

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

August 4, 2008

A regular meeting of the Lapeer City Commission was held August 4, 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

192 2008 08-04

Moved by Marquardt. Seconded by Robinet.

To approve the Agenda for August 4, 2008 with the addition of Item H.3. Lapeer Optimist Club Resolution.

MOTION CARRIED.

MINUTES

193 2008 08-04

Moved by Robinet. Seconded by Marquardt.

To approve the minutes from the Regular Meeting held on July 21, 2008 and Workshop Meeting held on July 21, 2008.

MOTION CARRIED.

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

CONSENT AGENDA

194 2008 08-04

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the Consent Agenda for August 4, 2008 resulting in the following:

1. Approve Local Share Payment #4 to the State of Michigan in the amount of \$25,768.73 for the Oregon Street Reconstruction Project.
2. Approve the Agreement for the 2008 Street Marking Project to R.S. Contracting, Inc. in the amount of \$7,920 and authorize the City Manager and Director of Public Works to sign the required document.
3. Approve the Changes to the Fee Schedule as follows: Rezoning Request Fee to \$500 and the Right-of-Way Tree Fee to \$225.
4. Approve Taxi Cab License #2008-01 for LA Taxi LLC.

MOTION CARRIED.

BILL LISTING FOR AUGUST 4, 2008

195 2008 08-04

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for August 4, 2008 in the amount of \$936,286.48.

MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Proclamation: Kids Day America International.

196 2008 08-04

Moved by Farrington. Seconded by Marquardt.

To approve the Proclamation in Recognition of Kids Day America.

PROCLAMATION KIDS DAY AMERICA INTERNATIONAL In Recognition of Kids Day America

WHEREAS, the health and well being of children is our responsibility; and the safety of our children is a significant concern for parents, community leaders and health care providers; and

WHEREAS, environmental welfare for our children is of universal concern and deserves the utmost attention; and

WHEREAS, Kids Day American is an annual event held across the United States where children have fun and receive valuable information and parents learn about health awareness and other important topics to keep children safe; and

WHEREAS, if started in childhood, proper health, safety, and environmental habit can be maintained for a lifetime, producing a valued member of society and enhancing our community; and

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission take this opportunity on behalf of the people of the City of Lapeer to express our support in this note worthy event and have the honor of proclaiming September 20, 2008 as "Kids Day America/International" throughout the City of Lapeer and urge the City of Lapeer families to participate in activities that reinforce positive, healthy life choices among children;

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the official proceedings of the City of Lapeer, and that a copy thereof be tendered to Kids Day America/International as recognized by the City of Lapeer Commission.

Dated this 4th day of August, 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

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

Mayor Sprague opened the public hearing at 6:34 p.m. to hear comments regarding the M-24/I-69 Corridor Utility Project: Special Assessment District #2008-04 Special Assessment Roll Public Hearing.

Michael Jablonski, representative of JPT Acquisition, commented in objection to the special assessment, that sewer and water lines do not touch their property, that the assessment was not correct due to acreage deeded to MDOT and easements given to the State of Michigan, designation of westlands, and provided a letter with attachments to the Commission.

Richard Sullivan, representative of Lashbrook, commented on the 177 acres annexed into the City, that they are unable to participate in the special assessment due to funding, agreement issues with Citizens for a Greater Lapeer, easement provided to

City across property, that the City has gone out of its way to make the project work, and issues with excluding property with wetlands.

James Roach, 1048 S. Lapeer Road, commented in support of the project, interest in area for water and sewer availability, thanked staff in answering of questions, and that this is an important project for the City.

Mayor Sprague closed the public hearing at 6:42 p.m.

Discussion was held regarding the receipt of signed affidavits by property owners, effect of no action by the Commission, property within the Annexation By Choice area, assessment spread of Phase I, and City risks involved with the project.

197 2008 08-04

Moved by Farrington.

To not approve Resolution 5 for the M-24/I-69 Corridor Project.

Motion Failed For Lack of Support.

198 2008 08-04

Moved by Robinet. Seconded by Marquardt.

To table action regarding the M-24/I-69 Corridor Utility Project to the next regularly scheduled Commission meeting. Discussion was held regarding the effect of tabling action on the project, time and effort involved with the project, Phase I potential, City risks involved with the project, arrival of property owner after public hearing and to allow public comments at the end of the meeting, number of signed affidavits by property owners received, and possible annexation of parcels within the Annexation By Choice area. The question was called to a vote.

Ayes: Robinet, Marquardt, Bennett, and Bostick-Tullius. Nays: Farrington.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

No reports provided.

CITY MANAGER'S REPORT

Property Purchase – Archdiocese of Detroit

199 2008 08-04

Moved y Robinet. Seconded by Farrington.

To approve and authorize the Agreement for Purchase and Sale by the City of Lapeer from the Archdiocese of Detroit in the amount of \$275,000 regarding Parcel #21-17-225-040-00.

MOTION CARRIED.

The City Manager commented on the project report by Rowe Incorporated.

Resolution: Lapeer Optimist Club

200 2008 08-04

Moved by Bostic-Tullius. Seconded by Marquardt.

To approve the Resolution for the Lapeer Optimist Club.

CITY OF LAPEER
RESOLUTION
Lapeer Optimist Club

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

Cedar Street north of Nepessing Street for their beer tent on Friday, August 15, 2008 through Sunday, August 17, 2008, be approved.

	APPROVAL		DISAPPROVAL
Ayes:	Commissioner Bostick-Tullius, Bennett, Robinet, and Farrington.		Ayes:
Nays:	None.		Nays:
Absent:	None.		Absent:

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

CITY ATTORNEY'S REPORT

No report provided.

UNFINISHED BUSINESS

No Board appointments were made.

DEPARTMENTAL COMMUNICATIONS

None.

PUBLIC COMMENTMENTS

Rob Lawrence, RACO representative, commented in support of the project, overall value of the project, the need for water and sewer lines, thanked the Commission for allowing comments, and that the project needs to go forward.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented on information relating to the number of jobs and tax revenue that was being used in relation to the project area, if an impact study had been completed, and where such numbers were coming from. City Manager Dale Kerbyson responded that no impact study had been completed and that ex-City Planner Matt Modrack had generated a comparable based on current big-box businesses. Mr. Bennett commented that the information being used was unofficial and to get out and vote tomorrow.

Commissioner Marquardt commented on the effectiveness of the emergency system in the City and to get out and vote tomorrow.

Commissioner Bostick-Tullius appreciated the comments provided by Rob Lawrence and expressed disappointment of not going forward with the M-24 project.

Commissioner Farrington commented on the project area relating to developer issues, wetland issues, and reviewing the project next year.

Commissioner Robinet commented that it was the right thing to table the M-24 project for two weeks, agreed with Mr. Lawrence's comments, and risks involved with project.

Mayor Sprague commented on the project area, Phase I and modifications to project, review of project area, potential of annexation of other property owners, the need to look at risks to the City, and to review ways to accomplish the project and move forward.

Brief discussion was held regarding JPT acreage given to MDOT and request for documentation and easement provisions to DEQ.

ADJOURNMENT

201 2008 08-04

Moved by Robinet. Seconded by Bennett.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:27 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk