

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

December 21, 2009

A regular meeting of the Lapeer City Commission was held December 21, 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 Mike Nolan

Absent: None.

Others Present: Deputy City Clerk Tracey Russell; Police Chief Todd Alexander; Fire Chief Terry Kluge; Director of Finance Paul Boucher; City Assessor Tom Hubbell; Planning Director Linda Jackman; Parks, Recreation & Cemetery Director Ray Turczyn; Water Superintendent Pam Reid; Rowe Professional Services Company representatives Doug Skylis; Lapeer County Press representative Jeff Hogan; Lapeer County Commissioner Lenny Schneider; Sonny and Clare Longoria; Melanie DiCenso; Brent Herschberger; Kiwanis Club members Robert Skouyon, Jim McComb, Teresa Johnson and James McQueen.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

243 2009 12-21

Moved by Marquardt. Seconded by Bennett.
To approve the Agenda for December 21, 2009 as presented.
MOTION CARRIED.

MINUTES

244 2009 12-21

Moved by Robinet. Seconded by Farrington.
To approve the minutes from the Regular Meeting and Executive Session held on December 7, 2009.
MOTION CARRIED.

CONSENT AGENDA

245 2009 12-21

Moved by Farrington. Seconded by Bennett.
To approve the Consent Agenda for December 21, 2009 resulting in the following:

1. Approve the purchase of playground equipment from Playworld Midstates for two downtown playgrounds (Annrook Park, \$30,000.00 and Rotary Park, \$26,000.00) and authorize the Parks, Recreation & Cemetery Director to sign required documents and to accept and approve the donation from Lapeer Kiwanis Club in the amount of \$30,000.
2. Approve the budget adjustment for the Downtown Parks Play Equipment as submitted.
3. Approve the purchase of Parks Department Vehicle through the McComb County Purchasing Program, including the plow system for a total cost of \$22,499.00 and authorize the Director of Public Works to sign required documents.
4. Approve the Corporate Authorizing Resolution with Lapeer County Bank & Trust Co. for Certificate of Deposit issued on 12/16/09.

CORPORATE AUTHORIZATION RESOLUTION

Lapeer County Bank & Trust Co
 PO Box 250
 Lapeer MI 48446

By: City of Lapeer
 GO Construction 2009
 576 Liberty Park
 Lapeer MI 48446-2140

Referred to in this document as "Financial Institution" Referred to in this document as "Corporation",

I, Donna L. Cronce, certify that I am Secretary (clerk) of the above named corporation organized under the laws of Michigan, Federal Employer ID Number 38-6004630, engaged in business under the trade name of City of Lapeer, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Directors of the Corporation duly and properly called and held on 12-21-09 for CD issued on 12-16-09. These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below.

Name and Title or Position	Signature	Facsimilie Signature (if used)
A. Paul H. Boucher, Jr. Director of Financial Services		
B. Harry L. Green Manager Accounting & Data Proc.		
C. Donna L. Cronce City Clerk		
D.		
E.		
F.		

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
	(1) Exercise all of the powers listed in this resolution.	
A, B, C	(2) Open any deposit or share account(s) in the name of the corporation.	1
A, B, C	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	1
	(4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences of indebtedness.	
	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	
	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	
	(7) Other .	

LIMITATIONS ON POWERS The following are the Corporation's express limitations on the powers granted under this resolution.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated N/A. If not completed, all resolutions remain in effect.

CERTIFICATION OF AUTHORITY

I further certify that the Board of Directors of the Corporation has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

X If checked, the Corporation is a non-profit Corporation. In Witness Whereof, I have subscribed my name to this document and affixed the seal of the Corporation on June 15, 2009 (date).

 Attest by One Other Officer Secretary

RESOLUTIONS

The Corporation named on this resolution resolves that,
 (1) The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.

- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicate on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification number (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use or alternative signature and verification codes unless otherwise agreed in writing.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

BILL LISTING FOR DECEMBER 21, 2009

246 2009 12-21

Moved by Robinet. Seconded by Bennett.

To approve the Bill Listing for December 21, 2009 in the amount of \$528,899.82.

MOTION CARRIED.

PUBLIC COMMENTS

Lapeer Kiwanis Club – Donation for Downtown Play Equipment.

Director of Parks and Recreation Ray Turczyn indicated we are fortunate to receive donations from Walmart and from the Kiwanis Club to help restore Annrook and Rotary parks. Mr. Turczyn introduced the members of the Kiwanis Club, Robert Skouyon, Jim McComb, Teresa Johnson and James McQueen. Mr. McComb presented the City of Lapeer with a check for \$30,000.00 for park improvements and explained that this is the Kiwanis' legacy project which is to help children.

County Commissioner Lenny Schneider wished everyone a Merry Christmas and Happy New Year. Mr. Schneider indicated it is great to see Lapeer County thrive and see the county moving forward in a positive direction.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Resolution: Lapeer County Intermediate School District Broadband and ARRA Funding.

247 2009 12-21

Moved by Bostick-Tullius. Seconded by Marquardt.

To approve the Resolution In Support Of The Lapeer County Intermediate School District Cooperative Application For Funding Through The American Recovery & Reinvestment Act To Improve Broadband Distribution In Lapeer County.

CITY OF LAPEER
RESOLUTION

IN SUPPORT OF THE LAPEER COUNTY INTERMEDIATE SCHOOL DISTRICT
COOPERATIVE APPLICATION FOR FUNDING THROUGH THE
AMERICAN RECOVERY & REINVESTMENT ACT
TO IMPROVE BROADBAND DISTRIBUTION IN LAPEER COUNTY

WHEREAS, the Lapeer County Intermediate School District will pursue funding for broadband upgrades in Lapeer County through the American Recovery & Reinvestment Act to better serve the businesses and residents of Lapeer County; and

WHEREAS, the City of Lapeer supports the broadband upgrades proposed; and

WHEREAS, the City of Lapeer believes that these upgrades provide vital infrastructure to the businesses and residents of our community; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Lapeer City Commission supports the application of the Lapeer County Intermediate School District for funding through the American Recovery & Reinvestment Act for the broadband upgrades.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Chapter 23 (Income Tax Ordinance) Amendment.

248 2009 12-21

Moved by Robinet. Seconded by Bennett.

To approve the amendment to Chapter 23 (Income Tax Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

- 23.01 ADOPTION BY REFERENCE.
The City hereby adopts by reference the provisions of The City Income Tax Act, Act 284 of 1964, Chapter 2, Uniform City Income Tax Ordinance, as amended in accordance with the provisions of MCL 141.501 et seq., a true copy which is on file with the City Clerk.
- 23.02 Section 31. Exemptions
Section 31(1) An individual taxpayer, in computing his taxable income, is allowed a deduction of six hundred dollars (\$600.00) for each personal and dependency exemption which the taxpayer has under the rules for determining exemptions and dependents as provided in the Federal Internal Revenue Code. The taxpayer may claim his spouse and dependents as exemptions, but if the taxpayer and the spouse are both subject to the tax imposed by this section, the number of exemptions claimed by each of them when added together shall not exceed the total number of exemptions allowed under this section.
- (2) An additional exemption is allowed for each of the following for which the taxpayer qualifies:

- (a) A taxpayer who is a paraplegic, quadriplegic, or hemiplegic, or who is a totally or permanently disabled person as defined in Section 216 of Title II of the Social Security Act, 42 U.S.C. 416.
 - (b) A taxpayer who is blind as defined in Section 504 of the Income Tax Act of 1967, Act No. 281 of the Public Acts of 1967, being Section 206.504 of the Michigan Compiled Laws.
 - (c) A taxpayer who is a deaf person as defined in Section 2 of the Deaf Persons' Interpreters Act, Act No. 204 of the Public Acts of 1982, being section 393.502 of the Michigan Compiled Laws.
 - (d) A taxpayer who is 65 years of age or older.
- (3) An exemption is allowed under subsection 31(1) to a person with respect to whom a deduction under section 151 of the Internal Revenue Code is allowable to another federal taxpayer during the tax year and is therefore not considered to have a federal personal exemption under subsection 31(1).

23.03 This Ordinance shall take effect at 12:01 a.m., January 1, 1967.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 23 ADOPTED.

Industrial Facilities Exemption Certificate: Premium Wood Pellets, LLC.

249 2009 12-21

Moved by Robinet. Seconded by Farrington.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Premium Wood Pellets, LLC that sets a public hearing for January 4, 2010 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER
 RESOLUTION TO SCHEDULE A PUBLIC HEARING
 TO CONSIDER AN APPLICATION FOR AN
 INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
 FOR
 Premium Wood Pellets, LLC
 350 County Center Street

WHEREAS, pursuant to Act 198 of the Michigan Public Acts of 1974, as amended, MCLA Section 207.551 et seq., after a duly noticed public hearing held on May 21, 1990 this City Commission by resolution established Industrial Development District No F; and

WHEREAS, Premium Wood Pellets, LLC owner of the realty described below within said District, has applied for an Industrial Facilities Exemption Certificate, under the provision of 1974 Public Act 198, Section 5 (1); and

WHEREAS, 1974 Public Act 198, Section 5 (2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall

afford the applicant, the Assessor and a representative of the affected taxing units an opportunity for a hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application of Premium Wood Pellets, LLC for Industrial Facilities Exemption Certificate shall remain on file in the office of the City Clerk.
2. That the City Commission shall meet in the City Commission Chambers at 576 Liberty Park, on January 4, 2010 at 6:30 p.m. or as soon thereafter as may be heard. The City Commission will provide the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of Premium Wood Pellets, LLC application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. F.
3. That the City Clerk immediately inform by letter the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes in the City of Lapeer on the property located within the Industrial Development District No. F described as follows:

CITY OF LAPEER T7N, R10E, SEC 5 COM NW COR BLK 6 JENNINGS ADD AT S'LY LN GTRR R/W BEING 56 FT S OF & PAR TO C/L OF MAIN TRACK, TH W'LY ALG RR R/W 145.77 FT; TH S'LY AT R ANG 90.5 FT; TH W'LY PAR RR R/W 12.5 FT; TH S'LY AT RT ANG 80.5 FT; TH S36*33'52"W 59.58 FT; TH 147.04 FT ALG CRV TO R, LC=S36*14'32"E 144.84 FT' TH S19*02'57"E 72.79 FT; TH E 67.6 FT TO W LN JENNINGS ADD; TH N ALG SD W LN 413.2 FT TO POB

More commonly known as 350 County Center Street
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

S. Main Sanitary Sewer Extension Project: Special Assessment District #2009-01.

250 2009 12-21

Moved by Farrington. Seconded by Bennett.

To approve Resolution #1 which directs the City Manager to prepare reports and Resolution #2 which sets a public hearing for January 4, 2010 at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding the S. Main Sanitary Sewer Extension Project, Special Assessment District #2009-01.

RESOLUTION NO. 1

S. Main Sanitary Sewer Extension Project
#2009-01

CITY OF LAPEER
COUNTY OF LAPEER

WHEREAS, pursuant to provisions of Chapter 11 of the City Charter, the City Commission of the City may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Commission of the City deems it in the public interest, health and welfare to make certain public improvements in the City:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager be and is hereby directed to prepare a report which shall include necessary plans showing the improvement, the location thereof, an estimate of the cost thereof and such other information as is deemed appropriate and is required by the City Charter.

2. When the aforesaid report is completed, the City Manager shall file the same with the City Clerk.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

RESOLUTION NO. 2
S. Main Sanitary Sewer Extension Project
#2009-01

City of Lapeer
County of Lapeer, Michigan
Special Assessment District No. 2009-01

WHEREAS, the City Manager has prepared reports concerning certain public improvements as hereinafter described, which reports include all of the information required to be included by the provisions of the City's Charter, Chapter 11 Special Assessments; and

WHEREAS, the City Commission has reviewed said reports; and

WHEREAS, the City Commission of the City determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
2. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$247,423.40 of which shall be spread over the special assessment district as hereinafter described.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:

Lots 4; 5; 6; 8; 9 and 12 of Churchill Farms Subdivision, Section 8, Town 8
– Range 10.

4. The estimated life of such improvements is not less than 50 years.
5. The aforesaid reports shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
6. The City Commission will meet on January 4, 2010 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is hereby directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least seven (7) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING TO

HEAR OBJECTIONS TO PROPOSED PUBLIC
IMPROVEMENTS AND TO THE
PROPOSED SPECIAL ASSESSMENT DISTRICT

City of Lapeer
County of Lapeer

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

S. Main Sanitary Sewer Extension Project

Extension of approximately 1,370 feet of Sanitary Sewer service from the existing sewer placed through the Lapeer Commons Development to be bored across M-24 and run along the east side of M-24 from the northern property line of the Nassar property known as 1053 S. Lapeer Road south to the northern line of the Orchard Drive right-of-way.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$247,423.40, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

Lots 4; 5; 6; 8; 9 and 12 of Churchill Farms Subdivision, Section 8, Town 8
– Range 10.

TAKE FURTHER NOTICE that the City Commission has caused reports concerning said public improvements to be prepared, which reports include pertinent information concerning the proposed improvements and the district and these reports are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON JANUARY 4, 2010 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

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

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

Contract for Engineering Services – Rowe Professional Services Company for the Wastewater Treatment Plant & Sanitary Sewer Collection System Improvement Project.

City Manager Dale Kerbyson commented that there was a slight change in the contract for Rowe Professional Services Company; Rowe will receive a 6% fee instead of a bid process which is a more accurate and cost efficient way to handle this project, as well as the City will be able to purchase supplies for this project on a tax exempt basis. Commissioner Farrington clarified that the contract would not exceed 6%, also that there would be a new agreement once construction begins.

251 2009 12-21

Moved by Robinet. Seconded by Farrington.

To approve the Contract for Engineering Services with Rowe Professional Services Company for the Wastewater Treatment Plant & Sanitary Sewer Collection System

Improvement Project in an amount not to exceed 6% of the total construction bid costs and authorize the City Manager to sign required documents.
MOTION CARRIED.

Michigan Department of Transportation (MDOT) Contract #09-5432.

252 2009 12-21

Moved by Bostick-Tullius. Seconded by Marquardt.
To approve City Of Lapeer Municipal Resolution Michigan Department Of Transportation Contract No.: 09-5432 for the N. Saginaw Street Reconstruction.

CITY OF LAPEER
MUNICIPAL RESOLUTION
MICHIGAN DEPARTMENT OF TRANSPORTATION
CONTRACT NO.: 09-5432

At a regular meeting of the Lapeer City Commission on Monday, December 21, 2009 at 6:30 p.m. in the Lapeer City Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan, Commissioner Bostick-Tullius moved for the adoption of the Municipal Resolution for acceptance of Contract #09-5432 for the reconstruction of North Saginaw Street from 450 ft. south of Nepessing Street to 300 ft. north of Oregon Street including pavement removal, drainage structures, earthwork, curb and gutter work, sanitary sewer, water main, street lighting, paving of parking areas along North Saginaw Street and all together with necessary related work. The motion was seconded by Commissioner Marquardt.

BE IT RESOLVED THAT the Michigan Department of Transportation Contract #09-5432 for the reconstruction of North Saginaw Street from 450 ft. south of Nepessing Street to 300 ft. north of Oregon Street including pavement removal, drainage structures, earthwork, curb and gutter work, sanitary sewer, water main, street lighting, paving parking areas work along North Saginaw Street and all together with necessary related work between the Michigan Department of Transportation and the City of Lapeer is hereby accepted and City Manager Dale Kerbyson and Director of Public Works John Lyons are authorized to sign the required documents.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Special Assessment District #2009-02: N. Saginaw Street Reconstruction Project – Nepessing to Oregon.

City Manager Dale Kerbyson informed the Commission if the bidding goes well for this project that additional funds may be put back into the project due to grant funding availability. Commissioner Robinet clarified that the next meeting would establish necessity and cost during the public hearing.

253 2009 12-21

Moved by Robinet. Seconded by Farrington.
To approve Resolution #1 which directs the City Manager to prepare reports and Resolution #2 which sets a public hearing for January 4, 2010 at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding the N. Saginaw Street Reconstruction Project, Special Assessment District #2009-02.

RESOLUTION NO. 1
N. Saginaw Street Reconstruction Project
#2009-02

CITY OF LAPEER
COUNTY OF LAPEER

WHEREAS, pursuant to provisions of Chapter 11 of the City Charter, the City Commission of the City may commence proceedings for the making of local public

improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Commission of the City deems it in the public interest, health and welfare to make certain public improvements in the City:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager be and is hereby directed to prepare a report which shall include necessary plans showing the improvement, the location thereof, an estimate of the cost thereof and such other information as is deemed appropriate and is required by the City Charter.
2. When the aforesaid report is completed, the City Manager shall file the same with the City Clerk.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

RESOLUTION NO. 2

N. Saginaw Street Reconstruction Project
#2009-02

City of Lapeer
County of Lapeer, Michigan
Special Assessment District No. 2009-02

WHEREAS, the City Manager has prepared reports concerning certain public improvements as hereinafter described, which reports include all of the information required to be included by the provisions of the City's Charter, Chapter 11 Special Assessments; and

WHEREAS, the City Commission has reviewed said reports; and

WHEREAS, the City Commission of the City determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
2. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$772,720.00, \$96,983.00 of which shall be spread over the special assessment district as hereinafter described, and \$675,737 which shall be paid by the City.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:

All those properties abutting North Saginaw Street from the North Line of Nepessing Street to a distance along Saginaw Street that is 300 feet northerly from the North line of Oregon Street.

4. The estimated life of such improvements is not less than 20 years.
5. The aforesaid reports shall be placed on file in the office of the City Clerk where the same shall be available for public examination.

6. The City Commission will meet on January 4, 2010 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is hereby directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least seven (7) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING TO
HEAR OBJECTIONS TO PROPOSED PUBLIC
IMPROVEMENTS AND TO THE
PROPOSED SPECIAL ASSESSMENT DISTRICT

City of Lapeer
County of Lapeer

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

N, Saginaw Street Reconstruction Project

Reconstruction of N. Saginaw Street from a point located 450 feet south of Nepessing Street to a point 300 feet north of Oregon Street including approximately 1,700 linear feet of Saginaw Street including sub-base, aggregate base, curb and gutter (3000'), HMA pavement, driveways and sidewalks. Existing drainage structures will be replaced along with minor storm sewer improvements. Project also includes replacing/up-sizing approximately 1,800 feet of sanitary sewer and 800 feet of water main. Aesthetic elements such as decorative lighting and brick pavers are also included for the first segment of the project.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$96,983.00, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

All those properties abutting North Saginaw Street from the North Line of Nepessing Street to a distance along Saginaw Street that is 300 feet northerly from the North line of Oregon Street.

TAKE FURTHER NOTICE that the City Commission has caused reports concerning said public improvements to be prepared, which reports include pertinent information concerning the proposed improvements and the district and these reports are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON JANUARY 4, 2010 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

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

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

CITY MANAGER'S REPORT

No report provided.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan congratulated City Manager Dale Kerbyson and Rowe Professional Services Company representative Doug Skylis on putting together a very untypical agreement for the Wastewater Treatment Plant and Sanitary Sewer Collection System Improvement Project. He also wished everyone a Merry Christmas and indicated there are barrels in the middle of the road on M-24 which Police Chief Todd Alexander may want to look into after the meeting.

UNFINISHED BUSINESS

254 2009 12-21

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

To appoint Jason Rogers and Joe Wenzlick to the Downtown Development Authority for a 4 year term ending on January 1, 2014.

MOTION CARRIED.

Commissioner Bennett indicated that he cannot become a GLTA board member due to the meeting date and time which are Wednesdays at 4:30 p.m. Mayor Sprague polled all in attendance for anyone interested in becoming a GLTA board member, no response was given.

255 2009 12-21

Moved by Farrington. Seconded by Robinet.

To appoint Alan Grossbauer to the Board of Reivew for a 3 year term ending January 1, 2013; Todd Alexander to the Civil Defense Coordinator for a 1 year term ending January 1, 2011; Donna Cronce, Mike Nolan, and Tom Hubbell to the Election Commission for a 1 year term ending January 1, 2011.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Departmental Monthly Reports and the Investment Report for the Quarter Ending September, 2009 were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett wished everyone a Merry Christmas.

Commissioner Marquardt reported that the Human Development Commission has funding for back property taxes through the Caro office at 989-672-1799; Merry Christmas and have a safe and happy holiday.

Commissioner Bostick-Tullius wished everyone a Merry Christmas.

Commissioner Farrington wished everyone a Merry Christmas, reported it has been a tough year but looking back the City has 3 significant projects, the schools are adding on for more growth, all in all the City has had a good year; thanked the department heads for all their hard work.

Commissioner Robinet wished everyone a Merry Christmas.

City Manager Dale Kerbyson would like to check into obtaining the piece of property next to the safety building.

Mayor Sprague disagreed with Mr. Kerbyson and would rather see the City obtain the National City Building in the downtown area; wished everyone a Merry Christmas and Happy Holidays; agreed with Commissioner Farrington's comments; indicated the City has a lot of hard working, good people; the City is a people helping people town; and indicated today was Frank Zappa Day and his birthday.

ADJOURNMENT

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Moved by Bennett. Seconded by Robinet.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 6:59 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk