), as well as inconsistencies and conflicts within the legislation itself. Zoning and Land Use provisions will be reviewed only if included in the Code. Ordinances enacted, or added, subsequent to the date of this agreement, or items not contemplated within the scope of service, may be added at the additional page rate.

- **Structure.** MCC will suggest a structure and organization for the Code and provide a Table of Contents indicating said structure. MCC will assume the legislative structure is to remain intact unless discussed with our attorney and approved by the Client.

- **Legal Manuscript.** MCC will submit a legal manuscript for the Client's review. This manuscript will reflect the MCC attorney's legal review and will contain the substantive provisions of legislation provided by the Client and with proposed changes. Recommendations by MCC's attorney will be provided and discussed with the Client. The legal manuscript will be provided in electronic form; a printed copy can be provided upon request.

- **Conference.** MCC will conduct a conference, either in person, via telephone or webinar, to review the legal manuscript. All persons interested in the project may be included; but the Client's attorney and Clerk are essential. Issues discovered during the legal research will be discussed at the conference, with agreed upon solutions noted in the legal manuscript. The Client's attorney has the final decision making authority for resolution of issues brought up at the Conference or "footnoted" in the Legal Manuscript.

- **References.** MCC will provide State Law references within the Code. Additional references, such as editor's notes, reserved sections, and referenced materials, will be provided as appropriate.

- **Editing.** MCC will edit the Code to reflect proper grammar and stylistic consistency. MCC will not reword any provision that affects the substantive intent of the Code, unless the Client approves the revision; however, MCC may make non-substantive revisions to improve readability.

- **Proofreading.** MCC will proofread the Code prior to submitting proofs. The text will be reviewed for sense, structure and to ensure the implementation of the decisions by the Client and MCC's attorney are correct.
- **Format Options.** MCC will review format options, such as font type (e.g. Arial, New Century School Book, Times New Roman) font size (9, 10, 11, 12 point) page layout (single or double column), graphics appearance and placement, with the Client. We will help you choose a format that result in a professional document that is easily researched. Sample page formats will be provided for review and selection.
- **Index and Tables.** MCC will create a subject matter index and all tables (Contents, State Law Reference, Prior Code Comparison, Ordinance Disposition, etc.) for the Code as necessitated by the materials. Additional tables required by the Client can be created.
- **Graphics.** MCC will add the graphics when provided by the Client in a usable format and insert them into the printed and electronic versions of the Code.
- **Adopting Ordinance.** MCC will provide an Adopting Ordinance upon completion of the project.

Proofs. After editing and proofreading, proofs incorporating solutions captured in the legal manuscript will be delivered to the Client. The proofs are an updated legal manuscript indicating agreed upon changes as decided by the Client. The proofs will have been edited and proofread, though they will not contain all of the tables and the subject matter index and will not be in final form for printing. A sample of the finished Code format will also be provided. MCC guarantees typographical correctness. Any errors attributable to MCC will be corrected at no charge during the term of this Agreement. MCC's liability for all services shall extend only to correcting the errors in the Code and subsequent updates, not to any acts or occurrences as a result of such errors, and only as long as the contract is in effect.

Delivery of Code.

- **Printing and Binding.** The number of copies selected by the Client will be printed in the chosen format and delivered to the Client. Color printing is available at an additional charge. Standard binding for the Code is three-post, expandable, black, leatherette binders with gold, silver or white stamping. Alternate binders, such as D-ring or polyvinyl, are available. Binder colors can be reviewed at www.municode.com under the Products link. A Seal or logo can be added in addition to the text on the front and spine of the binder, if desired. Divider tabs for each major section of the Code and Index are also provided.

- **Reprints or Pamphlets.** Selected Chapters, or combinations of Chapters, may be reprinted for distribution. Pamphlets are provided separately, based upon then current price list. They can be provided with binders, paper covers, tabs and all other standard publishing options. MCC can also provide these to subscribers. See Distribution under Additional Services.

Electronic Code. The Code will be furnished in any electronic medium and format (Internet, CD-ROM, Word, WordPerfect, Text or RTF, PDF, or integrated with search engine, etc.) selected by the Client. Attached is a current list of options; an updated list of options will be provided upon shipment of proofs so selections can be made from then current services.

Client Responsibility. The Client agrees to:

- **Amendatory Legislation.** The Client shall immediately forward all adopted legislation (including amendments, the Charter, Special Acts and other pertinent rules and regulations having the effect of law) to be codified on a continual basis. Submission should be timely and can be sent in electronic, fax or printed form.
- **Review.** The Client shall review, modify and/or approve the proposed Table of Contents and organization of the Code, page format, font type and size, approve number of copies to be printed, binder colors and choice of electronic format.
- **Participation of Attorney.** Ensure the Client's Attorney and other interested personnel attend and participate in the project, including on-site or teleconference and review of the proofs.
- **Submission of data.** The Client shall provide data, graphics and tables of the highest reproducible quality, preferably in their original, electronic format. Provide a black and white line art seal or logo for the binders, if desired.
- **Proofs.** The Client will review and return the proofs within 45 days of receipt. Changes to the text should be marked directly on the proofs. Please note delaying the return of proofs can delay the project due to the amount of additional legislation passed subsequent to submission of proofs. Changes not discussed at conference, deletions and additions to the proofs may result in a proof update fee. Should the Client fail to return proofs within five (5) months, the balance of the contract shall become due and payable. Additional copies of proofs can be provided upon request.

CODIFICATION QUOTATION SHEET FOR LYONS, MICHIGAN

Base Cost, includes

\$5,160

- Receipt, review and organization of materials
- Preparation of Legal Manuscript
- 0 or 1 Copies, to include binders and tabs
- Adopting Ordinance
- Legal Work
- Editing
- Proofreading
- Proofs
- Indexing
- Base number of pages

Options that may apply to the above project:

- Font (Arial, Times New Roman, New Century Schoolbook)
 - Please indicate conference choice
 - On-site Conference, each OR \$2,000
 - Teleconference or Web based conference, per 3 hour session \$250
 - Additional pages over the base, per page \$22
 - Additional material amended or added after conference, per page \$22
 - Black and White Graphics, each \$10
 - Color Graphics (includes printing), each \$25
 - Additional Copies/Binders/Tabs Quotation upon request
 - Freight Actual freight
 - State Sales Tax If applicable
- Additional Services available with the above project:
- Reprints of Chapters or Portions of the Code Quotation upon request
 - Distribution of Codes and Supplements No Direct Cost to Client
 - Electronic Media Options See attached information
- Payments for Codification Services¹
- Execution of Agreement \$1,500
 - Submission of the Legal Manuscript \$1,300
 - Submission of Proofs \$1,300
 - Delivery Balance
- ¹ Payments can be scheduled through two (2) budget years.
- Please select a Page Format and Font Size*
Estimated pages based on page format and font size
- | Page Format (circle One) | Single Column |
|--------------------------|---------------|
| | Double Column |
| 275 pages | 10 Pt |
| 315 pages | 11 Pt |
| 345 pages | 12 Pt |
- Page Format Font Size
 10pt 11pt 12pt
 Single Column 275 315 345
 Double Column 195 225 245

9. Based on written complaint by Charity Wooden – requested a letter be sent to Jim Shattuck in regards to Ordinance Part 40, section 40.107 Breach of Peace. Council stated we will not get involved in a neighborhood dispute and recommended she contact the police or an attorney to get restraining order or other follow-up concerning these issues. Council agreed to send a letter to Jim Shattuck notifying him that a complaint has been filed and indicating the options that were given.

Approval of November Minutes:

Motion to approve November 20, 2009 minutes was offered by Trustee Webster, second by Trustee Tunell, **Motion carried by voice vote.** The following comments were made in reference to the November minutes:

- We should contact the Michigan State Police to pursue the complaint regarding property damage at the boat launch.
- Susan will provide a breakdown of the total cost of the easement project to Trustee Nave and Trustee Webster
- The personnel committee is missing employee reviews from two council members (Tunell and Russell). They both agreed to provide those reviews soon.
- The Treasurer will follow up with the Clerk to determine the status of the letter to Phoenix Enterprises. Council asked that two additional letters be sent right away. The first will require them to provide access to their meter as required by ordinance. We will indicate that this request will be enforced by any means available including obtaining a police escort to cut the gate lock and/or to shut off service until he is in compliance. The second letter will reiterate that the blight ordinance must be complied with and that we will enforce it by having vehicles towed at his expense, if necessary. Both letters should have a compliance deadline of January 5, 2007.
- Motion offered by Trustee Webster, second by Trustee Tunell that the next newsletter will include the option of receiving future newsletters by email or by public posting but that it will not be mailed beginning next fiscal year due to cost. (Note that the next newsletter will also include the water report) **Motion carried by voice vote.**

Approval of Accounts Payable:

Motion to approve the December Accounts Payable was offered by Trustee Webster, second by Trustee Tunell, **Motion carried by voice vote.**

Approval of Treasurer's Report:

Motion to accept December Treasurer's Report was offered by Trustee Webster, second by Trustee Tunell, **Motion carried by voice vote.**

COMMITTEE REPORTS –

Street Committee – Ann Randall, Chair

Nothing additional at this time

Finance Committee – Carrie Webster, Chair

Regarding budget proposal for next year – Trustee Webster recommends accountability by the fire department and recommends that the Fire Chief attend the council meeting when he requesting new turn out gear. He is invited to attend the next council meeting to justify 2 sets of turn out gear instead of the 1 set that the committee is recommending. President Russell will forward this information to the Fire Chief.

The committee will be recommending approval of the requested office computers but Trustee Webster will be voting against the computer but in favor of the printer. It was suggested that Robert Johnson be asked to attend the next meeting to answer questions that may come up regarding the requested equipment.

Personnel Committee – Ann Randall, Chair

The committee will meet after Christmas to discuss the employee evaluations. It is expected that all evaluations will be in at that time.

Fire, Water & Sewer Committee – Paul Tunell, Chair

Nothing to report at this time

Grants Committee – Jim Shattuck, Chair

Chair was not in attendance so nothing was reported.

Ordinance Committee – Carrie Webster, Chair

A committee meeting will be set for January after the next Council meeting to discuss “dwelling” definition

Parks & Recreation Committee – Jim Shattuck, Chair

Chair was not in attendance so nothing was reported

DPW Reports – Susan Craft, DPW Superintendent

Council approved one night lodging for Both Susan and Steve at the Michigan Rural Water annual conference.

Council Comments – No additional comments

Motion offered by Trustee Tunell, second by Trustee Webster to adjourn the meeting.

Motion carried by voice vote. Adjournment at 8:45 pm

CERTIFICATION

I, Jill Stilson, hereby certify that the foregoing is a true and complete copy of village regular meeting minutes adopted by the Village Council of the Village of Lyons, County of Ionia, and the State of Michigan, at a meeting held on December 18, 2006. Public notice of said meeting was given pursuant to and in compliance with the Open meetings Act, Act no. 267 of the Public Acts of Michigan 1976, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: December 18, 2006

Jill Stilson

Jill Stilson, Village Clerk