

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
August 20, 2018**

A regular meeting of the Lapeer City Commission was held August 20, 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, Bennett, Marquardt, Osentoski.

Absent: Bostick-Tullius (excused).

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

178 2018 08-20

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for August 20, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

MINUTES

179 2018 08-20

Moved by Marquardt. Seconded by Atwood.

Approve the minutes of a Regular Meeting held August 6, 2018 as presented.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Gar Willoughby, Drahner Road, Oxford, introduced himself as the new principal of Bishop Kelley Catholic School.

Karen Rykhus, Lapeer District Library Board member, stated the Board interviewed the three candidates interested in the vacant board position; Board is recommending Jacquie Wilson for appointment; asked the Commission to accept the Library Board's recommendation.

Patrick O'Kelly, Golfside Drive, Lapeer, commented regarding issues with on-street parking, junk cars and a driveway that was not built to subdivision standards; expressed concerns with one lane of the road being blocked when snow plows come through; suggested City enact a junk car ordinance; has a petition for the City Commission. Mayor Sprague directed Mr. O'Kelly to present the petition to the City Manager.

Brian Trombley, gave invocation.

CONSENT AGENDA

180 2018 08-20

Moved by Marquardt. Seconded by Osentoski.

Approve the Consent Agenda for August 20, 2018 resulting in the following.

1. Municipal Employees' Retirement System of Michigan Annual Meeting Attendance for Dale Kerbyson as Officer Delegate and Tracey Russell as Employee Delegate.
2. Special Event Request from Friends of the Historic Courthouse, Save the Tower, Saturday, September 8, 2018, 5:00 p.m.-11:00 p.m. and further, approve the Resolution for the Friends of the Historic Courthouse Beer Tent for their Special Event, Save the Tower, Saturday, September 8, 2018; Contingent upon outdoor liquor license application approval from the Liquor Control Commission and receipt of current insurance.
3. Purchase fifteen Active Shooter Response kits from Galls Inc., CIP Project #20920 in the amount of \$9,749.10.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

BILL LISTING FOR AUGUST 20, 2018

181 2018 08-20

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for August 20, 2018 in the amount of \$3,083,058.45.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation: Constitution Week

182 2018 08-20

Moved by Bennett. Seconded by Atwood.

Approve a Proclamation for Constitution Week.

CITY OF LAPEER
Proclamation
Constitution Week

WHEREAS, September 17, 2018 marks the two hundred thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week; and.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby proclaim the week of September 17 through 23, 2018 as Constitution Week and encourage all citizens to recognize and appreciate the importance of the Constitution of the United States of America, to honor this founding document's 231st anniversary, and to vigilantly protect the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Resolution: Tilted Axis Brewing Company

183 2018 08-20

Moved by Osentoski. Seconded by Marquardt.

That the request to authorize the Titled Axis Brewing Company to use the City sidewalks, Nepessing Street and the Farmers Market Pavilion for their beer tent on Friday and Saturday, September 28 & 29, 2018 be approved.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Farmers Creek River Bank Improvements

184 2018 08-20

Moved by Marquardt. Seconded by Atwood.

Award the construction contract for the Farmers Creek River Bank Improvement Project in the amount of \$78,000.00 to McDowell Construction, L.L.C.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.
MOTION CARRIED.

Boundary Transfer by JLK Enterprises, LLC between parcels L-20-30-200-040-00 and L-20-30-300-040-00.

185 2018 08-20

Moved by Osentoski. Seconded by Bennett.

Approve Resolution to Approve Boundary Transfer Request for JLK Enterprises, LLC for a Boundary Transfer Request, 205 and 209 Higgins Street and Higgins Street, vacant (parcels L-20-30-200-040-00 and L-20-30-300-040-00).

RESOLUTION TO APPROVE
BOUNDARY TRANSFER REQUEST
FOR

JLK Enterprises, LLC
205 and 209 Higgins Street and Higgins Street, vacant

At a regular meeting of the Lapeer City Commission on Monday, August 20, 2018, at 6:30 p.m. in the City Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan.

PRESENT: Commissioners Atwood, Bennett, Marquardt, Osentoski

ABSENT: Commissioners Bostick-Tullius

MOVED BY: Commissioner Osentoski SECONDED BY: Commissioner Bennett

WHEREAS, JLK Enterprises, LLC, owner of the property located at 205 and 209 Higgins Street, as well as a vacant parcel located on Higgins Street has filed a Boundary Transfer Request; and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Boundary Transfer Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Boundary Transfer Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.
3. That the Boundary Transfer Request is approved resulting in the following two (2) legal descriptions:

L20-30-200-040-10

vacant Higgins Street

Part of Lots 1, 2, 3, and fractional Lot 4 of Block 21 of the Northeast division of the City of Lapeer, Lapeer County, Michigan and the South ½ of vacated Clay Street lying adjacent thereto, all being part of the Northeast ¼ of Section 5, Town 7 North, Range 10 East, City of Lapeer, Lapeer County, State of Michigan, described as; Commencing at the Southeasterly Corner of Lot 1, Block 21 of said Plat; thence N.30°40'47"W., 69.11 feet along the Easterly line of Block 21 to the Point of Beginning; thence S.59°28'47"W., 154.69 feet to the Westerly line of Fractional Lot 4; thence along said Westerly line and extended, N.01°45'15"W., 91.49 feet; thence N.59°28'48"E., 110.44 feet along the centerline of vacated Clay Street to the Easterly line of Block 21 if extended; thence along said Easterly line, S.30°40'47"E., 80.20 feet to the Point of Beginning and containing 0.244 acres (10631.7 sq. ft.).

Subject to all easements, restrictions, and rights of ways of record.

L20-30-300-040-10 205/209 Higgins Street

Part of Lots 1, 2, 3, and fractional Lot 4 of Block 21 of the Northeast division of the City of Lapeer, Lapeer County, Michigan, all being part of the Northeast ¼ of Section 5, Town 7 North, Range 10 East, City of Lapeer, Lapeer County, State of Michigan, described as; Commencing at the Southeasterly Corner of Lot 1, Block 21 of said Plat; thence N.30°40'47"W., 10.00 feet along the Easterly line of Block 21 to the Point of Beginning; thence S.59°28'48"W., 187.31 feet to the Westerly line of Fractional Lot 4; thence along said Westerly line, N.01°45'15"W., 67.43 feet; thence N.59°28'48"E., 154.69 feet to the Easterly line of Block 21; thence along said Easterly line, S.30°40'47"E., 59.11 feet to the Point of Beginning and containing 0.232 acres (10108.2 sq. ft.).

Subject to all easements, restrictions, and rights of ways of record.

4. That the Boundary Transfer Request preserve all easement and master utility plans.
5. That any future site development complies with all setbacks and other applicable requirements established by the City of Lapeer Zoning Ordinance.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the City Assessor and to JLK Enterprises, LLC.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented Pocket Park funding is going well; Police Chief provided a report of police services utilized during Lapeer Days; Police Department overtime for the event was down compared to last year;

Police Chief Frisch updated the Commission on Police Department activity relating to Lapeer Days; Police responded to 33 calls within the event area; 7 arrests were made and a total of 373 Police Department hours were needed for the event.

CITY ATTORNEY'S REPORT

City Attorney Nolan reported on the most recent medical marijuana lawsuit the City was served with from FB Lapeer.

Mayor Sprague asked for the number of hours and amount of money spent defending these claims.

UNFINISHED BUSINESS

186 2018 08-20

Moved by Marquardt. Seconded by Osentoski.

Appoint Jacquie Wilson to the District Library Board, term ending 12-31-18.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental and the Investment Report for the Quarter Ended June 30, 2018 was received into record.

PUBLIC COMMENTS

Joseph Stratton, Indian Trail, Columbiaville, commented on the Save the Tower event; invited all to the event.

Patrick O'Kelly, Golfside Drive, commented the City has one of the finest Police Departments and they are very responsive to issues.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Thanked the Department of Public Works for their clean-up after the Lapeer Days event; thanked the Police and Fire departments for their work during Lapeer Days.

Commissioner Bennett: Glad to see the Police Department equipment approved for purchase tonight will be paid for by drug forfeiture funds.

Commissioner Osentoski: Thanked all City Departments that helped with Lapeer Days; encouraged all to support funding of the Pocket Park; MEDC will match funds once \$50,000 is pledged.

Commissioner Marquardt: Lapeer Days was a lot of fun; parade on Saturday was very nice.

City Manager Kerbyson: Good police presence during Lapeer Days. Commented the Parks Department does a lot of stuff for Lapeer Days, including washing and storing all the dishes used for the Optimist Club chicken dinner; City donated permit and inspection fees towards the courthouse tower restoration project.

Mayor Sprague: Reminded everyone of local events; was a pleasure to kick off Lapeer Days and the "Run Drugs Out of Town" race on Sunday; parade attendance was the largest he has seen.

ADJOURNMENT

187 2018 08-20

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Marquardt, Osentoski.

Nays: None.

Absent: Bostick-Tullius.

MOTION CARRIED.

The regular meeting adjourned at 6:58 p.m.

Mayor William J. Sprague

Renee Bullen, Chief Deputy City Clerk