

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

September 17, 2007

A regular meeting of the Lapeer City Commission was held on September 17, 2007 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:33 p.m.

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

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

239 2007 09-17

Moved by Robinet. Seconded by Turkelson.

To approve the agenda for September 17, 2007 with the addition of Item B.8. Resolutions for Manage Floodplain Development for the National Flood Insurance Program.

MOTION CARRIED.

MINUTES

240 2007 09-17

Moved by Farrington. Seconded by Ogden.

To approve the minutes of the Regular Meeting held on September 4, 2007 and the Special Meeting held on September 7, 2007 as presented.

MOTION CARRIED.

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

CONSENT AGENDA

241 2007 09-17

Moved by Robinet. Seconded by Marquardt.

To approve the Consent Agenda for September 17, 2007 resulting in the following.

1. Approval of Contract with Diane Forfar to perform Housing Choice Voucher Rental Inspections and authorize the Mayor and City Manager to sign the required document.
2. Approval of the Resolution To Approve Michigan State Housing Development Authority (MSHDA) HOME or Community Development Block Grant Fund Downtown Rental Rehabilitation Grant Application.

**RESOLUTION TO APPROVE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
HOME or COMMUNITY DEVELOPMENT BLOCK GRANT FUND
DOWNTOWN RENTAL REHABILITATION
GRANT APPLICATION**

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low income residents; and

WHEREAS, said City Commissioners accept the recommendation of the City of Lapeer Housing Improvement Department to apply for \$125,000 through the Michigan State

Housing Development Authority HOME or Community Development Block Grant Fund for a 5 unit Downtown Rental Rehabilitation grant for Phase 2 of 286 W. Nepessing; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned grant application; and

WHEREAS, said City Commissioners authorize the Director of Housing and Neighborhood Development to sign the application form as required;

WHEREAS, the City Commissioners has held a public hearing on May 21st, 2007 regarding the Downtown Rental Rehabilitation Grant for 286 W. Nepessing;

THEREFORE, BE IT RESOLVED that the City of Lapeer authorizes the City of Lapeer Housing Improvement Division to submit the application for funding through the Michigan State Housing Development Authority's HOME or Community Development Block Grant Fund for a Downtown Rental Rehabilitation Grant for 286 W. Nepessing.

3. Approval of the demolition of Lapeer Neighborhood Incorporated home located at 830 N. Calhoun St.
4. Approval of the Special Event Request from Lapeer Kiwanis for Kiwanis Annual Cider Sale to be held October 4-6, 2007.
5. Approval of the Special Event Request from Zonta Club of Lapeer Area for Fantasy Forest to be held October 13, 2007 at Rowden Park.
6. Approval of the Special Event Request from Lapeer East High School for Homecoming Parade to be held September 21, 2007 on Nepessing Street.
7. Approval of the Engineering Agreement for Construction Engineering on the Oregon Street Reconstruction Project with Rowe Incorporated in the amount of \$69,000 and authorize the Director of Public Works to sign the required document.
8. Approval of the Resolution Community Resolution To Manage Floodplain Development For The National Flood Insurance Program and the Community Resolution And Intergovernmental Agreement To Manage Floodplain Development For The National Flood Insurance Program.

COMMUNITY RESOLUTION TO
MANAGE FLOODPLAIN DEVELOPMENT
FOR THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, the Community of City of Lapeer currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and

unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.

2. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E. (This is to be included only if the FEMA has issued a FHBM for the community).
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G if adopted by the community)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by an ordinance adoption action dated January 3, 1992, as amended with an effective date of September 13, 2007, the community accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and [Community B has agreed to enforce those codes on behalf of Community A (if appropriate)]

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. The community directs its designated enforcing agent for the construction code act, Building Official, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G, if adopted) and to be consistent with those regulations by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

- c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 3. Appendix G of the current Michigan Building Code, if adopted.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
2. The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
 3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

COMMUNITY RESOLUTION AND INTERGOVERNMENTAL AGREEMENT
TO MANAGE FLOODPLAIN DEVELOPMENT
FOR THE NATIONAL FLOOD INSURANCE PROGRAM
Community A: City of Lapeer Community B: Construction Code Authority

WHEREAS, Community A currently participates in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
 3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
 4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
 5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
 6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G), if adopted] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing agreement dated February 13, 2007 by the City of Lapeer and February 19, 2003 by the Construction Code Authority, Community B agrees on behalf of Community A to function as the designated agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all development within Community A’s political boundaries, and

WHEREAS, Community A and Community B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community B agree that Community B’s officially designated enforcing agent for the construction code act, Construction Code Authority, be directed to administer on Community A’s behalf the floodplain management

regulations as contained in the state construction code (including Appendix G, if adopted) and to be consistent with those regulations, by:

- a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community B shall implement the following applicable codes according to their terms:
 - i) Appropriate portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) Appropriate portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code, if adopted.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Community A and Community B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

FURTHER BE IT RESOLVED, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

1. Community B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

BILL LISTING FOR SEPTEMBER 17, 2007

242 2007 09-17

Moved by Robinet. Seconded by Turkelson.

To approve the Bill Listing for September 17, 2007 in the amount of \$327,619.55.

MOTION CARRIED.

PUBLIC COMMENTS

Bonnie Kavalunas, 824 N. Wilder Road, spoke on behalf of the senior citizens present, commented on parking issues, building, and senior citizen needs.

Brief discussion was held on the opportunity to work with the senior citizens for possible solutions.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

No public hearings scheduled.

ADMINISTRATIVE REPORTS

Sale of 2007 General Obligation and Special Assessment Bonds

243 2007 09-17

Moved by Robinet. Seconded by Turkelson.

To approve the SA/GO Awarding Resolution for the Sale of 2007 General Obligation and Special Assessment Bonds.

SA/GO AWARDING RESOLUTION

City of Lapeer
County of Lapeer
State of Michigan

WHEREAS, September 17, 2007, at 11:00 o'clock a.m., Eastern Daylight Savings Time, has been set as the date and time for opening bids for the purchase of the Issuer's 2007 Special Assessment Bonds (Limited Tax General Obligation), and its 2007 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 as attached hereto as part of Exhibit A, is determined to produce the lowest interest 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.

M-24 Utility Expansion – Phase 2 Design Engineering Agreement

244 2007 09-17

Moved by Robinet. Seconded by Marquardt.

To approve the Engineering Agreement for M-24 Corridor Utility Project – Phase II with Rowe Incorporated in the amount of \$340,847 and authorize the Director of Public Works to sign the required document. Discussion was held regarding the Phase II Engineering Agreement, meeting with property owners, bidding of project, special assessment on area, risks involved, and growth of area. The question was called to a vote.

MOTION CARRIED.

Jackson-State Street Reconstruction – Bid Award

245 2007 09-17

Moved by Farrington. Seconded by Ogden.

To approve the bid received from AW Excavating in the amount of \$204,064.20 for the Jackson-State Street Reconstruction Project and authorize the Director of Public Works to sign required documents.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on the interview process for the Building Inspector and attendance of the Court House Gala.

CITY ATTORNEY'S REPORT

No report provided.

UNFINISHED BUSINESS

No appointments were made.

DEPARTMENTAL COMMUNICATIONS

The Monthly Operational Reports were received into record.

MAYOR/COMMISSIONER COMMENTS

The Commissioners gave brief reports on meetings and events attended, continued meetings with M-24/I-69 property owners, upcoming meetings and events, and marketing of homes for sale within the city.

ADJOURNMENT

246 2007 09-17

Moved by Turkelson. Seconded by Ogden.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 6:59 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk