

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

May 3, 2010

A regular meeting of the Lapeer City Commission was held May 3, 2010 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, Farrington, and Bostick-Tullius.
City Manager Dale Kerbyson.
City Attorney Representative Tim Turkelson.

Absent: None.

Others Present: City Clerk Donna Cronce; Deputy City Clerk Tracey Russell; Fire Chief Terry Kluge; City Assessor Tom Hubbell; Director of Public Works John Lyons; Parks, Recreation & Cemetery Director Ray Turczyn; Rowe Professional Services Company representative Doug Skylis; Lapeer County Press Editor Jeff Hogan; County Commissioner Lenny Schneider, Brent Hershberger; Mike Humphrey, Judy Goodin, and Georgeann Courser.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

89 2010 05-03

Moved by Marquardt. Seconded by Robinet.
To approve the Agenda for May 3, 2010 with additions.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

MINUTES

90 2010 05-03

Moved by Robinet. Seconded by Farrington.

To approve the minutes from the Regular Meeting held on April 19, 2010 and Executive Session held on April 19, 2010 as presented.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

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

PUBLIC COMMENTS

Michael Humphrey, N. Main Street, Lapeer, commented on Huron Street and parking issues. Mayor Sprague requested the City Manager review concerns presented and get back with Mr. Humphrey.

Judy Goodin, Huron Street, Lapeer, commented on Huron Street and parking issues. Mayor Sprague requested the City Manager review concerns presented and get back with Ms. Goodin.

Lenny Schneider, Lapeer County Commissioner, provided a spread sheet reflecting Lapeer County Values over the past several years from the 2010 County-wide Equalization Report, press provided great and accurate coverage regarding the report, complete copy is available on the county's website at www.lapeercountyweb.org and click on the Clerk tab, commented on county revenue more significantly weighted as to property taxes being a part of the overall equation, downward incline of property values, economy impact, Lapeer City gives rest of county hope in this area as businesses are

wanting and coming into the City, next year or two will be extremely hard to get through, continue to meet with City Manager as year goes along, and he is available anytime for questions or discussion.

Georgeann Courser, Fish Lake Road, Lapeer, commented that she would like to pray and provided invocation.

CONSENT AGENDA

91 2010 05-03

Moved by Bostick-Tullius. Seconded by Robinet.

To approve the Consent Agenda for May 3, 2010 resulting in the following:

1. Approve the Special Event Application from Lapeer Fireworks Committee to hold the annual fireworks display on July 4, 2010.
2. Approve the Special Event Application Classic Cruisers Car Club of Lapeer for 20th Annual Benefit Car Show to be held on June 13, 2010.
3. Approve the Special Event Application from Lapeer County Intermediate School District for Family Fun Day to be held July 21, 2010.
4. Approve Payment Request #9 to Site Development, Inc. in the amount of \$44,256.00 for the M-24 Corridor Utility Expansion Project – Sanitary Sewer.
5. Approve Payment Request #9 to Zito Construction Co. in the amount of \$16,600 for the M-24 Corridor Utility Expansion Project – Water Main.
6. Approve the City of Lapeer Part Time Manual.
7. Approve the Special Event Application from Gallery 194 for High School Art Opening on May 8, 2010.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

BILL LISTING FOR MAY 3, 2010

92 2010 05-03

Moved by Robinet. Seconded by Bennett.

To approve the Bill Listing for May 3, 2010 in the amount of \$717,780.76.

Ayes: Bennett, Marquardt, Bennett, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Resolution: Greater Lapeer Transportation Authority (GLTA)

93 2010 05-03

Moved by Bostick-Tullius. Seconded by Bennett.

To approve the Resolution To Approve Seeking A Renewal Transit Millage In The Greater Lapeer Transportation Authority Service Area.

Commissioner Robinet inquired if this was for a renewal, August ballot will also have millage requests from 9-1-1 which is an increase and senior citizens which is a renewal, impact to citizens at this time in asking for millage increases and/or renewals, would like someone from GLTA to provide a report and update to the City Commission, issues with large busses being empty, and could not support a millage request at this time. Commissioner Farrington pointed out the vacant City seat on the GLTA Board, issues with empty large busses and found that the state requires the purchase of these large busses. Discussion was held regarding resolution to approve the millage request. City Clerk Donna Cronic advised that each governing body that is a part of GLTA is required to pass a resolution supporting any millage request and that it would require a majority vote of those governing bodies, 6 jurisdictions are involved Townships of Deerfield, Elba, Lapeer, Mayfield, and Oregon as well as the City of Lapeer, majority vote would be 4 in order to pass, and would appear on the August ballot to the voters. Commissioner Robinet stated that he would approve the resolution with the understanding that it would be for submission to the voters. Mayor Sprague

requested City Manager Dale Kerbyson to contact GLTA to have a representative come and provide a report to the City Commission. The question was called to a vote.

Ayes: Bennett, Marquardt, Bennett, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Proclamation: Lapeer County Center

94 2010 05-03

Moved by Bennett. Seconded by Robinet.

To approve the Proclamation in Recognition of Lapeer County Center.

CITY OF LAPEER
PROCLAMATION IN RECOGNITION
LAPEER COUNTY CENTER

WHEREAS, the Lapeer County Center was established by a group of Lapeer County civic leaders to provide a building for community use; and

WHEREAS, the City of Lapeer acquired property and first leased it to the Lapeer County Center signed on January 19, 1948 for the location of 425 County Center; and

WHEREAS, the Lapeer County Center is a non-profit organization governed by a volunteer Board of Directors, representing local service organizations and interested individuals; and

WHEREAS, the Lapeer County Center added the Lincoln Room and a new entrance around 1967 and a 7,200 square feet annex addition was built by the Sportsmen's Club and the Boat Club which was donated around 1973 for a total of 16,000 square feet of building space; and

WHEREAS, the Lapeer County Center provides three rooms for a wide variety of rental uses by businesses, community organizations, and individuals, as well as the Sunday Flea Market and hosts over 300 events annually; and

WHEREAS, the Lapeer County Center celebrated its 60th Anniversary of community facility service with a special event commemoration on Saturday, May 1, 2010.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Lapeer City Commission take this opportunity to recognize this long service and congratulates the Lapeer County Center and staff on its anniversary and wishes them many more years of continued success.

BE IT FURTHER RESOLVED, that a copy of this Proclamation be spread upon the official proceedings of the City of Lapeer and that a copy thereof be tendered to Lapeer County Center in gratitude and appreciation in which they are regarded by the City of Lapeer Commission.

Dated this 3rd day of May, 2010.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Proclamation: Arbor Day

95 2010 05-03

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the Arbor Day Proclamation.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

No public hearings scheduled.

ADMINISTRATIVE REPORTS

Community Center Custodial Contract.

96 2010 05-03

Moved by Robinet. Seconded by Farrington.

To approve the Community Center Custodial Agreement with Road Runr Maintenance, Inc. in the amount of \$29,940 annually from July 1, 2010 through June 30, 2013 subject to the Invitation to Bid and authorize the Mayor and City Manager to sign said agreement.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

Fiscal year 2010-2011 Budget Notice

97 2010 05-03

Moved by Robinet. Seconded by Marquardt.

To approve setting a public hearing on May 17, 2010 at 6:30 p.m. or as soon thereafter as may be heard for the Fiscal Year 2010-2011 City of Lapeer Budget.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

Michigan Emergency Management Assistance Compact (MEMAC)

98 2010 05-03

Moved by Robinet. Seconded by Farrington.

To approve the Authorizing Resolution for Michigan Emergency Management Assistance Compact and authorize the City Manager and City Attorney to sign required documents.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

Matching State Funding for Federal Road Construction

99 2010 05-03

Moved by Bostick-Tullius. Seconded by Farrington.

To approve the Resolution Concerning The Matching State Funding For Federal Road Construction Moneys In The State Of Michigan.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Suncrest Request

City Manager Dale Kerbyson commented on correspondence from the Suncrest board to refund a portion of their tap in fees and requested consensus of the Commission to send a letter on their behalf stating that a refund would not be made. Mayor Sprague commented that the board is dictated by policy to not provide free services, City does not provide special consideration to city residents on fees charged, and legalities involved. Attorney representative Tim Turkelson commented that their office could provide no legal back up to substantiate the request. General consensus of the Commission was that no consideration could be made and to have the City Manager send a letter of explanation on their behalf.

Natural Gas Contract

City Manager Dale Kerbyson commented the last bulk gas contract provided a savings of around 20%, this contract would provide approximately \$10,000 savings from last year's rate, the Center Building and Pix building would be added to the contract, and requested approval of the contract

100 2010 05-03

Moved by Robinet. Seconded by Bennett.

To approve the Gas Customer Choice Contract Constellation NewEnergy and authorize the City Manager to sign required documents.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Representative Tim Turkelson commented that there were three agreements for farming purposes, and letter presented to clarify procedural issues within the Rules and Procedures of the Commission. Mayor Sprague asked the Commission to review the clarification letter and present questions or comments at the next meeting.

Lease Agreement: R & D Green, LLC

101 2010 05-03

Moved by Bostick-Tullius. Seconded by Marquardt.

To approve the Lease Agreement with R & D Green, LLC for farming purposes and authorize the Mayor and City Manager to sign required documents.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

Lease Agreement: Hunt Farms (Two (2) Agreements)

102 2010 05-03

Moved by Robinet. Seconded by Farrington.

To approve the Two (2) Lease Agreements with Hunt Farms, Inc. for farming purposes and authorize the Mayor and City Manager to sign required documents.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

UNFINISHED BUSINESS

103 2010 05-03

Mayor Sprague appointed. Moved by Bennett. Seconded by Marquardt.

To appoint Dale Kerbyson as the representative and Harry Green as the alternate to the Greater Lapeer County Utilities Authority.

Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.

Nays: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Investment Report for the Quarter Ending March 2010 and Monthly Financial Report for March 2010 were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented that a motion was approved to appoint a hydrant and fee committee and what was its status. City Manager Dale Kerbyson responded that he has approximately three volunteers to serve on the board, to get this going over the next few months, board would be ran as a focus group to review and provide a recommendation on rates charged. Mr. Bennett expressed concerns on raising the hydrant fees last year and to raise those rates again this year. Mayor Sprague responded that the proposed budget had no plans to increase those rates.

Commissioner Bostick-Tullius commented on the Bishop Kelly's Walk-A-Thon that occurred on Friday and that Public Safety had provided crossing guards which did a great job.

Commissioner Farrington inquired if he could ask a clarifying question to one of the residents on Huron Street with Mayor Sprague responding that it would be more appropriate to do so at the end of the meeting; asked about the small posts that have a cross walk button on them and what purpose they have with City Manager Dale Kerbyson responding that it is part of the MDOT signalization process.

Commissioner Robinet commented on MDOT and their waste of money, example of MDOT placing barrels on Oregon and placement of notices for "shoulder work ahead" on S. Main Street which should have been on N. Main Street area; clarification on GLTA in that they do provide a good service, contracts with mental health to provide service, need for public transportation, and would like them to provide an update; attendance to the County Center Building Celebration.

City Manager Dale Kerbyson commented on the County Center Building celebration; provided an outline of changes within the proposed budget; ability to absorb Detroit's increase in water rates and not raise current water rates within the proposed budget.

Mayor Sprague commented on the success of Family Literacy event; Optimist Golf Outing; and ground breaking ceremony by Habitat for Humanity at 1264 First Street.

ADJOURNMENT

104 2010 05-03

Moved by Bennett. Seconded by Farrington.
To adjourn the meeting.
MOTION CARRIED.

The regular meeting adjourned at 7:25 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk