

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

November 1, 2010

A regular meeting of the Lapeer City Commission was held November 1, 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 Representative Tim Turkelson.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

242 2010 11-01

Moved by Marquardt. Seconded by Farrington.
To approve the Agenda for November 1, 2010 as presented.
Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.
Nays: None.
Absent: None.
MOTION CARRIED.

MINUTES

243 2010 11-01

Moved by Robinet. Seconded by Farrington.
To approve the minutes from the Special Meeting and Regular Meeting held October 18, 2010 as presented.
Ayes: Bennett, Marquardt, Robinet, Farrington, Bostick-Tullius.
Nays: None.
Absent: None.
MOTION CARRIED.

There were no minutes from various Boards and Commissions received.

PUBLIC COMMENTS

Roy Helfenbein, Lippincott, provided invocation.

CONSENT AGENDA

244 2010 11-01

Moved by Robinet. Seconded by Marquardt.
Commissioner Bennett requested that Item C.2. Payment Request #1: Trojan Development be removed for further discussion as he would like to vote no on this item. To remove Consent Agenda Item C.2. Payment Request #1: Trojan Development Company, Inc. for 2010 SRF – Wastewater Treatment Plant Improvement Project for further discussion and approve Consent Agenda Items C.1. and C.3. through C.5. Commissioner Marquardt requested clarification on item C.1. Budget Adjustment for Water Fund Special Assessment. Director Paul Boucher responded that a clerical error was found while assembling the budget and the budget adjustment would correct the error. The question was called to a vote resulting in the following:

1. Budget Adjustment for Water Fund Special Assessment in the amount of \$28,148.00.

3. Change Order #1 with James P. Contracting, Inc. resulting in a net decrease of \$1,068.85 and revision of completion date to November 12, 2010 for Access to Recreation/Access Drive and Parking Lot.
4. Payment Request #2 to James P. Contracting, Inc. in the amount of \$68,424.14 for Access to Recreation/Access Drive and Parking Lot.
5. Municipal Resolution Michigan Department of Transportation Contract No. 10-5738.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Item C.2.: Payment Request #1: Trojan Development Company, Inc. for 2010 SRF – Wastewater Treatment Plant Improvement Project.

245 2010 11-01

Moved by Robinet. Seconded by Bostick-Tullius.

To approve Payment Request #1 to Trojan Development Company, Inc. in the amount of \$104,895.00 for 2010 SRF – Wastewater Treatment Plant Improvement Project. Commissioner Farrington inquired about work performed, expectation of payment frequency, and if project was within the approved budget. Rowe representative Doug Skylis commented that the payment request included mobilization of site, relocation of utilities, and excavation for lift station; both contractors for project to be on a monthly payment schedule. City Manager Dale Kerbyson commented that the project was included in the approved budget. The question was called to a vote.

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

Nays: Bennett.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR NOVEMBER 1, 2010

246 2010 11-01

Moved by Robinet. Seconded by Bennett.

To approve the Bill Listing for November 1, 2010 in the amount of \$765,413.12.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

247 2010 11-01

Moved by Bostick-Tullius. Seconded by Farrington.

To approve the Proclamation National Family Caregivers Month November 2010.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Secondhand Dealers License: Use It Again Tools.

248 2010 11-01

Mayor Approved. Moved by Robinet. Seconded by Farrington.

To approve Secondhand Dealer License for Use It Again Tools contingent upon receipt of required fee.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Golfside Drive Special Assessment District #2010-03.

City Manager Dale Kerbyson commented on the error by the LA View newspaper in publication of the public hearing notice regarding the Golfside Drive Special Assessment roll. Brief discussion was held on reimbursement for ad and mailing costs and if Woodside project was affected. Mr. Kerbyson responded that we would not be charged for the ad, request for mailing reimbursement was denied, and that Woodbridge project was not affected.

249 2010 11-01

Moved by Bennett. Seconded by Robinet.

To rescind Motion #236 2010 10-18 that approved Resolution #5 confirming the roll prepared regarding the Golfside Drive Special Assessment District #2010-03.

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

Nays: None.

Absent: None.

MOTION CARRIED.

250 2010 11-01

Moved by Marquardt. Seconded by Farrington.

Approve Resolution No. 4 – Second Public Hearing To Review The Special Assessment Roll that accepts the preliminary roll and sets a public hearing for November 15, 2010 at 6:30 p.m. or as soon thereafter as may be heard to review the preliminary roll regarding the Golfside Drive Special Assessment District #2010-03.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented that due to the error in publication of the public hearing notice Rowe representative Doug Skylis notified bidders of Golfside Drive that the project was closed for the fall.

Mr. Kerbyson requested dates from the Commission for a joint Planning Commission / City Commission meeting to discuss and review changes to the Zoning Ordinance. Mayor Sprague commented that it was his understanding that a workshop would be held before a Commission meeting for review and, if needed, to provide direction then hold a joint meeting in January. **After discussion, it was the general consensus of the Commission to hold a Workshop on December 6, 2010 at 5:00 p.m. for the purpose of reviewing changes to the Zoning Ordinance.**

Commissioner Bennett stated he understood why the Golfside project would be held off until spring and asked if the Woodside project would be held off until spring as well. City Manager Dale Kerbyson responded that the Woodside project was already planned to be completed in the spring.

CITY ATTORNEY'S REPORT

City Attorney representative Tim Turkelson provided an update regarding Medical Marihuana and I-69 and M-24 area.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

Precious Metal and Gem Dealer License for Animal Orphanage was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENT

Commissioner Bostick-Tullius commented on attendance to the first season game for the Lapeer Loggers; lighting issues on streets during Halloween; and pavement issues over the railroad tracks on Saginaw Street by Lapeer Grain.

Commissioner Farrington commented on street lighting issues and grinding/milling of sidewalks within the City.

Commissioner Marquardt inquired on the street closing sign on DeMille and what was being done? City Manager Dale Kerbyson responded that crack sealing was being completed in the area.

Commission Robinet commented on getting out to vote in Tuesday's election.

Mayor Sprague reminded everyone about Veterans Day Celebration next Thursday, 11:00 a.m. at Veterans Park and to make sure condition of the flag is appropriate.

ADJOURNMENT

251 2010 11-01

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 6:53 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk