

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JULY 6, 2015**

A regular meeting of the Lapeer City Commission was held July 6, 2015 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 Bennett, Gates, Robinet, Bostick-Tullius, Lyons.
City Manager Dale Kerbyson.
City Attorney Michael Nolan.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

127 2015 07-06

Moved by Gates. Seconded by Bostick-Tullius.
Approve the Agenda for July 6, 2015 as presented.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

128 2015 07-06

Moved by Gates. Seconded by Bennett.
Approve the minutes from the regular meeting held June 15, 2015 and special meeting held June 29, 2015 as presented.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Georgeann Courser, Fish Lake Road, gave invocation.

CONSENT AGENDA

129 2015 07-06

Moved by Bostick-Tullius. Seconded by Gates.
Approve the Consent Agenda for July 6, 2015, resulting in the following:

1. Special Event Request from Lapeer Education Association, LEA 2nd Annual Fun Run 5K, October 4, 2015, Rowden Park.
2. Special Event Request, United Way of Lapeer County, Community Colors 5K Walk or Run, August 23, 2015, Rowden Park.
3. Corporate Authorization Resolution with Lapeer County Bank & Trust Co. (LCB&T) to open an account for the 2015 Capital Improvement Bonds Construction Fund.

CORPORATE AUTHORIZATION RESOLUTION

Lapeer County Bank & Trust Co
PO Box 250
Lapeer MI 48446

By: City of Lapeer
2015 Capital Improvement Bonds
Construction Fund
576 Liberty Park
Lapeer MI 48446-2140

Referred to in this document as "Financial Institution"

Referred to in this document as
"Corporation",

I, Donna L. Cronce, certify that I am Secretary (clerk) of the above named corporation organized under the laws of Michigan, Federal Employer ID Number 38-6004630, engaged in business under the trade name of City of Lapeer, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Directors of the Corporation duly and properly called and held on

07-06-15. These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below.

Name and Title or Position	Signature	Facsimile Signature (if used)
A. Kerry J Helmick - Director of Financial Services		
B. Harry L Green – Accounting Mngr.		
C. Donna L. Cronic City Clerk		
D.		
E.		
F.		

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
	(1) Exercise all of the powers listed in this resolution.	
ABC	(2) Open any deposit or share account(s) in the name of the corporation.	1
A,BC	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	1
	(4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences of indebtedness.	
	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	
	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	
	(7) Other	

LIMITATIONS ON POWERS The following are the Corporation's express limitations on the powers granted under this resolution. N/A.

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.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated N/A.
If not completed, all resolutions remain in effect.

4. Traffic Control Order 285 and 286.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO.
285

Location: Huron Street west of Main Street (M-24) for eastbound traffic.

Order: To regulate parking on the south side of Huron Street west of Main Street and to improve visibility and traffic flow, install "No Parking Here to Corner" sign 30 feet west of Main Street on the south side.

Reason: Mr. Humphrey has requested a "No Parking Here to Corner" sign in front of his residence so it will give him and traffic better visibility when looking east to Main Street and as Huron Street is a narrow street allow for easier traffic movements.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO.
286

Location: Lincoln Street between Genesee Street and Oregon Street.

Order: To give a visual aid to regulate speed on Lincoln Street, install 25 MPH Speed Limit signs on both ends and near the middle of Lincoln Street for northbound and southbound traffic. These will be installed at the end of the reconstruction of Lincoln Street.

Reason: At the public hearing for the reconstruction of Lincoln Street it was requested by several people in the audience that signs be erected on Lincoln Street to slow traffic.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.
Nays: None.
Absent: None.

MOTION CARRIED.

BILL LISTING FOR JULY 6, 2015

130 2015 07-06

Moved by Robinet. Seconded by Gates.

Approve the Bill Listing for July 6, 2015 in the amount of \$1,218,599.23.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.
Nays: None.
Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Street Millage – Ballot Proposal.

131 2015 07-06

Moved by Robinet. Seconded by Commissioner Bostick-Tullius
Approve the City of Lapeer Resolution Street Millage Proposal.

Discussion was held on use of the word “ancillary” within the ballot proposal language, intent of the proposal is to reflect that all funding received from the street millage will be utilized for maintenance and improvements for street roadway, a Resolution stating that the additional funding from the millage would only be used for street/road repair is also presented for approval to reflect Commission intent however not contained within the ballot language, leave the word ancillary and strike out the words “public infrastructure” and insert “costs for street improvements” after the word ancillary.

Moved by Robinet. Seconded by Gates.

Approve to amend the City of Lapeer Resolution Street Millage Proposal, Item 2 under Now Therefore Be It Resolved, Street Millage Proposal language by striking out the words “public infrastructure” and inserting “costs for street improvements” after the word ancillary.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

Mayor Sprague brought the main motion, as amended, before the board for discussion.

Commissioner Bennett asked if all forms of revenue were exhausted before going to a vote and asking our citizens for money to fix our streets, what about selling City property and using the money to fix our streets; asked for a list of property owned by the city, city-owned property not on taxes but could be; this is why he will vote no. Discussion was held on when survey of roads will be completed; Commission to receive a copy of each property owned by the City with how purchased, when purchased and value; appraisal of property near I-69 and M-24 area, sale of City property to not be less than City costs, currently entertaining offers, economy; how can the City support the millage, cannot use City money to endorse, endorsing by approval of resolutions.

CITY OF LAPEER RESOLUTION Street Millage Proposal As Amended

WHEREAS, the Lapeer City Commission has determined the necessity of submitting a street millage proposal to the electors of the City of Lapeer on the question of increasing the tax limitations of the City for street rehabilitation, repair and maintenance of public streets within the City of Lapeer.

NOW, THEREFORE, BE IT RESOLVED:

1. That there be submitted to the electors of the City of Lapeer a proposal increasing the limitation on the amount of taxes assessed against all property within the City by 2 mills for a period of six years, to be used for the rehabilitation, repair and maintenance of public streets within the City.
2. That such proposal be submitted at the General Election to be held on November 3, 2015 and that the ballot shall be:

CITY OF LAPEER Street Millage Proposal

Shall the limitation on the amount of taxes which may be assessed against all property in the City of Lapeer, County of Lapeer, State of Michigan, be increased by 2 mills (\$2.00 on each \$1,000.00) on

state taxable value for a period of six years, 2016 through 2021, inclusive, subject to reduction as provided by law, for the rehabilitation, repair and maintenance of public streets and ancillary costs for street improvements within the corporate limits of the City of Lapeer? It is estimated that the 2 mills would raise approximately \$496,451.00 of additional funds when first levied in 2016.

YES NO

3. That the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit such street millage proposal to a vote of the electors as required by law.

ON A ROLL CALL VOTE:

YEAS: Commissioners Bostick-Tullius, Robinet, Lyons, Gates.

NAYS: Commissioner Bennett.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Additional Funding – Street Millage Proposal.

132 2015 07-06

Moved by Bostick-Tullius. Seconded by Gates.

Approve the City of Lapeer Resolution Additional Funding – Street Millage Proposal.

CITY OF LAPEER
RESOLUTION
ADDITIONAL FUNDING – STREET MILLAGE PROPOSAL

WHEREAS, the Lapeer City Commission has determined the necessity for the need to generate funding for improvement, repair, construction and preservation of the street system, including bridges in the City of Lapeer; and

WHEREAS, the Lapeer City Commission desires to place a street millage proposal of 2 mills on the Tuesday, November 3, 2015 General Election ballot; and

WHEREAS, the City of Lapeer estimates that the 2 mills would raise approximately \$496,451.00 of additional funds when first levied in 2016; and

WHEREAS, the City of Lapeer will continue to seek every opportunity for funding of street improvements through Federal and State grants; and

WHEREAS, the Lapeer City Commission is committed to making the repair and maintenance of its streets and roadways a priority throughout the millage term and to maintain, as best as practicable, the current level of street funding allocated to maintenance and improvements within its budget throughout the millage term should the electorate approve such millage.

NOW THEREFORE BE IT RESOLVED:

1. The Lapeer City Commission will endeavor to maintain its current level of funding for street and roadway repair, maintenance, and construction and to allocate such finding within its budget throughout the millage term, if such millage is approved by the electorate.
2. If approved by the electorate, all funding received from the street millage will be utilized for maintenance and improvements for street, roadway and bridge repair only.

ON A ROLL CALL VOTE:

AYES: Commissioners Robinet, Lyons, Bostick-Tullius, Gates.
NAYS: Commissioner Bennett.
ABSENT: None.
ABSTAIN: None.
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

E. Oregon Street Reconstruction Project – Flint River East to City Limits.
Local Share Payment #1.

133 2015 07-06

Moved by Gates. Seconded by Lyons.

Approve Local Share Payment #1 to the State of Michigan in the amount of \$114,261.53 for the E. Oregon Street Reconstruction Project.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

M-24 Reconstruction Project – Water Main Improvements.

Local Share Payment #6, #7, and #8.

By general consensus, it was approved that Local Share Payment be corrected to #6 instead of #16.

134 2015 07-06

Moved by Bostick-Tullius. Seconded by Robinet.

Approve Local Share Payment #6 (\$39,427.32), #7 (\$60,278.15) and #8 (\$54,428.94) for a total amount of \$154,134.41 to the State of Michigan for the M-24 Reconstruction Project – Water Main Improvements.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

Capital Improvement Program – Single Axle Dump Truck.

Purchase FY 2015-2016.

135 2015 07-06

Moved by Bostick-Tullius. Seconded by Gates.

Approve to purchase cab and chassis from Central Michigan Kenworth in the amount of \$92,564.00 and dump truck components from Shults Equipment Incorporated in the amount of \$66,813.00 and authorize the Director of Public Works to sign required documents.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

Capital Improvement Project – Pick-Up Truck Purchase.

136 2015 07-06

Moved by Lyons. Seconded by Bennett.

Approve to purchase 2015 GMC Sierra 2500 HD from Red Holman Pontiac/GMC in the amount of \$26,462.00 and authorize the Director of Public Works to sign required documents.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

Lincoln Street Mill and Resurface Project.

Payment Request #1 – Glaeser-Dawes Corporation.

137 2015 07-06

Moved by Gates. Seconded by Lyons.

Approve Payment Request #1 to Glaeser-Dawes Corporation in the amount of \$120,186.31 for the Lincoln Street Mill and Resurface Project.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

Preliminary Design Engineering Agreement for M-24 Underpass and Trail Connection.

138 2015 07-06

Moved by Robinet. Seconded by Gates.

Approve the Contract for Engineering Services with Rowe Professional Services Company in the amount of \$29,000 for the M-24 Underpass and Trail Connection and authorize the City Manager to sign required documents.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson gave an update on the Pix exterior and roof; significant traffic downtown due to Lefty case through court system; to post a special for membership at the Community Center due to detour for construction; DDA Executive Director resignation; Commissioner Bennett commented on building work at Pix looks beautiful but what about building next to it – Mr. Kerbyson responded they are using same contractor as City, issues with their insurance but will have a block or brick on the bottom half of building; sale of empty lot or make into a park, volunteer and survey work involving workshops and art rendering of area, submittal of ideas to DDA and will share with City Commission.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented Housing Board of Appeals board and Pines of Lapeer issues.

UNFINISHED BUSINESS

139 2015 07-06

Moved by Bennett. Seconded by Bostick-Tullius.

Appoint Bernard Jocuns to the Zoning Board of Appeals, term ending 04-01-18.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

140 2015 07-06

Moved by Bennett. Seconded by Robinet.

Appoint Wesley Butterfield to the Zoning Board of Appeals – Alternate, term ending 04-01-18.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Local Officers Compensation Commission meeting information was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett asked if costs were received for reinstalling the microphones at Commission seats, Mr. Kerbyson responded no but will obtain; thanked lady for prayer and all who continue to pray for country and city.

Commissioner Lyons commented on state law regarding fireworks and impact on City ordinances, Fire Chief Terry Kluge responded that City ordinances were strengthened as legally as we could; firework issues in neighborhood; round-a-bout functions beautifully.

Commissioner Bostick-Tullius agreed about firework issues; roundabout works great.

Commissioner Robinet commented on fireworks going off a week before the holiday; agrees with selling of City property.

City Manager Dale Kerbyson commented on demo complaint for Perkins and 323 Jefferson, MIOSHA and MDEQ inspections, letter to City and independent party advising that investigation did not turn up anything of interest, Perkins site has been cleaned up and looks great; will have sign up for M-24 closure stating local business are open beyond detour.

Mayor Sprague commented on upcoming events; would like property list to show all parks and parking lots as well; Perkins property is looking great; MDOT and use of sinking pylons for bridges, noise and notifying people in area, DPW Director Pam Reid advised that will know more after meeting with MDOT and will notify people in area, target date to start is July 10th.

ADJOURNMENT

141 2015 07-06

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Bennett, Gates, Robinet, Bostick-Tullius, Lyons.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:17 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk

Tracey S. Russell, Deputy City Clerk