

# REGULAR MEETING MINUTES

January 15, 2007

## VILLAGE OF LYONS

212 Water Street, P.O. Box 175  
Lyons, Michigan 48851  
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[Villageoflyons@lyonsVillage.org](mailto:Villageoflyons@lyonsVillage.org)

Meeting called to order by President Bernard Russell at 6:59 p.m.

Pledge of Allegiance to the Flag

Roll Call:

Ann Randall	P	Rosie Ferris	P	Jim Shattuck	P	Carrie Webster	P
Stan Nave	P	Paul Tunell	P	Bernard Russell	P		

Also Attending:

Jill Stilson	P	Linda Rairigh	P	Susan Craft	P	Steve Larson	P
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Motion to approve the agenda offered by Trustee Webster, second by Trustee Tunell,

**Motion carried by voice vote**

### Public Comment:

Dale Leiter requested permission to have the Lyons Muir Lyons Township Fire Department do a controlled burn of the house currently standing at 250 S. Hawley. Motion offered by Trustee Webster, second by Trustee Tunell to allow the Lyons Muir Lyons Township Fire Department to do a controlled burn to be supervised by Fire Chief Lyndon Randall. **Motion carried by voice vote.** Clerk Jill Stilson will send a letter to Fire Chief Lyndon Randall to confirm that the council has approved the controlled burn of the house located at 250 S. Hawley. Also a copy of same letter will be sent to Dale Leiter.

John Zander asked what the council decision was concerning Ethel Ralph's home at 710 East Bridge Street. Trustee Webster explained that the Ordinance Committee will be meeting Wednesday, January 17<sup>th</sup> at 7:00 p.m.

### Presidents Comments:

1. EightCAP has sent a contract to use the Red Building for the next year. In return they will pay for Village water, Consumers, and half of the trash services each month. Motion offered by Trustee Webster, second by Trustee Shattuck to accept the EightCAP contract of one year. **Motion carried by voice vote.**
2. Lyons Township District Library President, Audie Lynch has requested to have Mrs. Judith Rich be re-appointed to the library board for a four year term. Motion offered by Trustee Webster, second by Trustee Tunell to re-appoint Mrs. Judith Rich to the Lyons Township District Library for a four year term. **Motion carried by voice vote.**
3. Council was given a copy of MERS Life/AD&D, will review for the next meeting
4. Tyler Ward contacted President Russell about the damage done at the boat launch, asking when it was we wanted the work done. Russell then spoke to Susan Craft, DPW, and it was agreed to wait until spring.
5. Dave Bee has dropped off the Park and Recreation Plan. He has some one on his staff who is in training and will do a Village wide Master Plan. The Master plan would be at no cost to the Village other than any public hearings postings or mailings required for the plan. This will take about a year to complete. Motion offered by Trustee Webster, second by Trustee Tunell to accept the offer of doing a Master Plan for the Village of Lyons by the West Michigan Regional Planning Commission to be supervised by Dave Bee at no cost to the Village other than for any mailing required and publication of notices for public hearings. **Motion carried by voice vote.**

6. MML is offering training March 20<sup>th</sup> for any who would like to attend. Jill Stilson would like to attend two classes at the cost of \$69.00 each. Motion offered by Trustee Ferris, second by Trustee Shattuck to approve training for Jill Stilson and anyone else who would like to attend at the cost of \$69.00 each for two classes. **Motion carried by voice vote.**

Trustee Webster asked if letters had been sent to Pheonix Enterprise. Reply was yes but not by certified letter. Webster requested the letters be re-sent by certified mail and compliance must be in fifteen days. First letter is for key to gate to allow admittance to Village water jack for service. If Mr. Ajdari still has not complied with our request, we will contact the Ionia County Sheriff for assistance in entry and water service will be discontinued. Second letter pertains to "Junk Car Ordinance," the Village has requested to have only cars that are saleable on display at the front of his location, and to remove any damaged cars and car parts, these are to be stored in his enclosed area behind his store. Compliance must be within fifteen days. Should he not comply, the Village will have any damaged vehicle towed from the lot at the owners (Mr. Ajdari's) expense.

Motion offered by Trustee Webster, second by Trustee Tunell to have letters sent requesting admittance to the enclosed area by registered letter, non-compliance will result in having the County Sheriff assist in entry and water service will be discontinued. Mr. Ajdari will need to come before full council to have services reinstated. Mr. Ajdari will also need to comply with Junk Ordinance and store all damaged vehicles and car parts in the enclosed area behind his building. **Motion carried by voice vote.**

Trustee Webster asked if Fire Chief Randall would be attending this meeting, Response was No. President Russell did deliver the list of questions to the Fire Chief, but as of today no response had been made. Trustee Webster requested a letter be sent to fire Chief Randall explaining that the council had questions concerning the requested turn-out gear and would he attend the February meeting. Trustee Webster also asked about Robert Johnson, Jill Stilson explained that Robert's Mother had just passed and he will not be able to attend this meeting. Webster has questions about the computer and printer purchases. Webster does not feel we need to replace the computer as it is still working. The current printer is a desk-jet, and although she had originally supported the purchase, she does not feel it is warranted purchase at this time. When budget is presented, she will not vote to purchase either item.

**Approval of November Minutes**

Motion offered by Trustee Tunell, second by Trustee Webster to approve the November minutes as amended. Request to have "based on written complaint from" added to the complaints received from residents. **Motion carried by voice vote.**

**Approval of Accounts Payable**

Motion offered by Trustee Webster, second by Trustee Shattuck to approve the accounts payable. **Motion carried by voice vote.**

Motion offered by Trustee Randall, second by Trustee Shattuck to authorize the pre-payment to Muir for the Sewer Pond Re-habitation of \$20,000.00. **Roll Call Vote**

Ann Randall	No	Rosie Ferris	No	Jim Shattuck	No	Carrie Webster	No
Stan Nave	No	Paul Tunell	No	Bernie Russell	Yes	<b>Motion Denied</b>	

**Treasurers Report – Linda Rairigh**

Motion offered by Trustee Tunell, second by Trustee Webster to approve the proposed resolution regarding property liens.

Linda Rairigh recommends that a procedure be put in place that would include notifying the property owner and the renter (if one) when a renter moves outside of the Village limits with a current balance owing. The notification should warn of the potential lien and give them until the bill becomes delinquent before placing the lien. If the balance is delinquent the lien should be placed immediately.

**Roll Call:**

Ann Randall	Yes	Rosie Ferris	Yes	Jim Shattuck	Yes	Carrie Webster	Yes
Stan Nave	No	Paul Tunell	Yes	Bernie Russell	Yes	<b>Motion Carried.</b>	

PROPOSED RESOLUTION REGARDING PROPERTY LIENS

**WHEREAS**, It is in the best interest of the Village to place property liens on Village property that owes \$300.00 or more and is delinquent in payment of water or sewer charges; and  
**WHEREAS**, It is in the best interest of the Village to place property liens on Village property when a resident moves out of town and has any balance remaining on their water or sewer bill; and  
**WHEREAS**, the cost of placing a lien on property is a minimum of \$20.00 per lien; and  
**WHEREAS**, the cost of removing a lien from a piece of property is a minimum of \$17.00 per lien;  
**NOW THEREFORE BE IT RESOLVED**, that the Village of Lyons shall place a lien on any property that owes \$300.00 or more and is delinquent in payment of their utility bill on the sixth day of any month. That lien shall remain until the utility bill is current.  
**BE IT FURTHER RESOLVED**, that the Village of Lyons shall place a lien on any property that has a balance outstanding and that the resident of the property has moved outside the Village limits.  
**BE IT FURTHER RESOLVED**, that the Village of Lyons shall add a \$50.00 charge to the utility bill of any property to which a lien is placed. That charge shall be included in the amount of the lien and shall be added to the utility bill at that time.  
**BE IT FURTHER RESOLVED**, that this fee shall be effective March 1, 2007.  
**BE IT FURTHER RESOLVED**, that any properties with liens previously issued and outstanding on March 1, 2007 shall have a charge of \$40.00 added to their utility bill.

Linda Rairigh, Treasurer  
 January 9, 2007

Motion offered by Trustee Webster, second by Trustee Tunell to approve the proposed resolution regarding sewer charges.

Linda Rairigh noted this was agreed to at the last Council meeting. Richard Baldermann, our auditor has indicated that a resolution is necessary to designate retained earnings for any purpose. This resolution will implement the changes agreed to. **Motion carried by voice vote.**

PROPOSED RESOLUTION REGARDING SEWER CHARGES

**WHEREAS**, the Lyons Village Council would like to designate monies received from sewer bills for sludge removal through February 28, 2007 to be used exclusively for sludge removal; and  
**WHEREAS**, the Lyons Village Council would like to change the designation of monies currently received from sewer bill for sludge removal to be changed to sewer repair and maintenance; and  
**WHEREAS**, the Lyons Village Council would like to designate the monies received after March 2, 2007 from sewer bills to be exclusively for repair and maintenance.  
**NOW THEREFORE BE IT RESOLVED**, that an account be established to designate retained earnings for sludge removal and a separate account be established to designate retained earnings for repair and maintenance and that these accounts be funded as determined above.

Linda Rairigh, Treasurer  
 January 9, 2007

Motion offered by Trustee Webster, second by Trustee Tunell to accept the proposed resolution regarding Island Fest monies received in excess of expenses for future events. Linda noted that it has been loosely agreed by the council in the past that any surplus revenues derived from Island Fest could be used by the Special Events Committee for future year Island Fest activities and for other special events identified by the committee. It will be most easily and most appropriately accounted for by establishing a designated fund balance. Richard Baldermann, our auditor, had indicated that a resolution is necessary to designate a fund balance for any purpose.

PROPOSED RESOLUTION REGARDING ISLAND FEST

**WHEREAS**, The Lyons Village Council would like to designate monies received from Island Fest in excess of Island Fest expenses for future events.

**NOW THEREFORE BE IT RESOLVED**, that an account be established to designate that portion of the General Fund, fund balance for "Special Events".

Linda Rairigh, Treasurer  
January 9, 2007

The updated budget reports will be sent via email to all members of the Finance Committee, Trustee Nave asked for a hard copy.

Linda reported that to do a Headlee Override, it must be approved by a vote of the People. We will need to have public hearings and get information out as to why we need the override. Trustee Nave suggested doing a gradual increase, but was told that each increase would need the vote of the people. Further research will be done by Linda. Suggestion of putting the necessary information in the next newsletter.

Motion offered by Trustee Webster, second by Trustee Ferris to send certified letters to Ted's Body Shop and Phoenix Enterprises concerning past due personal property taxes and to proceed to small claims court should it become necessary. **Motion carried by voice vote.**

The Clerk was also asked to resend registered letters to Phoenix Enterprises for ordinance violations of the Blight Ordinance, and Part 80; for right-of-entry. It was stipulated a fifteen day dead line added to the letters. Should our request be denied, we will request Police assistance in gaining access to the Village water jack, and to have the damaged cars removed by towing.

Motion offered by Trustee Tunell, second by Trustee Webster to approve the Treasurers report. **Motion carried by voice vote.**

**Flower Donations** – every council member received a letter concerning donations.

**COMMITTEE REPORTS**

**Street Committee** – Ann Randall, Chair

The past few days, the streets have been slippery; Susan and Steve have done a very good job keeping all of the streets cleared and safe.

**Finance Committee** – Carrie Webster, Chair

The final budget will be sent to the finance committee via e-mail for review. Budget hearing will be just before the regular monthly meeting.

**PERSONNEL COMMITTEE – Ann Randall, Chair**

A copy of a Life and Accidental Death plan was given to the council for review. It proposes the same benefits as we are currently carrying, with a \$15,000.00 pay-out.

**Fire, Water & Sewer – Paul Tunell, Chair**

To date we have thirty wells capped, Susan informed the council that Jim McEwen was here on Friday and will give us the extra money needed to complete the project *IF AN ADDITIONAL APPLICATION IS APPROVED BY THE STATE*. Susan has also asked Kenton Eavey, Wellhead Protection Committee Member, to write the following letter to residents who have yet to approve having their wells capped through this grant process.

**KENTON'S LETTER**

The Village is, at this time engaging in the capping of private wells, this is being done by virtue of grant and so its being done free of charge to the property owner, plus the Village gives the property owner a one time \$50.00 credit of the water bill for each well capped. This is only effective during the current capping of the wells with the grant funds; it will not be extended beyond this period. After the grant runs out the well owner is then responsible for all costs to cap his/her private well, with an average cost of \$2,000.00 or more. The well must be kept in such repair by the property owner, as to not be a means of contamination from surface water or a hazard to public health or safety. This is mandated by the State of Michigan under the Groundwater Quality Control Act, part 127, 1978 PA 386 – See attachment A. This is also covered under Village Ordinance: Part 90 – Classification of Existing Wells (Amended August 18, 2003 (See attachment B).

This information is for private well owners in the Village of Lyons to make factual decisions as to whether to have your private well capped at no cost to you at this time, while the cost is covered by the grant, or if you decide not to have your well capped at this time, you are accepting the responsibility for any cost of future capping. Also note when/if your property is sold the private will has to be disclosed to a buyer and is considered a liability of the property.

**Grants Committee – Jim Shattuck, Chair**

Nothing at this time

**Ordinance Committee – Carrie Webster, Chair**

Ordinance meeting set for Wednesday, January 17<sup>th</sup> at 7:00 p.m. To review a legal response to Bea Zanders request to change the status of 710 E. Bridge St. to a single family dwelling.

**Parks and Recreation – Jim Shattuck, Chair**

Nothing at this time.

DPW Report – Susan Craft, Superintendent  
(See DPW report)

Tabled Items – None

Council Comment – Trustee Shattuck asked what became of the request of Vern Thayer's request for a stop sign at his corner; Susan noted that Vern was having trouble with only one

resident who lives at the end of his street. Vern will need to note times and get license plate numbers. Many only do a rolling stop at sign coming the other way.

Trustee Shattuck stated he would be giving the council a response to the Wooden complaint filed.

Motion offered by Trustee Webster, second by Trustee Tunell to adjourn at 8:30 p.m.

ADJOURN

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 January 15, 2007. 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 January 16, 2007

*Jill Stilson*

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Jill Stilson, Village Clerk