

**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