

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

**January 22, 2008**

A regular meeting of the Lapeer City Commission was held January 22, 2008 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

**Present:** Mayor Sprague  
Commissioners Turkelson, Marquardt, Robinet, Farrington, and Bennett.  
City Manager Dale Kerbyson  
City Attorney Ron Shamblin

**Absent:** None.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**11 2008 01-22**

Moved by Robinet. Seconded by Marquardt.  
To approve the Agenda for January 22, 2008 as presented.  
MOTION CARRIED.

**MINUTES**

**12 2008 01-22**

Moved by Robinet. Seconded by Farrington.  
To approve the minutes from the Regular Meeting held on January 7, 2008 and the Goals and Objectives Workshop held on January 12, 2008.  
MOTION CARRIED.

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

**CONSENT AGENDA**

**13 2008 01-22**

Moved by Turkelson. Seconded by Robinet.  
To approve the Consent Agenda for January 22, 2008 resulting in the following:  
1. Approve the bid and award the contract to Liqui-Force Services, Inc. in the amount of \$208,621.50 for the Sewer and Manhole Rehabilitation Project and authorizes the Director of Public Works to sign the required documents.

**BILL LISTING FOR JANUARY 22, 2008**

**14 2008 01-22**

Moved by Robinet. Seconded by Marquardt.  
To approve the Bill Listing for January 22, 2008 in the amount of \$980,647.54.  
MOTION CARRIED.

**PUBLIC COMMENTS**

Ray Brown, President, Wheelin Team 457, provided information regarding the organization and programs they are involved in.

Lenny Schneider, Lapeer County Commissioner, presented a resolution on behalf of the Lapeer County Commission in support of the M-24/I-69 Corridor in obtaining funding from the State.

Eric Stone, Attorney representing Ingrid Connell and Rayco Associates, expressed concerns regarding the M-24/I-69 project area.

Ed Webberman, expressed concerns regarding the M-24/I-69 project area and request that further consideration of property owners' reimbursement be made at another meeting.

Tammy Miller, representative of Lapeer West Softball Club, Inc. commented on their request for a resolution regarding a Charitable Gaming License.

Tom Kenney, representative of Citizens for Greater Lapeer, expressed concerns regarding the M-24/I-69 project area, request to be on agenda to make a formal presentation to Commission, and timeframe to have a response from the State regarding letter to Governor Granholm on monies for development of site.

Discussion was held regarding the uncertainty of a response by State Officials on funding mechanisms for project, that the City will continue to send calls and contact letters to the State, that agenda time will be provided to the property owners, that the Commission will not debate issues back and forth, that weekly meetings should be in process regarding project area with City staff, and that the City Manager is the main contact for concerns regarding the project area. By general consensus, the City Commission agreed to schedule a Workshop Meeting for the M-24/I-69 corridor to be held after the regular meeting on February 4, 2008.

Bob Gilling, expressed concerns regarding the M-24/I-69 project area and asked that Windwater project request be considered.

Fred Barnes, representative of Turrill Farms LLC, urged the Council to expedite the decision process, that client was on a tight timeframe with tenant, and if they don't get something locked in they would lose the deal.

## **PUBLIC PROCLAMATIONS AND RECOGNITIONS**

### National Patriotism Week Proclamation

#### **15 2008 01-22**

Moved by Robinet. Seconded by Turkelson.

To approve the Proclamation of National Patriotism Week.

CITY OF LAPEER  
Proclamation of National Patriotism Week  
February 17 – 23, 2008

WHEREAS, The Benevolent and Protective Order of Elks, through its Constitution, it a Patriotic Order; and

WHEREAS, The Order promotes the Ideals that the citizens of this nation live in freedom, won through the great sacrifice and many tribulations which have provided the foundation for a free, prosperous and independent life; and

WHEREAS, We realize that each generation must work to maintain this freedom, otherwise, through carelessness or indifference, the rights and liberties enjoyed may vanish; and

WHEREAS, It is fitting and proper to recognize this freedom and to honor the nation which provides it now.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, do recognize the week of February 17-23, 2008, as National Patriotism Week, and urge all citizens to join with the Benevolent and Protective Order of Elks in expressing gratitude for the privilege of American Citizenship with appropriate celebrations and observances.

Dated this 22<sup>nd</sup> Day of January, 2008.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

### Gallop Brush Company, LLC – Industrial Facilities Exemption

Patricia Lucas, Executive Director of Lapeer Development Corporation, introduced Ted Yamin from Gallop Brush Company, LLC, that the company was requesting an IFT for machinery and equipment, investment totals \$91,717, the applicants principal type of business is in the manufacture of soft cloth and foam tech for the auto wash industry, estimation of two new jobs, that the exemption request was for 6 years, and that all three projects being considered are enterprise graduates.

Mayor Sprague opened the public hearing at 6:58 p.m. to hear comments regarding the request for an Industrial Facility Tax Exemption from Gallop Brush Company, LLC. There being no comments, Mayor Sprague closed the public hearing at 6:58 p.m.

### **16 2008 01-22**

Moved by Robinet. Seconded by Farrington.

To approve the Resolution Approving The Application Of Gallop Brush Company, LLC For An Industrial Facilities Tax Exemption Certificate.

#### RESOLUTION APPROVING THE APPLICATION OF GALLOP BRUSH COMPANY, LLC 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 December 5, 1983, this Commission by Resolution established Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Gallop Brush Company, LLC has filed a 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 January 22, 2008 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 building and installation on new machinery and equipment had not begun earlier than six (6) months before December 18, 2007, the date of the acceptance of the application for the Industrial Facilities tax Exemption Certificate; and

NOW, TEHREFORE, 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 Gallop Brush Company, LLC, 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:

Lot #15 of the McCormick Industrial Park No. 3, as recorded in Liber 7, Pages 106-109, Lapeer County Records. (hereinafter referred to as the Incubator Building).

be and the same is hereby approved.

3. The Industrial Facilities Tax Exemption Certificate when issued shall be and remain in force and effect for a period of six (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 Gallop Brush Company, LLC dated December 18, 2007.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Lesley Elizabeth, Inc. – Industrial Facilities Exemption

Patricia Lucas, Executive Director of Lapeer Development Corporation, introduced Liz and Bill McCowen from Lesley Elizabeth, Inc., that the company was requesting a IFT for the purchase of new equipment and building improvements, investment total of \$129,681.50, the estimation of 7 new jobs, and the exemption request was for 12 years.

Mayor Sprague opened the public hearing at 7:00 p.m. to hear comments regarding the request for an Industrial Facility Tax Exemption from Lesley Elizabeth, Inc. There being no comments, Mayor Sprague closed the public hearing at 7:00 p.m.

#### **17 2008 01-22**

Moved by Robinet. Seconded by Marquardt.

To approve the Resolution Approving The Application Of Lesley Elizabeth, Inc. For An Industrial Facilities Tax Exemption Certificate.

#### RESOLUTION APPROVING THE APPLICATION OF LESLEY ELIZABETH, INC. 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 December 5, 1983, this Commission by Resolution established Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Lesley Elizabeth, Inc. has filed a application for an Industrial Facilities Exemption Certificate with respect to the construction of building improvements and the installation 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 January 22, 2008 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 building and installation on new machinery and equipment had not begun earlier than six (6) months before December 18, 2007, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW, TEHREFORE, 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 Lesley Elizabeth, Inc. for an Industrial Facilities Exemption Certificate with respect to the new building construction and the installation of new machinery and equipment to be acquired and installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. A, to wit:

Lot #20 of DeMille Commercial Park, part of the Northeast ¼ of Section 8, T7N-R10E, City of Lapeer, Lapeer County, Michigan, as recorded in Liber 7 of plats, page 98 and 99, Lapeer County Records.

be and the same is hereby approved.

3. The Industrial Facilities Tax Exemption Certificate when issued shall be and remain in force and effect for a period of twelve (12) 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 Lesley Elizabeth, Inc. dated December 18, 2007.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Quest Industries, Inc. – Industrial Facilities Exemption

Patricia Lucas, Executive Director of Lapeer Development Corporation, introduced Dennis Hoover with Quest Industries, Inc., the exemption request was for six years, that the company was requesting an IFT for the purchase of new machinery and equipment, the investment totaled \$564,913.36, and the estimation of 7 new jobs.

Mayor Sprague opened the public hearing at 7:03 p.m. to hear comments regarding the request for an Industrial Facility Tax Exemption from Quest Industries, Inc. There being no comments, Mayor Sprague closed the public hearing at 7:03 p.m.

#### **18 2008 01-22**

Moved by Robinet. Seconded by Farrington.

To approve the Resolution Approving The Application Of Quest Industries, Inc. For An Industrial Facilities Tax Exemption Certificate.

#### RESOLUTION APPROVING THE APPLICATION OF QUEST INDUSTRIES, INC. 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 December 5, 1983, this Commission by Resolution established Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Quest Industries, Inc. has filed a 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 January 22, 2008 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 building and installation on new machinery and equipment had not begun earlier than six (6) months before December 19, 2007, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW, TEHREFORE, 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 Quest Industries, Inc. for an Industrial Facilities Exemption Certificate with respect to the new building construction and the installation of new machinery and equipment to be acquired and installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. A, to wit:

The E1/2 of Lot 9 "McCormick Industrial Park No. 2" as recorded in Liber 7, Pages 84-86 Lapeer County Records and all of Lot 5 "McCormick Industrial Park" as recorded in Liber 7, Pages 49-51 of Lapeer County Records. Together with Lawson Drive being part of "McCormick Industrial Park No.2" which is part of the Southeast ¼ of Section 5, T7N-R10E, City of Lapeer, Lapeer County, Michigan as recorded in Liber 7, Pages 84-86 Lapeer County Records. More particularly described as beginning at the Southeast corner of Lot 12 of said "McCormick Industrial Park No. 2"; thence S88°46'W 196.6 feet along the South line of said Lot 12 to the Northeast corner of Lot 9 of said "McCormick Industrial Park No. 2"; thence S00°49'E 33.2 feet along the East line of said Lot 9 to the Northwest corner of Lot 5 of "McCormick Industrial Park" as recorded in Liber 7, Pages 49-51 of Lapeer County Records; thence N89°05'E 197.63 feet along the North line of said Lot 5 to the West line of South Court Street as recorded in said "McCormick Industrial Park" and "McCormick Industrial Park No.2"; thence N02°33'W 33.4 feet along said West street line to the point of beginning.

be and the same is hereby approved.

3. The Industrial Facilities Tax Exemption Certificate when issued shall be and remain in force and effect for a period of six (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 Quest Industries, Inc. dated December 20, 2007.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **ADMINISTRATIVE REPORTS**

### Horton Street Reconstruction Project – Special Assessment #2008-01

**19 2008 01-22**

Moved by Robinet. Seconded by Farrington.

To approve Resolution #2 that includes setting a public hearing on February 18, 2008 at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding the special assessment for the Horton Street Reconstruction Project – Special Assessment #2008-01.

RESOLUTION NO. 2  
Horton Street Reconstruction Project  
#2008-01

City of Lapeer  
County of Lapeer, Michigan

Special Assessment District No. 2008-01

WHEREAS, the City Manager has prepared reports concerning certain public improvements as hereinafter described, which reports include all of the information required to be included by the provisions of the City's Charter, Chapter 11 Special Assessments; and

WHEREAS, the City Commission has reviewed said reports; and

WHEREAS, the City Commission of the City determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
2. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$307,500, \$93,000 of which shall be spread over the special assessment district as hereinafter described, and \$214,500 which shall be paid by the City.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:

All those properties adjoining Horton Street from the east line of Fox Street to the west line of Saginaw Street.
4. the estimated life of such improvements is not less than 15 years.
5. The aforesaid reports shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
6. The City Commission will meet on February 18, 2008 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is hereby directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least seven (7) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING TO

HEAR OBJECTIONS TO PROPOSED PUBLIC  
IMPROVEMENTS AND TO THE  
PROPOSED SPECIAL ASSESSMENT DISTRICT

City of Lapeer  
County of Lapeer

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

**HORTON STREET:**

Reconstruct 1,200 linear feet of Horton Street from Fox Street to Saginaw Street. Project will include curb and gutter, sidewalk, 1,200' of 8" water main and sewer improvements.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$93,000, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

All those properties adjoining Horton Street from the east line of Fox Street to the west line of Saginaw Street.

TAKE FURTHER NOTICE that the City Commission has caused report concerning said public improvements to be prepared, which reports include pertinent information concerning the proposed improvements and the district and these reports are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON FEBRUARY 18, 2008 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

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

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**CITY MANAGER'S REPORT**

Lapeer West Softball Club, Inc. – Charitable Gaming License

Tammy Miller, Treasurer of Lapeer West Softball Club, Inc., commented on the organization's involvement in the community, fundraisers, benefits to the community, goals, and scholarships offered.

**20 2008 01-22**

Moved by Farrington. Seconded by Marquardt.

To approve the Local Governing Body Resolution For Charitable Gaming License for Lapeer West Softball Club, Inc.

**LOCAL GOVERNING BODY RESOLUTION FOR CHAIRTABLE GAMING LICENSE**

At a regular meeting of the Lapeer City Commission called to order by Mayor Sprague on January 22, 2008 at 6:30 p.m. the following resolution was offered:

Moved by Commissioner Farrington and supported by Commissioner Marquardt that the request from Lapeer West Softball Club, Inc. of Lapeer, county of Lapeer, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Gary and Samira Shango: Rolling Hills Golf Course – Easement Agreement

**21 2008 01-22**

Moved by Farrington. Seconded by Turkelson.

To approve the Easement Agreement with Gary and Samira Shango: Rolling Hills Golf Course and authorize the Mayor and City Manager to sign the required documents.

MOTION CARRIED.

City Manager Dale Kerbyson introduced Denise Soldenski, Housing Division, who would update the Commission regarding the Downtown Rental Development Grant Award.

Denise Soldenski, Grant Administrator, Housing and Community Development provided information on the Grant award for the Downtown Rental Development in the amount of \$125,000, that \$27,400 has been awarded for administrative fees, the creation of five apartments at 286 W. Nepessing Street, matching funds by property owner, and compliance period and requirements.

Mr. Kerbyson commented the Interlocal Agreement, City of Lapeer – Township of Oregon and approval.

**22 2008 01-22**

Moved by Turkelson. Seconded by Marquardt.

To approve the Interlocal Agreement, City of Lapeer – Township of Oregon, Agreement to Share Revenue and Municipal Services, and authorize the Mayor and City Manager to sign the required documents.

MOTION CARRIED.

Mr. Kerbyson commented on the Resolutions provided by Lapeer County and Lapeer Township in support of the M-24/I-69 project area and submittal of letter to various State Officials requesting funding assistance.

**CITY ATTORNEY'S REPORT**

City Attorney Ron Shamblin commented that the Lapeer Schools Land Swap closing would be held January 25<sup>th</sup> at 1:00 p.m. at City Hall.

**UNFINISHED BUSINESS**

No board appointments were made.

**DEPARTMENTAL COMMUNICATIONS**

The Monthly Operation Reports, Monthly Financial Report for November 2008, and the Annual Financial Reports for TIFA 1, 2, 3, 4, and Brownfield Redevelopment Authority were received into record.

**MAYOR/COMMISSIONER COMMENTS**

Brief discussion was held on the extensiveness of the Sewer and Manhole Rehabilitation Project, Horton Street Special Assessment, the workshop regarding the

M-24/I-69 area, shrubs and trees at the intersection of McCormick and Oak, and new items placed on the City's website.

**ADJOURNMENT**

**23 2008 01-22**

Moved by Turkelson. Second by Farrington.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:26 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, CMC, City Clerk