

**LAINGSBURG CITY COUNCIL PROCEEDINGS**  
**December 6, 2010**

Mayor Culpepper called the meeting to order at 7:00 p.m. in the City Hall Council Chambers. Girl Scout Troop # 30869 led the Pledge of Allegiance.

Roll call found Jessica Bayer, Brian Fredline, Tim Leonard, Thad Rose, Michael Woodworth and Micheal Culpepper present. Absent - Dave Rhodabeck.

Eric Schuman requested permission to attach signs to the city's light poles downtown. The signs are for a project by the American Legion to honor active military service people.

114-10. Moved by Fredline, seconded by Bayer to support the project to honor active military service people. Motion carried.

115-10. Moved by Leonard , seconded by Rose to approve the minutes of November 1 and November 17, 2010, as presented. Motion carried.

116-10. Moved by Fredline, seconded by Rose to approve the Treasurer's report, subject to audit. Motion carried.

117-10. Moved by Woodworth, seconded by Leonard to close the following streets for the LBA Winterfest to be held on Saturday, December 4, 2010: Grand River Road from  
Motion carried.

Girl Scout Troop # 30869 presented projects that they would like to do to improve McClintock Park. They will fund the projects with money their troop has earned. The projects include planting a large tree, pet waste disposable bags, pet waste receptacle and pet watering bowl.

118-10. Moved by Fredline, seconded by Rose to support the Girl Scout Project to improve McClintock Park. Motion carried.

Steve Kirinovic of Abraham and Gaffney, P.C. reviewed the City of Laingsburg's Financial Statements, June 30, 2010, with the City Council. The city is in sound financial condition.

119-10. Moved by Fredline, seconded by Leonard to adopt the amendment to the City of Laingsburg Zoning Ordinance to allow for the use of property for educational and recreational gatherings that include the overnight accommodation of attendees, moderator, instructors and speakers, to permit such use in the C-1 and C-2 district and review the requirements and regulations developed to govern the implementation and operation of use. This comes as a recommendation from Planning Commission. Motion carried.

120-10. The following resolution was offered by Leonard and seconded by Bayer:

**WHEREAS** the City of Laingsburg (the “City”) desires to purchase real estate located at 120 S. Railroad Street, Laingsburg, MI 48848, in the City of Laingsburg, Shiawassee County, MI (the “Property”), as legally described on Exhibit A (attached to the minutes), having a total purchase price of \$80,000; and

**WHEREAS**, to finance a portion of the cost of acquiring the Property, the City deems it necessary to borrow the sum of \$20,000; and

**WHEREAS** the City has entered into a contract to purchase the Property (the “Purchase Contract”) with Percy Dodd, (the “Vendor”); and

**WHEREAS**, the Vendor has agreed to finance the purchase of the Property by entering into an Installment Purchase Agreement pursuant to which the City will make payments to the Vendor in the amount of \$5,000 annually for four (4) years, no interest for total payment of \$20,000; and

**WHEREAS**, the City’s outstanding balance of all installment purchases, exclusive of interest, not including (i) contracts entered into under Act No. 31, Public Acts of 1948, First Extra Session, as amended, or (ii) contracts or leases between public corporations or municipalities, but including the principal amount of the Installment Purchase Agreement authorized by this resolution, shall not exceed one and one-quarter percent (1-1/4%) of the taxable value of the real and personal property in the City.

**NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:**

1. Acquisition of the Property is hereby found to be a public purpose and in the best interest of the health, safety and welfare of the City.
2. The City hereby approves the proposal of the Vendor and authorizes and directs the City Clerk (i) to execute an Installment Purchase Agreement (the “Agreement”) in the amount of \$20,000 in substantially the form as submitted herewith, with such changes as they shall approve, and (ii) to execute an Installment Note (the “Note”) with the Vendor in conformance with the Agreement.
3. The City shall include in its budget each year the amount necessary to make all installment payments of principal under the agreement during such year, when and as the same shall become due.
4. The City shall, at all time while any payments on the Agreement are outstanding, have control of the Property and shall maintain the same for public purposes.

5. The useful life of the Property is hereby determined to be at least three years.
6. The obligation of the City to make the principal and interest payments pursuant to the Note are the general obligations of the City, and the City hereby pledges its limited tax full faith and credit, general obligation to the payment of principal on the Note, subject to charter, constitutional and statutory limitations.
7. The authority granted herein shall not be construed to require the City to levy taxes in excess of any charter, constitutional and statutory limitations.
8. The Mayor and/or City Clerk are hereby authorized to do all acts and things and to execute any documents or certificates as may be necessary or desirable, and to deliver such documents to the parties to effectuate the transaction described in the Agreement.
9. All resolutions and parts of resolution insofar as they conflict with the provisions of this resolution be and they are hereby rescinded.

YEAS: Bayer, Fredline, Leonard, Rose, Woodworth and Culpepper

NAYS: None

RESOLUTION DECLARED ADOPTED.

121-10. The following resolution was offered by Rose and seconded by Bayer:

**WHEREAS** the City of Laingsburg (the “City”) desires to purchase real estate located on N. Laing Street, Laingsburg, MI 48848, in the City of Laingsburg, Shiawassee County, MI (the “Property”), as legally described on Exhibit A, having a total purchase price of \$60,000; and

**WHEREAS**, to finance a portion of the cost of acquiring the Property, the City deems it necessary to borrow the sum of \$48,000; and

**WHEREAS**, the City has entered into a contract to purchase the Property (the “Purchase Contract”) with BC Stevens, LLC, (the “Vendor”); and

**WHEREAS**, the Vendor has agreed to finance the purchase of the Property by entering into an Installment Purchase Agreement pursuant to which the City will make payments to the Vendor in the amount of \$12,000 annually for four (4) years, no interest for total payment of \$48,000; and

**WHEREAS**, the City’s outstanding balance of all installment purchases, exclusive of interest, not including (i) contracts entered into under Act No. 31, Public Acts of 1948, First Extra Session, as amended, or (ii) contracts or leases between

public corporations or municipalities, but including the principal amount of the Installment Purchase Agreement authorized by this resolution, shall not exceed one and one-quarter percent (1-1/4%) of the taxable value of the real and personal property in the City.

**NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:**

1. Acquisition of the Property is hereby found to be a public purpose and in the best interest of the health, safety and welfare of the City.
2. The City hereby approves the proposal of the Vendor and authorizes and directs the City Clerk (i) to execute an Installment Purchase Agreement (the “Agreement”) in the amount of \$48,000 in substantially the form as submitted herewith, with such changes as they shall approve, and (ii) to execute an Installment Note (the “Note”) with the Vendor in conformance with the Agreement.
3. The City shall include in its budget each year the amount necessary to make all installment payments of principal under the agreement during such year, when and as the same shall become due.
4. The City shall, at all time while any payments on the Agreement are outstanding, have control of the Property and shall maintain the same for public purposes.
5. The useful life of the Property is hereby determined to be at least three years.
6. The obligation of the City to make the principal and interest payments pursuant to the Note are the general obligations of the City, and the City hereby pledges its limited tax full faith and credit, general obligation to the payment of principal on the Note, subject to charter, constitutional and statutory limitations.
7. The authority granted herein shall not be construed to require the City to levy taxes in excess of any charter, constitutional and statutory limitations.
8. The Mayor and/or City Clerk are hereby authorized to do all acts and things and to execute any documents or certificates as may be necessary or desirable, and to deliver such documents to the parties to effectuate the transaction described in the Agreement.
9. All resolutions and parts of resolution insofar as they conflict with the provisions of this resolution be and they are hereby rescinded.

YEAS: Bayer, Fredline, Leonard, Rose, Woodworth and Culpepper  
NAYS: None

**RESOLUTION DECLARED ADOPTED.**

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122-10. Moved by Rose, seconded by Fredline to appoint George Gates to the Board of Review for a three-year term (12-13). Motion carried.

123-10. Moved by Rose, seconded by Woodworth to pay the bills in the amount of \$57,379.60, General Fund checks # 34198 – 34263. Also electronic payments of MERS - \$1,652.67 – retirement and EFPTS \$7,911.60 – Federal Withholding, Social Security and Medicare for November. All yes roll call vote. Motion carried.

The meeting adjourned at 8:25 p.m.

Lana Kaiser  
Clerk

Micheal Culpepper  
Mayor