

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

A regular meeting of the Lapeer City Commission was held February 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, absent.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**25 2017 02-06**

Moved by Bennett. Seconded by Gates.  
Approve the Agenda for February 6, 2017 as presented.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.

MOTION CARRIED.

**MINUTES**

**26 2017 02-06**

Moved by Marquardt. Seconded by Bennett.  
Approve the minutes from the Regular Meeting held January 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**

Run Drugs Out of Town – Presentation.

Peggy Patten and Tina Dinnan provided a review of Families Against Narcotics, what they stand for and what they do, events to educate on the abuse of prescription narcotics.

Janet Adams, Baldwin Road, gave invocation.

Patsy Allen, 227 N. Calhoun Street, asked why residents were paying for road improvements.

**CONSENT AGENDA**

**27 2017 02-06**

Moved by Gates. Seconded by Atwood.  
Approve the Consent Agenda for February 6, 2017 resulting in the following.  
1. Special Event Request from Lakestone Bank & Trust, Annual Ice Cream Social, June 16, 2017, use of Farmers Market Pavilion.  
Ayes: Atwood, Bennett, Bostick-Tullius, Gates, Marquardt.  
Nays: None.  
Absent: None.

MOTION CARRIED.

**BILL LISTING FOR FEBRUARY 6, 2017**

**28 2017 02-06**

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for February 6, 2017 in the amount of \$1,053,767.45.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

Calhoun Street Improvements – Special Assessment District.

Mayor Sprague explained the public hearing process, a time for citizens to voice their opinion or ask questions, not an opportunity for argument or debate, allow fairness to all who wish to speak. City Manager Dale Kerbyson indicated that the roll reflected the anticipated costs, benefit verses front foot assessment. Brief discussion on the roll presented would be the maximum the residents would be charged which is 15% of cost, payments to be spread over 10 years, City to pay for majority of project.

Mayor Sprague opened the public hearing at 6:42 p.m.

Patsy Allen, 227 Calhoun, commented on why citizens are paying for this project as the gas price was upped to pay for the roads. City Manager Dale Kerbyson explained the revenue from the gas tax under Act 51, use of revenue is towards road maintenance. Mayor Sprague indicated that the revenue received does not go into reconstruction of the roads.

Roger Dougherty, 217 N. Calhoun, commented on calculation of costs, most homes in area are rentals and have more road frontage. City Manager Dale Kerbyson explained the benefit verses front foot assessment and the average of cost that would be more beneficial to the residents.

Patsy Allen agreed with Mr. Dougherty; the rental across the street would have more use; cannot afford this assessment.

There being no further comments, Mayor Sprague closed the public hearing at 6:48 p.m. Discussion was held regarding formula used for benefit verses front footage cost, homeowner inability to pay assessment and that unpaid assessments would be added to property taxes.

**29 2017 02-06**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Resolution #5 confirming the roll for the Calhoun Street Improvements, Special Assessment District #2017-01.

**RESOLUTION NO. 5**

**CITY OF LAPEER  
SPECIAL ASSESSMENT  
Calhoun Street Improvements  
Special Assessment District No. 2017-01**

WHEREAS, the City Commission has met after due and legal notice and reviewed the preliminary special assessment roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said preliminary special assessment roll, the Commission deems said preliminary special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The preliminary special assessment roll as prepared by the City Assessor in the amount of \$50,519.40 is hereby accepted and confirmed and shall be known as

Special Assessment Roll No. 2017-01 and shall be placed on file in the office of the City Clerk.

2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2017 and the remaining installments shall come due in consecutive order, one each year not to exceed ten (10) years in total, on the 1st day of October beginning with the year 2017.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2017. Provided, however, in the event bonds/loans are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said bonds/loans payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. A collection fee of 1% for every special assessment installment due shall be added. In addition, a penalty for every special assessment or installment thereof one month in default because of nonpayment shall have added a collection penalty fee of 1% for each month or fraction thereof so in default.
5. The City Clerk is directed to endorse the date of this confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by Chapter 64 (Special Assessment Ordinances) of the General Ordinances of the City of Lapeer and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments or any installment thereof have become due to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Court Street Improvements – Special Assessment District.

City Manager Dale Kerbyson commented on the benefit cost, support of the project by Mr. Gerlach. Mayor Sprague clarified that no water or infrastructure cost are contained in any of the assessments being presented, only the street portion of cost.

Mayor Sprague opened the public hearing at 7:01 p.m. There being no comments, Mayor Sprague closed the public hearing at 7:01 p.m.

**30 2017 02-06**

Moved by Bostick-Tullius. Seconded by Gates.

Approve Resolution #5 confirming the roll for the Court Street Improvements, Special Assessment District #2017-02.

RESOLUTION NO. 5

CITY OF LAPEER  
SPECIAL ASSESSMENT  
Court Street Improvements  
Special Assessment District No. 2017-02

WHEREAS, the City Commission has met after due and legal notice and reviewed the preliminary special assessment roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said preliminary special assessment roll, the Commission deems said preliminary special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The preliminary special assessment roll as prepared by the City Assessor in the amount of \$91,450.56 is hereby accepted and confirmed and shall be known as Special Assessment Roll No. 2017-02 and shall be placed on file in the office of the City Clerk.
2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2017 and the remaining installments shall come due in consecutive order, one each year not to exceed ten (10) years in total, on the 1st day of October beginning with the year 2017.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2017. Provided, however, in the event bonds/loans are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said bonds/loans payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. A collection fee of 1% for every special assessment installment due shall be added. In addition, a penalty for every special assessment or installment thereof one month in default because of nonpayment shall have added a collection penalty fee of 1% for each month or fraction thereof so in default.
5. The City Clerk is directed to endorse the date of this confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by Chapter 64 (Special Assessment Ordinances) of the General Ordinances of the City of Lapeer and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments or any installment thereof have become due to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ON A ROLL CALL VOTE.

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

DeMille Street Improvements – Special Assessment District.

City Manager Dale Kerbyson indicated the project was from Harrison Street to far side of Applebees near DeMille Boulevard.

Mayor Sprague opened the public hearing at 7:02 p.m. There being no comments, Mayor Sprague closed the public hearing at 7:02 p.m.

**31 2017 02-06**

Moved by Bennett. Seconded by Gates.

Approve Resolution #5 confirming the roll for the DeMille Street Improvements, Special Assessment District #2017-03.

RESOLUTION NO. 5

CITY OF LAPEER  
SPECIAL ASSESSMENT  
DeMille Street Improvements  
Special Assessment District No. 2017-03

WHEREAS, the City Commission has met after due and legal notice and reviewed the preliminary special assessment roll prepared for the purpose of defraying the Special Assessment District's share of certain public improvements; and

WHEREAS, after hearing all persons interested therein and after carefully reviewing said preliminary special assessment roll, the Commission deems said preliminary special assessment roll to be fair, just and equitable and that each of the assessments contained thereon results in the special assessment being in accordance with the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The preliminary special assessment roll as prepared by the City Assessor in the amount of \$40,073.00 is hereby accepted and confirmed and shall be known as Special Assessment Roll No. 2017-03 and shall be placed on file in the office of the City Clerk.
2. Said Special Assessment Roll shall be divided into ten (10) equal annual installments, the first of which shall be due and payable on the October 1, 2017 and the remaining installments shall come due in consecutive order, one each year not to exceed ten (10) years in total, on the 1st day of October beginning with the year 2017.
3. Interest shall be charged on the unpaid balance of said special assessment roll at the rate of six percent (6%) per annum beginning October 1, 2017. Provided, however, in the event bonds/loans are issued in anticipation of the collection of said special assessment, interest shall be charged on the unpaid balance of the roll at a rate not to exceed one percent (1%) greater than the average rate of interest borne by said bonds/loans payable annually on the respective due dates of subsequent installments. Provided, however, that the whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon.
4. A collection fee of 1% for every special assessment installment due shall be added. In addition, a penalty for every special assessment or installment thereof one month in default because of nonpayment shall have added a collection penalty fee of 1% for each month or fraction thereof so in default.
5. The City Clerk is directed to endorse the date of this confirmation upon the Special Assessment roll and attach his warrant thereto commanding the City Treasurer to collect the sums and amounts as directed by Chapter 64 (Special Assessment Ordinances) of the General Ordinances of the City of Lapeer and by resolution of the City Commission. Said warrant shall further require the City Treasurer on the first day of May following the date when such assessments or any installment thereof have become due to submit to the City Commission a sworn statement setting forth a description of lots, premises and parcels of land as to which such delinquency exists, and amounts of such delinquency, including accrued interest computed to May first of each year.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

## **ADMINISTRATIVE REPORTS**

### Audit Report – Shannon VanderHaar.

Shannon VanderHaar, Layton and Richardson PC, reviewed the Audit Report and audit recommendations for the fiscal year ending June 30, 2016. Discussion was held regarding audit recommendations and compliance, disbarment policy, review of checks, nothing inappropriate within audit, statewide rating.

### **32 2017 02-06**

Moved by Bennett. Seconded by Bostick-Tullius.

Approve the Audit Report and accept the Audit Recommendations for Year Ending June 30, 2016 as presented by Layton and Richardson PC.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **CITY MANAGER'S REPORT**

City Manager Dale Kerbyson indicated that he was no longer the President of Michigan Municipal Executives (MME).

## **CITY ATTORNEY'S REPORT**

None.

## **UNFINISHED BUSINESS**

### **33 2017 02-06**

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

Appoint the following:

Charles Dixon Lapeer Housing Commission, term ending 08-01-18.

Charles Dixon Lapeer Housing Board of Appeals, term ending 05-01-17.

Charles Dixon Lapeer Neighborhoods, Inc., term ending 08-01-17.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Downtown Development Authority Status Report was received into record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

### **CLOSED SESSION REQUEST: City Manager Evaluation.**

### **34 2017 02-06**

Moved by Bostick-Tullius. Seconded by Gates.

Approve a Closed Session Request at the end of the Regular meeting for the purpose of discussing the City Manager Evaluation.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED.

Commissioner Bennett: Congratulate the City Manager for time served on Michigan Manager's Board.

Commissioner Atwood: Coffee with a Commish, people are speaking their mind, reviewed with Dale on customer service concerns, working on couple of issues, letting people know he is listening.

Commissioner Bostick-Tullius: I-69 summit, speaker on economic development in Michigan, Detroit area and space issues, connection access, streamline planning process, get businesses to come this way; MML dinner and new legislation in senate and house.

Commissioner Marquardt: I-69 summit, Detroit area and space issues, streamline review process, have projects ready to go, involve Patricia Lucas; movie Patriots Day, thank you to Police/Fire/EMS crew; Zettle situation and how she has taken the "high road", hatred in our community, we need to stand and say "no, not happening here".

City Manager Dale Kerbyson: I-69 event and involvement with Next Michigan Development Corporation as well as Lapeer Development Corporation, work with Oakland and Wayne Counties to send businesses looking for 25+ acres our way, LDC involved with sending Executive Director to Detroit Chamber of Office meetings and attending at least one out-of-state meeting; corridor study needs assessment and empty spaces that need to be filled, buildings available, prepping of sites to be ready; Patriot Day movie.

Mayor Sprague: Thank you to City Manager Dale Kerbyson for taking care of the truck/trailer at White Junior High and assisting with the gentlemen that needed help; Zettle situation, known her for years, has no respect for who did this and challenge them to come forward, appreciate what Police has done, show how we as a community come together and respond.

Closed Session: City Manager Evaluation.

The Commission convened to a Closed Session for the purpose of discussing the City Manager Evaluation at 7:37 p.m. and returned to its regular meeting at 8:35 p.m.

**35 2017 02-06**

Moved by Gates. Seconded by Bostick-Tullius.

Approve an extension to the City Manager's contract for six years, ending 12-31-2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**ADJOURNMENT**

**36 2017 02-06**

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 8:35 p.m.

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William J. Sprague, Mayor

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Donna L. Cronce, City Clerk

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Tracey S. Russell, Deputy City Clerk