

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

October 4, 2010

A regular meeting of the Lapeer City Commission was held October 4, 2010 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, and Bostick-Tullius.
City Manager Dale Kerbyson.
City Attorney Representative Tim Turkelson.

Absent: Commissioners Robinet (excused) and Farrington (excused).

Others Present: City Clerk Donna Cronce; Executive Assistant Tracey Russell; Police Chief Todd Alexander; Fire Chief Terry Kluge; Finance Director Paul Boucher; City Assessor Tom Hubbell; DPW Director John Lyons; Rowe PSC Doug Skylis; Lapeer County Press Jeff Hogan; County Commissioner Lenny Schneider; Lapeer Development Corporation Director Patricia Lucas; Quest Industries, Inc. President Dennis Hoover; Brent Hershberger; Andrew Kluck; Ralph/Jacqueline Olivanti; Hugh Ross; Ken/Joyce MacKay; Ruth Kumpf; William/Helen Cochran; Vernon Edwards; Don McKenzie; Suzanne Burch; Jeremy Moran; Don/Nancy Wells; Nancy Laidler; Virginia/Len George; David/Martha Hanley; Kenneth Tuttle; Lena Brown; Beth/Nate Gilling; Joyce Nolin-Capman; Donald Capman; Diane Lundberg; Carol Rotta; Georgeann Courser; Rodney Stalker.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

218 2010 10-04

Moved by Marquardt. Seconded by Bostick-Tullius.

To approve the Agenda for October 4, 2010 with the addition of Consent Item C.6. Special Event Request: Special Olympic Area 13 for Special Olympic Cycling Event.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED.

MINUTES

219 2010 10-04

Moved by Bostick-Tullius. Seconded by Marquardt.

To approve the minutes from the Executive Session held on September 7, 2010 and the Regular Meeting held September 20, 2010 as presented.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED.

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

PUBLIC COMMENTS

Andrew Kluck, Adams Street, provided invocation.

CONSENT AGENDA

220 2010 10-04

Moved by Bostick-Tullius. Seconded by Bennett.

To approve the Consent Agenda for October 4, 2010 as follows:

1. Special Event Request from Downtown Business Association and United Way of Lapeer County for Chili Cook-Off to be held October 30, 2010.
2. Change Order #1 from Sinatech Construction Company for a decrease to the project contract of \$4,560.82 for the S. Main Street Sanitary Sewer Extension Project.
3. Payment Request #4 – Final Payment from Sinatech Construction Company in the amount of \$5,500.00 for the S. Main Street Sanitary Sewer Extension Project.
4. Local Share Payment #6 from the State of Michigan in the amount of \$52,847.40 for the Saginaw Street Reconstruction Project.
5. Approve bid from Red Holman Pontiac/GMC, Westland, MI for a 2010 One Ton Dump Truck in the amount of \$30,429.00 and authorize the Director of Public Works to sign required documents.
6. Special Event Request from Special Olympic Area 13 for Special Olympic Cycling Event to be held October 5, 2010 at Lincoln Street and Luxington Street contingent upon receipt of insurance.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED.

BILL LISTING FOR OCTOBER 4, 2010

221 2010 10-04

Moved by Bennett. Seconded by Marquardt.

To approve the Bill Listing for October 4, 2010 in the amount of \$882,427.48.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

Industrial Facilities Tax Exemption Request: Quest Industries, Inc.:

1. 3309 John Conley Drive New
2. 3309 John Conley Drive Transfer # 2004-064
3. 3309 John Conley Drive Transfer # 2006-070
4. 3309 John Conley Drive Transfer # 2007-055
5. 3309 John Conley Drive Transfer # 2008-067

Mayor Sprague opened the public hearing at 6:33 p.m. regarding the New IFT request from Quest Industries, Inc. for 3309 John Conley Drive.

Patricia Lucas, Director of Lapeer Development Corporation, introduced Dennis Hoover from Quest Industries; stated Quest began in the Enterprise Building; 40 employees; equipment purchase of \$406,730; and creation of 4 new jobs.

There being no further comments, Mayor Sprague closed the public hearing at 6:34 p.m.

Mayor Sprague opened the public hearing at 6:34 p.m. regarding IFT Transfer #2004-064 from Quest Industries, Inc. for 3309 John Conley Drive.

Patricia Lucas, Director of Lapeer Development Corporation, commented that the remaining requests were for address transfers per state requirements and this request was originally granted for 6 years in 2004 and would expire at the end of the year.

There being no further comments, Mayor Sprague closed the public hearing at 6:35 p.m.

Mayor Sprague opened the public hearing at 6:35 p.m. regarding IFT Transfer #2006-070 from Quest Industries, Inc. for 3309 John Conley Drive.

Patricia Lucas, Director of Lapeer Development Corporation, commented that the original abatement was granted for 6 years in 2006 and transfer would expire in 2012.

There being no further comments, Mayor Sprague closed the public hearing at 6:35 p.m.

Mayor Sprague opened the public hearing at 6:36 p.m. regarding IFT Transfer #2007-055 from Quest Industries, Inc. for 3309 John Conley Drive.

Patricia Lucas, Director of Lapeer Development Corporation, commented that the original abatement was granted for 12 years in 2007 and request would transfer remaining 9 years.

There being no further comments, Mayor Sprague closed the public hearing at 6:36 p.m.

Mayor Sprague opened the public hearing at 6:36 p.m. regarding IFT Transfer #2008-067 from Quest Industries, Inc. for 3309 John Conley Drive.

Patricia Lucas, Director of Lapeer Development Corporation commented that the original abatement was granted for 6 years in 2008 and request would transfer remaining 4 years.

There being no further comments, Mayor Sprague closed the public hearing at 6:36 p.m.

222 2010 10-04

Moved by Bostick-Tullius. Seconded by Bennett.

To approve the Resolutions Approving The Applications Of Quest Industries, Inc. Industrial Facilities Tax Exemption Certificate, for 3309 John Conley Drive for Transfer #2004-064, Transfer #2006-070, Transfer #2007-055, Transfer #2008-067, and New Request.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

Mayor Sprague thanked Mr. Hoover for investing in the community. Mrs. Lucas commented that Mr. Hoover will be recognized through the Small Business Administration as one of the top 3 businesses in Michigan for their success and will be honored at a press conference held on October 13, 2010 at 9:00 a.m. at Quest facilities, 3309 John Conley Drive.

Woodbridge Park Condominiums – Special Assessment District #2010-02:

City Assessor Tom Hubbell commented that the public hearing to be held would consider the necessity of the project regarding Woodbridge Park Condominiums Special Assessment; the area encompasses the entire portion of both developed and undeveloped properties within the condominium area; total of 80 units; and that financial and cost considerations would be at the next City Commission meeting.

City Manager Dale Kerbyson commented that the project is to finish the wearing course on the existing road; base/wearing course has become unstable; request Commission consideration to add sidewalk replacement; time limitations to develop area; and property owners of all lots will be assessed.

City Assessor Tom Hubbell clarified that the area is a condominium unit and that the entire project would be shared jointly among condominium owners.

Mayor Sprague advised that the purpose of this public hearing would be to consider the necessity of the project and no costs would be discussed; first step of special assessment process is necessity public hearing; second step would be discussion of roll and costs; and to please direct comments towards necessity of the project.

Mayor Sprague opened the public hearing at 6:43 p.m. to hear comments to the proposed public improvements and to the proposed special assessment district regarding the Woodbridge Park Condominiums project, Special Assessment #2010-02.

Ken Tuttle, Lincoln Street: how/who reached determination for necessity of this project. City Manager Dale Kerbyson responded that if a question was unanswered during the meeting then an informative letter would be sent to all property owners in the area with response provided; road and water pooling issues; property owner approached City to "gift" lots and City declined; Mayfield was offered "gift" of lots and declined; necessity to repair before entire road deteriorates and if wait to repair costs would be much higher; as a condominium complex all units will be treated as one common element.

Ruth Kumpf, Luxington Drive: why they will be assessed 100% of costs; in 2006 was told that road would be developed by developer; heavy traffic in area; City should pay for outside traffic of people who do not live in area. Mayor Sprague responded that the purpose of this public hearing would be for necessity only and costs will not be discussed at this time.

Ginny George, Lincoln Street: developer of project did not complete road as approved; why road was not taken care of before it became a necessity; and why condominium association is responsible. City Attorney representative Tim Turkelson responded the condominium association is responsible; finish grade of projects are usually not completed until close to 75% of area is built out and this area is not close to that amount; base deterioration occurring and if wait until a later date costs will be higher.

David Hanley, Luxington Drive: expiration date to develop area is 2 years; what happens when road work is completed and vacant lots have construction and road needs to be redone. City Manager Dale Kerbyson responded that new construction would require permits and bonding and any damage to area would be brought back to City standards.

Nate Gilling, Luxington Drive: whether or not the road was a City street and why is assessment costs on property owners; traffic issues; and if assessment is passed will speed bumps be installed to slow traffic. City Manager Dale Kerbyson responded that the City has not officially accepted the street from the association. Police Chief Todd Alexander responded that there are no speed bumps on any City street and if the condominium association were to have them added then once they were accepted as a City street they would have to come out.

Martha Hanley, Luxington Drive: if the street was not accepted by the City then could the association gate the community; issues with dog feces from people not living in the area; issues with children that do not live in the area. City Assessor Tom Hubble responded on master deed document that covers everything within the condo area; private streets are still required to be built to City standards; intention to dedicate street to City in master deed; all 80 units in area will bear costs associated with project as one unit. City Attorney Representative Tim Turkelson responded that a gated community would be an idea but does not know the contents of the master deed which would require review. Ms. Hanley commented that there was nothing in the master deed on gating the community and why place sidewalk to assessment.

Len George, Lincoln Street: if Assessor calls it a City street and others say it is not where does this start and end. City Attorney Representative Tim Turkelson responded that it is not a City street until accepted by the City and if the master plan intended to dedicate street to City. Mr. George commented that Mayfield has section of road that was completed to specifications. City Attorney Representative Tim Turkelson commented that Mayfield required a posting of bond and cashed in the bond to complete the road and that the City missed requiring a bond to be posted for the project.

Ginny George, Lincoln Street: when could the association gate the area?

Dave Hanley, Luxington Drive: when the City determined to maintain the street and would like to get copies of minutes and how it was decided. City Manager Dale Kerbyson responded that after development of area the street was added to the City's route to provide access for owners.

Hugh Ross, Lincoln Street: street is plowed but not the circle; issues with placing snow on vacant property and City issuing tickets.

Ken Tuttle, Lincoln Street: lives in the circle; this part is not plowed; and this part of the road is already completed. City Manager Dale Kerbyson responded that the development is all one piece of property and everyone in the condo area will share the costs.

Len George, Lincoln Street: lives in the circle area; told by City that circle area will not be plowed; if the area is considered as one why refuse to plow circle area. Department of Public Works Director John Lyons responded that he did not know that the circle area did not get plowed and will find out why it is not being done.

Nancy Wells, Lincoln Street: took over 5 years to get the road plowed; told by City that it was a private road; told by City that the cul-de-sac was a private road; and they can get nowhere on plowing issues.

There being no further comments, Mayor Sprague closed the public hearing at 7:04 p.m.

Discussion was held regarding the necessity of the project; City to respond to questions raised; and the need to bring road up to City standards.

223 2010 10-04

Moved by Bostick-Tullius. Seconded by Marquardt.

To approve Resolution #3 to determine the project, as amended to include sidewalk installation, necessary and order the preliminary roll prepared regarding the Woodbridge Park Condominiums Special Assessment District #2010-02.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Golfside Drive – Special Assessment District #2010-03:

City Manager Dale Kerbyson commented that residents brought to the City's attention issues with blight and road; change of developers for area; road deterioration and result of deterioration to curb and gutter; staff recommendation to mill at existing sub-base and restore road to final grade; and that the project does not include sidewalk installation.

Mayor Sprague opened the public hearing at 7:11 p.m. to hear comments to the proposed public improvements and to the proposed special assessment district regarding the Golfside Drive project, Special Assessment #2010-03.

Rodney Stalker, Golfside Drive: who actually owns road; if developer was notified that condition is poor and needs to be fixed; what is the process of owner notification to repair road; been there since the beginning of project and issues with road effecting driveway entrance; and that the road is deteriorated. City Assessor Tom Hubbell responded that consideration of necessity would be discussed and that financial issues would not be addressed; all lots in area would be assessed; owners of vacant lots would be assessed as well; assessment roll will go out to property owners before next meeting; developer will have obligation for vacant lots; special assessment will be determined by benefit to adjoining property owners in area. City Manager Dale Kerbyson commented on road deterioration; base is unstable; no top driving base;

does not want to lose curb and gutter in area; majority of property is owned by developer. City Attorney Representative Tim Turkelson commented that the developer has been put on notice regarding road issues and that the issues are not getting addressed.

Vernon Edwards, Golfside Drive: why a bond was not secured. City Assessor Tom Hubbell responded that when the subdivision was first put in the economy was not in a downward spiral and there was no reason at that time to require a bond as development was moving forward; bonds will be required on all future projects. City Attorney Representative Tim Turkelson commented that every municipality has the ability to require bonds; development was close to being done and a bond was not requested; economic changes that were not anticipated; and if a bond would have been required then the cost of such bond would have been reflected in cost of lot at that time.

Rodney Stalker, Golfside Drive: the area was looking better with grass being cut; pays City taxes and would like road improved; developer is not going to get the road done; and this is what it's come to.

There being no further comments, Mayor Sprague closed the public hearing at 7:19 p.m.

Discussion was held regarding necessity of project; road needs to be finished; residents approached Commission with weed and road issues; and why sidewalks were not required in the project. City Assessor Tom Hubbell responded that in a subdivision lots are individually owned and when vacant lots are constructed sidewalks will be required at that time.

224 2010 10-04

Moved by Marquardt. Seconded by Bostick-Tullius.

To approve Resolution #3 to determine the project necessary and order the preliminary roll prepared regarding the Golfside Drive Special Assessment District #2010-03.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Woodbridge Park Condominiums - Special Assessment District #2010-02.

225 2010 10-04

Moved by Bennett. Seconded by Bostick-Tullius.

Approve Resolution #4 accepting the preliminary roll, as amended to include sidewalk installation, and setting the public hearing for October 18, 2010 at 6:30 p.m. or as soon thereafter as may be heard to review said preliminary roll regarding the Woodbridge Park Condominiums Special Assessment District #2010-02.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Golfside Drive - Special Assessment District #2010-03.

226 2010 10-04

Moved by Bennett. Seconded by Marquardt.

Approve Resolution #4 accepting the preliminary roll and setting the public hearing for October 18, 2010 at 6:30 p.m. or as soon thereafter as may be heard to review said preliminary roll regarding the Golfside Drive Special Assessment District #2010-03.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on the MORE Program and use of federal grant money; Assistant Fire Chief Jim Muxlow received the Firefighter of the Year Award; Fire Department Open House scheduled for Sunday, October 10, 2010 from 12 to 3; Cancer Walk had a good turnout and the Making Strides event received over \$50,000 and that Sara Coulter was a keynote speaker

CITY ATTORNEY'S REPORT

No report.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

None.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENT

Commissioner Bostick-Tullius commented that her home was broken into and commended the Police Department and officer who was very helpful; could not make the cancer walk and was glad the event did well.

Commissioner Bennett commented on attending the Medical Marijuana seminar and workshop on October 18th to discuss this issue.

Commission Marquardt commented on attending the Kiwanis ribbon cutting for playground equipment and that the City is blessed to have involvement from community organizations.

City Manager Dale Kerbyson commented on attendance to the Economic Growth Forecast seminar and MML Conference; commended the Commission on moving forward with special assessments and the inclusion of sidewalk installation for Woodbridge.

Mayor Sprague commented on City aggressiveness to obtain grants and improving of infrastructure; when economic status turns around City will have the ability to handle growth; Lapeer now has a professional hockey team Lapeer Loggers and will drop the first puck for the team on October 22, 2010.

ADJOURNMENT

227 2010 10-04

Moved by Bennett.

To adjourn the meeting.

Ayes: Bennett, Marquardt, Bostick-Tullius.

Nays: None.

Absent: Robinet, Farrington.

MOTION CARRIED.

The regular meeting adjourned at 7:37 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk