

REGULAR MEETING MINUTES

April 17, 2006

VILLAGE OF LYONS

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

Regular Meeting called to order by President Bernard Russell at 6:28 p.m.

Pledge of Allegiance to the Flag

Roll Call:

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

Also attending:

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

Guest: Abby Marek, Bryon Bennett, Charles Cook, Mrs. Nave

Motion offered by Webster, seconded by Ferris to approve the agenda with the addition of DPW Report to be given after Committee Reports. **Motion carried by voice vote.**

Closed Session will not be pursued at this time.

Guest Speaker: Abby Marek of PEM, Ionia County Emergency Management Coordinator spoke of (National Incident Management System) NIMS. Is a result of Presidential Directive #5 created after the attack on 9/11. It is recommended that all Council Members, Fire Departments take the IS-700 and IS-800 test before September 30, 2006. A meeting will be set-up for Muir and the Lyons Township, Lyons/Muir Fire Department to take the needed test. All Village employees will be required to take this test. As council members come and go, each will be required to do testing as well.

Motion offered by Webster, second by Shattuck for the Adoption of The National Incident Management System, **Motion carried by voice vote.**

RESOLUTION FOR THE ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM

At a meeting of the Lyons Village Council held at Lyons, Michigan on April 17, 2006, the Lyons Village Office, 212 Water Street, Lyons, Michigan, does hereby resolve:

WHEREAS, the President of the United States, in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity, and

WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards,

uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the county's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes, and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various county incident management activities, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Lyons Village Council that the National Incident Management System (NIMS) is established as the County standard for incident management.

Bernard C. Russell

Jill Stilson

President, Bernard C. Russell

Village Clerk, Jill Stilson April 17, 2006

Public Comments:

Bryon Bennett requested a check for One Hundred (100.00) dollars for the permit fee for the application to build the bandstand, and the track for the tractor pulls. This permit will be open for 2 years and can be extended if necessary. Funding for Grant seeking can not be started until a workable plan is completed.

Motion offered by Webster, second by Randall to approve payment of a One Hundred dollar (100.00) fee for applications from DEQ permit. Fee will be taken from the capital outlay budget of Five Thousand (\$5,000.00) dollars set aside for bandstand project.

Roll Call	Rosie Ferris	Yes	Ann Randall	Yes	Jim Shattuck	Yes
	Carrie Webster	Yes	Stan Nave	No	Paul Tunell	Yes
	Bernie Russell	Yes	Motion carried six to one.			

Island Fest Update;

1. 60" TV to watch the MIS Race to be delivered to the Fire Department until setup, Dish from Portland Home Works.
2. Street Dance Band Committee has sponsor for this event.
3. Car Show will be on the Island this year
4. Water ball will involve several Fire Departments
5. Requesting additional port-a-potties for park and by Comfort Station for dance
6. Washer Toss event with the American Legion

Bryon has also received an original photo of the old band stand.

Question was asked if the council will be approving Fest bills as they come up, or will it be open until all receipts are in? All invoices will be approved as they come in.

Mrs. Nave has spoken with Deputy Todd Babcock concerning stop signs at Wager Road, Deputy Babcock suggested putting additional signs in the area due to the blind spot at this location. It was also requested by Mrs. Nave to have signs at Higbee and Fuller, and Felch and Irish Streets to reduce speeding in these areas. Suggestion from Susan Craft to call the Sheriff Department and request a radar set-up in that area. The sign issue will be addressed at the Pre-Construction meeting on April 25, 06.

Stan Nave noted water running down Atwater Street at Tabor. May be spring in area. Craft stated they have run cameras through existing storm sewers and did not find any cut-off to show other tile in this area. Suggestion from Stan Nave to ditch area and tile into existing storm system.

President's Report – Bernard Russell

1. Chrysler Plant report from DPW; Craft has talked with Jim McEwan concerning the plant, his suggestion are; Contact Ionia County Health Department as first step to inspect the factory.

- Need to have well metered
- Fire suppression brought up to code.
- Village only has 8 inch line in that area may not be large enough to save building
- Sewer, we don't know if water is running into system.
- Letter to health department asking them to pursue, include all correspondence and ordinances

2. Letter was received from Dave Bee regarding Village Recreation Plan - do we want to do this on our own, or have Dave do it for us? Webster stated we should get a guarantee on the cost. If it is in the current report, we will not be charged a second time for the same information. Russell will be calling Mr. Bee concerning this issue.

3. Wellhead Protection Committee presented; Part 92 Wellhead Protection Ordinance for adoption. Motion offered by Tunell, second by Webster to adopt Part 92 Wellhead Protection Ordinance presented by the Wellhead Protection Committee. **Motion carried by voice vote.**

PART 92

An Ordinance to Provide For and Regulate the Protection of Groundwater Resources in the Village of Lyons, the Village of Muir and those areas of the Township of Lyons and the Township of Ionia that fall in the Wellhead Protection Overlay District.

The Village of Lyons Ordains:

GROUNDWATER PROTECTION

92.101 PURPOSE

1. Residents in the Villages of Lyons, Muir and Townships of Lyons and Ionia and those areas which fall outside the village boundaries depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Groundwater Protection Ordinance is to protect the Villages Municipal drinking water supply and well fields and to promote the health, safety and general welfare of the residents of Lyons, Muir and those who are located within the Wellhead Protection Overlay District in the Townships of Lyons and Ionia.
2. Protect existing and potential groundwater supplies, aquifers and groundwater recharge areas relied on by the Village.
3. Preserve the natural resources of the Village and the surrounding area.

92.102 DEFINITIONS

1. Aquifer: A saturated, permeable, geologic formation that contains and yields water.
2. Facilities: Practices and activities which may cause or threaten to cause release of hazardous material into soil or groundwater within the Village's Wellhead Protection Area.
3. Wellhead Protection Area: The land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well.
4. Wellhead Protection Overlay District: That portion of the recharge area for the Village wells that lies within the Village limits as shown in the map attached hereto as Exhibit "A" and incorporated herein as if fully set forth.
5. Well Field: A piece of land used primarily for the purpose of supplying a location for the construction of wells to supply a municipal water system.

6. Contamination: An impairment of water quality by Hazardous Materials, regardless of the potential or intended use of the impacted water.
7. Development: The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.
8. Hazardous Material: A material which is defined in one or more of the following categories, but not limited to:
 - a) Ignitable: A gas liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: White phosphorous and gasoline.
 - b) Carcinogenic: A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCB's in some waste oils.
 - c) Explosive: A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: Dynamite, organic peroxides and ammonium nitrate.
 - d) Highly Toxic: As gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Example: Chlorine Gas.
 - e) Moderately Toxic: A gas liquid or solid which through repeated exposure or in a single large dose can be hazardous to man. Example: Chlorides.
 - f) Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: Battery acid and phosphoric acid.
 - g) Animal waste or by product or carcasses.
9. Primary Containment Facility: A tank, pit container, pipe or vessel of first containment of a liquid or chemical.
10. Spill Response Plans: Detailed plans for control, re-containment, recovery, and clean up of hazardous material releases, failures.
11. Secondary Containment: A second tank, catchments pit, pipe or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area.
12. Storm Water Treatment Practices (STP's): Measures, either structural or nonstructural that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.
13. Time of Travel Distance (TOT): The distance that ground water will travel in a specified time. This distance is generally a function of the transmissivity and hydraulic gradient of the aquifer.

92.103 GENERAL PROVISIONS

1. Applicability: These provisions shall apply to all properties within the Wellhead Protection Overlay District, (as shown on the attached Wellhead Protection Area Map) which uses includes the storage or generation of hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds or twenty-five (25) gallons) per month. The general provision applies to an entire property, even if only a portion of the parcel is included in the Wellhead Protection Overlay District.
2. Exemptions: The storage of heating oil for on-site residential use.
3. Applicable developments shall submit a Site Plan Review Application to the Village for review under the provisions of section 92.104.
4. Applicable existing facilities shall follow the provisions of section of 92.105
5. Groundwater Protections Standards.

These groundwater protection standards apply to all applicable facilities:

 - a) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetland, flood plains and groundwater and to ensure the absence of impairment, pollution and for destruction of water, natural resources and the public trust therein.
 - b) Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse and shall not increase flooding, or the potential for environmental contamination, on-site or off-site, and shall not result in loss of the use of property by any third party.
 - c) Properties shall maintain storm water pollution prevention plan in accordance with applicable State, Federal or local regulations.
 - d) General purpose floor drains shall be connected to an on-site holding tank, or a system authorized through a state surface or groundwater discharge permit.
 - e) Properties shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

- f) State, Federal and Local Agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met.
- g) All non-residential properties shall maintain a contingency plan for preventing the release of hazardous materials. Contingency plans shall include:
 - i. For flood control,
 - 1. Underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the 100 year flood control level for monitoring.
 - 2. Above ground facilities shall include an impervious dike constructed to contain 150 percent of the largest volume of hazardous material stored on-site above the 100 year flood control level.
 - ii. For fire control, containment of any fire retardation substances or hazardous substances stored on-site.
 - iii. For equipment failures,
 - 1. Underground facilities shall include removal and replacement of leaking parts, a leak detection system with monitoring and an overflow protection system.
 - 2. Above ground facilities shall include level liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
- h) The owner and/or operator shall report all hazardous releases of quantities above state reportable criteria to the village.
- i) All abandoned wells shall be properly plugged according to state and local regulations

92.104 REVIEW OF SITE PLAN REVIEW APPLICATION.

- 1. The Village will confirm by letter that the Site Plan Review Application is, or is not administratively complete within 30 days of submittal.
- 2. The applicant shall be sole and exclusively responsible for any and all cost associated with the application, including all of the following:
 - (a) The cost of an environmental impact study.
 - (b) The cost of groundwater assessments or monitoring.
 - (c) The cost of an appraisal for the property or other property evaluation.
 - (d) The costs of Village employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the Village for the cost of expenses, benefits, insurance, sick leave, holidays, overtime, vacation and similar benefits.
 - (e) The cost of the Village equipment employed.
 - (f) The cost of mileage reimbursed to the Village.

92.105 REQUIREMENTS FOR EXISTING FACILITIES

- 1. Within 90 days of the publishing of this ordinance:
 - a. Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificates and on-going environment monitoring results to the village.
 - b. Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the village, which may include, but not be limited to storm water runoff management and monitoring.

92.106 ENFORCEMENT AND PENALTIES

- 1. In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection overlay District, the individual/facility causing said release shall immediately cease and desist and provide clean-up in compliance with federal, state and local requirements.
- 2. The individual/facility shall be responsible for all cost of clean-up and applicable village consultant or other fees at the invoice amount plus administrative cost for oversight, review and documentation, including all of the following:
 - (a) The cost of Village employees' time associated in any way with the clean-up based on the hourly rate paid to the employee multiplied by a factor determined by the village representing the village's cost for expenses, benefits, insurance, sick leave, holiday, overtime, vacation and similar benefits.
 - (b) The cost of village equipment employed.
 - (c) The cost of mileage reimbursed to the village employees attributed to the clean-up.
- 3. Violations: It shall be unlawful not to comply with this ordinance.
- 4. Penalties: Any person, firm or corporation who fails to comply with these provisions, shall upon conviction thereof, forfeit not less than \$500.00 nor more that \$5,000.00 plus the cost of prosecution for each violation and in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment is

Motion offered by Webster, second by Tunell to approve the Accounts Payable report including invoices of Fleis & Vandenbrink, and PSI for payment. **Motion carried by voice vote.**

Council was offered two styles of reports for accounts payable.

1. Vendors listed alphabetically, showing amounts owed, and how billing was split between Funds.
2. Vendors listed by fund and departments, showing billing in each department one at a Time.

Treasurers Report – Linda Rairigh

* Bond application was submitted to Department of Treasury on April 4 and was approved April 17. Approval was not expected nor required before May 4. Email sent to Jim Keifer and Tom Traciak asking if additional special meetings will be required. None will be required because the bond authorizing resolution authorizes Jill, Linda and Bernie to execute future documents.

* Linda will require additional hours for Bond work. Randall suggested letting her track hours and pay as needed.

* Delinquent Personal Property Tax – Coca-Cola Distributing Co. has past due personal property tax from 2005 of three dollars and eleven cents (\$3.11) plus a late fee of thirty cents (\$0.30). Linda requested council approval to write this amount off. Motion offered by Shattuck, second by Tunell to write-off the amount due from Coke Cola for the amount of the delinquent taxes. **Motion carried by voice vote.**

* Water & Sewer Liens – delinquent amounts past due for six months or more will have a lien applied to their property. Currently a balance of eighty dollars (\$80.00) is delinquent for 530 E. Bridge Street. Linda will check with Jim Keifer about dollar amounts to be placed on tax rolls.

Motion offered by Ferris, second by Tunell to accept Treasurers report. **Motion carried by voice vote.**

Susan Craft noted that Dan Bennett is back for summer work and Fred Lange is expected to go back to GM in May or June. She requested to have Bennett continue without limited hours as a seasonal employee. Stilson stated seasonal employee do not receive any extra benefits if they are working forty hours. Nave requested a copy of the ordinance or Wage & Labor Law regarding seasonal labor pay.

Dan Bennett will remain as seasonal labor but must stay within the total budget and his hours are limited to 32 hours per week. This may be adjusted in the event of Fred Lange's departure.

COMMITTEE REPORTS:

Street Committee – Ann Randall, Chair

1. Bids for E. Bridge St. project came in, Youngstrom Contracting, Inc. bid was accepted at \$495,338.50.

2. Pre-Construction meeting is set for Monday April 24, 2006 at 10:00 a.m. Detours, mailboxes and road sign decisions will be made at that time. Youngstrom would like a start date of May 1st.
3. T-21 meeting - Task Force share was reduced by four hundred thousand dollars (\$400,000.00) over the next three years. For 2009-2010 no money will be available for any county, city or village projects.

Finance Committee - Carrie Webster, Chair

Nothing at this time.

DPW Report – Susan Craft

1. Marshall Major has presented a bid for electric work in Hazel Devore. Pricing from Menards came in the lowest. Motion to accept Menards' bid for park project was offered by Webster, seconded by Tunell. **Motion carried by voice vote.**
2. Lift Station pumps need work (see note #5 of Extra DPW Notes), projected cost of repair for left hand pump and motor is between three thousand (\$3,000.00) and five thousand (\$5,000) dollars. Motion offered by Shattuck, second by Webster to acknowledge possible cost of replacement for Lift Station to be three thousand (\$3,000.00) to five thousand (\$5,000.00) dollars. **Motion carried by voice vote**

PERSONAL Committee – Ann Randall, Chair

The following was presented by Chair Randall for Council consideration;

307 Sick Leave Benefits

Effective Date: 6/26/2003

Revision Date: 4/17/2006

“The Village” provides paid sick leave benefits to eligible employees who are temporarily absent due to illness or injury. Employees in the following employment classifications are eligible for sick leave:

- * Regular full-time employees

If you are eligible, you will accrue sick leave benefits at the rate of **4** days per year, to **accrue at the beginning of each fiscal year. New Hires accrual will be prorated after a 90** day waiting period from the date you become eligible to accrue sick leave benefits.

You may not take less than one half day sick leave. You may **only** use sick leave benefits to be absent because you are ill or injured.

If you cannot report to work because of an illness or injury, you should notify your supervisor before the scheduled start of your workday, if possible. Your supervisor must also be contacted on each additional day of absence.

If you are absent for three or more consecutive days due to illness or injury, you must give us a doctor's statement that states you are ill or injured, when it began, and when you should be able to return to work. We may also request a similar statement for other sick leave absences of less than three days.

Your sick leave benefits will be calculated based on your base pay rate at the time of your absence. Sick leave benefits do not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Unused sick leave benefits will be allowed to accumulate until you have accrued 44 calendar days of sick leave. If your unused sick leave reaches this maximum, you will stop accruing sick leave **until March 1st of the next fiscal year. On March 1st sick days will be added to each employee payroll leave balance if their time is below the maximum of 44 days as of March 1.**

Sick leave benefits are meant to provide income protection in the case you are ill or injured. They may not be used for any other absence. You will not be paid for unused sick

leave benefits while you are employed and you will also not be paid for unused sick leave benefits when your employment terminates.

598 Personnel Safety Equipment

Effective Date: 6/30/2003

Revision Date:

*** Regular Full Time DPW Employee**

Both **steel-toe** safety shoes and **Ancsi** glasses are required for many jobs by MIOSHA. Regular- full time employees are eligible for **steel-toe** shoe reimbursement of \$100.00 per year. Those same employees are also eligible for reimbursement of one eye exam every **other budget** year. **Eligible employees may additionally request** safety glasses every **other budget** year not to exceed \$200.00. All other employees will be furnished with goggles.

599 Office Employee Vision Care

Effective Date:

Revision Date:

Employees in the following employment classifications are eligible to request employee vision care after they have completed 90 calendar days of service.

*** Regular Full Time Office Employee**

Eligible employees may request reimbursement for one eye exam every other budget year. Eligible employees may additionally request one pair of eye glasses every other budget year not to exceed \$ 200.00.

Fire, Water and Sewer Committee – Paul Tunell, Chair

Nothing at this time

Grants Committee – Jim Shattuck, Chair

Nothing at this time.

Ordinance Committee – Carrie Webster, Chair

Next meeting will be May 8th at 5:30 p.m.

Parks and Recreation Committee – Rosie Ferris, Chair

Nothing at this time

Tabled Items – Nothing at this time

New Business – Nothing at this time

Council comment –

Trustee Nave will share the council's road signage decision with interested persons. Webster asked about meter billing to Gateway Homes. Stilson responded that we have not received payment. She has called and left a message. A new billing will be going out this week.

Webster asked about the Dale Leiter issues. Stilson responded that the parcel was purchased by Sheila R. McQueen. McQueen is owner of property at 335 Tabor. Address's 250 and 252 S. Hawley are also located on her parcels, but legal description shows that Dan Simons owns the address of 250 S. Higbee. Both parties will need to have ~~legal descriptions~~ addresses corrected at the County tax office and with the record of deeds.

Webster asked about census, Russell has contacted two parties and will be doing follow-up this week.

Adjournment Motion to adjourn offered by Tunell, Adjourn at 10:11 p.m.

Jill Stilson,
Village Clerk

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 May 15, 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 May 15, 2006

Jill Stilson

Jill Stilson, Village Clerk