

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

**March 19, 2007**

A regular meeting of the Lapeer City Commission was held on March 19, 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**

**58 2007 03-19**

Moved by Marquardt. Seconded by Robinet.  
To approve the Agenda for March 19, 2007 as presented.  
MOTION CARRIED.

**MINUTES**

**59 2007 03-19**

Moved by Ogden. Seconded by Turkelson.  
To approve the minutes of the Regular Meeting held on March 5, 2007 as presented.  
MOTION CARRIED.

Minutes from Various Boards and Commissions received through March 15, 2007 were received into record.

**CONSENT AGENDA**

**60 2007 03-19**

Moved by Robinet. Seconded by Marquardt.  
To approve the Consent Agenda for March 19, 2007 resulting in the following:

1. Approval of the Budget Adjustment for S2 Grant Project Expenditures as presented.
2. Approval of the Budget Adjustment for Wage Increases for the AFSCME, Teamsters, TPOAM Union, and Non-Union Employees as presented.
3. Approval of the Inter-Fund Loan for Police Vehicles as presented.
4. Approval of Payment Request #2 to Trojan Development Company, Inc. in the amount of \$54,282.14 for the Oregon Street Lift Station Project.
5. Approval of the 2007 Annual Spring Clean-Up with Rick Rhein Disposal at a cost of \$21.50 per cubic yard of refuse collected and authorize the City Manager and Director of Public Works to sign the required document.
6. Approval of the Construction Engineering Agreement with Rowe Incorporated in the amount of \$45,500 for Fair Street Reconstruction and authorize the Director of Public Works to sign the required document.
7. Approval of the Construction Engineering Agreement with Rowe Incorporated in the amount of \$25,675 for Saginaw/Genesee Right Turn Lane Project and authorize the Director of Public Works to sign the required document.
8. Approval of Special Event Request from Lapeer Community Church for Easter Egg Hunt to be held March 31, 2007 at the Farmer's Market Pavilion.

MOTION CARRIED.

## **BILL LISTING FOR MARCH 19, 2007**

### **61 2007 03-19**

Moved by Marquardt. Seconded by Turkelson.  
To approve the Bill Listing for March 19, 2007 in the amount of \$482,390.26.  
MOTION CARRIED.

## **PUBLIC COMMENTS**

None.

## **PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

### Arbor Day Proclamation

### **62 2007 03-19**

Moved by Turkelson. Seconded by Farrington.  
To approve the Arbor Day Proclamation as presented.

### **CITY OF LAPEER ARBOR DAY PROCLAMATION**

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal,

THEREFORE, BE IT RESOLVED that I, William J. Sprague, Mayor of the City of Lapeer and the Lapeer City Commission does hereby declare April 27, 2007 as Arbor Day in the City of Lapeer and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations. Dated this 19th day of March, 2007.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

None

## **ADMINISTRATIVE REPORTS**

### Firefighters Grant Program

### **63 2007 03-19**

Moved by Turkelson. Seconded by Ogden.  
To approve the Resolution to Support Submission of Fire Department Grant Application for Assistance to Firefighters Grant Program.

CITY OF LAPEER

Resolution to Support Submission of Fire Department Grant Application  
For ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

WHEREAS, the City of Lapeer Fire & Rescue Department is eligible to submit one application for funding assistance for the purchase of certain types of fire service vehicles and equipment; and

WHEREAS, the Federal government has funded a grant program for this purpose; and

WHEREAS, the City of Lapeer Fire & Rescue Department (acting as the approved agent for the townships of Lapeer, Mayfield, and Oregon) would like to submit one (1) request for funding assistance for the purchase of up to thirty-one (31) dry hydrants and two (2) 30,000 gallon underground storage tanks at a total estimated cost of \$200,000; and

WHEREAS, local funding for this project is proposed to come solely from the townships of Lapeer, Mayfield and Oregon; and

WHEREAS, funding for this project is proposed from a grant from the Department of Homeland Security in the amount of \$180,000 (90%) and \$20,000 (10%) from the above named townships with the City of Lapeer acting as the project manager and fiduciary agent for the requested equipment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer City Commission authorizes submission of one (1) Department of Homeland Security grant application under the Assistance to Firefighters Grant Program, and should the grant be awarded, agrees to process payment requests provided that the necessary funds from the respective township have been deposited in the appropriate City account.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Chapter 7 (Zoning Ordinance) Rezoning Request – National City Bank – 948 S. Main Street.

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, G., Number 81 and Number 82 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

81. The following property, formerly zoned General Business District (B-2) and One-Family Residential District(R-4), is hereby rezoned to General Business District (B-2):

City of Lapeer, T7N, R10E, Section 7 & 8; Part of the Northeast 1/4 of Section 7 and part of the Northwest 1/4 of Section 8: Commencing on the Westerly line of Highway M-24 at a point North 89° 12' East 123.18 feet along the East 1/4 line and North 15° 12'45" East 320.2 feet from the West 1/4 Post of Section 8, thence North 84° 42'03" West 188.5 feet; thence South 80° 52'55" West 31.13 feet; thence North 16° 32'25" West 116.35 feet; thence North 25° 08'32" East 148.57 feet; thence South 83° 01'13" East 63.23 feet; thence South 84° 50' East 190 feet; thence South 15° 12'45" West 242.2 feet to Point of Beginning.

82. The following property, formerly zoned One-Family Residential District (R-4) and General Business District (B-2), is hereby rezoned to One-Family Residential District (R-4):

City of Lapeer, T7N, R10E, Section 7 & 8; Part of the Northeast 1/4 of Section 7 and part of the Northwest 1/4 of Section 8: Commencing on the Westerly line of Highway M-24 at a point North 89° 12' East 123.18 feet along the East 1/4 line and North 15° 12'45" East 320.2 feet and North 84°42'03" West 188.5 feet and South 80°52'55" West 31.13 feet from the West 1/4 Post of Section 8, thence continuing South 80° 52'55" West 48.84 feet; thence North 63° 04'19" West 200 feet; thence North 26° 55'41" East 205.5 feet along East line of Baldwin Road; thence South 83° 01'13" East 164.67 feet; thence North 25° 08'32" East 148.57 feet; thence South 16° 32'25" East 116.35 feet to Point of Beginning."

#### Chapter 7 (Zoning Ordinance) Drive Thru Stacking and Parking

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.17.E. of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

#### Article 7.17.E. OFF STREET PARKING REQUIRMENTS

16. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:
- a. unchanged
  - b. unchanged
  - c. BUSINESS AND COMMERCIAL
    - (1) unchanged
    - (2) Auto Wash (automatic) - One (1) for each employee, plus stacking space equal to five (5) times the maximum number of possible vehicles undergoing some phase of washing at the same time.
    - (3) thru (6) unchanged
    - (7) Drive-thru restaurant - One (1) for each fifty (50) square feet of usable floor area, plus stacking space as required in Article 7.17.E.16.g.
    - (8) thru (10) unchanged
    - (11) Gasoline fueling stations (self service) - One (1) for each fifty (50) square feet of usable floor area in the cashier's, office and convenience store areas, plus stacking space as required in Article 7.17.E.16.g.
    - (12) Ice skating or roller rink – one (1) for each seat or six (6) feet of benches, or one (1) for each one hundred fifty (150) square feet of skating area, whichever is greater.
    - (13) Laundromats and coin operated dry cleaners – One (1) for each two (2) washing and dry-cleaning machines.
    - (14) Miniature or "par-3" golf courses – Three (3) for each one (1) hole plus one (1) for each employee.

(15) Minor auto service or repair – One (1) for each employee, plus one (1) for each vehicle used as part of the equipment of the service station, plus stacking space as required in Article 7.17.E.16.g.

(16) thru (23) - unchanged

(24) Drive-thru pharmacy – parking spaces per “Retail stores” standard, plus stacking space as required in Article 7.17.E.16.g.

d. OFFICES

(1) Banks, with or without drive-thru service - One (1) for each one hundred (100) square feet of usable floor area, plus stacking space for drive-thru windows as required in Article 7.17.E.16.g.

(2) Business or professional offices, except as indicated in the following item (3) – one for each two hundred fifty (250) square feet of usable floor area.

(3) Professional office of doctor, dentist or similar profession – One (1) for each twenty five (25) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, office, laboratory, x-ray therapy room or similar use area.

e. unchanged

f. unchanged

g. STACKING REQUIREMENTS FOR DRIVE-THRU FACILITIES

In addition to the parking requirements, establishments with drive-thru facilities shall provide stacking space for vehicles awaiting service as follows:

Drive-thru restaurant	8 spaces per window
Minor automobile service or repair	2 spaces per service stall
Gasoline fueling station	2 spaces per fueling station
Drive-thru banking	4 spaces per window
Drive-thru pharmacy	3 spaces per window

Each stacking space shall be measured at not less than twenty (20) feet in length. In no instance shall stacking spaces interfere with required parking or maneuvering lanes.”

Chapter 7 (Zoning Ordinance) Rezoning Request – Lapeer Community Schools – 1025 W. Nepessing Street

Mayor Sprague advised that several Commission members would not be present during the April 2<sup>nd</sup> meeting, that the general consensus of the Commission would be to postpone introduction until the April 2<sup>nd</sup> meeting, that consideration for adoption would be held at the April 16<sup>th</sup> meeting, that representatives of the school board and developers were present, and that they would be provided time to speak during tonight’s meeting.

Debbie Thompson, Principal, Lapeer Community Schools, commented on school funding, review of school property not in use, selling of unused assets, offer on current administrative building and that closing is dependent on rezoning of property, development of next year’s budget, impact of sale on students and staff, that this is a critical decision for the schools, and that Mike Nolan and Kevin Rose were also present on behalf of the schools.

Discussion was held regarding sale of the entire area and Commission responsibility to the residents and city.

Kevin Rose, Assistant Superintendent, Business and Finance for Lapeer Community Schools, commented on the schools funding crisis, that the school looked at value of facilities not being used, reviewed request for proposal process, looked at issues on site plans and restrictions and zoning for area, that a bid was received for the administrative building, market conditions, Blue Ribbon Committee for White, bid possibilities for remaining area, and impact of sale on school.

Discussion was held regarding piece meal development, school board plans for White, resident concerns, area planning by past Planning Director Matt Modrack, impact of decision on bond proposal, that future use of this area had been discussed as commercial, architectural concerns regarding aesthetics for area, parking, traffic flow, and store chain demographics of business building.

Bill Gross, of Gross Properties, commented that there was a contract with the schools, timelines involved, that after contract signing rezoning and planning applications were immediately acted upon, that plans do reflect future development on the back area, that development will integrate with downtown area, that they originally requested B-2 zoning that was amended to B-1, that the building will fit with the downtown style, and the willingness to work with the City Planner.

Dennis Gannan, Triple G Development, assured the Commission that they are aware of the area scheme, to not be too restrictive, and are willing to work with the City.

Discussion was held regarding long-term use of White, development of corner and prospective plans of remaining area, that the introduction and adoption of City ordinances are not considered a public hearing, that planning for future development of this area was commercial, that the proposed use would generate less traffic than White did as a school, and that the White building is not feasible to be used as a school

**64 2007 03-19**

Moved by Robinet. Seconded by Farrington.

To postpone introduction of Chapter 7 (Zoning Ordinance), Rezoning Request by Lapeer Community Schools to the April 2, 2007 Commission meeting.

MOTION CARRIED.

**Chapter 59 (Business Registration Ordinance)**

Commissioner Robinet introduced Chapter 59 (Business Registration Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

**CHAPTER 59 BUSINESS REGISTRATION ORDINANCE**

**59.01 BUSINESS REGISTRATION:**

**A. PURPOSE.**

The purpose of business registration in the City of Lapeer is to promote the general health, safety and welfare of the citizens by identifying business locations and operations within the city to enhance the efficient delivery of city services: including police, fire, water and wastewater services and to promote compliance with all planning, zoning, building, tax, and all related City Ordinances and Codes.

**B. Definitions.**

The following words, terms, and phrases, when used in this ordinance, shall have the meaning respectively ascribed to them except where the context clearly indicates a different meaning.

**BUSINESS:** means any trade, occupation, work, commerce, profession, and all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly on any premises in this City or anywhere else within its jurisdiction.

**PERSON:** any individual, partnership, association, or corporation sharing in the profits of the business.

C. License: Registration Required.

1. No PERSON shall engage in a BUSINESS without having first obtained a business registration from the City of Lapeer in the manner provided for in this ordinance. Any person duly registered on the effective date of this ordinance shall be deemed registered hereunder for the balance of the current registration year.
2. It shall be the duty of every person or registered business to report any changes in the information furnished with the current registration within five (5) business days of such change occurring.
3. Multiple Businesses:  
The granting of a business registration shall not relieve the person to whom such registration is granted from the necessity of securing individual licenses or permits for each individual business.
4. State Licensed Business: the granting of a business registration to any person or business by the state in the operation, conduct or carrying on of any trade, profession, business, or privilege shall not exempt such person from the necessity of securing a business registration from the city if such registration is required by this ordinance.

D. License Year.

1. The registration year shall begin July 1 of each year and shall terminate at midnight on June 30 of the following year. No registration will be issued until the required fees are paid.
2. The registration fees for periods of less than one (1) year shall be the same as a full registration year and the effective date of such registration shall commence with the date of issuance thereof.

E. Registration Application.

Unless otherwise provided in this ordinance, every person or business required to obtain a registration from the City of Lapeer to engage in a BUSINESS shall make application for such registration to the City Clerk, or designee, upon forms provided by the City Clerk, or designee, and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such registration.

F. Registration: Conditions of Issuance.

1. The issuing of a business registration from the City of Lapeer does not waive mandated licenses (ie: state, health, building inspection, fire inspection, etc.)
2. Acceptance by any person or business of a business registration under this ordinance shall constitute permission to any officer of the city to enter upon and inspect the licensed premises at all reasonable times.

G. Registration Fees.

1. The initial fee, renewal fee, and late fees for registration shall be set forth in Chapter 59 Business Registration Fee Schedule as approved by the City Commission.
2. No registration shall be issued until the required fees are paid.
3. All fees for the renewal of any business registration which are not paid at the time such fees are due shall incur late fees as outlined in Chapter 59 Business Registration Fee Schedule.

H. Registration Transferal.

No registration may be transferred from one business to another. A registration may be transferred for a change in location of a business within the City of Lapeer's jurisdiction. Each registration holder shall immediately notify the Clerk's Office, or designee, of any change in location of a business, address, or any other change in the information provided in the registration application.

K. Penalty.

Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500 and/or imprisonment for not more than 90 days, or both such fine and imprisonment and any other relief that may be imposed by the court.

Chapter 41 (Appearance Ticket Authorization Ordinance)

Commissioner Robinet introduced a proposed amendment to Chapter 41 (Appearance Ticket Authorization Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 41 (Appearance Ticket Authorization Ordinance)

41.02 DEFINITIONS

- (A) No Change.
- (B) No Change.
- (C) No Change.
- (D) No Change.
- (E) No Change.
- (F) No Change.
- (G) No Change.

- (H) No Change.
- (I) Fire Official means the Fire Chief, the Fire Inspector through delegation by the Fire Chief, and any person designated by the City Manager to perform fire inspections under Chapter 18 (Fire Prevention Code) or under Chapter 59 (Business Registration Ordinance).
- (J) Code Enforcement Officer means any person designated by the City Manager to enforce the Food and Health Ordinance, the Solid Waste Collection and Disposal Ordinance, the Zoning Ordinance, the Streets Sidewalks and Alleys Ordinance, the Outdoor Storage or Abandonment of Motor Vehicles Ordinance, the Anti-Blight Ordinance, and Business Registration Ordinance.

#### 41.03 AUTHORITY TO ISSUE AND SERVE APPEARANCE TICKETS

- (A) No Change.
- (B) No Change.
- (C) No Change.
- (D) No Change.
- (E) No Change.
- (F) No Change.
- (G) No Change.
- (H) No Change.

(I) **Fire Official.**

The Fire Official is authorized to issue and serve District appearance tickets on reasonable cause to believe there is any violation of the Fire Code or Business Registration Ordinance.

(J) **Code Enforcement Officer.**

The Code Enforcement Officer is authorized to issue and serve District Court Appearance tickets on reasonable cause to believe a violation of any of the following ordinances exists: Food and Health Ordinance, Solid Waste Collection and Disposal Ordinance, Zoning Ordinance, Streets, Sidewalks and Alleys Ordinance, Outdoor Storage or Abandonment of Motor Vehicles Ordinance, Anti-Blight Ordinance, and Business Registration Ordinance.

### CITY MANAGER'S REPORT

#### Interlocal Agreement – City of Lapeer and Township of Lapeer

**65 2007 03-19**

Moved by Farrington. Seconded by Ogden.

To approve and reaffirm the Interlocal Agreement, City of Lapeer – Township of Lapeer, Agreement to Share Revenue and Municipal Services and authorize the Mayor and City Manager to sign the required documents.

MOTION CARRIED.

#### Gestamp Easement

**66 2007 03-19**

Moved by Turkelson. Seconded by Marquardt.

To approve the donation of an Easement from Gestamp Alabama, Inc. for an easement over parcel L22-08-800-040-00.

MOTION CARRIED.

City Manager Dale Kerbyson commented that the City-wide clean-up would be the first full week in May, met with representatives from MML Workers Compensation Fund and that the City has a favorable 8.2 rating, grading improvements on Oregon repair from Cedar Street to Saginaw Street, MEDC Grant for extension of John Conley Drive with Energy Steel, LDC luncheon, and requested an Executive Session to discuss the Teamsters contract and possible litigation matter.

**67 2007 03-19**

Moved by Turkelson. Seconded by Farrington.

To approve an Executive Session at the end of the regular meeting to discuss the Teamsters Union Contract and possible litigation matter.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

**CITY ATTORNEY'S REPORT**

No report provided.

**UNFINISHED BUSINESS**

**68 2007 03-19**

Mayor Sprague appointed. Moved by Robinet. Seconded by Turkelson.

To appoint the following:

Deborah Marquardt Cemetery Board for a term ending April 1, 2012.

Rick Pizzala Park Board for a term ending April 1, 2010.

Deborah Marquardt Park Board for a term ending April 1, 2010.

Dianne Nordberg Park Board for a term ending April 1, 2010.

MOTION CARRIED.

**69 2007 03-19**

Moved by Turkelson. Seconded by Robinet.

To appoint the following:

Todd Alexander Prison Liaison Committee for a term ending April 1, 2010.

Terry Kluge Prison Liaison Committee for a term ending April 1, 2010.

Scott McKenna Zoning Board of Appeals for a term ending April 1, 2010.

Paul Parsch Zoning Board of Appeals for a term ending April 1, 2010.

MOTION CARRIED.

**DEPARTMENTAL COMMUNICATIONS**

Monthly Operational Reports were received into record.

**MAYOR/COMMISSIONER COMMENTS**

Brief comments were made regarding City service and police patrol in the I-69 annexed area, plans for school property, that City boards such as Planning, Zoning Board of Appeals and others are unpaid volunteers and that the public should not criticize members if they are late to a meeting.

**PUBLIC COMMENTS:**

By general consensus of the Commission, Mayor Sprague opened the floor to public comments.

Doris VanderZee, 422 N. Main Street, commented on concerns for the School property and what will happen as development goes down M-24, that this is a historic town, would like to know what is planned for the area, and that she does not want to see commercial business on M-24 corner.

Bob Tucker, 914 Liberty Street, commented that he has lived in the area 37 years, that he is accustomed to the area, has no plans on moving, aware of school issues, to not save the school temporarily, that the school needs to make changes and corrections, agrees with Judge Higgins in that spot zoning is not planning, don't rezone due to pressure, and to look at proper planning for quality of the area.

Mayor Sprague commented that he lives just west of the school property, would like to see the area developed properly, that discussion on this area has been ongoing for 6 to 7 years and has not just been brought up, that anything would look better on this corner, and provided comments on Liberty Street and the new grades, improved look, that new fencing will be going up, and new grass for the area.

The City Commission convened to an Executive Session to discuss the Teamsters Union Contract and possible litigation matter at 7:46 p.m. and reconvened to a regular session at 8:19 p.m.

#### Teamster Union Contract

##### **70 2007 03-19**

Moved by Robinet. Seconded by Marquardt.

To approve the Teamster Union Contract and authorize the Mayor and City Manager to sign the required documents.

MOTION CARRIED.

#### GLTA Billing

##### **71 2007 03-19**

Moved by Marquardt. Seconded by Turkelson.

To approve the GLTA billing for FY 2006 ridership in the amount of \$38,591.

MOTION CARRIED.

### **ADJOURNMENT**

##### **72 2007 03-19**

Moved by Turkelson. Seconded by Ogden.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 8:21 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, CMC, City Clerk