

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

October 6, 2008

A regular meeting of the Lapeer City Commission was held October 6, 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.
City Attorney Representative Bill Ogden.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

244 2008 10-06

Moved by Robinet. Seconded by Farrington.
To approve the Agenda for October 6, 2008 as presented.
MOTION CARRIED.

MINUTES

245 2008 10-06

Moved by Bostick-Tullius. Seconded by Marquardt.
To approve the minutes from the Regular Meeting held on September 15, 2008.
MOTION CARRIED.

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

CONSENT AGENDA

246 2008 10-06

Moved by Robinet. Seconded by Marquardt.
To approve the Consent Agenda for October 6, 2008 resulting in the following:

1. Approval of Budget Adjustments to re-appropriate Water and Wastewater Fund project balances into the new fiscal year for Project 18350 for the SCADA (Water Fund) and Project 18390 for the Sanitary Main Lining (Wastewater Fund).
2. Approval of Newton Crane Roofing, Inc. for the Roof Replacement Installation at the Wastewater Treatment Plant in the amount of \$81,100.00 and authorize the Director of Public Works to sign the required documents.
3. Approval of Vehicles and Equipment to be Auctioned from the Department of Public Works.

MOTION CARRIED.

BILL LISTING FOR OCTOBER 6, 2008

247 2008 10-06

Moved by Robinet. Seconded by Farrington.
To approve the Bill Listing for October 6, 2008 in the amount of \$761,347.48.
MOTION CARRIED.

PUBLIC COMMENTS

Paul St. Louis, 100 Edgewood Lane, commented on the M-24/I-69 development area and encouraged the Commission to look at community needs, unemployment factors, mortgage foreclosures, job market in alternative energy, the ability to work with local

agencies and nonprofit organizations, and to take a proactive step in plans to move forward with the development area.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Proclamation: National Family Caregivers Month, November 2008

248 2008 10-06

Moved by Robinet. Seconded by Bennett.

To approve the Proclamation of National Caregivers Month, November 2008.

CITY OF LAPEER
Proclamation of National Family Caregivers Month
November 2008

WHEREAS, During this season of thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a City, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly, or disabled. Caregivers reflect family and community life at its best; and

WHEREAS, The need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer; and

WHEREAS, Family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, health care, religious, social, business, and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, do recognize the week of Month of November 2008 as National Family Caregivers Month in the City of Lapeer.

Dated this 6th day of October, 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

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

Mayor Sprague opened the public hearing at 6:36 p.m. to hear comments regarding the preliminary special assessment roll dated September 15, 2008 for the M-24/I-69 Corridor Utility Project, Special Assessment District #2008-04.

Michael Jablonski, representative of JPT Acquisitions, thanked City Manager Dale Kerbyson for discussions on the project area, that clients have signed the requested affidavit, look forward to working together on the project, questioned if the project would be completed in one phase, and thanked the Commission for their time.

Richard Sullivan, representative of the Lashbrook Family, commented that the requested affidavit had been signed and consented to the project.

Ed Weberman, representative of RACO, thanked the Commission for consideration of the project and that the requested affidavit had been signed.

There being no further comments, Mayor Sprague closed the public hearing at 6:38 p.m.

City Manager Dale Kerbyson commented that Dr. Kevin Robertson had purchased the Roach property, introduced him to the Commission, and that he needed to sign the affidavit. Dr. Robertson proceeded to sign the affidavit.

249 2008 10-06

Moved by Robinet. Seconded by Bostick-Tullius.

To approve Resolution #5 confirming the preliminary roll dated September 15, 2008 regarding the M-24/I-69 Corridor Utility Project, Special Assessment District #2008-04.

RESOLUTION NO. 5

M-24/I-69 Corridor Utility Project

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

WHEREAS, the City Commission has met after due and legal notice and reviewed the preliminary Special Assessment Roll dated September 15, 2008 and prepared same 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 preliminary Special Assessment Roll dated September 15, 2008, the Commission deems said preliminary special assessment roll dated September 15, 2008 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, dated September 15, 2008, as prepared by the City Assessor in the amount of \$11,116,155.96 is hereby confirmed and shall be known as Special Assessment Roll No. 2008-04.
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, 2009 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 2009.
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, 2009. 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 this 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, Bostick-Tullius, Bennett, Marquardt, and Farrington.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04; Special Benefit/Proportionate Assessment Proposals.

No action was taken.

Police Canine

250 2008 10-06

Moved by Robinet. Seconded by Bennett.

To approve the retirement of canine Ali from departmental use and sold by agreement to Officer Shawn Broecker for \$1.00 and authorize the City Attorney to approve such agreement language and authorize the Police Chief to sign required documents.

MOTION CARRIED.

Lapeer Township Fire Inspection Services Agreement

251 2008 10-06

Moved by Robinet. Seconded by Bennett.

To approve the City of Lapeer – Lapeer Township Fire Inspection Services Agreement and authorize the Mayor and City Manager to sign required documents.

MOTION CARRIED.

Chapter 7 (Zoning Ordinance) Rezoning Request: westerly portion of Rolling Hills Golf Course

Commissioner Robinet introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03., G., Number 91, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

91. The following property, formerly conditionally zoned RM Multiple-Family District, is hereby rezoned to R-4 One-Family Residential:

Part of the East ½ of Section 1, T7N, R9E, City of Lapeer, Desc as: Beginning at the E1/4 Corner of Sec 1, th N89°57'50"W 910.15 ft to the E line of Essex Subdivision; th S10°07'00"W 294.22 ft along the E line of Essex Subdivision to the N 60.00 ft right-of-way line of Genesee St (M-21); th along the N 60.00 ft right-of-way line of Genesee St along the arc of a 541.26 ft curve to the left, a radius of 1970.08 ft, delta 15°44'28.9"; th N61°29'00"E 1398.26 ft to the N-S ¼line of Sec 1; th N00°52'30"E 432.57' along the N-S ¼ line of Sec 1, th S61°28'33"W 656.49 ft to the Point of Beginning; th S28°31'06"E 376.87 ft; th S61°28'30"W 200.00 ft; th S28°31'33"W 676.50 ft; th S28°31'30"E 189.99 ft to the N 60.00 ft right-of-way line of Genesee St (M-21); the along the N 60.00 ft right-of-way line of Genesee St S61°29'00"W 195.73 ft; th N01°08'52"E 1733.48 ft; th S88°56'33"W 723.38 ft; th S88°56'44"W 599.99 ft; th N01°03'01" 669.02 ft; th N88°56'43"E 2495.67 fto to the SW corner of Rolling Hills Subdivision No. 3; th Southwesterly 1645± ft to the Point of Beginning. Containing 64+/- acres.

Chapter 7 (Zoning Ordinance) Rezoning Request: 538 Imlay City Road

Commissioner Farrington introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03., G., Number 92, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

92. The following property, formerly conditionally zoned I-1 Industrial District, is hereby rezoned to B-2 General Business District:

City of Lapeer Rood's Paved Way Plat Lot 1.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on the attendance to the Michigan Municipal League Conference and that he was elected to serve on the Michigan Municipal League Board of Trustees.

CITY ATTORNEY'S REPORT

Easements:

Triple G Development – Lapeer LLC (Rite-Aid) Permanent Water Main Easement for Construction and Maintenance.

Jymar Enterprises, LLC (373 Lake Nepessing Road), Permanent Sidewalk Easement and Permanent Water Main Easement for Construction and Maintenance

252 2008 10-06

Moved by Robinet. Seconded by Farrington.

To approve and accept the Easements from Triple G Development – Lapeer LLC (Rite-Aid) for a Permanent Water Main Easement for Construction and Maintenance and Jymar Enterprises, LLC (373 Lake Nepessing Road) for a Permanent Sidewalk Easement and Permanent Water Main Easement for Construction and Maintenance.

MOTIN CARRIED.

UNFINISHED BUSINESS

No Board appointments were made.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bostick-Tullius commented on the "Voices of Legends" scheduled at the art center and student artwork to be honored from the school district.

Commissioner Farrington commented on the Goals and Objectives meeting scheduled for November 7th and receipt of information, project steps regarding the M-24/I-69 development area, and placement of speed limit sign for the school zone on Millville Road.

Commissioner Bennett thanked the Commission for electing him to attend the Michigan Municipal League Conference. The conference was very informative and provided him with the ability to exchange ideas with other Commissioners, City Managers, and Mayors from other jurisdictions.

City Manager Dale Kerbyson thanked Capstone Realty Resources, Burgoyne Appraisal, Integra Realty, and Andrew Reed and Associates for their time and effort in providing a

Special Benefit/Proportionate Assessment Proposals for the M-24/I-69 project area and commented on fire prevention week.

City Attorney Representative Bill Ogden commented on the attendance of the City Attorney during the Goals and Objectives meeting. Mayor Sprague responded that attendance was not mandatory but if the City Attorney or a representative would like to attend the meeting they would be welcomed.

Mayor Sprague commented on the budget process, to not spend money from the General Fund, and to review the status of revenues on a regular basis. Further comments were made on maintaining a sense of urgency in keeping the project moving along for the M-24/I-69 area and that he will be absent from the next Commission meeting.

ADJOURNMENT

253 2008 10-06

Moved by Bennett. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 6:57 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk