

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

**January 16, 2007**

A regular meeting of the Lapeer City Commission was held on January 16, 2007 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Pro-Tem Robinet  
Commissioners Turkelson, Marquardt, Robinet, Farrington, and Ogden.  
City Attorney Ron Shamblin  
City Manager Dale Kerbyson

Absent: Mayor Sprague - excused (personal)

Mayor Pro-Tem Robinet led the Pledge of Allegiance.

**AGENDA APPROVAL**

**12 2007 01-16**

Moved by Turkelson. Seconded by Farrington.  
To approve the Agenda for January 16, 2007 as presented.  
MOTION CARRIED.

**MINUTES**

**13 2007 01-16**

Moved by Marquardt. Seconded by Ogden.  
To approve the minutes of the Regular Meeting held on January 3, 2007 as presented.  
MOTION CARRIED.

Minutes from Various Boards and Commissions received through January 11, 2007 were received into record.

**CONSENT AGENDA**

**14 2007 01-16**

Moved by Marquardt. Seconded by Turkelson.  
To approve the Consent Agenda for January 16, 2007 resulting in the following:

1. Approval of Change Order #2 for A.W. Excavating, Inc. in the amount of \$6,492.30 for the 2005 Capital Improvement Program.
2. Approval of the Budget Adjustment for Finance Department Retiree Payout as presented.
3. Approval to purchase a Brush Chipper for the Street Department from Bandit Industries in the amount of \$17,646.00.

MOTION CARRIED.

**BILL LISTING FOR JANUARY 16, 2007**

**15 2007 01-16**

Moved by Marquardt. Seconded by Ogden.  
To approve the Bill Listing for January 16, 2007 in the amount of \$1,758,157.68.  
MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Susan L. Bennett – Proclamation

**16 2007 01-16**

Moved by Farrington. Seconded by Turkelson.  
To approve the Proclamation in Recognition of Susan L. Bennett.

PROCLAMATION  
CITY OF LAPEER

In Recognition of Susan L. Bennett

WHEREAS, Susan L. Bennett was born on September 15, 1948 to Melvin and Agnes Marshall in Lapeer, Michigan and graduated from Lapeer High School in 1966; and

WHEREAS, Susan L. Bennett began her employment with the City of Lapeer when she was hired as a Clerk Typist on January 18, 1967 and over the course of her employment has been promoted to Assistant Office Manager; and

WHEREAS, Susan L. Bennett is an individual of personal integrity, has given conscientious service to the citizens of the City of Lapeer, and she leaves those in the City of Lapeer proud to have known her and to have served with her; and

WHEREAS, Susan L. Bennett will retire on January 22, 2007, after 40 years of faithful service to the City of Lapeer and will be honored during a luncheon on January 19, 2007.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission, wishes to honor and express deep appreciation to Susan L. Bennett for her many years of dedicated service to the citizens of the City of Lapeer.  
MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

Chapter 7 (Zoning Ordinance) New Planned Unit Development – adoption

**17 2007 01-16**

Moved by Turkelson. Seconded by Farrington.  
To approve the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.14.5 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.14.5 Planned Unit Development (PUD)

A. INTENT:

The Planned Unit Development zoning district is designed to provide a framework within which a developer, upon his/her initiation, can relate the type, design and layout of residential and/or commercial uses to a particular site and particular demand for housing and/or other local commercial facilities in a manner consistent with the preservation of property values within established areas. The section also provides an added degree of flexibility in the building design and land use arrangement so that a mixture of uses and provision of common open space can be provided. The zoning district is intended to accommodate developments with mixed or varied uses, on sites with unusual topography or unique settings within the community, or on land which exhibits difficulty or costly development problems or sites that contain natural features such as wetlands or woodlots that are important for the City to retain in order to protect its character and shall not be allowed where this zoning classification is sought primarily

to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth. The following regulations are the minimum requirements for the promotion and protection of the public health, safety and welfare. Some uses permitted in this district are required to comply with specific design standards.

#### B. ELIGIBILITY REQUIREMENTS

In order to be eligible for consideration of rezoning to PUD, a parcel must comply with the following:

1. The parcel must be at least 1 acre in area.
2. The parcel must have access to a major street.
3. The parcel must have access to municipal water and sewer.

#### C. PRINCIPAL USES PERMITTED

All permitted principal uses by right or by special conditions in any of the zoning districts in this ordinance may be permitted in the PUD district based on the standards outlined in 7.14.5.D below, subject to the discretion of the City Commission. Uses permitted by special condition in another zoning district may be authorized as a use by right by the City Commission in granting PUD approval.

#### D. STANDARDS FOR APPROVAL

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Commission may deny, approve, or approve with conditions the proposed planned unit development.

1. The proposed mix of uses and density of residential uses shall be found to be consistent with the City Master Plan.
2. Off-street parking shall be sufficient to meet the minimum required by the ordinances of the City. However, if it is deemed necessary in order to achieve the purposes of this section, the Planning Commission may relax parking requirements during site plan review.
3. All streets within the planned unit development shall meet the minimum requirements of the City's Land Division Ordinance and Construction Specifications, unless modified by the Planning Commission.
4. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
5. Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.
6. Surface water shall be retained on the site unless the applicant can demonstrate that to do so would be harmful to the environment, or is not practical. In any case, storm water shall not flow off the site at a rate greater than the rate of flow prior to development and storm water shall not be directly discharged into a lake, river or stream.
7. The setbacks, building height, open space, maximum density and other dimensional requirements for a proposed use in the concept plan shall be based on the dimensional requirements for that use listed in the applicable zoning district in this ordinance. Where a proposed use or range of uses is permitted in more than one zoning district, the PUD concept plan as approved will identify which zoning district dimensional requirements will apply. However, if it is deemed necessary in order to achieve the purposes of this section, the City Commission may modify the dimensional requirements for a given use or range of uses. Non-contiguous property may be used in calculating open space and the open space may be located on non-contiguous property.
8. The following standards concerning traffic and accessory conditions shall be met:
  - a. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the zoning district shall be provided.

- b. Drives and streets shall not be laid out to encourage outside traffic to traverse the development nor to create unnecessary fragmentation of the development into small blocks.
- c. No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.

E. APPROVAL PROCEDURE

- 1. The PUD zoning approval shall follow procedural requirements of Section 7.22 of this ordinance for amending the zoning ordinance. An applicant for PUD zoning approval shall submit a rezoning application, a proposed concept plan as outlined in 7.14.5 F. below, and any proposed language for the PUD zoning district. The Planning Commission shall hold a public hearing. The Planning Commission shall review the conceptual PUD development plan based on the standards described in Section 7.14.5 D to determine its suitability.
- 2. The Planning Commission shall then submit the proposed amendatory ordinance to the City Commission together with its recommendation and a summary of comments received at the public hearing.
- 3. The City Commission, prior to the first reading of the amendatory ordinance, shall hold a public hearing meeting the notice requirements in Section 7.18 I. Following that public hearing, it may amend or place additional conditions on the zoning ordinance amendment. The City Commission may, at its discretion, send a revised PUD back to the Planning Commission for their recommendation regarding the changes.
- 4. PUD site plan approval procedure may commence only after the acceptance by the City Commission of the conceptual PUD development plan and the rezoning of the property as required.
- 5. PUD site plan approval process shall follow the procedures for site plan approval outlined in Section 7.17 P

F. CONCEPTUAL PUD PLAN REQUIREMENTS

The conceptual PUD development plan that is required to be reviewed and approved as part of the PUD rezoning process outlined above shall comply with the following requirements

- 1. The applicant for preliminary phase approval of a PUD conceptual plan shall submit sufficient copies of the following technical or graphic materials together with such fees as may be required.
- 2. The PUD conceptual plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual characteristics of topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required to determine compliance with approval of the conceptual plan.
- 3. The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units and total open space. The plan shall:
  - a. Define the location of the areas to be devoted to particular uses.
  - b. State the acreage to be devoted to the particular uses.
  - c. Set forth the proposed density of the dwelling units by use type and of the entire project.
  - d. Show the location of parks, open recreation areas, other open space and all public and community uses.
  - e. The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the City; market needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.

- f. Any additional graphics or written materials reasonably requested by Planning Commission or City Commission to assist the City in visualizing and understanding the proposal shall be submitted.
- g. Upon submission of all required materials and fees, the Planning Commission shall follow the procedures for review of a zoning amendment.
- h. Approval of the conceptual PUD plan shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed three (3) years from date of approval. If so requested by the petitioner, an extension of a two (2) year period may be granted by the Planning Commission.

G. SITE PLAN APPROVAL

Following approval of the conceptual plan by the City Commission, the applicant may submit site plans for phases of the approved conceptual PUD development plan. The site plans shall conform to the approved conceptual plan. The site plans shall be reviewed and approved by the Planning Commission following the procedures outlined in Section 7.17 P.

H. DEVIATIONS FROM APPROVED PUD SITE PLAN

Deviations from the approved plan may occur only under the following circumstances:

Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or City Commission action if the Planning Director certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the plan as agreed upon by the Planning Commission and the City Commission. Any other change will require approval following the procedures outlined above for the original approval. Appeal of the Planning Director decision regarding the need for formal review by the Planning Commission and City Commission is appealable to the Zoning Board of Appeals

I. DESIGN STANDARDS

Design of the proposed improvements within a PUD shall comply with the design requirements established by the City under this ordinance as well as those established under the City Land Division Ordinance (if applicable) and other ordinances or guidelines adopted by the City.

ON A ROLL CALL VOTE:

AYES: Commissioner Ogden, Farrington, Marquardt, Turkelson, and Robinet.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Chapter 7 (Zoning Ordinance) – adoption

**18 2006 01-16**

Moved by Turkelson. Seconded by Farrington.

To approve the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.18.I of the General Ordinances of the City of Lapeer

THE CITY OF LAPEER ORDAINS:

7.18 ADMINISTRATION AND ENFORCEMENT

I. PUBLIC HEARINGS:

Whenever any Section of this Ordinance refers to this ARTICLE 7.18, Section I, notice of public hearing shall be given in accordance with Public Act 110 of 2006, as amended, as follows:

1. Hearings for Uses Permitted Subject to Special Conditions:
  - a. Notice that a request for a Use Permitted Subject To Special Conditions shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the City of Lapeer. The notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. The notice shall:
    - (1) Describe the nature of the use request of the Use Permitted Subject To Special Conditions.
    - (2) Indicate the property which is the subject of the use request. The notice shall include a listing of all existing street addresses within the property, or other means of identification if no street addresses exist within the property.
    - (3) State when and where the use request will be considered.
    - (4) Indicate when and where written comments will be received concerning the request.
    - (5) Indicate that a public hearing on the use request may be requested by a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a Use Permitted Subject To Special Conditions.
  - b. At the initiative of the City, or upon the request of the applicant for the use authorization, or a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a Use Permitted Subject To Special Conditions, a public hearing with notification as required for a notice of a request as provided in a. above, shall be held before a decision on the use request which is based on discretionary grounds. A decision on a Use Permitted Subject To Special Conditions, which is based on discretionary grounds, shall not be made unless notification of the request for approval, or notification of a public hearing on a use request is given as required by this Section.
  - c. The Planning Commission may deny, approve, or approve with conditions, requests for Uses Permitted Subject To Special Conditions. The decision on a Use Permitted Subject To Special Conditions shall be incorporated in a statement of conclusions relative to the Uses Permitted Subject To Special Conditions under consideration. The decision shall specify the basis for the decision, and any conditions imposed.
  - d. In addition to the above requirement for any Use Permitted Subject to Special Conditions, the dwelling owners and residents of properties immediately adjacent to the parcel or lot on which such use is proposed to be located shall be notified by registered mail of the date and time of the hearing. The cost of such notification shall be borne by the applicant for the proposed use.

2. Hearing for One-Family Cluster:

- a. The Planning Commission shall hold at least one (1) public hearing on the request. The Planning Commission may request preapplication conferences before submission of a one-family cluster request, and the submission of preliminary site plans before the public hearing. Notification of the public hearing shall be given in the same manner as required by Section 7.18.I.1, a and b for public hearings on Uses Permitted Subject To Special Conditions. Within a reasonable time following the public hearings, the Planning Commission shall meet for final consideration of the request, and shall deny, approve, or approve with conditions the request. It shall prepare a report stating its conclusions on the request for a one-family cluster development, the basis for its decision, the decision, and any conditions relating to an affirmative decision. If the Planning Commission denies the one-family cluster request, the procedure outlined in Article 7.15.D.5.c(6) shall be followed, and the report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the one-family cluster development request shall be transmitted to the City Commission for consideration in making a final decision.
- b. Final approvals may be granted on each phase of a multi-phased, one-family cluster development, if each phase contains the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the one-family cluster development and the residents of the surrounding area.

3. Hearings for PUD Rezoning:

- a. Notification of the Public Hearings held by the Planning Commission and City Commission on PUD rezonings shall be given in the same manner as required by Section 7.18.I.1.a for public hearings on Uses Permitted Subject To Special Conditions except for item (5) in the list of information required in the notice.

ON A ROLL CALL VOTE:

AYES: Commissioner Marquardt, Turkelson, Robinet, Farrington, and Ogden.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Chapter 7 (Zoning Ordinance) – Rezoning Request – 130 E. Oregon

**19 2007 01-16**

Moved by Turkelson. Seconded by Ogden.

To approve the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.03, G., #80, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

- 80. The following property, formerly zoned Industrial District (I-1), is hereby rezoned to One-Family Residential District (R-3):

City of Lapeer Original Plat, NE 1/ 4: Commencing at the South line of Oregon Street 730.5 feet West and 33 feet South of Northeast Corner of Section 5, T7N R10E; thence West 165 feet; thence South 27° 51' 10" East 237.69 feet to the Flint River; thence North 54° 43' 24"

East 67.32 feet; thence North 02°20' West 171.28 feet to the Point of Beginning. Containing 0.57 acre.

ON A ROLL CALL VOTE:

AYES: Commissioner Turkelson, Robinet, Marquardt, Ogden, and Farrington.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

H & H Tool, Inc. – Industrial Facility Exemption Request

**20 2007 01-16**

Moved By Farrington. Seconded by Turkelson.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For H & H Tool, Inc. for February 5, 2007 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER  
RESOLUTION TO SCHEDULE A PUBLIC HEARING  
TO CONSIDER AN APPLICATION FOR AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR  
H & H Tool, Inc.

WHEREAS, pursuant to Act 198 of the Michigan Public Acts of 1974, as amended, MCLA Section 207.551 et sequ., after a duly noticed public hearing held on October 5, 1987, this City Commission by resolution established Industrial Development District No. E; and

WHEREAS, H & H Tool, Inc. owner of the realty described below within said District, has applied for an Industrial Facilities Exemption Certificate, under the provision of 1974 Public Act 198, Section 5(1); and

WHEREAS, 1974 PUBLIC Act 198, Section 5(2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall afford the applicant, the Assessor and a representative of the affected taxing units an opportunity for a hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application of H & H Tool, Inc. for an Industrial Facilities Exemption Certificate shall remain on file in the office of the City Clerk.
2. That the City Commission shall meet in the City Commission Chambers at 576 Liberty Park on February 5, 2007 at 6:30 p.m. or as soon thereafter as may be heard. The City Commission will provide the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of H & H Tool, Inc. application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. E.
3. That the City Clerk immediately informed by letter, the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes in the City of Lapeer on the property located within the Industrial Development District No. E described as follows:

Part of the Southwest 1/4 of Section 12, Township 7 North, Range 9 East, City of Lapeer, Lapeer County, Michigan. Described as beginning at a point on the East-West 1/4 line of said Section 12 which is N86°21'01"E, along said 1/4 line, 1918.63 feet from the West 1/4 corner of said section; thence continuing N86°21'01"E, along said 1/4 line, 700.00 feet to the interior 1/4 corner of said Section 12; thence S01°51'00"E, along the North-South 1/4 line, 165.46 feet; thence 862.51 feet along the arc of a

907.00 foot radius non-tangential curve to the right (with a central angle of 54°29'07", a tangent of 466.99 feet, subtending a chord bearing and distance S56°56'37"W, 830.38 feet); thence N00°47'40"W, 573.81 feet to the point of beginning. Containing 7.25 acres of land and subject to all easements or restrictions of record.

AYES: Commissioner Farrington, Turkelson, Marquardt, Robinet, and Ogden  
NAYS: None.  
ABSENT: None.  
ABSTAIN: None.  
MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Quest Industries – Industrial Facility Exemption Request

**21 2007 01-16**

Moved by Marquardt. Seconded by Ogden.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Quest Industries for February 5, 2007 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER  
RESOLUTION TO SCHEDULE A PUBLIC HEARING  
TO CONSIDER AN APPLICATION FOR AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR  
Quest Industries

WHEREAS, pursuant to Act 198 of the Michigan Public Acts of 1974, as amended, MCLA Section 207.551 et sequ., after a duly noticed public hearing held on December 5, 1983, this City Commission by resolution established Industrial Development District No. A; and

WHEREAS, Quest Industries owner of the realty described below within said District, has applied for an Industrial Facilities Exemption Certificate, under the provision of 1974 Public Act 198, Section 5(1); and

WHEREAS, 1974 PUBLIC Act 198, Section 5(2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall afford the applicant, the Assessor and a representative of the affected taxing units an opportunity for a hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application of Quest Industries for an Industrial Facilities Exemption Certificate shall remain on file in the office of the City Clerk.
2. That the City Commission shall meet in the City Commission Chambers at 576 Liberty Park on February 5, 2007 at 6:30 p.m. or as soon thereafter as may be heard. The City Commission will provide the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of Quest Industries application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. A.
3. That the City Clerk immediately inform by letter, the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes in the City of Lapeer on the property located within the Industrial Development District No. E described as follows:

The E1/2 of Lot 9 "McCormick Industrial Park No. 2" as recorded in Liber 7, Pages 84-86 Lapeer County Records and all of Lot 5 "McCormick Industrial Park" as recorded in Liber 7, Pages 49-51 of Lapeer County Records. Together with Lawson Drive being part of "McCormick Industrial

Park No.2" which is part of the Southeast ¼ of Section 5, T7N-R10E, City of Lapeer, Lapeer County, Michigan as recorded in Liber 7, Pages 84-86 Lapeer County Records. More particularly described as beginning at the Southeast corner of Lot 12 of said "McCormick Industrial Park No. 2"; thence S88°46'W 196.6 feet along the South line of said Lot 12 to the Northeast corner of Lot 9 of said "McCormick Industrial Park No. 2"; thence S00°49'E 33.2 feet along the East line of said Lot 9 to the Northwest corner of Lot 5 of "McCormick Industrial Park" as recorded in Liber 7, Pages 49-51 of Lapeer County Records; thence N89°05'E 197.63 feet along the North line of said Lot 5 to the West line of South Court Street as recorded in said "McCormick Industrial Park" and "McCormick Industrial Park No.2"; thence N02°33'W 33.4 feet along said West street line to the point of beginning.

AYES: Commissioner Marquardt, Ogden, Turkelson, Robinet, and Farrington.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

William Hall, Lapeer Capital Corners, LLC – West Street Lot Split Request

**22 2007 01-16**

Moved by Turkelson. Seconded by Farrington.

To approve the Resolution To Approve Lot Split Request For Lapeer Capital Corners, LLC for property located at 800 West Street.

RESOLUTION TO APPROVE  
LOT SPLIT REQUEST  
FOR  
Lapeer Capital Corners, LLC  
for property located at 800 West Street

WHEREAS, William Hall, as Managing Member of Lapeer Capital Corners, LLC, owner of the property located at 800 West Street, has filed a Lot Split Request; and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Lot Split Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Lot Split Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.
3. That the Lot Split Request is approved resulting in the following two (2) legal descriptions:

L21-33-307-030-00 (800 West Street)

City of Lapeer Rich's Addition Liber 5 Page 1/2, Part of Out-Lot 3, Beginning at the northeast corner of said Out-lot thence S14°45'45"W 273.08 feet to southeast corner of said out-lot; thence along south line of said out-lot S88°25'47"W 168 feet; thence N03°18'33"W 33.43 feet; thence N34°05'46"E 21.40 feet; thence N03°18'33"W 98 feet; thence N27°34'E 11.58 feet; thence N03°18'33"W 103.5 feet; thence along the North line of said Out-lot N88°29'44"E 233.60 feet to point of beginning

L21-33-307-035-00 (Harrison Street)

City of Lapeer Rich's Addition Liber 5 Page 1/2, , City of Lapeer Rich's Addition Liber 5 Page 1/2, Part of Out-Lot 3, Beginning at the northwest corner of said Out-lot thence along the North line of said Out-lot N88°29'44"E 308 feet; thence S03°18'33"E 103.5 feet; thence S27°34'W 11.58 feet; thence S03°18'33"E 98 feet; thence S34°05'46"W 21.40 feet; thence S03°18'33"E 33.43 feet; thence along south line of said out-lot S88°25'47"W 288.83 feet; thence along the west line of said out-lot N03°18'33"W 262.81 feet to point of beginning

4. That the Lot Split Request preserve all easement and master utility plans.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the City Assessor and to William Hall.

AYES: Commissioners Turkelson, Farrington, Marquardt, Robinet, and Ogden.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED AND RESOLUTION DECLARED ADOPTED.

Kent Wischmeyer – 724 Cedar Street Lot Split Request

**23 2007 01-16**

Moved by Turkelson. Seconded by Farrington.

To approve the Resolution To Approve Lot Split Request For Kent Wischmeyer for property located at 724 Cedar Street.

RESOLUTION TO APPROVE  
LOT SPLIT REQUEST  
FOR  
Kent Wischmeyer  
for property located at 724 Cedar Street

WHEREAS, Kent Wischmeyer, owner of the property located at 724 Cedar Street, has filed a Lot Split Request; and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Lot Split Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Lot Split Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.
3. That the Lot Split Request is approved resulting in the following two (2) legal descriptions:

L20-24-100-040-00            724 Cedar Street  
City of Lapeer, Original Plat Northeast ¼  
Northerly 1/2 of Lots 5 and 6, Block 5    (60 X 120)

L20-24-150-040-00            (vacant Cedar Street)  
City of Lapeer, Original Plat Northeast ¼  
Southerly 1/2 of Lots 5 and 6, Block 5    (60 X 120)

4. That the Lot Split Request preserve all easement and master utility plans.

5. That a detailed survey be provided on the Lot Split Request.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the City Assessor and to William Hall.

AYES: Commissioners Turkelson, Farrington, Marquardt, Robinet, and Ogden.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED AND RESOLUTION DECLARED ADOPTED.

## **CITY MANAGER'S REPORT**

### Change to 2007 City Official Calendar – Planning Commission Meeting Time

#### **24 2007 01-16**

Moved by Farrington. Seconded by Ogden.

To approve an amendment to the City of Lapeer 2007 "Official" Meeting Calendar to reflect a change in meeting time for the Planning Commission to 6:30 p.m.

MOTION CARRIED.

City Manager Dale Kerbyson commented on the non-union wage increases. It was the general consensus of the City Commission that the City Manager is responsible for non-union administrative compensation within the limits of budget appropriations.

## **CITY ATTORNEY'S REPORT**

No report provided.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Reports, DDA Annual Financial Report, Monthly Financial Report for October 2006, and Monthly Financial Report for November 2006 were received into record.

## **MAYOR/COMMISSIONER COMMENTS**

Brief comments were made regarding letter received from John Stahl, the appreciation of Construction Code Authority Board members during the City of Lapeer Building Department Workshop meeting, and communication issues with Construction Code Authority and citizens.

## **EXECUTIVE SESSION**

### Lapeer Community School Property Purchase/Transfer

#### **25 2007 01-16**

Moved by Ogden. Seconded by Turkelson.

To approve an Executive Session regarding property purchase/transfer with the Lapeer Community Schools.

ON A ROLL CALL VOTE:

AYES: Commissioners Marquardt, Turkelson, Ogden, Robinet, and Farrington.

NAYS: None.

ABSENT: None.  
ABSTAIN: None.  
MOTION CARRIED.

The Lapeer City Commission convened to an Executive Session to discuss property purchase/transfer with the Lapeer Community Schools at 6:56 p.m. and reconvened to a regular session at 7:30 p.m.

#### **ADJOURNMENT**

**26 2007 01-16**

Moved by Turkelson. Seconded by Ogden.  
To adjourn the meeting.  
MOTION CARRIED.

The meeting adjourned at 7:39 p.m.

---

Thomas M. Robinet, Mayor Pro-Tem

---

Donna L. Cronce, CMC, City Clerk