

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
January 3, 2017**

A regular meeting of the Lapeer City Commission was held January 3, 2017 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, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**1 2017 01-03**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for January 3, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**2 2017 01-03**

Moved by Marquardt. Seconded by Gates.

Approve the minutes from the Regular meeting held December 19, 2016 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Janet Adams, Baldwin Road, gave invocation.

Snowman and Penguin Naming Contest.

Mayor Sprague introduced the winners from the Snowman and Penguin Naming Contest: Snowman name La Pierre winners Lisa Huff and Erica Coster; Penguin names Tux and Bow Tie winner Jacqueline Wellington; City Manager Dale Kerbyson indicated that signs will be made for them next year; Mayor Sprague thanked Commissioner Atwood for time and effort in completing the contest.

**CONSENT AGENDA**

**3 2017 01-03**

Moved by Gates. Seconded by Atwood.

Approve the Consent Agenda for January 3, 2017 resulting in the following:

1. Special Event Request from Families Against Narcotics, Run Drugs Out Of Town, August 20, 2017, Rowden Park, contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR JANUARY 3, 2017**

**4 2017 01-03**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for January 3, 2017 in the amount of \$865,105.20.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Calhoun Street Improvements – Special Assessment District.

### **5 2017 01-03**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve Resolution #1 preparing reports regarding the Calhoun Street Improvements, Special Assessment District #2017-01 and Resolution #2 that includes setting a public hearing on January 17, 2017 at 6:30 p.m. or a soon thereafter as may be heard to determine the necessity regarding the Calhoun Street Improvements, Special Assessment District #2017-01.

#### **RESOLUTION NO. 1**

**CITY OF LAPEER  
SPECIAL ASSESSMENT  
Calhoun Street Improvements  
Special Assessment District #2017-01**

WHEREAS, pursuant to provisions of Chapter 11 of the City Charter and Chapter 64 (Special Assessment Ordinance) of the General Ordinances of the City of Lapeer, the Lapeer City Commission may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Lapeer City Commission deems it in the public interest, health and welfare to make certain public improvements in the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager is directed to investigate and prepare a report in accordance with the provisions of Chapter 64 (Special Assessment Ordinance), Section 64.03 of the General Ordinances of the City of Lapeer for the Calhoun Street Improvements.
2. When the aforesaid report is completed, the City Manager shall file the same with the City Clerk for presentation to the City Commission.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

#### **RESOLUTION NO. 2**

**CITY OF LAPEER  
SPECIAL ASSESSMENT  
Calhoun Street Improvements  
Special Assessment District No. 2017-01**

WHEREAS, the City Manager has prepared a report(s) concerning certain public improvements as hereinafter described, in accordance with the provisions of Chapter 64 (Special Assessment Ordinance), Section 64.03 of the General Ordinances of the City of Lapeer; and

WHEREAS, the Lapeer City Commission has reviewed said report(s); and

WHEREAS, the Lapeer City Commission determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The aforesaid report(s) shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
2. The Lapeer City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:

That part of Calhoun Street extending from the south right-of-way of Nepessing Street southerly to the northerly right-of-way of Genesee Street.

4. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$336,796.00 of which \$50,519.40 shall be spread over the special assessment district as hereinafter described, and \$286,276.60 which shall be paid by the City.
5. The estimated life of such improvements is not less than 20 years.
6. The City Commission will meet on January 17, 2017 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least ten (10) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

CITY OF LAPEER  
NOTICE OF SPECIAL ASSESSMENT HEARING TO  
HEAR OBJECTIONS TO PROPOSED PUBLIC  
IMPROVEMENTS AND TO THE  
PROPOSED SPECIAL ASSESSMENT DISTRICT

Calhoun Street Improvements  
Special Assessment District #2017-01

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

Calhoun Street Improvements

Project Summary:

Project will include reconstructing Calhoun Street from Nepessing Street to Genesee Street. The Street portion of this project will include a new HMA surface; cement curb and gutters, sidewalk repairs, new ADA accessible sidewalk ramps, storm system improvements, edge drains, new pavement markings and signs. This project will also include new water main with associated appurtenances, sanitary sewer with service leads and storm sump pump leads.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$50,519.40, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

That part of Calhoun Street extending from the south right-of-way of Nepessing Street southerly to the northerly right-of-way of Genesee Street.

TAKE FURTHER NOTICE that the City Commission has caused report(s) concerning said public improvements to be prepared, which report(s) include pertinent information concerning the proposed improvements and the district as well as a map of the area and these report(s) are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON JANUARY 17, 2017 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

DONNA L. CRONCE, MMC/CMMC  
CITY CLERK, CITY OF LAPEER

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.  
MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

Court Street Improvements – Special Assessment District.

**6 2017 01-03**

Moved by Bostick-Tullius. Seconded by Gates.

Approve Resolution #1 preparing reports regarding the Court Street Improvements, Special Assessment District #2017-02 and Resolution #2 that includes setting a public hearing on January 17, 2017 at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding the Court Street Improvements, Special Assessment District #2017-02.

RESOLUTION NO. 1

CITY OF LAPEER  
SPECIAL ASSESSMENT  
Court Street Improvements  
Special Assessment District #2017-02

WHEREAS, pursuant to provisions of Chapter 11 of the City Charter and Chapter 64 (Special Assessment Ordinance) of the General Ordinances of the City of Lapeer, the Lapeer City Commission may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Lapeer City Commission deems it in the public interest, health and welfare to make certain public improvements in the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager is directed to investigate and prepare a report in accordance with the provisions of Chapter 64 (Special Assessment Ordinance), Section 64.03 of the General Ordinances of the City of Lapeer for the Calhoun Street Improvements.
2. When the aforesaid report is completed, the City Manager shall file the same with the City Clerk for presentation to the City Commission.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

## RESOLUTION NO. 2

CITY OF LAPEER  
SPECIAL ASSESSMENT  
Court Street Improvements  
Special Assessment District No. 2017-02

WHEREAS, the City Manager has prepared a report(s) concerning certain public improvements as hereinafter described, in accordance with the provisions of Chapter 64 (Special Assessment Ordinance), Section 64.03 of the General Ordinances of the City of Lapeer; and

WHEREAS, the Lapeer City Commission has reviewed said report(s); and

WHEREAS, the Lapeer City Commission determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The aforesaid report(s) shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
2. The Lapeer City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:

That part of Court Street beginning south of the Court Street Bridge and continuing southerly to the northerly right-of-way of West Genesee Street.

4. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$609,671.00 of which \$91,450.56 shall be spread over the special assessment district as hereinafter described, and \$518,220.44 which shall be paid by the City.
5. The estimated life of such improvements is not less than 20 years.
6. The City Commission will meet on January 17, 2017 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least ten (10) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

CITY OF LAPEER  
NOTICE OF SPECIAL ASSESSMENT HEARING TO  
HEAR OBJECTIONS TO PROPOSED PUBLIC  
IMPROVEMENTS AND TO THE  
PROPOSED SPECIAL ASSESSMENT DISTRICT

Special Assessment District #2017-02

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

Court Street Improvements

Project Summary:

Project will include reconstructing Court Street from the Court Street Bridge to Genesee Street. The Street portion of this project will include a new HMA surface; cement curb and gutters, sidewalk repairs, new ADA accessible sidewalk ramps, storm system improvements, edge drains, new pavement markings and signs. This project will also include new water main with associated appurtenances, sanitary sewer with service leads and storm sump pump leads.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$91,450.56, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

That part of Court Street beginning south of the Court Street Bridge and continuing southerly to the northerly right-of-way of West Genesee Street.

TAKE FURTHER NOTICE that the City Commission has caused report(s) concerning said public improvements to be prepared, which report(s) include pertinent information concerning the proposed improvements and the district as well as a map of the area and these report(s) are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON JANUARY 17, 2017 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

DONNA L. CRONCE, MMC/CMMC  
CITY CLERK, CITY OF LAPEER

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.

MOTION CARRIED.

DeMille Street Improvements – Special Assessment District.

**7 2017 01-03**

Moved by Marquardt. Seconded by Gates.

Approve Resolution #1 preparing reports regarding the DeMille Street Improvements, Special Assessment District #2017-03 and Resolution #2 that includes setting a public hearing on January 17, 2017 at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding the DeMille Street Improvements, Special Assessment District #2017-03.

RESOLUTION NO. 1

CITY OF LAPEER  
SPECIAL ASSESSMENT  
DeMille Street Improvements  
Special Assessment District #2017-03

WHEREAS, pursuant to provisions of Chapter 11 of the City Charter and Chapter 64 (Special Assessment Ordinance) of the General Ordinances of the City of Lapeer, the Lapeer City Commission may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Lapeer City Commission deems it in the public interest, health and welfare to make certain public improvements in the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager is directed to investigate and prepare a report in accordance with the provisions of Chapter 64 (Special Assessment Ordinance), Section 64.03 of the General Ordinances of the City of Lapeer for the Calhoun Street Improvements.
2. When the aforesaid report is completed, the City Manager shall file the same with the City Clerk for presentation to the City Commission.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

RESOLUTION NO. 2

CITY OF LAPEER  
SPECIAL ASSESSMENT  
DeMille Street Improvements  
Special Assessment District No. 2017-03

WHEREAS, the City Manager has prepared a report(s) concerning certain public improvements as hereinafter described, in accordance with the provisions of Chapter 64 (Special Assessment Ordinance), Section 64.03 of the General Ordinances of the City of Lapeer; and

WHEREAS, the Lapeer City Commission has reviewed said report(s); and

WHEREAS, the Lapeer City Commission determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The aforesaid report(s) shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
2. The Lapeer City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.
3. Said special assessment district shall consist of all of the lots and parcels of land as herein described:

That part of DeMille Street beginning at the westerly right-of-way of Harrison Street and continuing westerly along DeMille Street to a point of ending described as being located S88°02'33"W ALG N SEC LN 1100 FT FRM NE COR of Section 7, City of Lapeer.

4. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$473,150.00 of which \$40,073.00 shall be spread over the special assessment district as hereinafter described, and \$227,077.00 which shall be paid by the City and \$206,000.00 DEQ Scrap Tire Grant.
5. The estimated life of such improvements is not less than 20 years.

6. The City Commission will meet on January 17, 2017 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least ten (10) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

CITY OF LAPEER  
NOTICE OF SPECIAL ASSESSMENT HEARING TO  
HEAR OBJECTIONS TO PROPOSED PUBLIC  
IMPROVEMENTS AND TO THE  
PROPOSED SPECIAL ASSESSMENT DISTRICT

DeMille Street Improvements  
Special Assessment District #2017-03

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

DeMille Street Improvements

Project Summary:

Project will include reconstructing DeMille Street from Harrison Street west to the beginning of DeMille Blvd. This project will include HMA base crushed and reshaped, structure adjustments, installation of pavement, underdrain, minor curb and gutter replacement as required and the placement of 9 inches of asphalt.

The City Commission has determined that part of the cost of the above described public improvements which is estimated to be \$40,073.00, shall be assessed against all lots and parcels of property abutting the above described improvements which properties are described as follows:

That part of DeMille Street beginning at the westerly right-of-way of Harrison Street and continuing westerly along DeMille Street to a point of ending described as being located S88°02'33"W ALG N SEC LN 1100 FT FRM NE COR of Section 7, City of Lapeer.

TAKE FURTHER NOTICE that the City Commission has caused report(s) concerning said public improvements to be prepared, which report(s) include pertinent information concerning the proposed improvements and the district as well as a map of the area and these report(s) are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON JANUARY 17, 2017 AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

DONNA L. CRONCE, MMC/CMMC  
CITY CLERK, CITY OF LAPEER



9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

Nays: None.

Absent: None.

MOTION CARRIED.

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

None.

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

None.

#### **UNFINISHED BUSINESS**

##### **8 2017 0103**

Mayor Sprague appointed. Moved by Bostick-Tullius. Seconded by Bennett.

Appoint the following:

Joe Morey EDC/TIFA/Brownfield, term ending 03-01-21.

Tori Duve EDC/TIFA/Brownfield, term ending 03-01-18.

Angela Schliter EDC/TIFA/Brownfield, term ending 03-01-17.

MOTION CARRIED.

#### **DEPARTMENTAL COMMUNICATIONS**

None.

#### **PUBLIC COMMENTS**

Dan Gerlach, Horton Street commented that he normally cannot attend Monday meetings; is in favor of the Court Street Special Assessment, largest landowner in area; would be in favor of a special assessment for Cedar Street; questioned whether the City could help in any way to overturn the ambulance millage, he would appreciate it.

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Thanked City Manager for leadership, had issues that were promptly taken care of; staff does fantastic job as well.

Commissioner Marquardt: Update on Project Homeless Connect event.

City Manager Dale Kerbyson: City gives an annual Contribution to Project Homeless Connect event; welcome moving into the new year.

Mayor Sprague: Safe holidays; thank you to staff; work on upcoming budget.

#### **ADJOURNMENT**

##### **9 2017 01-03**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:45 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
January 17, 2017**

A regular meeting of the Lapeer City Commission was held January 17, 2017 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.  
Absent: Commissioner Gates (excused)

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**10 2017 01-17**

Moved by Bostick-Tullius. Seconded by Atwood.  
Approve the Agenda for January 17, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.  
Nays: None.  
Absent: Gates.  
MOTION CARRIED.

**MINUTES**

**11 2017 01-17**

Moved by Marquardt. Seconded by Bostick-Tullius.  
Approve the minutes from the Closed Meeting held December 19, 2016 and Regular Meeting held January 3, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.  
Nays: None.  
Absent: Gates.  
MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Jenny Burkhardt, N. Wilder, gave invocation.

**CONSENT AGENDA**

None.

**BILL LISTING FOR JANUARY 17, 2017**

**12 2017 01-17**

Moved by Marquardt. Seconded by Atwood.  
Approve the Bill Listing for January 17, 2017 in the amount of \$1,273,841.57.  
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.  
Nays: None.  
Absent: Gates.  
MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

Calhoun Street Improvements – Special Assessment District.

Mayor Sprague explained the public hearing process, that it is not a debate that it was only for the necessity of the project and not to discuss the cost of the roll. City Manager Dale Kerbyson indicated that each street has been in the plans for repair/reconstruction, this project will be from corner of Nepessing south to Genesee.

Mayor Sprague opened the public hearing at 6:36 p.m.

Rich McCarthy commented he owns property on corner of Louis Cramton and Calhoun, estimated cost was about \$51,000 and did this include water main and sewer. DPW Director Pam Reid indicated that \$51,000 is the portion that will be split for the SAD, would cover just the street repair with remainder of cost to be covered by the City which includes water and sewer repairs. Mr. McCarthy asked about contingency budget and covering of any additional costs, response by Mayor Sprague that policy of City is to not go back and reassess residents if costs are higher; engineering completed in-house, response by Mayor Sprague no; bid process on roads, response by Mayor Sprague that process is put out to bid; interruption of service for connecting to new line, response by DPW Director Pam Reid of yes on a short term basis; who is engineering firm, response by Mayor Sprague of Rowe Engineering; capped cost for project, response by Mayor Sprague that it is City's goal to come in under budget; cost comparison per front foot, response by Mayor Sprague that project costs will be discussed at next public hearing on roll; citizen input on project, response by DPW Director Pam Reid of no; like to see sidewalk placed in front of property due to foot traffic in area; is Louis Cramton scheduled for repair, response by Mayor Sprague that the street was not in initial plans but would review during budget process.

There being no further comments, Mayor Sprague closed the public hearing at 6:44 p.m.

### **13 2017 01-17**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Resolution #3 to determine the project necessary and order the preliminary roll prepared regarding the Calhoun Street Improvements, Special Assessment District #2017-01.

### **RESOLUTION NO. 3**

#### **CITY OF LAPEER - SPECIAL ASSESSMENT Calhoun Street Improvements - Special Assessment District No. 2017-01**

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described:

#### **Calhoun Street Improvements**

##### **Project Summary:**

Project will include reconstructing Calhoun Street from Nepessing Street to Genesee Street. The Street portion of this project will include a new HMA surface; cement curb and gutters, sidewalk repairs, new ADA accessible sidewalk ramps, storm system improvements, edge drains, new pavement markings and signs. This project will also include new water main with associated appurtenances, sanitary sewer with service leads and storm sump pump leads.

AND WHEREAS, the City Commission deems it advisable and necessary to proceed with said public improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to proceed with the public improvements described above and the plans and estimates of cost as presented are approved.
2. The City Assessor is directed to make and prepare a preliminary special assessment roll in conformity with the requirements of Chapter 64 (Special Assessment Ordinance), Section 64.09 of the General Ordinances of the City of Lapeer.

3. When the preliminary special assessment roll has been completed, the City Assessor shall file the same with the City Clerk for presentation to the City Commission.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

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

Nays: None.

Absent: Gates.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Court Street Improvements – Special Assessment District.

City Manager Dale Kerbyson indicated the project was from the bridge on Court south to Genesee. Mayor Sprague indicated that Mr. Gerlach has gone on record as being in favor of the project.

Mayor Sprague opened the public hearing at 6:45 p.m. There being no comments, Mayor Sprague closed the public hearing at 6:46 p.m.

**14 2017 01-17**

Moved by Marquardt. Seconded by Atwood.

Approve Resolution #3 to determine the project necessary and order the preliminary roll prepared regarding the Court Street Improvements, Special Assessment District #2017-02.

RESOLUTION NO. 3

**CITY OF LAPEER - SPECIAL ASSESSMENT**

**Court Street Improvements - Special Assessment District No. 2017-02**

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described:

**Court Street Improvements**

Project Summary:

Project will include reconstructing Court Street from the Court Street Bridge to Genesee Street. The Street portion of this project will include a new HMA surface; cement curb and gutters, sidewalk repairs, new ADA accessible sidewalk ramps, storm system improvements, edge drains, new pavement markings and signs. This project will also include new water main with associated appurtenances, sanitary sewer with service leads and storm sump pump leads.

AND WHEREAS, the City Commission deems it advisable and necessary to proceed with said public improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to proceed with the public improvements described above and the plans and estimates of cost as presented are approved.
2. The City Assessor is directed to make and prepare a preliminary special assessment roll in conformity with the requirements of Chapter 64 (Special Assessment Ordinance), Section 64.09 of the General Ordinances of the City of Lapeer.
3. When the preliminary special assessment roll has been completed, the City Assessor shall file the same with the City Clerk for presentation to the City Commission.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.  
Nays: None.  
Absent: Gates.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

DeMille Street Improvements – Special Assessment District.

City Manager Dale Kerbyson indicated the project was from Harrison Street west to DeMille Boulevard.

Mayor Sprague opened the public hearing at 6:47 p.m. There being no comments, Mayor Sprague closed the public hearing at 6:47 p.m.

**15 2017 01-17**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Resolution #3 to determine the project necessary and order the preliminary roll prepared regarding the DeMille Street Improvements, Special Assessment District #2017-03.

RESOLUTION NO. 3

CITY OF LAPEER - SPECIAL ASSESSMENT  
DeMille Street Improvements Special Assessment District No. 2017-03

At a regular meeting of the Lapeer City Commission of the City of Lapeer, County of Lapeer, Michigan, held in said City on the 17<sup>th</sup> day of January, 2017 there were:

PRESENT: Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt.

ABSENT: Commissioner Gates.

MOVED BY: Bostick-Tullius.

SECONDED BY: Marquardt.

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described:

DeMille Street Improvements

Project Summary:

Project will include reconstructing DeMille Street from Harrison Street west to the beginning of DeMille Blvd. This project will include HMA base crushed and reshaped, structure adjustments, installation of pavement, underdrain, minor curb and gutter replacement as required and the placement of 9 inches of asphalt.

AND WHEREAS, the City Commission deems it advisable and necessary to proceed with said public improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to proceed with the public improvements described above and the plans and estimates of cost as presented are approved.
2. The City Assessor is directed to make and prepare a preliminary special assessment roll in conformity with the requirements of Chapter 64 (Special Assessment Ordinance), Section 64.09 of the General Ordinances of the City of Lapeer.
3. When the preliminary special assessment roll has been completed, the City Assessor shall file the same with the City Clerk for presentation to the City Commission.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt.  
Nays: None.  
Absent: Gates.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## ADMINISTRATIVE REPORTS

### Calhoun Street Improvements – Special Assessment District.

**16 2017 01-17**

Moved by Bostick-Tullius. Seconded by Atwood.

Approve Resolution #4 accepting the preliminary roll and setting a public hearing for February 6, 2017 at 6:30 p.m. or as soon thereafter as may be heard regarding the Calhoun Street Improvements, Special Assessment District #2017-01.

#### RESOLUTION NO. 4

##### CITY OF LAPEER - SPECIAL ASSESSMENT

Calhoun Street Improvements - Special Assessment District No. 2017-01

WHEREAS, the City Assessor has prepared a preliminary special assessment roll for the purpose of specifically assessing that portion of the costs of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the City Commission by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said preliminary special assessment roll shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
2. The City Commission shall meet on February 6, 2017 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing all persons interested in said preliminary special assessment roll and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to cause notice of said hearing to be published once in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person of interest in the property in the special assessment district more particularly described in the following notice at the address shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

##### CITY OF LAPEER

##### COUNTY OF LAPEER, MICHIGAN

#### NOTICE OF HEARING TO REVIEW PRELIMINARY SPECIAL ASSESSMENT ROLL

TO THE OWNERS OF ALL PROPERTY WITHIN THE FOLLOWING DESCRIBED SPECIAL ASSESSMENT DISTRICT #2017-01:

#### Calhoun Street Improvements.

That part of Calhoun Street extending from the south right-of-way of Nepessing Street southerly to the northerly right-of-way of Genesee Street.

TAKE NOTICE that a preliminary special assessment roll has been prepared for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

Calhoun Street Improvements

#### Project Summary:

Project will include reconstructing Calhoun Street from Nepessing Street to Genesee Street. The Street portion of this project will include a new HMA surface; cement curb and gutters, sidewalk repairs, new ADA accessible sidewalk ramps, storm system improvements, edge drains, new pavement markings and signs. This project will also include new water main with

associated appurtenances, sanitary sewer with service leads and storm sump pump leads.

The said preliminary special assessment roll is on file for public examination with the City Clerk. Objections to said preliminary special assessment may be made in writing prior to the close of the hearing or by personal appearance at the time of the hearing to review said preliminary special assessment roll. A written protest filed prior to the close of said hearing or an oral protest made by an owner or party of interest or his or her agent at the time of said hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal. A written appeal of the special assessment may be filed with the State Tax Tribunal within 30 days after confirmation by the City Commission of the Special Assessment Roll.

TAKE FURTHER NOTICE that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on February 6, 2017 for the purpose of reviewing said preliminary special assessment roll and hearing any objections thereto.

DONNA L. CRONCE, MMC/CMMC  
CITY CLERK, CITY OF LAPEER

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

Nays: None.

Absent: Gates.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Court Street Improvements – Special Assessment District.

#### **17 2017 01-17**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve Resolution #4 accepting the preliminary roll and setting a public hearing for February 6, 2017 at 6:30 p.m. or as soon thereafter as may be heard regarding the Court Street Improvements, Special Assessment District #2017-02.

#### RESOLUTION NO. 4

#### CITY OF LAPEER - SPECIAL ASSESSMENT Court Street Improvements - Special Assessment District No. 2017-02

WHEREAS, the City Assessor has prepared a preliminary special assessment roll for the purpose of specifically assessing that portion of the costs of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the City Commission by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said preliminary special assessment roll shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
2. The City Commission shall meet on February 6, 2017 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing all persons interested in said preliminary special assessment roll and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to cause notice of said hearing to be published once in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person of interest in the property in the special assessment district more particularly described in the following notice at the address shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

CITY OF LAPEER  
COUNTY OF LAPEER, MICHIGAN  
NOTICE OF HEARING TO REVIEW PRELIMINARY SPECIAL ASSESSMENT ROLL

TO THE OWNERS OF ALL PROPERTY WITHIN THE FOLLOWING  
DESCRIBED SPECIAL ASSESSMENT DISTRICT #2017-02:

Court Street Improvements.

That part of Court Street beginning south of the Court Street Bridge and continuing southerly to the northerly right-of-way of West Genesee Street.

TAKE NOTICE that a preliminary special assessment roll has been prepared for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

Court Street Improvements

Project Summary:

Project will include reconstructing Court Street from the Court Street Bridge to Genesee Street. The Street portion of this project will include a new HMA surface; cement curb and gutters, sidewalk repairs, new ADA accessible sidewalk ramps, storm system improvements, edge drains, new pavement markings and signs. This project will also include new water main with associated appurtenances, sanitary sewer with service leads and storm sump pump leads.

The said preliminary special assessment roll is on file for public examination with the City Clerk. Objections to said preliminary special assessment may be made in writing prior to the close of the hearing or by personal appearance at the time of the hearing to review said preliminary special assessment roll. A written protest filed prior to the close of said hearing or an oral protest made by an owner or party of interest or his or her agent at the time of said hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal. A written appeal of the special assessment may be filed with the State Tax Tribunal within 30 days after confirmation by the City Commission of the Special Assessment Roll.

TAKE FURTHER NOTICE that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on February 6, 2017 for the purpose of reviewing said preliminary special assessment roll and hearing any objections thereto.

DONNA L. CRONCE, MMC/CMMC  
CITY CLERK, CITY OF LAPEER

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

Nays: None.

Absent: Gates.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

DeMille Street Improvements – Special Assessment District.

**18 2017 01-17**

Moved by Marquardt. Seconded by Atwood.

Approve Resolution #4 accepting the preliminary roll and setting a public hearing for February 6, 2017 at 6:30 p.m. or as soon thereafter as may be heard regarding the DeMille Street Improvements, Special Assessment District #2017-03.

RESOLUTION NO. 4

CITY OF LAPEER - SPECIAL ASSESSMENT  
DeMille Street Improvements - Special Assessment District No. 2017-03



WHEREAS, the City Assessor has prepared a preliminary special assessment roll for the purpose of specifically assessing that portion of the costs of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the City Commission by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said preliminary special assessment roll shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
2. The City Commission shall meet on February 6, 2017 at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing all persons interested in said preliminary special assessment roll and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to cause notice of said hearing to be published once in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person of interest in the property in the special assessment district more particularly described in the following notice at the address shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

CITY OF LAPEER  
COUNTY OF LAPEER, MICHIGAN  
NOTICE OF HEARING TO REVIEW PRELIMINARY SPECIAL ASSESSMENT ROLL

TO THE OWNERS OF ALL PROPERTY WITHIN THE FOLLOWING  
DESCRIBED SPECIAL ASSESSMENT DISTRICT #2017-03:

DeMille Street Improvements.

That part of DeMille Street beginning at the westerly right-of-way of Harrison Street and continuing westerly along DeMille Street to a point of ending described as being located S88°02'33"W ALG N SEC LN 1100 FT FRM NE COR of Section 7, City of Lapeer.

TAKE NOTICE that a preliminary special assessment roll has been prepared for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

DeMille Street Improvements

Project Summary:

Project will include reconstructing DeMille Street from Harrison Street west to the beginning of DeMille Blvd. This project will include HMA base crushed and reshaped, structure adjustments, installation of pavement, underdrain, minor curb and gutter replacement as required and the placement of 9 inches of asphalt.

The said preliminary special assessment roll is on file for public examination with the City Clerk. Objections to said preliminary special assessment may be made in writing prior to the close of the hearing or by personal appearance at the time of the hearing to review said preliminary special assessment roll. A written protest filed prior to the close of said hearing or an oral protest made by an owner or party of interest or his or her agent at the time of said hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal. A written appeal of the special assessment may be filed with the State Tax Tribunal within 30 days after confirmation by the City Commission of the Special Assessment Roll.

TAKE FURTHER NOTICE that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on February 6, 2017 for

the purpose of reviewing said preliminary special assessment roll and hearing any objections thereto.

DONNA L. CRONCE, MMC/CMMC  
CITY CLERK, CITY OF LAPEER

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

Nays: None.

Absent: Gates.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Cash 4 All: Secondhand Dealer & Pawnbrokers License.

**19 2017 01-17**

Approved by Mayor Sprague. Moved by Marquardt. Seconded by Bostick-Tullius.

Approve a Secondhand Dealer License and Pawnbrokers License for CASH 4 ALL located at 773 East Street, Lapeer.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

Mid Valley Transportation LLC.

**20 2017 01-17**

Moved by Bennett. Seconded by Atwood.

Approve Mid Valley Transportation LLC for Taxi Cab License #2017-01-TAXI.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

Bee Right There Taxi, LLC.

**21 2017 01-17**

Moved by Bennett. Seconded by Marquardt.

Approve Bee Right There Taxi LLC for Taxi Cab License #2017-02-TAXI.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

Tax Increment Finance Authority (TIFA 3).

Second Restated Tax Increment Financing Plan No. 3 and Development Plan No. 3.

**22 2017 01-17**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve Resolution Setting Public Hearing For Proposed Restatement And Amendments Of Development Plan No. 3 and Tax Increment Financing Plan No. 3 for March 6, 2017 at 6:30 p.m. or as soon thereafter as may be heard.

RESOLUTION SETTING PUBLIC HEARING FOR  
PROPOSED RESTATEMENT AND AMENDMENTS OF DEVELOPMENT PLAN NO. 3  
AND TAX INCREMENT FINANCING PLAN NO. 3

WHEREAS, on May 21, 1984, the City Commission adopted a Resolution approving the Tax Increment Financing Plan No. 3 and Development Plan No. 3; and

WHEREAS, the City Commission approved a restatement of the plan in 2005 following amendments and approved amendments in 2008 and 2010; and

WHEREAS, Section 18(2) of the Tax Increment Financing Act, being Act No. 450 of the Public Acts of 1980, as amended ("the Act") provides that amendments to an approved development plan or tax increment plan must be submitted by the Authority to the governing body for approval or rejection following the same notice and public hearing provisions that are necessary for approval or rejection of the original plan; and

WHEREAS, Section 13(4) of the Act provides that before the public hearing on the tax increment financing plan, the governing body shall provide a reasonable opportunity to the taxing jurisdiction in which the development is located to express their views and recommendations regarding the tax increment financing plan and provides that the Authority shall fully inform the taxing jurisdiction about the fiscal and economic implications of the proposed tax increment financing plan; and

WHEREAS, the Act provides that the governing body, before adoption of a resolution approving a development plan or tax increment financing plan, shall hold a public hearing on the development plan.

NOW, THEREFORE, BE IT RESOLVED that the Lapeer City Commission shall conduct a public hearing in the City Commission Chambers of the City of Lapeer, 576 Liberty Park, Lapeer, Michigan 48446 on the 6<sup>th</sup> day of March, 2017 at 6:30 p.m., or as soon thereafter as the matter can be heard, to consider a resolution approving the Second Restated Development Plan No. 3 and Tax Increment Financing Plan No. 3 with amendments.

BE IT FURTHER RESOLVED that the Lapeer City Commission shall provide a reasonable opportunity to the taxing jurisdictions in which the development is located to express their views and recommendations regarding the tax increment financing plan at 6:30 p.m. on the 6<sup>th</sup> day of March, 2017, in the Lapeer City Commission Chambers located in the Lapeer City Hall.

BE IT FURTHER RESOLVED the *LA View* is hereby designated as the newspaper of general circulation in which the required notices shall be published.

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

Nays: None.

Absent: Gates.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **CITY MANAGER'S REPORT**

### Farm Land Lease Agreements.

#### **23 2017 01-17**

Moved by Atwood. Seconded by Bennett.

Approve the Lease Agreements for farm land leases as follows:

Parcel #1 – T. Jostock Farms @ \$106/acre (53 acres)

Parcel #2 – Hunt Farms @ \$105/acre (47+ acres)

and authorize the Mayor and City Manager to sign said Lease Agreements.

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

Nays: None.

Absent: Gates.

MOTION CARRIED.

## **CITY ATTORNEY'S REPORT**

None.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports and the Monthly Financial Report for November, 2016 were received into record as presented.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Read the preamble of the Constitution of the State of Michigan.

Commissioner Atwood: Coffee with a Commish on 1/30/17 at 7:00 p.m. at St. Mathews Church.

Commissioner Bostick-Tullius: DDA Main Street Program presentation to MEDC, this Saturday to do a downtown chain link with business owners, event is open to the public, will be captured by drone video, invited all to come out and support the downtown, starts at 10:00 a.m. Thoughts go out to Denise Becker and her family on the loss of her daughter.

Commissioner Marquardt: Be safe during the winter months.

City Manager Dale Kerbyson: Appreciated Rich McCarthy's comments on the SAD project; Mayor Sprague Facebook correction in regards to inaccurate information.

Mayor Sprague: Thoughts go out to the family of Denise Becker on loss of her daughter as well as family on loss of son Anthony Herbert, it is sad to lose anyone especially those so young. Facebook correction was a posting indicating a homeless veteran was living under a trailer at White Junior High, this is untrue, the police was involved and this is a person that does not want help, City's goal is to have no homeless veterans in the City.

## **ADJOURNMENT**

**24 2017 01-17**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: Gates.

**MOTION CARRIED.**

The regular meeting adjourned at 7:00 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
February 6, 2017**

A regular meeting of the Lapeer City Commission was held February 6, 2017 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, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan, absent.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**25 2017 02-06**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for February 6, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**26 2017 02-06**

Moved by Marquardt. Seconded by Bennett.

Approve the minutes from the Regular Meeting held January 17, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Run Drugs Out of Town – Presentation.

Peggy Patten and Tina Dinnan provided a review of Families Against Narcotics, what they stand for and what they do, events to educate on the abuse of prescription narcotics.

Janet Adams, Baldwin Road, gave invocation.

Patsy Allen, 227 N. Calhoun Street, asked why residents were paying for road improvements.

**CONSENT AGENDA**

**27 2017 02-06**

Moved by Gates. Seconded by Atwood.

Approve the Consent Agenda for February 6, 2017 resulting in the following.

1. Special Event Request from Lakestone Bank & Trust, Annual Ice Cream Social, June 16, 2017, use of Farmers Market Pavilion.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR FEBRUARY 6, 2017**

**28 2017 02-06**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for February 6, 2017 in the amount of \$1,053,767.45.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

### Calhoun Street Improvements – Special Assessment District.

Mayor Sprague explained the public hearing process, a time for citizens to voice their opinion or ask questions, not an opportunity for argument or debate, allow fairness to all who wish to speak. City Manager Dale Kerbyson indicated that the roll reflected the anticipated costs, benefit verses front foot assessment. Brief discussion on the roll presented would be the maximum the residents would be charged which is 15% of cost, payments to be spread over 10 years, City to pay for majority of project.

Mayor Sprague opened the public hearing at 6:42 p.m.

Patsy Allen, 227 Calhoun, commented on why citizens are paying for this project as the gas price was upped to pay for the roads. City Manager Dale Kerbyson explained the revenue from the gas tax under Act 51, use of revenue is towards road maintenance. Mayor Sprague indicated that the revenue received does not go into reconstruction of the roads.

Roger Dougherty, 217 N. Calhoun, commented on calculation of costs, most homes in area are rentals and have more road frontage. City Manager Dale Kerbyson explained the benefit verses front foot assessment and the average of cost that would be more beneficial to the residents.

Patsy Allen agreed with Mr. Dougherty; the rental across the street would have more use; cannot afford this assessment.

There being no further comments, Mayor Sprague closed the public hearing at 6:48 p.m. Discussion was held regarding formula used for benefit verses front footage cost, homeowner inability to pay assessment and that unpaid assessments would be added to property taxes.

### **29 2017 02-06**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Resolution #5 confirming the roll for the Calhoun Street Improvements, Special Assessment District #2017-01.

## **RESOLUTION NO. 5**

### **CITY OF LAPEER SPECIAL ASSESSMENT Calhoun Street Improvements Special Assessment District No. 2017-01**

WHEREAS, the City Commission has met after due and legal notice and reviewed the preliminary special assessment roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said preliminary special assessment roll, the Commission deems said preliminary special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The preliminary special assessment roll as prepared by the City Assessor in the amount of \$50,519.40 is hereby accepted and confirmed and shall be known as

Special Assessment Roll No. 2017-01 and shall be placed on file in the office of the City Clerk.

2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2017 and the remaining installments shall come due in consecutive order, one each year not to exceed ten (10) years in total, on the 1st day of October beginning with the year 2017.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2017. Provided, however, in the event bonds/loans are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said bonds/loans payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. A collection fee of 1% for every special assessment installment due shall be added. In addition, a penalty for every special assessment or installment thereof one month in default because of nonpayment shall have added a collection penalty fee of 1% for each month or fraction thereof so in default.
5. The City Clerk is directed to endorse the date of this confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by Chapter 64 (Special Assessment Ordinances) of the General Ordinances of the City of Lapeer and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments or any installment thereof have become due to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Court Street Improvements – Special Assessment District.

City Manager Dale Kerbyson commented on the benefit cost, support of the project by Mr. Gerlach. Mayor Sprague clarified that no water or infrastructure cost are contained in any of the assessments being presented, only the street portion of cost.

Mayor Sprague opened the public hearing at 7:01 p.m. There being no comments, Mayor Sprague closed the public hearing at 7:01 p.m.

#### **30 2017 02-06**

Moved by Bostick-Tullius. Seconded by Gates.

Approve Resolution #5 confirming the roll for the Court Street Improvements, Special Assessment District #2017-02.

RESOLUTION NO. 5

CITY OF LAPEER  
SPECIAL ASSESSMENT  
Court Street Improvements  
Special Assessment District No. 2017-02

WHEREAS, the City Commission has met after due and legal notice and reviewed the preliminary special assessment roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said preliminary special assessment roll, the Commission deems said preliminary special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The preliminary special assessment roll as prepared by the City Assessor in the amount of \$91,450.56 is hereby accepted and confirmed and shall be known as Special Assessment Roll No. 2017-02 and shall be placed on file in the office of the City Clerk.
2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2017 and the remaining installments shall come due in consecutive order, one each year not to exceed ten (10) years in total, on the 1st day of October beginning with the year 2017.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2017. Provided, however, in the event bonds/loans are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said bonds/loans payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. A collection fee of 1% for every special assessment installment due shall be added. In addition, a penalty for every special assessment or installment thereof one month in default because of nonpayment shall have added a collection penalty fee of 1% for each month or fraction thereof so in default.
5. The City Clerk is directed to endorse the date of this confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by Chapter 64 (Special Assessment Ordinances) of the General Ordinances of the City of Lapeer and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments or any installment thereof have become due to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ON A ROLL CALL VOTE.

AYES: Commissioners Atwood, Bostick-Tullius, Marquardt, Gates, Bennett.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

#### DeMille Street Improvements – Special Assessment District.

City Manager Dale Kerbyson indicated the project was from Harrison Street to far side of Applebees near DeMille Boulevard.

Mayor Sprague opened the public hearing at 7:02 p.m. There being no comments, Mayor Sprague closed the public hearing at 7:02 p.m.

**31 2017 02-06**

Moved by Bennett. Seconded by Gates.



Approve Resolution #5 confirming the roll for the DeMille Street Improvements, Special Assessment District #2017-03.

RESOLUTION NO. 5

CITY OF LAPEER  
SPECIAL ASSESSMENT  
DeMille Street Improvements  
Special Assessment District No. 2017-03

WHEREAS, the City Commission has met after due and legal notice and reviewed the preliminary special assessment roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said preliminary special assessment roll, the Commission deems said preliminary special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The preliminary special assessment roll as prepared by the City Assessor in the amount of \$40,073.00 is hereby accepted and confirmed and shall be known as Special Assessment Roll No. 2017-03 and shall be placed on file in the office of the City Clerk.
2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2017 and the remaining installments shall come due in consecutive order, one each year not to exceed ten (10) years in total, on the 1st day of October beginning with the year 2017.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2017. Provided, however, in the event bonds/loans are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said bonds/loans payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. A collection fee of 1% for every special assessment installment due shall be added. In addition, a penalty for every special assessment or installment thereof one month in default because of nonpayment shall have added a collection penalty fee of 1% for each month or fraction thereof so in default.
5. The City Clerk is directed to endorse the date of this confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by Chapter 64 (Special Assessment Ordinances) of the General Ordinances of the City of Lapeer and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments or any installment thereof have become due to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ON A ROLL CALL VOTE:

AYES: Commissioners Marquardt, Bostick-Tullius, Atwood, Bennett, Gates.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

## **ADMINISTRATIVE REPORTS**

### **Audit Report – Shannon VanderHaar.**

Shannon VanderHaar, Layton and Richardson PC, reviewed the Audit Report and audit recommendations for the fiscal year ending June 30, 2016. Discussion was held regarding audit recommendations and compliance, disbarment policy, review of checks, nothing inappropriate within audit, statewide rating.

### **32 2017 02-06**

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the Audit Report and accept the Audit Recommendations for Year Ending June 30, 2016 as presented by Layton and Richardson PC.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **CITY MANAGER'S REPORT**

City Manager Dale Kerbyson indicated that he was no longer the President of Michigan Municipal Executives (MME).

## **CITY ATTORNEY'S REPORT**

None.

## **UNFINISHED BUSINESS**

### **33 2017 02-06**

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Gates.

Appoint the following:

Charles Dixon Lapeer Housing Commission, term ending 08-01-18.

Charles Dixon Lapeer Housing Board of Appeals, term ending 05-01-17.

Charles Dixon Lapeer Neighborhoods, Inc., term ending 08-01-17.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Downtown Development Authority Status Report was received into record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

### **CLOSED SESSION REQUEST: City Manager Evaluation.**

### **34 2017 02-06**

Moved by Bostick-Tullius. Seconded by Gates.

Approve a Closed Session Request at the end of the Regular meeting for the purpose of discussing the City Manager Evaluation.

ON A ROLL CALL VOTE:

AYES: Commissioners Gates, Bennett, Atwood, Bostick-Tullius, Marquardt.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

Commissioner Bennett: Congratulate the City Manager for time served on Michigan Manager's Board.

Commissioner Atwood: Coffee with a Commish, people are speaking their mind, reviewed with Dale on customer service concerns, working on couple of issues, letting people know he is listening.

Commissioner Bostick-Tullius: I-69 summit, speaker on economic development in Michigan, Detroit area and space issues, connection access, streamline planning process, get businesses to come this way; MML dinner and new legislation in senate and house.

Commissioner Marquardt: I-69 summit, Detroit area and space issues, streamline review process, have projects ready to go, involve Patricia Lucas; movie Patriots Day, thank you to Police/Fire/EMS crew; Zettle situation and how she has taken the "high road", hatred in our community, we need to stand and say "no, not happening here".

City Manager Dale Kerbyson: I-69 event and involvement with Next Michigan Development Corporation as well as Lapeer Development Corporation, work with Oakland and Wayne Counties to send businesses looking for 25+ acres our way, LDC involved with sending Executive Director to Detroit Chamber of Office meetings and attending at least one out-of-state meeting; corridor study needs assessment and empty spaces that need to be filled, buildings available, prepping of sites to be ready; Patriot Day movie.

Mayor Sprague: Thank you to City Manager Dale Kerbyson for taking care of the truck/trailer at White Junior High and assisting with the gentlemen that needed help; Zettle situation, known her for years, has no respect for who did this and challenge them to come forward, appreciate what Police has done, show how we as a community come together and respond.

Closed Session: City Manager Evaluation.

The Commission convened to a Closed Session for the purpose of discussing the City Manager Evaluation at 7:37 p.m. and returned to its regular meeting at 8:35 p.m.

**35 2017 02-06**

Moved by Gates. Seconded by Bostick-Tullius.

Approve an extension to the City Manager's contract for six years, ending 12-31-2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**ADJOURNMENT**

**36 2017 02-06**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:35 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
February 20, 2017**

A regular meeting of the Lapeer City Commission was held February 20, 2017 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, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**48 2017 02-20**

Moved by Gates. Seconded by Marquardt.  
Approve the Agenda for February 20, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**MINUTES**

**49 2017 02-20**

Moved by Marquardt. Seconded by Gates.  
Approve the minutes from the Regular Meeting and Closed Session held February 6, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Judy Vail, Main Street, gave invocation.

Mike Nolan commented on the Lapeer Lady Lightning, Breast Cancer Fund Raiser Shoot for a Cure, February 21<sup>st</sup> at Lapeer High School, all donations will go to Susan Komen Research Center.

**CONSENT AGENDA**

**50 2017 02-20**

Moved by Gates. Seconded by Atwood.  
Approve the Consent Agenda for February 20, 2017 resulting in the following.

1. Special Event Request from DDA/Center for the Arts of Greater Lapeer, Art on Nepessing Street, June 2 & 3, 2017, Nepessing Street between Court & Pine Streets, vacant lot next to the Pix Theater and Court Street from Nepessing to alley.
2. Special Event Request from Pregnancy Resource Center, 5K Run/Walk/ Bike-A-Thon, August 26, 2017, Rowden Park.
3. Special Event Request from Voiture 1536 40 et 8 Lapeer County, Fantasy Forest, October 14, 2017, Rowden Park, contingent upon receipt of current insurance.
4. Special Event Request from The Center for Discipleship, Ezra Project – Word Alive, September 21-24, 2017, Farmers Market Pavilion, contingent upon receipt of current insurance.
5. Special Event Request from Historic Farmers Market of Lapeer, Farmers Market, every Wednesday and Saturday, starting May 6, 2017 through October 28, 2017, downtown Lapeer, contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **BILL LISTING FOR FEBRUARY 20, 2017**

### **51 2017 02-20**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for February 20, 2017 in the amount of \$1,428,300.59.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Resolution: In Support of the Flint River Water Trail Partnership Project.

### **52 2017 02-20**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Resolution In Support of the National Water Trail Designation for the Flint River Water Trail and Flint River Water Trail Partnership.

Resolution In Support of the National Water Trail Designation for the  
Flint River Water Trail and Flint River Water Trail Partnership

WHEREAS, the Flint River Water Trail is a valuable resource for non-motorized recreation, education, stewardship and tourism within City of Lapeer and its surrounding communities;

WHEREAS, a new public/private collaborative is proposed to be formed, known as the Flint Water Trail Partnership, which will endeavor to use the collective and cooperative energy of the Partnership and its prospective members to support projects which:

- Investigate avenues for increasing funding of conservation, restoration and non-motorized recreation along the Flint Water Trail;
- Increase community awareness of the recreational and environmental value of a healthy Flint River;
- Encourage development of canoe and kayak launches at new facilities along the river and facilities that are slated for significant improvements or renovations;
- Provide public information on the Flint River Water Trail through partner websites, as well as promotional and educational materials; and
- Promote the Flint River Water Trail as a valuable resource for non-motorized recreation, education, stewardship and tourism.

WHEREAS, the City of Lapeer understands and agrees that a healthy Flint River and its watershed is important to its citizens and that the recreational, ecological, economic and social opportunities afforded by the development and support of the Flint Water Trail are consistent with this Commission's goals to promote the sustainability and viability of such an important waterway;

WHEREAS, the City of Lapeer supports the National Water Trail designation for the Flint River Water Trail and understands that such a designation does not require extra regulations or compromise the ability for us to manage our lands in any manner. We also understand that receiving this designation will increase awareness of and visitors to the Flint River Water Trail, the public lands along the river corridor and the water trail communities.

WHEREAS, the City of Lapeer confirms that all of the specific lands under our jurisdiction that are listed as open to the public in the Flint River Water Trail Management Plan and associated maps are, in fact, open to the public and it is our intent for them to remain so for at least the next ten years. These access points are located within:

Farmer's Creek at Oakdale  
Cramton Park

Lapeer City Commission Regular Minutes

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## Rotary Park

WHEREAS, the City of Lapeer agrees to continue to work with the Flint River Water Trail facilitator and the Flint River Watershed Coalition to become an official Partner of the Flint River Water Trail Partnership.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and City Commission of the City of Lapeer supports and encourages the National Water Trail designation for the Flint River Water Trail and creation of the Flint River Water Trail Partnership. The ability to achieve common and related goals can be enhanced significantly by working collaboratively to support projects that further the vision of the water trail and mission of the Partnership.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## PUBLIC HEARINGS

None.

## ADMINISTRATIVE REPORTS

Rezoning – R2 Single Family Residential to B-2 General Business.  
1061 & 1073 S. Main, 1073 Cliff Drive.

Commissioner Bostick-Tullius introduced a proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.02.02(a)(10) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

### ARTICLE 7.02 MAPPED DISTRICTS

#### 7.02.02 District Boundaries

#### (a) Zoning District Amendments

- (10) The following properties formerly zoned R-2 Single Family Residential are hereby rezoned to B-2 General Business:

1061 S. Main Street; Tax I.D. #21-16-550-005-00; Sec 8 T7N R10E Churchill Farms Subdivision Lot 5;

1073 S. Main Street; Tax I.D. #L21-16-550-006-00; Sec 8 T7N R10E Churchill Farms Subdivision Lot 6; and

1073 Cliff Drive; Tax I.D. #L21-16-550-027-00; Sec 8 T7N R10E Churchill Farms Subdivision Lot 27.

## CITY MANAGER'S REPORT

No report.

## CITY ATTORNEY'S REPORT

City Attorney Michael Nolan requested a Closed Session to discuss information subject to attorney-client privilege and the sale of real property.

### 53 2017 02-20

Moved by Bennett. Seconded by Marquardt.

To go into Closed Session at the end of the regular meeting for the purpose of discussing information subject to attorney-client privilege and the sale of real property.

ON A ROLL CALL VOTE:

YEAS: Bostick-Tullius, Marquardt, Gates, Bennett, Atwood.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

## **UNFINISHED BUSINESS**

### **54 2017 02-20**

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

Appoint the following:

Angela Schliter EDC/TIFA/Brownfield, term ending 03-01-23.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **55 2017 02-20**

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Marquardt.

Appoint the following:

Austin Kelly Planning Commission, term ending 08-01-17.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **56 2017 02-20**

Moved by Bostick-Tullius. Seconded by Gates.

Appoint the following:

Alyssa Walker Zoning Board of Appeals - Alternate, term ending 04-01-18.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Reports, Monthly Financial Report for December, 2016 and Investment Report for the Quarter Ending December 31, 2016 were received into the record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Thanked the lady for prayer.

Commissioner Gates: Congratulations to board appointees; presentation in Lansing on downtown Lapeer, heard part of presentation, wonderful job, thank you to those who went and supported the City of Lapeer.

Commissioner Marquardt: Questioned dates set up for medical marihuana panel, City Manager responded has sent a list of dates to panel members and awaiting response. Brief discussion on meeting will not be short, hard to do before/after usual meeting, there are four panel members, workshop to be in March.

City Manager Dale Kerbyson: Presentation on Main Street in Lansing, had video updates by people there, good feedback, unable to attend due to meeting schedule.

Commissioner Bostick-Tullius: Good community engagement at Main Street presentation in Lansing, Wes Smith and Crystal attended from paper, all spoke highly of City, good turnout, should hear something next week.

### **Closed Session: Sale of Property.**

The Commission convened to a Closed Session for the purpose of discussing information subject to attorney-client privilege and the sale of real property at 6:42 p.m. and returned to its regular meeting at 7:23 p.m.

**57     2017   02-20**

Moved by Bennett. Seconded by Gates.

Accept the Offer To Purchase Real Estate from the Lapeer District Library and authorize the Mayor and City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**ADJOURNMENT**

**58     2017   02-20**

Moved by Bostick-Tullius. Seconded by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:24 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, City Clerk



**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
March 6, 2017**

A regular meeting of the Lapeer City Commission was held March 6, 2017 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, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**59 2017 03-06**

Moved by Bennett. Seconded by Gates.  
Approve the Agenda for March 6, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**MINUTES**

**60 2017 03-06**

Moved by Marquardt. Seconded by Gates.  
Approve the minutes from the Regular Meeting and Closed Session held February 20, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Janet Adams, Baldwin, gave invocation.

**CONSENT AGENDA**

**61 2017 03-06**

Moved by Gates. Seconded by Marquardt.  
Approve the Consent Agenda for March 6, 2017 resulting in the following.  
1. Special Event Request from Lapeer County Intermediate School District, Annual Great Start Family Fun Day, June 21, 2017, closure of Court Street from Nepessing south to Alley, use of City sidewalk downtown.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**BILL LISTING FOR MARCH 6, 2017**

**62 2017 03-06**

Moved by Marquardt. Seconded by Gates.  
Approve the Bill Listing for March 6, 2017 in the amount of \$2,000,169.88.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

## PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

## PUBLIC HEARINGS

Tax Increment Finance Authority (TIFA 3).

Second Restated Tax Increment Financing Plan No. 3 and Development Plan No. 3.

Mayor Sprague introduced David Churchill as the attorney for the TIFA #3 Plan. Mr. Churchill explained what a TIFA is and that TIFA Plan #3 includes DeMille west of M-24 and Oakdale properties, as well as surrounding areas. Past projects which TIFA Plan #3 has contributed to includes development of Summit and Harrison Streets, acquisition of Oakdale property with removal of buildings and cleanup of site, Charter School, Mott College to name a few. The current plan expires in 2018 and the board is requesting a 15 year amendment.

Mayor Sprague gave an opportunity for any taxing jurisdiction to comment on the proposed Resolution to amend the TIFA Plan #3. County Commissioner Lenny Schneider provided handouts and gave a history of the County's financial status indicating the County cannot afford to continue losing money, the County is currently spending more than what it is bringing in and is against a 15 year amendment to the TIFA Plan #3. However, as the County Commissioner keeping the best interest of the residents in mind, he recognizes the responsibilities of the City to take care of large revenue and that the TIFA Plan #3 shows how it is supposed to be used.

Mayor Sprague opened the public hearing at 6:45 p.m. Hearing no comments from the public, Mayor Sprague closed the public hearing at 6:45 p.m.

### **63 2017 03-06**

Moved by Bostick-Tullius. Seconded by Gates.

Approve Resolution Determining That The Second Restated Tax Increment Financing Plan No. 3 And Development Plan No. 3 Constitute A Public Purpose And Approving The Plans.

## CITY OF LAPEER

### RESOLUTION DETERMINING THAT THE SECOND RESTATED TAX INCREMENT FINANCING PLAN NO. 3 AND DEVELOPMENT PLAN NO. 3 CONSTITUTE A PUBLIC PURPOSE AND APPROVING THE PLANS

### RECITALS

- A. On May 21, 1984 the City Commission adopted a resolution establishing Tax Increment Financing Plan No. 3 and Development Plan No. 3.
- B. The Tax Increment Financing Plan No. 3 and Development Plan. No. 3 was restated in 2005 following amendments and was amended again in 2008 and 2010.
- C. Section 18(2) of the Tax Increment Finance Authority Act, being Act No. 450 of 1980 (the Act), provides that amendments to an approved development plan or tax increment plan must be submitted by the authority to the governing body for approval, rejection, or modification following the same procedure as the approval or rejection of the original plan.
- D. On January 11, 2017, The Tax Increment Finance Authority of the City of Lapeer adopted a Second Restated Tax Increment Financing Plan No. 3 and Development Plan No. 3.
- E. The Second Restated Tax Increment Financing Plan complies with Section 13 and Section 14 of the Act.
- F. The Development Plan complies with Section 16 of the Act.

- G. Notice of public hearing on the Second Restated Tax Increment Financing Plan and Development Plan has been provided pursuant to Section 17 of the Act.
- H. Pursuant to Section 13(4) of the Act, the Lapeer City Commission on March 6, 2017 provided a reasonable opportunity to the taxing jurisdictions in which the development is located to express their views and recommendations regarding the Restated Development Plan. No. 3 and Tax Increment Financing Plan No. 3.
- I. The Lapeer City Commission has conducted a public hearing providing an opportunity for interested persons to be heard and to submit communications in writing with reference to the Restated Development Plan. No. 3 and Tax Increment Financing Plan No. 3. The hearing has provided the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the Plan.
- J. Section 18(1) of the Act provides that the governing body of the municipality, after a public hearing, shall determine whether the Tax Increment Financing Plan and Development Plan as amended constitutes a public purpose.
- K. Section 18(1) of the Act provides that if, after a public hearing, the governing body determines that the Development Plan and Tax Increment financing Plan as amended constitutes a public purpose, then it shall approve or reject the plan or approve it with modification by resolution based on certain special conditions.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Lapeer City Commission hereby determines that the Restated Tax Increment Financing Plan No. 3 and Development Plan. No. 3 constitute a public purpose.
- 2. In accordance with Section 18 of the Act, the Lapeer City Commission hereby approves Second Restated Tax Increment Financing Plan No. 3 and Development Plan. No. 3.
- 3. The approval of the Plans is based upon the following considerations:
  - a. That the Restated Development Plan meets the requirements set forth in Section 16(2) and that the Restated Tax Increment Financing Plan meets with the requirements set forth in Section 13 (2) of Act 459, as amended.
  - b. That the proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.
  - c. That the development is reasonable and necessary to carry out the purposes of the Act.
  - d. That the land to be acquired within the development area is reasonably necessary to carry out the purpose of the plan and the purposes of the Act.
  - e. That the Restated Development Plan is in reasonable accord with the approved Master Plan of the City of Lapeer.
  - f. That public services, such a fire and police protection and utilities, are or will be adequate to service the Development Area.
  - g. That changes in streets, street levels, intersections and utilities are reasonably necessary to accomplish the proposed development program.
  - h. That no change in zoning and no taking of property by eminent domain is necessary to accomplish the proposed development program.

- i. That the amount of captured assessed value estimated to result from adoption of the plan as amended is reasonable.
- j. That a citizen's council was not formed because a change in zoning or taking of property by eminent domain was not necessary to accomplish the proposed development program.

ON A ROLL CALL VOTE:

AYES: Commissioners Atwood, Marquardt, Bennett, Gates, Bostick-Tullius.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED APPROVED.

City Attorney Michael Nolan arrived at 6:39 p.m.

## **ADMINISTRATIVE REPORTS**

Rezoning – R2 Single Family Residential to B-2 General Business.

1061 & 1073 S. Main, 1073 Cliff Drive.

### **64 2017 03-06**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve adopting the proposed amendment to Chapter 7 (Zoning Ordinance), Section 7.02.02(a)(10) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

## **ARTICLE 7.02 MAPPED DISTRICTS**

### **7.02.02 District Boundaries**

#### **(a) Zoning District Amendments**

- (10) The following properties formerly zoned R-2 Single Family Residential are hereby rezoned to B-2 General Business:

1061 S. Main Street; Tax I.D. #21-16-550-005-00; Sec 8 T7N R10E Churchill Farms Subdivision Lot 5;

1073 S. Main Street; Tax I.D. #L21-16-550-006-00; Sec 8 T7N R10E Churchill Farms Subdivision Lot 6; and

1073 Cliff Drive; Tax I.D. #L21-16-550-027-00; Sec 8 T7N R10E Churchill Farms Subdivision Lot 27.

ON A ROLL CALL VOTE:

AYES: Commissioners Atwood, Marquardt, Bennett, Gates, Bostick-Tullius.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Public Hearing Request: Focus on Lapeer Home Improvement Program 2017 Application.

### **65 2017 03-06**

Moved by Bennett. Seconded by Marquardt.

Approve setting a public hearing for March 20, 2017 for the Focus on Lapeer Home Improvement Program 2017 application, update on City of Lapeer Homeowner Rehabilitation Grant, HUD \$1 Home and Fair Housing Policy Review at 6:30 p.m. or as soon thereafter as may be heard.

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

Nays: None.

Absent: None.

MOTION CARRIED.

M-24 Reconstruction Project – Pedestrian Tunnel & Water Main Improvements.  
Local Share Payment #19.

**66 2017 03-06**

Moved by Marquardt. Seconded by Gates.

Approve Local Share Payment #19 to the State of Michigan in the amount of \$11,884.14 for the M-24 Reconstruction Project – Pedestrian Tunnel & Water Main Improvements.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights Of Way Ordinance).

Commissioner Marquardt Introduced Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights Of Way Ordinance) of the General Ordinances of the City of Lapeer.

**CHAPTER 66**

**TO REGULATE DAS/SMALL CELL/WIRELESS FACILITIES  
IN THE PUBLIC RIGHTS OF WAY**

**THE CITY OF LAPEER ORDAINS:**

**66.01 DEFINITION.**

For purposes of this section, the following terms and phrases shall be defined as follows:

*DAS/Small Cell/Wireless Network* shall mean any distributed antennae system or small cell telecommunication or data wireless network.

*DAS/Small Cell/Wireless Facilities or DAS/Small Cell/Wireless Network Facilities* means structures of any nature installed and/or operated for the provision of telecommunication or wireless services, including without limitation, antennas, supporting structures for antennas, poles, equipment shelters or houses, and any ancillary equipment.

**66.02 LICENSE AGREEMENT**

No person shall install or operate, in whole or in part, DAS/Small Cell/Wireless Facilities or DAS/Small Cell/Wireless Network Facilities in a City public right-of-way or other public place without first applying for and receiving a DAS/Small Cell/Wireless license from the City in a form and subject to such terms and conditions as is acceptable to the City. Nothing herein shall be interpreted to require the City to issue such a license and the City reserves to itself discretion to grant, deny or modify a request for such a license as it determines to be in the best interest of the City and its citizens.

**66.03 METRO ACT PERMIT.**

No person shall install or operate “telecommunications facilities,” as defined in the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended (the “Act”) without first obtaining a permit under the Act from the City, including any part of a DAS/Small Cell/Wireless system constituting telecommunication facilities.

**66.04 DESIGN PARAMETERS**

Where permitted by the City, the following minimal design parameters shall apply to DAS/Small Cells/Wireless Network Facilities in City public rights-of-way:

1. The required map(s) for proposed DAS/Small Cell/Wireless Facilities shall be legible, to scale, labeled with streets, and contain sufficient detail to clearly identify the proposed DAS/Small Cell/Wireless Network Facilities’ locations and surroundings. Where applicable, the required map or list shall include and identify any requested pole height(s).

2. The maximum height of a pole or other supporting structure installed to accommodate a DAS/Small Cell/Wireless Network shall be 40 feet.
3. Unless otherwise permitted in Section (d) 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 18 inches from an existing sidewalk/face of curb or 18 inches from a proposed future sidewalk/face of curb location.
4. Unless otherwise permitted in Section (d) 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 10 feet from any driveway.
5. In residential areas, DAS/Small Cell/Wireless Facilities shall be located in line with a side lot line whenever possible and not in front of a house.
6. The licensee shall field-stake all proposed locations for DAS/Small Cell/Wireless Facilities which shall be subject to the approval of the City, Lapeer County Road Commission and/or the Michigan Department of Transportation as applicable. All approved DAS/Small Cell/Wireless Facilities' locations shall be on a per pole/equipment/other basis. Such approvals shall be memorialized by the City and licensee.
7. Once precise locations have been approved in accordance with Section 66.04, 6., the licensee shall provide latitude and longitude coordinates for the DAS/Small Cell/Wireless Facilities' locations to the City's Department of Public Works.
8. The licensee shall be responsible to obtain such other permits and approvals as required by law.

#### **66.05 COMPLIANCE WITH APPLICABLE LAW.**

The City, in reviewing and authorizing a permit under the Act and/or a license referred to in this section, and the licensee, in the establishment and operation of any DAS/Small Cell/Wireless Network Facilities, shall comply with all applicable federal and state laws.

#### **66.06 FEES.**

Fees for the agreement and permits required shall be as provided for in the Act or those documents and as periodically authorized by resolution of the City Commission.

#### **66.07 EFFECTIVE DATE.**

This Ordinance will become effective as of its publication of adoption in a newspaper in general circulation within the City as provided by law.

Summary to be used for publication purposes.

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

#### **Michigan National Resource Trust Fund Grant.**

City Manager Dale Kerbyson has applied for a grant with the Michigan National Resource Trust Fund which will provide 75% of the cost to complete the M-24 pedestrian tunnel and requested a public hearing to be set on March 20, 2017.

#### **67 2017 03-06**

Moved by Gates. Seconded by Bennett.

Approve setting a public hearing for March 20, 2017 for the Michigan National Resource Trust Fund Grant Review at 6:30 p.m. or as soon thereafter as may be heard.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

City Manager Dale Kerbyson requested a Closed Session to discuss the purchase of real property. The sale of the library is moving forward and is in the final steps of completion. There will be a Marihuana Workshop held on March 27, 2017, starting at 5:30 p.m., location to be determined.

Moved by Bennett. Seconded by Bostick-Tullius.

To go into Closed Session at the end of the regular meeting for the purpose of discussing the sale of real property.

ON A ROLL CALL VOTE:

YEAS:            Commissioners Bostick-Tullius, Atwood, Bennett, Gates, Marquardt.

NAYS:            None.

ABSENT:        None.

ABSTAIN:       None.

MOTION CARRIED.

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

City Attorney Michael Nolan informed the Commission that they continue to work on income tax collection which has been very successful with the recovery of approximately \$130,000 in 2016.

### **UNFINISHED BUSINESS**

None.

### **DEPARTMENTAL COMMUNICATIONS**

The Monthly Financial Report for January 2017 and the DDA Status Report dated February 16, 2017 were received into the record.

### **PUBLIC COMMENTS**

None.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: The City staff is doing a great job and he is very pleased, is aware of issues but the staff is very proactive; is excited for summer as there are good ideas to come.

Commissioner Bennett: Thanked the lady for prayer.

Commissioner Bostick-Tullius: Will be going to Washington, DC for the National League of Cities and will meet with our Congressman and Senator. Would like to see Commissioner Atwood's idea of having a Youth Council move forward and feels it should be a group project. Would like to see the Commission meetings be held at different locations every couple of months to make sure we are reaching all residents.

Commissioner Gates: Agrees with Commissioners Bostick-Tullius and Atwood; there is a lot of positive going on in the City; would like to implement the Youth Council; lives on Pine Street and would like someone to look into the high speeding cars that go up and down on Pine Street.

Commissioner Marquardt: Would like to have a meeting set up with Gary Howell during the Capital Conference, possibly tour the capital; would like to look into attending the Gala Dinner at the Capital Conference as well. City Manager Dale Kerbyson commented that a dinner has been arranged with Mr. Howell and Mr. Green and the consensus of the Commission was to not attend the Gala Dinner. Ms. Marquardt also commented that she attended a Women's Affair, shopped and went to the PIX theater, all over the weekend.

City Manager Dale Kerbyson: Housing received a \$50,000 grant which needs to be spent quickly for community improvements, possibly develop the round-about making a West entrance statement on Genesee; restore the copulas throughout town, and is open to ideas if any funds remain. These funds have to be spent before the end of this coming summer.

Mayor Sprague: Happy to see how many residents turned out for tonight's meeting. The TIFA Plans are all taken seriously, if the plans are under budget, funds are returned. The TIFA plans allow funds to be captured to purchase a large item the ladder fire truck, which if the City did not have, the fire a few years ago would have

spread and more businesses would have been affected. The TIFA board does a good job allocating the funds.

Closed Session: Sale of Property.

The Commission convened to a Closed Session for the purpose of discussing information subject the sale of real property at 7:09 p.m. and returned to its regular meeting at 7:36 p.m.

**ADJOURNMENT**

**69 2017 03-06**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 7:37 p.m.

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William J. Sprague, Mayor

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Tracey S. Russell, Deputy City Clerk



**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
March 20, 2017**

A regular meeting of the Lapeer City Commission was held March 20, 2017 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, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**70 2017 03-20**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for March 20, 2017 as presented.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Commissioner Bostick-Tullius arrived at 6:32 p.m.

**MINUTES**

**71 2017 03-20**

Moved by Gates. Seconded by Marquardt.

Approve the minutes from the Regular Meeting and Closed Session held March 6, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Jeff Hick, Elm Street, vocalized his concern of an incident with the City Building Inspector, indicating the inspector came into his home uninvited while he had workers sanding floors, feels this was inappropriate and a violation of his rights, that the City should train the inspector on what his job is and wants an apology.

Kelly Pietrykowski, Fish Lake Road, gave invocation.

**CONSENT AGENDA**

**72 2017 03-20**

Moved by Gates. Seconded by Atwood.

Approve the Consent Agenda for March 20, 2017 resulting in the following.

1. Special Event Application from Stone Soup Pantry, Hunger Awareness Week, May 12 and 13, 2017 from 9:00 am – 5:00 pm, at various intersections on file.
2. Special Event Application from Michigan Lupus Foundation, Timberly Ranshaw Memorial Walk, May 21, 2017 from 8:00 am – 5:00 pm at Rowden Park.
3. Special Event Application from Bishop Kelly School, Annual Walk-A-Thon, April 28, 2017 from 9:00 am – 3:30 p.m. at Cramton Park.
4. Special Event Application from WMPC Radio Station and Calvary Bible Church, Praise in the Park, June 24, 2017 from 9:00 am – 4:00 pm at Rowden Park.

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

Nays: None.

Absent: None.  
MOTION CARRIED.

## **BILL LISTING FOR MARCH 20, 2017**

### **73     2017   03-20**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for March 20, 2017 in the amount of \$832,792.97.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

Public Hearing: Focus on Lapeer Home Improvement Program 2017 Application.

Mayor Sprague opened the public hearing at 6:36 p.m. Grant Administrator Shelley Lincoln provided a presentation on: Homeowner Rehab Grant update, funds of \$160,000, to rehab at least four properties; new grant proposed Focus on Lapeer Home Improvement Program, grant territory, amount of \$80,000 to serve at least two homes, possibly three, program criteria; additional Housing updates on potential Michigan Economic Development Corporation (MEDC) Grant for work on the Team Works building downtown for façade improvements and create five new residential apartments; Lapeer Neighborhoods Inc. (LNI) grant application of \$50,000 for an enhancement project, focus to be placed on beautification of the round-about and placement of a copula and to refurbish the downtown copulas; update on the HUD foreclosed homes; review of Fair Housing Policy; and positive impact of CDBG/Home Grant Funding.

Hearing no comments from the public, Mayor Sprague closed the public hearing at 6:46 p.m.

Brief discussion was held on outstanding job provided by the Housing Department, exciting to see projects in the City, look forward to entrance improvements, amount of funds and benefit to City for projects completed through Housing.

### **74     2017   03-20**

Moved by Bennett. Seconded by Gates.

Approve the Resolution To Approve Michigan State Housing Development Authority (MSHDA) Housing Resource Fund City of Lapeer Home Improvement Program.

#### **MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA) HOUSING RESOURCE FUND - CITY OF LAPEER HOME IMPROVEMENT PROGRAM**

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low income residents; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to apply for \$80,000 through the Michigan State Housing Development Authority Housing Resource Fund for City of Lapeer Housing Improvement Grant; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned grant application; and

WHEREAS, said City Commission authorizes the Mayor to sign the grant application form and related documents such as Environmental Review and Collaboration/Leverage Agreements as required by MSHDA and allow the Director of Housing and Neighborhood Development to sign related grant documents when allowed by MSHDA as required; and

WHEREAS, said City Commission held a public hearing on March 20<sup>th</sup>, 2017 regarding the proposed City of Lapeer Housing Improvement Grant and status up-date on currently funded activities.

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to submit the application for funding through the Michigan State Housing Development Authority's Housing Resource Fund for a City of Lapeer Housing Improvement Grant, authorizes the Mayor and Director of Housing and Neighborhood Development to sign grant related documents on behalf of the City of Lapeer, and held a public hearing regarding housing grants on March 20<sup>th</sup>, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **75 2017 03-20**

Moved by Marquardt. Seconded by Gates.

Approve the Resolution To Approve City Of Lapeer Fair Housing Policy.

### **CITY OF LAPEER - FAIR HOUSING POLICY**

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, gender, physical or mental disabilities or national origin; and,

WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status;

NOW THEREFORE, BE IT RESOLVED:

LET IT BE KNOWN TO ALL PERSONS that it is the policy of the City of Lapeer to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the City of Lapeer shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the City of Lapeer will assist all persons who feel they have been discriminated against because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, familial status or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights; and

BE IT FURTHER RESOLVED, that the City of Lapeer will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of March 20<sup>th</sup>, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

### **Public Hearing: Michigan Natural Resources Trust Fund.**

Mayor Sprague opened the public hearing at 6:49 p.m. City Manager Dale Kerbyson indicated that the process requires a public hearing, Michigan Natural Resources Trust Fund Grant Application is to purchase 0.44 acres of property to build an ADA-accessible pathway ramp to connect the Pedestrian Tunnel with the sidewalk on the west side of M-24, total project cost is approximately \$145,200, City is expected to match 25% at a

cost of \$37,200. Brief discussion held on distance to turnaround of about 400 feet, cost comparison of MDOT purchase of property to complete tunnel, to be on west side of tunnel, east side of tunnel is Cramton Park, assist in completing connection to park access instead of crossing at a major intersection.

Marlana Swindell, Pleasant Street, questioned the location of the ramp, would it connect to her property, what impact would it have to her property and which side of the river would it be on. Mr. Kerbyson indicated that it would not connect to her property, the property connects to vacant land, ramp would connect west entrance of tunnel and back to sidewalk on M-24.

Hearing no further comments, Mayor Sprague closed the public hearing at 6:58 p.m.

**76 2017 03-20**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Resolution the City of Lapeer Municipal Resolution Michigan Natural Resources Trust Fund Application 2017.

**CITY OF LAPEER MUNICIPAL RESOLUTION  
Michigan Natural Resources Trust Fund Application 2017**

WHEREAS, the City of Lapeer seeks to submit a Michigan Natural Resources Trust Fund Application 2017 for the following improvement:

Acquire 0.44 acres of land along Farmers Creek to construct an ADA accessible pathway connection between Cramton Park and the sidewalk/pathway along the west side of Highway M-24, through a pedestrian tunnel that MDOT construction when it replaced the M-24 bridge over the creek. This will provide an important connection for Lapeer's Non-Motorized Transportation System, allowing users to safely gain access east/west of M-24 without having to cross the busy highway. They will have access to local business on M-24 and non-motorized travelways west of M-24. It will also provide easy entrance into Cramton Park. Potential non-motorized users would be walkers, bicyclists, rollerbladers, skateboarders, joggers, hikers and wheelchair users. Because the parcel has the commercial frontage on M-24, the land is very expensive and the City needs grant assistance in order to purchase it.

**BE IT RESOLVED THAT** the Lapeer City Commission approves submittal of a Michigan Natural Resources Trust Fund Application for the above stated improvement and authorizes the City Manager to act as the City's authorized representative to sign required documents.

Ayes: Atwood, Bostick-Tullius, Gates, Marquardt.

Nays: Bennett.

Absent: None.

**MOTION CARRIED. RESOLUTION DECLARED ADOPTED.**

**ADMINISTRATIVE REPORTS**

Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights Of Way Ordinance).

**77 2017 03-20**

Moved by Marquardt. Seconded by Bennett.

Adopt Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities in the Public Rights Of Way Ordinance) of the General Ordinances of the City of Lapeer.

**CHAPTER 66  
TO REGULATE DAS/SMALL CELL/WIRELESS FACILITIES  
IN THE PUBLIC RIGHTS OF WAY**

**THE CITY OF LAPEER ORDAINS:**

**66.01 DEFINITION.**

For purposes of this section, the following terms and phrases shall be defined as follows:

*DAS/Small Cell/Wireless Network* shall mean any distributed antennae system or small cell telecommunication or data wireless network.

*DAS/Small Cell/Wireless Facilities or DAS/Small Cell/Wireless Network Facilities* means structures of any nature installed and/or operated for the provision of telecommunication or wireless services, including without limitation, antennas, supporting structures for antennas, poles, equipment shelters or houses, and any ancillary equipment.

#### **66.02 LICENSE AGREEMENT**

No person shall install or operate, in whole or in part, DAS/Small Cell/Wireless Facilities or DAS/Small Cell/Wireless Network Facilities in a City public right-of-way or other public place without first applying for and receiving a DAS/Small Cell/Wireless license from the City in a form and subject to such terms and conditions as is acceptable to the City. Nothing herein shall be interpreted to require the City to issue such a license and the City reserves to itself discretion to grant, deny or modify a request for such a license as it determines to be in the best interest of the City and its citizens.

#### **66.03 METRO ACT PERMIT.**

No person shall install or operate “telecommunications facilities,” as defined in the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended (the “Act”) without first obtaining a permit under the Act from the City, including any part of a DAS/Small Cell/Wireless system constituting telecommunication facilities.

#### **66.04 DESIGN PARAMETERS**

Where permitted by the City, the following minimal design parameters shall apply to DAS/Small Cells/Wireless Network Facilities in City public rights-of-way:

1. The required map(s) for proposed DAS/Small Cell/Wireless Facilities shall be legible, to scale, labeled with streets, and contain sufficient detail to clearly identify the proposed DAS/Small Cell/Wireless Network Facilities’ locations and surroundings. Where applicable, the required map or list shall include and identify any requested pole height(s).
2. The maximum height of a pole or other supporting structure installed to accommodate a DAS/Small Cell/Wireless Network shall be 40 feet.
3. Unless otherwise permitted in Section (d) 6, DAS/Small Cell/Wireless Facilities shall be located no closer than 18 inches from an existing sidewalk/face of curb or 18 inches from a proposed future sidewalk/face of curb location.
4. Unless otherwise permitted in Section (d) 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 10 feet from any driveway.
5. In residential areas, DAS/Small Cell/Wireless Facilities shall be located in line with a side lot line whenever possible and not in front of a house.
6. The licensee shall field-stake all proposed locations for DAS/Small Cell/Wireless Facilities which shall be subject to the approval of the City, Lapeer County Road Commission and/or the Michigan Department of Transportation as applicable. All approved DAS/Small Cell/Wireless Facilities’ locations shall be on a per pole/equipment/other basis. Such approvals shall be memorialized by the City and licensee.
7. Once precise locations have been approved in accordance with Section 66.04, 6., the licensee shall provide latitude and longitude coordinates for the DAS/Small Cell/Wireless Facilities’ locations to the City’s Department of Public Works.
8. The licensee shall be responsible to obtain such other permits and approvals as required by law.

#### **66.05 COMPLIANCE WITH APPLICABLE LAW.**

The City, in reviewing and authorizing a permit under the Act and/or a license referred to in this section, and the licensee, in the establishment and operation of any DAS/Small Cell/Wireless Network Facilities, shall comply with all applicable federal and state laws.

#### **66.06 FEES.**

Fees for the agreement and permits required shall be as provided for in the Act or those documents and as periodically authorized by resolution of the City Commission.

#### **66.07 EFFECTIVE DATE.**

This Ordinance will become effective as of its publication of adoption in a newspaper in general circulation within the City as provided by law.

ON A ROLL CALL VOTE:

YEAS: Commissioners Bostick-Tullius, Atwood, Gates, Marquardt, Bennett.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. CHAPTER 66 ADOPTED.

Summary of Chapter 66 to be used for publication purposes.

#### **78 2017 03-20**

Moved by Marquardt. Seconded by Gates.

Approve Resolution To Establish Administrative And Monthly Fees And To Approve A License And Tiered Map Relative To The Issuance Of DAS/Small Cell Wireless Licenses.

### CITY OF LAPEER - LAPEER COUNTY, MICHIGAN A RESOLUTION TO ESTABLISH ADMINISTRATIVE AND MONTHLY FEES AND TO APPROVE A LICENSE AND TIERED MAP RELATIVE TO THE ISSUANCE OF DAS/SMALL CELL WIRELESS LICENSES

#### RECITALS

- A. A Distributed Antenna Systems (DAS)/Small Cell Wireless network is composed of spatially separated antenna nodes that are connected to a common source by a medium that provides wireless service within a geographic area or structure.
- B. Pursuant to Michigan law and Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights Of Way Ordinance) of the General Ordinances of the City of Lapeer, the City of Lapeer's public rights of way are a recognized and valuable public resource, entrusted to the City of Lapeer citizens and taxpayers acting through the City of Lapeer.
- C. Pursuant to Michigan law Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights Of Way Ordinance) of the General Ordinances of the City of Lapeer, the City of Lapeer is tasked with administering and managing the City of Lapeer's public rights of way in a reasonable manner and subject to reasonable oversight.
- D. The City of Lapeer desires to facilitate the availability of new technologies in a reasonable and uniform manner.
- E. The City of Lapeer has adopted an ordinance, being Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights Of Way Ordinance), which makes express the need of a DAS/Small Cell Wireless provider to pay uniform fees for the privilege of installing and operating poles, antennas and accessory equipment in the public rights of way.
- F. The City of Lapeer recognizes the need to compensate the City of Lapeer for the use of the City of Lapeer public property and to regulate in a reasonable fashion the use its public rights of way for the general health, safety and welfare.

- G. In cooperation with other communities in the metropolitan area, the City of Lapeer has studied and consulted with various stakeholders, including providers of DAS/Small Cell Wireless services, regarding a reasonable set of fees to be imposed for the use of the City of Lapeer's approved public rights of way and a method by which the City of Lapeer can exercise its proprietary rights.
- H. Based on those studies and consultations the City of Lapeer has determined that the fees and charges as set forth in the attached Fee Structure, attached as Exhibit A hereto and incorporated by reference, are appropriate and should be utilized by the City of Lapeer in conjunction with the License, attached as Exhibit B hereto and incorporated by reference, in administering the placement and operation of DAS/Small Cell Wireless facilities in the City of Lapeer's public rights of way.

NOW THEREFORE IT IS RESOLVED:

1. The Recitals set forth above are acknowledged to be accurate and are hereby adopted as if fully set forth.
2. The Fee Structure attached as Exhibit A is hereby adopted and approved for the licensing of DAS/Small Cell Wireless networks [as authorized and permitted by City of Lapeer Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights Of Way Ordinance) of the General Ordinances of the City of Lapeer].
3. The DAS/Small Cell Wireless License Agreement template attached as Exhibit B is adopted and approved for use by City of Lapeer staff and the Department of Public Work's office.
4. The Tiered Map of the City of Lapeer, attached as Exhibit C hereto and incorporated by reference, is hereby adopted for purposes of determining the appropriate tiered monthly fees provided for in this Resolution and the License.
5. All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflicts, hereby repealed.

ON A ROLL CALL VOTE:

YEAS: Commissioners Gates, Atwood, Marquardt, Bennett, Bostick-Tullius.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

MDOT Local Bridge Program Resolutions for Four Bridge Projects.

**79 2017 03-20**

Moved by Bostick-Tullius. Seconded by Gates.

Approve City of Lapeer Municipal Resolutions Through The Michigan Department Of Transportation Local Bridge Program for:

1. Replacement of the Genesee Street Bridge.
2. Preventative Maintenance to the Monroe Street Bridge.
3. Replacement of the Bentley Street Bridge.
4. Five (5) Preventative Maintenance Projects to the following bridges:
  - McCormick Street Bridge
  - Imlay City Road Bridge
  - Mason Street Bridge
  - Fox Street Bridge
  - DeMille Street Bridge

CITY OF LAPEER  
MUNICIPAL RESOLUTION FOR REPLACEMENT OF  
THE GENESEE STREET BRIDGE  
THROUGH THE MICHIGAN DEPARTMENT OF TRANSPORTATION  
LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the Genesee Street bridge has deteriorated to such an extent that replacement is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow for replacement of this bridge without additional funds from other sources;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program Funding for replacement of the Genesee Street Bridge for MDOT's Fiscal Year 2020.

This resolution adopted this 20<sup>th</sup> day of March 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY OF LAPEER  
MUNICIPAL RESOLUTION FOR PREVENTATIVE  
MAINTENANCE TO THE MONROE STREET BRIDGE  
THROUGH THE MICHIGAN DEPARTMENT OF TRANSPORTATION  
LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the Monroe Street bridge has deteriorated to such an extent that preventative maintenance is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow preventative maintenance of this bridge without additional funds from other sources;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program Funding for preventative maintenance of the Monroe Street Bridge for MDOT's Fiscal Year 2020.

This resolution adopted this 20<sup>th</sup> day of March 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY OF LAPEER  
MUNICIPAL RESOLUTION FOR REPLACEMENT OF  
THE BENTLEY STREET BRIDGE  
THROUGH THE MICHIGAN DEPARTMENT OF TRANSPORTATION  
LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the Bentley Street bridge has deteriorated to such an extent that replacement is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow for replacement of this bridge without additional funds from other sources;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program Funding for replacement of the Bentley Street Bridge for MDOT's Fiscal Year 2020.

This resolution adopted this 20<sup>th</sup> day of March 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY OF LAPEER  
MUNICIPAL RESOLUTION FOR FIVE (5) BRIDGE PREVENTATIVE  
MAINTENANCE PROJECTS TO THE FOLLOWING BRIDGES:  
MCCORMICK STREET, IMLAY CITY ROAD, MASON STREET, FOX STREET AND  
DEMILLE STREET THROUGH THE MICHIGAN DEPARTMENT OF  
TRANSPORTATION LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the McCormick Street, Imlay City Road, Mason Street, Fox Street and DeMille Street bridges have deteriorated to such an extent that preventative maintenance is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow preventative maintenance of these bridges without additional funds from other sources;



NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program Funding for five (5) bridge epoxy seal preventative maintenance projects for the McCormick Street, Imlay City Road, Mason Street, Fox Street and DeMille Street bridges for MDOT's Fiscal Year 2020.

This resolution adopted this 20<sup>th</sup> day of March 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Authorization to Participation in the Redevelopment Ready Communities (RRC) Program.

**80 2017 03-20**

Moved by Bostick-Tullius. Seconded by Gates.

Resolution Authorizing the City of Lapeer to Participate in the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Communities Program.

CITY OF LAPEER

Resolution Authorizing the City of Lapeer to Participate in the  
Michigan Economic Development Corporation (MEDC)  
Redevelopment Ready Communities Program

WHEREAS, the Michigan Economic Development Corporation (MEDC) has established the statewide Redevelopment Ready Communities (RRC) Program to empower communities to shape their future and maximize economic potential; and

WHEREAS, the RRC is a program that provides technical assistance to and certifies Michigan communities who actively engage stakeholders and plan deliberate, fair and consistent processes; and

WHEREAS, a City of Lapeer representative has attended all six Best Practice Training; and

WHEREAS, the City of Lapeer recognizes the value of the RRC Program and seeks to improve its development readiness through a detailed review of its development processes including its Master Plan, Downtown Development Plan, Tax Increment Finance Plan, Development Review Process, Community Outreach Programs as well as its Zoning Ordinances; and

WHEREAS, the RRC Program includes evaluating and strengthening the development-related partnerships between the City Commission and stakeholder organizations such as the MEDC, Downtown Development Authority, Tax Increment Finance Authority, Lapeer Economic Development Corporation, City of Lapeer Zoning Board of Appeals and Planning Commission; and

WHEREAS, any of the MEDC recommendations that require ordinance changes, including those related to the review of site plans, will require public hearings, review and recommendation by the City of Lapeer Planning Commission and additional action by the City Commission.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Lapeer City Commission authorizes the City of Lapeer to participate in the Michigan Economic Development Corporation's Redevelopment Ready Community (RRC) Program. The City of Lapeer is willing to allow use of limited resources within its current budget or in accordance with future budgetary action to support the RRC Program. The City of Lapeer is committed to the RRC Best Practices and evaluation process with the intent to improve our processes and communications with our stakeholders and will continue to work with stakeholders and MEDC as our community moves forward in seeking RRC Certification. Resolution Adopted this 20<sup>th</sup> day of March, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**81 2017 03-20**

Moved by Gates. Seconded by Bostick-Tullius.

Resolution Acknowledging the City of Lapeer's Ordinances, Policies and Plans.

CITY OF LAPEER  
Resolution Acknowledging the City of Lapeer's  
Ordinances, Policies and Plans

WHEREAS, the City of Lapeer has several Ordinances, Policies and Plans in place to prepare for future needs of the City that promote Community Development, Health and Safety, Economic Growth, Efficiency and Housing needs; and

WHEREAS, the City has the following Ordinance, Policies and Plans in place:

1. Annual Budget: Adopted by City Commission in May of each year; current FY 2016-2017 Budget adopted May 16, 2016.
2. Capital Improvement Program: Adopted by City Commission in May of each year consisting of a Five-Year Program; current 2016-2022 CIP adopted May 16, 2016.
3. City of Lapeer Master Plan: Purpose: The plan as developed is an effective tool in guiding and accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development; including, among other things adequate provision for traffic, promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. Adopted May 19, 2008; Adopted updates April 11, 2014.
4. Parks and Recreation Master Plan: Purpose: Parks and recreation services enhance a community's quality of life. The Master Plan is intended to guide decision makers with future development and improvement of the community's parks, recreation facilities, and programs. Adopted City Park Board May 21, 2014 and City Commission August 4, 2014.
5. Goals and Objectives: Objectives include: marketing of our City; Infrastructure Improvements; Neighborhood Revitalization; and General Fund balance; current 2016-2022 Goals & Objectives Plan adopted May 2, 2016.
6. Complete Streets Policy: Policy adopted, by Resolution, to improve the safety and efficiency of the transportation system located within the City and to promote the health and economic opportunities of its residents and visitors to encourage the development of "complete streets" by including complete streets design considerations as a routine part of infrastructure planning and implementation while recognizing the need for flexibility in identifying solutions that fit with the context of the community. Adopted by City Commission February 6, 2012.
7. Non-Motorized Master Plan: Purpose: The City of Lapeer has an existing non-motorized system (off-road trails and a sidewalk network) that has begun to connect regional anchor institutions, residential neighborhoods, key commercial districts, the traditional downtown and riverfront, and several parks and protected lands. As the trail system has emerged, the City desired to have a long-term vision for a walkable and bikeable community. This Non-Motorized Master Plan has been developed in order to provide a vision for how people, schools, businesses, parks, natural resources, and cultural and historic landmarks can be connected. The plan outlines the non-motorized facilities and improvements that are desired within the community including elements such as sidewalks, trails, crossings, on-street bike lanes, shared use routes, bridge improvements, and pedestrian connections. This plan is intended to serve as a guide to non-motorized and complete street planning, design and construction into the future. Adopted by City Commission February 6, 2012.
  - a. 2010 Walkability Report: Purpose: Walking audit to review improvements in development of transportation as well as the City's focus toward walkability and placemaking, to create the potential to attract new jobs and enrich the lives of those living and working in the City of Lapeer.

8. Resolution to Approve Michigan State housing Development Authority (MSHDA) Housing Resource Fund City of Lapeer Home Improvement Program: Purpose: to apply for \$80,000 through MSHDA Housing Resource Fund for Housing Improvements Grants. Administered by the City of Lapeer Housing Department; Adopted by City Commission March 20, 2017.
  - a. Homeowner Rehabilitation Program: MSHDA HOME grant to rehabilitate at least four (4) Homeowner Rehabilitations. Administered by the City of Lapeer Housing Department; Grant received on January 1, 2016.
  - b. Housing Choice Voucher Program: Administration of 120+ Housing Choice Voucher Rental Subsidies funded by US Department of Housing and Urban Development (HUD). Administered by the City of Lapeer Housing Department.
9. City of Lapeer Fair Housing Policy: Policy adopted, by Resolution, to implement programs to ensure equal opportunity in housing and to not discriminate in the sale, rental, leasing or financing of housing for all persons regardless of religion, race, color, national origin, age, sex, height, weight, familial status or marital status. Administered by the City of Lapeer Housing Department; Adopted by City Commission March 20, 2017, policy is reviewed and adopted annually.
10. Economics Opportunities Policy for Section 3 Covered Contracts: Policy Statement: The City of Lapeer shall provide opportunities to low- and very low-income people living in the targeted area of the City of Lapeer, Lapeer County and to businesses meeting the definition of "Section 3 Business Concern". Adopted by City Commission May 16, 2016.
11. City of Lapeer Title VI Non-Discrimination Plan: Recognizes that the City of Lapeer serves all people of the City, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the State of Michigan. The City of Lapeer recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation. Adopted by City Commission December 17, 2012.
12. M-24 Access Management Plan: The City of Lapeer and MDOT are committed to work together on achieving the common goals of a safer roadway by applying access management principles. At the southern end of the corridor, on either side of I-69, future development will occur which could have significant impacts to traffic on M-24 and existing intersections. This includes the 'Annexation by Choice Area' along M-24 between Turrill Road and the south City limits. It is at these new and redeveloped properties where the City, Township, MDOT and the County Road Commission can work cooperatively, along with the developers, to establish "reasonable" and safe access that serves the motorist and their customers. Adopted by City Commission June 1, 2009.
13. Chapter 7 (Zoning Ordinance): Purpose: The purpose of this ordinance is to regulate the use of land and structures to meet the needs of the City's residents for places of residence, recreation, industry, trade, service, and other uses of land to ensure that use of the land is situated in appropriate locations and relationships to facilitate orderly development which is harmonious with the surrounding area and preserves community character, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate, and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements, and to promote public health, safety and welfare. Adopted as Restated by City Commission June 18, 2011, Effective Date July 28, 2011, last amended March 16, 2017.
14. Chapter 9 (Housing Ordinance): Purpose: To protect the health, safety and welfare of the people of the City by establishing minimum housing standards for dwellings, to provide for the elimination of overcrowding, to provide standards for sanitary conditions in and around structures use for human habitation, to determine the responsibilities of the owner and occupants of dwelling and to

provide for the administration and enforcement of this Housing Ordinance. Amended April 22, 2010.

15. Chapter 23 (Income Tax Ordinance): City adopted by reference the provisions of The City Income Tax Act, Act 284 of 1964, Chapter 2, Uniform City Income Tax Ordinance, as amended in accordance with the provisions of MCL 141.501 et seq., a true copy which is on file with the City Clerk. Effective date January 1, 1967, amended December 27, 2009.
16. Chapter 25 (Public Housing Ordinance): Purpose: Created a municipal Housing Commission for the City of Lapeer to purchase, acquire, construct, maintain, operate, improve, extend or repair housing facilities and to eliminate housing conditions which are detrimental to the public peace, health, safety, morals or welfare of the City of Lapeer. Effective date May 25, 1971.
17. Chapter 29 (State Housing Authority Tax Exemption Ordinance): Purpose: To declare the public necessity of the assistance of the City of Lapeer in developing and preserving housing for its elderly citizens of low and moderate income; to provide a binding agreement with the "owner" or "mortgagor" as defined her in establishing terms and conditions for the continuing status of tax exemption to the housing development; to establish, by ordinance, real estate tax exemption status for elderly citizens of low and moderate income, dwelling within the "housing development" as defined herein, Under Act 346 of the public Acts of 1966, as amended; and to establish annual service charge for public services in lieu of all taxes to be paid by the owner to the City of Lapeer and distribute pursuant to Act 346. Original effective date August 30, 1978, last amended March 4, 2010.
18. Chapter 6 (Land Division Ordinance): Purpose: to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewage, and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; and to provide logical procedures for the achievement of these purposes. Effective date of October 15, 2003.

WHEREAS, the City of Lapeer has various Development and Financing Plans in place for Downtown Development Plan and Tax Increment Finance Authority Plan #1, #2 and #3; and

WHEREAS, the City is progressing forward towards Certification as RRC to improve community development, housing needs, create jobs, build tax base; attract investment, and encourage economic development.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Lapeer City Commission acknowledges the City of Lapeer's Ordinances, Policies and Plans in place to promote community development, health and safety, economic growth, efficiency and housing needs and will take the necessary steps in becoming a certified Redevelopment Ready Community.

Resolution adopted this 20<sup>th</sup> day of March, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Public Hearing Request: Michigan Community Development Block Grant (CDBG) Infrastructure Capacity Enhancement (ICE) Funding for Waste Water System Improvements.

## **82 2017 03-20**

Moved by Marquardt. Seconded by Gates.

Set a Public Hearing for April 3, 2017 for Michigan Community Development Block Grant (CDBG) Infrastructure Capacity Enhancement (ICE) Funding Application for Waste Water System Improvements at 6:30 p.m. or as soon thereafter as may be heard.

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

Nays: None.  
Absent: None.  
MOTION CARRIED.

## **CITY MANAGER'S REPORT**

Timothy Bentley: Purchase Years of Service Credit.  
Municipal Employees Retirement System (MERS).

### **83 2017 03-20**

Moved by Bostick-Tullius. Seconded by Gates.  
Approve City of Lapeer Municipal Resolution To Purchase Years Of Service Credit  
Municipal Employees Retirement System (MERS) for Timothy Bentley.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

### **Purchase of 838 S. Saginaw Street**

City Manager Dale Kerbyson requested a motion to purchase 838 S. Saginaw Street in the amount of \$120,000 plus any closing costs. Mayor Sprague indicated where the property was located and that this would square up City-owned property north of the community center.

### **84 2017 03-20**

Moved by Bennett. Seconded by Gates.  
Approve the purchase 838 S. Saginaw Street in the amount of \$120,000 plus closing costs and authorize the City Manager to sign required documents.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

## **CITY ATTORNEY'S REPORT**

None.

## **UNFINISHED BUSINESS**

### **85 2017 03-20**

Appointed by Mayor Sprague. Moved by Gates. Seconded by Bostick-Tullius.  
Appoint Deborah Marquardt to Cemetery Board, term ending 04-01-22.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

### **86 2017 03-20**

Appointed by Mayor Sprague. Moved by Gates. Seconded by Marquardt.  
Appoint Jeff Hogan to County Center Board, term ending 01-01-18.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

### **87 2017 03-20**

Appointed by Mayor Sprague. Moved by Marquardt. Seconded by Gates.  
Appoint Alyssa Walker to EDC/TIFA/Brownfield Redevelopment Authority, term ending 03-01-21.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

### **88 2017 03-20**

Moved by Gates. Seconded by Atwood.  
Appoint A. Wayne Bennett to Prison Liaison Committee, term ending 04-01-20.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**89     2017   03-20**

Moved by Gates. Seconded by Marquardt.

Appoint the following:

Joe Black     Zoning Board of Appeals, term ending 04-01-20.

Jeff Hogan     Zoning Board of Appeals, term ending 04-01-20.

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

Nays:     None.

Absent: None.

MOTION CARRIED.

**DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Reports were received into the record.

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Asked how individuals are selected to serve on City boards, suggest having info on person before appointment is made; thanked lady for prayer.

Commissioner Bostick-Tullius: Baseline Plan Assessment meeting at City Hall on March 30<sup>th</sup> for Main Street Program, awarded next level; attended National League of Cities in Washington, DC, met with US Senator's and Congressman Paul Mitchell's legal director to inform them of Lapeer's interests, attended good session, sat with a Youth Council group and is looking forward to getting a youth council started here; to attend MML Conference, asked that fellow Commissioners attend the press conference on March 21<sup>st</sup> at 4:00 pm for support, to review new legislation on dark store issues.

Commissioner Gates: Thanked everyone for attending meeting, workshop for Medical Marihuana on 03-27-17; will attend MML Medical Marihuana workshop and will bring back information for review.

Commissioner Marquardt: Thanks to City Manager on purchase of property information; attending MML Conference, has called and is waiting to hear from State Representative Gary Howell for meeting with them, City Manager Dale Kerbyson commented that he has already taken care of setting up a meeting with Mr. Howell which will also include a tour of the capital per Ms. Marquardt's request from the 03-06-17 meeting.

City Manager Dale Kerbyson: Medical Marihuana workshop to be at EMS Facility located at 3565 W. Genesee Street, can hold up to 200 people, invited surrounding townships and local interests to attend; received confirmation from State Representative Gary Howell to visit his office between sessions during MML Conference for 03-22-17 at 11:00 am at the Capital, Senator Green is unavailable but will have his staff show group around; thanked Commission for approving the Michigan Natural Resources Trust Fund grant; to discuss dinner arrangements for Tuesday night at MML Conference.

Mayor Sprague: Gave an update on local events; expressed his appreciation to everyone for coming to the meeting and being involved with the government process.

**ADJOURNMENT**

**90     2017   03-20**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays:     None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:25 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A WORKSHOP MEETING  
March 27, 2017**

A workshop meeting of the Lapeer City Commission was held March 27, 2017 at Lapeer County EMS Building, 3565 W. Genesee Street, Lapeer, Michigan. The meeting was called to order at 5:30 p.m.

**ROLL CALL**

Present: Mayor Sprague.  
Commissioners Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.

Mayor Sprague led the Pledge of Allegiance.

Medical Marihuana Facilities Licensing Act: Presentation.

City Manager Dale Kerbyson introduced Mayor Sprague, presenters Doug Piggott, Justin Dunaskiss, Jim Smiertka and City Police Chief Todd Alexander. Mayor Sprague explained the process of the workshop meeting and asked everyone to please shut off their cell phones.

Justin Dunaskiss with Dunaskiss Consulting & Development and Doug Piggott with Rowe Professional Services Company provided an overview of the Michigan Medical Marihuana Act of 2008, Medical Marihuana Facilities Licensing Act, Marihuana Tracking Act and Marihuana Infused Products Act.

Lapeer City Police Chief Todd Alexander provided an overview with public health and safety issues.

Jim Smiertka, City of Lansing Attorney, provided an overview of the City of Lansing's experiences with ordinance and policy issues.

Mayor Sprague asked the Commission for any questions.

Commissioner Bostick-Tullius questioned space and regulations for locations; Mr. Dunaskiss indicated that the Department of Licensing and Regulatory Affairs will be working on this.

Commissioner Gates questioned caregivers unable to be a processor or provisioner; Mr. Dunaskiss commented that a caregiver could not be licensed as a grower/processor/provisioning center, but could be an employee.

City Manager Dale Kerbyson questioned revenue, will it be guaranteed, how distributed up to legislature to control; Mr. Dunaskiss indicated that statute dictates distribution of taxes and fees by department of treasury. Mr. Kerbyson questioned inspections, will be allowed to charge a fee for individual inspections; Mr. Dunaskiss indicated that is addressed in statute, authorized to charge \$5,000 application fee to cover expenses, no more than that. Mr. Kerbyson questioned initial fee for license, as business goes down the road and additional follow up inspections, ability to charge; Mr. Smiertka commented on Bolt case, can only charge a fee otherwise it is a tax, Lansing has about \$5,000 in fees/inspections per year. Mr. Kerbyson asked on study regarding property values going up and can he get a copy; Mr. Dunaskiss indicated yes and will provide a copy.

Commissioner Atwood questioned why are these considered a cash base, issues with banks not wanting to get involved, possibility of money laundering; Mr. Dunaskiss commented on legislation, how financial institutions are dealing with this. Mr. Atwood asked about how they will keep track of the cash; Mr. Dunaskiss indicated that the state will require tracking components through state-wide tracking center.

Commissioner Bostick-Tullius questioned the dangers of BHO hazards/incidents and trash; Chief Alexander indicated that the presentation was given to him by previous speaker who could not be attendance and did not know the answer. Ms. Bostick-Tullius questioned smells/odor from operations and does not provisional centers only sell

product; Chief Alexander indicated that was his understanding; Mr. Smiertka indicated that grow operations in neighborhoods will have disposal regulations; Mr. Dunaskiss indicated that state will set up regulations for disposal by operations.

City Manager Dale Kerbyson asked about impact or additional study/analysis on adolescents and increase of exposure; Mr. Dunaskiss indicated that a study was completed by Washington which saw no increase in usage by students, taboo concept if not taboo than it was no big deal.

Commissioner Marquardt questioned transporter, how and where is the money going, did not understand this part; Mr. Dunaskiss indicated that a transporter goes between businesses, transporting product/cash. Ms. Marquardt commented on safety of transporters; Mr. Dunaskiss indicated that it would be transported in similar use as bank trucks are used.

Commissioner Bostick-Tullius asked for a copy of Lansing's ordinance; Mr. Smiertka indicated yes, it is public information but know that their ordinance will change, can develop conditions of performance standards, as part of application process Lansing asks for business/marketing plan, can make performance standards before LARA regulates, once LARA regulates ordinance will have to be changed. Ms. Bostick-Tullius asked if Mr. Smiertka has seen legal action against Lansing for over regulating; Mr. Smiertka indicated not from that perspective, would be more for arbitrariness, lack of due process, defining.

Commissioner Atwood questioned if medical marihuana is covered by medical insurance; Mr. Dunaskiss indicated that no, not aware of this. Several people from the crowd said that it was covered by insurance.

Mayor Sprague asked for a ball park figure on legal fees creating ordinances and changes; Mr. Smiertka indicated that it is completed in house with current staff, have not done a cost/accumulated total, this has been going on since 2012, would estimate 40 hours per month of attorney time. Mr. Sprague commented that the City would make sure that it keeps focus on this topic; Mr. Smiertka indicated that in adoption of ordinance they went through it line by line, debate on each line, and meetings are publicized.

There being no further comment from the Commission, Mayor Sprague opened it to the floor, asked if there were any other public officials that would like to make a comment first. Ian Kempf, County Commissioner asked clarification on ordinances if a local ordinance is in place and LARA places a regulation that it would nullify any ordinance; Mr. Smiertka indicated that standards in local ordinances would be affected by regulations/promulgations by LARA and its board, however board appointments by LARA has not been completed yet and local ordinances can set up mechanisms to deal with this and will have to be modified after LARA sets its regulations.

Jaime Fricke, N. Main Street, pointed out previous State Representative Kevin Daley, should thank him as he worked on the marihuana bill, asked Commission to form a committee to deal with issues and would be willing to serve on the committee, answer Commissioner Bostick-Tullius question about statistics with BHO incidents that there are zero (0) incidents in Lapeer, oils used to treat cancer and only 10% of plant weight and use and will be regulated in new bill, Chief Alexander's information was before the new law went into effect.

Rick Taube, Skelton Road, Columbiaville, commented on legislation, reaction to come up with regulations, Michigan response compared to other states, reaction because of who is in office in Lansing; Mr. Dunaskiss indicated that they are working with legislature and will be pulling info from other states.

Andy Shango, S. Main Street, asked how 3% tax will be figured and divided, is it based on poundage; Mr. Dunaskiss indicated that the 3% excess tax is on all sale proceeds by statute, Mr. Piggott stated that the excess tax is in addition to other regulated fees and is per facility; Mr. Smiertka indicated that the tax imposed of 3% was on gross retail of receipts and then divided out as regulated by the state.



Sandra McCormick, Michigan Cannabis Development Association, commented on economic impact study, Webberville ordinance and use as a framework, willing to help and be supportive.

Chris Aiello, Warren attorney, spoke on Warren application, fee, inspection process, stimulus to economy, urge to do ordinance.

Kareyna Miller, Otter Lake, deals with accounting end, file insurance info, legalizing and coverage issues; Mr. Dunaskiss commented on coverages, carrying of state license, Mr. Piggott commented on hearing a lot on legalizing dispensaries/growth etc., the law does not legalize marihuana but protects facilities from prosecution, Mr. Smiertka commented on caregivers still allowed to operate, Attorney General office Cole memorandum in providing guidance on marijuana enforcement however this could change by the AG office.

Matt Dillon, Peters Road, Columbiaville, asked about allowance of outdoor growth in agricultural areas; Mr. Dunaskiss indicated yes could cultivate outside; Mr. Smiertka stated that some restrictions would apply along with other legislation such as the Farm Act and fencing requirements, but would be permitted.

Brian Page, Burton, asked about growing own or through caregiver; Mr. Dunaskiss indicated patients can grow own or give to caregiver; Mr. Smiertka indicated Michigan Marihuana Law has section that gives protection to caregivers and protects from local areas to adopt policy/ordinance to not allow.

Robert VanDenBerg, Fay Road, Imlay City, Goodland Township Planning Board, commented on agricultural industry, hope city looks at carefully and cautiously, review of stipulations on setback requirements.

Starla Hovey, Nightingale, commented on the business opportunities focus, works in family services, questioned what will be done about levels of THC, will they be lowered and regulations for doctors to give out cards carelessly without knowing the person/patient or their needs; Mr. Piggott indicated that communities cannot regulate concentration; Mr. Dunaskiss indicated that the state and advisory boards will regulate, it will not be done locally.

Brooke Johnson, Village West Drive, voiced concerns about butane; Mr. Dunaskiss indicated that the state will regulate, butane is no longer to be used for a home setting; Mr. Smiertka indicated that those questions and answers should be directed to LARA, they have a place on their website and welcome comments/concerns.

Matt Dillon, Peters Road Columbiaville, commented that he has been to local township offices, have between now and December to apply, township says will not pass an ordinance and will not allow, questioned what recourse does he have if township does not allow; Mr. Smiertka indicated that city/townships/villages will have the authority to allow facilities, law states that they are allowed to say no, nothing in the law that states they have to allow; Mr. Dunaskiss commented that they are elected members of you, continue to speak with board.

Cheri Soulliere, Lippincott, commented that her heart goes out to what has been said, daughter has spinal injury, given narcotics and could not function, received medical marihuana and is doing great, moving here and asked how is she going to get a doctor here, what about pain pills and their effects that medical marihuana does not have.

Shauna Bradshaw, Lou Alice Drive, commented on medical issues with ovarian cancer, received medical card and it greatly helps, it is in your hands and that people need this.

Bernard Jocuns, Lapeer, understands Chief Alexanders concerns, his presentation has nothing to do with MMFLA, if person gets a card and follows the law they are covered, where does that person go to get their medicine.

Matthew Abel, E. Harbortown Drive, Detroit, commented he is a lawyer in Detroit, statistically more marihuana places have shown a more healthy community, opiate use goes down, economic effects, to look at this with an open mind, allow downtown within vacant store fronts, responsible safety compliant facilities.

Jamie Fricke, N Main Street, commented would like to question Sheriff McKenna that if regulations at state level and regulations at local level are followed and everything is done properly, will it be respected by the Sheriff's department? Sheriff McKenna indicated that there were a lot of if's here, present tonight to educate himself on the law and regulations. Ms. Fricke commented she didn't see what was so hard, it's a yes or no answer.

Shauna Bradshaw, Lou Alice Drive, voiced concerns on physicians, encourage physicians to go this route and specialize in this and those that would not play by rules and risk prosecution; Mr. Dunaskiss commented on appropriations at legislature, studies and policies, medical field regulations; Mr. Piggott indicated the medical field is self-regulated in these specialized areas, medical associations and within bounds of law; Mr. Smiertka indicated that things are in a state of flux right now, legal ethics role and Ohio ruling; Bernard Jocuns, Lapeer, commented on Ohio State Supreme Court amended ruling, ethics rule opinion is before Michigan State Supreme Court

Wes Wickham, Clark Road, commented on his health, on Vicodin, scared of addiction and what it will do to him, medical marihuana may help him, please listen to concerns, scared as to what pills are doing that doctors are prescribing.

There being no further comments, Mayor Sprague thanked everyone for coming out tonight, starting point and gathering of information meeting, take information and citizen comments to heart in consideration to move forward, felt meeting went very well.

#### **ADJOURNMENT**

By general consensus, the workshop meeting adjourned at 7:38 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
April 3, 2017**

A regular meeting of the Lapeer City Commission was held April 3, 2017 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, Gates, Marquardt.

Absent: None.

Acting City Manager: Police Chief Todd Alexander, present.

City Attorney Representative: Denis McCarthy, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**91 2017 04-03**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for April 3, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**92 2017 04-03**

Moved by Marquardt. Seconded by Gates.

Approve the minutes from the Regular meeting held March 20, 2017 with correction to the spelling of Jeff Thick Fick (**corrected to Fick on 04-17-17**), minutes show Jeff Hick and the Workshop meeting held March 27, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Janet Adams, Baldwin Road, gave invocation.

**CONSENT AGENDA**

**93 2017 04-03**

Moved by Marquardt. Seconded by Gates.

Approve the Consent Agenda for April 3, 2017 resulting in the following.

1. Special Event Request from Flint River Watershed Coalition, Flint River & Community Cleanup, April 29, 2017, at various river locations, contingent upon receipt of current insurance.
2. Special Event Request from Lapeer Area Chamber of Commerce, Annual Fireworks Display, July 4, 2017.
3. Special Event Request from American Legion Post 16, Memorial Day Parade, May 29, 2017, Nepessing Street to Veterans Park as a City Co-Sponsored event.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR APRIL 3, 2017**

**94 2017 04-03**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for April 3, 2017 in the amount of \$290,937.99.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

## PUBLIC HEARINGS

Public Hearing: Michigan Community Development Block Grant (CDBG) Infrastructure Capacity Enhancement (ICE) Funding for Waste Water System Improvements.

Mayor Sprague opened the public hearing at 6:34 p.m. Director of Public Works Pam Reid provided a presentation/overview of the grant. There being no public comments, Mayor Sprague closed the public hearing at 6:42 p.m.

Brief discussion was held on what the cost for grant funding would be, Ms. Reid indicated request would be for \$1,869,000 with the City match being \$231,000; was City match within budget, Ms. Reid commented that not in current budget but will be placed in next year's budget and have until 2019 to complete project.

### **95 2017 04-03**

Moved by Gates. Seconded by Atwood

Approve the Authorizing Resolution To Apply For CDBG-Infrastructure Capacity Enhancement Competitive Funding Grant.

### CITY OF LAPEER AUTHORIZING RESOLUTION TO APPLY FOR CDBG-INFRASTRUCTURE CAPACITY ENHANCEMENT COMPETITIVE FUNDING GRANT

WHEREAS, the Michigan Strategic Fund has invited units of general local government to apply for its CDBG-Infrastructure Capacity Enhancement (ICE) Competitive Funding Round; and

WHEREAS, the City of Lapeer desires to request \$1,869,000 in CDBG funds to replace the existing sanitary sewer force main from McCormick Street pump station to the wastewater treatment plant and make improvements at the McCormick Pump Station; and

WHEREAS, the City of Lapeer commits local funds from its Wastewater fund 590-557-974000 in the amount of \$231,000; and

WHEREAS, the proposed project is consistent with the local Community Development Plan as described in the Application; and

WHEREAS, the proposed project will benefit all residents of the project area and the low to moderate percentage of City of Lapeer, 55.1% percent of the residents of the City of Lapeer are low and moderate income persons as determined by census data provided by the U.S. Department of Housing and Urban Development; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/ incurred and will not be obligated/incurred prior to a formal grant award along with completion of the environmental review procedures and a formal written authorization to obligate/incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City of Lapeer hereby designates the City Manager as the Environmental Review Certifying Officer, the person authorized to certify the Michigan CDBG Application, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

This resolution adopted this 3rd day of April, 2017

ON A ROLL CALL VOTE

AYES: Commissioners Bennett, Gates, Marquardt, Bostick-Tullius, Atwood.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Residential Anti-Displacement And Relocation Assistance Plan Under Housing and Community Development Act 1974, Section 104(d).

**RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**  
Under Housing and Community Development Act 1974, Section 104(d)

**Minimize Displacement:**

Consistent with the goals and objectives of activities assisted under the Act, the City of Lapeer will take the following steps to minimize the displacement of persons from their homes:

- A. Coordinate code enforcement with rehabilitation and housing assistance programs.
- B. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent their placing undue financial burden on long-established owners or tenants of multi-family buildings.
- C. Stage rehabilitation of apartment units to allow tenants to remain during and after rehabilitation by working with empty units or buildings first.
- D. Establish facilities to house persons who must be relocated temporarily during rehabilitation.
- E. Adopt public policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- F. Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- G. Adopt tax assessment policies such as deferred tax payment plans to reduce impact or rapidly increasing assessments on low income owner occupants or tenants in revitalizing areas.
- H. Establish counseling centers to provide homeowners and renters with information on the assistance available to help them remain in their neighborhood in the face of revitalization pressures.

**Relocation Assistance to Displaced Persons:**

The City of Lapeer will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

**One-for-One Replacement of Lower-Income Dwelling Units:**

The City of Lapeer will replace all occupied and vacant occupiable low and moderate income dwelling units demolished or converted to a use other than as low and moderate income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.488 (c) in Subpart I.

Before entering into a contract committing the City of Lapeer to provide funds for an activity that will directly result in demolition or conversion, the City of Lapeer will make public by publication in a newspaper of general circulation and submit to Grants Administration the following information in writing:

- A. A description of the proposed assisted activity;
- B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activities;

- C. A time schedule for the commencement and completion of the demolition or conversion;
- D. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the City of Lapeer will identify the general location on an area map and the approximate number of dwellings units by size and provide information identifying the specific location and number of dwelling units by size as soon as it is available;
- E. The source of funding and a time schedule for the provision of the replacement dwelling units;
- F. The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least 10 years from the date of initial occupancy;
- G. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g. one 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of lower income households in the jurisdiction.

To the extent that the specific location of the replacement units and other data in items D-G are not available at the time of the general submission, the City of Lapeer will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

Contacts:  
 The Director of Housing for the City of Lapeer, 810-664-0591 is responsible for tracking the replacement of housing and ensuring that it is provided within the required period, ensuring requirements are met for notification and provision of relocation assistance, as described in 570.488 (c), to any lower income person displaced by the demolition of any dwelling unit or the conversion of a low and moderate income dwelling unit to another use in connection with an assisted activity.

ON A ROLL CALL VOTE:  
 AYES: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
 NAYS: None.  
 ABSENT: None.  
 ABSTAIN: None.  
 MOTION CARRIED. PLAN DECLARED ADOPTED.

**ADMINISTRATIVE REPORTS**

Ordinance Amendment: Chapter 7 (Zoning Ordinance), Article 7.17 Signs.

Commissioner Bostick-Tullius introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.17 Signs to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

Article 7.17 Signs

7.17.05 Schedule of Sign Regulations – property Used for Non-residential Purposes

Table 7.17.3: Schedule of Regulations				
Type of Sign	Maximum Area	Height	Illumination	# Permitted/Other Provisions
Interstate Corridor Signs (g)	200 square feet per side (total signage = 400 S.F.) with a maximum of 2 sides permitted.	20 feet for single tenant	Permitted – Internal and concealed only	i) 1 per every 1,000 L.F., up to 2 sign structures per lot/parcel within 200 feet of I-69.
	250 square feet for two businesses and an additional 50 square feet for each business (tenant) thereafter and not to exceed 400 square feet	30 feet for multiple tenant	Spot lighting is not permitted	ii) Must be on property which is adjacent to the I-69 R.O.W.

	each side			
Electronic or Manual Changeable Message Signs (h)	24 square feet	Per type of sign as listed above	Permitted	1 per parcel

7.17.06 Additional Provisions for Signs in Table 7.17.3

(a) thru (f) No Change.

(g) **Interstate Corridor Signs (ICS)**

(1) Placement. All Interstate Corridor Signage (ICS) must be located along Interstate-69 (I-69) and shall be no closer than a distance that is equal to or greater than the height of the sign (20 feet to 30 feet) and setback from the Interstate Right-of-Way (R.O.W). An ICS 20 feet tall or less must maintain a minimum distance of 20 feet from the I-69 R.O.W. The Interstate R.O.W. includes all entrance and exit ramps on to I-69. Setbacks from the I-69 R.O.W may be more restrictive as deemed necessary by the Michigan Department of Transportation (MDOT). An ICS must be within 200 feet of the property line that borders the interstate R.O.W. unless deemed otherwise by MDOT.

(2) Additional permitting. MDOT may require permitting for any sign structures that are within 3,000 feet of an interstate, freeway, or highway; as regulated by the Michigan Highway Advertising Act (ACT 106). It is recommended that such permitting be applied for through MDOT before applying for a sign permit through the City of Lapeer. If MDOT does not require a permit for the proposed sign, documentation stating such shall be provided and submitted with the sign application to the City of Lapeer.

(3) Location. An ICS can only be applied for on properties that are zoned B-2. The property must border the I-69 R.O.W. An ICS is an additional sign structure for properties that meet the standards of this section and are not considered to be part of a cumulative total for overall signage allowed on an applicable piece of property.

(4) Setbacks. An ICS must be more than 300 feet from all residentially zoned properties, including properties adjacent to the subject parcel and/or across a public R.O.W.

(5) Proximity. An ICS shall be a minimum of 1,000 feet apart from each sign with no more than two (2) per lot. ICS placement must maintain a minimum of 500 feet apart from all other ICS structures on adjacent properties or across a public R.O.W.

(6) Accessory: All ICS and sign structures are accessory to a building or use on the same property. At least one building or structure that houses a principle business or use must be located on the same property as the interstate corridor sign.

(7) Multi-tenant. A ICS that advertises two (2) or more businesses. Square footage and height may be increased on an ICS (per Table 7.17.3) by allowing multiple tenants to advertise. The following requirements apply to signs hosting third-party tenants:

- a. Participating tenants of an existing or proposed ICS structure must apply for a sign permit through the Building Department with a valid lease for signage space and/or written permission from the CIS structure owner.
- b. The tenant of an ICS must be advertising a business or use of a location for a legal licensed business on property within the City of Lapeer and adjacent to the I-69 R.O.W. property line; except as

prohibited in this section. Tenants on adjacent properties that do not share a property line along the I-69 R.O.W. must be all of the following:

- i. a legally licensed business or use in the City of Lapeer, no more than 3,000 feet from the I-69 R.O.W.,
  - ii. A business or use that shares a property line with the property the sign is located on. The following areas have been designated to allow for tenant signage and not to advertise or promote a business that is separated by a public R.O.W. from the ICS structure. Signage of a business on an ICS must be located in these quadrants on a structure within the same quadrant as listed below:
    1. South of Turrill Road, North of I-69, and East of M-24 up to 3,000 feet from the ICS within the City limits.
    2. North of I-69 up to 3,000 feet from the ICS within the City limits, West of Baldwin Road and east of the country drain, Farmers Creek.
    3. South of I-69 up to 3,000 feet from the ICS, East of M-24 up to 3,000 feet of the ICS within the City limits.
  - c. Tenant signage of an ICS must be designated for a separate business. A business or product sold within a building sharing a common entrance without any separation from the primary business does not constitute a permitted tenant for additional signage. For example: a store that sells a brand may not advertise that brand separately outside of the 200 square foot requirement.
  - d. The closest ICS structure must be used whenever possible or, if no space is available, an ICS structure within 3,000 of the tenant's business can be used for the tenant's sign as it complies with the quadrants depicted in 7.17.06(g)(7)(b). It is required that businesses sharing a common vehicular entry should share an ICS structure whenever possible to limit confusion of the particular location of the business.
- (8) Design. ICS shall only be 1 or 2-sided. "V" shaped signs, similar to typical billboard designs are permitted given both sides are visible and legible from the Interstate R.O.W. and not exceeding a 90 degree angle. The void/back of a "V" shaped sign and the back of a 1-sided sign must be of acceptable materials that match the base or exterior/visible materials of the main sign structure. Supporting structure (poles, beams, cross-bracing, etc.) for the ICS shall be enclosed within the sign structure and material cladding.
- (9) Proportions. An ICS shall not be less than 5 feet in height and cannot exceed more than 30 feet in width, as measured across the face of the sign.
- (10) Base. Any ICS structure that has signage more than 18" above grade must provide a designated base between the bottom(s) of the display signage that extends to grade. The base shall be clad with permitted materials that match or compliment the main building(s) that the sign structure is designed to be used for. The base must, at a minimum, meet the width of the display signage.
- (11) Materials. Noncombustible, durable materials are required on all ICS structures. Materials similar to finished metal, stone, brick or a combination of such are examples of materials that meet this requirement. Materials that rust, stain, fade, oxidize, peeling and/or crack as a result of the natural environment shall provide information and apply such prevention measures as necessary or be discouraged.
- (12) Protrusions. Lettering and other materials to be secured to an ICS shall be designed to deter the build-up of debris, snow, bird nests, and other



foreseen maintenance issues that could cause obstructions or safety issues and compromise the stability and functionality of the sign and sign structure over time. Curved surfaces of protruding elements are required. Any vertical or horizontal surface attached to the face of an ICS shall protrude no more than 2 inches beyond the face of the sign structure or surface.

- (13) Safety. A business advertising on any ICS is prohibited to use images, colors, lighting and/or materials that would be considered to be a distraction to motorists and other types of transportation. Materials that are susceptible to variations of fatigue (as noted above in items 11 and 12, *Materials* and *Protrusions*) pose a safety hazard and it is required that documentation of preventive measures be listed as part of the submission of the ICS permit as it pertains to wind speeds, snow load, corrosion and/or other engineering and stability factors.

(h) **Changeable Message Signs**  
Numeration change from (g) to (h). No change to remaining items (1) thru (6) in section.  
Summary to be used for publication purposes.

Downtown Outdoor Right-of-Way Licenses.

**97 2017 04-03**

Moved by Marquardt. Seconded by Gates.  
Approve the Downtown Outdoor Right-Of-Way Licenses for:  
1. Blondies Sweet Boutique/Dagwood’s Deli – 193 W. Nepessing Street.  
2. Woodchips, LLC – 315 w. Nepessing Street.  
3. Pueblo Viejo Restaurant – 393 W. Nepessing Street.  
4. Fat Boy’s Bar & Grill – 10 E. Nepessing Street.  
5. Tilted Axis Brewery – 303 W. Nepessing Street.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

2017 Annual Spring Clean-Up.

**98 2017 04-03**

Moved by Gates. Seconded by Marquardt.  
Approve to schedule the 2017 Annual Spring Clean-Up for May 1 through May 5, 2017 and the 2017 Spring Clean-Up Agreement with Rick Rhein Disposal and authorize the City Manager to sign required documents.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

Ordinance Amendment: Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights of Way Ordinance).

Commissioner Gates introduced the proposed amendment to Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights of Way Ordinance) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

Section 66.01 thru 66.03. No Change.

66.04 Design parameters

- 1. thru 2. No Change.
- 3. Unless otherwise permitted in Section 66.04, 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 18 inches from an existing sidewalk/face of curb or 18 inches from a proposed future sidewalk/face of curb location.

4. Unless otherwise permitted in Section 66.04, 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 10 feet from any driveway.
5. thru 8. No Change.

Resolution for Annual MDOT Right of Way Permit.

**99 2017 04-03**

Moved by Marquardt. Seconded by Gates.

Approve the Performance Resolution for Governmental Agencies as required by Michigan Department of Transportation (MDOT).

Michigan Department  
Of Transportation  
2207B (11/16)

**PERFORMANCE RESOLUTION FOR  
GOVERNMENTAL AGENCIES**

Page 1 of 2

*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way," or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".*

RESOLVED WHEREAS, the City of Lapeer  
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations; within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful lacs of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which result in claims being asserted against or judgement being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.
5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or

maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, The Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following positions(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within state Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

\_\_\_\_\_  
Title and/or Name

\_\_\_\_\_  
Dale Kerbyson, City Manager

\_\_\_\_\_  
Pamela Reid, Director of Public Works

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

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

None.

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

None.

#### **UNFINISHED BUSINESS**

##### **100 2017 04-03**

Appointed by Mayor Sprague. Moved by Marquardt. Seconded by Bostick-Tullius.

Appoint the following:

Marge Alexander Park Board, term ending, 04-01-20.

Robert Rowden Park Board, term ending 04-01-20.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **DEPARTMENTAL COMMUNICATIONS**

The DDA Annual Financial Report and Downtown Development Authority (DDA) Monthly Report dated March 17, 2017 was received into record.

#### **PUBLIC COMMENTS**

None.

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Thanked lady for prayer.

##### **101 2017 04-03**

Moved by Bennett. Seconded by Atwood.

To place on the City's ballot in November to let the citizens of the City of Lapeer decide if they want the different facilities under the Medical Marihuana Act in the City of Lapeer. Discussion was held on speaking with citizens who are split between those that do and those that don't, big decision to make, allow citizens a choice if they want these different type of facilities or not, statute in effect at the end of the year and each individual city has to decide whether they want it or not, discuss with City Attorney to see if this is a

viable option, decision should be made by City Commission, to allow people the choice to vote, process medical marihuana card holders have to go through, liquor licenses in City and easy to get, is unfair to those who have medical card and need their medicine, law allows cities to make decision, to not wait seven months to make a decision, State will begin to issue licenses next year, ability to provide regulations, workshop held and support of facilities in the City, Commission members are voted in and as a governing board duty to make decisions, have any other cities had language on a ballot, big decision to make without knowing citizen position, request to have time to think about ballot question and table discussion to next meeting

The motion was amended and restated to move discussion of medical marihuana and ballot topic to next meeting.

Discussion was held on having time to review topic, guidelines, state restrictions, look at where to place facilities, state law allows only a grower to be in industrial and/or agricultural area, look at best fit for facilities, ability to anticipate the facility locations but still have on ballot and ask people what they think.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

Commissioner Gates: Understand Commissioner Bennett's thoughts, City Commission job is to make decisions even those people may not like, injustice to have 32 licenses for alcohol and yet people with medical cards have to go to a different area to meet their needs, it is unfair. Commission still has to look at what facilities they want or don't want, if people get approved by the state for medical marihuana card they should be able to have their needs met, not to have these people feel like a criminal with no rights. Commissioner Bennett asked if anything was anticipated to be in place by November and to let the people decide. Ms. Gates commented that if there is an initiative we would lose control of regulations.

Commissioner Atwood: His understanding that the Medical Marihuana Workshop was to help understand the law and ask questions, not for the public to show up and support with a yes or no, support Commissioner Bennett's motion and agrees with it, big decision for City, to leave it up to the people would be a wise decision to do and give them the opportunity to say yes or no, at least provide the opportunity; busy week with MML Conference and Michigan Main Street Program; ICE Grant and talk with Senator Green, hope grant goes through; Main Street representatives coming to us and are here to help us, public needs to step up and get into committees to help our downtown grow, program will help pull cities and counties together for benefit of community, if anyone interested in committee to contact DDA Director James Alt.

Commissioner Bostick-Tullius: MML Conference, legislative breakfast with Representative Gary Howell and ability to meet with him, great interaction, attended workshop on upgrade to voting machines, funding by state, the need to budget for costs in the future to cover items not paid for after initial implementation; Main Street, Thursday meetings had great input in sessions. Felt it was time to think about reviewing the building code, can things be tweaked or modified to fit our needs and not be burdensome to our citizens and business owners, to have workshop within the next month or so, make improvements in the City, have State Building Official, Attorney feedback, planning involved with possibility of having a planning representative from the regional level, need to move forward with this review within next month. Spoke with Mayor of Grand Rapids and sent info to Commissioner Atwood regarding Youth Council in Lapeer.

Commissioner Marquardt: Spoke with Dale about workshop on building code and to include Fire and Police as well, feels would be a good thing; Attended MML session with Commissioner Gates on "How Does Your City Measure Up" that included information about RRC (Redevelopment Ready Communities) Program, person at training meeting and info on prizes to be awarded, to have City Manager or Director of Public Works explain this in more detail and is the City eligible; Voting machines, costs for future budgets of \$1,000 to \$2,000 per precinct, maintenance provided for years 1-10 and budget for future costs for years 11 to 20. Felt there is an issue on when a citizen comes to City Commission meeting it is important that they receive a letter to acknowledge them, feels that shows the Commission cares and appreciates them bringing their concerns, have an example for use.

**102 2017 04-03**

Commissioner Marquardt moved that the City Manager will follow up with or provide notice to each individual who makes statements under public comments to receive letter of acknowledgement and proceeded to read an example letter. Discussion was held on those who make comments should be acknowledged, should be a documented response, establish a Commission policy, bring back policy to next meeting, possible issue with people who are in litigation with the City and try to come to the Commission and circumvent the court process, inability to know if the City Manager has responded to issues requested by the Commission/Mayor to be investigated.

The motion was amended and restated to have a policy prepared for consideration at the next Commission meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

Commissioner Marquardt commented that the Medical Marihuana Workshop was good, to have things completed by November, to discuss again in two weeks, is it even feasible to have a ballot question, the need to have things begin now and to not delay.

Commissioner Bennett commented that it would not be delaying, have seven months to work on this and still have on ballot. Commissioner Gates indicated if wait to have on ballot and if approved by voters and then begin process with input by Planning Commission, determining where facilities would go and how many would cause a delay.

Mayor Sprague: Update on local events; April is Child Abuse Awareness month and current legislation to be aware of; Autism Awareness month; quite a while ago asked for a survey/workshop on having in place a business fast tract model to help usher them through the process with one point of contact; building department and fire codes and State laws that are required to be followed, Fire Chief Terry Kluge indicated that with the building code we have to follow law, fire code can be tweaked but only in certain areas; Mr. Sprague commented on the need to review the downtown area, possibility to make this a renaissance zone and not charge building fees in that area, review downtown needs and option to provide free building permits; assessment needs meetings did not have a big turnout during day and having meetings during times when people cannot participate, the need to make meeting times more convenient, larger turnout at Court House probably due to later time, survey which clearly showed the need for store hours in evening; Michigan Marihuana law and direction as to where we want to go, will have people in opposition and those in support, first step was to have workshop and there are several more steps to go, the need to be clear and transparent in the process, more discussion will need to take place, to also look at large industries who have government contracts and drug free work places that may impact a facility being placed near them, possibility of creating another Industrial park, enough interest to delve into this further.

**ADJOURNMENT**

**103 2017 04-03**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 7:39 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
April 17, 2017**

A regular meeting of the Lapeer City Commission was held April 17, 2017 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, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**104 2017 04-17**

Moved by Bostick-Tullius. Seconded by Bennett.  
Approve the Agenda for April 17, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**MINUTES**

**105 2017 04-17**

Moved by Marquardt. Seconded by Gates.  
Approve the minutes from the Regular meeting held April 3, 2017 with correction of the spelling of Jeff Fick, incorrectly shown as Jeff Thick.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Dave Meoak, S. Saginaw, gave invocation.

**CONSENT AGENDA**

**106 2017 04-17**

Moved by Gates. Seconded by Atwood.  
Approve the Consent Agenda for April 17, 2017 resulting in the following.  
1. Special Event Request from Lapeer Downtown Development Association to hold Lapeer Cruise Night on Nepessing Street between Mason Street and Court Street every Monday night beginning May 8th and run through September 11<sup>th</sup> from 5:30 p.m. – 9:00 p.m.  
2. Special Event Request from Downtown Business Association to hold the Thursday Night Concert Series at the Lapeer Farmer's Market Pavilion Thursday evenings, June 1 - August 10, 2017 from 6:00 p.m. – 9:00 p.m.  
3. Special Event Application from Lapeer Area Home School Athletes to hold an Annual 5K Fun Run/Walk on August 19, 2017 from 7:00 a.m. – 12:00 p.m. at Rowden Park.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**BILL LISTING FOR APRIL 17, 2017**

**107 2017 04-17**

Moved by Marquardt. Seconded by Gates.  
Approve the Bill Listing for April 17, 2017 in the amount of \$373,546.56.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS  
None.

PUBLIC HEARINGS  
None.

ADMINISTRATIVE REPORTS

Discussion: Medical Marihuana Facilities Licensing Act  
Ballot language consideration.

108 2017 04-17

Moved by Bennett. Seconded by Atwood.  
Put the questions on the ballot for the five facilities to allow the people of the City of Lapeer to decide whether they want these facilities or not, yes or no. City Manager Dale Kerbyson asked for clarification if motion was to direct the City Attorney and City Clerk to create draft ballot language. Commissioner Bennett stated yes, the motion was amended to be: Direct the City Attorney and City Clerk to create draft ballot language regarding the five categories of medical marihuana facilities. Discussion followed: the five categories are complicated and procedures to go forward will take some time, not enough time to educate residents on the types of facilities in order to place it on the ballot, residents voted to approve medical marihuana, it is up to the Commission to work with department heads to determine placement of these facilities.  
ON A ROLL CALL VOTE:  
AYES: Commissioners Bennet, Atwood.  
NAYS Commissioners Bostick-Tullius, Gates, Marquardt.  
ABSENT: None.  
ABSTAIN: None.  
MOTION FAILED.

Ordinance Amendment: Chapter 7 (Zoning Ordinance), Article 7.17 Signs.

109 2017 04-17

Moved by Bostick-Tullius. Seconded by Gates.  
Adopt the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.17 Signs to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

Article 7.17 Signs

7.17.05 Schedule of Sign Regulations – property Used for Non-residential Purposes

Table 7.17.3: Schedule of Regulations

Type of Sign	Maximum Area	Height	Illumination	# Permitted/Other Provisions
Interstate Corridor Signs (g)	200 square feet per side (total signage = 400 S.F.) with a maximum of 2 sides permitted.	20 feet for single tenant	Permitted – Internal and concealed only	i) 1 per every 1,000 L.F., up to 2 sign structures per lot/parcel within 200 feet of I-69.  ii) Must be on property which is adjacent to the I-69 R.O.W.
	250 square feet for two businesses and an additional 50 square feet for each business (tenant) thereafter and not to exceed 400 square feet each side	30 feet for multiple tenant	Spot lighting is not permitted	
Electronic or Manual Changeable Message Signs	24 square feet	Per type of sign as listed above	Permitted	1 per parcel

(h)				
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7.17.06 Additional Provisions for Signs in Table 7.17.3

(a) thru (f) No Change.

(g) **Interstate Corridor Signs (ICS)**

- (1) Placement. All Interstate Corridor Signage (ICS) must be located along Interstate-69 (I-69) and shall be no closer than a distance that is equal to or greater than the height of the sign (20 feet to 30 feet) and setback from the Interstate Right-of-Way (R.O.W). An ICS 20 feet tall or less must maintain a minimum distance of 20 feet from the I-69 R.O.W. The Interstate R.O.W. includes all entrance and exit ramps on to I-69. Setbacks from the I-69 R.O.W may be more restrictive as deemed necessary by the Michigan Department of Transportation (MDOT). An ICS must be within 200 feet of the property line that borders the interstate R.O.W. unless deemed otherwise by MDOT.
- (2) Additional permitting. MDOT may require permitting for any sign structures that are within 3,000 feet of an interstate, freeway, or highway; as regulated by the Michigan Highway Advertising Act (ACT 106). It is recommended that such permitting be applied for through MDOT before applying for a sign permit through the City of Lapeer. If MDOT does not require a permit for the proposed sign, documentation stating such shall be provided and submitted with the sign application to the City of Lapeer.
- (3) Location. An ICS can only be applied for on properties that are zoned B-2. The property must border the I-69 R.O.W. An ICS is an additional sign structure for properties that meet the standards of this section and are not considered to be part of a cumulative total for overall signage allowed on an applicable piece of property.
- (4) Setbacks. An ICS must be more than 300 feet from all residentially zoned properties, including properties adjacent to the subject parcel and/or across a public R.O.W.
- (5) Proximity. An ICS shall be a minimum of 1,000 feet apart from each sign with no more than two (2) per lot. ICS placement must maintain a minimum of 500 feet apart from all other ICS structures on adjacent properties or across a public R.O.W.
- (6) Accessory: All ICS and sign structures are accessory to a building or use on the same property. At least one building or structure that houses a principle business or use must be located on the same property as the interstate corridor sign.
- (7) Multi-tenant. A ICS that advertises two (2) or more businesses. Square footage and height may be increased on an ICS (per Table 7.17.3) by allowing multiple tenants to advertise. The following requirements apply to signs hosting third-party tenants:
  - a. Participating tenants of an existing or proposed ICS structure must apply for a sign permit through the Building Department with a valid lease for signage space and/or written permission from the CIS structure owner.
  - b. The tenant of an ICS must be advertising a business or use of a location for a legal licensed business on property within the City of Lapeer and adjacent to the I-69 R.O.W. property line; except as prohibited in this section. Tenants on adjacent properties that do not share a property line along the I-69 R.O.W. must be all of the following:
    - i. a legally licensed business or use in the City of Lapeer, no more than 3,000 feet from the I-69 R.O.W.,



- ii. A business or use that shares a property line with the property the sign is located on. The following areas have been designated to allow for tenant signage and not to advertise or promote a business that is separated by a public R.O.W. from the ICS structure. Signage of a business on an ICS must be located in these quadrants on a structure within the same quadrant as listed below:
    - 1. South of Turrill Road, North of I-69, and East of M-24 up to 3,000 feet from the ICS within the City limits.
    - 2. North of I-69 up to 3,000 feet from the ICS within the City limits, West of Baldwin Road and east of the country drain, Farmers Creek.
    - 3. South of I-69 up to 3,000 feet from the ICS, East of M-24 up to 3,000 feet of the ICS within the City limits.
  - c. Tenant signage of an ICS must be designated for a separate business. A business or product sold within a building sharing a common entrance without any separation from the primary business does not constitute a permitted tenant for additional signage. For example: a store that sells a brand may not advertise that brand separately outside of the 200 square foot requirement.
  - d. The closest ICS structure must be used whenever possible or, if no space is available, an ICS structure within 3,000 of the tenant's business can be used for the tenant's sign as it complies with the quadrants depicted in 7.17.06(g)(7)(b). It is required that businesses sharing a common vehicular entry should share an ICS structure whenever possible to limit confusion of the particular location of the business.
- (8) Design. ICS shall only be 1 or 2-sided. "V" shaped signs, similar to typical billboard designs are permitted given both sides are visible and legible from the Interstate R.O.W. and not exceeding a 90 degree angle. The void/back of a "V" shaped sign and the back of a 1-sided sign must be of acceptable materials that match the base or exterior/visible materials of the main sign structure. Supporting structure (poles, beams, cross-bracing, etc.) for the ICS shall be enclosed within the sign structure and material cladding.
- (9) Proportions. An ICS shall not be less than 5 feet in height and cannot exceed more than 30 feet in width, as measured across the face of the sign.
- (10) Base. Any ICS structure that has signage more than 18" above grade must provide a designated base between the bottom(s) of the display signage that extends to grade. The base shall be clad with permitted materials that match or compliment the main building(s) that the sign structure is designed to be used for. The base must, at a minimum, meet the width of the display signage.
- (11) Materials. Noncombustible, durable materials are required on all ICS structures. Materials similar to finished metal, stone, brick or a combination of such are examples of materials that meet this requirement. Materials that rust, stain, fade, oxidize, peeling and/or crack as a result of the natural environment shall provide information and apply such prevention measures as necessary or be discouraged.
- (12) Protrusions. Lettering and other materials to be secured to an ICS shall be designed to deter the build-up of debris, snow, bird nests, and other foreseen maintenance issues that could cause obstructions or safety issues and compromise the stability and functionality of the sign and sign structure over time. Curved surfaces of protruding elements are required. Any vertical or horizontal surface attached to the face of an ICS shall

protrude no more than 2 inches beyond the face of the sign structure or surface.

- (13) **Safety.** A business advertising on any ICS is prohibited to use images, colors, lighting and/or materials that would be considered to be a distraction to motorists and other types of transportation. Materials that are susceptible to variations of fatigue (as noted above in items 11 and 12, *Materials* and *Protrusions*) pose a safety hazard and it is required that documentation of preventive measures be listed as part of the submission of the ICS permit as it pertains to wind speeds, snow load, corrosion and/or other engineering and stability factors.

(h) **Changeable Message Signs**

Numeration change from (g) to (h). No change to remaining items (1) thru (6) in section.

Summary to be used for publication purposes.

ON A ROLL CALL VOTE:

AYES: Commissioners Marquardt, Gates, Bostick-Tullius, Atwood, Bennett.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Ordinance Amendment: Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights of Way Ordinance).

**110 2017 04-17**

Moved by Gates. Seconded by Marquardt.

Adopt the proposed amendment to Chapter 66 (To Regulate DAS/Small Cell/Wireless Facilities In The Public Rights of Way Ordinance) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

Section 66.01 thru 66.03. No Change.

66.04 Design parameters

1. thru 2. No Change.

3. Unless otherwise permitted in Section 66.04, 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 18 inches from an existing sidewalk/face of curb or 18 inches from a proposed future sidewalk/face of curb location.

4. Unless otherwise permitted in Section 66.04, 6., DAS/Small Cell/Wireless Facilities shall be located no closer than 10 feet from any driveway.

5. thru 8. No Change.

ON A ROLL CALL VOTE:

AYES: Commissioners Atwood, Bostick-Tullius, Marquardt, Gates, Bennett.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 66 ADOPTED.

DeMille Road Rehabilitation Project.

Astec Asphalt, Inc. Construction Contract Award.

**111 2017 04-17**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the award of the construction contract for the DeMille Road Rehabilitation Project to Astec Asphalt, Inc. in the amount of \$334,876.40. Project is in the 2016-17 CIP, project # 20390.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## Fixed Asset Disposal.

### **112 2017 04-17**

Moved by Marquardt. Seconded by Gates.

Approve the disposal of the fixed assets as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **CITY MANAGER'S REPORT**

### City Commission Policy: Public Comment Follow Up – DRAFT – Initial Discussion.

City Manager Dale Kerbyson commented that he had missed the last meeting, not aware of what occurred, City Clerk took notes and policy presented, would like to understand the concept of the policy. Discussion followed: if a person voices a concern they should be provided a formalized response, exception of those who are in litigation with the City and try to come and circumvent the court process; Mr. Kerbyson indicated that he has followed up on concerns as directed by Commission, concerns are taken into consideration, only a few instances a response was not provided and could elaborate on them, possible legality issues; City Attorney Michael Nolan commented on policy language, issues that could arise from a written response, ask for a report on what communication is completed and addressing of concern.

Discussion followed: way for Commission to receive feedback, in no way saying that City Manager does not follow up, to know concerns are being addressed, redraft of policy presented with changes, key is to know what follow up occurred, consideration of job expectation and not a policy, policy and disciplinary action if not followed, not a need for policy/rule but way to know issues are addressed, want citizens to feel welcome to come to meetings and voice concerns and to have follow through, have City Manager place follow through in a bi-weekly report format; City Manager indicated current process and does follow through, if not a follow up there is a reason; Commission would like a written response on what the follow up has been.

### **113 2017 04-17**

Moved by Marquardt. Seconded by Bostick-Tullius.

City Manager will provide the Mayor and City Commission a written response when a City resident comes in to address the City Commission and on the follow up. Discussion followed: report verses consideration of policy, to have motion on record.

Moved by Bostick-Tullius. Seconded by Gates.

Move that the City Manager is going to provide a follow up to any specific concern addressed by the public on a bi-monthly basis.

Discussion followed: bi-monthly report, follow up on citizen concerns. Two motions on the floor and action needs to be completed on the first motion brought forth. Commissioner Marquardt withdrew her motion from the floor with acknowledgment by Commissioner Bostick-Tullius. Commissioner Bennett asked the City Attorney if agree with motion currently stated, Mr. Nolan responded that it was a broad context but could agree.

ON A ROLL CALL VOTE:

AYES: Commissioners Bennett, Atwood, Gates, Bostick-Tullius, Marquardt.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

### Workshop for Building Codes/City Ordinances.

City Manager Dale Kerbyson indicated a workshop was requested regarding code ordinances, CIP and Budget process in place, earliest time would be after budget process, the need to prepare.

Discussion followed: send out dates for availability as far out as June, provide time to gather info, would like on a Saturday, have someone from State Code for their interpretation of law verses City interpretation, blight and staff retirement, City Manager's office staff and work flow.

## **CITY ATTORNEY'S REPORT**

City Attorney Michael Nolan commented on Lapeer Industrial Railroad litigation.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Reports was received into record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

### **114 2017 04-17**

Moved by Gates. Seconded by Bostick-Tullius.

That the City of Lapeer opt in by establishing an ordinance under the MMFLA (Medical Marihuana Facilities Licensing Act), specifically allowing no more than: 3-5 provisioning centers; 3 grows with any combination of A, B, & C; 3 processing facilities; 2 "safety compliance/lab testing facilities; 2 secured transporter license, with the understanding that zoning regulations will be drafted by the Planning Commission ensuring the safety and protection for all our constituents which we will have the opportunity to review before final approval.

Discussion followed: people attending meetings not city residents on medical marihuana, motion made is denying people right to vote on this topic, residents spoke and voted for medical marihuana, duty to provide citizens their rights over all, Commission elected to do their job, statute signed into law allowing each municipality to establish ordinance or not in order to provide facilities, citizen concerns, zoning regulations, not in neighborhoods nor downtown and not by schools, Commission to have final approval of ordinance, state application process, voting no on ballot motion and request from last meeting to have time to think about ballot proposals and now to come back with this motion does not seem right, think of the future of the City and if Federal law allows and corporations that will come in, voting on something that is federally illegal, people have to leave area to receive their medication; Mayor Sprague gaveled meeting to order and commented on showing respect and decorum to one another; licenses not available with State until after first of year and ability to continue process and allow people the right to decide by ballot proposal, length of time for Planning Commission to prepare ordinance/regulations, the number and placement of facilities to be governed by Commission within ordinance, dispensaries in Burton near Lapeer, to not place specific numbers in motion at this time and the need to review each category and placement of facilities, requirements of growers to be placed in agricultural/industrial area, attorney time on legal review, Lansing ordinance and attorney's working full time on their process over the last two years, challenges of ordinance by those both for or against facilities, goal of motion is to opt in to facilities allowed under MMFLA. Commissioner Gates withdrew her motion from the floor with acknowledgement by Commissioner Bostick-Tullius.

Moved by Gates. Seconded by Marquardt.

To opt in and begin the process of establishing an ordinance in regards to the MMFLA (Medical Marihuana Facilities Licensing Act).

ON A ROLL CALL VOTE:

AYES: Commissioners Marquardt, Bostick-Tullius, Gates.

NAYS: Commissioners Atwood, Bennett.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

Commissioner Gates: Apologized for talking out of turn, reaction and behavior during MMFLA discussion.

Commissioner Atwood: Apologized, was not trying to be offensive, maybe didn't ask questions appropriately, trying to understand all that is going on.

City Manager Dale Kerbyson: Meeting with new Hospital CEO tomorrow; DTE created an assembly process on solar energy that will be presented to middle schools Schickler, Lynch, Turrill and Chatfield; Ecotourism Symposium with Commissioners Atwood, Gates, Marquardt on May 4<sup>th</sup>; attended Best Practices Certification Program for Redevelopment Ready Communities program and was certified.

Mayor Sprague: Attended Jay Springsteen 60<sup>th</sup> birthday party and read proclamation on behalf of State Representative Gary Howell; update on local events; Ecotourism Symposium should be named Star Wars Day; thanked Commissioners for discussion on MMFLA as it is a sensitive subject and respect of differences of opinion, confident this will work out.

## **ADJOURNMENT**

### **115 2017 04-17**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 8:03 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
May 1, 2017**

A regular meeting of the Lapeer City Commission was held May 1, 2017 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, Gates, Marquardt.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**116 2017 05-01**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for May 1, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**117 2017 05-01**

Moved by Gates. Seconded by Bennett.

Approve the minutes from the Regular meeting held April 17, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Janet Adams, Baldwin Road, gave invocation.

**CONSENT AGENDA**

**118 2017 05-01**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Consent Agenda for May 1, 2017 resulting in the following.

1. Special Event Request from Lapeer Police Officers Charitable Fund, Cops For Community 5K, July 8, 2017, Lake Drive and DeMille Blvd., Prairies and Ponds, contingent upon receipt of current insurance.
2. Special Event Request from Bishop Kelley School, Bishop Kelley Field Day, June 2, 2017, Annrook Park.
3. Special Event Application from Lapeer Area Chamber of Commerce, Lapeer Days Festival, August 15-20, 2017, as a City Co-Sponsored event.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR MAY 1, 2017**

**119 2017 05-01**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for May 1, 2017 in the amount of \$468,163.29.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

### Arbor Day Proclamation.

#### **120 2017 05-01**

Moved by Bostick-Tullius. Seconded by Gates.  
Approve the Arbor Day Proclamation.

### **CITY OF LAPEER ARBOR DAY PROCLAMATION**

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal,

THEREFORE, BE IT RESOLVED that I, William J. Sprague, Mayor of the City of Lapeer and the Lapeer City Commission do hereby declare April 28, 2017 as Arbor Day in the City of Lapeer and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 1<sup>st</sup> day of May, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

FY 2017-2018 Budget Notice: Set Public Hearing for May 15, 2017.

#### **121 2017 05-01**

Moved by Bostick-Tullius. Seconded by Atwood.

Approve setting a public hearing on May 15, 2017 at 6:30 p.m. or as soon thereafter as may be heard regarding the Fiscal Year 2017-2018 City of Lapeer Budget and the first year of the proposed 2017-2023 Capital Improvement Program.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **CITY MANAGER'S REPORT**

Michigan Natural Resources Trust Fund Application 2017.

#### **122 2017 05-01**

Moved by Bostick-Tullius. Seconded by Gates.

Approve Michigan Natural Resources Trust Fund Application 2017 Resolution of Authorization Local Unit of Government Match Without Donated Funds.

CITY OF LAPEER  
Michigan Natural Resources Trust Fund Application 2017  
Resolution of Authorization  
Local Unit of Government Match Without Donated Funds

WHEREAS, the City of Lapeer seeks to submit a Michigan Natural Resources Trust Fund Application 2017 for the following improvement:

Acquire 0.44 acres of land along Farmers Creek to construct an ADA accessible pathway connection between Cramton Park and the sidewalk/pathway along the west side of Highway M-24, through a pedestrian tunnel that MDOT construction when it replaced the M-24 bridge over the creek. This will provide an important connection for Lapeer's Non-Motorized Transportation System, allowing users to safely gain access east/west of M-24 without having to cross the busy highway. They will have access to local business on M-24 and non-motorized travelways west of M-24. It will also provide easy entrance into Cramton Park. Potential non-motorized users would be walkers, bicyclists, rollerbladers, skateboarders, joggers, hikers and wheelchair users. Because the parcel has the commercial frontage on M-24, the land is very expensive and the City needs grant assistance in order to purchase it.

WHEREAS, the proposed application is supported by the Community's 5-Year Approved Parks and Recreation Plan.

WHEREAS, the City of Lapeer has made a financial commitment to the project in the amount of \$37,200 matching funds, in cash and/or force account.

NOW THEREFORE, BE IT RESOLVED THAT the Lapeer City Commission approves submittal of a Michigan Natural Resources Trust Fund Application for \$108,000.00 for the above stated improvement; and further resolves to commit \$37,200.00 in matching funds (25%) of the total project cost of \$145,200.00 during the 2017-2018 Fiscal Year; and further resolves that the City Manager is authorized to act as the City's authorized representative to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

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

None.

### **UNFINISHED BUSINESS**

#### **123 2017 05-01**

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

Appoint the following:

Kerri Roberts Lapeer Housing Board of Appeals, term ending 05-01-20.

Chuck Dixon Lapeer Housing Board of Appeals, term ending 05-01-20.

Cheyenne Brodt Lapeer Housing Board of Appeals, term ending 05-01-20.

MOTION CARRIED.

### **DEPARTMENTAL COMMUNICATIONS**

The Monthly Financial Report for February 2017 and DDA Status Report were received into record.

### **PUBLIC COMMENTS**

None.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Visit to prison/jail; thanked lady for prayer.

Commissioner Bostick-Tullius: Attended ATT Grand Opening.



City Manager Dale Kerbyson: Prison provides City a fire stipend on an annual basis; Crust bakery from Fenton's coming to Blondies; Family Literacy event this Friday, unable to attend due to MEDC I-69 meeting in Indiana.

Mayor Sprague: Upcoming events; Child Advocacy funding event Corkscrews & Brews.

## **ADJOURNMENT**

**124 2017 05-01**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 6:42 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

**MINUTES OF A WORKSHOP MEETING  
LAPEER CITY COMMISSION  
May 2, 2017**

A workshop meeting of the Lapeer City Commission was held May 2, 2017 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:30 p.m.

**ROLL CALL**

Present: Mayor Sprague.

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

Absent: None.

City Manager: Dale Kerbyson (present)

**Also Present:** City Clerk Donna Cronce, Finance Director Kerry Helmick, Director of Housing Denise Soldenski, Director of Parks, Recreation & Cemetery Rodney Church, Police Chief Todd Alexander, Fire Chief Terry Kluge, Director of Public Works Pamela Reid, Building Official Darryl Oliver, Jeff Hogan County Press.

Mayor Sprague called the meeting to order at 5:30 p.m.

The City Commission met to discuss the Fiscal Year 2017-2018 City of Lapeer Budget and the 2017-2023 City of Lapeer Capital Improvement Program.

The Fiscal Year 2017-2018 City of Lapeer Budget and the first year of the 2017-2023 Capital Improvement Program were reviewed. Discussion: review of need for ice rink; placement of funding for local streets, Asset Management Plan for road improvements, review language to place road millage on November ballot; break 6:54 pm – 7:05 pm; State Revenue Sharing; Land Acquisition and General Fund; impact of debt funding; OPEB and Health Care Funding State requirements; continue dog park project; break 8:25 pm – 8:35 pm; Community Center funding for youth scholarships; move \$293,000 to Local Street Fund from \$10,000 ice rink-Park Fund, \$8,000 voting equipment-General Fund, \$125,000 Placemaking/Wayfinding Signage-Capital Improvement Fund, \$50,000 Contingency-General Fund and \$100,000-Land Acquisition Fund; DDA contribution for new digital sign.

By general consensus the meeting adjourned at 9:23 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, MMC, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
May 15, 2017**

A regular meeting of the Lapeer City Commission was held May 15, 2017 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, Gates, Marquardt.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague recognized and welcomed Boy Scout Troop 144; asked to lead the Pledge of Allegiance.

**AGENDA APPROVAL**

**125 2017 05-15**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for May 15, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**126 2017 05-15**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the minutes from the Regular meeting held May 1, 2017 and the minutes from the Special Budget Workshop meeting held May 2, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Dave Meoak, S. Saginaw Street gave invocation.

Jill Lyons, Berry Street, Center for the Arts Art on Nepessing Street festivities; asked Commissioners to be volunteers.

**CONSENT AGENDA**

**127 2017 05-15**

Moved by Marquardt. Seconded by Gates.

Approve the Consent Agenda for May 15, 2017 resulting in the following.

1. Application and Permit for Lapeer Chamber of Commerce for the July 4<sup>th</sup> fireworks provided by Wolverine Fireworks Display, Inc. and authorize the Mayor or City Manager to sign the required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR MAY 15, 2017**

**128 2017 05-15**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for May 15, 2017 in the amount of \$434,655.39.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Proclamation: Nipissing Chapter of the National Society of the Daughters of the American Revolution.

### **129 2017 05-15**

Moved by Gates. Seconded by Marquardt.

Approve the Proclamation In Recognition of the Centennial Anniversary of the Nipissing Chapter of the National Society of the Daughters of the American Revolution.

#### **CITY OF LAPEER PROCLAMATION**

In Recognition of the Centennial Anniversary of the Nipissing Chapter of the National Society of the Daughters of the American Revolution

WHEREAS, September 11, 2017 marks the 100<sup>th</sup> Anniversary of the Nipissing Chapter; and

WHEREAS, the Nipissing Chapter's Founding Daughters in 1917 were: Lula Bryce Abbott, Gertrude Herrick Brown, Sarah Woodruff Bryce, Elizabeth Rood Bullock, Mary Houghton Herrick, Mary Rood Johnson, Mabel Hornby Kinietz, Kate Hart Lincoln, Neva Vincent Louks, Belle Hart McCarthy, Minnie Sculley Mix, Vera Lincoln Pinney, Edith Brown Rhead, Belle Lincoln Russell, Effie Bryce Sidebotham, Julia Abbott Slayton, Abbie Johnson Taylor, Vernelia Rood Taylor, Lucy White Williams and Dr. Mille Elvira Wilson; and

WHEREAS, Lucy White Williams, Founding Regent, and most of these founding daughters are from families of the founders and pioneers of LaPeer. They and their families lived and or grew up in this agricultural country community. As they lived, raised their children and grandchildren they contributed to the community and impacted the development of the city and its citizens; and

WHEREAS, for 100 years the members of the Nipissing Chapter, NSDAR have donated their time, money and services to promote patriotism, our military, historical preservation and education both locally and nationally.

THEREFORE, BE IT RESOLVED that I, William J. Sprague, Mayor of the City of Lapeer and the Lapeer City Commission take this opportunity on behalf of the City of Lapeer to express official gratitude and deep appreciation to all the members past and present of the Nipissing Chapter, NSDAR for their achievements and dedication to public service and helping to make life better for others.

Dated this 15<sup>th</sup> day of May, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

### **FY 2017-2018 Budget Hearing.**

City Manager Dale Kerbyson commented on workshop, budget as modified is presented. Mayor Sprague opened the public hearing at 6:34 pm. There being no comments from the public, closed the public hearing at 6:34 pm.

### **130 2017 05-15**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Resolution To Adopt The Budget Of The City Of Lapeer For The Fiscal Year July 1, 2017 to June 30, 2018 And To Make Appropriations Therefore and the 2017 – 2023 Capital Improvement Program.

#### **GENERAL APPROPRIATIONS ACT**

#### **RESOLUTION TO ADOPT THE BUDGET OF THE CITY OF LAPEER FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018**

Lapeer City Commission Regular Minutes

May 15, 2017

Page 2

AND TO MAKE APPROPRIATIONS THEREFORE

WHEREAS, the City Charter requires: That the City Manager submit a budget proposal with his recommendation to the City Commission; that a public hearing be held on said budget proposal; that the City Commission by resolution adopt a budget for the ensuing fiscal year, making an appropriation of the money needed therefore, and designating the sum to be raised by taxation; and

WHEREAS, the Manager has submitted said budget and recommendations along with the proposed tax millage to be levied and a public hearing has been held thereon:

NOW, THEREFORE, BE IT RESOLVED as provided in the City Charter, and in conformity to Public Act 621 of 1978, the Uniform Budgeting and Accounting Act, that the budgets attached hereto and made a part hereof by reference are hereby considered and adopted, to be administered on fund level, as the budgets of the City of Lapeer to cover the operations and expenditures thereof for the fiscal year July 1, 2017 to June 30, 2018.

BE IT FURTHER RESOLVED that in addition to the levy of a City Income Tax in accordance with the State's Uniform City Income Tax Act, the sum of \$2,503,436 be raised by taxation from the levy of 9.8000 mills on the ad Valorum tax roll and 4.9000 mills on the IFT tax roll for operations on the assessed value of all real and personal property in the City as follows:

General Operation .....	9.8000 mills .....	\$2,423,605
General Operation .....	4.9000 mills .....	\$ 79,831

BE IT FURTHER RESOLVED that the City Manager be authorized to transfer necessary amounts between activities (departments) within a fund and up to \$5,000 between funds.

BE IT FURTHER RESOLVED that a copy of this budget resolution be furnished to the City Assessor, who together with the City Treasurer, shall then proceed to assess and collect the taxes in accordance with the City Charter and State Statutes.

ON A ROLL CALL VOTE:

YEAS: Commissioners Bennett, Atwood, Marquardt, Bostick-Tullius, Gates.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED AND RESOLUTION ADOPTED.

**ADMINISTRATIVE REPORTS**

City of Lapeer Fee Schedule: July 1, 2017.

**131 2017 05-15**

Moved by Bennett. Seconded by Gates.

Approve the City of Lapeer Fee Schedule to be effective July 1, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Street Millage: Ballot Proposal.

By general consensus direct the City Attorney and City Clerk to prepare ballot language for 2 mills for a period of six years for a Street and Sidewalk Improvement Millage.

Update of Election Voting Equipment: HAVA Grant.

**132 2017 05-15**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Resolution Help America Vote Act (HAVA) Grant Agreement Voting System Hardware, Firmware and Software.

CITY OF LAPEER

RESOLUTION

Help America Vote Act (HAVA) Grant Agreement  
Voting System Hardware, Firmware and Software

WHEREAS, the City of Lapeer wishes to apply to the Secretary of State for a grant to purchase a new voting system, which includes precinct tabulators, accessible voting devices for use by individuals with disabilities and related Election Management System (EMS) Software.

WHEREAS, funding for the new voting system will be provided by the State and will include a combination of Federal Help American Vote Act (HAVA) and State-appropriated funds.

WHEREAS, the City of Lapeer plans to begin implementation of the new voting system in 2017.

NOW, THEREFORE, BE IT RESOLVED, that the Lapeer City Commission authorizes the City Clerk to submit this Grant Application on behalf of the City of Lapeer, Lapeer County on this 15<sup>th</sup> day of May, 2017.

ON A ROLL CALL VOTE:

AYES: Commissioners Bostick-Tullius, Gates, Bennett, Marquardt, Atwood.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Ordinance Amendment: Chapter 20 (Business Licenses and Regulations Ordinance)  
Section 20.02 Taxicab License.

Commissioner Gates introduced the proposed amendment to Chapter 20 (Business Licenses and Regulations Ordinance); Section 20.02 Taxicab License, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

20.02 Taxicab License.

To be deleted in its entirety.

Notice of Intent Resolution.

2017 Capital Improvement Bonds (Limited Tax General Obligation).

**133 2017 05-15**

Moved by Marquardt. Seconded by Gates.

Approve the Notice of Intent Resolution, 2017 Capital Improvement Bonds (Limited Tax General Obligation).

NOTICE OF INTENT RESOLUTION  
2017 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL  
OBLIGATION)

City of Lapeer  
County of Lapeer, State of Michigan

The following preamble and resolution were offered by Commissioner Marquardt and supported by Commissioner Gates.

WHEREAS, the City of Lapeer, County of Lapeer, State of Michigan (the "City") intends to issue and sell its general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed Two Million Dollars (\$2,000,000) (the "Bonds"), in one or more series, for the purpose of paying all or part of the costs of certain capital improvement items in the City, including the reconstruction, resurfacing and sealing of certain roads and streets located in the City, and any related infrastructure improvements, together with all appurtenances and attachments thereto (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Lapeer Area View*, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.

3. The City Commission does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from the general funds of the City subsequent to sixty (60) days prior to today.
- (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$2,000,000.
- (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Delinquent Special Assessments to 2017 Tax Roll.

##### **134 2017 05-15**

Moved by Bennett. Seconded by Gates.

Add Special Assessment Districts 2007-01, 2008-01, 2008-04, 2009-02, 2010-01, 2010-03, Delinquent Special Assessment installments as of May 1, 2017 to the 2017 Summer Tax Roll as authorized by City Charter.

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

Nays: None.

Absent: None.

MOTION CARRIED

#### 2017 DeMille Road Rehabilitation – Scrap Tire Grant Project.

#### ROWE Professional Services Co. – Construction Engineering Agreement.

##### **135 2017 05-15**

Moved by Marquardt. Seconded by Gates.

Approve the Contract for Engineering Services with ROWE Professional Services, Co. in the amount of \$40,600 for the 2017 DeMille Road Rehabilitation – Scrap Tire Grant Project and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED

Court Street & Calhoun Street Reconstruction Projects.  
Rhode Bros. Excavating, Inc. Construction Contract.

**136 2017 05-15**

Moved by Gates. Seconded by Atwood.

Award and Approve the construction contract with Rhode, Bros. Excavating, Inc. in the amount of \$1,281,375.00 for the Court Street & Calhoun Street Reconstruction Projects and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED

**CITY MANAGER'S REPORT**

City Manager Dale Kerbyson commented ordinance information received by Mr. Dunaskiss and City of Lansing Attorney Mr. Smiertka was received and sent to Planning Department, Planning Commission to review and discuss at next meeting in June, Police Chief advised that State has revised their dates and permits will not be issued until second quarter of 2018.

**CITY ATTORNEY'S REPORT**

None.

**UNFINISHED BUSINESS**

**137 2017 05-15**

Moved by Marquardt. Seconded by Gates.

Appoint Dale Kerbyson to the Lapeer Building Authority, term ending 06-01-20.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Reports, Monthly Financial Report for March 2017 and Investment Report for the Quarter Ended March 31, 2017 were received into record.

**PUBLIC COMMENTS**

Jamie Fricke, business at 544 N. Main that is a medical marihuana certificate center called Holistic Leaf Medical Center, let Commission know that is a problem at her business, county police are pulling employees/patients over, Lapeer City police sitting at intersections and watching business and presented pictures, have advised employees to document incidences, here to let Commission know.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Attended the Ecotourism Symposium, things to do when people get out, possibility of bike and kayaking rentals, City has a lot of trails; understands why the ice rink was cut from the budget and moved to local streets, facebook post for interest in ice rink, keep an open mind about adding ideas in the future to draw people downtown; did go kayaking that was part of the symposium.

Commissioner Bostick-Tullius: Budget workshop and understands cuts with roads being the priority, would like to see ice skating rink and ideas to bring youth downtown.

Commissioner Marquardt: Attended the Ecotourism Symposium, great ideas and good experience, felt it was too cold to go kayaking; attended Lapeer Art show at Gallery which was nice and well attended.

City Manager Dale Kerbyson: Attended the Ecotourism Symposium, presented some ideas to TIFA Board members for funding, may see some ideas implemented, like to attend another one and maybe sponsor one in the future.

Mayor Sprague: Upcoming events; Aldi's grand opening, Memorial Day Parade; M-24 construction; missed Ecotourism Symposium, attended one in the past, use of abandoned railroad tracks as trails and use of quaint shops placed along the route.



## ADJOURNMENT

### **138 2017 05-15**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:00 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
June 5, 2017**

A regular meeting of the Lapeer City Commission was held June 5, 2017 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, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan, present (arrived at 6:34 p.m.).

**AGENDA APPROVAL**

**139 2017 06-05**

Moved by Bennett. Seconded by Gates.  
Approve the Agenda for June 5, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**MINUTES**

**140 2017 06-05**

Moved by Gates. Seconded by Bennett.  
Approve the minutes from the Regular meeting held May 15, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Janet Adams, Baldwin Road, gave invocation.

Rodney Church, Director of Parks, Recreation & Cemetery, indicated there would be a Dog Park meeting tomorrow at 6:30 p.m., Pix Theatre.

**CONSENT AGENDA**

**141 2017 06-05**

Moved by Gates. Seconded by Marquardt.  
Approve the Consent Agenda for June 5, 2017 resulting in the following.  
1. Special Event Request from First Baptist Church, Evening of Service at the Park, September 17, 2017, Annrook Park.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**BILL LISTING FOR JUNE 5, 2017**

**142 2017 06-05**

Moved by Marquardt. Seconded by Gates.  
Approve the Bill Listing for June 5, 2017 in the amount of \$460,403.77.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

None.

## ADMINISTRATIVE REPORTS

### Ordinance Amendment: Chapter 20 (Business Licenses and Regulations Ordinance), Section 20.02 Taxicab License.

#### **143 2017 06-05**

Moved by Gates. Seconded by Bostick-Tullius.

Adopt the proposed amendment to Chapter 20 (Business Licenses and Regulations Ordinance), Section 20.02 Taxicab License of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

20.02 Taxicab License.  
To be deleted in its entirety.

ON A ROLL CALL VOTE.

AYES: Commissioners Bostick-Tullius, Atwood, Gates, Bennett, Marquardt.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 20 ADOPTED.

### Ordinance Amendment: Chapter 17 (Trailer Coach and Mobile Home Ordinance), Section 17.06 Municipal Trailer Regulations.

Commissioner Bostick-Tullius introduced the proposed amendment to Chapter 17 (Trailer Coach and Mobile Home Ordinance), Section 17.06 Municipal Trailer Regulations of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

17.06 Municipal Trailer Park Regulations

(A) thru (S) No Change.

(T) Due to the need to maintain a safe and quality municipal trailer park, the City, through its designated agent, may reject any individual trailer coach or recreational vehicle that is considered detrimental to the health, safety and welfare of others using the municipal trailer park, including, but not limited to, aesthetic considerations, and the following rules shall be applicable:

(1) No decks, porches or storage buildings may be installed or attached;

(2) No permanent plantings, such as trees, bushes or shrubs, are allowed;

(3) No individual trailer coach or recreational vehicle shall be admitted, or allowed to remain within the park which is not in good repair and aesthetic condition, which includes, but is not limited to, rust, peeling paint, weather damage, broken windows, broken or compromised panels or components, or similar conditions.

(U) This Ordinance shall become effective August 1, 1969.

### Stop the Great Lakes Nuclear Dump: Oppose Ontario Power Generation's proposed nuclear waste repository.

#### **144 2017 06-05**

Moved by Marquardt. Seconded by Gates.

Approve Mayor Sprague to sign a joint sign on letter to Canada's Minister of Environment and Climate Change opposing Ontario Power Generation's proposed Deep Geologic Repository; and further, support Stop The Great Lakes Nuclear Dump in their opposition of a nuclear waste repository in the Great Lakes Region.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### Downtown Outdoor Dining Area Right-of-Way License: Tilted Axis Brewery.

**145 2017 06-05**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Downtown Outdoor Dining Area Right-of-Way License for Tilted Axis Brewery, 303 W. Nepessing Street.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**FY 2017-2018 Downtown Development Authority Operating Budget.**

**146 2017 06-05**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the FY 2017-2018 Downtown Development Authority Budget.

Mayor Sprague commented on DDA Plan and consistency to not capture dedicated millage voted in by the people, EMS did not approach therefore DDA will capture, DDA approved capturing City road millage should it be voted in, actions are contrary to precedence. Discussion held on DDA meeting, traditionally give back and not capture, very little funding for DDA, Main Street Select Level and ability to utilize services from MEDC, importance of having funds to invest in downtown, capturing only a small percent of road millage and not a slight to taxpayers, majority support by DDA members to capture. TIFA Plans state do not capture extra voted millages, DDA to capture roughly \$12,000 per year from road millage, dangerous precedence of DDA to select who they will or will not capture.

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

Nays: None.

Absent: None.

MOTION CARRIED

**2017-2018 Solid Waste Licenses.**

**147 2017 06-05**

Moved by Marquardt. Seconded by Bennett.

Approve the License for Solid Waste Collection for Republic Services, Rick Rhein Disposal, Smith's Disposal and Deerfield Disposal LLC.

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

Nays: None.

Absent: None.

MOTION CARRIED

**2017 Court & Calhoun Streets Reconstruction Project.**

**Rowe Professional Services Co. – Construction Engineering Agreement.**

**148 2017 06-05**

Moved by Gates. Seconded by Marquardt.

Approve the Contract for Engineering Services with ROWE Professional Services, Co. in the amount of \$129,724 for the 2017 Court & Calhoun Streets Reconstruction Project and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED

**Repairs to Fire Engine**

**149 2017 06-05**

Moved by Bostick-Tullius. Seconded by Gates.

Approve expenditures in the amount of \$76,145 for repairs to the KME 1500 GPM Pumper and authorize the City Manager and Fire Chief to sign related documents.

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

Nays: None.

Absent: None.

MOTION CARRIED

**CITY MANAGER'S REPORT**

City Manager Dale Kerbyson indicated it was Director of Public Works Pam Reid's birthday.

Closed Session Request.

City Manager Dale Kerbyson requested a closed session regarding a legal issue.

**150 2017 06-05**

Moved by Gates. Seconded by Bennett.

Approve a Closed Session for the discussion of a legal issue at the end of the regular meeting.

ON A ROLL CALL VOTE:

AYES: Commissioners Atwood, Bostick-Tullius, Marquardt, Gates, Bennett.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

**CITY ATTORNEY'S REPORT**

Resolution Street and Sidewalk Improvement Millage.

**151 2017 06-05**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Resolution Street and Sidewalk Improvement Millage.

**CITY OF LAPEER**

**RESOLUTION**

**Street and Sidewalk Improvement Millage**

WHEREAS, the Lapeer City Commission has determined the necessity of submitting a street and sidewalk improvement millage proposal to the electors of the City of Lapeer on the question of increasing the tax limitations of the City for street and sidewalk improvements within the City of Lapeer.

NOW, THEREFORE, BE IT RESOLVED:

1. That there be submitted to the electors of the City of Lapeer a proposal increasing the limitation on the amount of taxes assessed against all property within the City by 2 mills for a period of six years, to be used for street and sidewalk improvements within the City.
2. That such proposal be submitted at the General Election to be held on November 7, 2017 and that the ballot shall be:

**CITY OF LAPEER**

**STREET AND SIDEWALK  
IMPROVEMENT MILLAGE**

Shall the limitation on the amount of taxes which may be assessed against all property in the City of Lapeer, County of Lapeer, State of Michigan, be increased by 2 mills (\$2.00 on each \$1,000.00) on ad valorem taxable value for a period of 6 years, 2018 through 2023, inclusive, with the funds to be used to fund street and sidewalk improvements within the corporate limits of the City of Lapeer? It is estimated that the 2 mills would raise approximately \$502,031 of additional funds when first levied in 2018. To the extent required by law, a small portion of the total revenues from the tax levy (approximately 2.4% in the first year of the levy) will be captured from the district of and disbursed to the Downtown Development Authority of the City of Lapeer.

YES

NO

3. That the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit such street millage proposal to a vote of the electors as required by law.

ON A ROLL CALL VOTE:

AYES: Commissioners Atwood, Bostick-Tullius, Marquardt, Gates, Bennett.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## UNFINISHED BUSINESS

None.

## DEPARTMENTAL COMMUNICATIONS

The Downtown Development Authority, DDA Status Report dated May 19, 2017 and Monthly Financial Report for April 2017 were received into record.

## PUBLIC COMMENTS

None.

## MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Questioned if the Motor Home Park pays for itself, response by Mr. Kerbyson yes, the campground (trailer park) covers its cost.

Commissioner Gates: Aldi's Grand Opening; Memorial Day Parade ceremony; asked on setting workshop for Building Codes, Mr. Kerbyson responded on communication with Director of Building Codes and anticipate sending dates of availability.

Commissioner Bostick-Tullius: Questioned if it is a violation of ordinances to have a camper or motor home on street, Police Chief Alexander responded 48 hours is usual length of time, to send email where occurring and will check it out; DDA Board training for Main Street; attended Art Fair downtown.

Commissioner Marquardt: Aldi's Grand Opening, Art Fair, Memorial Day Parade.

City Manager Dale Kerbyson: Aldi's Grand Opening, Art Festival.

Mayor Sprague: Upcoming events; Aldi's Grand Opening, County Press Coffee get together and personal history in community provided by Mr. Milnes; Memorial Day Parade; Commission may disagree on aspects of funding such as millage discussion but still come together and focus on the same goals; approach by Mayor's Climate Network regarding the President's withdrawal from the Paris Climate Agreement, Mayors are coming together from all over the U.S. in support of green initiatives, City of Lapeer has largest solar array this side of the Mississippi, to join in and support this commitment to continue green initiatives, request Commission support.

### Support of Mayor's Climate Network

#### **152 2017 06-05**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Mayor to join in and sign on with the Mayor's Climate Network.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### Closed Session: Legal Issue

The Commission convened to a Closed Session for the purpose of discussing a legal issue at 7:03 p.m. and returned to its regular meeting at 7:30 p.m.

## ADJOURNMENT

#### **153 2017 06-05**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:31 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
June 19, 2017**

A regular meeting of the Lapeer City Commission was held June 19, 2017 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, Gates, Marquardt.  
Absent: Commissioners Bostick-Tullius.

City Manager: Dale Kerbyson, present (arrived at 6:33 pm).  
City Attorney: Michael Nolan, present.

**AGENDA APPROVAL**

**154 2017 06-19**

Moved by Marquardt. Seconded by Gates.  
Approve the Agenda for June 19, 2017 as presented.  
Ayes: Atwood, Bennett, Gates, Marquardt.  
Nays: None.  
Absent: Bostick-Tullius.  
MOTION CARRIED.

**RESCHEDULE REGULAR MEETING**

Move July 3, 2017 regular meeting to July 10, 2017 at 6:30 p.m.

**155 2017 06-19**

Moved by Bennett. Seconded by Gates.  
Approve moving the July 3, 2017 regular meeting to July 10, 2017 at 6:30 p.m.  
Ayes: Atwood, Bennett, Gates, Marquardt.  
Nays: None.  
Absent: Bostick-Tullius.  
MOTION CARRIED.

**MINUTES**

**156 2017 06-19**

Moved by Gates. Seconded by Atwood.  
Approve the minutes from the Regular meeting held June 5, 2017 and minutes of a Closed Session held June 5, 2017 as presented.  
Ayes: Atwood, Bennett, Gates, Marquardt.  
Nays: None.  
Absent: Bostick-Tullius.  
MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Jenny Burkhart, Wilder Road, gave invocation.

Marlana Swindell, Pleasant Street, asked the Commission to encourage the Planning Commission to move forward with the medical marijuana ordinance as a priority, City does not have to wait for the State and provided copy of legislation, state regulations and requirements.

**CONSENT AGENDA**

**157 2017 06-19**

Moved by Gates. Seconded by Marquardt.  
Approve the Consent Agenda for June 19, 2017 resulting in the following.  
1. Special Event Request from Lapeer Heating and Cooling, Launch Party, Cramton Park, June 29, 2017.  
Ayes: Atwood, Bennett, Gates, Marquardt.  
Nays: None.  
Absent: Bostick-Tullius.  
MOTION CARRIED.

## **BILL LISTING FOR JUNE 19, 2017**

### **158 2017 06-19**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for June 19, 2017 in the amount of \$546,242.17.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Proclamation: Chief of Police, Todd Alexander.

### **159 2017 06-19**

Moved by Marquardt. Seconded by Gates.

Approve the Proclamation In Recognition of Todd S. Alexander.

#### **PROCLAMATION In Recognition of Todd S. Alexander**

WHEREAS, Todd S. Alexander began his employment with the City of Lapeer on July 10, 1985 as a Patrolman, served as motorcycle officer and accident investigator, promoted to Sergeant on November 22, 1995, and rose through the ranks to be promoted Chief of Police on October 2, 2001; and

WHEREAS, Todd S. Alexander has brought, under his command, a vast range of skill and expertise in the technical aspects of police administration and a wealth of experience from proudly serving the law enforcement profession for 32 years; and

WHEREAS, Todd S. Alexander is an individual of personal integrity who has taken the Oath to serve the citizens of the City of Lapeer and answered this vital calling with profound responsibility, professionalism and competence; and

WHEREAS, Todd S. Alexander in performance of his duties serving all, safeguarding life and the innocent has received both a Life Saving Citation Awards and Departmental Commendation.

WHEREAS, Todd S. Alexander has devoted time and effort in providing growth and development to the City of Lapeer through creation of the K-9 Program and involvement in the Prison Liaison Committee, Civil Defense Coordinator, Oakland County CLEMIS Authority Board, Lapeer County Police Chiefs Association, Central Michigan Police Chiefs Association, Lapeer County Medical Control Authority, Thumb Narcotics Unit, International Association of Chiefs of Police, Michigan Association of Chiefs of Police, Law Enforcement Officer Regional Training Commission, Lapeer County Central Dispatch Technical and Authority Board, Lapeer County Emergency Management Assistance Compact (EMAC) & Local Planning Team, Region 3 Law Enforcement Terrorist Prevention & Planning and many others, including service as a Firefighter holding the rank of Lieutenant.

WHEREAS, Todd S. Alexander will officially retire on July 9, 2017 and leaves those in the City of Lapeer proud to have known him and to have served with him; his presence, commitment, and proficiency will be missed and he is wished continued success in his retirement.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Todd S. Alexander for his outstanding achievements, devotion to public service and profound impact on those he worked with and served. Dated this 19<sup>th</sup> day of June, 2017.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Mayor Sprague read and presented the Proclamation to Police Chief Todd Alexander; Police Chief Alexander thanked the Commission, Mayor and City Manager for making the City an excellent place to work, City would be in good hands moving forward.



## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Ordinance Amendment: Chapter 17 (Trailer Coach and Mobile Home Ordinance), Section 17.06 Municipal Trailer Regulations.

### **160 2017 06-19**

Moved by Gates. Seconded by Atwood.

Adopt the proposed amendment to Chapter 17 (Trailer Coach and Mobile Home Ordinance), Section 17.06 Municipal Trailer Regulations, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

17.06 Municipal Trailer Park Regulations

(A) thru (S) No Change.

(T) Due to the need to maintain a safe and quality municipal trailer park, the City, through its designated agent, may reject any individual trailer coach or recreational vehicle that is considered detrimental to the health, safety and welfare of others using the municipal trailer park, including, but not limited to, aesthetic considerations, and the following rules shall be applicable:

- (1) No decks, porches or storage buildings may be installed or attached;
- (2) No permanent plantings, such as trees, bushes or shrubs, are allowed;
- (3) No individual trailer coach or recreational vehicle shall be admitted, or allowed to remain within the park which is not in good repair and aesthetic condition, which includes, but is not limited to, rust, peeling paint, weather damage, broken windows, broken or compromised panels or components, or similar conditions.

(U) This Ordinance shall become effective August 1, 1969.

ON A ROLL CALL VOTE:

AYES: Atwood, Gates, Bennett, Marquardt.

NAYS: None.

ABSTAIN: None.

ABSENT: Bostick-Tullius.

MOTION CARRIED. AMENDMENTS TO CHAPTER 17 ADOPTED.

Saginaw St. Bridge – Preventative Maintenance Project.  
Local Share Payment #2 – Final Payment.

### **161 2017 06-19**

Moved by Marquardt. Seconded by Gates.

Approve Local Share Payment #2 – Final Payment to the State of Michigan in the amount of \$442.04 for the Saginaw Street Bridge Preventative Maintenance Project.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

2016 Oak Street Rehabilitation Project.  
Boddy Construction Company – Payment Request #3 – Final Payment.

### **162 2017 06-19**

Moved by Gates. Seconded by Marquardt.

Approve Final Payment Request #3 – Final Payment to Boddy Construction Company in the amount of \$6,786.53 for the 2016 Oak Street Rehabilitation Project.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Brownfield Redevelopment Authority, Tax Increment Finance Authority 1, 2 and 3, Local Development Finance Authority and Economic Development Authority 2017-18 Budgets.

**163 2017 06-19**

Moved by Marquardt. Seconded by Gates.

Approve the 2017-18 Budgets for the Brownfield Redevelopment Authority, the Tax Finance Increment Authorities 1, 2 and 3, the Local Development Finance Authority and the Economic Development Corporation as presented.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED

Authorizing Resolution for 2017 General Obligation Bonds.

**164 2017 06-19**

Moved by Bennett. Seconded by Gates.

Approve the Resolution Authorizing 2017 Capital Improvement Bonds (Limited Tax General Obligation).

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED

DeMille Road Rehabilitation Project.  
Change Order #1 – Astec Asphalt, Inc.

**165 2017 06-19**

Moved by Marquardt. Seconded by Gates.

Approve Change Order #1 with Astec Asphalt, Inc. in the amount of \$72,481.60 revising the contract amount to \$407,358.00 for the DeMille Road Rehabilitation Project.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED

DeMille Road Rehabilitation Project.  
Astec Asphalt, Inc. – Payment Request #1.

**166 2017 06-19**

Moved by Gates. Seconded by Atwood.

Approve Payment Request #1 to Astec Asphalt, Inc. in the amount of \$59,201.55 for services completed on the DeMille Road Rehabilitation Project.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED

**CITY MANAGER'S REPORT**

Property and Liability Insurance Renewal.

City Manager Dale Kerbyson commented on the Property and Liability Insurance Renewal which expires on June 30, 2017, increase due to increases in property values, auto and equipment, request approval. Mayor Sprague clarified the contract is for one year, would go out for bid next year.

**167 2017 06-19**

Moved by Marquardt. Seconded by Gates.

Approve the Property and Liability Insurance Renewal Contract with Peterson McGregor in the amount of \$166,253.00 effective July 1, 2017 through June 30, 2018.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED

## **CITY ATTORNEY'S REPORT**

None.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Reports; 2016 Consumers Confidence Report; and the 2016 Improvement to ISO Rating were received into record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Thanked Jenny Burkhart for prayer.

Commissioner Gates: Thanked everyone for coming; work with Planning Commission to get started on the MMFLA process, 2 step part 1) Opted in and 2) start to meet with them; attended Strawberry Festival and the Ice Cream Social; thank you to Todd and wish him the best.

Commissioner Atwood: Coffee with a Commish at Crankshafts Saturday from 9:00 am to 11:00 am, plan to do general clean up downtown.

Commissioner Marquardt: Will try to attend Coffee with a Commish; is excited/sad for Chief Alexander's retirement; City Manager needs to move forward with scheduling the Building Workshop.

City Manager Dale Kerbyson: Issues with State Building Department and apology received, to ask the Director to provide available dates; blight info in packet, process for notification, usually receive 90% compliance; MMFLA memo from City Planner, has not yet reviewed, sent to City Attorney for review; Eagle Scout Nathan Farrington is in attendance, has done a great job painting and restoring the downtown copulas, will continue over next several months; Congratulation to Chief Alexander, retirement party is on June 30<sup>th</sup> at the Public Safety Building.

Mayor Sprague: Glad to see Eagle Scout at the meeting; announced upcoming events; sang happy birthday to Dale Kerbyson; thanked Chief Alexander for service; need to make sure that Planning Commission has a July meeting even if MMFLA is only item on agenda, need to move forward.

## **ADJOURNMENT**

### **168 2017 06-19**

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Gates, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

**MOTION CARRIED.**

The regular meeting adjourned at 7:07 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
July 10, 2017**

A regular meeting of the Lapeer City Commission was held July 10, 2017 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, Gates, Marquardt.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

**CEREMONIAL SWEARING IN OF NEW POLICE CHIEF**

Honorable Laura Cheger Barnard, 71A District Court Judge presided over the Swearing-In Ceremony of Police Chief David Frisch.

**AGENDA APPROVAL**

**169 2017 07-10**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Agenda for July 10, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**170 2017 07-10**

Moved by Gates. Seconded by Marquardt.

Approve the minutes from the Regular meeting held June 19, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Janet Adams, Baldwin Road, gave invocation.

Karen Braschayko, Lapeer, expressed concerns on the mowing of litter after the July fireworks leaving behind microplastics which are a biohazard to animals and waterways.

Justin Dunaskiss: Update of Medical Marihuana Facilities Licensing Act (MMFLA).

Justin Dunaskiss commented on the City's approval to opt in and begin ordinance review regarding MMFLA, provided an update at State level, rules/regulations, other areas that are drafting ordinances, encouraged the City to look at drafting an ordinance, it is not necessary to wait for the State to move forward. Commissioner Bennett asked who Mr. Dunaskiss was representing, response of Evergreen Management Group.

**CONSENT AGENDA**

None.

**BILL LISTING FOR JULY 10, 2017**

**171 2017 07-10**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for July 10, 2017 in the amount of \$1,178,335.74.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

## PUBLIC HEARINGS

None.

## ADMINISTRATIVE REPORTS

Bank Account City of Lapeer Dog Park: Lakestone Bank & Trust.

### **172 2017 07-10**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Corporate Authorizing Resolution with Lakestone Bank & Trust to open an account for the City of Lapeer Dog Park Fund.

#### CORPORATE AUTHORIZATION RESOLUTION

Lakestone Bank & Trust Co  
PO Box 250  
Lapeer MI 48446

By: City of Lapeer  
Dog Park Fund  
576 Liberty Park  
Lapeer MI 48446-2140

#### RESOLUTIONS

The Corporation named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicate on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification number (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use or alternative signature and verification codes unless otherwise agreed in writing.

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

Nays: None.

Absent: None.

**MOTION CARRIED. CORPORATE AUTHORIZING RESOLUTION DECLARED ADOPTED.**

2017 Court St. & Calhoun St. Reconstruction Projects.

Payment Request #1 Rohde Brothers Excavating, Inc.

### **173 2017 07-10**

Moved by Gates. Seconded by Atwood.

Approve Payment Request #1 from Rohde Brothers Excavating, Inc. in the amount of \$163,589.40 for the 2017 Court Street and Calhoun Street Reconstruction Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Housing Improvement Division: U.S. Department of Agriculture Rural Development (USDA RD) Housing Preservation Grant Application.

Shelley Lincoln, Housing Grant Administrator with Lapeer Housing Division provided an overview of the request for application, program and grant info.

**174 2017 07-10**

Moved by Marquardt. Seconded by Gates.

Approve the Resolution United States Department of Agricultural Rural Development (USDSA RD) Housing Preservation Grant City of Lapeer Housing Improvement Grant Application.

RESOLUTION TO APPROVE  
UNITED STATE DEPARTMENT OF AGRICULTURE  
URAL DEVELOPMENT (USDA RD)  
HOUSING PRESERVATION GRANT  
CITY OF LAPEER HOUSING IMPROVEMENT GRANT APPLICATION

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low income residents; and

WHEREAS, the Lapeer City Commission supports the recommendation of the City of Lapeer Housing Improvement Department to apply for \$50,000 through the United States Department of Agriculture Rural Development (USDA RD) Housing Preservation Grant for City of Lapeer Housing Improvement Grant; and

WHEREAS, said City Commission authorizes the Mayor to sign the grant application form and related documents such as Environmental Review and Collaboration/Leverage Agreements as required by USDA RD and allow the Director of Housing and Neighborhood Development to sign related grant documents when allowed by USDA RD as required; and

WHEREAS, said City Commission held a public comment period regarding the proposed City of Lapeer Housing Improvement Grant application; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission supports the City of Lapeer Housing Improvement Department to submit the application for funding through the United State Department of Agriculture's Rural Development Housing Preservation Grant for a City of Lapeer Housing Improvement Grant, authorizes the Mayor and Director of Housing and Neighborhood Development to sign grant related documents on behalf of the City of Lapeer, and held a public comment period regarding this housing grant on July 10th, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Electrical Contract: Mark Griessel

Mechanical and Plumbing Contract: Timothy P. Israel.

**175 2017 07-10**

Moved by Gates. Seconded by Bostick-Tullius.

Approve the Electrical Contract with Mark Griessel and Mechanical and Plumbing Contract with Timothy P. Israel and authorize the Mayor and City Manager to sign said contracts.

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

Nays: None.

Absent: None.

MOTION CARRIED

## **CITY MANAGER'S REPORT**

City Manager Dale Kerbyson commented on removal of house at 1177 S. Main Street without proper permits and contact with contractors/owner; theft at Community Center and restitution; request for cleaning of Gibbons Drain, receipt of petition by property owners in area and will speak with Drain Commissioner regarding request; property sold thru drug forfeiture with County, request for City funds from sale with no response, to have City Attorney contact County for City's portion of sale. Commissioner Bennett asked about drain issue at K-Mart area, Mr. Kerbyson responded on County issue and County needs to clean drains.

## **CITY ATTORNEY'S REPORT**

City Attorney Michael Nolan commented on lawsuit involving Lapeer Industrial Railroad.

## **UNFINISHED BUSINESS**

### **176 2017 07-10**

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Atwood.

Appoint Tony Stroh-Piechowski to the Downtown Development Authority for a term ending 01-01-19.

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

Nays: None.

Absent: None.

**MOTION CARRIED**

### **177 2017 07-10**

Moved by Bennett. Seconded by Gates.

Appoint the following:

David Frisch Civil Defense Coordinator, term ending 01-01-18.

David Frisch Prison Liaison Committee, term ending 04-01-19.

Terry Kluge Lapeer County Central Dispatch Authority, term ending 09/2020.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

## **DEPARTMENTAL COMMUNICATIONS**

The Downtown Development Authority Report dated June 23, 2017 was received into record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Coffee with Commish, cleanup downtown; volunteer application and streamlining info; street sweeper and cleaning of back lots, DPW Director Pam Reid responded yes, around 1<sup>st</sup> of August.

Commissioner Bennett: Thanked lady for prayer.

Commissioner Bostick-Tullius: Congratulations to Chief Frisch; graffiti issues, Rowden Park and tunnel by Chatfield; Building Workshop, would like someone from State there but to not wait if they cannot make it, have community interaction with citizens/builders, review of dates, to have workshop July 25, 2017 at 5:30 p.m. and to post and publish info. Discussion held on workshop meeting different than meeting with business owners, goal of workshop, how City is enforcing and fee schedule, review public safety codes as well, review of issues unique to Lapeer, fees charged in accordance with other communities, impression City could be allowed to have other ordinances in addition to the State, other ordinances could be more restrictive but not less than State code however City does not have more restrictive ordinances in place, City has adopted State Building Code, State interpretation of City procedure has shown City is not out of line, purpose of Building Department was to provide faster/effective service for citizens and to be less than charges by CCA, workshop should not develop into accusation of Building Official's job duties/performance, workshop to help understand process, people didn't feel they had good interaction with department, length of time to get things done and what they need to do to get something accomplished.

Commissioner Gates: Thanked everyone for coming; congratulations to Police Chief Frisch; when will Planning Commission meet on medical marihuana, response of Thursday Night and is the only agenda topic.

Commissioner Marquardt: Like to see a copy of the clean-up plan after 4<sup>th</sup> of July fireworks, Chamber event however maybe work with Chamber on this; Beautification Committee and getting this started; congratulations to Chief Frisch; will not be at next meeting.

City Manager Dale Kerbyson: Volunteer form on website, have list of projects started; graffiti is becoming a significant issue, expense to take care of, issue with prosecuting and restitution; Court Street on schedule; DeMille project completed on time; keeping track of County building project to be finished by Lapeer Days.

Mayor Sprague: upcoming events; graffiti and litter, irresponsibility of people, be aggressive in prosecution and restitution, be active on this to address issue.

## **ADJOURNMENT**

**178 2017 07-10**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 7:39 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk



**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JULY 17, 2017**

A regular meeting of the Lapeer City Commission was held July 17, 2017 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 (arrived at 6:31 pm), Gates.

Absent: Commissioner Marquardt.

City Manager: Dale Kerbyson, present.

**AGENDA APPROVAL**

**179 2017 07-17**

Moved by Gates. Seconded by Atwood.

Approve the Agenda for July 17, 2017 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

**MINUTES**

**180 2017 07-17**

Moved by Bennett. Seconded by Gates.

Approve the minutes from the Regular meeting held July 10, 2017 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Chuck Herpolsheimer, Christ Community Church, gave invocation.

**CONSENT AGENDA**

**181 2017 07-17**

Moved by Gates. Seconded by Atwood.

Approve the Consent Agenda for July 17, 2017 as follows:

1. Special Event Application from Meijer, Inc., Company Picnic on August 13, 2017, Cramton Park.
2. Special Event Application from United Way of Lapeer County, 5K Run, September 16, 2017, Rowden Park.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

**BILL LISTING FOR JULY 17, 2017**

**182 2017 07-17**

Moved by Gates. Seconded by Bostick-Tullius.

Approve the Bill Listing for July 17, 2017 in the amount of \$578,629.80.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Optimist: Beer Tent Resolution

**183 2017 07-17**

Moved by Bostick-Tullius. Seconded by Gates.

RESOLVED, that the request to authorize the Lapeer Optimist Club to use the City sidewalks and Cedar Street north of Nepessing Street for their beer tent on Friday, August 18, 2017 through Sunday, August 20, 2017 be approved.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Bank Account – City of Lapeer, 2017 GO Construction Bond.

### **184 2017 07-17**

Moved by Gates. Seconded by Bostick-Tullius.

Approve the Corporate Authorization Resolution with Lakestone Bank & Trust to open an account for 2017 GO Construction Bond.

#### **CORPORATE AUTHORIZATION RESOLUTION**

Lakestone Bank & Trust Co  
PO Box 250  
Lapeer, MI 48446

By: City of Lapeer  
2017 GO Construction Bond  
576 Liberty Park  
Lapeer, MI 48446-2140

#### **RESOLUTIONS**

The Corporation named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicate on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification number (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use or alternative signature and verification codes unless otherwise agreed in writing.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

James Alt – Mainstreet Project Update.

DDA Executive Director James Alt provided a presentation on the Michigan Main Street Program, Main Street Approach for Revitalization and revamping of existing committees to Organization, Design, Econ/Vitality and Promotion, Community/Leaders Survey questions and responses, Potential Transformation Strategies, Defining the Vision, Next Steps in the Revitalization Journey. Discussion was held on Main Street Program, James Alt is doing an amazing job; can really see changes occurring downtown; 51% would not live downtown was presented as a negative, Mr. Alt responded to focus on the draw to live downtown, some like the country lifestyle, engage the what/why not to live in a downtown area; survey focus was on DDA District; survey and what was considered safety concerns, Mr. Alt responded that survey did not ask for specific detail but felt it considered aging buildings. Mayor Sprague thanked Mr. Alt for the informative presentation.

DeMille Rod Rehabilitation Project.  
Astec Asphalt, Inc. – Change Order #2.

**185 2017 07-17**

Moved by Gates. Seconded by Atwood.

Approve Change Order #2 from Astec Asphalt, Inc. resulting in a net decrease of \$14,522.84 for a revised contract amount of \$392,835.16 for the DeMille Road Rehabilitation Project.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

DeMille Road Rehabilitation Project.  
Astec Asphalt, Inc. – Payment Request #2.

**186 2017 07-17**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Payment Request #2 in the amount of \$328,467.76 to Astec Asphalt, Inc. for the DeMille Road Rehabilitation Project.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED

Community Development Block Grant Program- Infrastructure Capacity.  
Enhancement Grant - Consultant Services Agreement.

**187 2017 07-17**

Moved by Gates. Seconded by Bostick-Tullius.

Approve the Resolution To Approve Consultant Services For Michigan Economic Development Corporation (MEDC) Community Development Block Grant (CDBG) Program Infrastructure Capacity Enhancement (ICE) Grant, Project: McCormick Pump Station and Force Main Improvements.

CITY OF LAPEER  
RESOLUTION TO APPROVE CONSULTANT SERVICES FOR  
MICHIGAN ECONOMIC DEVELOPMENT CORPORATION (MEDC)  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM  
INFRASTRUCTURE CAPACITY ENHANCEMENT (ICE) GRANT  
Project: McCormick Pump Station and Force Main Improvements

WHEREAS, the City of Lapeer accepted bid submittals to fulfill the duties of Certified Grant Administrator for the MEDC, CDBG-ICE Grant for the McCormick Pump Station and Force Main Improvements Project; and

WHEREAS, the Director of Public Works reviewed the bid submittals and is recommending Lapeer Development Corporation to assist the City of Lapeer with all MEDC, CDBG-ICE Grant compliance issues and to perform the duties of a Certified Grant Administrator.

NOW, THEREFORE BE IT RESOLVED:

1. That the City of Lapeer accepts the bid submittal and appoints the Lapeer Development Corporation as the Certified Grant Administrator for the Michigan

Economic Development Corporation Community Development Block Grant (CDBG) Program Infrastructure Capacity Enhancement (ICE) Grant for the McCormick Pump Station and Force Main Improvements Project.

2. The Lapeer City Commission authorizes Mayor William J. Sprague to sign the Consultant Services Agreement/Contract between the City of Lapeer and Lapeer Development Corporation regarding said grant.

This resolution adopted this 17<sup>th</sup> day of July, 2017.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

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

None.

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

None.

### **UNFINISHED BUSINESS**

#### **188 2017 07-17**

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Gates.

Appoint the following:

Jennell RaCosta	Lapeer Housing Commission, term ending 8-1-2022.
Kerri Roberts	Lapeer Neighborhoods, Inc., term ending 8-1-2019.
Charles Dixon	Lapeer Neighborhoods, Inc., term ending 8-1-2019.
Cheyenne Brodt	Lapeer Neighborhoods, Inc., term ending 8-1-2019.
Andrew Harrington	Local Development Finance Authority, term ending 8-1-21.
Dale Kerbyson	Local Development Finance Authority, term ending 8-1-21.
Gary Phillips	Local Development Finance Authority, term ending 8-1-21.
Robert Rowden	Local Development Finance Authority, term ending 8-1-21.
Austin Kelly	Planning Commission, term ending 8-1-2020.
Dave Sommerville	Planning Commission, term ending 8-1-2020.
Joe Black	Planning Commission, term ending 8-1-2020.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED

### **DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Reports was received into record.

### **PUBLIC COMMENTS**

None.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bostick-Tullius: She and Commissioner Atwood to meet with Nancy Boxey to discuss Youth Council; changes to DDA board members, engagement in Main Street process and in the community.

City Manager Dale Kerbyson: Nancy Boxey is a good resource; gentleman taking pictures is Matt Bach from the MML; attended Kiwanis Golf Outing and won; downtown car show is booming this evening.

Mayor Sprague: upcoming events; July 25<sup>th</sup> Building/Public Safety Workshop meeting.

### **ADJOURNMENT**

#### **189 2017 07-17**

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

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

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A WORKSHOP MEETING  
JULY 25, 2017**

A workshop meeting of the Lapeer City Commission was held July 25, 2017 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:30 p.m.

**ROLL CALL**

Present: Mayor Sprague (arrived at 5:36 p.m.)  
Commissioners Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan (arrived at 6:14 p.m.)

Mayor Pro-Tem Marquardt led the Pledge of Allegiance; requested to adjust the agenda to allow public comment to start the meeting, there being no objection, the floor was open for public comment, indicated that additional public comment will be allowed at the end of the meeting.

**PUBLIC COMMENTS**

None.

Building/Code Enforcement

City Manager Dale Kerbyson commented on recent analysis that indicates people do not know where to start, not a one-stop shop for our residents and contractors; to have a committee review process and provide direction on solving issues; history of department, used to be under Construction Code Authority (CCA), department issues with CCA, opening of City's building department ten years ago, to continue to improve and keep moving forward.

Mayor Sprague arrived at 5:36 p.m.

Mr. Kerbyson provided a presentation on: necessity of a Right-of-Way Permits, examples of how damage is done to infrastructure/streets/sidewalks; dumpster requirements, discussion was held regarding location of a dumpster, permit is not required, dumpster cannot be in a right-of-way and in place for a maximum of 10 days, if exceed 10 days than notice is sent to property owner, should property owner require additional time they communicate with city and continue with status updates; blight issues with example of discarded concrete on a piece of property and refrigerator without door removed as required by state law, discussion on blight notice and clean up time, 10 days to clean up then a ticket would be issued; noxious weeds, height limit of 8 inches, about 15 notifications sent this year; code infractions on roof and examples of improper installation.

Mayor Sprague commented on the reasons for establishing the building department was for 1) CCA was not completing items in a timely fashion; 2) It wasn't to be a for-profit on any fees charged to residents, it was to be cheaper than what CCA charged, time and time again asked to verify that our fees were cheaper than CCA and not to charge fees that CCA was not, explained that he had his roof shingles replaced which did not change the structure, he nor his contractor did not pull a building permit, called the State and CCA and was told he did not need a permit for just replacing shingles, permit was \$356, contractor advised it was more than double in any of the places he works in, wants to know what happened, owe people an apology and a refund, feels he was lied to about fees, contractors have repeatedly come in to tell us about permits and fees. Commissioner Bostick-Tullius questioned if City building code mirrors issuing permits based upon what the State requires and was told yes, not doing anything above and beyond, if State does not require replacing shingles why are we.

Discussion was held on Main Street survey indicated Lapeer is difficult to do business in, sole purpose of building department to make Lapeer a better place to do business, fees are not represented in a positive light, Mayor indicated if he were a voting member he would vote to go back to CCA and disband the City's building department, what is

the City's recovery plan to make this right, to do what needs to be done to make it cheaper, better and faster, fees should be cheaper than CCA; Commissioner Gates asked if something is not required by the State, how does the City correlate a price? Mr. Kerbyson indicated the City adopted fees the State uses as a base, why City requires a roof permit, CCA used to charge when the City first left, City reviewed CCA pricing in 2014 as well as window permits, Construction Board of Appeals voted and agreed that permits are required for window replacement, State code says everything needs a permit and list of exemptions in which roofs and windows are not on the list. Mayor Sprague felt this was flawed logic, that this is a way to expand and charge more fees, feels the City cannot recover at this point. Discussion continued on need or lack of need for window permits and safety issues, review of understanding that for replacement of 3 windows or less would not require a permit, Construction Board of Appeals vote/agreement that yes a permit is required; why State does not require a permit to re-shingle a roof; is the discussion here on permits or just the fees; to get a list of what the State requires and what the City requires; reviewing the pictures presented gives reason why the City requires them inspected, permit is based on value of job; to see a justification of why building department is needed, trouble with inspections by CCA. Commissioner Marquardt commented on reviewing fee schedule including violations, difficulty of finding information online for CCA or State, how does Commission know if fees are in compliance; Mr. Kerbyson indicated receipt of CCA list of fees and passed copy around. Commissioner Gates indicated it would have been nice to have CCA pricing delivered prior to the workshop, Mr. Kerbyson indicated difficulty in project comparison as each project has different variables, goal is to improve health and safety of our citizens, discussion of windows in 2014, State building code does not say roof permits are not required. Discussion on difference in replacing a roof is not same as re-shingling. Mayor Sprague commented on Manager's credibility, trust between Commission and staff, when told one thing and find out it is not true his credibility and reputation is at stake, wants to see a recovery plan to continue building department, repair of damage that has been done. Commissioner Bennett commented if we gave refunds to every mistake made by the City, the City would be broke. Mr. Kerbyson indicated goal of the building department is to protect the health and safety of our citizens, service to citizens and less expensive than CCA. Mayor Sprague reiterated the reasons for the building department was 1) better, faster service to residents 2) cheaper than CCA 3) State code rules/regulations should give us what safety requirements are there, gave an example of if there is an issue between him and contractor it is his problem not the City's, Commissioner Gates agreed. Mayor Sprague indicated that part of the workshop is to have people here to present issues, reminded everyone that this is not to be a personal attack on any individual, if there is a broken process it needs to be fixed, if it cannot be fixed that go back to old system.

Mayor Sprague opened the floor for public comments at 7:18 p.m.

## **PUBLIC COMMENTS**

Hilda Novak (Fick), Plum Creek Road, commented on worked in Lapeer for 20 years, nails and tanning, Lapeer makes it hard on you to do business, smells and strong odor, told air quality in building needs special venting by building department, what does City require her to have in her salon, State has no ordinance over her salon, will do nails somewhere else.

Karen Ream, All About Nails, commented that she is a business owner, City asking her to install exhaust pipes to improve air quality and air purifiers, has done everything possible, what the City is asking her to do cannot be done, estimate of \$6-10K on what City is requiring for a 400 square foot building, wants to stay in Lapeer but it's almost impossible to do so, employs five others.

Alex Lengemann, Local Contractor, commented he brought this to Construction Board on roofing, has done re-shingling in other areas and did not need a permit within County, called State and told it was an ordinary repair, re-shingling should not require a permit, has also done siding which should also be an ordinary repair, building official comes in for an inspection on windows and then told needed a handrail on stairs, should only be there for the item that is to be inspected, not have free access to everything in the house to write violations for, now works underground on repairs and does not pull permits, City is difficult to work with, Mr. Oliver acts like he is the king and

that you should have to kiss the ring, was fixing up homes to rent and the City has loss income on rented homes as he will now fix them up and sell them.

Ms. Ream commented that she still does not have an occupancy permit because the clean air has not improved, incense place moved in next to her, what is the difference in smell.

Mr. Lengemann commented on handrail he was told was needed and where in the code does it say that, he brought an issue to Construction Board of Appeals and lost, cost him \$400, feels he is still right, these are ordinary repairs, no permits should be required.

Dave Filipiak, Sky Electric, commented on financials, told to file FOIA request, wants to see the financials for building department, should be online for public to see, thinks department is making money due to cost of permits, unqualified personnel doing electrical and mechanical inspections, fees paid, pulls a \$1,000 permit and it only covers two inspections. Mayor Sprague questioned what he would pay and receive for the same service at CCA. Mr. Filipiak indicated this is not unusual, couldn't put a price on it off the top of his head, is fees paid to inspectors per inspection or by the hour, should pay by the hour, have financials made public.

Greg Snoblin, commented that he used to be largest rental landlord, is licensed and does a lot of business in town, does not have any faults with building department, quotes for permits with application fee, line items and inspections, City cheaper in areas, when put permits together as a whole is where you pay more in City, feels this is mostly about the fee structure, roofs are up to the municipalities to permit and fee amount, plumbing and hot water system repair where code says \$600 and under can be done without permit, State code is a guideline and up to the City to enforce and what to inspect, rentals and inspections and registering property with the City, new energy codes, water tanks are a safety issue and need to be inspected, has nothing against building department, has always been able to sit and talk with Mr. Oliver if needed, thinks that fees are the issue here, putting fee schedule together was the City Manager's job.

Michelle Filipiak, commented that she is a licensed architect, schooling required for those to go through the process and receive a license or certification, those that complete process is to ensure that projects they put together is a safe environment and structurally sound, not to see if contractor properly installs windows, persons doing inspections and looking at job as a whole what are their credentials, should do job and nothing else, many people in the room, contractors, business owners should not have to hire someone to check their air quality, City should not have to be proving but defending what they do and are qualified.

Bruce Johnson, Johnson Plumbing, commented on fee structure, residential versus commercial job could pay 5x more, should be based on number of inspections not on fixtures, water heater issues with building department that was resolved, commercial water heater liability is with manufacturer and contractor, fee structure should be structured accordingly. Mayor Sprague questioned tap in fees and requested an explanation on how this worked when an addition is put on an existing building. Mr. Johnson indicated that fee structure is based on amount of project, contributes to maintenance of sewer, tap fee based on square foot of building, Director of Public Works Pam Reid commented on costs of maintenance/infrastructure completed by study to come up with fees charged, water based on meter size, sewer fees based on square footing of building. Mr. Johnson commented that the City is providing a service, inspectors for plumbing and mechanical there only one day a week and should be there more, greatly appreciate if open at 7:00 am instead of 8:00 am.

Steve McCorkle, Dryden, commented on owning 3 businesses in town, curious as to whether CCA or any other municipality added a fee on permits based on value of project, CCA has a minimum fee for permits based on value of projects, City looks over plans, plus pay for permits and fees, fee structure has a lot of extras and ends up paying 5% of what the project costs. Mr. Johnson commented he would like to see the total cost of a project before the start of the project. Mr. Snoblin commented that other municipalities do by cost or by line item, one or the other, that's why City more



expensive. Mr. McCorkle would like to see all fees up front, will rental inspections continue, understands only one man doing all the work and needs to be spread out or responsibility needs to be split out, had a permit that took from June 11<sup>th</sup> to July 25<sup>th</sup> to be signed off.

Mayor Sprague commented appreciates the frankness to fix the system, intent of workshop was to fix problems, don't go away thinking this has any part of rental inspections, indicated that not only is the roofing issues making him mad, but dogged landlords who do not maintain their property, asked where do we go from here.

Commissioner Bostick-Tullius commented she is disappointed and was expecting a list of what State requires and compare to what the City needs to do, workshop to go over each item that is in our fee schedule and review the code that goes with the fee and is it necessary in the City; surprised to hear from Mr. Snoblin that the State gives guidance and up to City to do permits and whether or not we want to; disappointed in not receiving CCA schedule ahead of time, clear CCA does one lump sum not line items, looks like more until you add up the fees, feels need another meeting to review, should know exactly every single item City charges for and what the fees are, cannot accomplish this at tonight's meeting, sounds like everything is up to the commission to determine what needs permits and what doesn't.

Commissioner Marquardt agreed with Bostick-Tullius, wants to review the items and determine what they are for, have a problem and to sit down and go through, wants a list of all the various comments brought to the meeting, we have a great City, need to make it convenient for the business owners, need to do something and move forward.

Commissioner Gates agrees with Bostick-Tullius and Marquardt, shoddy work is between home owner and contractor not the City, should not take advantage of fees, should only complete the inspection that the permit is for, have to work together, what direction to go from here.

Commissioner Bostick-Tullius commented on having a check list of what a contractor or owner can look at for what is expected for a project, total fees for the complete project up front, should be some way to do.

Mayor Sprague commented on perception, the first impression is lasting, should not be difficult to work in the City; should be giving better service, be cheaper than CCA, be innovative and maybe not charge any fees, look at renaissance zone.

Commissioner Bostick-Tullius commented on issue with one inspector 1 day a week, have available 2 to 3 days per week, may be this is a budget issue.

Commissioner Gates indicated she is a customer of All About Nails, Karen is heartbroken over issues, she encourages her to call Mr. Oliver, doesn't smell anything there but can smell the incense from the place next door, Karen is doing everything she can and wants to keep her business in town, hope her and Mr. Oliver can work it out.

Commissioner Atwood asked if doing department this way for 10 years how come this has gone unchecked, are people afraid to go through proper channels or are they just not listening; have to address issues as they happen and not let them build up until they are out of control with no solution; walked downtown and polled businesses spoke with architects, contractors and brought concerns to City Manager and have gotten them resolved as they were happening, City Manager wants to help, meetings held with contractors to discuss/talk about issues, people need to step up and talk, not spread rumors about the City and do nothing to get issues resolved; miscommunication; fee schedule and who approves, come up with solution and figure it out, revamp and look at fee structure, not saying go back to square one, but these issues can be resolved if we work as a team.

Commissioner Marquardt commented on growth in City, a lot has changed since 2008/2009, department ran on part-time people, review fee schedule every year based on what we receive, now need to look at and compare.

Mayor Sprague indicated it is a broken system; has asked questions every year, we didn't do test cases to prove everyone is being truthful, are we getting truthful answers, do we need to look at budget.

Commissioner Bennett commented it seems to him that it is not the permits but the fees. Commissioner Bostick-Tullius disagreed, as Mr. Johnson stated as well, not just fees but getting permit and having inspectors available. Discussion continued on whether or not the problem is the fees or the permits themselves or the whole process is a burden. Mr. Kerbyson indicated he has several examples and would like to show them to the Commission, explain the code and why the City requires them.

Commission took a break at 7:21 p.m. and returned to the workshop session at 7:38 p.m.

Mr. Kerbyson continued through his presentation; fire code and inspections and gave examples of access, improper repairs, obstructed exits and electrical panels and storage issues. Discussion on fee for fire inspections, no fee for annual and first inspection, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, or 5<sup>th</sup> have fees if inspection is needed, sent to the City attorney to handle; if disagreement or question on inspection it is handled by Fire Marshall Ron Best or the Fire Chief; asked how many complaints does the Fire department receive with response by Fire Chief Terry Kluge of zero. Fire Chief Terry Kluge indicated that the building and fire department work together on a daily basis and handling of different projects. Mr. Kerbyson continued presentation on code acts, differences in operation of building departments, Skilled Trades Act which is a State law that work done at rental property from now on has to be done by a licensed contractor, Michigan Residential Code intent, State Building Code and permits required; building of decks and examples of issues; Commercial Building Code enforcement, electrical work completed without permit and examples of issues.

Keith Brace, Licensed Plumber, commented that the State requires you to pull permits for anything, there are only 2 items that do not need a permit being drain cleaning or repair of faucets, everything else requires a permit and that is within the code book; plumbers are to know the laws from the State, it is a State requirement to know the updates to the code; call State on plumbing code and told up to local officials to interpret, but if don't agree with local interpretation file with local code board, if don't like code board interpretation can file a complaint with State board.

City Attorney Michael Nolan commented on building inspectors not liable for items contracted for repair, inspections are to protect health/safety of the people.

Mr. Kerbyson continued presentation on water heaters and examples of issues along with comments by Director Keith Lambert Bureau of Construction Codes, State water heater permit; chimney exterior lacking maintenance and carbon monoxide issues; window installation and permits, reviewed by City in 2014 and 2016.

Commissioner Gates questioned window replacements, Mr. Kerbyson responded that through City discussion permits for window replacement can be up to 3 at no charge, more than 3 with any frame removal/replacement would need a permit; Mr. Nolan commented that City's own Construction Board of Appeals heard a person's issue with window permits and the Board upheld the ruling that a permit was needed, the board didn't buy the claimants non permit interpretation. Discussion was held on window replacement, issues found and corrected, Construction Board of Appeals upheld that window permits are needed; rental homes require more in rental inspections, rentals and hot water heater issues. Mayor Sprague commented that he was not grousing about rental inspections but what the City requires above what the CCA does, that the Commission can decide if inspections are above and beyond what is required, the Commission has the ability to choose.

Commissioner Bostick-Tullius questioned if she wanted to buy a home, can she get a list of what needs to be done; Mr. Kerbyson indicated that projects are different, if redoing carpet do not need a permit but if changing windows than the contractor you call should know a permit is needed. Ms. Bostick-Tullius would like to see a list of what is required, also include the area title companies with their contact information.

City Attorney Michael Nolan commented on knowledge in this area to oversee all the concerns/details the Commission has, to hire a consultant to review what is needed and what is not, what to charge, what needs permit.

Mayor Sprague indicated that this is not an individual or personal criticism, the department is broken and needs to be fixed, asked Fire Chief Kluge about department processes, why can the fire department have no problems doing inspections and the building department has so many problems.

Commissioner Bennett suggested that Building Inspector Darryl Oliver should attend a Dale Carnegie Course or something similar to improve his flow of information and to teach him to be compassionate instead of by-the-book attitude.

Mayor Sprague commented on need for a check list and to have a third party review process, right now people don't trust us and this needs to be fixed.

Commissioner Gates commented on purchase of business downtown, contacted Mr. Oliver and he answered all questions, was thorough and validated reasons, was gracious to work with, ultimately it was their decision to buy.

Building Inspection Darryl Oliver commented that he has been here four years, understands there is room for improvement, code books are reviewed on a daily basis and doesn't know all of the material, asks others, even contractors for opinions as well, works with other departments to get their view, doesn't go into any project willy-nilly or half-hearted.

Mayor Sprague indicated this workshop was not intended to be a personal attack, we all own it, how do we get to the solution?

Commissioner Bostick-Tullius indicated she was glad to hear Mr. Oliver speak up, that is was important to her to see that he was working with others in the community.

Fire Chief Terry Kluge commented that contractors do not like what Mr. Oliver has to say; owners have been told multiple times what to do not just building but fire as well, owners are told but they make it sound as if it is our fault; Mr. Oliver goes out of his way to obtain input from others on projects.

Mayor Sprague commented that he liked that original fire inspections are free, encourage similar style for building department; need to encourage investors to come to the City; maybe no blight charge, Chief of Police Dave Frisch commented that there were 105 blight tickets issued in 2016 and only 2 were in violation after the notice of a blight violation was issued.

Mr. Kerbyson commented that he was happy about the meeting, we need open communication and continue with communication.

Mayor Sprague indicated that there is a severe problem, need to fix right away, check list is a good idea.

Commissioner Atwood commented there are two sides to every story, part of issue is that the city was so lax with the previous building inspector, now that we have someone to enforce the rules, contractors are mad, some people have kept up their buildings, problems are occurring and spreading out, have caring people with the City Manager, department heads and staff.

Mr. Nolan commented on hiring a consultant to review the department,, all liked the idea of a consultant.

City Manager Dale Kerbyson to pursue a third party to examine the building department. Mayor Sprague indicated that it cannot be placed on the back burner, review of goals to remain less expensive and provide better service; Commissioner Bostick-Tullius commented the consultant needs to show all the pros and cons, to look at the entire picture with all of the information; Mayor Sprague commented that the original goals and objectives remain the same to pay less, receive better serve and be safe.

Keith Brace commented on the need for a panel to oversee things because one person is not able to do it all; to uphold State laws, oversee what City is doing is correct.

**ADJOURNMENT**

By general consensus, the meeting was adjourned at 8:40 p.m.

\_\_\_\_\_  
William J. Sprague, Mayor

\_\_\_\_\_  
Donna L. Cronic, MMC, City Clerk

\_\_\_\_\_  
Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
AUGUST 7, 2017**

A regular meeting of the Lapeer City Commission was held August 7, 2017 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, Gates, Marquardt.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, (arrived at 6:42 p.m.)

**AGENDA APPROVAL**

**190 2017 08-07**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for August 7, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**191 2017 08-07**

Moved by Marquardt. Seconded by Gates.

Approve the minutes from the Regular meeting held July 17, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Janet Adams, Baldwin Road, gave invocation.

Marlana Swindell, Lapeer, provided a folder with current marihuana ordinances so that City Commission can be on same page as Planning Commission, the ordinances are pre facility licensing act, most have running facilities now.

Casey Carpenter, indicated he is a licensed builder and a member of Home Builders Association of Michigan, apologize for missing workshop meeting, here to offer assistance with issues and problems with building department, City is not alone with issues over fees and process, places all over are reviewing these areas, available to discuss and offer suggestions that have been reviewed by the Home Builders Association, currently has 5 different projects going on, like to see City moving forward and not go backwards, Mr. Atwood has contact info, appreciate time, is available and willing to help.

**CONSENT AGENDA**

**192 2017 08-07**

Moved by Gates. Seconded by Atwood.

Approve the Consent Agenda for August 7, 2017 as follows:

1. Special Event Request from Lapeer Education Association, LEA Fun Run, October 15, 2017, Rowden Park, contingent upon current receipt of insurance.

2. Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.

3. Nays: None.

4. Absent: None.

MOTION CARRIED.

## **BILL LISTING FOR AUGUST 7, 2017**

### **193 2017 08-07**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for August 7, 2017 in the amount of \$1,478,954.28.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Resolution: In Recognition of Thomas F. Lossing.

### **194 2017 08-07**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Resolution In Recognition of Thomas F. Lossing.

#### **RESOLUTION CITY OF LAPEER In Recognition of Thomas F. Lossing**

WHEREAS, Thomas F. Lossing served as a Firefighter with the City of Lapeer Fire & Rescue Department from June 10, 2002 through February 15, 2017; and

WHEREAS, Thomas F. Lossing is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Thomas F. Lossing exemplifies professionalism, dependability, caring and hard work in his service as a Firefighter; and

WHEREAS, through his persistence, hard work, and dedication, Thomas F. Lossing has set an example for all Firefighters and is honored by his community.

NOW, THEREFORE BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Thomas F. Lossing for his efforts and devotion to public service, and wish him continued success in all his endeavors.

Dated this 7<sup>th</sup> day of August, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Resolution: In Recognition of Mark J. Marino.

### **195 2017 08-07**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Resolution In Recognition of Mark J. Marino.

#### **RESOLUTION CITY OF LAPEER In Recognition of Mark J. Marino**

WHEREAS, Mark J. Marino served as a Firefighter with the City of Lapeer Fire & Rescue Department from June 11, 2007 through June 30, 2017; and

WHEREAS, Mark J. Marino is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Mark J. Marino exemplifies professionalism, dependability, caring and hard work in his service as a Firefighter; and

WHEREAS, through his persistence, hard work, and dedication, Mark J. Marino has set an example for all Firefighters and is honored by his community.

NOW, THEREFORE BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Mark J. Marino for his efforts and devotion to public service, and wish him continued success in all his endeavors.

Dated this 7<sup>th</sup> day of August, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

### Ordinance Amendment: Chapter 41 (Appearance Ticket Authorization Ordinance)

Commissioner Marquardt introduced the proposed amendment to Chapter 41 (Appearance Ticket Authorization Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

## **CHAPTER 41 APPEARANCE TICKET AUTHORIZATION ORDINANCE**

### **41.01 SHORT TITLE**

This Ordinance shall be known and cited as the "Appearance Ticket Authorization Ordinance"

### **41.02 INTENT AND PURPOSE**

It is the intent and purpose of this article to identify and authorize certain public servants of the city to issue and serve appearance tickets as provided by Public Act No. 366 of 1984 (MCL 764.9c et seq.).

### **41.03 DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appearance ticket* means a complaint or written notice, on a form determined by the attorney general, state court administrator and director of the department of state police as modified with the prior approval of said state officials to accommodate local enforcement and court procedures and practices, issued and subscribed by a public servant authorized by this article, directing a designated person to appear in a designated local criminal court at a designated future time in connection with an alleged designated violation of a city ordinance for which the maximum permissible penalty does not exceed 90 days in jail and/or fine of \$500.00. This Chapter shall not apply to civil infractions written as uniform traffic citations or as authorized under the Uniform Traffic Code.

*Issue* means preparing an appearance ticket by placing on it all known and available information required on the ticket for the alleged violation and person to whom it is directed.

*Serve* means personal delivery or mailing by registered or certified mail, return receipt requested, delivery restricted to addressee, receipt of which is acknowledged by signature of the addressee on the return receipt.

### **41.04 AUTHORIZED OFFICIALS**

Pursuant to MCL 764.9c (1) and (2) the city manager, building official, ordinance officer, any member of the police department or fire department, and such other officers,

employees, inspectors or public servants of the city who are authorized or responsible for the enforcement of one or more city ordinances pursuant to state law, city ordinances and codes or resolutions of the City Commission, are hereby authorized to issue and serve appearance tickets when they have reasonable cause to believe that a person has violated a city ordinance, enforcement of which is the responsibility or within the authority of the public servant or applicable statute has occurred pursuant to MCL 764.9f.

#### **41.05 RESPONSIBILITY FOR ENFORCEMENT**

Except where otherwise specifically required by ordinance, any police officer, building enforcement officer or other person charged with enforcing any city ordinance as set forth in Section 41.04 above may proceed as provided in this section upon discovering a violation of a city ordinance. The officer or other person enforcing a city ordinance may issue an Appearance Ticket, otherwise known as a citation, on forms prepared by the City. Blanks on the form shall be filled in, informing the person receiving the ticket of the following information:

- 1) The date of the alleged violation.
- 2) The nature of the alleged violation, such as “driving 40 miles per hour in a 35 miles per hour zone,” or “failure to obtain a building permit.”
- 3) The place where the alleged violation took place.
- 4) The number of the ordinance and section violated.
- 5) A date, time and place when the matter will be heard in court.

#### **41.06 WARNING TICKET**

In lieu of issuance of an Appearance Ticket for any ordinance violation as authorized herein, any police officer or other person enforcing a city ordinance may issue a warning ticket. The warning ticket shall contain the information required in paragraphs (1) through (4) of Section 41.05 of this ordinance.

No court appearance and no fine shall be involved in any warning ticket.

#### **41.07 OTHER REMEDIES**

Nothing in this ordinance shall preclude the City or any authorized officer from proceeding by any other enforcement method.

A summary will be used for publication purposes.

Ordinance: Chapter 67 (Youth Council Ordinance).

Presented by: Commissioners Atwood and Bostick-Tullius.

Commissioner Gates introduced the proposed Ordinance Chapter 67 (Youth Council Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

### **CHAPTER 67 YOUTH COUNCIL ORDINANCE**

#### **67.01 ESTABLISHMENT AND PURPOSE.**

There is established a Youth Council, whose mission is to serve as a conduit between the local governments and their younger constituents and help create a network for the exchange of ideas between City government and youth in our community. Voice will be given to the members of the Youth Council to bring all issues, great and small, to the forefront. Conversely, the Youth Council will bring the government’s voice to the youth, showing all the opportunities to enrich the youth of the City of Lapeer. Bringing youth and the government together gives both more power to better the community.

#### **67.02 MEMBERSHIP.**

The Youth Council created herein shall consist of the following members:



- (A) One non-voting, either the Mayor or a City Commissioner, shall be appointed to the Youth Council by the Mayor and approved by the City Commission for the purpose of providing guidance and direction to the Youth Council and its functions.
- (B) A minimum of 7 but no more than 11 members. Members shall be residents of the City, all of whom shall be at the time of their appointment enrolled in a secondary school and be in either their 9<sup>th</sup>, 10<sup>th</sup> or 11<sup>th</sup> grade school years and be appointed by the Mayor and approved by the City Commission. The number of members shall be determined by the Youth Council and stated within its By-Laws, Rules of Procedure.

#### **67.03 MEETINGS.**

The schedule of meetings shall be established by the majority of the membership and stated within its By-Laws, Rules and Procedures, but no less than one meeting per month.

#### **67.04 BY-LAWS, RULES AND PROCEDURES.**

The Youth Council, with assistance of the Mayor or City Commission member, will prepare By-Laws, Rules and Procedures for presentation to the City Commission for approval.

#### **67.05 OBJECTIVES AND PURPOSES.**

The objectives and purposes of the Youth Council responsibilities may include any or all of the following:

- (A) Charged with the authority and responsibility of making recommendations to the City concerning the needs and concerns of youth in the community and the appropriate means by which public and private agencies in cooperation with volunteer efforts may address such needs and concerns.
- (B) All programs and activities will be sent to the City Commission for approval.
- (C) Advise the Mayor and City Commission on policy issues relating to youth and families.
- (D) Advise the Mayor and Commission on all youth matters referred to it by the Commission.
- (E) Represent youth at the regular, special or workshop meetings of the City Commission.
- (F) Represent the City of Lapeer at the Michigan Municipal League sponsoring events.

#### **67.06 BUDGET AND FINANCE.**

The Youth Council shall formulate, make recommendations for, and present to the Mayor and City Commission on an annual basis for consideration by the City Commission an estimate of the costs and expenses necessary to carry on the work of the Youth Council by January 1<sup>st</sup> of each year. The Youth Council may also accept contributions and donations from individuals, firms, corporations or other sources.

#### **67.07 CONSULTATION WITH OTHER AGENCIES.**

The Youth Council may solicit the help of other public agencies and higher educational institutions, as well as private organizations and agencies, concerned with the educational, recreational, social and cultural needs of the youth of the City in its efforts to fulfill its duties as described herein.

A summary will be used for publication purposes.

2017 Court St. & Calhoun St. Reconstruction Projects.  
Rohde Brothers Excavating, Inc. – Payment Request #2.

**196 2017 08-07**

Moved by Gates. Seconded by Marquardt.

Approve Payment Request #2 from Rohde Brothers Excavating, Inc. in the amount of \$251,108.10 for the 2017 Court St. & Calhoun St. Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Vactor Sewer Cleaning Truck Purchase.

**197 2017 08-07**

Moved by Marquardt. Seconded by Gates.

Approve the purchase of a 2017 Vactor with Jack Doheny Companies in the amount of \$425,755.00, approve the disposal of the 2004 Vactor and authorize the Director of Public Works to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

Chapter 39 (Beautification Commission Ordinance).

City Manager Dale Kerbyson commented on information contained in the agenda packet, interest in moving forward. Discussion was held regarding moving this forward, begin volunteer list, residency of members.

Volunteer Application.

City Manager Dale Kerbyson indicated application to be placed on website, maintain list of projects, application created by City Clerk Donna Cronic and reviewed by City Attorney Michael Nolan.

Various Matters

City Manager Dale Kerbyson commented that Lapeer District Library Director Melissa Malcolm contacted him regarding City Commission volunteer to participate on new organization board, be involved with new library structure. Commissioner Marquardt asked on meeting dates/time, Library Board Member Glenn Alverson indicated currently in process of getting organized with no set dates/time yet, Ms. Marquardt expressed interest.

Mr. Kerbyson commented on Mr. Filipiak's question's during building workshop meeting and response; owner of nail salon concerns regarding air quality and remedy which was reviewed with owner as well as with Commissioner Marquardt, brief discussion followed; Bruce Johnson request during building workshop has been resolved with building department officially opening at 7:00 a.m.; bid process to have consultant review fees, permits and processes at building department and assistance by staff at State to put bid together, brief discussion on cost in preparing bid.

**CITY ATTORNEY'S REPORT**

City Attorney Michael Nolan apologized for being late due to traffic; closed session request regarding pending litigation; Zoning Board of Appeals litigation regarding Urgent Care placement of sign without permits, City upheld in court, 8 months later sign is still up, commencement of lawsuit to bring into compliance.

Closed Session Request.

**198 2017 08-07**

Moved by Gates. Seconded by Bostick-Tullius.

Approve a Closed Session at the end of the regular meeting to discuss attorney-client privilege communication regarding pending litigation and a Personnel Evaluation.

ON A ROLL CALL VOTE:

AYES: Atwood, Bennett, Marquardt, Bostick-Tullius, Gates.

NAYS: None.  
ABSENT: None.  
MOTION CARRIED.

## **UNFINISHED BUSINESS**

### **199 2017 08-07**

Appointed by Mayor Sprague. Moved by Gates. Seconded by Bostick-Tullius.

Appoint the following:

William Marquardt EDC/TIFA/Brownfield Redevelopment, term ending 03-01-18.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

DDA Status Report dated July 21, 2017 and Monthly Financial Report for May 2017 was received into record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennet: Thanked Chief of Police, DPW Director and City Manager for quick action in stopping 18 wheelers on Lincoln Street; future constituents ages 12 and 8 advised him that Lincoln Street was having a garage sale this week.

Commissioner Gates: Mr. Kerbyson answered most of her questions in his update; thank you for all who came to meeting; thank you to Ms. Swindell for providing information; thank you to DPW, Police and Fire for their services.

Commissioner Bostick-Tullius: Thank you to City Clerk Donna Cronic and City Attorney Michael Nolan for work completed on Youth Ordinance; too bad Mr. Lossing and Mr. Marino could not be present for recognition, firefighter is a tough job, expressed a thank you to the firefighters we have.

Commissioner Atwood: Coffee with Commish and thank you to Ryan at Parks Department for kayak launch area and dog park update, Jim Alt DDA Director for Main Street update, provided hot dogs and corn; thank you to City Clerk Donna Cronic for work completed on Youth Council, Volunteer Form and website, beautification update; thank you Mr. Carpenter for coming out tonight, need more builders to assist and work with our community.

Commissioner Marquardt: Meeting with City Manager Dale Kerbyson regarding All About Nails salon and Karen's (owner) concerns and resolving of issues, very pleased with results, is an official business in the City of Lapeer.

Mayor Sprague: upcoming events; he and City Manager Dale Kerbyson participated in a pod cast for DTE at the end of the week for the solar array, had good feedback from all over the place on the solar initiative, would like to see the City encourage investment and green initiatives as well as consider building activities that would provide free permits to green replacement items such as windows and water heaters, contemplate a program or a green type renaissance zone.

## **CLOSED SESSION**

The City Commission convened to a Closed Session for the purpose of discussing attorney-client privilege communication regarding pending litigation and a Personnel Evaluation at 7:03 p.m. and returned to a regular meeting at 7:09 p.m.

Employment Contract.

### **200 2017 08-07**

Moved by Bennett. Seconded by Gates.

Approve the Employment Contract with Terrence Kluge and authorize the Mayor and City Manager to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### Lawsuit Settlement.

#### **201 2017 08-07**

Moved by Bostick-Tullius. Seconded by Bennett.

To approve the settlement of the lawsuit with Lapeer Industrial Railroad in the amount of \$5,000 and authorize the City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **ADJOURNMENT**

#### **202 2017 08-07**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:10 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
AUGUST 21, 2017**

A regular meeting of the Lapeer City Commission was held August 21, 2017 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, Gates, Marquardt.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

**AGENDA APPROVAL**

**203 2017 08-21**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for August 21, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**204 2017 08-21**

Moved by Marquardt. Seconded by Gates.

Approve the minutes from the Workshop meeting held July 25, 2017 and the Regular meeting held August 7, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Paulette Johnson, E. Park Street, asked how to formally bring a matter involving several families to the board; Mayor Sprague responded can call and speak with City Manager, public comment time or request to be on agenda.

Steve Ruddock, Sherman Court, gave invocation.

**CONSENT AGENDA**

**205 2017 08-21**

Moved by Gates. Seconded by Atwood.

Approve the Consent Agenda for August 21, 2017 as follows:

1. Special Event Request from the Lapeer County Hockey Association for View Brew Fest, September 16, 2017 at Louie's Sports Tavern.
2. Special Event Request from Lapeer Community Schools for Homecoming Parade, September 22, 2017 downtown area on Nepessing Street.
3. Special Event Request from Stone Soup Food Bank for Hunger Awareness Week, October 20 – 21, 2017 throughout various City intersections on file contingent upon receipt of current insurance.
4. Special Event Request from Center for the Arts of Greater Lapeer for Oktoberfest, September 23, 2017, Center for the Arts building, Court Street between Nepessing and north to alley.
5. Special Event Request from Lapeer Community Schools for Swing Out, June 7, 2018, Nepessing Street.

6. Special Event Request from Lapeer Dog Park Committee for Dog Park Expo, September 24, 2017, Rotary Park.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Commissioner Marquardt asked if the Dog Park fund raiser could be explained in more detail, have info presented at future meeting.

**BILL LISTING FOR AUGUST 21, 2017**

**206 2017 08-21**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for August 21, 2017 in the amount of \$3,239,298.28.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

Ordinance Amendment: Chapter 41 (Appearance Ticket Authorization Ordinance)

**207 2017 08-21**

Moved by Bostick-Tullius. Seconded by Gates.

Adopt the amendments to Chapter 41 (Appearance Ticket Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

**CHAPTER 41  
APPEARANCE TICKET AUTHORIZATION ORDINANCE**

**41.01 SHORT TITLE**

This Ordinance shall be known and cited as the "Appearance Ticket Authorization Ordinance"

**41.02 INTENT AND PURPOSE**

It is the intent and purpose of this article to identify and authorize certain public servants of the city to issue and serve appearance tickets as provided by Public Act No. 366 of 1984 (MCL 764.9c et seq.).

**41.03 DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appearance ticket* means a complaint or written notice, on a form determined by the attorney general, state court administrator and director of the department of state police as modified with the prior approval of said state officials to accommodate local enforcement and court procedures and practices, issued and subscribed by a public servant authorized by this article, directing a designated person to appear in a designated local criminal court at a designated future time in connection with an alleged designated violation of a city ordinance for which the maximum permissible penalty does not exceed 90 days in jail and/or fine of \$500.00. This Chapter shall not apply to civil infractions written as uniform traffic citations or as authorized under the Uniform Traffic Code.

*Issue* means preparing an appearance ticket by placing on it all known and available information required on the ticket for the alleged violation and person to whom it is directed.

Serve means personal delivery or mailing by registered or certified mail, return receipt requested, delivery restricted to addressee, receipt of which is acknowledged by signature of the addressee on the return receipt.

#### **41.04 AUTHORIZED OFFICIALS**

Pursuant to MCL 764.9c (1) and (2) the city manager, building official, ordinance officer, any member of the police department or fire department, and such other officers, employees, inspectors or public servants of the city who are authorized or responsible for the enforcement of one or more city ordinances pursuant to state law, city ordinances and codes or resolutions of the City Commission, are hereby authorized to issue and serve appearance tickets when they have reasonable cause to believe that a person has violated a city ordinance, enforcement of which is the responsibility or within the authority of the public servant or applicable statute has occurred pursuant to MCL 764.9f.

#### **41.05 RESPONSIBILITY FOR ENFORCEMENT**

Except where otherwise specifically required by ordinance, any police officer, building enforcement officer or other person charged with enforcing any city ordinance as set forth in Section 41.04 above may proceed as provided in this section upon discovering a violation of a city ordinance. The officer or other person enforcing a city ordinance may issue an Appearance Ticket, otherwise known as a citation, on forms prepared by the City. Blanks on the form shall be filled in, informing the person receiving the ticket of the following information:

- 1) The date of the alleged violation.
- 2) The nature of the alleged violation, such as "driving 40 miles per hour in a 35 miles per hour zone," or "failure to obtain a building permit."
- 3) The place where the alleged violation took place.
- 4) The number of the ordinance and section violated.
- 5) A date, time and place when the matter will be heard in court.

#### **41.06 WARNING TICKET**

In lieu of issuance of an Appearance Ticket for any ordinance violation as authorized herein, any police officer or other person enforcing a city ordinance may issue a warning ticket. The warning ticket shall contain the information required in paragraphs (1) through (4) of Section 41.05 of this ordinance.

No court appearance and no fine shall be involved in any warning ticket.

#### **41.07 OTHER REMEDIES**

Nothing in this ordinance shall preclude the City or any authorized officer from proceeding by any other enforcement method.

#### **ON A ROLL CALL VOTE**

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

Nays: None.

Absent: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 41 ADOPTED.

A summary will be used for publication purposes.

Ordinance: Chapter 67 (Youth Council Ordinance).

Presented by: Commissioners Atwood and Bostick-Tullius.

#### **208 2017 08-21**

Moved by Atwood. Seconded by Bostick-Tullius.

Adopt the Ordinance Chapter 67 (Youth Council Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

### **CHAPTER 67 YOUTH COUNCIL ORDINANCE**

Lapeer City Commission Regular Minutes

August 21, 2017

Page 3

#### **67.01 ESTABLISHMENT AND PURPOSE.**

There is established a Youth Council, whose mission is to serve as a conduit between the local governments and their younger constituents and help create a network for the exchange of ideas between City government and youth in our community. Voice will be given to the members of the Youth Council to bring all issues, great and small, to the forefront. Conversely, the Youth Council will bring the government's voice to the youth, showing all the opportunities to enrich the youth of the City of Lapeer. Bringing youth and the government together gives both more power to better the community.

#### **67.02 MEMBERSHIP.**

The Youth Council created herein shall consist of the following members:

- (A) One non-voting, either the Mayor or a City Commissioner, shall be appointed to the Youth Council by the Mayor and approved by the City Commission for the purpose of providing guidance and direction to the Youth Council and its functions.
- (B) A minimum of 7 but no more than 11 members. Members shall be residents of the City, all of whom shall be at the time of their appointment enrolled in a secondary school and be in either their 9<sup>th</sup>, 10<sup>th</sup> or 11<sup>th</sup> grade school years and be appointed by the Mayor and approved by the City Commission. The number of members shall be determined by the Youth Council and stated within its By-Laws, Rules of Procedure.

#### **67.03 MEETINGS.**

The schedule of meetings shall be established by the majority of the membership and stated within its By-Laws, Rules and Procedures, but no less than one meeting per month.

#### **67.04 BY-LAWS, RULES AND PROCEDURES.**

The Youth Council, with assistance of the Mayor or City Commission member, will prepare By-Laws, Rules and Procedures for presentation to the City Commission for approval.

#### **67.05 OBJECTIVES AND PURPOSES.**

The objectives and purposes of the Youth Council responsibilities may include any or all of the following:

- (A) Charged with the authority and responsibility of making recommendations to the City concerning the needs and concerns of youth in the community and the appropriate means by which public and private agencies in cooperation with volunteer efforts may address such needs and concerns.
- (B) All programs and activities will be sent to the City Commission for approval.
- (C) Advise the Mayor and City Commission on policy issues relating to youth and families.
- (D) Advise the Mayor and Commission on all youth matters referred to it by the Commission.
- (E) Represent youth at the regular, special or workshop meetings of the City Commission.
- (F) Represent the City of Lapeer at the Michigan Municipal League sponsoring events.

#### **67.06 BUDGET AND FINANCE.**

The Youth Council shall formulate, make recommendations for, and present to the Mayor and City Commission on an annual basis for consideration by the City



Commission an estimate of the costs and expenses necessary to carry on the work of the Youth Council by January 1<sup>st</sup> of each year. The Youth Council may also accept contributions and donations from individuals, firms, corporations or other sources.

#### **67.07 CONSULTATION WITH OTHER AGENCIES.**

The Youth Council may solicit the help of other public agencies and higher educational institutions, as well as private organizations and agencies, concerned with the educational, recreational, social and cultural needs of the youth of the City in its efforts to fulfill its duties as described herein.

#### **ON A ROLL CALL VOTE**

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

Nays: None.

Absent: None.

**MOTION CARRIED ORDINANCE DECLARED ADOPTED.**

A summary will be used for publication purposes.

#### **Michigan Economic Development Corporation Presentation.**

Ann Zettle from Team Work introduced Charles Donaldson with MEDC, that they (Team Work) would be the developer and the City would be the grantee of the grant, Team Work Board members, staff, architect and contractor that have been working on the project; provided a presentation on the project, divisions that include mobile work crew, retail training, employment placement services as well as GO Industries; capacity to show why it's important to receive grant as well as the ability to show long standing connection to individuals with disabilities; additional cleanup tasks completed of washing windows, painting and carpeting. Ms. Zettle indicated they purchased the building for \$350,000, to receive a commercial loan for \$944,600, City of Lapeer to provide financial support of \$64,658 for permits, sidewalks and plan review, Lapeer County Land Bank has pledged \$20,000, looking to obtain \$1+ million in grant funds to finalize project restoration of 286 W. Nepessing Street; this project is taken very seriously by the board; here to answer any questions the Commission may have.

Charles Donaldson, MEDC indicated he has been working on the project with Ms. Zettle and Housing staff; senior leadership needs to approve the letter of interest to move forward; he is excited and supportive of the project; it will be a mixed use building, creating unique spots downtown and future development; will spur other business owners to improve their business; there are additional risks as the City of Lapeer is the grantee which this project is similar to the Lapeer ICE grant; this letter is the first step of the process to move forward; commission will have other opportunities to ask questions.

Commissioner Bennett questioned if Team Work is a government entity, private company or nonprofit and where do the proceeds go? Ms. Zettle indicated Team Work is a nonprofit 501C3 organization and that all profits go back into the programs. Mr. Bennett asked if the City would also do this for Goodwill or Salvation Army or other businesses and would the City be expected to continue this kind of grant/support for those organizations, he has been a customer in the store, is the store a for-profit? Ms. Zettle responded that they are nonprofit, all profits would go back into the building, programming, salaries, bills and items like that, they train individuals with disabilities. Commissioner Gates commented that this is a wonderful program and asked how long before the project would be completed. Mr. Donaldson stated that this type of project generally is a two year term with consideration of construction, timing and other aspects of the project. Commissioner Atwood asked how many apartments will be added, Ms. Zettle responded that currently there are six apartments with five more to be added. Mr. Atwood commented that adding more housing would be a great impact, part of Main Street program was to add more apartments downtown; he understands Commissioner Bennett's points but sees the economic impact, will attract others to improve their buildings downtown.

Carol Pariseau, Board Member, commented that she has been in the community for 44 years, has been involved in many projects, variety of training and teaching our people retail training skills, work with ISD and group homes, ability to work in community and

have our people be active members of society, this can be a signature building for the downtown, a source of pride and an example to others, tremendous opportunity to show something special, the board takes this project very seriously.

Ms. Zettle commented that Denise Soldenski, Shelly Lincoln, Police Chief Frisch, Fire Chief Kluge and City Manager Dale Kerbyson have all been very helpful with the grant process and the project would not be as far along as it is; eventually the project will include a restaurant for training in food service, apartments will be a source of income for the rest of the building, plans are in place to utilize the whole building, appreciate the time, asked the City to move forward with approval of the letter of interest for the grant application, excited to be a part in the City's downtown.

Commissioner Marquardt thanked Team Work and MEDC for wanting to do this project, feels it is a wonderful opportunity, is a different organization than Salvation Army or Goodwill, it is our community and to provide opportunities, to have a whole block to fill up the town, we owe a debt of gratitude. Ms. Zettle indicated that their board is very far-sighted and invested in the community, they take this project personally and that the rest of the board members would have come to tonight's meeting but they are busy with other meetings regarding this project behind the scenes.

City Manager Dale Kerbyson commented that this project has been in process a long time and it is awesome for the City of Lapeer. The Grant will have many milestones, must meet national objectives, the City is 100% responsible for the match should something go wrong including cost over runs, environmental issues; want to make you aware of the risk, recommends certified administrator to be hired as there are many facets of Federal regulations that must be adhered to, obtain copy of insurance, have a performance bond component, as well as a development agreement for any risks; these are the basic steps; is fully in favor of the project; as the Grantee of the project, this is an approximate \$2 million project that the City is taking all the risk by signing the letter of interest today.

Mayor Sprague thanked everyone involved in the project; is excited and willing to cooperate to get the project off the ground; looking forward to working together.

**209 2017 08-21**

Moved by Gates. Seconded by Marquardt.

Approve the Mayor to sign the Letter of Interest by the Michigan Economic Development Corporation (MEDC) for funding from the Community Development Block Grant (CDBG) program for the Lapeer Team Works Inc. Building Façade Project located downtown Lapeer.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**M-24 Reconstruction Project – Pedestrian Tunnel & Water Main Improvements.**  
**Local Share Payment #20 – Final Payment for Water Main Improvements.**

**210 2017 08-21**

Moved by Bostick-Tullius. Seconded by Gates.

Approve Local Share Payment Request #20 – Final Payment to State of Michigan in the amount of \$511.54 for M-24 Reconstruction Project – Pedestrian Tunnel and Water Main Improvements.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**Request to transfer Two Capital Improvement Projects from FY 2016-2017**  
**to FY 2017-2018, Project # 20360 and Project # 20310.**

**211 2017 08-21**

Moved by Gates. Seconded by Marquardt.

Approve the Budget Adjustment as submitted which will transfer projects from FY 2016-2017 to 2017-2018 and re-appropriate funds for the following projects:

1) Crack Seal Project – Streets w/Paser Rating of 7 and 8, Project # 20360.

**2) *WWTP Asphalt Maintenance Micro-Seal, Project # 20310.***

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

**2018 Baldwin Road Rehabilitation Project.**

**Rowe Professional Services Co. - Design Engineering Agreement.**

**212 2017 08-21**

Moved by Marquardt. Seconded by Gates.

Approve the Contract for Engineering Services with Rowe Professional Services Company for \$50,791 for the 2018 Baldwin Road Rehabilitation Project and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

**CITY MANAGER'S REPORT**

Mr. Kerbyson gave an update to the Building Code Workshop items indicating that the Michigan Municipal Authority is wrapping up the fee analysis, bids are out for overall comparison and hope to bring to next meeting so a qualified bidder can be selected for the project; has made several calls to the State regarding issues brought up with no response, will be calling the State Representative as this is unacceptable.

**CITY ATTORNEY'S REPORT**

City Attorney Michael Nolan commented on the MEDC/Team Work project, great project for the City and community.

**UNFINISHED BUSINESS**

**213 2017 08-21**

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Marquardt.

To initially appoint the following to the Youth Council Applicant Committee.

Police Chief David Frisch

Fire Chief Terry Kluge

Lapeer Schools Matt Wandrie or designee

City Commissioner Joshua Atwood

View Newsgroup Representative Jeff Hogan

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

**DEPARTMENTAL COMMUNICATIONS**

Departmental Monthly Reports for was received into record.

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Questioned the TIFA open board seat, would this person be responsible for making decision for captured funds? Mayor Sprague indicated yes.

Commissioner Gates: Attended the Planning Commission meeting, they are working hard on the MMFLA ordinance; MEDC/Team Work project will be an asset to the City; glad Lapeer Days are over, great job in clean up; thank DPW, Police and Fire for keeping everyone safe.

Commissioner Bostick-Tullius: Happy new Youth Council ordinance is in place, hopes to get something going in the next couple of weeks.

City Manager Dale Kerbyson: Referred to a Flyer that was distributed asking for volunteers to help cut costs to create a new bike/hiking trail, involvement by Peter McCreedy and grant funding to develop trails, DTE and Inovateus Solar will volunteer

man power, TIFA will commit funding, Trail Day is September 9<sup>th</sup>, Commissioner Atwood will vide via drone for our website, trails will link into Oakland County.

Mayor Sprague: Upcoming events; thanks to everyone for cooperation on Lapeer Days, 1<sup>st</sup> one for Police Chief Frisch, as Chief with Police Chief Frisch responding very few incidents, nothing out of control, great job to DPW, Police and Fire; City staff and to keep in mind that we (Commission) are not spreading them to thin, several projects and extra work being requested, to not over-burden staff.

## **ADJOURNMENT**

**214 2017 08-21**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 7:16 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
SEPTEMBER 5, 2017**

A regular meeting of the Lapeer City Commission was held September 5, 2017 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, Gates, Marquardt.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

**AGENDA APPROVAL**

**215 2017 09-05**

Moved by Gates. Seconded by Marquardt.

Approve the Agenda for September 5, 2017 with the addition of Item C.3. Special Event Request Project Brotherhood Resolve, Ruck for the Fallen 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**216 2017 09-05**

Moved by Marquardt. Seconded by Gates.

Approve the minutes from the Regular meeting held August 21, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Dog Park Special Event Update.

Director of Parks, Recreation & Cemetery Rodney Church provided an update on the Dog Park event, September 24<sup>th</sup> at Rotary Park which is the future home for the dog park.

Janet Adams, Baldwin Road, gave invocation.

Andrew Kluck, Adams Street, commented on candidacy for City Commission seat, thanked and appreciates City board and personnel for serving City.

**CONSENT AGENDA**

**217 2017 09-05**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Consent Agenda for September 5, 2017 as follows:

1. Special Event Request from Lapeer County Community Mental Health and Area 13 Special Olympic, Special Olympic Cycling Local Race, September 16, 2017, Luxington Drive to Lincoln Street loop, contingent upon receipt of current insurance
2. Special Event Request from Tilted Axis Brewing Company, Oktoberfest, September 30, 2017, Cedar Street (south of Nepessing Street to alley) and Farmers Market Pavilion, contingent upon receipt of current insurance.
3. Special Event Request from Project Brotherhood Resolve, Ruck for the Fallen 2017, along M-24 south to City limits, contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.  
MOTION CARRIED.

## **BILL LISTING FOR SETEMBER 5, 2017**

### **218 2017 09-05**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for September 5, 2017 in the amount of \$503,828.51.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Proclamation: Constitution Week.

### **219 2017 09-05**

Moved by Marquardt. Seconded by Bennett.

Approve the Proclamation for Constitution Week.

### **CITY OF LAPEER Proclamation Constitution Week**

WHEREAS, September 17, 2017 marks the two hundred thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week; and

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby proclaim the week of September 17 through 23, 2017 as Constitution Week and encourage all citizens to recognize and appreciate the importance of the Constitution of the United States of America, to honor this founding document's 230<sup>th</sup> anniversary, and to vigilantly protect the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Lapeer Township Fire Inspection Services Agreement.

### **220 2017 09-05**

Moved by Gates. Seconded by Marquardt.

Approve the City of Lapeer – Lapeer Township Fire Inspection Services Agreement and authorize the Mayor and City Manager to sign said Agreement.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Lapeer District Library – Little Free Libraries.

Steve Zott, Intermediate School Superintendent, commented on Little Free Libraries, is a volunteer program; concept is to drive up, take a book and bring back or bring back

other books, idea is to share with others; construction of the small libraries through Construction Trades Program through Education Technology Center; letters to entities in Lapeer County asking for interest, appoint a person responsible for maintaining them, keep an eye out for vandalism, graffiti, remove any inappropriate material, person will coordinate with library; parent groups and the like will review replenishing books, drives to collect books and would love to have one in the City. Discussion was held regarding policing of materials; good idea for our community; project for Youth Council to undertake; box will be provided, ideas for placement, can be housed inside or outside.

**221 2017 09-05**

Moved by Bostick-Tullius. Seconded by Gates.

Approve to pursue the placement of a Little Free Library in the City of Lapeer.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**2017 Court St. & Calhoun St. Reconstruction Project.**

**Rohde Brothers Excavating, Inc. – Payment Request #3.**

**222 2017 09-05**

Moved by Gates. Seconded by Atwood.

Approve Payment Request #3 to Rohde Brothers Excavating, Inc. in the amount of \$270,846.62 for 2017 Court St. & Calhoun St. Reconstruction Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**Fixed Asset Disposal**

**223 2017 09-05**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the disposal of Parks Division, 2009 Scag Mower.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

**Banners on City/State Property: Fence along M-24.**

City Manager Dale Kerbyson commented on letter addressing issue by City Attorney Michael Nolan, as Commission sets policy asking for direction to take on banner placement or leave as is. Commissioner Bostick-Tullius commented on attorney opinion, different organizations in County, is located in MDOT right-of-way, feels is not a good idea, not place City in position to decide who can place or not place especially if receive several requests at once. Commissioner Marquardt commented on review of information, may not agree but understands, request City Manager to contact person interested and follow up and copy Commission with response.

**Various Matters.**

City Manager Dale Kerbyson indicated he spoke with Ms. Johnson regarding a road closure at the end of Railroad Street. Commissioner Marquardt asked about not closing roads, Lapeer Grain on Saginaw Street and closing of James Street was the street actually closed, Mr. Kerbyson commented on a current interest in the closure of James Street, discussion was held on old request by Lapeer Lumber and closure by agreement in place. Mr. Kerbyson commented on MDEQ and removal of underground storage tank; Recreation Center is closed for complete clean-up and will reopen on the 7<sup>th</sup>. Received report regarding building fees on Saturday, had several questions and would like to speak with Darryl Oliver to clarify questions prior to sending, to send out by tomorrow; discussion held on sending report for Commission to review and could highlight or make notes on questioned items, collection of data from comparable places, the need to continue moving this along, do not want to receive scrubbed data, would like to see data sent, able to see errors by either City or company providing the information.

## **CITY ATTORNEY'S REPORT**

City Attorney Michael Nolan indicated the Lapeer Industrial Railroad case is over; banner issue.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

DDA Status Report for August 2017 and Investment Report for Quarter Ended June 30, 2017 was received into record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Enjoyed being in parade (Lapeer Days).

Commissioner Gates: Thanked everyone for coming to meeting; love idea of Little Libraries; Dog Park update and look forward to attending event; thank you to DPW, Fire, Police and all they do.

Commissioner Atwood: Filming for trail, kudos to Peter McCreedy for taking on project; downtown Saturday with family and feeling the sense of community, watching people enjoy being out and around each other; kayaking through the City, didn't know this was here; noticing overall what the City has to offer; was at the parade (Lapeer Days) but was not in it.

Commissioner Bostick-Tullius: Youth Council update, application and flyer; First Lady Classic golf outing sponsored by The View; Monroe Street and stop sign at M-24 at the end of a hill, cannot see traffic and is dangerous, need to review this part of the street; MML convention next week in Holland, will be speaking on placemaking and council-management relations, announcing community excellence awards.

Commissioner Marquardt: Parks and trail system is an awesome commodity in our community for outdoor activities; enjoyed Lapeer Days.

City Manager Dale Kerbyson: Mountain Bike event on new trail path Saturday.

Mayor Sprague: Upcoming events; truck traffic on Liberty and Harris due to M-24 work, will MDOT provide funds to restore street, Mr. Kerbyson indicated MDOT was not providing additional funding but is on the hook to repair anything damaged, their use of smaller trucks, working with contractor and reviewing routes, MDOT is working with City and paving of bigger section on Oregon than planned.

## **ADJOURNMENT**

**224 2017 09-05**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 7:12 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk



**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
SEPTEMBER 18, 2017**

A regular meeting of the Lapeer City Commission was held September 18, 2017 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, Gates.

Absent: Commissioner Marquardt (excused).

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

**AGENDA APPROVAL**

**225 2017 09-18**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for September 18, 2017 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

**MINUTES**

**226 2017 09-18**

Moved by Gates. Seconded by Atwood.

Approve the minutes from the Regular meeting held September 5, 2017 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Bernadette Treece, N. Washington Street, commented on issues with building permits, fees and inspections, permit was \$354 for replacement of roof, roof was not thoroughly inspected, received 2 bids after 5 calls and told by some that they would not deal with City, Birmingham charges less for more work, fees and permits are a problem and hope City addresses these issues; Louis Cramton Street is not safe, has four corners with a lot of traffic, increased foot traffic, addressed street issue with City Manager, would like to see this made a 1-way street heading east and eliminate west traffic, is a danger to walkers, street used by buses and ambulances, section of road is deteriorated, they are part of the DDA and funding should be used to help with street.

Stephanie Calvert, Louis Cramton Street, agrees with Mrs. Treece, need to make neighborhood safe, bus issue and having to back up so bus can pass, people fly down this road, is a dangerous area.

Jenny Burkhart, Wilder Road, gave invocation.

**CONSENT AGENDA**

**227 2017 09-18**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Consent Agenda for September 18, 2017 resulting in the following.

1. Special Event Request from Downtown Development Authority, Haunted House Lapeer Ghost Tours, downtown Lapeer on October 6, 7, 13, 14, 20, 21, 27 and 28, 2017 from 7:00 p.m. to 10:00 p.m.

2. Special Event Request from Downtown Development Authority, Zombie Walk, downtown Lapeer, October 14, 2017 from 3:00 p.m. to 7:00 p.m.
3. Special Event Request from Downtown Development Authority, Treat Walk and Pumpkin Fest, October 28, 2017 from 10:00 a.m. to 2:00 p.m.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

## **BILL LISTING FOR SETEMBER 18, 2017**

### **228 2017 09-18**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Bill Listing for September 18, 2017 in the amount of \$813,424.02.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Contract Approval for New Fire Engine.

### **229 2017 09-18**

Moved by Gates. Seconded by Bennett.

Approve the Agreement of Sale for Fire Apparatus with KME in the total amount of \$609,149.00 and authorize the Mayor and City Manager to sign said Agreement.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

2017-2020 Mayfield Township Fire Protection Agreement.

### **230 2017 09-18**

Moved by Bennett. Seconded by Gates.

Approve the City of Lapeer – Mayfield Township Fire Protection Agreement and authorize the Mayor and City Manager to sign said Agreement.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Redevelopment Liquor License.

### **231 2017 09-18**

Moved by Bostick-Tullius. Seconded by Gates.

RESOLVED: That the application from Popovich Holdings Inc. for the following license(s) Class C Liquor License under 436.1521a(1)(b) to be located at 393 W. Nepessing Street, Lapeer, Michigan be recommended for approval by the Michigan Liquor Control Commission.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Year 1 CIP Street Improvement Project 2017-2018.  
Pavement Maintenance Systems, LLC.

### **232 2017 09-18**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Construction Contract for the Year 1 CIP Street Improvement Project 2017-2018 to Pavement Maintenance Systems, LLC in the amount of \$364,856.67, CIP project #20360 and authorize the DPW Director to sign said contract.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

## **CITY MANAGER'S REPORT**

Resolution: Additional Funding – Street and Sidewalk Improvement Millage.

### **233 2017 09-18**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Resolution, Additional Funding – Street and Sidewalk Improvement Millage.

#### **CITY OF LAPEER RESOLUTION**

##### **ADDITIONAL FUNDING – STREET AND SIDEWALK IMPROVEMENT MILLAGE**

WHEREAS, the Lapeer City Commission has determined the necessity for the need to generate funding for street and sidewalk improvement within the City of Lapeer; and

WHEREAS, the Lapeer City Commission desires to place a street millage proposal of 2 mills on the Tuesday, November 7, 2017 General Election ballot; and

WHEREAS, the City of Lapeer estimates that the 2 mills would raise approximately \$502,031 of additional funds when first levied in 2018; and

WHEREAS, the City of Lapeer will continue to seek every opportunity for funding of street improvements through Federal and State grants; and

WHEREAS, the Lapeer City Commission is committed to making repair and maintenance of its streets and sidewalks a priority throughout the millage term and to maintain, as best as practicable, the current level of street funding allocated to maintenance and improvements within its budget throughout the millage term should the electorate approve such millage.

NOW THEREFORE BE IT RESOLVED:

1. The Lapeer City Commission will endeavor to maintain its current level of funding for street and sidewalk repair, maintenance, and construction and to allocate such finding within its budget throughout the millage term, if such millage is approved by the electorate.
2. If approved by the electorate, all funding received from the street and sidewalk millage will be utilized for street and sidewalk improvement only.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Resolution: Suspend Special Assessment Process – Street and Sidewalk Improvement Millage.

### **234 2017 09-18**

Moved by Gates. Seconded by Atwood.

Approve the Resolution, Suspend Special Assessment Process Street and Sidewalk Improvement Millage.

#### **CITY OF LAPEER RESOLUTION**

##### **Suspend Special Assessment Process Street and Sidewalk Improvement Millage**

WHEREAS, the Lapeer City Commission will submit a street and sidewalk improvement millage on the November 7, 2017 election ballot to the electors of the City of Lapeer on the question of increasing the tax limitations of the City for street and sidewalk improvements; and

WHEREAS, the City of Lapeer Charter, Chapter 11 Special Assessments authorizes the City Commission to defray costs of a public improvement against those parcels to be specially benefited; and

WHEREAS, Chapter 64 (Special Assessment Ordinance) provides for the mechanism and procedure to effect improvements by City initiated special assessment.

NOW THEREFORE BE IT RESOLVED, If the Street and Sidewalk Improvement Millage is approved by the electorate at the General Election to be held November 7, 2017, the Lapeer City Commission will suspend the special assessment process as outlined in the City of Lapeer Charter and Chapter 64 (Special Assessment Ordinance) of the General Ordinances of the City of Lapeer for City initiated street and sidewalk improvements within the corporate limits of the City of Lapeer for the term of the millage, being a period of six years, 2018 through 2023.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Contract for Engineering Services with Rowe Professional Services Company.

#### **235 2017 09-18**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Contract for Engineering Services with Rowe Professional Services Company in the amount of \$26,021.00 for the improvement of vacant property located on the north side of John Conley Drive and authorize the City Manager to sign said Contract.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

#### Various Matters.

City Manager Dale Kerbyson commented on cleaning of Gibbons Drain, gave thanks to County Drain Commissioner on reacting to the residents as well as his request; Unity Drain will also be cleaned, this is located behind East High School and Saginaw Street; reminded everyone of the check presentation.

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

None.

#### **PUBLIC COMMENTS**

Bernadette Treece, N. Washington, commented on updates to their home, many homes that need updates/renovation will not be done or put off due to permit fees, wise in examining this.

#### **UNFINISHED BUSINESS**

#### **236 2017 09-18**

Appointed by Mayor Sprague. Moved by Gates. Seconded by Bostick-Tullius.

Appoint Chuck Treece to the Local Officers Compensation Commission for a term ending 10-01-22.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

MOTION CARRIED

#### **DEPARTMENTAL COMMUNICATIONS**

Departmental Monthly Reports was received into record.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Attended a church dinner honoring first responders, felt embarrassed as he didn't see any in attendance when church went to so much trouble, food was great; Attended MML conference in Holland and was reminded that everything we do, every vote we take should not be for personal gain but for the whole of the community.

### **237 2017 09-18**

Moved by Bennett. Seconded by Bostick-Tullius.

Approve obtaining a plaque for the reverse side of name plates reading "How does this decision affect our community?"

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

**MOTION CARRIED.**

Commissioner Atwood: Attended MML conference and learned a lot, biggest take away item was – what you can do and accomplish as a team, the need for local support; congrats to Commissioner Bostick-Tullius as President of the MML.

Commissioner Gates: Did not attend conference due to daughter's wedding; congratulations to Commissioner Bostick-Tullius on presidency of MML, proud of accomplishment and she is an asset to the community; thank you to citizen for expressing concerns that will be looked into; thanks to DPW, Police and Fire for keeping everyone safe.

Commissioner Bostick-Tullius: Attended MML conference, great sessions, sat on panel for Council/Manager relations, great insight, discussions on what makes a city work, teamwork, strategic planning, communication; Goals and Objectives, dialog and the need to do a better job in planning, review possibility of a retreat in January to plan for Goals and Objectives; housing in Ottawa County were great, review housing needs and collaboration with numerous partners, unique ideas like old schools turning into condos and small houses projects, to explore ideas in our housing efforts.

City Manager Dale Kerbyson: Agreed that the Council/Manager discussion was very good, possibility that presenters would be willing to come here and present to our Commission.

Mayor Sprague: Upcoming events; Kamax is expanding and having an open house for employees that he was invited to; congratulations to Commissioner Bostick-Tullius, she is a valuable asset to this community and deserving of presidency, City is lucky to have her.

## **ADJOURNMENT**

### **238 2017 09-18**

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates.

Nays: None.

Absent: Marquardt.

**MOTION CARRIED.**

The regular meeting adjourned at 7:04 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
OCTOBER 2, 2017**

A regular meeting of the Lapeer City Commission was held October 2, 2017 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, Gates, Marquardt.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Representative Denis McCarthy, present.

**AGENDA APPROVAL**

**239 2017 10-02**

Moved by Gates. Seconded Bennett.

Approve the Agenda for October 2, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**240 2017 10-02**

Moved by Bennett. Seconded by Gates.

Approve the minutes from the Regular meeting held September 18, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Mayor Sprague commented on the LasVegas tragedy, efforts of police and first responders, thoughts and prayers to families that have lost loved ones and those injured.

DTE Presentation: Carla Gribbs.

Ms. Gribbs, DTE Regional Manager, thanked the Commission and acknowledge the partnership with Lapeer regarding the solar array which would not be possible without the strong support of Lapeer leaders and employees who worked tirelessly behind the scenes; in operation in May 2017, nearly 200,000 solar panels on 250 acres, largest in State of Michigan, largest east of the Mississippi, generates clean, emission free energy to power 11,000 homes; DTE long-term plans, \$2B of investment in wind and solar resources; Broad Sustainability Plan, reduce 80% of carbon emission by 2050, closure of coal fire plants; Lapeer has been tipping point in solar power clean emission; hope City is as proud as she is, passed out portfolios to Commission; Open House scheduled for October 14, 2017 from 11 to 4, rsvp online at [lapeersolar.app.rsvpify.com](http://lapeersolar.app.rsvpify.com); parking available at Mott with shuttle service. Ms. Gribbs presented the Mayor with a plaque picturing the Lapeer Solar Array area and expressed thanks to all for the project.

Bernadette Treece: Respond to letter received from City Manager.

Ms. Treece commented attending 09-18-17 meeting expressing concerns under public comments, letter received in response to concerns, good to know that when citizens have concerns they are addressed; building permit and inspections, concern of cost for permit of \$354 and minimal inspection, letter advised of 5 inspections and aware of only 3, were additional visits the usual or done because of concern expressed; text

conversation between Mr. Kerbyson and Kevin Daley, find this upsetting, should have brought concerns to her husband or her, conversation suggests they were doing something dishonest; feels citizens charged too much for permits and following inspections are usually minimal, suggest study being done continue, builders hesitate to do work in the city because of those issues; Louis C Cramton Street between Washington/Madison Streets be made a one-way street, neighbor Stephanie Calvert also expressed concerns, traffic volume and speed of traffic and safety of intersection, discrepancies between letter and facts on home and their residency, voiced concerns in past on parking, not want to see all parking disappear, Chief Frisch open to suggestion, traffic study be done after construction on Calhoun, speak with bus garage and ambulance on use of street, grateful for review of street; home in DDA District, unaware of how DDA dollars are collected and spent, appreciate information, when suggested improvement of road not have a rebuild/resurfacing but filling in of potholes; thank you for allowing time to address.

Janet Adams, Baldwin Road, gave invocation.

Dan Osentoski, Jefferson Street, asked if City has hired a consultant regarding the Building Department permits/fees, response by City Manager Dale Kerbyson yes, study returned, consultant in process of reviewing department actions, hope to have report by end of the month.

## **CONSENT AGENDA**

### **241 2017 10-02**

Moved by Marquardt. Seconded by Gates.

Approve the Consent Agenda for October 2, 2017 resulting in the following.

1. Special Event Request from Woodside Bible Church-Lapeer, Harvestfest, October 22, 2017, Annrook Park, contingent upon receipt of current insurance.
2. Special Event Request from Kiwanis Club of Lapeer, Annual Cider Sale, downtown on Nepessing Street at the intersections of Saginaw/Pine/Court Streets and sidewalk area by the Post Office, October 19 and 20, 2017, contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

## **BILL LISTING FOR OCTOBER 2, 2017**

### **242 2017 10-02**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for October 2, 2017 in the amount of \$1,121,335.09.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Secondhand Dealer License: Use It Again Tools.

### **243 2017 10-02**

Approved by Mayor Sprague. Moved by Gates. Seconded by Atwood.

Approve a Secondhand Dealer License for Use It Again Tools, LLC located at 35 S. Court Street, Lapeer.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

2017 Court St. & Calhoun St. Reconstruction Projects.  
Rohde Brothers Excavating, Inc. – Payment Request #4.

**244 2017 10-02**

Moved by Bennett. Seconded by Gates.

Approve Payment Request #4 from Rohde Brothers Excavating, Inc. in the amount of \$193,368.10 for the 2017 Court St. & Calhoun St. Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

Opt Out of PA 152 of 2011 for the 2018 Year.

**245 2017 10-02**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Resolution to Opt Out of PA 152 of 2011 for the 2018 Year.

CITY OF LAPEER  
RESOLUTION

Opt Out of PA 152 of 2011  
January 1, 2018 through December 31, 2018

WHEREAS, the Publicly Funded Health Insurance Contribution Act, PA 152 of 2011 places limits on the amount a public employer can pay for employee medical plans; and

WHEREAS, pursuant to this Act, the City of Lapeer is exercising the option to exempt itself from the requirements of the Act for the next succeeding year as authorized under MCL 15.568 (et. seq.); and

WHEREAS, the City of Lapeer by exercising the option to exempt itself shall in no way limit the ability to continue to examine the law and review interests of all involved at any time.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Lapeer City Commission exercises the option to be exempt from the requirements of PA 152 of 2011 at this time for the year beginning January 1, 2018 through December 31, 2018 by a 2/3 vote of its governing body.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Various Matters.

City Manager Dale Kerbyson requested a Closed Session at the end of the regular meeting to discuss legal issues.

**246 2017 10-02**

Moved by Gates. Seconded by Bostick-Tullius.

Approve a Closed Session at the end of the regular meeting to discuss legal issues.

ON A ROLL CALL VOTE:

YEAS: Commissioners Bennett, Gates, Marquardt, Bostick-Tullius, Atwood.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

**CITY ATTORNEY'S REPORT**

None.



## **PUBLIC COMMENTS**

None.

## **UNFINISHED BUSINESS**

### **247 2017 10-02**

Moved by Marquardt. Seconded by Gates.

Appoint Carol Fischhaber to Center for the Arts of Greater Lapeer, term ending 10-01-20.

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

Nays: None.

Absent: None.

**MOTION CARRIED**

## **DEPARTMENTAL COMMUNICATIONS**

DDA Status Report, September 19, 2017, Monthly Financial Report for June 2017 and Monthly Financial Report for July 2017 were received into record.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Apologize to Police Chief, dinner honoring police/elected officials, others were in attendance, didn't recognize because not in uniform, asked if way to meet our police officers maybe through open house, felt embarrassed because did not recognize our officers; Thank you for plaque on back of name plates reading "How does this decision affect our community?"; Thank you for lady from Louis Cramton Street, will review letter.

Commissioner Gates: Thank you Ms. Treece for coming and sharing what is going on; status of ordinance for MMFLA direction, response by Mayor Sprague Planning Commission approved all 5 forms in City, map overlay completed, next Planning Commission meeting expect to receive language to go through and revise. Commissioner Bostick-Tullius indicated possible meeting with City/Planning Commission to review concerns. Mayor Sprague commented on buffer zones, removal of trails from park system and still some issues to go through.

Commissioner Atwood: Coffee with Commission and clean-up edition, cigarette butts and debris clean-up in front/back of buildings, trash is back again, Jim Alt will send email to owners and ask if they will help sweep/clean-up areas near buildings.

Commissioner Bostick-Tullius: Youth Council application deadline, to pick up applications at schools; follow-up with Commissioner Bennett idea, possibly host small reception for police officers, City Manager Dale Kerbyson to follow-up with Chief Frisch.

Commissioner Marquardt: Asked Commissioner Atwood if cigarette butts/trash was scattered or in a pile, Commissioner Atwood responded scattered in front of businesses, possibly place decent looking cigarette dispensers, she is now a non-smoker; Dog Park event and to have access to baggies for waste in downtown area, Mr. Kerbyson responded there were a couple near Sams, pavilion and Sherwin Williams; noticed trash on trails as well; car break-ins and had occurrence with her vehicle, citizens should lock their cars.

City Manager Dale Kerbyson commented on culmination of Fire Prevention Week where Fire Department will host Annual Open House October 15<sup>th</sup>; disappointed in how a private, joking as well as taken out of context email was handled and assured everyone it was a joking conversation.

Mayor Sprague: Upcoming events, November 11<sup>th</sup> Veterans Day. Noticed lady in audience wanting to speak and would recognize her.

Jacquie Piechowski indicated she missed public comments and apologized, postcard invite to The Great Pumpkin Ask event, artificial pumpkins provided by Funkins to be

decorated and on display downtown, to have auction of pumpkins on October 12<sup>th</sup> from 5:00 to 8:00 p.m. at Beyers with funds going to support art programs for kids in Lapeer.

Closed Session:

The City Commission convened to a Closed Session for the purpose of discussing legal issues at 7:21 p.m. and returned to a regular meeting at 8:29 p.m.

**ADJOURNMENT**

**248 2017 10-02**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None..

**MOTION CARRIED.**

The regular meeting adjourned at 8:30 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
OCTOBER 16, 2017**

A regular meeting of the Lapeer City Commission was held October 16, 2017 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, Gates, Marquardt.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

**AGENDA APPROVAL**

**249 2017 10-16**

Moved by Bostick-Tullius. Seconded Gates.

Approve the Agenda for October 16, 2017 with the addition of property purchase to the Closed Session Request and the deletion of Item G.2. Housing Improvement Department: Public Hearing Request, MEDC CDBG Grant Application - Lapeer Teamwork Façade Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**250 2017 10-16**

Moved by Gates. Seconded by Marquardt.

Approve the minutes from the Regular meeting and Closed Session held October 2, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

James Alt, DDA Executive Director provided an update on the new M-24 sign, thanked the Commission for contribution and support, actual cost of sign was just over \$48,000 than the \$36,000 as expected. Discussion on City contribution of \$12,000 towards new sign, intent was to pay 1/3 of the cost, approve additional amount towards new sign.

**251 2017 10-16**

Moved by Bostick-Tullius. Seconded by Gates.

Approve City contribution to DDA for the M-24 sign to be 1/3 of the entire cost.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Tim Martin, Attica, gave invocation.

**CONSENT AGENDA**

**252 2017 10-16**

Moved by Marquardt. Seconded by Gates.

Approve the Consent Agenda for October 16, 2017 resulting in the following.

1. Special Event Request from Lapeer County Young Marines for Red Ribbon Week, October 22-28, 2017, placement of red ribbons on downtown lamp posts in support of drug awareness.
2. Halloween Trick or Treat Hours to be 6:00 p.m. until 8:00 p.m. on Halloween night, Tuesday, October 31, 2017.
3. Purchase of a new canine from Mid-Michigan Kennels in the amount of \$11,500, CIP Project #20290.
4. Special Event Request from Lapeer Downtown Development Authority for A Ladies Night Out–Women’s Walk, downtown area, November 9, 2017, 5:00 pm to 9:00 pm

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **BILL LISTING FOR OCTOBER 16, 2017**

### **253 2017 10-16**

Moved by Gates. Seconded by Marquardt.

Approve the Bill Listing for October 16, 2017 in the amount of \$361,582.94.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

DeMille Road Rehabilitation Project.

Astec Asphalt, Inc. – Payment Request #3 – FINAL

### **254 2017 10-16**

Moved by Gates. Seconded by Atwood.

Approve Final Payment Request #3 in the amount of \$5,165.85 to Astec Asphalt, Inc. for the DeMille Road Rehabilitation Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **CITY MANAGER’S REPORT**

DEQ – Storage Tank Removal at 18 E. Nepessing Street, City of Lapeer.

City Manager Dale Kerbyson commented on DEQ letter for removal of an underground storage tank at 18 E. Nepessing Street along with follow-up air sampling to be paid for by DEQ with no cost to the City; Commissioner Bennett clarified it was a dry cleaning facility; after site clean-up, plans are to renovate into conference and/or office space.

## **CITY ATTORNEY’S REPORT**

None.

## **PUBLIC COMMENTS**

None.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

Department Monthly Reports and the Monthly Financial Report for August 2017 were received into record.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Did not see Jeff Hogan at the Solar event, has pictures if he would like to borrow them.

Commissioner Gates: Attended Art Association Pumpkin event, Fire Department Open House; thanked everyone for coming tonight; thanked the Police, Fire, DPW and staff for all they do in our City.

Commissioner Atwood: A lot was going on this weekend downtown; Optimist Halloween event, street cleanup after. Reached out to Commander Carol Arman with Lapeer County Young Marines, their special event was approved at tonight's meeting for placement of red ribbons in support of drug awareness, for her thoughts on medical marihuana, read email wherein Ms. Arman commented on the ease of availability of drugs to youths if marihuana is legalized and that it should have to go through a pharmacy and be sold like any other drug, has spoken to two states that have legalized in Colorado and Washington where it has increased crime and has not been good for either state, he sees medical use of marihuana and in his opinion feels there is more cons than pros.

Commissioner Bostick-Tullius: Attended DTE event, they did a great job and was educational; attended LACADA benefit which was well attended and understands they had a stellar year.

Commissioner Marquardt: Attended Pumpkin, DTE, Zonta Fantasy Forest events, Fire Open House was amazing, equipment and investment in department is money well spent and also reflects in insurance proposals; beware of cell phone scam as someone is using her mother's cell number and indicating they are a home security line.

City Manager Dale Kerbyson: DTE event, close to 500 people attended; last meeting and request for meet and greet with police officers, department will have a 160<sup>th</sup> anniversary next year and will hold an event in January to celebrate; Nightmare on Nepeessing event was a huge success.

Mayor Sprague: Upcoming events, thanked DTE for an outstanding event and that DTE are great partners.

## **CLOSED SESSION REQUEST**

### **255 2017 10-16**

Moved by Bennett. Seconded by Gates.

Approve a Closed Session to discuss the City Manager's Evaluation, pending legal issues and property purchase.

ON A ROLL CALL VOTE:

YEAS: Commissioners Bostick-Tullius, Marquardt, Bennett, Gates, Atwood.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

The City Commission convened to a Closed Session at 6:56 p.m. and returned to a regular meeting at 9:08 p.m.

### **256 2017 10-16**

Moved by Bostick-Tullius. Seconded by Gates.

Authorize the City Attorney to file suit regarding drug forfeiture property with Lapeer County if no check is in hand by Friday, October 20, 2017 at 4:00 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**257 2017 10-16**

Moved by Bennett. Seconded by Gates.

Set a Building Workshop meeting for Thursday, October 19, 2017 at 5:30 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**258 2017 10-16**

Moved by Bennett. Seconded by Gates.

City Attorney prepare Addendum to City Manager Employment Contract for a 4% salary increase to be effective immediately and authorize the Mayor to sign said Addendum.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**ADJOURNMENT**

**259 2017 10-16**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 9.09 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A WORKSHOP MEETING  
OCTOBER 19, 2017**

A workshop meeting of the Lapeer City Commission was held October 19, 2017 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:30 p.m.

**ROLL CALL**

Present: Mayor Sprague.  
Commissioners Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Absent: None.

City Manager: Dale Kerbyson, present.

Workshop: Building Department.

City Manager Dale Kerbyson introduced Jeffrey Bowdell, Director of Building Plan Review and Inspection Services with Wade Trim.

Discussion: history with Construction Code Authority (CCA), City establish Building Department to provide better quicker service in City and to be less expensive than CCA; complaints received from citizens/businesses; high fees; are permits required or not required, example of roofing and windows; City reputation for not being builder friendly; State Building Code; the need for a streamline step-by-step process; interaction with Building Official themselves have been positive, have heard interaction with others has been negative and the need for classes, overall Building Official is doing a good job; rentals; communication; driveway permit issues, were inspections done or not; authority to enter property; Building Official and working with contractor or home owner; contractor responsible for their work; people do not know what to do, do not ask or feel afraid to come in and ask.

Mr. Bowdell commented on concerns; different inspectors have different personalities, work habits; Commission as a policy making body is to guide and shape department; feels inspector wants to do the right thing in spite of all the complaints; code requirements regarding roofing, people should make application, inspector to decide if a permit is needed based on information provided; inspector deals with permit holder as law says contractor or responsible designee for license to be pulled; if a dumpster is on a lawn, should find out why it is there and for how long; inspector can stop at any reasonable time, if permit holder/owner is not there can leave card and request an appointment be made.

Commissioner Bennett and Commissioner Bostick-Tullius left at 6:35 p.m.

Discussion: review and look at who is doing what, zoning issues and how to be completed; should dumpsters be left there all year; how does public body want rules enforced; rental inspections not covered by code but through ordinance; window replacement and safety requirements, history on home for what was done and when, make application to know; the law is subjective, certain things that are required, need to understand before anything is altered/changed, driveways for example do not require a building permit and should be under zoning compliance permit, a lot of things fall down and trickle to building department and should not be there, building department should apply building code standards; cannot circumvent the law; sheds and reasons why permit is needed, you don't know what someone plans to build unless you see a plan; review best practices and put into play; Oakland County and initiative to adopt a 1 Stop Ready Community; fee issues, review and look at ways to apply on line and make payment on line, building department fees need to stand alone; rental inspections should be a separate fund, building department is an enterprise fund; signs applications are a zoning issue, only when sign is built is a permit needed for building and electrical issues; liability; rentals need to meet code and obtain certificate of occupancy, upgrades to rentals and code, replacement of items need to meet code; the need for processes, to make application and decide if permit is needed, public body needs to shape and guide; better to have building department in-house than if out sourced; Building official makes decisions, public body sets parameters; Building Official does a good job, good to review concerns, review and fix processes as well as fees.

**PUBLIC COMMENTS**

None.

**ADJOURNMENT**

By general consensus, the meeting was adjourned at 7:29 p.m.

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William J. Sprague, Mayor

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Donna L. Cronic, MMC, City Clerk



**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
NOVEMBER 6, 2017**

A regular meeting of the Lapeer City Commission was held November 6, 2017 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, Gates, Marquardt.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

**AGENDA APPROVAL**

**260 2017 11-06**

Moved by Bennett. Seconded Gates.

Approve the Agenda for November 6, 2017 with the addition of Item H.1. Wade Trim Professional Services Agreement, Update to Roadway Asset Management Plan.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**261 2017 11-06**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the minutes from the Regular meeting and Closed Session held October 16, 2017 and Workshop Meeting held October 19, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Janet Adams, Baldwin, gave invocation.

Marlana Swindell distributed a handout showing statics in relation to medical marihuana results among teen use and that teen use isn't going up, it is staying the same; you have to have a medical card to use it (medical marihuana).

**CONSENT AGENDA**

**262 2017 11-06**

Moved by Marquardt. Seconded by Gates.

Approve the Consent Agenda for November 6, 2017 resulting in the following.

1. Budget Adjustment representing the additional contribution of \$4,245.79 to pay for 1/3 of the entire cost for the new DDA M-24 sign as submitted.
2. Special Event Request from Wheelin Team 457 for Ray C's Buck Pole that will be located at 1491 S. Lapeer Road, November 15, 2017, contingent upon receipt of current insurance.
3. Resolution Authorizing Participation in Michigan CLASS for Investment Purposes and authorize the Director of Financial Services and/or designated staff to sign documents as required.

City of Lapeer, Michigan  
Resolution Authorizing Participation  
in Michigan CLASS for Investment Purposes

WHEREAS, certain governmental units have entered into an interlocal government agreement also known as "THE PARTICIPATION AGREEMENT" for the purposes of

Lapeer City Commission Regular Minutes

November 6, 2017

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pooling together and investing surplus funds under the appropriate statutes of the State of Michigan and;

WHEREAS, the PARTICIPATION AGREEMENT that has been entered into has been reviewed as to content and legality and;

WHEREAS, the investment policy of the City of Lapeer includes investment in this type of pool (see section 5.7) and;

WHEREAS, The City of Lapeer acknowledges that the current CLASS Board of Trustees, existing custodian and participants may change in accordance with the participating agreement.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the City of Lapeer shall enter into the interlocal agreement for pooling of investment resources under the participation agreement and that the Treasurer shall cause to be delivered to the current administrator(s) of Michigan CLASS the required documentation to establish participation in Michigan CLASS.

BE IT FURTHER RESOLVED, that the Treasurer may invest surplus funds pursuant to state law under said participation agreement.

BE IT FURTHER RESOLVED, that the City of Lapeer recognizes the appointments of the Board of Trustees, custodian and participants to the extent that they may be changed during the life of the PARTICIPATION AGREEMENT and that such appointments shall not effect the City participation under such agreement.

This Resolution was adopted on November 06, 2017 at the regular meeting of the City of Lapeer, County of Lapeer, State of Michigan.

4. Budget Adjustment representing the Accident Policy for youth and adult activities under the Volunteer Program in the amount of \$1,328.39 as submitted.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **BILL LISTING FOR NOVEMBER 6, 2017**

### **263 2017 11-06**

Moved by Gates. Seconded by Marquardt.

Approve the Bill Listing for November 6, 2017 in the amount of \$859,628.58.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Charitable Gaming License: Lost In The Woods Music Festival.

### **264 2017 11-06**

Moved by Gates. Seconded by Bostick-Tullius.

Approve the Local Governing Body Resolution for Charitable Gaming License for Lost in the Woods Music Festival.

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES  
That the request from Lost In The Woods Music Festival of Lapeer, county of Lapeer, asking that they be recognized as a nonprofit organization operating in the community, for the purpose of obtaining charitable gaming licenses, be considered for approval.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Ordinance Amendment: Chapter 7 (Zoning Ordinance)

Rezoning – OS-1 Office Service to B-2 General Business.

239 S. Main St. – Parcel #'s L21-54-501-040-00 & L21-53-301-040-00.

Commissioner Bostick-Tullius introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.02, 7.02.02 (a)(11) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

(11) The following properties formerly zoned OS-1 Office Service are hereby rezoned to B-2 General Business:

239 S. Main Street; Tax I.D. #21-54-501-040-00; CITY OF LAPEER PLAT OF WHITESVILLE LOT 31 & S 47 FT OF LOT 33 (L=1 P=73 SEC 5, T7N-R10E) ALSO INCLUDING THAT PORTION OF THE VACATED ALLEY, CONTIGUOUS TO THE E'LY PROPERTY LINES

239 S. Main Street; Tax I.D. #L21-53-301-040-00; CITY OF LAPEER PLAT OF WHITESVILLE LOTS 38, 40, 42, 44, 46 & THAT PART LOT 48 LYG S OF RR R/W; ALSO W 1/2 VAC OAK ST ADJ THERETO, ALSO INCLUDING THAT PORTION OF THE VACATED ALLEY, CONTIGUOUS TO THE W'LY PROPERTY LINES (L=1 P=73 SEC 5, T7N-R10E)

2017 Court St. & Calhoun St. Reconstruction Projects.  
Change Order #1 – Rohde Brothers Excavating, Inc.

**265 2017 11-06**

Moved by Gates. Seconded by Marquardt.

Approve Change Order #1 with Rohde Brothers Excavating, Inc. resulting in a net decrease of \$47,110.46 revising the contract amount to \$1,234,264.54 for the 2017 Court St. & Calhoun St. Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2017 Court St. & Calhoun St. Reconstruction Projects.  
Payment Request #5 – Rohde Brothers Excavating, Inc.

**266 2017 11-06**

Moved by Gates. Seconded by Marquardt.

Approve Payment Request #5 to Rohde Brothers Excavating, Inc. in the amount of \$234,156.66 for the 2017 Court St. & Calhoun St. Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Housing Improvement Department: Lapeer Team Work Project.

**267 2017 11-06**

Moved by Marquardt. Seconded by Gates.

Approve the Resolution To Approve Certified Grant Administrator For The MEDC CDBG Lapeer Team Work Project.

RESOLUTION TO APPROVE  
CERTIFIED GRANT ADMINISTRATOR FOR THE MEDC CDBG  
LAPEER TEAM WORK PROJECT

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low income residents; and

WHEREAS, the Certified Grant Administrator for the City of Lapeer application for Community Development Block Grant (CDBG) grant funds from the Michigan Economic Development Corporation (MEDC) to rehabilitate the exterior façade of the Lapeer Team Work building located at 286 W. Nepessing Street; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the Housing Department to assign Revitalize, LLC as the Certified Grant Administrator of the Lapeer Team Work Project.

NOW, THEREFORE, BE IT RESOLVED:

1. The Lapeer City Commission authorizes the Mayor to name Revitalize, LLC as the Certified Grant Administrator for the City of Lapeer Housing Improvement Department grant application with MEDC for the CDBG grant funds for the Lapeer Team Work Project.
2. The Lapeer City Commission authorizes the Mayor to sign an Agreement and/or Contract between the City of Lapeer and Revitalize, LLC to perform said duties of Certified Grant Administrator.
3. The Lapeer City Commission authorizes the Mayor to be the Environmental Certifying Officer and/or Certifying Officer for any and all documents relating to said CDBG grant funds from the MEDC for the Lapeer Team Work Project.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Planning Consultant, ROWE Professional Services Company. Update on MMFLA.

Planning Consultant, Scott Kree from Rowe Professional Services Company gave an update of where the Planning Department is regarding the development of a City ordinance as it relates to Medical Marihuana Facilities Licensing Act (MMFLA). All five uses (Growing, Processing, Safety Compliance, Provisioning, Transport) will be allowed in the City of Lapeer; buffer regulations include 1,000' from schools, 500' from Federal property, 500' from licensed/registered nursery schools, pre-schools and child daycare centers, and 200' from parks. Religious, State, County, and the City's trail system will not have buffers. All five MMFLA uses will be permitted uses and will not be regulated by special land use. There will not be a separation requirement between MMFLA uses. All five MMFLA uses will be required to operate fully within an enclosed facility. There will not be any regulation of smell or odor other than what is regulated by the MDEQ. There will not be any specific lighting regulations for the 5 MMFLA uses other than what is already permitted and required in the ordinance. Hours of operation will have restrictions for Provisioning Centers and Safety Compliance facilities. No limit on the number of MMFLA uses permitted in the City of Lapeer. All information will be further discussed at the November 9<sup>th</sup> Planning Commission meeting.

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

##### Wade Trim Professional Services Agreement. Update to Roadway Asset Management Plan.

**268 2017 11-06**

Moved by Marquardt. Seconded by Gates.

Approve the Professional Services Agreement with Wade Trim for a Total Not To Exceed Fee of \$17,600 for the Update to Road Asset Management Plan and authorize the Director of Public Works to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

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

None.

#### **PUBLIC COMMENTS**

None.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

DDA Status Report dated October 19, 2017, Genesee and Main Streets – No Turn on Red Signage, dated October 24, 2017 and Monthly Financial Report for September 2017 received into record.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Tomorrow is Election Day, please get out and vote.

Commissioner Bostick-Tullius: Would like to get the status of the building report and timeline; good luck to Elaine Gates tomorrow, it has been a pleasure serving with you.

Commissioner Gates: Thanks to Commissioner Bostick-Tullius, plans on being here at the next meeting; attended Homeless Connect which was a great day, everyone should spend time and volunteer; attended Habitat for Humanity dinner which was wonderful, was proud to be a part of it; thanked DPW for leaf pick up, and Police/Fire for keeping the City safe; vote Gates.

Commissioner Marquardt: attended several events, favorite was the downtown trick or treat, best costume was gumball machine; please vote; wonderful working with Commissioner Gates.

City Manager Dale Kerbyson: stopped at Forever Friends Network Open House event at the old Perkins Place, was very nice, have a lot of activities available; thank you to Scott Kree who is leaving, last day will be November 9<sup>th</sup>, we will miss him.

Mayor Sprague: Upcoming events; Election Day, get out and vote; thank you Andrew Kluck, Elaine Gates and Dan Osentoski for showing the courage to run and serve the City, whomever wins will be welcomed; pleasure serving with Commissioner Gates; running unopposed, will be here until 2021.

## **ADJOURNMENT**

**269 2017 11-06**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 7:06 p.m.

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Mayor William J. Sprague

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
NOVEMBER 20, 2017**

Prior to the start of the regular meeting, Honorable Laura Cheger Barnard, 71A District Court Judge presided over the Swearing-In Ceremony of the Mayor Elect William Sprague and Commissioner Elect Daniel Osentoski.

A regular meeting of the Lapeer City Commission was held November 20, 2017 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.

**ELECTION OF MAYOR PRO-TEM**

Mayor Sprague asked for nominations for Mayor Pro-Tem. Commissioner Bostick-Tullius nominated Commissioner Debbie Marquardt. There being no other nominations, the question was called to a vote.

**270 2017 11-20**

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve Commissioner Marquardt as Mayor Pro-Tem.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**AGENDA APPROVAL**

**271 2017 11-20**

Moved by Bennett. Seconded Marquardt.

Approve the Agenda for November 20, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**272 2017 11-20**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the minutes from the Regular meeting held November 6, 2017 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**

Steven Ruddock, Sherman Court, glad to be here for swearing in of Mayor Sprague and Commissioner Osentoski, gave invocation.

**CONSENT AGENDA**

**273 2017 11-20**

Moved by Marquardt. Seconded by Atwood.

Approve the Consent Agenda for November 20, 2017 resulting in the following.

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1. Traffic Control Order #292.

CITY OF LAPEER  
PERMANENT TRAFFIC CONTROL  
ORDER NO. 292

Location: First Street beginning at Cedar Street continuing west and ending at North Monroe Street.

Order: To install "No Parking November thru April" signs along the north side of First Street.

Reason: The Department of Public Works has reported that they cannot adequately remove snow from the roadway with their snow removal trucks due to both the north and south sides of First Street in this area currently allowing vehicle parking in the road right-of-way. In the spring and summer months parking in the right-of-way on both sides of the street would be available.

2. Traffic Control Order #293.

CITY OF LAPEER  
PERMANENT TRAFFIC CONTROL  
ORDER NO. 293

Location: Railroad Street north of East Park Street.

Order: To install No Through Traffic signage at the north end of Railroad Street at East Oregon Street. Install a permanent guardrail structure across the south end of Railroad Street north of East Park Street.

Reason: Six property owners on Railroad Street have requested that Railroad Street be made a non-through roadway by closing Railroad Street at the intersection of East Park Street. Request is due to non-resident traffic use of the roadway in an unsafe manner and traffic encroachment onto private property. City of Lapeer Departments of Police, Fire and DPW have reviewed this request and support the closure of Railroad Street to through traffic.

3. Special Event Request from Lapeer Area Chamber of Commerce for Annual Christmas Parade, December 2, 2017, Nepessing Street within the downtown area.
4. Special Event Request from Lapeer Downtown Development Authority for Winterfest and Pub Crawl, December 1 – 2, 2017, downtown area.
5. Accept and confirm the Canvass of Votes Cast at the Election held on November 7, 2017 in the City of Lapeer as Canvassed by the Board of Canvassers for the County of Lapeer, Michigan

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

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR NOVEMBER 20, 2017**

**274 2017 11-20**

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for November 20, 2017 in the amount of \$944,886.76.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

Ordinance Amendment: Chapter 7 (Zoning Ordinance)

Rezoning – OS-1 Office Service to B-2 General Business.

239 S. Main St. – Parcel #'s L21-54-501-040-00 & L21-53-301-040-00.

**275 2017 11-20**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.02, 7.02.02 (a)(11) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (11) The following properties formerly zoned OS-1 Office Service are hereby rezoned to B-2 General Business:

239 S. Main Street; Tax I.D. #21-54-501-040-00; CITY OF LAPEER PLAT OF WHITESVILLE LOT 31 & S 47 FT OF LOT 33 (L=1 P=73 SEC 5, T7N-R10E) ALSO INCLUDING THAT PORTION OF THE VACATED ALLEY, CONTIGUOUS TO THE E'LY PROPERTY LINES

239 S. Main Street; Tax I.D. #L21-53-301-040-00; CITY OF LAPEER PLAT OF WHITESVILLE LOTS 38, 40, 42, 44, 46 & THAT PART LOT 48 LYG S OF RR R/W; ALSO W 1/2 VAC OAK ST ADJ THERETO, ALSO INCLUDING THAT PORTION OF THE VACATED ALLEY, CONTIGUOUS TO THE W'LY PROPERTY LINES (L=1 P=73 SEC 5, T7N-R10E)

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Capital Improvement Program – Backhoe Purchase FY 2017-2018.

**276 2017 11-20**

Moved by Bennett. Seconded by Bostick-Tullius

Approve the purchase of a John Deere Backhoe from AIS Construction Equipment Corp. at a cost of \$91,303.00 and disposal of a 2002 Cat Backhoe as submitted and authorize the Director of Public Works to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Dale Kerbyson commented on repair to fire truck, at DPW for review and should be back in service next week; LDFA lot in Industrial Park, DEQ ruling that this lot is not a wetland, leveling of site and drilling for peet depth will occur; Tim Horton's driveway/barricade issue.

**CITY ATTORNEY'S REPORT**

None.

**PUBLIC COMMENTS**

None.

**UNFINISHED BUSINESS**

**277 2017 11-20**

Appointed by Mayor Sprague. Moved by Bostick Tullius. Seconded by Marquardt.

Appoint the following:

William Sprague Downtown Development Authority, term ending 11-07-21.

William Sprague Planning Commission, term ending 11-07-21.

Dale Kerbyson Planning Commission, term ending 11-07-21.

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



Nays: None.  
Absent: None.  
MOTION CARRIED.

**278 2017 11-20**

Moved by Marquardt. Seconded by Bostick-Tullius.  
Appoint Anthony Macksoud to the Income Tax Board of Review, term ending 12-01-20.  
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports were placed into the record as presented.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Bostick-Tullius: Attended the National League of Cities (NLC), wore City shirt, great sessions with Gabby Gifford/Mark Kelley, NLC promoting large/small cities in fight against Federal/State preemption of local authority, maintaining status on municipal bonding and state/local tax deductions, Magic Johnson, singing group The Commodores, impressive session on opioid crisis and utilize tracking ability on GIS system and mapping to educate community on various areas, would like to see this coordinated with our public safety and GIS system.

Commissioner Atwood: Reached out to churches in the community and interest in collaborating/discussing opiate issue, action plan to help those in need, gather team of volunteers and community leaders as well as city/county law enforcement. Congratulations to Commissioner Osentoski on being elected; Happy Thanksgiving; names put up for ornaments on City lawn, contest for naming bear; Youth Council is coming along, expect to meet end of November or early December.

Commissioner Osentoski: Thank you to those of you who voted for me; looking forward to working with everyone; ensure citizens are happy with City services.

Commissioner Marquardt: Happy Thanksgiving, have a safe holiday.

City Manager Dale Kerbyson: Ornaments on City Hall lawn; Happy Thanksgiving; receive dates for workshop to review building department reports, consultant will attend meeting, discussion to have workshop after regular meeting, questions should be prepared and sent to Mr. Kerbyson prior to workshop.

Mayor Sprague: Happy Thanksgiving; congratulations to Commission Osentoski on being elected, thank you to other candidates who ran as well and hope they will continue to support the community; upcoming events; Veterans Day was well attended; Court House gala event November 30<sup>th</sup>; Lapeer County Community Foundation moved to lower level of historic Court House.

**ADJOURNMENT**

**279 2017 11-20**

Moved by Bennett.  
Adjourn the regular meeting.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

The regular meeting adjourned at 6:52 p.m.

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Mayor William J. Sprague

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Donna L. Cronce, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

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

A regular meeting of the Lapeer City Commission was held December 4, 2017 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.

**AGENDA APPROVAL**

**280 2017 12-04**

Moved by Bostick-Tullius. Seconded Bennett.

Approve the Agenda for December 4, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**281 2017 12-04**

Moved by Marquardt. Seconded by Osentoski.

Approve the minutes from the Regular meeting held November 20, 2017 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**

Janet Adams, Baldwin Road, gave invocation.

Gary Glenn, Auburn, Michigan, introduced himself, running as a candidate for State Senate, can be reached at garyglenn.us.

Bernie Jocuns, Pine Street, Planning Commission and issues moving forward on MMFLA, issues of smell and other smells that are bad or worse and City should do something about those smells; Daughters of the American Revolution monument and celebration of Columbus Day and what they represent, City should pass a resolution to approve an Indigenous Persons Day.

Chief of Police Dave Frisch introduced Officer AJ Wetzel who is the school liaison, will have an officer at every meeting to match a name to a face prior to the open house event scheduled in 2018, give idea on what we do and will answer any questions.

Director of Community Center, Recreation and Cemetery, Rodney Church commented on Dog Park Fund Raiser event at Buffalo Wild Wings on December 11<sup>th</sup>.

Marlana Swindell, Pleasant Street, commented the State has finalized the Emergency Rules and check list for applying for MMFLA, distributed information to Commission.

**CONSENT AGENDA**

**282 2017 12-04**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Consent Agenda for December 4, 2017 resulting in the following.

1. City of Lapeer 2018 "Official" Meeting Calendar.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **BILL LISTING FOR DECEMBER 4, 2017**

### **283 2017 12-04**

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for December 4, 2017 in the amount of \$371,608.31.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

### **Agreement for Funding of Downtown Development Authority Executive Director Compensation.**

### **284 2017 12-04**

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Agreement for Funding of Downtown Development Authority Executive Director Compensation.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **285 2017 12-04**

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the budget adjustment for additional funding for the Agreement for Funding of Downtown Development Authority (DDA) Executive Director Compensation.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **2017 Court St. & Calhoun St. Reconstruction Projects.** **Rohde Brothers Excavating, Inc. – Payment Request #6.**

### **286 2017 12-04**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Payment Request #6 to Rohde Brothers Excavating, Inc. in the amount of \$10,070.00 for the 2017 Court St. and Calhoun St. Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **Building Department Presentation: Jeffrey Bowdell, Wade Trim.**

Jeffrey Bowdell with Wade Trim, asked if there were any questions regarding his report, Building Inspectors handle their jobs differently, City had CCA, then first Inspector and now current Inspector, all have interpreted and reacted differently to how they handle the job; indicated Mr. Oliver does a good job, up to Commission to voice what they want, codes are very broad with a lot of choices and it can become difficult understanding the codes; the message from Mr. Oliver can sometimes be delivered incorrectly causing hostility and misunderstandings from the receiver, department is there to help customers. If feeling is fees are too high, review and make changes but you do not want to give services away, you need to cover your costs and expenses, Commission needs to discuss if permits are needed and instruct Mr. Oliver of what is wanted, what is important to the City; department needs to be revenue neutral.

Safety is the most important item in the building department, City should not be playing the “gotcha” game they should be playing the “how can I help you with your project” game; knowledge of codes is important, City needs an imbedded department, not have flat fee services, have regular hours, inspectors need to have a foothold in the City and have the best interest of the City in mind; Oakland County and 1-Stop-Shopping with all departments involved in a project meeting; differences in Building Code and Residential Code and changes over the years in each code, books come out faster than one can learn them; department processes, is plan reviewed and if an answer is no then show the customer options on how to resolve the issues and providing direction from the code. Mr. Oliver is currently completing communications training which is great; Commission needs to review the processes and fees, if fees are too high, why, what are the fees for, have a full third party review of process, entrench the building department just like departments of police and fire, have regular hours. Mr. Bowdell asked for any questions, very hard to review what is required for a permit as codes are very broad.

Discussion was held on having a checklist/flow chart for customers on what does my project need and what are all the fees up front before the project begins, Mr. Bowdell commented on lists being very difficult as cannot control all aspects of a project, if City does a list make sure to have the words “not inclusive” on the list itself, City currently working on check list for common things which is being done in-house. Discussion continued on the need to understand the comparison schedule of fee samples presented, possibly review and discuss at future meeting, all departments should work together as well as reach out to each other on new projects that come into the City. Mr. Bowdell indicated he called the department to speak with Mr. Oliver and was placed into his voicemail immediately, this is not good customer service and needs to be corrected. City Manager Dale Kerbyson commented that the fee comparison was not completed by a third party, not Mr. Bowdell, from like cities. Mayor Sprague commented he only wants to see comparisons with Mayfield Township and CCA, others have no relevance, feels the others were thrown in to balance out the numbers, feels these numbers lie, original goal was to have better service and cheaper than CCA, questioned how Home Depot could be in business if selling items that need permits to be put in, should be illegal for them to sell, feels rental inspections have been positive but he is still frustrated. Discussion continued on application fee, what does the \$75 application fee cover, department should be revenue neutral, recommendation is to bring in someone to do a full cost analysis, cost is based on the total cost of a project, need to review flat rates, vendors say City fees are too high, like to see incremental breakdown of costs, have someone from CCA and Mayfield come to Commission meeting, need to review other items on original list and continue talking on them, when can City Manager have more information, Mr. Kerbyson indicated with day-to-day work and other projects, hard to give a timeframe, talk about one topic at each meeting, first topic in January and move forward from there, getting CCA and Mayfield costs and may have to FOIA for them, why not take CCA fee structure and implement same costs in City, will fees cover the costs of running department, do not want taxpayers paying for it, do not want to go to a part time department. Mayor Sprague stated the Commission could vote to change direction of the building department from cheaper than CCA with better quality to a true building department, establish a bureaucracy that is self-sustaining, but that was not the original intent. Commissioner Bostick-Tullius commented to not do anything until understand what the current spending and costs are, have all the valid information before decisions are made to do anything, review and see if department is revenue neutral, have Mr. Oliver at next meeting to ask questions. Commissioner Atwood indicated that the building department is for safety and development, look at it like a business, check customer service, are we under staffed, is the receptionist handling customers properly, are bills being paid, we don’t want any costs to go to the taxpayers, are fees competitive and cover costs per employee. Commissioner Bostick-Tullius indicated it isn’t good customer service to have a part-time building department – this would be poor customer service, we don’t want to go backwards. Commissioner Marquardt feels all issues were not addressed from the first workshop, like to see minutes.

## **CITY MANAGER’S REPORT**

City Manager Dale Kerbyson asked Police Chief to give update on a new project. Police Chief Dave Frisch indicated that he, Matt Wandrie and Scott McKenna will be

hosting a program at Zemmer on Social Media with young people tomorrow at 6:30 pm and another on December 11<sup>th</sup>, if available would love to see Commissioners there.

## **CITY ATTORNEY'S REPORT**

City Attorney Mike Nolan commented on lawsuits involving an arcade on Saginaw Street and gas station owner regarding signage in windows which is against ordinances, both lawsuits were resolved; should be proud of Officer Wetzel as School Liaison, does an amazing job, great partnership with schools, fantastic program.

## **PUBLIC COMMENTS**

Bernadette Treece, Washington Street, commented on the building department fees, vacant home down from them, if someone wants to fix it up would that person pay a \$75 application fee for replacing toilet, another fee for hot water tank, etc., adds up, would discourage homeowners, this is very concerning.

Marlana Swindell, Pleasant Street, commented parking entrance at Tim Hortons, why isn't this being fixed. Mr. Kerbyson indicated owners are aware and in process of getting fixed, should be by December 11<sup>th</sup>.

## **UNFINISHED BUSINESS**

### **287 2017 12-04**

Appointed by Mayor Sprague. Moved by Bostick Tullius. Seconded by Bennett. Appoint Commissioner Joshua Atwood to the Youth Council, term ends 7-1-2018.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Truck Traffic on Oregon Street and Monthly Financial Report for October 2017 Reports were placed into the record as presented.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Thanked the prayer lady; hope Officer doesn't tell his fellow officers the length of this meeting, others will not come.

Commissioner Osentoski: New digital sign on M-24 going in this week; attended Winterfest event and thanked local businesses for donations; Main Street marketing process, 500 hours of volunteer work so far, thanks to these volunteers as well.

Commissioner Atwood: First Youth Council meeting on December 14<sup>th</sup> at City Hall at 5:15 pm; selfie photo contest for naming the polar bear is underway and businesses donated prizes; ugly sweater contest next meeting; thanks to Officer Wetzel, there is a lot of pressure on the teens, tough time in their lives, thank you.

Commissioner Bostick-Tullius: Attended Court House Gala; thank you to Officer Wetzel, presence has had a great impact, kids have a good connection to law enforcement, feel safer since your arrival.

Commissioner Marquardt: Thank you to Officer Wetzel; Winterfest event; attended parade; weather changes are coming.

City Manager Dale Kerbyson: Commissioner Osentoski's ability to track volunteer hours, that's a great part of the solution to making a better downtown; pursuing legislators regarding bills that will affect municipal employees.

Mayor Sprague: Update on local events; Buffalo Wild Wings event for Dog Park, Chamber nominations for Citizen of the Year by December 18<sup>th</sup>, luncheon to be held at Devil's Ridge, may not be in immediate area but they are a long time support of the Chamber and has donated facility for event, event has outgrown Mott; attended Board Meeting at Mott, great partner in our community, when started first projected 500 students and now service over 15,000 students; overall have a good Building

Department, Commission may disagree but still continue to get things done, not intended to be personal but to attack a problem and get things done; Planning Commission meeting on December 14<sup>th</sup> to discuss MMFLA.

## **ADJOURNMENT**

**289 2017 12-04**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 8:31 p.m.

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Mayor William J. Sprague

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Donna L. Cronic, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
DECEMBER 18, 2017**

A regular meeting of the Lapeer City Commission was held December 18, 2017 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.

**AGENDA APPROVAL**

**290 2017 12-18**

Moved by Bennett. Seconded Bostick-Tullius.

Approve the Agenda for December 18, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**291 2017 12-18**

Moved by Marquardt. Seconded by Atwood.

Approve the minutes from the Regular meeting held December 4, 2017 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**

Dave Meoak, Saginaw Street, gave invocation.

**CONSENT AGENDA**

**292 2017 12-04**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Consent Agenda for December 18, 2017 resulting in the following.

1. Special Event Request from Human Development Commission, Annual Walk for Warmth, February 24, 2018, Nepessing Street downtown Lapeer, contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**BILL LISTING FOR DECEMBER 4, 2017**

**283 2017 12-04**

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for December 18, 2017 in the amount of \$435,713.24.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Chief of Police David Frisch presented Life Saving Citation Awards to Alexander Perry, Sergeant Robert Govitz, Officer Shawn Broecker and Officer Daniel Smith.

Proclamation: School Choice Week.

**294 2017 12-18**

Moved by Osentoski. Seconded by Marquardt.

Approve the Proclamation Commemorating City of Lapeer School Choice Week.

CITY OF LAPEER  
Proclamation  
Commemorating City of Lapeer School Choice Week

WHEREAS, all children in the City of Lapeer should have access to the highest-quality education possible; and

WHEREAS, the City of Lapeer recognizes the important role that an effective education plays in preparing all students in the City of Lapeer to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of the City of Lapeer and that educational variety not only helps to diversify our economy but also enhances the vibrancy of our community; and

WHEREAS, the City of Lapeer is home to a multitude of excellent education options from which parents can choose for their children; and

WHEREAS, our area has many high-quality teaching professionals who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby recognize January 21-27, 2018 as City of Lapeer SCHOOL CHOICE WEEK and encourage all citizens to recognize the important role of education in preparing our children for a successful future.

Dated this 18<sup>th</sup> day of December, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

Employment Agreement: DDA Executive Director James Alt.

**295 2017 12-18**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Employment Agreement between the City of Lapeer Downtown Development Authority and James Alt for the position of DDA Executive Director for the period of November 1, 2017 through October 31, 2018.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2018 Street Rehabilitation project – TIFA Districts 1 & 3.  
Rowe Professional Services Co. – Design Engineering Agreement.

**296 2017 12-18**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Contract for Engineering Services with Rowe Professional Services Company for \$51,500 for the 2018 Street Rehabilitation Project and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED.



Great Lakes Water Authority – Water Service Contract, Amendment No. 1.

**297 2017 12-18**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve Amendment No. 1 To Water Service Contract Between Great Lakes Water Authority and City of Lapeer and authorize the Mayor and City Manager to sign said Amendment.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

None.

**CITY ATTORNEY'S REPORT**

City Attorney Mike Nolan commented on the citation awards, proud to work with City.

**PUBLIC COMMENTS**

None.

**UNFINISHED BUSINESS**

**298 2017 12-04**

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

Appoint the following:

Jeff Hogan County Center Board, term ending 01-01-19.

Patrick Hingst Downtown Development Authority, term ending 01-01-22.

Catherine Bostick-Tullius Downtown Development Authority, term ending 01-01-22.

Jolane Grossbauer Downtown Development Authority, term ending 01-01-22.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**299 2017 12-04**

Moved by Marquardt. Seconded by Bostick-Tullius.

Appoint the following:

Police Chief Dave Frisch Civil Defense Coordinator, term ending 01-01-19.

Donna Cronic Election Commission, term ending 01-01-19.

Michael Nolan Election Commission, term ending 01-01-19.

Jaime Barra Election Commission, term ending 01-01-19.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports were received into record.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: First Youth Council meeting, to meet 4<sup>th</sup> Thursday each month at 5:30 p.m. at City Hall; Merry Christmas to all; Citizens and Police Officers stepping up to the plate and assisting those in need; Happy New Year.

Commissioner Bennett: Thank you to gentleman for prayer; thank you to Police Chief and introduction of officers at meeting; Merry Christmas to all.

Commissioner Osentoski: Wish all a Merry Christmas and Happy New Year; Chief Frisch proud of department.

Commissioner Bostick-Tullius: Echo all the comments; fund raiser at Buffalo Wild Wings; Happy Holidays.

Commissioner Marquardt: Proud of Police force; Happy Holidays; unable to attend dog park fund raiser.

Mayor Sprague: Santa is downtown; next Commission meeting will be Tuesday, January 2, 2018 due to holidays; Happy Hanukkah; Merry Christmas; eventful year, changes in City, overall great job in accomplishments, fabulous City to live in, lots to offer in our City.

Ugly Sweater Contest

Mayor Sprague asked for participation from the audience in choosing the winner for the Ugly Sweater Contest. By a show of hands, Commissioner Osentoski won the trophy for the next ensuing year.

**ADJOURNMENT**

**300 2017 12-18**

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The regular meeting adjourned at 6:52 p.m.

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Mayor William J. Sprague

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Donna L. Cronic, MMC, City Clerk