

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JANUARY 22, 2019**

A regular meeting of the Lapeer City Commission was held January 22, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

**ROLL CALL**

Present: Mayor Sprague.

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**9 2019 01-22**

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for January 22, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**10 2019 01-22**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the minutes of the Regular and Closed meetings held January 7, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Jenny Burkhart, N. Wilder Road, gave invocation.

**CONSENT AGENDA**

**11 2018 01-22**

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Consent Agenda for January 22, 2019 resulting in the following:

1. Special Event Request from the Human Development Commission to hold their Annual Walk for Warmth event on Saturday, February 23, 2019, 9:00 a.m. – 10:30 a.m. using sidewalks around the Historic Court House and on Nepessing Street.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR JANUARY 22, 2019**

**12 2019 01-22**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Bill Listing for January 22, 2019 in the amount of \$1,706,788.30.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

## PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

### Charitable Gaming License Request.

#### **13 2019 01-22**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Local Governing Body Resolution For Charitable Gaming License for Lapeer High School Athletic Boosters.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

### **PUBLIC HEARINGS**

None.

### **ADMINISTRATIVE REPORTS**

#### Rezoning – R-2 Single-Family Residential to OS-1 Office Service

Parcels #L21-30-014-040-00 (1211 Barry Drive), #L21-30-016-040-00 (1217 Barry Drive) and #L21-30-017-040-00 (1225 Barry Drive)

#### **14 2019 01-22**

Moved by Osentoski. Seconded by Bostick-Tullius.

Approve an ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02(a)(17) of the General Ordinances of the City of Lapeer.

### ARTICLE 7.02 MAPPED DISTRICTS

#### 7.02.02 District Boundaries

##### (a) Zoning District Amendments

- (17) The following properties formerly zoned R-2 Single-Family Residential is hereby rezoned to OS-1 Office Service:

1211 Barry Drive - Parcel #L21-30-014-040-00

CITY OF LAPEER KNOLLWOOD #1 LOT 4, BLOCK B (L=1 P=93 SEC 32, T8N-R10E)

1217 Barry Drive - Parcel #L21-30-016-040-00

CITY OF LAPEER KNOLLWOOD # 1 LOT 5, BLK B "ACT 135 OF 1976" (L=1 P=93 SEC 32, T8N-R10E)

1225 Barry Drive - Parcel #L21-30-017-040-00

CITY OF LAPEER R KNOLLWOOD # 1 LOT 6, BLOCK B (L=1 P=93 SEC 32, T8N-R10E)

#### ON ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius, Osentoski, Bennett, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

### 2018 Local Street Rehabilitation Project.

#### Change Order #3 – L.J. Construction, Inc.

#### **15 2019 01-22**

Moved by Bostick-Tullius. Seconded by Atwood.

Approve Final Payment #7 to L.J. Construction, Inc.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

#### **16 2019 01-22**

Moved by Bostick-Tullius. Seconded by Atwood.

Approve Change Order #3 to the construction contract for the 2018 Local Street Rehabilitation Project revising the contract resulting in a net increase to the construction

contract of \$7,150.00 with L.J. Construction Incorporated bringing the total contract to \$1,226,336.10.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

2018 Local Street Rehabilitation Project.

L.J. Construction, Incorporated – Payment Request #7 – FINAL.

**17 2019 01-22**

Moved by Marquardt. Seconded by Osentoski.

Approve Final Payment Request #7 to L.J. Construction, Inc. in the amount of \$12,026.74 for services completed on the 2018 Local Street Rehabilitation Projects.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

*Note: Item G-3 (2018 Local Street Rehabilitation Project – L.J. Construction Incorporated – Payment Request #7 – FINAL) was acted on while Item G-2 (2018 Local Street Rehabilitation Project – Change Order #3 – L.J. Construction, Inc.) was pending; Item G-2 was approved and a subsequent motion to approve Item G-3 was made when it became the pending business item.*

New Telephone System.

**18 2019 01-22**

Moved by Bostick-Tullius. Seconded by Marquardt.

Discussion was held regarding the new telephone system not being in the CIP; approval of this item requires a budget adjustment from fund balance to incorporate the cost of the new system into the current budget. Other items discussed included contract terms, monthly usage and maintenance costs, number of phones included in contract; cost of network switches is approximately \$21,000; cost of system is half of what administration had estimated; includes reduction of phone lines.

Award the telephone system replacement bid to Big Water Technologies in the amount of \$66,538.94 and authorize the City Manager to sign the purchase agreements, pending Attorney review and approval; also approve a budget adjustment in the amount of \$67,000 in the Telephone Communications Fund.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

McCormick Sanitary Forcemain Project (ICE Grant).

Lawrence M. Clarke, Inc. – Payment Request #3.

**19 2019 01-22**

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve Payment Request #3 in the amount of \$518,041.98 to Lawrence M. Clarke, Inc. for the McCormick Sanitary Forcemain Project.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Ordinance Amendment:

Amendment – Chapter 19 (Offenses Against Public Peace, Safety and Morals Ordinance), Section 19.29.

Commissioner Bennett introduced an ordinance amendment to Chapter 19 (Offenses Against Public Peace, Safety and Morals Ordinance), Section 19.29 of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

19.29 Possession and/or Use of Marihuana

To be deleted in its entirety.

### **CITY MANAGER'S REPORT**

City Manager Dale Kerbyson commented he would send an email to the Commission regarding questions asked in relation to the new phone contract/billing; requested a closed session to discuss the City of Lapeer vs. Clearview.

Closed Session.

### **20 2019 01-22**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve going into a Closed Session at the end of the regular meeting to discuss the pending litigation of City of Lapeer vs. Clearview MHC Holdings.

ON A ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius, Bennett, Osentoski, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

### **CITY ATTORNEY'S REPORT**

City Attorney Michael Nolan commented he is glad the Big Water contract was approved; City Clerk did a great job and it is a favorable contract. Mr. Nolan also duplicated the request made by Mr. Kerbyson for a Closed Session to discuss the City of Lapeer vs. Clearview, MHC Holdings, Case # 17-051049CZ.

### **UNFINISHED BUSINESS**

None.

### **DEPARTMENTAL COMMUNICATIONS**

Monthly Departmental Reports and Monthly Financial Report for October, 2018 were received into the record.

### **PUBLIC COMMENTS**

None.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Updated the Commission on the most recent Youth Council meeting; next meeting will be this Thursday. He is still looking for help to coordinate the Superheroes Program.

Commissioner Bennett: Thanked Ms. Burkhart for prayer and attending meeting in such poor weather.

Commissioner Osentoski: Requested the next City Commission agenda include a suggested motion for the City to opt out of recreational marihuana.

City Manager Dale Kerbyson: Held a productive meeting with the I-69/NMDC group this morning, discussed their strategic plans, listed goals and objectives; will have a presentation to the Commission once it is all pulled together.

Mayor Sprague: Thanked DPW Director Pam Reid and her staff for handling the roads during such poor weather; thanks to Police/Fire for their efforts in the poor weather as well; stay safe driving home; reported on local events.

The meeting adjourned to a Closed Session at 6:50 p.m. and returned to the regular meeting at 7:02 p.m.

Return to Regular Meeting.

### **21 2019 01-22**

Moved by Marquardt. Seconded by Atwood.

Approve returning to the regular meeting.

Ayes: Atwood, Bostick-Tullius, Bennett, Osentoski, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

Settlement Agreement between City of Lapeer vs. Clearview MHC Holdings, Case # 17-051049CZ.

**22 2019 01-22**

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Settlement Agreement pursuant to the terms in the Agreement between the City of Lapeer vs. Clearview MHC Holdings, Case # 17-051049CZ.

Ayes: Atwood, Bostick-Tullius, Bennett, Osentoski, Marquardt.

Nays: None.

Absent: None.

MOTION CARRIED.

**ADJOURNMENT**

**23 2019 01-22**

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:03 p.m.

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Mayor William J. Sprague

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Renee L. Bullen, City Clerk, CMC

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Tracey S. Russell, Deputy City Clerk