

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
July 10, 2017**

A regular meeting of the Lapeer City Commission was held July 10, 2017 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

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

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

CEREMONIAL SWEARING IN OF NEW POLICE CHIEF

Honorable Laura Cheger Barnard, 71A District Court Judge presided over the Swearing-In Ceremony of Police Chief David Frisch.

AGENDA APPROVAL

169 2017 07-10

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Agenda for July 10, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

170 2017 07-10

Moved by Gates. Seconded by Marquardt.

Approve the minutes from the Regular meeting held June 19, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin Road, gave invocation.

Karen Braschayko, Lapeer, expressed concerns on the mowing of litter after the July fireworks leaving behind microplastics which are a biohazard to animals and waterways.

Justin Dunaskiss: Update of Medical Marihuana Facilities Licensing Act (MMFLA).

Justin Dunaskiss commented on the City's approval to opt in and begin ordinance review regarding MMFLA, provided an update at State level, rules/regulations, other areas that are drafting ordinances, encouraged the City to look at drafting an ordinance, it is not necessary to wait for the State to move forward. Commissioner Bennett asked who Mr. Dunaskiss was representing, response of Evergreen Management Group.

CONSENT AGENDA

None.

BILL LISTING FOR JULY 10, 2017

171 2017 07-10

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for July 10, 2017 in the amount of \$1,178,335.74.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Bank Account City of Lapeer Dog Park: Lakestone Bank & Trust.

172 2017 07-10

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Corporate Authorizing Resolution with Lakestone Bank & Trust to open an account for the City of Lapeer Dog Park Fund.

CORPORATE AUTHORIZATION RESOLUTION

Lakestone Bank & Trust Co
PO Box 250
Lapeer MI 48446

By: City of Lapeer
Dog Park Fund
576 Liberty Park
Lapeer MI 48446-2140

RESOLUTIONS

The Corporation named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation’s account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicate on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term “automated access device” includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term “alternative signature and verification codes” includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification number (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation’s private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use or alternative signature and verification codes unless otherwise agreed in writing.

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

Nays: None.

Absent: None.

MOTION CARRIED. CORPORATE AUTHORIZING RESOLUTION DECLARED ADOPTED.

2017 Court St. & Calhoun St. Reconstruction Projects.

Payment Request #1 Rohde Brothers Excavating, Inc.

173 2017 07-10

Moved by Gates. Seconded by Atwood.

Approve Payment Request #1 from Rohde Brothers Excavating, Inc. in the amount of \$163,589.40 for the 2017 Court Street and Calhoun Street Reconstruction Project.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Housing Improvement Division: U.S. Department of Agriculture Rural Development (USDA RD) Housing Preservation Grant Application.

Shelley Lincoln, Housing Grant Administrator with Lapeer Housing Division provided an overview of the request for application, program and grant info.

174 2017 07-10

Moved by Marquardt. Seconded by Gates.

Approve the Resolution United States Department of Agricultural Rural Development (USDSA RD) Housing Preservation Grant City of Lapeer Housing Improvement Grant Application.

RESOLUTION TO APPROVE
UNITED STATE DEPARTMENT OF AGRICULTURE
URAL DEVELOPMENT (USDA RD)
HOUSING PRESERVATION GRANT
CITY OF LAPEER HOUSING IMPROVEMENT GRANT APPLICATION

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

WHEREAS, the Lapeer City Commission supports the recommendation of the City of Lapeer Housing Improvement Department to apply for \$50,000 through the United States Department of Agriculture Rural Development (USDA RD) Housing Preservation Grant for City of Lapeer Housing Improvement Grant; and

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

WHEREAS, said City Commission held a public comment period regarding the proposed City of Lapeer Housing Improvement Grant application; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission supports the City of Lapeer Housing Improvement Department to submit the application for funding through the United State Department of Agriculture's Rural Development Housing Preservation Grant for a City of Lapeer Housing Improvement Grant, authorizes the Mayor and Director of Housing and Neighborhood Development to sign grant related documents on behalf of the City of Lapeer, and held a public comment period regarding this housing grant on July 10th, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Electrical Contract: Mark Griessel

Mechanical and Plumbing Contract: Timothy P. Israel.

175 2017 07-10

Moved by Gates. Seconded by Bostick-Tullius.

Approve the Electrical Contract with Mark Griessel and Mechanical and Plumbing Contract with Timothy P. Israel and authorize the Mayor and City Manager to sign said contracts.

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

Nays: None.

Absent: None.

MOTION CARRIED

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on removal of house at 1177 S. Main Street without proper permits and contact with contractors/owner; theft at Community Center and restitution; request for cleaning of Gibbons Drain, receipt of petition by property owners in area and will speak with Drain Commissioner regarding request; property sold thru drug forfeiture with County, request for City funds from sale with no response, to have City Attorney contact County for City's portion of sale. Commissioner Bennett asked about drain issue at K-Mart area, Mr. Kerbyson responded on County issue and County needs to clean drains.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented on lawsuit involving Lapeer Industrial Railroad.

UNFINISHED BUSINESS

176 2017 07-10

Appointed by Mayor Sprague. Moved by Bostick-Tullius. Seconded by Atwood. Appoint Tony Stroh-Piechowski to the Downtown Development Authority for a term ending 01-01-19.

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

Nays: None.

Absent: None.

MOTION CARRIED

177 2017 07-10

Moved by Bennett. Seconded by Gates.

Appoint the following:

David Frisch Civil Defense Coordinator, term ending 01-01-18.

David Frisch Prison Liaison Committee, term ending 04-01-19.

Terry Kluge Lapeer County Central Dispatch Authority, term ending 09/2020.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Downtown Development Authority Report dated June 23, 2017 was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Coffee with Commish, cleanup downtown; volunteer application and streamlining info; street sweeper and cleaning of back lots, DPW Director Pam Reid responded yes, around 1st of August.

Commissioner Bennett: Thanked lady for prayer.

Commissioner Bostick-Tullius: Congratulations to Chief Frisch; graffiti issues, Rowden Park and tunnel by Chatfield; Building Workshop, would like someone from State there but to not wait if they cannot make it, have community interaction with citizens/builders, review of dates, to have workshop July 25, 2017 at 5:30 p.m. and to post and publish info. Discussion held on workshop meeting different than meeting with business owners, goal of workshop, how City is enforcing and fee schedule, review public safety codes as well, review of issues unique to Lapeer, fees charged in accordance with other communities, impression City could be allowed to have other ordinances in addition to the State, other ordinances could be more restrictive but not less than State code however City does not have more restrictive ordinances in place, City has adopted State Building Code, State interpretation of City procedure has shown City is not out of line, purpose of Building Department was to provide faster/effective service for citizens and to be less than charges by CCA, workshop should not develop into accusation of Building Official's job duties/performance, workshop to help understand process, people didn't feel they had good interaction with department, length of time to get things done and what they need to do to get something accomplished.

Commissioner Gates: Thanked everyone for coming; congratulations to Police Chief Frisch; when will Planning Commission meet on medical marihuana, response of Thursday Night and is the only agenda topic.

Commissioner Marquardt: Like to see a copy of the clean-up plan after 4th of July fireworks, Chamber event however maybe work with Chamber on this; Beautification Committee and getting this started; congratulations to Chief Frisch; will not be at next meeting.

City Manager Dale Kerbyson: Volunteer form on website, have list of projects started; graffiti is becoming a significant issue, expense to take care of, issue with prosecuting and restitution; Court Street on schedule; DeMille project completed on time; keeping track of County building project to be finished by Lapeer Days.

Mayor Sprague: upcoming events; graffiti and litter, irresponsibility of people, be aggressive in prosecution and restitution, be active on this to address issue.

ADJOURNMENT

178 2017 07-10

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

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

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk