

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

May 19, 2008

A regular meeting of the Lapeer City Commission was held May 19, 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 Marquardt, Robinet, Farrington, and Bennett.
City Manager Dale Kerbyson

Absent: Commissioner Turkelson (excused – vacation)

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

113 2008 05-19

Moved by Robinet. Seconded by Farrington.

To approve the Agenda for May 19, 2008 with the addition of Louis J. Finsterwald Proclamation.

MOTION CARRIED.

MINUTES

114 2008 05-19

Moved by Robinet. Seconded by Marquardt.

To approve the minutes from the Regular Meeting held on May 5, 2008 and Budget Workshop Session held May 13, 2008.

MOTION CARRIED.

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

CONSENT AGENDA

115 2008 05-19

Moved by Robinet. Seconded by Farrington.

To approve the Consent Agenda for May 19, 2008 resulting in the following.

1. Approve the Permit and Application for Melrose Pyrotechnics, Inc. for the July 4th fireworks and authorize the Mayor to sign the required documents.
2. Approve the Special Event Request from Elite Feet Running Store to hold a Lapeer Health and Fitness 5K Challenge, July 12, 2008.
3. Approve the Special Event Request from Lapeer Community of Christ to hold a World Trade Day, September 11, 2008.
4. Approve Local Share Payment # 6 to the State of Michigan for the Saginaw Street Right Turn Lane Project in the amount of \$1,917.57.
5. Approve the Resolution of Adoption, City of Lapeer Master Plan.

**RESOLUTION OF ADOPTION
City of Lapeer Master Plan**

WHEREAS the Lapeer City Commission established the City of Lapeer Planning Commission to prepare plans for the development of the City under the Municipal Planning Act, PA 285 of 1931 as amended, and

WHEREAS the City of Lapeer Planning Commission has prepared a plan for the future development of the City, and

WHEREAS that plan has been reviewed at a public hearing to gather public comments of the residents of the City and surrounding jurisdiction following notice as required by PA 285 of 1931, and

WHEREAS the City of Lapeer Planning Commission has determined that the plan as developed will be an effective tool in guiding and accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and

WHEREAS the City of Lapeer Planning Commission adopted the 2008 City of Lapeer Master Plan and forwarded the Plan to the Lapeer City Commission for its approval, now

THEREFORE BE IT RESOLVED that City of Lapeer Commission does hereby adopt the 2008 City of Lapeer Master Plan including all maps and documents included in the document so titled.

Dated this 19th day of May, 2008.

6. Approve Change Order # 1 from Liqui-Force Services Inc. in the amount of \$5,000 for the Sewer and Manhole Rehabilitation Project.
7. Approve the Resolution for Street Addition for Fair Street Extended, John Conley Drive Extended, and National City Drive.

CITY OF LAPEER
RESOLUTION FOR STREET ADDITION
Fair Street Extended

WHEREAS, the City of Lapeer did on December 13, 2006 acquire title to a certain street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

A 66.00 FOOT WIDE RIGHT OF WAY LOCATED IN PART OF THE SOUTHEAST ¼ SECTION 32, T8N-R10E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, THE CENTERLINE OF WHICH IS DESCRIBED AS BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF OREGON ROAD SO-CALLED WHICH IS S87°04'04"W, ALONG THE SOUTH LINE OF SAID SECTION 32, 474.83 FEET, AND N25°27'57"W 35.73 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE CONTINUING N25°27'57"W 544.78 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF FAIR STREET SO-CALLED, AND A POINT OF TERMINUS FOR THIS DESCRIPTION.

2. That said street/plat is located within a City right-of-way and is under the control of the City of Lapeer.
3. That said street/plat is a public street and is for public street purposes.
4. That said street/plat is accepted into the City Local Street System.

CITY OF LAPEER
RESOLUTION FOR STREET ADDITION
John Conley Drive

WHEREAS, the City of Lapeer did on December 18, 1991 acquire title to a certain street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

AN 86 FOOT WIDE RIGHT OF WAY LOCATED IN PART OF THE NORTHEAST ¼ OF SECTION 12, T7N-R9E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN. THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT THAT IS S01°45'08"E (RECORDED AS S01°45'11"E), ALONG THE EAST LINE OF SAID SECTION 12, 224.01 FEET, AND S88°21'31"W 199.94 FEET, AND ALONG A CURVE TO THE LEFT 252.79 FEET (RADIUS OF 574.60 FEET, DELTA ANGLE 25°12'24", CHORD BEARING AND DISTANCE OF S75°45'19"W 250.76 FEET), AND S63°09'07"W 65.22 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 12; THENCE CONTINUING S63°09'07"W 260.80 FEET; THENCE ALONG A CURVE TO THE RIGHT 504.91 FEET (RADIUS OF 2320.30 FEET, DELTA ANGLE 12°28'05"W CHORD BEARING AND DISTANCE OF S69°23'09"W 503.92 FEET) TO POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT 51.10 FEET (RADIUS OF 275.00 FEET, DELTA ANGLE 10°38'50", CHORD BEARING AND DISTANCE OF S70°17'47"W 51.03 FEET) TO A POINT OF TERMINUS FOR THIS DESCRIPTION.

2. That said street/plat is located within a City right-of-way and is under the control of the City of Lapeer.
3. That said street/plat is a public street and is for public street purposes.
4. That said street/plat is accepted into the City Local Street System.

CITY OF LAPEER
RESOLUTION FOR STREET ADDITION
National City Drive

WHEREAS, the City of Lapeer did on July 30, 2007 acquire title to a certain street; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place this street/plat within the City Street System for obtaining funds under Act 51, P.A. 1951 as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the center line of said street is described as:

A 66.00 FOOT WIDE RIGHT OF WAY LOCATED IN PART OF THE NORTHWEST ¼ OF SECTION 8, AND NORTHEAST ¼ OF SECTION 7, T7N-R10E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, THE CENTERLINE OF WHICH IS DESCRIBED AS BEGINNING AT A POINT ON THE WEST LINE OF HIGHWAY M-24 (SOUTH MAIN STREET) SO-CALLED WHICH IS N89°12'00"E, ALONG THE EAST-WEST ¼ LINE OF SAID SECTION 8, 123.18 FEET TO SAID WEST LINE, AND N15°12'45"E, ALONG SAID WEST LINE, 528.89 FEET FROM THE WEST ¼ CORNER OF SAID SECTION 8; THENCE N84°50'00"W 184.68 FEET; THENCE N83°01'13"W 240.40 FEET TO THE

EASTERLY LINE OF BALDWIN ROAD SO-CALLED A POINT OF TERMINUS FOR THIS DESCRIPTION.

2. That said street/plat is located within a City right-of-way and is under the control of the City of Lapeer.
 3. That said street/plat is a public street and is for public street purposes.
 4. That said street/plat is accepted into the City Local Street System.
- MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

BILL LISTING FOR MAY 19, 2008

116 2008 05-19

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for May 19, 2008 in the amount of \$242,244.08.

MOTION CARRIED.

PUBLIC COMMENTS

There were no public comments.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Louis J. Finsterwald Proclamation

117 2008 05-19

Moved by Robinet. Seconded by Bennett.

To approve the Proclamation in Recognition of Louis J. Finstewald.

PROCLAMATION
CITY OF LAPEER
In Recognition of Louis J. Finsterwald

WHEREAS, Louis J. Finsterwald first joined the City of Lapeer on August 8, 1959 with the Police Department, then was promoted to Fire Chief in 1970 and served in that capacity until his retirement on February 1, 1996.

WHEREAS, Louis J. Finsterwald's leadership abilities were instrumental in the development of a small Fire unit with two vehicles and twenty volunteers with approximately 100 fire/rescue runs per year to a large, professional organization utilizing eight vehicles and forty volunteers with approximately 350 fire/rescue runs per year.

WHEREAS, Louis J. Finsterwald led many successful, innovative ideas that were not only beneficial to the residents of the City of Lapeer but the residents of Lapeer County including the acquisition of Lapeer County's first jaws-of-life and air breathing compressor, and the introduction of the Knoxbox system for businesses.

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 Louis J. Finsterwald for his lifelong efforts and devotion to public service.

Dated this 19th day of May, 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

M-24/I-69 Corridor Project – Phase I Assessment Roll Public Hearing

City Manager Dale Kerbyson commented on meeting with the developers, discussion of new route, and waiting new project amounts from the engineer. Mr. Kerbyson recommended to hold the public hearing regarding Phase I Assessment Roll, that the

Commission take no action at this time, and that the new project would be a blend between Phase I and the entire project.

Commissioner Bennett commented on timeline for consideration of a new project. City Manager Dale Kerbyson responded that the process would begin at the next meeting.

City Assessor Tom Hubbell provided a review of the assessment roll.

Mayor Sprague opened the public hearing at 6:36 p.m. to hear comments regarding the M-24/I-69 Corridor Project – Phase I Assessment Roll. There being no comments, Mayor Sprague closed the public hearing at 6:36 p.m.

After discussion, it was the general consensus of the Commission to take no action regarding the assessment roll for special assessment for the M-24/I-69 Corridor Project – Phase I, Special Assessment District #2008-03.

Commissioner Robinet gave the Commission previous notice that he will move to rescind the resolution which failed April 21, 2008, relating to Resolution #5 confirming the roll regarding the M-24/I-69 Corridor Project, Special Assessment District #2008-02, motion #95 2008 04-21. Commissioner Robinet commented that it was his intention to keep this part of the project alive at this time.

City of Lapeer Budget for the Fiscal Year July 1, 2008 to June 30, 2009

City Manager Kerbyson commented on the proposed budget, workshop meeting held May 13th, and minor adjustments made within the Park Fund.

Mayor Sprague opened the public hearing at 6:40 p.m. to hear comments regarding the City of Lapeer Budget for the Fiscal Year July 1, 2008 to June 30, 2009. There being no comments, Mayor Sprague closed the public hearing at 6:40 p.m.

118 2008 05-19

Moved by Marquardt. Seconded by Farrington.

To approve the Resolution To Adopt The Budget Of The City Of Lapeer For The Fiscal Year July 1, 2008 To June 30, 2009 And To Make Appropriations Therefore with the adjustments as recommended and the 2008-2014 Capital Improvement Program. Discussion was held regarding expenditures exceeding revenues, use of Fund Balance to cover expenses, question of tax increase if expenditures are more than revenues, that no millage increase was considered this year, Fund Balance is within limitations, project considerations within budget, budget philosophy in preparing budget, and monitoring of budget throughout the year. The question was called to a vote.

GENERAL APPROPRIATIONS ACT

RESOLUTION TO ADOPT THE BUDGET OF THE CITY OF LAPEER FOR THE FISCAL YEAR JULY 1, 2008 TO JUNE 30, 2009 AND TO MAKE APPROPRIATIONS THEREFORE

WHEREAS, the City Charter requires: That the City Manager submit a budget proposal with his recommendation to the City Commission; that a public hearing be held on said budget proposal; that the City Commission by resolution adopt a budget for the ensuing fiscal year, making an appropriation of the money needed therefore, and designating the sum to be raised by taxation; and

WHEREAS, the Manager has submitted said budget and recommendations along with the proposed tax millage to be levied and a public hearing has been held thereon:

NOW, THEREFORE, BE IT RESOLVED as provided in the City Charter, and in conformity to Public Act 621 of 1978, the Uniform Budgeting and Accounting Act, that the budgets attached hereto and made a part hereof by reference are hereby considered and adopted, to be administered on activity (department) level, as the

budgets of the City of Lapeer to cover the operations and expenditures thereof for the fiscal year July 1, 2008 to June 30, 2009.

BE IT FURTHER RESOLVED that in addition to the levy of a City Income Tax in accordance with the State's Uniform City Income Tax Act, the sum of \$2,693,073 be raised by taxation by the levy of 9.8000 mills for operations on the assessed value of all real and personal property in the City as follows:

General Operation.....9.8000 mills \$2,693,073

BE IT FURTHER RESOLVED that the City Manger be authorized to transfer necessary amounts between activities (departments) within a fund and up to \$5,000 between funds.

BE IT FURTHER RESOLVED that a copy of this budget resolution be furnished to the City Assessor, who together with the City Treasurer, shall then proceed to assess and collect the taxes in accordance with the City Charter and State Statutes.

YEAS: Commissioners Marquardt, Farrington, and Bennett.

NAYS: Commissioner Robinet.

ABSTAIN: None.

ABSENT: Commissioner Turkelson.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Financial Consultant for M-24/I-69 Interchange Project

119 2008 05-19

Moved by Robinet. Seconded by Farrington.

To approve the Financial Consultant Agreement with Raymond James and Associates, Inc. in the amount of \$13,500.00 and authorize the City Manager and/or the Director of Financial Services to sign said Agreement.

MOTION CARRIED.

Notice of Intent Resolution, Special Assessment Bonds, Horton Street Reconstruction Project

120 2008 05-19

Moved by Robinet. Seconded by Farrington.

To approve the Special Assessment/General Obligation Notice Of Intent Resolution for the Horton Street Reconstruction Project.

Special Assessment/General Obligation

NOTICE OF INTENT RESOLUTION

City of Lapeer

County of Lapeer, Michigan

WHEREAS, the City Commission of the City intends to authorize the issuance of special assessment bonds for the purpose of defraying part of special assessment districts' share of the cost in connection with certain public improvements in the City and general obligation bonds to pay the City's cost in connection with said improvements;

AND WHEREAS, notice of intent to issue bonds must be published at least forty-five (45) days before the issuance of the same in order to comply with the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in a newspaper of general circulation in the City, as a display advertisement at least one-quarter page in size.

2. Said notice of intent so published shall be in substantially the following form:

OFFICIAL NOTICE TO ELECTORS AND TAXPAYERS
OF THE CITY OF LAPEER
OF INTENT TO ISSUE BONDS SECURED BY THE TAXING
POWER OF THE CITY AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Commission of the City of Lapeer, County of Lapeer, Michigan, intends to issue special assessment bonds of the City, in total principal amount of not to exceed \$105,000, for the purpose of defraying part of special assessment districts' share of the cost of local public improvements in the City and general obligation bonds in the principal amount of not to exceed \$155,000 to pay the City's share of the cost of said improvements. Said bonds shall mature serially in not to exceed twenty (20) annual installments with interest payable on the unpaid balance at a rate of not to exceed 6% per annum or such higher rate as may be permitted by law.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL AND INTEREST OF THE SPECIAL ASSESSMENT BONDS shall be payable primarily from collections of an equal amount of special assessments and the bonds shall also pledge the limited tax full faith and credit of the City of Lapeer.

IN CASE OF THE INSUFFICIENCY OF THE SPECIAL ASSESSMENTS, THE PRINCIPAL AND INTEREST ON SAID BONDS SHALL BE PAYABLE FROM THE GENERAL FUNDS OF THE CITY LAWFULLY AVAILABLE FOR SUCH PURPOSE.

THE PRINCIPAL AND INTEREST OF THE GENERAL OBLIGATION BONDS shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within applicable statutory, charter and constitutional limitations.

RIGHT OF REFERENDUM

THE BONDS will be issued without vote of the electors unless a PETITION requesting an election on the question of issuing either or both series of bonds, signed by not less than 10% OF THE REGISTERED ELECTORS in the City, or 15,000, whichever is the lesser, is filed with the City Clerk by depositing with the City Clerk WITHIN FORTY-FIVE (45) DAYS after publication of this notice. If such a petition is filed, the bonds affected cannot be issued without an approving vote by a majority of electors voting on the question.

THIS NOTICE is given pursuant to the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended. Further information concerning the matters set out in this notice may be secured from the City Clerk's office.

Donna L. Cronce, CMC
City Clerk, City of Lapeer

3. The City Commission does hereby determine that the foregoing form of notice of intent to issue bonds and the manner of publication directed is adequate notice to the electors and taxpayers of the City and is well calculated to inform them of the intention of the City to issue the bonds, the purpose of the bond issues, the security for the bonds and the right of referendum of the electors with respect thereto under all of the circumstances, and that the provision of forty-five (45) days within which to file a referendum petition is necessary and adequate to insure that the City's electors may exercise their right of referendum with respect to the bonds.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

NAYS: None.

ABSENT: Commissioner Turkelson.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Ordinance Amendment Request – Downtown Sidewalk Signs

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.17, J., 2.1. of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

J. SIGNS:

2.1. Permitted Portable Sidewalk Signs

Portable sidewalk signs may be placed within the Central Business District (CBD) and CBD-1 and CBD-2 zoning districts at the public entrances to retail, personal service or restaurant businesses located within those districts, on either private property or the public sidewalk, subject to the following requirements:

- (1) There shall be only one sign permitted for each building address for which there is provided a separate entrance, regardless of the number of tenants in the building;
- (2) Each sign shall be placed outside only during the hours when the business is open to the general public, and shall be stored indoors at all other times. Any sign which is found to be not in compliance with this requirement may be confiscated by City Code Enforcement officials. A second violation will result in loss of the sign permit for a period of one (1) year;
- (3) Each sign shall be placed next to the building wall or adjacent to the curb in a manner which is safe for and does not interfere with normal pedestrian or auto traffic;
- (4) A portable sidewalk sign shall not occupy or obstruct the use of any fire lane or required off-street parking. Any sign which creates a visual or safety hazard may be ordered to be removed by the Public Safety Director;
- (5) Each sign shall not exceed an overall height of forty-two (42) inches and an overall width of twenty-four (24) inches (as built);
- (6) All sign frames shall be constructed of a weather proof material and shall be kept in good repair;
- (7) Directional sidewalk signs for downtown businesses not fronting on Nepessing Street are permitted to be placed on Nepessing Street corners subject to the following provisions:
 - a. One (1) directional sidewalk sign is allowed per corner, representing multiple businesses if necessary;
 - b. The sign shall be placed in a location that does not interfere with other signage or features in the vicinity;
 - c. All other provisions of the sign ordinance shall be complied with.
- (8) No portable sidewalk sign shall be placed on display without the owner first obtaining a permit from the City of Lapeer;
- (9) Hand-lettered or stenciled sign faces are prohibited, with the exception of restaurant daily specials. All sign faces shall be professionally created in conformance with the specifications for sidewalk signs adopted by the City of Lapeer Downtown Development Authority;
- (10) Electronic and/or illuminated sidewalk signs are prohibited.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on meeting with County Drain Commissioner and Greater Lapeer County Utility Authority regarding the water service line from Lake Huron to Flint and that the large yard sale on Davison Road was in conformity to City Ordinances; there will be a meeting on Thursday with Detroit Water and Sewer to negotiate a pending increase in services to 36%, Mr. Kerbyson will try to reduce this percentage.

CITY ATTORNEY'S REPORT

No report provided.

UNFINISHED BUSINESS

121 2008 05-19

Mayor Sprague appointed. Moved by Robinet. Seconded by Farrington.
Deborah Marquardt County Center Board for a term ending 06-01-09.
Nancy Sommerville EDC/TIFA/Brownfield for a term ending 03-01-13.
Dale Kerbyson Lapeer Building Authority for a term ending 06-01-11.
MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Operational Reports were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented on having a special meeting if an acceptable project was developed for 24/69 and to not wait until the next Commission meeting. Commissioner Robinet also commented on not waiting for two weeks to get the project going. City Manager Dale Kerbyson commented on time required for engineer work, settlement of issues among group members, that this would not impact the total timeframe of the project, the difference in project scope, and difference in property owners included.

Commissioner Farrington commented on not waiting two weeks and if the process could begin tonight. Brief discussion was held regarding the special assessment process and notification requirements.

Commissioner Robinet commented on personal experiences in memory of the passing of retired Fire Chief Louis Finsterwald.

Mayor Sprague commented on the Memorial Day Parade, appointment of City Attorney process, and thanked City staff and property owners involved for their hard work and efforts regarding the M-24/I-69 project.

ADJOURNMENT

122 2008 05-19

Moved by Marquardt. Seconded by Farrington.
To adjourn the meeting.

The meeting adjourned at 7:03 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk