

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

JULY 20, 2009

A regular meeting of the Lapeer City Commission was held July 20, 2009 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 Michael Nolan.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

135 2009 07-20

Moved by Robinet. Seconded by Marquardt.
To approve the Agenda for July 20, 2009.
MOTION CARRIED.

MINUTES

136 2009 07-06

Moved by Marquardt. Seconded by Bennett.
To approve the minutes from the Regular Meeting held on July 6, 2009.
MOTION CARRIED.

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

CONSENT AGENDA

Commissioner Robinet questioned Item B-2 as to why Habitat for Humanity doesn't buy 1275 First Street themselves, why does the City need to purchase it and then sell it to them? City Manager Dale Kerbyson indicated this home is offered to municipalities first through the County Treasurers office and then goes to auction. If it goes to auction, Habitat is not guaranteed to purchase the home. Commissioner Bostick-Tullius requested the Consent Agenda items be voted on separately, as she would have to abstain from the vote for the disposition of 1275 First Street due to being on the Habitat Board.

M-24/I-69 Corridor Utility Project: Sanitary Sewer Lift Stations, Instrumentation and Controls Construction Engineering Services.

137 2009 07-20

Moved by Robinet. Seconded by Bostick-Tullius.
To approve the Instrumentation and Controls Construction Engineering Services with Tetra Tech in the amount of \$10,400 for the M-24/I-69 Corridor Utility Project Sanitary Sewer Lift Stations and authorize the Director of Public Works to sign required documents.
MOTION CARRIED.

Disposition of 1275 First Street, County Treasurer Tax Foreclosure.

138 2009 07-20

Moved by Marquardt. Seconded by Robinet.

To approve the purchase 1275 First Street from the County Treasurer for \$6,500.00 with the intent to sell the property immediately in an "as is" condition to Habitat for Humanity of Lapeer County in the amount of \$6,500.00 plus \$500.00 administrative costs and authorize City Manager to sign required documents.
MOTION CARRIED.

BILL LISTING FOR JULY 20, 2009

139 2009 07-20

Moved by Robinet. Seconded by Farrington.

To approve the Bill Listing for July 20, 2009 in the amount of \$628,059.16.

MOTION CARRIED.

PUBLIC COMMENTS

Lapeer County 4-H Youth Conservation Council Presentation.

Patricia Waugh from the Michigan State University Extension indicated she would like her group of youths to give a presentation Food and our Environment. Ricky Tanis introduced the purpose of the council and its focus on Local Food and the Environment and the Environmental Impact; Ariel Abbey covered What is Local Food and Why Buy Local Food; Lauren Nebel covered Environmental Benefits; Adrienne Heeke covered the Health Benefits of Local Food; Shauna Murphy covered the Economic Benefits; and Michael Hintz covered the Buying Local it's a Win-Win Situation. Adrienne Heeke requested the City Commission help with distribution of brochures and pay for the reproduction of a 1,000 brochures in the amount of \$167.30.

140 2009 07-20

Moved by Bennett. Seconded by Robinet.

To approve reproduction of 1,000 4-H Youth brochures in the amount of \$167.30.

MOTION CARRIED.

It was the general consensus of the City Commission to help distribute the brochures by placement in City buildings.

Gallery 194 Fund Raiser

Carolyn McCarter, Gallery 194 Director, distributed flyers inviting the City Commission to the Garden Art Fund Raiser for the Elevator Fund for the Gallery 194. Commissioner Robinet questioned if there would be a tour set up for the older homes in the City of Lapeer, Carolyn McCarter indicated there could be a possibility of arranging this in the future.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Resolution: Lapeer Optimist Club – Beer Tent at Lapeer Days.

141 2009 07-20

Moved by Bostick-Tullius. Seconded by Marquardt.

To approve the Resolution for the Lapeer Optimist Club – Beer Tent at Lapeer Days:

CITY OF LALPEER
RESOLUTION
Lapeer Optimist Club

Moved by Bostick-Tullius and supported by Commissioner Marquardt that the request to authorize the Lapeer Optimist Club to use the City sidewalks and

Cedar Street north of Nepessing Street for their beer tent on Friday, August 21, 2009 through Sunday August 23, 2009, be approved.

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

It is the consensus of this legislative body that the request be approved by the State Of Michigan, Department of Consumer & Industry Services, Liquor Control Commission.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Proclamation of Charlie Mann.

142 2009 07-20

Moved by Robinet. Seconded by Bennett.

To approve the Proclamation for Charlie Mann.

PROCLAMATION
CITY OF LAPEER
In Recognition of Charles Mann

WHEREAS, Charles Mann began his employment with the City of Lapeer through the CETA Program and became a full time employee as Operator Trainee on April 4, 1984; over the course of employment various promotions include Plant Operator in August 1985; Chief Operator on December 6, 1994; and currently serves as Wastewater Treatment Plant Superintendent since August 12, 1997; and

WHEREAS, He has shown dedication in enhancing his knowledge in a specialized field by obtaining a Class D Operators License in August of 1985, Class C Operators License in 1996, numerous certificates and college courses; and Class B Operators License in August 1992; and

WHEREAS, Charles Mann is an individual of great personality and skill and has given conscientious service to the citizens of the City of Lapeer in accepting responsibility with professionalism and competence; and

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 Charles Mann for his efforts and devotion to public service and wish him continued success in all his endeavors.

Dated this 17th day of July, 2009.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Chapter 3 (Food and Health Ordinance) Amendment.

143 2009 07-20

Moved by Robinet. Seconded by Bennett.

To approve the amendment to Chapter 3 (Food and Health Ordinance), Section 3.02, Noxious Weeds, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

3.02 NOXIOUS WEEDS.

- (A) Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the city are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.
- (B) It shall be unlawful for anyone having control of property in the City of Lapeer, whether as owner, owner's agent, or occupant, to permit poison ivy, poison sumac, poison oak, or other plants injurious to health, to grow where they may cause injury or discomfort to any person or to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight (8) inches anywhere in the city; any such plants or weeds exceeding such height are hereby declared to be a nuisance.
- (C) It shall be the duty of any persons having control of property in the City of Lapeer, whether as owner, owner's agent, or occupant, within two hundred (200) feet of streets, public right-of-ways or improved property, public or private, to cause to be cut or destroyed all noxious weed or other weeds, grass, brush, or uncontrolled tree growth which are the height of eight (8) inches or more in such manner as shall effectually prevent such weeds from bearing seeds or spreading to adjoining property, as often as may be necessary from May 1st through October 31st each year.
History: (Amnd 04-10-96;-)
- (D) No person, after having been notified by the code enforcement officer, shall permit or cause to be maintained upon his or her premises a public nuisance as defined in subsection A of this section.
- (E) It shall be the duty of the owner, owner's agent or occupant in charge of any land in the City of Lapeer to remove from that land any plant material specifically listed in paragraph (B) above or weeds of eight (8) or more inches in height within seven days, Sundays and legal holidays excepted, after notice to do so.
- (F) Whenever there are upon any defined lands within the municipality, the plant material specifically listed in paragraph (B) above or weeds of eight (8) or more inches in height, and no person can be found in the City of Lapeer who either is or claims to represent the owner, the City Manager shall give notice by publication once in one newspaper of general circulation in the City, requiring the removal of the weeds. The notice shall specify the land from which weeds are to be removed, the character of the work to be done and the time allowed for doing the same.
- (G) If the plant material specifically listed in paragraph (B) above or weeds are not removed as provided and within the time so specified by the notice required by subsection (F) of this section, it shall be the duty of the City Manager to cause their removal and the owner of the property shall be held liable to the municipality for the cost incurred for the removal of the plant material or weeds, including the cost of advertising.
- (H) If any such person, firm, or corporation shall fail to comply with the provisions of this Section, the City may proceed to abate such

nuisance, keeping an account of the expense of the abatement, and such expense shall be presented to the City Treasurer with a minimum of one hour per lot or parcel, plus the actual cost of inspection, scheduling, and any other associated cost.

- (I) The City Treasurer shall add to all said accounts, twenty (20) percent of the amount of all such expenditures to cover the administrative costs of the Treasurer and said total charges shall immediately constitute a lien and tax upon the land upon which work was performed. The City Treasurer shall forward a statement of the total charges assessed on each parcel of property to the owner as shown by the last current assessment or tax roll and said assessment shall be payable within thirty (30) days without additional cost. If said assessments are not paid within thirty (30) days a penalty of ten (10) percent shall be added, and the total amount of the assessments and penalty will be transferred or reassessed upon the next City tax roll. The City Treasurer shall, on or before the thirty-first (31st) day of May of said year, prepare a report of all parcels of property upon which said assessments have been placed upon the City tax roll and which shall be collected and paid in all respects as provided for the collection of County taxes. When these assessments are collected they shall be paid into the City Treasury to reimburse the outlay therefrom as hereinbefore provided.
- (J) The City Clerk shall on or before the thirtieth (30th) day of April of each year give notice of the requirements and provisions of this Ordinance by causing notice thereof published once a week for two (2) successive weeks in a newspaper of general circulation in the City of Lapeer. The foregoing notice shall be in substantially the following form:

**CITY OF LAPEER
NOTICE OF PROVISIONS OF
NOXIOUS WEED ORDINANCE**

**TO ALL OWNERS, OWNER'S AGENTS, OR OCCUPANTS OF
PROPERTY:**

Notice is hereby given that in accordance with Ordinance 3.02 of the City of Lapeer, all noxious weeds, or other weeds, grass, brush or uncontrolled tree growth which are a height of eight (8) inches or more growing upon any property in the City, shall be cut down, destroyed, or removed as the case may be, as often as may be necessary from May 1st through October 31st each year.

In case any owner, owner's agent, or occupant shall fail or refuse to comply with the above mentioned Ordinance the City may cause said weeds, grass, brush, or uncontrolled tree growth, to be cut down, destroyed or removed. All expenses incurred by the City will be charged against the property and will be collected in the manner provided in said ordinance.

CITY CLERK

- (K) Any person, firm or corporation violating any provision of this Ordinance shall be responsible for a civil infraction and/or a civil action for abatement of nuisance.

EFFECTIVE DATE OF AMENDMENT: April 10, 1996.

ON A ROLL-CALL VOTE:

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

Farrington.
NAYS: None.
ABSENT: None.
MOTION CARRIED. AMENDMENTS TO CHAPTER 3 ADOPTED.

Authorization Work Plan and Grant Agreement; Polling Place Accessibility Improvement Program.

144 2009 07-20

Moved by Robinet. Seconded by Marquardt.
To approve the Authorized Work Plan and Grant Agreement, Polling Place Accessibility Improvement Program under the Help America Vote Act (HAVA) and authorize the City Clerk to sign associated documents.
MOTION CARRIED.

Energy Systems Group, LLC: Addendum No. 2 to Guaranteed Energy Savings Performance Contract.

145 2009 07-20

Moved by Marquardt. Seconded by Bostick-Tullius.
To approve the Energy Systems Group, LLC: Addendum No. 2 to Guaranteed Energy Savings Performance Contract and authorize the City Manager to sign required documents.
MOTION CARRIED.

Guaranteed Energy Savings Performance Contract Financing Amendment.

146 2009 07-20

Moved by Farrington. Seconded by Marquardt.
To approve the Addendum to the Installment Purchase Agreement regarding the Energy Systems Group, LLC, Guaranteed Energy Savings Performance Contract and authorize the Mayor, City Manager, and City Clerk to sign all resolutions, instruments, or documents necessary.
MOTION CARRIED.

Permanent Public Trailway Easement and Agreement for Construction and Maintenance.

147 2009 07-20

Moved by Robinet. Seconded by Bostick-Tullius.
To approve and accept the Permanent Public Trailway Easement and Agreement for Construction and Maintenance from the Lapeer Community Schools for parcel L20-83-324-040-00.
MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson informed the Commission that the City is planning to purchase property next to the Train Depot for \$2,000.00 from the County Treasurer Tax Foreclosure Sale. Brief discussion was held regarding location, size, and ability to build on the property.

Executive Session Request – Other Property Sales

Dale Kerbyson requested an Executive Session to discuss other property sales.

148 2009 07-20

Moved by Robinet. Seconded by Marquardt.

To approve an Executive Session at the end of the Regular Meeting to discuss the sale of City property.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

149 2009 07-20

Mayor Sprague appointed. Moved by Marquardt. Seconded by Robinet.

To appoint the following:

James Mikus	Lapeer Housing Commission for a term ending 08-01-14.
Mary Jo Daum	Lapeer Neighborhoods, Inc. for a term ending 08-01-11.
Donald Miller	Lapeer Neighborhoods, Inc. for a term ending 08-01-11.
Pastor Nik Schillack	Lapeer Neighborhoods, Inc. for a term ending 08-01-11.
Andrew Harrington	Local Development Finance Authority for a term ending 08-01-13.
Dale Kerbyson	Local Development Finance Authority for a term ending 08-01-13.
Gary Phillips	Local Development Finance Authority for a term ending 08-01-13.
Robert Rowden Jr.	Local Development Finance Authority for a term ending 08-01-13.
Bill Ogden	Planning Commission for a term ending 08-01-12.
Jennell RaCosta	Planning Commission for a term ending 08-01-12.

MOTION CARRIED.

Commissioner Bennett inquired if there were any other applicants for these board appointments. City Clerk Donna Cronce responded that any letters of interest for appointment to boards are presented to the appropriate board for consideration and that no letters have been received. It was the general consensus of the Commission to be presented with all applicants by interested parties in board appointments.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports were received into record.

MAYOR/COMMISSIONER COMMENTS

Mayor Sprague introduced Tim Bradshaw from Rowe Engineering and indicated an updated project map was distributed for the Commission's review. Commissioner Robinet questioned whether or not the homes on M-24 could hook up to water? City Manager Dale Kerbyson indicated there is one home, the DiCenso property as they are the only home within the City limits, all other homes would have to annex into the City and pay associated fees.

Commissioner Bennett requested an update on Dr. Roberts property. Mayor Sprague explained there has been a change in the owners plans for the property which are awaiting approval from the Planning Commission. Commissioner Bennett also commented on the widening of Genesee Street and he would like the Commission to receive the last set of minutes from the Cable Advisory meeting.

Commissioner Bostick-Tullius commented on the widening of Genesee Street.

Commissioner Robinet questioned the status on the Saginaw Street project. Dale Kerbyson explained the stimulus money and the delay until next year to finalize this project. Commissioner Robinet also questioned the old bar on Saginaw and would like an update on this property at the next meeting. He thanked Terry Kluge and Todd Alexander for their help on two projects.

Dale Kerbyson indicated the City received a reimbursement of fees from BCBS in the amount of \$100,000.00; received a 27% reduction in workers comp liability insurance; received a check for payment of the 425 Agreement from Mayfield Township in the amount of \$4,700.00.

EXECUTIVE SESSION – Sale of City Property

The Lapeer City Commission convened to an Executive Session to discuss sale of City Property at 7:17 p.m. and returned to its regular meeting at 7:41 p.m.

GLTA - Quick Claim Deed

150 2009 07-20

Moved by Robinet. Seconded by Bennett.

To approve a Quick Claim Deed to GLTA for property adjacent northerly to 230 S. Monroe Street in the amount of \$5,000.00.

MOTION CARRIED.

City Property Sale - Letter of Intent

151 2009 07-20

Moved by Farrington. Seconded by Marquardt.

To authorize the City Manager to pursue a Letter of Intent for sale of City Property located off of DeMille and west of Meijers.

MOTION CARRIED.

ADJOURNMENT

152 2009 07-20

Moved by Bennett.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:42 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk