

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
OCTOBER 2, 2017**

A regular meeting of the Lapeer City Commission was held October 2, 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: Representative Denis McCarthy, present.

**AGENDA APPROVAL**

**239 2017 10-02**

Moved by Gates. Seconded Bennett.

Approve the Agenda for October 2, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**240 2017 10-02**

Moved by Bennett. Seconded by Gates.

Approve the minutes from the Regular meeting held September 18, 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**

Mayor Sprague commented on the LasVegas tragedy, efforts of police and first responders, thoughts and prayers to families that have lost loved ones and those injured.

**DTE Presentation: Carla Gribbs.**

Ms. Gribbs, DTE Regional Manager, thanked the Commission and acknowledge the partnership with Lapeer regarding the solar array which would not be possible without the strong support of Lapeer leaders and employees who worked tirelessly behind the scenes; in operation in May 2017, nearly 200,000 solar panels on 250 acres, largest in State of Michigan, largest east of the Mississippi, generates clean, emission free energy to power 11,000 homes; DTE long-term plans, \$2B of investment in wind and solar resources; Broad Sustainability Plan, reduce 80% of carbon emission by 2050, closure of coal fire plants; Lapeer has been tipping point in solar power clean emission; hope City is as proud as she is, passed out portfolios to Commission; Open House scheduled for October 14, 2017 from 11 to 4, rsvp online at [lapeersolar.app.rsvpify.com](http://lapeersolar.app.rsvpify.com); parking available at Mott with shuttle service. Ms. Gribbs presented the Mayor with a plaque picturing the Lapeer Solar Array area and expressed thanks to all for the project.

**Bernadette Treece: Respond to letter received from City Manager.**

Ms. Treece commented attending 09-18-17 meeting expressing concerns under public comments, letter received in response to concerns, good to know that when citizens have concerns they are addressed; building permit and inspections, concern of cost for permit of \$354 and minimal inspection, letter advised of 5 inspections and aware of only 3, were additional visits the usual or done because of concern expressed; text

conversation between Mr. Kerbyson and Kevin Daley, find this upsetting, should have brought concerns to her husband or her, conversation suggests they were doing something dishonest; feels citizens charged too much for permits and following inspections are usually minimal, suggest study being done continue, builders hesitate to do work in the city because of those issues; Louis C Cramton Street between Washington/Madison Streets be made a one-way street, neighbor Stephanie Calvert also expressed concerns, traffic volume and speed of traffic and safety of intersection, discrepancies between letter and facts on home and their residency, voiced concerns in past on parking, not want to see all parking disappear, Chief Frisch open to suggestion, traffic study be done after construction on Calhoun, speak with bus garage and ambulance on use of street, grateful for review of street; home in DDA District, unaware of how DDA dollars are collected and spent, appreciate information, when suggested improvement of road not have a rebuild/resurfacing but filling in of potholes; thank you for allowing time to address.

Janet Adams, Baldwin Road, gave invocation.

Dan Osentoski, Jefferson Street, asked if City has hired a consultant regarding the Building Department permits/fees, response by City Manager Dale Kerbyson yes, study returned, consultant in process of reviewing department actions, hope to have report by end of the month.

## **CONSENT AGENDA**

### **241 2017 10-02**

Moved by Marquardt. Seconded by Gates.

Approve the Consent Agenda for October 2, 2017 resulting in the following.

1. Special Event Request from Woodside Bible Church-Lapeer, Harvestfest, October 22, 2017, Annrook Park, contingent upon receipt of current insurance.
2. Special Event Request from Kiwanis Club of Lapeer, Annual Cider Sale, downtown on Nepessing Street at the intersections of Saginaw/Pine/Court Streets and sidewalk area by the Post Office, October 19 and 20, 2017, contingent upon receipt of current insurance.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

## **BILL LISTING FOR OCTOBER 2, 2017**

### **242 2017 10-02**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for October 2, 2017 in the amount of \$1,121,335.09.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Secondhand Dealer License: Use It Again Tools.

### **243 2017 10-02**

Approved by Mayor Sprague. Moved by Gates. Seconded by Atwood.

Approve a Secondhand Dealer License for Use It Again Tools, LLC located at 35 S. Court Street, Lapeer.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

2017 Court St. & Calhoun St. Reconstruction Projects.  
Rohde Brothers Excavating, Inc. – Payment Request #4.

**244 2017 10-02**

Moved by Bennett. Seconded by Gates.

Approve Payment Request #4 from Rohde Brothers Excavating, Inc. in the amount of \$193,368.10 for the 2017 Court St. & Calhoun St. Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

Opt Out of PA 152 of 2011 for the 2018 Year.

**245 2017 10-02**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Resolution to Opt Out of PA 152 of 2011 for the 2018 Year.

CITY OF LAPEER  
RESOLUTION

Opt Out of PA 152 of 2011  
January 1, 2018 through December 31, 2018

WHEREAS, the Publicly Funded Health Insurance Contribution Act, PA 152 of 2011 places limits on the amount a public employer can pay for employee medical plans; and

WHEREAS, pursuant to this Act, the City of Lapeer is exercising the option to exempt itself from the requirements of the Act for the next succeeding year as authorized under MCL 15.568 (et. seq.); and

WHEREAS, the City of Lapeer by exercising the option to exempt itself shall in no way limit the ability to continue to examine the law and review interests of all involved at any time.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Lapeer City Commission exercises the option to be exempt from the requirements of PA 152 of 2011 at this time for the year beginning January 1, 2018 through December 31, 2018 by a 2/3 vote of its governing body.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Various Matters.

City Manager Dale Kerbyson requested a Closed Session at the end of the regular meeting to discuss legal issues.

**246 2017 10-02**

Moved by Gates. Seconded by Bostick-Tullius.

Approve a Closed Session at the end of the regular meeting to discuss legal issues.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED.

**CITY ATTORNEY'S REPORT**

None.

## **PUBLIC COMMENTS**

None.

## **UNFINISHED BUSINESS**

### **247 2017 10-02**

Moved by Marquardt. Seconded by Gates.

Appoint Carol Fischhaber to Center for the Arts of Greater Lapeer, term ending 10-01-20.

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

Nays: None.

Absent: None.

**MOTION CARRIED**

## **DEPARTMENTAL COMMUNICATIONS**

DDA Status Report, September 19, 2017, Monthly Financial Report for June 2017 and Monthly Financial Report for July 2017 were received into record.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Apologize to Police Chief, dinner honoring police/elected officials, others were in attendance, didn't recognize because not in uniform, asked if way to meet our police officers maybe through open house, felt embarrassed because did not recognize our officers; Thank you for plaque on back of name plates reading "How does this decision affect our community?"; Thank you for lady from Louis Cramton Street, will review letter.

Commissioner Gates: Thank you Ms. Treece for coming and sharing what is going on; status of ordinance for MMFLA direction, response by Mayor Sprague Planning Commission approved all 5 forms in City, map overlay completed, next Planning Commission meeting expect to receive language to go through and revise. Commissioner Bostick-Tullius indicated possible meeting with City/Planning Commission to review concerns. Mayor Sprague commented on buffer zones, removal of trails from park system and still some issues to go through.

Commissioner Atwood: Coffee with Commission and clean-up edition, cigarette butts and debris clean-up in front/back of buildings, trash is back again, Jim Alt will send email to owners and ask if they will help sweep/clean-up areas near buildings.

Commissioner Bostick-Tullius: Youth Council application deadline, to pick up applications at schools; follow-up with Commissioner Bennett idea, possibly host small reception for police officers, City Manager Dale Kerbyson to follow-up with Chief Frisch.

Commissioner Marquardt: Asked Commissioner Atwood if cigarette butts/trash was scattered or in a pile, Commissioner Atwood responded scattered in front of businesses, possibly place decent looking cigarette dispensers, she is now a non-smoker; Dog Park event and to have access to baggies for waste in downtown area, Mr. Kerbyson responded there were a couple near Sams, pavilion and Sherwin Williams; noticed trash on trails as well; car break-ins and had occurrence with her vehicle, citizens should lock their cars.

City Manager Dale Kerbyson commented on culmination of Fire Prevention Week where Fire Department will host Annual Open House October 15<sup>th</sup>; disappointed in how a private, joking as well as taken out of context email was handled and assured everyone it was a joking conversation.

Mayor Sprague: Upcoming events, November 11<sup>th</sup> Veterans Day. Noticed lady in audience wanting to speak and would recognize her.

Jacque Piechowski indicated she missed public comments and apologized, postcard invite to The Great Pumpkin Ask event, artificial pumpkins provided by Funkins to be

decorated and on display downtown, to have auction of pumpkins on October 12<sup>th</sup> from 5:00 to 8:00 p.m. at Beyers with funds going to support art programs for kids in Lapeer.

Closed Session:

The City Commission convened to a Closed Session for the purpose of discussing legal issues at 7:21 p.m. and returned to a regular meeting at 8:29 p.m.

**ADJOURNMENT**

**248 2017 10-02**

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 8:30 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