

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

September 5, 2006

A regular meeting of the Lapeer City Commission was held on September 5, 2006 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Pro-Tem Sprague
Commissioners Turkelson, Marquardt, Farrington, and Robinet.
City Attorney Ron Shamblin
City Manager Dale Kerbyson

Absent: None.

Mayor Pro-Tem Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

196 2006 09-05

Moved by Turkelson. Seconded by Farrington.

To approve the Agenda for August 21, 2006 with the additions of discussion on the resignation of Mayor Treece after approval of the minutes and Item F-3 Special Event Request – Lapeer East Student Council. MOTION CARRIED.

MINUTES

197 2006 09-05

Moved by Marquardt. Seconded by Robinet.

To approve the minutes of the Regular Meeting held on August 21, 2006, and the Executive Session Meeting held on August 21, 2006, as presented.

MOTION CARRIED.

Minutes from Various Boards and Commissions received through August 31, 2006 were received into record.

Discussion on the Resignation of Mayor Treece

Discussion was held on the resignation letter received by Mayor Treece, the Commission, by general consensus, accepted the letter of resignation by Mayor Treece, Charter requirements for appointment to the office of Mayor, and if there was interest to the appointment of Mayor from current Commission members.

198 2006 09-05

Moved by Robinet. Seconded by Marquardt.

To appoint Commissioner Sprague as Mayor for the balance of the unexpired term and thereby place Commissioner Sprague on the Planning Commission and the Downtown Development Authority as the Mayoral representative upon acceptance of the appointment by Commissioner Sprague. The appointment was accepted by Commissioner Sprague. The question was called to a vote.

MOTION CARRIED.

Brief discussion was held on Charter requirements for the appointment to the vacated Commission seat. By general consensus, the City Commission will accept letters of interest for the appointment to the vacated Commission seat.

City Clerk Cronce provided the Oath of Office to Mayor Sprague.

Mayor Sprague commented on the years of service provided by Mayor Treece and to thank Mayor Treece for all he has done in representing the City.

PUBLIC COMMENTS

Mike Hoban, 3932 Oak Street, Metamora, commented on dogs during Lapeer Days, that kids love them, the training his dogs have received, that banning dogs is unfair and unreasonable, understands concerns to public safety, feels that there is overreaction, that more safety concerns are with the beer tent and carnival workers and rides, to work out a compromise, use of inspection stations for dogs, creation of events for dogs, and the loss of dollars if dogs are banned downtown.

Pam Young, 4640 Diehl Road, Metamora, commented on dogs during Lapeer Days, that dogs can be therapeutic, various types of dog training, heat concerns, most owners do not stay the whole day, collar and leash issues, cleanup of dog messes, use of volunteers, dog check areas, creation of dog events, and that tripping over things happen more often than dog bites.

Geraldine House, 4882 Diehl Road, Metamora, commented that her dogs were a hit during Metamora Days, contests of people who dress to look like their dog, dog parks that have enforcement to pick up dog messes, and heat concerns.

Diane Larkin, 166 N. Court Street, Lapeer, commented that dogs have always been at Lapeer Days, parades, swingouts, and other downtown events, and would like to see the issue solved in a positive way.

Bob Morningstar, 644 Jefferson, commented that he walks every day, was attacked and bitten by a dog, now carries a cane, that his wife spoke during the last Commission meeting, are not against dogs but are against irresponsible dog owners, that there was dog droppings at Metamora Days, and that Lapeer Days is made for the people not for dogs.

Discussion was held regarding Lapeer Days is a Chamber event, that both sides have concerns and issues, that Lapeer Days is for the people, ideas proposed for dog events were creative, that when residents raise concerns the Commission will review all sides, dog concerns have been expressed over the past three years, issues regarding heat, sanitation, safety, enforcement, irresponsible owners, that an ordinance is not being proposed at this time, and encouraged participation with the Chamber of Commerce for input and volunteerism during Lapeer Days.

CONSENT AGENDA

199 2006 08-21

Moved by Marquardt. Seconded by Robinet.

To approve the Consent Agenda for September 5, 2006 resulting in the following:

1. Approval of Payment Request #5 to Professional Pool Techs, LLC in the amount of \$32,400 for Lapeer Spray Park Project.
2. Approval of Special Event Request from Lapeer Open Door Community of Christ for World Trade Day to be held September 11, 2006.
3. Approval of Special Event Request from Lapeer County Office of Emergency Management for Family Emergency Preparedness Day to be held September 30, 2006.
4. Approval of 2006 GM Sierra 2500 HD 4WD Pick Up Truck from Red Holman Pontiac GMC in the amount of \$33,928 for the Water Department to be paid from account 661-580-976000 Project #13970.

MOTION CARRIED.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Mental Illness Awareness Week

200 2006 09-05

Moved by Turkelson. Seconded by Robinet.

To approve the Resolution Honoring Mental Awareness Week.

CITY OF LAPEER
RESOLUTION HONORING
MENTAL ILLNESS AWARENESS WEEK

WHEREAS, severe mental illnesses such as schizophrenia, bipolar disorder, major depression, obsessive-compulsive disorder, severe anxiety disorders, borderline personality disorder, and post-traumatic stress disorders affect one in every five families annually; and

WHEREAS, severe mental illnesses are more common than cancer, diabetes and heart disease and are the number one reason for hospital admissions nationwide; and

WHEREAS, severe mental illnesses have been scientifically proven to be highly treatable illnesses of the brain; and

WHEREAS, scientific research is producing tremendous breakthroughs in the understanding of mental illnesses, resulting in more effective treatments that allow people to reclaim full and productive lives; and

WHEREAS, severe mental illnesses continue to be shrouded in stigma and discrimination from societal prejudice causing those who are affected, to be cast as second-class citizens.

NOW, THEREFORE BE IT RESOLVED, that I, Mayor Pro-Tem William J. Sprague, and the City Commission of the City of Lapeer, State of Michigan, do hereby proclaim October 1 through October 7, 2006 as Mental Illness Awareness Week in Lapeer, Michigan to increase public awareness of several mental illnesses, especially schizophrenia.

Dated this 5th day of September, 2006.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

No public hearings scheduled.

ADMINISTRATIVE REPORTS

Sewer Back Up Policy

201 2006 09-05

Moved by Turkelson. Seconded by Farrington.
To approve the Sewer Back Up Policy as presented.
MOTION CARRIED.

Awarding Resolution for the Sale of General Obligation and Special Assessment Bonds

202 2006 09-05

Moved by Farrington. Seconded by Marquardt.
To approve the Awarding Resolution for the Sale of General Obligation and Special Assessment Bonds.

SA/GO
AWARDING RESOLUTION

City of Lapeer
County of Lapeer
State of Michigan

WHEREAS, September 5, 2006, at 3:30 o'clock p.m., Eastern Daylight Savings Time, has been set as the date and time for opening bids for the purchase of Issuer's 2006 Special Assessment Bonds (Limited Tax General Obligation), and its 2006 General Obligation Limited Tax Bonds.

WHEREAS, said bids have been publicly opened and read; and

WHEREAS, the bids attached hereto as Exhibit A have been received; and

WHEREAS, it is appropriate for the City Commission to award the sale of the Bonds to the bidder whose bid meets the requirements of law and which has been determined to produce the lowest interest cost to the City; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Award. The bid of Lapeer County Bank & Trust Co., as attached hereto as part of Exhibit A, is determined to produce the lowest cost to the City, and the bid is hereby approved and accepted.
2. Return of Good Faith Checks. Checks received from the unsuccessful bidders shall be returned to each bidder's representative or by registered mail or overnight courier as set forth in the Official Notice of Sale as published.
3. Tax Covenant. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.
4. Publication and Ratification. The publication of the Official Notice of Sale for the bonds and the terms of the bonds be and are hereby approved and ratified.
5. Repealer. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Special Event Request – Lapeer East Student Council

203 2006 09-05

Moved by Robinet. Seconded by Turkelson.

To approve the Special Event Request from Lapeer East Student Council for a Green and Gold Homecoming March to be held September 15, 2006 on Nepessing Street between the Catholic Church and Saginaw Street contingent upon receipt of current insurance and work out time details with the Police Chief.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented on upcoming meetings and events.

Brief discussion was held regarding employee parking in the Lynch parking lot and negotiation of a formal agreement.

CITY ATTORNEY'S REPORT

Chapter 6 (Land Division Ordinance) – Ordinance Amendment

204 2006 09-05

Moved by Robinet. Seconded by Farrington.

To adopt the proposed amendment to Chapter 6 (Land Division Ordinance), Section 6.06, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 6 LAND DIVISION ORDINANCE

6.06 SUBDIVISIONS

(A) Initial Investigations – Unchanged

(B) Step One – Conceptual Plan:

1. Unchanged
2. The following items shall be included on a conceptual plan at a scale of not more than 1 inch to 200 feet.
 - a. Unchanged
 - b. Unchanged
 - c. Unchanged
 - d. Unchanged
 - e. Unchanged
 - f. Unchanged
 - g. Unchanged
 - h. Unchanged
 - i. Unchanged
 - j. Unchanged
 - k. Unchanged
 - l. Topographic survey plan (show existing ground contour lines) for the site and 100' beyond the property lines. Contour lines are to be shown every 2 feet.
 - m. Unchanged
 - n. Plan shall otherwise comply with the City of Lapeer Design Standards and City Construction Specifications.
3. Unchanged

(C) Step Two – Preliminary Plat for Tentative Approval:

1. Unchanged
2. Information required on the Preliminary Plat for Tentative Approval, at a scale not more than 1 inch to 200 feet.
 - a. Unchanged
 - b. Unchanged
 - c. Unchanged
 - d. Unchanged
 - e. Unchanged
 - f. Unchanged
 - g. Unchanged
 - h. Unchanged
 - i. Topographic survey plan (show existing ground contour lines) for the site and 100' beyond the property line. Contour lines are to be shown every 2 feet.
 - j. Proposed drainage shall be indicated by drainage arrows; drainage arrows should be sufficient to show preliminary drainage sections of the entire development.
 - k. Provide complete language for any and all deed restrictions, or state that there are not any proposed.
 - l. Indicate all 100-year flood plain areas.
 - m. Indicate any wetland areas that are regulated by the Michigan Department of Environmental Quality.
 - n. Required zoning setbacks.
 - o. Date and north arrow.

- p. All parcels of land proposed to be dedicated to public use and conditions of such dedication.
- q. Plan shall otherwise comply with City of Lapeer Design Standards and City Construction Specifications.

ON A ROLL CALL VOTE:

AYES: Commissioners Turkelson, Marquardt, Robinet, and Farrington.
 NAYS: None.
 ABSENT: None.
 ABSTAIN: None.
 MOTION CARRIED. AMENDMENT TO CHAPTER 6 ADOPTED.

Chapter 7 (Zoning Ordinance) – Ordinance Amendment

205 2006 09-05

Moved by Robinet. Seconded by Marquardt.
 To adopt the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.17, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 7 ZONING ORDINANCE

ARTICLE 7.17- GENERAL PROVISIONS

A. – through – O. Unchanged

P. SITE PLAN REVIEW (ALL DISTRICTS)

- 1. Unchanged
- 2. Unchanged
- 3. The following information shall be included on the site plan:
 - a. Plan scale shall be 1 inch = 50 feet horizontally as a maximum and 1 inch = 5 feet vertically for profiles.
 - b. Unchanged
 - c. Unchanged
 - d. Unchanged
 - e. Unchanged
 - f. Unchanged
 - g. Unchanged
 - h. Plan submittal shall comply with City of Lapeer Construction Specifications.
- 4. Unchanged
- 5. Unchanged
- 6. Unchanged

ON A ROLL CALL VOTE:

AYES: Commissioners Robinet, Farrington, Marquardt, and Turkelson.
 NAYS: None.
 ABSENT: None.
 ABSTAIN: None.
 MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Chapter 12 (Streets, Sidewalks and Alleys) – Ordinance Amendment

206 2006 09-05

Moved by Robinet. Seconded by Marquardt.
 To adopt the proposed amendment to Chapter 12 (Streets, Sidewalks and Alleys), Section 12.10, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 12 STREETS, SIDEWALKS AND ALLEYS

12.10 CURB CUTS AND DRIVEWAY APPROACHES.

- (A) Unchanged
- (B) Unchanged

- (1) Unchanged
 - (a) Unchanged
 - (b) Unchanged
 - (c) Unchanged
 - (d) Unchanged
 - (e) Unchanged

- (2) Unchanged
- (3) Design Criteria
 - (a) Curb cuts and Driveway approaches shall comply with City of Lapeer Design Standards and City Construction Specifications.
 - (b) Deleted
 - (c) Deleted
- (4) Unchanged
- (5) Unchanged

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 12 ADOPTED.

Chapter 58 (Condominiums) – Ordinance Amendment

207 2006 09-05

Moved by Robinet. Seconded by Farrington.

To adopt the proposed amendment to Chapter 58 (Condominiums), Section 58.06, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 58 CONDOMINIUMS

58.06 CONDOMINIUM PLAN REVIEW

- (A) Unchanged
- (B) Unchanged
- (C) Review Procedures for Site Condominiums

Following any initial investigations, the applicant for a site condominium development would follow the process outlined in this section.

1. Step One – Conceptual Plan Review – Unchanged
 - a. The following items shall be included on a conceptual site plan at a scale of not more than 1 inch to 200 feet:
 - 1) Unchanged
 - 2) Unchanged
 - 3) Unchanged
 - 4) Unchanged

- 5) Unchanged
- 6) Unchanged
- 7) Unchanged
- 8) Unchanged
- 9) Unchanged
- 10) Unchanged
- 11) Unchanged
- 12) Topographic survey plan (show existing ground contour lines) for the site and 100' beyond the property line. Contour lines are to be shown every 2 feet.
- 13) Unchanged
- 14) Plan shall otherwise comply with City of Lapeer Design Standards and City Construction Specifications.

b. Unchanged

2. Step Two-Preliminary Approval – Unchanged

a. Information required on the site condominium plan submitted for tentative approval, at a scale not more than 1 inch to 200 feet:

- 1) Unchanged
- 2) Unchanged
- 3) Unchanged
- 4) Unchanged
- 5) Unchanged
- 6) Unchanged
- 7) Unchanged
- 8) Unchanged
- 9) Proposed drainage shall be indicated by drainage arrows; drainage arrows should be sufficient to show preliminary drainage directions of the entire development.
- 10) Unchanged
- 11) Unchanged
- 12) Unchanged
- 13) Unchanged
- 14) Unchanged
- 15) Unchanged
- 16) Topographic survey plan (show existing ground contour lines) for the site and 100' beyond the property line. Contour lines are to be shown every 2 feet.
- 17) Plan shall otherwise comply with City of Lapeer Design Standards and City Construction Specifications.

b. Unchanged

c. Unchanged

d. Unchanged

3. Unchanged

(D) Unchanged

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 58 ADOPTED.

City of Lapeer Construction Specifications

208 2006 09-05

Moved by Robinet. Seconded by Marquardt.
To approve the City of Lapeer Constructions Specifications.
MOTION CARRIED.

BILL LISTING FOR SEPTEMBER 5, 2006

209 2006 09-05

Moved by Robinet. Seconded by Turkelson.
To approve the Bill Listing for September 5, 2006 in the amount of \$723,451.49.
MOTION CARRIED.

UNFINISHED BUSINESS

There were no board appointments.

DEPARTMENTAL COMMUNICATIONS

None.

PUBLIC COMMENTS

Bruce Alberts, 231 Oak Grove Drive, commented on the World Trade Day Special Event to be held September 11, that speakers are lined up, that trading of small items will take place, to honor the victims of 9-11, to honor Mattie Stepanek, and feels that the event will be good for the community.

MAYOR/COMMISSIONER COMMENTS

Discussion was held regarding the appreciation of service of Mayor Treece, Charter changes, Lynch parking lot, Commission seat vacancy, and great job by City staff on the Construction Specifications, weed issues, and review of Great Lakes Car Wash issues.

Mayor Pro-Tem Appointment

210 2006 09-05

Moved by Turkelson. Seconded by Marquardt.
To appoint Commissioner Robinet to serve as Mayor Pro-Tem.
MOTION CARRIED.

Len Schneider, Lapeer County Commission representative, commented that past Mayor Treece was a mentor, friend, and supporter, congratulations to Mayor Sprague, and to continue working relationship with City representatives.

ADJOURNMENT

211 2006 09-05

Moved by Turkelson. Seconded by Robinet.
To adjourn the meeting. MOTION CARRIED.

The meeting adjourned at 7:36 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk