

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

May 5, 2008

A regular meeting of the Lapeer City Commission was held May 5, 2008 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 Bennett.
City Manager Dale Kerbyson

Absent: City Attorney Ron Shamblin (excused – personal)

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

100 2008 05-05

Moved by Robinet. Seconded by Marquardt.
To approve the Agenda for May 5, 2008 as presented.
MOTION CARRIED.

MINUTES

101 2008 05-05

Moved by Robinet. Seconded by Turkelson.
To approve the minutes from the Regular Meeting held on April 21, 2008.
MOTION CARRIED.

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

CONSENT AGENDA

102 2008 05-05

Moved by Turkelson. Seconded by Robinet.
To approve the Consent Agenda for May 5, 2008 resulting in the following.

1. Approve the Budget Amendment to appropriate funds for the Site Plan Review Fund.
2. Approve the Weed Mowing Agreement with TRW Landscaping and authorize the Police Chief to sign the required document.
3. Approve Traffic Control Order 255 and amended Traffic Control Order 30.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 255

Location: Knollwood Drive west of Main Street.

Order: Install “No Parking” on the north side of Knollwood Drive for the first 315 feet west of Main Street.

Reason: To establish a traffic control order to provide for no parking on either side of Knollwood Drive to establish clear access on this street to the entrance of the emergency drive to the hospital.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 30A

Location: Alley south of Clay Street between Court Street and Cedar Street.

Order: This alley will be one-way westbound except for the first 93 feet west of Court Street in which two-way traffic will be allowed. This is an amendment to TCO #A30.

Reason: To adjust traffic control order #30 to allow the first 93 feet west of Court Street to be used for two-way traffic which is the common use of the alley and the width permits in that section.

4. Approve the Special Event Request from Korean Martial Arts Institute to hold a Great Strides Walk/Cystic Fibrosis on May 31, 2008 in Rowden Park contingent upon receipt of current insurance.

MOTION CARRIED.

BILL LISTING FOR MAY 5, 2008

103 2008 05-05

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for May 5, 2008 in the amount of \$219,893.73.

MOTION CARRIED.

PUBLIC COMMENTS

Len Schneider, Lapeer County Commissioner, commented that Ms. Kavalunas presented information to the Lapeer County Commission for consideration at this time.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Ron Shamblin – Resolution

104 2008 05-05

Moved by Robinet. Seconded by Farrington.

To approve the Resolution in Recognition of Ronald B. Shamblin.

RESOLUTION CITY OF LAPEER

In Recognition of Ronald B. Shamblin

WHEREAS, Ronald B. Shamblin was appointed Acting City Attorney on August 21, 1978 and appointed as City Attorney on February 19, 1979; and

WHEREAS, Ronald B. Shamblin has devoted time and effort in providing legal services to the City of Lapeer for over 30 years and has served the City with dedication and distinction.

WHEREAS, Ronald B. Shamblin leaves those in the City of Lapeer proud to have known him and to have served with him. His guidance, support as a friend, and mentor will be missed.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Ronald B. Shamblin for his lifelong efforts and devotion to public service; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the official proceedings of the City of Lapeer, and that a copy thereof be tendered to Ronald B. Shamblin as a testimonial of the high esteem and appreciation in which he is regarded by the Mayor and the City of Lapeer Commission.

Dated this 5th day of May, 2008.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

M-24/I-69 Corridor Project – Phase I Necessity Public Hearing

Director of Public Works John Lyons reviewed the project area.

Mayor Sprague opened the public hearing at 6:36 p.m. to hear comments regarding the M-24/I-69 Corridor Project – Phase I.

Kevin Robertson, 2800 S. Lapeer Road, requested information regarding the formula used in the assessment roll.

Brief discussion was held regarding the purpose of the necessity public hearing, that a public hearing will be held on the assessment roll, and special assessment process.

There being no further comments. Mayor Sprague closed the public hearing at 6:37 p.m.

105 2008 05-05

Moved by Robinet. Seconded by Farrington.

To approve Resolution #3 to determine the project necessary and order the roll prepared regarding the special assessment for the M-24/I-69 Corridor Project – Phase I, Special Assessment District #2008-03.

RESOLUTION NO. 3
M-24/I-69 CORRIDOR PROJECT – PHASE I

CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Special Assessment District No. 2008-03

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described:

Water improvements will include the following:

The water main extension will begin at the City’s existing 18 inch diameter water main on Saginaw/Clark Road and will be routed south along Clark Road then west along Turrill Road to M-24, north along M-24 then cross from M-24 to Baldwin Road and connect to the existing 12 inch diameter water main. The water main extension will consist of a combination of 20 inch, 16 inch and smaller diameter mains (approximately 14,000 feet) along with necessary appurtenances such as valves, valve wells, fire hydrant assemblies, connections, bends, fittings, creek and road crossings, etc. Also included in the water main project are an analysis and hydro-geologic survey, including a test well, for a back-up well and other items as necessary to construct the proposed water main.

Sanitary sewer improvements will include the following:

Sanitary sewer will connect to the existing sewer located along M-24 near the Michigan State Police Post and be extended south along M-24 to the south side of Turrill Road. The sewer extension will be approximately 3,300 feet long and will include necessary appurtenances such as manholes, connections, fittings, road and driveway crossings and other items as necessary to construct the proposed sanitary sewer.

AND WHEREAS, the City Commission deems it advisable and necessary to proceed with said public improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to make the public improvements described above and the plans and estimates of cost as presented are approved.

2. The City Assessor be and is hereby directed to make and prepare a Special Assessment Roll in conformity with the requirements of the City Charter.
3. When the City Assessor shall have completed the Special Assessment Roll, he shall report the same to the Commission and the same shall be filed with the City Clerk; such roll shall have a certificate attached thereto signed by the City Assessor stating that the roll was made pursuant to this resolution adopted May 5, 2008 and that in making such roll, the Assessor in his best judgment, has conformed in all respects to the directions contained in this resolution and the City Charter.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

ADMINISTRATIVE REPORTS

M-24/I-69 Corridor Project – Phase I: Special Assessment District #2008-03.

City Assessor Tom Hubbell reviewed the special assessment roll and that gross acreage basis for all properties was the method used.

106 2008 05-05

Moved by Robinet. Seconded by Turkelson.

To approve Resolution #4 accepting the preliminary roll and setting the public hearing for May 19, 2008 at 6:30 p.m. or as soon thereafter as may be heard to review the preliminary special assessment roll regarding the M-24/I-69 Corridor Project – Phase I, Special Assessment District #2008-03.

RESOLUTION NO. 4

M-24 I-69 CORRIDOR PROJECT – Phase I

CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Proposed Special Assessment District No. 2008-02

WHEREAS, The City Assessor has prepared a preliminary Special Assessment Roll for the purpose of specifically assessing that portion of the costs of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the City Commission by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said preliminary Special Assessment Roll shall be filed in the office of the City Clerk for public examination.
2. The City Commission shall meet at the City Hall, at 6:30 o'clock p.m., Local Time, on May 19, 2008, for the purpose of hearing all persons interested in said preliminary Special Assessment Roll and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to publish the notice of said hearing once in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City, said publication to be not less than seven (7) full days prior to the date of said hearing and shall further cause notice of said hearing to be sent by certified mail to each owner of or person in interest in property to be assessed as shown by the last

general tax assessment roll of the City, at least ten (10) full days before the time of said hearing, and said notice to be mailed to the addresses shown on said general tax rolls of the City.

4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN

TO THE OWNERS OF ALL PROPERTY WITHIN THE FOLLOWING DESCRIBED SPECIAL ASSESSMENT DISTRICT:

All those property parcels within the Corporate limits of the City of Lapeer in the south half of sections 7 and 8, town 7 north, range 10 east and east of the easterly line of Baldwin Road and west of Saginaw Street (Clark Road) and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

TAKE NOTICE that a Special Assessment Roll has been prepared for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

Water improvements will include the following:

The water main extension will begin at the City's existing 18 inch diameter water main on Saginaw/Clark Road and will be routed south along Clark Road then west along Turrill Road to M-24, north along M-24 then cross from M-24 to Baldwin Road and connect to the existing 12 inch diameter water main. The water main extension will consist of a combination of 20 inch, 16 inch and smaller diameter mains (approximately 14,000 feet) along with necessary appurtenances such as valves, valve wells, fire hydrant assemblies, connections, bends, fittings, creek and road crossings, etc. Also included in the water main project are an analysis and hydro-geologic survey, including a test well, for a back-up well and other items as necessary to construct the proposed water main.

Sanitary sewer improvements will include the following:

Sanitary sewer will connect to the existing sewer located along M-24 near the Michigan State Police Post and be extended south along M-24 to the south side of Turrill Road. The sewer extension will be approximately 3,300 feet long and will include necessary appurtenances such as manholes, connections, fittings, road and driveway crossings and other items as necessary to construct the proposed sanitary sewer.

The said preliminary Special Assessment Roll is on file for public examination with the City Clerk. Objections to said special assessment may be made in writing prior to the close of the hearing or by personal appearance at the time of the hearing to review said preliminary special assessment roll. A written protest filed prior to the close of said hearing or an oral protest made by an owner or party of interest or his or her agent at the time of said hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal. A written appeal of the special assessment may be filed with the State Tax Tribunal within 30 days after confirmation by the City Commission of the Special Assessment Roll.

TAKE FURTHER NOTICE that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on May 19, 2008 for the purpose of reviewing said preliminary special assessment roll and hearing any objections thereto.

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

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

Master Plan Adoption

City Planner Linda Jackman provided an overview of the process and actions in developing the new Master Plan.

107 2008 05-05

Moved by Robinet. Seconded by Farrington.
To approve the Master Plan as submitted.
MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on the request for proposals regarding the appointment of a City Attorney and to set a date for interviews by the Commission.

FY 2008-2009 Budget Notice

Commissioner Robinet commented on the receipt of the budget information at tonight's meeting and the inability to review and study prior to the scheduled workshop tomorrow. After discussion, it was the general consensus of the Commission to reschedule the Budget Workshop to Tuesday, May 13, 2008 at 5:30 p.m.

108 2008 05-05

Moved by Robinet. Seconded by Marquardt.
To set a public hearing on May 19, 2008 at 6:30 p.m. or as soon thereafter as may be heard on the Fiscal Year 2008-2009 City of Lapeer Budget.
MOTION CARRIED.

Easements:

109 2008 05-05

Moved by Farrington. Seconded by Bennett.
To acknowledge and accept the following easements:
 NNN Development, Inc.
 Meijer Inc.
 Meijer Inc.
 Independent Physicians Land Development, LLC.
 Stacey & Stacey, Inc.
MOTION CARRIED.

City Manager Kerbyson commented that the easements were provided to the City at no charge and provided a thank you to the companies involved.

City Manager Dale Kerbyson commented on the ground breaking for the middle school on May 20, 2008 at 6:00 p.m.

CITY ATTORNEY'S REPORT

No report provided.

UNFINISHED BUSINESS

110 2008 05-05

Mayor Sprague appointed. Moved by Turkelson. Seconded by Farrington.
Mariana Fiedor Lapeer Center for the Arts for a term ending 10-01-08.

Mary Jo Daum Lapeer Neighborhoods, Inc. for a term ending 08-01-09.
MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Annual Review of the Industrial Facilities Exemption Certificates, Property Tax Revenue, Monthly Financial Report for March 2008, and Investment Report for the Quarter Ending March 31, 2008 were received into record.

PUBLIC COMMENTS

Bob Morningstar, 644 Jefferson Street, commented on issues to have the sidewalk repaired by the Foundry site, that his mother fell in the area, and that he was requesting an answer tonight to get this sidewalk repaired. Discussion was held regarding the review and repair of the sidewalk as needed.

MAYOR/COMMISSIONER COMMENTS

Commissioner Turkelson commented on getting out to vote on the school bond issue Tuesday.

Commissioner Farrington commented on the development of a city-wide sidewalk program and opportunity for homeowners to petition the city for repair of sidewalks at a lower price.

Commissioner Robinet gave the Commission previous notice that he will move to rescind the resolution which failed April 21, 2008, relating to Resolution #5 confirming the roll regarding the M-24/I-69 Corridor Project, Special Assessment District #2008-02, motion #95 2008 04-21.

Commissioner Robinet commented on the coffee shop in the mall and boxes being placed in the alley.

City Manager Dale Kerbyson provided an update on the Lowe's project and the good job by Commissioner Marquardt with the Elvis impersonator program held at the County Center Building.

Mayor Sprague commented that he would be retiring from Delphi within the next 17 days and the appreciation for the hard work on the Industrial Facilities Tax report.

ADJOURNMENT

111 2008 05-05

Moved by Bennett. Seconded by Marquardt.
To adjourn the meeting.

The meeting adjourned at 7:05 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk