

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
September 17, 2018**

A regular meeting of the Lapeer City Commission was held September 17, 2018 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, Bostick-Tullius, Osentoski.

Absent: Commissioners Bennett (excused), Marquardt (excused).

City Manager: Dale Kerbyson, present.

City Attorney Representative: Aleksandrs Bomis, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

201 2018 09-17

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Agenda for September 17, 2018 with the following modifications:

- Deletion of Item H.1. Buy and Sell Agreement for Industrial Property – City of Lapeer and Lapeer Industrial LLC.
- Addition of Item C.5. Special Event Request from Lapeer County Community Health and Area 13 Special Olympics.
- Addition of Item G.4. Purchase and Sale Agreement for Reversionary Interest – City of Lapeer and Lapeer County EMS.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

MINUTES

202 2018 09-17

Moved by Osentoski. Seconded by Atwood.

Approve the minutes of a Regular and Closed Session meeting held September 4, 2018 as presented.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Stephen Ruddock, Sherman Court, gave invocation.

CONSENT AGENDA

203 2018 09-17

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve the Consent Agenda for September 17, 2018 resulting in the following.

1. Special Event Request from Lapeer County Young Marines, Red Ribbon Week, October 23-31, 2018, placement of red ribbons on downtown lamp posts in support of drug awareness.
2. Special Event Request from St. Paul Evangelical Lutheran Church, Octoberfest, October 6, 2018, 11AM-3PM; contingent upon issuance of a temporary license from the Liquor Control Commission and upon receipt of current insurance.
3. Special Event Request from Lapeer Education Foundation, LEA 5K Fun Run, October 7, 2018, 11AM-2PM, Rowden Park; contingent upon receipt of current insurance.
4. Special Event Request from Kiwanis Club of Lapeer Cider and Donut Sale, October 18-19, 2018, 9AM-5PM, downtown on Nepessing Street at the intersections of

Saginaw, Pine and Court Streets and sidewalk area by the Post Office; contingent upon receipt of current insurance.

5. Special Event Request from Lapeer County Community Mental Health and Area 13 Special Olympics, Special Olympics Cycling Local Race, September 23, 2018, 5PM-7:30PM, Luxington Drive and Lincoln Street; contingent upon receipt of current insurance.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

BILL LISTING FOR SEPTEMBER 17, 2018

204 2018 09-17

Moved by Osentoski. Seconded by Atwood.

Approve the Bill Listing for September 17, 2018 in the amount of \$615,975.30.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Ordinance Amendment

Amendment – Chapter 16 (Franchise Ordinance)

205 2018 09-17

Moved by Bostick-Tullius. Seconded by Osentoski.

Adopt amendments to Chapter 16 (Franchise Ordinance) of the General Ordinances of the City of Lapeer.

CHAPTER 16 FRANCHISE ORDINANCES

16.01 [unchanged]

16.02 CONSUMERS POWER COMPANY.

THE CITY OF LAPEER ORDAINS:

(A) GRANT and TERM. The CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, for a period of thirty years.

(B) CONDITIONS. No highway, street, alley, bridge, or public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of highway, street, alley, bridge, or public places, for the use thereof for vehicular or pedestrian purposes. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

(C) HOLD HARMLESS. Consumers shall save the City and its officers, employees or agents free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities

hereby authorized. In case any action is commenced against the City and/or its officers, employees or agents on account of the permission herein given, Consumers shall, upon notice, defend the City and its officers, employees or agents and hold them harmless from all loss, costs and damage arising out of such negligent construction, maintenance or operation.

(D) EXTENSIONS. Consumers shall construct and extend its gas distribution system within said City, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

(E) FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

(F) RATES and CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the City at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

(G) REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

(H) MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the City and those rules and regulations preempt any term of any ordinance of the City to the contrary.

(I) REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous gas franchise ordinance adopted by the City including any amendments.

(J) EFFECTIVE DATE. This ordinance shall take effect upon publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the grantee shall accept the same in writing filed with the City Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between the City and Consumers.

ROLL CALL VOTE

Ayes: Osentoski, Atwood, Bostick-Tullius.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

Fixed Asset Disposal

206 2018 09-17

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the disposal of fixed assets as presented.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED

Land Acquisition Project Agreement for the M-24 Pedestrian Tunnel Connection – MDNR Project #TF17-0068

207 2018 09-17

Moved by Bostick-Tullius. Seconded by Osentoski.

Approve Resolution Accepting the terms of the Land Acquisition Project Agreement (Project #TF17-0068) from the Michigan Department of Natural Resources for the M-24 Pedestrian Tunnel Connection.

BE IT RESOLVED, The City of Lapeer, Michigan does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that

the City of Lapeer does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provided **Thirty-Seven Thousand Two Hundred (\$37,200)** dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents and records to make them available to the DEPARTMENT for auditing at reasonable times in perpetuity.
3. To regulate the use of property acquired and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
4. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

BE IT FURTHER RESOLVED that the City Manager is authorized to sign the Agreement.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED

Purchase and Sale Agreement of Reversionary Interest – City of Lapeer and Lapeer County EMS

208 2018 09-17

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Purchase and Sale Agreement of Reversionary Interest between the City of Lapeer and Lapeer County EMS for property located at 106 N. Calhoun Street (as described in Exhibit A of the Agreement) in the amount of \$75,000.00 and authorize the Mayor and/or City Manager to sign required documents.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED

CITY MANAGER’S REPORT

None.

CITY ATTORNEY’S REPORT

City Attorney Representative Bomis updated Commissioners regarding ongoing litigation concerning tax collection.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports were received into record.

PUBLIC COMMENTS

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Excited to see funds come in for the Pocket Park; great team effort by community.

Commissioner Bostick-Tullius: Echoed Commissioner Atwood’s comments. Thanked Jim Alt for his work on the Pocket Park funding campaign; wonderful that fundraising goal was reached.

Commissioner Osentoski: Excited about the Pocket Park; thanked all those who donated; thinks it will be a neat park and nice addition to the downtown area.

City Manager Kerbyson: He, along with City Commissioners will be attending the Michigan Municipal League Conference later this week.

Mayor Sprague: Reviewed upcoming community events; reminded Commissioners group photo is scheduled for October 1st; great job to all those that worked on the Pocket Park fundraising.

ADJOURNMENT

209 2018 09-17

Moved by Bostick-Tullius.

Adjourn the regular meeting.

Ayes: Atwood, Bostick-Tullius, Osentoski.

Nays: None.

Absent: Bennett, Marquardt.

MOTION CARRIED.

The regular meeting adjourned at 6:41p.m.

Mayor William J. Sprague

Renee Bullen, Chief Deputy City Clerk