

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

OCTOBER 19, 2009

A regular meeting of the Lapeer City Commission was held October 19, 2009 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Pro-Tem Robinet
Commissioners Bennett, Marquardt, Bostick-Tullius and Farrington.
City Manager Dale Kerbyson.
City Attorney Mike Nolan.

Absent: Mayor Sprague (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; Director of Finance Paul Boucher, Rowe Professional Services Company representative Doug Skylis; Director of Lapeer County Central Dispatch Vic Martin; Executive Director of the Lapeer Development Corporation, Patricia Lucas; Lapeer Industries President and CEO Dan Schreiber and Lapeer Industries Director of Operations Andy Dospil.

Mayor Pro-Tem Robinet led the Pledge of Allegiance.

AGENDA APPROVAL

199 2009 10-19

Moved by Farrington. Seconded by Bostick-Tullius.

To approve the Agenda for October 19, 2009 with the addition of items G-2. Water and Sewer Penalty Charges and G-3. Resolutions for Bank Accounts.

MOTION CARRIED.

MINUTES

200 2009 10-19

Moved by Bostick-Tullius. Seconded by Farrington.

To approve the minutes from the Regular Meeting held on October 5, 2009.

MOTION CARRIED.

CONSENT AGENDA

201 2009 10-19

Moved by Marquardt. Seconded by Bennett.

To approve the Consent Agenda for October 19, 2009 resulting in the following.

1. Approval of Trick or Treat hours from 6:00 p.m. until 8:00 p.m. on Halloween night, Saturday, October 31, 2009.
2. Approval of Property Tax Remittance Agreement from the Lapeer Community Schools for the 2009 Tax Year and authorize the Director of Finance to sign required documents.

MOTION CARRIED.

BILL LISTING FOR OCTOBER 19, 2009

202 2009 10-19

Moved by Marquardt. Seconded by Bostick-Tullius.

To approve the Bill Listing for October 19, 2009 in the amount of \$286,093.67.

MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Resolution Supporting Lapeer County E 9-1-1 Central Dispatch Equipment Proposition.

Vic Martin, Director of Lapeer County Central Dispatch gave a brief overview of the importance for the citizens of Lapeer County to vote on November 3rd in favor of the 911 system upgrade, thanked the Commission for their time and requested support. Commissioner Farrington expressed concerns of future planning to offset upgrade expenses.

203 2009 10-19

Moved by Farrington. Seconded by Bennett.

To approve the Resolution Supporting Lapeer County E 9-1-1 Central Dispatch Equipment Proposition.

CITY OF LAPEER
RESOLUTION SUPPORTING
LAPEER COUNTY E 9-1-1 CENTRAL DISPATCH
EQUIPMENT PROPOSITION

WHEREAS, the Lapeer County E 9-1-1, Central Dispatch system provides the only county-wide emergency telecommunications for police, fire, emergency medical services and disaster response; and

WHEREAS, no other immediate alternative emergency telecommunications system is available to ensure the residents of our community to have access to emergency public safety services; and

WHEREAS, there is a critical need to retain a reasonable level of funding to ensure that Lapeer County citizens with public safety emergencies have the means to contact police, fire and emergency medical services to respond in a timely manner to limit the threat to life or property; and

WHEREAS, the County of Lapeer is asking voters to approve a three-quarters (.75) of one mill levy to fund the replacement of outdated analog radio equipment with updated digital radio equipment and other equipment necessary to effectively provide public safety services to Lapeer County citizens.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Lapeer City Commission support the millage request of Lapeer County E 9-1-1 Central Dispatch Equipment Proposition for the purchase of updated digital radio equipment and other equipment necessary for the provision of emergency public safety services.

BE IT FURTHER RESOLVED THAT the Mayor and Lapeer City Commission urges its fellow citizens to vote in favor of this proposal to ensure uninterrupted E 9-1-1 Central Dispatch telecommunication services.

BE IT FURTHER RESOLVED THAT a copy of this resolution be delivered to the Lapeer County Board of Commissioners in support of a collaborative effort to preserve an essential public safety service for the citizens of Lapeer County.

Dated this 19th day of October, 2009.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Proclamation – National Family Caregivers Month.

204 2009 10-19

Moved by Farrington. Seconded by Bennett.

To approve the Proclamation of National Family Caregivers Month.

CITY OF LAPEER
Proclamation of National Family Caregivers Month
November 2009

WHEREAS, During this season of thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a City, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly, or disabled. Caregivers reflect family and community life at its best; and

WHEREAS, The need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer. As a result, persons with disabilities are living longer and people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America; and

WHEREAS, Family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, health care, religious, social, business, and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Commission of the City of Lapeer, do recognize the Month of November 2009 as National Family Caregivers Month in the City of Lapeer.

Dated this 19th day of October, 2009.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

IFT Application: Lapeer Industries, Inc. 290 McCormick Drive

Mayor Pro-Tem Robinet opened the public hearing at 6:46 p.m. Executive Director of the Lapeer Development Corporation Patricia Lucas introduced Lapeer Industries President and CEO Dan Schreiber and Director of Operations Andy Dospil; commented that the company would invest \$717,000 in new machinery and equipment; creation of 6 new jobs; and requests a 6 year exemption. Dan Schreiber reviewed Lapeer Industries' history; moving into alternative energy; Vestas' contract; the company is moving toward 50 percent defense and 50 percent alternative energy; and expectation of growth. Mayor Pro-Tem Robinet closed the public hearing at 6:53 p.m.

IFT Application: Lapeer Industries, Inc. 400 McCormick Drive

Mayor Pro-Tem Robinet opened the public hearing at 6:53 p.m. Executive Director of the Lapeer Development Corporation Patricia Lucas commented that this is the building where Lapeer Industries started; investment of \$282,000 in new machinery and equipment; creation of 2 new jobs; and requests a 6 year exemption. Dan Schreiber indicated that his father started there 35 years ago and military contract is good through the year 2010. Commissioner Marquardt asked what this building houses with Mr. Schreiber responding that it is for the building of the ASV vehicle for the Army. Mayor Pro-Tem Robinet closed the public hearing at 6:55 p.m.

IFT Application: Lapeer Industries, Inc. 3140 John Conley Drive

Mayor Pro-Tem Robinet opened the public hearing at 6:55 p.m. Executive Director of the Lapeer Development Corporation Patricia Lucas commented on investment of \$300,000 in new machinery and equipment; creation of 8 new jobs; and requests a 6 year exemption. Mr. Schreiber indication location was set aside for Vestas' contract in working with the wind mill industry. Mayor Pro-Tem Robinet closed the public hearing at 6:56 p.m.

IFT Application: Lapeer Industries, Inc. 3255 John Conley Drive

Mayor Pro-Tem Robinet opened the public hearing at 6:56 p.m. Executive Director of the Lapeer Development Corporation Patricia Lucas commented on investment of \$42,000 in new machinery and equipment; creation of 3 new jobs; and requests a 6 year exemption. Mr. Schreiber indicated that this building will be used as a material processing plant and use of European standards. Mayor Pro-Tem closed the public hearing at 6:59 p.m.

IFT Application: Lapeer Industries, Inc. 83 S. Elm Street

Mayor Pro-Tem Robinet opened the public hearing at 6:59 p.m. Executive Director of Lapeer Development Corporation Patricia Lucas commented on investment of \$740,000; creation of 4 new jobs; and requests a 6 year exemption. Mr. Schreiber indicated this plant will be used for new V-Tech vertical machines to support the Vestas' contract; contract with ZF Technologies; and the creation of high tech jobs. Ms. Lucas indicated that we are blessed to have Lapeer Industries in our City and that LDC helps in other avenues such as HUB Zoning. Mayor Pro-Tem Robinet closed the public hearing at 7:03 p.m.

Mayor Pro-Tem Robinet questioned what type of jobs would they have, laborers or what? Mr. Schreiber indicated they would have laborers as well as high tech; high job standards; positions starting at \$10 per hour; and skilled positions starting at \$20 and over. Andy Dospil commented on current retention of jobs and employment growth. Dan Schreiber commented on future production and that the company was just beginning. City Manager Dale Kerbyson commented on the work relationship with the City and that the City was prepared to help the industry's growth. Mr. Schreiber commented that they are not going anywhere and invited the Commission to tour the plants.

205 2009 10-19

Moved by Marquardt. Seconded by Bennett.

To approve the Resolutions Approving the Application of Lapeer Industries, Inc. for the addresses of 290 McCormick Drive; 400 McCormick Drive; 3140 John Conley Drive; 3255 John Conley Drive; and 83 S. Elm Street for an Industrial Facilities Tax Exemption Certificate.

RESOLUTION APPROVING THE APPLICATION OF
LAPEER INDUSTRIES, INC.
290 McCormick Drive
FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on December 5, 1983, this Commission by resolution established the City of Lapeer Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Lapeer Industries, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to the purchase of new machinery and equipment to be acquired and installed within the Industrial Development District No. A; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on October 19, 2009, at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before September 28, 2009, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Lapeer Industries, Inc. for an Industrial Facilities Exemption Certificate with respect to the purchase of new machinery and equipment to be installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. A, to wit:

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

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 6 years after completion, provided, however, that said certificate shall be subject to the terms and conditions of the Tax Abatement Agreement between the City of Lapeer and Lapeer Industries, Inc. dated September 28, 2009.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

RESOLUTION APPROVING THE APPLICATION OF
LAPEER INDUSTRIES, INC.
400 McCormick Drive
FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on December 5, 1983, this Commission by resolution established the City of Lapeer Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Lapeer Industries, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to the purchase of new machinery and equipment to be acquired and installed within the Industrial Development District No. A; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on October 19, 2009, at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the

Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before September 28, 2009, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Lapeer Industries, Inc. for an Industrial Facilities Exemption Certificate with respect to building renovations and the purchase of new machinery and equipment to be installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. A, to wit:

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

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

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 6 years after completion, provided, however, that said certificate shall be subject to the terms and conditions of the Tax Abatement Agreement between the City of Lapeer and Lapeer Industries, Inc. dated September 28, 2009.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

RESOLUTION APPROVING THE APPLICATION OF
LAPEER INDUSTRIES, INC.
3140 John Conley Drive
FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on October 5, 1987, this Commission by resolution established the City of Lapeer Industrial Development District No. E, as requested by the Lapeer City Commission; and

WHEREAS, Lapeer Industries, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to the purchase of new machinery and equipment to be acquired and installed within the Industrial Development District No. E; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on October 19, 2009, at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before September 28, 2009, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Lapeer Industries, Inc. for an Industrial Facilities Exemption Certificate with respect to the purchase of new machinery and equipment to be installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. E, to wit:

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

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 6 years after completion, provided, however, that said certificate shall be subject to the terms and conditions of the Tax Abatement Agreement between the City of Lapeer and Lapeer Industries, Inc. dated September 28, 2009.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

RESOLUTION APPROVING THE APPLICATION OF
LAPEER INDUSTRIES, INC.
3255 John Conley Drive
FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on October 5, 1987, this Commission by resolution established the City of Lapeer Industrial Development District No. E, as requested by the Lapeer City Commission; and

WHEREAS, Lapeer Industries, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to building improvements and the purchase of new machinery and equipment to be acquired and installed within the Industrial Development District No. E; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on October 19, 2009, at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before September 28, 2009, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Lapeer Industries, Inc. for an Industrial Facilities Exemption Certificate with respect to the purchase of new machinery and equipment to be installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. E, to wit:

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

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 6 years after completion, provided, however, that said certificate shall be subject to the terms and conditions of the

Tax Abatement Agreement between the City of Lapeer and Lapeer Industries, Inc. dated September 28, 2009.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

RESOLUTION APPROVING THE APPLICATION OF
LAPEER INDUSTRIES, INC.
83 S. Elm Street
FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on October 4, 1993, this Commission by resolution established the City of Lapeer Industrial Development District No. F, as requested by the Lapeer City Commission; and

WHEREAS, Lapeer Industries, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to the purchase of new machinery and equipment to be acquired and installed within the Industrial Development District No. F; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on October 19, 2009, at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before September 28, 2009 the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Lapeer Industries, Inc. for an Industrial Facilities Exemption Certificate with respect to the purchase of new machinery and equipment to be installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. F, to wit:

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

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 6 years after completion, provided, however, that said certificate shall be subject to the terms and conditions of the Tax Abatement Agreement between the City of Lapeer and Lapeer Industries, Inc. dated September 28, 2009.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Water and Sewer Penalty Charges

City Manager Dale Kerbyson reported the Water and Sewer Penalty report was in response to the request from the Commission from the October 5, 2009 meeting.

Resolutions for Bank Accounts

City Manager Dale Kerbyson reported due to bank issues with Citizen's First it is necessary to move funds to another bank and that Lapeer County Bank and Trust was chosen. Commissioner Bennett questioned if this was already completed? Mr. Kerbyson responded that the funds are currently in limbo. Commissioner Farrington inquired as to what the interest rate would be. Director of Finance Paul Boucher responded that the two General Funds would earn .815% on anything over \$50,000 and the CD would earn between .75 and 1%.

206 2009 10-19

Moved by Bostick-Tullius. Seconded by Bennett.

To approve the Corporate Authorization Resolutions with Lapeer County Bank and Trust for City of Lapeer-General Savings; 2009 G.O. Construction Savings and the Certificates of Deposit.

CORPORATE AUTHORIZATION RESOLUTION

Lapeer County Bank & Trust Co
PO Box 250
Lapeer MI 48446

By: City of Lapeer
General Savings
576 Liberty Park
Lapeer MI 48446-2140

Referred to in this document as "Financial Institution" Referred to in this document as "Corporation",

I, Donna L. Cronce, certify that I am Secretary (clerk) of the above named corporation organized under the laws of Michigan, Federal Employer ID Number 38-6004630, engaged in business under the trade name of City of Lapeer, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Directors of the Corporation duly and

property called and held on 10/19/09. These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below.

| Name and Title or Position Signature | Signature | Facsimilie (if used) |
|--|-----------|-----------------------------|
| A. Paul H. Boucher, Jr. Director of Financial Services | | |
| B. Harry L. Green Manager Accounting & Data Proc. | | |
| C. Donna L. Cronic City Clerk | | |
| D. | | |
| E. | | |
| F. | | |

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

| Indicate A, B, C, D, E, and/or F | Description of Power | Indicate number of signatures required |
|-------------------------------------|---|---|
| | (1) Exercise all of the powers listed in this resolution. | |
| A, B, C | (2) Open any deposit or share account(s) in the name of the corporation. | 1 |
| A, B, C | (3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution. | 1 |
| | (4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences of indebtedness. | |
| | (5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment. | |
| | (6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution. | |
| | (7) Other . | |

LIMITATIONS ON POWERS The following are the Corporation's express limitations on the powers granted under this resolution.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated N/A. If not completed, all resolutions remain in effect.

CERTIFICATION OF AUTHORITY

I further certify that the Board of Directors of the Corporation has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

X If checked, the Corporation is a non-profit Corporation. In Witness Whereof, I have subscribed my name to this document and affixed the seal of the Corporation on June 15, 2009 (date).

Attest by One Other Officer

Secretary

RESOLUTIONS

The Corporation named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.

- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicate on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
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CORPORATE AUTHORIZATION RESOLUTION

Lapeer County Bank & Trust Co
 PO Box 250
 Lapeer MI 48446

By: City of Lapeer
 GO Construction 2009
 576 Liberty Park
 Lapeer MI 48446-2140

Referred to in this document as "Financial Institution" Referred to in this document as "Corporation",

I, Donna L. Cronce, certify that I am Secretary (clerk) of the above named corporation organized under the laws of Michigan, Federal Employer ID Number 38-6004630, engaged in business under the trade name of City of Lapeer, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Directors of the Corporation duly and properly called and held on 10/19/09. These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below.

| Name and Title or Position Signature | Signature | Facsimilie (if used) |
|--|-----------|-----------------------------|
| A. Paul H. Boucher, Jr. Director of Financial Services | | |
| B. Harry L. Green Manager Accounting & Data Proc. | | |
| C. Donna L. Cronce City Clerk | | |
| D. | | |
| E. | | |
| F. | | |

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

| Indicate A, B, C, D, E, and/or F | Description of Power | Indicate number of signatures required |
|-------------------------------------|--|---|
| | (1) Exercise all of the powers listed in this resolution. | |
| A, B, C | (2) Open any deposit or share account(s) in the name of the corporation. | 1 |
| A, B, C | (3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution. | 1 |

- (4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences of indebtedness.
- (5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.
- (6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.
- (7) Other .

LIMITATIONS ON POWERS The following are the Corporation's express limitations on the powers granted under this resolution.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated N/A. If not completed, all resolutions remain in effect.

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Lapeer County Bank & Trust Co
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 Lapeer MI 48446

By: City of Lapeer
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Referred to in this document as "Financial Institution" Referred to in this document as "Corporation",

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MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson requested permission to move forward on the selling of City property off of McCormick to Trilogy with current easements of said property staying in place. Brief discussion was held on use of property as an assisted living complex; creation of approximately 120 jobs; site planning process; and that the City will work with Trilogy through the entire process.

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Moved by Marquardt. Seconded by Bennett.

To approve the sale of property located off of McCormick Drive to Trilogy and authorize the Mayor and City Manager to sign required documents.

MOTION CARRIED.

City Manager Dale Kerbyson reported the WWTP Superintendent position has been filled with internal candidate, Mike Wurts, who is a 20 year veteran of the City.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan commented that Trilogy tried to lower their offer on the McCormick property but that the City Manager held firm and was able to obtain the full asking price for the property.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

Departmental monthly reports were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett thanked the Fire Chief for the department response to a downed transformer in his neighborhood and that they did a great job handling the situation.

Commissioner Farrington inquired on the process for board nominations. City Clerk Donna Cronce responded that she likes to receive a letter of interest, letter is provided to board for recommendation, and the name is then added to the board appointment listing. Brief discussion was held on recommendation not necessarily needed by a board, Commission could appoint someone of their choosing, and verification of interest by a person appointed without a written letter of interest. Commissioner Farrington inquired as to when the Commission would see the new ladder fire truck. Chief Kluge responded that it was scheduled for the meeting on November 2nd.

Commissioner Bostick-Tullius reported she attended the Flint Generals game which was held at the Polar Palace, dropping of the puck by Mayor Sprague; there were approximately 1,000 people in attendance, and that this was a great draw and a positive event for the City.

City Manager Dale Kerbyson reported that the Open House for the Fire Station was impressive and well attended; he will be attending a MML protest regarding revenue sharing in Lansing on Thursday at 1:00 p.m. if anyone would like to join him and that the effect to the City would be approximately 10% or \$80,000 out of our revenue budget.

ADJOURNMENT

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Moved by Bennett. Seconded by Farrington.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:26 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk