

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

November 2, 2009

A regular meeting of the Lapeer City Commission was held November 2, 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 Bill Ogden.

Absent: None.

Others Present: City Clerk Donna Cronce; Executive Assistant/Deputy City Clerk Tracey Russell; City Assessor Tom Hubbell; Director of Public Works John Lyons; Police Chief Todd Alexander; Fire Chief Terry Kluge; Planning Director Linda Jackman; Director of Finance Paul Boucher, Parks, Recreation & Cemetery Director Ray Turczyn; Rowe Professional Services Company representative Doug Skylis; Lapeer County Commissioner Lenny Schneider; Lapeer County Press representative Jeff Hogan; Darlene West; and Dick West.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

209 2009 11-02

Moved by Robinet. Seconded by Farrington.

To approve the Agenda for November 2, 2009 as presented.

MOTION CARRIED.

MINUTES

210 2009 11-02

Moved by Marquardt. Seconded by Robinet.

To approve the minutes from the Regular Meeting held on October 19, 2009.

MOTION CARRIED.

Minutes from Various Boards and Commissions were received into record.

CONSENT AGENDA

Commissioner Bennett requested the removal of Item B.8. Change Order #4 – Zito Construction Co. for further consideration and an explanation regarding Item B.10. Change Order #2 – Posen Construction, Inc. Rowe Professional Services Company representative Doug Skylis commented that Change Order #4 for Zito is necessary in order to transfer funds from the pump station contract utility allowance item to the water main contract to allow Zito to install the conduit for DTE which was originally to be completed by Posen. Both Change Orders reflect the moving of funds to meet the differences in contract work performed.

211 2009 11-02

Moved by Bostick-Tullius. Seconded by Farrington.

To approve the Consent Agenda for November 2, 2009 with the removal of Item B.8. Change Order #4 – Zito Construction Co. resulting in the following.

1. Approve the Budget Adjustment for 2008 and 2009 GO Bond Funds as presented.
2. Approve the Budget Adjustment for Park Projects as presented.
3. Approve the Budget Adjustment for TIFA Projects as presented.

4. Approve the Contract for Engineering Services with Rowe Professional Services Company for the Mill Street Sewer Interceptor Replacement Project and authorize the Director of Public Works to sign required documents.
5. Approve the Municipal Resolution Michigan Department of Transportation For Municipal Trunkline Maintenance.

CITY OF LAPEER
MUNICIPAL RESOLUTION
MICHIGAN DEPARTMENT OF TRANSPORTATION
FOR MUNICIPAL TRUNKLINE MAINTENANCE

BE IT RESOLVED THAT the Municipal Trunkline Maintenance contract between the Michigan Department of Transportation and the City of Lapeer, in effect from October 1, 2009 through September 30, 2014 as stated in Section 24, TERM OF CONTRACT, is hereby accepted and Randall Bennett is designated as the Maintenance Superintendent on sections of State Trunkline Highways as shown on the Municipal Route Section Map and Budget Sheets.

BE IT FURTHER RESOLVED THAT City officials Dale Kerbyson, City Manager, and John K. Lyons, Director of Public Works, are authorized to sign the said maintenance contract.

6. Approve and accept the Permanent Water Main And/Or Sewer Line And Appurtenance Easement Agreement For Construction And Maintenance.
7. Approve Payment Request #6 to Site Development, Inc. in the amount of \$276,109.15 for the M-24 Corridor Utility Expansion Project – Sanitary Sewer.
9. Approve Payment Request #5 to Zito Construction Co. in the amount of \$123,023.84 for the M-24 Corridor Utility expansion Project – Water Main.
10. Approve Change Order #2 with Posen Construction, Inc. in the amount of (\$81,676.24) a net decrease for the M-24 Corridor Utility Expansion Project – Sanitary Sewer Pump Stations.
11. Approve Payment Request #5 to Posen Construction, Inc. in the amount of \$213,802.38 for the M-24 Corridor Utility Expansion Project – Sanitary Sewer Pump Stations.
12. Approve the Access Drive and Parking Lot Project amendment to the Engineering Agreement with Rowe Professional Services Company in the amount of \$16,350 and authorize the Director of Parks, Recreation & Cemetery to sign required documents.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Change Order #4 – Zito Construction Co.: M-24 Corridor Utility Expansion Project – Water Main.

Commissioner Bennett commented on the amount of change orders being presented within the project area and to not set a precedent of bidding low on contracts and coming back for change orders. Doug Skylis commented that the Change Order for Zito Construction was to add the expenses for placement of an electrical conduit for DTE which was originally to be completed by Posen. Funds were moved from the Posen contract to Zito who performed the actual work on the electrical conduit installation. Commissioner Farrington commented on past change orders and questions by Commission members, review of information provided relating to the change orders, does not feel that low bidding is issue but unforeseen circumstances within construction, good points made in discussion regarding change orders, and that this is a major project that the City has undertaken.

212 2009 11-02

Moved by Farrington. Seconded by Marquardt.

To approve Change Order #4 with Zito Construction Co. in the amount of \$21,671.74 for the M-24 Corridor Utility Expansion Project – Water Main.
MOTION CARRIED.

BILL LISTING FOR NOVEMBER 2, 2009

213 2009 11-02

Moved by Robinet. Seconded by Farrington.

To approve the Bill Listing for November 2, 2009 in the amount of \$1,218,840.51.
MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Proclamation Honoring Veterans Day

214 2009 11-02

Moved by Robinet. Seconded by Bennett.

To approve the Proclamation Honoring Veterans Day.

CITY OF LAPEER
PROCLAMATION
Honoring November 11, 2009
Veterans Day

WHEREAS, individuals from all walks of life have taken up arms and sworn an oath to support and defend the principles upon which our country was founded; and

WHEREAS, throughout our history, courageous men and women have donned the uniform of our Armed Forces and built a noble tradition of faithful and dedicated service to our Nation; and

WHEREAS, our Veterans have answered duty's call and defended our Nation in every corner of the world, forsaking the comforts of home, risking their lives to protect the liberties we enjoy, their willingness to serve and the sacrifices they have made are inspirational; and

WHEREAS, Veterans Day is observed on the anniversary of the World War I armistice that ended hostilities on the eleventh hour of the eleventh day of the eleventh month of 1918.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Lapeer City Commission urges that on Wednesday, November 11, 2009, all schools, businesses, government agencies, and individual citizens pause, reflect upon, and give thanks for the important contributions and sacrifices of the servicemen and women who have honorably served our Nation in the past and at the present time to keep the flag of the United States of America flying proudly over the land of the free and home of the brave.

BE IT FURTHER RESOLVED THAT the Mayor and Lapeer City Commission encourage Americans to demonstrate their support for Veterans by treating Veterans Day as a special day of reflection to honor and remember those who have defended our country.

BE IT FURTHER RESOLVED THAT the Mayor and Lapeer City Commission invite Americans to understand Veteran's contributions and their importance in preserving American peace and prosperity; to honor the great bravery and

sacrifices of our men and women in uniform who have served; to bring attention to the courageous commitments our Veterans have made for the security of our country; and to provide them with the services and support they deserve.

Dated this 2nd day of November, 2009.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Resolution In Recognition of Richard B. West.

215 2009 11-02

Moved by Robinet. Seconded by Farrington.

To approve the Resolution In Recognition of Richard B. West.

RESOLUTION
CITY OF LAPEER
In Recognition of Richard B. West

WHEREAS, Richard B. West was elected City Commissioner April 3, 1989 and was successively re-elected April 6, 1992, April 3, 1995, April 6, 1998, and April 2, 2001 until his resignation due to personal reasons on May 6, 2002; and

WHEREAS, Richard B. West had devoted time and effort in providing growth and development to the City of Lapeer through his involvement with the planning and construction of the new Community Center, acquisition and renovation of the Pix Theatre, planning and construction of the DeMille Boulevard, and instrumental in grant funding within the Housing Department to begin the conversion of rental homes to single family; and

WHEREAS, Richard B. West presence in the community was also prominent in various roles of the City that included the Prison Liaison Committee, Greater Lapeer Transportation Authority, and Cemetery Board.

WHEREAS, Richard B. West has served with dedication and distinction, with his many years of service to the County and the City of Lapeer marked by exemplary and energetic leadership; and

WHEREAS, Richard B. West leaves those in the City proud to have known him and to have served with him. His guidance as a friend, mentor, and supporter will be missed, but all wish him the best of luck as he devotes time to his health and family.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Lapeer City Commission take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Richard B. West for his lifelong efforts and devotion to public service; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the official proceedings of the City of Lapeer, and that a copy thereof be tendered to Richard B. West as a testimonial of the high esteem and appreciation in which he is regarded by the City of Lapeer Commission.

Dated this 2nd day of November, 2009.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Mayor Sprague congratulated City Clerk Donna Cronce on the achievement of the Master Municipal Clerk (MMC) designation with the International Institute of Municipal Clerks.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

None.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson asked Parks, Recreation and Cemetery Director Ray Turczyn to provide a status report of the Access Drive and Parking Lot Project. Mr. Turczyn provided an update on the project; 2 grants received Access to Recreation and CMAQ MDOT; and funding approved by TIFA.

Mr. Kerbyson provided an update on the Wastewater Treatment Plant project.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

216 2009 11-02

Appointed by Mayor Sprague. Moved by Robinet. Seconded by Farrington. To appoint Debbie Thompson to the Local Development Finance Authority as the School Representative.
MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Departmental Communications reports were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented to Parks, Recreation and Cemetery Director Ray Turczyn that the fence looks good at the park located at Lincoln and Oregon Streets.

Commissioner Marquardt reported on a homeowner inquiry behind Riverview Towers and overturned trees along the river edge and who is responsible. Ray Turczyn responded that it was his understanding that trees directly on park property would be City responsibility and that homeowners are responsible for trees on their property. City Manager Dale Kerbyson commented on possible DEQ approval and/or permits. Commissioner Marquardt inquired on City ordinance regarding outdoor wood burners, Rob's Service has them for sale, Fire Department advised the business that they cannot be used, and review of ordinance to allow special permits in order to "show" how the wood burners work. Fire Chief Terry Kluge responded that the main issue was the smoke from the outdoor wood burners, that the pipes are only 6 foot off the ground as opposed to being off the tops of homes, that smoke from these types of burners go directly into a home or business and bothers occupants, and addressing of smoke issues during ordinance implementation. Commissioner Marquardt commented on the lighting along the DeMille Boulevard with City Manager Dale Kerbyson responding that there are line installment issues in the area and that he is meeting with DTE.

Commissioner Farrington commented on the map provided by Rowe regarding the I69-M24 project area and slowing of progress. Doug Skylis responded on wetness of area and drilling progress.

Commissioner Robinet thanked Dick West for his service on the Commission and to the City.

City Manager Dale Kerbyson commented on working with Dick West, voting of DDA to change meeting date to every other month, and reminded everyone to fill out their Nixle account.

Mayor Sprague reminded the Commission to turn in their invitation to the appreciation event, City election Tuesday and good luck to those running, and if he is not re-elected Mayor that it was a pleasure to serve the City and its citizens.

The Lapeer City Commission recessed its meeting from 7:08 p.m. to 7:35 p.m. to preview the new Ladder Truck Fire Apparatus.

Executive Session: City Manager Annual Review.

The Lapeer City Commission convened to a closed session for the City Manager Annual Review at 7:35 p.m. and returned to its regular meeting at 8:27 p.m.

ADJOURNMENT

217 2009 11-02

Moved by Bostick-Tullius. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 8:28 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk