

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

AUGUST 17, 2009

A regular meeting of the Lapeer City Commission was held August 17, 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, and Farrington.
City Manager Dale Kerbyson.
City Attorney Michael Nolan.

Absent: Commissioner Bostick-Tullius.

Others Present: Nick Abdelnour, 770 West Street; Angie Heckman, 725 DeMille Road; Dave Heckman, 725 DeMille Road; David Jansen, 3327 Elms; Jamie Curtis, 1101 Beach Street, Flint; Rip Beam, 814 W. Nepessing; Jeff Bryson, 125 W. Bassett Road.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

160 2009 08-17

Moved by Marquardt. Seconded by Farrington.
To approve the Agenda for August 17, 2009.
MOTION CARRIED.

MINUTES

161 2009 08-17

Moved by Robinet. Seconded by Marquardt.
To approve the minutes from the Regular Meeting held on August 3, 2009 and the minutes from the Workshop Meeting held on August 10, 2009.
MOTION CARRIED.

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

CONSENT AGENDA

162 2009 08-17

Moved by Farrington. Seconded by Robinet.
To approve the Consent Agenda for August 17, 2009. Commissioner Bennett questioned Item B-6, was this normal for that kind of an increase? City Manager Dale Kerbyson indicated that the increase was due to a larger volume of work than anticipated. There being no further discussion, the question was called to a vote resulting in the following.

1. Approval of Special Event Request from Lapeer County Young Marines Walk-A-Thon to be held on September 12, 2009 at Crampton Park, contingent upon receipt of current insurance certificate.
2. Approval of Special Event Request from Lapeer Harley Owners Group, Gypsy Tour to be held on September 20, 2009 at Rowden Park.
3. Approval of Special Event Request from Lapeer Downtown Business Association Annual Downtown Treat Walk to be held October 24, 2009 in the downtown business district.
4. Approval of Special Event Request from Lapeer Downtown Business Association Downtown Sidewalk Sale to be held September 12, 2009 in the downtown business district.
5. Approval of the Municipal Resolution, Contract No. 09-5474.

CITY OF LAPEER
MUNICIPAL RESOLUTION
MICHIGAN DEPARTMENT OF TRANSPORTATION
CONTRACT NO.: 09-5474

The following Resolution was moved by Farrington and seconded by Robinet for the adoption of MDOT Contract No.: 09-5474 for the following improvements:

Non-motorized pathway work along Genesee Street from Woodside School easterly to DeMille Boulevard, along DeMille Boulevard from Genesee Street southerly to Lake Street, along Lake Street from DeMille Boulevard easterly approximately 475 feet, along the east side of Mott College from Lake Street southerly and easterly to the Grand Trunk Western Railroad; and all together with necessary related work.

BE IT RESOLVED THAT the Michigan Department of Transportation Contract No. 09-5474 between the Michigan Department of Transportation and City of Lapeer is hereby accepted and authorizes Mayor William Sprague and City Manager Dale Kerbyson to sign the required documents.

6. Approval of Change Order #4 from Site Development Inc. for the Sanitary Sewer portion of the M-24 Corridor Utility Expansion Project for an increase in the contract amount of \$261,186.69.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Mayor Sprague inquired into the insurance for the Young Marines special event request and if they would need help acquiring. Police Chief Todd Alexander will follow up.

BILL LISTING FOR AUGUST 17, 2009

163 2009 08-17

Moved by Robinet. Seconded by Farrington.

To approve the Bill Listing for August 17, 2009 in the amount of \$3,204,785.87.

MOTION CARRIED.

PUBLIC COMMENTS

Nicholas K. Abdelnour: Annual Sprinkler and Hydrant Fees

Nicholas Abdelnour asked about the Commission's stand regarding the hydrant and sprinkler fees and had three questions:

1. The people that have already paid their hydrant/sprinkler fees, was there any way for these people to get back their money on this?
2. The term "readiness fee": Is this a protection fee or a discrimination fee? It feels discriminative if 50 businesses out of 620 are paying.
3. Can we get an answer to the hydrant/sprinkler fees for short and long term?

Mayor Sprague thanked Mr. Abdelnour and that the City Manager would get back to him on questions presented.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Greens Way Boulevard Water Main Project Bid – Glaeser Dawes Corporation.

164 2009 08-17

Moved by Marquardt. Seconded by Farrington.

To approve and award the Bid of the Greens Way Boulevard Water Main Project to Glaeser Dawes Corporation for \$46,064.60 and authorize the Director of the Department of Public Works to sign required documents.

MOTION CARRIED.

Lapeer Commons – Revised Planned Unit Development (PUD) Rezoning.

Mayor Sprague questioned whether or not another public hearing was required as nothing really changed. Planning Director Linda Jackman responded yes due to differences in first rezoning request and “mix of use” in concept plan.

165 2009 08-17

Moved by Bennett. Seconded by Robinet.

To schedule a public hearing for September 8, 2009 at 6:30 p.m. or as soon thereafter as may be heard to consider the Lapeer Commons Revised Planned Unit Development (PUD) rezoning request located at 1048 S. Lapeer Road.

MOTION CARRIED.

CITY MANAGER’S REPORT

Resolution Authorizing Negotiation of an Agreement for the Establishment of a Regional Water System Agency.

City Manager Dale Kerbyson introduced Dave Jansen from the Genesee County Drain Commission. Mr. Jansen introduced Jamie Curtis and Jeff Bryson also from the Genesee County Drain Commission; that they were excited about the project, and would answer any questions the Commission may have.

City Manager Dale Kerbyson provided an overview of the Keregnondi Water System, involvement of Greater Lapeer County Utility Authority, cost study on financial feasibility, formation of governing board, and to remove the word “adjunct” from the resolution in order to be a full member of the Regional Water System Agency. Discussion was held on length of time for completion and costs involved with membership in the governing board.

166 2009 08-17

Moved by Robinet. Seconded by Marquardt.

To approve the Resolution Authorizing Negotiation of an Agreement for the Establishment of a Regional Water System Agency.

RESOLUTION AUTHORIZING NEGOTIATION OF AN AGREEMENT FOR THE ESTABLISHMENT OF A REGIONAL WATER SYSTEM AGENCY

City of Lapeer
County of Lapeer, Michigan

The following preamble and resolution were offered by Commissioner Robinet and supported by Commissioner Marquardt.

WHEREAS, there is an urgent need in the City of Lapeer (the “City”) to assess and evaluate alternative major water supply sources in order to ensure the continued availability of safe and reliable water service for the City’s residents and businesses; and

WHEREAS, the City has participated materially and financially with the Genesee County Drain Commissioner who has caused to be prepared a preliminary engineering report and a feasibility study with respect to the development and construction of a new Lake Huron water supply system to serve the Counties of Genesee, Lapeer and Sanilac (the "Regional Water Supply System"); and

WHEREAS, Section 17 of Act 342, Public Acts of Michigan, 1939 as amended ("Act 342"), authorizes two or more adjoining counties to contract for the joint establishment of a system or systems of water improvements and services; and

WHEREAS, the County of Genesee, the County of Lapeer and the County of Sanilac purpose to enter into an agreement pursuant to Section 17 of Act 342 (the "Regional Water Agreement") for the purpose of establishing a regional administrative agency (the "Regional Water System Agency") with the power to evaluate, plan, establish and finance the Regional Water Supply System; and

WHEREAS, the City is authorized and empowered by its Charter and by the provisions of Act 35, Public Acts of Michigan, 1951, as amended, to join the Regional Water System Agency as a member with such powers, duties and obligations as shall be established in the Regional Water Agreement; and

WHEREAS, the City desires to become a member of the Regional Water System Agency and to authorize a representative of the City to negotiate the terms of the Regional Water Agreement with the Counties of Genesee, Lapeer and Sanilac and with any other municipalities that may desire to become members of the Regional Water System Agency.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City's participation in the Regional Water System Agency as a member is hereby authorized and approved, subject to the approval by this City Commission of the final Regional Water Agreement. City Manager Dale Kerbyson is hereby appointed as the City's representative (the "Representative") in the negotiation of the Regional Water Agreement and is hereby authorized and empowered, for and on behalf of the City, to negotiate the terms of the Regional Water Agreement with the Counties of Genesee, Lapeer and Sanilac and with any other municipalities that may desire to become members of the Regional Water System Agency. Execution and delivery by the City of the Regional Water Agreement shall be subject to the final approval of this City Commission.
2. Not later than 120 days following the date of this resolution, the Representative shall submit to this City Commission for consideration and approval, at a regular or special meeting, the final Regional Water Agreement. In the event that the final Regional Water Agreement is not available within 120 days of the date of this resolution, the Representative shall, at the regular meeting immediately succeeding such 120th day, report to this City Commission on the status of negotiations with respect to the Regional Water Agreement. The City Commission may, at any time, authorize an extension of the time for submission by the Representative to this City Commission of the final Regional Water Agreement.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Commissioners Bennett, Marquardt, Robinet, and Farrington.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Bostick-Tullius

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Community Development Block Grant Application – Infrastructure Capacity Enhancement Program – Mill Street Interceptor Replacement Project.

167 2009 08-17

Moved by Farrington. Seconded by Robinet.

To schedule a public hearing for September 8, 2009 at 6:30 p.m. or as soon thereafter as may be heard to consider the submission of a Community Development Block Grant Application – Infrastructure Capacity Enhancement Program – Mill Street Interceptor Replacement Project.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented that the Election Commission approved the consolidation of precincts for the November 3, 2009 election.

UNFINISHED BUSINESS

No Board appointments were made.

DEPARTMENTAL COMMUNICATIONS

Monthly Departmental Reports, Monthly Financial Report for the month of June 2009, and Investment Report for the Quarter Ending June 30, 2009 were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Farrington commented that he hoped the weather is good for Lapeer Days and that the City finds a safe place to relocate the carnival.

Commissioner Bennett informed the commission that he attended a prison liaison meeting wherein they applauded the City's fire and police departments for making Lapeer a safe place and that the prison spends \$2.20 per day per inmate to feed the inmates 3 meals per day. He is also looking forward to Lapeer Days.

Commissioner Marquardt commented how nice the DeMille Boulevard looks with the chipped bark and questioned whether or not the City performed this work or was it contracted, possibility of expanding this type of work to other areas of the City. Director of Public Works John Lyons commented that he believes this work was done through the Parks Department.

Commissioner Robinet would like the Commission to make a decision and provide answers to Mr. Abdelnour's questions at the next City Commission meeting on September 8, 2009 on the hydrant/sprinkler fee issues and to have a great weekend during Lapeer Days.

Agenda Item on September 8th for Hydrant and Sprinkler Fees

168 2009 08-17

Moved by Robinet. Seconded by Bennett.

To place on the September 8th Agenda an item regarding the hydrant and sprinkler fees.

MOTION CARRIED.

City Manager Dale Kerbyson informed the Commission that he has gathered information on the hydrant/sprinkler fees from other comparable cities, as well as a few options from the City staff on solutions; there will be a 9:00 a.m. meeting tomorrow to finalize a location for the carnival; a notice was sent to the group of Annexation by Choice residence; there will be a Town Hall meeting next week to

discuss flooding; and the preliminary audit shows budget figures are over by \$400K, will post approximately \$80K to the general fund, and no departments were over budget.

Mayor Sprague congratulated the staff on the efforts for the budget and indicated he is revamping the City Managers appraisal form and will send it out to the Commissioners prior to the next meeting.

ADJOURNMENT

169 2009 08-17

Moved by Bennett. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:01 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk