

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
AUGUST 7, 2017**

A regular meeting of the Lapeer City Commission was held August 7, 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, (arrived at 6:42 p.m.)

AGENDA APPROVAL

190 2017 08-07

Moved by Bennett. Seconded by Gates.

Approve the Agenda for August 7, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

191 2017 08-07

Moved by Marquardt. Seconded by Gates.

Approve the minutes from the Regular meeting held July 17, 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 Road, gave invocation.

Marlana Swindell, Lapeer, provided a folder with current marihuana ordinances so that City Commission can be on same page as Planning Commission, the ordinances are pre facility licensing act, most have running facilities now.

Casey Carpenter, indicated he is a licensed builder and a member of Home Builders Association of Michigan, apologize for missing workshop meeting, here to offer assistance with issues and problems with building department, City is not alone with issues over fees and process, places all over are reviewing these areas, available to discuss and offer suggestions that have been reviewed by the Home Builders Association, currently has 5 different projects going on, like to see City moving forward and not go backwards, Mr. Atwood has contact info, appreciate time, is available and willing to help.

CONSENT AGENDA

192 2017 08-07

Moved by Gates. Seconded by Atwood.

Approve the Consent Agenda for August 7, 2017 as follows:

1. Special Event Request from Lapeer Education Association, LEA Fun Run, October 15, 2017, Rowden Park, contingent upon current receipt of insurance.

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

3. Nays: None.

4. Absent: None.

MOTION CARRIED.

BILL LISTING FOR AUGUST 7, 2017

193 2017 08-07

Moved by Marquardt. Seconded by Gates.
Approve the Bill Listing for August 7, 2017 in the amount of \$1,478,954.28.
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.
Nays: None.
Absent: None.
MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Resolution: In Recognition of Thomas F. Lossing.

194 2017 08-07

Moved by Bostick-Tullius. Seconded by Gates.
Approve the Resolution In Recognition of Thomas F. Lossing.

RESOLUTION
CITY OF LAPEER
In Recognition of Thomas F. Lossing

WHEREAS, Thomas F. Lossing served as a Firefighter with the City of Lapeer Fire & Rescue Department from June 10, 2002 through February 15, 2017; and

WHEREAS, Thomas F. Lossing is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Thomas F. Lossing exemplifies professionalism, dependability, caring and hard work in his service as a Firefighter; and

WHEREAS, through his persistence, hard work, and dedication, Thomas F. Lossing has set an example for all Firefighters and is honored by his community.

NOW, THEREFORE BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Thomas F. Lossing for his efforts and devotion to public service, and wish him continued success in all his endeavors.

Dated this 7th day of August, 2017.

Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.
Nays: None.
Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Resolution: In Recognition of Mark J. Marino.

195 2017 08-07

Moved by Bostick-Tullius. Seconded by Gates.
Approve the Resolution In Recognition of Mark J. Marino.

RESOLUTION
CITY OF LAPEER
In Recognition of Mark J. Marino

WHEREAS, Mark J. Marino served as a Firefighter with the City of Lapeer Fire & Rescue Department from June 11, 2007 through June 30, 2017; and

WHEREAS, Mark J. Marino is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Mark J. Marino exemplifies professionalism, dependability, caring and hard work in his service as a Firefighter; and

WHEREAS, through his persistence, hard work, and dedication, Mark J. Marino has set an example for all Firefighters and is honored by his community.

NOW, THEREFORE BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Mark J. Marino for his efforts and devotion to public service, and wish him continued success in all his endeavors.

Dated this 7th day of August, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Ordinance Amendment: Chapter 41 (Appearance Ticket Authorization Ordinance)

Commissioner Marquardt introduced the proposed amendment to Chapter 41 (Appearance Ticket Authorization 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.

A summary will be used for publication purposes.

Ordinance: Chapter 67 (Youth Council Ordinance).
Presented by: Commissioners Atwood and Bostick-Tullius.

Commissioner Gates introduced the proposed 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

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 9th, 10th or 11th 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 1st 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.

A summary will be used for publication purposes.

2017 Court St. & Calhoun St. Reconstruction Projects.
Rohde Brothers Excavating, Inc. – Payment Request #2.

196 2017 08-07

Moved by Gates. Seconded by Marquardt.

Approve Payment Request #2 from Rohde Brothers Excavating, Inc. in the amount of \$251,108.10 for the 2017 Court St. & Calhoun St. Reconstruction Projects.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Vactor Sewer Cleaning Truck Purchase.

197 2017 08-07

Moved by Marquardt. Seconded by Gates.

Approve the purchase of a 2017 Vactor with Jack Doheny Companies in the amount of \$425,755.00, approve the disposal of the 2004 Vactor 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 MANAGER'S REPORT

Chapter 39 (Beautification Commission Ordinance).

City Manager Dale Kerbyson commented on information contained in the agenda packet, interest in moving forward. Discussion was held regarding moving this forward, begin volunteer list, residency of members.

Volunteer Application.

City Manager Dale Kerbyson indicated application to be placed on website, maintain list of projects, application created by City Clerk Donna Crouce and reviewed by City Attorney Michael Nolan.

Various Matters

City Manager Dale Kerbyson commented that Lapeer District Library Director Melissa Malcolm contacted him regarding City Commission volunteer to participate on new organization board, be involved with new library structure. Commissioner Marquardt asked on meeting dates/time, Library Board Member Glenn Alverson indicated currently in process of getting organized with no set dates/time yet, Ms. Marquardt expressed interest.

Mr. Kerbyson commented on Mr. Filipiak's question's during building workshop meeting and response; owner of nail salon concerns regarding air quality and remedy which was reviewed with owner as well as with Commissioner Marquardt, brief discussion followed; Bruce Johnson request during building workshop has been resolved with building department officially opening at 7:00 a.m.; bid process to have consultant review fees, permits and processes at building department and assistance by staff at State to put bid together, brief discussion on cost in preparing bid.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan apologized for being late due to traffic; closed session request regarding pending litigation; Zoning Board of Appeals litigation regarding Urgent Care placement of sign without permits, City upheld in court, 8 months later sign is still up, commencement of lawsuit to bring into compliance.

Closed Session Request.

198 2017 08-07

Moved by Gates. Seconded by Bostick-Tullius.

Approve a Closed Session at the end of the regular meeting to discuss attorney-client privilege communication regarding pending litigation and a Personnel Evaluation.

ON A ROLL CALL VOTE:

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

NAYS: None.
ABSENT: None.
MOTION CARRIED.

UNFINISHED BUSINESS

199 2017 08-07

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

Appoint the following:

William Marquardt EDC/TIFA/Brownfield Redevelopment, term ending 03-01-18.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

DDA Status Report dated July 21, 2017 and Monthly Financial Report for May 2017 was received into record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennet: Thanked Chief of Police, DPW Director and City Manager for quick action in stopping 18 wheelers on Lincoln Street; future constituents ages 12 and 8 advised him that Lincoln Street was having a garage sale this week.

Commissioner Gates: Mr. Kerbyson answered most of her questions in his update; thank you for all who came to meeting; thank you to Ms. Swindell for providing information; thank you to DPW, Police and Fire for their services.

Commissioner Bostick-Tullius: Thank you to City Clerk Donna Cronce and City Attorney Michael Nolan for work completed on Youth Ordinance; too bad Mr. Lossing and Mr. Marino could not be present for recognition, firefighter is a tough job, expressed a thank you to the firefighters we have.

Commissioner Atwood: Coffee with Commish and thank you to Ryan at Parks Department for kayak launch area and dog park update, Jim Alt DDA Director for Main Street update, provided hot dogs and corn; thank you to City Clerk Donna Cronce for work completed on Youth Council, Volunteer Form and website, beautification update; thank you Mr. Carpenter for coming out tonight, need more builders to assist and work with our community.

Commissioner Marquardt: Meeting with City Manager Dale Kerbyson regarding All About Nails salon and Karen's (owner) concerns and resolving of issues, very pleased with results, is an official business in the City of Lapeer.

Mayor Sprague: upcoming events; he and City Manager Dale Kerbyson participated in a pod cast for DTE at the end of the week for the solar array, had good feedback from all over the place on the solar initiative, would like to see the City encourage investment and green initiatives as well as consider building activities that would provide free permits to green replacement items such as windows and water heaters, contemplate a program or a green type renaissance zone.

CLOSED SESSION

The City Commission convened to a Closed Session for the purpose of discussing attorney-client privilege communication regarding pending litigation and a Personnel Evaluation at 7:03 p.m. and returned to a regular meeting at 7:09 p.m.

Employment Contract.

200 2017 08-07

Moved by Bennett. Seconded by Gates.

Approve the Employment Contract with Terrence Kluge and authorize the Mayor and City Manager to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Lawsuit Settlement.

201 2017 08-07

Moved by Bostick-Tullius. Seconded by Bennett.

To approve the settlement of the lawsuit with Lapeer Industrial Railroad in the amount of \$5,000 and authorize the City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

ADJOURNMENT

202 2017 08-07

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 7:10 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk