

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

March 3, 2008

A regular meeting of the Lapeer City Commission was held March 3, 2008 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Commissioners Turkelson, Marquardt, Farrington, and Bennett.
City Manager Dale Kerbyson

Absent: Mayor Sprague (excused – personal)
Commissioner Robinet (excused – personal)
City Attorney Ron Shamblin (excused – personal)

Commissioner Turkelson led the Pledge of Allegiance.

50 2008 03-03

Moved by Marquardt. Seconded by Farrington.
To appoint Commissioner Turkelson as Acting Mayor.
MOTION CARRIED.

AGENDA APPROVAL

51 2008 03-03

Moved by Farrington. Seconded by Bennett.
To approve the Agenda for March 3, 2008 as presented.
MOTION CARRIED.

MINUTES

52 2008 03-03

Moved by Farrington. Seconded by Marquardt.
To approve the minutes from the Regular Meeting held on February 18, 2008 and the Executive Session meeting held on February 18, 2008.
MOTION CARRIED.

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

CONSENT AGENDA

53 2008 03-03

Moved by Marquardt. Seconded by Farrington.
To approve the Consent Agenda for March 3, 2008 resulting in the following:

1. Approve the Special Event Request from Lapeer Community Church for an Easter Egg Hunt to be held on March 15, 2008 contingent upon receipt of current insurance.
2. Approve the Special Event Request from St. Paul Lutheran School for a Walk-a-Thon to be held March 7, 2008 contingent upon receipt of current insurance.
3. Approve the Special Event Request from Lapeer County Young Marines Operation Uplink Walk-a-Thon to be held on May 17, 2008 contingent upon receipt of current insurance.
4. Approve the Traffic Control Order 254.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 254

Location: National City Way between S. Main Street and Baldwin Road.

Order: Install a "Stop" sign on National City Way for eastbound traffic at the intersection of S. Main Street and for westbound traffic at the intersection of Baldwin Road.

Reason: To establish a traffic control order for installed "Stop" signs.

5. Approve the budget adjustment for MSHDA Section 8.
 6. Approve the budget adjustment for Election Expense Reimbursement.
- MOTION CARRIED.

BILL LISTING FOR MARCH 3, 2008

54 2008 03-03

Moved by Marquardt. Seconded by Farrington.

To approve the Bill Listing for March 3, 2008 in the amount of \$2,504,081.82.

MOTION CARRIED.

PUBLIC COMMENTS

Scot Atyeo, 1238 W. Genesee Street, commented on a petition to include properties as commercial within the City of Lapeer's Master Plan. Brief discussion was held regarding the Master Plan process, that it was still at the Planning Commission level, and that it would be best to present the petition to the Planning Commission at this time. Mr. Atyeo responded that he would present to the Planning Commission prior to Master Plan completion.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

None.

PUBLIC HEARINGS

Horton Street Reconstruction Project – Special Assessment # 2008-01.

Acting Mayor Turkelson opened the public hearing at 6:36 p.m. to hear comments regarding Horton Street Reconstruction Project, Special Assessment # 2008-01. There being no comments, the public hearing was closed at 6:37 p.m.

55 2008 03-03

Moved by Farrington. Seconded by Marquardt.

To approve Resolution #5 confirming the roll regarding the Horton Street Reconstruction Project, Special Assessment District #2008-01.

RESOLUTION NO. 5

HORTON STREET RECONSTRUCTION PROJECT

City of Lapeer

County of Lapeer, Michigan

Special Assessment District No. 2008-01

WHEREAS, the City Commission has met after due and legal notice and reviewed the Special Assessment Roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll, the Commission deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$310,000 is hereby confirmed and shall be known as Special Assessment Roll No. 2008-01.
2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2008 and the remaining installment shall come due in consecutive order, one each year (not to exceed ten (10) years in total), on the 1st day of October beginning with the year 2008.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2008. Provided, however, in the event bonds are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said special assessment bonds payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. The City Clerk be and is hereby directed to endorse the date of this confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by the City Charter and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments, or any installment thereof, have become due, to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Commissioners Farrington, Marquardt, Bennett, and Turkelson.

NAYS: None.

ABSENT: Commissioner Robinet.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

ADMINISTRATIVE REPORTS

M-24/I-69 Corridor Project – Special Assessment District # 2008-02.

56 2008 03-03

Moved by Marquardt. Seconded by Farrington.

To approve Resolution #2 to set a public hearing on March 17, 2008 at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding the special assessment for the M-24/I-69 Corridor Project, Special Assessment District # 2008-02.

RESOLUTION NO. 2

M-24/I-69 Corridor Project
#2008-02

City of Lapeer
County of Lapeer, Michigan
Special Assessment District No. 2008-02

WHEREAS, the City Manager has prepared reports concerning certain public improvements as hereinafter described, which reports include all of the information required to be included by the provisions of the City's Charter, Chapter 11 Special Assessments; and

WHEREAS, the City Commission has reviewed said reports; and

WHEREAS, the City Commission of the City determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
2. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$14,425,847, \$13,187,090 of which shall be spread over the special assessment district as hereinafter described, and \$1,238,758 which shall be paid by the City.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:

All those property parcels within the Corporate limits of the City of Lapeer lying south of the south line of Section 5, town 7 north, range 10 east and east of the easterly line of Baldwin Road and west of Saginaw Street (Clark Road) and all those property parcels within the Corporate limits of the City of Lapeer lying south of interstate highway 69 and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

4. The estimated life of such improvements is not less than 50 years.
5. The aforesaid reports shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
6. The City Commission will meet on March 17, 2008 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is hereby directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least seven (7) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING TO
HEAR OBJECTIONS TO PROPOSED PUBLIC
IMPROVEMENTS AND TO THE
PROPOSED SPECIAL ASSESSMENT DISTRICT
City of Lapeer
County of Lapeer

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

M-24/I-69 CORRIDOR PROJECT
Water improvements will include the following:

Approximately 24,000 feet of water main pipe of various sizes including typical appurtenances such as valves, hydrants, and connections. Portions of the water main will be installed in steel casings. Water storage facility and associated booster pumps, buildings and pressure valves. New well and associated appurtenances such as controls, buildings and generators.

Sanitary sewer improvements will include the following:

Approximately 23,000 feet of pipe of various sizes. Some will be gravity flow pipes and others will be force main pipes. Portions of the pipes will be installed in steel casings.

New lift stations including typical appurtenances such as generators, controls and site improvements.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$13,187,090, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

All those property parcels within the Corporate limits of the City of Lapeer lying south of the south line of Section 5, town 7 north, range 10 east and east of the easterly line of Baldwin Road and west of Saginaw Street (Clark Road) and all those property parcels within the Corporate limits of the City of Lapeer lying south of interstate highway 69 and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

TAKE FURTHER NOTICE that the City Commission has caused report concerning said public improvements to be prepared, which reports include pertinent information concerning the proposed improvements and the district and these reports are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON MARCH 17, 2008 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

DONNA L. CRONCE, CMC
CITY CLERK, CITY OF LAPEER

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Commissioner Marquardt, Farrington, Bennett, and Turkelson.

NAYS: None.

ABSENT: Commissioner Robinet.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Access to Recreation Grant # 2008002.

57 2008 03-03

Moved by Bennett. Seconded by Marquardt.

To approve an Agreement with Lapeer County Community Foundation to administer a W.K. Foundation Access to Recreation Initiative Grant totaling \$210,210 and authorize the City Manager to sign the required documents.

Access to Recreation Grant – Engineering Agreement.

58 2008 03-03

Moved by Farrington. Seconded by Marquardt.

To approve the Engineering Agreement for Design and Construction Engineering Services for Access to Recreation Project with Rowe Incorporated totaling \$26,300, contingent upon the City receiving a \$210,210 Access to Recreation Grant from the Lapeer County Community Foundation, and authorize the City Manger to sign the required documents.

CITY MANAGER'S REPORT

Goals and Objectives 2008-2009.

59 2008 03-03

Moved by Marquardt. Seconded by Farrington.

To approve the Resolution Adopting Goals and Objectives for the Fiscal Year July 1, 2008 – June 30, 2009.

RESOLUTION ADOPTING GOALS & OBJECTIVES
Fiscal Year July 1, 2008 - June 30, 2009

WHEREAS, the future prosperity of the City of Lapeer is dependent upon rational, purposeful and foresighted leadership; and

WHEREAS, the City of Lapeer is committed to the allocation of resources to the fundamental needs of the City while continuing to pursue higher level needs such as cultural enhancements and assets that contribute to the quality of life of the City and greater Lapeer community; and

WHEREAS, such leadership requires identification, review and prioritization of the City needs so that appropriate resources and activities are devoted toward the fulfillment of said needs; and

WHEREAS, the establishment of goals and objectives promotes unity of purpose between the City Commission and the staff.

NOW, THEREFORE, BE IT RESOLVED THAT: The City Commission adopts the following Goals and Objectives for FY 2008-2009, Mission Statement and Vision Statements and Guiding Principles.

AYES: Commissioner Marquardt, Farrington, Turkelson and Bennett.

NAYS: None.

ABSENT: Commissioner Robinet.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Annexation by Choice Area – DiCenso Property

60 2008 03-03

Moved by Bennett. Seconded by Marquardt.

To approve the Resolution Authorizing Annexation of Property to the City of Lapeer as described in Exhibit A.

CITY OF LAPEER RESOLUTION AUTHORIZING ANNEXATION OF PROPERTY TO THE CITY OF LAPEER

WHEREAS, Section 9(8) of the Michigan Home Rule Cities Act authorizes annexation of property from township to cities by resolutions approved by an affirmative majority vote of the City Commission and the Township Board, after a petition signed by property owners has been submitted to the City and the Township; and

WHEREAS, Petitioners holding equitable title as land contract vendees or holding record legal title to more than fifty (50%) percent of the area described in Exhibit A have petitioned to be annexed to the City of Lapeer from the Township of Lapeer; and

WHEREAS, there are no qualified electors currently residing in the area described in Exhibit A; and

WHEREAS, a public hearing was held on July 20, 2006 by the Lapeer City Commission and the Lapeer Township Board as to a proposed Interlocal Agreement for the Sharing of Revenue and Annexation of Property between the City of Lapeer and the Township of Lapeer which would allow for the annexation of property described in Exhibit A; and

WHEREAS, no referendum petitions were filed as to the proposed Interlocal Agreement during the prescribed statutory period; and

WHEREAS, said Interlocal Agreement was executed by both the City of Lapeer and the Township of Lapeer on December 24, 2006 and was subsequently filed with the Office of the Great Seal of the Michigan Secretary of State; and

WHEREAS, the Lapeer Township Board has approved the annexation of the property described in Exhibit A. by Resolution of its governing board.

THEREFORE, BE IT RESOLVED, that annexation of the property legally described in Exhibit A attached hereto is approved by the City of Lapeer Commission as authorized by statute and the Interlocal Agreement.

BE IT FURTHER RESOLVED that said annexation shall become immediately effective upon the filing of the Township and City resolutions with the Office of the Great Seal of the Michigan Secretary of State.

ON A ROLL CALL VOTE:

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

Executive Session – City Attorney’s Contract

61 2008 03-03

Moved by Farrington. Seconded by Bennett.
To approve an Executive Session at the end of the regular meeting to discuss the City Attorney’s Contract.

ON A ROLL CALL VOTE:

AYES: Commissioners Farrington, Bennett, Marquardt, and Turkelson.
NAYS: None.
ABSENT: Commissioner Robinet.
ABSTAIN: None.
MOTION CARRIED.

CITY ATTORNEY’S REPORT

No report provided.

UNFINISHED BUSINESS

62 2008 02-18

Moved by Marquardt. Seconded by Farrington.

To appoint the following:

Cable Advisory Board Don Miller for a term ending March 1, 2011.
Zoning Board of Appeals Joe Black for a term ending April 1, 2011.
Board of Review Linda Ambrose as an alternative member for a term ending January 1, 2011.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Brief discussion was held addressing the public comments portion on the agenda, that the Planning Commission consider the request by Scot Atyeo, and to look at road improvements on Genesee Street.

EXECUTIVE SESSION – City Attorney’s Contract

The Lapeer City Commission convened to an Executive Session to discuss the City Attorney’s Contract at 6:53 p.m. and returned to its regular meeting at 7:17 p.m.

ADJOURNMENT

63 2008 03-03

Moved by Farrington. Second by Bennett.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:18 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk