

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JANUARY 2, 2018**

A regular meeting of the Lapeer City Commission was held January 2, 2018 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 Representative: Chief of Police David Frisch, present.

City Attorney: Michael Nolan, present.

AGENDA APPROVAL

1 2018 01-02

Moved by Marquardt. Seconded Bostick-Tullius.

Approve the Agenda for January 2, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

2 2018 01-02

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes from the Regular meeting held December 18, 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.

Polar Bear Naming Contest.

Mayor Sprague announced the winner of the Polar Bear Naming Contest Susan Klaffer and granddaughter Avery for their submittal of the name Kerby; Avery presented Mayor Sprague with a painted rock named Kerby, handed out various painted rocks, that there are hidden painted rocks throughout Lapeer area to find. Mayor Sprague recognized Commissioner Atwood for his time and efforts planning the contest and gathering donations from all the business as well as thanked all the businesses for their support.

PUBLIC COMMENTS

Janet Adams, Baldwin Road, gave invocation.

Rodney Church, Director of Parks, Recreation & Cemetery commented on Dog Park Committee fund raiser trip to Greektown Casino, January 14, 2018.

CONSENT AGENDA

None.

BILL LISTING FOR JANUARY 2, 2018

3 2018 01-02

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for January 2, 2018 in the amount of \$989,922.11.

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 – B-2 General Business to I-1 Industrial.
Portion of Parcel #L20-83-462-040-00.

Commissioner Bostick-Tullius introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(12) 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

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

EAST 1/4 CORNER OF SECTION 4, T7N, R10E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE CENTER OF SEC 4, TH N89°14'30"E 1326.16 FT; TH S01°56'04"E 518.80 FT TO POB. TH CONTINUING S01°56'04"W 291.15 FT; TH S60°55'19"E 322.06 FT; TH S01°56'04"E 208.86 FT TO THE NORTH R.O.W. LINE OF GENESEE ST; TH S60°55'19"E 177.94 FT; N01°56'04"W 600.00 FT; TH N71°44'27"W 456.59 FT TO POB CONTAINING 4.087 AC NET PROPOSED (4.332 GROSS) PARCEL ID#L20-83-462-020 PROPOSED.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

4 2018 01-02

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Atwood. Appoint Dan Osentoski to the EDC/TIFA/Brownfield board, term ending 03-01-19.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Financial Report for November 2017 was received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Happy New Year.

Commissioner Osentoski: Happy New Year; thanks for appointment to EDC/TIFA/Brownfield.

Commissioner Bennett: Happy New Year.

Commissioner Atwood: Happy New Year; looking forward to a new year.

Commissioner Bostick-Tullius: Happy New Year.

Commissioner Marquardt: Happy New Year.

Chief David Frisch: Happy New Year.

Mayor Sprague: Happy New Year.

ADJOURNMENT

5 2018 01-02

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 6:40 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JANUARY 16, 2018**

A regular meeting of the Lapeer City Commission was held January 16, 2018 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

6 2018 01-16

Moved by Bostick-Tullius. Seconded Marquardt.

Approve the Agenda for January 16, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

7 2018 01-16

Moved by Bennett. Seconded by Osentoski.

Approve the minutes from the Regular meeting held January 2, 2018 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

Chief of Police David Frisch introduced Officers Monica Bogdan and Seth Parsch as part of his staff.

Jenny Burkhardt, N. Wilder, gave invocation.

CONSENT AGENDA

8 2018 01-16

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Consent Agenda for January 16, 2018 resulting in the following.

1. Traffic Control Order #294.

2. The purchase of a speed trailer from MPH Industries and graphic package from Village Printing as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JANUARY 16, 2018

9 2018 01-16

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for January 16, 2018 in the amount of \$1,414,796.66.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

10 2018 01-16

Moved by Bostick-Tullius. Seconded by Bennett.
Approve the Proclamation In Recognition of William Stokes.

Proclamation In Recognition of William Stokes

WHEREAS, William (Bill) Stokes began employment with the City of Lapeer on January 4, 1989 with the City of Lapeer Police Department as Patrolman I and rose through the ranks to be promoted Sergeant III on July 1, 2011.

WHEREAS, Bill Stokes, has given conscientious, responsible, and professional service who has taken the Oath to serve the citizens of the City of Lapeer in the law enforcement profession; and

WHEREAS, Bill Stokes has received multiple commendations for going over and above his normal duties including apprehension of a murder suspect; and

WHEREAS, Bill Stokes will retire on January 8, 2018 after 29 years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN, that I, Mayor William J. Sprague and the Lapeer City Commission wish to honor and express deep appreciation to William (Bill) Stokes for his efforts and devotion to public service and wish him continued success in his retirement.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Ordinance Amendment: Chapter 7 (Zoning Ordinance).
Rezoning – B-2 General Business to I-1 Industrial.
Portion of Parcel #L20-83-462-040-00.

11 2018 01-16

Moved by Bostick-Tullius. Seconded by Bennett.
Adopt the amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(12) 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

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

EAST 1/4 CORNER OF SECTION 4, T7N, R10E, CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE CENTER OF SEC 4, TH N89°14'30"E 1326.16 FT; TH S01°56'04"E 518.80 FT TO POB. TH CONTINUING S01°56'04"W 291.15 FT; TH S60°55'19"E 322.06 FT; TH S01°56'04"E 208.86 FT TO THE NORTH R.O.W. LINE OF GENESEE ST; TH S60°55'19"E 177.94 FT; N01°56'04"W 600.00 FT; TH N71°44'27"W 456.59 FT TO POB CONTAINING 4.087 AC NET PROPOSED (4.332 GROSS) PARCEL ID#L20-83-462-020 PROPOSED.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

Assistance to Firefighters Grant Program.

12 2018 01-16

Moved by Marquardt. Seconded by Bennett.

Approve the Resolution to Support Submission of Fire Department Grant Application for Assistance to Firefighters Grant Program.

Resolution to Support Submission of Fire Department Grant Application
For *ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM*

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

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

WHEREAS, the City of Lapeer Fire & Rescue Department would like to submit a request for funding assistance for the purchase of firefighter protective equipment and portable radios at a total cost not to exceed \$100,000; and

WHEREAS, funding for this project is proposed from a grant from the Department of Homeland Security in an amount not to exceed \$90,000 (90%) and \$10,000 (10%) from the City of Lapeer for the requested equipment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer City Commission authorizes submission of a Department of Homeland Security grant application under the Assistance to Firefighters Grant Program and commits up to \$10,000 of City funds to provide a match toward the grant application should it be awarded.

This Resolution adopted this 16th day of January 2018.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

None.

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports was received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Citizen issues/concerns with snow removal from City streets; worst he's seen since being on the Commission.

Commissioner Atwood: Youth Council meeting, January 25th at 5:30 p.m.

ADJOURNMENT

12 2018 01-16

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 6:36 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk

**MINUTES OF A WORKSHOP-RETREAT MEETING
LAPEER CITY COMMISSION
January 20, 2018**

A workshop-retreat meeting of the Lapeer City Commission was held January 20, 2018 at Hunters Creek Club, 675 East Sutton Road, Metamora, Michigan. The meeting was called to order at 9:00 a.m.

ROLL CALL

Present: Mayor Sprague.
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Clerk: Donna Cronce, present.

Also Present: Cheryl Ronk, CAE, CMP, FASAE, president, Michigan Society of Association Executives; Adam Smith, Advocacy Chairperson, Michigan Municipal Executives.

The meeting opened at 9:00 a.m. The City Commission met to review/discuss ways to improve organizational capacity through board and executive staff development on governance, outline key behaviors to steer good governance and review obligations of boards as well as review goals and objectives or strategic focus for the City. Ms. Ronk provided an introduction, led thinking exercises and discussion. Mr. Smith reviewed Council-Manager Relations and evaluation process. General discussion on expectations and goals, processes and implementation, simplify basic info to public on website, prioritizing issues/concerns and improving public image.

By general consensus the meeting adjourned at 3:21 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
February 5, 2018**

A regular meeting of the Lapeer City Commission was held February 5, 2018 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

13 2018 02-05

Moved by Marquardt. Seconded Bostick-Tullius.

Approve the Agenda for February 5, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

14 2018 02-05

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes from the Regular meeting held January 16, 2018 and Workshop-Retreat Meeting held January 20, 2018 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.

Jared Maynard, Clinton Township, representative of Pure Roots LLC, provided company info and handout.

CONSENT AGENDA

15 2018 02-05

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Consent Agenda for February 5, 2018 resulting in the following.

1. Special Event Request from Lakestone Bank & Trust, Ice Cream Social, June 22, 2018, Farmer's Market Pavilion.
2. Special Event Request from Voiture 1536 40o8, Fantasy Forrest, October 13, 2018, Rowden Park, contingent upon current receipt of insurance.
3. Contract for Planning Services For the City of Lapeer with Rowe Professional Services Company and authorize the Mayor and City Manager to sign said contract.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR FEBRUARY 5, 2018

16 2018 02-05

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for February 5, 2018 in the amount of \$969,784.10.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Secondhand Dealer and Pawnbroker License: Cash 4 All.

17 2018 02-05

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

Mayor approve a Secondhand Dealer License and Pawnbrokers License for Cash 4 All located at 773 East Street, Lapeer.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Police Department: Firearms Purchase.

18 2018 02-05

Moved by Marquardt. Seconded by Osentoski.

Approve the trade-in and purchase of new firearms as presented for a final cost of \$12,201.00 to be paid from account 265-301-642000.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Audit Report: Layton and Richardson PC, Luke Downing.

Luke Downing representative of Layton and Richardson provided an overview of the audit ending June 30, 2017 and Letter of Comments and Recommendations.

19 2018 02-05

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the Audit Report and accept the Audit Recommendations for the Year Ending June 30, 2017 as presented by Layton and Richardson PC.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Liquor License Request: Liquid Art LLC.

20 2018 02-05

Moved by Marquardt. Seconded by Osentoski.

RESOLVED that the application from Liquid Art LLC for the following license(s), Small Distiller and New Sunday Sales Permit (PM) to be located at 303 W. Nepessing Street, Lapeer, MI 48446 in Lapeer County be approved.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Ordinance: New and Amendment.

New – Chapter 68 (An Ordinance To Authorize and Regulate The Establishment Of Medical Marihuana.

Amendment – Chapter 7 (Zoning Ordinance).

Commissioner Bostick-Tullius introduced the proposed Ordinance Chapter 68 (An Ordinance To Authorize And Regulate The Establishment Of Medical Marihuana) and

proposed amendments as modified to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 68
AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF
MEDICAL MARIHUANA FACILITIES

§ 68-01 Purpose

- A. It is the intent of this Ordinance to authorize the establishment of certain types of medical marihuana facilities in the City of Lapeer and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this Ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- B. Nothing in this Ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan. This ordinance permits authorizations for activity based on the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. Nothing in this Ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow marihuana uses and activities not in strict accordance with the express authorizations of the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- C. As of the effective date of this Ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under state or federal laws as they may be enforced by either the federal or state governments relative to such uses and activities. Thus, the authorization of activity and the approval of a license under this Ordinance shall not have the effect of superseding or nullifying federal or state law applicable to the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

§ 68-02 Definitions

For the purposes of this ordinance:

- A. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
- B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- C. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.

- D. "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- E. "Licensee" means a person holding a State operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- F. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- G. "Marihuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- H. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- I. "Processor" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- J. "Provisioning center" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.
- K. "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- L. "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

§ 68-03 Authorization of Facilities and Fee

- A. There is no limitation on the maximum number of each type of marihuana facility permitted in the City of Lapeer.
- B. The Lapeer City Commission, at any time, may review this Ordinance and determine whether the number should be limited and if so, determine a maximum number for each type of marihuana facility. However, it shall not limit the number of licenses to a number less than those currently approved. The review and its findings shall be recorded in the minutes of the relevant meeting of the Lapeer City Commission.
- C. An annual nonrefundable fee shall be paid by each marihuana facility licensed under this Ordinance in an annual amount of not more than \$5,000.00 as set forth in the City of Lapeer Fee Schedule as approved by the City Commission.
 - (1) Should any person, for whatever reason, not receive a license under 68.04 C. (1) Application or (2) Provisional License, one half of the

application fee may be returned provided that no appeal process has occurred.

§ 68-04 Requirements and Procedure for Issuing License

- A. No person shall operate a marihuana facility in the City of Lapeer without a valid marihuana facility license issued by the City of Lapeer pursuant to the provisions of this Ordinance as authorized by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- B. A marihuana facility license issued under this Ordinance is valid for one year and is not transferable.
- C. The procedure in processing a request for a marihuana facility license will involve three steps as follows:

(1) Application.

- (a) File an application with the City Clerk's office upon a form provided by the City of Lapeer and submittal of the annual nonrefundable fee.
- (b) Upon the applicant's completion of the application form and furnishing all required information and documentation, the City Clerk's office shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. No application will be accepted without all required information and documentation attached.
- (c) The City Clerk's office shall refer the application to the Assessing Department to verify that the proposed site is outside the buffer zones stipulated in Section 7.13.12(i) of the Zoning Ordinance and to the Planning Department to verify that the property is located in a zoning district that allows the permitted use. The Assessing Department and the Planning Department shall respond to the City Clerk's office within 10 business days.
- (d) The City Clerk's office shall act to approve or deny an application not later than fifteen (15) business days from the date the fully completed application was accepted.
- (e) If approved, the City Clerk's office shall issue the applicant a provisional license.

(2) Standards for Issuance of Provisional License.

The Clerk shall issue a Provisional License under this Ordinance when, from a consideration of the application and from such other information as may otherwise be obtained, the Clerk determines that:

- (a) The application (including any required attachments and submissions) is complete and signed by the applicant;
- (b) The Applicant has paid the nonrefundable application fee and any other fees required;
- (c) The application does not contain a material falsehood or misrepresentation;
- (d) The proposed location of the Facility is permitted in the location sought to be approved as outlined in Section 68.04.C(3)(a).

(3) Provisional License.

- (a) A provisional license means only that the applicant has submitted a valid application for a marihuana facility license, that the proposed facility is located in a proper zoning district, that the proposed

facility is not located in a required buffer zone and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the City of Lapeer.

- (b) A provisional license will lapse and be void if such permits and approvals are not diligently pursued as follows:
 - (i) Existing structure with no site changes. 90 days
 - (ii) Existing structure with minimal site changes 1 year requiring an Administrative zoning review.
 - (iii) Proposed construction of a structure requiring 1 year Site Plan Review by the Planning Commission.
- (c) After submission of all other permits and approvals required under the provisional license, and payment of the annual nonrefundable fee the City Clerk's office shall approve or deny the marihuana facility license with fifteen (15) business days.

(3) Marihuana Facility License.

A permit issued pursuant to this Ordinance does not eliminate the need for the Applicant to obtain other required licenses and permits related to the operation of the facility(ies) sought to be approved hereunder, including, without limitation, any and all necessary business registration and licenses, building permits, mechanical permits, plumbing permits, or electrical permits. Before a Marihuana Facility License can be issued under this Ordinance, all requirements as listed below, including all other applicable provisions within the City of Lapeer's Ordinances must be met.

- (a) Submit a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- (b) Maintaining a valid marihuana facility license by the State of Michigan is a condition for the issuance and maintenance of a marihuana facility license under this Ordinance and continued operation of any marihuana facility.
- (c) Site plan approval and/or other necessary approved permits per Chapter 7 (Zoning Ordinance) are required before the City Clerk is permitted to issue a license.
- (d) All City of Lapeer departments are required to sign-off on their review of the provisional license once approval has been determined. The City of Lapeer Departments and licensed professionals that are part of the review and approval process are as follows:
 - (i) Planning Department, Planner/Planning Consultant.
 - (ii) Department of Public Works, Director of Public Works.
 - (iii) Building Department, Building Official.
 - (iv) Assessing Department, Assessor.
 - (v) Fire Department, Fire Chief.
 - (vi) Police Department, Police Chief.
 - (vii) City Engineering Consultant (site plan reviews only).
- (e) Execute a statement to be initialed by the Applicant that the Applicant and the employees of the Facility(ies) may be subject to prosecution under federal marijuana laws.
- (f) Execute a statement to be initialed by the Applicant that the City of Lapeer accepts no legal liability in connection with the approval and subsequent operation of the Facility.

§ 68-05 Denial or Revocation of License and Appeal Process

- A. Denial. An application may be denied by the City Clerk in writing setting forth the grounds for such denial for one or more of the following criteria:
- (1) A failure to meet the conditions or maintain compliance with the standards and requirements established by this ordinance in reference to the operation of a licensed facility; or
 - (2) One or more violations of the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., or any city ordinance on the premises; or
 - (3) Maintenance of a nuisance on the premises; or
 - (4) Nonpayment of real and/or personal property taxes, fines, liens, income tax, hydrant and sprinkler fees or any fees owed to the City; or
 - (5) A demonstrated history of excessive calls for public safety (police, fire and ambulance); or
 - (6) Applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a marihuana facility license within any part of the requirement and procedure for issuing a license.
- B. Revocation. A Marihuana Facility License may be revoked by the City Clerk based on the following:
- (1) Violation of the standards for approval in Section 68-05.A. of this ordinance.
 - (2) Denial, suspension, revocation or restriction of license by the State of Michigan.
 - (3) A violation of the Act, any state or local regulations, the provisions of this ordinance or the provisions of a license.
 - (4) (a) Conviction of or release from incarceration for a felony under the laws of this state, or any other state, or the United States of the Applicant or the Applicant's managerial employees within the past 10 years or has been convicted of a controlled substance-related felony within the past 10 years.

(b) Conviction of an Applicant or an Applicant's managerial employees of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or has been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the last 5 years.
 - (5) Operations have ceased at the Facility for more than 90 days, including during a change of ownership of the Facility.
 - (6) Ownership of the Facility has been transferred without the new owner obtaining a Marihuana Facility License pursuant this Ordinance.
- C. Notice of Decision.
- The Clerk shall notify the Applicant of the decision to deny an application for or the revocation of a Marihuana Facility License under the terms and provisions of this Ordinance within three business days of rendering the decision. Notice shall be given by mailing a copy of the Clerk's decision to the Applicant or License holder by certified mail and/or personal service postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing by certified mail and/or personal service.
- D. Appeal Process.

An Applicant or Licensee has the right to appeal the Clerk's denial of an application for or the revocation of a Marihuana Facility License to the Lapeer City Commission.

- (1) Any person whose application or license has been denied, suspended, revoked or restricted by the State of Michigan has no recourse through the appeal process with the City of Lapeer.
- (2) Any person whose application or license has been denied or revoked under 68-05 A. or 68-05 B. by the City of Lapeer will have thirty (30) days from the date of the notice to provide a written response to the City of Lapeer.
- (3) The Applicant or Licensee shall be provided with not less than ten (10) days' prior written notice of the appeal hearing to be held by the City Commission.
- (4) The burden of proof in an appeal filed under this section shall be on the Applicant or Licensee.
- (5) If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was correct, the Lapeer City Commission shall uphold the decision of the Clerk. If the Lapeer City Commission finds by a preponderance of the evidence that the decision of the Clerk was incorrect, the Clerk's decision shall be set aside and the Marihuana Facility License issued (if it was previously denied) or reinstated (if it was previously revoked).
- (6) Any decision made by the Lapeer City Commission pursuant to this section shall be a final decision and may be appealed to a court of competent jurisdiction by any person within thirty (30) days of the date of the City Commission decision. The Applicant's or Licensee's failure to timely appeal the decision is a waiver the Applicant's or Licensee's right to contest the denial of the application or the revocation of the Marihuana Facility License.
- (7) Any person whose license has been denied or revoked shall not be able to reapply for any type of license allowed under this Ordinance for one year from the date a denial or revocation became effective.

§ 68-06 License Renewal

- A. A marihuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marihuana facility license shall be renewed on an annual basis by submitting a renewal application upon a form provided by the City of Lapeer and payment of the annual license fee. Application to renew a marihuana facility license shall be filed at least thirty (30) days prior to the date of its expiration.

§ 68-07 Applicability

The provisions of this Ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marihuana facility were established without authorization before the effective date of this Ordinance.

§ 68-08 Penalties and Enforcement

- A. Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine as outlined in the City Ordinance, Chapter 62, Section 62.04. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

- B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Lapeer may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- C. This Ordinance shall be enforced and administered by the City of Lapeer Police Department or such other City of Lapeer official as may be designated from time to time by resolution of the Lapeer City Commission.

§ 68-09 Severability

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

§ 68-10 Effective Date

This Ordinance shall take effect on April 1, 2018.

Date of Publication: _____

CHAPTER 7
Zoning Ordinance

Sec. 7.06.02, Table 7.06.1

OS-1 Office Service District, B-2 General Business District, B-3 Regional Business District-

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Medical Marihuana Facility Uses					
Medical Marihuana Provisioning Center			P	P	Section 7.13.12
Medical Marihuana Safety Compliance Facility	SLU		SLU		Section 7.13.12
Medical Marihuana Secure Transporter Facility			SLU	SLU	Section 7.13.12

Sec. 7.07.02, Table 7.07.1

CBD-1 Central Business District and CBD-2 Central Business District –

Use	CBD-1	CBD-2	Additional Requirements
Medical Marihuana Facility Uses			
Medical Marihuana Provisioning Center	P	P	Section 7.13.12

Sec. 7.08.02, Table 7.08.1

I-1 Industrial District and I-2 Planned Industrial District –

Use	I-1	I-2	Additional Requirements
Medical Marihuana Facility Uses			
Medical Marihuana Grow Facility	P	P	Section 7.13.12
Medical Marihuana Processor/Processing Facility	P	P	Section 7.13.12
Medical Marihuana Safety Compliance Facility	P	P	Section 7.13.12
Medical Marihuana Secure Transporter Facility	P	P	Section 7.13.12

Article 7.13 USE REQUIREMENTS

Sec. 7.13.12 Medical Marihuana Facility Uses

- (a) Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by City of Lapeer. In the event that a court with jurisdiction declares some or all of this article invalid, then City of Lapeer may suspend the acceptance of applications pending the resolution of the legal issue in question.
- (b) At the time of application for a permit the marihuana facility must be licensed by the State of Michigan and then must be at all times in compliance within the laws

of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 33 3.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.

- (c) Facilities shall provide a security plan in compliance with the Department of Licensing and Regulatory Affairs rules.
- (d) The use or facility must be at all times in compliance with all other applicable state laws and ordinances of City of Lapeer.
- (e) Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
- (f) All medical marihuana facilities activity shall be conducted in a fully enclosed building and outdoor display, sales, or storage shall not be allowed.
- (g) A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
- (h) Hours of Operation.
 - a. Hours of operation of provisioning center facilities shall be restricted to be between the hours 7 am to 11 pm.
 - b. Hours of operation of safety compliance facilities shall be restricted to be between the hours of 7 am to 7 pm.
- (i) Buffer Requirements are considered a setback or separation area in which a Medical Marihuana use permitted under this ordinance must maintain a defined spacing from an existing use as stated below. Buffers are measured from the property line as determined by the City of Lapeer Assessing Department. A proposed Medical Marihuana use must be outside of designated buffer areas.
 - a. A 1,000 foot buffer is required from all public, parochial and other private schools offering courses in general education, and consisting of grade levels kindergarten through 12th grade. This buffer requirement is in correlation with the State of Michigan Drug Free School Zone (MCL 333.7410) not including measuring procedures along a public right-of-way.
 - b. A 500 foot buffer is required from all licensed child care centers, child day care centers, nursery schools and child care institutions. All facilities listed here pertain to child care facilities that cater to children under the age of 18 but excluding those operating out of a private home such as child care group home and child care family home licenses. Such facilities, centers and institutions are further defined in 7.24(f)(1) and 7.24(f)(2) of this Zoning Ordinance.
 - c. A 500 foot buffer is required from all Federal owned, used, or operated property. Such Federal uses currently include the United States National Guard Armory of Michigan, Telecommunication Exchange Federal Facility, and the United States Postal Office, excluding transportation facilities such as the railroad and interstate I-69.
 - d. A 200 foot buffer is required from all designated public parks within the City of Lapeer, excluding trail ways and cemeteries such as Linear Park and Oakdale Cemetery.
- (j) Buildings used for grow facilities, processor facility, safety compliance facility, provisioning center, and secure transport shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days or as determined by the manufacture's recommendations. Negative air pressure shall be maintained

inside the building. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- a. An alternative odor control system is permitted if the applicant submits and the City of Lapeer Planning Commission accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The City of Lapeer may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

Article 7.16 PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS, TABLE 7.16.1

Medical Marihuana Facility	
Medical Marihuana Grow Facility	One (1) space per employee in the largest working shift, plus two (2) additional spaces.
Medical Marihuana Processor/Processing Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Provisioning Center	1 space per 275 square feet of gross floor area, including outdoor sales space.
Medical Marihuana Safety Compliance Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Secure Transporter Facility	Five (5) plus one (1) space for every one (1) employee, in the largest working shift, or five (5) spaces plus one (1) space for each 1,700 sq.ft. of UFA, whichever is the greater.

Article 7.20 NONCONFORMING USES OF LAND AND STRUCTURES

Sec. 7.20.04 Nonconforming Use of Land

7.20.04. (e) Medical Marihuana Nonconforming Use

- A. No marihuana facility operating or purporting to operate prior to [adoption date], shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility be deemed a legal nonconforming use under this Ordinance.
- B. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this Ordinance or any amendment thereto.
- C. Discontinuation of a State Medical Marihuana Facility License shall constitute prima facie evidence that a nonconformity has been discontinued.

Article 7.24 DEFINITIONS

7.24.09 Definitions M-N

Marijuana or marihuana – The term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

- 1. Grower – A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- 2. Licensee - A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- 3. Medical Marihuana Facility - An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a

"primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

4. Outdoor Production – The growing of marihuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.
5. Person - An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
6. Processor - A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
7. Provisioning Center - A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance within the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.
8. Safety Compliance Facility - A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
9. Secure Transporter – A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Pursuant to Public Act 279 of 1909, MCL 117.3, a summary will be used for publication purposes.

Doug Piggott, Senior Planner with Rowe Professional Services Company provided a presentation of Impact of LARA Emergency Rules, City approval process, buffer zones, clarification of exclusion of private home child care group home and child care family home licenses, transportation facilities such as the railroad and Interstate I-69, trail ways and cemeteries such as Linear Park and Oakdale Cemetery; advised that both himself and Caitland McGoldrick will not be present at the next Commission meeting and to let them know of any issues they can address beforehand.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson introduced new Chief Deputy City Clerk Renee Wilson.

CITY ATTORNEY'S REPORT

None.

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

21 2018 02-05

Moved by Marquardt. Seconded by Osentoski.

Appoint Bruce Huber to the Board of Review, term expiration 01-01-21.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports was received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Coffee with Commish, issues/complaints brought up will bring up at next meeting; Youth Council to meet twice a month, next meeting will be Thursday, looking at projects, funding and budgets.

Commissioner Bostick-Tullius: To attend Congressional Leader meeting in DC.

Commissioner Osentoski: Happy to see ET White building sold, projects going on there.

Commissioner Bennett: First time saw modified language to marihuana and zoning ordinance, would like to have had information beforehand.

City Manager Dale Kerbyson: Met with Developer for ET White, good plans in the works and will be very nice for the City; spoke with representatives for small housing developer to look at their projects.

Mayor Sprague: Attended Citizens of the Year Awards Banquet, those nominated and what they do in the community is fantastic; audit and looking forward to another great year.

ADJOURNMENT

22 2018 02-05

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 7:04 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
March 5, 2018**

A regular meeting of the Lapeer City Commission was held March 5, 2018 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, Osentoski.

Absent: Commissioner Marquardt (excused).

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

31 2018 03-05

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for March 5, 2018 as presented.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

MINUTES

32 2018 03-05

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the minutes from the Regular meeting held February 19, 2018 as presented.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Library Presentation – Melissa Malcom.

Melissa Malcolm, Lapeer District Library Director, reviewed a PowerPoint presentation regarding the Marguerite deAngeli Library and inadequacy of building for library use, would like the City to support a new facility.

33 2018 03-05

Moved by Osentoski. Seconded by Bostick-Tullius.

To fully support the Lapeer District Library's efforts to build a new library within the City limits.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

34 2018 03-05

Moved by Bostick-Tullius. Seconded by Bennett.

To consider use of the deAngeli Branch Library by the City.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Janet Adams, Baldwin Road, gave invocation.

Ginny Bruman, W. Nepessing, asked permission for downtown businesses to conduct an Easter Egg Hunt; directed to fill out a Special Event Request form.

CONSENT AGENDA

35 2018 03-05

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Consent Agenda for March 5, 2018 resulting in the following.

1. Special Event Request from Lapeer County Intermediate School District, Great Start Family Fun Day, June 27, 2018 from 10:00 AM to 2:00 PM, North Court Street.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

BILL LISTING FOR MARCH 5, 2018

36 2018 03-05

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Bill Listing for March 5, 2018 in the amount of \$2,399,691.40.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Agreement for Harvesting Woods at Oakdale Property

37 2018 03-05

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Agreement for Forestry Services with Jeff Tuller Forestry Services and authorize the City Manager to sign said Agreement.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Ordinance Amendment

Amendment – Chapter 24 (Parks Ordinance)

Commissioner Bostick-Tullius introduced the proposed amendments to Chapter 24 (Parks Ordinance) of the General Ordinances of the City of Lapeer.

CHAPTER 24 PARKS ORDINANCE

24.01 GENERAL RULES AND REGULATIONS.

(A) Definitions.

(1) **A PARK** is defined to be any land owned or leased by the City and used for municipal park purposes.

(B) Conduct In Parks.

No person shall in any park:

(1) Reserve any tables other than pavilions, for picnics or family reunions or city approved events. **HISTORY: (Amnd 03-27-85; -)**

(2) Intentionally damage, deface, destroy, tamper with, or displace any Park, Park facilities, or Park features, including but not limited to:

buildings, bridges, docks, tables, benches, fences, pavement, utilities or utility lines, or any parts or appurtenances thereto; signs, notices, or placards; monuments, stakes, posts or other boundary markers; historic, prehistoric or cultural resources or artifacts; tables, stoves, outdoor grills, drinking fountains, recreational equipment, bridges, or other or other structures or equipment of the City.

(3) Pick or mutilate any flower - wild or domestic - or intentionally disturb any tree shrub, or another plant material.

(4) Possess, transport or consume any alcoholic beverage.

(5) Advertise or sell/merchandise by any means or method without the consent of the City Park Board.

(6) Knowingly permit a dog, cat or any small domestic animal to enter or remain in the park unless said animal is properly restrained by a maximum of a 6ft leash. Pet owners must clean up their pets waste.

(7) Discharge any firearm, air-rifle, B-B gun, spring gun, bow and arrow, spear, sling, any instrument that can fire blank cartridges, or any other form of weapon potentially harmful to human safety or to wildlife. Shooting into Park property from beyond Park boundaries is prohibited. These restrictions shall not apply to any duly appointed law enforcement officer while carrying out the duties and responsibilities of his or her position.

(8) Throw, discard or leave any papers, litter, garbage or rubbish unless the same is deposited in containers furnished by the City for this purpose.

(9) Dispose of any household or commercial trash including but not limited to: yard waste, furniture, automotive parts, etc.

(10) Plant trees, flowers, weeds or vegetables without the consent of the City Park Board.

(11) Operate any motor vehicle, as defined in Chapter 14 (Vehicles and Traffic) of the General Ordinances of the City of Lapeer, in a manner which is prohibited by the provisions of said Chapter 14.

HISTORY: (Amnd 03-27-85; -)

(12) Operate or ride as a passenger on any motorcycle, motorbike, minibike, go-cart, snowmobile, or any other motorized vehicle, except in those areas expressly designated for these vehicles by the City Park Board.

(13) Remain in, use or occupy any portion of any park between the hours of 10:30 p.m. and 6:00 a.m., unless he is part of an identifiable group of persons which has received prior written approval of the City Park Board to so remain in, use or occupy a portion of a park for a specified period of time between the hours set forth above.

(14) Start a fire except in such places provided for that purpose by the City; and all fires shall be put out by the person starting the same before leaving the immediate vicinity of the fire.

(15) Use or attempt to use any portion of the City Park System for which a special permit is required or has been obtained by another party, without a special permit, or refuse to surrender said portion of the park system to any person or group having a special permit for that portion of the park system, or refuse to surrender any portion of the park system to an authorized representative of the City Park Board. **HISTORY:** (Amnd 03-27-85; -)

(16) Unnecessarily congregate or loiter.

(17) Hunt, disturb, pursue, harm, kill, trap or throw objects at any species of animal, reptile or bird nor shall any individual remove or have in their possession the young of any wild animal or the eggs; or nest, or young of any reptile or bird.

(18) Give or offer, or attempt to give to any animal or bird any food, tobacco, alcohol, or illegal substances.

(19) Bring or use glass containers on park property.

(20) Setup tents or shacks, or any other temporary shelter for the purpose of overnight camping; unless permission granted by the director.

(21) Climb any building or wall, stand or sit upon monuments, railings, fences, tables, or open property not designed or customarily used for such purpose.

(22) Deposit or cause to be deposited in any drain, pond or other body of water within or adjoining a Park any foreign material or chemicals that would pollute the water or potentially cause harm to marine life or public health.

(23) Misuse, damage, cut, carve, transplant or remove any trees, shrubs, flowers, or other plant; or attach any rope, wire, chain, or other object to any tree or shrub.

(24) Possess, consume, serve or cause to be served, or sell alcoholic beverages, narcotics, or illegal drugs of any kind in any Park, except for alcoholic beverages specifically authorized by the Park Board through issuance of a Special Park Use Permit.

(25) Use any restroom in an inappropriate manner or unauthorized purpose. Male persons shall not resort to any restroom set apart for women, and female persons shall not resort to any restroom set apart for men, except this shall not apply to children accompanied by an adult. No person shall loiter in or about such facilities nor shall any person use such facilities for purposes other than those intended.

(26) Enter upon any of the public land belonging to the City of Lapeer and dig up the earth or deposit any earth, rock or other substances, nor shall any person erect or attempt to erect any structures of any kind, or in any other manner attempt to appropriate or encumber any portion of the real estate belonging to the City of Lapeer, unless such person shall have first obtained proper authority to do so.

(27) Operate or park motor vehicles of any kind, including motorcycles, on other than designated roads and within parking areas designated for motor vehicle use, leave, or cause to be left, any motor vehicle upon Park property when the Park is closed, repair or wash a motor vehicle in a Park, except for emergency repairs, or operate a motor vehicle in an unreasonable manner without reasonable regard to the safety of others. This provision shall not prevent maintenance and security vehicles from entering off-road areas to perform maintenance or security work.

(28) Peddle or solicit business of any nature whatsoever; distribute handbills or other advertising matter; post any unauthorized sign on any Park land, water, structure or property; or use such land, water, structure or property for peddling or soliciting, except as specifically authorized by the Park Board through issuance of a Special Park Use Permit.

24.02 PERMITS FOR SPECIALIZED USE OF PARK.

(A) Park facilities are intended for the use of the general public for recreational purposes, such as picnicking, exercise, nature study, and similar activities on an informal basis. A Special Park Use Permit shall be required for organized group activities and for uses that otherwise would not be allowed by this Ordinance. The City of Lapeer Park Board is hereby authorized to issue special permits for the exclusive use of any section of the City of Lapeer park system. The issuance of such special permits shall be governed by rules and/or procedure adopted by the Park Board.

Any rules and/or procedure adopted by the Park Board for the issuance of special permits shall be consistent with this Chapter and the full use of the park system by the public. The rules and/or procedure adopted by the Park Board for the issuance of special permits shall be available at the Park and Recreation Department.

HISTORY: (Amnd 03-27-85; -)

- (B) Applications for special permits under this Section shall be made on such forms as the Park Board may approve and shall be presented at the Lapeer City Park and Recreation Department. Any applications which the Park Board has determined, by its adopted rules, require approval at a regular meeting of the Park Board shall be filed at least seven (7) days prior to the regular Park Board meeting at which such application is to be considered. During such meeting, the applicant may appear in person, by attorney, or by an agent.

HISTORY: (Amnd 03-27-85; -)

- (C) No special permit shall be granted if it appears that any of the purposes or activities of the applicant will unreasonably interfere with the use of the remainder of the park by the general public; will be likely to damage the park or its facilities or any part thereof, will create a hazard to pedestrian or vehicular traffic; or will endanger or be likely to endanger the health, welfare, or safety of the public.

HISTORY: (Amnd 03-27-85; -)

- (D) Any applicant for a special permit which purposes the use of any portion of any park for a circus or carnival or other use which may generate substantial litter or refuse, shall be required to deposit as listed on the City of Lapeer Fee Schedule to cover the cost of any park clean-up and/or repairs by the City. Any portion of the deposit remaining after the clean-up and/or repairs shall be returned to the applicant and the applicant shall pay the difference, if any, between said deposit and the actual cost to the City for the clean-up and/or repairs.

HISTORY: (Amnd 09-22-11; -)

- (E) Deleted

HISTORY: (Amnd 03-27-85; -)

- (F) Material evidence in support of this application before a majority of the Park Board; and any departments of the City and any interested citizens may also present any relevant and material evidence with reference to the granting or denial of the application. Written minutes of the hearing shall be made, but a transcript of exact testimony shall not be necessary. A majority of the Park Board present at the hearing shall render its decision within three (3) days of the conclusion of the hearing. If the application is denied, the applicant shall have twenty (20) days in which to appeal the decision of the Park Board to the Lapeer County Circuit Court, or to such other court as may be permitted by law or court rule to hear such an appeal.

Such appeal shall be on the record of the hearing.

HISTORY: (Amnd 11-5-75; -)

24.03 ADMINISTRATION AND ENFORCEMENT.

- (A) Nothing in this Chapter shall be construed as prohibiting Park employees or agents from performing work or activities in any Park at a time and in a manner directed by the City of Lapeer.
- (B) The City of Lapeer may establish emergency rules necessary to protect the health, welfare and safety of Park visitors and to protect Park property, including, but not limited to, ordering all persons off Park property and closing all or any portion of a Park.
- (C) Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and in accordance with the City's Municipal Civil

Infraction Ordinance which shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, which the City of Lapeer has incurred in connection with the municipal civil infraction. Nothing herein shall prevent the City of Lapeer from seeking appropriate restitution for damage to parks or park facilities. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

- (D) This Ordinance and each of the various parts, sections, subsections, provisions, sentences, and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of this Ordinance, which shall remain in full force and effect.

A summary will be used for publication purposes.

Mt. Hope Cemetery Grounds Maintenance Contract

38 2018 03-05

Moved by Bennett. Seconded by Atwood.

Approve the Mt. Hope Cemetery Grounds Maintenance Agreement contract with B & B Lawn and Landscape for seasons 2018, 2019 and 2020 in the amount of \$29,560 per year for each year of the contract and authorize the Mayor and City Manager to sign said Agreement.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Demille Bouelvard/Oakdale Grounds Maintenance Contract

39 2018 03-05

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Demille Boulevard/Oakdale Grounds Maintenance Agreement with B & B Lawn and Landscape for seasons 2018, 2019 and 2020 in the amount of \$10,580 per year for each year of the contract and authorize the Mayor and City Manager to sign said Agreement.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson requested a Closed Session at the end of the regular meeting to discuss real estate transactions.

40 2018 03-05

Moved by Bennett. Seconded by Atwood.

Approve a Closed Session at the end of the regular meeting to discuss real estate transactions.

ON A ROLL CALL VOTE:

YEAS: Commissioners Atwood, Bostick-Tullius, Osentoski, Bennett.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Marquardt.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Nolan gave an update on Chapter 68 application policy, in process of and will prepare based on first come/first served, lottery and merit based, suggested special meeting to review.

41 2018 03-05

Moved by Bennett. Seconded by Osentoski.

To schedule a Special City Commission meeting for Thursday, March 8, 2018 at 7:00 PM to review/discuss the Chapter 68 Application Policy.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED

UNFINISHED BUSINESS

DEPARTMENTAL COMMUNICATIONS

The Investment Report for the Quarter ended December 31, 2017, DDA Status Report dated February 23, 2018 and Monthly Financial Report for January 2018 were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Thanked Janet Adams for prayer.

Commissioner Osentoski: Thanked Melissa Malcolm for library presentation; provided statistics.

Commissioner Bostick-Tullius: Center for the Arts event this Friday; what recourse does a downtown business have if people other than the businesses are using dumpsters located in the City parking lots; attending NLC Conference in Washington D.C. next week.

City Manager Dale Kerbyson: State Fire Conference will be held in Lapeer the week of May 17th, City last hosted in 2012.

Mayor Sprague: Past issues with Commissioners contacting legal counsel individually, utilizing time and budget, should go through City Manager; medical marihuana ordinance change that was not shared with all members, direction to Attorney regarding policies, need to all be on same page, no basis for limiting and no discussion prior, get policy out on table and make it public, Commissioner texts, emails and such are open to FOIA, violation of Open Meetings Act, Commission should be above all that, honest and transparent, decide to act openly at meetings, then give Attorney direction. Commissioner Bostick-Tullius indicated Attorney requested comments beforehand and asked a clarifying question, does not know what Mayor Sprague is talking about. Mayor Sprague commented that all should have received info, with all discussion taking place at open meeting, not act as individuals behind closed doors. Commissioner Bennett indicated he received info at last moment and then asked to vote on it, should be able to look at it before being asked to vote.

Closed Session:

The City Commission convened to a Closed Session for the purpose of discussing real estate transactions at 7:10 p.m. and returned to its regular meeting at 7:23 p.m.

Property Purchase

42 2018 03-05

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the property purchase from the Archdiocese for property located on Clark Road (parcel #44-012-009-008-10) in the amount of \$350,000 and authorize the Mayor and City Manager to sign the required documents; and further, contingent upon utilizing an adequate title company search and general detail review by the City Attorney.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED

ADJOURNMENT

43 2018 03-05

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

The regular meeting adjourned at 7:26 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Renee Wilson, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A SPECIAL MEETING
March 8, 2018**

A special meeting of the Lapeer City Commission was held March 8, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 7:00 p.m.

ROLL CALL

Present: Mayor Sprague.
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

Workshop: Chapter 68 Application Policy.

City Manager Dale Kerbyson indicated the three variations of policy drafted were first come/first served, merit and lottery based. City Attorney Michael Nolan reviewed the three basic models presented and issues related to each model, recommended lottery system, choice is up to the Commission.

Discussion held on policies presented only relates to provisioning centers due to limiting, first come/first served and lottery is basically prioritization and reserving a spot, staff reviewed and recommended lottery draw and process to charge a smaller fee to review with those making the draw paying the balance of fee for application.

By general consensus of the Commission, public comment portion of the meeting would be held first.

Bernard Jocuns, W. Nespecking Street, Lapeer, commented on six dispensary limit, Commission member inaccuracy of number in Bay City and merit based system.

Kristin Tencza, Wild Bills Tobacco, commented on information sent to Commission on scoring, handed out sample packets, merit based system.

Mark Calvert, Dryden, commented on blending of prescreening for lottery, lottery based system.

Justin Dunaskiss, Clarkston Road, Lake Orion, commented on City meetings and process, fourth option to allow free market principles, control by zoning, ability to place moratorium upon review, if he can be of assistance please contact.

Mike Bahoura, Big Beaver Road, Troy, commented on client purchase of property and upcoming closing date in City, have merit or free market regulate, estimates to spend \$4 to \$5 million in development, tax revenue to City.

Mark Calvert spoke on benefits of lottery system, comments by those here representing clients.

George Brikho, cigar store owner in Imlay City, commented on merit based or free market system, 10 year business owner in Imlay City, able to contribute to community.

Commission discussion held on buffer zones, how many could be in City with response of at least 20, risks with merit based, good feedback on merit based system, need to review best process available, no real reliable system, person stated info was sent to Commission but did not receive with response of yes in material transmitted from last meeting, placement of moratorium when reach threshold, changing adopted ordinance however cannot until it is effective, regulation by free market, need more information, timeframe to effective date and receipt of applications begins and need to have process in place, how many vacant properties are currently available and how many places could be possible with response on Genesee Street east of Enterprise Rent-A-Car to east of City limits as well as other store locations in City, to see a listing of vacant

parcels and listing of possible places, first come/first served and lottery system issues, merit system and criteria to be scored and who would serve on panel to score applicants and qualifications to serve on panel, confidence of those who serve on various boards, the need to look at criteria and ability of panel to be objective, state applications and amount of information required, only provisioning centers was chosen to limit, Planning Commission recommended no limitations, let zoning dictate, this meeting is to get to next round to best system to use for applications, possibility to rescind ordinance go back and take a look at and do right thing, other cities have done the process and our City can do this as well, do not like processes presented, look at what is best for the City and for residents and patients in surrounding area who deserve proper medication, how many places can the City handle, police and traffic issues, how many citizens want to see this in their community.

Mayor Sprague asked around the table of who has been approached regarding medical marihuana: Commissioner Atwood yes while running as a candidate, offered campaign funding, said no thank you. Commissioner Bostick-Tullius only here in hallway, no one has called or emailed. Dale Kerbyson, yes. Commissioner Bennett, yes and lunch with person. Commissioner Osentoski, no. Commissioner Marquardt, no. Mayor Sprague, no. Mayor Sprague commented that he wanted to get that information out there and out of the way. Discussion continued on respecting decision of board as a whole, consideration of citizens in the process, review of hybrid vetting process and then throw in lottery, lottery system holds zero discrimination and zero influence, acceptance of applications and placement of moratorium if needed. By general consensus no interest to rescind motion that adopted ordinance, ability to remove cap, possibility to limit buffer zones to 500 feet between facilities and exclude CBD district.

Reopen for Public Comment:

44 2018 03-08

Moved By Bostick-Tullius. Seconded by Marquardt.

To allow a second public comment section.

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

Nays: Bennett.

Absent: None.

MOTION CARRIED.

Matt Dillon, Peters Road, Columbiaville, commented on state application criteria and City use the same way.

Mark Calvert thanked board for affording comments and opportunity to speak, spoke on lottery process.

George Brikho, commented that if board is hung up on process let free market regulate, Lansing process takes months, City should not place a cap.

Mike Bahoura echoed Mr. Brikho, spoke on free market, if place 500 foot buffer first person filed would begin the buffer zone, not place a cap.

Pete Lucia, Lincoln Street, Lapeer, commented on Planning Commission process that recommended an acceptable plan, City Commission said limit to six, go with Planning Commission recommendation and move on, not vote for any model presented.

Kristin Tencza, Metamora, Wild Bills Tobacco commented on merit based system.

Jason Jablonski, Court Street, Davison, commented on letting consumers decide by free market.

Cal Mansour, E. Genesee Street, Lapeer said "Liberty and justice for all."

Justin Dunaskiss, commented on length of time since Planning Commission, development of ordinance, free market approach, community spoke for what they want.

Commission discussion held on zoning stand point, cap at 20-25, Commissioner Bennett indicated medical marihuana is illegal and violating federal law.

Call Additional Special Meeting.

45 2018 03-08

Moved by Marquardt. Seconded by Osentoski.

Approve a Special Meeting to be held March 10, 2018 at 9:00 a.m. at Lapeer City Hall Commission Chambers, 576 Liberty Park, Lapeer, MI 48446.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Adjourn Meeting.

46 2018 03-08

Moved by Bennett.

Adjourn the Special Meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The special meeting adjourned at 10:17 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Renee Wilson, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A SPECIAL MEETING
March 10, 2018**

A special meeting of the Lapeer City Commission was held March 10, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 9:00 a.m.

ROLL CALL

Present: Mayor Sprague.
Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

Workshop: Chapter 68 Application Policy.

City Clerk Donna Cronce indicated she spoke with a Professional Registered Parliamentarian who advised that should the original motion that adopted the ordinance be rescinded than it was as if the ordinance did not exist, the Commission would then have to introduce the ordinance as presented by the Planning Commission, require to be published and then brought back to Commission for adoption and noted there was time to make the required publications.

47 2018 03-10

Moved by Bennett. Seconded by Bostick-Tullius.

Approve Public Comments section be held first prior to Commission discussion.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Paula Gibbons, Oak Park, licensed attorney, commented on familiarity with state/local municipal procedures, email to Debbie on scoring items, random lottery and first come/first served issues, use of scoring criteria.

Justin Dunaskiss, Clarkston Road, commented on good debate, learning about processes, last meeting and processes presented for lottery, first come/first served and merit which members didn't like any of them, past moratorium and meetings that followed, those wanting to move forward, hybrid policy, review free market approach.

Mike Bahoura, Big Beaver Road, Troy, commented on client purchase of property, to not cap and let free market regulate, short of that merit based system, echo Mr. Dunaskiss, Planning Commission process and time spent, go back to how it was recommended and uncap.

Kristin Tencza, Metamora Road, Lapeer, commented on merit based system, represent Wild Bills Tobacco and Oasis, is a patient, driving to Detroit and undesirable areas.

Marlana Swindell, Pleasant Street, Lapeer, commented on being at 15 of the 17 meetings, live here and talk with all of you, liquor stores in City and no cap on these, they are not criminals, is a patient and caregiver, businesses will bring money into city, some patients driving hours for access to medicine, don't be closed minded, not limit to six, zoning should tell where to go.

Jeannette Osentoski, Jefferson Street, Lapeer, commented on members making hard decisions, it is medical marihuana not a business, alters state of person and should be treated differently and not as a business.

Commission discussion held on having two days to think about processes presented, Commissioner Osentoski showed files on building department issues and medical marihuana and read a statement, recommends merit based system and to direct City Attorney to prepare the process and proceed to vote. Discussion continued on the need

to have medical marihuana available and Commission opting in, Planning Commission review, look at all angles and have discussion, how many facilities needed, ability to review number of dispensaries down the road, Commission thoughts that could receive state license first but that is not the case, look at available space, how to score, decision is Commissions, struggles with processes presented, the need for a subjective process, merit base is too subjective and potential lawsuits, who would serve on panel to review and what would be used as scoring criteria, only capped dispensaries and none of the other facilities, recommendation by Planning Commission to not cap and last minute throw in limit on dispensaries, FOIA request received, Attorney General office investigates violations of Open Meetings Act and consequences, one member talking to another not a violation but when one contacts another member it comes back around, ability to speak with attorney and give opinions, inappropriate to accuse members of violation of the Open Meetings Act, not accusing members only clarifying a situation, audience members asked how this all came about, changes in decisions, change in membership of board which brings different views. Commissioner Bennett called a point of order as the discussion is leading to an area that members are not here to discuss, how he asked for prayer on the agenda which was discussed, voted on and did not happen, here today to discuss something different and to get back on topic. Discussion continued on ramifications of what has happened, look at processes and what Commission wants to do, why exclude dispensaries in downtown area with response that downtown is part of the Main Street Program in which dispensaries is not part of their model, modification of merit based system that could be created to reduce City exposure, ways to look at criteria and pull process together, those in audience that could all potentially qualify and receive 100% and the need to look at how to do.

Mark Capstick, Capstick Funeral Home, stated he had a service and would need cars removed.

By general consensus, the Commission took a break from 9:48 a.m. to 9:58 a.m.

Mayor Sprague indicated he would like to hold an opinion on each of the options to see if any member would be interested in providing a motion.

Commissioner Bennett asked to have those in attendance state another comment. By general consensus, agreed to not have a second public comment section as it was well known what those in attendance had supported.

Mayor Sprague asked for interest in uncapping by rescinding the ordinance. None.

Mayor Sprague asked for interest in first come/first served process. None.

Mayor Sprague asked for interest in lottery process. None.

Mayor Sprague asked for interest in merit process.

48 2018 03-10

Moved by Osentoski. Seconded by Marquardt.

To proceed forward to develop an application process for Chapter 68 based upon merit based criteria.

Discussion held on moving forward, City Attorney to develop criteria, Clerk's office responsibility to implement direction, timeframe involved and to have board provide the criteria they want to look at, attorney did not recommend merit and now board wants to place it back in his hands, should step up and develop, possibility of prescreening, staff and attorney recommended lottery, discussion Thursday with no cap and let free market regulate. City Attorney indicated if go with merit base would like input by members, will look at other communities and develop policy to place in front of Commission.

Mayor Sprague called a roll call vote.

ON A ROLL CALL VOTE.

AYES: Commissioners Atwood, Osentoski, Marquardt.

NAYS: Commissioners Bennett, Bostick-Tullius.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

Discussion held on getting together and doing what is best for the City, to have a policy in place, Commissioner Bennett indicated medical marihuana is illegal according to federal law and Commission is knowingly and openly breaking federal law. Merit based is best way to go, thank you to Donna (City Clerk) and Mike (City Attorney) for their work in this, merit system is best for City and patients, ability to start with six and if more is needed the number can be reviewed and changed, looked at options and decided what is best.

Mayor Sprague indicated that those knowledgeable on criteria to be developed can contact City Attorney after the meeting.

Adjourn Meeting.

49 2018 03-08

Moved by Bennett.

Adjourn the Special Meeting.

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

Nays: None.

MOTION CARRIED.

Special meeting adjourned at 10:36 a.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

**MINUTES OF A WORKSHOP-RETREAT MEETING
LAPEER CITY COMMISSION
March 17, 2018**

A workshop-retreat meeting of the Lapeer City Commission was held March 17, 2018 at the Lapeer Center Building, Lincoln Room, 425 County Center Street, Lapeer, Michigan. The meeting was called to order at 8:10 a.m.

ROLL CALL

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

City Manager: Dale Kerbyson, present.

City Clerk: Donna Cronce, present; Chief Deputy Clerk Renee Wilson, present.

Mayor Sprague led the Pledge of Allegiance.

Also Present: Cheryl Ronk, CAE, CMP, FASAE, president, Michigan Society of Association Executives.

The meeting opened at 8:10 a.m. The City Commission met and reviewed/discussed ways to strengthen relationships, create a positive/civil culture, what to improve in processes, review objectives and strategic focus for 2018 and the role of Board versus staff. Ms. Ronk reviewed a list of Lapeer City Commission 2018 Priorities that includes City Manager goals for 2018, Commission priorities in 2018 and issues for future study/work sessions. Commission discussed reviewing the Rules and Procedures of the City Commission every year or two and scheduling joint meetings with various boards and commissions as needed.

Commissioner Bennett departed at 1:50 PM.

Commissioner Bostick-Tullius departed at 2:03 PM.

By general consensus the meeting adjourned at 2:08 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Renee L. Wilson, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
March 19, 2018**

A regular meeting of the Lapeer City Commission was held March 19, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

50 2018 03-19

Moved by Marquardt. Seconded by Osentoski.

Approve the Agenda for March 19, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

51 2018 03-19

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the minutes of 11/20/17, 12/04/17, 12/18/17, 01/02/2018, 01/16/18 and 02/05/18 as amended; Minutes from the Regular and Closed Session meetings held March 5, 2018 as presented and Special meetings held March 8, 2018 and March 10, 2018 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

Judy Vale, Main Street, gave invocation.

Troy Bostick-Tullius, Calhoun Street, commented on Commission looking into and reducing Building Department related permit fees, water/sewer tap fees and why they are higher than other area cities. City Manager Dale Kerbyson commented on budgeting funds in the next fiscal year for a water/sewer rate study. Mayor Sprague indicated that water and sewer are enterprise funds and that studies are completed to base fees on actual costs to run the system.

CONSENT AGENDA

52 2018 03-19

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Consent Agenda for March 19, 2018 resulting in the following.

1. Special Event Request from Friends of Lapeer Dog Park, Help Let the Dogs Out Dog Walk, June 23, 2018 from 10:00 AM to 12:00 PM, along the sidewalks of Demille, McCormick and Saginaw Streets, contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR MARCH 19, 2018

53 2018 03-19

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for March 19, 2018 in the amount of \$330,275.36.

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

Amendment – Chapter 24 (Parks Ordinance)

54 2018 03-19

Moved by Bostick-Tullius. Seconded by Marquardt.

Adopt amendments to Chapter 24 (Parks Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

CHAPTER 24 PARKS ORDINANCE

24.01 GENERAL RULES AND REGULATIONS.

(A) Definitions.

(1) **A PARK** is defined to be any land owned or leased by the City and used for municipal park purposes.

(B) Conduct In Parks.

No person shall in any park:

(1) Reserve any tables other than pavilions, for picnics or family reunions or city approved events. **HISTORY: (Amnd 03-27-85; -)**

(2) Intentionally damage, deface, destroy, tamper with, or displace any Park, Park facilities, or Park features, including but not limited to: buildings, bridges, docks, tables, benches, fences, pavement, utilities or utility lines, or any parts or appurtenances thereto; signs, notices, or placards; monuments, stakes, posts or other boundary markers; historic, prehistoric or cultural resources or artifacts; tables, stoves, outdoor grills, drinking fountains, recreational equipment, bridges, or other or other structures or equipment of the City.

(3) Pick or mutilate any flower - wild or domestic - or intentionally disturb any tree shrub, or another plant material.

(4) Possess, transport or consume any alcoholic beverage.

(5) Advertise or sell/merchandise by any means or method without the consent of the City Park Board.

(6) Knowingly permit a dog, cat or any small domestic animal to enter or remain in the park unless said animal is properly restrained by a maximum of a 6ft leash. Pet owners must clean up their pets waste.

(7) Discharge any firearm, air-rifle, B-B gun, spring gun, bow and arrow, spear, sling, any instrument that can fire blank cartridges, or any other form of weapon potentially harmful to human safety or to wildlife. Shooting into Park property from beyond Park boundaries is prohibited. These restrictions shall not apply to any duly appointed law enforcement officer while carrying out the duties and responsibilities of his or her position.

(8) Throw, discard or leave any papers, litter, garbage or rubbish unless the same is deposited in containers furnished by the City for this purpose.

(9) Dispose of any household or commercial trash including but not limited to: yard waste, furniture, automotive parts, etc.

(10) Plant trees, flowers, weeds or vegetables without the consent of the City Park Board.

(11) Operate any motor vehicle, as defined in Chapter 14 (Vehicles and Traffic) of the General Ordinances of the City of Lapeer, in a manner which is prohibited by the provisions of said Chapter 14.

HISTORY: (Amnd 03-27-85; -)

(12) Operate or ride as a passenger on any motorcycle, motorbike, minibike, go-cart, snowmobile, or any other motorized vehicle, except in those areas expressly designated for these vehicles by the City Park Board.

(13) Remain in, use or occupy any portion of any park between the hours of 10:30 p.m. and 6:00 a.m., unless he is part of an identifiable group of persons which has received prior written approval of the City Park Board to so remain in, use or occupy a portion of a park for a specified period of time between the hours set forth above.

(14) Start a fire except in such places provided for that purpose by the City; and all fires shall be put out by the person starting the same before leaving the immediate vicinity of the fire.

(15) Use or attempt to use any portion of the City Park System for which a special permit is required or has been obtained by another party, without a special permit, or refuse to surrender said portion of the park system to any person or group having a special permit for that portion of the park system, or refuse to surrender any portion of the park system to an authorized representative of the City Park Board. **HISTORY:** (Amnd 03-27-85; -)

(16) Unnecessarily congregate or loiter.

(17) Hunt, disturb, pursue, harm, kill, trap or throw objects at any species of animal, reptile or bird nor shall any individual remove or have in their possession the young of any wild animal or the eggs; or nest, or young of any reptile or bird.

(18) Give or offer, or attempt to give to any animal or bird any food, tobacco, alcohol, or illegal substances.

(19) Bring or use glass containers on park property.

(20) Setup tents or shacks, or any other temporary shelter for the purpose of overnight camping; unless permission granted by the director.

(21) Climb any building or wall, stand or sit upon monuments, railings, fences, tables, or open property not designed or customarily used for such purpose.

(22) Deposit or cause to be deposited in any drain, pond or other body of water within or adjoining a Park any foreign material or chemicals that would pollute the water or potentially cause harm to marine life or public health.

(23) Misuse, damage, cut, carve, transplant or remove any trees, shrubs, flowers, or other plant; or attach any rope, wire, chain, or other object to any tree or shrub.

(24) Possess, consume, serve or cause to be served, or sell alcoholic beverages, narcotics, or illegal drugs of any kind in any Park, except for alcoholic beverages specifically authorized by the Park Board through issuance of a Special Park Use Permit.

(25) Use any restroom in an inappropriate manner or unauthorized purpose. Male persons shall not resort to any restroom set apart for women, and female persons shall not resort to any restroom set apart for men, except this shall not apply to children accompanied by an adult. No person shall loiter in or about such facilities nor shall any person use such facilities for purposes other than those intended.

(26) Enter upon any of the public land belonging to the City of Lapeer and dig up the earth or deposit any earth, rock or other substances, nor shall any person erect or attempt to erect any structures of any kind, or in any other manner attempt to appropriate or encumber any portion of the real estate belonging to the City of Lapeer, unless such person shall have first obtained proper authority to do so.

(27) Operate or park motor vehicles of any kind, including motorcycles, on other than designated roads and within parking areas designated for motor vehicle use, leave, or cause to be left, any motor vehicle upon Park property when the Park is closed, repair or wash a motor vehicle in a Park, except for emergency repairs, or operate a motor vehicle in an unreasonable manner without reasonable regard to the safety of others. This provision shall not prevent maintenance and security vehicles from entering off-road areas to perform maintenance or security work.

(28) Peddle or solicit business of any nature whatsoever; distribute handbills or other advertising matter; post any unauthorized sign on any Park land, water, structure or property; or use such land, water, structure or property for peddling or soliciting, except as specifically authorized by the Park Board through issuance of a Special Park Use Permit.

24.02 PERMITS FOR SPECIALIZED USE OF PARK.

(A) Park facilities are intended for the use of the general public for recreational purposes, such as picnicking, exercise, nature study, and similar activities on an informal basis. A Special Park Use Permit shall be required for organized group activities and for uses that otherwise would not be allowed by this Ordinance. The City of Lapeer Park Board is hereby authorized to issue special permits for the exclusive use of any section of the City of Lapeer park system. The issuance of such special permits shall be governed by rules and/or procedure adopted by the Park Board. Any rules and/or procedure adopted by the Park Board for the issuance of special permits shall be consistent with this Chapter and the full use of the park system by the public. The rules and/or procedure adopted by the Park Board for the issuance of special permits shall be available at the Park and Recreation Department.

HISTORY: (Amnd 03-27-85; -)

(B) Applications for special permits under this Section shall be made on such forms as the Park Board may approve and shall be presented at the Lapeer City Park and Recreation Department. Any applications which the Park Board has determined, by its adopted rules, require approval at a regular meeting of the Park Board shall be filed at least seven (7) days prior to the regular Park Board meeting at which such application is to be considered. During such meeting, the applicant may appear in person, by attorney, or by an agent.

HISTORY: (Amnd 03-27-85; -)

(C) No special permit shall be granted if it appears that any of the purposes or activities of the applicant will unreasonably interfere with the use of the remainder of the park by the general public; will be likely to damage the park or its facilities or any part thereof, will create a hazard to pedestrian or vehicular traffic; or will endanger or be likely to endanger the health, welfare, or safety of the public.

HISTORY: (Amnd 03-27-85; -)

(D) Any applicant for a special permit which purposes the use of any portion of any park for a circus or carnival or other use which may generate substantial litter or refuse, shall be required to deposit as listed on the City of Lapeer Fee Schedule to cover the cost of any park clean-up and/or repairs by the City. Any portion of the deposit remaining after the clean-up and/or repairs shall be returned to the applicant and the applicant shall pay the difference, if any, between said deposit and the actual cost to the City for the clean-up and/or repairs.

HISTORY: (Amnd 09-22-11; -)

(E) Deleted

HISTORY: (Amnd 03-27-85; -)

(F) Material evidence in support of this application before a majority of the Park Board; and any departments of the City and any interested citizens may also present any relevant and material evidence with reference to the granting or denial of the application. Written minutes of the hearing shall be made, but a transcript of exact testimony shall not be necessary. A majority of the Park Board present at the hearing shall render its decision within three (3) days of the conclusion of the hearing. If the application is denied, the applicant shall have twenty (20) days in which to appeal the decision of the Park Board to the Lapeer County Circuit Court, or to such other court as may be permitted by law or court rule to hear such an appeal.

Such appeal shall be on the record of the hearing.

HISTORY: (Amnd 11-5-75; -)

24.03 ADMINISTRATION AND ENFORCEMENT.

(A) Nothing in this Chapter shall be construed as prohibiting Park employees or agents from performing work or activities in any Park at a time and in a manner directed by the City of Lapeer.

(B) The City of Lapeer may establish emergency rules necessary to protect the health, welfare and safety of Park visitors and to protect Park property, including, but not limited to, ordering all persons off Park property and closing all or any portion of a Park.

(C) Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and in accordance with the City's Municipal Civil Infraction Ordinance which shall be punishable by a civil fine of not more than \$500 along with costs which may include all expenses, direct and indirect, which the City of Lapeer has incurred in connection with the municipal civil infraction. Nothing herein shall prevent the City of Lapeer from seeking appropriate restitution for damage to parks or park facilities. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

(D) This Ordinance and each of the various parts, sections, subsections, provisions, sentences, and clauses are severable. If any part, section, sub-section, provision, sentence or clause is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of this Ordinance, which shall remain in full force and effect.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 24 DECLARED ADOPTED.

Pursuant to Public Act 279 of 1909, MCL 117.3, a summary will be used for publication purposes.

Annual Fair Housing Resolution

55 2018 03-19

Moved by Bostick-Tullius. Seconded by Bennett.

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, 2018.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Funding for Proposed Pocket Park at 160 W. Nepessing

James Alt, DDA Director, reviewed a presentation regarding a proposed Pocket Park, estimated cost is \$150,000, 2/3 of the cost to come from a crowdfunding partnership with Patronicity and the Michigan Economic Development Corporation (MEDC) through their Public Space Community Places program, MEDC requires the additional 1/3 be raised in advance of the program, asking for a funding commitment from the City.

56 2018 03-19

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve a funding commitment for a loan in the amount of \$50,000 plus interest, with terms to be agreed upon by the City and DDA for the planning and building of Pocket Park at 160 W. Nepessing Street.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Baldwin Road Reconstruction Project – MDOT Contract #18-5055

57 2018 03-19

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Municipal Resolution Department of Transportation Contract No. 18-5055 for the Baldwin Road Reconstruction Project.

CITY OF LAPEER
MUNICIPAL RESOLUTION
MICHIGAN DEPARTMENT OF TRANSPORTATION
CONTRACT NO.: 18-5055

BE IT RESOLVED THAT the Michigan Department of Transportation Contract #18-5055 for the Baldwin Road Reconstruction Project as described above between the Michigan Department of Transportation and the City of Lapeer is hereby accepted and City Manager Dale Kerbyson and Director of Public Works Pam Reid are authorized to sign the required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Fee Schedule Amendment – Summer Camp

58 2018 03-19

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve amendments to the City of Lapeer Fee Schedule relating to Summer Day Camp, effective April 2, 2018.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Fee Schedule Amendment – Medical Marihuana Application/Renewal Fees

59 2018 03-19

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the addition of Chapter 68, Medical Marihuana Facilities to the City of Lapeer Fee Schedule, effective April 1, 2018.

Commissioner Bennett commented Michigan has decided to make it legal, subverting of Federal law to vote yes on it, reason why he will be voting no.

ON A ROLL CALL VOTE:

AYES: Osentoski, Marquardt, Bostick-Tullius, Atwood.

NAYS: Bennett.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

City Attorney Nolan commented on policy process, feedback received, merit based criteria, special meeting to review.

60 2018 03-19

Moved by Bostick-Tullius. Seconded by Osentoski.

Schedule a Special City Commission meeting for Thursday, March 22, 2018 at 6:30 PM to review/discuss the Chapter 68 Application and Policy relating to the Merit Based System.

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

Nays: None.

Absent: None.

MOTION CARRIED.

UNFINISHED BUSINESS

61 2018 03-19

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

Appoint Tim Herbert to the Park Board, term expiration 04-01-21.

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

Nays: None.

Absent: None.

MOTION CARRIED.

62 2018 03-19

Moved by Bostick-Tullius. Seconded by Atwood.

Appoint Bernard Jocuns to the Zoning Board of Appeals, term expiration 04-01-21.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Youth Council to make a presentation to the Commission to help boost volunteer efforts; will be asking for a budget.

Commissioner Marquardt: Attended Dunham's re-opening; meeting to look at Building Department fees.

Mayor Sprague: recognized County Commissioners Ian Kempf and Lenny Schneider who are in the audience, appreciates support from County.

ADJOURNMENT

63 2018 03-19

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:02 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Renee Wilson, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A SPECIAL MEETING
March 22, 2018**

A special meeting of the Lapeer City Commission was held March 22, 2018 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.

Mayor Sprague led the Pledge of Allegiance.

Chapter 68: Provisioning Centers – Merit System Procedure Policy and Application.
City Clerk Donna Cronce reviewed changes made to the application packet.

PUBLIC COMMENTS

By general consensus of the Commission, public comment portion of the meeting would be heard at this time.

Paula Gibbons, Oak Park, licensed attorney, spoke on various merit criteria to look at.

Andy Shango, South Main Street, asked reason for limiting Provisioning Centers to six; City doesn't limit amount of licenses for other business types; let businesses fight for the business.

Ian Kempf, County Commissioner, thanked Commissioner Bostick-Tullius for representing the City and County at the MML Conference.

Chapter 68: Provisioning Centers – Merit System Procedure and Application.

64 2018 03-22

Moved by Marquardt. Seconded by Osentoski.

Adopt the City of Lapeer Policy, Medical Marihuana Provisioning Center Application Process For Issuance Of Provisional Licenses, Merit System Procedure For Allocation Of Limited Provisional Licenses and scoring criteria.

Commissioner Bostick-Tullius referenced page 3, sub-paragraph 2, language needs to be included that makes it clear that no half points or quarter points are not allowed. After discussion, the following amendment was recommended to add after "...with each item representing a maximum point value of (1) with no fraction points to be awarded..." Commissioner Bostick-Tullius referenced page 4, item (iii) to strike out the word "either" from the sentence.

Moved by Commissioner Marquardt and seconded by Commissioner Osentoski to amend the motion to include the amendments as stated. Commissioners accepted the amendments by unanimous consent.

Amended motion reads:

Adopt the City of Lapeer Policy, Medical Marihuana Provisioning Center Application Process For Issuance of Provisional Licenses, Merit System Procedure For Allocation Of Limited Provisional Licenses and scoring criteria as amended.

ON A ROLL CALL VOTE.

AYES: Commissioners Atwood, Osentoski, Marquardt.

NAYS: Commissioners Bennett, Bostick-Tullius.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

ADJOURNMENT

65 2018 03-22

Moved by Marquardt.

Adjourn the Special Meeting.

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

Nays: None.

MOTION CARRIED.

Special meeting adjourned at 6:42 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Renee Wilson, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
April 2, 2018**

A regular meeting of the Lapeer City Commission was held April 2, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

66 2018 04-02

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the Agenda for April 2, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

67 2018 04-02

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes of the Special Workshop Retreat Meeting held March 17, 2018 as presented; Regular Meeting held March 19, 2018 as presented; Special Meeting held March 22, 2018 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.

Marlena Swindell, Pleasant Street asked that in the Merit System Procedure Policy the term 'Advanced Medical Degree' be defined.

CONSENT AGENDA

68 2018 04-02

Moved by Marquardt. Seconded by Osentoski.

Approve the Consent Agenda for April 2, 2018 resulting in the following.

1. Special Event Request from Kiwanis Club of Lapeer, Pancake Breakfast, June 2018, 9 AM – 12 PM, North Court Street, contingent upon receipt of current insurance.
2. Special Event Request from Stone Soup Food Bank for Hunger Awareness Week, May 11-12, 2018 throughout various intersections on file.
3. Special Event Request from American Legion Post 16, Memorial Day Parade, May 28, 2018, Nepessing Street to Veterans Park.
4. Special Event Request from Bishop Kelley School, Annual Field Day, June 1, 2018, 8 AM – 4 PM, Annrook Park.
5. Special Event Request from Flint River Watershed Coalition, Flint River & Community Cleanup, April 28, 2018, at various river locations, contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR APRIL 2, 2018

69 2018 04-02

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Bill Listing for April 2, 2018 in the amount of \$1,106,723.54.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

2018 Annual Spring Clean-Up

70 2018 04-02

Moved by Bennett. Seconded by Atwood.

Approve to schedule the 2018 Annual Clean-up for May 7 through May 11, 2018 and the 2018 Spring Clean-Up Agreement with Rick Rhein Disposal and authorize the City Manager and Director of Public Works to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Lapeer County Senior Services Millage

71 2018 04-02

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Agreement to Share Captured Assessed Value between the Downtown Development Authority, City of Lapeer and County of Lapeer regarding the Lapeer County Senior Programs Millage and authorize the Mayor and City Manager to sign said Agreement.

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

Nays: None.

Absent: None.

MOTION CARRIED

Downtown Outdoor Right-Of-Way Licenses

72 2018 04-02

Moved by Osentoski. Seconded by Atwood.

Approve the Downtown Outdoor Right-Of-Way Licenses for:

1. *Blondie's Sweet Boutique/Dagwood's Deli – 193 W. Nepessing Street.*
2. *Popovich Properties, LLC – 393 W. Nepessing Street (former Pueblo Viejo).*
3. *Fat Boys Bar & Grill – 10 E. Nepessing Street.*
4. *Tilted Axis Brewery – 303 W. Nepessing Street (Permanent Enclosure).*
5. *Tilted Axis Brewery – 303 W. Nepessing Street (Seasonal Enclosure).*
6. *Woodchips, LLC – 315 W. Nepessing Street (Permanent Enclosure).*
7. *Woodchips, LLC – 323 W. Nepessing Street (Seasonal Enclosure).*

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

Nays: None.

Absent: None.

MOTION CARRIED

CITY MANAGER'S REPORT

City Manager Dale Kerbyson indicated no Medical Marihuana license applications were received today.

CITY ATTORNEY'S REPORT

City Attorney Nolan commented on Merit Policy Panel appointments.

UNFINISHED BUSINESS

73 2018 04-02

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

Appoint James Mikus and Jennell RaCosta to the Housing Board of Appeals, term expiration 05-01-21.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The DDA Status Report dated March 23, 2018 was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Marquardt: scheduling of budget meeting, Mr. Kerbyson responded the CIP presented to Planning Commission at their April meeting, budget targeted for late April to City Commission and hold budget workshop early May.

Mayor Sprague: update on local events.

ADJOURNMENT

74 2018 04-02

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:41 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Renee Wilson, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
April 16, 2018**

A regular meeting of the Lapeer City Commission was held April 16, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

75 2018 04-16

Moved by Bennett. Seconded by Marquardt.

Approve the Agenda for April 16, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

76 2018 04-16

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes of the Regular Meeting held April 2, 2018 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

Stephen Ruddock, gave invocation.

Justus Scott, Lapeer County Probate Judge commented on duties/responsibilities of office, running for re-election on November ballot.

CONSENT AGENDA

77 2018 04-16

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Consent Agenda for April 16, 2018 resulting in the following.

1. Special Event Request from Lapeer Optimist Club, Nightmare on Nepessing, October 13-14, 2018, downtown with street closures on Nepessing, between Cedar and Court Streets, contingent upon receipt of current insurance.
2. Special Event Request from American Foundation for Suicide Prevention, Out of the Darkness Walk, September 29, 2018, Rowden Park.
3. Special Event Request from Families Against Narcotics (FAN), Run Drugs Out of Town Run/Walk, August 19, 2018, Rowden Park, contingent upon receipt of current insurance.
4. Traffic Control Order #295.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 295

Location: Municipal Parking Lot Number 8 – Located west of Cedar Street, east of Mason Street, north of Clay Street and south of Nepessing Street.

Municipal Parking Lot Number 4 – Located east of Pine Street, south of Park Street.

Order: To establish 72 hour parking areas within municipal parking lots of #4 and #8, for the convenience and safety of the residents living within the downtown area and to assist the Department of Public Works with snow removal efforts.

Reason: City Lot #8 –Residents are required to walk from a city/county parking lot located on the south side of Clay Street. This situation has resulted in residents being issued citations for violation of No Parking 2AM-6AM along with having their vehicles towed for hampering DPW snow removal efforts.

City Lot #4 – No 72 hour parking area has existed within this parking lot. Residents within this area have been utilizing on street parking areas at times resulting in citations for violation of No Parking 2AM-6AM along with having their vehicles towed for hampering DPW snow removal efforts.

5. Traffic Control Order #296.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 296

Location: Pine Street north of Nepessing Street, west side of roadway and south of alley.

Order: To install No Parking 2:00AM to 6:00AM November 1st thru April 1st in this area.

Reason: The City Police Department has received a request from the City Department of Public Works to create a No Parking 2:00AM to 6:00AM November 1st thru April 1st zone along the west side of Pine Street north of Nepessing Street and south of the alleyway. The DPW has stated that vehicles are continually parking overnight in this area and these vehicles are hindering their efforts to effectively and efficiently remove snow. A 72 Hour parking area is available (TCO 295) a very short distance away in City lot #4, which is located at the south east corner of the intersection of Pine and Park Streets for these vehicles to park.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR APRIL 16, 2018

78 2018 04-16

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for April 16, 2018 in the amount of \$558,694.26.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Arbor Day Proclamation.

79 2018 04-16

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Arbor Day Proclamation as presented.

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 27, 2018 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 16th day of April, 2018.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Redevelopment Ready Community (RRC) Presentation – Report of Findings (MEDC)

Christopher Germain, AICP, Senior RRC Planner provided an update on program criteria, highlighted steps the City has completed and what is left to do; should the City wish to continue towards RRC certification the next step is to adopt a resolution indicating intent to continue in program.

Lapeer County Superheroes Presentation – Youth Council

Commissioner Atwood and Youth Council members Taylor Gerrity, Sam Howard, Maria Reitz and Morgan Castle gave a presentation on the Lapeer City Superheroes volunteer program, request motion to adopt this as official volunteer program and funding of program, will work on getting word out about the program and ways to engage community. Discussion held on available funding, program, recruiting volunteers and finding sponsors

80 2018 04-16

Moved by Marquardt. Seconded by Bennett.

To reimburse Commissioner Atwood \$304 for expenses incurred for the Lapeer Superheroes Program and discuss continued funding for the program during the upcoming budget meeting.

Commissioner Atwood clarified the amount of reimbursement is less than \$304 as he is not seeking reimbursement for the \$126 spent on hats (\$178 total reimbursement).

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

Nays: None.

Absent: None.

MOTION CARRIED

2018 Street Rehabilitation Project

81 2018 04-16

Moved by Marquardt. Seconded by Atwood.

Award the construction contract for the 2018 Street Rehabilitation and Baldwin Road projects to L.J. Construction, Inc. in the amount of \$1,298,397.00 and authorize the Director of Public Works to sign the required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED

Housing Division Public Hearing Request

82 2018 04-16

Moved by Bostick-Tullius. Seconded by Bennett.

Approve setting a Public Hearing on May 7, 2018 at 6:30 PM or as soon thereafter as may be heard regarding the “2018 Lapeer Homeowner Rehabilitation Grant Program” application and updates on the City’s current Homeowner Rehabilitation Grants and HUD \$1 Home initiative.

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

Nays: None.

Absent: None.

MOTION CARRIED

CITY MANAGER’S REPORT

Retirement Healthcare Funding

83 2018 04-16

Moved by Bostick-Tullius. Seconded by Bennett.

Approve City of Lapeer Resolution Retirement Health Benefits Systems.

CITY OF LAPEER

RESOLUTION

RETIREMENT HEALTH BENEFIT SYSTEMS

WHEREAS, the State of Michigan Department of Treasury released a Local Unit Retirement System Summary, Retirement Pension System Summary and Retirement Health Care System Summary as of March 23, 2018 which noted PA 202 of 2017 defines “underfunded status” to mean the following: 1.) For retirement pension systems, the triggers for primary units (cities, villages, counties, and townships) are if the unit is less than 60% funded and has an annual required contribution that is over 10% of governmental fund revenues. The non-primary unit trigger is if the unit is less than 60% funded. 2.) For retirement health care systems, the triggers for primary units (cities, villages, counties and townships) are if the unit is less than 40% funded and has an annual required contribution greater than 12% of governmental fund revenues. The non-primary unit trigger is if the unit is less than 40% funded; and

WHEREAS, the City of Lapeer has adequately addressed its underfunded status and has commitments that have been formally enacted and documented and represents accurate information that the City of Lapeer is not underfunded.

NOW, THEREFORE, BE IT RESOLVED, that the Lapeer City Commission has reviewed and approves submittal to file the Protecting Local Government Retirement and Benefits Act Application for Waiver and Plan: Retirement Health Benefit Systems issued under authority of Public Act 202 of 2017 to correct the Michigan Department of Treasury’s preliminary review that resulted in an underfunded status and authorizes the City Manager to sign said Application.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Closed Session Request

City Manager Kerbyson requested a Closed Session at the end of the regular meeting to discuss the sale of property.

CITY ATTORNEY'S REPORT

Merit Policy Panel Appointments

City Attorney Nolan recommended engaging ICF to score the Provisioning Center applications, City to maintain objectivity as best it can for a fair/equal open review, City Manager negotiated for a reduced price of \$850 per person per review.

84 2018 04-16

Moved by Marquardt. Seconded by Osentoski.

Approve a contract with ICF for the scoring criteria portion of the Provisioning Center applications at a cost not to exceed \$850.00 per person per review and authorize the City Manager to sign required documents.

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

Nays: Bennett.

Absent: None.

MOTION CARRIED

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Department Reports, Monthly Financial Report and 2018 Point in Time Count Information were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Marquardt: thanked Youth Council and Commissioner Atwood for work on the Superheroes program, is looking forward to seeing the program progress.

City Manager Kerbyson thanked Youth Council members and Commissioner Atwood for their work on the Superheroes project, thinks the program will really grow, will look for sponsors; Center Building fundraiser April 26th.

Mayor Sprague: update on local events, Budget Workshop scheduled for May 3rd at 5:30 p.m. at City Hall.

CLOSED SESSION

85 2018 04-16

Moved by Bennett. Seconded by Bostick-Tullius.

Approve going into Closed Session to discuss the sale of property.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

The City Commission convened to a Closed Session for the purpose of discussing the sale of property at 7:40 p.m. and returned to its regular meeting at 7:51 p.m.

ADJOURNMENT

86 2018 04-16

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:51p.m.

Mayor William J. Sprague

Donna L. Cronic, MMC, City Clerk

Renee Wilson, Chief Deputy City Clerk

**MINUTES OF A WORKSHOP MEETING
LAPEER CITY COMMISSION
May 3, 2018**

A workshop meeting of the Lapeer City Commission was held May 3, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:37 p.m.

ROLL CALL

Present: Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.
Absent: Mayor Sprague.

City Manager: Dale Kerbyson (present).

Mayor Pro Tem Marquardt led the Pledge of Allegiance.

Also Present: City Clerk Donna Cronce, Chief Deputy City Clerk Renee Wilson, Finance Director Kerry Helmick, Director of Housing Denise Soldenski, Director of Parks, Recreation & Cemetery Rodney Church, Police Chief David Frisch, Fire Chief Terry Kluge, Director of Public Works Pamela Reid, Building Official Darryl Oliver, Jeff Hogan County Press.

Mayor Pro Tem Marquardt called the meeting to order at 5:37 p.m.

The City Commission met to discuss the Fiscal Year 2018-2019 City of Lapeer Budget and the 2018-2024 City of Lapeer Capital Improvement Program.

The Fiscal Year 2018-2019 City of Lapeer Budget and the first year of the 2018-2024 Capital Improvement Program were reviewed; break from 7:26 pm – 7:37 pm. Discussed streamlining the Building Department permit process and potential funding options to update/repair the City sign on westbound I-69; Reviewed charts showing decline in State Revenue Sharing and legacy costs as a percentage of the General Fund budget; schedule a special meeting to review the 2018-2019 Fee Schedule.

By general consensus the meeting adjourned at 8:55 p.m.

Deborah Marquardt, Mayor Pro Tem

Donna L. Cronce, MMC, City Clerk

Renee L. Wilson, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
May 7, 2018**

A regular meeting of the Lapeer City Commission was held May 7, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

87 2018 05-07

Moved by Marquardt. Seconded by Osentoski.

Approve the Agenda for May 7, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

88 2018 05-07

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the minutes of the Regular and Closed Session Meetings held April 16, 2018 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

Mayor Sprague thanked staff, County Board, CMH, Commission and County Press for their outpouring of affection in the passing of his brother last Wednesday.

Police Chief David Frisch introduced newest Officer Stephanie Shibley and Officer Dan Smith.

Janet Adams, Baldwin Road, gave invocation.

Paula Givens, Oak Park, spoke on merit criteria to look at.

CONSENT AGENDA

89 2018 05-07

Moved by Marquardt. Seconded by Bennett.

Approve the Consent Agenda for May 7, 2018 resulting in the following.

1. Authorization to trade in existing rescue equipment and approve the purchase of rescue tools and air bags from Midwest Rescue Tools and Apollo Fire Equipment in the amount of \$45,464.00.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR MAY 7, 2018

90 2018 05-07

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Bill Listing for May 7, 2018 in the amount of \$512,711.37.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

Public Hearing: 2018 Lapeer Homeowner Rehabilitation Grant Program Application.

Mayor Sprague opened the public hearing at 6:40 p.m. Shelley Lincoln, Grant Administrator Housing Division provided a presentation that provided updates on Focus on Homeowner Rehab Grant, project funds, leverage sources and projects; USDA Rural Development Housing Preservation Grant Program, 50/50 match and program criteria; 2018 Lapeer Homeowner Rehabilitation Grant Program, territory area, program criteria; why use HOME grant funding; Michigan Economic Development Corporation (MEDC), Community Development Block Grant (CDBG) Façade Grant and current stage with Lapeer Team Work building; Lapeer Neighborhood Inc. (LNI), development of neighborhood improvement contest, landlord informational meetings for Lapeer and Tuscola rental owners; Fair Housing review; asked for any questions. Mayor Sprague closed the public hearing at 6:52 p.m.

Discussion held on how information is provided to homeowners with response of advertising, publications, word of mouth and even work being completed on current applications; how is 50% of medium income figured out with response of provided by MSHDA and use of HUD guidelines.

91 2018 05-07

Moved by Bostick-Tullius. Seconded by Bennett.

Approve Resolution to Approve Michigan State Housing Development Authority (MSHDA) Housing Resource Fund City of Lapeer Housing Improvement Grant Application.

RESOLUTION TO APPROVE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
HOUSING RESOURCE FUND
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 accepts the recommendation of the City of Lapeer Housing Improvement Department to apply for \$160,000 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 May 7th, 2018 regarding the proposed 2018 Lapeer Homeowner Rehabilitation Grant Program 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 May7th, 2018. MOTION CARRIED AND RESOLUTION ADOPTED.

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

Nays: None.

Absent: None.

MOTION CARRIED

ADMINISTRATIVE REPORTS

Lapeer Development Corporation Presentation

Patricia Lucas, Executive Director of the Lapeer Development Corporation, gave a presentation that provided updates on regional activities for I-69 Regional Development Corp, Next Michigan Development Committee (NMDC) and Lapeer Development Corporation. Mayor Sprague indicated it was a great report and information provided, outstanding job by Mrs. Lucas. City Manager Dale Kerbyson asked Mrs. Lucas to touch base on a few loans that are offered. Mrs. Lucas commented on Popovich properties, 350 N. Court, Hiram's in Imlay City and Chef G's.

FY 2018-2019 Budget Notice: Set Public Hearing for May 21, 2018.

92 2018 05-07

Moved by Bennett. Seconded by Marquardt.

Approve setting a public hearing on May 21, 2018 at 6:30 p.m. or as soon thereafter as may be heard regarding the Fiscal Year 2018-2019 City of Lapeer Budget and the first year of the proposed 2018-2024 Capital Improvement Program.

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

Nays: None.

Absent: None.

MOTION CARRIED

Fixed Asset Disposal

93 2018 05-07

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the disposal of fixed assets as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED

2018 Street Rehabilitation Project – Construction Engineering Agreement

94 2018 05-07

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Contract for Engineering Services with Rowe Professional Services Company for the 2018 Street Rehabilitation Project in the amount of \$119,910.00 and authorize the Director of Public Works to sign the contract.

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

Nays: None.

Absent: None.

MOTION CARRIED

Baldwin Road Reconstruction Project – Construction Engineering Agreement

95 2018 05-07

Moved by Marquardt. Seconded by Atwood.

Approve the Contract for Engineering Services with Rowe Professional Services Company for the Baldwin Road Reconstruction Project in the amount of \$73,750.00 and authorize the Director of Public Works to sign the contract.

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

Nays: None.

Absent: None.

MOTION CARRIED

CITY MANAGER'S REPORT

City Manager Dale Kerbyson asked Police Chief David Frisch for a review of the Drug Take Back Program. Chief Frisch indicated the drug take back box was emptied and contained 27 lbs. of prescription medication, National Drug Take Back Day last weekend brought in 13 lbs. in 14 hours; noted these drugs were taken off the streets and not placed in sewer system.

Mr. Kerbyson commented on Project Rising Tide through Talent and Education Development (TED) office, works in conjunction with Redevelopment Ready Community (RRC) programs, to have presentation at next Commission meeting; RRC presentation at last meeting which asked City to move forward by signing an agreement, ability to do work at own pace; commend Attorney Michael Nolan on court this morning regarding application assessments, will keep Commission apprised of next steps.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented on fending off of first medical marijuana litigation in court regarding application process.

UNFINISHED BUSINESS

96 2018 05-07

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Marquardt. Appoint Robin Chesnutt to Housing Commission term ending 08-01-21, Housing Board of Appeals term ending 05-01-20 and Lapeer Neighborhoods, Inc. term ending 08-01-19.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Investment Report for the Quarter ended March 31, 2018 and DDA Status Report dated April 20, 2018 were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: apologized for inability to be at court due to work; City Superhero program, Valerie Kirkland interested in assisting with Youth Council and be available at next Commission meeting; Youth Council donations, Flint Watershed Coalition park clean up.

Commissioner Ostentoski: Flint Watershed Coalition park clean up; Farmer's Market issue with closure of street, what can be done.

Commissioner Bennett: wife in hospital and appreciate prayers.

Commissioner Bostick-Tullius: welcome new officers; great job by Attorney Michael Nolan, glad to have you; attended County Press breakfast Thursday, great attendance.

Commissioner Marquardt: attended Coffee Connections at County Press, awesome experience; unaware of park clean up.

City Manager Dale Kerbyson: noted City is largest supporter of LDC; Walmart re-grand opening invite for May 11th, checks received by Police and Fire.

Mayor Sprague: upcoming events, apologize for missing budget workshop for the first time in 17 years due to passing of his brother, outstanding job by all.

ADJOURNMENT

97 2018 05-07

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:34 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Renee Wilson, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
May 21, 2018**

A regular meeting of the Lapeer City Commission was held May 21, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Commissioners Atwood, Bennett, Marquardt, Osentoski.

Absent: Mayor Sprague (excused), Commissioner Bostick-Tullius (excused).

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, absent.

Mayor Pro-Tem Marquardt led the Pledge of Allegiance.

AGENDA APPROVAL

98 2018 05-21

Moved by Osentoski. Seconded by Atwood.

Approve the Agenda for May 21, 2018 with the addition of Items B-2, Morgan Castle Youth Council Update and G-6, Marlette Excavating Company/Rowe Professional Services Lapeer Industrial & Research Park – Future Lot Preparation Project.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

PUBLIC COMMENTS

Jenny Burkhart, Wilder Road, gave invocation.

MINUTES

99 2018 05-21

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of the Budget Workshop held May 3, 2018 and Regular Meeting held May 7, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Bishop International Airport Authority Update – Craig Williams, A.A.E., Airport Director.

Mr. Williams presented an update on Bishop International Airport Authority, encouraged everyone to come out and visit the airport.

Youth Council Update.

Ms. Castle was not present, no report provided.

CONSENT AGENDA

100 2018 05-21

Moved by Bennett. Seconded by Osentoski.

Approve the Consent Agenda for May 21, 2018 resulting in the following.

1. Special Event Request, Lapeer Chamber of Commerce, July 4, 2018 annual fireworks beginning at dusk on the grounds of Roland Warner Middle School.
2. Special Event Request, Lapeer Downtown Development Authority, Annual Concert Series, Lapeer Farmer's Market Pavilion, Thursday evenings, June 7th through August 09, 2018 from 6:00 – 9:00 pm.
3. Special Event Request, REVISED - DDA and the Center for the Arts of Greater Lapeer, Art on Nepessing Street, Friday, June 1st from 4:00 to 10:00 pm, Saturday

June 2nd from 10 am to 6:00 pm and June 3rd from 10 am to 4 pm (revisions include additional road closures on Court Street south of Nepessing, revision requires Nepessing Street to be closed at Cedar Street as there is no way for vehicle traffic to exit Nepessing past this point).

4. Application and 2018 Permit for fireworks with Wolverine Fireworks Display Inc. and authorize the Mayor or City Manager to sign the permit.
5. Special Event Request, Lapeer City Police Officers Charitable Fund, Cops for the Community 5K on July 7, 2018 from 7:00 am – 10:00 am, contingent upon receipt of current insurance.
6. Special Event Request, Lapeer Area Chamber of Commerce, Lapeer Days Festival on August 16 through 19, 2018 in the Downtown Lapeer area. Event setup will begin Wednesday, August 15th.
7. Uniform Video Service Local Franchise Agreement and authorize the City Clerk to sign said Agreement.

Discussion on Lapeer Days event having caged tigers, concerns/issues regarding safety and animal treatment, City co-sponsoring of event, in future Chamber should have a representative provide overview of event.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

BILL LISTING FOR MAY 21, 2018

101 2018 05-21

Moved by Marquardt. Seconded by Osentoski

Approve the Bill Listing for May 21, 2018 in the amount of \$328,006.88.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

FY 2018-2019 Budget Notice – Public Hearing.

Mayor Pro-Tem Marquardt opened the public hearing at 7:02 p.m., there being no public comment, closed the hearing at 7:02 p.m.

102 2018 05-21

Moved by Osentoski. Seconded by Atwood.

Approve Resolution to Adopt the Budget of the City of Lapeer for the Fiscal Year July 1, 2018 to June 30, 2019 and to Make Appropriations Therefore, and the first year of the proposed 2018-2024 Capital Improvement Program.

GENERAL APPROPRIATIONS ACT

RESOLUTION TO ADOPT THE BUDGET OF THE CITY OF LAPEER FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019 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, 2018 to June 30, 2019.

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 \$2,753,269 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	\$2,687,401
General Operation	4.9000 mills	\$ 65,868

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

Ayes: Atwood, Bennett, Osentoski, Marquardt.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Youth Council: By-Laws, Rules of Procedure.

103 2018 05-21

Moved by Atwood. Seconded by Osentoski.

Approve amendments to the Youth Council By-Laws, Rules of Procedures as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

2018-2029 Oregon Township Fire Protection Agreement.

104 2018 05-21

Moved by Osentoski. Seconded by Bennett.

Approve the City of Lapeer-Oregon Township Fire Protection Agreement and authorize the Mayor and City Manager to sign said agreement.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Audit Services Recommendation.

105 2018 05-21

Moved by Bennett. Seconded by Osentoski.

Approve Layton & Richardson's proposal to provide audit services for the 2017/18, 2018/19 and 2019/20 fiscal years as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Rezoning – B-2 General Business to I-1 Industrial

Portions of Parcel # L20-83-454-040-00 & Parcel #L20-83-454-050-00

Commissioner Osentoski introduced an ordinance amendment Chapter 7 (Zoning Ordinance), Article 7.02.02(a)(13). of the General Ordinances of the City of Lapeer.

7.02.02 District Boundaries

(a) Zoning District Amendments

- (13) The following parcels formerly zoned B-2 General Business are hereby rezoned to I-1 Industrial:

Portions of Parcel #L20-83-454-040-00 (1333 Imlay City Road) and Parcel #L20-83-454-050-00 (adjacent vacant 6.16 acre parcel herein together described as Parcel A-1 per survey) both of which are currently zoned B-2 General Business and are proposed to be reconfigured resulting in Parcel #L20-83-454-060-00 (1.51 acre Parcel A-2 per survey) to be zoned B-2 General Business and Parcel #L20-83-454-065-00 (4.65 acre Parcel B-2 per survey) to be zoned I-1 Industrial.

Delinquent Special Assessments to be added to the 2018 Tax Roll.

106 2018 05-21

Moved by Atwood. Seconded by Osentoski.

Approve adding Special Assessment Districts 2008-01, 2008-04, 2009-02, 2010-01, 2010-03, 2017-01 and 2017-02 Delinquent Special Assessment installments as of May 1, 2018 to the 2018 Summer Tax Roll as authorized by City Charter.

Ayes: Atwood, Marquardt, Osentoski.

Nays: Bennett.

Absent: Bostick-Tullius.

MOTION CARRIED.

Marlette Excavating Company/Rowe Professional Services.

Lapeer Industrial & Research Park – Future Lot Preparation Project.

107 2018 05-21

Moved by Osentoski. Seconded by Atwood.

Approve the Marlette Excavating Company Agreement for Construction Contract in the amount of \$330,825.00 for Lapeer Industrial & Research Park – Future Lot Preparation Project and allow the City Manager to sign required documents.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

CITY MANAGER'S REPORT

Redevelopment Ready Communities (RRC).

108 2018 05-21

Moved by Marquardt. Seconded by Atwood.

Approve Resolution Authorizing the Implementation of Recommendations Necessary to Receive Redevelopment Ready Communities Certification from the Michigan Economic Development Corporation (MEDC).

Resolution Authorizing the Implementation of Recommendations Necessary to Receive Redevelopment Ready Communities Certification from the Michigan Economic Development Corporation (MEDC).

WHEREAS, the City of Lapeer has engaged in the MEDC Redevelopment Ready Communities Program, including entering into a Joint Memorandum of Understanding with the MEDC effective April 3, 2017 and undergoing an evaluation of the City's redevelopment practices as reported in the Report of Findings dated August 2017 and updated February 2018; and

WHEREAS, the MEDC has developed a program for certifying Redevelopment Ready Communities and the City of Lapeer desires to achieve that certification by implementing best practices and recommended strategies for redevelopment; and

WHEREAS, the City of Lapeer is committed to reviewing and updating its Master Plan and will utilize recommendations and technical assistance to ensure that development readiness is appropriately addressed in that document; and

WHEREAS, the program includes evaluating the strong partnerships with city boards and commissions related to development including the City Commission, City Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Lapeer Main Street Program and Lapeer Development Corporation; and

WHEREAS, after review of the Report of Findings, the City of Lapeer is willing to take initiative and complete tasks as outlined, which will involve interaction with the aforementioned City commissions and boards; and

WHEREAS, certain recommendations have and will be made by the MEDC that are required in order for the City to attain Redevelopment Ready Communities Certification.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer through the City Commission has reviewed and recognizes the Report of Findings and commits to working towards recommendations made and achieving Redevelopment Ready Communities Certification from MEDC and authorizes the Mayor and or the City Manager to sign any/all required documentation.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Closed Session: Real Estate & Teamster Contract.

109 2018 05-21

Moved by Bennett. Seconded by Osentoski.

Approve going into a Closed Session to discuss Real Estate and Teamsters Contract at end of the Regular Scheduled meeting.

ON A ROLL CALL VOTE

Ayes: Bennett, Osentoski, Marquardt, Atwood.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

City Manager Dale Kerbyson commented on scheduling a special meeting for a Fee Schedule Workshop; City filed for soil erosion permit at a cost of \$1,000.00; grant received from Metro Planning Authority to revamp website; County Press misprint of Community Center summer schedule and will re-print the correct schedule in Sunday's paper; Project Rising Tide will present at next City Commission meeting; letter received from Treasury Department stating the City will not receive a waiver in regards to retirement/OPEB however Mr. Kerbyson is confident this will be reversed in the City's favor; Wastewater Treatment Plant tour will be postponed until the Fall; the Housing Department is listing 937 N. Monroe Street property for sale; attended the DTE Solar celebration which was a very nice event and the City has a great partnership with DTE.

CITY ATTORNEY'S REPORT

Nothing.

UNFINISHED BUSINESS

110 2018 05-21

Moved by Marquardt. Seconded by Bennett.

Appoint Ed Jamison to the Lapeer Building Authority term ending 06-01-21.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports and Monthly Financial Report for March 2018 were received into record.

PUBLIC COMMENTS

Valerie Kirtland commented that she is excited about the new Superheros Program, is volunteering to lead this with the Youth Council; feels City needs to lead the youth and get volunteers involved, this program can do a lot for the community.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Questioned why he has not received the names and addresses of the six MMFLA licenses awarded, City Manager Dale Kerbyson indicated it was sent out and that it is on the City website.

Commissioner Osentoski: Wanted to place a privacy fence, could not obtain permit as ordinance only allows one fence between properties and neighbors already have on, would like Planning Commission to review and amend ordinance so more than one adjoining neighbor can put up a fence.

111 2018 05-21

Moved by Osentoski. Seconded by Bennett.

To direct the Planning Commission to review Section 7.15.03 of the Zoning Ordinance regarding fences and make a recommendation to the City Commission.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Commissioner Osentoski: Farmers Market and moving to the grass of the old Court House lawn so the road is no longer blocked, County Commissioner Lenny Schneider responded the issue has come up in the past, happy to discuss it, boils down to abuse of the lawn, a lot of money has been spent to restore the lawn, would be willing to attend any meeting to discuss however County Board would need to make final decision.

Commissioner Atwood: Thanked Valerie Kirtland for stepping up to volunteer and lead the Superheros program, Youth Council to provide presentation on Superheroes program at next meeting; comments on Chamber are not to be negative but create open communication and work together.

Commissioner Marquardt: Thanked Valerie Kirtland for stepping up to volunteer and lead the Superheros program; discussion on Chamber event and animals; spoke with Denise Becker from the Farmers Market to resolve location issues and suggested Chief Frisch attend the next meeting which will be Thursday; community events; Veterans Park is in excellent shape for the parade.

Closed Session

The City Commission convened to a Closed Session for the purpose of discussing Real Estate and Teamsters Contract at 7:41 p.m. and returned to its regular meeting at 8:41 p.m.

NJL Investments LLC

112 2018 05-21

Moved by Osentoski. Seconded by Marquardt.

Approve the Buy and Sell Agreement with NLJ Investments LLC for vacant land on John Conley Drive, Lot #24 (part of parcel #L20-83-358-080-00) in the amount of \$216,000 and authorize the Mayor and/or City Manager to sign required documents.

Ayes: Atwood, Marquardt, Osentoski.

Nays: Bennett.

Absent: Bostick-Tullius.

MOTION CARRIED.

Usmanov LLC

113 2018 05-21

Moved by Osentoski. Seconded by Marquardt.

Approve the Real Estate Buy and Sell Agreement with Usmanov LLC for vacant land on John Conley Drive, Lot #23 (part of parcel #L20-83-358-080-00) in the amount of \$200,000 and authorize the Mayor and/or City Manager to sign required documents.

Ayes: Atwood, Marquardt, Osentoski.

Nays: Bennett.

Absent: Bostick-Tullius.

MOTION CARRIED.

MG&P Holding LLC

114 2018 05-21

Moved by Osentoski. Seconded by Marquardt.

Approve the Purchase Agreement with MG&P Holding LLC for vacant land on John Conley Drive, Lot #18 (part of parcel #L20-83-358-080-00) in the amount of \$207,000 and authorize the Mayor and/or City Manager to sign required documents.

Ayes: Atwood, Marquardt, Osentoski.

Nays: Bennett.

Absent: Bostick-Tullius.

MOTION CARRIED.

3 Dimensional Services

114 2018 05-21

Moved by Osentoski. Seconded by Atwood.

Approve the formal offer to purchase vacant land on John Conley Drive for 15 acres on Lots #12 and #13 (part of parcel #L20-83-358-030-00) in the amount of \$450,000 and authorize the Mayor and/or City Manager to sign required documents.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Teamsters Contract

115 2018 05-21

Moved by Osentoski. Seconded by Atwood.

Approve the Teamsters Contract for four years starting July 1, 2018 through June 30, 2022.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

ADJOURNMENT

116 2018 05-21

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

The regular meeting adjourned at 8:47 p.m.

Mayor Pro-Tem Deborah Marquardt

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A SPECIAL MEETING
May 31, 2018**

A special meeting of the Lapeer City Commission was held May 31, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 7:00 p.m.

ROLL CALL

Present: Mayor Pro-Tem Marquardt.
Commissioners Bennett, Bostick-Tullius (arrived at 7:44 p.m.), Osentoski.
Absent: Mayor Sprague (excused), Commissioner Atwood (excused).

City Manager: Dale Kerbyson, present.

Mayor Pro-Tem Marquardt led the Pledge of Allegiance.

ADMINISTRATIVE REPORTS

The City Commission discussed the draft City of Lapeer Fee Schedule to be effective July 1, 2018. Commissioner Bostick-Tullius arrived at 7:44 p.m.

117 2018 05-31

Moved by Osentoski. Seconded by Marquardt.

City to no longer charge a fee for re-shingling of roofs or for window replacement unless there are structural changes.

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

MOTION CARRIED.

118 2018 05-31

Moved by Marquardt. Seconded by Osentoski.

City to no longer require a permit and, therefore will not require an inspection, for re-shingling of roofs or for window replacement unless there are structural changes; and further, should a request for an inspection be made there would be no charge for the inspection, unless a code violation is discovered in which further inspections are needed, than a permit will be required and fees will be charged accordingly.

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

MOTION CARRIED.

119 2018 05-31

Moved by Bostick-Tullius. Seconded by Osentoski.

To approve the draft City of Lapeer Fee Schedule to be effective as of July 1, 2018.

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

MOTION CARRIED.

PUBLIC COMMENTS

None.

ADJOURNMENT

120 2018 05-31

Moved by Bennett.

Adjourn the special meeting.

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

MOTION CARRIED.

The special meeting adjourned at 8:47 p.m.

Mayor Pro-Tem Deborah Marquardt

Donna L. Cronce, MMC, City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
June 4, 2018**

A regular meeting of the Lapeer City Commission was held June 4, 2018 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, absent.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

121 2018 06-04

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the Agenda for June 4, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

122 2018 06-04

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the minutes of Regular and Closed Session meetings held May 21, 2018 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.

Kristy Walker, N. Calhoun Street, asked can the City do anything about cable/telephone lines near her property that have been down for over a year; other areas in City with downed lines; City Manager to follow up.

CONSENT AGENDA

None.

BILL LISTING FOR JUNE 4, 2018

123 2018 06-04

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for June 4, 2018 in the amount of \$667,331.62.

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 – B-2 General Business to I-1 Industrial
Portions of Parcel # L20-83-454-040-00 & Parcel #L20-83-454-050-00

124 2018 06-04

Moved by Marquardt. Seconded by Bostick-Tullius.
Adopt the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02(a)(13) 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

(13) The following parcels formerly zoned B-2 General Business are hereby rezoned to I-1 Industrial:

Portions of Parcel #L20-83-454-040-00 (1333 Imlay City Road) and Parcel #L20-83-454-050-00 (adjacent vacant 6.16 acre parcel herein together described as Parcel A-1 per survey) both of which are currently zoned B-2 General Business and are proposed to be reconfigured resulting in Parcel #L20-83-454-060-00 (1.51 acre Parcel A-2 per survey) to be zoned B-2 General Business and Parcel #L20-83-454-065-00 (4.65 acre Parcel B-2 per survey) to be zoned I-1 Industrial.

ON A ROLL CALL VOTE:

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

Nays: Bennett.

Absent: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 ADOPTED.

2018-2019 Solid Waste Licenses.

125 2018 06-04

Moved by Bostick-Tullius. Seconded by Bennett.
Approve Solid Waste Collection Licenses for 2018-2019 for Republic Services, Rick Rhein Disposal, Advanced Disposal and Deerfield Disposal LLC.

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

Nays: None.

Absent: None.

MOTION CARRIED.

FY 2018-2019 Downtown Development Authority Operating Budget.

126 2018 06-04

Moved by Marquardt. Seconded by Osentoski.
Approve the FY 2018-2019 Downtown Development Authority Operating Budget.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2017 Court Street and Calhoun Street Reconstruction Projects.
Change Order #2 – Rohde Brothers Excavating Inc.

127 2018 06-04

Moved by Bennett. Seconded by Marquardt.
Approve Change Order #2 from Rohde Brothers Excavating, Inc. for a net decrease of \$34,556.91 revising the contract amount to \$1,199,707.63 for the Court Street and Calhoun Street Reconstruction Projects.

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

Nays: None.

Absent: None.
MOTION CARRIED.

2017 Court Street and Calhoun Street Reconstruction Projects.
Rohde Brothers Excavating Inc. – Payment Request #7 – Final Payment.

128 2018 06-04

Moved by Marquardt. Seconded by Bennett.

Approve Payment Request #7 – Final Payment to Rohde Brothers Excavating Inc. in the amount of \$38,868.75 for the 2017 Court Street and Calhoun Street Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Fixed Asset Disposal.

129 2018 06-04

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the disposal of fixed assets as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented tomorrow is Director of Public Works Pam Reid's birthday.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

130 2018 06-04

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

Appoint Maria Zavala to the Cemetery Board term ending 04-01-23 and the Park Board term ending 04-01-21.

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

Nays: None.

Absent: None.

MOTION CARRIED.

131 2018 06-04

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

Appoint Breiana Bostick-Tullius, Maria Reitz, Samuel Howard, Morgan Castle, Taylor Gerrity and Devin Falkenhagen to the Youth Council term ending 11-01-18.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The 2017 Consumer Confidence Report and DDA Status Report dated May 18, 2018 were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Memorial Day parade; Mayor Pro Tem Marquardt did a good job filling in for the Mayor.

Commissioner Osentoski: Thanked the City Manager and Department Heads for addressing concerns raised by residents on Golfside Drive; road improvements look great – scrub & seal method worked good.

Commissioner Atwood: Youth Council attended Art on Nepessing Street event and had 37 people sign up for Superheroes program; Youth Council presentation to Eagle Riders of Lapeer and received a \$250 donation.

Commissioner Bostick-Tullius: Streets look good, when will lines be painted; Habitat for Humanity fundraiser scheduled for June 8th; Deputy Director of Michigan Municipal League (MML) will speak at tomorrow's Economic Club luncheon; will attend MML U.P. Education Summit later this week.

Commissioner Marquardt: Events co-sponsored by City, ask that the partnering agency be notified when event is on the agenda; thanked Kristy Walker for attending tonight's meeting and bringing her concerns to the Commission.

City Manager Dale Kerbyson commented he will make a formal complaint to the Public Service Commission about cable lines, many areas around town have hanging wires or poles with no lines attached; congratulated those appointed to the Youth Council.

Mayor Sprague: Update on local events; thanked Commissioners and City staff for their concern, May was not a good month due to the passing of his brother and breaking his leg; thanked everyone for their work on the budget; heartbroken he missed the Memorial Day celebration, first one missed since about 1999; able to attend the moving wall ceremony at Ray C's.

ADJOURNMENT

132 2018 06-04

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:48 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Renee Wilson, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
June 18, 2018**

A regular meeting of the Lapeer City Commission was held June 18, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

133 2018 06-18

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the Agenda for June 18, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

134 2018 06-18

Moved by Marquardt. Seconded by Osentoski.

Approve the minutes of a Special Meeting held May 31, 2018, as well as Regular and Closed Session meetings held June 4, 2018 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

Jeremy Hedges, TED, Chief Deputy Director – Project Rising Tide.

Mr. Hedges provided an overview of the program. Discussion on collaborative efforts, funding and goals; City obligation to engage and dedicate time, identify a point lead and give regular updates, after graduating from program to be a mentor to the next community; Governor changeover at end of year and program support, expectation that program will be continued; RRC program and interaction of process; program will assist in identifying needs of the community.

Judy Vail, N. Main Street, gave invocation.

CONSENT AGENDA

None.

BILL LISTING FOR JUNE 18, 2018

135 2018 06-18

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for June 18, 2018 in the amount of \$409,616.74.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Optimist Beer Tent Resolution.

136 2018 06-18

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Lapeer Optimist Club to use the City sidewalks and Cedar Street north of Nepessing Street for their beer tent on Friday, August 17, 2018 through Sunday, August 19, 2018.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Annexation By Choice Area Resolution: Clara Longoria and Aguinaldo Longoria, Jr.

137 2018 06-18

Moved by Marquardt. Seconded by Bostick-Tullius

Approve the Resolution Authorizing Annexation of Property To The City Of Lapeer, Clara Longoria and Aguinaldo Longoria, Jr.

CITY OF LAPEER
RESOLUTION AUTHORIZING ANNEXATION
OF PROPERTY TO THE CITY OF LAPEER
Clara Longoria and Aguinaldo Longoria, Jr.

WHEREAS, Clara Longoria and Aguinaldo Longoria, Jr., located at Sec 8 T7N R10E Churchill Farms Subdivision Lot 21, Township Parcel #44-012-200-021-00 has petitioned for Annexation of Property from Lapeer Township to the City of Lapeer which is located in the "Annexation by Choice" area; and

WHEREAS, Section 9(8) of the Michigan Home Rule Cities Act authorizes annexation of property from township to cities by resolutions approved by an affirmative majority vote of the City Commission and the Township Board, after a petition signed by property owners has been submitted to the City and the Township; and

WHEREAS, Petitioners holding equitable title as land contract vendees or holding record legal title to more than fifty (50%) percent of the area described in Exhibit A have petitioned to be annexed to the City of Lapeer from the Township of Lapeer; and

WHEREAS, a public hearing was held on July 20, 2006 by the Lapeer City Commission and the Lapeer Township Board as to a proposed Interlocal Agreement for the Sharing of Revenue and Annexation of Property between the City of Lapeer and the Township of Lapeer which would allow for the annexation of property described in Exhibit A; and

WHEREAS, no referendum petitions were filed as to the proposed Interlocal Agreement during the prescribed statutory period; and

WHEREAS, said Interlocal Agreement was executed by both the City of Lapeer and the Township of Lapeer on December 4, 2006, and reaffirmed on March 19, 2007 and was filed with the Office of the Great Seal of the Michigan Secretary of State; and

WHEREAS, the Lapeer Township Board has approved the annexation of the property described in Exhibit A by Resolution of its governing board.

THEREFORE, BE IT RESOLVED, that annexation of the property legally described in Exhibit A attached hereto is approved by the City of Lapeer Commission as authorized by statute and the Interlocal Agreement.

BE IT FURTHER RESOLVED that said annexation shall become immediately effective upon the filing of the Township and City Resolutions with the Office of the Great Seal of the Michigan Secretary of State.

EXHIBIT A

Property Owner	City Parcel Number	Township Parcel Number
Clara Longoria		44-012-200-021-00
Churchill Farms Subdivision Lot 21	L21-16-550-021-00	

Lapeer, MI 48446

Aguinaldo Longoria Jr.
Churchill Farms Subdivision Lot 21 L21-16-550-021-00
Lapeer, MI 48446

44-012-200-021-00

City of Lapeer Property Description:

CITY OF LAPEER, SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION LOT 21.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Component Unit 2018-19 Budgets & Amendments.

138 2018 06-18

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the revised 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.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2018 Local Street Rehabilitation Projects.

L.J. Construction, Inc. – Payment Request #1.

139 2018 06-18

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve Payment Request #1 in the amount of \$89,501.40 from L.J. Construction, Inc. for services completed on the 2018 Local Street Rehabilitation Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2018-2028 Lapeer Township Fire Protection Agreement.

140 2018 06-18

Moved by Bennett. Seconded by Marquardt.

Approve the Fire Protection Agreement with Lapeer Township effective July 1, 2018, and authorize the Mayor and City Manager to sign said Agreement.

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

Nays: None.

Absent: None.

MOTION CARRIED.

McCormick Forcemain Bioretention Pond and Pump Station Improvements Project.

Lawrence M. Clarke, Incorporated per CDBG, ICE Grant received by the City.

141 2018 06-18

Moved by Marquardt. Seconded by Atwood.

Approve award of McCormick Forcemain Bioretention Pond and Pump Station Improvements Project to Lawrence M. Clark, Belleville, Michigan for an amount not to exceed \$1,869,000.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented the G-4 Item is an ICE grant and is \$1.9 million dollars; Police Department Open House July 4th to celebrate 160 year anniversary; leased newly purchased Archdiocese as farmland; meeting with State Treasury wherein the City will remain on the under-funded OPEB list and submittal of plan on the City's future path to get off the list.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

142 2018 06-18

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Marquardt. Appoint Keith Brace, Bruce Johnson, and Ken Pike, to the Construction Board of Review with terms ending July 1, 2020 and appoint Joshua Atwood to the Youth Council term ending 7-01-19.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The 2017 Consumer Confidence Report and DDA Status Report dated May 18, 2018 were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Sent email to Commission on Youth Council application for an Art Grant, plan to place two statutes in the downtown area; attended Busker Festival in Imlay City.

Commissioner Bostick-Tullius: Conference attended in UP, engagement with other communities, House Bill coming up that will eliminate local control over licensing; Project 22 event on Thursday at American Legion to help Veteran Program and mental health issues.

Commissioner Bennett: Thanked lady for prayer.

Commissioner Osentoski: Thanked Mr. Hundges for his presentation; Monday night's food truck and car show event, turnout was great.

Commissioner Marquardt: Farmers Market event, they have Saturday events lined up; Police Walk on July 7th and group of women who wish to walk Prairies and Ponds during event; spoke with Glenn Ream and idea for placement of a memorial at Veterans Park and City support.

City Manager Dale Kerbyson commented Rodney Church and James Alt applied for a First Impressions Grant which made it to the second round, is similar to a secret shopper in the City sponsored by MSU extension office.

Mayor Sprague: Sang happy birthday for Dale Kerbyson's 55th birthday, update on local events.

ADJOURNMENT

143 2018 06-18

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:09 p.m.

Mayor William J. Sprague

Donna L. Cronic, MMC, City Clerk

Tracey Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
July 2, 2018**

A regular meeting of the Lapeer City Commission was held July 2, 2018 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, Osentoski.

Absent: Commissioner Marquardt.

City Manager: Dale Kerbyson, absent.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

144 2018 07-02

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Agenda for July 2, 2018 with the deletion of Item C.3. Agreement for Legal Services with Taylor, Butterfield, Howell, Churchill & Garner, P.C.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

MINUTES

145 2018 07-02

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the minutes of a Regular Meeting held June 18, 2018 as presented.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin Road, gave invocation.

Jim Jabron, Lapeer Road, Davison, representing High Society Wellness, applied for a Medical Marijuana Provisioning Center license; was not awarded license; feels his application was scored incorrectly; asked for help from the Commission.

CONSENT AGENDA

146 2018 07-02

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Consent Agenda for July 2, 2018 resulting in the following.

1. Special Event Request from Tilted Axis Brewing Company, Oktoberfest, September 28-29, 2018, 12:00 p.m. – 11:00 p.m., Cedar Street (Nepessing to alley), Farmers Market Pavilion and associated sidewalk area; contingent upon outdoor liquor license application approval, certificate of insurance and removal of event from pavilion area on Saturday 9/29/2018 to allow Farmers Market to use pavilion.
2. Special Event Request from United Way of Lapeer County, Lapeer County United Way Superhero 5k run/walk, September 22, 2018, Rowden Park.
3. Special Event Request from Kimberly Alexander, wedding at Cramton Park, July 15, 2018, 1:00 p.m. – 10:30 p.m.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

BILL LISTING FOR JULY 2, 2018

147 2018 07-02

Moved by Osentoski. Seconded by Bostick-Tullius.

Approve the Bill Listing for July 2, 2018 in the amount of \$1,370,097.06.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Letter of Agreement for Trenchless Technology Services

148 2018 07-02

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the offer to honor Agreement Letter dated June 5, 2018 with LiquiForce regarding trenchless technology services.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Agreement with HydroCorp for Cross Connection Services

149 2018 07-02

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Professional Service Agreement between HydroCorp and the City of Lapeer for a period of five years at a cost of \$17,784.00 per year; total contract cost of \$88,920.00 and authorize the Director of Public Works to sign the agreement.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

Rezoning – I-1 Industrial to B-2 General Business 552 Imlay City Road – Parcel #L21-36-503-040-00

Commissioner Bostick-Tullius introduced the following amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.

7.02.02 District Boundaries

(a) Zoning District Amendments

- (14) The following parcel formerly zoned I-1 Industrial is hereby rezoned to B-2 General Business:

Parcel #L21-36-503-040-00 (552 Imlay City Road)

CITY OF LAPEER ROOD'S PAVED-WAY PLAT (L=1 P=76 SEC 4,
T7N-R10E) LOT 3 44-12-560-003-00

Rezoning – R-2 Single-Family Residential /OS-1 Office Service to RM-1 Multiple Family Residential

Vacant Parcel Baldwin Road – Parcel #L20-94-902-040-00

Commissioner Osentoski introduced the following amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.

7.02.02 District Boundaries

(a) Zoning District Amendments

- (15) The following parcel formerly zoned R-2 Single-Family Residential/OS-1 Office Service is hereby rezoned to RM-1 Multiple Family Residential:

Parcel #L20-94-902-040-00
CITY OF LAPEER T7N, R10E, SEC 7, COM N88*48'27"W 520.58 FT (PREVIOUSLY RECORDED AS N88*50'00"W 520.96) & N28*56'40"E 281.16 FT & N88*52'51"W 267 FT (PREVIOUSLY RECORDED AS N88*53'00"W 267.00) FRM E 1/4 COR, SEC 7, TO THE POB; TH N0*06'38"W 740.89 FT; TH N88*55'50"W (PREVIOUSLY RECORDED AS N88*55'54"W) 673.98 FT; TH S0*06'38"E (PREVIOUSLY RECORDED AS S00*05'24" E) 740.31 FT; TH S88*52'51 E 673.99 FT TO POB 11.46 A+/-

Property and Liability Insurance Renewal

150 2018 07-02

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Property and Liability Insurance Renewal Contract with Peterson McGregor in the amount of \$181,051.00 effective July 1, 2018 through June 30, 2019 and authorize the City Manager to sign the required documents.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

City Attorney Nolan gave an update on efforts to collect delinquent income tax; 176 warrants were issued in June.

UNFINISHED BUSINESS

Melissa Malcolm, Lapeer District Library Director, introduced Jacquie Wilson as the candidate the Lapeer District Library Board is recommending for appointment.

Bryan Cloutier, applicant for the vacant Library Board position, introduced himself.

151 2018 07-02

Moved by Bostick-Tullius. Seconded by Atwood.

Appoint Jacquie Wilson to the District Library Board with a term ending 12-31-18.

After an inconclusive voice vote, a roll call vote was taken.

ON A ROLL CALL VOTE:

Ayes: Atwood, Bostick-Tullius.

Nays: Osentoski, Bennett, Mayor Sprague.

Absent: Marquardt.

MOTION FAILED.

152 2018 07-02

Moved by Bennett. Seconded by Osentoski.

Table consideration of Lapeer District Library Board appointment until the next meeting when the full Commission is present.

ON A ROLL CALL VOTE

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The DDA Status Report dated June 22, 2018 was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: visited prison on behalf of the City; great experience to learn about the prison.

Commissioner Osentoski: firm supporter of Library and millage; need to make sure Library Board consists of the right people to move the Library forward; glad issue is tabled until the full Commission is present.

Commissioner Atwood: attended kayak launch event; was a good event.

Police Chief Frisch: Police Department 160th Anniversary celebration on July 4th from 4 PM – 7 PM; invited all to attend.

Mayor Sprague: Update on local events; fully supports Library and millage; good to have three candidates for one Board seat; his vote to not approve appointment was not directed at any one individual; would like more of a process; see candidates interviewed and have the best representative possible.

ADJOURNMENT

153 2018 07-02

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: Marquardt.

MOTION CARRIED.

The regular meeting adjourned at 6:55 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Renee Bullen, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
July 16, 2018**

A regular meeting of the Lapeer City Commission was held July 16, 2018 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 Representative: Aleksandrs Bomis, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

154 2018 07-16

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Agenda for July 16, 2018 with the addition of Item E-1, Proclamation for Mark Latesky as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

155 2018 07-16

Moved by Marquardt. Seconded by Osentoski.

Approve the minutes of a Regular Meeting held July 2, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Jenny Burkhardt, Wilder Road, gave invocation.

Doug Falkenhagen indicated he is here to be the voice of the Youth Council and wants to help.

CONSENT AGENDA

156 2018 07-16

Moved by Bennett. Seconded by Atwood.

Approve the Consent Agenda for July 16, 2018 resulting in the following.

1. Special Event Request from the Lapeer County Hockey Association to hold an event on Saturday, September 15, 2018 from 2:00 pm to 11:00 pm at Louie's Sports Tavern, 3301 Davison Road, Lapeer, MI 48446.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JULY 16, 2018

157 2018 07-16

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Bill Listing for July 16, 2018 in the amount of \$603,910.64.

Commissioner Osentoski questioned the payment for new trucks, why approve payment if they have not approved the purchase? City Manager Dale Kerbyson explained the

trucks are in the Capital Improvement Plan and have already been approved; they are on the agenda as a courtesy to let Commissioners know it is time for the purchase.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation – Mark Latesky

158 2018 07-16

Moved by Bostick-Tullius. Seconded by Bennett.

Approve a proclamation for Mark Latesky.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Rezoning – I-1 Industrial to B-2 General Business

552 Imlay City Road – Parcel #L21-36-503-040-00

159 2018 07-16

Moved by Bostick-Tullius. Seconded by Osentoski.

Commissioner Bennett questioned if the reason for re-zoning was questioned at the Planning Commission level? City Manager Dale Kerbyson indicated that yes it was; this re-zoning gives the owner better options when selling. Mr. Bennett question if the re-zoning was for medical marihuana grow operation. City Manager Dale Kerbyson indicated no, the re-zoning actually make it unavailable for a grow operation and there has been no indication of it becoming a grow facility.

Approved the amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer as follows:

7.02.02 District Boundaries

(a) Zoning District Amendments

(14) The following parcel formerly zoned I-1 Industrial is hereby rezoned to B-2 General Business:

Parcel #L21-36-503-040-00 (552 Imlay City Road)

CITY OF LAPEER ROOD'S PAVED-WAY PLAT (L=1 P=76 SEC 4,
T7N-R10E) LOT 3 44-12-560-003-00

ROLL CALL VOTE

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

Nays: None.

Absent: None.

MOTION CARRIED.

Rezoning – R-2 Single-Family Residential /OS-1 Office Service to RM-1 Multiple Family Residential

Vacant Parcel Baldwin Road – Parcel #L20-94-902-040-00

160 2018 07-16

Moved by Osentoski. Seconded by Bennett.

Approve the amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.

7.02.02 District Boundaries

(a) Zoning District Amendments

- (15) The following parcel formerly zoned R-2 Single-Family Residential/OS-1 Office Service is hereby rezoned to RM-1 Multiple Family Residential:

Parcel #L20-94-902-040-00

CITY OF LAPEER T7N, R10E, SEC 7, COM N88*48'27"W 520.58 FT (PREVIOUSLY RECORDED AS N88*50'00"W 520.96) & N28*56'40"E 281.16 FT & N88*52'51"W 267 FT (PREVIOUSLY RECORDED AS N88*53'00"W 267.00) FRM E 1/4 COR, SEC 7, TO THE POB; TH N0*06'38"W 740.89 FT; TH N88*55'50"W (PREVIOUSLY RECORDED AS N88*55'54"W) 673.98 FT; TH S0*06'38"E (PREVIOUSLY RECORDED AS S00*05'24" E) 740.31 FT; TH S88*52'51 E 673.99 FT TO POB 11.46 A+/-

ROLL CALL VOTE

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

Nays: None.

Absent: None.

MOTION CARRIED.

2018 Local Street Rehabilitation Projects.

L.J. Construction, Inc. – Payment Request #2.

161 2018 07-16

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve Payment Request #2 to L.J. Construction, Inc. in the amount of \$187,681.05 for services completed on the 2018 Local Street Rehabilitation Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

GovtPortal.com Signature Authority.

162 2018 07-16

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve and authorize the Director of Parks, Recreation & Cemetery to open an account through GovtPortal with Priority Payments, be the approved signer on the account, and sign required documents related to the new recreation software program with GovtPortal.

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

Nays: None.

Absent: None.

MOTION CARRIED.

163 2018 07-16

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the purchase of a Utility Vehicle (Project #21000) from Signature Ford, in the amount of \$30,720.00 and a Two Door Pick-up Truck (Project #21010) from Todd Wenzel Buick GMC, in the amount of \$27,573.00.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson requested Director of Parks, Recreation & Cemetery Rodney Church to announce his good news. Mr. Church indicated the Optimist Club donated \$35,000 for improvements to the playground equipment at Cramton Park.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

164 2018 07-16

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

Appoint the following board members:

Charles Dixon, Lapeer Housing Commission, term ending 8-1-2023.

James Mikus, Lapeer Neighborhoods, Inc., term ending, 8-1-2020.

Jennell RaCosta, Lapeer Neighborhoods, Inc., term ending 8-1-2020.

Anne Shenck, Planning Commission, term ending 8-1-2021.

Jennell RaCosta, Planning Commission, term ending 8-1-2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

District Library Board Appointment

165 2018 07-16

Moved by Marquardt. Seconded by Bostick-Tullius.

To Take from the Table consideration of the District Library Board appointment.

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

Nays: None.

Absent: None.

MOTION CARRIED.

District Library Board Appointment

166 2018 07-16

Moved by Marquardt. Seconded by Bennett.

Postpone consideration of the District Library Board appointment to the August 20, 2018 City Commission meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Attended 160 year Anniversary party for the police department, good tours, met the new K-9 team, had a great time.

Commissioner Bostick-Tullius: Also attended 160 year Anniversary party for the police department, it was cool, saw demos of lifting prints with Detective Gormley, a lot of officers were there with their families. Attended Youth Council meeting, they are working hard towards obtaining a bench for Veterans Park, expect to bring budget to next Commission meeting, had to keep them on target, learned about needing a quorum to vote.

Commissioner Bennett: Also attended 160 year Anniversary party for the police department, learned about DNA, you may want to wear gloves as they can pick up your DNA anywhere, was time well spent.

Commissioner Osentoski: Thanked the Optimist Club for their donation to the Parks Department; has library signs that say YES for yards for anyone wanting to put one in their yard for the library millage; questioned the Woodbridge subdivision – when are they going to move forward, is the City doing what it needs to help move this forward? City Manager Dale Kerbyson indicated he recently met with investors and the owner; a road map is laid out, just a matter of time before it begins moving forward again with condo and home structures. Mr. Kerbyson also commented the City's vacant lots are starting to attract builders for new homes.

Commissioner Marquardt: Also attended 160 year Anniversary party for the police department, very nice celebration; attended fireworks.

City Manager Dale Kerbyson: Is working of finalizing property sales; will be off the rest of the week at the Mangers Conference in Charlevoix.

Commissioner Osentoski commented on “invoices” emails that are getting worse.

Mayor Sprague: Commented on “invoices” emails and is now having someone making calls using his phone number. Update on local events. Thanked the Lapeer and Elba Fire Departments for a job well done on saving his home in a fire a week ago; thanked staff that helped him, it is a shocking event and he is so grateful for everyone that helped put the fire out and helped with his dogs.

ADJOURNMENT

167 2018 07-16

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:57 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
August 6, 2018**

A regular meeting of the Lapeer City Commission was held August 6, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

168 2018 08-06

Moved by Bennett. Seconded by Atwood.

Approve the Agenda for August 6, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

169 2018 08-06

Moved by Marquardt. Seconded by Osentoski.

Approve the minutes of a Regular Meeting held July 16, 2018 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, gave invocation.

CONSENT AGENDA

170 2018 08-06

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Consent Agenda for August 6, 2018 resulting in the following.

1. Special Event Request from Jim Riehl Friendly Automotive Group – Lapeer, Farmer Appreciation Day, Tuesday, August 7, 2018 10:00AM-2:00PM, at the Jim Riehl dealership located at 1515 South Lapeer Road.
2. Special Event Request from Project Brotherhood Resolve, Ruck for the Fallen 2018, along M-24 to City Limits, contingent upon receipt of current insurance.
3. Approve the amendments to the City of Lapeer Fee Schedule relating to the Building Department, effective August 6, 2018.

Commissioner Marquardt had questions on Item C-3 City of Lapeer Fee Schedule amendments. Mayor Sprague requested a modification of the motion to remove Item C-3 from the Consent Agenda for further discussion.

Moved by Bostick-Tullius. Seconded by Osentoski.

To amend the motion to remove Item C-3 from the Consent Agenda for further discussion.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Amended Main Motion:

Approve the Consent Agenda for August 6, 2018 resulting in the following.

1. Special Event Request from Jim Riehl Friendly Automotive Group – Lapeer, Farmer Appreciation Day, Tuesday, August 7, 2018 10:00AM-2:00PM, at the Jim Riehl dealership located at 1515 South Lapeer Road.
2. Special Event Request from Project Brotherhood Resolve, Ruck for the Fallen 2018, along M-24 to City Limits, contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.

MOTION CARRIED.

City of Lapeer Fee Schedule: Building Department Fees.

171 2018 08-06

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the amendments to the City of Lapeer Fee Schedule relating to the Building Department, effective August 6, 2018.

Commissioner Marquardt questioned several fees, felt fees were inaccurate, she reviewed it extensively, sees big increases, may be interpreting it incorrectly. Mayor Sprague stated that the Commission approved the fees which were to match CCA with no differences, if anyone feels they were charged more than what CCA charged then they could show evidence and receive a refund of the difference. Commissioner Marquardt stated questions, does not agree with this, still has more questions, not in favor of the fees presented.

ON A ROLL CALL VOTE:

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

Nays: Marquardt.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR AUGUST 6, 2018

172 2018 08-06

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Bill Listing for August 6, 2018 in the amount of \$1,867,638.06.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Charitable Gaming License: Lapeer Lightning Music Boosters

173 2018 08-06

Moved by Osenstoski. Seconded by Bostick-Tullius.

Approve the Local Governing Body Resolution for Charitable Gaming License for Lapeer Lightning Music Boosters.

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

That the request from Lapeer Lightning Music Boosters 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, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Capital Improvement Program – AED Purchase

174 2018 08-06

Moved by Marquardt. Seconded by Atwood.

Approve the purchase of four AED units from Zoll, Inc. (Project #20560) in the amount of \$5,730.00.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2018 Local Street Rehabilitation Projects

L.J. Construction, Inc. – Payment Request #3

175 2018 08-06

Moved by Bostick-Tullius. Seconded by Osenstoski.

Approve Payment Request #3 to L.J. Construction, Inc. in the amount of \$191,565.90 for services completed on the 2018 Local Street Rehabilitation Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER’S REPORT

Vacant Land - Clark Road Property: Resolution Annexing Property, Lapeer Township to the City of Lapeer.

176 2018 08-06

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the Resolution Annexing Property Lapeer Township to the City of Lapeer.

CITY OF LAPEER
RESOLUTION ANNEXING PROPERTY
Lapeer Township to the City of Lapeer

WHEREAS:

A. The City of Lapeer owns real property recorded in Liber 2964 Page 572 of the Lapeer County Registrar of Deeds that is currently within the municipal boundaries of the Lapeer Township, Lapeer County, Michigan; Parcel #44-012-009-008-10. More particularly described as:

The South ½ of the Southwest ¼ of the Southwest ¼ of Section 9, Town 7 North, Range 10 East, Lapeer Township, Lapeer County, Michigan.

Commonly known as “Vacant Land, Clark Road, Lapeer, Michigan 48446” and described in Lapeer Township Assessing Records as:

SEC 9 T7N R10E PARCEL 1 BEG AT SW COR TH N 663.54 FT TH E 1308.88 FT TH S 663.35 FT TH W 1307.72 FT TO THE POB. 19.92 AC M/L.

- B. The property is immediately adjacent to the corporate limits of the City of Lapeer.
- C. There are no registered voters within the property area.
- D. There are no businesses or proposed businesses that will be affected by the annexation that have a Michigan Liquor Control Commission license.
- E. The property is vacant and otherwise meets all the statutory requirements contained in MCL §117.9 for annexation to the City of Lapeer by resolution of the Lapeer City Commission.

BE IT RESOLVED THAT:

- 1. The property owned by the City of Lapeer and located in Lapeer Township, immediately adjacent to the Lapeer City limits, described above, is hereby annexed into the City of Lapeer pursuant to the authority of MCL §117.9.

2. A copy of this resolution be filed with the Michigan Department of State Office of the Great Seal, Lapeer County Clerk, Lapeer Township Board and Lapeer County Register of Deeds.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY ATTORNEY'S REPORT

City Attorney Michel Nolan reported on the pending medical marihuana lawsuit with 39 Genesee, Inc.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Financial Report for May 2018 and the DDA Status Report dated July 20, 2018 was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bostick-Tullius: Michigan Main Street will be in town on August 15th, meeting with the Commissioners at 5:30 p.m.; attended the Elite Dance Project Grand Opening which had a good turn out and is happy another business has opened in town.

Commissioner Osentoski: Vote tomorrow; update on White Junior High Building, Mayor Sprague indicated still in due diligence; condolences to burn family.

Commissioner Marquardt: Confidence in our law enforcement staff to find the culprits of the burn victims, thoughts/prayers go out to family; Brotherhood Resolve Walk from Lapeer to Lake Orion to support our veterans.

City Manager Dale Kerbyson: The Brotherhood Walk is a tremendous event; putting in all efforts to find out what happened and person(s) responsible for the burn victims.

Mayor Sprague: Reminded everyone of local events; condolences to burn victims, inappropriate to spread rumors on the burn incident; has total confidence in our law enforcement staff to find the person(s) responsible.

ADJOURNMENT

177 2018 08-06

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:52 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A SPECIAL MEETING
August 15, 2018**

A special meeting of the Lapeer City Commission was held August 15, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:32 p.m.

ROLL CALL

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

City Manager: Dale Kerbyson, present.

Mayor Sprague led the Pledge of Allegiance.

ADMINISTRATIVE REPORTS

Main Street Program

Representatives from Michigan Main Street and Main Street America were present and gave an update on the Main Street Program.

Commissioners reviewed and discussed the current Main Street Program.

PUBLIC COMMENTS

None.

ADJOURNMENT

The special meeting adjourned at 6:58 p.m.

Mayor William J. Sprague

Renee L. Bullen, CMC, Chief Deputy Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
August 20, 2018**

A regular meeting of the Lapeer City Commission was held August 20, 2018 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, Marquardt, Osentoski.

Absent: Bostick-Tullius (excused).

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

178 2018 08-20

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for August 20, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

MINUTES

179 2018 08-20

Moved by Marquardt. Seconded by Atwood.

Approve the minutes of a Regular Meeting held August 6, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Gar Willoughby, Drahner Road, Oxford, introduced himself as the new principal of Bishop Kelley Catholic School.

Karen Rykhus, Lapeer District Library Board member, stated the Board interviewed the three candidates interested in the vacant board position; Board is recommending Jacquie Wilson for appointment; asked the Commission to accept the Library Board's recommendation.

Patrick O'Kelly, Golfside Drive, Lapeer, commented regarding issues with on-street parking, junk cars and a driveway that was not built to subdivision standards; expressed concerns with one lane of the road being blocked when snow plows come through; suggested City enact a junk car ordinance; has a petition for the City Commission. Mayor Sprague directed Mr. O'Kelly to present the petition to the City Manager.

Brian Trombley, gave invocation.

CONSENT AGENDA

180 2018 08-20

Moved by Marquardt. Seconded by Osentoski.

Approve the Consent Agenda for August 20, 2018 resulting in the following.

1. Municipal Employees' Retirement System of Michigan Annual Meeting Attendance for Dale Kerbyson as Officer Delegate and Tracey Russell as Employee Delegate.
2. Special Event Request from Friends of the Historic Courthouse, Save the Tower, Saturday, September 8, 2018, 5:00 p.m.-11:00 p.m. and further, approve the

Resolution for the Friends of the Historic Courthouse Beer Tent for their Special Event, Save the Tower, Saturday, September 8, 2018; Contingent upon outdoor liquor license application approval from the Liquor Control Commission and receipt of current insurance.

3. Purchase fifteen Active Shooter Response kits from Galls Inc., CIP Project #20920 in the amount of \$9,749.10.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

BILL LISTING FOR AUGUST 20, 2018

181 2018 08-20

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for August 20, 2018 in the amount of \$3,083,058.45.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation: Constitution Week

182 2018 08-20

Moved by Bennett. Seconded by Atwood.

Approve a Proclamation for Constitution Week.

CITY OF LAPEER

Proclamation

Constitution Week

WHEREAS, September 17, 2018 marks the two hundred thirty-first 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, 2018 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 231st 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, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Resolution: Tilted Axis Brewing Company

183 2018 08-20

Moved by Osentoski. Seconded by Marquardt.

That the request to authorize the Titled Axis Brewing Company to use the City sidewalks, Nepessing Street and the Farmers Market Pavilion for their beer tent on Friday and Saturday, September 28 & 29, 2018 be approved.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Farmers Creek River Bank Improvements

184 2018 08-20

Moved by Marquardt. Seconded by Atwood.

Award the construction contract for the Farmers Creek River Bank Improvement Project in the amount of \$78,000.00 to McDowell Construction, L.L.C.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Boundary Transfer by JLK Enterprises, LLC between parcels L-20-30-200-040-00 and L-20-30-300-040-00.

185 2018 08-20

Moved by Osentoski. Seconded by Bennett.

Approve Resolution to Approve Boundary Transfer Request for JLK Enterprises, LLC for a Boundary Transfer Request, 205 and 209 Higgins Street and Higgins Street, vacant (parcels L-20-30-200-040-00 and L-20-30-300-040-00).

RESOLUTION TO APPROVE BOUNDARY TRANSFER REQUEST FOR

JLK Enterprises, LLC
205 and 209 Higgins Street and Higgins Street, vacant

At a regular meeting of the Lapeer City Commission on Monday, August 20, 2018, at 6:30 p.m. in the City Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan.

PRESENT: Commissioners Atwood, Bennett, Marquardt, Osentoski

ABSENT: Commissioners Bostick-Tullius

MOVED BY: Commissioner Osentoski SECONDED BY: Commissioner Bennett

WHEREAS, JLK Enterprises, LLC, owner of the property located at 205 and 209 Higgins Street, as well as a vacant parcel located on Higgins Street has filed a Boundary Transfer Request; and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Boundary Transfer Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Boundary Transfer Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.
3. That the Boundary Transfer Request is approved resulting in the following two (2) legal descriptions:

L20-30-200-040-10

vacant Higgins Street

Part of Lots 1, 2, 3, and fractional Lot 4 of Block 21 of the Northeast division of the City of Lapeer, Lapeer County, Michigan and the South ½ of vacated Clay Street lying adjacent thereto, all being part of the Northeast ¼ of Section 5, Town 7 North, Range 10 East, City of Lapeer, Lapeer County, State of Michigan, described as; Commencing at the Southeasterly Corner of Lot 1, Block 21 of said Plat; thence N.30°40'47"W., 69.11 feet along the Easterly line of Block 21 to the Point of Beginning; thence S.59°28'47"W., 154.69 feet to the Westerly line of Fractional Lot 4; thence along said Westerly line and extended, N.01°45'15"W., 91.49 feet; thence N.59°28'48"E., 110.44 feet along the centerline of vacated Clay Street to the Easterly line of Block 21 if extended; thence along said Easterly line, S.30°40'47"E., 80.20 feet to the Point of Beginning and containing 0.244 acres (10631.7 sq. ft.).

Subject to all easements, restrictions, and rights of ways of record.

L20-30-300-040-10

205/209 Higgins Street

Part of Lots 1, 2, 3, and fractional Lot 4 of Block 21 of the Northeast division of the City of Lapeer, Lapeer County, Michigan, all being part of the Northeast ¼ of Section 5, Town 7 North, Range 10 East, City of Lapeer, Lapeer County, State of Michigan, described as; Commencing at the Southeasterly Corner of Lot 1, Block 21 of said Plat; thence N.30°40'47"W., 10.00 feet along the Easterly line of Block 21 to the Point of Beginning; thence S.59°28'48"W., 187.31 feet to the Westerly line of Fractional Lot 4; thence along said Westerly line, N.01°45'15"W., 67.43 feet; thence N.59°28'48"E., 154.69 feet to the Easterly line of Block 21; thence along said Easterly line, S.30°40'47"E., 59.11 feet to the Point of Beginning and containing 0.232 acres (10108.2 sq. ft.).

Subject to all easements, restrictions, and rights of ways of record.

4. That the Boundary Transfer Request preserve all easement and master utility plans.
5. That any future site development complies with all setbacks and other applicable requirements established by the City of Lapeer Zoning Ordinance.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the City Assessor and to JLK Enterprises, LLC.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented Pocket Park funding is going well; Police Chief provided a report of police services utilized during Lapeer Days; Police Department overtime for the event was down compared to last year;

Police Chief Frisch updated the Commission on Police Department activity relating to Lapeer Days; Police responded to 33 calls within the event area; 7 arrests were made and a total of 373 Police Department hours were needed for the event.

CITY ATTORNEY'S REPORT

City Attorney Nolan reported on the most recent medical marijuana lawsuit the City was served with from FB Lapeer.

Mayor Sprague asked for the number of hours and amount of money spent defending these claims.

UNFINISHED BUSINESS

186 2018 08-20

Moved by Marquardt. Seconded by Osentoski.

Appoint Jacquie Wilson to the District Library Board, term ending 12-31-18.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental and the Investment Report for the Quarter Ended June 30, 2018 was received into record.

PUBLIC COMMENTS

Joseph Stratton, Indian Trail, Columbiaville, commented on the Save the Tower event; invited all to the event.

Patrick O'Kelly, Golfside Drive, commented the City has one of the finest Police Departments and they are very responsive to issues.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Thanked the Department of Public Works for their clean-up after the Lapeer Days event; thanked the Police and Fire departments for their work during Lapeer Days.

Commissioner Bennett: Glad to see the Police Department equipment approved for purchase tonight will be paid for by drug forfeiture funds.

Commissioner Osentoski: Thanked all City Departments that helped with Lapeer Days; encouraged all to support funding of the Pocket Park; MEDC will match funds once \$50,000 is pledged.

Commissioner Marquardt: Lapeer Days was a lot of fun; parade on Saturday was very nice.

City Manager Kerbyson: Good police presence during Lapeer Days. Commented the Parks Department does a lot of stuff for Lapeer Days, including washing and storing all the dishes used for the Optimist Club chicken dinner; City donated permit and inspection fees towards the courthouse tower restoration project.

Mayor Sprague: Reminded everyone of local events; was a pleasure to kick off Lapeer Days and the "Run Drugs Out of Town" race on Sunday; parade attendance was the largest he has seen.

ADJOURNMENT

187 2018 08-20

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

The regular meeting adjourned at 6:58 p.m.

Mayor William J. Sprague

Renee Bullen, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
September 4, 2018**

A regular meeting of the Lapeer City Commission was held September 4, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

188 2018 09-04

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Agenda for September 4, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

189 2018 09-04

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of a Special Meeting held August 15, 2018 and a Regular Meeting held August 20, 2018 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.

CONSENT AGENDA

190 2018 09-04

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Consent Agenda for September 4, 2018 resulting in the following.

1. Special Event Request from Friends of Lapeer Dog Park, Help Let the Dogs Out – Dog Park Expo, Sunday, September 30, 2018, 1:00PM-4:00PM, Rotary Park.
2. Special Event Request, Lapeer Community Schools, Homecoming Parade, Friday, September 28, 2018, 4:00PM-6:00PM, downtown area on Nepessing Street; contingent upon receipt of current insurance.
3. Special Event Request, Lapeer Community Schools, Swing Out, Thursday, June 6, 2019, 5:00PM-7:00PM, downtown area on Nepessing Street; contingent upon receipt of current insurance.
4. Special Event Request from Stone Soup Food Bank, Hunger Awareness Week, October 11-12, 2018, 9:00AM-4:00PM at various intersections throughout the City.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR SEPTEMBER 4, 2018

191 2018 09-04

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for September 4, 2018 in the amount of \$699,621.02.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation: National Rail Safety Week

192 2018 09-04

Moved by Marquardt. Seconded by Atwood.

Approve a Proclamation for National Rail Safety Week.

CITY OF LAPEER Proclamation National Rail Safety Week

WHEREAS, 2,105 rail grade crossing collisions resulted in 807 personal injuries and were responsible for 274 fatalities in the United States during 2017; and

WHEREAS, 1,027 trespassing incidents have occurred in the United States resulting in 520 pedestrians being killed and another 507 injured while trespassing on railroad property rights of way during 2017; and

WHEREAS, educating and informing the public about rail safety, reminding the public that railroad rights of ways are private property, enhancing public awareness of the dangers associated with highway rail grade crossings, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws will reduce the number of fatalities and injuries; and

WHEREAS, the International Association of Chiefs of Police, National Operation Lifesaver, United States Department of Transportation, and all local, state, county, and railroad law enforcement officers, first responders, and railroad corporations commit to partnering together in an effort to educate at a national level all aspects of railroad safety, to enforce applicable laws in support of National Rail Safety Week;

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 23 through 29, 2018 as National Rail Safety Week and encourage all citizens to recognize the importance of rail safety education.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Baldwin Road Reconstruction Project – Local Share Payment #1.

193 2018 09-04

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve Local Share Payment #1 in the amount of \$24,366.62 to the State of Michigan for construction services on the Baldwin Road Reconstruction Project (MDOT Contract #18-5055).

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

Nays: None.

Absent: None.

MOTION CARRIED.

Ordinance Amendment

Amendment – Chapter 16 (Franchise Ordinance)

Commissioner Bostick-Tullius introduced the proposed amendments to Chapter 16 (Franchise Ordinance) of the General Ordinances of the City of Lapeer.

**CHAPTER 16
FRANCHISE ORDINANCES**

16.02 CONSUMERS ENERGY COMPANY.

THE CITY OF LAPEER ORDAINS:

(A) GRANT and TERM. The CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, for a period of thirty years.

(B) CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

(C) HOLD HARMLESS. Consumers shall save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the City on account of the permission herein given, Consumers shall, upon notice, defend the City and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

(D) EXTENSIONS. Consumers shall construct and extend its gas distribution system within said City, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

(E) FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

(F) RATES and CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the City at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

(G) REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

(H) MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the City and those rules and regulations preempt any term of any ordinance of the City to the contrary.

(I) REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous gas franchise ordinance adopted by the City including any amendments.

(J) EFFECTIVE DATE. This ordinance shall take effect on November 1, 2018.

2018 Local Street Rehabilitation Project
Changer Order #1 – L.J. Construction Incorporated

194 2018 09-04

Moved by Osentoski. Seconded by Bennett.

Approve Change Order #1 from L.J. Construction Incorporated for a net decrease of \$2,601.50 revising the contract amount to \$1,295,795.60 for the 2018 Local Street Rehabilitation Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2018 Local Street Rehabilitation Project
L.J. Construction Incorporated – Payment Request #4

195 2018 09-04

Moved by Bostick-Tullius. Seconded by Bennett.

Approve Payment Request #4 to L.J. Construction Incorporated in the amount of \$343,247.87 for services completed on the 2018 Local Street Rehabilitation Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

Real Estate Purchase Agreement – City of Lapeer and the Chatfield School

196 2018 09-04

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Real Estate Purchase Agreement between the City of Lapeer and the Chatfield School for real estate commonly known as vacant land on Lake Drive, 4.58 acres more or less (as described in Exhibit A of the Agreement) in the amount of \$82,440.00 and authorize the Mayor and/or City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Real Estate Buy and Sell Agreement – City of Lapeer and Usmanoff, LLC

197 2018 09-04

Moved by Osentoski. Seconded by Marquardt.

Amend motion #113 2018 05-21, by striking the word 'Usmanov' and inserting the word 'Usmanoff'.

113 2018 05-21

Moved by Osentoski. Seconded by Marquardt.

Approve the Real Estate Buy and Sell Agreement with ~~Usmanov~~ Usmanoff LLC for vacant land on John Conley Drive, Lot #23 (part of parcel #L20-83-358-080-00) in the amount of \$200,000 and authorize the Mayor and/or City Manager to sign required documents.

Ayes: Atwood, Marquardt, Osentoski.

Nays: Bennett.

Absent: Bostick-Tullius.

MOTION CARRIED.

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

Nays: None.

Absent: None.

MOTION CARRIED.

198 2018 09-04

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve Addendum No. 1 to Real Estate Buy and Sell Agreement for Vacant Land on John Conley Drive (Portion of Lot 23), Lapeer, Michigan with Usmanoff LLC and authorize the Mayor and/or City Manager to sign required documents.

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

Nays: Bennett.

Absent: None.

MOTION CARRIED.

City Manager Kerbyson commented bids for the Teamwork project were opened today; Housing staff is reviewing bids and will ask MEDC for a 90 day extension; Commissioner Bostick-Tullius asked the reason for an extension; City Manager Kerbyson responded project details are not complete and time is needed to vet the bids; the bid has 3 parts – interior, roof and façade; fire suppression was not included in the bids; MEDC is only participating in the façade portion (50/50 grant); bid package was to indicate the bids be separated for each portion of the work but that was not done; bids need to be reviewed to determine which portion of the bid is for façade work.

CITY ATTORNEY'S REPORT

City Attorney Nolan requested a closed session to discuss pending litigation; new Court of Appeals decision states cases must be identified that will be discussed in closed session. They are as follows:

39 Genesee Inc. v. City of Lapeer

GS Lapeer, LLC and R & H Lapeer LLC v. City of Lapeer

FB Lapeer PRV LLC v. City of Lapeer

Genesee B LLC v. City of Lapeer

City of Lapeer v. Clearview Holdings LLC

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The DDA Status Report dated August 16, 2018 was received into record.

PUBLIC COMMENTS

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: None.

Commissioner Bostick-Tullius: None.

Commissioner Bennett: Thanked Ms. Adams for the prayer earlier in the meeting.

Commissioner Osentoski: Update on Pocket Park funding; \$31,000 has been raised so far; seventeen days left to donate; encouraged all to donate.

Commissioner Marquardt: Suncrest open house is September 16th from 1 PM – 3 PM; commented on federal ruling that allows political signs to be placed at any time on private property; expressed concerns regarding the Consumer's franchise ordinance; on July 9th Consumers worked on properties throughout the City, including three properties on Oregon Road, both on private property and in the right-of-way; her driveway was ripped up during this process and she was assured the area would be restored to her liking; does not feel Consumers did a good job repairing the damage; doesn't want the public thinking the Department of Public Works is doing the repairs; asked language be added to the ordinance to provide protection for residents and establish a time limit on repairs.

City Manager Kerbyson: None.

Mayor Sprague: Reviewed upcoming local events; reminded Commissioners a group photo will be taken October 1st; Commissioner Bostick-Tullius has done an outstanding job as president of the Michigan Municipal League (MML) this past year and thanked her for her service to MML and the City.

Closed Session: Pending Litigation

199 2018 09-04

Moved by Bennett. Seconded by Atwood.

Approve going into a Closed Session to discuss the following pending litigation:

39 Genesee Inc. v. City of Lapeer
GS Lapeer, LLC and R & H Lapeer LLC v. City of Lapeer
FB Lapeer PRV LLC v. City of Lapeer
Genesee B LLC v. City of Lapeer
City of Lapeer v. Clearview Holdings LLC

ON A ROLL CALL VOTE

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

Nays: None.

Absent: None.

MOTION CARRIED.

The City Commission convened to a Closed Session at 6:50 p.m. and returned to its regular meeting at 7:11 p.m.

ADJOURNMENT

200 2018 09-04

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:12 p.m.

Mayor William J. Sprague

Donna L. Cronce, MMC, City Clerk

Renee Bullen, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
September 17, 2018**

A regular meeting of the Lapeer City Commission was held September 17, 2018 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, Bostick-Tullius, Osentoski.

Absent: Commissioners Bennett (excused), Marquardt (excused).

City Manager: Dale Kerbyson, present.

City Attorney Representative: Aleksandrs Bomis, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

201 2018 09-17

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Agenda for September 17, 2018 with the following modifications:

- Deletion of Item H.1. Buy and Sell Agreement for Industrial Property – City of Lapeer and Lapeer Industrial LLC.
- Addition of Item C.5. Special Event Request from Lapeer County Community Health and Area 13 Special Olympics.
- Addition of Item G.4. Purchase and Sale Agreement for Reversionary Interest – City of Lapeer and Lapeer County EMS.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

MINUTES

202 2018 09-17

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of a Regular and Closed Session meeting held September 4, 2018 as presented.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Stephen Ruddock, Sherman Court, gave invocation.

CONSENT AGENDA

203 2018 09-17

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Consent Agenda for September 17, 2018 resulting in the following.

1. Special Event Request from Lapeer County Young Marines, Red Ribbon Week, October 23-31, 2018, placement of red ribbons on downtown lamp posts in support of drug awareness.
2. Special Event Request from St. Paul Evangelical Lutheran Church, Octoberfest, October 6, 2018, 11AM-3PM; contingent upon issuance of a temporary license from the Liquor Control Commission and upon receipt of current insurance.
3. Special Event Request from Lapeer Education Foundation, LEA 5K Fun Run, October 7, 2018, 11AM-2PM, Rowden Park; contingent upon receipt of current insurance.
4. Special Event Request from Kiwanis Club of Lapeer Cider and Donut Sale, October 18-19, 2018, 9AM-5PM, downtown on Nepessing Street at the intersections of

Saginaw, Pine and Court Streets and sidewalk area by the Post Office; contingent upon receipt of current insurance.

5. Special Event Request from Lapeer County Community Mental Health and Area 13 Special Olympics, Special Olympics Cycling Local Race, September 23, 2018, 5PM-7:30PM, Luxington Drive and Lincoln Street; contingent upon receipt of current insurance.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

BILL LISTING FOR SEPTEMBER 17, 2018

204 2018 09-17

Moved by Osentoski. Seconded by Atwood.

Approve the Bill Listing for September 17, 2018 in the amount of \$615,975.30.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Ordinance Amendment

Amendment – Chapter 16 (Franchise Ordinance)

205 2018 09-17

Moved by Bostick-Tullius. Seconded by Osentoski.

Adopt amendments to Chapter 16 (Franchise Ordinance) of the General Ordinances of the City of Lapeer.

CHAPTER 16 FRANCHISE ORDINANCES

16.01 [unchanged]

16.02 CONSUMERS POWER COMPANY.

THE CITY OF LAPEER ORDAINS:

(A) GRANT and TERM. The CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, for a period of thirty years.

(B) CONDITIONS. No highway, street, alley, bridge, or public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of highway, street, alley, bridge, or public places, for the use thereof for vehicular or pedestrian purposes. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

(C) HOLD HARMLESS. Consumers shall save the City and its officers, employees or agents free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities

hereby authorized. In case any action is commenced against the City and/or its officers, employees or agents on account of the permission herein given, Consumers shall, upon notice, defend the City and its officers, employees or agents and hold them harmless from all loss, costs and damage arising out of such negligent construction, maintenance or operation.

(D) EXTENSIONS. Consumers shall construct and extend its gas distribution system within said City, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

(E) FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

(F) RATES and CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the City at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

(G) REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

(H) MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the City and those rules and regulations preempt any term of any ordinance of the City to the contrary.

(I) REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous gas franchise ordinance adopted by the City including any amendments.

(J) EFFECTIVE DATE. This ordinance shall take effect upon publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the grantee shall accept the same in writing filed with the City Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between the City and Consumers.

ROLL CALL VOTE

Ayes: Osentoski, Atwood, Bostick-Tullius.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

Fixed Asset Disposal

206 2018 09-17

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the disposal of fixed assets as presented.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED

Land Acquisition Project Agreement for the M-24 Pedestrian Tunnel Connection – MDNR Project #TF17-0068

207 2018 09-17

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve Resolution Accepting the terms of the Land Acquisition Project Agreement (Project #TF17-0068) from the Michigan Department of Natural Resources for the M-24 Pedestrian Tunnel Connection.

BE IT RESOLVED, The City of Lapeer, Michigan does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that

the City of Lapeer does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provided **Thirty-Seven Thousand Two Hundred (\$37,200)** dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents and records to make them available to the DEPARTMENT for auditing at reasonable times in perpetuity.
3. To regulate the use of property acquired and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
4. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign the Agreement.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED

Purchase and Sale Agreement of Reversionary Interest – City of Lapeer and Lapeer County EMS

208 2018 09-17

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Purchase and Sale Agreement of Reversionary Interest between the City of Lapeer and Lapeer County EMS for property located at 106 N. Calhoun Street (as described in Exhibit A of the Agreement) in the amount of \$75,000.00 and authorize the Mayor and/or City Manager to sign required documents.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

City Attorney Representative Bomis updated Commissioners regarding ongoing litigation concerning tax collection.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports were received into record.

PUBLIC COMMENTS

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Excited to see funds come in for the Pocket Park; great team effort by community.

Commissioner Bostick-Tullius: Echoed Commissioner Atwood's comments. Thanked Jim Alt for his work on the Pocket Park funding campaign; wonderful that fundraising goal was reached.

Commissioner Osentoski: Excited about the Pocket Park; thanked all those who donated; thinks it will be a neat park and nice addition to the downtown area.

City Manager Kerbyson: He, along with City Commissioners will be attending the Michigan Municipal League Conference later this week.

Mayor Sprague: Reviewed upcoming community events; reminded Commissioners group photo is scheduled for October 1st; great job to all those that worked on the Pocket Park fundraising.

ADJOURNMENT

209 2018 09-17

Moved by Bostick-Tullius.

Adjourn the regular meeting.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

The regular meeting adjourned at 6:41p.m.

Mayor William J. Sprague

Renee Bullen, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
October 1, 2018**

A regular meeting of the Lapeer City Commission was held October 1, 2018 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 Representative: Aleksandrs Bomis, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

210 2018 10-01

Moved by Marquardt. Seconded by Osentoski.

Approve the Agenda for October 1, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

211 2018 10-01

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the minutes of a Regular meeting held September 17, 2018 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 and thanked the City for the recent repairs to Baldwin Road.

Police Chief Frisch introduced the K-9 team to the Commission.

James Alt, DDA Director, thanked the City Commission for supporting the Pocket Park; funding goal was surpassed by \$10,000.

Samuel Howard, Youth Council Treasurer, presented the Youth Council's budget. He recapped work done over the past year and provided an overview of projects and activities the Council is currently working on.

CONSENT AGENDA

212 2018 10-01

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Consent Agenda for October 1, 2018 resulting in the following.

1. Bank Resolutions and Agreements necessary for authorized signatures for City of Lapeer accounts with Chemical Bank, Lakestone Bank & Trust and Flagstar Bank.
2. Special Event Request from Downtown Development Authority, Downtown Lapeer Zombie Walk, October 13, 2018, 3PM-7PM, downtown Lapeer.
3. Special Event Request from Downtown Development Authority, Haunted Lapeer Ghost Tours, October 5, 6, 12, 13, 19, 20, 26 and 27, 2018, 7PM-10PM, downtown Lapeer.
4. Special Event Request from Red Room Social Club Emporium LLC, Semicolon Fundraiser, October 4, 5, 6 and 7, 2018, 12PM-8PM; Pine Street, south of Nepeessing Street; contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR OCTOBER 1, 2018

213 2018 10-01

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for October 1, 2018 in the amount of \$1,317,268.79.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation – In Recognition of Donna Cronce

214 2018 10-01

Moved by Bennett. Seconded by Bostick-Tullius.

Approve a proclamation in Recognition of Donna Cronce.

Proclamation in Recognition of Donna Cronce

WHEREAS, Donna L. Cronce began her career with the City of Lapeer on August 22, 1983 as a Clerk Typist within the Finance Department, was appointed Deputy City Clerk on October 20, 1986, appointed as Secretary I to the Finance Director on December 15, 1989, appointed as Office Manager-Finance Department on October 7, 1997, and appointed City Clerk effective July 15, 2002; and

WHEREAS, Donna L. Cronce, after her appointment as City Clerk, made it a priority to seek out educational opportunities, obtaining accreditation as a Certified Municipal Clerk (CMC), Certified Michigan Municipal Clerk (CMMC) and earning the distinguished title of Master Municipal Clerk (MMC), the highest level of certification in the Clerking profession; and

WHEREAS, Donna L. Cronce has been a model public servant during her tenure with the City through involvement in organizations such as HOSA, Lapeer Days Festival, March of Dimes, Michigan Association of Municipal Clerks, International Institute of Municipal Clerks, Economic Club of Lapeer and the Lapeer County Municipal Clerks Association, who bestowed upon her the prestigious Distinguished Public Servant Award in 2009; and

WHEREAS, Donna L. Cronce has been an invaluable asset to the City of Lapeer during her 35 plus years of service and has served the City with dedication, integrity and enthusiasm; and

WHEREAS, Donna L. Cronce is officially retiring on October 12, 2018 and leaves those in the City proud to have known and to have served with her; her persistence, commitment and proficiency will be missed and she is wished continued success in her retirement.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission, take this opportunity to honor and express deep appreciation to Donna L. Cronce for her outstanding achievements, contributions and devotion to public service to the City of Lapeer and its citizens and wish her well in her future endeavors and retirement.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Lead and Copper Rules Resolution

215 2018 10-01

Moved by Osentoski. Seconded by Marquardt.

Approve Resolution Condemning New Lead and Copper Rules.

CITY OF LAPEER RESOLUTION CONDEMNING NEW LEAD AND COPPER RULES

WHEREAS, the State of Michigan Department of Environmental Quality (MDEQ) filed new Lead and Copper Rules on June 14, 2018, after one year of public meetings, draft rules and changes, and public comment including strong opposition from water supply providers and municipalities; and

WHEREAS, the new rules adds responsibility to the City to replace both Public (City owned) and Private (customer owned) lead services lines; and

WHEREAS, the new rules also include replacement of galvanized service lines not previously included in the lead and copper rules, increasing the number of required lead samples, and requiring a service pipe material inventory including private services and increased public notifications and education; and

WHEREAS, MDEQ is requiring the establishment of a five percent annual replacement plan be instituted by Municipalities; and

Whereas, prior to this new rule, the City was only responsible for the public water main and property owners were responsible for the water service from the public water main to the house or building; and

WHEREAS, the estimated cost to replace one water service line on the city side is estimated at \$9,300.00, which includes cost for asphalt and cement restoration, labor, equipment, material cost, permits, and the use of contractors equating to over \$7,000,000; and

WHEREAS, City employees are not properly licensed to work on private property; and

WHEREAS, the City believes that we should support legal efforts to amend such rules; and

WHEREAS, a request for Declaratory Ruling on behalf of the Great Lakes Water Authority, Detroit Water and Sewerage Department, and Oakland County Water Resources was filed on August 13, 2018, by Miller Canfield, Paddock and Stone, PLC., with the Michigan Department of Environmental Quality alleging that the actions of the MDEQ exceeded the scope of the MDEQ's authority under state law and that the actions were arbitrary and capricious; and

WHEREAS, petitioners are requesting the filing of Concurrence by similarly situated municipalities in support of their position;

NOW THEREFORE BE IT RESOLVED that the City of Lapeer City Commissioners on behalf of the City of Lapeer approve the submission of a Concurrence with Petitioners' Request for Declaratory Ruling regarding MDEQ's Lead and Copper Rules and direct City Attorney Michael Nolan to submit the paperwork needed.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Baldwin Road Reconstruction Project – Local Share Payment #2

216 2018 10-01

Moved by Marquardt. Seconded by Bennett.

Approve Local Share Payment #2 in the amount of \$17,611.66 to the State of Michigan for construction services on the Baldwin Road Reconstruction Project (MDOT Contract #18-5055).

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

Nays: None.

Absent: None.

MOTION CARRIED

2018 Local Street Rehabilitation Project

L.J. Construction Incorporated – Payment Request #5.

217 2018 10-01

Moved by Bostick-Tullius. Seconded by Atwood.

Approve Payment Request #5 to L.J. Construction Incorporated in the amount of \$322,523.00 for services completed on the 2018 Local Street Rehabilitation Project.

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

Nays: None.

Absent: None.

MOTION CARRIED

Housing Division Public Hearing Request

218 2018 10-01

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve setting a Public Hearing on October 15, 2018 at 6:30 PM or as soon thereafter as may be heard regarding the Lapeer Team Work Project Application for Community Development Block Grant (CDBG) funding.

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

Nays: None.

Absent: None.

MOTION CARRIED

CITY MANAGER'S REPORT

Opt Out of PA 152 of 2011 for the 2019 Year

219 2018 10-01

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Resolution to Opt Out of PA 152 of 2011 for the 2019 Year.

**CITY OF LAPEER
RESOLUTION**

**Opt Out of PA 152 of 2011
January 1, 2019 through December 31, 2019**

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, 2019 through December 31, 2019 by a 2/3 vote of its governing body.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

United States Department of Agriculture (USDA) Grant and Loan Application

220 2018 10-01

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the City of Lapeer moving forward with the USDA Grant and Loan Application.

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

Nays: None.

Absent: None.

MOTION CARRIED

Buy and Sell Agreement for Industrial Property – City of Lapeer and Lapeer Industrial LLC.

221 2018 10-01

Moved by Marquardt. Seconded by Bostick-Tullius.

Rescind motion #112 2018 05-21 that approved the Buy and Sell Agreement with NLJ Investments LLC.

112 2018 05-21

Moved by Osentoski. Seconded by Marquardt.

Approve the Buy and Sell Agreement with NLJ Investments LLC for vacant land on John Conley Drive, Lot #24 (part of parcel #L20-83-358-080-00) in the amount of \$216,000 and authorize the Mayor and/or City Manager to sign required documents.

Ayes: Atwood, Marquardt, Osentoski.

Nays: Bennett.

Absent: Bostick-Tullius.

MOTION CARRIED.

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

Nays: None.

Absent: None.

MOTION CARRIED

222 2018 10-01

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Buy and Sell Agreement with Lapeer Industrial LLC for Industrial Property and Addendum for vacant land on John Conley Drive, Lot #24 (part of parcel #L20-83-358-080-00) in the amount of \$216,000 and authorize the Mayor and/or City Manager to sign the required documents.

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

Nays: Bennett.

Absent: None.

MOTION CARRIED

City Manager Kerbyson commented regarding trail work in the Industrial Park that occurred this past weekend; he thanked Ed, Jack, Pete and Josh McCreedy and Phil Foley for their work; trail work session is upcoming; City waived permit fees for the Pocket Park; hospital expansion plans have been submitted and will go before the Planning Commission for site plan approval.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports were received into record.

PUBLIC COMMENTS

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Thanked Sam Howard for presenting the Youth Council budget; he is proud of what they have accomplished and is working on recruiting new members; MML conference was a great learning experience; City faced a lot of traumatic situations in the last year; every City has issues and City needs to come up with a game plan on how to correct those issues.

Commissioner Bennett: thanked Janet Adams for invocation.

Commissioner Bostick-Tullius: Thanked everyone who attended the MML convention; convention was good and provided a lot of networking opportunities and information on private/public partnerships; yesterday's Dog Park Expo was good, hopes for better weather next year; thanked Rodney Church and the committee that puts on the Expo.

Commissioner Marquardt: was unable to attend MML convention; thanked Sam Howard for his work on the Youth Council budget.

Commissioner Osentoski: had a good time at the MML convention and learned a lot; one thing he took away from the convention is that to get things done, work needs to start at the local level with organizations partnering together to get projects completed.

City Manager Kerbyson: congratulated Sam Howard for doing a good job on the Youth Council budget; attended the MML Conference; received a lot of information that is useful for the Pocket Park project; will forward that information to DDA Director James Alt; welcomed Commissioner Bennett back after his recent illness;

Mayor Sprague: welcomed back Commissioner Bennett; asked Commissioners if they have turned in their City Manager evaluation forms; cable industry is lobbying the FCC to eliminate franchise fees, their reason being to make them more competitive with satellite and providers of other forms of entertainment; franchise fees have been part of the City budget for many years; Sam Howard did a great job on the Youth Council budget; reviewed upcoming community events; was his pleasure to tap the keg at Oktoberfest this past Friday; proud of the football team, who are undefeated this season.

ADJOURNMENT

223 2018 10-01

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:09 p.m.

Mayor William J. Sprague

Renee Bullen, Chief Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
October 15, 2018**

A regular meeting of the Lapeer City Commission was held October 15, 2018 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 Representative: Aleksandrs Bomis, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

224 2018 10-15

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Agenda for October 15, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

225 2018 10-15

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes of a Regular meeting held October 15, 2018 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

Police Chief Frisch introduced Rodney Sanderson-Smith, volunteer service coordinator for the Police and Fire Departments.

Maurice Freed, Mayfield Township, introduced himself as a candidate for the Lapeer County School Board.

Jenny Burkhardt, Wilder Road, gave invocation.

Shelly Cross, Colorado, rented PIX Theatre to show a documentary on the legalization of recreational marijuana on Wednesday, October 17th at 7:00 p.m.; event is free, invited all to come.

CONSENT AGENDA

226 2018 10-15

Moved by Marquardt. Seconded by Osentoski.

Approve the Consent Agenda for October 15, 2018 resulting in the following.

1. Special Event Request from the Lapeer Area Chamber of Commerce, Annual Christmas Parade, December 1, 2018; 11:00 a.m., Nepessing Street in the downtown area.
2. Special Event Request from the Downtown Development Authority, Annual Downtown Treat Walk, October 27, 2018, 10:00 a.m. - 2:00 p.m., in the downtown area.

3. Special Event Request from the Downtown Development Authority, Annual Winterfest and Pub Crawl, November 30th from 4:00 p.m. to 9:00 p.m., & December 1, 2018, 12:00 p.m. - 9:00 p.m. in the downtown area.
4. Special Event Request from Ray C's and Wheelin Team 457, Annual Buck Pole event, November 15, 2018, from 7:00 a.m. to 9:00 p.m. at Ray C's on M-24.
5. Set Halloween Trick or Treat Hours from 6:00 p.m. to 8:00 p.m. on Halloween night, Wednesday, October 31, 2018.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR OCTOBER 15, 2018

227 2018 10-15

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for October 1, 2018 in the amount of \$501,941.78.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

PUBLIC HEARINGS

Lapeer Housing Department.

Mayor Sprague opened the public hearing at 6:39 p.m.

Director of Housing Denise Soldenski introduced the Team Work project stating the introduction application has been submitted to MEDC with a 50/50 grant match, grant amount of \$944,600. Ann Zettle and her Team from Team Works are here for questions and/or comments. Ms. Zettle introduced her team members as: Jeff Brands, Carol Parisau, Terry Bowerman, Tony MacSoud, Jeannene & Jim Koprowksi, and Jeff VanKamp. Ms. Zettle thanked the City of Lapeer for their support, especially Denise Soldenski and Pam Reid. A fully handicap accessible facility will be in place once the project is complete. The grant has not been awarded yet, there are still a few steps to finalize and a few Federal government tests to pass. After the final budget is approved, MEDC will put out a press release indicating the City of Lapeer as the Grantee and Team Works as the Developer.

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

City Manager Dale Kerbyson commented that MEDC changed positions making it easier to move forward with the project which, to his understanding, indicates the grant will be awarded; congratulations, looking forward to the project moving forward.

228 2018 10-15

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Resolution to Approve Developer Agreement for the MEDC CDBG Lapeer Team Work Project and also Approve Resolution to Authorize the City of Lapeer to Submit a MEDC CDBG Application for the Lapeer Team Work Project.

RESOLUTION TO AUTHORIZE THE CITY OF LAPEER TO SUBMIT A MEDC CDBG APPLICATION FOR THE LAPEER TEAM WORK PROJECT

WHEREAS, the City of Lapeer has been invited by the Michigan Strategic Fund to submit a CDBG application in the amount of \$944,600; and

WHEREAS, the City of Lapeer desires to use the CDBG funds for the Lapeer Team Work Project; and

WHEREAS, the City of Lapeer commits local funds from its general fund and Building Department fund in the amount of \$50,000 general fund and \$14,658 Building Department; and

WHEREAS, the proposed project is consistent with the local community development plan as described in the Application; and

WHEREAS, at least 51% of the beneficiaries of the proposed project will be low and moderate income persons; and

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

NOW, THEREFORE, BE IT RESOLVED that the Lapeer City Commission hereby designates the Mayor as the Certifying Officer, the person authorized to sign the Michigan Economic Development Corporation CDBG Application and Grant Agreement documents, and allows the Director of Housing and Neighborhood Development or Grant Administrator as the persons authorized to sign ongoing grant documents and payment requests as necessary; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of October 15th, 2018.

RESOLUTION TO APPROVE
DEVELOPER AGREEMENT 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 Developer Agreement 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 enter a Developer Agreement with Lapeer Team Work, Inc. for the Lapeer Team Work Project; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the Mayor to sign the Developer Agreement for the City of Lapeer Housing Improvement Department grant application with MEDC for the CDBG grant funds for the Lapeer Team Work project.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Resolution to approve the HID Acceptance of the MSHDA HCV Administration Contract Extension for 2019.

229 2018 10-15

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Resolution to Approve Michigan State Housing Development Authority (MSHDA) Division of Rental Assistance and Homeless Solutions Housing Choice Voucher Program Proposal for Housing Choice Voucher Administration 2019.

RESOLUTION TO APPROVE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
DIVISION OF RENTAL ASSISTANCE AND HOMELESS SOLUTIONS
HOUSING CHOICE VOUCHER PROGRAM

PROPOSAL FOR HOUSING CHOICE VOUCHER ADMINISTRATION 2019

WHEREAS, the City of Lapeer is interested in continuing the contract with the Michigan State Housing Development Authority (MSHDA) to administer Housing Choice Vouchers for Lapeer and Tuscola Counties and Bad Axe Veteran's Administration Supportive Housing (VASH) Vouchers for the 2019 contract term in its continuing effort to improve the housing stock and provide affordable housing opportunities for the region's low and very low income HCV applicants/participants; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to sign the 2019 contract for administration of Housing Choice Vouchers for Lapeer and Tuscola Counties and Bad Axe VASH; and

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

WHEREAS, said City Commission authorizes the Director of Housing and Neighborhood Development to sign the related contractual documents; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to contract with the Michigan State Housing Development Authority's (MSHDA) Rental Assistance and Homeless Solutions Division on or after October 15th, 2018 to administer the Housing Choice Voucher program for Lapeer and Tuscola Counties and Bad Axe VASH, and authorizes the Director of Housing and Neighborhood Development to sign related contractual documents on behalf of the City of Lapeer upon receipt.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Assistance to Firefighters Grant Program.

230 2018 10-15

Moved by Bennett. Seconded by Osentoski.

Approve Resolution to Support Submission of Fire Department Grant Application for Assistance to Firefighters Grant Program and authorize the Fire Chief to sign all documentation as it relates to this grant.

Resolution to Support Submission of Fire Department Grant Application
For ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

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

WHEREAS, the Federal government has funded a grant program for this purpose; and
WHEREAS, the City of Lapeer Fire & Rescue Department would like to submit a request for funding assistance for the purchase of firefighter protective equipment and portable radios at a total cost not to exceed \$100,000; and

WHEREAS, funding for this project is proposed from a grant from the Department of Homeland Security in an amount not to exceed \$90,000 (90%) and \$10,000 (10%) from the City of Lapeer for the requested equipment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer City Commission authorizes submission of a Department of Homeland Security grant application under the Assistance to Firefighters Grant Program and commits up to \$10,000 of City funds to provide a match toward the grant application should it be awarded

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

Dark Store Legislation.

Commissioner Bennett requested an explanation on how to best to explain this donation to the citizens of Lapeer. Mr. Kerbyson indicated if a vacant store remains vacant for years due to contractual language, it affects all citizens of the community. Should this legislation pass, it could affect the whole county of Lapeer in the future. Mayor Sprague questioned if this was legal to donate to such a cause. Mr. Kerbyson indicated yes, the test is if it only benefits one person there would be an issue, however, it benefits the whole community so it is legal.

231 2018 10-15

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the City of Lapeer support the City of Escanaba in the State Tax Commission battle over the past Dark Store ruling and contribute \$2,500 towards the Escanaba legal defense fund.

ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

Confirmation of City Clerk.

232 2018 10-15

Moved by Bennett. Seconded by Atwood.

Confirm Renee Bullen as City Clerk.

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

Nays: None.

Absent: None.

MOTION CARRIED

CITY ATTORNEY'S REPORT

City Attorney Representative Aleksandrs Bomis indicated the City has been awarded a judgment on a property within the City that has been deemed an unsafe structure; action will be taken to abate the property in 21 days; a lien by the City will be placed on the property, however, the City would like to see the property owner take action to resolve this issue prior to a lien being placed.

UNFINISHED BUSINESS

233 2018 10-15

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

Appoint Glenn Alverson to the Local Officers Compensation Commission with a term ending October 1, 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED

234 2018 10-15

Appointed by Mayor Sprague. Moved by Atwood. Seconded by Osentoski.

Appoint Samuel Howard, Devin Falkenhagen, and Morgan Castle to the Youth Council with a term ending November 1, 2019.

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

Nays: None.

Absent: None.

MOTION CARRIED

235 2018 10-15

Moved by Marquardt. Seconded by Bostick-Tullius.

Appoint Renee Bullen to the Election Commission with a term ending January 1, 2019.

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

Nays: None.

Absent: None.

MOTION CARRIED

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports, Monthly Financial Report for June 2018 Pre-Audit, Monthly Financial Report for July 2018, and Housing Department - Update to 2016-2020 Goals and Objectives were received into record.

PUBLIC COMMENTS

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Thank you to Rodney Sanderson-Smith, it is a sacrifice to volunteer for such a position and he is a great soccer player.

Commissioner Bostick-Tullius: Thank you to Rodney Sanderson-Smith; congratulations to Team Works; was keynote speaker in Lansing on the importance of having a great relationship with your City Attorney and the importance of the attorney's education and advocacy on behalf of the City and is grateful that we have that with our City Attorney.

Commissioner Marquardt: Thanked Fire Chief Kluge and his team for bringing the new fire truck for viewing as well as for Saturday's Open House; is excited about the Team Work project; congratulations to Team Work, Denise Soldenski and Shelly Lincoln; this project will bring other business downtown.

City Manager Kerbyson: There is a contractor in place and ready to go for the Team Work project for when the grant is awarded; Fire Department Open House was a big success, well attended, congratulations; requested Rodney Church to announce his community build project. Director of Parks, Recreation, and Cemetery Rodney Church explained they are having a Community Build at Cramton Park to put in a new play structure in 3 days from October 25-27; looking for adult volunteers, will work 8:00 am to 4:30 pm, tools and lunch will be provided. Mr. Kerbyson stated the Asset Management update will be forthcoming; leaf collection will start November 1st; the Police, Fire, and DPW Directors will speak to Ed Tech on their careers.

Mayor Sprague: Thank you for the new fire truck viewing and open house; announced local events; was a great turnout of Nightmare on Nepeessing this past Saturday.

Closed session request to discuss the City Manager's Evaluation.

236 2018 10-15

Moved by Bennett. Seconded by Bostick-Tullius.

Approve a Closed session request to discuss the City Manager's Evaluation.

ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

Closed Session

The City Commission convened to a Closed Session for the purpose of discussing the City Manager's Evaluation at 7:02 p.m. and returned to its regular meeting at 8:13 p.m.

ADJOURNMENT

238 2018 10-15

Moved by Marquardt.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:13 p.m.

Mayor William J. Sprague

Renee Bullen, City Clerk

Tracey Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 5, 2018**

A regular meeting of the Lapeer City Commission was held November 5, 2018 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, Marquardt, Osentoski.

Absent: Commissioner Bostick-Tullius.

City Manager: Dale Kerbyson, present.

City Attorney Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

239 2018 11-05

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for November 5, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

MINUTES

240 2018 11-05

Moved by Marquardt. Seconded by Bennett.

Approve the minutes of the Regular and Closed Session meetings held October 15, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin, gave invocation.

CONSENT AGENDA

241 2018 11-05

Moved by Osentoski. Seconded by Marquardt.

Approve the Consent Agenda for November 5, 2018 resulting in the following.

1. Special Event Request from Woodside Bible Church - Fall Fest, October 28, 2018, 8:00 a.m.-6:00 p.m. at Annrook Park; contingent upon receipt of current insurance.
2. Traffic Control Orders 297 & 298.
3. Special Event Request from Lapeer Downtown Development Authority - A Girlfriends Night Out – Women’s Walk, November 15, 2018, 5:00 p.m.-9:00 p.m. in the downtown area.
4. Final costs for Special Assessment Districts 2017-01 Calhoun Street, 2017-02 Court Street and 2017-03 Demille Street.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

BILL LISTING FOR NOVEMBER 5, 2018

242 2018 11-05

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for November 5, 2018 in the amount of \$1,347,328.73.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

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

Parcels #L21-16-550-012-00 & #L21-16-550-021-00.

Commissioner Marquardt introduced the following amendment to Chapter 7 (Zoning Ordinance) Article 7.02.02(a)(16) of the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

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

Parcel # L21-16-550-012-00

CITY OF LAPEER SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION
LOT 12;

And

Parcel #L21-16-550-021-00

CITY OF LAPEER SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION
LOT 21. ANNEXED FROM TOWNSHIP IN 8/2018.

Zoning Ordinance – Text Amendments.

Commissioner Osentoski introduced the following amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer:

Accessory Building and Uses – Section 7.14.04(e)

Window Well Extension – Section 7.14.03(d)

Ambulance Service Station – Section 7.06.02 Table 7.06.1, Section 7.08.02
Table 7.08.1, Section 7.13.09, Section 7.16.02 Table 7.16.1 and Section 7.24.03.

Medical Marihuana – Sections 7.13.12 and 7.16.02.

Section 7.14 General Provisions

Section 7.14.04 Accessory Buildings and Uses

e) No detached accessory building in R- 1 through R-3, RM -1, RM -2, MHP, OS -1 and P- 1 Districts shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said district.

(1) Where the accessory buildings are structurally attached or detached to the main building it shall be required that exterior materials used be consistent with the principal building's material, in R-1 R-2, R-3, RM-1, and RM-2 Districts.

Article 7.14 General Provisions

7. 14.03 General Exceptions — Dimensional Requirements

Lapeer City Commission Regular Minutes

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Page 2

The following are exceptions to the dimensional requirements of the district regulations of this ordinance.

d) Projections into Yards

Architectural features such as cornices, eaves, gutters, fire escapes, fire towers, chimneys, platforms, and balconies, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Window Wells may extend or project into the required side yard no more than four (4) feet.

Article 7.06 BUSINESS AND OFFICE DISTRICTS

Section 7.06.02 Schedule of Uses Permitted Use (P) Special Land Use (SLU)

Table 7.06.1

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Health & Human Care & Uses					
Ambulance Service Stations	SLU	--	P	P	Sec. 7.13.09(e)

Article 7.08 INDUSTRIAL DISTRICTS

Section 7.08.02 Schedule of Uses

Table 7.08.1

Use	I-1	I-2	Additional Requirements
Health & Human Care & Uses			
Ambulance Service Stations	SLU	--	Sec. 7.13.09(e)

Article 7.13

Section 7.13.09 Health and Human Care Uses

- (e) Ambulance Service Stations
 - (1) The office, dispatch, storage, maintenance, and sleeping rooms may be included on-site.

Article 7.16 PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS

Section 7.16.02 Number of Spaces Required

Table 7.16.1 Parking Space Numeral Requirements

Health & Human Care & Uses	
Ambulance Service Stations	One space per commercial vehicle and one space per employee on the largest working shift.

Article 7.24 DEFINITIONS

Section 7.24.03 Definitions A-B

- (i) Ambulance Service Station – The transport via ambulance for medical emergencies that may operate 24 hours.

Note: All (i) to (aa) shall be renumbered in sequence to (j) to (bb)

Article 7.13 USE REQUIREMENTS

Sec. 7.13.12 Medical Marihuana Facility Uses

- (f) All medical marihuana facilities activity shall be conducted in a fully enclosed building. Outdoor display, outdoor production, outdoor sales, or outdoor storage shall not be allowed.

Article 7.16 PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS

Section 7.16.02 Required Parking Spaces

TABLE 7.16.1

Medical Marihuana Facility	
Medical Marihuana Grow Facility	One (1) space per employee in the largest working

	shift, plus two (2) additional spaces.
Medical Marihuana Processor/Processing Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Provisioning Center	1 space per 275 square feet of gross floor area including outdoor sales space.
Medical Marihuana Safety Compliance Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Secure Transporter Facility	Five (5) plus one (1) space for every one (1) employee, in the largest working shift, or five (5) spaces plus one (1) space for each 1,700 sq.ft. of UFA, whichever is the greater.

Baldwin Road - Reconstruction Project – MDOT Contract #18-5055
Local Share Payment #3.

243 2018 11-05

Moved by Atwood. Seconded by Osentoski.

Approve Local Share Payment Request #3 to the State of Michigan in the amount of \$54,095.17 for construction services on the Baldwin Road Reconstruction Project.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

MSHDA Staff Contracts.

244 2018 11-05

Moved by Marquardt. Seconded by Atwood.

Approve budgeted staff contracts for Sarah Taylor, Two T's (aka Jodi Mauk) and GH Smith (aka Shannon Smith) for the period of Jan. 1st, 2019-Dec. 31st, 2019 which coincides with the City of Lapeer/Michigan State Housing Development Authority Housing Choice Voucher Administration 2019 contract.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

DDA Executive Director Employment Agreement.

245 2018 11-05

Moved by Osentoski. Seconded by Marquardt.

Approve Employment Agreement between the City of Lapeer Downtown Development Authority and James Alt for the position of Executive Director of the Downtown Development Authority for the period of November 1, 2018 through October 31, 2019.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

McCormick Sanitary Forcemain Project (ICE Grant).

Lawrence M. Clarke, Inc. – Payment Request #1.

246 2018 11-05

Moved by Osentoski. Seconded by Atwood.

Approve Payment Request #1 to Lawrence M. Clarke, Inc. in the amount of \$423,912.60 for services completed on the McCormick Sanitary Forcemain Project.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

2018 Local Street Rehabilitation Project.
Change Order #2 – L.J. Construction Incorporated.

247 2018 11-05

Moved by Marquardt. Seconded by Osentoski.

Approve Change Order #2 from L.J. Construction, Inc. for the 2018 Local Street Rehabilitation Project which results in a net decrease to the construction contract of \$76,609.40.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

2018 Local Street Rehabilitation Projects.
L.J. Construction, Incorporated– Payment Request #6.

248 2018 11-05

Moved by Atwood. Seconded by Marquardt.

Approve Payment Request #6 to L.J. Construction, Inc. in the amount of \$79,795.14 for services completed on the 2018 Local Street Rehabilitation Projects.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Contract for Engineering Services with Rowe Professional Services Company for proposed non-motorized path.

249 2018 11-05

Moved by Atwood. Seconded by Bennett.

Approve Contract for Engineering Services between the City of Lapeer and Rowe Professional Services Company for design engineering services for the proposed non-motorized path along Genesee Street and Davison Road and authorize the Director of Parks, Recreation and Cemetery to sign the contract.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Agreement for Income Tax E-filing Services.

250 2018 11-05

Moved by Marquardt. Seconded by Osentoski.

Approve Services Agreement between the City of Lapeer and InSource Solutions Group, Inc. for income tax e-filing services and authorize the Director of Financial Services and City Manager to sign the agreement.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson informed the Commission that staff did a presentation at Ed Tech which went very well; leaf collection started November 1, 2018, info is posted on the website; November 11th is Veteran's Day; City Hall will be closed in observance on November 12th. Needs a Closed Session to discuss legal and real estate issues.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan requested a Closed Session to discuss Genesee B versus City of Lapeer lawsuit, as well as client/attorney privilege issues. Also, thanked Mayor Sprague for doing such a good job at announcing the football games and if you haven't been to a game, you need to go to hear him announce.

UNFINISHED BUSINESS

251 2018 11-05

Appointed by Mayor Sprague. Moved by Atwood. Seconded by Osentoski.

Appoint Sue Griggs to the Downtown Development Authority Center for the Arts Liaison with a term ending January 1, 2022.

Appoint Virginia Bruman to the Downtown Development Authority with a term ending January 1, 2022.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius..

MOTION CARRIED

DEPARTMENTAL COMMUNICATIONS

The Monthly Financial Report for August 2018 and the Downtown Development Authority Status Report were received into record.

PUBLIC COMMENTS

MAYOR/COMMISSIONER COMMENTS

Commissioner Osentoski: Vote tomorrow.

Commissioner Atwood: Get out and vote.

Commissioner Marquardt: Get out and vote and bring five extra people with you to vote as well. Veteran's Day is Sunday, try to attend the ceremony, the monument foundation has been set and may have statue up but won't be dedicated until the spring.

City Manager Kerbyson: The police/fire department has a new receptionist; don't forget the Planning Commission meeting on Thursday.

Mayor Sprague: Will be giving his annual Veteran's Day speech at 11:00 am on Sunday, November 11th; announced local events.

Closed session request to discuss Legal Issues.

252 2018 11-05

Moved by Bennett. Seconded by Osentoski.

Approve a Closed session request to discuss Legal Issues.

ROLL CALL VOTE:

Ayes: Bennett, Marquardt, Osentoski, Atwood.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

Closed Session

The City Commission convened to a Closed Session for the purpose of discussing Genesee B versus City of Lapeer lawsuit, as well as client/attorney privilege issues at 6:44 p.m. and returned to its regular meeting at 7:24 p.m.

ADJOURNMENT

253 2018 11-05

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius..

MOTION CARRIED

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

Mayor William J. Sprague

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
NOVEMBER 19, 2018**

A regular meeting of the Lapeer City Commission was held November 19, 2018 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 Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: Commissioner Atwood.

City Manager: Dale Kerbyson, present.

City Attorney Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

254 2018 11-19

Moved by Marquardt. Seconded by Bennett.

Approve the Agenda for November 19, 2018 as presented.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

MINUTES

255 2018 11-19

Moved by Bennett. Seconded by Osentoski.

Approve the minutes of the Regular and Closed Session meetings held November 5, 2018 as presented.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Grant Administrator Shelley Lincoln introduced Mr. & Mrs. Pekarek, winners of the Lapeer Neighborhoods, Inc. Neighborhood Improvement Contest. Mayor Sprague presented them with a certificate and a check for \$500 check.

Stephen Ruddock, Sherman Court, gave invocation.

Matt Wandrie, Superintendent of Lapeer Community Schools, thanked the City for partnering with the schools for the School Resource Officer Program and supplying two officers for safety and security for the students. He indicated Police Chief Frisch has been a true partner in this program; he appreciates all the City does for the schools.

CONSENT AGENDA

256 2018 11-19

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Consent Agenda for November 19, 2018 resulting in the following.

1. 2019 Official Meeting Calendar – City of Lapeer.

2. Fixed Asset Disposal.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

BILL LISTING FOR NOVEMBER 19, 2018

257 2018 11-19

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for November 19, 2018 in the amount of \$634,107.10.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

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

Parcels #L21-16-550-012-00 & #L21-16-550-021-00.

258 2018 11-19

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the following amendment to Chapter 7 (Zoning Ordinance) Article 7.02.02(a)(16) of the General Ordinances of the City of Lapeer:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

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

Parcel # L21-16-550-012-00

CITY OF LAPEER SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION
LOT 12;

And

Parcel #L21-16-550-021-00

CITY OF LAPEER SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION
LOT 21. ANNEXED FROM TOWNSHIP IN 8/2018.

ROLL CALL VOTE

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

Zoning Ordinance – Text Amendments.

259 2018 11-19

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the following amendment to Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer:

Accessory Building and Uses – Section 7.14.04(e)

Window Well Extension – Section 7.14.03(d)

Ambulance Service Station – Section 7.06.02 Table 7.06.1, Section 7.08.02
Table 7.08.1, Section 7.13.09, Section 7.16.02 Table 7.16.1 and Section 7.24.03.

Medical Marihuana – Sections 7.13.12 and 7.16.02

Section 7.14 General Provisions

Section 7.14.04 Accessory Buildings and Uses

e) No detached accessory building in R- 1 through R-3, RM -1, RM -2, MHP, OS -1 and P- 1 Districts shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said district.

(1) Where the accessory buildings are structurally attached or detached to the main building it shall be required that exterior materials used be consistent with the principal building's material, in R-1 R-2, R-3, RM-1, and RM-2 Districts.

Article 7.14 General Provisions

7. 14.03 General Exceptions — Dimensional Requirements

The following are exceptions to the dimensional requirements of the district regulations of this ordinance.

d) Projections into Yards

Architectural features such as cornices, eaves, gutters, fire escapes, fire towers, chimneys, platforms, and balconies, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Window Wells may extend or project into the required side yard no more than four (4) feet.

Article 7.06 BUSINESS AND OFFICE DISTRICTS

Section 7.06.02 Schedule of Uses Permitted Use (P) Special Land Use (SLU)

Table 7.06.1

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Health & Human Care & Uses					
Ambulance Service Stations	SLU	--	P	P	Sec. 7.13.09(e)

Article 7.08 INDUSTRIAL DISTRICTS

Section 7.08.02 Schedule of Uses

Table 7.08.1

Use	I-1	I-2	Additional Requirements
Health & Human Care & Uses			
Ambulance Service Stations	SLU	--	Sec. 7.13.09(e)

Article 7.13

Section 7.13.09 Health and Human Care Uses

- (e) Ambulance Service Stations
 - (1) The office, dispatch, storage, maintenance, and sleeping rooms may be included on-site.

Article 7.16 PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS

Section 7.16.02 Number of Spaces Required

Table 7.16.1 Parking Space Numeral Requirements

Health & Human Care & Uses	
Ambulance Service Stations	One space per commercial vehicle and one space per employee on the largest working shift.

Article 7.24 DEFINITIONS

Section 7.24.03 Definitions A-B

- (i) Ambulance Service Station – The transport via ambulance for medical emergencies that may operate 24 hours.

Note: All (i) to (aa) shall be renumbered in sequence to (j) to (bb)

Article 7.13 USE REQUIREMENTS

Sec. 7.13.12 Medical Marihuana Facility Uses

- (f) All medical marihuana facilities activity shall be conducted in a fully enclosed building. Outdoor display, outdoor production, outdoor sales, or outdoor storage shall not be allowed.

Article 7.16 PARKING, LOADING, ACCESS, AND CIRCULATION REQUIREMENTS

Section 7.16.02 Required Parking Spaces

TABLE 7.16.1

Medical Marihuana Facility	
Medical Marihuana Grow Facility	One (1) space per employee in the largest working shift, plus two (2) additional spaces.
Medical Marihuana Processor/Processing Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Provisioning Center	1 space per 275 square feet of gross floor area including outdoor sales space.
Medical Marihuana Safety Compliance Facility	Five (5) plus one (1) space for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Medical Marihuana Secure Transporter Facility	Five (5) plus one (1) space for every one (1) employee, in the largest working shift, or five (5) spaces plus one (1) space for each 1,700 sq.ft. of UFA, whichever is the greater.

ROLL CALL VOTE

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

Timber Sale Agreement – Woods at Oakdale.

260 2018 11-19

Moved by Osentoski. Seconded by Marquardt.

Approve City of Lapeer Woods at Oakdale – Timber Sale Agreement between the City of Lapeer and Sanilac County Hardwoods in the amount of \$72,893.00 and authorize the Director of Parks, Recreation and Cemetery to sign required documents.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

Great Lakes Water Authority - Water Service Contract, Amendment No. 2.

261 2018 11-19

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Amendment No. 2 to Water Service Contract between Great Lakes Water Authority and City of Lapeer and authorize the Mayor and City Manager to sign the agreement and any other required documents.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

CITY MANAGER’S REPORT

Sale of Property – John Conley Drive, Lot #18B.

262 2018 11-19

Moved by Osentoski. Seconded by Bostick-Tullius.

Approve Real Estate Purchase Agreement between DTE Electric Company and the City of Lapeer for vacant land on John Conley Drive, as described in Exhibit A of the Agreement, commonly known as Lot #18B (to be known as Parcel ID#L20-83-358-080-15, split from parcel #L20-83-358-080-00) in the amount of \$150,000 and authorize the Mayor and/or City Manager to sign required documents.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan reminded the Commission the motion for preliminary injunction regarding medical marijuana has been rescheduled to November 29, 2018 at 2:00 p.m. in Judge Holowka's chambers; invited all to attend.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports and the Monthly Financial Report for September 2018 were received into the record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Osentoski: Good job to City Manager Dale Kerbyson and staff for revising the OPEB actuarial; those actions saved the City \$10 million dollars.

Commissioner Bostick-Tullius: Agreed with Commissioner Osentoski's comments; great efforts to save the City money, good job.

Commissioner Marquardt: Wished all a Happy Thanksgiving; attended Veteran's Day ceremony which was nice, Mayor did a fantastic job representing the City.

City Manager Kerbyson: Happy Thanksgiving; nice picture of Commissioner Marquardt in the paper.

Mayor Sprague: Wished everyone a safe and Happy Thanksgiving; thanked those who attended the Veteran's Day celebration; recapped upcoming local upcoming events.

Closed session request to discuss City Manager Evaluation

263 2018 11-05

Moved by Bennett. Seconded by Bostick-Tullius.

Approve a Closed session request to discuss the City Manager's Evaluation.

ROLL CALL VOTE:

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

Closed Session

The City Commission convened to a Closed Session for the purpose of discussing the City Manager's Evaluation at 6:47 p.m. and returned to its regular meeting at 7:03 p.m.

264 2018 11-19

Moved by Bostick-Tullius. Seconded by Bennett.

Approve a 4% salary increase for the City Manager, effective January 1, 2019.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

ADJOURNMENT

265 2018 11-19

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: Atwood.

MOTION CARRIED.

The regular meeting adjourned at 7:04 p.m.

Mayor William J. Sprague

Renee L. Bullen, CMC, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
DECEMBER 3, 2018**

A regular meeting of the Lapeer City Commission was held December 3, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

266 2018 12-03

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for December 3, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

267 2018 12-03

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the minutes of the Regular and Closed Session meetings held November 19, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Jenny Burkhart, Wilder Road, gave invocation.

CONSENT AGENDA

None.

BILL LISTING FOR DECEMBER 3, 2018

268 2018 12-03

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for December 3, 2018 in the amount of \$631,920.32.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Annexation By Choice Resolution: Lakestone Bank & Trust

269 2018 12-03

Moved by Bostick-Tullius. Seconded by Bennett.

Approve Resolution Authorizing Annexation of Property to the City of Lapeer, Lakestone Bank and Trust.

ROLL CALL VOTE

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

In Recognition of Terrell L. Koerner

270 2018 12-03

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve Resolution in Recognition of Terrell L. Koerner.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Baldwin Road Reconstruction Project

State of Michigan – Payment Request #4

271 2018 12-03

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve Payment Request #4 to the State of Michigan in the amount of \$6,827.00 for construction services on the Baldwin Road Reconstruction Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

McCormick Sanitary Forcemain Project

Lawrence M. Clark, Inc. – Payment Request #2

272 2018 12-03

Moved by Osentoski. Seconded by Bennett.

Approve Payment Request #2 to Lawrence M. Clark, Inc. in the amount of \$517,846.50 for services completed on the McCormick Sanitary Forcemain Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Secondhand Dealer and Pawnbroker License: Cash 4 All

273 2018 12-03

Approved by Mayor Sprague. Moved by Marquardt, Seconded by Bostick-Tullius, Mayor approve a Secondhand Dealer License and Pawnbrokers License for Cash 4 All located at 773 East Street, Lapeer.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Street Vacation Request

Barry Drive, Crystal Drive and Jackson Street

274 2018 12-03

Moved by Marquardt. Seconded by Atwood.

Approve the Resolution and Notice of Hearing Street Vacation, setting a public hearing for December 17, 2018 at 6:30 p.m. or as soon thereafter as may be heard.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan informed the Commission that the hearing for 11-29-18 was canceled and that a notice of attendance was sent to all attorneys involved on the scoring issue that they are to be present in Judge Holowka's court room on January 8, 2019. Mr. Nolan stated he has no control over scheduling, however, will send out the time as soon as it is available.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The DDA Status Report dated November 20, 2018 was received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Wants to be the first to wish everyone a Merry Christmas.

Commissioner Bostick-Tullius informed the everyone that she will not be at the December 17th meeting, 1st vacation in a year and a half.

Commission Atwood wanted to know if everyone was interested in the Ugly Sweater contest?

Commissioner Marquardt commented that the parade went well and was nice on Saturday.

Mayor Sprague commented that he would not be here for the December 17th meeting and that Debbie would run the meeting; wished everyone a safe and happy holiday season, happy new year, the staff has again done an outstanding job this year and know they will finish the year out strong and everyone be safe.

ADJOURNMENT

275 2018 12-03

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:43 p.m.

Mayor William J. Sprague

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
DECEMBER 17, 2018**

A regular meeting of the Lapeer City Commission was held December 17, 2018 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Commissioners Atwood, Bennett, Marquardt, Osentoski.

Absent: Mayor Sprague (excused) and Commissioner Bostick-Tullius (excused).

City Manager: Dale Kerbyson, present.

City Attorney Representative: Aleksandrs Bomis, present.

Mayor Pro Tem Marquardt led the Pledge of Allegiance.

AGENDA APPROVAL

276 2018 12-17

Moved by Osentoski. Seconded by Bennett.

Approve the Agenda for December 17, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

MINUTES

277 2018 12-17

Moved by Bennett. Seconded by Atwood.

Approve the minutes of the Regular meeting held December 3, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

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.

CONSENT AGENDA

278 2018 12-17

Moved by Osentoski. Seconded by Atwood.

Approve the Consent Agenda for December 17, 2018 resulting in the following:

1. Purchase of two 2019 Ford Explorer utility patrol vehicles, required equipment and graphics for a total cost of \$70,954.00; funding approved through Capital Improvement Project #10470.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

BILL LISTING FOR DECEMBER 17, 2018

279 2018 12-17

Moved by Atwood. Seconded by Bennett.

Approve the Bill Listing for December 17, 2018 in the amount of \$900,312.50.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

Street Vacation Request – Barry Drive, Crystal Drive and Jackson Street.

Mayor Pro-Tem Marquardt opened the public hearing at 6:33 p.m.

Nancy Ransom, RuLane Drive, commented on the impact due to the loss of the street; residents are in the dark and do not know the plans; would like to see the layout and additional street; the unloading of trucks at the entry way to the sub makes for a very long wait and semi-trucks block the entrance from M-24, it is a very busy road.

Mike Schlusler, RuLane Drive, agreed with Ms. Ransom; he is not opposed to improvements but is concerned about the McLaren project; it is great for the community but the area is already very congested and the street is tied up when deliveries and airlifts occur; inquired about a traffic signal at the intersection near the emergency room and gas station; would like to see a site plan.

Hearing no further comments from the public, Mayor Pro Tem Marquardt closed the public hearing at 6:37 p.m.

Chris DeGood, Civil Engineer from Beckett & Raeder, Inc., gave a brief overview of the expansion project; the project conforms to the zoning ordinance and the site plan was approved by the Planning Commission in November; his client has met all requirements to move the project forward and engineering plans are being prepared; a private street will be developed by McLaren, who will be responsible for maintenance; the street will remain open to the public which is a requirement of Planning Commission approval; he will discuss helipad and loading dock access issues with his client; commented everything the public asked for tonight is already a matter of public record.

City Manager Dale Kerbyson indicated the new, private street will be the same street just moved slightly west once the houses are removed and will have a larger curve out to M-24; access will be the same as it is today; he will reach out to MDOT to inquire about a traffic signal for the entrance in this area.

Commissioner Bennett questioned if there are other private streets within the City that are open to the public. City Manager Kerbyson responded yes and cited Devonshire as an example.

Commissioner Atwood commented a traffic light would be good for pedestrian safety and traffic flow; asked how long the road would be closed for construction. Mr. DeGood replied several months but a secondary access will be available during construction.

Commissioners discussed potentially postponing this issue until the January 7, 2019 City Commission meeting in order for a presentation to be made to address residents' concerns. Mr. DeGood stated if a motion is made to postpone, he would like specific direction as to what is being requested of his client; he indicated he has a flash drive with materials that will illustrate how the streets are affected as part of the expansion project.

Presentation: McLaren Expansion Project.

280 2018 12-17

Moved by Bennett. Seconded by Osentoski.

Approved adding a presentation regarding the McLaren Expansion Project to tonight's agenda.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullilus.

MOTION CARRIED.

Chris DeGood gave a brief PowerPoint presentation of the McLaren expansion project and highlighted how streets around the hospital will be impacted and reconfigured as part of the project.

281 2018 12-17

Moved by Bennett. Seconded by Osentoski.

Approve the Street Vacation Resolution and authorize the City Clerk to sign any and all necessary documents to complete the process.

STREET VACATION RESOLUTION

RECITALS:

- A. On December 3, 2018, the Lapeer City Commission resolved that a public hearing be held on the vacation, discontinued, abolishment and/or abandonment of the streets as described below
- B. Notice of the Public Hearing was published in the December 6, 2018 edition of the LA View, a newspaper of general circulation in the City of Lapeer at least one week before said hearing.
- C. Notice of the Public Hearing was mailed via first class mail to all listed homeowners and/or property owners owning and occupying parcels of land abutting such right-of-way.
- E. A Public Hearing was held on December 17, 2018, by the City Commission where the public was able to provide testimony pertaining to the vacation, discontinued, abolishment and/or abandonment of the alley as described below.
- D. The City Commission of the City of Lapeer deems it to be in the best interest of the public that whatever interest, if any, the City of Lapeer has in the streets described below, be vacated, discontinued, abolished, and/or abandoned.

THEREFORE, IT IS REOLVED:

1. Whatever interest the City of Lapeer has, if any, in the following described property, to-wit:

That Part of Barry Drive lying south of Knollwood Drive and west of Adams Street in the Knollwood #1 Subdivision, as recorded in Liber 1, Pg 93 of the Lapeer County Register of Deeds.

Also

All of Crystal Drive and Jackson Street as identified in the Crystal Lake Subdivision Plat as recorded in Liber 520, Pg 852-857, of the Lapeer County Register of Deeds.

be and the same is hereby vacated, discontinued, abolished and/or abandoned.

2. The City Clerk is authorized to sign any additional documents besides this resolution that are necessary to reflect the vacation, discontinued, abolishment and/or abandonment of said described property.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullilus.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

Woodbridge Park Phase II Conventional Condo - Single Family Cluster.

282 2018 12-17

Moved by Atwood. Seconded by Osentoski.

Approve The Woodbridge Park Phase II Conventional Condo - Single Family Cluster development project to only go through the required site plan review process at the Planning Commission level, as required under the conventional condominium process.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullilus.

MOTION CARRIED.

Lapeer City Income Tax Ordinance Rules and Regulations.

283 2018 12-17

Moved by Osentoski. Seconded by Bennett.

Approve the revised Rules and Regulations of the Lapeer City Income Tax Ordinance as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullilus.

MOTION CARRIED.

CITY MANAGER'S REPORT

2019 ROWE Professional Services Company Planning Services Contract.

284 2018 12-17

Moved by Bennett. Seconded by Marquardt.

Approve the Contract for Planning Services for the City of Lapeer with Rowe Professional Services Company and authorize the Mayor and City Manager to sign the contract.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullilus.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

285 2018 12-17

Appointed by Mayor Pro Tem Marquardt. Moved by Osentoski. Seconded by Atwood.

Appoint the following:

Jeff Hogan, County Center Board, Term Expires 1-1-2020.

Tony Stroh-Piechowski, Downtown Development Authority, Term Expires 1-1-2023.

Bruce Cady, Downtown Development Authority, Term Expires 1-1-2023.

Emily Hall, Youth Council, Term Expires 2019/2020 School Year.

Autumn Hartwell, Youth Council, Term Expires 2019/2020 School Year.

Jeremy Thibeault, Youth Council, Term Expires 2019/2020 School Year.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullilus.

MOTION CARRIED.

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Moved by Osentoski. Seconded by Atwood.

Appoint the following:

Mary Hoffman, Board of Review, Term Expires 1-1-2022.

David Frisch, Civil Defense Coordinator, Term Expires 1-1-2020.

Jacque Wilson, District Library Board, Term Expires 12-31-2022.

Renee Bullen, Election Commission, Term Expires 1-1-2020.

Mike Nolan, Election Commission, Term Expires 1-1-2020.

Jaime Barra, Election Commission, Term Expires 1-1-2020.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullilus.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports was received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commission Atwood: Merry Christmas. Thanked staff for taking the extra steps to show the public the presentation; thanked those who attended tonight and the Planning Commission; communication is key.

Commissioner Bennett: Thanked the Commission for indulging him as we need to please the people; Merry Christmas.

Commissioner Osentoski: Merry Christmas; thanks to everyone; excited about the hospital project, it will be good for the City.

City Manager Dale Kerbyson: Merry Christmas, Happy New Year; meeting was a departure from normal procedures; thanked Tracey for setting up equipment for the presentation; is excited about the hospital project, it is a positive; glad it was not delayed.

Commissioner Marquardt: Thank you, Merry Christmas, glad it worked out; thanks to Tracey and Renee; thanked staff for all they do.

ADJOURNMENT

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Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullilus.

MOTION CARRIED.

The regular meeting adjourned at 7:19 p.m.

Mayor Pro-Tem Deborah Marquardt

Renee L. Bullen, City Clerk, CMC

Tracey S. Russell, Deputy City Clerk