

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
APRIL 6, 2015**

A regular meeting of the Lapeer City Commission was held April 6, 2015 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.
Commissioners Bennett, Gates, Robinet, Bostick-Tullius, Lyons.
City Attorney Representative Denis McCarthy.
City Manager Dale Kerbyson.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

57 2015 04-06

Moved by Bostick-Tullius. Seconded by Gates.
Approve the Agenda for April 6, 2015 as presented.
Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.
Nays: None.
Absent: None.
MOTION CARRIED.

MINUTES

58 2015 04-06

Moved by Gates. Seconded by Robinet.
Approve the minutes from the regular meeting held March 16, 2015 as presented.
Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.
Nays: None.
Absent: None.
MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Deanna Adams, Baldwin Road, gave invocation.

CONSENT AGENDA

59 2015 04-06

Moved by Bostick-Tullius. Seconded by Gates.
Approve the Consent Agenda for April 6, 2015, resulting in the following:

1. Special Event Request from Historic Farmers Market of Lapeer for Farmers Market, Wednesday's and Saturday's, May 9 through Oct 31, 2015 and Monday's starting June 1 through end of September 2015, use of Farmers Market Pavilion, parking along Nepessing, Court and Cedar Streets.
2. Special Event Request from Michigan Lupus Foundation for Timberly Ranshaw Memorial Walk, May 17, 2015, Rowden Park.
3. Special Event Request from Center for the Arts of Greater Lapeer for Movie Under the Stars, May 9, 2015, Court Street between Nepessing and Park Street.
4. Traffic Control Order 281 and 282.

**CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO.
281**

Location: Nepessing Street from Main Street to Saginaw Street

Order: Install "No through Trucks" signs for eastbound Nepessing Street at Main Street and for westbound traffic on Nepessing Street at Saginaw Street.

Reason: We have been having steel hauling semi trucks on a daily basis cutting through Nepessing Street on their way to and from Gestamp. Even though the company has been contacted and have passed on our displeasure of the truck travel on this street the drivers are following their mapping devices which route them this way. This prohibition does not included trucks making deliveries in the Downtown area.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO.
282

Location: Michigan Street from Main Street to Fox Street

Order: Install "No through Trucks" signs for eastbound Michigan Street at Main Street and for westbound traffic on Michigan Street at Fox Street.

Reason: We have been having steel hauling semi trucks on a regular basis cutting through Michigan Street on their way to and from Gastamp. Even though the company has been contacted and have passed on our displeasure of the truck travel on this street the drivers are following their mapping devices which route them this way. This prohibition does not included trucks making deliveries in the neighborhood area.

5. Traffic Control Order 283.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO.
283

Location: Nepessing Street Angled parking in front of the historical courthouse.

Order: Install three signs "Farmers Market Vendor Parking Only" Monday, Wednesday, Saturday,"" 7AM-4PM." "Others Will Be Towed."

Reason: To regulate parking to allow only vendors to park in the angled parking on Nepessing Street in front of the historical court house during Farmers Market Days.

6. Land Acquisition Deficit Elimination Plan as presented.
7. Accept National Volunteer Fire Council donation of \$182.00 through Sears Hometown and Outlet Store Local Heroes charity campaign.
8. Authorize the Mayor, as the highest elected official, to sign required documents for the Lapeer Housing Commission Capital Fund 2015-2019 Environmental Review.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR APRIL 6, 2015

60 2015 04-06

Moved by Robinet. Seconded by Lyons.

Approve the Bill Listing for April 6, 2015 in the amount of \$727,008.05.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Arbor Day Proclamation

61 2015 04-06

Moved by Robinet. Seconded by Gates.
Approve the Arbor Day Proclamation.

CITY OF LAPEER ARBOR DAY PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal,

THEREFORE, BE IT RESOLVED that I, William J. Sprague, Mayor of the City of Lapeer and the Lapeer City Commission do hereby declare April 24, 2015 as Arbor Day in the City of Lapeer and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

MDOT Local Bridge Program: Genesee Street Bridge.

62 2015 04-06

Moved by Bostick-Tullius. Seconded Lyons.
Approve the Municipal Resolution For The Replacement of The Genesee Street Bridge Through The Michigan Department of Transportation Local Bridge Program.

CITY OF LAPEER MUNICIPAL RESOLUTION FOR THE REPLACEMENT OF THE GENESEE STREET BRIDGE THROUGH THE MICHIGAN DEPARTMENT OF TRANSPORTATION LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the Genesee Street bridge has deteriorated to such an extent that corrective repairs are not considered feasible to restore the bridge to its original condition, therefore, replacement is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow replacement of this bridge without additional funds from other sources;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program Funding for replacement of the Genesee Street Bridge for MDOT's Fiscal Year 2017-2018.

Ayes: Commissioners Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Housing Improvement Department: Independent Contractor Agreement.

63 2015 04-06

Moved by Gates. Seconded by Bostick-Tullius.

Approve the Independent Contractor Agreement with Jodi Mauk for Housing Choice Voucher Processor and authorize the Mayor and City Manager to sign required documents.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

2015 Annual Spring Clean Up.

64 2015 04-06

Moved by Robinet. Seconded by Bennett.

Approve the 2015 Spring Clean-Up Agreement with Rick Rhein Disposal and authorize the City Manager and Director of Public Works to sign required documents.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

Downtown Outdoor Dining Area Right-of-Way Licenses.

65 2015 04-06

Moved by Bennett. Seconded by Gates.

Approve the Downtown Outdoor Dining Area Right-of-Way Licenses for:

1. Blondie's Sweet Boutique/Dagwood's Deli, 193 W. Nepessing Street.
2. Woodchips LLC, 315 W. Nepessing Street.
3. Pueblo Viejo Restaurant, 393 W. Nepessing Street.
4. Fat Boys Bar & Grill, 10 E. Nepessing Street.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

DeMille Street & Whitney Drive Rehabilitation Project.

Rowe Professional Services – Design & Construction Engineering Agreement.

66 2015 04-06

Moved by Robinet. Seconded by Lyons.

Approve the Contract for Engineering Services with Rowe Professional Services Company in the amount of \$126,500 for Design & Construction Engineering for the DeMille Street & Whitney Drive Rehabilitation Project and authorize the Director of Public Works to sign required documents.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

Water Options.

City Manager Dale Kerbyson indicated there were several public presentations on the water choice options, Commission narrowed options down to two choices, vote held from last meeting so that all Commissioners would be present.

67 2015 04-06

Moved by Lyons. Seconded by Robinet.

To authorize the City Manager to negotiate a Water Contract with Great Lakes Water Authority (GLWA).

ON A ROLL CALL VOTE:

AYES: Commissioners Robinet, Lyons, Bennett.

NAYS: Commissioners Bostick-Tullius, Gates.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

TIGER Grant.

Mr. Kerbyson commented on information regarding TIGER Grant for Genesee Street Reconstruction, Federal Government holding classes regarding grant funding in Washington, D.C., costs to attend, communication with Congresswoman Candice Miller's office on the possibility of obtaining grant funding, request permission to attend class.

68 2015 04-06

Moved by Bostick-Tullius. Seconded by Lyons.

Authorize the City Manager to attend TIGER Grant class.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

Mr. Kerbyson commented on the M-24 Project, to begin work on April 13th, traffic detours.

Executive Session Request.

Mr. Kerbyson requested an Executive Session to discuss lease/sale of property.

69 2015 04-06

Moved by Bennett. Seconded by Robinet.

Convene to an Executive Session at the end of the regular meeting to discuss the lease/sale of property.

ON A ROLL CALL VOTE.

AYES: Commissioners Bostick-Tullius, Lyons, Robinet, Gates, Bennett.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Representative commented on lawsuit (Pines of Lapeer), hearing date scheduled for April 17th.

UNFINISHED BUSINESS

70 2015 04-06

Mayor Sprague appointed. Moved by Robinet. Seconded by Bostick-Tullius.

Scott McCallum Park Board, term ending 04-01-18.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

None.

PUBLIC COMMENTS

Barb Stewart, Lincoln Street, recommended microphones, cannot hear.

Marlana Swindell, Pleasant Street, commented on crosswalk on Genesee Street and Lake Drive, heavy traffic and issues crossing, kids walking to school, place signage "stop when pedestrians present" such as Davison crosswalk has, please do something here. Mayor Sprague asked City Manager Dale Kerbyson to check into this area.

Wesley Butterfield, Adams Street, commented on water decision, watching news reports, Detroit has weekly water main breaks, getting out of bankruptcy and now asking for wage increases, what guarantee is there that we won't have to pay for their situation.

Layton Jefferson, Flint, commented that he came to this meeting on water choice, met President of Karegnondi pipeline, held up container of water that showed what he receives out of their pipes, feels Lapeer City made a good decision.

Barbara Griffith-Wilson, Winans Avenue Flint, commented on water crisis in Flint, cannot bathe, drink, wash clothes, she's against KWA, going with Detroit wise decision, City of Flint is too expensive, less cost effective if go with Karegnondi, won't reach Flint until 2016, may not live in City but all live in the same community.

Claire McClinton, Jamieson Street Flint, commented on living in this state surrounded by fresh lake water, regardless of what we do she wishes they could go back to Detroit, they are on Flint River water now, current board voted to go back to Detroit but Emergency Manager said it's not going to happen hold on to democracy, your water is our water, keep water in public hands not in those who want to make a dollar.

Barb Stewart, Lincoln Street, indicated she is hearing comments from Flint, they are not using the water we have, they should not comment, that is not what we are facing, other areas faced increases, Birmingham had a 14% increase.

MAYOR/COMMISSIONER COMMENTS

Commissioner Lyons commented that he disagreed about hearing Flint resident's statements, Flint left Detroit water and issues when they shut off the line, big question was costs to our City, controversial subject, City Manager to negotiate contract with Detroit.

Commissioner Bostick-Tullius commented resident's concern regarding Genesee Street crosswalk, sign placement, a lot of kids cross there and safety is a concern, to have ideas/options by next meeting; excited to see Farmers Market downtown, Denise Becker is present, feels ok with using street, to bring people downtown.

Commissioner Bennett commented on water option and biggest decision City Commission has made, if gone with new system for the next 5-10 years would have been paying 20-30% more than Detroit, no guarantee that rates would drop, best to stay with something that is certain, Detroit states no more than 4% increase per year, feels best decision for City residents; attended MML Conference liquor control class, selling of liquor at gas stations and WalMart, local input at one time now State has control, like Cable Advisory Board the State has taken away local control.

Commissioner Gates commented that area on Genesee is dangerous; thank you to all who came out and shared opinions, she was for KWA however decision has been made, confident City Manager will work with GLWA; thank you to DPW, Police, Fire for all they do.

City Manager Dale Kerbyson commented on Farmers Market, downtown impact, City dedicated to making transition go smoothly; to address crosswalk issue with Police Chief.

Mayor Sprague commented on letters that are sent and not signed usually follow with misinformation on what occurred, letter/flyer sent to residents about him and Flint residents, Flint water issues, Detroit has safest water in America, 20-34 year break even if went with KWA and does not include what could have lost, did not feel a great return on investment with KWA, opportunity to save money by installing water storage, he did not receive a copy of the letter, he is proud that the City of Lapeer does not shut off anyone under public comments, people don't live in the city that pray for us, work in city but not live here, believe in democracy and allow people to speak their mind, feels letter was tinged with racism, standing with Flint people and allowing to hear their issues, yes he did.

By general consensus, the meeting was recessed at 7:07 p.m. and returned to its regular meeting at 7:17 p.m.

WORKSHOP MEETING

The Lapeer City Commission convened to a Workshop Meeting at 7:18 p.m. to discuss City Road Millage and Charter Amendment or Revision.

City Manager Dale Kerbyson commented on the purpose of the meeting, reviewed MML information should May ballot proposal passes, increase in funding to roads and bridges, transit and rail, transportation funding, schools as well as constitutional revenue sharing, City election results from County proposal in November. Discussion was held on estimated increase should May ballot proposal passes, priority to spend money strictly on roads, if passes in May to not move forward with City proposal, deadline for items to be placed on November ballot, would special assessments be eliminated – response of no, but extra funds may be used to help with special assessments. General consensus was to begin process for a possible street millage proposal on the City November ballot.

City Clerk Donna Cronce asked Commission for clarification on their concerns regarding changes to the City Charter, that the concerns will be sent to Kevin Kilby with McGraw Morris who specializes in Charter Amendment/Revisions and is scheduled to attend the next meeting to provide a power point about the process and will discuss and answer all concerns from the workshop in detail. Discussion was held on costs to complete a revision, concerns of Commission member not having to resign in order to run as Mayor if their term was not expired, to have to wait 2 years before eligible to work for City, special assessment process removal into an ordinance – response that this was completed in-house by Clerk and City Attorney last City election, language regarding lottery winnings. Commission members to send concerns via email by Friday.

The City Commission convened to its regular meeting at 7:39 p.m.

EXECUTIVE SESSION

The City Commission convened to an Executive Session to discuss lease/sale of property at 7:40 p.m. and returned to its regular meeting at 7:45 p.m.

71 2015 04-06

Moved by Robinet. Seconded by Bostick-Tullius.

Authorize the City Manager to negotiate the sale of a portion of City property L21-57-300-040-00.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

ADJOURNMENT

~~56~~ ~~2015 03-16~~ 72 2015 04-06 corrected 05-04-15 meeting.

Moved by Gates.

Adjourn the regular meeting.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:46 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk