

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

**AUGUST 3, 2009**

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

**Absent:** None.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**153 2009 08-03**

Moved by Robinet. Seconded by Bennett.  
To approve the Agenda for August 3, 2009.  
MOTION CARRIED.

**MINUTES**

**154 2009 08-03**

Moved by Bostick-Tullius. Seconded by Robinet.  
To approve the minutes from the Regular Meeting held on July 20, 2009.  
MOTION CARRIED.

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

**CONSENT AGENDA**

Commissioner Farrington questioned Item B-2 as to the miscellaneous pipe repair differences with Doug Skylis, Rowe Professional Services, responding on the installation of sanitary sewer lines and tiling issues resulting in the type of pipe and lines needed; Commissioner Farrington questioned Item B-5 as to the water main along Baldwin Road with Doug Skylis, Rowe Professional Services, responding on right-of-way issues, design plan, conflict with trees and utility poles resulting in the moving of pipes closer to the road and more sand used as backfill. Commissioner Marquardt asked to clarify Item B-7 as to pricing of \$45 a quarter for residential and costs of commercial services with John Lyons, Director of Public Works, responding that we have minimal control over commercial costs and that the residential cost would make them the lowest contractor within the city.

**155 2009 08-03**

Moved by Robinet. Seconded by Farrington.  
To approve the Consent Agenda for August 3, 2009 resulting in the following:

1. Approval of Taxi Cab License #2009-01-TAXI for L.A. Taxi.
2. Approval of Change Order #1 from Site Development, Inc. for the M-24 Corridor Utility Expansion Project – Sanitary Sewer in the amount of \$48,054.12.
3. Approval of Payment Request #3 from Site Development, Inc. for the M-24 Corridor Utility Expansion Project – Sanitary Sewer in the amount of \$237,946.22.

4. Approval of Payment Request #2 from Posen Construction, Inc. for the M-24 Corridor Utility Expansion Project – Sanitary Sewer Pump Stations in the amount of \$89,728.02.
  5. Approval of Change Order #1 from Zito Construction Co. for the M-24 Corridor Utility Expansion Project – Water Main in the amount of \$17,681.00.
  6. Approval of Payment Request #2 from Zito Construction Co. for the M-24 Corridor Utility Expansion Project – Water Main in the amount of \$708,994.86.
  7. Approval of the 2009-2010 Solid Waste License for 1800ROLLOFF.com.
  8. Approval of the purchase of a 2009 Skag Mower 61” from M-21 Small Engine Inc. in the amount of \$8,524.00 and authorize the Fixed Asset Disposal of a 2000 Skag Mower Serial #4150370 to be used as a trade-in.
- MOTION CARRIED.

## **BILL LISTING FOR AUGUST 3, 2009**

### **156 2009 08-03**

Moved by Robinet. Seconded by Farrington.

To approve the Bill Listing for August 3, 2009 in the amount of \$1,777,958.30.

MOTION CARRIED.

## **PUBLIC COMMENTS**

### Nicholas K. Abdelnour: Annual Sprinkler and Hydrant Fees

Nick Abdelnour, General Manager, Best Western Inn, commented on the increase in fees for hydrants and sprinklers; what are business and what are city responsibilities for hydrants; cities he contacted that do not charge for hydrants or sprinklers; response of Tetra Tech about study and what cities were used as a comparison; why 100% increase this year and yet again next year; economy changes and bills going up; where does the money for fees go to; billing sent out earlier and providing only 30 days in which to pay; several business owners present that do not understand raise in fees; and would answer any questions from the Commission.

Mike Coulter, Representative of Rolling Hills Apartments, Inc., L&L Investment, and Old Post Office, commented that he agreed with Mr. Abdelnour's points; he pays for water and sewer services and that Rolling Hills apartments are billed individually; water and sewer rates include the necessary expenses DPW needs to maintain and replace items; their lines are not repaired by city as they are on private property; why add additional fees; rates in 2002 was \$50 per hydrant and when questioned this fee was told that it was for painting and yearly flushing; rate went from \$600 to \$4,920 which is a 820% increase; cannot handle this large increase; where does the money for fees go to; contribution to property values; fire suppression is inspected by own contractors; and the increases does not make sense.

Phil Dixner, Penninsular Realty on Suncrest Drive, Brookfield Apartments, commented on behalf of his tenants objection to fees charged; not opposed to a preventative maintenance program; increase in fees and that the commission needs to review increases; and to come up with a plan to help business afford the increase.

Maria Virga, Hunters Creek Mobile Home Park, commented that they have 18 hydrants and \$205 versus \$410 is a large impact; questioned in the past what this fee is for; requested clarification on what fee is for and what they are responsible for and what the city is responsible for; issues with de-winterization; 402 households affected in the park; try not to raise expenses in park but this will affect residents; if have to increase expenses would like to be able to explain

why; the need to compromise; and what is their responsibility versus city responsibility.

Jim Harrington, H&H Tool, Inc., commented that the city has a reputation that is pro business; fees are for nothing as there has been no use of the lines; paid for sprinkler system and installation of lines; rates have doubled and more in the next year; and was present to support Mr. Abdelnour's comments.

Katie Bachand, Fairfield Inn, 927 DeMille Road, commented on why and who chooses hydrants for maintenance and why and what does fees paid go for.

Discussion was held regarding how many businesses are charged fees with Finance Director Paul Boucher responding approximately 50 businesses and approximately 212 hydrants billed; when fees were first initiated with Finance Director Paul Boucher responding that he started in 1986 and this was in place prior and the first increase was approximately \$10 in 2002 with no increase since that time; to have information provided to the Commission to review fair costs and associated fees; consideration of impact to adopted budget; infrastructure costs; provide a workshop to thoroughly review hydrant and sprinkler fees; when the new fees were approved with Mayor Sprague responding in June; invite those present to attend workshop meeting; what maintenance is done on hydrants yearly; and what other cities charge.

Dave Heckman, Hunters Creek Mobile Home Park, commented that he has served 14 years as manager; city has done nothing with the hydrants; if repairs are needed they dig them up and fix them not the city; and that water does not run continuously through these pipes.

**157 2009 08-03**

Moved by Bennett. Seconded by Robinet.

To schedule a Workshop for next Monday, August 10, 2009 at 5:30 p.m. to review the sprinkler and hydrant fees.

MOTION CARRIED.

**Doug Sklyis: Rowe Professional Services**

Doug Sklyis thanked the Commission and staff for their support with well wishes and prayers for accident involving his family that was deeply appreciated.

**PUBLIC PROCLAMATIONS AND RECOGNITIONS**

None.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

**City of Lapeer Fee Schedule**

**158 2009 08-03**

Moved by Bostick-Tullius. Seconded by Farrington.

To approve the City of Lapeer Fee Schedule as presented.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Dale Kerbyson commented on the professionalism of the group regarding the hydrant and sprinkler fees; trail way by Mott is almost 100% grant funded; Charter Communications will rewire Riverview Towers at no cost to the City to update cable wiring; Rowe Professional Services Project Engineering

recognition; and MMLGMA conference attended and information regarding MI Defining Moment will be in next packet.

#### **CITY ATTORNEY'S REPORT**

None.

#### **UNFINISHED BUSINESS**

No Board appointments were made.

#### **DEPARTMENTAL COMMUNICATIONS**

The memorandum regarding Peddler's License for Extreme Treats Mobile Ice Cream Truck was received into record.

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Farrington commented on the Commission submitting a list of questions and open issues on hydrants and sprinklers to staff in preparation for Monday night's meeting; need for Tetra Tech to provide information regarding the study completed; and costs associated with use of the water system.

Commissioner Bennett commented on the attendance of the Fire Department dinner and the need to support 9-1-1 campaign for millage increase to update equipment.

Commissioner Marquardt commented on the road repair to Genesee Street and safety measures taken and questioned why road construction on DeMille and Kroger area was taking so long with Director of Public Works John Lyons responding due to different repair issues on the roads.

Commissioner Robinet commented on the closing of Charter Communication office in Lapeer and the need to have an office in Lapeer and questioned why citizens only have 30 days in which to pay their city taxes with Finance Director Paul Boucher responding that it was stipulated by Charter.

Mayor Sprague commented on issues with Charter Communications with bankruptcy and that concerns regarding the "cable bill" at the state level was expressed to then House Representative John Stahl.

City Manager Dale Kerbyson commented on the appointment of Bill Ogden to the County Planning Commission and receipt of MEDC ICE Grant for installation of sewer line from Saginaw to Wastewater Treatment Plant.

Mayor Sprague commented that it is good to have residents question judgments of the Commission; workshops help resolve issues; and any changes made to hydrant and sprinkler fees will have an impact on the budget.

#### **ADJOURNMENT**

##### **159 2009 08-03**

Moved by Bostick-Tullius.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:40 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, City Clerk