#### Regular City Council Meeting March 11, 2013 Agenda

7:30 p.m. Call to Order

Pledge of Allegiance

Roll Call

Minutes – February 25, 2013

**Monthly Bills** 

Approval of Agenda Public Comment:

I. Old Business

None

- II. New Business
- 1. Tri- Party Funds
- 2. Closed session to discuss written legal opinions regarding utilities pursuant to Section 8(h) of the Open Meetings Act.
- III. Manager's Report
- IV. Council Comments
- V. Adjournment

#### CITY OF SOUTH LYON REGULAR CITY COUNCIL MEETING FEBRUARY 25, 2013

Mayor Pro Tem Wedell called the meeting to order at 7:30 p.m. Mayor Pro Tem Wedell led those present in the Pledge of Allegiance

PRESENT: Mayor Pro Tem Wedell

Council Members: Kivell, Kopkowski, Kramer, Ryzyi, and Dixson

ALSO PRESENT: City Manger Murphy, City Attorney Wilhelm, Chief Kennedy, Chief Collins, and

Department Head Martin and Deputy Clerk/Treasurer Deaton

#### APPROVAL OF AGENDA

Mayor Pro Tem Wedell stated he would like to hold the Managers report and Council Comments portion before the Closed Session.

#### CM 2-1-13 MOTION TO APROVE AGENDA

Motion by Kramer, supported by Dixson To approve the agenda as amended.

MOTION CARRIED UNANIMOUSLY

#### APPROVAL OF MINUTES FEBRUARY 11, 2013

#### CM 2-2-13 MOTION TO APPROVE MINUTES AS PRESENTED

Motion by Kivell, supported by Kopkowski To approve the minutes as presented.

VOTE: **MOTION CARRIED UNANIMOUSLY** 

PUBLIC COMMENT - None

**OLD BUSINESS- None** 

#### **NEW BUSINESS**

VOTE:

1. Acceptance of Donation

Attorney Wilhelm stated this item involves a resident that would like to donate some graves to the City. There is a discrepancy and the gentleman's mother is in the hospital so he is asking Council to table this item indefinitely.

#### CM 2-3-13 MOTION TO TABLE DONTATION OF CEMETERY PLOTS INDEFINATELY

Motion by Kivell, supported by Kramer

VOTE:

#### MOTION CARRIED UNANIMOUSLY

#### 2. Traffic Control Order 13-01

Chief Collins stated this is a follow up from the last meeting. Council approved the use of the two parking lots on Pontiac Trail and Liberty to be used for the Farmers Market on Saturdays; therefore we need to prohibit parking in those two lots on that day each week. Department Head Martin will need to order the signage for each of the lots.

## CM 2-4-13 MOTION TO APPROVE THE TRAFFIC CONTROL ORDER 13-01 TO AUTHORIZE SIGNAGE RESERVING BOTH LOTS ON PONTIAC TRAIL AND LIBERTY FOR THE FARMERS MARKET

Motion by Dixson, supported by Kramer

Motion to approve the traffic control order 13-01 to authorize signage reserving both parking lots at Pontiac Trail and Liberty for the use of the Farmers Market from May thru October.

VOTE:

#### **MOTION CARRIED UNANIMOUSLY**

#### MANAGERS REPORT:

City Manager Murphy stated the Capital Conference is being held in Lansing on April 9 and 10<sup>th</sup>. He further stated the RCOC biennial meeting is being held March 13<sup>th</sup> here at City Hall. He further stated letters were mailed out to the private hydrant owners letting them know they must have their hydrants checked by April.

Department Head Martin stated it was with a heavy heart he is reporting to Council that Troy Dehoff is leaving the Department of Public Works. He has been a very qualified and trusted employee for 18 years. He further stated that the wealth of knowledge the guys have after all the years of working for the City is impossible to replace. Troy will be moving to South Carolina with his family, and he will be missed.

#### **COUNCIL COMMENTS:**

Councilman Kivell stated he recently had the opportunity to visit the South Lyon Theatre and they have a new projector, screen and audio. He further stated his family watched Life of Pi in 3D and it was a great experience. He further stated the owners have made a real investment in our community and he hopes the community will support them.

Council Member Kopkowski stated she has heard Reps is going to be putting in a community center. She suggested we check into what their intentions are so we don't duplicate our efforts. Councilman Kramer stated he spoke with them and they are planning on having a large gym with basketball courts, with a soccer field, but they are still having funding issues. He further stated he will be meeting with them again after the next Recreation Center meeting.

Councilman Ryzyi stated there is a new place going in the Brookdale Plaza that will have batting cages, basketball and he would like to make sure we aren't duplicating efforts.

Councilman Kramer stated he talked to a disgruntled resident regarding the length of our winter parking ordinance. He further stated he has heard from many residents about this issue, and suggested that maybe Council could take a look at this at an upcoming meeting. Councilman Kivell asked if it would be possible if residents could let the Police Department know if they are going to be having overnight company for a special occasion and the Police could make an exception. Chief Collins stated that is something the Police Department has already been doing.

# CM 2-5-13 MOTION TO ENTER INTO CLOSED SESSION TO DISCUSS LEGAL OPINION REGARDING UTILITIES PURSUANT TO SECTION 8 (h) OF THE OPEN MEETINGS ACT

Motion by Kivell, supported by Kopkowski Motion to enter into closed session to discuss legal opinion regarding utilities pursuant to Section 8 (h) of the Open Meetings Act at 7:45 p.m.

VOTE: <u>MOTION CARRIED UNANIMOUSLY</u>

ROLL CALL VOTE MOTION CARRIED UNANIMOUSLY

# CM 2-6-13 MOTION TO AUTHORIZE THE CITY MANAGER AND CITY ATTORNEY TO TAKE ACTION PURSUANT TO THE SUBJECT OF UTILITIES IN THE CLOSED SESSION

Motion by Kramer, supported by Kivell Motion to authorize the City Manger City Attorney to take action pursuant to the subject of utilities discussed in the closed session.

VOTE: MOTION CARRIED UNANIMOUSLY

**ADJOURMENT** 

#### CM 2-7-13 MOTION TO ADJOURN REGULAR COUNCIL MEETING

Motion by Kramer, supported by Dixson Motion to adjourn the regular Council Meeting at 8:25 p.m.

VOTE:	MOTION CARRIED UNANIMOUSLY
Respectfully submitted,	
Harvey Wedell, Mayor Pro Tem	Lisa Deaton Deputy Clerk/Treasurer

### **AGENDA NOTE**

New Business: Item #1

**MEETING DATE:** March 11, 2013

PERSON PLACING ITEM ON AGENDA: Manager

**AGENDA TOPIC:** Tri-Party Money

**EXPLANATION OF TOPIC:** The Road Commission for Oakland County (RCOC) is asking how the City of South Lyon wants to utilize its' 2013 Tri-Party funds. The City has \$25,461 from 2012, \$33,408 from a share of unused money that was awarded to the City if we were to use it in 2013 and \$26,587 for 2013 for a total of \$85,456. The City has to pay 1/3 of the total so the amount we would actually receive from the County would be \$56,970. The City could leave this be and put it towards a future county road project or it could be utilized for a mill and overlay for E. Lake Street between Pontiac Trail and the Rail Road Tracks. This is the project I submitted to RCOC to receive some of the unused tri-party funds. Tom Noechel, Programming Supervisor, made a few suggestions about potential projects, but after a phone conversation with him, I think it would be best for the City to use the money for E. Lake Street. The total estimated cost to mill and overlay E. Lake Street is \$209,000, when the tri-party funds are deducted out the estimated cost the City is \$152,030.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Letter from Dennis Kolar, Managing Director, RCOC, on re-distribution of Tri-Party funds, Letter from Tom Noechel, Programming Supervisor for RCOC and a cost estimate for the E. Lake Street Project from HRC.

**POSSIBLE COURSES OF ACTION:** Approve/do not approve using Tri-Party funds for a future county road project or for the E. Lake Street project.

**RECOMMENDATION:** Approve using all the Tri-Party funds for the E. Lake Street project.

SUGGESTED MOTION:	Motion by	, supported by
		using all available Tri-Party funds for the E. Lake
Street project which consist	s of a mill a	nd overlay.



QUALITY LIFE THROUGH GOOD ROADS: ROAD COMMISSION FOR OAKLAND COUNTY "WE CARE."

**Board of Road Commissioners** 

Ronald J. Fowkes Commissioner

Gregory C. Jamian Commissioner

Eric S. Wilson Commissioner

Dennis G. Kolar, P.E. Managing Director

Deputy Managing Director
County Highway Engineer

31001 Lahser Road Beverly Hills, MI 48025

248-645-2000

FAX 248-645-1349

TDD 248-645-9923

www.rcocweb.org

October 5, 2012

Mr. David Murphy
City Manager
City of South Lyon
335 South Warren
South Lyon, MI 48178

Subject: Re-Distribution of Tri-Party Program Funds

Dear Mr. Murphy:

As a follow-up to the August 13, 2012 letter indicating \$2.9 million in uncommitted Tri-Party Program funds, we are pleased to announce that the City of South Lyon will receive an additional \$33,408.

Due to the overwhelming number of requests for the additional funds, which far exceeded the funds available, the County of Oakland and the Road Commission for Oakland County agreed to use the current Tri-Party Program distribution formula to allocate the additional funds.

Also, an updated history spreadsheet is attached for your reference.

Please contact Tom Noechel at (248) 645-2000, Extension 2266 to discuss implementing a project.

Sincerely,

Dennis Kolar, P.E. Managing Director

Dennes & Kola

Attachment

**TGN** 

# ROAD COMMISSION FOR OAKLAND COUNTY TRI-PARTY PROGRAM

City of South Lyon County Commissioner:

8- Philip J. Weipert

		Date of	Project									Add'I		PROJECT
DECT DESCRIPTION		Aarmt	· 8	1980-2005	2006	2007	2008	2009	2010	2011	2012	2012	2013	TOTAL
TROSECT DESCRIPTION														. 00 00
Pont Tr (Lafavette) @ McHattie-intersection imprvmt	ပ	7/21/86	35301	23,324										23,324
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		Date of	Project									Add I		LANSEN
PROJECT DESCRIPTION		Agrmt	No.	1980-2005	2006	2007	2008	2009	2010	2011	2012	2012	2013	TOTAL
Pont Tr (I afavette) @ McHattie-intersection imprymt	ပ	7/21/86	35301	23,324										23,324
10 Mile @ C&O RR x'ina	U	10/1/87	37491	11,000										11,000
Pontiac Tr tapers near 9 Mile	U	9/22/88	38241	35,251										35,251
Pont Tr @ CSX-pavement x-ing pads work	ပ	8/10/89	39581	22,182										22,182
Dixboro @ 9 Mile-pave approaches	ပ	6/21/90	40442	21,640										21,640
Pontiac Tr @ Yerkes Drain-extend culv for widening	ပ	11/14/91	40941	44,441										44,441
Pontiac Tr, Detroit to Able-rem&rplc existing storm sewer	ပ	9/22/93	42321	22,776										22,776
Pontiac Tr, Marjorie Ann to Dorothy St (Mobile Pk)	ပ	96/8/9	43421	68,268										68,268
10 Mile, Mill St to Eagle Way-add CLTL	ပ	6/54/99	44811	23,655										23,655
Pontiac Tr, Able to Lottie	ပ	1/28/99	44261	29,969										29,969
Pontiac Tr, Evergreen to S Rdg condo-add passing In	ပ	6/54/99	45861	29,969										29,969
Martindale, 10 Mile to s of 11 Mile-pave gravel	ပ	10/12/00	46162	29,969										29,969
9 Mile Rd Paving, Pontiac Tr to Griswold PE	ပ	3/29/01	46502	34,900										34,900
9 Mile Pvg, Pontiac Tr-Griswold-CONST	ပ	12/13/01	46502	51,922										51,922
Griswold Rd Paving, 9 to 10 Mile-CONST	ပ	7/24/03	47562	37,858										37,858
8 Mile Rd Paving, Dixboro-Pontiac Trail -PE	ပ	4/9/09	49781	83,324	6,676	*								90,000
8 Mile Rd Paving, Dixboro-Pontiac Trail -CONST		8/12/10	49781	0	52,365	62,452	8,047			25,224				148,088
Pontiac Tr, Liberty to McHattie - CONST	ပ	4/9/09	49791	0			54,218	62,265	25,882					142,365
AMOUNT REMAINING FOR FUTURE PROJECT				0	0	0	0	0	0	0	25,461	33,408		58,869
TOTAL				570,448	59,041	62,452	62,265	62,265	25,882	25,224	25,461	33,408	TBD	926,446
														926,446



**Board of Road Commissioners** 

Ronald J. Fowkes
Commissioner

Gregory C. Jamian Commissioner

Eric S. Wilson Commissioner

**Dennis G. Kolar, P.E.** Managing Director

**Gary Piotrowicz, P.E., P.T.O.E.**Deputy Managing Director
County Highway Engineer

31001 Lahser Road Beverly Hills, MI 48025

248-645-2000

FAX 248-645-0618

TDD 248-645-9923

www.rcocweb.org

February 13, 2013

Mr. David M. Murphy, Manager City of South Lyon 335 South Warren South Lyon, MI 48178

RE: FY 2013 Tri-Party Program

Dear Mr. Murphy:

Your participation is requested in the FY 2013 Tri-Party Program for road improvements. The fiscal year governing this program is October 1, 2012 through September 30, 2013. The Oakland County Board of Commissioners has approved a Tri-Party budget of \$1,000,000 to create a \$3,000,000 program for FY 2013. A total of \$1,500,000 will be designated for townships and a total of \$1,500,000 will be designated for cities and villages.

The distribution formula and method of calculation of Tri-Party allocations have remained the same. For cities and villages, it includes RCOC road miles and three-year average annual accidents. For townships, the most recent census population figures are combined with RCOC road miles and three-year annual accidents. The figures for these three factors (population, miles and accidents) are calculated as the individual community's percentage of the total of each factor in each type of community. For example, county road accidents in a city or village are divided by the total of all county road accidents in all cities and villages. The distribution formulas have been used for years in an attempt to most equitably distribute the Tri-Party dollars.

Separate formulas are used because population in the city/village equation would skew the results toward more densely populated cities with fewer RCOC road miles. In townships, on the other hand, population has been used as a determining factor to prevent the distribution from being skewed toward townships with high road miles and small populations.



City / Village Formula: Community Allocation =  $Ad_{cv}(Ca + Rm)$ 

Where:  $Ad_{cv}$  = Total Amount for distribution to cities and villages

Ca = Community % of total accidents on county roads in cities

and villages

Rm = Community % of total county road miles in cities and

Villages

(Note that accidents are an annual average for a three-year period)

**Township Formula:** Community Allocation =  $Ad_T (Ca + Pc + Rm)$ 

Where:  $Ad_T$  = Total Amount for distribution to townships

Ca = Community % of total accidents on county roads in all

townships

Pc = Community % of total population in all townships

Rm = Community % of total county road miles in all townships

(Note that accidents are an annual average for a three-year period)

Although the method of calculation and the factors involved have remained the same, the data on which those calculations are based has changed.

Population data is changed only after a decennial census or if the Census Bureau issues revised numbers. The data includes the most recent counts from the 2010 Census.

As in the past, RCOC road miles change only to reflect abandonments, transfers of jurisdiction, or the addition of new roads.

The most recent traffic accident data available from the Traffic Improvement Association of Oakland County is used. Currently, the average annual crash data from 2009 to 2011 is being used.

Your program allotment for this year is \$26,587 and your share will be \$8,862. RCOC is encouraging your community to allocate and spend these funds on a specific project as soon as possible. If you do not wish to participate in this program, please contact me as soon as possible, so your program allotment can be distributed as necessary.



The Tri-Party Program operates as follows:

- Projects intended for 2013 construction must be selected and submitted with a local board or council resolution by May 2013.
- Project locations and concepts must be approved by the County Board and the Road Commission for Oakland County.
- 3) Projects that cost more than the allocation may be selected if the community provides the additional funding.
- 4) Funding agreements must be executed before bids are accepted. On larger projects, a separate agreement for preliminary engineering or right of way may be executed prior to initiation of these phases.
- 5) Projects that improve road safety take precedence over other project types, e.g., congestion or drainage.
- 6) Due to the Road Commission's current road project commitments, preliminary and construction engineering may need to be provided by consultant engineers at a maximum rate of 10% and 15%, respectively, of estimated construction costs.

A schedule of events has been established as detailed below. If you are unable to meet any of the dates below, please inform me as soon as possible.

DEADLINE	ACTIVITY
May 2013	Potential project locations submitted to
	Programming Division for review.
June 2013	Local council resolutions and project
	commitments submitted for projects to
	be constructed in 2013.
July 2013	Project approval for Road Commission
	and County Board.
July – December 2013	Design, bidding and/or construction
	period.

I urge you to consider your options for projects now and involve your council members early in the process. Please contact me as soon as possible for cost estimates. The closer we follow the above schedule, the more successful our 2013 Tri-Party construction season will be.



A list of suggested project locations is attached. The list indicates some project possibilities collected from local officials, citizens, police reports, accident locations, Department of Customer Services, and Road Commission staff. The list is not in priority order and most do not yet have cost estimates. Also shown are some typical costs for comparison purposes.

In addition, a historical report of your community's Tri-Party Program participation is also attached. The report lists the projects that have been completed with their associated costs. The report also shows the allocations that have been reserved for future Tri-Party projects.

Please contact me at (248) 645-2000, extension 2266 for further discussion or assistance.

Sincerely,

Thomas G. Noechel

**Programming Supervisor** 

Thomas G. Sakel

/je

Enclosures

#### 2013 TRI-PARTY PROGRAM CITY OF SOUTH LYON

**ALLOCATION FOR 2013: \$26,587** 

The following list contains typical safety projects with general costs for your information. Actual project costs will vary depending on location and a preliminary concept and estimate should be requested. Below is the list of potential project sites recommended over the past year or so by citizens and officials; many of these have not been field checked.

SAFETY PROJECTS	GENERAL COSTS
Additional right turn lane at intersection	\$125,000 per approach
Approach paving – subdivision street	\$ 75,000
Approach paving – primary road	\$100,000
Passing lane	\$ 75,000
Widen for 150-200' center left-turn lane	\$250,000 per approach
Shoulder paving one side	\$ 50,000 per mile

#### POTENTIAL PROJECT LOCATIONS

Ten Mile Road, Dixboro Road to Hagadorn Widen

Road

Pontiac Trail, 8 Mile Road to 9 Mile Road Widen to 3 lanes Pontiac Trail, 11 Mile Road to the railroad Widen to 3 lanes

tracks

# ROAD COMMISSION FOR OAKLAND COUNTY TRI-PARTY PROGRAM

City of South Lyon County Commissioner:

8- Phil Weipert

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	П													953,033



Principals
George E. Hubbell
Thomas E. Biehl
Walter H. Alix
Peter T. Roth
Michael D. Waring
Keith D. McCormack
Nancy M.D. Faught
Daniel W. Mitchell

Senior Associates Gary J. Tressel Kenneth A. Melchior Randal L. Ford David P. Wilcox Timothy H. Sullivan Associates
Jonathan E. Booth
Michael C. MacDonald
Marvin A. Olane
William R. Davis
Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Grazioli
Thomas D. LaCross
Dennis J. Benoit
James F. Burton
Jane M. Graham
Donna M. Martin
Charles E. Hart

November 9, 2012

City of South Lyon 335 South Warren South Lyon, MI 48178

Attention: Mr. David M. Murphy, City Manager

Re: Lake Street Pavement Rehabilitation - Pontiac Trail to CSX RR

HRC Job No. 20120685.02

Proposal for Professional Engineering Services

Dear Mr. Murphy:

At your request, we have reviewed the limits of the proposed Lake Street Pavement Rehabilitation – Pontiac Trail to CSX RR. We understand that the City wishes to upgrade the existing pavement cross-section in an effort to meet the minimum criteria that are outlined in the City of South Lyon Standard Engineering Specifications and Road Commission Standards. Note that this estimate does not include any utility work.

We have prepared a preliminary construction cost and total project cost estimate that includes the following major items of work:

- 1. Mill the existing pavement bituminous pavement from curb to curb from the Pontiac Trail right-of-way to the CSX Railroad right-of-way.
- Overlay the milled section with a bituminous overlay that meets Road Commission for Oakland County (RCOC) standards.
- 3. Stripe the new bituminous pavement to match the existing road striping and parking space layout.
- 4. In order to address areas of minimal asphalt pavement thickness a cost has been budgeted for the removal and replacement of a portion of the existing pavement and sub base section with undercutting. Final quantities will be calculated during the design phase.

Based upon our preliminary project cost estimates, the following Table 1 is a summary that reflects the preliminary apportionment of costs that will be incurred to each of the City budgets for streets, water and sewer improvements, respectively.



Table 1:

	Streets	Water	Sewer
Apportioned Construction Cost =	\$152,000.00	\$0	\$0
Construction Cost Percentages =	100.00%	0%	0%
Apportioned Contingency Fees =	\$15,200.00	\$0	\$0
Apportioned Engineering Fees =	\$41,800.00	\$0	\$0
Total Apportioned Costs =	\$209,000.00	\$0	\$0

Attached herewith, please find the itemized preliminary apportionment and project cost estimates for construction of the improvements as illustrated herein.

Our fees for this project would be based on providing preliminary engineering, design, bidding and construction engineering services, as well construction observation. Our tasks can be summarized as follows:

- Collect field data of the existing roads, utilities, and topographic information necessary to prepare construction drawings.
- Prepare preliminary construction drawings and specifications.
- Prepare applications obtain clearance from DNR, SHPO, and MDOT Road Agency Programming Division as required for TEA program funding.
- Prepare permit applications for necessary Road Commission for Oakland County, Soil Erosion Control, and Michigan Department of Environmental Quality permits.
- Prepare an engineer's estimate of construction cost for the Owner's review and submission to MDOT.
- Provide Grade Inspection (GI) engineering.
- Engineer Final Plans at submit to MDOT Local Contract Agency with request to advertise for bidding.
- Distribute plans for bidding, review bids, and make recommendation of award to the City and MDOT.
- Provide field layout staking for alignment, and utilities.
- Provide construction engineering services including contract administration, review of contractor pay
  estimate requests, change orders, interpreting the construction documents for the contractor, and keeping
  the City informed of the progress of the work.
- Provide materials testing services for quality control including compaction testing for sub base and subgrade, utility bedding, bituminous density and mix design verification.
- Provide a field observer to observe the construction of the work and to report to the City on the progress of the work.

Mr. David M. Murphy November 9, 2012 HRC Job Number 20120685 Page 3 of 3



Fees for these services would be as follows:

<u>Item</u>	Cost
Preliminary Engineering	\$ 2,500.00
Topographic Survey	\$ 5,400.00
Design Services	\$ 12,900.00
Quality Control	\$ 3,300.00
Resident Representative	\$ 7,500.00
Construction Engineering	\$ 4,300.00
Construction Layout	\$ 5,900.00
Total	\$ 41,800.00

The cost for Resident Representation is based on an estimated 12 days for a construction observer to be on the site. We will include in the construction bid an item for "Field Observation Crew Days." This item will make the contractor subject to additional resident representative costs incurred due to delays caused by the contractor. The fees for as-built construction drawings are not included since the scope of this project is currently limited to roadway surface improvements.

Fees will be invoiced monthly and based on our contract with the city. The total fee for the design and construction engineering services as described herein is \$41,800 and will not exceed that amount without your prior authorization. In order to commence with the Preliminary Engineering, Topographic Survey and complete the Design Services it is recommended that the City authorize \$20,800.00 to commence with the design engineering as soon as practicable.

If this proposal is deemed acceptable to the City, please sign and return one copy to this office and retain one for your files. Thank you for the opportunity to serve the City on this project.

If you have any questions or require any additional information, please feel free to contact our office at (586) 569-5000.

Accepted By:
CITY OF SOUTH LYON

Signature:

Jesse B. VanDeCreek, P.E.
Associate

Title:

Dated:

Dated:

Very truly yours,