

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
October 1, 2018**

A regular meeting of the Lapeer City Commission was held October 1, 2018 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 Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney Representative: Aleksandrs Bomis, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

210 2018 10-01

Moved by Marquardt. Seconded by Osentoski.

Approve the Agenda for October 1, 2018 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

211 2018 10-01

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the minutes of a Regular meeting held September 17, 2018 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin Road, gave invocation and thanked the City for the recent repairs to Baldwin Road.

Police Chief Frisch introduced the K-9 team to the Commission.

James Alt, DDA Director, thanked the City Commission for supporting the Pocket Park; funding goal was surpassed by \$10,000.

Samuel Howard, Youth Council Treasurer, presented the Youth Council's budget. He recapped work done over the past year and provided an overview of projects and activities the Council is currently working on.

CONSENT AGENDA

212 2018 10-01

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Consent Agenda for October 1, 2018 resulting in the following.

1. Bank Resolutions and Agreements necessary for authorized signatures for City of Lapeer accounts with Chemical Bank, Lakestone Bank & Trust and Flagstar Bank.
2. Special Event Request from Downtown Development Authority, Downtown Lapeer Zombie Walk, October 13, 2018, 3PM-7PM, downtown Lapeer.
3. Special Event Request from Downtown Development Authority, Haunted Lapeer Ghost Tours, October 5, 6, 12, 13, 19, 20, 26 and 27, 2018, 7PM-10PM, downtown Lapeer.
4. Special Event Request from Red Room Social Club Emporium LLC, Semicolon Fundraiser, October 4, 5, 6 and 7, 2018, 12PM-8PM; Pine Street, south of Nepessing Street; contingent upon receipt of current insurance.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR OCTOBER 1, 2018

213 2018 10-01

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for October 1, 2018 in the amount of \$1,317,268.79.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation – In Recognition of Donna Cronce

214 2018 10-01

Moved by Bennett. Seconded by Bostick-Tullius.

Approve a proclamation in Recognition of Donna Cronce.

Proclamation in Recognition of Donna Cronce

WHEREAS, Donna L. Cronce began her career with the City of Lapeer on August 22, 1983 as a Clerk Typist within the Finance Department, was appointed Deputy City Clerk on October 20, 1986, appointed as Secretary I to the Finance Director on December 15, 1989, appointed as Office Manager-Finance Department on October 7, 1997, and appointed City Clerk effective July 15, 2002; and

WHEREAS, Donna L. Cronce, after her appointment as City Clerk, made it a priority to seek out educational opportunities, obtaining accreditation as a Certified Municipal Clerk (CMC), Certified Michigan Municipal Clerk (CMMC) and earning the distinguished title of Master Municipal Clerk (MMC), the highest level of certification in the Clerking profession; and

WHEREAS, Donna L. Cronce has been a model public servant during her tenure with the City through involvement in organizations such as HOSA, Lapeer Days Festival, March of Dimes, Michigan Association of Municipal Clerks, International Institute of Municipal Clerks, Economic Club of Lapeer and the Lapeer County Municipal Clerks Association, who bestowed upon her the prestigious Distinguished Public Servant Award in 2009; and

WHEREAS, Donna L. Cronce has been an invaluable asset to the City of Lapeer during her 35 plus years of service and has served the City with dedication, integrity and enthusiasm; and

WHEREAS, Donna L. Cronce is officially retiring on October 12, 2018 and leaves those in the City proud to have known and to have served with her; her persistence, commitment and proficiency will be missed and she is wished continued success in her retirement.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission, take this opportunity to honor and express deep appreciation to Donna L. Cronce for her outstanding achievements, contributions and devotion to public service to the City of Lapeer and its citizens and wish her well in her future endeavors and retirement.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Lead and Copper Rules Resolution

215 2018 10-01

Moved by Osentoski. Seconded by Marquardt.

Approve Resolution Condemning New Lead and Copper Rules.

CITY OF LAPEER RESOLUTION CONDEMNING NEW LEAD AND COPPER RULES

WHEREAS, the State of Michigan Department of Environmental Quality (MDEQ) filed new Lead and Copper Rules on June 14, 2018, after one year of public meetings, draft rules and changes, and public comment including strong opposition from water supply providers and municipalities; and

WHEREAS, the new rules adds responsibility to the City to replace both Public (City owned) and Private (customer owned) lead services lines; and

WHEREAS, the new rules also include replacement of galvanized service lines not previously included in the lead and copper rules, increasing the number of required lead samples, and requiring a service pipe material inventory including private services and increased public notifications and education; and

WHEREAS, MDEQ is requiring the establishment of a five percent annual replacement plan be instituted by Municipalities; and

Whereas, prior to this new rule, the City was only responsible for the public water main and property owners were responsible for the water service from the public water main to the house or building; and

WHEREAS, the estimated cost to replace one water service line on the city side is estimated at \$9,300.00, which includes cost for asphalt and cement restoration, labor, equipment, material cost, permits, and the use of contractors equating to over \$7,000,000; and

WHEREAS, City employees are not properly licensed to work on private property; and

WHEREAS, the City believes that we should support legal efforts to amend such rules; and

WHEREAS, a request for Declaratory Ruling on behalf of the Great Lakes Water Authority, Detroit Water and Sewerage Department, and Oakland County Water Resources was filed on August 13, 2018, by Miller Canfield, Paddock and Stone, PLC., with the Michigan Department of Environmental Quality alleging that the actions of the MDEQ exceeded the scope of the MDEQ's authority under state law and that the actions were arbitrary and capricious; and

WHEREAS, petitioners are requesting the filing of Concurrence by similarly situated municipalities in support of their position;

NOW THEREFORE BE IT RESOLVED that the City of Lapeer City Commissioners on behalf of the City of Lapeer approve the submission of a Concurrence with Petitioners' Request for Declaratory Ruling regarding MDEQ's Lead and Copper Rules and direct City Attorney Michael Nolan to submit the paperwork needed.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Baldwin Road Reconstruction Project – Local Share Payment #2

216 2018 10-01

Moved by Marquardt. Seconded by Bennett.

Approve Local Share Payment #2 in the amount of \$17,611.66 to the State of Michigan for construction services on the Baldwin Road Reconstruction Project (MDOT Contract #18-5055).

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

2018 Local Street Rehabilitation Project

L.J. Construction Incorporated – Payment Request #5.

217 2018 10-01

Moved by Bostick-Tullius. Seconded by Atwood.

Approve Payment Request #5 to L.J. Construction Incorporated in the amount of \$322,523.00 for services completed on the 2018 Local Street Rehabilitation Project.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

Housing Division Public Hearing Request

218 2018 10-01

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve setting a Public Hearing on October 15, 2018 at 6:30 PM or as soon thereafter as may be heard regarding the Lapeer Team Work Project Application for Community Development Block Grant (CDBG) funding.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

CITY MANAGER'S REPORT

Opt Out of PA 152 of 2011 for the 2019 Year

219 2018 10-01

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Resolution to Opt Out of PA 152 of 2011 for the 2019 Year.

**CITY OF LAPEER
RESOLUTION**

**Opt Out of PA 152 of 2011
January 1, 2019 through December 31, 2019**

WHEREAS, the Publicly Funded Health Insurance Contribution Act, PA 152 of 2011 places limits on the amount a public employer can pay for employee medical plans; and

WHEREAS, pursuant to this Act, the City of Lapeer is exercising the option to exempt itself from the requirements of the Act for the next succeeding year as authorized under MCL 15.568 (et. seq.); and

WHEREAS, the City of Lapeer by exercising the option to exempt itself shall in no way limit the ability to continue to examine the law and review interests of all involved at any time.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Lapeer City Commission exercises the option to be exempt from the requirements of PA 152 of 2011 at this time for the year beginning January 1, 2019 through December 31, 2019 by a 2/3 vote of its governing body.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

United States Department of Agriculture (USDA) Grant and Loan Application

220 2018 10-01

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the City of Lapeer moving forward with the USDA Grant and Loan Application.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

Buy and Sell Agreement for Industrial Property – City of Lapeer and Lapeer Industrial LLC.

221 2018 10-01

Moved by Marquardt. Seconded by Bostick-Tullius.

Rescind motion #112 2018 05-21 that approved the Buy and Sell Agreement with NLJ Investments LLC.

112 2018 05-21

Moved by Osentoski. Seconded by Marquardt.

Approve the Buy and Sell Agreement with NLJ Investments LLC for vacant land on John Conley Drive, Lot #24 (part of parcel #L20-83-358-080-00) in the amount of \$216,000 and authorize the Mayor and/or City Manager to sign required documents.

Ayes: Atwood, Marquardt, Osentoski.

Nays: Bennett.

Absent: Bostick-Tullius.

MOTION CARRIED.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

222 2018 10-01

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Buy and Sell Agreement with Lapeer Industrial LLC for Industrial Property and Addendum for vacant land on John Conley Drive, Lot #24 (part of parcel #L20-83-358-080-00) in the amount of \$216,000 and authorize the Mayor and/or City Manager to sign the required documents.

Ayes: Atwood, Bostick-Tullius, Marquardt, Osentoski.

Nays: Bennett.

Absent: None.

MOTION CARRIED

City Manager Kerbyson commented regarding trail work in the Industrial Park that occurred this past weekend; he thanked Ed, Jack, Pete and Josh McCreedy and Phil Foley for their work; trail work session is upcoming; City waived permit fees for the Pocket Park; hospital expansion plans have been submitted and will go before the Planning Commission for site plan approval.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports were received into record.

PUBLIC COMMENTS

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Thanked Sam Howard for presenting the Youth Council budget; he is proud of what they have accomplished and is working on recruiting new members; MML conference was a great learning experience; City faced a lot of traumatic situations in the last year; every City has issues and City needs to come up with a game plan on how to correct those issues.

Commissioner Bennett: thanked Janet Adams for invocation.

Commissioner Bostick-Tullius: Thanked everyone who attended the MML convention; convention was good and provided a lot of networking opportunities and information on private/public partnerships; yesterday's Dog Park Expo was good, hopes for better weather next year; thanked Rodney Church and the committee that puts on the Expo.

Commissioner Marquardt: was unable to attend MML convention; thanked Sam Howard for his work on the Youth Council budget.

Commissioner Osentoski: had a good time at the MML convention and learned a lot; one thing he took away from the convention is that to get things done, work needs to start at the local level with organizations partnering together to get projects completed.

City Manager Kerbyson: congratulated Sam Howard for doing a good job on the Youth Council budget; attended the MML Conference; received a lot of information that is useful for the Pocket Park project; will forward that information to DDA Director James Alt; welcomed Commissioner Bennett back after his recent illness;

Mayor Sprague: welcomed back Commissioner Bennett; asked Commissioners if they have turned in their City Manager evaluation forms; cable industry is lobbying the FCC to eliminate franchise fees, their reason being to make them more competitive with satellite and providers of other forms of entertainment; franchise fees have been part of the City budget for many years; Sam Howard did a great job on the Youth Council budget; reviewed upcoming community events; was his pleasure to tap the keg at Oktoberfest this past Friday; proud of the football team, who are undefeated this season.

ADJOURNMENT

223 2018 10-01

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:09 p.m.

Mayor William J. Sprague

Renee Bullen, Chief Deputy City Clerk