

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

February 20, 2006

A regular meeting of the Lapeer City Commission was held on February 20, 2006 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

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

Absent: None.

Mayor Treece led the Pledge of Allegiance.

AGENDA APPROVAL

27 2006 02-20

Moved by Robinet. Seconded by Marquardt.

To approve the Agenda for February 20, 2006 as presented. MOTION CARRIED.

MINUTES

28 2006 02-20

Moved by Farrington. Seconded by Turkelson.

To approve the minutes of the Regular Meeting held on February 6, 2006, as presented. MOTION CARRIED.

Minutes from Various Boards and Commissions received through February 16, 2006 were received into record.

CONSENT AGENDA

29 2006 02-20

Moved by Turkelson. Seconded by Sprague.

To remove Item C-9 Rolling Hills Golf Course – Consulting Agreement from the agenda for further review and approve Consent Agenda Items C-1 through C-8 for February 20, 2006 resulting in the following:

1. Approval of the Budget Adjustment for Cemetery Water Lines in the amount \$10,000.
2. Approval of Special Event Request from Lapeer Downtown Business Association for Red Hattitude Day 2006 to be held July 29, 2006 contingent upon receipt of current insurance.
3. Approval of Special Event Request from Human Development Commission for Walk For Warmth to be held February 25, 2006.
4. Approval of Special Event Request from Lapeer Downtown Business Association and Great Lakes Bioregional Land Conservancy for “Wild Lapeer” to be held April 29, 2006.
5. Approval of Special Event Request from Alzheimer’s Association for Memory Walk 2006 to be held September 9, 2006, contingent upon receipt of current insurance.
6. Approval of Special Event Request from Lapeer Downtown Business Association for Lapeer Cruise to be held Mondays from May 15, 2006 through September 18, 2006 excluding May 29 July 3, and September 4.
7. Approval of Payment Request #4 to Castle Brothers, Inc. in the amount of \$96,641.21 for the Lapeer Optimist Community Soccer Field Expansion Project.

8. Approval for the City Clerk to sign the State of Michigan Grant Agreement for the Qualified Voter File Infrastructure Upgrade.
MOTION CARRIED.

Rolling Hills Golf Course – Consulting Agreement

30 2006 02-20

Moved by Turkelson. Seconded by Farrington.

To approve the Consulting Agreement between the City of Lapeer and Franklin Golf Management, LLC and authorize the Mayor and City Manager to sign the required documents. Commissioner Sprague stated that he was not in favor of the City running a golf course. Lengthy discussion was held regarding the intent of the study was for feasibility purposes, that two viable options for this area is green space or a golf course, discussions with developer regarding conditional rezoning issues, that there is no official contract in place, that the study would provide a more comprehensive view of the area as a golf course, how will this property benefit the city, possible lease with Franklin Golf, and that the City Commission has not made any decision on operating this area as a golf course.

ON A ROLL CALL VOTE:

Ayes: Commissioners Farrington, Marquardt, and Turkelson.

Nays: Commissioners Robinet and Sprague.

Abstain: None.

Absent: None.

MOTION CARRIED.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

Lapeer Industries, Inc. – IFT Application

Mayor Treece opened the public hearing at 6:53 p.m. to hear comments from the citizenry regarding Lapeer Industries, Inc. Industrial Facilities Exemption Certificate application.

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the application and introduced Dan Schreiber, Vice President of Lapeer Industries, Inc.

Dan Schreiber, Vice President of Lapeer Industries, Inc. stated that the company has been in the area for over thirty years, that there are now eighty-four employees, that ninety-five percent of their job base is within the military, and that the company is in support of troops which also reflects on Lapeer 's support of troops.

Mayor Treece closed the public hearing at 6:55 p.m.

31 2006 02-20

Moved by Sprague. Seconded by Robinet.

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

RESOLUTION APPROVING THE APPLICATION OF
LAPEER 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 City 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 a application for an Industrial Facilities Exemption Certificate with respect to a building expansion and 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 20, 2006 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 January 4, 2006, 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 Tax Exemption Certificate with respect to a building expansion 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 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 Lapeer Industries dated January 4, 2006.

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Gallop Brush Company, LLC – IFT Transfer

Mayor Treece opened the public hearing at 6:56 p.m. to hear comments from the citizenry regarding Gallop Brush Company, LLC Industrial Facilities Exemption Certificate Transfer.

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the application, introduced Ted Yamin and Mike Yamin owners of Gallop Brush, and that they were moving from the incubator building into a facility next door to the Lapeer Development building.

Mayor Treece closed the public hearing at 6:57 p.m.

Moved by Marquardt. Seconded by Farrington.
To approve the Resolution To Transfer The Approved Application Of Gallop Brush Company, LLC For An Industrial Facilities Tax Exemption Certificate For A New Facility.

RESOLUTION TO TRANSFER THE APPROVED APPLICATION OF
GALLOP BRUSH COMPANY, LLC
FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR A NEW FACILITY

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 4, 1993, this City Commission by Resolution established Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Gallop Brush Company, LLC has filed an application for transfer of Industrial Facilities Exemption Certificate with respect to a new facility within the Industrial Development District No. A; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on February 20, 2006 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, the Industrial Facilities Exemption Certificate

No.:
#04-117

Granted on or about:
March 15, 2004

shall be transferred from 449 McCormick Drive, Lapeer, Michigan to 401 McCormick Drive, Lapeer, Michigan; and

WHEREAS, completion of the facility had not begun earlier than six (6) months before 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 Commission finds and determines that the granting of the transfer of the approved Industrial Facility Exemption Certificate No. 04-064, 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 the transfer of Industrial Facilities Exemption Certificate No. 04-117 with respect to a new facility acquired an installed on the following described parcel of real property situated within the City of Lapeer 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.

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate shall be and remain in force and effect for the balance of the term granted for Certificate No. 04-117. The

effective dates shall remain the completion date of the year the Industrial Facilities Exemptions were granted, which was on or about:

<u>Certificate #</u>	<u>Approval Date:</u>	<u>Term:</u>
#04-117	March 15, 2004	Remaining 6 years

AYES: Commissioners Farrington, Marquardt, Robinet, Sprague, and Turkelson.
NAYS: None.
ABSTAIN: None.
ABSENT: None.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Quest Industries – IFT Application

Mayor Treece opened the public hearing at 6:58 p.m. to hear comments from the citizenry regarding Quest Industries Industrial Facilities Exemption Certificate application.

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the application, introduced Dan Hoover of Gallop Brush, and that the company was doing well.

Mayor Treece closed the public hearing at 6:59 p.m.

33 2006 02-20

Moved by Turkelson. Seconded by Robinet.

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

RESOLUTION APPROVING THE 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 Commission by resolution established the City of Lapeer Industrial Development District No. A, as requested by the Lapeer City Commission; and

WHEREAS, Quest Industries 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 February 20, 2006, 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 January 19, 2006, the date of 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 Quest Industries 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:

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 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 dated January 19, 2006.

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Creative Engineered Polymer Products – IFT Application

Mayor Treece opened the public hearing at 7:00 p.m. to hear comments from the citizenry regarding Creative Engineered Polymer Products Industrial Facilities Exemption Certificate application.

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the application and introduced Bruce Taylor of Creative Engineered Polymer Products.

Bruce Taylor, Controller with Creative Engineered Polymer Products, thanked the Commission for consideration of this application and was pleased to have business within Lapeer.

Mayor Treece closed the public hearing at 7:01 p.m.

34 2006 02-20

Moved by Farrington. Seconded by Marquardt.

To approve the Resolution Approving The Application Of Creative Engineered Polymer Products For An Industrial Facilities Tax Exemption Certificate.

RESOLUTION APPROVING THE APPLICATION OF CREATIVE ENGINEERED POLYMER PRODUCTS 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, Creative Engineered Polymer Products has filed an application for an Industrial Facilities Exemption Certificate with respect to an addition to the existing facility and the purchase of new 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 20, 2006, 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 January 23, 2006, 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 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 Creative Engineered Polymer Products 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. A, to wit:

Lots 10 & 30 of McCormick Industrial Park No. 3 as recorded in Liber 7, Pages 106-109, Lapeer County Records. Parcel Code: 21-31-130-040-0

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 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 Creative Engineered Polymer Products dated January 23, 2006.

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

NAYS: None.

ABSTAIN: Commissioner Sprague.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Spray Park – Parks and Recreation Department

Ray Turczyn, Director of Parks, Recreation and Cemetery, provided a review of the Spray Park/Splash Pad.

35 2006 02-06

Moved by Robinet. Seconded by Sprague.

To take from the table for consideration the Spray Park – Parks and Recreation Department. MOTION CARRIED.

36 2006 02-06

Moved by Marquardt. Seconded by Turkelson.

To approve the proposal from Professional Pool Techs, Inc. in the amount of \$283,000 for design/bid of the City of Lapeer Spray Park/Splash Pad and authorize the City Manager to sign the required documents. MOTION CARRIED.

Commissioner Farrington left the room at approximately 7:29 p.m.

Warning Sirens

37 2006 02-20

Moved by Sprague. Seconded by Robinet.

To approve the purchase of five (5) Warning Sirens, Project #17330, in Fiscal Year 2005-2006 and authorize the Director of Financial Services to secure financing based on bid results. MOTION CARRIED.

38 2006 02-20

Moved by Sprague. Seconded by Robinet.

To approve the Budget Adjustment to appropriate funds for the purchase and installation of five (5) warning sirens. MOTION CARRIED.

PUBLIC COMMENTS

None.

CITY MANAGER'S REPORT

City Manager Kerbyson commented on a publication requirement for grant funds to repave the McCormick incubator parking lot located at 449 McCormick Drive.

Miss Michigan Signage

City Manager Kerbyson provided information regarding the placement of Miss Michigan signs at the entrances to Lapeer City. Brief discussion was held regarding the 1995 State Football Champion signs, MDOT approval, and possibility of moving the 1995 signs to other locations.

39 2006 02-20

Moved by Turkelson. Seconded by Robinet.

To approve the purchase and installation of Miss Michigan signs to be placed at the four entrances to the City of Lapeer. MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Shamblin provided an update on Marcelli vs City of Lapeer, L.C. Cramton home, Michael's cleanup issues, and that the Saginaw Street home has been cleaned up.

Brief discussion was held regarding monies from insurance companies to ensure the cleanup of fire damaged properties.

BILL LISTING FOR FEBRUARY 20, 2006

40 2006 02-20

Moved by Sprague. Seconded by Robinet.

To approve the Bill Listing for February 20, 2006 in the amount of \$1,228,224.18. MOTION CARRIED.

UNFINISHED BUSINESS

41 2006 02-20

Appointed by Mayor Treece. Moved by Turkelson. Seconded by Sprague.

To appoint the following to the Economic Development Corporation and Tax Increment Finance Authority Board:

Bruce Sherman Term ending March 1, 2012.

Art Sieting Term ending March 1, 2012.

Wes Smith Term ending March 1, 2012.

MOTION CARRIED.

42 2006 02-20

Moved by Robinet. Seconded by Marquardt.

To appoint Tim Turkelson to the Cable Advisory Board for a term ending March 1, 2009.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

Departmental Monthly Reports were received into record.

Commissioner Farrington returned at 7:35 p.m.

MAYOR AND COMMISSIONER COMMENTS

Brief comments were made on upcoming meetings and events.

ADJOURNMENT

43 2006 02-20

Moved by Sprague. Seconded by Turkelson.

To adjourn the meeting. MOTION CARRIED.

The meeting adjourned at 7:38 p.m.

Charles D. Treece, Mayor

Donna L. Cronce, City Clerk