

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

August 7, 2006

A regular meeting of the Lapeer City Commission was held on August 7, 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 Marquardt, Sprague, Farrington, and Robinet.
City Attorney Ron Shamblin
City Manager Dale Kerbyson

Absent: Commissioner Turkelson.

Mayor Treece led the Pledge of Allegiance.

AGENDA APPROVAL

167 2006 08-07

Moved by Robinet. Seconded by Marquardt.

To approve the agenda for August 7, 2006 as presented. MOTION CARRIED.

MINUTES

168 2006 08-07

Moved by Marquardt. Seconded by Farrington.

To approve the minutes of the regular meeting of the City Commission held on July 17, 2006 and Joint Meeting and Public Hearing of the Lapeer City Commission and Lapeer Township Board held on July 20, 2006 as presented. MOTION CARRIED.

Minutes from the Various Boards and Commissions received through August 3, 2006 were received into record.

PUBLIC COMMENTS

Ray Densmore, 3864 Reamer Road, commented on issues with pole and light installation by his place of business at Saginaw and Genesee Streets.

CONSENT AGENDA

169 2006 08-07

Moved by Robinet. Seconded by Sprague.

To approve the Consent Agenda for August 7, 2006 resulting in the following:

1. Approval to accept the Fire Department Donation and Budget Adjustment to appropriate funds for the purchase of a Fire Department Robot.
2. Approval of Special Event from Lapeer Pregnancy & Family Care Center for Walk-A-Thon to be held October 21, 2006.
3. Approval of Special Event from United Way of Lapeer County for 4th Annual United Way Chili Cook Off to be held September 7, 2006.
4. Approval of Taxi Cab License #2006-01 for L.A. Taxi.
5. Approval of a 2006 GMC Sierra 1500 4WD Pick-up from Red Holman Pontiac GMC for a total amount of \$18,359 to be paid from Fund 661-580-976000.

MOTION CARRIED.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

Adams Street Reconstruction Project – Special Assessment #2006-01

City Assessor Tom Hubbell reviewed the special assessment district and cost analysis.

Mayor Treece opened the public hearing at 6:38 to hear comments from the citizenry regarding the Special Assessment Roll for Special Assessment #2006-01 Adams Street Reconstruction Project.

Kyle Clements, 644 Adams Street, passed out information to the Commission and commented on the survey he conducted and results, that City should pay for entire project, Turrill Road special assessment, read from a letter signed by Margaret Witham, that some areas already have curb and gutter, traffic issues, and asked questions regarding special assessment and maintenance programs, special assessments instead of normal taxing, accounting of City traffic to cemetery, what will be done regarding traffic speeds, paying for street improvements, and how this works with the City's master plan.

Beth Clements, 644 Adams Street, read a letter from Mary Welch at 634 Adams Street.

F. Reichenbach, representing Mary Snoddy at 347 Harrison Street, commented on the information sent regarding tree removal.

Mayor Treece closed the public hearing at 6:48 p.m.

Discussion was held regarding Turrill Street and TIFA Districts, special assessment process, street improvement process, state deferment availability, major and local street differences, benefit area, consistence in special assessment process, levy of bonds, that cemetery fencing costs are not included within the project, local street revenue from the state, and that one half of a mill is set aside for street improvements.

170 2006 08-07

Moved by Sprague. Seconded by Farrington.

To approve Resolution #5 confirming the roll regarding Special Assessment #2006-01 for the Adams Street Reconstruction Project.

RESOLUTION NUMBER 5

ADAMS STREET RECONSTRUCTION PROJECT

City of Lapeer

County of Lapeer, Michigan

Special Assessment District No. 2006-01

WHEREAS, the City Commission has met after due and legal notice and reviewed the Special Assessment Roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll, the Commission deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$393,058.00 is hereby confirmed and shall be known as Special Assessment Roll No. 2006-01.

2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2006 and the remaining installment shall come due in consecutive order, one each year (not to exceed ten (10) years in total), on the 1st day of October beginning with the year 2006.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2006. Provided, however, in the event bonds are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said special assessment bonds payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon
4. The City Clerk be and is hereby directed to endorse the date of his confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by the City Charter and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments, or any installment thereof, have become due, to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
5. 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 Sprague, Farrington, Marquardt, and Robinet.

NAYS: None.

ABSENT: Commissioner Turkelson.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Liberty Street Reconstruction Project – Special Assessment #2006-02

City Assessor Tom Hubbell reviewed the cost analysis of special assessments.

Mayor Treece opened the public hearing at 7:07 p.m. to hear comments from the citizenry regarding Special Assessment #2006-02 Liberty Street Reconstruction Project.

Richard Fassezke, 1581 Liberty Street, commented on front footage differences, agrees with Mr. Clements, storm water and water issues, feels that special assessment to property owners would pay for the construction costs, City cemetery is most of project, and asked questions regarding cemetery road, sidewalk replacement, frontage from front yards, feels that the assessments are unfair, and does not feel that the street needs replacement.

F. Reichenbach, representing Mary Snoddy at 347 Harrison Street, commented on traffic flows, tree removal, and that project is not a benefit to property owners.

Sandra Love, 1628 Liberty Street, commented that she lived in the area for 20 years and traffic issues.

George Marcou, 351 Adams, commented on cemetery costs, that the Perkins property is not paying 50% of their share, homes on Adams Street that are not assessed, that curb and gutter are already in this area, and that the majority of the project should be the cemetery.

Donald Love, 1628 Liberty Street, commented that not much property would be maintained in the front of their property, tree removal, and how much property was the City going to take, necessity, and road issues on the east side of cemetery.

Gordon Perkins, 3037 Newark Road, passed out a letter to the Commission and commented on payment of special assessment upon sale of the property, loan on project, cemetery issues, zoning on his property, and assessment of his property that sits on a corner lot.

Bob Morningstar, 644 Jefferson Street, commented on payment of special assessment upon sale of the property.

Diane Larkin, 166 N. Court Street, commented on programs that could possibly cover this type of assessment and possible grant monies available.

Mayor Treece closed the public hearing at 7:20 p.m. and reopened the public hearing to hear comments from a citizen.

Dr. Johnson, 1108-1110 Liberty Street commented on patients request to buy their property, agrees with others on special assessment, improvements are municipality responsibility, the project is not essential to the people, traffic concerns, and that the project is not wanted.

Mayor Treece closed the public hearing at 7:24 p.m.

Discussion was held regarding Perkins costs analysis and property use, lineal frontage picked up by the City, front footage analysis, side lot consideration, utility costs, cemetery assessment paid by City, policy request to Commission requesting pay off of assessment upon sale of the property, negotiation of pay off between buyer and seller of property, safety and traffic flow, consideration of street improvement process, that cemetery fencing is not included in the project, right-of-way issues, communication of project implementation and preconstruction meeting notices to effected citizens, road issues in the project, and commercial and residential assessment cost analysis.

171 2006 08-07

Moved by Farrington. Seconded by Robinet.

To change the special assessment cost for the Harrison vacant lot owned by Gordon Perkins as a residential use and not commercial and direct the City Assessor to reflect the corrected amount on Special Assessment Roll #2006-02.

MOTION CARRIED.

172 2006 08-07

Moved by Sprague. Seconded by Marquardt.

To approve the amended roll and Resolution #5 confirming the roll regarding Special Assessment #2006-02 for the Liberty Street Reconstruction Project.

RESOLUTION NO. 5

LIBERTY STREET RECONSTRUCTION PROJECT

City of Lapeer
County of Lapeer, Michigan

Special Assessment District No. 2006-02

WHEREAS, the City Commission has met after due and legal notice and reviewed the Special Assessment Roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll, the Commission deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in

the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of 465,241.00 is hereby confirmed and shall be known as Special Assessment Roll No. 2006-02.
2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2006 and the remaining installment shall come due in consecutive order, one each year (not to exceed ten (10) years in total), on the 1st day of October beginning with the year 2006.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2006. Provided, however, in the event bonds are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said special assessment bonds payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. The City Clerk be and is hereby directed to endorse the date of his confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by the City Charter and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments, or any installment thereof, have become due, to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
5. 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 Sprague, Marquardt, Farrington, and Robinet.

NAYS: None.

ABSENT: Commissioner Turkelson.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Park Street Reconstruction Project – Special Assessment #2006-03

City Assessor Tom Hubbell reviewed the cost analysis of special assessments.

Mayor Treece opened the public hearing at 7:48 p.m. to hear comments from the citizenry regarding Special Assessment #2006-03 Park Street Reconstruction Project.

Ron Koyl, 1223 W. Park Street, commented on how the project improvements would increase property taxes, assessment value, and possible income tax deductions.

Valerie Koyl, 1223 W. Park Street commented on payments and credit should project be under cost.

Mayor Treece closed the public hearing at 7:50 p.m.

Discussion was held regarding equalized and taxable value, that the assessment is not an income tax deduction, project costs and credits, billing process, time frame of project, and bond payments.

173 2006 08-07

Moved by Robinet. Seconded by Farrington.

To approve Resolution #5 confirming the roll regarding Special Assessment #2006-03 for the Park Street Reconstruction Project.

RESOLUTION NO. 5
PARK STREET RECONSTRUCTION PROJECT

City of Lapeer
County of Lapeer, Michigan

Special Assessment District No. 2006-03

WHEREAS, the City Commission has met after due and legal notice and reviewed the Special Assessment Roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll, the Commission deems said special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of 81,407.00 is hereby confirmed and shall be known as Special Assessment Roll No. 2006-03.
2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2006 and the remaining installment shall come due in consecutive order, one each year (not to exceed ten (10) years in total), on the 1st day of October beginning with the year 2006.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2006. Provided, however, in the event bonds are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said special assessment bonds payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. The City Clerk be and is hereby directed to endorse the date of his confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by the City Charter and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments, or any installment thereof, have become due, to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.

5. 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, Marquardt, and Sprague.

NAYS: None.

ABSENT: Commissioner Turkelson.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Brief discussion was held regarding traffic study for the project areas and review related issues.

ADMINISTRATIVE REPORTS

2005 Capital Improvement Project – includes the following projects.

1. Water Main Liberty/Park/Suncrest
2. Adams Street Reconstruction Project
3. Liberty Street Reconstruction Project
4. Park Street Reconstruction Project
5. Sanitary Sewer

174 2006 08-07

Moved by Marquardt. Seconded by Sprague.

To approve the bid received by A.W.E., Inc. for construction of the 2005 Capital Improvement Project in the amount of \$972,547.92 and the sale of the bonds for this project.

MOTION CARRIED.

Saginaw Street Right Turn Lane Project

175 2006 08-07

Moved by Sprague. Seconded by Robinet.

To approve the Engineering Agreement with Rowe, Inc. for Design Services for the Saginaw Street Right Turn Lane Project.

MOTION CARRIED.

Rezoning Request by Lapeer Regional Medical Center – 1259 Barry Drive

Commissioner Sprague introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, G., Number 78, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

78. The following property, formerly zoned One Family Residential District (R-4), is hereby rezoned to Office Service District (OS-1).

City of Lapeer, Knollwood #1, Lots 11, 12, 13 & 14 BLK B (L-1 P=93 Sec 32, T8N-R10E) & part of W ½ Sec 32 T8N, R10E, Com W 1/4 PST, thence S89°01'07"E 355.37 feet; thence S89°30'43"E 125.06 feet; thence S00°08'23"E 462.05 feet; thence 243.8 along C to R (R=484.82 A=28°48'44" LC=S82°57'29"E 241.24 feet); thence S56°42'E 120 feet; thence S12°15'46"W 68.72 feet; thence N46°56'18"W 9.41 feet; thence S43°32'W 153.94 feet; thence S26°47'36"E 210.55 feet; thence S00°02'09"W 108.08 feet; thence

S85°27'51"W 250.72 feet; thence S70°01'16"W 52.43 feet; thence S51°00'05"W 634.47 feet; thence N00°08'44"E 1470.05 to point of beginning."

Special Assessment Policy

Director of Services Paul Boucher reviewed the proposed Special Assessment Policy. Discussion was held regarding issues with sale of property, lot splits, and payment of special assessments, negotiation of payment in full between buyer and seller, the number of issues regarding payments, and process of delinquent installments to tax roll.

176 2006 08-07

Moved by Sprague. Seconded by Robinet.
To table the Special Assessment Policy to the next meeting.
MOTION CARRIED.

Mayor Treece left the room at 8:15 p.m.

363 Oriole Purchase Agreement

177 2006 08-07

Moved by Robinet. Seconded by Farrington.
To approve the Purchase Agreement for 363 Oriole Street and authorize the Mayor and City Manager to sign the required documents.
MOTION CARRIED.

Mayor Treece returned at 8:17 p.m.

Liquor License Transfer – LaRaza, Inc. to Abruzzo Restaurants

178 2006 08-07

Moved by Robinet. Seconded by Sprague.
To approve the State of Michigan Department of Labor and Economic Growth Liquor Control Commission Resolution to transfer license from LaRaza, Inc. to Abruzzo Restaurants, Inc.

REQ ID #334313

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

RESOLUTION

Moved by Commissioner Robinet and supported by Commissioner Sprague that the request from Abruzzo Restaurants, Inc. to transfer ownership of 2006 Class C licensed business (MCL 436.1521(1); Downtown Development Authority License; non-transferable), located in escrow at 286 W. Nepessing, Lapeer, MI 48446, Lapeer County, from LaRaza, Inc.: transfer location to 350 N. Court, Lapeer, MI 48446, Lapeer County; and request a new entertainment permit.
be considered for approval.

	APPROVAL		DISAPPROVAL
Ayes:	Commissioners Robinet, Sprague, Marquardt, Farrington.	Ayes:	None
Nays:	None	Nays:	None
Absent:	Commissioner Turkelson	Absent:	None

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

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT:

City Manager Kerbyson commented that telephone calls were received by City residents regarding an emergency in the City, that there was no emergency in the City, that notification was immediately sent to radio stations, and thanked the radio stations for their attention to the matter.

CITY ATTORNEY'S REPORT:

Chapter 21 (Wastewater Treatment Charges) – Ordinance Amendment

179 2006 08-07

Moved by Sprague. Seconded by Farrington.

To adopt the amendment to Chapter 21 (Wastewater Treatment Charges), Section 21.06, of the General Ordinances 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 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

21.07 Unchanged.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Turkelson.

MOTION CARRIED. AMENDMENTS TO CHAPTER 21 ADOPTED.

Chapter 22 (Water Regulations) – Ordinance Amendment

180 2006 08-07

Moved by Sprague. Seconded by Robinet.

To adopt the 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 to 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.

ON A ROLL CALL VOTE

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

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Turkelson.

MOTION CARRIED. AMENDMENTS TO CHAPTER 22 ADOPTED.

BILL LISTING

181 2006 08-07

Moved by Sprague. Seconded by Marquardt.

To approve the Bill Listing for August 7, 2006 in the amount of \$1,398,754.58.

MOTION CARRIED.

UNFINISHED BUSINESS:

182 2006 08-07

Mayor Treece appointed. Moved by Robinet. Seconded by Farrington.

To appoint the following:

Planning Commission Carmen Turkelson for a term expiring August 1, 2009.

Planning Commission Jenell RaCasta for a term expiring August 1, 2009.

MOTION CARRIED.

City Attorney Ron Shamblin provided an update regarding Marcelli vs City of Lapeer and Michael's Restaurant. Brief discussion was held regarding Planning Commission process of Michael's Restaurant and site plan review.

PUBLIC COMMENTS:

Construction Code Authority – Request to discuss Lapeer Building Department

Commissioner Robinet commented that the Construction Code Authority would like to set up a meeting with Board Representatives Amy Planck and Ron Cischke, CCA Director Bob Gotchalk and the City Manager and appropriate department heads as soon as possible.

John Stahl, State Representative for the 82nd District commented on his concerns regarding letter received August 4 from representatives of the City, public body use of jurisdiction to sway election, no record of minutes for decision made in letter, his voting record is on file, that he did not sponsor or cosponsor cable legislation, that his concerns are for the people, misuse of Open Meetings Act, press advised by email prior to his receipt of the letter dated August 4, and that the public body misused taxpayer money.

Benjamin Stahl, 1860 Garden, commented that he was contacted by the County Press regarding the letter before it was received by State Representative John Stahl, and asked questions regarding the letter, when was the meeting to decide not to endorse, and when was the decision made and addressed.

Discussion was held that the City was not in violation of the Open Meetings Act. The City Attorney commented that he was not involved in the letter until it was sent out, and would have advised to avoid appearance that the letter was a violation of the Open Meetings Act. Discussion was held regarding individual email to ask Commissioners if wording of the letter would address personal issues, and that there was no discussion of wording, content, or collaboration.

Benjamin Stahl asked the City Attorney if he had read the letter, that it was done on City letterhead, and that the City of Lapeer cannot endorse such a letter. The City Attorney responded that he would not have advised the use of City letterhead.

City Manager Kerbyson commented that there was no violation of the Open Meetings Act, Michigan Municipal League issues that follow Representative Stahl's stance on cable legislation and revenue sharing, that the letter did not say he co-sponsored or sponsored cable legislation but that he supported it despite the City's strong objection to the legislation.

State Representative Stahl commented that he was on record for voting for state revenue sharing, that City representatives did not address Senator Gilbert regarding these issues, and State budget issues. City Manager Kerbyson responded that Representative Stahl voted for increased revenue sharing in committee but not when the final budget was approved, therefore, those votes were meaningless.

Discussion was held regarding that State Representative Stahl made the letter a bigger confrontation that what was started with, why would State Representative Stahl not advocate for City bodies, why would State Representative Stahl not respond to concerns raised by the City, that the City of Marysville advocated their Mayor running against Senator Gilbert, why State Representative Stahl would not work with the City, personal views of the Commission, budget, revenue sharing, and cable franchise issues that State Representative Stahl would not back up city bodies concerns, and article in the press regarding Stahl's demeaning statements at Democratic/Republican Commissioners.

DEPARTMENTAL COMMUNICATIONS:

Departmental communications regarding Gallery 194 – Michigan Municipal Award, Monthly Financial Reports for May and June 2006, and Investment Report for the Quarter Ending June 30, 2006 were received into record.

MAYOR/COMMISSIONER COMMENTS:

Comments were made regarding Mr. Densmore and issues regarding loss of business time during the lights and pole installation, special assessments and the review of other means for road improvements, Gallery 194 recognition with the Michigan Municipal League Award, recognition to the Housing Department and Audubon Park grand opening, cooperation by residents for street improvements, letter from Hogan and Kipke regarding golf course, that the City Commission has not approved a golf course project, and that the consulting firm was hired to review golf course potential and costs.

ADJOURNMENT

183 2006 08-07

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

The meeting adjourned at 8:56 p.m.

Charles D. Treece, Mayor

Donna L. Cronce, City Clerk