

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

March 17, 2008

A regular meeting of the Lapeer City Commission was held March 17, 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 Turkelson, Marquardt, Robinet, Farrington, and Bennett.
City Manager Dale Kerbyson

Absent: City Attorney Ron Shamblin (excused – personal)

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

64 2008 03-17

Moved by Turkelson. Seconded by Marquardt.
To approve the Agenda for March 17, 2008 as presented.
MOTION CARRIED.

MINUTES

65 2008 03-17

Moved by Farrington. Seconded by Marquardt.
To approve the minutes from the Regular Meeting held on March 3, 2008 and the Executive Session meeting held on March 3, 2008.
MOTION CARRIED.

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

CONSENT AGENDA

66 2008 03-17

Moved by Robinet. Seconded by Turkelson.
To approve the Consent Agenda for March 17, 2008 resulting in the following:

1. Approve the Special Event Request from Classic Cruisers Car Club of Lapeer for the 18th Annual Benefit Car Show to be held June 1, 2008 in downtown Lapeer.
2. Approve a \$500 donation from the Lapeer County Convention & Visitors Bureau and to establish an Emergency Housing Fund for the Police Department.
3. Approve the Resolution to Support Submission of Fire Department Grant Application for Assistance to Firefighters Grant Program.

CITY OF LAPEER

Resolution to Support Submission of Fire Department Grant Application
For ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

WHEREAS, the City of Lapeer Fire & Rescue Department is eligible to submit one application for funding assistance for the purchase of certain types of fire service vehicles and equipment; and

WHEREAS, the Federal government has funded a grant program for this purpose; and

WHEREAS, the City of Lapeer Fire & Rescue Department would like to submit one (1) request for funding assistance for the purchase of a new aerial platform (ladder) truck at a total estimated cost of \$998,065 ; and

WHEREAS, funding for this project is proposed from a grant from the Department of Homeland Security in the amount of \$598,839 (60%) and \$399,226 (40%) from the City of Lapeer for the requested vehicle; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer City Commission authorizes submission of one (1) Department of Homeland Security grant application under the Assistance to Firefighters Grant Program and commits up to \$399,226 of City funds to provide a match toward the grant application should it be awarded.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

BILL LISTING FOR MARCH 17, 2008

67 2008 03-17

Moved by Robinet. Seconded by Marquart.

To approve the Bill Listing for March 17, 2008 in the amount of \$748,151.23.

MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Proclamation – Thomas Smith

68 2008 03-17

Moved by Robinet. Seconded by Turkelson.

To approve the Proclamation In Recognition of Thomas Smith.

PROCLAMATION
CITY OF LAPEER
In Recognition of Thomas Smith

WHEREAS, Thomas Smith began his employment with the City of Lapeer on March 23, 1979 as a Patrolman, promoted to Sergeant in July 1988, and currently serves as a Detective Sergeant III in the City of Lapeer Police Department; and

WHEREAS, Thomas Smith is an individual of great personality and skill and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Thomas Smith is an individual of personal integrity who took the oath to serve the citizens of the City of Lapeer and answered a vital calling and acceptance of a profound responsibility with professionalism and competence; 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 official gratitude and deep appreciation to Thomas Smith for his efforts and devotion to public service and wish him continued success in all his endeavors.

Dated this 17th day of March, 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

M-24/I-69 Corridor Project – Special Assessment Roll # 2008-02

Mayor Sprague reviewed that the purpose of the public hearing was for discussion of the necessity of the project.

John Lyons, Director of Pubic Works, provided a brief overview of the project, utility benefits to properties involved, and the need for the project to move forward.

Mayor Sprague opened the public hearing at 6:37 p.m. to hear comments regarding M-24/I-69 Corridor Project, Special Assessment # 2008-02.

Michael Jablonski, 4410 S. Dort Highway, Flint, MI, attorney representing JPT Acquisitions, thanked the Commission and staff for their efforts in the project, commented on the formality of the special assessment process, the necessity to bring up former concerns, that JPT Acquisitions supports the necessity of the project, that the project is more expansive than presented, benefits of the project as a whole, and questioned the necessity to go outside boundaries and place burden on property owners in the district.

Mayor Sprague commented that the purpose of this public hearing was related to the necessity portion and discussion related to spread/payment issues should be contained within the roll public hearing portion.

Mr. Jablonski commented on necessity for development of properties within the district, concerns made public to council, provided documentation of concerns, that necessity is not defined as property owners within the district but is much more, that the project is necessary for property owners, the project is necessary for others not just JPT, the fairness to define necessity to property owners in the special assessment district or on project as a whole, that he also represents Ray Clemens property with same documented concerns, that sewer/water is necessary in order for project to go forth, and thanked the Commission for their time.

Ray Clemens, 1422 Imlay City Road, agreed with Michael Jablonski and also spoke on behalf of Kellie Krane.

Ed Weberman, 31600 W. 13 Mile Road, Suite 128, Farmington Hills, MI, commented that he is 100% in favor of the necessity, expectation of costs, allocation of costs, and looks forward to the project moving ahead.

EJ Bahri, 3492 S. Lapeer Road, commented in agreement with Ray Clemens and would like to see the project move forward.

Fred Barnes, Turrill Properties, supports the necessity of the project.

There being no further comments, the public hearing was closed at 6:53 p.m.

69 2008 03-17

Moved by Robinet. Seconded by Marquardt.

To approve Resolution #3 to determine the project necessary and order the roll prepared regarding the special assessment for the I-69/M-24 Corridor Project, Special Assessment District #2008-02.

RESOLUTION NO. 3

M-24/I-69 CORRIDOR PROJECT

**CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
Special Assessment District No. 2008-02**

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described:

M-24/I-69 CORRIDOR PROJECT

Water improvements will include the following:

Approximately 24,000 feet of water main pipe of various sizes including typical appurtenances such as valves, hydrants, and connections. Portions of the water main will be installed in steel casings. Water storage facility and associated booster pumps, buildings and pressure valves. New well and associated appurtenances such as controls, buildings and generators.

Sanitary sewer improvements will include the following:

Approximately 23,000 feet of pipe of various sizes. Some will be gravity flow pipes and others will be force main pipes. Portions of the pipes will be installed in steel casings. New lift stations including typical appurtenances such as generators, controls and site improvements.

AND WHEREAS, the City Commission deems it advisable and necessary to proceed with said public improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to make the public improvements described above and the plans and estimates of cost as presented are approved.
2. The City Assessor be and is hereby directed to make and prepare a Special Assessment Roll in conformity with the requirements of the City Charter.
3. When the City Assessor shall have completed the Special Assessment Roll, he shall report the same to the Commission and the same shall be filed with the City Clerk; such roll shall have a certificate attached thereto signed by the City Assessor stating that the roll was made pursuant to this resolution adopted July 16, 2007 and that in making such roll, the Assessor in his best judgment, has conformed in all respects to the directions contained in this resolution and the City Charter.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

AYES: Commissioner Turkelson, Marquardt, Robinet, Farrington, and Bennett.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

M-24/I-69 Corridor Project – Special Assessment District # 2008-02.

Commissioner Farrington commented on the special assessment process and public hearing regarding necessity at the same meeting as roll preparation, concerns regarding the roll, and that he did not have enough information to approve the roll. Brief discussion was held regarding the estimation of costs and review of roll.

70 2008 03-17

Moved by Robinet. Seconded by Marquardt.

To approve Resolution #4 accepting the roll and setting the public hearing for April 7, 2008 at 6:30 p.m. or as soon thereafter as may be heard to review the special assessment roll for the M-24/I-69 Corridor Project, Special Assessment District # 2008-02.

RESOLUTION NO. 4

M-24 I-69 CORRIDOR PROJECT

CITY OF LAPEER

COUNTY OF LAPEER, MICHIGAN

Proposed Special Assessment District No. 2008-02

WHEREAS, The City Assessor has prepared a Special Assessment Roll for the purpose of specifically assessing that portion of the costs of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the City Commission by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll shall be filed in the office of the City Clerk for public examination.
2. The City Commission shall meet at the City Hall, at 6:30 o'clock p.m., Local Time, on April 7, 2008, for the purpose of hearing all persons interested in said Special Assessment Roll and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to publish the notice of said hearing once in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City, said publication to be not less than seven (7) full days prior to the date of said hearing and shall further cause notice of said hearing to be sent by certified mail to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the City, at least ten (10) full days before the time of said hearing, and said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF HEARING TO REVIEW SPECIAL ASSESSMENT ROLL
CITY OF LAPEER
COUNTY OF LAPEER, MICHIGAN
TO THE OWNERS OF ALL PROPERTY WITHIN THE FOLLOWING DESCRIBED
SPECIAL ASSESSMENT DISTRICT:

All those property parcels within the Corporate limits of the City of Lapeer lying south of the south line of Section 5, town 7 north, range 10 east and east of the easterly line of Baldwin Road and west of Saginaw Street (Clark Road) and all those property parcels within the Corporate limits of the City of Lapeer lying south of interstate highway 69 and that city owned property parcel lying southeasterly of the Lapeer City soccer fields.

TAKE NOTICE that a Special Assessment Roll has been prepared for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

M-24/I-69 CORRIDOR PROJECT

Water improvements will include the following:

Approximately 24,000 feet of water main pipe of various sizes including typical appurtenances such as valves, hydrants, and connections. Portions of the water main will be installed in steel casings. Water storage facility and associated booster pumps, buildings and pressure valves. New well and associated appurtenances such as controls, buildings and generators.

Sanitary sewer improvements will include the following:

Approximately 23,000 feet of pipe of various sizes. Some will be gravity flow pipes and others will be force main pipes. Portions of the pipes will be installed in steel casings. New lift stations including typical appurtenances such as generators, controls and site improvements.

The said Special Assessment Roll is on file for public examination with the City Clerk. Objections to said special assessment may be made in writing prior to the close of the hearing or by personal appearance at the time of the hearing to review said special assessment roll. A written protest filed prior to the close of said hearing or an oral protest made by an owner or party of interest or his or her agent at the time of said hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal. A written appeal of the special assessment may be filed with the State Tax Tribunal within 30 days after confirmation by the City Commission of the Special Assessment Roll.

TAKE FURTHER NOTICE that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on April 7, 2008 for the purpose of reviewing said special assessment roll and hearing any objections thereto.

DONNA L. CRONCE, CMC
CITY CLERK, CITY OF LAPEER

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: Commissioner Turkelson, Marquardt, Robinet, and Bennett.

NAYS: Commissioner Farrington.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

IFT – P & P Manufacturing Company.

71 2008 03-17

Moved by Farrington. Seconded by Bennett.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For P&P Manufacturing Company for April 7, 2008 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER
RESOLUTION TO SCHEDULE A PUBLIC HEARING TO
CONSIDER AN APPLICATION FOR AN
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR
P & P Manufacturing Company

WHEREAS, pursuant to Act 198 of the Michigan Public Acts of 1974, as amended, MCLA Section 207.551 et sequ., after a duly noticed public hearing held on December 5, 1983, this City Commission by resolution established Industrial Development District No. A; and

WHEREAS, P & P Manufacturing Company owner of the realty described below within said Districts, has applied for an Industrial Facilities Exemption Certificate, under the provision of 1974 Public Act 198, Section 5 (1); and

WHEREAS, 1974 Public Act 198, Section 5 (2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall afford the applicant, the Assessor and a representative of the affected taxing units an opportunity for a hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application of P & P Manufacturing Company for Industrial Facilities Exemption Certificate shall remain on file in the office of the City Clerk.

2. That the City Commission shall meet in the City Commission Chambers at 576 Liberty Park, on April 7, 2008, at 6:30 p.m. or as soon thereafter as may be heard. The City Commission will provide the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of P & P Manufacturing Company application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. A.

3. That the City Clerk immediately inform by letter, the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes in the City of Lapeer on the property located within the Industrial Development District No. A described as follows:

City of Lapeer I, McCormick Industrial Park #1 Lot 7 (L=7 P=49-51 Sec 5 & 8, T7N-R9E)

AYES: Commissioner Turkelson, Marquardt, Robinet, Farrington, and Bennett.
NAYS: None.
ABSENT: None.
ABSTAIN: None.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ANNOUNCEMENT

Girl Scout Troop 1234

Mayor Sprague recognized Girl Scout Troup 1234 who was present to observe the meeting in order to earn their Leadership Badge. Darcy Stein, Troop Leader, commented that this was the first step in earning the Silver Award, which is the highest honor a Girl Scout Cadet can earn.

IFT – H&H Tool, Inc.

72 2008 03-17

Moved by Marquardt. Seconded by Bennett.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For H&H Tool, Inc. for April 7, 2008 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER
RESOLUTION TO SCHEDULE A PUBLIC HEARING TO
CONSIDER AN APPLICATION FOR AN
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR
H & H Tool, Inc.

WHEREAS, pursuant to Act 198 of the Michigan Public Acts of 1974, as amended, MCLA Section 207.551 et sequ., after a duly noticed public hearing held on December 5, 1983, this City Commission by resolution established Industrial Development District No. E; and

WHEREAS, H & H Tool, Inc. owner of the realty described below within said Districts, has applied for an Industrial Facilities Exemption Certificate, under the provision of 1974 Public Act 198, Section 5 (1); and

WHEREAS, 1974 Public Act 198, Section 5 (2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall afford the applicant, the Assessor and a representative of the affected taxing units an opportunity for a hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application of H & H Tool, Inc. for Industrial Facilities Exemption Certificate shall remain on file in the office of the City Clerk.
2. That the City Commission shall meet in the City Commission Chambers at 576 Liberty Park, on April 7, 2008, at 6:30 p.m. or as soon thereafter as may be heard. The City Commission will provide the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of H & H Tool, Inc. application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. E.
3. That the City Clerk immediately inform by letter, the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes in the City of Lapeer on the property located within the Industrial Development District No. E described as follows:

Part of the Southwest 1/4 of Section 12, Township 7 North, Range 9 East, City of Lapeer, Lapeer County, Michigan. Described as beginning at a point on the East-West

1/4 line of said Section 12 which is N86°21'01"E, along said 1/4 line, 1918.63 feet from the West 1/4 corner of said section; thence continuing N86°21'01"E, along said 1/4 line, 700.00 feet to the interior 1/4 corner of said Section 12; thence S01°51'00"E, along the North-South 1/4 line, 165.46 feet; thence 862.51 feet along the arc of a 907.00 foot radius non-tangential curve to the right (with a central angle of 54°29'07", a tangent of 466.99 feet, subtending a chord bearing and distance S56°56'37"W, 830.38 feet); thence N00°47'40"W, 573.81 feet to the point of beginning. Containing 7.25 acres of land and subject to all easements or restrictions of record.

AYES: Commissioner Turkelson, Marquardt, Robinet, Farrington, and Bennett.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

Dale Kerbyson reported that he spoke with Jim Espolito, representative from the State of Michigan, regarding funding for the M-24/I-69 Corridor project, however, at this time, the State cannot help fund this project; congratulations to the Fire Department on their 150th anniversary; that he was awarded a Peri Scholarship to attend a seminar in California the first week of June in the amount of \$1,000.00 towards seminar fees, hotel, and flight costs; that a meeting has been scheduled with MDOT in mid-April regarding the left turn lane on Oregon in Davison; and requested an Executive Session to discuss the City Manager's contract.

Executive Session – City Manager's Contract

73 2008 03-17

Moved by Turkelson. Seconded by Robinet.

To approve an Executive Session at the end of the regular meeting to discuss the City Manager's Contract.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

No report provided.

UNFINISHED BUSINESS

74 2008 03-17

Appointed by Mayor Sprague. Moved by Farrington. Seconded by Turkelson.

To appoint the following:

Cemetery Board Judy Chesney for a term ending April 1, 2013.

Park Board Kim Kobylik for a term ending April 1, 2011.

Park Board Robert Rowden for a term ending April 1, 2011.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Monthly Operational Reports and Monthly Financial Report for January 2008 were received into record.

MAYOR/COMMISSIONER COMMENTS

Discussion was held Commission attendance at MDOT meeting in Davison, public comments portion on the agenda, and senior citizen parking issues in the downtown area.

Lenny Schneider, Lapeer County Commissioner, commented on County efforts to alleviate senior citizens concerns, alternative parking arrangements, demographics of population in the Lapeer area, consideration of alternative locations, millage appropriations, and appreciativeness of City efforts to resolve issues.

EXECUTIVE SESSION – City Manager’s Contract

The Lapeer City Commission convened to an Executive Session to discuss the City Manager’s Contract at 7:34 p.m. and returned to its regular meeting at 8:14 p.m.

City Manager’s Contract

75 2008 03-17

Moved by Turkelson. Second by Marquardt.

To approve the City Manager’s contract within the parameters discussed and authorize the Mayor and Mayor Pro-Tem to sign the required document.

MOTION CARRIED.

ADJOURNMENT

76 2008 03-17

Moved by Bennett. Second by Turkelson.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 8:15 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk