

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

June 4, 2007

A regular meeting of the Lapeer City Commission was held on June 4, 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 and Ogden.
City Attorney Ron Shamblin
City Manager Dale Kerbyson

Absent: Commissioner Farrington (excused) - personal

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

130 2007 06-04

Moved by Robinet. Seconded by Turkelson.
To approve the agenda for June 4, 2007 as presented.
MOTION CARRIED.

MINUTES

131 2007 06-04

Moved by Robinet. Seconded by Marquardt.
To approve the minutes of the Regular meeting held on May 21, 2007 and the Executive Session minutes held on May 21, 2007.
MOTION CARRIED.

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

CONSENT AGENDA

132 2007 06-04

Moved by Robinet. Seconded by Marquardt.
To approve the consent Agenda for June 4, 2007 resulting in the following.

1. Approval of the Special Event Request from Lapeer Fireworks Committee for Fireworks Display to be held on July 4, 2007.
2. Approval of the 2007-2008 Downtown Development Authority Budget.
3. Approval of the Engineering Agreement with Rowe Incorporated in the amount of \$23,000 for the Jackson Street and State Street Reconstruction Project and authorize the Director of Public Works to sign the required document.
4. Approval of 2007-2008 Solid Waste Licenses for Allied Waste Services, Rick Rhein Disposal, Waste Management, Smith's Disposal, Inc., and Deerfield Disposal.
5. Approval of the Resolution To Replace Bridges Through The Local Bridge Program.

**CITY OF LAPEER
RESOLUTION TO REPLACE BRIDGES
THROUGH THE LOCAL BRIDGE PROGRAM**

WHEREAS, the condition of the bridges listed below have deteriorated to such an extent that replace or re-habilitation is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow reconstruction or rehabilitation of these bridges without additional funds from other sources.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer request critical bridge funds for replacement of the following bridges. Listed in order of priority and proposed funding years.

Proposed Re-construction Projects	NBI Bridge ID	Structure No.
Genesee Street Bridge over Farmers Creek	444385244042 B01	12650
Proposed Re-habilitation Bridge		
Court Street over Farmers Creek	444385200029 B01	5486

This resolution adopted and effective this 4th day of June, 2007.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

BILL LISTING FOR JUNE 4, 2007

133 2007 06-04

Moved by Robinet. Seconded by Ogden.

To approve the Bill Listing for June 4, 2007 in the amount of \$448,407.24.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation – Todd Alexander

Mayor Sprague read and presented the Proclamation to Police Chief Todd Alexander.

134 2007 06-04

Moved by Robinet. Seconded by Turkelson.

To approve the Proclamation in Recognition of Todd Alexander.

PROCLAMATION CITY OF LAPEER

**In Recognition of
Police Chief Todd Alexander**

WHEREAS, Todd Alexander began his employment with the City of Lapeer on July 10, 1985 as a Patrolman; promoted to Sergeant I in November 1995; and has risen through the ranks to Police Chief on October 2, 2001; and

WHEREAS, Todd Alexander has brought under his command a broad range of skill and expertise in the technical aspects of police administration to insure that his law enforcement personnel are properly trained to perform their duties and provide continuity of service; and

WHEREAS, Todd Alexander, has consistently maintained a high level of commitment and leadership to protect citizens and serves with great pride to distinguish himself in service to the City of Lapeer Police Department and law enforcement community; and

WHEREAS, Todd Alexander, lead and participated in the investigation of a triple homicide in July 2006 to assure a thorough investigation that was able to find, arrest, and convict a suspect and bring closure to the victim's families.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission, wishes to recognize and honor the service and sacrifice of Police Chief Todd Alexander whose devotion to duty brings honor to our system of justice and makes America a better place to live.

Dated this 4th day of June, 2007.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Proclamation – Craig Gormley

135 2007 06-04

Moved by Robinet. Seconded by Turkelson.

To approve the Proclamation in Recognition of Craig Gormley.

PROCLAMATION
CITY OF LAPEER

In Recognition of Craig Gormley

WHEREAS, Craig Gormley began his employment with the City of Lapeer on October 28, 1998 as a part-time Police Reserve Officer; employed full-time on July 1, 1999 as Patrolman; and currently serves as a Patrolman I in the City of Lapeer Police Department; and

WHEREAS, Craig Gormley has shown a vast knowledge of rules and regulations to thoroughly provide details within a crime scene to assure that the best interest is served by all involved and to provide continuity of service; and

WHEREAS, Craig Gormley is an individual of personal integrity who has taken the oath to serve the citizens of the City of Lapeer and answered a vital calling and acceptance of a profound responsibility with professionalism and competence; and

WHEREAS, Craig Gormley was called to the scene of a triple homicide in July 2006 and through diligent effort of gathering evidence and thorough investigation was able to find, arrest, and convict a suspect to bring closure to the victim's families.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission, wishes to recognize and honor the service and sacrifice of Craig Gormley whose devotion to duty brings honor to our system of justice and makes America a better place to live.

Dated this 4th day of June, 2007.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Mayor Sprague presented the Proclamation to Officer Craig Gormley. Police Chief Todd Alexander presented Officer Craig Gormley with an Award of Merit.

Proclamation – Thomas Smith

136 2007 06-04

Moved by Robinet. Seconded by Marquardt.

To approve the Proclamation in Recognition of Thomas Smith.

PROCLAMATION
CITY OF LAPEER

In Recognition of Thomas Smith

WHEREAS, Thomas Smith began his employment with the City of Lapeer on March 23, 1979 as a Patrolman, promoted to Sergeant in July 1988, and currently serves as a Detective Sergeant III in the City of Lapeer Police Department; and

WHEREAS, Thomas Smith has shown a vast knowledge of rules and regulations to

thoroughly provide details within a crime scene to assure that the best interest is served by all involved and to provide continuity of service; and

WHEREAS, Thomas Smith is an individual of personal integrity who has taken the oath to serve the citizens of the City of Lapeer and answered a vital calling and acceptance of a profound responsibility with professionalism and competence; and

WHEREAS, Thomas Smith was called to the scene of a triple homicide in July 2006 and through diligent effort of interviewing and thorough investigation was able to find, arrest, and convict a suspect to bring closure to the victim's families.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission, wishes to recognize and honor the service and sacrifice of Thomas Smith whose devotion to duty brings honor to our system of justice and makes America a better place to live.

Dated this 4th day of June, 2007.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Mayor Sprague presented the proclamation to Officer Thomas Smith. Police Chief Todd Alexander presented Officer Thomas Smith with an Award of Merit.

Proclamation – Lapeer Elks Lodge Flag Day

137 2007 06-04

Moved by Robinet. Seconded by Turkelson.

To approve the Proclamation in Recognition of Lapeer Elks Lodge Flag Day.

CITY OF LAPEER

Proclamation To The Lapeer Elks Lodge #2567 In Recognition of Lapeer Elks Lodge Flag Day

WHEREAS, The Benevolent and Protective Order of Elks was formed September 13, 1885; and

WHEREAS, The Lapeer Elks Lodge #2567's charitable endeavors help handicapped children, veterans, and the youth of today; and

WHEREAS, The Lapeer Elks Lodge #2567 has 282 active members who send handicapped children to camp, run Drug Awareness Programs, provide scholarships for students, and instill the spirit of Americanism and faith in the community.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission do recognize June 10, 2007 as Elks Lodge Flag Day and ask all our citizens to support the Elks Lodge in all their charitable service to the community.

Dated this 4th day of June, 2007.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

No public hearings were scheduled.

ADMINISTRATIVE REPORTS

Lapeer County Hazard Mitigation Plan Resolution

Brief discussion was held regarding maintaining control over city resources, citizen protection within city, and that the plan expands resources from county, state, and federal dollars.

138 2007 06-04

Moved by Ogden. Seconded by Robinet.

To approve the Resolution Adopting the Lapeer County Hazardous Mitigation Plan.

RESOLUTION
Adoption of the
Lapeer County Hazard Mitigation Plan

WHEREAS, Lapeer County, Michigan is vulnerable to a wide range of natural, technological, and human-related hazards, and has experienced repetitive disasters that have caused loss of life, damaged commercial, residential and public properties, displaced citizens and businesses, closed streets and presented general public health and safety concerns; and

WHEREAS, Lapeer County has prepared a Lapeer County Mitigation Plan that provides an understanding of those threats, identifies the hazards affecting the area, discusses the county's vulnerability to the identified hazards, and outlines the community's options and strategies to reduce overall damage and impact from natural and technological hazards; and

WHEREAS, the Lapeer County Hazard Mitigation Plan represents the interests and needs of the City of Lapeer

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer County Hazard Mitigation Plan is hereby adopted as an official plan of the City of Lapeer.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Chapter 21 (Wastewater Treatment Charges) and
Chapter 22 (Water Charges)

Discussion was held regarding previous raising of wastewater rates to be on point for improvements to the Wastewater Treatment Plant, average homeowner usage, increase in wastewater tap-in fees, that water rates were to be consistent with Detroit rates charged, that water language only reflected change in tap-in fees, associated costs in creating system, that the charges were in line with Tetra-Tech study, and that rates reflected were equal to or less than charges by surrounding communities.

Commissioner Marquardt introduced a proposed amendment to Chapter 21 (Wastewater Treatment Charges Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

- Section 21.04 (C) (1): Change Minimum Charge per month to \$3.64
Change Single metered unit to \$3.64
Change Commodity charge per 1,000 gallons to \$4.22
- Section 21.04 (C) (2): Change to read as follows: Tap-in fees for industrial, Institutional or governmental structures and facilities shall be \$.25 per square foot of building area, with a minimum charge of \$4,000.00.
- Section 21.04 (C) (3): Change to read as follows: Tap-in fees for office or business facilities shall be \$1.00 per square foot of building area, with a minimum charge of \$4,000.00.
- Section 21.04 (C) (4): Change to read as follows: Tap-in fees for multiple family structures shall be as follows:
- | | |
|---|------------|
| First Dwelling Unit | \$4,000.00 |
| Second through tenth Dwelling Unit | \$ 500.00 |
| Eleventh through Twenty-Fifth Dwelling Unit | \$ 400.00 |
| Twenty-Sixth through Fiftieth Dwelling Unit | \$ 300.00 |
| Fifty-First and each Dwelling Unit thereafter | \$ 200.00 |

Section 21.04 (C) (5) Change to read as follows: Tap-in fees for single family residences, new or existing, shall be \$4,000.00

Section 21.04 (C) (6)(a) Change to read as follows: \$1.00 per square foot of building area, with a minimum of \$4,000.00.

Section 21.04 (C) (6)(b) Change to read as follows: \$4,000.00 plus \$1.00 per square foot of area used for office of business purpose.”

Commissioner Turkelson introduced a proposed amendment to Chapter 22 (Water Charges Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

Section 22.08 (F) Delete current language and restate as follows:

Tap-in fees for water services will be based upon the size of the Water meter installed per tap according to the following schedule:

<u>Water Meter Size</u>	<u>Tap-In Fee</u>
1”	\$ 833.00
1½”	\$ 1,667.00
2”	\$ 2,667.00
3”	\$ 5,333.00
4”	\$ 8,333.00
6”	\$16,667.00”

H & H Tool, Inc. – Industrial Facilities Exemption Certificate

139 2007 06-04

Moved by Robinet. 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. on June 18, 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 June 18, 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.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

Industrial Development Revenue Bond – JMA Development, Inc. / H & H Tool, Inc.

140 2007 06-04

Moved by Robinet. Seconded by Turkelson.

To approve a Public Hearing on June 18, 2007 at 6:30 p.m. or as soon thereafter as can be heard for consideration of the Project Plan for H & H Tool, Inc. Project.

MOTION CARRIED.

City Manager Kerbyson commented on a press article regarding a lawsuit naming the City of Marlette and him for a home demolishment that occurred in Marlette.

CITY ATTORNEY'S REPORT

City Attorney Shamblin commented on the Channel 12 news coverage by City Manager Kerbyson for the City of Lapeer.

UNFINISHED BUSINESS

There were no board appointments made.

DEPARTMENTAL COMMUNICATIONS

No reports provided.

MAYOR/COMMISSIONER COMMENTS

Commissioner Ogden asked if the bill listing reports could be alphabetized first and then by amount for review, that the west side of the Court House was torn up by skateboarders, and the need for a skate park.

Commissioner Turkelson commented on the Channel 12 news coverage and a job well done by City Manager Kerbyson, construction project in the Perkins area, and traffic cones around the manhole covers. Brief discussion was held regarding the construction area and paving.

City Manager Kerbyson commented on correspondence received by MDOT and Federal Highway Administration regarding the I-69 and M-24 break in limited access right-of-way.

Mayor Sprague commented on telephone messages left with the Governor's office with no reply, to review the necessity of the Beautification Commission, and the repair of potholes and curbs at the east end of Veteran's Park.

ADJOURNMENT

141 2007 06-04

Moved by Turkelson. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:10 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk