

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JANUARY 19, 2016**

A regular meeting of the Lapeer City Commission was held January 19, 2016 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Sprague.
Commissioners Atwood, Bennett, Bostick-Tullius, Gates and Marquardt.
City Manager, Dale Kerbyson
City Attorney, Michael Nolan.
Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

8 2016 01-19

Moved by Gates. Seconded by Bostick-Tullius.
Approve the Agenda for January 19, 2016 as presented.

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

MOTION CARRIED.

MINUTES

9 2016 01-19

Moved by Bennett. Seconded by Gates.
Approve the minutes from a Special meeting held December 29, 2015, Regular meeting held January 4, 2016 and Workshop meeting held January 11, 2016.

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

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Jenny Burkhardt, Wilder Road, gave invocation.

CONSENT AGENDA

10 2016 01-19

Moved by Bostick-Tullius. Seconded by Marquardt.
Approve the Consent Agenda for January 19, 2016, resulting in the following:

1. Fixed Asset Disposal as presented.

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

MOTION CARRIED.

BILL LISTING FOR JANUARY 19, 2016

11 2016 01-19

Moved by Gates. Seconded by Marquardt.
Approve the Bill Listing for January 19, 2016 in the amount of \$985,935.60.

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

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Mid Valley Transportation LLC.

12 2016 01-19

Moved by Marquardt. Seconded by Gates.

Approve Mid Valley Transportation LLC for Taxi Cab License #2016-01-TAXI.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CASH 4 ALL: Secondhand Dealer License and Pawnbrokers License.

13 2016 01-19

Mayor Sprague approved. Moved by Bennett. Seconded by Marquardt.

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

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

Nays: None.

Absent: None.

MOTION CARRIED

E. Oregon Street Reconstruction Project – Flint River East to City Limits.
Local Share Payment #7.

14 2016 01-19

Moved by Marquardt. Seconded by Gates.

Approve Local Share Payment Request #7 to the State of Michigan in the amount of \$19,354.19 for the Oregon Street Reconstruction Project.

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

Nays: None.

Absent: None.

MOTION CARRIED

M-24 Reconstruction Project – Pedestrian Tunnel & Water Main Improvements.
Local Share Payment #16.

15 2016 01-19

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Local Share Payment Request #16 to the State of Michigan in the amount of \$2,424.67 for the M-24 Reconstruction Project.

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

Nays: None.

Absent: None.

MOTION CARRIED

PA 269/SB 571.

16 2016 01-19

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the City of Lapeer Resolution, Opposition To Public Act 269.

CITY OF LAPEER RESOLUTION Opposition to Public Act 269

WHEREAS, Governor Snyder signed into law, with immediate, effect Public Act 269 (Senate Bill 571) despite wide spread calls for a veto of this bill, including from members of his own party; and

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late into the night of December 16, 2015, just prior to recessing for the year; and

WHEREAS, one of the last minute amendments made to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organization, and approved without any public testimony or awareness, was the new language inserted into Section 57, subsection (3); and

WHEREAS, this new law prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election, and

WHEREAS, this law places an immediate gag order on entities with ballot questions on the March 8 ballot and every election thereafter; and

WHEREAS, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

WHEREAS, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and

WHEREAS, existing laws already provided for an allowance for elected and appointed officials to express their views without fear of violating the act; and

WHEREAS, because the new law bans only communication on *local* ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

WHEREAS, there are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Lapeer City Commission call for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that a copy of this Resolution be forwarded to representatives in the Michigan House of Representatives and the Michigan Senate.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson informed that the Goals and Objectives document would be presented at the February 1st meeting; marketing presentation to be provided February 15th at 5:30 p.m.; Kroger re-grand opening on January 27th at 9:00 a.m.; requested an Executive Session regarding real estate.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented on a request for an Executive Session.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

Monthly Departmental Reports received into record.

PUBLIC COMMENTS

Chris Duco, Don Wayne Drive, spoke on the DTE project.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Collecting bottled water as well as cash donations for Flint at 232 W. Nepeasing, will deliver it Monday to Flint.

Commissioner Bostick-Tullius: Attended Hamilton Clinic grand opening at Community Mental Health (CMH).

Commissioner Bennett: Thanked the lady for invocation; was not being disrespectful during the pledge by not standing, just was not able to stand at this time.

Commissioner Marquardt: Glad that Commissioner Atwood is collecting donations for water for Flint, will donate.

Mayor Sprague: New job and difficulty in attending openings; Hamilton Clinic is great for the City; Solar Array project is a legacy for our children and grandchildren; review audit booklets for next meeting.

Executive Session Request.

17 2016 01-19

Moved by Bennett. Seconded by Marquardt.

Approve an Executive Session to discuss real estate property.

ON A ROLL CALL VOTE.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

EXECUTIVE SESSION

The City Commission convened to an Executive Session to discuss real estate property at 6:53 p.m. and returned to its regular meeting at 7:14 p.m.

ADJOURNMENT

18 2016 01-19

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 7:15 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk