

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

**July 3, 2006**

A regular meeting of the Lapeer City Commission was held on July 3, 2006 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at approximately 6:30 p.m.

**Present:** Mayor Pro-Tem Sprague  
Commissioners Turkelson, Marquardt, and Robinet.  
City Attorney Ron Shamblin  
City Manager Dale Kerbyson

**Absent:** Mayor Treece (excused – vacation)  
Commissioner Farrington (excused – vacation)

Mayor Pro-Tem Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**138 2006 07-03**

Moved by Turkelson. Seconded by Robinet.  
To approve the agenda for July 3, 2006 as presented. MOTION CARRIED.

**MINUTES**

**139 2006 07-03**

Moved by Robinet. Seconded by Marquardt.  
To approve the minutes of the regular meeting of the City Commission held on June 19, 2006 as presented. MOTION CARRIED.

Minutes from the Various Boards and Commissions received through June 29, 2006 were received into record.

**PUBLIC COMMENTS**

No public comments.

**CONSENT AGENDA**

**140 2006 07-03**

Moved by Robinet. Seconded by Turkelson.  
To approve the Consent Agenda for July 3, 2006 resulting in the following:  
1. Approval of Traffic Control Order 248.

CITY OF LAPEER  
PERMANENT TRAFFIC CONTROL  
ORDER NO. 248

Location: McCormick Street and DeMille Road intersection.

Order: Install a traffic signal at the intersection of McCormick Street and DeMille Road with pedestrian crossing signals.

Reason: To establish traffic control order for installed traffic signal and crosswalk signals to improve crossing safety for children attending Turrill School and vehicle turning movements off of DeMille Road to meet traffic warrants.

2. Approval of Payment Request #9 to Family Building Company, Inc. in the amount of \$30,096.00 for the Lapeer Depot Restoration Project.
3. Approval to accept the Fire Prevention donations and Budget Adjustment to appropriate funds from account 101-000-675010 (\$5,450) to 101-336-956200 (\$5,450).
4. Approval of the Resolution Authorizing Participation in Michigan CLASS For Investment Purposes and authorize the Director of Financial Services to sign the required documents.

City of Lapeer, Michigan  
Resolution Authorizing Participation  
in Michigan CLASS for Investment Purposes

WHEREAS, certain governmental units have entered into an interlocal government agreement also known as "THE PARTICIPATION AGREEMENT" for the purposes of pooling together and investing surplus funds under the appropriate statutes of the State of Michigan and;

WHEREAS, the PARTICIPATION AGREEMENT that has been entered into has been reviewed as to content and legality and;

WHEREAS, the investment policy of the City of Lapeer includes investment in this type of pool (see section 5.7) and;

WHEREAS, The City of Lapeer acknowledges that the current CLASS Board of Trustees, existing custodian and participants may change in accordance with the participating agreement,

NOW THEREFORE, IT IS HEREBY RESOLVED, that the City of Lapeer shall enter into the interlocal agreement for pooling of investment resources under the participation agreement and that the Treasurer shall cause to be delivered to MBIA Asset Management (as administrators of Michigan CLASS), the required documentation to establish participation in Michigan CLASS.

BE IT FURTHER RESOLVED, that the Treasurer may invest surplus funds pursuant to state law under said participation agreement.

BE IT FURTHER RESOLVED, that the City of Lapeer recognizes the appointments of the Board of Trustees, custodian and participants to the extent that they may be changed during the life of the PARTICIPATION AGREEMENT and that such appointments shall not effect the City participation under such agreement.

5. Approval of FY 2006-2007 Tax Increment Finance Authority 1, 2, 3, and 4, Local Development Finance Authority, and Brownfield Redevelopment Budgets.
6. Approval of Budget Adjustment for Building Department Fund.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

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

None.

## **PUBLIC HEARINGS**

No public hearings scheduled.

## **ADMINISTRATIVE REPORTS**

Adams Street Reconstruction Project – Special Assessment #2006-01

**141 2006 07-03**

Moved by Marquardt. Seconded by Robinet.

To approve Resolution No. 1 regarding Special Assessment #2006-01 for the Adams Street Reconstruction Project.

RESOLUTION NO. 1  
Adams Street Reconstruction Project  
#2006-01

CITY OF LAPEER  
COUNTY OF LAPEER

WHEREAS, pursuant to provisions of Chapter 11 of the City Charter, the City Commission of the City may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Commission of the City deems it in the public interest, health and welfare to make certain public improvements in the City:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager be and is hereby directed to cause to be prepared a report which shall include necessary plans showing the improvement, the location thereof, an estimate of the cost thereof and such other information as is deemed appropriate and is required by the City Charter.
2. When the aforesaid report is completed, the City Manager shall file the same with the City Clerk for presentation to the City Commission.
3. 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 Marquardt, Robinet, Turkelson, and Sprague.

NAYS: None.

ABSENT: Commissioner Farrington.

ABSTAIN: None

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**142 2006 07-03**

Moved by Marquardt. Seconded by Robinet.

To approve Resolution #2 that includes setting a public hearing on July 17, 2006 at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding Special Assessment #2006-01 for the Adams Street Reconstruction Project.

RESOLUTION NO. 2  
Adams Street Reconstruction Project  
#2006-01

City of Lapeer  
County of Lapeer, Michigan  
Special Assessment District No. 2006-01

WHEREAS, the City Manager has prepared reports concerning certain public improvements as hereinafter described, which reports include all of the information required to be included by the provisions of the City's Charter, Chapter 11 Special Assessments; and

WHEREAS, the City Commission has reviewed said reports; and

WHEREAS, the City Commission of the City determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
2. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$393,058, \$118,372 of which shall be spread over the special assessment district as hereinafter described, and \$274,686 which shall be paid by the City.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:  
  
All those properties adjoining Adams Street from the north line of Liberty Street to the south line of Huron Street.
4. The estimated life of such improvements is not less than 15 years.
5. The aforesaid reports shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
6. The City Commission will meet on July 17, 2006 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is hereby directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least seven (7) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING TO  
HEAR OBJECTIONS TO PROPOSED PUBLIC  
IMPROVEMENTS AND TO THE  
PROPOSED SPECIAL ASSESSMENT DISTRICT

City of Lapeer  
County of Lapeer

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

**ADAMS STREET:**

Reconstruct approximately 1250 lineal feet of road on Adams Street from Huron Street to Liberty Street. This work will include some new storm sewer, sanitary sewer manhole replacements, curb and gutter, sidewalk repair, sidewalk ramps and new bituminous pavement. This project will also include milling off 3 inches of the existing bituminous pavement and constructing 3 inches of new bituminous pavement from Liberty Street south to the alley.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$118,372, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

All those properties adjoining Adams Street from the north line of Liberty Street to the south line of Huron Street.

TAKE FURTHER NOTICE that the City Commission has caused report concerning said public improvements to be prepared, which reports include pertinent information concerning the proposed improvements and the district and these reports are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON JULY 17, 2006 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

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

9. 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 Marquardt, Robinet, Turkelson, and Sprague.

NAYS: None.

ABSENT: Commissioner Farrington.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Liberty Street Reconstruction Project – Special Assessment #2006-02

**143 2006 07-03**

Moved by Robinet. Seconded by Marquardt.

To approve Resolution No. 1 regarding Special Assessment #2006-02 for the Liberty Street Reconstruction Project. Brief discussion was held regarding fencing requirements around Mt. Hope Cemetery and that the fencing would not be assessed to property owners in the Special Assessment District. The question was called to a vote.

RESOLUTION NO. 1

Liberty Street Reconstruction Project  
#2006-02

CITY OF LAPEER  
COUNTY OF LAPEER

WHEREAS, pursuant to provisions of Chapter 11 of the City Charter, the City Commission of the City may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Commission of the City deems it in the public interest, health and welfare to make certain public improvements in the City:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager be and is hereby directed to cause to be prepared a report which shall include necessary plans showing the improvement, the location thereof, an estimate of the cost thereof and such other information as is deemed appropriate and is required by the City Charter.
2. When the aforesaid report is completed, the City Manager shall file the same with the City Clerk for presentation to the City Commission.

3. 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, Marquardt, Turkelson, and Sprague.

NAYS: None.

ABSENT: Commissioner Farrington.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**144 2006 07-03**

Moved by Robinet. Seconded by Turkelson.

To approve Resolution #2 that includes setting a public hearing on July 17, 2006 at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding Special Assessment #2006-02 for the Liberty Street Reconstruction Project.

RESOLUTION NO. 2

Liberty Street Reconstruction Project  
#2006-02

City of Lapeer  
County of Lapeer, Michigan

Special Assessment District No. 2006-02

WHEREAS, the City Manager has prepared reports concerning certain public improvements as hereinafter described, which reports include all of the information required to be included by the provisions of the City's Charter, Chapter 11 Special Assessments; and

WHEREAS, the City Commission has reviewed said reports; and

WHEREAS, the City Commission of the City determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
2. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$465,241, \$140,111 of which shall be spread over the special assessment district as hereinafter described, and \$325,130 which shall be paid by the City.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:

All those properties adjoining Liberty Street from the east line of Lincoln Street to the west line of Main Street (M-24).

4. The estimated life of such improvements is not less than 15 years.
5. The aforesaid reports shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
6. The City Commission will meet on July 17, 2006 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is hereby directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least seven (7) full days before the date of such hearing, and is

further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.

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

NOTICE OF SPECIAL ASSESSMENT HEARING TO  
HEAR OBJECTIONS TO PROPOSED PUBLIC  
IMPROVEMENTS AND TO THE  
PROPOSED SPECIAL ASSESSMENT DISTRICT

City of Lapeer  
County of Lapeer

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

LIBERTY STREET

Reconstruct approximately 1800 lineal feet of road on Liberty Street from Lincoln Street to Main Street (M-24) with new storm sewer, water main, sanitary sewer manhole replacement, curb and gutter, retaining wall, sidewalk repair, sidewalk ramps and new bituminous pavement. This project will also include re-installing the chain link fence near the cemetery, removing the existing perimeter drive and constructing a new interior drive within the cemetery.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$140,111, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

All those properties adjoining Liberty Street from the east  
line of Lincoln Street to the west line of Main Street (M-24).

TAKE FURTHER NOTICE that the City Commission has caused report concerning said public improvements to be prepared, which reports include pertinent information concerning the proposed improvements and the district and these reports are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON JULY 17, 2006 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

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

9. 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, and Sprague.

NAYS: None.

ABSENT: Commissioner Farrington.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Park Street Reconstruction Project – Special Assessment #2006-03

**145 2006 07-03**

Moved by Turkelson. Seconded by Robinet.

To approve Resolution No. 1 regarding Special Assessment #2006-03 for the Park Street Reconstruction Project.

RESOLUTION NO. 1

Park Street Reconstruction Project  
#2006-03

CITY OF LAPEER  
COUNTY OF LAPEER

WHEREAS, pursuant to provisions of Chapter 11 of the City Charter, the City Commission of the City may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Commission of the City deems it in the public interest, health and welfare to make certain public improvements in the City:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager be and is hereby directed to cause to be prepared a report which shall include necessary plans showing the improvement, the location thereof, an estimate of the cost thereof and such other information as is deemed appropriate and is required by the City Charter.
2. When the aforesaid report is completed, the City Manager shall file the same with the City Clerk for presentation to the City Commission.
3. 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 Turkelson, Robinet, Marquardt, and Sprague.

NAYS: None.

ABSENT: Commissioner Farrington.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**146 2006 07-03**

Moved by Marquardt. Seconded by Robinet.

To approve Resolution #2 that includes setting a public hearing on July 17, 2006 at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding Special Assessment #2006-03 for the Park Street Reconstruction Project.

RESOLUTION NO. 2

Park Street Reconstruction Project  
#2006-03

City of Lapeer  
County of Lapeer, Michigan

Special Assessment District No. 2006-03

WHEREAS, the City Manager has prepared reports concerning certain public improvements as hereinafter described, which reports include all of the information required to be included by the provisions of the City's Charter, Chapter 11 Special Assessments; and

WHEREAS, the City Commission has reviewed said reports; and

WHEREAS, the City Commission of the City determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
2. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$81,407, \$24,517 of which shall be spread over the special assessment district as hereinafter described, and \$56,890 which shall be paid by the City.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:

All those properties adjoining Park Street from the east line of Jackson Street to the west line of Adams Street.

4. The estimated life of such improvements is not less than 15 years.
5. The aforesaid reports shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
6. The City Commission will meet on July 17, 2006 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is hereby directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least seven (7) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING TO  
HEAR OBJECTIONS TO PROPOSED PUBLIC  
IMPROVEMENTS AND TO THE  
PROPOSED SPECIAL ASSESSMENT DISTRICT

City of Lapeer  
County of Lapeer

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

**PARK STREET**

Reconstruct approximately 340 lineal feet of Park Street from Liberty Street west through Jackson Street with new storm sewer, sanitary sewer, water main, curb and gutter, sidewalk ramps and new bituminous pavement.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$24,517, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

All those properties adjoining Park Street from the east line of Jackson Street to the west line of Adams Street.

TAKE FURTHER NOTICE that the City Commission has caused report concerning said public improvements to be prepared, which reports include pertinent information concerning the proposed improvements and the district and these reports are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON JULY 17, 2006 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

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

9. 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 Marquardt, Robinet, Turkelson, and Sprague.

NAYS: None.

ABSENT: Commissioner Farrington.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### **CITY MANAGER'S REPORT:**

##### Annual Municipal Employees' Retirement System (MERS) Meeting

##### 147 2006 07-03

Moved by Robinet. Seconded by Turkelson.

To approve Dale Kerbyson as the Officer Delegate and Paul Boucher as the Officer Alternate and the Officer and Employee Delegate Certification Form for the 2006 MERS Annual Meeting and authorize the City Manager to sign said Form.

MOTION CARRIED.

#### **CITY ATTORNEY'S REPORT:**

No report provided.

#### **BILL LISTING**

##### 148 2006 07-03

Moved by Robinet. Seconded by Turkelson.

To approve the Bill Listing for July 3, 2006 in the amount of \$285,436.52.

MOTION CARRIED.

#### **UNFINISHED BUSINESS:**

No Board Appointments were made.

**DEPARTMENTAL COMMUNICATIONS:**

None provided.

**MAYOR/COMMISSIONER COMMENTS:**

Commissioner Robinet asked about the Lapeer Township joint meeting regarding the annexation. City Manager Kerbyson advised that the tentative date is July 20.

**PUBLIC COMMENTS:**

No public comments.

**ADJOURNMENT**

**149 2006 07-03**

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

The meeting adjourned at 6:42 p.m.

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William J. Sprague, Mayor Pro-Tem

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Donna L. Cronce, City Clerk