

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
June 5, 2017**

A regular meeting of the Lapeer City Commission was held June 5, 2017 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present (arrived at 6:34 p.m.).

AGENDA APPROVAL

139 2017 06-05

Moved by Bennett. Seconded by Gates.

Approve the Agenda for June 5, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

140 2017 06-05

Moved by Gates. Seconded by Bennett.

Approve the minutes from the Regular meeting held May 15, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin Road, gave invocation.

Rodney Church, Director of Parks, Recreation & Cemetery, indicated there would be a Dog Park meeting tomorrow at 6:30 p.m., Pix Theatre.

CONSENT AGENDA

141 2017 06-05

Moved by Gates. Seconded by Marquardt.

Approve the Consent Agenda for June 5, 2017 resulting in the following.

1. Special Event Request from First Baptist Church, Evening of Service at the Park, September 17, 2017, Annrook Park.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JUNE 5, 2017

142 2017 06-05

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for June 5, 2017 in the amount of \$460,403.77.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Ordinance Amendment: Chapter 20 (Business Licenses and Regulations Ordinance), Section 20.02 Taxicab License.

143 2017 06-05

Moved by Gates. Seconded by Bostick-Tullius.

Adopt the proposed amendment to Chapter 20 (Business Licenses and Regulations Ordinance), Section 20.02 Taxicab License of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

20.02 Taxicab License.
To be deleted in its entirety.

ON A ROLL CALL VOTE.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 20 ADOPTED.

Ordinance Amendment: Chapter 17 (Trailer Coach and Mobile Home Ordinance), Section 17.06 Municipal Trailer Regulations.

Commissioner Bostick-Tullius introduced the proposed amendment to Chapter 17 (Trailer Coach and Mobile Home Ordinance), Section 17.06 Municipal Trailer Regulations of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

17.06 Municipal Trailer Park Regulations

(A) thru (S) No Change.

(T) Due to the need to maintain a safe and quality municipal trailer park, the City, through its designated agent, may reject any individual trailer coach or recreational vehicle that is considered detrimental to the health, safety and welfare of others using the municipal trailer park, including, but not limited to, aesthetic considerations, and the following rules shall be applicable:

- (1) No decks, porches or storage buildings may be installed or attached;
- (2) No permanent plantings, such as trees, bushes or shrubs, are allowed;
- (3) No individual trailer coach or recreational vehicle shall be admitted, or allowed to remain within the park which is not in good repair and aesthetic condition, which includes, but is not limited to, rust, peeling paint, weather damage, broken windows, broken or compromised panels or components, or similar conditions.

(U) This Ordinance shall become effective August 1, 1969.

Stop the Great Lakes Nuclear Dump: Oppose Ontario Power Generation's proposed nuclear waste repository.

144 2017 06-05

Moved by Marquardt. Seconded by Gates.

Approve Mayor Sprague to sign a joint sign on letter to Canada's Minister of Environment and Climate Change opposing Ontario Power Generation's proposed Deep Geologic Repository; and further, support Stop The Great Lakes Nuclear Dump in their opposition of a nuclear waste repository in the Great Lakes Region.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Downtown Outdoor Dining Area Right-of-Way License: Tilted Axis Brewery.

145 2017 06-05

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Downtown Outdoor Dining Area Right-of-Way License for Tilted Axis Brewery, 303 W. Nepeessing Street.

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

Nays: None.

Absent: None.

MOTION CARRIED.

FY 2017-2018 Downtown Development Authority Operating Budget.

146 2017 06-05

Moved by Bostick-Tullius. Seconded by Gates.

Approve the FY 2017-2018 Downtown Development Authority Budget.

Mayor Sprague commented on DDA Plan and consistency to not capture dedicated millage voted in by the people, EMS did not approach therefore DDA will capture, DDA approved capturing City road millage should it be voted in, actions are contrary to precedence. Discussion held on DDA meeting, traditionally give back and not capture, very little funding for DDA, Main Street Select Level and ability to utilize services from MEDC, importance of having funds to invest in downtown, capturing only a small percent of road millage and not a slight to taxpayers, majority support by DDA members to capture. TIFA Plans state do not capture extra voted millages, DDA to capture roughly \$12,000 per year from road millage, dangerous precedence of DDA to select who they will or will not capture.

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

Nays: None.

Absent: None.

MOTION CARRIED

2017-2018 Solid Waste Licenses.

147 2017 06-05

Moved by Marquardt. Seconded by Bennett.

Approve the License for Solid Waste Collection for Republic Services, Rick Rhein Disposal, Smith's Disposal and Deerfield Disposal LLC.

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

Nays: None.

Absent: None.

MOTION CARRIED

2017 Court & Calhoun Streets Reconstruction Project.

Rowe Professional Services Co. – Construction Engineering Agreement.

148 2017 06-05

Moved by Gates. Seconded by Marquardt.

Approve the Contract for Engineering Services with ROWE Professional Services, Co. in the amount of \$129,724 for the 2017 Court & Calhoun Streets Reconstruction Project and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED

Repairs to Fire Engine

149 2017 06-05

Moved by Bostick-Tullius. Seconded by Gates.

Approve expenditures in the amount of \$76,145 for repairs to the KME 1500 GPM Pumper and authorize the City Manager and Fire Chief to sign related documents.

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

Nays: None.

Absent: None.

MOTION CARRIED

CITY MANAGER'S REPORT

City Manager Dale Kerbyson indicated it was Director of Public Works Pam Reid's birthday.

Closed Session Request.

City Manager Dale Kerbyson requested a closed session regarding a legal issue.

150 2017 06-05

Moved by Gates. Seconded by Bennett.

Approve a Closed Session for the discussion of a legal issue at the end of the regular meeting.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

Resolution Street and Sidewalk Improvement Millage.

151 2017 06-05

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Resolution Street and Sidewalk Improvement Millage.

CITY OF LAPEER
RESOLUTION
Street and Sidewalk Improvement Millage

WHEREAS, the Lapeer City Commission has determined the necessity of submitting a street and sidewalk improvement millage proposal to the electors of the City of Lapeer on the question of increasing the tax limitations of the City for street and sidewalk improvements within the City of Lapeer.

NOW, THEREFORE, BE IT RESOLVED:

1. That there be submitted to the electors of the City of Lapeer a proposal increasing the limitation on the amount of taxes assessed against all property within the City by 2 mills for a period of six years, to be used for street and sidewalk improvements within the City.
2. That such proposal be submitted at the General Election to be held on November 7, 2017 and that the ballot shall be:

**CITY OF LAPEER
STREET AND SIDEWALK
IMPROVEMENT MILLAGE**

Shall the limitation on the amount of taxes which may be assessed against all property in the City of Lapeer, County of Lapeer, State of Michigan, be increased by 2 mills (\$2.00 on each \$1,000.00) on ad valorem taxable value for a period of 6 years, 2018 through 2023, inclusive, with the funds to be used to fund street and sidewalk improvements within the corporate limits of the City of Lapeer? It is estimated that the 2 mills would raise approximately \$502,031 of additional funds when first levied in 2018. To the extent required by law, a small portion of the total revenues from the tax levy (approximately 2.4% in the first year of the levy) will be captured from the district of and disbursed to the Downtown Development Authority of the City of Lapeer.

YES NO

3. That the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit such street millage proposal to a vote of the electors as required by law.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Downtown Development Authority, DDA Status Report dated May 19, 2017 and Monthly Financial Report for April 2017 were received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Questioned if the Motor Home Park pays for itself, response by Mr. Kerbyson yes, the campground (trailer park) covers its cost.

Commissioner Gates: Aldi's Grand Opening; Memorial Dale Parade ceremony; asked on setting workshop for Building Codes, Mr. Kerbyson responded on communication with Director of Building Codes and anticipate sending dates of availability.

Commissioner Bostick-Tullius: Questioned if it is a violation of ordinances to have a camper or motor home on street, Police Chief Alexander responded 48 hours is usual length of time, to send email where occurring and will check it out; DDA Board training for Main Street; attended Art Fair downtown.

Commissioner Marquardt: Aldi's Grand Opening, Art Fair, Memorial Day Parade.

City Manager Dale Kerbyson: Aldi's Grand Opening, Art Festival.

Mayor Sprague: Upcoming events; Aldi's Grand Opening, County Press Coffee get together and personal history in community provided by Mr. Milnes; Memorial Day Parade; Commission may disagree on aspects of funding such as millage discussion but still come together and focus on the same goals; approach by Mayor's Climate Network regarding the President's withdrawal from the Paris Climate Agreement, Mayors are coming together from all over the U.S. in support of green initiatives, City of Lapeer has largest solar array this side of the Mississippi, to join in and support this commitment to continue green initiatives, request Commission support.

Support of Mayor's Climate Network

152 2017 06-05

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Mayor to join in and sign on with the Mayor's Climate Network.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Closed Session: Legal Issue

The Commission convened to a Closed Session for the purpose of discussing a legal issue at 7:03 p.m. and returned to its regular meeting at 7:30 p.m.

ADJOURNMENT

153 2017 06-05

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:31 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk