

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

July 21, 2008

A regular meeting of the Lapeer City Commission was held July 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 Bennett, Marquardt, Robinet, Farrington, and Bostick-Tullius.
City Manager Dale Kerbyson
City Attorney Michael Nolan

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

171 2008 07-21

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

MINUTES

172 2008 07-21

Moved by Robinet. Seconded by Bostick-Tullius.
To approve the minutes from the Regular Meeting held on July 7, 2008.
MOTION CARRIED.

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

CONSENT AGENDA

173 2008 07-21

Moved by Robinet. Seconded by Farrington.
To approve the Consent Agenda for July 21, 2008 resulting in the following:
1. Approve Payment Request #9 to Trojan Development Company, Inc. in the amount of \$26,575.00 for construction work completed on the Oregon Street Lift Station Project.
MOTION CARRIED.

BILL LISTING FOR JULY 21, 2008

174 2008 07-21

Moved by Robinet. Seconded by Marquardt.
To approve the Bill Listing for July 21, 2008 in the amount of \$340,924.71.
MOTION CARRIED.

PUBLIC COMMENTS

Melanie DiCenso, 1061 S. Lapeer Road, commented on water and sewer lines in the special assessment zone, property owners interest in this area regarding sewer lines and annexation into City, and to go on record in support of sewer line installation for this area.

Clare Longoria, State Farm Insurance, commented on ownership of vacant land on the east side of S. Lapeer Road, process of the M-24/I-69 project area, concerns of

property owners that are within the township in the annexation by choice area and the ability to share opinions, and can see the reasons why the project is being done.

Kim Huber, 1101 S. Lapeer Road, commented on concerns with latest plan with the water/sewer lines, clarification of suppression lines and not normal lines, tap-in ability, and traffic.

Paul St. Louis, Candidate for State Representative, 1800 Edward Lane, commented on the pursuit of alternative energy companies regarding the M-24/I-69 area.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Proclamation: Support of Lapeer County medical Care Facility “Suncrest” Millage.

175 2008 07-21

Moved by Robinet. Seconded by Marquardt.

To approve the Proclamation in Support of Lapeer County Medical Care Facility “Suncrest” Millage.

CITY OF LAPEER

Proclamation

Support of Lapeer County Medical Care Facility “Suncrest” Millage

WHEREAS, the Lapeer County Medical Care Facility, more commonly known as “Suncrest”, was built to accommodate the changing needs of medical care for Lapeer County Residents in 1971; and

WHEREAS, Suncrest is a publicly-owned medical care facility that ranks in the top three medical care facilities in the State of Michigan; and

WHEREAS, Suncrest is devoted to the care and treatment of individuals who have a variety of physical, mental, and emotional needs and offers a full range of services to meet those needs in a caring and supportive atmosphere, as well as housing a licensed child day care center for approximately 48 children ranging from 2 weeks to 6 years of age; and

WHEREAS, Suncrest has historically been supported by the citizens of Lapeer County by voting millages for construction, additions, and operations of which the end result in 2008 will be a debt-free building; and

WHEREAS, Suncrest will ask on the August 5, 2008 Primary Ballot for County residents to vote in favor of a millage request of .33 mills for operations and maintenance which is a reduction of its current millage of .73 mills that will expire at the end of 2008; and

WHEREAS, it is important that the Lapeer community continue to support a high quality health care service that is needed and deserved and to ensure that Suncrest remains one of the best facilities in the State.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission encourage its citizens and all citizens of Lapeer County to pull together in a collaborative effort to support the Lapeer County Medical Care Facility “Suncrest” millage in order to address long-term need for a vital health care service in our community by voting in favor of this proposal on the August 5, 2008 Primary Ballot.

Dated this 21st Day of July 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Lapeer County Center, Inc.: Local Governing Body Resolution for Charitable Gaming License.

176 2008 07-21

Moved by Marquardt. Seconded by Farrington.

To approve the Local Governing Body Resolution for Charitable Gaming License for Lapeer County Center, Inc.

LOCAL GOVERNING BODY RESOLUTION FOR CHAIRTABLE GAMING LICENSE

Moved by Commissioner Marquardt and supported by Commissioner Farrington that the request from Lapeer County Center, Inc. of Lapeer, County of Lapeer, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

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

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04 Necessity Public Hearing

Mayor Sprague opened the public hearing at 6:45 p.m. to hear comments regarding the M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04 Necessity Public Hearing.

Michael Jablonski, representative of JPT Acquisition, commented that there were no objections to the necessity of the project area and requested reconsideration of the plans for sewer lines to touch the JPT property.

Arthur Keim, representative of Cross Roads, 6755 Daley Road, West Bloomfield, commented on the interest of Lowe's to the project area, development of project area, and waived objection to the assessment.

Robert Lawrence, RACO Associates, commented in support of the project.

Kim Huber, 1101 S. Lapeer Road, commented on an error within the legal description of the project area. City Manager Dale Kerbyson will review concern with the City Assessor.

Steve Bahri, 1583 S. Lapeer Road, commented on approval of the special assessment.

Mayor Sprague closed the public hearing at 6:49 p.m.

Brief discussion was held regarding letters of support received within the agenda packet regarding the special assessment area.

177 2008 07-21

Moved by Robinet. Seconded by Farrington.

To approve Resolution #3 to determine the project necessary and order the roll prepared regarding the special assessment for the M-24/I-69 Corridor Utility Project, Special Assessment District #2008-04.

RESOLUTION NO. 3
M-24/I-69 Corridor Utility Project
#2008-04

CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Special Assessment District No. 2008-04

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described:

All those property parcels within the Corporate limits of the City of Lapeer lying south of the south line 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 all those property parcels within the Corporate limits of the City of Lapeer lying south of interstate highway 69 and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

AND WHEREAS, the City Commission deems it advisable and necessary to proceed with said public improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to make the public improvements described above and the plans and estimates of cost as presented are approved.
2. The City Assessor be and is hereby directed to make and prepare a Special Assessment Roll in conformity with the requirements of the City Charter.
3. When the City Assessor shall have completed the Special Assessment Roll, he shall report the same to the Commission and the same shall be filed with the City Clerk; such roll shall have a certificate attached thereto signed by the City Assessor stating that the roll was made pursuant to this resolution adopted July 21, 2008 and that in making such roll, the Assessor in his best judgment, has conformed in all respects to the directions contained in this resolution and the City Charter.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

ADMINISTRATIVE REPORTS

Sewer Rates: Chapter 21 (Wastewater Treatment Charges Ordinance)

178 2008 07-21

Moved by Robinet. Seconded by Marquardt.

To adopt the proposed amendment to Chapter 21 (Wastewater Treatment Charges Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CITY OF LAPEER, MICHIGAN

SUMMARY OF AMENDMENTS TO CHAPTER 21 OF
THE GENERAL ORDINANCES OF THE CITY OF LAPEER

PURPOSE:

These Ordinance amendments will revise Chapter 21, "Wastewater Treatment Charges" of the General Ordinances of the City of Lapeer which was designed to insure that public health, safety and welfare of the people of the City will be protected and enhanced through the efficient and cost-effective use of City wastewater treatment services and to proscribe the fees for such services to insure the continued operation of the wastewater treatment system into the future.

BACKGROUND:

The ordinance, as enacted, set forth specific rates for specific services that necessitated the amendment of the ordinance each time any fee change was proposed. The City has adopted a "City of Lapeer Fee Schedule" and incorporated said schedule into the ordinance for efficiency and as a result of the constant fluctuation in the cost of delivery of service to its residents and non-residents alike.

SUMMARY OF ORDINANCE:

Changes to Chapter 21

Section 21.01, "PURPOSE." The purpose of the Ordinance was clarified to describe the importance to public health and welfare of viable wastewater treatment services.

Section 21.04, "APPLICATION," is amended to provide that sewer service fees may be charged to owners or occupants of property to whom service is extended.

Section 21.05, "RATES AND CHARGES," is amended to define lateral installation, capital charges, and replace the specific tap and service fees set forth in the ordinance by reference to the "City of Lapeer Fee Schedule."

Section 21.06, "COLLECTION, LIEN FOR UNPAID FEES, AFFIDAVITS," is amended to provide for the ability of the City to require payment of service and shut-off fees, to place a lien upon the property under certain circumstances for unpaid back charges due the city for provision of wastewater treatment services, and to provide for the ability of a landlord out of possession to submit an affidavit to the City making a lessee or occupant liable for payment of sewer services as proscribed by statute.

Section 21.07, "PENALTIES," is amended to provide for collection of damages suffered by the City for violation of the Ordinance, including costs and attorney fees and other penalties.

NOTICE IS HEREBY GIVEN that the complete text of the ordinance has been posted at City Hall, 576 Liberty Park, Lapeer, Michigan 48446, and a copy of same may be obtained from the Clerk's office between the hours of 8:00 a.m. and 5:00 p.m.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 21 ADOPTED.

Water Rates: Chapter 22 (Water Regulations Ordinance)

179 2008 07-21

Moved by Farrington. Seconded by Bostick-Tullius.

To adopt the proposed amendment to Chapter 22 (Water Regulations Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 22 (WATER REGULATIONS)

22.01 WATER METER REQUIRED

- (A) No Change.
- (B) No Change.

(C) The rates and charges hereinafter established shall be payable by the owners and/or occupants of any lot, other parcel of real estate, or building, situated so that a water main is available for an extension to service neighboring parcels and shall be required to connect to the City water system.

EFFECTIVE DATE: When water bills are mailed on or after January 1, 1991.

EFFECTIVE DATE OF AMENDMENT: August 17, 2006.

22.02 No Change.

22.03 No Change.

22.04 METERS TO BE SEALED

All water meters shall be sealed at the time of installation with a form of seal approved by the Superintendent of Water and Sewer. The water meters shall be sealed at the register box and the couplings. The seals shall not be broken except by the authority of the Superintendent of Water and Sewer. The residents and the owners of property upon which a water meter is installed are responsible for the intactness of these seals and fee for tampering with the seal wire will be added to the water bill at the property where any of these seals are found broken as listed in the City of Lapeer Fee Schedule.

EFFECTIVE DATE OF AMENDMENT: FEBRUARY 26, 1986

22.05 OWNER RESPONSIBLE

(A) The owner of property upon which a meter is installed shall be responsible for any and all damage sustained to the meter, including damage sustained through freezing or hot water backup, which shall include the cost of replacing a water meter that has sustained damage; provided however, that the City of Lapeer will bear the cost of repairing or replacing meters where the same is required due to the wear and tear of ordinary service.

EFFECTIVE DATE OF AMENDMENT: JUNE 12, 1985

- (B) No Change.
- (C) No Change.

22.06 No Change.

22.08 WATER RATES

(A) The charges for water service to each premise, structure or building within the City connected with the water supply system for each monthly period shall be as listed in the City of Lapeer Fee Schedule.

Rates for providing Private Fire Protection shall be as listed in the City of Lapeer Fee Schedule.

Except as provided in the Mayfield Township Land Transfer Agreement dated September 5, 2001, and the Lapeer Township Land Transfer Agreement dated December 4, 2006, users outside the corporate limits of the City Of Lapeer shall be charged one and one-half (1 ½) time the charge for water used within the City, plus an annual charge equal to the city operating millage times the

Taxable Value of the property served by the water system as appears on the tax roll of the township in which said property is located including the city authorized administration fee which will be billed annually and shall be due and payable on July 1st of each year.

EFFECTIVE DATE OF AMENDMENT: JULY 10, 2002

EFFECTIVE DATE OF AMENDMENT: AUGUST 1, 2003

- (B) No Change.
- (C) No Change.
- (D) COLLECTION

No free service shall be furnished by the system to the City or to any person, firm or corporation, public or private, or to any public agency or instrumentality. Charges for services furnished by the system shall be billed and shall become due 15 days after the billing date indicated on the water bill. A penalty of ten percent (10%) of the bill shall be added by the City to those bills not paid on or before the due date. Within five (5) working days after the due date, a past due notice shall be mailed to those customers whose accounts are then delinquent. The past due notice shall inform the customer of the amount of the delinquency, including the ten percent (10%) penalty. Within five (5) working days after the expiration date on the past due notice, a shut-off notice shall be mailed to those customers whose accounts still remain delinquent. This shut-off shall indicate the date that the water service will be shut off, which date shall be ten (10) days from the date of the shut-off notice, unless the delinquent amount, including the ten percent (10%) penalty, is paid by the last business day prior to the scheduled shut-off date. Services so discontinued shall not be restored until all sums then due and owing, including the ten (10%) penalty, and an additional shut-off charge charge as listed in the City of Lapeer Fee Schedule for the amount owed are paid to the City in full. The shut-off charge shall consist of the following components:

1. A normal duty hour sewer division turn-on charge as listed in the City of Lapeer Fee Schedule, or
2. An after duty turn-on charge equal to the average cost of a sewer division employee's wage (a minimum of two hours (2) per union contract plus fringe benefits) plus the average cost of equipment utilized based on the State Schedule C rate for a minimum of two (2) hours.

EFFECTIVE DATE OF AMENDMENT: JULY 10, 2002

- (E) No Change.
- (F) Tap-in fees per tap for domestic water services and fire suppression services will be as listed in the City of Lapeer Fee Schedule.

EFFECTIVE DATE OF AMENDMENT: June 28, 2007

22.09 METER TESTING

The consumer may have his, her, or its meter tested for a fee. The size of the water meter determines the fee as listed in the City of Lapeer Fee Schedule. All water meters are tested by a private testing company to meet the American Water Works Specifications.

Should the water meter fail to meet American Water Works Association's test specifications, the city shall refund the testing fee to the consumer and make an appropriate adjustment in the water bill. However, should the meter be found to register within the American Water Works Association's test specifications, the City shall retain the meter-testing fee to defray the expense of the test.

EFFECTIVE DATE OF AMENDMENT: JULY 10, 2002

22.10 No Change.

22.11 CROSS CONNECTION

- (A) No Change.
- (B) No Change.
- (C) No Change.

(D) This ordinance is not intended to supersede the state plumbing code, or any other state statute, or legally adopted ordinance or code of the City of Lapeer. In any case where a provision of this ordinance is found to be in conflict with a provision of any State of Michigan or Federal statute or regulation, or any other legally adopted ordinance or code of the City of Lapeer, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(E) No Change.

(F) Penalties

1. Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court. Each day that a violation occurs shall be deemed a separate offense. As allowed by law or equity, damages recoverable for any violation of this section shall include all actual costs, court, attorney and other related legal fees plus an additional charge of one hundred percent (100%) of the total costs and/or penalties.
2. In addition to the penalty described in subsection 1, at the request of the Authority/Agent, the City Attorney may bring an action for injunctive relief or other appropriate action in the name of the people of the City of Lapeer to enforce this ordinance, or an order issued pursuant to this ordinance.

- (G) No Change.
- (H) No Change.
- (I) No Change.
- (J) No Change.

22.12 COLLECTION

- (A) No Change.
- (B) Affidavit

Pursuant to Public Act 178 of 1939, as amended, Paragraph (A) above shall not apply to property owner lessors who comply with the following provisions:

1. No Change.

2. No Change.
3. No Change.
4. A deposit as listed in the City of Lapeer Fee Schedule for each such lease shall be made to the City prior to having the water billing placed in the name of the tenant and/or commencing water service. Such deposit shall bear no interest and will be utilized to pay any delinquent billing for that premises or refunded upon payment of the final water bill.

22.13 WATER USAGE REDUCTION

Outside irrigation for any purposes, including lawns, gardens, and flowerbeds, from the City's public water supply may be prohibited or restricted upon published notice when the City Manager, through his Superintendent of Water and Sewer, determines that a public water shortage is likely to occur. During such times the City Manager may also direct that other measures be taken or restrictions observed by users of the public water supply system. Notice of any such measures or restrictions shall be given by publication in a newspaper of general circulation in the City of Lapeer.

EFFECTIVE DATE OF AMENDMENT: MARCH 14, 1990

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 22 ADOPTED.

Chapter 5 (Plumbing, Water and Sewers Ordinance)

180 2008 07-21

Moved by Robinet. Seconded by Farrington.

To adopt the proposed amendment to Chapter 5 (Plumbing, Water and Sewers Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 5 (PLUMBING, WATER AND SEWERS)

5.02 DEFINITIONS.

PUBLIC SYSTEMS AVAILABLE. Means a public water supply system or a public sewer system shall be deemed available to premises used for human occupancy if such premises are within the corporate limits of the City of Lapeer.

EFFECTIVE DATE OF AMENDMENT: October 13, 2004

5.03 USE OF PUBLIC WATER/SEWER REQUIRED

(F) Reference City of Lapeer Fee Schedule for fees associated with connection onto a Public Water and Sewer System.

5.04 PRIVATE WATER/SEWER SYSTEMS

(E) Reference City of Lapeer Fee Schedule for fees associated with the installation of a private water and sewer system.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 5 ADOPTED.

Building Department: Ordinance Amendments - Chapter 8, Chapter 15, and Chapter 34

Chapter 8 (Building Code Ordinance)

181 2008 07-21

Moved by Marquardt. Seconded by Farrington.

To adopt the proposed ordinance to Chapter 8 (Building Code Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 8 (BUILDING CODE)

8.01 ADOPTION BY REFERENCE

In accordance with the provisions of Public Act 230 of 1972 (MCL 125.1501 et seq.) as amended, there is hereby adopted by reference the Stille-Derossett-Hale Single State Construction Code as amended.

8.02 AGENCY DESIGNATED

Pursuance to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Lapeer is hereby designated as the enforcing agency to discharge the responsibility of the City of Lapeer under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Lapeer assumes the responsibility for the administration and enforcement of said Act throughout its corporate limits.

8.03 MICHIGAN BUILDING CODE ADOPTED

In accordance with the provisions of Public Act 230 of 1972 as emended, there is hereby adopted by reference the Michigan Building Code as amended.

8.04 No Change.

8.05 ESTABLISHMENT OF CONSTRUCTION BOARD OF APPEALS

The City of Lapeer Construction Board of Appeals is hereby established and shall perform its duties in accordance with Act 230, Public Acts of 1972, as amended, MCL 125.1514, and the Michigan Building Code. The board shall propose By-Laws and Rules of Procedure for approval by the City Commission.

8.06 AVAILABILITY OF CODE

A complete copy of the State Construction Code shall be made available to the public at the office of the Lapeer City Building Official in compliance with the Michigan State law requiring that records of public bodies be made available to the general public.

8.06 TEMPORARY TRAILER

The Building Official may issue a permit for the temporary use of a manufactured trailer or mobile home for office, storage or business purposes. The Building Official shall make an inspection and submit a report to the City Commission and

such permit shall be subject to any conditions placed on it by the City Commission. The permit shall be limited as to the time of use of the temporary trailer, but in no case shall the time of use be more than one (1) year. Each application for a permit shall be accompanied by a permit fee in accordance with the schedule adopted by the Lapeer City Commission.”

ON A ROLL CALL VOTE:

YEAS: Commissioners Bostick-Tullius, Farrington, Bennett, and Marquardt.

NAYS: Commissioner Robinet.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 8 ADOPTED.

Chapter 15 (Electrical Code Ordinance)

182 2008 07-21

Moved by Farrington. Seconded by Marquardt.

To adopt the proposed amendment to Chapter 15 (Electrical Code Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 15 (ELECTRICAL CODE)

15.01 CODE ADOPTED

In accordance with the provisions of Public Act 230 of 1972, as amended, there is hereby adopted by reference the Michigan Electrical Code as amended.

15.02 Delete.

15.03 AVAILABILITY OF CODE

A complete copy of said Michigan Electrical Code, as amended, shall be available for public use and inspection at the office of the Lapeer City Building Official.

15.04 No. Change.

15.05 No. Change.

ON A ROLL CALL VOTE:

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

NAYS: Commissioner Robinet.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 15 ADOPTED.

Chapter 34 (Mechanical Code Ordinance)

183 2008 07-21

Moved by Bostick-Tullius. Seconded by Farrington.

To adopt the proposed amendment to Chapter 34 (Mechanical Code Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 34 (MECHANICAL CODE)

34.01 CODE ADOPTED

In accordance with the provisions of Public Act 230 of 1972 as amended, there is hereby adopted by reference the Michigan Mechanical Code as amended.

34.02 AVAILABILITY OF CODE

A complete copy of said Michigan Mechanical Code, as amended, shall be available for public use and inspection at the office of the Lapeer City Building Official.

ON A ROLL CALL VOTE:

YEAS: Commissioners Bostick-Tullius, Farrington, Marquardt, and Bennett.

NAYS: Commissioner Robinet.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 34 ADOPTED.

Rezoning Request: Bahri Parcel – 1583 S. Main Street. Chapter 7 (Zoning Ordinance)

184 2008 07-21

Moved by Robinet. Seconded by Marquardt.

To adopt the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.03, Section G., Number 87 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

87. The following property, formerly zoned R-7 One-Family Residential, is hereby rezoned to Office Service District (OS-1):

City of Lapeer, Section 17 T7N R10E; the South 200 feet of the West 1,089 feet of the Southwest ¼. 5 ac.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN:None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

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

185 2008 07-21

Moved by Marquardt. Seconded by Robinet.

To approve Resolution #4 accepting the preliminary roll and setting a public hearing for August 4, 2008 at 6:30 p.m. or as soon thereafter as may be heard to review the preliminary special assessment roll regarding the special assessment for the M-24/I-69 Corridor Utility Project, Special Assessment District #2008-04.

RESOLUTION NO. 4

M-24/I-69 Corridor Utility Project

CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Proposed Special Assessment District No. 2008-04

WHEREAS, The City Assessor has prepared a preliminary Special Assessment Roll for the purpose of specifically assessing that portion of the costs of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the City Commission by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said preliminary Special Assessment Roll shall be filed in the office of the City Clerk for public examination.
2. The City Commission shall meet at the City Hall, at 6:30 o'clock p.m., Local Time, on August 4, 2008, for the purpose of hearing all persons interested in said preliminary Special Assessment Roll and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to publish the notice of said hearing once in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City, said publication to be not less than seven (7) full days prior to the date of said hearing and shall further cause notice of said hearing to be sent by certified mail to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the City, at least ten (10) full days before the time of said hearing, and said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW PRELIMINARY SPECIAL ASSESSMENT ROLL
CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN

TO THE OWNERS OF ALL PROPERTY WITHIN THE FOLLOWING DESCRIBED
SPECIAL ASSESSMENT DISTRICT:

All those property parcels within the Corporate limits of the City of Lapeer lying south of the south line 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 all those property parcels within the Corporate limits of the City of Lapeer lying south of interstate highway 69 and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

TAKE NOTICE that a preliminary Special Assessment Roll has been prepared for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

Water improvements will include the following:

Approximately 26,300 feet of water main pipe of various sizes including typical appurtenances such as valves, hydrants, and connections. Portions of the water main will be installed in steel casings.

Sanitary sewer improvements will include the following:

Approximately 16,000 feet of pipe of various sizes. Some will be gravity flow pipes and others will be force main pipes. Portions of the pipes may be installed in steel casings. New lift stations including typical appurtenances such as generators, controls and site improvements.

The said preliminary Special Assessment Roll is on file for public examination with the City Clerk. Objections to said special assessment may be made in writing prior to the close of the hearing or by personal appearance at the time of the hearing to review said preliminary special assessment roll. A written protest filed prior to the close of said hearing or an oral protest made by an owner or party of interest or his or her agent at the time of said hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal. A written appeal of the special assessment may be filed with the State Tax Tribunal within 30 days after confirmation by the City Commission of the Special Assessment Roll.

TAKE FURTHER NOTICE that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on August 4, 2008 for the purpose of reviewing said preliminary special assessment roll and hearing any objections thereto.

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

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

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Downtown Informational Kiosks in Nepessing Street Right-of-Way

Mike Manchester, Downtown Business Association, commented that the kiosks will be paid by DBA, ad revenue possibilities, appearance of kiosks, requesting permission to put in right-of-way, and that the DBA will maintain the kiosks.

186 2008 07-21

Moved by Robinet. Seconded by Bennett.

To approve the placement of two informational kiosks within the Nepessing Street right-of-way by the Downtown Business Association and authorize the Mayor and City Manager to sign the Permit Agreement.

MOTION CARRIED.

Award Resolution for the Sale of General Obligation and Special Assessment Bonds.

187 2008 07-21

Moved by Robinet. Seconded by Farrington.

To approve the Resolution which authorizes the sale of the \$95,000 2008 Special Assessment Bonds and \$155,000 2008 General Obligation Bonds for the Horton Street Construction Project (2008-01).

CITY OF LAPEER
COUNTY OF LAPEER, STATE OF MICHIGAN

WHEREAS, Special Assessment Roll No. 2008-01 (the "Roll") for the construction of a local public improvement in Special Assessment District 2008-01 ("the "District") in the Issuer have been prepared, reviewed and confirmed by the City Commission; and

WHEREAS, the City Commission has determined that it will be necessary to issue special assessment bonds pledging for their payment collections on the Roll; and

WHEREAS, the City Commission has further determined that it will be necessary to issue general obligation bonds to pay the Issuer's portion of the cost of the aforesaid improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The estimated period of usefulness of said improvements is not less than fifteen (15) years.

2. Special assessment bonds shall be issued in the amount of Ninety Five Thousand Dollars (\$95,000) (the "SA Bonds") in anticipation of the collection of the future due installments on the Roll together with interest and investment income thereon.

The liability of the Roll shall be limited to the principal amount thereof pledged and interest and investment income thereon. In addition to the special assessments primarily pledged as aforesaid, the full faith, credit and resources of the Issuer shall be

pledged secondarily for the prompt payment of the principal of and interest on the SA Bonds as the same become due. If the pledged special assessments are not collected in amounts sufficient to pay the principal of and interest on the SA Bonds as the same become due, the Issuer will promptly advance from its general funds as a first budget obligation sufficient moneys to pay said principal and interest, or, if necessary, levy taxes upon all taxable property in the Issuer therefor, subject to applicable constitutional, charter and statutory tax rate limitations.

3. The SA Bonds shall be designated 2008 SPECIAL ASSESSMENT BONDS (Limited Tax General Obligation), consist of bonds registered as to principal and interest in the denomination of \$5,000 or multiples thereof not exceeding for each maturity the aggregate principal amount of that maturity, numbered in order of registration, dated August 1, 2008, and be payable annually on November 1 of the years and in the principal amounts as follows:

\$ 5,000	2008;
10,000	2009 through 2017, inclusive.

4. General obligation bonds shall be issued in the amount of One Hundred Fifty five Thousand Dollars (\$155,000) (the "GO Bonds") to defray the Issuer's portion of the cost of public improvements in the District. The limited tax full faith, credit and resources of the Issuer are hereby pledged for the prompt payment of the principal of and interest on the GO Bonds as the same become due, which pledge shall include the Issuer's obligation to pay from its general funds as a first budget obligation said principal and interest, and, if necessary, to levy ad valorem taxes on all taxable property in the Issuer within applicable constitutional, charter and statutory tax rate limitations.

5. The GO Bonds shall be designated 2008 GENERAL OBLIGATION LIMITED TAX BONDS, shall consist of bonds registered as to principal and interest in the denomination of \$5,000 or multiples thereof not exceeding for each maturity the aggregate principal amount of that maturity, numbered in order of registration, dated August 1, 2008, and be payable annually on November 1 of the years and in the principal amounts as follows:

\$10,000	2008;
15,000	2009 through 2015;
20,000	2016 and 2017.

6. The SA Bonds and GO Bonds shall both bear interest at a rate of 3.95% per annum, payable on November 1, 2008, and semiannually thereafter, by check or draft drawn on the Transfer Agent (hereinafter defined) mailed to the registered owner at the registered address as shown on the registration books of the Issuer maintained by the Lapeer County Bank & Trust Co. which is hereby named and designated as Transfer Agent. Interest shall be payable to the person or entity who or which is the registered owner of record as of the fifteenth (15th) day of the month prior to the payment date for each interest payment. The date of determination of the registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The principal of both the SA Bonds and GO Bonds shall be payable upon presentation and surrender thereof at the location of the Transfer Agent.

The SA Bonds and the GO Bonds shall be subject to prior redemption as provided in Section 12 of this resolution.

The Issuer may designate a new Transfer Agent by notice mailed to the registered owner of each of the SA Bonds and the GO Bonds at such time outstanding not less than sixty (60) days prior to an interest payment date. The City Treasurer or Finance Director are each hereby authorized to execute an agreement with the Transfer Agent on behalf of the Issuer.

7. The SA Bonds and GO Bonds shall be executed in the name of the Issuer with the facsimile signatures of the Mayor and the City Clerk and shall have the Issuer's seal

or a facsimile thereof printed or affixed on them. No bond authorized by this resolution shall be valid until authenticated by an authorized representative of the Transfer Agent.

The SA Bonds and GO Bonds shall be delivered to the Transfer Agent for authentication and shall be delivered by the Transfer Agent to the purchaser in accordance with instructions from the Treasurer of the Issuer upon payment of the purchase price for the SA Bonds and GO Bonds in accordance with the accepted bid therefor. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

The Series SA and GO Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York.

8. Any bond authorized by this resolution may be transferred upon the books required to be kept by the Transfer Agent pursuant to this section by the person or entity in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond or bonds shall be surrendered for transfer, the Issuer shall execute and the Transfer Agent shall authenticate and deliver a new bond or bonds in like aggregate principal amount, maturity and maturity rate. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

9. The SA Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF LAPEER
CITY OF LAPEER
2008 SPECIAL ASSESSMENT BOND
(LIMITED TAX GENERAL OBLIGATION)

<u>Interest</u> <u>Rate</u>	<u>Maturity</u> <u>Date</u>	<u>Date of</u> <u>Original Issue</u>	<u>CUSIP</u>
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Registered Owner:

Principal Amount: Ninety Five Thousand Dollars

The City of Lapeer, County of Lapeer, State of Michigan (the "Issuer"), promises to pay to the Registered Owner shown above, or registered assigns, the Principal Amount shown above, in lawful money of the United States of America, on the Maturity Date shown above, unless redeemed prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue shown above, or the last interest payment date to which interest has been paid, until paid, at the Interest Rate per annum shown above, first payable on November 1, 2008, and semiannually thereafter. Principal of this bond is payable at the principal office of Lapeer County Bank & Trust Co., Lapeer, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than 60 days prior to any interest payment date. Interest on this bond is payable when due to the person or entity who or which is the registered owner of record as of the 15th day of the month preceding the payment date as shown on the registration books of the Issuer maintained by the transfer agent, by check or draft mailed to the registered owner at the registered address. For the prompt payment of this bond, both principal and interest, the limited tax full faith, credit and resources of the Issuer are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue, aggregating the principal sum of \$95,000, issued in anticipation of the collection of special assessments in Special Assessment District No. 2008-01 (the "District") of the Issuer for the purpose of paying part of the cost of local public improvements in the District, all in accordance with the provisions of Act 279, Public Acts of Michigan, 1909, as amended,

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF LAPEER
CITY OF LAPEER
2008 GENERAL OBLIGATION LIMITED TAX BOND

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
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Registered Owner:

Principal Amount: One Hundred Fifty Five Thousand Dollars

The City of Lapeer, County of Lapeer, State of Michigan (the "Issuer"), promises to pay to the Registered Owner shown above, or registered assigns, the Principal Amount shown above in lawful money of the United States of America, on the Maturity Date shown above, unless redeemed prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue shown above, or the last interest payment date to which interest has been paid, until paid, at the Interest Rate per annum shown above, first payable on November 1, 2008 and semiannually thereafter. Principal of this bond is payable at the principal office of Lapeer County Bank & Trust Co., Lapeer, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner hereof not less than sixty (60) days prior to any interest payment date. Interest on this bond is payable when due to the person or entity who or which is the registered owner of record as of the 15th day of the month preceding the payment date as shown on the registration books of the Issuer maintained by the transfer agent, by check or draft mailed to the registered owner at the registered address. For the prompt payment of this bond, both principal and interest, the limited tax full faith, credit and resources of the Issuer are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue, aggregating the principal sum of \$155,000, issued for the purpose of paying part of the cost of acquiring and constructing public improvements in Special Assessment District No. 2008-01 of the Issuer. This bond is issued under the provisions of Act 279, Public Acts of Michigan, 1909, as amended, the Issuer's Charter, and a duly adopted resolution ("Resolution") of the Issuer.

Bonds of this issue are not subject to redemption prior to maturity.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the Issuer, and the Issuer is required, if necessary, to levy ad valorem taxes on all taxable property in the Issuer for the payment thereof, subject to applicable constitutional, charter and statutory tax rate limitations.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the transfer agent by the registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor as provided in the Resolution and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done in the issuance of this bond and the series of bonds of which this is one have been done in the manner required by law, and that the total indebtedness of the Issuer, including this bond and the series of bonds of which this is one, does not exceed any constitutional, charter or statutory debt limitation.

This bond is not valid or obligatory for any purpose until the transfer agent's Certificate of Authentication on this bond has been executed by the transfer agent.

IN WITNESS WHEREOF, the City of Lapeer, County of Lapeer, State of Michigan, by its City Commission, has caused this bond to be executed with the facsimile signatures of its Mayor and its Clerk and its corporate seal or a facsimile thereof to be printed hereon, all as of the Date of Original Issue.

CITY OF LAPEER

By [facsimile]
Mayor

(SEAL)

Countersigned:

 [facsimile]
Clerk

[FORM OF TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]
Certificate of Authentication

This bond is one of the bonds described in the within- mentioned Resolution.

Lapeer County Bank & Trust Co.,
Lapeer, Michigan,
Transfer Agent
By _____
Authorized Representative

Date of Registration: _____

11. In order to minimize costs of issuance of the Bonds and to achieve interest savings the Bonds shall be negotiated and sold to Lapeer County Bank & Trust Co. on terms consistent with this resolution. The City Finance Director be and is hereby authorized to negotiate the terms of the sale and execute any document necessary to effectuate same.

12. There shall be established and maintained a fund (which may be a general ledger account) to be designated 2008 SPECIAL ASSESSMENT BONDS DEBT RETIREMENT FUND. Into said fund there shall be placed the accrued interest and premium, if any, attributable to the SA Bonds received at the time of delivery thereof. In addition, there shall be paid into said fund the collections of principal of and interest on the Roll. If at any time said fund is insufficient to pay the principal of and interest on said SA Bonds as the same become due, the Issuer shall advance from its general funds as a first budget obligation a sufficient amount of money to pay such principal and interest and, if necessary, shall levy taxes on all taxable property in the Issuer for such purpose, subject to applicable constitutional, charter and statutory tax rate limitations.

13. There shall be established and maintained a fund to be designated 2008 GENERAL OBLIGATION LIMITED TAX BONDS DEBT RETIREMENT FUND, which shall be used solely to pay principal of and interest on the GO Bonds. Into said fund there shall be placed the accrued interest and premium, if any, attributable to said GO Bonds received at the time of delivery thereof. Commencing with the 2008 tax levy, the Issuer shall provide in its budget each year until the GO Bonds are paid a sum sufficient to pay the principal of and interest on the GO Bonds. The Issuer in calculating the sum to be budgeted and set aside may take credit for any surplus remaining in the fund from prior years or money deposited into said fund from other sources.

14. There shall be established and maintained a fund for Special Assessment District No. 2008-1 to be designated SPECIAL ASSESSMENT DISTRICT NO. 2008-1 CONSTRUCTION FUND, into which shall be placed the proceeds of sale of both the GO Bonds and SA Bonds, except accrued interest and premium, if any, and from which fund there shall be paid the cost of the improvements in such District.

15. Covenant Regarding Tax Exempt Status of the Bonds. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, (the "Code") including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds, and to prevent the Bonds from being or becoming "private activity bonds" as that term is used in Section 141 of the Code.

16. The Bonds be and are hereby designated as qualified tax exempt obligations pursuant to the Code.

17. 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, Bennett, Marquardt, and Bostick-Tullius

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on railroad crossings on Court Street, milling of crossing on M-24 and Lake Nepessing, and the request to fix the railroad tracks by GLTA and the Saginaw/DeMille area. Mr. Kerbyson commented on attendance to the City Manager conference.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan commented that the office is working on many projects and commended the Mayor and City Commission on staff efficiency.

UNFINISHED BUSINESS

188 2008 07-21

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

To appoint Donald Miller to the Lapeer Housing Commission for a term ending 08-1-13.

MOTION CARRIED.

189 2008 07-21

Appointed by Mayor Sprague. Moved by Robinet. Seconded by Farrington.

To appoint the following:

James Mikus Lapeer Neighborhoods, Inc. for a term ending 08-01-10.

Jennell RaCosta Lapeer Neighborhoods, Inc. for a term ending 08-01-10.

MOTION CARRIED.

190 2008 07-21

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

To appoint the following:

Jennifer Hubbell Planning Commission for a term ending 08-01-11.

Dave Sommerville Planning Commission for a term ending 08-01-11.

Joe Black Planning Commission for a term ending 08-01-11.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Financial Report for June 2008 and Peddler's License information regarding Norma Likowski – Mobile Ice Cream Truck was received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Farrington commented on the timeline for Horton Street construction in relation to Lapeer Days. Brief discussion was held regarding gas lines in area, September completion date, and that the road will be open to provide access for carnival employees.

Commissioner Marquardt commented on the light at M-24 and Baldwin and traffic issues. Brief discussion was held regarding MDOT requirements.

PUBLIC COMMENT

Steve Bahr commented that his address was 1583 S. Lapeer Road and not 1583 S. Main Street.

ADJOURNMENT

191 2008 07-21

Moved by Bennett. Seconded by Farrington.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:08 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk