

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

July 17, 2006

A regular meeting of the Lapeer City Commission was held on July 17, 2006 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at approximately 6:30 p.m.

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

Absent: None.

Mayor Treece led the Pledge of Allegiance.

AGENDA APPROVAL

150 2006 07-17

Moved by Marquardt. Seconded by Farrington.
To approve the agenda for July 17, 2006 as presented. MOTION CARRIED.

MINUTES

151 2006 07-17

Moved by Turkelson. Seconded by Robinet.
To approve the minutes of the regular meeting of the City Commission held on July 3, 2006 as presented. MOTION CARRIED.

Minutes from the Various Boards and Commissions received through July 13, 2006 were received into record.

PUBLIC COMMENTS

Randy Stlaurent, 5485 Linger Lane, provided information regarding the Farmland Preservation and County Parks Proposal on the August ballot.

Ken Elwert, 1567 Red Maple Drive, provided information regarding the Farmland Preservation and County Parks Proposal on the August ballot.

Diane Peplinski, Flint River Watershed Coalition, provided information regarding the South Branch of the Flint River, how the operation will work, and development goals.

Brent Nickola, University of Michigan-Flint, provided information regarding the Flint River Watershed Coalition development goals, grant monies, and management plan.

Don Miller, Lapeer City Representative for the Lapeer District Library, provided information regarding the Library Proposal on the August ballot and requested City Commission support.

152 2006 07-17

Moved by Marquardt. Seconded by Farrington.
To support the Library Proposal on the August ballot.
MOTION CARRIED.

CONSENT AGENDA

153 2006 07-17

Moved by Robinet. Seconded by Turkelson.

To approve the Consent Agenda for July 17, 2006 resulting in the following:

1. Approval of Payment Request #10 to Family Building Company, Inc. in the amount of \$11,486.00 for the Lapeer Depot Restoration Project.
2. Approval of the Resolution Optical Scan Voting Equipment with the State of Michigan under Help America Vote Act (HAVA) Grant funding.

RESOLUTION OPTICAL SCAN VOTING EQUIPMENT

WHEREAS, the City of Lapeer wishes to apply to the Secretary of State for a grant to purchase an optical scan voting system and/or software to comply with the Help American Vote Act (HAVA); and

WHEREAS, the City of Lapeer Commission has chosen to submit a grant application for a new optical scan voting system in 2005.

NOW, THEREFORE, BE IT RESOLVED, that the Lapeer City Commission authorizes the City Clerk to submit this grant application on behalf of the City of Lapeer, Lapeer County on this 17th day of July, 2006.

3. Approval of Payment Request #2 to O'Laughlin Construction Company in the amount of \$22,774.50 for the Flow Meter Construction Project.
4. Approval of the Resolution For Changing MERS Benefit regarding Police/Fire Union Division 20.

RESOLUTION FOR CHANGING MERS BENEFITS

In accordance with the MERS Plan Document of 1996, the City of Lapeer 4401 adopts the following benefits for 4401-20 Police/Fire Union

A "division" is defined as an employee or group of employees covered by the same benefit programs and the same employee contribution program. Each division has a specific MERS number and name, such as "Div. 10, General-Admin." and is part of a Reporting Unit, such as: "01."

Supporting Supplemental Valuation is dated June 28, 2006.

Provisions for Earlier Normal Retirement
F50/25
Effective Date July 1, 2006.

5. Approval of a 2006 1 Ton Dump Truck - Project # 18520 and a ¾ Ton Pick Up Truck Project #16990 for the Parks Department from Red Holman Pontiac GMC for a total amount of \$43,332 to be paid from Fund 661-580-976000.
6. Approval of Special Event Request from Lapeer County Habitat for Humanity for Walk-For-Habitat to be held August 5, 2006.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

Adams Street Reconstruction Project – Special Assessment #2006-01

Director of Public Services John Lyons reviewed project improvements.

Mayor Treece opened the public hearing at 6:53 to hear comments from the citizenry regarding Special Assessment #2006-01 Adams Street Reconstruction Project.

Kyle Clements, 644 Adams Street, commented on fixed incomes, placement of financial burden onto property owners, issues when gas lines were installed, and unwillingness to pay for project improvements until money situation improves.

John Nagy, 645 Adams Street, commented on sidewalk replacement, tree removal, cemetery drain issues from 1950's, placement of storm sewers, and specific construction plans. Director of Public Works John Lyons stated that existing sidewalks would be repaired and construction plans would be available.

Tammy Brown, 409 Adams Street, commented that she agreed with Mr. Clements and safety of kids in the area from traffic.

Nancy Green, 635 Adams Street, commented on how the assessment would be assessed, project repairs, that the City would absorb cemetery improvements, and that the assessment would increase rental rates. City Assessor Tom Hubbell provided a review of the assessment calculation. Ms. Green commented on a proposed project from 15-18 years ago in this area.

Valerie Koyl, 1223 W. Park Street, commented on payment of the assessment and interest rates.

Richard Fassezke, 1481 Liberty Street, commented that Turrill Street was not assessed. Brief discussion was held regarding Turrill Street project and TIFA Districts.

Mayor Treece closed the public hearing at 7:10 p.m.

Discussion was held regarding the gas company line placement and issues, that Adams Street is not a quality road, project improvements, and water and sewer line issues in this area.

154 2006 07-17

Moved by Turkelson. Seconded by Sprague.

To approve Resolution #3 to determine the project necessary and order the roll prepared regarding Special Assessment #2006-01 for the Adams Street Reconstruction Project.

**RESOLUTION NO. 3
ADAMS STREET RECONSTRUCTION PROJECT**

**CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Special Assessment District No. 2006-01**

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

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.

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to make the public improvements described above and the plans and estimates of cost as presented are approved.
2. The City Assessor be and is hereby directed to make and prepare a Special Assessment Roll in conformity with the requirements of the City Charter.
3. When the City Assessor shall have completed the Special Assessment Roll, he shall report the same to the Commission and the same shall be filed with the City Clerk; such roll shall have a certificate attached thereto signed by the City Assessor stating that the roll was made pursuant to this resolution adopted July 17, 2006 and that in making such roll, the Assessor in his best judgment, has conformed in all respects to the directions contained in this resolution and the City Charter.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Liberty Street Reconstruction Project – Special Assessment #2006-02

Director of Public Works John Lyons reviewed project improvements.

Mayor Treece opened the public hearing at 7:20 p.m. to hear comments from the citizenry regarding Special Assessment #2006-02 Liberty Street Reconstruction Project.

Richard Fassezke, 1581 Liberty Street, commented that the street has been that way for some time and is fine, does not want to have more traffic on this street, the blind intersection at Harrison, that the project has been started with the cutting down of trees, and does not know what the plans are.

Tammy Brown, 409 Adams Street, commented that traffic is fast in this area, safety of the kids, that the road is not bad, that trees are being removed, and the traffic from 18-wheelers going to Perkins.

F. Reichenbach, representing Mary Snoddy at 347 Harrison Street, commented that Ms. Snoddy was on a fixed income, why was the fence torn down and trees removed, and construction plans for the area.

Discussion was held on receipt of concerns by citizens, written response, that cemetery fencing costs are not included within the project, retaining walls, and that a public hearing regarding assessment costs will be provided at the next Commission meeting.

Richard Fassezke, 1581 Liberty Street, commented on road improvement and traffic issues.

Mary Snoddy, 347 Harrison Street, commented that sidewalk was taken out many years ago and that it was used for landfill at that time.

Mike Weir, 1580 Liberty Street, commented that his fence had been ripped out, plans for the project, would his fence line be moved, why were trees already removed, front footage from his home to the road, and replacement of his fence.

Gordon Perkins, owner of Perkins Flowers, commented on the engineering of project, curb and gutter and storm sewers to be placed are not sufficient for volume of water, that heavy rains cause water backup, debris from water run off, foot traffic of area, and was disappointed in tree issue.

City Manager Kerbyson, commented on the overall ramifications of the area, that the area has been reviewed for over a year, school projects that would affect area, that

vehicle and foot traffic will increase in the area, preliminary plans and review, that trees removed were reviewed by arborist and within City right-of-way, replanting of trees, straightening of road and pathway, retaining wall possibilities, and that the City was trying to be pro-active on this project.

Mayor Treece closed the public hearing at 7:42 p.m.

Discussion was held regarding Special Assessment procedures, and communication of project implementation and preconstruction meeting notices to effected citizens.

155 2006 07-17

Moved by Sprague. Seconded by Robinet.

To approve Resolution #3 to determine the project necessary and order the roll prepared regarding Special Assessment #2006-02 for the Liberty Street Reconstruction Project.

**RESOLUTION NO. 3
LIBERTY STREET RECONSTRUCTION PROJECT**

**CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Special Assessment District No. 2006-02**

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

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.

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to make the public improvements described above and the plans and estimates of cost as presented are approved.
2. The City Assessor be and is hereby directed to make and prepare a Special Assessment Roll in conformity with the requirements of the City Charter.
3. When the City Assessor shall have completed the Special Assessment Roll, he shall report the same to the Commission and the same shall be filed with the City Clerk; such roll shall have a certificate attached thereto signed by the City Assessor stating that the roll was made pursuant to this resolution adopted July 17, 2006 and that in making such roll, the Assessor in his best judgment, has conformed in all respects to the directions contained in this resolution and the City Charter.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Park Street Reconstruction Project – Special Assessment #2006-03.

Director of Public Works John Lyons reviewed project improvements.

Mayor Treece opened the public hearing at 7:50 p.m. to hear comments from the citizenry regarding Special Assessment #2006-03 Park Street Reconstruction Project.

Valerie Koyl, 1223 W. Park Street, commented that she didn't mind absorbing costs, issues with paying interest, and can see the necessity of the project.

Don Miller, 254 W. Oregon Street, commented on Oregon Street and possible improvements to area. Director of Public Works John Lyons advised that Oregon was scheduled for 2008.

Mayor Treece closed the public hearing at 7:53 p.m.

156 2006 07-17

Moved by Farrington. Seconded by Robinet.

To approve Resolution #3 to determine the project necessary and order the roll prepared regarding Special Assessment #2006-03 for the Park Street Reconstruction Project. Brief discussion was held regarding cost analysis of project, City and property owner portion of project, water and sewer connection availability, and that the project description is from Adams Street west through Jackson Street. The question was called to a vote.

**RESOLUTION NO. 3
PARK STREET RECONSTRUCTION PROJECT**

**CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Special Assessment District No. 2006-03**

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

PARK STREET

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to make the public improvements described above and the plans and estimates of cost as presented are approved.
2. The City Assessor be and is hereby directed to make and prepare a Special Assessment Roll in conformity with the requirements of the City Charter.
3. When the City Assessor shall have completed the Special Assessment Roll, he shall report the same to the Commission and the same shall be filed with the City Clerk; such roll shall have a certificate attached thereto signed by the City Assessor stating that the roll was made pursuant to this resolution adopted July 17, 2006 and that in making such roll, the Assessor in his best judgment, has conformed in all respects to the directions contained in this resolution and the City Charter.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Adams Street Reconstruction Project – Special Assessment #2006-01

Discussion was held on front feet and side lot influence costs analysis.

157 2006 07-17

Moved by Sprague. Seconded by Robinet.

To approve Resolution #4 accepting Roll B and setting a public hearing for August 7, 2006 at 6:30 p.m. or as soon thereafter as may be heard to review the special assessment roll regarding Special Assessment #2006-01 Adams Street Reconstruction Project.

**RESOLUTION NO. 4
ADAMS STREET RECONSTRUCTION PROJECT**

**CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Proposed Special Assessment District No. 2006-01**

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll B is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The City Commission shall meet at the City Hall, at 6:30 o'clock p.m., Local Time, on August 7, 2006, for the purpose of hearing all persons interested in said Special Assessment Roll B and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to publish the notice of said hearing once in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City, said publication to be not less than seven (7) full days prior to the date of said hearing and shall further cause notice of said hearing to be sent by certified mail to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the City, at least ten (10) full days before the time of said hearing, and said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

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

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

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

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 Special Assessment District is comprised of the following described property:

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

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

TAKE FURTHER NOTICE that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on August 7, 2006 for the purpose of reviewing said special assessment roll and hearing any objections thereto.

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

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Liberty Street Reconstruction Project – Special Assessment #2006-02

158 2006 07-19

Moved by Sprague. Seconded by Marquardt.

To approve Resolution #4 accepting Roll B and setting a public hearing for August 7, 2006 at 6:30 p.m. or as soon thereafter as may be heard to review the special assessment roll regarding Special Assessment #2006-02 for the Liberty Street Reconstruction Project.

RESOLUTION NO. 4
LIBERTY STREET RECONSTRUCTION PROJECT

CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Proposed Special Assessment District No. 2006-02

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll B is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The City Commission shall meet at the City Hall, at 6:30 o'clock p.m., Local Time, on August 7, 2006, for the purpose of hearing all persons interested in said

Special Assessment Roll B and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.

3. The City Clerk is directed to publish the notice of said hearing once in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City, said publication to be not less than seven (7) full days prior to the date of said hearing and shall further cause notice of said hearing to be sent by certified mail to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the City, at least ten (10) full days before the time of said hearing, and said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

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

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

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

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 Special Assessment District is comprised of the following described property:

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

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

TAKE FURTHER NOTICE that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on August 7, 2006 for the purpose of reviewing said special assessment roll and hearing any objections thereto.

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

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Park Street Reconstruction Project – Special Assessment #2006-03

159 2006 07-17

Moved by Sprague. Seconded by Farrington.

To approve Resolution #4 accepting Roll B and setting a public hearing for August 7, 2006 at 6:30 p.m. or as soon thereafter as may be heard to review the special assessment roll regarding Special Assessment #2006-03 for the Park Street Reconstruction Project.

RESOLUTION NO. 4
PARK STREET RECONSTRUCTION PROJECT

CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Proposed Special Assessment District No. 2006-03

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll B is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The City Commission shall meet at the City Hall, at 6:30 o'clock p.m., Local Time, on August 7, 2006, for the purpose of hearing all persons interested in said Special Assessment Roll B and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to publish the notice of said hearing once in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City, said publication to be not less than seven (7) full days prior to the date of said hearing and shall further cause notice of said hearing to be sent by certified mail to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the City, at least ten (10) full days before the time of said hearing, and said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

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

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

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

PARK STREET

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

The Special Assessment District is comprised of the following described property:

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

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

TAKE FURTHER NOTICE that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on August 7, 2006 for the purpose of reviewing said special assessment roll and hearing any objections thereto.

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

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT:

City Manager Kerbyson provided information regarding the Elba Township State Boundary Legal Sufficiency Hearing scheduled for July 27th, the Depot Project was completed and the open house went well, and that signage within the City's right-of-way's were being reviewed and handled.

Lapeer Township Land Transfer Agreement

City Manager Kerbyson provided the Agreement regarding Land Transfer with Lapeer Township and requested an Executive Session for discussion. The general consensus of the Commission was to discuss the changes in open session. Discussion was held regarding properties that are not in the original petition but can petition should the property owner choose, that verbiage will be changed to reflect those properties, that the joint public hearing is scheduled for Thursday, July 20th at 6:30 p.m., after the public hearing the 45 day referendum period will begin, upon completion of the 45 day referendum period the Agreement will be final.

160 2006 07-17

Moved by Turkelson. Seconded by Sprague.

To approve the Interlocal Agreement City of Lapeer – Township of Lapeer Sharing of Revenue and Annexation of Property, subject to clarification of wording by the City Attorney and City Manager, and authorize the Mayor and City Manager to sign said Agreement.

MOTION CARRIED.

Technology Integration Group

161 2006 07-17

Moved by Sprague. Seconded by Turkelson.

To approve the Maintenance Agreement Contract Network Administration with Technology Group Services, Inc. (TIGS) subject to clarification of working by the City Attorney and City Manager, and authorize the City Manager to sign said Contract.

MOTION CARRIED.

CITY ATTORNEY'S REPORT:

Chapter 21 (Wastewater Treatment Charges) – Ordinance Amendment

Commissioner Turkelson introduced the proposed amendment to Chapter 21 (Wastewater Treatment Charges), Section 21.06, of the General Ordinance of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 21 WASTEWATER TREATMENT CHARGES

21.06 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 be due 15 days after the billing date indicated on the sewer 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 account 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 sewer 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 ten percent (10%) penalty, is paid by the last business day prior to the scheduled shut-off date. Services so disconnected shall not be restored until all sums then due and owing, including the ten percent (10%) penalty, shall be paid plus a shut-off charge of twenty-five dollars (\$25.00) and

1. Unchanged.
2. Unchanged.

21.07 Unchanged.

Commissioner Turkelson introduced a proposed amendment to Chapter 22 (Water Regulations), Section 22.01 (B) and Section 22.08 (D) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 22 WATER REGULATIONS

22.01 WATER METER REQUIRED

- (A) Unchanged
- (B) The fee owner or the land contract purchaser with the right of possession, as the case may be, of any two-family house, apartment building, multi-family unit, multi-industrial or multi-commercial unit shall either have the water bill in the name of the fee owner or said land contract purchaser, or provide a separate water meter and accessible shut-off valve for each individual unit.

22.08 WATER RATES

- (A) Unchanged
- (B) Unchanged
- (C) Unchanged

- (D) 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 be 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 ten percent (10%) penalty, is paid by the last business day prior the scheduled shut-off date. Services so discontinued shall not be restored until all sums then due and owing, including the ten percent (10%) penalty, shall be paid plus a shut-off charge of twenty-five dollars (\$25.00) and
 - 1. Unchanged
 - 2. Unchanged

- (E) Unchanged
- (F) Unchanged

BILL LISTING

162 2006 07-17

Moved by Sprague. Seconded by Robinet.
 To approve the Bill Listing for July 17, 2006 in the amount of \$341,302.67.
 MOTION CARRIED.

UNFINISHED BUSINESS:

163 2006 07-17

Mayor Treece appointed. Moved by Farrington. Seconded by Turkelson.
 To appoint Jen Hubbell to the Planning Commission for a term expiring August 1, 2008.
 MOTION CARRIED.

164 2006 07-17

Mayor Treece appointed. Moved by Robinet. Seconded by Marquardt.
 To appoint the following:
 Mary Ann Smith Lapeer Housing Commission for a term expiring August 1, 2011.
 James Mikus Lapeer Neighborhood's, Inc. for a term expiring August 1, 2008.
 Jennell RaCosta Lapeer Neighborhood's, Inc. for a term expiring August 1, 2008.
 MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS:

Departmental Monthly Reports were received into record.

MAYOR/COMMISSIONER COMMENTS:

Commissioner Farrington commented on the hot tub sale at Michael's restaurant and if this was allowed. City Manger Kerbyson stated that Police Chief Alexander was checking on this.

Commissioner Marquardt commented that the flowers in Babyland at Mt. Hope Cemetery had been cut down and to have this checked out.

ADJOURNMENT

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

The meeting adjourned at 8:23 p.m.

Charles D. Treece, Mayor

Donna L. Cronce, City Clerk