

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

OCTOBER 5, 2009

A regular meeting of the Lapeer City Commission was held October 5, 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, Bostick-Tullius and Farrington.
City Manager Dale Kerbyson.
City Attorney Representative Bill Ogden.

Absent: Commissioner Robinet (excused-personal).

Others Present: City Clerk Donna Cronce; Executive Assistant/Deputy City Clerk Tracey Russell; Police Chief Todd Alexander; Fire Chief Terry Kluge; Director of Public Works John Lyons; Assessor Tom Hubbell; Planning Director Linda Jackman; Grant Administrator Housing and Neighborhood Development Denise Soldenski; Rowe Professional Services Company representative Doug Skylis; CGI Communications, Inc. representatives Henry O'Hara and Kyle Hiscock; David Cook 547 Clay Street; Bonnie Cook 547 Clay Street; and Tim Burke 4747 Hurd Road..

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

191 2009 10-05

Moved by Marquardt. Seconded by Bennett.
To approve the Agenda for October 5, 2009.
MOTION CARRIED.

MINUTES

192 2009 10-05

Moved by Bostick-Tullius. Seconded by Farrington.
To approve the minutes from the Regular Meeting held on September 21, 2009 and Workshop Meeting held September 21, 2009.
MOTION CARRIED.

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

CONSENT AGENDA

193 2009 10-05

Moved by Bostick-Tullius. Seconded by Marquardt.
To approve the Consent Agenda for October 5, 2009. Commissioner Bennett question Items B-4, B-7, and B-12, that it is still early in the project, construction seems to be spending more, and that budgeted amount for project could go over. Discussion was held regarding project being close to completion, extension of sanitary sewer line due to conflicts with the water lines, the project is still below budget estimation, and extension of completion dates. Rowe representative Doug Sklyis commented that Item 7 referred to the water main portion with Zito for an extension of completion date only; Item 4 with Site Development was for an increase in cost for sanitary sewer and extension of time, soil issues in getting through the Lashbrook property, water issues and dewatering, update on pipe installation for water and sanitary sewer; and Item 12 was due to additional engineering costs associated with the project. Mayor Sprague commented on concerns associated with project coming in under budget and will the project be

under allocated amounts special assessed. City Manager Dale Kerbyson commented that the project is well under the budgeted amount and it is not anticipated to incur additional costs over and above amount assessed. Brief discussion was held regarding amount special assessed and that costs over the budgeted amount could be offset as an additional special assessment. There being no further discussion, the question was called to a vote resulting in the following.

1. Approve the quote from Kerr Pump and Supply in the amount of \$15,375 for two Waste Pumps for the Wastewater Treatment Plant.
2. Approve the bid from M & M Pavement Marking in the amount of \$8,395.00 for the 2009 Street Marking Project.
3. Approve Payment Request #4 to Posen Construction, Inc. in the amount of \$218,134.71 for the M-24 Corridor Utility Expansion – Sanitary Sewer Pump Stations.
4. Approve Change Order #5 with Site Development, Inc. in the amount of \$333,924.90 for the M-24 Corridor Utility Expansion Project – Sanitary Sewer.
5. Approve Payment Request #5 to Site Development, Inc. in the amount of \$450,208.84 for the M-24 Corridor Utility Expansion Project – Sanitary Sewer.
6. Approve Payment Request #4 to Zito Construction Co. in the amount of \$306,157.27 for the M-24 Corridor Utility Expansion Project – Water Main.
7. Approve Change Order #2 and #3 with Zito Construction Co. to extend the completion date to December 11, 2009 for the M-24 Corridor Utility Expansion Project – Water Main.
8. Approve the Detroit Edison Easement to relocate a pole at the southeast corner of DeMille and Genesee Street for the Mott Trail Project.
9. Approve the disposal of assets as listed by various departments.
10. Approve the Special Event Request from Chatfield School for a Fundraiser to be held October 31, 2009.
11. Approve the Special Event Request from Lapeer Area Chamber of Commerce for 2009 Christmas Parade to be held December 5, 2009.
12. Approve Change Order #1 to Rowe Professional Services Contract in the amount of \$63,000 for the M-24 Corridor Utility Expansion Project – Construction Engineering.

MOTION CARRIED.

BILL LISTING FOR OCTOBER 5, 2009

194 2009 10-05

Moved by Marquardt. Seconded by Farrington.

To approve the Bill Listing for October 5, 2009 in the amount of \$1,440,571.16.

MOTION CARRIED.

PUBLIC COMMENTS

City Manager Dale Kerbyson introduced CGI, Communications, Inc. representatives Henry O'Hara and Kyle Hiscock who are leading the project for the City's web bites and will be raising sponsorship for the project in the community. Mr. O'Hara commented that the company is from upstate New York; they will be focusing on assets our community has to offer that showcase the quality of life, academic, visitor, and business sectors for the City's website bite; they are meeting with various organizations in our community for business; and thanked the City for their support by letter that provides credibility to their company.

David Cook, 547 Clay Street, commented on problems people are having with water billings, penalties, and shut-offs; assistance with payments through organizations such as DHS, HDC and Love Inc. and issues with those payments being received after the due date; he was told that if payment was not in by the

due date that the late fee would be charged and why should he be charged a late fee if a payment is not received in time by HDC, Love Inc. or DHS; people are trying to get by; and thanked the Commission for their time.

Tim Burke, 4747 Herd Road, commented that the City should be looking into NSP grants for HUD homes to purchase and that he works with Oakland County to receive these types of HUD grants. Denise Soldenski, Grant Administrator Housing and Neighborhood Development, advised that the City is not involved with the Neighborhood Stabilization Program; these types of funds are generally dedicated to bigger cities; application for funds was made through the County of Lapeer; the City is working with foreclosures and neighborhood dedicated funds; that the City is not allowed to apply to HUD for those types of funds as we do not meet their requirements; the City does apply to MSHDA; and that the City of Lapeer is not a core community within HUD requirements for those types of funds.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

None.

PUBLIC HEARINGS

MSHDA: North Oregon Target Housing Grant Application.

Denise Soldenski, Grant Administrator Housing and Neighborhood Development, advised that she had Fair Housing Manuals available for distribution and provided a powerpoint presentation on current grant funding and activities proposed in the North Oregon Target Housing Grant.

Mayor Sprague opened the public hearing at 6:59 p.m. Ms. Soldenski continued the powerpoint with updates to the Commission on City-Wide Rental Rehabilitation Grant; Downtown rental Development Grant; Cramton Neighborhood Target Grant; HUD Foreclosed Homes; informed the Commission and public on activities proposed in the North Oregon Target Housing Grant; and asked for any questions regarding the information provided.

Discussion was held regarding HUD Foreclosed Homes and tax foreclosure homes purchased, HUD regulations, and homes sold to Habitat for Humanity.

Tim Burke commented on doing rehabilitation for \$20,000 under silent seconds and selling of homes as a primary source under primary RD or direct RD, requirement of an actual 203K Streamline lender for these types of rehabilitations, that homeowners do not have the money for a match of funds, and it is a pity to not apply for what is out there.

Ms. Soldenski commented on the ability to buy homes and issues relating to grant requirements that need to be met. Mayor Sprague commented that the City runs into issues with designations and tracking data associated with grant processing, grant funding and Census data used in designating areas, the need to encourage Lapeer citizens to fill out Census data to provide Lapeer with a more favorable Census tracking data, and that Lapeer is currently at the bottom of the pecking order.

There being no further comments, Mayor Sprague closed the public hearing at 7:16 p.m.

ADMINISTRATIVE REPORTS

Purchasing Policy

2. That the City Commission shall meet in the City Commission Chambers at 576 Liberty Park, on October 19, 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

CITY OF LAPEER
RESOLUTION TO SCHEDULE A PUBLIC HEARING
TO CONSIDER AN APPLICATION FOR AN
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR
Lapeer Industries, Inc.
400 McCormick Drive

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 October 4, 1993, this City Commission by resolution established Industrial Development District No. F; and

WHEREAS, Lapeer Industries, 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 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 October 19, 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:

McCormick Industrial Park #3, Lot #29, City of Lapeer, Lapeer County, Michigan

More commonly known as: 400 McCormick Drive, Lapeer, MI.

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

Lapeer Industries, Inc.
3140 John Conley Drive

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 October 5, 1987, this City Commission by resolution established Industrial Development District No. E; 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 October 19, 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. 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:

A 11.63 acre parcel of land in the SE ¼ of Section 1 and the NE ¼ of section 12, T7N,R9E, City of Lapeer, Lapeer County, Michigan described as COMMENCING at the SE Corner of said Section 1; thence N 01 deg. 39 min. 24 sec. W 475.52 feet along the East Line of said Section 1; thence S 74 deg. 23 min. 55 sec. W 1508.01 feet along the Southerly Line of the G.T.W. Railroad Right-of-Way to the POINT OF BEGINNING; thence S 25 deg. 01 min. 42 sec. E 685.35 feet; of the proposed road for the City of Lapeer Industrial and Research Park as found documented in the field on Monday, November 2, 1987, 28.22 feet along the arc of a 318.00 foot radius nontangential curve to the left, having a central angle of 005 deg. 05 min. 04 sec. and subtended by a chord measuring S 67 deg. 30 min. 50 sec. W 28.21 feet; thence S 64 deg. 58 min. 18 sec. W 360.00 feet along said northerly Right-of-Way Line; thence Southwesterly along said Northerly right-of-Way Line 218.01 feet along the arc of 406.75 foot radius curve to the left, having a central angle of 030 deg. 42 min. 33 sec. and subtended by a chord measuring S 49 deg. 37 min. 02 sec. W 215.41 feet; thence W 55 deg. 44 min. 14 sec. W 165.26 feet; thence W 25 deg. 01 min. 42 sec. W 712.00 feet; thence N 74 deg. 23 min. 55 sec. E 689.61 feet along the Southerly Line of the G.T.W. Railroad Right-of-Way to the POINT OF BEGINNING, being subject to easements and restrictions of record, if any.

More commonly known as: 3140 John Conley Drive, Lapeer, MI

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

Lapeer Industries, Inc.
3255 John Conley Drive

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, Lapeer Industries, 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 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 October 19, 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. 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 $\frac{1}{4}$ section of Section 12, township 7 North, range 9 East, City of Lapeer, Lapeer County, Michigan. Described as beginning at a point which is located by the following four (4) courses from the West $\frac{1}{4}$ corner of said Section 12: (1) S 01 16 50 E, along the West line of said Section, 358.02 feet, (2) N 88 23 10 E, 801.86 feet, (3) 521.05 feet along the arc of a 1357.00 radius curve to the right (having a central angle of 22 00 00, a tangent of 263.77 feet, subtending a chord bearing and distance of S 80 36 50 E, , 517.86 feet) and (4) S 69 36 50 E, 56.06 feet; thence continuing S 69 36 50 E, 117.15 feet, thence 280.19 feet along the arc of a 993.00 foot radius curve to the left (having a central angle of 16 10 00. A tangent of 140.03 feet, subtending a chord bearing and distance of S 77 41 50 E, 279.6 feet); thence 04 40 35 W, 655.35 feet to the Northerly right-of-way line of Interstate Highway 69; thence Westerly along said right-of-way line along the following two (2) courses: (1) N 85 55 32 W, 192.52 feet, and (2) N 82 07 02 W, 252.70 feet; thence leaving said right-of-way line N 09 06 48 E, 714.16 feet to the point of beginning, containing 6.52 acres of land and subject to all easements or restrictions of record.

More commonly known as: 3255 John Conley Drive, Lapeer, MI

CITY OF LAPEER
RESOLUTION TO SCHEDULE A PUBLIC HEARING
TO CONSIDER AN APPLICATION FOR AN
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR
Lapeer Industries, Inc.
83 South Elm Street

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 October 4, 1993, this City Commission by resolution established Industrial Development District No. F; and

WHEREAS, Lapeer Industries, 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 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 October 19, 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. F.
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. F described as follows:

WESTERLY PARCEL:

PART OF THE SOUTHEAST $\frac{1}{4}$ of SECTION 5, T7N-R10E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, & LOTS 4,6,8,10,12,14,16,18,20, & PART OF LOT 2, "TURRILL ADDITION TO THE CITY OF LAPEER", as recorded in Liber 40, Page 331, Lapeer County Records, being more particularly described as beginning at a point on the South line of Section 5 that is North 88°35'45" West 659.84 feet from the Southeast corner of Section 5, (said point is on the Easterly right of way line of the Michigan Central Railroad); thence along said right of way line on a 01° curve to the right, radius 5885 feet, chord bearing and distance North 03°35'40" East 712.09 feet to the intersection of said railroad right of way and the South line of "TURRILL ADDITION TO THE CITY OF LAPEER"; thence continuing along said railroad right of way, North 07°32'21" East 120.80 feet to the Southerly right of way line of South Elm Street; thence South 89°05'30" East 599.45 feet along the Southerly right of way line of South Elm Street to the East line of Section 5; thence South 38°47'36" West 1053.27 feet to the point of beginning. Contains 5.85 acres, including that part reserved for Saginaw Street so-called. Being subject to any restrictions, easements and/or right of ways of record.

More commonly known as: 83 S. Elm Street, Lapeer, MI

AYES: Commissioners Bennett, Farrington, Marquardt, and Bostick-Tullius.
NAYS: None.
ABSENT: Commissioner Robinet.
ABSTAIN: None.
MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson requested approval for a Permanent Easement For Traffic Control Device Construction and Maintenance for property located at the northwest corner of McCormick and Saginaw in the amount of \$4,000.00.

197 2009 10-05

Moved by Bostick-Tullius. Seconded by Farrington.

To approve the Permanent Easement For Traffic Control Device Construction and Maintenance for property located at the northwest corner of McCormick and Saginaw in the amount of \$4,000.00.

MOTION CARRIED.

Mr. Kerbyson commented that issues with the Teamsters has been settled and the contract will be signed shortly. Outstanding Blight issues in Rolling Hills subdivision have been cleaned up.

CITY ATTORNEY'S REPORT

No report provided.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Farrington commented on the City's pathway project and negative press that was given to the schools in the "sound off" column relating to the pathway project.

Commissioner Marquardt commented on weed mowing in parking lots of business that have closed or moved with Chief Alexander responding that they were cleaned up this week; Lapeer Lanes and condition of property is looking worse and City involvement in compliancy issues, Fire Chief Kluge responded that they are currently in compliance; home on Oregon that has been vacated and issues with animals settling in and weed growth and to have City representatives check on this; WalMart entrance near Saginaw Street and huge drop in ground soil next to curve should be checked into, City Manager Dale Kerbyson responded that this was a private drive and that he will contact WalMart; and to have information in the next agenda packet regarding water shut offs and penalties as well as the process of acceptance of commitments from organizations that would provide payment on citizen bills.

Commissioner Bostick-Tullius commented that the Habitat Store has received its permits and that a "grand opening" will be coming soon.

City Manager Dale Kerbyson commented that two Department Heads were off on health related issues.

Mayor Sprague commented that City Clerk Donna Cronce had received the 2009 Distinguished Public Servant Award and presented her with the plaque; Woodbridge facility ribbon cutting ceremony on Friday; Thank You from the Young Marines in support of the fundraiser to celebrate the homecoming of the Lapeer National Guard members who were deployed to Afghanistan; City Manager appraisal forms to be received by next Commission meeting and to enter a closed session to review the forms as requested by City Manager Dale Kerbyson; and meeting with Senator Levin and the ability to talk on issues facing Lapeer.

ADJOURNMENT

198 2009 10-05

Moved by Bennett. Seconded by Farrington.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:42 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk