

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
NOVEMBER 6, 2017**

A regular meeting of the Lapeer City Commission was held November 6, 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**

**260 2017 11-06**

Moved by Bennett. Seconded Gates.

Approve the Agenda for November 6, 2017 with the addition of Item H.1. Wade Trim Professional Services Agreement, Update to Roadway Asset Management Plan.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**261 2017 11-06**

Moved by Bostick-Tullius. Seconded by Gates.

Approve the minutes from the Regular meeting and Closed Session held October 16, 2017 and Workshop Meeting held October 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, gave invocation.

Marlana Swindell distributed a handout showing statistics in relation to medical marijuana results among teen use and that teen use isn't going up, it is staying the same; you have to have a medical card to use it (medical marijuana).

**CONSENT AGENDA**

**262 2017 11-06**

Moved by Marquardt. Seconded by Gates.

Approve the Consent Agenda for November 6, 2017 resulting in the following.

1. Budget Adjustment representing the additional contribution of \$4,245.79 to pay for 1/3 of the entire cost for the new DDA M-24 sign as submitted.
2. Special Event Request from Wheelin Team 457 for Ray C's Buck Pole that will be located at 1491 S. Lapeer Road, November 15, 2017, contingent upon receipt of current insurance.
3. Resolution Authorizing Participation in Michigan CLASS for Investment Purposes and authorize the Director of Financial Services and/or designated staff to sign documents as required.

City of Lapeer, Michigan  
Resolution Authorizing Participation  
in Michigan CLASS for Investment Purposes

WHEREAS, certain governmental units have entered into an interlocal government agreement also known as "THE PARTICIPATION AGREEMENT" for the purposes of

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pooling together and investing surplus funds under the appropriate statutes of the State of Michigan and;

WHEREAS, the PARTICIPATION AGREEMENT that has been entered into has been reviewed as to content and legality and;

WHEREAS, the investment policy of the City of Lapeer includes investment in this type of pool (see section 5.7) and;

WHEREAS, The City of Lapeer acknowledges that the current CLASS Board of Trustees, existing custodian and participants may change in accordance with the participating agreement.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the City of Lapeer shall enter into the interlocal agreement for pooling of investment resources under the participation agreement and that the Treasurer shall cause to be delivered to the current administrator(s) of Michigan CLASS the required documentation to establish participation in Michigan CLASS.

BE IT FURTHER RESOLVED, that the Treasurer may invest surplus funds pursuant to state law under said participation agreement.

BE IT FURTHER RESOLVED, that the City of Lapeer recognizes the appointments of the Board of Trustees, custodian and participants to the extent that they may be changed during the life of the PARTICIPATION AGREEMENT and that such appointments shall not effect the City participation under such agreement.

This Resolution was adopted on November 06, 2017 at the regular meeting of the City of Lapeer, County of Lapeer, State of Michigan.

4. Budget Adjustment representing the Accident Policy for youth and adult activities under the Volunteer Program in the amount of \$1,328.39 as submitted.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **BILL LISTING FOR NOVEMBER 6, 2017**

### **263 2017 11-06**

Moved by Gates. Seconded by Marquardt.

Approve the Bill Listing for November 6, 2017 in the amount of \$859,628.58.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Charitable Gaming License: Lost In The Woods Music Festival.

### **264 2017 11-06**

Moved by Gates. Seconded by Bostick-Tullius.

Approve the Local Governing Body Resolution for Charitable Gaming License for Lost in the Woods Music Festival.

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES  
That the request from Lost In The Woods Music Festival of Lapeer, county of Lapeer, asking that they be recognized as a nonprofit organization operating in the community, for the purpose of obtaining charitable gaming licenses, be considered for approval.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **PUBLIC HEARINGS**

None.

## **ADMINISTRATIVE REPORTS**

Ordinance Amendment: Chapter 7 (Zoning Ordinance)

Rezoning – OS-1 Office Service to B-2 General Business.

239 S. Main St. – Parcel #'s L21-54-501-040-00 & L21-53-301-040-00.

Commissioner Bostick-Tullius introduced the proposed amendment to Chapter 7 (Zoning Ordinance), Article 7.02, 7.02.02 (a)(11) of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (11) The following properties formerly zoned OS-1 Office Service are hereby rezoned to B-2 General Business:

239 S. Main Street; Tax I.D. #21-54-501-040-00; CITY OF LAPEER PLAT OF WHITESVILLE LOT 31 & S 47 FT OF LOT 33 (L=1 P=73 SEC 5, T7N-R10E) ALSO INCLUDING THAT PORTION OF THE VACATED ALLEY, CONTIGUOUS TO THE E'LY PROPERTY LINES

239 S. Main Street; Tax I.D. #L21-53-301-040-00; CITY OF LAPEER PLAT OF WHITESVILLE LOTS 38, 40, 42, 44, 46 & THAT PART LOT 48 LYG S OF RR R/W; ALSO W 1/2 VAC OAK ST ADJ THERETO, ALSO INCLUDING THAT PORTION OF THE VACATED ALLEY, CONTIGUOUS TO THE W'LY PROPERTY LINES (L=1 P=73 SEC 5, T7N-R10E)

2017 Court St. & Calhoun St. Reconstruction Projects.  
Change Order #1 – Rohde Brothers Excavating, Inc.

**265 2017 11-06**

Moved by Gates. Seconded by Marquardt.

Approve Change Order #1 with Rohde Brothers Excavating, Inc. resulting in a net decrease of \$47,110.46 revising the contract amount to \$1,234,264.54 for the 2017 Court St. & Calhoun St. Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2017 Court St. & Calhoun St. Reconstruction Projects.  
Payment Request #5 – Rohde Brothers Excavating, Inc.

**266 2017 11-06**

Moved by Gates. Seconded by Marquardt.

Approve Payment Request #5 to Rohde Brothers Excavating, Inc. in the amount of \$234,156.66 for the 2017 Court St. & Calhoun St. Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Housing Improvement Department: Lapeer Team Work Project.

**267 2017 11-06**

Moved by Marquardt. Seconded by Gates.

Approve the Resolution To Approve Certified Grant Administrator For The MEDC CDBG Lapeer Team Work Project.

RESOLUTION TO APPROVE  
CERTIFIED GRANT ADMINISTRATOR FOR THE MEDC CDBG  
LAPEER TEAM WORK PROJECT

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 Certified Grant Administrator for the City of Lapeer application for Community Development Block Grant (CDBG) grant funds from the Michigan Economic Development Corporation (MEDC) to rehabilitate the exterior façade of the Lapeer Team Work building located at 286 W. Nepeessing Street; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the Housing Department to assign Revitalize, LLC as the Certified Grant Administrator of the Lapeer Team Work Project.

NOW, THEREFORE, BE IT RESOLVED:

1. The Lapeer City Commission authorizes the Mayor to name Revitalize, LLC as the Certified Grant Administrator for the City of Lapeer Housing Improvement Department grant application with MEDC for the CDBG grant funds for the Lapeer Team Work Project.
2. The Lapeer City Commission authorizes the Mayor to sign an Agreement and/or Contract between the City of Lapeer and Revitalize, LLC to perform said duties of Certified Grant Administrator.
3. The Lapeer City Commission authorizes the Mayor to be the Environmental Certifying Officer and/or Certifying Officer for any and all documents relating to said CDBG grant funds from the MEDC for the Lapeer Team Work Project.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

#### Planning Consultant, ROWE Professional Services Company. Update on MMFLA.

Planning Consultant, Scott Kree from Rowe Professional Services Company gave an update of where the Planning Department is regarding the development of a City ordinance as it relates to Medical Marijuana Facilities Licensing Act (MMFLA). All five uses (Growing, Processing, Safety Compliance, Provisioning, Transport) will be allowed in the City of Lapeer; buffer regulations include 1,000' from schools, 500' from Federal property, 500' from licensed/registered nursery schools, pre-schools and child daycare centers, and 200' from parks. Religious, State, County, and the City's trail system will not have buffers. All five MMFLA uses will be permitted uses and will not be regulated by special land use. There will not be a separation requirement between MMFLA uses. All five MMFLA uses will be required to operate fully within an enclosed facility. There will not be any regulation of smell or odor other than what is regulated by the MDEQ. There will not be any specific lighting regulations for the 5 MMFLA uses other than what is already permitted and required in the ordinance. Hours of operation will have restrictions for Provisioning Centers and Safety Compliance facilities. No limit on the number of MMFLA uses permitted in the City of Lapeer. All information will be further discussed at the November 9<sup>th</sup> Planning Commission meeting.

#### **CITY MANAGER'S REPORT**

##### Wade Trim Professional Services Agreement. Update to Roadway Asset Management Plan.

#### **268 2017 11-06**

Moved by Marquardt. Seconded by Gates.

Approve the Professional Services Agreement with Wade Trim for a Total Not To Exceed Fee of \$17,600 for the Update to Road Asset Management Plan and authorize the Director of Public Works to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **CITY ATTORNEY'S REPORT**

None.

#### **PUBLIC COMMENTS**

None.

## **UNFINISHED BUSINESS**

None.

## **DEPARTMENTAL COMMUNICATIONS**

DDA Status Report dated October 19, 2017, Genesee and Main Streets – No Turn on Red Signage, dated October 24, 2017 and Monthly Financial Report for September 2017 received into record.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Bennett: Tomorrow is Election Day, please get out and vote.

Commissioner Bostick-Tullius: Would like to get the status of the building report and timeline; good luck to Elaine Gates tomorrow, it has been a pleasure serving with you.

Commissioner Gates: Thanks to Commissioner Bostick-Tullius, plans on being here at the next meeting; attended Homeless Connect which was a great day, everyone should spend time and volunteer; attended Habitat for Humanity dinner which was wonderful, was proud to be a part of it; thanked DPW for leaf pick up, and Police/Fire for keeping the City safe; vote Gates.

Commissioner Marquardt: attended several events, favorite was the downtown trick or treat, best costume was gumball machine; please vote; wonderful working with Commissioner Gates.

City Manager Dale Kerbyson: stopped at Forever Friends Network Open House event at the old Perkins Place, was very nice, have a lot of activities available; thank you to Scott Kree who is leaving, last day will be November 9<sup>th</sup>, we will miss him.

Mayor Sprague: Upcoming events; Election Day, get out and vote; thank you Andrew Kluck, Elaine Gates and Dan Osentoski for showing the courage to run and serve the City, whomever wins will be welcomed; pleasure serving with Commissioner Gates; running unopposed, will be here until 2021.

## **ADJOURNMENT**

### **269 2017 11-06**

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 7:06 p.m.

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Mayor William J. Sprague

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Tracey S. Russell, Deputy City Clerk