

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

March 5, 2007

A regular meeting of the Lapeer City Commission was held on March 5, 2007 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

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

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

50 2007 03-05

Moved by Robinet. Seconded by Turkelson.
To approve the Agenda for March 5, 2007 as presented.
MOTION CARRIED.

MINUTES

51 2007 03-05

Moved by Robinet. Seconded by Marquardt.
To approve the minutes of the Regular Meeting held on February 19, 2007 and Executive Session minutes held on February 19, 2007 as presented.
MOTION CARRIED.

Minutes from Various Boards and Commissions received through March 1, 2007 were received into record.

CONSENT AGENDA

52 2007 03-05

Moved by Robinet. Seconded by Marquardt.
To approve the Consent Agenda for March 5, 2007 resulting in the following:

1. Approval of the final project costs for Special Assessment Districts 1994-1; 1994-2; 1994-3; 1994-4; 1995-1; 1995-2; 1996-1; 1996-2; 1996-4; 1996-4B; 1997-1; 1997-2; 1998-01 and that any excess funds be transferred to the appropriate Street Fund.
2. Approval of the First Amendment to the Letter Agreement with WalMart and authorize the Mayor and City Manager to sign the required document.
3. Approval of Feasibility Study for Village West Drive Extension with Rowe Incorporated in the amount of \$6,800 and authorize the Planning Director to sign the required document.
4. Approval of the Resolution, Michigan Department of Transportation M-24/Main Street Corridor Access Management Study.

City of Lapeer
Lapeer County
Resolution

M-24/Main Street Corridor Access Management Study

Resolution of intent to participate in an M-24/Main Street Corridor
Access Management Study, Plan and Ordinance Adoption

WHEREAS; M-24/Main Street corridor is an essential route through our community for effective traffic movement; and

WHEREAS; M-24/Main Street brings economic benefit to our community and attracts customers from throughout mid-Michigan region; and

WHEREAS; M-24/Main Street north of Turrill Road and south of Davis Lake Road has an average daily traffic volume ranging from 27,000 of 30,000 vehicles per day; and

WHEREAS; M-24/Main Street has a four year traffic crash history from January 2002 to January 2006 of nearly 552 crashes, of which 149 were mid-block crashes; and

WHEREAS; City of Lapeer is concerned about the safety of the motoring public, its residents and customers of businesses along the M-24/Main Street corridor; and

WHEREAS; access to and from land development is a significant factor in the number of crashes occurring along the M-24/Main Street corridor; and

WHEREAS; land use development and redevelopment along the M-24/Main Street corridor is a key component to improving safety along the corridor; and

WHEREAS; City of Lapeer has the authority to develop land use plans for the M-24/ Main Street corridor within the City corporate limits including the recently annexed area south of I-69, which define land use access that would improve motorist safety within this segment of highway.

NOW, THEREFORE, BE IT RESOLVED, that City of Lapeer, Lapeer County requests the opportunity to participate in a M-24/Main Street Corridor Access Management Study funded by the Michigan Department of Transportation; and

BE IT FURTHER RESOLVED, that the City of Lapeer will work with the Michigan Department of Transportation in the development, adoption and implementation of the M-24/Main Street Corridor Access Management Study, Plan and Ordinance.

5. Approval of Pay Request #9 to Professional Pool Techs, LLC in the amount of \$9,270 for the Lapeer Spray Park Project.
6. Approval of the Custodial Contract for the Community Center with AYS Facilities Maintenance at an annual cost of \$47,472 per year and authorize the Mayor and City Manager to sign the required document.
7. Approval of the Agreement with TLC Containers, LLC for the Cemetery Fence Restoration Project #18320 in the amount of \$65,227, authorize the Mayor and City Manager to sign the required document, and approve the Budget Adjustment for reappropriation of funds.
8. Approval of the bid from AW Excavating in the amount of \$365,110.65 for the Fair Street Reconstruction Project and authorize the Director of Public Works to sign the required documents.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

BILL LISTING FOR MARCH 5, 2007

53 2007 03-05

Moved by Robinet. Seconded by Turkelson.

To approve the Bill Listing for March 5, 2007 in the amount of \$2,595,200.69.

MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None

ADMINISTRATIVE REPORTS

No reports provided.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on the new fire truck and that it would be available for Commission review after the meeting.

CITY ATTORNEY'S REPORT

CH 12 (Streets, Sidewalks and Alleys) – Vacation of Streets

54 2007 03-05

Moved by Robinet. Seconded by Farrington.

To adopt the proposed amendment to Chapter 12 (Streets, Sidewalks and Alleys Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CH 12 (STREETS, SIDEWALKS AND ALLEYS)

12.14 VACATION OF STREETS

- a) The term VACATE shall mean one or more of the following: to vacate, discontinue, abolish, or abandon any road, street, or alley, or any part thereof.
- b) The City Commission may be petitioned to VACATE by one or more abutting property owners or by City staff. Petitions to VACATE are on file in the City Clerk's office. The petitioner is required to pay all costs associated with the VACATE request as outlined in CHAPTER 12 (Streets, Sidewalks and Alleys) Fee Schedule.
- c) Whenever the City Commission shall deem it advisable to hold a public hearing, it shall so declare by resolution with a roll call vote. In the same resolution, the City Commission shall appoint a time when it will meet and hear comments regarding the VACATE request. The City Commission, although not required, may request the Planning Commission to review any VACATE request and provide a recommendation.
- d) Notice of such meeting to hear objections shall be published in a newspaper of general circulation for four (4) consecutive weeks before the time appointed for such meeting. Notice shall also be given by first class mail to the owners of all property abutting such highway, street, or alley, as shown upon the assessment rolls of the city.
- e) If after such hearing the City Commission shall determine to VACATE, it shall so declare by resolution with a roll call vote. The Commission may reserve an easement for public or private utility purposes within the right-of-way of the

VACATE request, and may, by resolution, extinguish any such easement whenever such easement ceases to be used for such utility purposes.

- f) Following the adoption of any resolution to VACATE, the City Clerk shall cause to be recorded by the Lapeer County Register of Deeds a certified copy of the VACATE resolution. Upon receipt of the recorded VACATE resolution from the Lapeer County Register of Deeds, a copy shall be sent to the state treasurer, office of the secretary of state, and recorded in the book of street records
- g) Notwithstanding the above sections, a road, street, or alley, or any part thereof dedicated for use by the public or a part thereof which is within twenty-five meters of a lake or general course of a stream, shall not be vacated, discontinued, abolished, or abandoned except by order of the Circuit Court for Lapeer County.

12.15 RULES AND REGULATIONS

The City Manager is hereby authorized to make such rules and regulations as from time to time appear to him or her to be necessary to carry out the intent of this chapter, provided that such rules are not in conflict with this or any other law of the City or other appropriate governmental unit, and provided further that such rules are approved by the City Commission. Failure to observe any approved rule or regulation shall be a violation of this chapter. Such rules and regulations shall be published and available for distribution at the City Clerk's Office.

12.16 PERMITS AND BONDS

Applications for permits required by this Ordinance shall be made upon forms prescribed by the City. Such permits may be revoked by the City for failure to comply with this Ordinance, including the rules and regulations adopted pursuant to this Ordinance. Application for a permit under the provisions of this Ordinance shall be deemed as agreement by the applicant to promptly complete any work permitted, observe all pertinent laws and regulations of the City in connection therewith, repair all damage done to the public right-of-way and protect and save harmless the City from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith.

12.17 PERFORMANCE BOND

A performance bond, certified check, or cash deposit shall be provided by the recipient of any permit granted pursuant to this Ordinance in an amount sufficient to provide security for the proper completion of any work to be done under the permit.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 12 ADOPTED.

Chapter 12, Streets, Sidewalks, and Alleys, Fee Schedule

55 2007 03-05

Moved by Robinet. Seconded by Turkelson.

To approve the Chapter 12, Streets, Sidewalks, and Alleys, Fee Schedule as presented.

MOTION CARRIED.

UNFINISHED BUSINESS

56 2007 03-06

Moved by Robinet. Seconded by Farrington.

To appoint Brian Sanada to the Greater Lapeer Transportation Authority as a City Representative.
MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Brief comments were made regarding support of the school bond proposal, parking on Mason Street/Clay Street, and to thank staff for support of the Walk-for-Warmth campaign.

ADJOURNMENT

57 2007 03-05

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

The meeting adjourned at 6:35 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk