

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

April 3, 2006

A regular meeting of the Lapeer City Commission was held on April 3, 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, Sprague, and Turkelson.
City Attorney Ron Shamblin
City Manager Dale Kerbyson

Absent: Commissioner Robinet – excused (vacation)

Mayor Treece led the Pledge of Allegiance.

AGENDA APPROVAL

64 2006 04-03

Moved by Marquardt. Seconded by Turkelson.

To approve the Agenda for April 3, 2006 as presented. MOTION CARRIED.

MINUTES

65 2006 04-03

Moved by Turkelson. Seconded by Farrington.

To approve the minutes of the Regular Meeting held on March 20, 2006, as presented. MOTION CARRIED.

Minutes from Various Boards and Commissions received through March 30, 2006 were received into record.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

66 2006 04-03

Moved by Sprague. Seconded by Marquardt.

To approve the Consent Agenda for April 3, 2006 resulting in the following:

1. Approval of Budget Adjustment for Cemetery Road Study in the amount of \$3,400.
2. Approval of Payment Request #6 to Family Building Company, Inc. in the amount of \$10,080 for the Lapeer Depot Restoration Project.
3. Approval of 2006 Annual Spring Clean Up with Rich Rhein Disposal and authorize the City Manager and Director of Public Works to sign the required documents.

MOTION CARRIED.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None presented.

PUBLIC HEARINGS

ESE, LLC – Industrial Facilities Tax Exemption Request

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the application and introduced ESE representatives Eric Smith and Aaron Oberle.

Eric Smith commented that the company designs customer specific devices within automotive manufacturing; employees engineers to inspect, test, and assemble components; installs electronics; and that ground breaking is scheduled for May.

Mayor Treece opened the public hearing at 6:35 p.m. to hear comments regarding ESE, LLC Industrial Facilities Tax Exemption request. Mayor Treece closed the public hearing at 6:35 p.m.

67 2006 04-03

Moved by Sprague. Seconded by Farrington.

To approve the Resolution Approving The Application Of ESE, LLC For An Industrial Facilities Exemption Certificate.

RESOLUTION APPROVING THE APPLICATION OF ESE, LLC 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 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, ESE, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to the construction of a new building and purchase of new equipment and machinery 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 April 3, 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 March 10, 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 ESE, LLC for an Industrial Facilities Exemption Certificate with respect to the construction of a new building and the purchase 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. E, to wit:

Lot #2 of the Lapeer Industrial and Research Park as recorded in Liber 7 of Plats, page 177, Lapeer County Records.

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 ESE, LLC dated March 10, 2006.

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

NAYS: None.

ABSENT: Commissioner Robinet.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Leslie Elizabeth, Inc. – Industrial Facilities Tax Exemption Request.

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the application and introduced owners Liz and Bill McCowen.

Mayor Treece opened the public hearing at 6:37 p.m. to hear comments regarding Lesley Elizabeth, Inc. Industrial Facilities Tax Exemption Request. Mayor Treece closed the public hearing at 6:37 p.m.

Ms. McCowen commented that the company manufactures gourmet foods such as seasoning, dipping oil, and vinegar, that their products are shipped all over the states including Canada and Puerto Rico, and that they supply major and private corporations.

68 2006 04-03

Moved by Marquardt. Seconded by Farrington.

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

**RESOLUTION APPROVING THE APPLICATION OF
LESLEY ELIZABETH, INC.
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, Lesley Elizabeth, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to the construction of a new building and the installation 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 April 3, 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 March 10, 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 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 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 Lesley Elizabeth, Inc. dated March 10, 2006.

AYES: Commissioner Farrington, Marquardt, Sprague, and Turkelson.

NAYS: None.

ABSENT: Commissioner Robinet.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PTL Engineering, Inc. – Industrial Facilities Tax Exemption Transfer Request

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the application and introduced PTL representative Brian Trombley.

Brian Trombley commented that they have been in business for over 27 years, that they manufacture products within the RV and bus industry, and that the business is moving from Rochester Hills to Lapeer.

Mayor Treece opened the public hearing at 6:40 p.m. to hear comments regarding PTL, Inc. Industrial Facilities Tax Exemption Transfer Request. Mayor Treece closed the public hearing at 6:40 p.m.

69 2006 04-03

Moved by Turkelson. Seconded by Farrington.

To approve the Resolution To Transfer The Approved Application Of PTL Engineering, Inc. For An Industrial Facilities Exemption Certificate For A New Facility.

RESOLUTION TO TRANSFER THE APPROVED APPLICATION OF PTL ENGINEERING, INC. FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR A NEW FACILITY

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

WHEREAS, PTL Engineering, Inc. has filed applications for transfer of Industrial Facilities Exemption Certificate with respect to a new facility within the Industrial Development District No. E; and

WHEREAS, before acting on said application, the City of Lapeer Commission held a hearing on April 3, 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:

<u>No.:</u> #97-343	<u>Granted on or about:</u> July 21, 1997
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shall be transferred from Webasto Thermosystems, Inc. to PTL Engineering, Inc.

WHEREAS, construction of the facility had not begun earlier than six (6) months before the date of the acceptance of the applications 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 City of Lapeer Commission that:

1. The Commission finds and determines that the granting of the transfer of the approved Industrial Facility Exemption Certificate No. 97-343, 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 PTL Engineering, Inc. for the transfer of Industrial Facilities Exemption Certificate No. 97-343 with respect to a new facility acquired and installed on the following described parcel of real property situated within the City of Lapeer Development District No. E, to wit:

Lot #10 of the Lapeer Industrial and Research Park as recorded in Liber 7 of Plats page 177, Lapeer County Records.

More commonly known as: 3333 John Conley Drive, Lapeer, MI

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. 97-343. 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> #97-343	<u>Approval Date:</u> July 21, 1997	<u>Term:</u> Remaining 12 years
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AYES: Commissioners Farrington, Marquardt, Sprague, and Turkelson.

NAYS: None.

ABSTAIN: Commissioner Robinet.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Industrial Development District I

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the District, introduced Ed May and Chris May from May Investments, and that once the District was established May Investments would request an Industrial Facilities Tax Exemption.

Ed May commented that the property would be developed with construction of a 30,000 square foot building that would house small businesses getting started.

Mayor Treece opened the public hearing at 6:43 p.m. to hear comments regarding the establishment of Industrial Development District I.

Patricia Lucas commented that May Investments would house business that are ready to leave Lapeer Development Corporation's incubator buildings but not prepared to go out on their own.

Mayor Treece closed the public hearing at 6:44 p.m.

70 2006 04-03

Moved by Sprague. Seconded by Marquardt.

To approve the Resolution Establishing Industrial Development District I For The City Of Lapeer.

RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT I FOR THE CITY OF LAPEER

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this Commission has the authority to establish an Industrial Development District within the City of Lapeer; and

WHEREAS, **May Investments, LLC** has petitioned this Commission to establish an Industrial Development District on its property located in the City of Lapeer hereinafter described; and

WHEREAS, construction, acquisitions, alterations, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the **LA View** and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on April 3, 2006 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Lapeer were afforded an opportunity to be heard thereon; and

WHEREAS, the Commission deems it to be in the public interest of the City of Lapeer to establish the Industrial Development District as proposed.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Lapeer that the following described parcel of land situated in the City of Lapeer, Lapeer County, and State of Michigan, to wit:

Parcel 1: L21-18-111-040-00 and L21-18-112-040-00

Lots 11 and 12, DeMille Commercial Park, part of the Northeast ¼ of Section 8, T7N-R10E, as recorded in Liber 7 of Plats, pages 98 and 99, Lapeer County Records.

Parcel 2: L20-96-600-040-00

Part of the Northeast quarter of Section 8, Town 7 North, Range 10 East, City of Lapeer, Lapeer County, Michigan, described as beginning at a point in the centerline of DeMille Road that is North 55 degrees 22 minutes 53 seconds West 1,651.21 feet and North 55 degrees 34 minutes 5 seconds West 199.02 feet from the East Quarter corner of said section 8; thence continuing along said centerline, North 55 degrees 34 minutes 5 seconds West 200.50 feet; thence North 2 degrees 49 minutes 47 seconds West 126.35 feet to the North line of the southwest quarter of said Northeast quarter as occupied; thence continuing North 2 degrees 49 minutes 47 seconds West 12.00 feet; thence North 88 degrees 31 minutes 23 seconds East 182.70 feet; thence South 2 degrees 49 minutes 47 seconds East 12.00 feet to the North line of the Southwest quarter of said Northeast quarter as occupied; thence along said line, North 88 degrees 31 minutes 23 seconds East 1.82 feet; thence South 3 degrees 0 minutes 42 seconds West 244.66 feet to the point of beginning.

Parcel 3: L20-96-501-040-00

Commencing 17.5 rods South and 746.3 feet East of North $\frac{1}{4}$ post, thence East 100 feet, thence South 746.4 feet, thence South 11 degrees West 271.3 feet to the center of DeMille Road, thence North 55 degrees 34 minutes West 98.7 feet, thence North 9 degrees 15 minutes East 206.5 feet, thence North 756.4 feet to beginning, Section 8, Town 7 North, Range 10 East, Lapeer Township, City of Lapeer, County of Lapeer, Michigan.

Parcel 4: L20-96-504-040-00

Commencing at the North quarter corner, Section 8, Town 7 North, Range 10 East, City of Lapeer, Lapeer County, Michigan. Thence North 89 degrees 13 minutes East 842.13 feet along the North section line, thence South 03 degrees 11 minutes East 837.17 feet along an old Existing Fence (Meandering fence), thence South 10 degrees 56 minutes West 95.10 feet along an old existing fence (Meandering fence) to the Point of Beginning. Running thence South 10 degrees 56 minutes West 175.20 feet along an old existing fence (Meandering fence), thence South 55 degrees 34 minutes East 72.90 feet along the Centerline of DeMille Road, thence North 88 degrees 18 minutes 25 seconds East 63.92 feet along an old existing fence (Meandering fence), thence North 13 degrees 43 minutes 10 seconds East 200.78 feet, thence North 83 degrees 16 minutes 59 seconds West 139.36 feet to the point of beginning. Being part of the Northeast quarter, Section 8, Town 7 North, Range 10 East, City of Lapeer, Lapeer County, Michigan; above described parcel being recorded in Liber 3 of Surveys, Page 43, Lapeer County Records.

Parcel 5: L20-96-601-040-00

Commencing at the North quarter corner of Section 8, Town 7 North, Range 10 East, City of Lapeer, Lapeer County, Michigan; thence North 89°13' East 842.13 feet along the North section line; thence South 03°11' East 837.17 feet along an old existing fence; thence South 10°56' West 270.30 feet along an old existing fence to the centerline of DeMille Road; thence South 55 degrees 34 minutes East 398.90 feet along the centerline of DeMille Road to the point of beginning; thence continuing Easterly along the centerline of DeMille Road a distance of 199 feet, more or less, to the West line (extended) of Demille Commercial Park, as recorded in Liber 7 of Plats, Pages 98 and 99, Lapeer County Records; thence North 345 feet, more or less, to the North line of the Southwest quarter of the Northeast quarter of Section 8; thence West 132 feet; thence South 227 feet, more or less, to the place of beginning.

Parcel 6: L20-96-502-040-00

Part of the Northeast $\frac{1}{4}$ Section 8, T7N-R10E, City of Lapeer, Lapeer Township, Lapeer County, Michigan, described as beginning at a point that is North 89°13'00" East 842.13 feet along the North line of said section and South 03°11'00" East 830.84 feet from the North $\frac{1}{4}$ corner of said section; thence North 89°13'00" East 467.25 feet to the Northwest corner of Lot 8, "DEMILLE COMMERCIAL PARK", according to the plat as recorded in Liber 7 of Plats, Page 98, Lapeer County Records; thence South

02°23'00"East 505.64 feet; thence South 88°18'25" West 132.0 feet; thence North 12.0 feet; thence South 88°18'25" West 182.70 feet; thence South 121.68 feet; thence North 55°34'00" West 185.96 feet along the centerline of DeMille Road; thence North 88°18'25" East 63.92 feet; thence North 13°43'10" East 200.78 feet; thence North 83°15'59" West 139.36 feet; thence North 10°56' East 95.10 feet; thence North 03°11'00" West 206.33 feet to the point of beginning. CONTAINS 5.188 ACRES, including that part reserved for DeMille Road so-called. Being subject to any restrictions, easements and/or right of ways of record.

BE AND HERE IS ESTABLISHED as an Industrial Development District pursuant to the provision of Act No. 198 of the Public Acts of 1974 to be known as the **City of Lapeer Industrial Development District No. I.**

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: Commissioner Robinet.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Industrial Development District J

Patricia Lucas, Executive Director of Lapeer Development Corporation, spoke in favor of the District, introduced Craig Ayres with Simco, LTD, that the company was a graduate from the enterprise center, and that once the District was established Simco, LTD would request an Industrial Facilities Tax Exemption.

Craig Ayres commented that they are an advanced manufacturing company, that they deal with automotive instrument gages, engineering mechanics, and software, they have been in Lapeer for six years, that he has a twenty year background in the business, and would like to continue to grow in Lapeer.

Mayor Treece opened the public hearing at 6:46 p.m. to hear comments regarding the establishment of Industrial Development District J. Mayor Treece closed the public hearing at 6:47 p.m.

71 2006 04-03

Moved by Turkelson. Seconded by Farrington.

To approve the Resolution Establishing Industrial Development District J For The City Of Lapeer.

**RESOLUTION ESTABLISHING
INDUSTRIAL DEVELOPMENT DISTRICT J
FOR THE
CITY OF LAPEER**

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, this Commission has the authority to establish an Industrial Development District within the City of Lapeer; and

WHEREAS, **Simco, Ltd.** has petitioned this Commission to establish an Industrial Development District on its property located in the City of Lapeer hereinafter described; and

WHEREAS, construction, acquisitions, alterations, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the **LA View** and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on April 3, 2006 a public hearing was held at which all of the owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Lapeer were afforded an opportunity to be heard thereon; and

WHEREAS, the Commission deems it to be in the public interest of the City of Lapeer to establish the Industrial Development District as proposed;

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Lapeer that the following described parcel of land situated in the City of Lapeer, Lapeer County, and State of Michigan, to wit:

Parcel A L20-97-301-040-00

The following described property is located in Sec 8, T7N, R10E Com E ¼, th N55°22'45" W along C/L of Demille Rd. 343.91 ft for beg. th cont along SD C/L 195.57 ft, th S2°44'45" 312.92' to E-W ¼ ln, th E along said ln 80 ft, th N 9°14" E 137.7 ft, th N34°37'15" E 78.16 ft to P.O.B. 0.69AC.

Parcel B L20-97-302-040-00

The following described property is located in the City of Lapeer R T7N, R10E Sec 8 beg. E ¼ cor th E along E-W ¼ ln 349 ft, th N9°14" E 137.7 ft, th N34°37'15" E 78.16 ft to C/L of Demille Rd., th S55°22'45" E along SD C/L 343.91 ft to P.O.B. 0.94AC

BE AND HERE IS ESTABLISHED as an Industrial Development District pursuant to the provision of Act No. 198 of the Public Acts of 1974 to be known as the **City of Lapeer Industrial Development District No. J**

ON A ROLL CALL VOTE:

AYES: Commissioners Turkelson, Farrington, and Marquardt.

NAYS: None.

ABSENT: Commissioner Robinet.

ABSTAIN: Commissioner Sprague.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Lapeer County Fire Association Mutual Aid Agreement

72 2006 04-03

Moved by Turkelson. Seconded by Farrington.

To approve the Lapeer County Fire Association Mutual Aid Agreement and authorize the City Manager to sign the Agreement.

MOTION CARRIED.

Assistance to Firefighters Grant Program Application

Brief discussion was held regarding grant, matching funds, and budget amount, safety and environmental concerns and DEQ requirements regarding the burning of old buildings, and maintenance on the fire training unit.

73 2006 04-03

Moved by Marquardt. Seconded by Farrington.

To approve the Resolution To Support Submission Of Fire Department Grant Application For Assistance To Firefighters Grant Program.

CITY OF LAPEER

Resolution to Support Submission of Fire Department Grant Application

For *ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM*

WHEREAS, the City of Lapeer Fire & Rescue Department is eligible to submit one application for funding assistance for the purchase of certain types of fire service vehicles and equipment; and

WHEREAS, the Federal government has funded a grant program for this purpose; and

WHEREAS, the City of Lapeer Fire & Rescue Department (in conjunction with the Elba Township Fire Department) would like to submit one (1) request for funding assistance for the purchase of a 53' mobile fire training unit and one (1) automated external defibrillator at a total estimated cost of \$364,957 ; and

WHEREAS, funding for this project is proposed to be split evenly between the City of Lapeer and Elba Township; and

WHEREAS, funding for the City of Lapeer's portion of this project is proposed from a grant from the Department of Homeland Security, Office of Grants and Training in the amount of \$164,232 (90%) and \$18,248 (10%) from the City of Lapeer for the requested equipment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer City Commission authorizes submission of one (1) Department of Homeland Security grant application under the Assistance to Firefighters Grant Program and commits \$18,248 of City funds to provide a 10% match toward the grant application should it be awarded.

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

NAYS: None.

ABSENT: Commissioner Robinet.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Rezoning Request for AIS Property Management.

74 2006 04-03

Moved by Sprague. Seconded by Turkelson.

To approve the adoption of the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.03, G., Number 77, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

G. ZONING DISTRICT AMENDMENTS:

77. The following property, formerly zoned Industrial District (I-1), is hereby rezoned to General Business District (B-2):

City of Lapeer, T7N, R10E, Sec 4, Commencing South 89°14'30" West 518.8 ft from East 1/4 post; thence South 01°56'04" West 570.01 ft to center line of Genesee Street; thence South 60°55'19" East 500 ft along center line; thence North 01°56'04" East 670.01 ft; thence North 71°44'27" West to point of beginning.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: Commissioner Robinet.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Budget Adjustment for Downtown Street Project

Brief discussion was held regarding State of Michigan's finalization of projects timeline and the reappropriation of funds to cover final payment expenditures on projects.

75 2006 04-03

Moved by Turkelson. Seconded by Sprague.

To approve the Budget Adjustment for Downtown Street Projects for Project 90930 in the amount of \$29,255 from 202-000-699999 to 202-451-974000 and Project 16410 in the amount of \$10,962 from 202-000-699999 to 202-451-974000.

MOTION CARRIED.

Nepessing Street Resurfacing Project – Local Share Payment #14 – Final Payment.

76 2006 04-03

Moved by Sprague. Seconded by Turkelson.

To approve Local Share Payment #14 to the State of Michigan for the Nepessing Street Resurfacing Project from M-24 to Saginaw Street in the amount of \$10,961.49.

MOTION CARRIED.

Downtown Improvement Project – Local Share Payment #24 – Final Payment.

77 2006 04-03

Moved by Sprague. Seconded by Turkelson.

To approve Local Share Payment #24 to the State of Michigan for the DDA's portion of the Downtown Improvement Project in the amount of \$28,728.80.

MOTION CARRIED.

DeMille Boulevard/Oakdale Grounds Maintenance

78 2006 04-03

Moved by Marquardt. Seconded by Farrington.

To approve the low bid of Wonder Cut, Inc. for the DeMille Boulevard and Oakdale Grounds Maintenance and authorize the Mayor and City Manager to sign the Agreement.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented on budget process and Goals and Objectives meeting. Mr. Kerbyson requested clarification on the amount for the fireworks donation. After brief discussion, it was the general consensus of the Commission that the City would donate \$2,500 and match township contributions. Mr. Kerbyson commented on proposed legislation regarding cable franchise fees. It was the general consensus to prepare a resolution in support of local control of cable franchise fees.

CITY ATTORNEY'S REPORT

City Attorney Shamblin commented on Marcelli vs City of Lapeer and correspondence to Eliassen, owner of Michael's Restaurant, regarding report on cleanup issues.

Minnie and Barb Eliaseen commented on plans for the new restaurant, insurance issues, and building issues. Brief discussion was held regarding building codes, that no site plans have been submitted, the need to see cleanup progress, deadline for cleanup, and health issues. It was the general consensus of the Commission to allow Eliassen's cleanup of the property site with a report to be provided at the April 17, 2006 regular meeting.

BILL LISTING FOR APRIL 3, 2006

79 2006 04-03

Moved by Sprague. Seconded by Turkelson.

To approve the Bill Listing for April 3, 2006 in the amount of \$372,568.80.

MOTION CARRIED.

UNFINISHED BUSINESS

80 2006 04-03

Moved by Turkelson. Seconded by Marquardt.

To appoint Carol Lyons to the Pix Arts Council for a term ending October 1, 2006.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

None provided.

MAYOR AND COMMISSIONER COMMENTS

Brief comments were made on diversity and development of the industrial park, that Patricia Lucas was doing a great job, and that Walk For Warmth is scheduled for April 13.

ADJOURNMENT

81 2006 04-03

Moved by Sprague. Seconded by Turkelson.

To adjourn the meeting. MOTION CARRIED.

The meeting adjourned at 7:41 p.m.

Charles D. Treece, Mayor

Donna L. Cronce, City Clerk