

**Regular City Council Meeting  
March 28, 2011  
Agenda**

**7:30 p.m.**      **Call to Order**  
                 **Pledge of Allegiance**  
                 **Roll Call**  
                 **Approval of Agenda**  
                 **Minutes – March 14, 2011**  
                 **Public Comment:** Bob Martin, Water/Waste Water Superintendent

**I.      Old Business**

1. None

**II.     New Business**

1. Resolution - Child Abuse Prevention Month
2. Request for Canada Goose Egg & Nest Round Up Program
3. Tri-Party Money
4. Sale of Fire Department Equipment
5. Sale of Fire Department Equipment
6. Over payment from MDOT on Streetscape Phase II

**III.    Manager's Report**

**IV.    Council Comments**

**V.     Adjournment**

**CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
MARCH 14, 2011**

Mayor Wallace called the meeting to order at 7:30 p.m.

Mayor Wallace led those present in the Pledge of Allegiance to the Flag

PRESENT: Mayor Wallace  
Council Members: Kivell, Kopkowski, Kramer, Morelli, Selden and Wedell  
City Manager Murphy  
City Clerk/Treasurer Zemke  
Attorney Lee  
Department Heads: Collins, Kennedy, Martin and Renwick  
ABSENT: Superintendent Martin

CM 3-1-11 – APPROVAL OF MINUTES –FEBRUARY 28, 2010

Motion by Kramer, supported by Morelli

To approve the minutes of the Regular City Council meeting of February 28, 2011 as written

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF MONTHLY BILLS:**

Discussion was held on various bills.

CM 3-2-11 – APPROVAL OF MONTHLY BILLS

Motion by Kivell, supported by Wedell

To approve the monthly bills as presented

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF AGENDA:**

CM 3-3-11 – APPROVAL OF THE AGENDA

Motion by Wedell, supported by Kopkowski

To approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

**PUBLIC COMMENT:**

Nancy Kern of 450 W. Liberty Street stated that she did not attend the last Council meeting but had questions about the wells. The question was asked about the funding. She asked who is going to be paying for the well. Mayor Wallace stated that there are funds put aside. She asked the total cost. Mayor Wallace stated that it will be approximately \$80,000, but originally we thought it would be much more. She asked where the funds

come from. It was stated that it would be from tap fees. It was stated that the funds are also invested. It was stated that well #6 will replace well #3. Ms. Kern stated that she understands that well #3 was dedicated to the Tube Mill. It was stated that it is untreated water. Further discussion was held on the usage of water by the Mill. It was stated that although the Mill is the primary user, it is not dedicated to them. It is plumbed into the water system and is auxiliary back for the City system. Discussion was held on where the water goes including the Yerkes Drain, etc.

Councilman Kramer stated that we had two meeting on this issue Ms. Kern stated that she feels that as a taxpayer she is entitled to this information. Ms. Kern stated that she feels that the Tube Mill that is making millions of dollars should pay for the well. Ms. Kern stated that she is concerned that with 146 million gallons per year going to Michigan Seamless Tube, it will deplete our aquifer. Attorney Lee stated that this is paid for through a proprietary fund that is used to replace the equipment when it breaks down. The water users, not the taxpayers are paying for it. Ms. Kern stated that she does not see why her water bill should subsidize the Tube Mill. Discussion was held on the amount the Mill pays for the untreated water. Mayor Wallace stated that the Tube Mill has been very generous over the years, including the donation of McHattie Park, which is where our wells are located. Ms. Kern stated that it is good that they have been generous, but there is still work being done regarding environmental contamination where contamination has been going into private wells, which is being monitored. Mayor Wallace stated that they have been diligent in monitoring that as well.

City Manager Murphy stated that he would be happy to meet with Ms. Kern to answer any questions that she may have.

Maureen Bender of 59540 Ten Mile stated that she is a volunteer at Guardian Angel Rescue They have taken on a lot more animals than normal and taken on a lot with medical costs and housing costs. She is proposing a dog walk fundraiser to help off-set some of those costs. They have a 1 and 2 mile walk that they are proposing along the City's trail and sidewalks. She discussed the proposed route and stated that they would like to cross Pontiac Trail to go past the senior care center and would like some assistance from the Police Department. She would like to have Council's support as well as participation. The walk is Saturday, May 14<sup>th</sup> beginning at 9:00 a.m.

Discussion was held on permits. Chief Collins stated that a permit would have to be obtained from the Clerk's office for the use of McHattie Park. He would be happy to work with the group for the street crossing. He further stated that he does know that they are being responsible in regards to the picking up of droppings as well as the leash law.

Discussion was held on the \$20 donation that would go to a very good cause.

Carl Richards of 390 Lennox stated that Active Faith wanted the City to know that neither they nor the District Library would be using their court appointed community service people. He suggested that the City look into using these individuals for various duties to try and save some money. There is a time limit to apply.

Mr. Richards stated that it should be noted that the Tube Mill hired 12 college people for summer help last year. Possibly we could save some money by hiring some temporary help as well.

**OLD BUSINESS:** None



## **NEW BUSINESS:**

### **1. Dispatch/lock-up Service Agreement**

Mayor Wallace stated that this is our contract with Novi for dispatch and lock-up services. Chief Collins stated that this is a renewal of our agreement that we have had with the City of Novi for many years. Included with this agreement is dispatching services for both Police and Fire, the reverse 911, and an important part of this agreement is the lock-up services. The lock-up services saves us 1 ½-2 hour round trip to the Oakland County Jail. They are proposing a 2% increase per year of the agreement, which is a three-year agreement. Our first year of our contract would be \$105,315. This is far less than what we could do on our own. Furthermore, if we were to use Oakland County dispatch, the cost would be \$105,498 the first year, which does not include the reverse 911 and the lock up. Based on that, he would recommend approval of the agreement with Novi.

Councilman Kivell stated that this is much more controlled than what they had eluded to during the last contract.

Councilman Kramer stated that it is his understanding that for the next renewal period that there will be some language changes. Chief Collins stated that the Novi City Attorney agreed to the suggestions made by Councilman Kramer. However, their only concern was that the agreement had already been approved by their Council. The meaning of the contract would not change, but just the language. Attorney Lee stated that we do have an "out" clause if there is some unforeseen problem. His only problem is that the agreement itself does not include the lock-up provision, but it is within their proposal.

Councilman Wedell asked if Novi does dispatching for any other communities. Chief Collins stated that they do provide services to other communities as well.

### **CM 3-4-11 – APPROVAL OF AGREEMENT – DISPATCH/LOCK-UP SERVICE**

Motion by Wedell, supported by Selden

To approve the three-year agreement with the City of Novi to provide dispatch and lock-up services for the South Lyon Police and Fire Departments

VOTE:

**MOTION CARRIED UNANIMOUSLY**

### **2. Sponsors for movies in the park**

Kristen Delaney, Community and Economic Development Director stated that when Councilman Kivell brought up the idea, she did create a sponsorship form. Now is the perfect time to start this. We are also soliciting for sponsorship of the Concerts in the Park and the Farmer's Market as well. If Council agrees, we will proceed.

Discussion was held on the recognition of the business. Discussion was held on the name of the sponsoring business projected onto the screen. Ms. Delaney stated that she is not sure how they will do it, but they will work out the details.

### **CM 3-5-11 – SOLICITATION OF SPONSORS – MOVIES IN THE PARK**

Motion by Kivell, supported by Morelli

To approve the staff soliciting sponsors for movies in the park

VOTE:

**MOTION CARRIED UNANIMOUSLY**

### 3. Policy for the dedication of private utilities

City Manager Murphy stated that Council had asked that he work with the City Attorney, engineers, and department heads to develop the language to take in the utilities from private developments. We have made some changes and putting it to Council for their approval. We are proposing that we take over only the mains. The leads would still be the responsibility of the property owner. We are going to take a look at each case individually because they are so different. The newer developments will, of course, be much easier. This policy does give us some leeway and each development would still be brought to Council for approval. Attached is also a copy of the checklist. He further stated that it should be noted that Superintendent Martin had not been in favor of this as well as Superintendent Renwick and the City Attorney, but his opinion does differ.

Councilman Kramer, referring to the paragraph about the submission of electronic as-built information as required by the City's Standard Engineering Specifications, asked which standards would this be. Attorney Lee stated that it would be as of the date of dedication. Attorney Lee stated that it would also give us the option of determining to what extent the City wishes to impose today's standards. Councilman Kramer asked that we include the language "as of the date of the dedication" in order to eliminate any confusion. Attorney Lee stated that he does not have a problem with the added language.

Council Member Kopkowski asked if this includes sewer pipes. Attorney Lee stated that those are already ours when we accept dedication of the roads. It was stated that with condominiums the roads are not dedicated. If they chose to have the roads dedicated, they would have to bring them up to standards.

Council Member Kopkowski asked that for the site condominiums, would the documents already recorded with Oakland County showing easements be considered proper dedication. Attorney Lee stated that we were trying to leave that at the engineering company's discretion.

Councilman Kivell asked what drove the decision to require the property owner be responsible for restoration of a site after repairs, etc. Superintendent Renwick stated that part of that issue is that we do not have dedication of the streets. We try and keep the mains out of the road way, but in the private developments they run them anywhere. Superintendent Renwick stated that possibly we could use the fact that where there is a structure, we do not accept dedication. Attorney Lee stated that is why we were trying to tie it into the engineering standards. Councilman Kivell asked if we can preclude certain portions of a line. Attorney Lee stated that what we are trying to do is to say that if there is some kind of difficulty we have the ability to not accept dedication, but we do not want to make a universal statement. If there is going to be a substantial difficulty, before we accept dedication, we can require certain changes. He stated that he wants to leave us enough "outs".

Councilman Kramer asked if we can have an "either/or" statement saying that you either change things or you accept the responsibility of any damages to a private road or structure that may be in the way of a repair. Attorney Lee stated that we are trying to give ourselves enough flexibility.

City Manager Murphy stated that there is a typo error in the last paragraph

### CM 3-6-11 – APPROVAL OF POLICY – DEDICATION OF PRIVATE UTILITIES

Motion by Kramer, supported by Wedell

To approve the private utility policy as amended



VOTE:

MOTION CARRIED UNANIMOUSLY

4. Salt Requisition for 2011-2012 Season

Superintendent Renwick stated that we do have the option of purchasing our salt through the State or through the consortium of cities that we have participated with the past several years. They are in the process of negotiating for a two year period rather than just the one year. With that two year agreement, if in the first year we are unable to use 70% of our order, then we will be able to carry that over to the second year. The cost through the State this year is \$53.94 and the cost through the consortium is \$42.98. He would recommend staying with the consortium.

Council Member Kopkowski asked if we used less salt this year because of the brine. Superintendent Renwick stated that we did use less because of the brine, but more due to the weather.

Superintendent Renwick stated that the Detroit Salt Mine has been sold and they have had some headway in getting a two year contract.

CM 3-7-11 – SALT REQUISITION

Motion by Kopkowski, supported by Kivell

To approve the purchase of salt through the Farmington Hills Consortium for the 2011-2012 Winter Season

VOTE:

MOTION CARRIED UNANIMOUSLY

**MANAGER'S REPORT:**

City Manager Murphy stated that he included the annual report from RRRASOC in the Council's packet. If Council wishes, he could ask Mr. Csapo to come in and give a presentation as he did last year. Council concurred that the report was sufficient.

City Manager Murphy stated that Superintendent Martin has indicated that they have dug the new well 65 feet as of today.

City Manager Murphy stated that he will be off for a funeral tomorrow.

City Manager Murphy stated that the RCOC meeting will be on Monday, May 16<sup>th</sup> at 3:00 p.m.

City Manager Murphy stated that the committee met last week about the engineering RFQ and have narrowed it down to three firms. We will be interviewing in the next two weeks.

City Manager Murphy stated that he is continuing negotiations with the Fire Union. He further stated that he is also negotiating with HVA. It looks as though we will be getting one of our bays back and possibly some compensation for them using the other bay. Mayor Wallace stated that we are looking at getting the bay back due to the fact that we have more equipment, but asked how we are going to maintain the service. City Manager Murphy stated that they do have a vehicle that roams around the area. They are looking at buying property in Lyon Township as well.

Mayor Wallace asked if there is anything to report regarding the last Historical Commission meeting. City Manager Murphy stated that they were using a gardener, who he thought was too expensive. They are going

to try and get some volunteers and also hire someone. Also, their basement has been leaking and will be looking at getting that fixed.

**COUNCIL COMMENTS:**

Councilman Selden stated that when the Pumpkinfest had their dog show, everyone enjoyed it. The See Spot Run Event should be very well received.

Council Member Kopkowski stated that in looking through her packets, she could not find a contract review and performance review of the City Manager for last year. She stated that she does not feel that it is in the best interest of the taxpayers or Mr. Murphy if we do not schedule his review. She stated that it does not matter whether it is before or after the budget. Mayor Wallace suggested that it be before June. Council Member Kopkowski suggested the April 11<sup>th</sup> meeting or if after the budget, the July 11<sup>th</sup> meeting. Councilman Wedell suggested the end of June to coincide with the anniversary date of the contract. Councilman Kivell stated that if we talk about it before then, we can put it in the budget. Consensus of Council was to hold the City Manager review at the April 25<sup>th</sup>.

Councilman Kivell asked why the well could not have been put closer to the building. City Manager Murphy stated that is the closest they could get, but he is not sure why they could not get closer.

Councilman Kramer stated that there were some nice photos of Council in the paper last week.

Councilman Morelli stated that the home at 8 Mile and Laser where we were dealing with the easement for the project is for sale. City Manager Murphy stated that it has been for sale for years. Councilman Morelli stated that he just wants to make sure that whoever buys it does not come back to us and say there should be trees. City Manager Murphy stated that RCOC already has the easement. Attorney Lee stated that is precisely why we did not tie the purchase of trees to the easement itself.

Mayor Wallace congratulated DPW worker Terry Jones who completed 33 years of service to the City of South Lyon. He retired last week and we wish him the best in his retirement.

Mayor Wallace thanked Carl Richards for his suggestions.

**ADJOURNMENT:**

**CM 3-8-11 ADJOURNMENT**

Motion by Selden, supported by Kopkowski

To adjourn meeting at 8:33 p.m.

VOTE:

**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

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Tedd M. Wallace  
Mayor

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Julie C. Zemke  
City Clerk/Treasurer

# AGENDA NOTE

New Business: Item #1

**MEETING DATE:** March 28, 2011

**PERSON PLACING ITEM ON AGENDA:** Police Chief

**AGENDA TOPIC:** Resolution – Child Abuse Prevention Month

**EXPLANATION OF TOPIC:** April is Child Abuse Prevention Month in Michigan. Local units of government are encouraged to pass resolutions to call attention to the issue of child abuse.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Letter from Fight Crime: Invest in Kids; sample resolution

**POSSIBLE COURSES OF ACTION:** Approve/do not approve a local resolution

**RECOMMENDATION:** Approve the local resolution

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to pass the resolution designating April 2011 as Child Abuse Prevention Month.





Hundreds of Police Chiefs, Sheriffs,  
Prosecutors, other Law Enforcement  
Leaders, and Violence Survivors  
Preventing Crime and Violence

March 16, 2011

Dear Chief Collins:

As April is Child Abuse Prevention Month in Michigan, attached is a draft resolution that we ask you to share with members of your county commission or city council and ask that they consider it for adoption by their board or council. [Please note that the data is the most current available.]

Law enforcement leaders are the number one first responders and reporters of child abuse and neglect across Michigan. Child abuse and neglect cases are some of the most tragic situations that our men and women in uniform deal with each day.

By encouraging your local units of government to pass a resolution declaring April as Child Abuse Prevention Month, you are doing a great deal to highlight the problem and potential solutions. Also, please feel free to let me know if your local governmental legislative body does indeed pass such a resolution.

Thank you for all that you do to protect our most vulnerable children and the public at-large!

Best regards,

Kathy G. Pelleran  
State Director

Attachment: draft proclamation

# AGENDA NOTE

New Business: Item #2

**MEETING DATE:** March 28, 2011

**PERSON PLACING ITEM ON AGENDA:** City Clerk/Treasurer

**AGENDA TOPIC:** Request by Carriage Trace Subdivision - Canada Goose Egg & Nest Destruction and Round Up/Translocation programs

**EXPLANATION OF TOPIC:** In order for the Carriage Trace Subdivision to participate in the Canada Goose Egg & Nest Destruction and Round Up/Translocation programs through the Michigan Department of Natural Resources and Environment for their retention areas, they must receive authorization from the local unit of government.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Request by Steve Horaney, Landscape and Grounds Chairman for the Carriage Trace Subdivision and Application and Permit for Canada Goose Nest Destruction

**POSSIBLE COURSES OF ACTION:** Approve/do not approve the retention areas within the Carriage Trace Subdivision for both the Canada Goose Egg & Nest Destruction and Round Up/Translocation programs

**RECOMMENDATION:** Approve the retention areas within the Carriage Trace Subdivision for both the Canada Goose Egg & Nest Destruction and Round Up/Translocation programs

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ The City of South Lyon approves the retention areas within the Carriage Trace Subdivision for both the Canada Goose Egg & Nest Destruction and Round Up/Translocation programs. We realize the geese may be relocated within the state or killed. This resolution has been passed for 5 years 2011 through 2016



## Julie Zemke

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**From:** Steven D Horaney [shoraney@aol.com]  
**Sent:** Tuesday, March 15, 2011 3:16 PM  
**To:** Julie Zemke  
**Subject:** Carriage Trace resolution to remove geese  
**Attachments:** SAMPLE\_RESOLUTION[1].doc

Julie,

Further to our conversation this afternoon, I would like to request on the behalf of the Carriage Trace subdivision a resolution approved by the City of South Lyon approving the nest destruction of Canadian Geese in our development. We have contacted the DNRE and this resolution is required along with our application to the State of Michigan.

For your reference, I am attaching a sample resolution that was provided by the DNRE.

If you have any questions or would like to discuss this matter further, please send me a note or feel free to call.

Best regards,

Steve Horaney  
1033 Gentry Drive  
South Lyon, MI 48178  
C# 313-410-9881



## APPLICATION AND PERMIT FOR CANADA GOOSE NEST DESTRUCTION

*Required under the authority of the Wildlife Conservation Order,  
Chapter V, Sections 5.51, 5.15a, and 5.51b, and 5.110.*

This form is the application and permit for nest destruction. After being approved and signed by the Director's authorized representative, it becomes a valid permit. A permit is required to participate in any goose nest destruction activity.

### REQUIREMENTS

To obtain a permit for Nest Destruction:

- It is recommended that the applicant have tried to control geese using alternative measures which may include hunting; feeding bans; habitat modification; fencing; barriers; repellents; scare techniques such as scarecrows, flags, reflective tape; and harassment.
- A representative from each **new** site **must have attended the mandatory training session** before a permit will be issued. An application is required annually to participate in the program.
- Applicant must submit a permit application and verify they are within an eligible nest destruction area. The lake, body of water or site must be located within **Oakland County, Macomb County, Wayne County, or other individual site that has been determined to be eligible for this program**. It is the applicant's responsibility to confirm they are within the eligible area, before submitting application.
- Applicant will be responsible to assure that all **new persons involved with the actual nest destruction** (i.e., harassing birds from nest sites, removing eggs) **have completed training as designated by the Michigan Department of Natural Resources and Environment (DNRE)**; OR be directly supervised by an individual who has completed this training. If applicant is hiring a nuisance animal control business to conduct the nest destruction, applicant (or representative) must have still attended the mandatory training session, prior to a permit being issued. The Michigan DNRE maintains a list of all individuals who have completed this training.
- Applicant is responsible for providing any and all personnel to handle the goose eggs, or use an approved (state permitted) private, nuisance animal control company to carry out the work.
- Applicant will be responsible for providing complete and accurate recordkeeping of the nest destruction operations and file a report providing details as required by the Michigan DNRE. Report must be submitted to the USDA-APHIS Wildlife Services office by **May 6**.
- Training is required prior to the issuance of this permit. All new applicants must attend.
- Applicant will be responsible to assure that all eggs, eggshell fragments and/or contents that are removed from nests be destroyed as specified in the training session.
- Applicant may destroy Canada goose eggs and nests only within the timeframe specified, in a manner approved by the Michigan DNRE. Specifics on this will be conveyed at the training session.
- **All applications must be postmarked by March 20.**

### ELIGIBLE PARTICIPANTS

Permits for nest and egg destruction may be issued only to those that meet one or more of the following definitions:

1. **LAKE, LAKE ASSOCIATION, OR SITE WITH MULTIPLE PROPERTY OWNERS, SURROUNDING THE LAKE/SITE:**

This will require one of the following to be submitted with your application:

- **Resolution:** A resolution approved by the local government official (township, city etc), which represents the property owners on the subject lake, body of water or site, approving nest destruction for their site. Copy of resolution must be sent with application. Contact your local township/city clerk's office to request a resolution for your site. Resolution's are usually valid for one year, but can be valid for up to 5 years.
- **Petition:** Applicant is a lake, lake association or site, which has public approval consisting of a signed petition from at least 70% of the lakeshore property owners. The petition must clearly state that its purpose is for Canada Goose egg and nest destruction. Petition forms are available from the Michigan DNRE. The petition will be valid for a 5 year period, though the applicant must apply annually for the program. A copy of signed petition must be on file with the Michigan DNRE.

2. **COMMERCIAL/BUSINESS:** Applicant is an institution, corporation, or other single entity which owns/controls all lands surrounding or containing the subject lake, body of water or site. This can include golf courses, apartments/condos, parks, and recreation areas. This requires only a signature from the owner/land manager of the site.

3. **SINGLE FAMILY RESIDENCE:** Applicant is an individual with sole ownership and control of the subject lake, body of water or site, with no public access.

### FEE STRUCTURE

Fee waived for all eligible participants.



## APPLICATION AND PERMIT FOR CANADA GOOSE NEST DESTRUCTION

APPLICANT INFORMATION	SITE INFORMATION
Applicant Name/Contact Name	Site Name
Mailing Address	Site Telephone (      )
City, State, ZIP	Site (lake, park, etc.)
Applicant Telephone (      )	Township/City
Applicant Email Address	County
Have you previously attended the training session? <input type="checkbox"/> No <input type="checkbox"/> Yes    If yes, When _____ Where _____	
Who will do the nest destruction? <input type="checkbox"/> Myself <input type="checkbox"/> Myself with others assisting <input type="checkbox"/> Private <div style="text-align: right; margin-top: 5px;">Name of Private Contractor _____</div>	
<b>TYPE OF APPLICATION</b>	
<input type="checkbox"/> LAKE ASSOCIATION, LAKE AND/OR SITE WITH MULTIPLE PROPERTY OWNERS (must have resolution or petition)	
<input type="checkbox"/> COMMERCIAL/BUSINESS	
<input type="checkbox"/> SINGLE FAMILY RESIDENCE	

**ALL APPLICATIONS MUST BE POSTMARKED BY MARCH 20.**

*I have read, understand, and will comply with the terms and conditions of the permit. If applicable, I have provided a copy of the petition/resolution to the Michigan DNRE, and at least seventy percent of the lakefront owners have signed the petition authorizing Canada goose nest destruction. I assure the Michigan DNRE that all lakefront landowners have been notified of this application. Further, I understand this permit does not authorize trespass.*

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Please send completed and signed application to:

**USDA Wildlife Services**  
**2803 Jolly Rd, Suite 100**  
**Okemos, MI 48864**  
**Fax: 517-336-1934**

DNRE USE ONLY		
Director's Authorized Representative Signature of Approval		
Issue Date	Expiration Date	Permit Number
Law Enforcement District		Wildlife Management Unit

# AGENDA NOTE

New Business: Item #3

**MEETING DATE:** March 28, 2011

**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 2011 Tri-Party funds, which will be \$25,224. The City has to pay one third of this amount or \$8,408. I think it would be best for the City to designate the 2011 Tri-Party funds for the City's portion of the paving of 8 Mile Road between Pontiac Trail and Dixboro.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Letter from Tom Noechel Programming Supervisor for the RCOC.

**POSSIBLE COURSES OF ACTION:** Approve/do not approve using Tri-Party funds to help pay for the City's portion of the 8 Mile Road project.

**RECOMMENDATION:** Approve using Tri-Party funds to help pay for the City's portion of the 8 Mile Road project.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve using the remaining Tri-Party funds to help pay for the City's portion of the 8 Mile Road project.





March 10, 2011

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

**Board of Road Commissioners**

**Ronald J. Fowkes**  
Commissioner

**Gregory C. Jamian**  
Commissioner

**Eric S. Wilson**  
Commissioner

**Brent O. Bair**  
Managing Director

**Dennis G. Kolar, P.E.**  
Deputy Managing Director  
County Highway Engineer

RE: FY 2011 Tri-Party Program

Dear Mr. Murphy:

Your participation is requested in the FY 2011 Tri-Party Program for road improvements. The fiscal year governing this program is October 1, 2010 through September 30, 2011. 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 2011. 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.

31001 Lahser Road  
Beverly Hills, MI  
48025

248-645-2000

FAX  
248-645-5555

TDD  
248-645-5555

[www.rcocweb.org](http://www.rcocweb.org)

**City / Village Formula:** Community Allocation =  $Ad_{cv} \frac{(Ca + Rm)}{2}$

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 =  $Ad_T \frac{(Ca + Pc + Rm)}{3}$

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 2000 Census.

As in the past, RCOC road miles change only to reflect abandonment's, 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 2007 to 2009 is being used.

Your program allotment for this year is **\$25,224** and your share will be **\$8,408**. Any funds remaining from previous years may be added to this amount for use in 2011. You may use these funds to select a new project, continue funding a previous project, or save them to fund a future project. 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:

- 1) Projects intended for 2011 construction must be selected and submitted with a local board or council resolution by May 2011.
- 2) 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, i.e. 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 2011	Potential project locations submitted to Programming Division for review.
June 2011	Local council resolutions and project commitments submitted for projects to be constructed in 2011.
July 2011	Project approval for Road Commission and County Board.
July – December, 2011	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 2011 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 Citizen 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

TGN/sk

2011 TRI-PARTY PROGRAM  
CITY OF SOUTH LYON  
ALLOCATION FOR 2011: \$25,224

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	\$100,000 per approach
Approach paving – subdivision street	\$ 50,000
Approach paving – primary road	\$ 75,000
Passing lane	\$ 60,000
Widen for 150-200' center left-turn lane	\$200,000 per approach
Shoulder paving one side	\$ 45,000 per mile

POTENTIAL PROJECT LOCATIONS

Ten Mile Road, Dixboro Road to Hagadorn Road	Widen
Pontiac Trail, 8 Mile Road to 9 Mile Road	Widen to 3 lanes
Pontiac Trail, 11 Mile Road to the railroad tracks	Widen to 3 lanes



ROAD COMMISSION FOR OAKLAND COUNTY  
TRI-PARTY PROGRAM  
1980-2010

PROJECT DESCRIPTION	PROJ. NO.	1980-95 Tri-Party	1996-97 Tri-Party	1998-99 Tri-Party	2000-01 Tri-Party	2002-03 Tri-Party	2004 Tri-Party	2005 Tri-Party	2006 Tri-Party	2007 Tri-Party	2008 Tri-Party	2009 Tri-Party	2010 Tri-Party	2011 Tri-Party	PROJ TOTAL
SOUTH LYON (8-Philip J. Weipert)															
Pont Tr (Lafayette) @ McHattie-intersection imprvmt*	35301	23,324													23,324
10 Mile @ C&O RR x'ing!*	37491	11,000													11,000
Pontiac Tr tapers near 9 Mile*	38241	35,251													35,251
Pont Tr @ CSX-pavement x-ing pads work*	39581	22,182													22,182
Dixboro @ 9 Mile-pave approaches!*	40442	21,640													21,640
Pontiac Tr @ Yerkes Drain-extend culv for widening*	40941	44,441													44,441
Pontiac Tr, Detroit to Able-rem&plc existing storm sewer*	42321	22,776													22,776
Pontiac Tr, Marjorie Ann to Dorothy St (Mobile Pk)*	43421	44,734	23,534												68,268
10 Mile, Mill St to Eagle Way-add CLTL*	44811		23,655												23,655
Pontiac Tr, Able to Lottiel*	44261			29,969											29,969
Pontiac Tr, Evergreen to S Rdg condo-add passing ln!*	45861			29,969											29,969
Martindale, 10 Mile to s of 11 Mile-pave gravel*	46162				29,969										29,969
9 Mile Rd Paving, Pontiac Tr to Griswold!-PE!*	46502					4,931									34,900
9 Mile Pvg, Pontiac Tr-Griswold-CONST*	46502					51,922									51,922
Griswold Rd Paving, 9 to 10 Mile-CONST*	47562					37,858									37,858
8 Mile Rd Paving, Dixboro-Pontiac Trail -PE	49781						41,662	41,662	6,676	62,452	8,047				90,000
8 Mile Rd Paving, Dixboro-Pontiac Trail -CONST (capped)	49781								52,365		54,218	62,265	25,882		122,864
Pontiac Tr, Liberty to McHattie - CONST*	49791													25,224	142,365
future project															
TOTAL		225,348	47,189	59,938	59,938	94,711	41,662	41,662	59,041	62,452	62,265	62,265	25,882	25,224	867,577

C\*means project is complete and/or has used all the available tri-pary  
I means the project is being administered by the community

# AGENDA NOTE

New Business: Item #4

**MEETING DATE:** March 28, 2011

**PERSON PLACING ITEM ON AGENDA:** Fire Chief Mike Kennedy

**AGENDA TOPIC:** Authorization to place used fire department self contained breathing apparatus (SCBA) on the Michigan Inter-Governmental Trade Network for sale.

**EXPLANATION OF TOPIC:** While recently cleaning out a storage area, it was discovered that thirteen (13) old SCBA were not included in the prior sale of SCBA. The prior inventory and sale were accurate and sold for \$2,146.00.

SLFD received a FEMA grant in 2010 to replace all of the fire department's SCBA. The prior SCBA were not compliant with current National Fire Protection Association (NFPA) standards and lacked significant safety and technological advances.

This equipment is sitting in storage and has no operational value to SLFD. Since these SCBA do not meet current NFPA standards, fire departments looking to purchase this equipment would likely do so simply to cannibalize for parts. These models of SCBA are no longer in production.

If a minimum price of \$100.00 is not received, SLFD requests permission to destroy the equipment. It is taking up substantial office space that is needed to improve records management. Due to the weight and value of this equipment, freight charges would exceed the value to ship it to potential out of state buyers.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Please see attached pictures and inventory.

**POSSIBLE COURSES OF ACTION:** Approve / deny request to place equipment for sale on the Michigan Inter-Governmental Trade Network

**RECOMMENDATION:** Approve

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to approve placing used South Lyon Fire Department SCBA and related equipment as outlined in the attached inventory for sale on the Michigan Inter-Governmental Trade Network for a minimum price of \$100.00. If a minimum price of \$100.00 is not received, SLFD has permission to destroy the equipment.

### **Inventory**

13 - Interspiro SCBA harness

10 - Interspiro SCBA masks

2 - 4500 psi Interspiro bottles





# **AGENDA NOTE**

**New Business: Item #5**

**MEETING DATE:** March 28, 2011

**PERSON PLACING ITEM ON AGENDA:** Fire Chief Mike Kennedy

**AGENDA TOPIC:** Authorization to place collapsible, 2,000 gallon port-a-tank on the Michigan Inter-Governmental Trade Network for sale.

**EXPLANATION OF TOPIC:** This port-a-tank is intended for fire operations in areas without fire hydrants. This piece of equipment takes up substantial compartment space on the fire apparatus and is cumbersome and difficult to use. SLFD requests permission to sell this piece of equipment on the Michigan Inter-Governmental Trade Network. If a minimum price of \$250.00 is not received, SLFD requests permission to donate the equipment.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Please see attached pictures.

**POSSIBLE COURSES OF ACTION:** Approve / Deny request to place equipment for sale on the Michigan Inter-Governmental Trade Network

**RECOMMENDATION:** Approve

**SUGGESTED MOTION:** Motion to approve placing used South Lyon Fire Department collapsible port-a-tank for sale on the Michigan Inter-Governmental Trade Network for a minimum price of \$250.00. If a minimum price of \$250.00 is not received, SLFD has permission to donate the equipment.



Picture of tank in collapsed condition.



Vendor picture of filled tank

# **AGENDA NOTE**

**New Business: Item #6**

**MEETING DATE:** March 28, 2011

**PERSON PLACING ITEM ON AGENDA:** City Manager

**AGENDA TOPIC:** Overpayment – DDA Streetscape Phase II

**EXPLANATION OF TOPIC:** In June 2007, the City entered into a contract with the Michigan Department of Transportation for the Transportation Enhancement funding for the DDA Streetscape Phase II with federal funding of 65% of the participating costs up to \$257,525. As this was let by the City, we were responsible to request reimbursement by MDOT with each pay estimate generated for the project. We received our Notification to Proceed January 2009, after the paving had been completed. In March of 2010, the City was contacted by Rose Grinage from the State indicating that the City had funds to be reimbursed and requesting that we submit for an additional \$128,346.72. It was not until late July 2010 that the City was informed that per the MDOT Audit, the City was over paid in the amount of \$88,991. The City is responsible to repay MDOT that amount, although MDOT has said the City will not be invoiced for the overage for one to two years. HRC has provided a more detailed explanation.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** HRC Memorandum dated March 3, 2011

**POSSIBLE COURSES OF ACTION:** Approve/Not Approve the repayment of \$88,991 to MDOT based on the over payment for the DDA Streetscape Phase II Project

**RECOMMENDATION:** Approve the repayment of \$88,991 to MDOT based on the over payment for the DDA Streetscape Phase II Project

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ Approve the repayment of \$88,991 to MDOT based on the over payment for the DDA Streetscape Phase II Project as outlined in the MDOT Contract No. 07-5229





HUBBELL, ROTH & CLARK, INC  
Consulting Engineers

## Memorandum

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To: David Murphy – City Manager

From: Timothy J. Kniga, P.E.

C.C.: Jesse VanDeCreek, P.E.

Date: March 3, 2011

Subject: DDA Streetscape Phases II Funding Summary HRC Job No. 20030783.09

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Below is a summary of the project funding for the DDA Streetscape Phase II project.

In 2004 at the City of South Lyon's request, HRC prepared a conceptual cost estimate for Phase II. The estimate was used by the City to submit a Transportation Enhancement Application to MDOT. The application was submitted in 2006 and the Project Funding Notification sent to the City on March 20, 2007. The Notification included an Award Summary (attached) which details the following funding; total participating budget of \$396,192.50 including \$138,667.38 in matching funds from the City of South Lyon and \$257,525.13 in Federal Transportation Enhancement Funds. These numbers were based on a 65/35 split of the total participating budget.

The advertisement and bidding process for the project was locally let by the City of South Lyon. The bids for the project were opened on March 25, 2008 with a total bid of \$387,090.32 which included participating costs of \$250,181.32 and non-participating costs of \$136,909.00. Since the project was locally let the City had to submit Request for Reimbursement during the construction process to receive the federal funding allocated for the project. Therefore with each pay estimate generated during the project a Local Agency Request for Reimbursement (MDOT form 802P) had to be submitted. The only costs requested on this form are the participating costs for the period in question. All non-participating



Memo Re: DDA Streetscape Phase II  
March 3, 2011  
HRC Job Number 20030783.09  
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costs are covered by the City. The initial balance of the authorized amount of participating funds used on this form was \$257,525.13 (per the 2007 Award Summary). On each Request for Reimbursement the requested funds are subtracted from this beginning fund balance. This value was used on the first six (6) Requests for Reimbursement from July 2008 through February 2009. However per an April 2009 email from Rose Grinage (MDOT) to Lori Mosier the Requests for Reimbursement had to be revised and the beginning fund balance modified to the bid amount of \$387,090.32. In response, all the previous and subsequent Requests for Reimbursement were revised using the new initial fund balance. Note that during this correspondence period between Lori and Rose a Transportation Enhancement Project Notification to Proceed was provided by Rose. The Notification to Proceed was dated 1/21/2009 five (5) months after the project paving was completed and most notably indicated a revised Federal Funds Cost Participation of \$162,617.86 (65% up to an amount not to exceed \$257,525.00 (per the original 2007 Award Summary).

The issue regarding the overall funding balance/overpayment came to light approximately one (1) year later in March of 2010 when Rose Grinage detailed in an email that the City still had remaining funds to be reimbursed although the City had already requested a total of \$258,743.60. MDOT requested that the City submit a request for an additional \$128,346.72 in which the City would receive 65% of or \$83,425.37. The 128K was the difference between what the City had requested to date for reimbursement and the as-bid amount of \$387,090.32. Based on this information MDOT instructed the City to submit a Request for Reimbursement which exceeded the amount already requested because MDOT believed there was a fund balance based upon the revised Requests for Reimbursement. However this was not the case and the City received additional reimbursement funds in error. Per the MDOT Commission Audit the City was paid approximately \$251,291 which was an overpayment of \$88,991 above and beyond the approved Participating Federal Funds listed in the 1/21/2009 Notification to Proceed of \$162,617.86.



Memo Re: DDA Streetscape Phase II  
March 3, 2011  
HRC Job Number 20030783.09  
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To minimize the potential for recurrence on future Transportation Enhancement Activity (TEA) funded projects it is recommended that the City allow HRC to administer all aspects of the funding portion of these projects. This would not only include conceptual costs estimates, but grant applications, coordination with State and Federal regulatory agencies, project budgeting, reimbursements, etc.