

MEETING MINUTES

September 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

Call to Order: Meeting was called to order by President Bernard Russell at 7:02 p.m.

Pledge of Allegiance to the Flag

Roll Call:

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

Also Attending:

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

Guest Attending:

Larry Fleis of Fleis and Vandenbrink, Todd Richter of Fleis and Vandenbrink
Jerry Rich – Village Resident; Charity Wooden – Village Resident; Bryon Bennett,
Events Committee

APPROVAL OF AGENDA – Motion offered by Trustee Webster, second by Trustee Randall to approve the Agenda.

PUBLIC COMMENT – Mrs. Charity Wooden requested a retraction for the letter she received in May 2006. President Russell explained that there would not be any retraction written. Trustee Webster further explained that the issue is closed, and there will not be a letter of retraction forthcoming.

Mr. Larry Fleis addressed the concerns of the council they had about the East Bridge Street Project. Larry asked Todd Richter to explain the project to date. Mr. Richter had sent a Memo to President Russell,

To: Bernie Russell, Village of Lyons

From: Todd S. Richter, P. E.

Date: September 14, 2006

Re: E Bridge Street Improvement Project / **Project Status Report**

Construction on the project is complete and a final project walk-through was held on August 14, 2006. The Contractor has been working on the punch list items identified during the final walkthrough. There are a few items such as manhole cleaning, sealing and guardrail placement remaining to be completed. We will continue to work with the Village and the Contractor on final punch list completion. We have been working with the Contractor on final project closeout and have reached a verbal agreement on the final project quantities. Our next step is to prepare contract change orders to balance the contract based on the final quantities. We have also contacted MDOT regarding scheduling the final project audit. Once the punch list items are complete and the final audit is held we can submit final closeout documentation to MDOT and the project will be complete.

The original contract price for the project was \$495,338.50. At the council meeting held in July we estimated an increase of \$135,876 to remove the rubblized surface, reconstruct the road base and repave the base course of asphalt pavement. At that time we also requested an additional \$24,000 to cover the construction observation required to complete the additional work.

Based on our verbal agreement with the contractor on final quantities, the final construction cost for the project is approximately \$ 573,600. This amount is \$78,260 over the original contract amount and is \$57,616 less than our July estimate of the increased construction cost. As far as the engineering, we have incurred an additional \$37,500 in construction engineering fees to cover the additional 46 calendar days of on site inspection, construction staking, construction administration and materials testing services. We also anticipate another \$3,000 to \$5,000 to finish the MDOT audit and process paperwork.

We plan to attend the Village Council on Monday to discuss the project and answer any questions that you or the Village may have.

PRESIDENTS COMMENTS –

1. Skate Ramp – Good Idea, Hold until after the Public Hearing set for September 26, 2006 at 7:00pm
2. Dave Bee asked to have a public hearing as part of the Park & Rec. Plan
3. Motion to approve the Water Rate Ordinance 507, Part 82, offered by Trustee Webster, second by Trustee Randall, **Motion carried by voice vote.**

Part 82
82.000 RATE ORDINANCE
Ordinance No. 507

Adopted: June 8, 1972, Amended: September 18, 2006

PEAMBLE

WHEREAS, the public interest, health, comfort, convenience, preservation of the public peace, safety, morals, order and public welfare of the Village of Lyons, require an ordinance establishing rates, charges, and rules for the use and service of the municipal water system of the Village of Lyons, County of Ionia, Michigan. NOW THEREFORE,

THE VILLAGE OF LYONS ORDAINS:

1. Amendment of Section 82.001.

Section 82.001 of Ordinance No. 507, adopted June 8, 1972, in amended to read in its entirety as follows:
82.001 Rates and charges.

Sec. 1. That there shall be and there is hereby established service charges for the use of and for the service supplied by the Municipal Water System of the Village of Lyons, based upon the meter readings of the amount of water consumed for each unit as follows:

WHEREAS, Fire, Water & Sewer Committee of the Lyons Village Council, recommendations to set the Water Flat Rate at \$17.00 per month, per unit; and

WHEREAS, Fire, Water & Sewer Committee of the Lyons Village Council, recommends to add a Debt Retirement Rate to be named Debt Service Charge of \$18.00 per month, per unit and set the Water Usage Rate at \$4.50 per thousand gallons used.

WHEREAS, this will be effective as of October 18, 2005 billing

THEREFORE BE IT RESOLVED, that the Lyons Village Council supports the recommended adjustment as offered by the Fire, Water & Sewer Committee of the rates and charges for Water and Sewer service furnished by, and for the use of, the rates and the methods of collection and enforcement of the collection of such rates and charges shall be those established by resolution of the Village Council, which shall be adjusted from time to time by resolution of the Village Council. (Amended: September 19, 2005)

Water Flat Rate:	\$17.00 per month per unit
Debt Service Charge:	\$18.00 per month per unit
Water Usage Charge:	\$ 4.50 per 1000 gallons used

(Amended Ord. No. 507 September 18, 2006 by Resolution)

For the purposes of this Ordinance, the term "unit" means:

- In the case of a residential unit, a room or suite of rooms designed, occupied or intended to be used or occupied as separate living quarters, with one (1) family only; and
- In the case of a commercial unit, any building or other structure or part of a building or structure, designed, occupied or intended to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, or a space that is used or occupied or is designed, occupied or intended to be used or occupied as a separate business or professional unit or office in a building or other structure or in a part of a building or structure.

(Amended: Ordinance No. 507, September 18, 2006)

2. Severability.

The invalidity of any section, clause, sentence or provisions of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without the invalid part or parts.

3. Conflict with Existing Ordinances:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. Effective Date.

This Ordinance shall become effective twenty (20) days after publication in a newspaper in general circulation with the Village of Lyons.

Published in the Ionia County Shoppers Guide on September 23, 2006.

Moved by Trustee Webster, and seconded by Trustee Randall that the foregoing Ordinance be adopted. Motion carried by voice vote. ORDINANCE DECLARED ADOPTED.

Motion to approve the Sewer Rate Ordinance, Part 84, Ordinance No. 503, offered by Trustee Tunell, second by Trustee Nave, **Motion carried by voice vote.**

Part 84; 84.000 SEWER RATE ORDINANCES, Ordinance No. 503
Adopted: May 1, 1972

AN ORDINANCE TO AMEND ORDINANCE NO. 503
ADOPTED MAY 1, 1972
BY AMENDING SECTION 84.001

PREAMBLE

WHEREAS, the public interest, health comfort, convenience, preservation of the public peace, safety, morals, order and public welfare of the Village of Lyons, require the establishment of rates, charges and rules for the use and service of the municipal sewer system of the Village of Lyons, County of Ionia, Michigan, NOW THEREFORE,

THE VILLAGE OF LYONS ORDAINS:

1. Amendment of Section 84.001.

Section 84.001 of Ordinance No. 503, adopted May 1, 1972, and is amended to read in its entirety as follows:
84.001 Service charge.

Sec. 1. There shall be and there is hereby established a service charge for the use of and for the service supplied by the sanitary sewer system of the Village of Lyons based upon the amount and rate of water consumed as follows:

SEWER SERVICE CHARGE

WHEREAS, Fire, Water & Sewer Committee of the Lyons Village Council, recommendations to set the Sewer Residential Flat Rate at \$10.00 per month, per unit,

WHEREAS, Fire, Water & Sewer Committee of the Lyons Village Council, recommendations to set the Sewer Commercial Flat Rate at \$15.00 per month,

WHEREAS, Fire, Water & Sewer Committee of the Lyons Village Council, recommendations to set the Sludge Removal Flat Rate at \$2.00 per month, per unit, and set the Sewer usage rate at \$1.50 per 1000 based on water usage per month.

WHEREAS, this will be effective as of October 18, 2005 billing.

THEREFORE BE IT RESOLVED, that the Lyons Village Council supports the recommended adjustment as offered by the Fire, Water & Sewer Committee of the rates and charges for Water and Sewer service furnished by, and for the use of, the rates, and the methods of collection and enforcement of the collection of such rates and charges shall be those established by resolution of the Village Council, which shall be adjusted from time to time by resolution of the Village Council. (Amended: September 19, 2005)

Sewer Flat Rate:	\$10.00 per month, per unit
Sewer Commercial Flat:	\$15.00 per month, per unit
Sludge Removal Rate	\$ 2.00 per month, per unit
Sewer Usage Rate	\$ 1.50 per 1000 gallons used per month

(Amended Ord. No. 503 September 18, 2006 by Resolution)

Service to industrial establishments may be by contract if the municipality deems this to be in its best interest.

2. Severability.

The invalidity of any section, clause, sentence or provisions of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without the invalid part or parts.

3. Conflict with Existing Ordinances.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. Effective Date.

This Ordinance shall become effective twenty (20) days after publication in a newspaper in general circulation with the Village of Lyons.

Published in the Ionia County Shoppers Guide on September 23, 2006

Moved by Trustee Tunell, and seconded by Trustee Navel that the foregoing Ordinance be adopted. Motion carried by voice vote. ORDINANCE DECLARED ADOPTED.

Motion offered by Trustee Webster, second by Trustee Shattuck to accept the resolution for the rate structure as written; **Resolution carried by voice vote.**

Water Flat Rate:	\$17.00 per month per unit
Debt Service Charge:	\$18.00 per month per unit
Water Usage Charge:	\$ 4.50 per 1000 gallons used

Sewer Flat Rate:	\$10.00 per month, per unit
Sewer Commercial Flat:	\$15.00 per month, per unit

Sludge Removal Rate	\$ 2.00 per month, per unit
Sewer Usage Rate	\$ 1.50 per 1000 gallons used per month

THEREFORE BE IT RESOLVED, that the Lyons Village Council supports the recommended adjustment as offered by the Fire, Water & Sewer Committee of the rates and charges for Water and Sewer service furnished by, and for the use of, the methods of collection and enforcement of the collection of such rates and charges shall be those established by resolution of the Village Council, which shall be adjusted from time to time by resolution of the Village Council. (Amended: September 18, 2006)

Approval of August 21, 2006 Minutes. Motion to approve the August 2006 Minutes offered by Trustee Webster, second by Trustee Ferris. Motion carried by voice vote. Note: Linda has looked into what is required to be a “Cool City” the Village does not qualify.

Approval of August Accounts Payable, Motion to approve the August 2006 accounts payable offered by Trustee Tunell, second by Trustee Ferris. Motion carried by voice vote. The question of purchasing the trees approved for the Craft easement was discussed, and Susan was asked to go ahead with the purchase as approved in the easement agreement. It was also agreed to consider getting trees for the Village at Twenty Dollars each.

Treasurer Report – Linda Rairigh

- *Delinquent Taxes are down from last year. We have received \$108,147.89 to date. Up from 2005. The special assessments levied to taxes have still not been paid as of this date.
- * Island Fest final report has been sent to the Island Fest Committee showing an YTD Balance of \$2188.86.
- * Due to the change made with the checking accounts and CD’s, Interest Income is \$8200.00 over budget.

Motion offered by Trustee Tunell, second by Trustee Webster to accept the August Treasurers Report. **Motion carried by voice vote.**

COMMITTEE REPORTS

Street Committee – Ann Randall, Chair

Trustee Randall, President Russell, and DPW Super. Susan Craft walked Fuller Street and found areas that will need to be addressed with the construction crew working on the sewer ponds. There are three locations that Wealing Bros. Construction will need to fix before leaving the area. Trustee Webster believes the road should be brought back to prior conditions. Susan will call Mike Hemp of the Ionia County Road Commission review the road and give their opinion. Suggestion was made to have the Street Committee meet with the contractor and make further decisions.

Finance Committee – Carrie Webster, Chair

Trustee Webster requested a date be set for the first Budget Meeting to be October 18th at 5:30 pm. All project information should be presented at this time.

Personnel Committee – Ann Randall, Chair

Nothing at this time.

Grants Committee – Jim Shattuck, Chair

Nothing at this time.

Ordinance Committee – Carrie Webster, Chair

We still need to proof read what has been done to date. Trustee Webster will get the books to Trustee Randall for review. Must be completed before it is codified.

Parks and Recreation Committee – Jim Shattuck, Chair

Nothing at this time.

DPW Reports – Susan Craft, DPW Superintendent

STREETS –

1. Road project information was covered with Larry Fleis
2. Catch Basins and edge drain on Atwater St.

WATER & SEWER –

1. Lift Station pumps have been redone and reinstalled
2. Well Abandonment approval – See DPW Report
3. Electrical repair in Wellhouses completed by Marshall Major
4. Hydrant flushing October 9th to 13th, please note on the next utility billing.

President Russell asked about the insurance for the repair of the Master Meter. As soon as the repair is completed and all invoices are in, we can send them to the insurance company.

GENERAL

1. Robinson park sign is up.
2. School is back in session, and problems are popping up around the Comfort Station.
(see DPW Report)

Trustee Shattuck asked if she had someone thinning the flower beds at the Comfort Station. NO we do not have anyone doing this at this time.

Tabled Items –

Trustee Webster handed out a list of Cities and Villages and the Engineering companies they used, and their thoughts on the companies they used. Some have Fleis & Vandenbrink listed and all comments were favorable.

New Business –

Trustee Randall stated the Village has three travel trailers in the village being lived in as a residence, some have water and sewer hookups. We need to review the ordinance and have letters sent to the property owners who are in violation. President Russell suggested we put in the Newsletter that is has come to the attention of the Village Council, and post the ordinance of the violation. The DPW has not found anyone other than 416 N. Elizabeth. Letters will be sent to inform the resident of the violations.

Council Comment –

Nothing at this time.

Adjournment – Motion to adjourn offered by Trustee Shattuck, second by Trustee Webster.

Adjournment at 8:55p.m.

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 September 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 September 18, 2006

Jill Stilson

Jill Stilson