

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

**October 15, 2007**

A regular meeting of the Lapeer City Commission was held on October 15, 2007 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:33 p.m.

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

**Absent:** None.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**255 2007 10-15**

Moved by Robinet. Seconded by Turkelson.  
To approve the agenda for October 15, 2007 as presented.  
MOTION CARRIED.

**MINUTES**

**256 2007 10-15**

Moved by Ogden. Seconded by Farrington.  
To approve the minutes of the Regular Meeting held on October 1, 2007 as presented.  
MOTION CARRIED.

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

**CONSENT AGENDA**

**257 2007 10-15**

Moved by Robinet. Seconded by Marquardt.  
To approve the Consent Agenda for October 15, 2007 resulting in the following.  
1. Approval of Budget Adjustments which Re-Appropriates Project Balances as of June 30, 2007 for those projects that were not completed in last fiscal year for the Park and Cemetery Funds.  
MOTION CARRIED.

**BILL LISTING FOR OCTOBER 15, 2007**

**258 2007 10-15**

Moved by Robinet. Seconded by Marquardt.  
To approve the Bill Listing for October 15, 2007 in the amount of \$380,453.93.  
MOTION CARRIED.

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

No public hearings scheduled.

## ADMINISTRATIVE REPORTS

### Industrial Facility Tax Exemption Requests – Lapeer Industries, Inc.

#### **259 2007 10-15**

Moved by Robinet. Seconded by Turkelson.

To approve the Resolution To Schedule A Public Hearing To Consider A Transfer Application For An Industrial Facilities Exemption Certificate No. 98-062 For Lapeer Industries, Inc. to be held November 5, 2007 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER  
RESOLUTION TO SCHEDULE A PUBLIC HEARING  
TO CONSIDER A TRANSFER APPLICATION FOR AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR  
LAPEER INDUSTRIES, INC.

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 4, 1993, this City Commission by resolution established Industrial Development District No. F; and

WHEREAS, Lapeer Industries, Inc. owner of the realty described below within said Districts, has applied for an Industrial Facilities Exemption Certificate, 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.

WHEREAS, the Industrial Facilities Exemption Certificate:

No:                      Granted on or about:

# 98-062              November 3, 1997

Shall be transferred from Detail Boring, Inc. to Lapeer Industries, Inc.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application for a transfer of an Industrial Facilities Exemption Certificate 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 November 5, 2007, 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 Lapeer Industries, Inc. application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. F.
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. F described as follows:

WESTERLY PARCEL:

PART OF THE SOUTHEAST ¼ of SECTION 5, T7N-R10E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, & LOTS 4,6,8,10,12,14,16,18,20, & PART OF LOT 2, "TURRILL ADDITION TO THE CITY OF LAPEER", as recorded in Liber 40, Page 331,

Lapeer County Records, being more particularly described as beginning at a point on the South line of Section 5 that is North 88°35'45" West 659.84 feet from the Southeast corner of Section 5, (said point is on the Easterly right of way line of the Michigan Central Railroad); thence along said right of way line on a 01° curve to the right, radius 5885 feet, chord bearing and distance North 03°35'40" East 712.09 feet to the intersection of said railroad right of way and the South line of "TURRILL ADDITION TO THE CITY OF LAPEER"; thence continuing along said railroad right of way, North 07°32'21" East 120.80 feet to the Southerly right of way line of South Elm Street; thence South 89°05'30" East 599.45 feet along the Southerly right of way line of South Elm Street to the East line of Section 5; thence South 38°47'36" West 1053.27 feet to the point of beginning. Contains 5.85 acres, including that part reserved for Saginaw Street so-called. Being subject to any restrictions, easements and/or right of ways of record.

More commonly known as: 83 S. Elm Street, Lapeer, MI

To approve the Resolution To Schedule A Public Hearing To Consider a Transfer Application For An Industrial Facilities Exemption Certificate No. 06-068 For Lapeer Industries, Inc. to be held November 5, 2007 at 6:30 p.m. or as soon thereafter as may be heard.

CITY OF LAPEER  
RESOLUTION TO SCHEDULE A PUBLIC HEARING  
TO CONSIDER A TRANSFER APPLICATION FOR AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR  
LAPEER INDUSTRIES, INC.

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 December 5, 1983, this City Commission by resolution established Industrial Development District No. A; and

WHEREAS, Lapeer Industries, Inc. owner of the realty described below within said Districts, has applied for an Industrial Facilities Exemption Certificate, 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.

WHEREAS, the Industrial Facilities Exemption Certificate:

|            |                             |
|------------|-----------------------------|
| <u>No:</u> | <u>Granted on or about:</u> |
| # 06-068   | February 20, 2006           |

Shall be transferred from Creative Engineered Polymer Products to Lapeer Industries, Inc.

NOW, THEREFORE, BE IT RESOLVED:

1. That the application of Lapeer Industries, Inc. for Industrial Facilities Exemption Certificate 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 November 5, 2007, 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 Lapeer Industries, Inc. application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. A.

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. A described as follows:

Lots 10 & 30 of McCormick Industrial Park No. 3 as recorded in Liber 7, Pages 106-109, Lapeer County records. Parcel Code: 21-31-130-040-00.

More commonly known as: 290 McCormick Drive, Lapeer, MI

To Approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate For Lapeer Industries, Inc., 3140 John Conley Drive to be held November 5, 2007 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 AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR  
Lapeer Industries, Inc.  
3140 John Conley Drive

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 November 5, 1987, this City Commission by resolution established Industrial Development District No. E; and

WHEREAS, Lapeer Industries, Inc. owner of the realty described below within said Districts, has applied for an Industrial Facilities Exemption Certificate, 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 Lapeer Industries, Inc. for Industrial Facilities Exemption Certificate 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 November 5, 2007, 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 Lapeer Industries, Inc. application for an Industrial Facilities Exemption Certificate 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:

A 11.63 acre parcel of land in the SE ¼ of Section 1 and the NE ¼ of section 12, T7N,R9E, city of Lapeer, Lapeer County, Michigan described as COMMENCING at the SE Corner of said Section 1; thence N 01 deg. 39 min. 24 sec. W 475.52 feet along the East Line of said Section 1; thence S 74 deg. 23 min. 55 sec. W 1508.01 feet along the Southerly Line of the G.T.W. Railroad Right-of-Way to the POINT OF BEGINNING; thence S 25 deg. 01 min. 42 sec. E 685.35 feet; of the proposed road for the City of

Lapeer Industrial and Research Park as found documented in the field on Monday, November 2, 1987, 28.22 feet along the arc of a 318.00 foot radius nontangential curve to the left, having a central angle of 005 deg. 05 min. 04 sec. and subtended by a chord measuring S 67 deg. 30 min. 50 sec. W 28.21 feet; thence S 64 deg. 58 min. 18 sec. W 360.00 feet along said northerly Right-of-Way Line; thence Southwesterly along said Northerly right-of-Way Line 218.01 feet along the arc of 406.75 foot radius curve to the left, having a central angle of 030 deg. 42 min. 33 sec. and subtended by a chord measuring S 49 deg. 37 min. 02 sec. W 215.41 feet; thence W 55 deg. 44 min. 14 sec. W 165.26 feet; thence W 25 deg. 01 min. 42 sec. W 712.00 feet; thence N 74 deg. 23 min. 55 sec. E 689.61 feet along the Southerly Line of the G.T.W. Railroad Right-of-Way to the POINT OF BEGINNING, being subject to easements and restrictions of record, if any.

More commonly known as: 3140 John Conley Drive, Lapeer, MI

To approve the Resolution To Schedule A Public Hearing To Consider An Application or An Industrial Facilities Exemption Certificate for Lapeer Industries, Inc., 290 McCormick Drive to be held November 5, 2007 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 AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR  
Lapeer Industries, Inc.  
290 McCormick Drive

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 December 5, 1983, this City Commission by resolution established Industrial Development District No. A; and

WHEREAS, Lapeer Industries, Inc. owner of the realty described below within said Districts, has applied for an Industrial Facilities Exemption Certificate, 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 Lapeer Industries, Inc. for Industrial Facilities Exemption Certificate 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 November 5, 2007, 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 Lapeer Industries, Inc. application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. A.
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. A described as follows:

Lots 10 & 30 of McCormick Industrial Park No. 3 as recorded in Liber 7, Pages 106-109, Lapeer County records. Parcel Code: 21-31-130-040-00

More commonly known as: 290 McCormick Drive, Lapeer, MI

To Approve the Resolution To Schedule A Public Hearing To Consider An Application For An Industrial Facilities Exemption Certificate for Lapeer Industries, Inc., 83 S. Elm Street to be held November 5, 2007 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 AN  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE  
FOR  
Lapeer Industries, Inc.  
83 S. Elm Street

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 4, 1993, this City Commission by resolution established Industrial Development District No. F; and

WHEREAS, Lapeer Industries, Inc. owner of the realty described below within said Districts, has applied for an Industrial Facilities Exemption Certificate, 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 Lapeer Industries, Inc. for Industrial Facilities Exemption Certificate 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 November 5, 2007, 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 Lapeer Industries, Inc. application for an Industrial Facilities Exemption Certificate with regard to proposed operation within the Industrial Development District No. F.
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. F described as follows:

WESTERLY PARCEL:

PART OF THE SOUTHEAST  $\frac{1}{4}$  of SECTION 5, T7N-R10E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, & LOTS 4,6,8,10,12,14,16,18,20, & PART OF LOT 2, "TURRILL ADDITION TO THE CITY OF LAPEER", as recorded in Liber 40, Page 331, Lapeer County Records, being more particularly described as beginning at a point on the South line of Section 5 that is North 88°35'45" West 659.84 feet from the Southeast corner of Section 5, (said point is on the Easterly right of way line of the Michigan Central Railroad); thence along said right of way line on a 01° curve to the right, radius 5885 feet, chord bearing and distance North 03°35'40" East 712.09 feet to the intersection of said railroad right of way and the South line of "TURRILL ADDITION TO THE CITY OF LAPEER"; thence continuing along said railroad right of way, North 07°32'21" East 120.80 feet to the Southerly right of way line of South Elm Street; thence South 89°05'30" East 599.45 feet along the Southerly right of way line of South Elm Street to the East line of Section 5; thence South 38°47'36" West 1053.27 feet to the point of beginning. Contains 5.85 acres, including that part reserved for Saginaw Street so-called. Being subject to any restrictions, easements and/or right of ways of record.

More commonly known as: 83 S. Elm Street, Lapeer, MI  
MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

2005 Capital Improvement Program Construction Contract Change Order #4

**260 2007 10-15**

Moved by Marquardt. Seconded by Ogden.  
To approve Change Order #4 for AW Excavating, Inc. for the 2005 Capital Improvement Program.  
MOTION CARRIED.

2005 Capital Improvement Program Payment Request #6 (Final) Payment – AW Excavating, Inc.

**261 2007 10-15**

Moved by Marquardt. Seconded by Ogden.  
To approve Payment Request #6 to AW Excavating, Inc. in the amount of \$19,108.17 for the 2005 Capital Improvement Program.

Community Development Block Grant Closeout – Gestamp Automotive

**262 2007 10-15**

Moved by Robinet. Seconded by Farrington.  
To set a public hearing on November 5, 2007 at 6:30 p.m. or as soon thereafter as may be heard regarding the closing out of the Community Development Block Grant for the Gestamp Automotive project.  
MOTION CARRIED.

**CITY MANAGER'S REPORT**

Detroit Edison Overhead Easement (Right of Way) – Chatfield Schools

**263 2007 10-15**

Moved by Robinet. Seconded by Marquardt.  
To authorize the Mayor and City Manager to sign the required documents regarding the Detroit Edison Overhead Easement (Right of Way) for Chatfield Schools upon review and approval by City Attorney Ronald B. Shamblin.  
MOTION CARRIED.

City Manager Dale Kerbyson introduced Tracey Russell, Executive Assistant who will replace Jean Bonior upon her retirement, and new Building Official Michael Darling.

**CITY ATTORNEY'S REPORT**

No report provided.

**UNFINISHED BUSINESS**

No appointments were made.

**DEPARTMENTAL COMMUNICATIONS**

Monthly Operational Reports were received into record.

## **MAYOR/COMMISSIONER COMMENTS**

Brief comments were made regarding the Fire Department Open House, Zonta Fantasy Forrest, and Center Building dinner.

## **ADJOURNMENT**

### **264 2007 10-15**

Moved by Turkelson. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 6:42 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, CMC, City Clerk