

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

January 19, 2010

A regular meeting of the Lapeer City Commission was held January 19, 2010 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 Mike Nolan

Absent: None.

Others Present: City Clerk Donna Cronce; Deputy City Clerk Tracey Russell; Police Chief Todd Alexander; Fire Chief Terry Kluge; City Assessor Tom Hubbell; Director of Public Works John Lyons; Water Superintendent Pam Reid; Housing Director Sara Coulter; Rowe Professional Services Company representatives Doug Skylis; Lapeer County Press representative Jeff Hogan; Sonny and Clare Longoria; Melanie DiCenso; Brent Herschberger; John LaClair; Mike Beres; Jim Petersen; Roland Haddad; State Representative Candidate Lauren Hager.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

14 2010 01-19

Moved by Marquardt. Seconded by Bennett.
To approve the Agenda for January 19, 2010 as presented.
MOTION CARRIED.

MINUTES

15 2010 01-19

Moved by Farrington. Seconded by Bennett.
To approve the minutes from the Regular Meeting held on January 4, 2010.
MOTION CARRIED.

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

CONSENT AGENDA

16 2010 01-10

Moved by Bostick-Tullius. Seconded by Robinet.
To approve the Consent Agenda for January 19, 2010 resulting in the following:
1. Approve Payment Request #8 to Site Development, Inc. in the amount of \$31,325.74 for the M-24 Corridor Utility Expansion Project – Sanitary Sewer.
MOTION CARRIED.

BILL LISTING FOR JANUARY 19, 2010

17 2010 01-10

Moved by Robinet. Seconded by Marquardt.
To approve the Bill Listing for January 19, 2010 in the amount of \$1,184,979.54.
MOTION CARRIED.

PUBLIC COMMENTS

Mr. Lauren Hager, Candidate for State Senate Seat, District #25 introduced himself and his candidacy, gave a brief background on his experience and education and requested support.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Charitable Gaming Resolutions: Lapeer Soccer Club and Lapeer West Boys Basketball Club.

18 2010 01-10

Moved by Farrington. Seconded by Marquardt.

To approve the Local Governing Body Resolution For Charitable Gaming Licenses for the Lapeer Soccer Club and Lapeer West Boys Basketball Club.

LOCAL GOVERNING BODY RESOLUTION FOR CHAIRTABLE GAMING LICENSE

Moved by Commissioner Farrington and supported by Commissioner Marquardt that the request from Lapeer Soccer Club 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.

LOCAL GOVERNING BODY RESOLUTINO FOR CHAIRTABLE GAMING LICENSE

Moved by Commissioner Farrington and supported by Commissioner Marquardt that the request from Lapeer West Boys Basketball Club 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.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

PUBLIC HEARINGS

Special Assessment #2009-01: S. Main Sanitary Sewer Extension Project.
Roll Public Hearing

Mayor Sprague opened the public hearing at 6:41 p.m. to hear comments regarding the roll of Special Assessment #2009-01 for S. Main Sanitary Sewer Extension Project. There being no comments, Mayor Sprague closed the public hearing at 6:41 p.m.

19 2010 01-10

Moved by Bostick-Tullius. Seconded by Bennett.

To approve Resolution No. 5 confirming the roll regarding Special Assessment #2009-01 for S. Main Sanitary Sewer Extension Project.

RESOLUTION NO. 5
S. Main Sanitary Sewer Extension Project
City of Lapeer
County of Lapeer, Michigan
Special Assessment District No. 2009-01

WHEREAS, the City Commission has met after due and legal notice and reviewed the Special Assessment Roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said Special Assessment Roll, the Commission deems said special assessment roll to

be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor in the amount of \$256,923.40 is hereby confirmed and shall be known as Special Assessment Roll No. 2009-01.
2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2010 and the remaining installment shall come due in consecutive order, one each year (not to exceed ten (10) years in total), on the 1st day of October beginning with the year 2010.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2010. Provided, however, in the event bonds are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said special assessment bonds payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. The City Clerk be and is hereby directed to endorse the date of this confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by the City Charter and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments, or any installment thereof, have become due, to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
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 Bostick-Tullius, Bennett, Marquardt, Robinet, and Farrington.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Special Assessment #2009-02: N. Saginaw Street Reconstruction Project.
Roll Public Hearing

Mayor Sprague opened the public hearing at 6:42 p.m. to hear comments regarding the roll of Special Assessment #2009-02 for N. Saginaw Street Reconstruction Project.

John LaClair, 433 N. Saginaw Street commented on the cost for the brick paving and decorative lights. City Manager Dale Kerbyson and Rowe Professional Services, Inc. Representative Doug Skylis indicated the brick paving would be approximately \$8,235 and the decorative lights would be approximately \$63,000 based on bids received. Mr. LaClair commented that the costs for these two items was extravagant and not needed for the area. Mr. LaClair requested an explanation on why Lot 148 was listed on the roll more than once? City Assessor Tom Hubbell explained that the legal description for Lot 148 is divided within three different parcels.

Mike Beres, tenant at 606 N. Saginaw Street questioned where the roll was. City Assessor Tom Hubbell provided Mr. Beres a copy of the roll and advised that a copy of the roll was mailed by certified mail to each property owner.

Dave Flemming, 1028 N. Saginaw commented on appealing the assessment of the property and how the assessment was devised. City Assessor Tom Hubbell responded the roll was prepared by lineal front footage with residential property being assessed at a 15% share.

John LaClair, 433 N. Saginaw Street, asked what the interest rate would be for this roll. City Assessor Tom Hubbell responded that the interest rate would be known upon the selling of the bonds. Mr. LaClair questioned the special assessment payments and pre-payment penalty. Mr. Hubbell provided a review of the collection policy for payments, installments, and interest.

Dave Flemming, 1028 N. Saginaw commented on the start date of the project with City Manager Dale Kerbyson responding between late March and early April. Mr. Flemming questioned if more work would be completed in the Saginaw/Oregon intersection. Rowe Professional Services, Inc. Representative Doug Skylis indicated that work would include all four sections of this area. Mr. Flemming asked if there would be a traffic light at this area or a stop sign. Mr. Skylis indicated that it would remain a stop sign. Mr. Flemming commented on traffic congestion in the area.

Mike Beres, tenant at 606 N. Saginaw Street commented on the brick paving and decorative lights being charged to everyone with Mayor Sprague responding yes. Mr. Beres questioned why properties south of Nepessing were not part of the assessment for this project. City Manager Dale Kerbyson explained that the portion of street south of Nepessing would involve a road cut and trenching to access the sewer line and not a replacement of the road.

Jim Petersen, 545 N. Saginaw, commented on additional work to be done on the road portion south of Nepessing and would the work also include brick paving. Rowe Professional Services, Inc. Representative Doug Skylis responded that this area was to include sidewalk replacement only.

Rolland Haddad, 606 N. Saginaw, commented the brick paving and decorative lights are of no benefit to his property and he should not have to pay for that, he is not opposed to the project, should only pay for what pertains to him, and that the City should assess everyone fairly.

Mayor Sprague closed the public hearing at 7:03 p.m.

Discussion was held regarding the brick paving costs for the area; grant funding; City is paying 72% of costs and associated costs within water and sewer fund; net spread to taxpayers is 5.84% of total project costs; street lighting costs within the project; Oregon and Saginaw traffic light issues with Chief Alexander responding that the area does not meet criteria or traffic warrants specifications; MDOT project requirements within contract; the minimal impact to property owners assessment in removal of brick paving and/or street lighting.

20 2010 01-19

Moved by Robinet. Seconded by Bostick-Tullius.

To remove the brick paving from the roll regarding Special Assessment #2009-02 for N. Saginaw Street Reconstruction Project. Discussion was held regarding impact of brick paving costs to assessment if removed, decrease in costs since last time a project was bid for brick paving, brick paving provides an entrance statement to the downtown area, and DDA approval of the project. Mayor Sprague called the question to a vote.

MOTION CARRIED.

Discussion was held regarding removal of the decorative lighting and possible impact on grant funding if street lighting was removed from the project.

21 2010 01-19

Moved by Farrington. Seconded by Bennett.

To remove the decorative street lighting from the roll regarding Special Assessment #2009-02 for N. Saginaw Street Reconstruction Project.

ON A ROLL CALL VOTE:

Ayes: Commissioners Farrington and Bennett.

Nays: Commissioners Robinet, Bostick-Tullius, and Marquardt.

Absent: None.

Abstain: None.

Motion Failed.

22 2010 01-19

Moved by Robinet. Seconded by Bostick-Tullius.

To approve Resolution No. 5 confirming the corrected roll which includes total project costs and grant funding regarding the Special Assessment #2009-02 for N. Saginaw Street Reconstruction Project.

RESOLUTION NO. 5
N. Saginaw Street Reconstruction Project, #2009-02
City of Lapeer
County of Lapeer, Michigan
Special Assessment District No. 2009-02

WHEREAS, the City Commission has met after due and legal notice and reviewed the preliminary Special Assessment Roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said preliminary Special Assessment Roll, the Commission corrected said preliminary special assessment roll to remove costs associated with brick paving within the project and that the Commission deems said corrected special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll as prepared by the City Assessor reflects a City at-large cost of \$186,668.57 with a spread to property owners of \$96,816.43 is hereby confirmed and shall be known as Special Assessment Roll No. 2009-02. Said roll shows the total project cost of \$1,387,720 which includes \$615,000 grant funding, \$481,000 utility costs, and \$11,220 bonding costs.
2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2010 and the remaining installment shall come due in consecutive order, one each year (not to exceed ten (10) years in total), on the 1st day of October beginning with the year 2010.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2010. Provided, however, in the event bonds are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said special assessment bonds payable annually on the respective due dates of subsequent installments. Provided, however, that the whole

assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.

4. The City Clerk be and is hereby directed to endorse the date of this confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by the City Charter and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments, or any installment thereof, have become due, to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
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 Robinet, Bostick-Tullius, Bennett, Marquardt, and Farrington.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

ADMINISTRATIVE REPORTS

Housing Choice Voucher Contract Services with Tammy Weatherspoon/Accurate Inspections & Maintenance.

22 2010 01-19

Moved by Robinet. Seconded by Bostick-Tullius.

To approve the Contract with Tammy Weatherspoon/Accurate Inspections & Maintenance to perform Housing Choice Voucher Michigan State Housing Development Authority (MSHDA) Housing Quality Standards (HQS) rental inspections and authorize the Mayor and City Manager to sign said contract.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson advised there would be a Walking Tour on February 9, 2010 hosted by MML regarding the 21c3 pilot program and inquired on Commission attendance.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

No board appointments were made.

DEPARTMENTAL COMMUNICATIONS

The Monthly Department Reports and the North Oregon Target Housing Grant were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bostick-Tullius asked why the M-24 sign is reading -50° with Executive Assistant Tracey Russell responding that it has been taken care of and Kids In New Direction fundraiser on February 6th.

Commissioner Farrington commented on the appreciation of City staff stepping up to the plate, concerns with sharing of City services and expectations from surrounding neighbors, and issues in the child welfare system.

Commissioner Marquardt commented on the beef dinner fundraiser on Thursday evenings at the Center Building for the energy project and the 2nd Annual Project Homeless Connect will be held at the Center Building from 10:00 a.m. – 2:00 p.m. on January 28, 2010.

Commissioner Robinet commented on the N. Saginaw Street project and removing the brick paving was the right thing to do.

City Manager Dale Kerbyson indicated he is looking forward to the S. Main Sewer Project.

Mayor Sprague commented on the Citizen of the Year Award Ceremony to be held at Wake-Up Lapeer on January 21st at Mott Community College at 7:30 a.m.; conditions in Haiti and their need for support.

ADJOURNMENT

23 2010 01-19

Moved by Bennett. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:49 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk