

MARCH PUBLIC HEARING AND MEETING MINUTES

March 19, 2007

VILLAGE OF LYONS

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

PUBLIC HEARING

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

Pledge of Allegiance to the Flag

Roll Call:

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

Also Attending:

Jill Stilson	P	Linda Rairigh	P	Susan Craft	P
Steve Larson	P				

Guest Attending;

Dave Bee, Brandon Bartoszek of West Michigan Regional Planning Commission

Representative Brain Calley arrived at 7:50 pm

GUEST SPEAKER: Dave Bee of West Michigan Regional Planning Commission.

Correction made to the Village of Lyons Recreation Plan 2007-2011. The plan needed a published notice 30 days prior to the hearing, and the status reports of grant assisted parks.

Status Report of Grant Assisted Parks

Lyons Dam (Fish Ladder)

Project Number 26-01249 was for improvements to the Lyons Dam that included a parking lot, two vault toilets, security lights, and a foot path. This was a 1982 application and is a closed project. The original grant amount was for \$16,652 from the Land and Water Conservation Fund. The Village has maintained all of these facilities and they are all functional and remain a valuable part of the Village's recreation facilities.

Island and Community Park (Hazel Devore Island Park and Robinson Park)

Project Number 26-01058 was for improvements to the Island and Community Park that included two vault toilets, an informal ball area backstop, picnic equipment, benches, horseshoe pits, shuffleboard courts, and a LWCF sign (Island Park); and tennis courts at the Community Park. This was a 1979 application and is a closed project. The original grant amount was for \$7,051 from the Land and Water Conservation Fund. With the exception of the shuffleboard courts, the Village has maintained all of these facilities and they are all functional and remain a valuable part of the Village's recreation facilities.

RESOLUTION FOR ADOPTING THE VILLAGE OF LYONS RECREATION PLAN

Motion offered by Trustee Webster, second by Trustee Randall, to approve the adoption of the five year Recreation Plan for the years 2007 to 2012. **Motion carried by voice vote.**

WHEREAS, the Village Council of the Village of Lyons has reviewed the Recreation Plan, and **WHEREAS**, after due notice in the Ionia Sentinel Standard, a paper of general circulation in the Village of Lyons, a meeting was held *November 20, 2006* at the Village Offices, a handicapped accessible building, for the purpose of hearing comments related to the Village's Recreation Plan Update at said Public Hearing.

NOW THEREFORE BE IT RESOLVED, the Village Council of the Village of Lyons approves the Village of Lyons Recreation Plan.

Bernard C. Russell
Bernard C. Russell, President

Jill Stilson
Jill Stilson, Village Clerk

Mr. Bee supplied a Work Program plan outline for a Master Plan to be completed with negligible cost to the village. The Master Plan was approved by the Village Council at the January 07 meeting. Expected cost; Community Survey, Mailings, Public Hearings, Publications in newspaper, Letter to the residents of "Frequently Asked Questions" will be supplied by Dave Bee. Trustee Webster recommended getting started and set up a five member planning commission on a rotating basis. Brandon Bartoszek will be writing the plan to be overseen by Dave Bee.

Moved to the Regular meeting business

APPROVAL OF AGENDA - Trustee Nave asked to add Hazel Devore Clean-up to the agenda. Trustee Webster asked to have the Agenda adjusted to include the Public Hearing on the Recreation Plan. Motion offered by Trustee Webster, second by Trustee Shattuck to approve the agenda with the addition of the Hazel Devore clean-up and the Public Hearing. **Motion carried by voice vote.**

Presidents List – Bernie Russell

1. Street Signs, Susan has ordered the signs needed (see DPW Report #1) at savings of \$107 and post at 50% off the cost by ordering through the County Road Commission.
2. Dick Baldermann – audit bid, Trustee Webster suggested taking bids for the 2008-09 budgets. Motion offered by Trustee Ferris, second by Trustee Randall to accept the audit proposal received from Richard Baldermann for the amount of \$9,350.00 which is to include 10 copies of the audit report. Not to exceed 110 hours for labor to complete the report. Should a need of more hours be determined by Mr. Baldermann, work shall be suspended until council approval of the additional hours. **Motion carried by voice vote.**
3. Waste Management quote for spring cleanup – Motion offered by Trustee Ferris, second by Trustee Shattuck to accept the Waste Management proposal of \$3,824.00 as an approximate cost for the May 12, 2007 spring cleanup. **Motion carried by voice vote.**
4. Hazel Devore cleanup – Trustee Nave requested a cleanup of Hazel Devore Island and along the river banks. The cleanup will be May 5th, and Nave agreed to organize the project with the local kids as volunteers, also recruiting adults to assist in the supervision of the project. Susan Craft agreed to sign off on any students who need community hours for school if they participate in the cleanup. It had been suggested we contact the Muir Grocery to have use of their Hot Dog wagon. Motion offered by Trustee Webster, second by Trustee Shattuck to supply the necessary hot dogs, beverages, drinks and condiments needed for the project to feed the workers who participate in the cleanup on May 5, 2007. **Motion carried by voice vote.**

APPROVAL OF FEBRUARY MINUTES

Motion offered by Trustee Webster, second by Trustee Randall to accept the February minutes as amended. Trustee Webster requested to have a quote for the cost of a TCPIP jet direct card for the printer. **Motion carried by voice vote.**

APPROVAL OF FEBRUARY ACCOUNTS PAYABLE

Motion offered by Trustee Webster, second by Trustee Nave to approve February Accounts Payable. Trustee Webster asked if there were any invoices from Miller, Johnson, or Robert

Johnson, Jill answered there were not. Linda Rairigh explained about the 64 A District Court cost for small claims court at the cost of \$50.00 for two cases. **Motion carried by voice vote.**

TREASURER'S REPORT – Linda Rairigh

Linda presented the HB 4442 bill that will amend the General Property Tax Act, also the Governor's Executive Order regarding the State Budget and Revenue Sharing. (See Treasurer's Report) Linda also recommended each council member contact our state representative and senator to show support for HB 4442.

Mr. Calley answered questions about the Headlee Roll back, and HB 4440 and 4442.

Linda is requesting approval to attend the Michigan Women in Finance Conference in Dearborn, March 30th, cost would be travel only. Linda is also, requesting to attend a five day conference in Mt. Pleasant for Michigan Municipal Treasurer's Association Treasurer's Institute. The conference cost is \$550.00 and she has received a scholarship for this amount. The Village cost would be for travel (\$72.00) and hotel at \$71.50 per night. Motion offered by Trustee Webster, second by Trustee Randall to approve Linda attending the Conference in Dearborn on March 30th, and the Conference in Mt. Pleasant April 30 thru May 4. **Motion carried by voice vote.**

Linda will be following up on information received from MMTA concerning pooling funds to allow better interest on Village monies.

Motion offered by Trustee Webster, second by Trustee Shattuck to approve the Treasurer's Report. **Motion carried by voice vote.**

COMMITTEE REPORTS

Street Committee – Ann Randall, Chair

Susan has talked with the Mike from Ionia County Road Commission about the bridge deck project to get better pricing, and will be talking with Muir about getting there deck done as well. Sidewalk cost was \$42,000.00 if we could get a grant. It is worth a shot to write our own survey for a CBDG for sidewalks. Susan spoke with Bobbie Piercifeild about the section on Bridge St. that is sinking (see #5 of DPW Street Report)

#2 of DPW Report, a semi car hauler is using Irish St. The resident needs to be informed of the road restrictions, which states that delivery is allowed, but he is not delivery. The fact that the local streets are just two inches and the weight of his loaded truck is causing damage to our streets. President Russell will call the resident and ask him to find alternative parking for his car hauler. Suggestion was to park at the factory parking lot.

Resident at 210 S. Elizabeth is blocking area for neighbors drive, and blocking turn-a-round area for DPW truck, Susan is requesting a letter to be written. Trustee Webster asked for pictures, to be attached to letters. Susan will draft a letter and send to both President Russell, and Trustee Webster.

Susan called Derrick from DEQ about Vern Shattuck who is planning to start digging behind the factory again. DEQ stated NO, it is wetland and he is not to continue with his digging.

Act 51 – Map Resolution for street name change from Pewamo Road to Wager Road is required by Candice Rosebrugh. The road that the council abandoned at February’s meeting had been abandoned in 1986 and removed .04 miles, the papers for 1985 showed streets in Lyons were 5.9, and in 1986 they showed 5.86, which we are at today. Motion offered by Trustee Webster, second by Trustee Tunell to change Act 51 map to state the street name change of Pewamo Road to Wager Road. **Motion carried by voice vote.**

RESOLUTION FOR STREET NAME CHANGE

At a regular meeting of the Village Council of Lyons, Michigan, held at the Village Hall on March 19, 2007, the following resolution was offered by Trustee Webster, and supported by Trustee Tunell.

WHEREAS the Village of Lyons did on March 19, 2007 change the street name of **Pewamo Road to Wager Road** and;

WHEREAS it is necessary to furnish certain information to the State of Michigan to place this street name change within the Village Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

That said street is located within the Village right-of-way and is under the control of the Village of Lyons.

WHEREAS, That said street is a public street and is for public street purposes.

WHEREAS, That said street is accepted into the Village of Lyons Local Street System.

Resolution declared duly adopted by President Bernard C. Russell.

March 19, 2007

Jill Stilson

Jill Stilson, Village Clerk

This is certified to be a true copy of the Street Name Change Resolution adopted March 19, 2007.

Jill Stilson

Jill Stilson, Village Clerk

Susan has ordered the signs needed (see DPW Report #1) at savings of \$107 and post at 50% off the cost by ordering through the County Road Commission.

Finance Committee – Carrie Webster, Chair

Fire Chief Lyndon Randall related to Trustee Webster that the Lyons/Muir Lyons Township Fire Department has eight (8) sets of turn-out gear, and is requesting we purchase seven (7) fire helmets at the cost of \$208.00 each instead. The council agreed to purchase one (1) set of turn-out gear and one (1) helmet now, and review the budget in August for the second set. The cost of these new helmets would be \$208.00 each to bring the balance under the \$1500.00 amount budgeted for the first purchase. The council requested Bernie Russell’s opinion on this purchase and he abstained from responding, as he is a member of the Fire Department. He than took committee members to look at the newer helmets. Questions for the Fire Chief are do they really need the traditional helmets? Are they safer than the helmets they currently are using? Motion by Trustee Webster, second by Trustee Randall to stay with the original agreement to purchase one set of turn-out gear, and one \$150.00 helmet, Motion **carried by voice vote.**

Trustee Webster will contact Fire Chief Randall with the council’s decision.

* Linda handed out a copy of the final budget to council for their files.

Personnel Committee – Ann Randall, Chair

Trustee Randall has completed the employee reviews, and all copies have been added to the employee files. A review of the personnel policy shows that some work needs to be done on

the policy. Trustee Randall requested a committee meeting be set for Monday March 26, 2007 at 5:00 pm.

Fire, Water & Sewer Committee – Paul Tunell, Chair

Hydrant flushing will begin April 2nd to April 6th

Susan has three contracts to do maintenance on the water tower

1. Dixon Engineering – five year inspection and cleaning of inside of tank at \$2500.
2. Corpro – cathodic protection at \$1100.
3. Ray’s Welding – welding to replace mud valve at \$2800.

We have received permission from Muir to use their water while ours is under repair at the rate of \$2.25 per 1000. We should only be down five days. Our usage is about 40,000 per day. The cost should be about \$630.00 est. per day. Motion by Trustee Tunell, second by Trustee Webster to accept the bids from Dixon Engineering at \$2500, Corpro \$1100, and Ray’s Welding at \$2800 totaling \$6400.00. **Motion carried by voice vote.**

Grants Committee – Jim Shattuck, Chair

Nothing at this time

Ordinance Committee – Carrie Webster, Chair

Nothing at this time

Parks Committee – Jim Shattuck, Chair

Nothing at this time

DPW Report – Susan Craft, Superintendent

20 bare root trees have been ordered (See DPW Report). Two trees will go by the bank and three will go to by the maintenance garage to replace those removed.

Sidewalk bid came in at \$42,000, which is too high for what we want to do. The committee will check the sidewalks in the spring. Susan will get concrete bids per square foot, once the location of repair is determined.

Trustee Webster asked for more follow up on the information found about an old CDBG from 1993. Jill will call Bette Barnes and get what information she can. Something needs to be done to get a new census survey done.

New Business

Jim Shattuck is requesting a resolution of intent to vacate the following portions of streets with permanent easement rights retained. Resolution was offered by Trustee Webster, seconded by Trustee Tunell to approve the motion to vacate and have a Public Hearing in four weeks.

Motion carried by voice vote. Trustee Nave asked who decides who gets what, and where the property line is located. Property owners will need to have a survey completed to establish exact location of the new property line.

RESOLUTION OF INTENT TO VACATE

WHEREAS, the VILLAGE COUNCIL OF THE VILLAGE OF LYONS has determined that vacating certain portions of public right-of-way is in the best interest of the Village.

It is resolved to vacate the following portions of streets with permanent easement rights retained.

1. John St. lying south of a line beginning at the northwest corner of Lot 130, Block 4 then west to the west line of John St., then south to Hosmer St, Hawley, Lyons, Rockefeller’s Add. Section 19

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2. Prairie St. lying south of a line beginning at the northeast corner of Lot 129 Block 3, then east to the east line of Prairie St, 25 feet north of the northwest corner of Lot 128 Block 4, then south to Hosmer St., Hawley Lyons, Rockefellows Add. Section 19.
3. King St. lying south of a line beginning at the northeast corner of Lot 176, Block 4 then east to the northwest corner of Lot 177, block 5, south to Hosmer St., Hawley, Lyons, Rockefellows Add. Section 19.
4. Hosmer St. starting at Tabor St. between Block 7 and 8 then West along the south plat line towards the river along Hawley St., Elizabeth St., King St., Prairie St. and ending at the west line of John St., Hawley, Lyons, Rockefellows Add. Section 19.
5. Conesus Avenue lying west of John St. and north of Lots 135, 134, 133, 131 Hawley, Lyons, Rockefellows Add. Section 19.
6. Elizabeth St. lying south of a line beginning at the northeast corner of Lot 125 Block 5, then east to the northwest corner of Lot 147 Block 6, then south to Hosmer St., Hawley, Lyons, Rockefellows Add. Section 19
7. Hawley St. lying south of a line beginning at the northeast corner of Lot 148, Block 6 then east to the northwest corner of Lot 149, Block 7, then south to the Grand River. Part of Hawley, Lyons, Rockefellows Add. Section 19, in the Village of Lyons, Michigan; and

BE IT RESOLVED, that the Village of Lyons, a Municipal Corporation, shall retain a permanent easement and right-of-way in which to construct, operate, maintain, repair and/or replace drains, sewers, water lines of other public service facilities or any combination thereof, over, across, under and through the above described land, said easement described as follows:

The Village of Lyons shall retain a 30 foot (thirty foot) permanent easement in the center of the vacated roads listed above, and to enter upon sufficient land adjacent to said easement and right-of-way for the purpose of the construction, operation, maintenance, repair and/or replacement thereof. It is understood that no buildings or construction of any kind or nature will be placed upon the above right-of-way without the prior written consent of the Village of Lyons.

WHEREAS it appears to the Village Council that those portions of streets described have never in fact been opened and have never been used by the public: and

WHEREAS it appears to the Village Council it would be in the best interest of the adjoining property owners and the Village of Lyons in general that the request to vacate be granted.

NOW THEREFORE BE IT RESOLVED, that

The following described portions of streets in the plat of the Village of Lyons:

1. John St. lying south of a line beginning at the northwest corner of Lot 130, Block 4 then west to the west line of John St., then south to Hosmer St, Hawley, Lyons, Rockefellows Add. Section 19
2. Prairie St. lying south of a line beginning at the northeast corner of Lot 129 Block 3, then east to the east line of Prairie St, 25 feet north of the northwest corner of Lot 128 Block 4, then south to Hosmer St., Hawley Lyons, Rockefellows Add. Section 19.
3. King St. lying south of a line beginning at the northeast corner of Lot 176, Block 4 then east to the northwest corner of Lot 177, block 5, south to Hosmer St., Hawley, Lyons, Rockefellows Add. Section 19.
4. Hosmer St. starting at Tabor St. between Block 7 and 8 then West along the south plat line towards the river along Hawley St., Elizabeth St., King St., Prairie St. and ending at the west line of John St., Hawley, Lyons, Rockefellows Add. Section 19.
5. Conesus Avenue lying west of John St. and north of Lots 135, 134, 133, 131 Hawley, Lyons, Rockefellows Add. Section 19.
6. Elizabeth St. lying south of a line beginning at the northeast corner of Lot 125 Block 5, then east to the northwest corner of Lot 147 Block 6, then south to Hosmer St., Hawley, Lyons, Rockefellows Add. Section 19
7. Hawley St. lying south of a line beginning at the northeast corner of Lot 148, Block 6 then east to the northwest corner of Lot 149, Block 7, then south to the Grand River. Part of Hawley, Lyons, Rockefellows Add. Section 19, in the Village of Lyons, Michigan

Be vacated with a permanent easement being retained.

The aforementioned resolution of intent was offered by Trustee Webster

Seconded by Trustee Tunell

DATED: March 19, 2007

CLERK: Jill Stilson
Jill Stilson, Village Clerk

ORDER OF VACATION

WHEREAS, the Village Council of the Village of Lyons on the 19th day of March, 2007 declared that the following described property should be vacated in the Village of Lyons:

The following described portions of streets in the plat of the Village of Lyons:

1. John St. lying south of a line beginning at the northwest corner of Lot 130, Block 4 then west to the west line of John St., then south to Hosmer St, Hawley, Lyons, Rockefellows Add. Section 19
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7. Hawley St. lying south of a line beginning at the northeast corner of Lot 148, Block 6 then east to the northwest corner of Lot 149, Block 7, then south to the Grand River. Part of Hawley, Lyons, Rockefellows Add. Section 19, in the Village of Lyons, Michigan

NOW THEREFORE, BE IT RESOLVED that the following property of the Village of Lyons:

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Be declared vacated with permanent easement rights retained; and

BE IT RESOLVED, that the Village of Lyons, a Municipal Corporation, shall retain a permanent easement and right-of-way in which to construct, operate, maintain, repair and/or replace drains, sewers, water lines of other public service facilities or any combination thereof, over, across, under and through the above described land, said easement described as follows:

The Village of Lyons shall retain a 30 foot (thirty foot) permanent easement in the center of the vacated roads listed above, and to enter upon sufficient land adjacent to said easement and right-of-way for the purpose of the construction, operation, maintenance, repair and/or replacement thereof. It is understood that no buildings or construction of any kind or nature will be placed upon the above right-of-way without the prior written consent of the Village of Lyons.

DATED: March 19, 2007

Bernard C. Russell
Bernard C. Russell, Village President

Jill Stilson
Jill Stilson, Village Clerk

Council Comment –

Trustee Nave does not believe this abandonment will cover the Village in the future and that the survey needs to show where the property line is. He believes the thirty foot of easement needs to be recorded for the Village.

Trustee Webster asked a point of clarification: Is the clerk an appointed position with a three year term, and the last appointment was done in 2006 (and *the clerk's next appointment should be in 2008, as we miss it in 2005*), and is the President's term up in 2009. Newsletter will include the May 5th, and the Village wide clean-up on May 12th, plus Susan's water report. Trustee Webster will write up an item for the newsletter. The question of having the letter delivered by email will be included in this next letter and be out by mid April.

Motion offered by Trustee Tunell to adjourn at 9:14 pm, second by Trustee Webster. **Motion carried by voice vote.**

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 March 19, 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 March 20, 2007

Jill Stilson

Jill Stilson, Village Clerk