

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
May 15, 2017**

A regular meeting of the Lapeer City Commission was held May 15, 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.

Mayor Sprague recognized and welcomed Boy Scout Troop 144; asked to lead the Pledge of Allegiance.

AGENDA APPROVAL

125 2017 05-15

Moved by Bennett. Seconded by Gates.

Approve the Agenda for May 15, 2017 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

126 2017 05-15

Moved by Bostick-Tullius. Seconded by Gates.

Approve the minutes from the Regular meeting held May 1, 2017 and the minutes from the Special Budget Workshop meeting held May 2, 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

Dave Meoak, S. Saginaw Street gave invocation.

Jill Lyons, Berry Street, Center for the Arts Art on Nepessing Street festivities; asked Commissioners to be volunteers.

CONSENT AGENDA

127 2017 05-15

Moved by Marquardt. Seconded by Gates.

Approve the Consent Agenda for May 15, 2017 resulting in the following.

1. Application and Permit for Lapeer Chamber of Commerce for the July 4th fireworks provided by Wolverine Fireworks Display, Inc. and authorize the Mayor or City Manager to sign the required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR MAY 15, 2017

128 2017 05-15

Moved by Marquardt. Seconded by Gates.

Approve the Bill Listing for May 15, 2017 in the amount of \$434,655.39.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation: Nipissing Chapter of the National Society of the Daughters of the American Revolution.

129 2017 05-15

Moved by Gates. Seconded by Marquardt.

Approve the Proclamation In Recognition of the Centennial Anniversary of the Nipissing Chapter of the National Society of the Daughters of the American Revolution.

CITY OF LAPEER PROCLAMATION

In Recognition of the Centennial Anniversary of the Nipissing Chapter of the National Society of the Daughters of the American Revolution

WHEREAS, September 11, 2017 marks the 100th Anniversary of the Nipissing Chapter; and

WHEREAS, the Nipissing Chapter's Founding Daughters in 1917 were: Lula Bryce Abbott, Gertrude Herrick Brown, Sarah Woodruff Bryce, Elizabeth Rood Bullock, Mary Houghton Herrick, Mary Rood Johnson, Mabel Hornby Kinietz, Kate Hart Lincoln, Neva Vincent Louks, Belle Hart McCarthy, Minnie Sculley Mix, Vera Lincoln Pinney, Edith Brown Rhead, Belle Lincoln Russell, Effie Bryce Sidebotham, Julia Abbott Slayton, Abbie Johnson Taylor, Vernelia Rood Taylor, Lucy White Williams and Dr. Mille Elvira Wilson; and

WHEREAS, Lucy White Williams, Founding Regent, and most of these founding daughters are from families of the founders and pioneers of LaPeer. They and their families lived and or grew up in this agricultural country community. As they lived, raised their children and grandchildren they contributed to the community and impacted the development of the city and its citizens; and

WHEREAS, for 100 years the members of the Nipissing Chapter, NSDAR have donated their time, money and services to promote patriotism, our military, historical preservation and education both locally and nationally.

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 City of Lapeer to express official gratitude and deep appreciation to all the members past and present of the Nipissing Chapter, NSDAR for their achievements and dedication to public service and helping to make life better for others.

Dated this 15th day of May, 2017.

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

FY 2017-2018 Budget Hearing.

City Manager Dale Kerbyson commented on workshop, budget as modified is presented. Mayor Sprague opened the public hearing at 6:34 pm. There being no comments from the public, closed the public hearing at 6:34 pm.

130 2017 05-15

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Resolution To Adopt The Budget Of The City Of Lapeer For The Fiscal Year July 1, 2017 to June 30, 2018 And To Make Appropriations Therefore and the 2017 – 2023 Capital Improvement Program.

GENERAL APPROPRIATIONS ACT

RESOLUTION TO ADOPT THE BUDGET OF THE CITY OF LAPEER FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018

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AND TO MAKE APPROPRIATIONS THEREFORE

WHEREAS, the City Charter requires: That the City Manager submit a budget proposal with his recommendation to the City Commission; that a public hearing be held on said budget proposal; that the City Commission by resolution adopt a budget for the ensuing fiscal year, making an appropriation of the money needed therefore, and designating the sum to be raised by taxation; and

WHEREAS, the Manager has submitted said budget and recommendations along with the proposed tax millage to be levied and a public hearing has been held thereon:

NOW, THEREFORE, BE IT RESOLVED as provided in the City Charter, and in conformity to Public Act 621 of 1978, the Uniform Budgeting and Accounting Act, that the budgets attached hereto and made a part hereof by reference are hereby considered and adopted, to be administered on fund level, as the budgets of the City of Lapeer to cover the operations and expenditures thereof for the fiscal year July 1, 2017 to June 30, 2018.

BE IT FURTHER RESOLVED that in addition to the levy of a City Income Tax in accordance with the State’s Uniform City Income Tax Act, the sum of \$2,503,436 be raised by taxation from the levy of 9.8000 mills on the ad Valorum tax roll and 4.9000 mills on the IFT tax roll for operations on the assessed value of all real and personal property in the City as follows:

General Operation	9.8000 mills	\$2,423,605
General Operation	4.9000 mills	\$ 79,831

BE IT FURTHER RESOLVED that the City Manger be authorized to transfer necessary amounts between activities (departments) within a fund and up to \$5,000 between funds.

BE IT FURTHER RESOLVED that a copy of this budget resolution be furnished to the City Assessor, who together with the City Treasurer, shall then proceed to assess and collect the taxes in accordance with the City Charter and State Statutes.

ON A ROLL CALL VOTE:

- YEAS: Commissioners Bennett, Atwood, Marquardt, Bostick-Tullius, Gates.
- NAYS: None.
- ABSTAIN: None.
- ABSENT: None.

MOTION CARRIED AND RESOLUTION ADOPTED.

ADMINISTRATIVE REPORTS

City of Lapeer Fee Schedule: July 1, 2017.

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Moved by Bennett. Seconded by Gates.

Approve the City of Lapeer Fee Schedule to be effective July 1, 2017.

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

MOTION CARRIED.

Street Millage: Ballot Proposal.

By general consensus direct the City Attorney and City Clerk to prepare ballot language for 2 mills for a period of six years for a Street and Sidewalk Improvement Millage.

Update of Election Voting Equipment: HAVA Grant.

132 2017 05-15

Moved by Bostick-Tullius. Seconded by Gates.

Approve the Resolution Help America Vote Act (HAVA) Grant Agreement Voting System Hardware, Firmware and Software.

CITY OF LAPEER
RESOLUTION

Help America Vote Act (HAVA) Grant Agreement
Voting System Hardware, Firmware and Software

WHEREAS, the City of Lapeer wishes to apply to the Secretary of State for a grant to purchase a new voting system, which includes precinct tabulators, accessible voting devices for use by individuals with disabilities and related Election Management System (EMS) Software.

WHEREAS, funding for the new voting system will be provided by the State and will include a combination of Federal Help American Vote Act (HAVA) and State-appropriated funds.

WHEREAS, the City of Lapeer plans to begin implementation of the new voting system in 2017.

NOW, THEREFORE, BE IT RESOLVED, that the Lapeer City Commission authorizes the City Clerk to submit this Grant Application on behalf of the City of Lapeer, Lapeer County on this 15th day of May, 2017.

ON A ROLL CALL VOTE:

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

NAYS: None.

ABSTAIN: None.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Ordinance Amendment: Chapter 20 (Business Licenses and Regulations Ordinance)
Section 20.02 Taxicab License.

Commissioner Gates introduced the proposed amendment to Chapter 20 (Business Licenses and Regulations Ordinance); Section 20.02 Taxicab License, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

20.02 Taxicab License.

To be deleted in its entirety.

Notice of Intent Resolution.

2017 Capital Improvement Bonds (Limited Tax General Obligation).

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Moved by Marquardt. Seconded by Gates.

Approve the Notice of Intent Resolution, 2017 Capital Improvement Bonds (Limited Tax General Obligation).

NOTICE OF INTENT RESOLUTION
2017 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL
OBLIGATION)

City of Lapeer
County of Lapeer, State of Michigan

The following preamble and resolution were offered by Commissioner Marquardt and supported by Commissioner Gates.

WHEREAS, the City of Lapeer, County of Lapeer, State of Michigan (the "City") intends to issue and sell its general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed Two Million Dollars (\$2,000,000) (the "Bonds"), in one or more series, for the purpose of paying all or part of the costs of certain capital improvement items in the City, including the reconstruction, resurfacing and sealing of certain roads and streets located in the City, and any related infrastructure improvements, together with all appurtenances and attachments thereto (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Lapeer Area View*, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.

3. The City Commission does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from the general funds of the City subsequent to sixty (60) days prior to today.
- (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$2,000,000.
- (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Delinquent Special Assessments to 2017 Tax Roll.

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Moved by Bennett. Seconded by Gates.

Add Special Assessment Districts 2007-01, 2008-01, 2008-04, 2009-02, 2010-01, 2010-03, Delinquent Special Assessment installments as of May 1, 2017 to the 2017 Summer Tax Roll as authorized by City Charter.

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

Nays: None.

Absent: None.

MOTION CARRIED

2017 DeMille Road Rehabilitation – Scrap Tire Grant Project.

ROWE Professional Services Co. – Construction Engineering Agreement.

135 2017 05-15

Moved by Marquardt. Seconded by Gates.

Approve the Contract for Engineering Services with ROWE Professional Services, Co. in the amount of \$40,600 for the 2017 DeMille Road Rehabilitation – Scrap Tire Grant Project and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED

Court Street & Calhoun Street Reconstruction Projects.
Rhode Bros. Excavating, Inc. Construction Contract.

136 2017 05-15

Moved by Gates. Seconded by Atwood.

Award and Approve the construction contract with Rohde, Bros. Excavating, Inc. in the amount of \$1,281,375.00 for the Court Street & Calhoun Street Reconstruction Projects and authorize the Director of Public Works to sign said Contract.

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

Nays: None.

Absent: None.

MOTION CARRIED

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented ordinance information received by Mr. Dunaskiss and City of Lansing Attorney Mr. Smiertka was received and sent to Planning Department, Planning Commission to review and discuss at next meeting in June, Police Chief advised that State has revised their dates and permits will not be issued until second quarter of 2018.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

137 2017 05-15

Moved by Marquardt. Seconded by Gates.

Appoint Dale Kerbyson to the Lapeer Building Authority, term ending 06-01-20.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports, Monthly Financial Report for March 2017 and Investment Report for the Quarter Ended March 31, 2017 were received into record.

PUBLIC COMMENTS

Jamie Fricke, business at 544 N. Main that is a medical marihuana certificate center called Holistic Leaf Medical Center, let Commission know that is a problem at her business, county police are pulling employees/patients over, Lapeer City police sitting at intersections and watching business and presented pictures, have advised employees to document incidences, here to let Commission know.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Attended the Ecotourism Symposium, things to do when people get out, possibility of bike and kayaking rentals, City has a lot of trails; understands why the ice rink was cut from the budget and moved to local streets, facebook post for interest in ice rink, keep an open mind about adding ideas in the future to draw people downtown; did go kayaking that was part of the symposium.

Commissioner Bostick-Tullius: Budget workshop and understands cuts with roads being the priority, would like to see ice skating rink and ideas to bring youth downtown.

Commissioner Marquardt: Attended the Ecotourism Symposium, great ideas and good experience, felt it was too cold to go kayaking; attended Lapeer Art show at Gallery which was nice and well attended.

City Manager Dale Kerbyson: Attended the Ecotourism Symposium, presented some ideas to TIFA Board members for funding, may see some ideas implemented, like to attend another one and maybe sponsor one in the future.

Mayor Sprague: Upcoming events; Aldi's grand opening, Memorial Day Parade; M-24 construction; missed Ecotourism Symposium, attended one in the past, use of abandoned railroad tracks as trails and use of quaint shops placed along the route.

ADJOURNMENT

138 2017 05-15

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 7:00 p.m.

William J. Sprague, Mayor

Donna L. Cronce, MMC, City Clerk

Tracey S. Russell, Deputy City Clerk