

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

**February 5, 2007**

A regular meeting of the Lapeer City Commission was held on February 5, 2007 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 Ogden.  
City Attorney Ron Shamblin  
City Manager Dale Kerbyson

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**27 2007 02-05**

Moved by Robinet. Seconded by Marquardt.  
To approve the Agenda for February 5, 2007 as presented.  
MOTION CARRIED.

**MINUTES**

**28 2007 02-05**

Moved by Marquardt. Seconded by Robinet.  
To approve the minutes of the Regular Meeting held on January 16, 2007, Workshop minutes held on January 16, 2007, and Executive Session minutes held on January 16, 2007, as presented.  
MOTION CARRIED.

Minutes from Various Boards and Commissions received through February 1, 2007 were received into record.

**CONSENT AGENDA**

**29 2007 02-05**

Moved by Robinet. Seconded by Marquardt.  
To approve the Consent Agenda for February 5, 2007 resulting in the following:

1. Approval of the Budget Adjustment and authorize the Director of Financial Services to sign the purchase agreement for the Dashboard Software with Civic Systems in the amount of \$6,000.
2. Approval of the Budget Adjustment for the Consumer Energy Tax Refund as presented.
3. Approval of the Budget Adjustment for the Housing Resource Fund as presented.
4. Approval of the Special Event Request from Human Development Commission for Walk for Warmth to be held February 24, 2007.
5. Approval of the Special Event Request from March of Dimes for WalkAmerica to be held April 28, 2007.
6. Approval of the Special Event Request from Classic Cruisers Car Club of Lapeer for Classic Cruiser Car Club 17<sup>th</sup> Benefit Car Show to be held June 10, 2007.
7. Approval of the revision to the Capital Asset Policy as presented.
8. Approval of the Water Main Design contract for the Fair Street Reconstruction Project with Rowe Incorporated in the amount of \$5,400 and authorize the City Manager to sign the required documents.

9. Approval to accept the Declaration of Easements with NNN Development, Inc. (Kohl's) and authorize the Mayor and City Manager to sign the required documents.

MOTION CARRIED.

## **BILL LISTING FOR FEBRUARY 5, 2007**

### **30 2007 02-05**

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for February 5, 2007 in the amount of \$1,115,513.66.

MOTION CARRIED.

## **PUBLIC COMMENTS**

None.

## **PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

### National Patriotism Week - Proclamation

### **31 2007 02-05**

Moved by Robinet. Seconded by Farrington.

To approve the Proclamation in recognition of National Patriotism Week.

CITY OF LAPEER  
Proclamation of National Patriotism Week  
February 18 – 24, 2007

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 18-24, 2007, 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 5<sup>th</sup> Day of February 2007.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

### H & H Tool, Inc. – Industrial Facilities Exemption Request

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the application and introduced Andy Harrington H & H Tool Representative.

Mayor Sprague opened the public hearing at 6:34 p.m. to hear comments regarding H & H Tool, Inc. Industrial Facilities Tax Exemption request. Mayor Sprague closed the public hearing at 6:34 p.m.

### **32 2007 02-05**

Moved by Robinet. Seconded by Turkelson.

To approve the Resolution Approving Application H & H Tool, Inc. For An Industrial Facilities Tax Exemption Certificate.

RESOLUTION APPROVING APPLICATION  
H & H TOOL, INC.  
FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE

WHEREAS, pursuant to Act 198 of the Michigan Public Acts of 1974, MCLA Section 207.551 et seq., after a duly noticed public hearing held on October 5, 1987, this City Commission by Resolution established the City of Lapeer Industrial Development District No. E, as requested by the Lapeer City Commission; and

WHEREAS, H & H Tool, Inc., has filed a application for an Industrial Facilities Exemption Certificate with respect to the purchase of new 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 February 5, 2007 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 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 H & H Tool, Inc., for an Industrial Facilities Exemption Certificate with respect to new machinery to be acquired and 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 1/4 of Section 12, Township 7 North, Range 9 East, City of Lapeer, Lapeer County, Michigan. Described as beginning at a point on the East-West 1/4 line of said Section 12 which is N86°21'01"E, along said 1/4 line, 1918.63 feet from the West 1/4 corner of said section; thence continuing N86°21'01"E, along said 1/4 line, 700.00 feet to the interior 1/4 corner of said Section 12; thence S01°51'00"E, along the North-South 1/4 line, 165.46 feet; thence 862.51 feet along the arc of a 907.00 foot radius non-tangential curve to the right (with a central angle of 54°29'07", a tangent of 466.99 feet, subtending a chord bearing and distance S56°56'37"W, 830.38 feet); thence N00°47'40"W, 573.81 feet to the point of beginning. Containing 7.25 acres of land and subject to all easements or restrictions of record.

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 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 H & H Tool, Inc. dated December 18, 2007.

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

NAYS: None.  
ABSENT: None.  
ABSTAIN: None.  
MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Quest Industries – Industrial Facilities Exemption Request

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the application and introduced Dennis Hoover Quest Representative.

Mayor Sprague opened the public hearing at 6:35 p.m. to hear comments regarding Quest Industries Industrial Facilities Tax Exemption request. Mayor Sprague closed the public hearing at 6:35 p.m.

**33 2007 02-05**

Moved by Farrington. Seconded by Ogden.  
To approve the Resolution Approving Application Quest Industries For An Industrial Facilities Exemption Certificate.

RESOLUTION APPROVING APPLICATION OF  
QUEST INDUSTRIES  
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 City Commission by Resolution established Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Quest Industries 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 February 5, 2007 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 of 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

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Lapeer; 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 Tax 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, for an Industrial Facilities Exemption Certificate with respect to the purchase of new machinery to be 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 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 Quest Industries, dated December 18, 2007.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

## ADMINISTRATIVE REPORTS

### Wills Liquor License Transfer

#### **34 2007 02-05**

Moved by Robinet. Seconded by Turkelson.

To approve the Michigan Liquor Control Commission Resolution for Susan Wills to transfer location of the 2006 Small Wine Maker License from 128 W. Nepessing, Lapeer to 814 S. Main, Unit 3, Lapeer.

REQ ID #390085

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
LIQUOR CONTROL COMMISSION

RESOLUTION

Moved by Commissioner Robinet and supported by Commissioner Turkelson that the request from SUSAN WILLS to transfer location of the 2006 Small Wine Maker License from 128 W Nepessing, Lapeer to 814 S Main, Unit 3, Lapeer, MI 48446, Lapeer County. Be considered for approval.

	APPROVAL		DISAPPROVAL
Ayes:	Commissioners Robinet, Turkelson, Marquardt, Ogden, and Farrington.	Ayes:	None
Nays:	None	Nays:	None
Absent:	None	Absent:	None

It is the consensus of this legislative body that the application be recommended for issuance.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **CITY MANAGER'S REPORT**

City Manager Dale Kerbyson commented on the reappointment of Police Chief Todd Alexander and Fire Chief Terry Kluge to the Lapeer County Emergency Management Advisory Council and receipt of funding from the S-2 Grant for planning construction costs in the amount of \$430,552.

### Building Inspection Department

City Manager Dale Kerbyson commented on the workshop for the building department, 5 year department plan, that the CCA budget review was within \$5,00 of the City's estimated budget, and asked City Commission approval for the budget adjustment to move forward with the Department.

### **35 2007 02-05**

Moved by Turkelson. Seconded by Farrington.

To approve the Budget Adjustment as submitted for the Building Department. Commissioner Robinet commented that he felt the department was a mistake, realizes that he cannot talk the Commission out of this, the only argument from staff was Housing and felt that it was minor, that people and builders have talked to him on the street about not leaving the CCA, and felt it was a waste of money beginning a new department. Discussion was held regarding no citizen attendance at the workshop meeting, that this department is to provide a more controlled service to citizens, that the Commission encourages and invites citizen concerns for feedback, the ability to stay a member of CCA, current charges from CCA, to not let the department become a burden to the taxpayers, and the additional service the department will provide to the City. Mayor Sprague called the question to a vote.

MOTION CARRIED.

## **CITY ATTORNEY'S REPORT**

City Attorney Ron Shamblin commented on the Court Order for 1590 and 1594 W. Genesee Street that the judge ordered the home go back to a single family residence and the court order for 585 Louis C. Cramton Street.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

The Monthly Financial Report for December 2006 and Investment Report for the Quarter Ending December 31, 2006 were received into record.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Robinet commented that the parking along the curve on Clay Street is unsafe and should be removed and that the contractors did not do a good job on the City parking lots.

City Manager Dale Kerbyson commented that he attended his first meeting for GLTA and will provide GLTA information in the Commission agenda packets; advised that City staff had discussed not leaving the membership of the CCA; and use of appeal process through CCA.

Mayor Sprague expressed thanks to the cards, plants, and encouragement during the recent loss of his father, expressed thanks to County Representative Len Schneider regarding the committed and outstanding care received by Suncrest Medical Care Facility staff, that Suncrest was in the top five for a public or private nursing home, and that it was a great facility to have in the county.

## **EXECUTIVE SESSION**

### Lapeer Community School Property Purchase/Transfer

#### **36 2007 02-05**

Moved by Turkelson. Seconded by Ogden.

To approve an Executive Session regarding property purchase/transfer with the Lapeer Community Schools.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

The Lapeer City Commission convened to an Executive Session to discuss property purchase/transfer with the Lapeer Community Schools at 6:59 p.m. and reconvened to a regular session at 7:37 p.m.

## **ADJOURNMENT**

#### **37 2007 02-05**

Moved by Turkelson. Seconded by Robinet.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 7:37 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, CMC, City Clerk