

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

June 16, 2008

A regular meeting of the Lapeer City Commission was held June 16, 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 Marquardt, Robinet, Farrington, and Bennett.
City Manager Dale Kerbyson

Absent: Vacant Commission Seat

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

136 2008 06-16

Moved by Robinet. Seconded by Marquardt.
To approve the Agenda for June 16, 2008.
MOTION CARRIED.

MINUTES

137 2008 06-16

Moved by Robinet. Seconded by Marquardt.
To approve the minutes from the Regular Meeting held on June 2, 2008 as corrected.
MOTION CARRIED.

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

CONSENT AGENDA

138 2008 06-16

Moved by Marquardt. Seconded by Farrington.
To approve the Consent Agenda for June 16, 2008 resulting in the following:

1. Approve the Special Event Request from the Downtown Business Association for the Lapeer County Cruise, June 28, 2008.
2. Approve the Budget Adjustment to transfer \$28,500 from the General Fund to the Site Plan Review Fund.
3. Approve the Budget Adjustment to transfer \$5,000 from the Information Technology Fund to the Telephone Fund.

MOTION CARRIED.

BILL LISTING FOR JUNE 16, 2008

139 2008 06-16

Moved by Robinet. Seconded by Bennett.
To approve the Bill Listing for June 16, 2008 in the amount of \$379,539.98.
MOTION CARRIED.

PUBLIC COMMENTS

Paul St. Louis, Candidate for State Representative, 1800 Edward Lane, commented on his efforts to achieve State funding regarding the M-24/I-69 project.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

There were no proclamations or recognitions.

PUBLIC HEARINGS

Name Changing Request – John Conley Drive South to Carl Schreiber Drive

140 2008 06-16

Moved by Robinet. Seconded by Farrington.

To accept and approve the rescind notification of the Name Changing Request of John Conley Drive South to Carl Schreiber Drive resulting in no public hearing to be held.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

IFT – Energy Steel & Supply Company

141 2008 06-16

Moved by Robinet. Seconded by Farrington.

To approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Energy Steel & Supply Company for July 7, 2008 at 6:30 p.m. or as soon thereafter as may be heard.

**CITY OF LAPEER
RESOLUTION TO SCHEDULE A PUBLIC HEARING TO
CONSIDER AN APPLICATION FOR THE TRANSFER OF AN
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE NO. 2007-128
FOR
Energy Steel and Supply Company**

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; and

WHEREAS, Energy Steel and Supply Company owner of the realty described below within said Districts, has applied for the transfer of an Industrial Facilities Exemption Certificate No. 2007-128, under the provision of 1974 Public Act 198, Section 5 (1); and

WHEREAS, 1974 Public Act 198, Section 5 (2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall afford the applicant, the Assessor and a representative of the affected taxing units an opportunity for a hearing.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application of Energy Steel and Supply Company for the transfer of an Industrial Facilities Exemption Certificate No. 2007-128 shall remain on file in the office of the City Clerk.
2. That the City Commission shall meet in the City Commission Chambers at 576 Liberty Park, on July 7, 2008, at 6:30 p.m. or as soon thereafter as may be heard. The City Commission will provide the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of Energy Steel and Supply Company application for the transfer of an Industrial Facilities Exemption Certificate No. 2007-128 with regard to proposed operation within the Industrial Development District No. E.
3. That the City Clerk immediately inform by letter, the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes in the City of Lapeer on the property located within the Industrial Development District No. E described as follows:

Part of the Northeast ¼ of Section 12, T7N-R9E, City of Lapeer, Lapeer County, Michigan, being more particularly described as beginning at a point on the

Southerly right-of-way line of John Conley Drive extended which is S01°45'08"E (recorded as S01°45'11"E) 267.01 feet along the East line of said Section 12 to said Southerly right-of-way line, and along said Southerly right-of-way line by the following four (4) courses: 1) S88°21'31"W 200.02 feet, 2) along a curve to the left 233.87 feet (radius of 531.60 feet, delta angle 25°12'24", chord bearing and distance of S75°45'19"W 231.99 feet), 3) S63°09'07"W 256.21 feet, 4) along a curve to the right 23.54 feet (radius of 2363.30 feet, delta angle 00°34'14", chord bearing and distance of S63°26'14"W 23.54 feet) from the Northeast corner of said Section 12; thence continuing along said Southerly right-of-way by the following two (2) courses: 1) along a curve to the right 490.73 feet (radius of 2363.30 feet, delta angle 11°53'50", chord bearing and distance of S69°40'16"W 489.85 feet), 2) along a curve to the left 43.11 feet (radius of 232.00 feet, delta angle 10°38'48", chord bearing and distance of S70°17'47"W 43.05 feet); thence S25°00'04"E 710.10 feet to a point on the right-of-way line of John Conley Drive South Cul-De-Sac; thence along said Cul-De-Sac right-of-way, 30.00 feet along the arc of a non-tangent curve to the right (radius of 80.00 feet, delta angle 21°29'22", chord bearing and distance of N89°18'53"E 29.83 feet); thence N56°22'50"E 509.66 feet; thence N25°00'04"W 602.13 feet to the point of beginning. Containing 8.00 acres, more or less, and being subject to any easements, restrictions, and right of ways of record.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Liability Insurance

City Manager Dale Kerbyson commented on the City's Liability Insurance with the Stevenson Company and introduced representative Bob Bucko.

142 2008 06-16

Moved by Marquardt. Seconded by Robinet.

To approve the Stevenson Company, Michigan Township Participating Plan, for the City of Lapeer Property and Liability Insurance at a cost of \$159,832.00 for the Fiscal Year July 1, 2008 through June 30, 2009.

MOTION CARRIED.

Street Name Request: John Conley Drive to Carl Schreiber Drive

143 2008 06-16

Moved by Farrington. Seconded by Bennett.

To approve and set a public hearing on July 7, 2008 at 6:30 p.m. or as soon thereafter as may be heard on a request to change the street name of John Conley Drive to Carl Schreiber Drive.

MOTION CARRIED.

M-24/I69 Corridor Project – Phase I: Special Assessment District #2008-03.

Brief discussion was held regarding new project assessment, developer consensus, and tabling of Phase I. By general consensus of the Commission, no action was taken.

Annual Municipal Employees' Retirement System Meeting

144 2008 06-16

Moved by Farrington. Seconded by Bennett.

To approve Paul Boucher as the Officer Delegate and Dale Kerbyson as the Officer Alternate for the 2008 MERS Annual Meeting and approve the Officer and Employee Delegate Certification Form and authorize the City Manager to sign said Form.

MOTION CARRIED.

2008-2017 Lapeer Township Fire Protection Agreement

145 2008 06-16

Moved by Robinet. Seconded by Bennett.

To approve the Fire Protection Agreement between the City of Lapeer and Lapeer Township and authorize the Mayor and City Manager to sign said agreement.

MOTION CARRIED.

Ordinance Request – Campfires at the Water Tower Travel Trailer Park

146 2008 06-16

Moved by Robinet. Seconded by Marquardt.

To direct staff to prepare an Ordinance amendment that would permit campfires from May 1st through October 31st each year at the designated fire pit at the Water Tower Travel Trailer Park.

MOTION CARRIED.

Lapeer Optimist Community Soccer Fields – Mutual Use and Maintenance Agreement

147 2008 06-16

Moved by Marquardt. Seconded by Robinet.

To approve the Mutual Use and Maintenance Agreement between the City of Lapeer and Lapeer Community Schools for the Lapeer Optimist Community Soccer field and authorize the City Manager to sign said Agreement. Brief discussion was held regarding parking issues along the fences. The question was called to a vote.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented that ten applications were received regarding the vacant Commission seat.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan commented on the review of the Soccer Field Agreement with Lapeer Community Schools.

UNFINISHED BUSINESS

148 2008 06-16

Appointed by Mayor Sprague. Moved by Farrington. Seconded by Marquardt.

To appoint the following:

David Polzin Lapeer Center for the Arts for a term ending 10-01-09.

Pete McCreedy Lapeer Center for the Arts for a term ending 10-01-10.

MOTION CARRIED.

149 2008 06-16

Moved by Robinet. Seconded by Farrington.

To appoint Michael Nolan to the Election Commission for a term ending 01-01-09.

MOTION CARRIED.

150 2008 06-16

Moved by Marquardt. Seconded by Robinet.

To appoint A. Wayne Bennett to the Prison Liaison Committee for a term ending 07-01-11.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Operational Reports, memo regarding Scott Shepard Peddler's Permit for Pot O'Gold Ice Cream Company, and Monthly Financial Report for April 2008 were received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented on Flag Day.

Commissioner Marquardt commented on the request for the flag to be replaced at the Veterans Memorial Park and to provide Commission information regarding retirement by employees.

Commissioner Robinet commented on the update of projects provided by Rowe Incorporated, timeline regarding the Horton Street Reconstruction Project, and Changing of Street Name Policy.

City Manager Dale Kerbyson commented on the gala at Gallery 194 and the Public Safety Building Open House.

Vacant Commission Seat

Mayor Sprague commented that he would like to allow the candidates for the vacant Commission seat time to present themselves to the Commission.

Sara Lesky commented on her interest in the vacant Commission seat. Brief question and answer session followed.

Dave Sommerville commented on his interest in the vacant Commission seat. Brief question and answer session followed.

Catherine Bostick-Tullius commented on her interest in the vacant Commission seat. Brief question and answer session followed.

Commissioner Marquardt commented that Charles Mitchell could not attend the meeting and extended his interest in the vacant Commission seat.

James Petersen commented on his interest in the vacant Commission seat. Brief question and answer session followed.

Richard West commented on his interest in the vacant Commission seat. Brief question and answer session followed.

Matthew Fennelly commented on his interest in the vacant Commission seat. Brief question and answer session followed.

Rick Pizzala commented on his interest in the vacant Commission seat. Brief question and answer session followed.

Charles Treece commented on his interest in the vacant Commission seat. Brief question and answer session followed.

Scot Atyeo commented on his interest in the vacant Commission seat. Brief question and answer session followed.

Mayor Sprague provided a review of the appointment process to the vacant Commission seat. Discussion was held regarding the qualifications of all candidates, allowance of time to review applicants, that the thirty-day period ends July 2nd, and ability to call a special meeting.

151 2008 06-16

Moved by Bennett. Seconded by Marquardt.

To call a special meeting on June 30th for the selection of a candidate to fill the vacant City Commission seat. Brief discussion was held regarding the qualifications of all candidates and time to review applicants. The question was called to a vote.

MOTION CARRIED.

Mayor Sprague commented on Flag Day, forum regarding candidates for State Representative, interest in vacant Commission seat, and getting citizens involved in the community.

Brief discussion was held regarding clarification of special meeting to begin at 6:30 p.m., that further discussion on candidates will take place at the special meeting, and the possibility of receiving further letters of interests.

Chuck Treece commented on the discussion of candidates in a group among Commission members would be a violation of the Open Meetings Act. Brief discussion was held regarding the Open Meetings Act.

City Manager Dale Kerbyson commented that Mayor Sprague had been placed on the ballot for election to the Board of the Michigan Par Plan, the City's Liability Insurance carrier, and that the City's ballot reflected its vote for Mayor Sprague.

ADJOURNMENT

152 2008 06-16

Moved by Marquardt. Seconded by Bennett.
To adjourn the meeting.

The meeting adjourned at 8:45 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk