

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

**April 21, 2008**

A regular meeting of the Lapeer City Commission was held April 21, 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 Turkelson, Marquardt, Robinet, Farrington, and Bennett.  
City Manager Dale Kerbyson

**Absent:** City Attorney Ron Shamblin (excused – personal)

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**84 2008 04-21**

Moved by Robinet. Seconded by Marquardt.  
To approve the Agenda for April 21, 2008 as presented.  
MOTION CARRIED.

**MINUTES**

**85 2008 04-21**

Moved by Turkelson. Seconded by Marquardt.  
To approve the minutes from the Regular Meeting held on April 7, 2008 and the Workshop meeting held on April 7, 2008.  
MOTION CARRIED.

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

**CONSENT AGENDA**

**86 2008 04-21**

Moved by Turkelson. Seconded by Marquardt.  
To approve the Consent Agenda for April 21, 2008 resulting in the following:

1. Approve the Special Event Request from the United Way of Lapeer to hold a Family Fun Day to be held on July 16, 2008 on Nepessing Street between Court Street and Cedar Street contingent upon receipt of current insurance.
2. Approve the Special Event Request from Lapeer County to hold a Family Emergency Preparedness Day to be held on September 6, 2008 on City Lot 1 and Court Street contingent upon receipt of current insurance.
3. Approve the Special Event Request from Lapeer West National Honor Society to hold a Great Strides Walk to be held on May 3, 2008 in Rowden Park contingent upon receipt of current insurance.
4. Approve the Special Event Request from Lapeer County Habitat for Humanity to hold a Habitat for Humanity Duck Race on August 16, 2008 at East & West Cramton Park.
5. Approve the Special Event Request from Lapeer County Bank & Trust for an Ice Cream Social to be held on June 27, 2008 at the Farmer's Market Pavilion.
6. Approve the Special Event Request from Lapeer Downtown Business Association for a Lapeer Cruise Night to be held on Monday's, May 12, 2008 through September 15, 2008 on Nepessing Street between Mason and Court Streets.
7. Approve the Special Event Request from American Legion Post 16 for their Annual Memorial Day Parade and Ceremony to be held on May 26, 2008 on Nepessing Street and proceeding to the Veterans Park as a City Co-Sponsored Event.

8. Approve the Special Event Request from Wal-Mart Super Center Fundraiser, Rainbow Connection to be held on August 9, 2008 at Rotary Park contingent upon receipt of current insurance.
9. Approve the Budget Adjustment to appropriate Land Acquisition Funds to the Building Department Fund.
10. Approve the Audit Contract for the Fiscal Year Ending June 30, 2008 with Layton and Richardson at a cost not to exceed \$24,250.00 and authorize the Director of Financial Services to sign the required document.

**BILL LISTING FOR APRIL 21, 2008**

**87 2008 04-21**

Moved by Robinet. Seconded by Turkelson.

To approve the Bill Listing for April 21, 2008 in the amount of \$387,550.75.

MOTION CARRIED.

**PUBLIC COMMENTS**

John Stahl, State Representative, commented on HB 5816, Presidential Primary reimbursement, and Home Land Security funding to Michigan Law Enforcement agencies. Mayor Sprague inquired into State funding for the M-24/I-69 Project. Representative Stahl indicated that funding was currently not available, would continue to review, and thanked the Commission for their time.

Bill Marquardt, 3191 Oregon, Lapeer, commented on issues regarding the Michigan Fair Tax Proposal and that supporter of the proposal Fulton Sheen would be speaking at the May 5<sup>th</sup> Economic Development Club luncheon in which the Commission should attend.

Bob Gilling, commented on issues regarding the new special assessment district area for the M-24/I-69 project.

**PUBLIC PROCLAMATIONS AND RECOGNITIONS**

Arbor Day – Proclamation

**88 2008 04-21**

Moved by Robinet. Seconded by Marquardt.

To approve the Arbor Day Proclamation.

CITY OF LAPEER  
ARBOR DAY PROCLAMATION

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal,

THEREFORE, BE IT RESOLVED that I, William J. Sprague, Mayor of the City of Lapeer and the Lapeer City Commission do hereby declare April 25, 2008 as Arbor Day in the City of Lapeer and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 21<sup>st</sup> day of April 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Arson Awareness Week – Proclamation

**89 2008 04-21**

Moved by Farrington. Seconded by Turkelson.

To approve the Arson Awareness Week Proclamation.

CITY OF LAPEER  
PROCLAMATION  
ARSON AWARENESS WEEK  
2008

WHEREAS, Arson is a serious crime that affects all of us and can only be stopped when we realize the severe damage arson causes to our state and individual communities; and

WHEREAS, Arson kills innocent people and causes countless injuries; and

WHEREAS, These blazes erode the tax base and cause a severe loss to our cities, villages and neighborhoods, and can destroy property and the security of employment; and

WHEREAS, Arson can disrupt our educational system, destroy irreplaceable historical buildings and artifacts and render natural resources useless for long periods of time; and

WHEREAS, Direct cost of arson is estimated by the Michigan Arson Prevention Committee to be nearly \$200 million each year in Michigan alone and arson has a significant impact on insurance premiums and tax dollars that must be used to pay for extinguishing and investigating these maliciously set fires;

THEREFORE, I, Mayor William J. Sprague, do hereby declare May 4-10, 2008 as Arson Awareness Week in the City of Lapeer and urge all citizens to help support the efforts of the local police and fire departments in preventing arson.

Signed this 21<sup>st</sup> day of April, 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Lapeer Elks Lodge Flag Day - Proclamation

**90 2008 04-21**

Moved by Turkelson. Seconded by Robinet.

To approve the Lapeer Elks Lodge Flag Day Proclamation.

CITY OF LAPEER  
Proclamation To The Lapeer Elks Lodge #2567  
In Recognition of Lapeer Elks Lodge Flag Day

WHEREAS, The Benevolent and Protective Order of Elks was formed September 13, 1885; and

WHEREAS, The Lapeer Elks Lodge #2567's charitable endeavors help handicapped children, veterans, and the youth of today; and

WHEREAS, The Lapeer Elks Lodge #2567 has 282 active members who send handicapped children to camp, run Drug Awareness Programs, provide scholarships for students, and instill the spirit of Americanism and faith in the community.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission do recognize June 14, 2008 as Elks Lodge Flag Day and ask all our citizens to support the Elks Lodge in all their charitable service to the community.

Dated this 21<sup>st</sup> day of April 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Support of "No Reason" Absentee Voting - Resolution

**91 2008 04-21**

Moved by Turkelson. Seconded by Robinet.

To approve the Support of "No Reason" Absentee Voting Resolution.

CITY OF LAPEER  
RESOLUTION  
Support of "No Reason" Absentee Voting

WHEREAS, the Lapeer City Commission believes that every opportunity should be provided to encourage voter participation; and

WHEREAS, the City of Lapeer vigilantly advocates for the fundamental rights of voters; and

WHEREAS, Michigan law in some cases forces its residents to choose between going to work or exercising their Constitutional right to vote; and

WHEREAS, there are many occupations that routinely require employees to work during the hours that the polls are open, including police personnel, fire personnel and other shift workers whose schedules make them unavailable during the time polls are open; and

WHEREAS, the City of Lapeer has many voters whose polling locations are located some distance from their homes and traveling to their precinct on Election Day could be a hardship; and

WHEREAS, the statutory reasons for acquiring an Absentee Ballot do not take into account voters without transportation and their inability to travel from their homes to their precincts; and

WHEREAS, the unfortunate option available for voters in these circumstances is to either not vote, or to commit a misdemeanor crime by fraudulently applying for an Absentee Ballot as a means to execute one of their fundamental rights as a United States citizen; and

WHEREAS, Election Law has several safeguards against voter fraud, including the comparison of the registered voter's signature on an Absentee Voter Ballot Application with the signature on the voter registration record on file in the Clerk's Office; and

WHEREAS, Voters should have equal and unobstructed access to all possible voting opportunities;

NOW, THEREFORE, BE IT RESOLVED that the Lapeer City Commission hereby supports "No Reason" Absentee Voting and encourages our elected representatives to do the same.

BE IT FURTHER RESOLVED, that the City of Lapeer hereby petitions the State of Michigan Legislature to adopt legislation providing for no reason absentee voting, which is designed to promote voter participation, increase voter turnout, and assure that the

fundamental rights of all voters are not diminished due to unwarranted restrictions in the Election Law.

BE IT FURTHER RESOLVED, that House Bill 4048 and/or House Bill 4134 accomplish these objectives, and therefore the Lapeer City Commission encourages our elected officials to actively support the passage of the proposed legislation on behalf of their constituents.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward a copy of this resolution to Governor Jennifer Granholm, Secretary of State Terri Lynn Land, State Senator Debbie Stabenow and State Representative John Stahl.  
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Municipal Clerk's Week - Proclamation

#### **92 2008 04-21**

Moved by Marquardt. Seconded by Turkelson.  
To approve the Municipal Clerks Week Proclamation.

CITY OF LAPEER  
Proclamation  
Municipal Clerks Week  
May 4 through May 10, 2008

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, province, country and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission do recognize the week of May 4 through May 20, 2008, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Donna L. Cronce, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 21<sup>st</sup> Day of April 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

#### National Nurses Week - Proclamation

#### **93 2008 04-21**

Moved by Turkelson. Seconded by Robinet.  
To approve the National Nurses Week Proclamation.

CITY OF LAPEER  
PROCLAMATION HONORING NATIONAL NURSES WEEK

WHEREAS, the nearly 2.9 million registered nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, the American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventative health care; and

WHEREAS, a renewed emphasis on primary and preventative health care will require the better utilization of all our nation's registered nursing resources; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, that more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the U.S. health care delivery system in the future; and

WHEREAS, along with the American Nurses Association, Lapeer Regional Medical Center has declared the week of May 5-9 as National Nurses Week with the theme "Nursing: A Profession and a Passion" in celebration of the ways in which registered nurse strive to provide safe and high quality patient care and map out the way to improve our health care system.

NOW, THEREFORE BE IT RESOLVED, that I, Mayor William J. Sprague and the City Commission of the City of Lapeer ask that all residents of this community join us in honoring the registered nurse who care for all of us; and

BE IT FURTHER RESOLED, that the residents of Lapeer, MI celebrate registered nurses' accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during this week, but at every opportunity throughout the year.

Dated this 21<sup>st</sup> day of April, 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Chapter 7 - Rezoning Request – 3300 Davison Road

### **94 2008 04-21**

Moved by Turkelson. Seconded by Marquardt.

To approve the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, G., Number 85 and Number 86 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

#### **7.03 ZONING DISTRICTS AND MAP**

##### **G. ZONING DISTRICT AMENDMENTS:**

85. The following property, formerly zoned R-4 One-Family Residential, is hereby rezoned to B-2 General Business:

Part of the SW 1/4 Sec 1, T7N, R9E, City of Lapeer, Beg at a pt N01°03'01"E 1,605.39 ft alg N-S 1/4 ln & S61°29'00"W 765.90 ft alg N ln Genesee Rd & N29°49'E 200.05 ft frm S 1/4 Cor Sec 1; th S61°28'32"W 405.36 ft; th N42°22'43"E 425.65 ft; th S29°49'E 139.35 ft to POB; 0.65 ac.; and

Part of the SW 1/4 Sec 1, T7N, R9E, City of Lapeer, Beg at a pt N01°03'01"E 1,605.39 ft alg N-S 1/4 ln & S61°29'W 1,310.41 ft alg N ln Genesee Rd frm S 1/4 Cor Sec 1; th cont S61°29'W 201.42 ft; th N01°08'52"E 230.16 ft; th N73°47'56"E 89.58 ft; th S2°31'06"E 180.89 ft to POB; 0.64 ac.

86. The following property, formerly zoned B-2 General Business, is hereby rezoned to R-4 One-Family Residential:

Part of the SW 1/4 Sec 1, T7N, R9E, City of Lapeer, Beg at a pt N01°03'01"E 1,605.39 ft alg N-S 1/4 ln & S61°29'W 1,310.41 ft alg N ln Genesee Rd & N0°08'52"E & N73°47'56"E 89.58 ft frm S 1/4 Cor Sec 1; th N28°31'06"W 19.11 ft; th N61°28'29"E 134.58 ft; th S42°22'43"W 90.88 ft; th N73°47'56"W 49.86 ft to POB; 0.05 ac.; and

Part of the SW 1/4 Sec 1, T7N, R9E, City of Lapeer, Beg at a pt N01°03'01"E 1,605.39 ft alg N-S 1/4 ln & S61°29'W 633.90 ft alg N ln Genesee Rd frm S 1/4 Cor Sec 1; th cont S61°29'W 132.00 ft; th N29°49'W 200.05 ft; th N61°29'E 136.55 ft; th S28°31'06"E 200.00 ft to POB; 0.62 ac."

ON A ROLL CALL VOTE:

AYES: Commissioners Turkelson, Marquardt, Robinet, Bennett, and Farrington.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENT TO CHAPTER 7 ADOPTED.

#### M-24/I-69 Corridor Project – Special Assessment District # 2008-02.

#### **95 2008 04-21**

Moved by Marquardt. Seconded by Turkelson.

To approve Resolution #5 confirming the roll regarding the M-24/I-69 Corridor Project, Special Assessment # 2008-02.

ON A ROLL CALL VOTE:

AYES: None.

NAYS: Commissioners Turkelson, Bennett, Marquardt, Farrington, and Robinet.

ABSENT: None.

ABSTAIN: None.

MOTION FAILED.

#### M-24/I-69 Corridor Project: Phase I – Special Assessment District # 2008-03.

Director of Public Works John Lyons provided a brief scope of the project. Discussion was held regarding water line locations, ability for public to ask questions at the public hearing, and further explanation of the sanitary sewer and water flow of this project. Doug Skylis from Rowe Engineering provided a detailed review of the project. Discussion was held regarding who would be serviced by the project, sewer capacity, water capacity, and cost comparison of the project as a whole compared to a phased portion.

**96 2008 04-21**

Moved by Robinet. Seconded by Marquardt.

To approve Resolution #1 regarding the special assessment for the M-24/I-69 Corridor Project - Phase I, Special Assessment District #2008-03.

RESOLUTION NO. 1

M-24/I-69 Corridor Project – Phase I  
#2008-03

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 cause to be prepared 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 for presentation to the City Commission.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ON A ROLL CALL VOTE:

AYES: Commissioners Bennett, Farrington, Turkelson, Robinet and Marquardt.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

**97 2008 04-21**

Moved by Marquardt. Seconded by Turkelson.

To approve Resolution #2, that includes setting a public hearing on May 5, 2008 at 6:30 p.m. or as soon thereafter as may be heard, to determine the necessity regarding the special assessment for the M-24/I-69 Corridor Project - Phase I, Special Assessment District #2008-03.

RESOLUTION NO. 2

M-24/I-69 Corridor Project – Phase I  
#2008-03

City of Lapeer  
County of Lapeer, Michigan  
Special Assessment District No. 2008-03

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 \$4,495,000.00, \$4,449,500.00 of which shall be spread over the special assessment district as hereinafter described, and \$45,500.00 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 property parcels within the Corporate limits of the City of Lapeer in the south half of sections 7 and 8, town 7 north, range 10 east and east of the easterly line of Baldwin Road and west of Saginaw Street (Clark Road) and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

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 May 5, 2008 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:

M-24/I-69 CORRIDOR PROJECT  
Water improvements will include the following:

The water main extension will begin at the City's existing 18 inch diameter water main on Saginaw/Clark Road and will be routed south along Clark Road then west along Turrill Road to M-24, north along M-24 then cross from M-24 to

Baldwin Road and connect to the existing 12 inch diameter water main. The water main extension will consist of a combination of 20 inch, 16 inch and smaller diameter mains (approximately 14,000 feet) along with necessary appurtenances such as valves, valve wells, fire hydrant assemblies, connections, bends, fittings, creek and road crossings, etc. Also included in the water main project are an analysis and hydro-geologic survey, including a test well, for a back-up well and other items as necessary to construct the proposed water main.

Sanitary sewer improvements will include the following:

Sanitary sewer will connect to the existing sewer located along M-24 near the Michigan State Police Post and be extended south along M-24 to the south side of Turrill Road. The sewer extension will be approximately 3,300 feet long and will include necessary appurtenances such as manholes, connections, fittings, road and driveway crossings and other items as necessary to construct the proposed sanitary sewer.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$4,449,500.00, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

All those property parcels within the Corporate limits of the City of Lapeer in the south half of sections 7 and 8, town 7 north, range 10 east and east of the easterly line of Baldwin Road and west of Saginaw Street (Clark Road) and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

TAKE FURTHER NOTICE that the City Commission has caused report 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 MAY 5, 2008 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, CMC  
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.

ON A ROLL CALL VOTE:

AYES: Commissioners Bennett, Turkelson, Farrington, Marquardt, and Robinet.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Commissioner Robinet inquired on whether Resolution #5 regarding Special Assessment District #2008-02 could be brought back to the Commission should things change during the process of the Phase I portion. Brief discussion was held regarding the ability to bring consideration of a previous order back to the Commission.

**CITY MANAGER'S REPORT**

Petition – State Representative Candidate Paul St. Louis

City Manager Dale Kerbyson reported that the petition included in the packet was now null and void as the petition has been withdrawn.

Michigan Township Participating Plan: Board of Directors

City Manager Dale Kerbyson requested approval to submit the nomination of Mayor Sprague to the Michigan Township Participating Plan Board of Directors Election. Mayor Sprague accepted the nomination.

**98 2008 04-21**

Moved by Farrington. Seconded by Turkelson.

To approve the Resolution Affirming Membership In Michigan Township Participating Plan Cooperative Action Agreement And Confirming Appointment of Member Representative.

RESOLUTION AFFIRMING MEMBERSHIP IN  
MICHIGAN TOWNSHIP PARTICIPATING PLAN  
COOPERATIVE ACTION AGREEMENT AND  
CONFIRMING APPOINTMENT OF MEMBER REPRESENTATIVE

City of Lapeer  
County of Lapeer  
State of Michigan

WHEREAS, the City Commission of the City of Lapeer, County of Lapeer, State of Michigan (the "City") has independent power to manage risk and acquire insurance coverage to protect the interests of the residents of the City; and

WHEREAS, PA 35 of 1951, Section 2, as amended authorizes local units of government, including cities to contract jointly to provide cooperative action relative to enumerated insurance coverages and risk management services; and

WHEREAS, several cities of the State of Michigan have joined together to form a risk management and insurance program under the name of "Michigan Township Participating Plan" in accordance with an Agreement entitled "Michigan Township Participating Plan Cooperative Action Agreement" (the "Agreement"), originally dated as of April 1, 1985; and

WHEREAS, the City has received a copy of the Agreement and the Bylaws and Rules adopted by the Board of Directors of the Michigan Township Participating Plan (the "Board"); and

WHEREAS, by previous motion of the City Commission, the City has determined that it is in the best interests of the residents of the City to join the Michigan Township Participating Plan and has entered into the Agreement; and

WHEREAS, from time to time it is necessary to appoint an elected official of the City to serve as the City's Member Representative to the Michigan Township Participating Plan.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City hereby appoints Mayor William J. Sprague to serve as the City's Member Representative. All immunities and privileges of the governmental office held by the City's Member Representative shall apply to the decisions of the City's Member Representative while acting as a City Member Representative to the Michigan Township Participating Plan.
2. The City hereby expressly authorizes and directs the City's Member Representative, if elected by the other Member Representatives from the Zone (as that term is defined in the Agreement), to serve on the Board of Directors of

the Michigan Township Participating Plan. All immunities and privileges of the governmental office held by the City's Member Representative shall apply to the decisions of the City's Member Representative while acting as a member of the Board of Directors.

3. 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 Turkelson, Marquardt, Robinet, Farrington, & Bennett.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

City Manager Dale Kerbyson reported that the City of Lapeer was voted Tree City USA for the 18<sup>th</sup> year in a row, that the cemetery fence will be installed very soon, and Request For Proposals sent for City Attorney position.

### **CITY ATTORNEY'S REPORT**

No report provided.

### **UNFINISHED BUSINESS**

There were no board appointments made.

### **DEPARTMENTAL COMMUNICATIONS**

The Monthly Operational Reports, HUD \$1 Home Program Update, MSHDA Save the Dream: Two New Foreclosures Prevention Loans Information, and Monthly Financial Report for February 2008 were received into record.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Farrington indicated that the City website needs to have the Building Department listed under the Directory portion and requested additional information on the M-24/I-69 project in relation to crossroads and service of water/sewer capacity on Phase I portion of the project. Mayor Sprague suggested he set up a separate meeting with Rowe Engineering.

Commissioner Robinet commented on whether Lowe's was still interested in working with the City and if the property owner could provide an update. Mayor Sprague asked Ted Biniek if an update could be provided at the next City Commission meeting on May 5, 2008. Mr. Robinet commented on the bowling alley site, that it looked terrible, and that the Building Department should be checking into this site. Mr. Robinet requested that the Building Department inspect the bar downtown on Saginaw Street that has been sitting for quite some time.

Commissioner Turkelson indicated he would like our City signage to be reviewed and improved.

Commissioner Farrington commented on the possibility that the bowling alley is up for auction. City Manager Dale Kerbyson indicated that blight officers have been at this facility, that they have been written up on several occasions, and that he would have appropriate staff members follow up on these two buildings.

Mayor Sprague commented on the need for the Commission to move forward with the M-24/I-69 project and to work together for the good of the whole community.

**ADJOURNMENT**

**99 2008 04-21**

Moved by Turkelson. Second by Farrington.  
To adjourn the meeting.  
MOTION CARRIED.

The meeting adjourned at 7:24 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, CMC, City Clerk

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Tracey S. Russell, Deputy City Clerk