

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

**JUNE 1, 2009**

A regular meeting of the Lapeer City Commission was held June 1, 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, Robinet, Bostick-Tullius, and Farrington.  
City Manager Dale Kerbyson.  
City Attorney Michael Nolan.

**Absent:** Commissioner Marquardt (excused – personal)

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**100 2009 06-01**

Moved by Farrington. Seconded by Robinet.

To approve the Agenda for June 1, 2009 with the deletion of Item B-2: Special Event Request: MI Film and Game Festival, Inc. MOTION CARRIED.

**MINUTES**

**101 2009 06-01**

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the minutes from the Regular Meeting held on May 18, 2009. MOTION CARRIED.

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

**CONSENT AGENDA**

**102 2009 06-01**

Moved by Farrington. Seconded by Bostick-Tullius.

To approve the Consent Agenda for June 1, 2009 resulting in the following:

1. Approval of Special Event Request from S&S Distributing for a 1<sup>st</sup> Annual Home Party Bazaar & Benefit to be held on June 20, 2009 Rotary Park.
3. Approval of Special Event Request from Elite Feet Striders to hold a Run for Hope/Lapeer Health & Fitness 5K run on July 11, 2009 at Mott Community Campus parking lot and Demille Blvd. from Applebees to M-21.
4. Approval of the Budget Adjustment for Local Street Fund as presented.
5. Approval of the 2009-2010 Solid Waste Licenses for:
  1. Republic Services (formerly Allied Waste Services)
  2. Rick Rhein Disposal.
  3. Waste Management.
  4. Smith's Disposal, Inc.
  5. Deerfield Disposal.
6. Approval of the Resolution for Jurisdictional Transfer for a part of Baldwin Road.

CITY OF LAPEER  
RESOLUTION FOR JURISDICTIONAL TRANSFER  
For a part of Baldwin Road

WHEREAS, the City of Lapeer is willing to accept jurisdictional control of a certain portion of Baldwin Road from the Lapeer County Road Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the description of said street of Baldwin Road is as follows:

A part of Baldwin Road in Section 7 of Lapeer Township. From the current point certified by the City of Lapeer, South 730 feet.

2. That said street is under the control of the City of Lapeer.
3. That said street is a public street and is for public street purposes.
4. That said street/plat is accepted into the City Street System as a part of a Major Street System.

AYES: Commissioners Farrington, Bostick-Tullius, Bennett, and Robinet.

NAYS: None.

ABSTAIN: None.

ASENT: Commissioner Marquardt.

7. Approval of the Budget Adjustment for Building Department as presented.
8. Approval of the quote received from J & T Electric for the purchase of a Prison Lift Station Emergency Generator in the amount of \$15,280.00 and authorize the DPW Director to sign required documents.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **BILL LISTING FOR JUNE 1, 2009**

### **103 2009 06-01**

Moved by Robinet. Seconded by Farrington.

To approve the Bill Listing for June 1, 2009 in the amount of \$383,555.84.

MOTION CARRIED.

## **PUBLIC COMMENTS**

None.

## **PUBLIC PROCLAMATIONS AND RECOGNITIONS**

None.

## **PUBLIC HEARINGS**

Wastewater Treatment Plant Expansion & Rehabilitation Project – Public Hearing  
City Manager Dale Kerbyson introduced Linda Basista, Tetra Tech Representative who provided a history of the project process beginning with the S-2 Grant request in 2006 and 2007; application for SRF funding that included submission of a project plan, final stage of project plan is the public hearing, that the plan is considered a draft plan up to the public hearing, that notification of the public hearing was published 30 days prior, that the plan has been on file in the Clerk's Office and Public Works Department for the past 30 days for public inspection, that minutes of the public hearing was required to be transcribed verbatim, and that DEQ requirements for public participation have been followed.

Mayor Sprague opened the public hearing at 6:35 p.m. to hear comments regarding the Wastewater Treatment Plant Expansion & Rehabilitation Project.

Linda Basista, Tetra Tech Representative, requested that the presentation be included as an attachment to the minutes and thanked City staff for their assistance in the process. Ms. Basista provided a presentation that included a Description of Water Quality Problems; Principal Alternatives Considered; Recommended Alternative Capital Costs (20 year Needs Assessment); Project

Financing and Costs (Based on all SRF and Bond financing); Implementation and Funding; Project Financing and Costs (Based on Partial SRF and Bonds and Other Sources); and Social and Environmental Impacts: Measures to Mitigate Adverse Impacts. Ms. Basista commented that the presentation sums up the requirements during the public hearing and would answer any questions the Commission may have.

There being no further comments, Mayor Sprague closed the public hearing at 6:51 p.m.

Discussion was held regarding costs that would be above what is paid now by the consumer, that costs several years ago was around \$12M, that the plan is a summary of needed improvements, loan restrictions, necessity of plant expansion and rehabilitation, consideration of increased use from 24/69 area, last rehabilitation to the plant was in 1982, life span of various equipment, offsite storage not viable due to higher costs, that the plan application only begins the process, DEQ requirements for consideration of loan, anticipated timeframe for DEQ notification for approval is approximately 2 or 3 years, impact of Resolution approving plan, project started in 2006 with S-2 Grant request, commitment of Commission to see the project through, monthly sewer bill component, maintenance and upkeep costs, and that future costs may be greater than anticipated, and needed improvements to infrastructure.

**104 2009 06-01**

Moved by Bostick-Tullius. Seconded by Robinet.

To approve the Resolution Adopting A Final Project Plan For Wastewater Improvements And Designating An Authorized Project Representative.

CITY OF LAPEER  
RESOLUTION ADOPTING A FINAL PROJECT PLAN FOR WASTEWATER  
SYSTEM IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT  
REPRESENTATIVE

WHEREAS, the City of Lapeer recognizes the need to make improvements to its existing wastewater treatment and collection system; and

WHEREAS, the City of Lapeer authorized Tetra Tech to prepare a Project Plan, which recommends the rehabilitation and expansion of the wastewater treatment plant, upgrade of the McCormick and Saginaw Pump Stations, replacement of sewers and reduction of inflow/infiltration sources as identified in the Project Plan; and

WHEREAS, said Project Plan was presented at a Public Hearing held on June 1, 2009 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Lapeer formally adopts said Project Plan and agrees to implement the selected alternative (Alternative No. 3).

BE IT FURTHER RESOLVED, that the City Manager, a position held by Dale Kerbyson, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a revolving fund loan to assist in the implementation of the selected alternative.

ON A ROLL CALL VOTE:

YEAS: Commissioners Bostick-Tullius, Farrington, Robinet, and Bennett.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Marquardt.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Pine Street Pedestrian Pathway Grant – Public Hearing

Mayor Sprague opened the public hearing at 7:11 p.m. to hear comments regarding the Pine Street Pedestrian Pathway Grant. There being no comments, Mayor Sprague closed the public hearing at 7:11 p.m.

Brief discussion was held regarding grant process and the building of a new pedestrian bridge.

Genesee Street Mill and Resurfacing Grant – Public Hearing

Mayor Sprague opened the public hearing at 7:12 p.m. to hear comments regarding the Genesee Street Mill and Resurfacing Grant. There being no comments, Mayor Sprague closed the public hearing at 7:12 p.m.

Brief discussion was held regarding grant process, cost estimate of \$850,000 to mill and resurface Genesee with a 20% match by the City and the project does not include water main replacement.

**ADMINISTRATIVE REPORTS**

Sewer Rates

Discussion was held regarding the increase, that approximately 20 years prior to 2002 no increases to the sewer rates were made, maintenance and equipment needs, that due to the length of time where no increase occurred it did not allow a rate build up to offset any necessary project costs, and that sewer rates should reflect the cost of service to the system.

**105 2009 06-01**

Moved by Robinet. Seconded by Farrington.

To approve the changes to the City of Lapeer Fee Schedule regarding the Utility Tap-In Fees and Rates: Sewer Rates as presented and that the new rates be effective for all billings on or after August 1, 2009.

MOTION CARRIED.

Water Rates

Discussion was held regarding Detroit Water rate increases, that the City increases or decreases depending upon Detroit Water rates charged, and if water services could be provided at a cheaper rate the City would review any alternatives.

**106 2009 06-01**

Moved by Farrington. Seconded by Bostick-Tullius.

To approve the changes to the City of Lapeer Fee Schedule regarding the Utility Tap-In Fees and Rates: Water Rates as presented and that the new rates be effective for all billings on or after August 1, 2009.

MOTION CARRIED.

Water Tap-in Fees, Annual Fire Protection Charges, and Deposits

Discussion was held regarding the increase of costs per the study completed by Tetra Tech.

**107 2009 06-01**

Moved by Robinet. Seconded by Bennett.

To approve the changes to the City of Lapeer Fee Schedule regarding the Utility Tap-In Fees and Rates: Water Tap-in Fees, Annual Private Fire Protection, and Deposits as presented to be effective July 1, 2009.

MOTION CARRIED.

Mirror Lake Drain – License Agreement

**108 2009 06-01**

Moved by Bennett. Seconded by Farrington.  
To approve the Mirror Lake Drain License Agreement and authorize the Mayor and City Manager to sign required documents.  
MOTION CARRIED.

M-24 Access Management Plan

**109 2009 06-01**

Moved by Robinet. Seconded by Farrington.  
To approve and adopt the M-24 Access Management Plan.  
MOTION CARRIED.

**CITY MANAGER’S REPORT**

Permanent Water Main and/or Sewer Line and Appurtenance Easement and Agreement for Construction Maintenance.

**110 2009 06-01**

Moved by Farrington. Seconded by Bostick-Tullius.  
To approve the Permanent Water Main and/or Sewer Line and Appurtenance Easement and Agreement for Construction and Maintenance for Parcel L21-31-115-040-00 and authorize the City Manager to sign required documents.  
MOTION CARRIED.

City Manager Dale Kerbyson commented on CDBG ICE Program.

**CITY ATTORNEY’S REPORT**

City Attorney Mike Nolan commented that the Lease Agreement for Green Farms had been reviewed and was ready for approval.

**111 2009 06-01**

Moved by Robinet. Seconded by Bennett.  
To approve the Lease Agreement with Green Farms, Inc. and authorize the Mayor and City Manager to sign required documents.  
MOTION CARRIED.

**UNFINISHED BUSINESS**

No Board appointments were made.

**DEPARTMENTAL COMMUNICATIONS**

None provided.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett commented on riding with a police officer and congratulated Police Chief Alexander on a well-run force; and that a Cable Advisory Board meeting would take place Tuesday at 7:00 p.m.

Commissioner Farrington commented on possible allocation of a dollar amount placed on sewer billings and the amount placed in a special account for use only towards Wastewater Treatment Plant upgrades, expansion, and needs. Finance

Director Paul Boucher commented that if the Commission desires this could be done.

City Manager Dale Kerbyson commented on the trip to Chicago with Finance Director Paul Boucher to meet with Standard and Poor's and Moody's regarding the City's bond rating.

Mayor Sprague commented that on June 2<sup>nd</sup> a BUSeum will be at the library on German POWs in the Midwest; Gallery 194 exhibit; and that Pastor Rick Menzing will be moving to South Carolina, his last sermon will be July 12<sup>th</sup>, and to provide a proclamation in honor of his activities in the community.

It was the general consensus of the Commission to provide a proclamation honoring Pastor Rick Menzing at the next Commission meeting.

Mayor Sprague thanked everyone who attended the Memorial Day Ceremony.

## **ADJOURNMENT**

### **112 2009 06-01**

Moved by Bennett. Seconded by Bostick-Tullius.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:36 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, City Clerk