

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

July 7, 2008

A regular meeting of the Lapeer City Commission was held July 7, 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 Bennett, Marquardt, Robinet, Farrington, and Bostick-Tullius.
City Manager Dale Kerbyson

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

154 2008 07-07

Moved by Robinet. Seconded by Marquardt.
To approve the Agenda for July 7, 2008.
MOTION CARRIED.

MINUTES

155 2008 07-07

Moved by Marquardt. Seconded by Bostick-Tullius.
To approve the minutes from the Regular Meeting held on June 16, 2008 and the Special Meeting held on June 30, 2008.
MOTION CARRIED.

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

CONSENT AGENDA

156 2008 07-07

Moved by Robinet. Seconded by Marquardt.
To approve the Consent Agenda for July 7, 2008 resulting in the following:
1. Approve Traffic Control Order 256 and Traffic Control Order 257.

**CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 256**

Location: National City Drive between S. Main Street and Baldwin Road.

Order: Install "No Parking" signs on both sides of National City Drive from S. Main Street to Baldwin Road.

Reason: To eliminate on street parking due to the street width and at the request of National City Bank having problems with customers get to their bank due to cars parked in the street.

**CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 257**

Location: Harrison Street north of Genesee Street.

Order: Install "No Parking Here to Corner" sign on Harrison Street for

southbound traffic on the west side of the street for the first 100 feet north of Genesee Street.

Reason: To eliminate on street parking on the west side of the street due to the street width.

2. Approve the Special Event Application for the United Way of Lapeer County for the Annual Chili Cook-off and United Way Campaign Kick-Off on September 9, 2008.
3. Approve the Construction Engineering Agreement with Rowe Incorporated in the amount of \$41,280 for the Horton Street Reconstruction Project and authorize the Director of Public Works to sign the required document.
4. Approve the Municipal Resolution Michigan Department of Transportation Contract No. 08-5279.

**CITY OF LAPEER
MUNICIPAL RESOLUTION
MICHIGAN DEPARTMENT OF TRANSPORTATION
CONTRACT NO.: 08-5279**

At a regular meeting of the Lapeer City Commission on Monday, July 7, 2008 at 6:30 p.m. in the Lapeer City Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan, Commissioner Robinet moved for the adoption of the Municipal Resolution for acceptance of Contract #08-5279 for construction of a turn lane, traffic signal and pedestrian signal work at the intersection of DeMille Road and Harrison Street; including pavement removal, cold milling, hot mix asphalt paving and earthwork; and all together with necessary related work. The motion was seconded by Commissioner Marquardt.

BE IT RESOLVED THAT the Michigan Department of Transportation Contract #08-5279 for construction of a turn lane, traffic signal and pedestrian signal work at the intersection of DeMille Road and Harrison Street; including pavement removal, cold milling, hot mix asphalt paving and earthwork; and all together with necessary related work between the Michigan Department of Transportation and the City of Lapeer is hereby accepted and authorize City Manager Dale Kerbyson and Director of Public Works John Lyons to sign the required documents.

5. Approve the Professional Service Agreement with Hydro Designs for the Cross Connection Program and authorize the Director of Public Works and the Water Superintendent to sign the required document.
6. Approve the 2008-09 Downtown Development Authority and Lapeer Center for the Arts Budgets.
7. Approve the City Hall Server Upgrade with TIGS at an estimated amount of \$32,957.35 and authorize the Director of Financial Services to sign the required document.
8. Approve the Software Purchase Agreements with CIVIC Systems for Human Resources Software in the amount of \$6,450 and Financial Software Upgrades in the amount of \$31,150 and authorize the Director of Financial Services to sign the required documents.
9. Approve the State of Michigan, Department of Consumer & Industry Services, Liquor Control Commission Resolution to transfer ownership of 2008 Class C licensed business with dance-entertainment permit, located at 770 West Street, Lapeer, MI 48446, Lapeer County, from NBJ Incorporated to LB Ventures, Inc.

REQ ID #471349

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION

Moved by Commissioner Robinet and supported by Commissioner Marquardt that the request to transfer ownership of 2008 Class C licensed business with dance-entertainment permit, located at 770 West, Lapeer, MI 48446, Lapeer County, from NBJ Incorporated to L.B. Ventures, Inc.

	APPROVAL		DISAPPROVAL
Ayes:	Commissioners Robinet, Marquardt, Farrington and Tullius	Bennett, Bostick-	Ayes: None.
Nays:	None.		Nays: None.
Absent:	None.		Absent: None.

It is the consensus of this legislative body that the application be: Recommended for issuance.

10. Approve the purchase of a 2008 GMC Sierra Pick-up truck for the Parks Department in the amount of \$16,077.35 from Merollis GMC of Lapeer.
MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

BILL LISTING FOR JULY 7, 2008

157 2008 07-07

Moved by Robinet. Seconded by Farrington.
To approve the Bill Listing for July 7, 2008 in the amount of \$904,831.38.
MOTION CARRIED.

PUBLIC COMMENTS

Lenny Schneider, Lapeer County Commissioner, introduced Mary Sue Weber who is spearheading the campaign regarding the Suncrest Facility millage, commented on special millages and capture of dollars as it relates to DDA's, and thanked the Commission for not capturing any part of the Suncrest millage for DDA.

Mary Sue Weber, North Branch, commented on information regarding the millage request for Suncrest Medical Care Facility that will be on the August 5, 2008 ballot, use of millage dollars to date, and thanked the Commission for their time.

Mayor Sprague commented on the Suncrest facility. It was the general consensus of the Commission to provide a resolution in support of the Suncrest facility millage.

Mary Ellen Shanahan, Hunters Creek mobile home park resident, commented on concerns regarding the railroad crossing at DeMille just west of Saginaw, the need for repair, asked the Commission for assistance in getting repairs made, and provided information to the Commission.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

158 2008 07-07

Moved by Robinet. Seconded by Bostick-Tullius.
To approve the Proclamation in Recognition of Timothy M. Turkelson.

PROCLAMATION
CITY OF LAPEER
In Recognition of Timothy M. Turkelson

WHEREAS, Timothy M. Turkelson was elected to the City Commission on April 7, 2003 and re-elected on November 5, 2007; and

WHEREAS, Timothy M. Turkelson has provided dedicated and distinguished service on behalf of the citizens of the City of Lapeer with his exemplary leadership style by serving as a Volunteer Firefighter since September 9, 1996, member of the Cable Advisory Board since June 2003, and has served on the Zoning Board of Appeals from December 1998 to February 2004; and

WHEREAS, Timothy M. Turkelson has devoted time and effort in providing growth and development to the City of Lapeer with his involvement with the annexation of acreage from Lapeer Township as well as the Oregon Township Development Agreement.

WHEREAS, Timothy M. Turkelson leaves those in the City of Lapeer proud to have known him and to have served with him. His guidance as a friend, mentor, and supporter will be missed, but all wish him the best of luck as he devotes time to his family and work life.

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 Timothy M. Turkelson for his efforts and devotion to public service and wish him the best in future endeavors, 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 Timothy M. Turkelson as a testimonial of the high esteem and appreciation in which he is regarded by the City of Lapeer Commission.

Dated this 7th day of July, 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

IFT – Energy Steel & Supply Company

Mayor Sprague opened the public hearing at 6:43 p.m. to hear comments from the citizenry regarding the request for a transfer of an Industrial Facility Tax Exemption from Energy Steel & Supply Company.

Lisa Rice, President of Energy Steel, commented on the transfer of equipment to its Lapeer location.

Mayor Sprague closed the public hearing at 6:44 p.m.

159 2008 07-07

Moved by Robinet. Seconded by Marquardt.

To approve the Resolution Approving The Application Of Energy Steel & Supply Company For A Transfer Of An Industrial Facilities Tax Exemption.

RESOLUTION APPROVING THE APPLICATION OF ENERGY STEEL AND SUPPLY COMPANY FOR A TRANSFER OF AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on October 5, 1987, this Commission by resolution established the City of Lapeer Industrial Development District No. E, as requested by the Lapeer City Commission; and

WHEREAS, Energy Steel & Supply Company has filed an application for a transfer of an Industrial Facilities Exemption Certificate No. 2007-128 with respect to the purchase

of new equipment and machinery acquired and installed within the Industrial Development District No. E; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on July 7, 2008, at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before June 2, 2008, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the transfer of Industrial Facilities Exemption Certificate No. 2007-128 considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Energy Steel & Supply Company for a transfer of an Industrial Facilities Exemption Certificate No. 2007-128 with respect to the purchase of new machinery and equipment to be acquired and installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. E, to wit:

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 on the Southerly right-of-way line of John Conley Drive extended which is S01°45'08"E (recorded as S01°45'11"E) 267.01 feet along the East line of said Section 12 to said Southerly right-of-way line, and along said Southerly right-of-way line by the following four (4) courses: 1) S88°21'31"W 200.02 feet, 2) along a curve to the left 233.87 feet (radius of 531.60 feet, delta angle 25°12'24", chord bearing and distance of S75°45'19"W 231.99 feet), 3) S63°09'07"W 256.21 feet, 4) along a curve to the right 23.54 feet (radius of 2363.30 feet, delta angle 00°34'14", chord bearing and distance of S63°26'14"W 23.54 feet) from the Northeast corner of said Section 12; thence continuing along said Southerly right-of-way by the following two (2) courses: 1) along a curve to the right 490.73 feet (radius of 2363.30 feet, delta angle 11°53'50", chord bearing and distance of S69°40'16"W 489.85 feet), 2) along a curve to the left 43.11 feet (radius of 232.00 feet, delta angle 10°38'48", chord bearing and distance of S70°17'47"W 43.05 feet); thence S25°00'04"E 710.10 feet to a point on the right-of-way line of John Conley Drive South Cul-De-Sac; thence along said Cul-De-Sac right-of-way, 30.00 feet along the arc of a non-tangent curve to the right (radius of 80.00 feet, delta angle 21°29'22", chord bearing and distance of N89°18'53"E 29.83 feet); thence N56°22'50"E 509.66 feet; thence N25°00'04"W 602.13 feet to the point of beginning. Containing 8.00 acres, more or less, and being subject to any easements, restrictions, and right of ways of record.

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for the balance of the term granted for Certificate No. 2007-128. The effective dates shall remain the completion date of the year the Industrial Facilities Exemption was granted, which was on or about:

<u>Certificate #</u>	<u>Approval Date</u>	<u>Term</u>
2007-128	August 15, 2007	December 30, 2013

AYES: Commissioners Robinet, Marquardt, Bennett, Farrington, and Bostick-Tullius.

NAYS: None.
ABSENT: None.
ABSTAIN: None.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Name Changing Request – John Conley Drive to Carl Schreiber Drive

Mayor Sprague opened the public hearing at 6:45 p.m. to hear comments regarding the Petition for Street Name Changing Request of John Conley Drive to Carl Schreiber Drive.

Lanie Hanson, 1925 Gray Road, commented that she was the granddaughter of John Conley, introduced Fred Conley who is the surviving son of John Conley, and that she did not want the road name to change.

Wayne Hanson, 1925 Gray Road, commented that the property was originally known as the John Conley farm, heritage issues, and that he did not want the road name to change.

Dawn Wilson, 962 Timothy Lane, commented that she was the great niece of John Conley, submitted a letter opposing name change, other family members that oppose the name change, and that the area was originally known as the Conley farm.

Krista Bishop, Warden Secretary at Thumb Correctional Facility, questioned if the request would change the address of the prison. Staff responded that it would not.

Lisa Rice, President of Energy Steel, commented in opposition of the change and financial reasons.

Joe Gallant, Lapeer Industries, commented on the portion of the road requested to be changed, possible additions to Lapeer Industries, that both Dan and Carl Schreiber were veterans, extension of road to DeMille, that there was no intent to upset anyone, confusion of cross roads in this area, and that they were willing to work out arrangements for this area.

Mayor Sprague closed the public hearing at 6:51 p.m.

Brief discussion was held regarding property owners affected by the request.

160 2008 07-07

Moved by Robinet. Seconded by Marquardt.

To deny the request for Street Name Changing of John Conley Drive to Carl Schreiber Drive.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

Sewer Rates: Chapter 21 (Wastewater Treatment Charges Ordinance)

Commissioner Farrington 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:

CITY OF LAPEER, MICHIGAN

SUMMARY OF AMENDMENTS TO CHAPTER 21 OF
THE GENERAL ORDINANCES OF THE CITY OF LAPEER

PURPOSE:

These Ordinance amendments will revise Chapter 21, "Wastewater Treatment Charges" of the General Ordinances of the City of Lapeer which was designed to insure that public health, safety and welfare of the people of the City will be protected and enhanced through the efficient and cost-effective use of City wastewater treatment services and to proscribe the fees for such services to insure the continued operation of the wastewater treatment system into the future.

BACKGROUND:

The ordinance, as enacted, set forth specific rates for specific services that necessitated the amendment of the ordinance each time any fee change was proposed. The City has adopted a "City of Lapeer Fee Schedule" and incorporated said schedule into the ordinance for efficiency and as a result of the constant fluctuation in the cost of delivery of service to its residents and non-residents alike.

SUMMARY OF ORDINANCE:

Changes to Chapter 21

Section 21.01, "PURPOSE." The purpose of the Ordinance was clarified to describe the importance to public health and welfare of viable wastewater treatment services.

Section 21.04, "APPLICATION," is amended to provide that sewer service fees may be charged to owners or occupants of property to whom service is extended.

Section 21.05, "RATES AND CHARGES," is amended to define lateral installation, capital charges, and replace the specific tap and service fees set forth in the ordinance by reference to the "City of Lapeer Fee Schedule."

Section 21.06, "COLLECTION, LIEN FOR UNPAID FEES, AFFIDAVITS," is amended to provide for the ability of the City to require payment of service and shut-off fees, to place a lien upon the property under certain circumstances for unpaid back charges due the city for provision of wastewater treatment services, and to provide for the ability of a landlord out of possession to submit an affidavit to the City making a lessee or occupant liable for payment of sewer services as proscribed by statute.

Section 21.07, "PENALTIES," is amended to provide for collection of damages suffered by the City for violation of the Ordinance, including costs and attorney fees and other penalties.

NOTICE IS HEREBY GIVEN that the complete text of the ordinance has been posted at City Hall, 576 Liberty Park, Lapeer, Michigan 48446, and a copy of same may be obtained from the Clerk's office between the hours of 8:00 a.m. and 5:00 p.m.

Water Rates: Chapter 22 (Water Regulations Ordinance)

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

THE CITY OF LAPEER ORDAINS:

CHAPTER 22 (WATER REGULATIONS)

22.01 WATER METER REQUIRED

- (A) No Change.
- (B) No Change.
- (C) The rates and charges hereinafter established shall be payable by the owners and/or occupants of any lot, other parcel of real estate, or building, situated so that a water main is available for an

extension to service neighboring parcels and shall be required to connect to the City water system.

EFFECTIVE DATE: When water bills are mailed on or after January 1, 1991.

EFFECTIVE DATE OF AMENDMENT: August 17, 2006.

22.02 No Change.

22.03 No Change.

22.04 METERS TO BE SEALED

All water meters shall be sealed at the time of installation with a form of seal approved by the Superintendent of Water and Sewer. The water meters shall be sealed at the register box and the couplings. The seals shall not be broken except by the authority of the Superintendent of Water and Sewer. The residents and the owners of property upon which a water meter is installed are responsible for the intactness of these seals and fee for tampering with the seal wire will be added to the water bill at the property where any of these seals are found broken as listed in the City of Lapeer Fee Schedule.

EFFECTIVE DATE OF AMENDMENT: FEBRUARY 26, 1986

22.05 OWNER RESPONSIBLE

(A) The owner of property upon which a meter is installed shall be responsible for any and all damage sustained to the meter, including damage sustained through freezing or hot water backup, which shall include the cost of replacing a water meter that has sustained damage; provided however, that the City of Lapeer will bear the cost of repairing or replacing meters where the same is required due to the wear and tear of ordinary service.

EFFECTIVE DATE OF AMENDMENT: JUNE 12, 1985

(B) No Change.

(C) No Change.

22.06 No Change.

22.08 WATER RATES

(A) The charges for water service to each premise, structure or building within the City connected with the water supply system for each monthly period shall be as listed in the City of Lapeer Fee Schedule:

Rates for providing Private Fire Protection shall be as listed in the City of Lapeer Fee Schedule.

Except as provided in the Mayfield Township Land Transfer Agreement dated September 5, 2001, and the Lapeer Township Land Transfer Agreement dated December 4, 2006, users outside the corporate limits of the City Of Lapeer shall be charged one and one-half (1 ½) time the charge for water used within the City, plus an annual charge equal to the city operating millage times the Taxable Value of the property served by the water system as appears on the tax roll of the township in which said property is located including the city authorized administration fee which will be billed annually and shall be due and payable on July 1st of each year.

EFFECTIVE DATE OF AMENDMENT: JULY 10, 2002

EFFECTIVE DATE OF AMENDMENT: AUGUST 1, 2003

- (B) No Change.
- (C) No Change.
- (D) COLLECTION

No free service shall be furnished by the system to the City or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for services furnished by the system shall be billed and shall become due 15 days after the billing date indicated on the water bill. A penalty of ten percent (10%) of the bill shall be added by the City to those bills not paid on or before the due date. Within five (5) working days after the due date, a past due notice shall be mailed to those customers whose accounts are then delinquent. The past due notice shall inform the customer of the amount of the delinquency, including the ten percent (10%) penalty. Within five (5) working days after the expiration date on the past due notice, a shut-off notice shall be mailed to those customers whose accounts still remain delinquent. This shut-off shall indicate the date that the water service will be shut off, which date shall be ten (10) days from the date of the shut-off notice, unless the delinquent amount, including the ten percent (10%) penalty, is paid by the last business day prior to the scheduled shut-off date. Services so discontinued shall not be restored until all sums then due and owing, including the ten (10%) penalty, and an additional shut-off charge as listed in the City of Lapeer Fee Schedule for the amount owed are paid to the City in full. The shut-off charge shall consist of the following components:

1. A normal duty hour sewer division turn-on charge as listed in the City of Lapeer Fee Schedule, or
2. An after duty turn-on charge equal to the average cost of a sewer division employee's wage (a minimum of two hours (2) per union contract plus fringe benefits) plus the average cost of equipment utilized based on the State Schedule C rate for a minimum of two (2) hours.

EFFECTIVE DATE OF AMENDMENT: JULY 10, 2002

- (E) No Change.

- (F) Tap-in fees per tap for domestic water services and fire suppression services will be as listed in the City of Lapeer Fee Schedule.

EFFECTIVE DATE OF AMENDMENT: June 28, 2007

22.09 METER TESTING

The consumer may have his, her, or its meter tested for a fee. The size of the water meter determines the fee as listed in the City of Lapeer Fee Schedule. All water meters are tested by a private testing company to meet the American Water Works Specifications.

Should the water meter fail to meet American Water Works Association's test specifications, the city shall refund the testing fee to the consumer and make an appropriate adjustment in the water bill. However, should the meter be found to register within the American Water Works Association's test specifications, the City shall retain the meter-testing fee to defray the expense of the test.

EFFECTIVE DATE OF AMENDMENT: JULY 10, 2002

22.10 No Change.

22.11 CROSS CONNECTION

- (A) No Change.
- (B) No Change.
- (C) No Change.

(D) This ordinance is not intended to supersede the state plumbing code, or any other state statute, or legally adopted ordinance or code of the City of Lapeer. In any case where a provision of this ordinance is found to be in conflict with a provision of any State of Michigan or Federal statute or regulation, or any other legally adopted ordinance or code of the City of Lapeer, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(E) No Change.

(F) Penalties

1. Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court. Each day that a violation occurs shall be deemed a separate offense. As allowed by law or equity, damages recoverable for any violation of this section shall include all actual costs, court, attorney and other related legal fees plus an additional charge of one hundred percent (100%) of the total costs and/or penalties.
2. In addition to the penalty described in subsection 1, at the request of the Authority/Agent, the City Attorney may bring an action for injunctive relief or other appropriate action in the name of the people of the City of Lapeer to enforce this ordinance, or an order issued pursuant to this ordinance.

- (G) No Change.
- (H) No Change.
- (I) No Change.
- (J) No Change.

22.12 COLLECTION

(A) No Change.

(B) Affidavit

Pursuant to Public Act 178 of 1939, as amended, Paragraph (A) above shall not apply to property owner lessors who comply with the following provisions:

1. No Change.
2. No Change.
3. No Change.

4. A deposit as listed in the City of Lapeer Fee Schedule for each such lease shall be made to the City prior to having the water billing placed in the name of the tenant and/or commencing water service. Such deposit shall bear no interest and will be utilized to pay any delinquent billing for

that premises or refunded upon payment of the final water bill.

22.13 WATER USAGE REDUCTION

Outside irrigation for any purposes, including lawns, gardens, and flowerbeds, from the City's public water supply may be prohibited or restricted upon published notice when the City Manager, through his Superintendent of Water and Sewer, determines that a public water shortage is likely to occur. During such times the City Manager may also direct that other measures be taken or restrictions observed by users of the public water supply system. Notice of any such measures or restrictions shall be given by publication in a newspaper of general circulation in the City of Lapeer.

EFFECTIVE DATE OF AMENDMENT: MARCH 14, 1990

Chapter 5 (Plumbing, Water and Sewers Ordinance)

Commissioner Farrington introduced a proposed amendment to Chapter 5 (Plumbing, Water and Sewers Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 5 (PLUMBING, WATER AND SEWERS)

5.02 DEFINITIONS.

PUBLIC SYSTEMS AVAILABLE. Means a public water supply system or a public sewer system shall be deemed available to premises used for human occupancy if such premises are within the corporate limits of the City of Lapeer.

EFFECTIVE DATE OF AMENDMENT: October 13, 2004

5.03 USE OF PUBLIC WATER/SEWER REQUIRED

(F) Reference City of Lapeer Fee Schedule for fees associated with connection onto a Public Water and Sewer System.

5.04 PRIVATE WATER/SEWER SYSTEMS

(E) Reference City of Lapeer Fee Schedule for fees associated with the installation of a private water and sewer system.”

Water Tap-In Fees, Annual Fire Protection Charges and Deposits

161 2008 07-07

Moved by Farrington. Seconded by Marquardt.

To approve the changes for the Water Tap-In Fees, Annual Fire Protection Charges and Deposits as presented to be effective July 1, 2008.

MOTION CARRIED.

Establishing Depository Account – National City Bank

162 2008 07-07

Moved by Robinet. Seconded by Farrington.

To approve the Deposit Account/Loan/Lease Resolution and the Master Signature Card Agreement with National City Bank and authorize the Director of Financial Services to sign the required document.

Deposit Account/Loan/Lease Resolution

RESOLVED, that National City Bank ("Bank") is designated a depository of the Company, with full authority to accept deposits of money, checks and other instruments (hereinafter "Items") to the credit of this Company in accounts with Bank, in accordance with the oral or written instructions of any person making the deposit and subject to the present or subsequently amended Rules of Bank ("Rules") receipt of which is hereby acknowledged; and that this Company hereby guarantees to Bank the payment of all Items which are deposited in its account(s) and the certification of these Resolutions by the undersigned shall bind the Company upon this guaranty.

RESOLVED, that Bank is authorized to pay or otherwise honor or apply in accordance with the Rules without inquiry and without regard to the application of the proceeds thereof, all checks, drafts and other orders for the payment, transfer or withdrawal of money from any and all accounts maintained by this Company with Bank, including those drawn to the individual order of a signer, when signed, accepted or endorsed by any 1 of the following officers, managers, employees or agents of this Company:

NAME	TITLE
1. <u>Paul H. Boucher</u>	1. <u>Director of Finance</u>
2. <u>Harry L. Green</u>	2. <u>Manager-Accounting & Data Processing</u>

RESOLVED, that use of a facsimile signature of any or all of the above-named signers is for the benefit and convenience of Company and therefore Company's sole responsibility so regardless of by whom or by what means the facsimile signature is affixed, it is to be relied on by Bank without any duty on the part of bank to determine the genuineness of an authorization for said facsimile signature.

RESOLVED, that any 1 of the following officers, managers, employees or agents of this Company may negotiate and may bind this Company in one or more agreements with Bank and/or National City Leasing Corporation (collectively National City) to obtain loans and other credits, leases, including, but not limited to sale/leaseback transactions, and letters of credit subject to terms as Bank may require including the power to confess judgment against the Company where permitted by law and to provide security by any means, including, but not limited to, assignment, transfer, endorsement, conveyance, mortgage, pledge, hypothecation and/or delivery of property of any kind at any time held or owned by this Company.

NAME	TITLE
1. <u>Paul H. Boucher</u>	1. <u>Director of Finance</u>
2. <u>Harry L. Green</u>	2. <u>Manager-Accounting & Data Processing</u>

RESOLVED, that any of the above-named may access Safe Deposit Box(es), if any, leased in the name of the Company.

RESOLVED, that any of the above-named may bind this Company in one or more agreements with National City to provide right depository or any other banking related services.

RESOLVED, that National City be furnished a certified copy of these Resolutions and that National City is authorized to reply on these Resolutions until receipt by it of written notice, in form satisfactory to National City of any charge or revocation hereof.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Building Department: Ordinance Amendments for Chapter 8 (Building Code Ordinance), Chapter 15 (Electrical Code Ordinance), Chapter 34 (Mechanical Code Ordinance), Construction Board of Appeals By-Laws and Rules of Procedure; Appointment to Construction Board of Appeals

Chapter 8 (Building Code Ordinance)

Commissioner Marquardt introduced a proposed ordinance to Chapter 8 (Building Code Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 8 (BUILDING CODE)

8.01 ADOPTION BY REFERENCE

In accordance with the provisions of Public Act 230 of 1972 (MCL 125.1501 et seq.) as amended, there is hereby adopted by reference the Stille-Derossett-Hale Single State Construction Code as amended.

8.02 AGENCY DESIGNATED

Pursuance to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Lapeer is hereby designated as the enforcing agency to discharge the responsibility of the City of Lapeer under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Lapeer assumes the responsibility for the administration and enforcement of said Act throughout its corporate limits.

8.03 MICHIGAN BUILDING CODE ADOPTED

In accordance with the provisions of Public Act 230 of 1972 as emended, there is hereby adopted by reference the Michigan Building Code as amended.

8.04 No Change.

8.05 ESTABLISHMENT OF CONSTRUCTION BOARD OF APPEALS

The City of Lapeer Construction Board of Appeals is hereby established and shall perform its duties in accordance with Act 230, Public Acts of 1972, as amended, MCL 125.1514, and the Michigan Building Code. The board shall propose By-Laws and Rules of Procedure for approval by the City Commission.

8.06 AVAILABILITY OF CODE

A complete copy of the State Construction Code shall be made available to the public at the office of the Lapeer City Building Official in compliance with the Michigan State law requiring that records of public bodies be made available to the general public.

8.06 TEMPORARY TRAILER

The Building Official may issue a permit for the temporary use of a manufactured trailer or mobile home for office, storage or business purposes. The Building Official shall make an inspection and submit a report to the City Commission and such permit shall be subject to any conditions placed on it by the City Commission. The permit shall be limited as to the time of use of the temporary trailer, but in no case shall the time of use be more than one (1) year. Each application for a permit shall be accompanied by a permit fee in accordance with the schedule adopted by the Lapeer City Commission.”

Chapter 15 (Electrical Code Ordinance)

Commissioner Bostick-Tullius introduced a proposed amendment to Chapter 15 (Electrical Code Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 15 (ELECTRICAL CODE)

15.01 CODE ADOPTED

In accordance with the provisions of Public Act 230 of 1972, as amended, there is hereby adopted by reference the Michigan Electrical Code as amended.

15.02 Delete.

15.03 AVAILABILITY OF CODE

A complete copy of said Michigan Electrical Code, as amended, shall be available for public use and inspection at the office of the Lapeer City Building Official.

15.04 No. Change.

15.05 No. Change.

Chapter 34 (Mechanical Code Ordinance)

Commissioner Farrington introduced a proposed amendment to Chapter 34 (Mechanical Code Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 34 (MECHANICAL CODE)

34.01 CODE ADOPTED

In accordance with the provisions of Public Act 230 of 1972 as amended, there is hereby adopted by reference the Michigan Mechanical Code as amended.

34.02 AVAILABILITY OF CODE

A complete copy of said Michigan Mechanical Code, as amended, shall be available for public use and inspection at the office of the Lapeer City Building Official.

Construction Board of Appeals By-Laws and Rules of Procedure

163 2008 07-07

Moved by Marquardt. Seconded by Farrington.

To approve the Construction Board of Appeals By-Laws and Rules of Procedures as presented. Brief discussion was held regarding clarification to Section 1.4. The question was called to a vote.

MOTION CARRIED.

Appointment to Construction Board of Appeals

164 2008 07-07

Appointed by Mayor Sprague. Moved by Marquardt. Seconded by Farrington.

To appoint the following to the Construction Board of Appeals.

David Filipiak for a term ending 07-01-2010.

Bruce Johnson for a term ending 07-01-2010.

Al Lopez for a term ending 07-01-2010.

Brief discussion was held regarding experience and training of the members presented for appointment. The question was called to a vote.

MOTION CARRIED.

Rezoning Request: Bahri Parcel – 1583 S. Main Street. Chapter 7 (Zoning Ordinance)

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.03, Section G., Number 87 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

87. The following property, formerly zoned R-7 One-Family Residential, is hereby rezoned to Office Service District (OS-1):

City of Lapeer, Section 17 T7N R10E; the South 200 feet of the West 1,089 feet of the Southwest ¼. 5 ac.

M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04

165 2008 07-07

Moved by Robinet. Seconded by Farrington.

To approve Resolution #1 regarding the special assessment for the M-24/I-69 Corridor Utility Project, Special Assessment District #2008-04.

RESOLUTION NO. 1

M-24/I-69 Corridor Utility Project

#2008-04

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, Farrington, Bennett, Farrington, and Bostick-Tullius.

NAYS: None.
ABSENT: None.
ABSTAIN: None.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED

166 2008 07-07

Moved by Bennett. Seconded by Marquardt.

To approve Resolution #2, that includes setting a public hearing on July 21, 2008 at 6:30 p.m. or as soon thereafter as may be heard, to determine the necessity regarding the special assessment for the M-24/I-69 Corridor Utility Project, Special Assessment District #2008-04.

RESOLUTION NO. 2
M-24/I-69 Corridor Utility Project
#2008-04

City of Lapeer
County of Lapeer, Michigan
Special Assessment District No. 2008-04

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 gross acreage (or benefits) is estimated to be \$12,561,430.96, \$11,042,473.93 of which shall be spread over the special assessment district as hereinafter described, and \$1,518,687 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 property parcels within the Corporate limits of the City of Lapeer lying south of the south line 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 all those property parcels within the Corporate limits of the City of Lapeer lying south of interstate highway 69 and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

4. The estimated life of such improvements is not less than 50 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 21, 2008 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:

Water improvements will include the following:

Approximately 26,300 feet of water main pipe of various sizes including typical appurtenances such as valves, hydrants, and connections. Portions of the water main will be installed in steel casings.

Sanitary sewer improvements will include the following:

Approximately 16,000 feet of pipe of various sizes. Some will be gravity flow pipes and others will be force main pipes. Portions of the pipes may be installed in steel casings. New lift stations including typical appurtenances such as generators, controls and site improvements.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$12,561,430.96, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

All those property parcels within the Corporate limits of the City of Lapeer lying south of the south line 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 all those property parcels within the Corporate limits of the City of Lapeer lying south of interstate highway 69 and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

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 21, 2008 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 Bennett, Marquardt, Robinet, Farrington, and Bostick-Tullius.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

Easements

167 2008 07-07

Moved by Robinet. Seconded by Farrington.

To approve and accept the Easements from Iseman & Abdelnour; Roman Catholic Archbishop of the Archdiocese of Detroit; May Investments, LLC: and Bevron LLC.

MOTION CARRIED.

City of Lapeer Fee Schedule

168 2008 07-07

Moved by Robinet. Seconded by Farrington.

To approve the City of Lapeer Fee Schedule as presented.

MOTION CARRIED.

MML Worker's Compensation Fund – Official Ballot 2008

169 2008 07-07

Moved by Farrington. Seconded by Bostick-Tullius.

To approve the Official Ballot – 2008 for the Michigan Municipal League Worker's Compensation Fund as presented.

MOTION CARRIED.

City Manager Dale Kerbyson commented on negotiations for the property next to the Recreation Center and Cable Franchise Agreement with Charter Communications.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan commented on the transition and obtaining of City files.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Financial Report for May 2008 was received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bostick-Tullius commented on review of the agenda file in preparation for the meeting.

Commissioner Bennett offered thanks to the County regarding events occurring on their lawn and the reading of the Declaration of Independence.

Commissioner Marquardt thanked the City of Lapeer, residents, and businesses for donations to the July 4th fireworks.

Mayor Sprague commented on Brian Ervin with Heritage Research Institute and the reading of Declaration of Independence, the planning of Constitution Day in September, and the continuation of interest in the HUD \$1 Housing Program. Brief discussion was held regarding HUD processes and changes.

ADJOURNMENT

170 2008 07-07

Moved by Bennett. Seconded by Marquardt.

To adjourn the meeting. Sally Eilerson, Lapeer County Treasurer, introduced herself to the Commission and provided an overview of HUD changes, foreclosure information, and if there were any questions to let her know. The question was called to a vote.

MOTION CARRIED.

The meeting adjourned at 7:15 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk