

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
SEPTEMBER 8, 2015**

A regular meeting of the Lapeer City Commission was held September 8, 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 Manager Dale Kerbyson.  
City Attorney Michael Nolan.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**177 2015 09-08**

Moved by Lyons. Seconded by Robinet.

Approve the Agenda for September 8, 2015 with the addition of Item G.9. Roof Replacement for the Public Safety Building.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**178 2015 09-08**

Moved by Gates. Seconded by Lyons.

Approve the minutes from the regular meeting held August 17, 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**

Shine On For Shelby Organization

Terry Fazio introduced family members and friends, informed the Commission on the life of his daughter Shelby Fazio and her accomplishments, to honor her life through the Shine On For Shelby Organization, request Commission support.

Glenn Alverson commented on candidacy for City Commission seat.

Debbie Marquardt, Oregon Road, commented on road millage request and consideration of not doing special assessments.

**CONSENT AGENDA**

**179 2015 09-08**

Moved by Robinet. Seconded by Gates.

Approve the Consent Agenda for September 8, 2015, resulting in the following:

1. Special Event Request from Lapeer Community Schools, Homecoming Parade, September 25, 2015 from 5:00 p.m. to 7:00 p.m., Nepessing Street.
2. Satisfaction and Release of Restrictive Covenant as recorded in Liber 826, Pages 95-96, Lapeer County Records as corrected and authorize the Mayor and City Manager to sign required document.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR SEPTEMBER 8, 2015**

**180 2015 09-08**

Moved by Robinet. Seconded by Gates.

Approve the Bill Listing for September 8, 2015 in the amount of \$879,241.20.

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

Nays: None.

Absent: Lyons.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Proclamation: ZF Lemforder.

**181 2015 09-08**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Proclamation ZF Lemforder.

CITY OF LAPEER  
PROCLAMATION  
ZF LEMFORDER

WHEREAS, the City of Lapeer would like to congratulate ZF Lemforder on their centennial celebration of 100 years of success as one of the top three automotive suppliers worldwide since their founding in the City of Friedrichshafen, Germany on September 9, 1915; and

WHEREAS, ZF Lemforder hosted a Family Day Celebration for all employees and their immediate families at their location of 3300 John Conley Drive, Lapeer, Michigan on August 15, 2015; and

WHEREAS, the City of Lapeer recognizes that ZF Lemforder is a major employer in the Lapeer area since their establishment in the City of Lapeer in November 1999; and

WHEREAS, ZF Lemforder is a driven company that continually strives toward the future with their innovative and cutting edge technology marking them as a global leader in automotive technology.

THEREFORE, BE IT RESOLVED that I, William J. Sprague, Mayor of the City of Lapeer and the Lapeer City Commission wishes to recognize and honor ZF Lemforder for their community commitment, employee-based corporate culture and values, 100 years of success and leadership and for continued success in the years to come.

Dated this 8<sup>th</sup> day of September 2015.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Proclamation: Shine On For Shelby, In Memory of Shelby Fazio.

**182 2015 09-08**

Moved by Gates. Seconded by Lyons.

Approve the Proclamation Shine On For Shelby, In Memory of Shelby Fazio.

CITY OF LAPEER  
PROCLAMATION  
SHINE ON FOR SHELBY  
In Memory of Shelby Fazio

WHEREAS, Shine On For Shelby is an organization dedicated to memorialize the life of Shelby Fazio by encouraging others to live the quality of life she selfishly served in promoting community involvement, generation of civic pride, and tireless volunteerism; and

WHEREAS, Shine On For Shelby is strongly committed to honoring the life Shelby Fazio in asking citizens to participate in a widespread day of volunteering on October 24, 2015 by donating to a charity in her memory or to selflessly participate in something that will benefit those in need; and

WHEREAS, Shine On For Shelby's initiative is to continue the legacy left behind by Shelby Fazio and encourage contribution to organizations for no-kill animal shelters, canine advocacy programs, wildlife/nature conservation, homeless shelters, victims advocacy programs and food banks; and

WHEREAS, Shine On For Shelby desires to reflect a remembrance of the caring, adventurous and giving person and to shine a light on the life that was projected by Shelby Fazio and call for a spirit of voluntary action.

THEREFORE, BE IT RESOLVED that I, William J. Sprague, Mayor of the City of Lapeer and the Lapeer City Commission wishes to recognize and honor Shine On For Shelby and urge citizens to support the organization honoring the memory of Shelby Fazio.

Dated this 8<sup>th</sup> day of September 2015.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

### Roadway Asset Management Plan Summary: Presentation by Wade Trim.

Wade Trim representatives Jason Kenyon and Dave Nummer provided a presentation on the Roadway Asset Management Plan including Asset Management, Road Evaluation (PASER Ratings), Field Testing, Roadsoft Analysis, Recommended Mix of Fixes, Funding Evaluation, Base Level Investment, and Capital Improvement Plan. Discussion was held regarding information from document will be used and placed in Capital Improvement Program; millage request and the ability to provide a list of roads and priority of work.

### Street Project History 2007-2015.

Informational; to review in workshop if needed.

### Electrical Contract: Brian Schaefer.

#### **183 2015 09-08**

Moved by Robinet. Seconded by Gates.

Approve the Electrical Contract with Brian Schaefer and authorize the Mayor and City Manager to sign said contract.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### M-24 Reconstruction Project – Water Main Improvements.

#### Local Share Payment #10.

#### **184 2015 09-08**

Moved by Robinet. Seconded by Gates.

Approve Local Share Payment #10 to the State of Michigan in the amount of \$2,036.32 for the M-24 Reconstruction Project – Water Main Improvements

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

Nays: None.

Absent: None.

MOTION CARRIED.

E. Oregon Street Reconstruction Project – Flint River East to City Limits.  
Local Share Payment #3.

**185 2015 09-08**

Moved by Robinet. Seconded by Lyons.

Approve Local Share Payment #3 to the State of Michigan in the amount of \$147,384.52 for the E. Oregon Street Reconstruction Project – Flint River East to City Limits.

Discussion was held regarding this project being under MDOT, letters to MDOT regarding contractor and handling of project, compose letter from Commission to MDOT regarding contractor and handling of project, documentation of issues, City has implemented \$1,300 per day for liquidated damages, project is being monitored closely.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**186 2015 09-08**

Moved by Robinet. Seconded by Bennett.

Approve a draft letter be composed to MDOT from the City Commission regarding the contractor and handling of the project for the E. Oregon Street Reconstruction Project to be reviewed at the next Commission meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DeMille Road & Whitney Drive Rehabilitation Project.  
James P. Contracting, Inc. – Payment Request #1.

**187 2015 09-08**

Moved by Bostick-Tullius. Seconded by Gates.

Approve Payment Request #1 to James P. Contracting, Inc. in the amount of \$289,310.26 for the DeMille Road & Whitney Drive Rehabilitation Project

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

Nays: None.

Absent: None.

MOTION CARRIED.

Lincoln Street Reconstruction Project.  
Change Order #2 – Glaeser Dawes Corp.

**188 2015 09-08**

Moved by Bennett. Seconded by Lyons.

Approve Change Order #2 from Glaeser Dawes Corp. for a net decrease of \$18,827.59 revising the contract amount to \$801,761.76 for the Lincoln Street Reconstruction Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Lincoln Street Reconstruction Project.  
Glaeser Dawes Corp. – Payment Request #3

**189 2015 09-08**

Moved by Gates. Seconded by Lyons.

Approve Payment Request #3 to Glaeser Dawes Corp. in the amount of \$320,157.00 for the Lincoln Street Reconstruction Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Roof Replacement for the Public Safety Building.

**190 2015 09-08**

Moved by Robinet. Seconded by Gates.

Approve the bid from Zimmer Roofing & Construction in the amount of \$67,640.00 for the Roof Replacement of the Public Safety Building and authorize the City Manager to sign required documentation.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **CITY MANAGER'S REPORT**

Opt Out of PA 152 of 2011.

### **191 2015 09-08**

Moved by Robinet. Seconded by Lyons.

Approve Resolution Opt Out of PA 152 of 2011, January 1, 2016 through December 31, 2016.

### **CITY OF LAPEER RESOLUTION**

Opt Out of PA 152 of 2011  
January 1, 2016 through December 31, 2016

WHEREAS, the Publicly Funded Health Insurance Contribution Act, PA 152 of 2011 places limits on the amount a public employer can pay for employee medical plans; and

WHEREAS, pursuant to this Act, the City of Lapeer is exercising the option to exempt itself from the requirements of the Act for the next succeeding year as authorized under MCL 15.568 (et. seq.); and

WHEREAS, the City of Lapeer by exercising the option to exempt itself shall in no way limit the ability to continue to examine the law and review interests of all involved at any time.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Lapeer City Commission exercises the option to be exempt from the requirements of PA 152 of 2011 at this time for the year beginning January 1, 2016 through December 31, 2016 by a 2/3 vote of its governing body.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Sale of Property: Vidon Plastics, Inc.

### **192 2015 09-08**

Moved by Robinet. Seconded by Gates.

Approve the Contract For The Sale Of Real Estate with The Dube & McNish L.L.C. and authorize the Mayor and City Manager to sign all required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Various Matters.

City Manager Dale Kerbyson commented on Police Department receipt of grant for bullet proof vests; gain elevator demolition.

## **CITY ATTORNEY'S REPORT**

Purchasing Policy.

### **193 2015 09-08**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the amendments to the Purchasing Policy as presented.

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

Nays: Lyons.

Absent: None.

MOTION CARRIED.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

The Investment Report for the Quarter Ending June 30, 2015 and Monthly Financial Report for June 2015 Pre-Audit were received into record as presented.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett thanked City Attorney Michael Nolan for review of Purchasing Policy; inquired on microphone bids, response by City Manager that Thumb Alarm looked at system and to receive another from Flint based company.

Commissioner Bostick-Tullius thanked DPW Director Pam Reid for intersection at Calhoun and Genesee, arrows in place and provides better driving access; Wade Trim presentation, great report, disappointed that no road listing was received; Farmers Market and addition of Model A's.

Commissioner Lyons commented on road survey, disappointed that it was not received in its entirety, roads in worse shape than reported, need to place more money in budget and double road maintenance efforts.

City Manager Dale Kerbyson indicated he was now Chairman for the I-69 International Trade Corridor, spoke with Boeing Airlines relating to office areas.

Mayor Sprague commented on upcoming events; thanked Wade Trim for presentation, ability to look at history, review raw data, DPW is doing great job improving and maintaining roads.

By general consensus, the City Commission recessed from 8:03 p.m. to 8:14 p.m.

## **WORKSHOP MEETING: Street Millage Proposal.**

The Lapeer City Commission convened to a Workshop Meeting at 8:14 p.m. to discuss the Street Millage Proposal.

Discussion was held regarding the street millage proposal to be on the November ballot; to get information out to the public; review of Street Project History 2007-2015; citizen perception of street repair is complete reconstruction and the City cannot sustain this type of major repair; review of upcoming road projects; City has contributed \$2.9M in road construction; elimination of special assessments during term of millage; roadway plan and crack sealing of roads for first few years; possibility of State action on roads; current budget provides for 3.5 to 5 miles of crack seal of roads; to look at overall road improvements; continue pursuit of grants; not reduce current level of road funding in budget; long-term maintenance plan; focus additional funding on roads; the need to prevent deterioration of roads; special assessments funding went towards complete reconstruction of streets, additional funding will not sustain this type of repair; make a list of priorities, come up with a plan; City cannot promote proposal but can provide factual information and place on website or facebook; to review roadway data provided, roads in worse condition than reported; review of roadwork during budget process.

By general consensus, the Commission returned to its regular meeting at 9:06 p.m.

By general consensus, the Commission requested a Resolution to suspend the special assessment process during the term of the millage and to review the Resolution to not reduce current level of road funding within the current year budget.

## **ADJOURNMENT**

### **194 2015 09-08**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 9:07 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, City Clerk

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Tracey S. Russell, Deputy City Clerk