

**MINUTES OF A REGULAR MEETING
OF THE
LAPEER CITY COMMISSION**

APRIL 20, 2009

A regular meeting of the Lapeer City Commission was held April 20, 2009 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Sprague
Commissioners Bennett, Marquardt, Robinet, Bostick-Tullius, and Farrington.
City Manager Dale Kerbyson.
City Attorney Mike Nolan.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

62 2009 04-20

Moved by Farrington. Seconded by Marquardt.
To approve the Agenda for April 20, 2009. MOTION CARRIED.

MINUTES

63 2009 04-20

Moved by Robinet. Seconded by Farrington.
To approve the minutes from the Regular Meeting held on April 6, 2009.
MOTION CARRIED.

Minutes from the various Boards and Commissions were received into record.

CONSENT AGENDA

64 2009 04-20

Moved by Bostick-Tullius. Seconded by Marquardt.
To approve the Consent Agenda for April 20, 2009 resulting in the following:

1. Approval to cancel the public hearing scheduled for May 18, 2009 to discuss the City of Lapeer Wastewater Treatment Plant Expansion & Rehabilitation Project using the State Revolving Fund Loan process and reset the public hearing for June 1, 2009 at 6:30 p.m. or as soon thereafter as may be heard.
2. Approval of the Resolution Establishing the City of Lapeer Official Policy and Procedure for Identity Theft Prevention Program.

CITY OF LAPEER, MICHIGAN
Resolution Establishing
The City of Lapeer Official Policy and Procedure
Identity Theft Prevention Program

WHEREAS, over the past ten years, the crime of identity theft has exploded and is now the fastest growing crime in the United States; and

WHEREAS, the Federal Trade Commission (FTC) has adopted the "Red Flag Rules" which require "creditors" with "covered accounts" to develop, adopt and implement a written identity theft prevention program "to detect, prevent and mitigate identity theft in connection with the opening of a covered account or any existing covered account."; and

WHEREAS, the federal Fair and Accurate Credit Transactions Act of 2003 (FACTA) defines "creditor" as "any person who regularly extends, renews, or continues credit [or] who regularly arranges for the extension, renewal or continuation of credit"; and

WHEREAS, the FTC clarified that a “creditor” includes “lenders such as ...utility companies” and indicated that non-profit and governmental entities that defer payments for goods and services should be considered “creditors” for purposes of FACTA; and

WHEREAS, a “covered account” is defined as “an account that a ...creditor offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple or transactions, such as a...utility account...and any other account for which there is a foreseeable risk of identity theft”; and

WHEREAS, the FTC believes that municipal utilities are “creditors” for purposes of FACTA and therefore must comply with the Red Flag Rules to the extent that the municipalities defer payments for goods and services; and

WHEREAS, the Identity Theft Prevention Program must be approved and implemented by May 1, 2009,

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS: The City of Lapeer Commission does hereby approve the City of Lapeer Official Policy & Procedure Identity Theft Prevention Program, a copy of which is attached hereto as Exhibit A.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

BILL LISTING FOR APRIL 20, 2009

65 2009 04-20

Moved by Robinet. Seconded by Farrington.

To approve the Bill Listing for April 20, 2009 in the amount of \$380,355.25.

MOTION CARRIED.

PUBLIC COMMENTS

Anita St. Clair, 3619 Lake Shore Drive commented on how Channel 19 is coming along, issues within the system: disks order and placement on the channel in a more timely manner, ability to have access to the equipment for programming, ability to handle malfunctions, that they have technical people willing to come in and run the operation, and asked if the City Commission could find a way to make this work. Mayor Sprague commented that he appreciates their efforts and that day-to-day operations in regards to Channel 19 would have to go through the City Manager.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

National Train Day Proclamation

66 2009 04-20

Moved by Farrington. Seconded by Bennett.

To approve the National Train Day Proclamation.

CITY OF LAPEER NATIONAL TRAIN DAY PROCLAMATION

WHEREAS, ON May 10, 1869 the “golden spike” was driven into the final tie at Promontory Summit, Utah to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad; and

WHEREAS, passenger trains provide a safe, convenient and cost effective travel choice that reduces congestion on roads and in the skies, thus saving fuel and improving air quality; and

WHEREAS, passenger trains bring people from throughout the Midwest to enjoy Michigan’s scenic attractions, festivals, and sporting events; and

WHEREAS, forty-eight Michigan towns and cities are served by Amtrak trains and Indian Trails Thru-way buses, providing access to some 500 other locations across the nation; and

WHEREAS, a record 800,838 passengers traveled Michigan trains last year; and

WHEREAS, Lapeer has two daily trains which last year brought more than 7,300 travelers to our community; and

WHEREAS, many students enrolled in Michigan's institutions of higher education depend on trains for travel between their homes and schools; and

WHEREAS, Amtrak's Lapeer station is a gateway to our area, the Historic Downtown Lapeer / Courthouse; this historic Grand Trunk Train Depot, and other area attractions, shopping and a tool for economic growth; and

WHEREAS, Amtrak's ridership to and from the Lapeer Amtrak station has grown by over 79% since 2003.

NOW, THEREFORE BE IT RESOLVED, that I, Mayor William J. Sprague and the City Commission of the City of Lapeer do hereby declare Saturday, May 9, 2009, as National Train Day in Lapeer and that Lapeer will join cities and towns across the country in encouraging train travel as a smart travel choice and a vital part of our state's and nation's transportation system.

Dated this 20th day of April, 2009.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

M-24 Corridor Utility Expansion Project – Lift Station Construction Bid Award.

67 2009 04-20

Moved by Marquardt. Seconded by Farrington.

To approve and award the bid for construction of the M-24 Corridor Utility Expansion Project Lift Stations to Posen Construction in the amount of \$1,454,592.00 and authorize the Director of Public Works to sign required documents.

MOTION CARRIED.

Park Street Study – Conversion to Two-Way Traffic

68 2009 04-20

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the Agreement with ROWE Professional Services Company to complete an analysis of converting Park Street from one-way to two-way street and authorize the Planning Director to sign required documents.

MOTION CARRIED.

Master Plan Amendment – Future Land Use Designation for 155 S. Saginaw Street (Lapeer Grain Property).

69 2009 04-20

Moved by Farrington. Seconded by Robinet.

To approve the authorization and distribution of notice of the proposed Master Plan Amendment for 155 S. Saginaw Street and immediate vicinity.

MOTION CARRIED.

M-24 Corridor Utility Expansion Project – Sanitary Sewer Bid Award.

70 2009 04-20

Moved by Marquardt. Seconded by Farrington.

To approve and award the bid contract for the M-24 Corridor Utility Expansion Project Sanitary Sewer System to Site Development in the amount of \$1,634,302.00 and authorize the Director of Public Works to sign required documents.

MOTION CARRIED.

M-24 Corridor Utility Expansion Project – Construction Engineering.

71 2009 04-20

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the Contract for Engineering Services for the M-24 Corridor Utility Expansion with ROWE Professional Services Company in the amount of \$551,675.00 and authorize the City Manager to sign required documents.

MOTION CARRIED.

Commissioner Bostick-Tullius was excused from the meeting at 6:42 p.m.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on Census activities, that personnel will be going door-to-door to verify addresses, prison population, that the City Clerk will be the Chairperson for the Census project, and the importance of gathering accurate information; April 30th there will be a Special Meeting of the ZBA and Planning Commission; budget reviews have been completed by staff and available dates for a workshop for Commission budget review; HUB meeting at Senator Candice Miller's office regarding a HUB Zone for Lapeer; and that the CIP is ready to be delivered to the Planning Commission for review.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan commented he has been working on Zoning Amendments, prosecutions, criminal appeals, FOIA requests, Real Estate transactions, as well as other projects.

UNFINISHED BUSINESS

There were no board appointments made.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented on the "Keep America Free" rally last Wednesday.

Commissioner Marquardt commented on a "Training for the Homeless Workshop" to be presented by MSHDA at the American Legion on May 8, 2009 and that reservations would be required.

Commissioner Farrington commented that the 3 contracts awarded tonight amounted to approximately \$3.6 million dollars and kicks off the M-24 Corridor project and that he is glad to see the project moving forward,

Commissioner Robinet requested a report of some type be provided to the City Commission regarding the status of our companies and industries within the City; are they successful, are there any new companies or industries coming into the city; what are we

doing to bring in new organizations, retention of businesses here, etc. City Manager Dale Kerbyson indicated that he would pull this information together and include comments from the DBA and LDC.

City Manager Dale Kerbyson commented that he is tracking stimulus monies and Center Building energy efficient grant opportunity.

ADJOURNMENT

72 2009 04-20

Moved by Bennett. Seconded by Robinet.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:02 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk