

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

June 5, 2006

A regular meeting of the Lapeer City Commission was held on June 5, 2006 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

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

Absent: Commissioner Marquardt – excused (illness)

Mayor Treece led the Pledge of Allegiance.

AGENDA APPROVAL

118 2006 06-05

Moved by Farrington. Seconded by Turkelson.

To approve the Agenda for June 5, 2006 as presented. MOTION CARRIED.

MINUTES

119 2006 06-05

Moved by Robinet. Seconded by Sprague.

To approve the minutes of the Regular Meeting held on May 15, 2006, as presented.
MOTION CARRIED.

Minutes from Various Boards and Commissions received through May 31, 2006 were received into record.

PUBLIC COMMENTS

Vicki Glover, 707 N. Calhoun, commented on the property located at the northeast corner of Monroe and Michigan, that the home is in disrepair, FOIA'd files through Construction Code Authority and questions raised, that the place is currently vacated, Housing Ordinance standards and City involvement, to have a detailed inspection completed with a report to the City by the Construction Code Authority, and asked that the City stay on top of this property.

Discussion was held regarding rental inspections on property, reports from inspections, blight issues, that the rental property address is 632 Michigan Street and 706 Monroe Street, landlord responsibility on notification of tenants, certificates of compliance, Housing Ordinance requirements, fire inspections, and staff review of procedures, penalties, and enforcement.

Carol Blanchard, 707 N. Monroe, commented on safety, structure, and tenant issues regarding the property at 632 Michigan Street and 707 Monroe Street.

Bob Bucko, The Stevenson Company, commented that they are the cities insurance carrier, that a seminar is scheduled for June 8 at 1:00 p.m. on Discrimination and Sexual Harassment, that their attorneys will be present to answer questions, and invited Commission members to attend.

CONSENT AGENDA

120 2006 06-05

Moved by Sprague. Seconded by Robinet.

To approve the Consent Agenda for June 5, 2006 resulting in the following:

1. Approval of Special Event Request from United Way of Lapeer for Family Fun Day to be held July 19, 2006 on Nepessing Street between Court Street and Cedar Street.
2. Approval of Payment Request #8 to Family Building Company, Inc. in the amount of \$12,870.00 for the Lapeer Depot Restoration Project.
3. Approval of Payment Request #3 to Professional Pool Techs, LLC in the amount of \$21,600.00 for the Lapeer Spray Park Project.
4. Approval of the Pay Phone Service Agreement with SBC for the pay phone located at the Community Center.
5. Approval to dispose of AccuVote equipment at no cost to the City.
6. Approval of Pay Application #1 to O'Laughlin Construction Company in the amount of \$2,844.00 for Flow Meter Construction Project.
7. Approval of Audit Contract for Fiscal Year Ending June 30, 2006 with Layton & Richardson at a rate not to exceed \$22,500.00 and authorize the Director of Financial Services to sign the required documents.

MOTION CARRIED.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation - David Leonard

121 2006 06-05

Moved by Sprague. Seconded by Turkelson.

To approve the Proclamation honoring Dave Leonard.

CITY OF LAPEER
Proclamation
In Recognition of David Leonard

WHEREAS, David Leonard, has served with dedication on the Lapeer Planning Commission since April 1977; and

WHEREAS, David Leonard, has shown personal integrity by the spirit of volunteerism in sharing his time to support the development of projects during his twenty-nine years on the Lapeer City Planning Commission; and

WHEREAS, David Leonard, has exemplified professionalism, caring, and hard work by his participation in local community affairs.

NOW, THEREFORE, BE IT RESOLVED, that I, Charles D. Treece, Mayor of the City of Lapeer, and the Lapeer City Commission wish to honor and recognize David Leonard. for his outstanding community commitment and his dedication of time, talents, and energy to help all citizens within our community and wish him success.

Dated this 5th day of June 2006.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Proclamation - Dwight Haywood

122 2006 06-05

Moved by Turkelson. Seconded by Robinet.

To approve the Proclamation in Recognition of Dwight Haywood.

PROCLAMATION
CITY OF LAPEER
In Recognition of Dwight M. Haywood

WHEREAS, Dwight M. Haywood served as a Firefighter with the City of Lapeer Fire & Rescue Department from December 5, 1994 through March 1, 2006; and

WHEREAS, Dwight M. Haywood is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Dwight M. Haywood exemplifies dependability, caring and hard work in his service as a Firefighter; and

WHEREAS, through his persistence, hard work, and dedication, Dwight M. Haywood has set an example for all Firefighters and is honored by his community;

NOW, THEREFORE BE IT RESOLVED, that I, Charles D. Treece, Mayor of the City of Lapeer, 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 Dwight M. Haywood for his efforts and devotion to public service, and wish him continued success in all his endeavors.

Dated this 5th day of June, 2006.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

There were no public hearings scheduled.

ADMINISTRATIVE REPORTS

IFT Request – Oxford Biomedical Research, Inc.

123 2006 06-05

Moved by Farrington. Seconded by Sprague.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Oxford Biomedical Research, Inc. to be held June 19, 2006 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
Oxford Biomedical Research, 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, Oxford Biomedical Research, Inc. owner of the realty described below within said Districts, 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 Oxford Biomedical Research, 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 19, 2006 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 Oxford Biomedical Research, 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 Northeast ¼ of section 12, T7N-R9E, City of Lapeer, Lapeer County, Michigan. Being more particularly described as beginning at a point that is S 01 degree 45'08"E 862.89' (recorded as S 01 degree 45'11"E 862.97 feet) along the east line of said section 12 and S 30 degrees 00' 28"W (recorded as S 30 degrees, 00' 19"W) 612.53 feet from the northeast corner of said section 12; thence continuing S 20 degrees 00' 28"W (Recorded as S 30 degrees 00' 19"W) 81.21 feet; thence N 79 degrees 14'08"W 459.15 feet to a point on the right of way line of John Conley Drive South; thence along said right of way, 126.66 feet along the arc of a non-tangent curve to the left, radius of 80.00 feet, delta angle 90 degrees 42' 31", chord bearing and distance of N 34 degrees 35' 30"W 113.84 feet, thence N 56 degrees 22' 50"E 354.32 feet; thence S 40 degrees 33' 11"E 401.85 feet to the point of beginning. Containing 2.50 acres. Subject to any easements, restrictions, and right of ways of record, if any.

More commonly known as: 3100 John Conley Drive

AYES: Commissioners Farrington, Sprague, Turkelson, and Robinet.

NAYS: None.

ABSENT: Commissioner Marquardt.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Street Additions

124 2006 06-05

Moved by Sprague. Seconded by Robinet.

To approve the Resolution For Street Addition Lincoln Street, Resolution For Street Addition Lincoln Street (Extension), and Resolution For Street Addition Luxington Drive.

CITY OF LAPEER RESOLUTION FOR STREET ADDITION Lincoln Street

WHEREAS, the City of Lapeer did on June 5, 2006 acquire title to a certain street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

LINCOLN STREET CENTER-LINE:

Woodbridge Park Condominiums in The City of Lapeer, Lapeer County, Michigan, Section 31, T8N, R10E, Commencing at the E 1/4 corner, Thence S00°35'59"E 164.05 feet & S89°26'11"W 179.07 FT; Thence 80.4 feet along a Curve to the right (Radius 200, Central Angle 23°01'56", LC=S12°06'57"E 79.86 feet); Thence S00°35'59"E 69.41 to the Point of Beginning of the center-line of a 60 feet wide variable width right of way, Thence S89°24'01"W 53.54 feet; Thence 39.29 feet along a curve to the left (Radius 230, Central Angle 9°47'19", LC=S84°30'21"W 39.25 feet; Thence S79°36'42"W 191.73 feet; Thence 69.14 feet along a curve to the left (Radius 25, Central Angle 158°27'41", LC=S40°54'58"W 49.12 feet; Thence S02°13'15"W 518.25 feet; Thence 220.82 feet along a curve to the left (Radius 230 feet, Central Angle 55°00'33", LC=S25°17'01"E 212.44 feet; Thence S52°40'26"E 198.27 feet; Thence 77.18

feet along a curve to the right (Radius 230 feet, Central Angle 19°13'32", LC=S43°03'41"E 76.81 feet to point "A"; thence continuing 120.65 feet along a curve to the right (Radius 230 feet, Central Angle 30°03'20", LC=S18°25'15"E 119.27 feet; Thence S03°23'35"E 77.04 feet; Thence 136.02 feet along a curve to the left (Radius 230 feet, Central Angle 33°53'03", LC=S20°20'05"E 134.05 feet); Thence S37°16'35"E 125.36 feet; Thence 22.23 feet along a curve to the right (Radius 230 feet, Central Angle 5°32'16", LC=S34°30'29"E 22.22 feet) to point of ending. Also beginning at said point "A", Thence N56°33'05"E 14.5 feet to the center of a 94.5 foot radius Eye-Brow.

2. That said street/plat is located within a City right-of-way and is under the control of the City of Lapeer.
3. That said street/plat is a public street and is for public street purposes.
4. That said street/plat is accepted into the City Local Street System.

AYES: Commissioner Sprague, Robinet, Turkelson, and Farrington.
NAYS: None.
ABSTAIN: None.
ABSENT: Commissioner Marquardt.

CITY OF LAPEER
RESOLUTION FOR STREET ADDITION
Lincoln Street Extension

WHEREAS, the City of Lapeer did on June 5, 2006 acquire title to a certain street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

Lincoln Street Extension Center Line:

Part of Out-lot A of Crystal Lake Subdivision (Liber 7, Page 102-103) in The City of Lapeer, Lapeer County, Michigan, commencing E ¼ Corner of Section 31, T8N, R10E, Thence S0°35'59"E 1687.49 feet & N89°58'55"W 33 feet to **Point of Beginning** of the center line of a 66 feet wide right of way, Thence 90.84 feet along a curve to the right (Radius=230 feet Central Angle=22°37'45" LC=S22°02'27"E 90.25 feet); Thence S0°35'59"E 25.06 feet to point of ending.

2. That said street/plat is located within a City right-of-way and is under the control of the City of Lapeer.
3. That said street/plat is a public street and is for public street purposes.
4. That said street/plat is accepted into the City Local Street System.

AYES: Commissioners Sprague, Robinet, Turkelson, and Farrington.
NAYS: None.
ABSTAIN: None.
ABSENT: Commissioner Marquardt.

CITY OF LAPEER
RESOLUTION FOR STREET ADDITION
Luxington Drive

WHEREAS, the City of Lapeer did on June 5, 2006 acquire title to a certain street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

CENTER LINE DESCRIPTION OF THE LUXINGTON DRIVE RIGHT-OF-WAY (60 FEET)

Woodbridge Park Condominiums in the City of Lapeer, Section 31, T8N, R10E, Lapeer County, Michigan, Commencing at the East ¼ corner, thence S00°35'59"E 164.05 feet along the East line of said section 31(as monumented); thence S89°26'11"W 146.84 feet to the **Point of Beginning** of the centerline of a 60 feet wide right of way, Thence 79.82 feet along the arc of a 230.00 foot Radius Curve to the Right, Central Angle 19°53'05", chord bearing S10°32'31"E 79.42 feet; thence S00°35'59"E 73.94 feet; thence 89.46 feet along an arc of a 230.00 foot Radius Curve to the Right, Central Angle 22°17'06", chord bearing S10°32'34"W 88.89 feet; thence S21°41'07"W 176.48 feet; thence 74.44 feet along the arc of a 230.00 foot Radius Curve to the Left, Central Angle 18°32'35", chord bearing S12°24'50"W 74.11 feet; thence S03°08'32"W 435.10 feet; thence 88.20 feet along the arc of a 230.00 foot Radius Curve to the Right, Central Angle 21°58'21", chord bearing S14°07'42" W 87.66 feet to the point of ending, being part of the Southeast ¼ of said Section 31.

2. That said street/plat is located within a City right-of-way and is under the control of the City of Lapeer.
3. That said street/plat is a public street and is for public street purposes.
4. That said street/plat is accepted into the City Local Street System.

AYES: Commissioners Sprague, Robinet, Turkelson, and Farrington.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Marquardt.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented on Mayor's Exchange Day with Howell and thanked GLTA for the bus service and Leslie Elizabeth for the tour of their plant and gifts, that the City did not receive the Brownfield Grant for city-wide assessment this year, and information regarding Detroit Edison and underground line requirements.

CITY ATTORNEY'S REPORT

City Attorney Shamblin commented on the judgment received regarding 585 Louis C. Cramton, letter to the owners of Michael's Restaurant, and letter to management regarding blowing grass into the street, yard waste or brush drop off, and the use of biodegradable bags.

BILL LISTING FOR JUNE 5, 2006

126 2006 06-05

Moved by Sprague. Seconded by Robinet.

To approve the Bill Listing for June 5, 2006 in the amount of \$681,635.93.

MOTION CARRIED.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Housing and Neighborhood Development – Gateway Sign Project information was received into record.

MAYOR AND COMMISSIONER COMMENTS

Brief discussion was held regarding meetings and events, street holes on Lincoln Street and area by Meijers-Kohls, water line patches, citizen complaints, and non-attendance of citizens at meetings.

ADJOURNMENT

125 2006 06-05

Moved by Sprague. Seconded by Robinet.
To adjourn the meeting. MOTION CARRIED.

The meeting adjourned at 7:15 p.m.

Charles D. Treece, Mayor

Donna L. Cronce, City Clerk