

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

MARCH 16, 2009

A regular meeting of the Lapeer City Commission was held March 16, 2009 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 Representative Bill Ogden.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

38 2009 03-16

Moved by Robinet. Seconded by Farrington.

To approve the Agenda for March 16, 2009.

MOTION CARRIED.

MINUTES

39 2009 03-16

Moved by Marquardt. Seconded by Bennett.

To approve the minutes from the Regular Meeting held on March 2, 2009.

MOTION CARRIED.

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

CONSENT AGENDA

None.

BILL LISTING FOR MARCH 16, 2009

40 2009 03-16

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for March 16, 2009 in the amount of \$2,641,261.24.

MOTION CARRIED.

PUBLIC COMMENTS

JJ Gracey, 3619 Lakeshore Drive, Lapeer, indicated he was from local radio station 1530 AM, hosts Community Chat daily from 11:00 a.m. to 12:00 p.m., and that he would like the City of Lapeer to broadcast these shows on Channel 19 as well as other local programs.

Paul St. Louis, 100 Edgewood Drive, representing Habitat for Humanity, commented that Donation Day would be Saturday, March 21, 2009 and that he would like this information posted on Channel 19. He has also indicated architectural plans have been turned into the Building Department and he is working towards permits.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

None.

CITY MANAGER'S REPORT

H&H Tool, Inc. – Notice of Public Hearing on the Reissuance of Bonds.

41 2009 03-16

Moved by Robinet. Seconded by Bostick-Tullius.

To approve setting the public hearing for H&H Tool, Inc. for April 6, 2009 at 6:30 p.m. or as soon thereafter as may be heard to consider the First Amendment to Indenture on the reissuance of bonds for H&H Tool, Inc. Project.

MOTION CARRIED.

Disposition of 1264 First Street – HUD \$1 Local Government Program.

Denise Soldenski, Housing Grant Administrator gave an overview of the purchase and resale of 1264 First Street. Commissioner Farrington questioned if this was a family home, yes it is. Commissioner Marquardt commented that the Habitat for Humanity is looking forward to the purchase of this home. Commissioner Bostick-Tullis indicated she would abstain from voting on this item as she is a Board member for Habitat for Humanity.

42 2009 03-16

Moved by Marquardt. Seconded by Robinet.

To approve upon the City of Lapeer ownership of 1264 First Street to sell said property in an "as is" condition for at least \$500.00 over closing costs to the Lapeer County Habitat for Humanity and authorize the City Manager to sign required documents.

MOTION CARRIED.

Disposition of 620 Turrill Avenue – HUD \$1 Local Government Program.

Denise Soldenski, Housing Grant Administrator gave an overview of the purchase and resale of 620 Turrill Avenue.

43 2009 03-16

Moved by Bennett. Seconded by Bostick-Tullius.

To approve upon the City of Lapeer ownership of 620 Turrill Avenue to sell said property in an "as is" condition for the amount of closing costs to the Lapeer Neighborhoods, Inc. and authorize the City Manager to sign required documents.

MOTION CARRIED.

IFT – Lapeer Industries, Inc.

44 2009 03-16

Moved by Robinet. Seconded by Bennett.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Lapeer Industries, Inc., on April 6, 2009 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
Lapeer Industries, 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 A. and

WHEREAS, Lapeer Industries, Inc. owner of the realty described below within said District, 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 Lapeer Industries, 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 6, 2009 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 Lapeer Industries, Inc. 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:

Lots 10 & 30 of McCormick Industrial Park No. 3 as recorded in Liber 7, Pages 106-109, Lapeer County Records.

More commonly known as: 290 McCormick Drive, Lapeer, MI

AYES: Commissioners Bennett, Marquardt, Robinet, Farrington, and Bostick-Tullius

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

IFT – Masco Bath Corporation.

City Manager Dale Kerbyson commented that this is the first retention certificate request made to the City which will retain jobs within the City of Lapeer.

45 2009 03-16

Moved by Bennett. Seconded by Robinet.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Masco Bath Corporation on April 6, 2009 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
MASCO BATH CORPORATION

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, Masco Bath Corporation owner of the realty described below within said District, 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 Masco Bath Corporation 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 6, 2009 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 Masco Bath Corporation 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:

Tax Roll Parcel Number 21-31-104-040-00
City of Lapeer, Lapeer Industrial Complex, Lot 1

Tax Roll Parcel Number 21-31-108-040-00
City of Lapeer, Lapeer Industrial Complex, Lot 8

More commonly known as: 693 South Court Street, Lapeer, MI

AYES: Commissioners Bennett, Marquardt, Robinet, Farrington and Bostick-Tullius.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Reporting of Vehicle Accidents: Policy and Procedure.

46 2009 03-16

Moved by Robinet. Seconded by Farrington.

To approve the Reporting of Vehicle Accidents Policy and Procedures as presented.

MOTION CARRIED.

City Manager Dale Kerbyson commented on the 7th Adventist Church requesting paperwork to be annexed into the City; the purchase of a new CD player to run up to 5 CDs for Channel 19 and explained that the City has access to 3 cable channels and the purpose of the channels. Discussion was held on the Cable Channel regarding content that would be aired, differences between a public and government channel, that activation of the public channel would increase the city customer's bill by approximately 2%, preparation of the Commission to vote at the next meeting on whether to go forward or not with a public station, that the \$50,000 to be received from the cable company may be used for public and government stations, live broadcasting over the public channel, responsibility of studio and equipment, rules and regulations to be in place, the possibility of having one channel intermingled with government and public access use, and use of \$50,000 fee towards program upgrades for the government channel.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

47 2009 03-16

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

To appoint the following:

Dick West Cemetery Board for a term ending 04-01-14.
Scott McCallum Park Board for a term ending 04-01-12.
Tim Herbert Park Board for a term ending 04-01-12.
MOTION CARRIED

48 2009 03-16

Appointed by Robinet. Seconded by Marquardt.

To appoint the following:

Ann House Zoning Board of Appeals for a term ending 04-01-12.

Matthew Fennelly Zoning Board of Appeals for a term ending 04-01-12.

MOTION CARRIED

DEPARTMENTAL COMMUNICATIONS

Departmental Monthly Reports, Tax Increment Finance Authority 1, 2, 3 and Brownfield Redevelopment Authority Annual Financial Report's, Local Development Finance Authority Annual Financial Report, Advertisement of Cramton Neighborhood Target Housing Grant in Sherman Publication's Newspapers, and the Monthly Financial Report for December, 2008 were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bostick-Tullius attended the MML Conference and Workshop on Elected Official Essentials; she will not be at the April 6, 2009 City Commission meeting.

Commissioner Bennett attended the County Program on Saturday and indicated they did a good job with this program.

Commissioner Robinet attended the MML Conference indicated the MML Treasurers Secretary informed the group that the State of Michigan has taken over one city (Three Rivers), is in the process of taking over Pontiac, and has a list of 60 other cities within Michigan that are in trouble; he is thankful we have department heads, a city manager and good commissioners, thanks to all.

City Manager Dale Kerbyson informed the group MDOT will begin construction on I69 on April 15, 2009, concluding on November 2, 2009; this project is expected to be completed in 2010. He will be on vacation next week and Police Chief Todd Alexander will be in charge during his absence.

Mayor Sprague questioned Doug Skylis from Rowe Engineering on when the ground breaking will occur for the water/sewer utility project at the M24/I69; early May, 2009; commented on the Community Chat program which is aired 11:00 a.m. to 12:00 p.m. daily, thanking Commissioner Bennett, JJ Gracey and Sam for their efforts with the community.

ADJOURNMENT

49 2009 03-16

Moved by Bennett. Seconded by Robinet.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:13 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk

Tracey S. Russell, Deputy City Clerk