

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
AUGUST 21, 2017**

A regular meeting of the Lapeer City Commission was held August 21, 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.

**AGENDA APPROVAL**

**203 2017 08-21**

Moved by Bennett. Seconded by Gates.

Approve the Agenda for August 21, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**204 2017 08-21**

Moved by Marquardt. Seconded by Gates.

Approve the minutes from the Workshop meeting held July 25, 2017 and the Regular meeting held August 7, 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**

Paulette Johnson, E. Park Street, asked how to formally bring a matter involving several families to the board; Mayor Sprague responded can call and speak with City Manager, public comment time or request to be on agenda.

Steve Ruddock, Sherman Court, gave invocation.

**CONSENT AGENDA**

**205 2017 08-21**

Moved by Gates. Seconded by Atwood.

Approve the Consent Agenda for August 21, 2017 as follows:

1. Special Event Request from the Lapeer County Hockey Association for View Brew Fest, September 16, 2017 at Louie's Sports Tavern.
2. Special Event Request from Lapeer Community Schools for Homecoming Parade, September 22, 2017 downtown area on Nepessing Street.
3. Special Event Request from Stone Soup Food Bank for Hunger Awareness Week, October 20 – 21, 2017 throughout various City intersections on file contingent upon receipt of current insurance.
4. Special Event Request from Center for the Arts of Greater Lapeer for Oktoberfest, September 23, 2017, Center for the Arts building, Court Street between Nepessing and north to alley.
5. Special Event Request from Lapeer Community Schools for Swing Out, June 7, 2018, Nepessing Street.

6. Special Event Request from Lapeer Dog Park Committee for Dog Park Expo, September 24, 2017, Rotary Park.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Commissioner Marquardt asked if the Dog Park fund raiser could be explained in more detail, have info presented at future meeting.

**BILL LISTING FOR AUGUST 21, 2017**

**206 2017 08-21**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for August 21, 2017 in the amount of \$3,239,298.28.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

Ordinance Amendment: Chapter 41 (Appearance Ticket Authorization Ordinance)

**207 2017 08-21**

Moved by Bostick-Tullius. Seconded by Gates.

Adopt the amendments to Chapter 41 (Appearance Ticket Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

**CHAPTER 41  
APPEARANCE TICKET AUTHORIZATION ORDINANCE**

**41.01 SHORT TITLE**

This Ordinance shall be known and cited as the "Appearance Ticket Authorization Ordinance"

**41.02 INTENT AND PURPOSE**

It is the intent and purpose of this article to identify and authorize certain public servants of the city to issue and serve appearance tickets as provided by Public Act No. 366 of 1984 (MCL 764.9c et seq.).

**41.03 DEFINITIONS**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appearance ticket* means a complaint or written notice, on a form determined by the attorney general, state court administrator and director of the department of state police as modified with the prior approval of said state officials to accommodate local enforcement and court procedures and practices, issued and subscribed by a public servant authorized by this article, directing a designated person to appear in a designated local criminal court at a designated future time in connection with an alleged designated violation of a city ordinance for which the maximum permissible penalty does not exceed 90 days in jail and/or fine of \$500.00. This Chapter shall not apply to civil infractions written as uniform traffic citations or as authorized under the Uniform Traffic Code.

*Issue* means preparing an appearance ticket by placing on it all known and available information required on the ticket for the alleged violation and person to whom it is directed.

Serve means personal delivery or mailing by registered or certified mail, return receipt requested, delivery restricted to addressee, receipt of which is acknowledged by signature of the addressee on the return receipt.

#### **41.04 AUTHORIZED OFFICIALS**

Pursuant to MCL 764.9c (1) and (2) the city manager, building official, ordinance officer, any member of the police department or fire department, and such other officers, employees, inspectors or public servants of the city who are authorized or responsible for the enforcement of one or more city ordinances pursuant to state law, city ordinances and codes or resolutions of the City Commission, are hereby authorized to issue and serve appearance tickets when they have reasonable cause to believe that a person has violated a city ordinance, enforcement of which is the responsibility or within the authority of the public servant or applicable statute has occurred pursuant to MCL 764.9f.

#### **41.05 RESPONSIBILITY FOR ENFORCEMENT**

Except where otherwise specifically required by ordinance, any police officer, building enforcement officer or other person charged with enforcing any city ordinance as set forth in Section 41.04 above may proceed as provided in this section upon discovering a violation of a city ordinance. The officer or other person enforcing a city ordinance may issue an Appearance Ticket, otherwise known as a citation, on forms prepared by the City. Blanks on the form shall be filled in, informing the person receiving the ticket of the following information:

- 1) The date of the alleged violation.
- 2) The nature of the alleged violation, such as "driving 40 miles per hour in a 35 miles per hour zone," or "failure to obtain a building permit."
- 3) The place where the alleged violation took place.
- 4) The number of the ordinance and section violated.
- 5) A date, time and place when the matter will be heard in court.

#### **41.06 WARNING TICKET**

In lieu of issuance of an Appearance Ticket for any ordinance violation as authorized herein, any police officer or other person enforcing a city ordinance may issue a warning ticket. The warning ticket shall contain the information required in paragraphs (1) through (4) of Section 41.05 of this ordinance.

No court appearance and no fine shall be involved in any warning ticket.

#### **41.07 OTHER REMEDIES**

Nothing in this ordinance shall preclude the City or any authorized officer from proceeding by any other enforcement method.

#### **ON A ROLL CALL VOTE**

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

Nays: None.

Absent: None.

**MOTION CARRIED. AMENDMENTS TO CHAPTER 41 ADOPTED.**

A summary will be used for publication purposes.

Ordinance: Chapter 67 (Youth Council Ordinance).

Presented by: Commissioners Atwood and Bostick-Tullius.

#### **208 2017 08-21**

Moved by Atwood. Seconded by Bostick-Tullius.

Adopt the Ordinance Chapter 67 (Youth Council Ordinance) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

### **CHAPTER 67 YOUTH COUNCIL ORDINANCE**

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#### **67.01 ESTABLISHMENT AND PURPOSE.**

There is established a Youth Council, whose mission is to serve as a conduit between the local governments and their younger constituents and help create a network for the exchange of ideas between City government and youth in our community. Voice will be given to the members of the Youth Council to bring all issues, great and small, to the forefront. Conversely, the Youth Council will bring the government's voice to the youth, showing all the opportunities to enrich the youth of the City of Lapeer. Bringing youth and the government together gives both more power to better the community.

#### **67.02 MEMBERSHIP.**

The Youth Council created herein shall consist of the following members:

- (A) One non-voting, either the Mayor or a City Commissioner, shall be appointed to the Youth Council by the Mayor and approved by the City Commission for the purpose of providing guidance and direction to the Youth Council and its functions.
- (B) A minimum of 7 but no more than 11 members. Members shall be residents of the City, all of whom shall be at the time of their appointment enrolled in a secondary school and be in either their 9<sup>th</sup>, 10<sup>th</sup> or 11<sup>th</sup> grade school years and be appointed by the Mayor and approved by the City Commission. The number of members shall be determined by the Youth Council and stated within its By-Laws, Rules of Procedure.

#### **67.03 MEETINGS.**

The schedule of meetings shall be established by the majority of the membership and stated within its By-Laws, Rules and Procedures, but no less than one meeting per month.

#### **67.04 BY-LAWS, RULES AND PROCEDURES.**

The Youth Council, with assistance of the Mayor or City Commission member, will prepare By-Laws, Rules and Procedures for presentation to the City Commission for approval.

#### **67.05 OBJECTIVES AND PURPOSES.**

The objectives and purposes of the Youth Council responsibilities may include any or all of the following:

- (A) Charged with the authority and responsibility of making recommendations to the City concerning the needs and concerns of youth in the community and the appropriate means by which public and private agencies in cooperation with volunteer efforts may address such needs and concerns.
- (B) All programs and activities will be sent to the City Commission for approval.
- (C) Advise the Mayor and City Commission on policy issues relating to youth and families.
- (D) Advise the Mayor and Commission on all youth matters referred to it by the Commission.
- (E) Represent youth at the regular, special or workshop meetings of the City Commission.
- (F) Represent the City of Lapeer at the Michigan Municipal League sponsoring events.

#### **67.06 BUDGET AND FINANCE.**

The Youth Council shall formulate, make recommendations for, and present to the Mayor and City Commission on an annual basis for consideration by the City

Commission an estimate of the costs and expenses necessary to carry on the work of the Youth Council by January 1<sup>st</sup> of each year. The Youth Council may also accept contributions and donations from individuals, firms, corporations or other sources.

#### **67.07 CONSULTATION WITH OTHER AGENCIES.**

The Youth Council may solicit the help of other public agencies and higher educational institutions, as well as private organizations and agencies, concerned with the educational, recreational, social and cultural needs of the youth of the City in its efforts to fulfill its duties as described herein.

#### **ON A ROLL CALL VOTE**

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

Nays: None.

Absent: None.

**MOTION CARRIED ORDINANCE DECLARED ADOPTED.**

A summary will be used for publication purposes.

#### Michigan Economic Development Corporation Presentation.

Ann Zettle from Team Work introduced Charles Donaldson with MEDC, that they (Team Work) would be the developer and the City would be the grantee of the grant, Team Work Board members, staff, architect and contractor that have been working on the project; provided a presentation on the project, divisions that include mobile work crew, retail training, employment placement services as well as GO Industries; capacity to show why it's important to receive grant as well as the ability to show long standing connection to individuals with disabilities; additional cleanup tasks completed of washing windows, painting and carpeting. Ms. Zettle indicated they purchased the building for \$350,000, to receive a commercial loan for \$944,600, City of Lapeer to provide financial support of \$64,658 for permits, sidewalks and plan review, Lapeer County Land Bank has pledged \$20,000, looking to obtain \$1+ million in grant funds to finalize project restoration of 286 W. Nepessing Street; this project is taken very seriously by the board; here to answer any questions the Commission may have.

Charles Donaldson, MEDC indicated he has been working on the project with Ms. Zettle and Housing staff; senior leadership needs to approve the letter of interest to move forward; he is excited and supportive of the project; it will be a mixed use building, creating unique spots downtown and future development; will spur other business owners to improve their business; there are additional risks as the City of Lapeer is the grantee which this project is similar to the Lapeer ICE grant; this letter is the first step of the process to move forward; commission will have other opportunities to ask questions.

Commissioner Bennett questioned if Team Work is a government entity, private company or nonprofit and where do the proceeds go? Ms. Zettle indicated Team Work is a nonprofit 501C3 organization and that all profits go back into the programs. Mr. Bennett asked if the City would also do this for Goodwill or Salvation Army or other businesses and would the City be expected to continue this kind of grant/support for those organizations, he has been a customer in the store, is the store a for-profit? Ms. Zettle responded that they are nonprofit, all profits would go back into the building, programming, salaries, bills and items like that, they train individuals with disabilities. Commissioner Gates commented that this is a wonderful program and asked how long before the project would be completed. Mr. Donaldson stated that this type of project generally is a two year term with consideration of construction, timing and other aspects of the project. Commissioner Atwood asked how many apartments will be added, Ms. Zettle responded that currently there are six apartments with five more to be added. Mr. Atwood commented that adding more housing would be a great impact, part of Main Street program was to add more apartments downtown; he understands Commissioner Bennett's points but sees the economic impact, will attract others to improve their buildings downtown.

Carol Pariseau, Board Member, commented that she has been in the community for 44 years, has been involved in many projects, variety of training and teaching our people retail training skills, work with ISD and group homes, ability to work in community and

have our people be active members of society, this can be a signature building for the downtown, a source of pride and an example to others, tremendous opportunity to show something special, the board takes this project very seriously.

Ms. Zettle commented that Denise Soldenski, Shelly Lincoln, Police Chief Frisch, Fire Chief Kluge and City Manager Dale Kerbyson have all been very helpful with the grant process and the project would not be as far along as it is; eventually the project will include a restaurant for training in food service, apartments will be a source of income for the rest of the building, plans are in place to utilize the whole building, appreciate the time, asked the City to move forward with approval of the letter of interest for the grant application, excited to be a part in the City's downtown.

Commissioner Marquardt thanked Team Work and MEDC for wanting to do this project, feels it is a wonderful opportunity, is a different organization than Salvation Army or Goodwill, it is our community and to provide opportunities, to have a whole block to fill up the town, we owe a debt of gratitude. Ms. Zettle indicated that their board is very far-sighted and invested in the community, they take this project personally and that the rest of the board members would have come to tonight's meeting but they are busy with other meetings regarding this project behind the scenes.

City Manager Dale Kerbyson commented that this project has been in process a long time and it is awesome for the City of Lapeer. The Grant will have many milestones, must meet national objectives, the City is 100% responsible for the match should something go wrong including cost over runs, environmental issues; want to make you aware of the risk, recommends certified administrator to be hired as there are many facets of Federal regulations that must be adhered to, obtain copy of insurance, have a performance bond component, as well as a development agreement for any risks; these are the basic steps; is fully in favor of the project; as the Grantee of the project, this is an approximate \$2 million project that the City is taking all the risk by signing the letter of interest today.

Mayor Sprague thanked everyone involved in the project; is excited and willing to cooperate to get the project off the ground; looking forward to working together.

#### **209 2017 08-21**

Moved by Gates. Seconded by Marquardt.

Approve the Mayor to sign the Letter of Interest by the Michigan Economic Development Corporation (MEDC) for funding from the Community Development Block Grant (CDBG) program for the Lapeer Team Works Inc. Building Façade Project located downtown Lapeer.

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 #20 – Final Payment for Water Main Improvements.**

#### **210 2017 08-21**

Moved by Bostick-Tullius. Seconded by Gates.

Approve Local Share Payment Request #20 – Final Payment to State of Michigan in the amount of \$511.54 for M-24 Reconstruction Project – Pedestrian Tunnel and Water Main Improvements.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **Request to transfer Two Capital Improvement Projects from FY 2016-2017 to FY 2017-2018, Project # 20360 and Project # 20310.**

#### **211 2017 08-21**

Moved by Gates. Seconded by Marquardt.

Approve *the Budget Adjustment as submitted which will transfer projects from FY 2016-2017 to 2017-2018 and re-appropriate funds for the following projects:*

1) *Crack Seal Project – Streets w/Paser Rating of 7 and 8, Project # 20360.*

2) *WWTP Asphalt Maintenance Micro-Seal, Project # 20310.*

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

Nays: None.

Absent: None.

MOTION CARRIED.

2018 Baldwin Road Rehabilitation Project.

Rowe Professional Services Co. - Design Engineering Agreement.

**212 2017 08-21**

Moved by Marquardt. Seconded by Gates.

Approve the Contract for Engineering Services with Rowe Professional Services Company for \$50,791 for the 2018 Baldwin Road Rehabilitation 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.

**CITY MANAGER'S REPORT**

Mr. Kerbyson gave an update to the Building Code Workshop items indicating that the Michigan Municipal Authority is wrapping up the fee analysis, bids are out for overall comparison and hope to bring to next meeting so a qualified bidder can be selected for the project; has made several calls to the State regarding issues brought up with no response, will be calling the State Representative as this is unacceptable.

**CITY ATTORNEY'S REPORT**

City Attorney Michael Nolan commented on the MEDC/Team Work project, great project for the City and community.

**UNFINISHED BUSINESS**

**213 2017 08-21**

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

To initially appoint the following to the Youth Council Applicant Committee.

Police Chief David Frisch

Fire Chief Terry Kluge

Lapeer Schools Matt Wandrie or designee

City Commissioner Joshua Atwood

View Newsgroup Representative Jeff Hogan

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

Nays: None.

Absent: None.

MOTION CARRIED.

**DEPARTMENTAL COMMUNICATIONS**

Departmental Monthly Reports for was received into record.

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Questioned the TIFA open board seat, would this person be responsible for making decision for captured funds? Mayor Sprague indicated yes.

Commissioner Gates: Attended the Planning Commission meeting, they are working hard on the MMFLA ordinance; MEDC/Team Work project will be an asset to the City; glad Lapeer Days are over, great job in clean up; thank DPW, Police and Fire for keeping everyone safe.

Commissioner Bostick-Tullius: Happy new Youth Council ordinance is in place, hopes to get something going in the next couple of weeks.

City Manager Dale Kerbyson: Referred to a Flyer that was distributed asking for volunteers to help cut costs to create a new bike/hiking trail, involvement by Peter McCreedy and grant funding to develop trails, DTE and Inovateus Solar will volunteer

man power, TIFA will commit funding, Trail Day is September 9<sup>th</sup>, Commissioner Atwood will vide via drone for our website, trails will link into Oakland County.

Mayor Sprague: Upcoming events; thanks to everyone for cooperation on Lapeer Days, 1<sup>st</sup> one for Police Chief Frisch, as Chief with Police Chief Frisch responding very few incidents, nothing out of control, great job to DPW, Police and Fire; City staff and to keep in mind that we (Commission) are not spreading them to thin, several projects and extra work being requested, to not over-burden staff.

**ADJOURNMENT**

**214 2017 08-21**

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 7:16 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, MMC, City Clerk

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Tracey S. Russell, Deputy City Clerk