

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

November 15, 2010

A regular meeting of the Lapeer City Commission was held November 15, 2010 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, Marquardt, Robinet, Farrington and Bostick-Tullius.
City Manager Dale Kerbyson.
City Attorney Mike Nolan.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

256 2010 11-15

Moved by Robinet. Seconded by Marquardt.
To approve the Agenda for November 15, 2010 as presented.
Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.
Nays: None.
Absent: None.
MOTION CARRIED.

MINUTES

257 2010 11-15

Moved by Robinet. Seconded by Farrington.
To approve the minutes from the Regular Meeting held November 1, 2010 and the Special Meeting held November 3, 2010 as presented.
Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.
Nays: None.
Absent: None.
MOTION CARRIED.

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

PUBLIC COMMENTS

Jim Elzerman, Tanglewood, Lapeer gave invocation.

CONSENT AGENDA

258 2010 11-15

Moved by Robinet. Seconded by Bostick-Tullius.
To approve the Consent Agenda for November 15, 2010 as follows:

1. Traffic Control Order #264.
2. Special Event Request – Elite Feet Running Store and Lapeer DBA to hold a Santa Shuffle 5K Run/Walk on December 4, 2010 in City Parks and Downtown Lapeer.
3. Change Order #1 with Boddy Construction Company, Inc. resulting in a net decrease of \$9,242.55 revising the contract amount to \$615,660.86 for the Mill Street Sewer Interceptor Replacement Project.
4. Payment Request #3 from Boddy Construction Company, Inc. in the amount of \$181,771.55 for the Mill Street Sewer Interceptor Replacement Project.

5. Accept the low bid from Tri-Star Industries LLC in the amount of \$20,000.00 for the Community Center Roof Replacement and authorize the City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR NOVEMBER 15, 2010

259 2010 11-15

Moved by Robinet. Seconded by Farrington.

To approve the Bill Listing for November 15, 2010 in the amount of \$699,853.21

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Veterans Day Proclamation.

260 2010 11-15

Moved by Robinet. Seconded by Bennett.

To approve the Proclamation for Veterans Day.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

Golfside Drive – Special Assessment District #2010-03.

City Manager Dale Kerbyson explained that due to an error by the local newspaper, wherein they did not publish the notification as was requested, a second public hearing regarding the roll was necessary. Mayor Sprague opened the public hearing at 6:35 p.m.; hearing no comments, closed the hearing at 6:35 p.m.

261 2010 11-15

Moved by Bostick-Tullius. Seconded by Marquardt.

To approve Resolution #5 confirming the roll regarding Golfside Drive Special Assessment District #2010-03.

Commissioner Robinet questioned whether or not all property owners were notified of this new hearing, wherein City Manager Dale Kerbyson responded yes.

Commissioner Farrington commented that he anticipated more comments from the owners and asked if there were any changes to the roll. City Manager Dale Kerbyson responded that there were no changes to the roll.

The question was called to a vote.

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

Nays: Robinet.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Audit Report for Year Ending June 30, 2010.

Finance Director Paul Boucher introduced Shannon Rodriguez from Layton and Richardson. Ms. Rodriguez reviewed the Audit Report noting changes in regards to the 69-24 Special Assessment, changes to GASB, recommendation in relation to inputting of W-4's, and overall the City had a clean audit.

262 2010 11-15

Moved by Robinet. Seconded by Farrington.

To approve the Audit Report for Year Ending June 30, 2010 as presented by Layton and Richardson.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Audit Recommendations for Year Ending June 30, 2010.

263 2010 11-15

Moved by Farrington. Seconded by Marquardt.

To approve the Audit Recommendations for Year Ending June 30, 2010 as presented by Layton and Richardson.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Notice of Intent Resolution.

264 2010 11-15

Moved by Robinet. Seconded by Farrington.

To approve the Notice of Intent Resolution to issue up to \$450,000 in Special Assessment Bonds for the Woodbridge Park Condominium and Golfside Drive projects. Commissioner Bennett questioned whether these bonds would be separated as he would like to vote no for one of these. City Manager Dale Kerbyson responded that the projects would be sold as one bond. The question was called to vote.

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

Nays: Bennett.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Change Order #1 – Ron Bretz Excavating for 2010 SRF – Collection System Improvements Project.

265 2010 11-15

Moved by Robinet. Seconded by Farrington.

To approve Change Order #1 with Ron Bretz Excavating, Inc. resulting in an increase of \$2,546.01 revising the contract amount to \$707,724.36 for the 2010 SRF – Collection System Improvements Project.

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

Nays: Bennett.

Absent: None.

MOTION CARRIED.

Payment Request #1: Ron Bretz Excavating for 2010 SRF – Collection System Improvements Project.

266 2010 11-15

Moved by Farrington. Seconded by Robinet.

To approve the Payment Request #1 from Ron Bretz Excavating in the amount of \$142,142.81 for the 2010 SRF – Collection System Improvements Project.

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

Nays: Bennett.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented that SRF items will be placed under administrative reports for review; meeting with G-2 regarding de-watering for the M24/I69 project and discussions will be held regarding next steps with City Attorneys. Commissioners Robinet and Farrington questioned who would be involved. City Attorney Mike Nolan informed the Commission that the report has been received by G-2 and review of report by parties involved. Mayor Sprague cautioned discussion due to potential litigation regarding this issue.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan commented on working with City staff to move forward regarding report by G-2. Commissioner Robinet questioned when a meeting would be arranged on medical marihuana? City Attorney Mike Nolan indicated a date has not been set at this time.

UNFINISHED BUSINESS

267 2010 11-15

Appointed by Mayor Sprague. Moved by Farrington. Seconded by Marquardt.
To appoint John Michelson to the Income Tax Board of Review for a term ending December 1, 2013.
MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports were received into record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENT

Commissioner Farrington asked what roof area is being replaced at the Community Center with Director Ray Turczyn responding that it was the front area only. Commissioner Farrington questioned when Saginaw Street would reopen. Rowe representative Doug Skylis indicated if things move as planned it should be sometime after Wednesday of this week.

Commissioner Bennett commented on "no" votes on items; Veterans Day memorial and how nice it was to see the Catholic school children released from school to attend and learn about veterans and would like to see more schools allow their students to attend.

Commissioner Marquardt commented on not attending the Veterans Day event due to other obligations and that schools may have a transportation issue in regards to attendance at the event and saluted all veterans.

City Manager Dale Kerbyson informed that he had a meeting the pastor and manager of the church who will be purchasing the National City Bank building which went very well, provided information on a viable renter for the top floor, and will deal with administrative issues with downtown events as they come along.

Commissioner Robinet commented he received a call from Florida regarding the purchase of the National City Bank building and effect on beer tent during Lapeer Days as this event brings in \$60,000 per year for charity donations in the community. City

Manager Dale Kerbyson indicated at this point he does not see any issues and that the church is very willing to work with the City in all aspects of special events.

Mayor Sprague indicated he was glad to see the positive turn out at the Veteran's Day event.

ADJOURNMENT

268 2010 11-15

Moved by Bennett.

To adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:58 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk