

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JULY 1, 2019**

A regular meeting of the Lapeer City Commission was held July 1, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Alverson

Commissioners Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Alverson led the Pledge of Allegiance.

AGENDA APPROVAL

142 2019 07-01

Moved by Marquardt. Seconded by Osentoski.

Approve the Agenda for July 1, 2019 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MINUTES

143 2019 07-01

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes of the Regular meeting held June 17, 2019 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

PUBLIC COMMENTS

Janet Adams, Baldwin Road, gave invocation with reference to the Great Wall of China and gatekeepers.

Bryan Cloutier read his letter to the Commission requesting it be entered into the record as part of the minutes:

Mayor and City Commissioners:

I am writing to express serious concerns I have regarding lack of both procedural and legal rules of order at the Zoning Board of Appeals level. I understand and respect that I serve at the pleasure of the Mayor and City Commission; however, during my short tenure on the ZBA I have made observations that either border on, or outright violate, Open Meetings Act. As a government administrator and public official, I have a higher obligation to uphold the legal requirements of the Act and to call for immediate action for remediation when I witness a violation. OMA, along with Freedom of Information Act, were established to give transparency to citizens in holding their elected officials and their actions accountable. I take both very seriously.

At the ZBA meeting held on Monday, 24 June 2019, the topic of bylaws for the ZBA was both brought up for discussion and voted on without the matter being listed on the agenda. The motion to consider not adopting bylaws passed with my vote being the only dissenting vote. When I questioned the validity of the vote the response I was given was that it fell within the title: "Other Business." I am maintaining that "Other Business" is not a line item nor does it accurately

portray action taken on Zoning Board of Bylaws under OMA. This is only one example of a number of infractions I have observed while serving on the ZBA.

The Office of Attorney General publishes an "Open Meetings Act Handbook" https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf, and excellent resource for elected officials. Not only does it spell out the intent of the law, it provides for best practices. I am recommending everyone who sits in an elected capacity in our City take the time to refresh themselves with this topic. I have the background experience and the knowledge in government structure, procedural order and in drafting and implementing policy to help be part of the solution, but the first step in this process is admitting that there is a problem. If you would like to discuss this matter in hopes of concluding with much stronger accountability and transparency then I welcome your consideration and appreciate your desire to move this City forward with my help. If you choose not to take up this matter, it is your prerogative, but then please accept this letter as my official resignation from the Zoning Board of Appeals. I would hope that you could respect that I cannot continue to be part of a judicial level board that does not have established structure and blatant disregard for OMA. I may be reached via email at: bcloutier@miopl.org. Thank you for your time and consideration. I am looking forward to hearing from you soon.

Regards,
Bryan J. Cloutier, Bam MLIS

CONSENT AGENDA

144 2019 07-01

Moved by Osentoski. Seconded by Bostick-Tullius.

Approve the Consent Agenda for July 1, 2019 resulting in the following:

1. Special Event Request from Lapeer Team Work, Inc., Annual Picnic, July 19, 2019, 10:30 AM – 3 PM, Farmers Market Pavilion.
2. Special Event Request from Lapeer Chamber of Commerce, Annual Fireworks Show, July 4, 2019, beginning at dusk on the grounds of Roland Warner Middle School.
3. Fixed Asset Disposal as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

BILL LISTING FOR JULY 1, 2019

145 2019 07-01

Moved by Marquardt. Seconded by Osentoski.

Approve the Bill Listing for July 1, 2019 in the amount of \$690,408.11

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Charitable Gaming License Request.

146 2019 07-01

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the Local Governing Body Resolution for Charitable Gaming License for Friends of Lapeer Dog Park.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Electrical Contract: Mark Griessel.

Mechanical and Plumbing Contract: Timothy P. Israel.

147 2019 07-01

Moved by Bostick-Tullius. Seconded by Atwood.

Approve the Electrical Contract with Mark Griessel, Mechanical and Plumbing Contract with Timothy P. Israel and authorize the Mayor and City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

2019-2020 Property and Liability Insurance Renewal.

148 2019 07-01

Moved by Atwood. Seconded by Osentoski.

Recommend approval of Peterson McGregor & Associates (formerly Cadillac Insurance Center) for the City of Lapeer Property and Liability Insurance at a cost of \$170,988 for the Fiscal Year July 1, 2019 to June 30, 2020 and authorize the City Manager to sign required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Training Plan – Redevelopment Ready Communities Best Practice.

149 2019 07-01

Moved by Marquardt. Seconded by Osentoski.

Adopt the Training Plan as presented as a Redevelopment Ready Communities (RRC) Best Practice.

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

Nays: None.

Absent: None.

MOTION CARRIED.

Copier Purchase for Public Safety Building.

150 2019 07-01

Moved by Osentoski. Seconded by Bennett.

Approve the purchase of a Kyocera Model Taskalfa 40021 copier/fax/scanner machine, supporting service and supply plan for the Public Safety Building as approved in the 219-2020 Capital Improvement Plan (Project #20610).

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

Nays: None.

Absent: None.

MOTION CARRIED.

Discussion Regarding Approval of New Branding Logo for the City of Lapeer.

Commissioner Bostick-Tullius opened the discussion by describing the handout of several types of logos and seals. Several of the samples were liked by the commission. City Manager Kerbyson indicated he would look into what all needed to be changed which would include the pathway finding system project and what the cost would be as well as a timeframe to get all items changed over, as it was the consensus of the Commission to move forward with a new City logo and to decide on which one to use at a later date.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson reported a small urban grant for \$375K for Oregon is being considered; Senate Bill 324 is moving forward by Senator Daley to allow local taxes to be collected by the State for lottery winnings and then forwarded to the local municipality; received approval from Consumers to begin the repair on Genesee DeMille, project should start July/August, Mott sign will be relocated due to the pathway coming through.

Closed Session to Discuss Real Estate.

151 2019 07-01

Moved by Osentoski. Seconded by Bennett.

To have a Closed Session, Attorney/Client Privileged Communication regarding real estate.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Mike Nolan reported the two lawsuits for FB Lapeer and Green Buda have been delayed due to new information presented, still awaiting a decision.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

The Investment Report for Quarter Ending December 31, 2018 and the DDA Status Report dated June 21, 2019 were received into the record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett: Sorry to hear Commissioner Bostick-Tullius will not be re-running.

Commissioner Atwood: The mountain bike trail is hard to cross the street under the bridge. City Manager Kerbyson indicated he will check with Pete McCreedy on making this more accessible and there is an app you can download saying where it is. We are currently working towards a sidewalk on both sides of the street with chain link fencing which will go up to the platform to cross, however, have hit a snag with the railroad right of way, may need to work with Rowe to resolve.

Commissioner Osentoski: Requested that the City Manager look into getting Walmart to fix their parking lot on their private entrance by the Mexican restaurant; attended the Cramton Play Scape dedication and thanked Optimist for their generous donation. Questioned the gas leak, will City be reimbursed for time/equipment involved. City Manager Kerbyson indicated that yes, we will receive reimbursement. DPW Director Reid indicated she spoke with EGLE, they have run into cobblestone near the holding tanks for product, a meeting will be held next week with the engineers to see how it will move forward. City Manager Kerbyson indicated the City's utilities are below the holding tanks. Condolences to the drowning victim's family.

Commissioner Bostick-Tullius: The partnership committee that was doing the rebranding will continue to work on future projects, possible upcoming project as a shared event with other downtown communities. Congratulations to Jeff Hogan on a well written article on the drowning victim, is on the CMH board and everyone needs to be aware of those that need the help, thank you.

Commissioner Marquardt: Stated that the Kamax trucks are ruining the City roads and thought a route was in place that they are to be taking to avoid City roads. City Manager Kerbyson indicated a route has been in place and he will reach out to Kamax to make sure they are using the correct route. Is on the Lapeer Days Committee, Chief's Frisch & Kluge are representing the City well, did not realize how much work goes into putting on Lapeer Days. Thank you to Optimist for their donation to the Cramton Play Scape; have a safe 4th of July; thank you to Jeff Hogan on the drowning victim story.

City Manager Kerbyson: 69/24 bridge construction will be July 8th, which will be a two week project; Donna Cronce will be returning tomorrow to help out until we can hire a

replacement for City Clerk position; reminded Commission he will be off the rest of the week.

Mayor Alverson: announced local up-coming events; July 8th 69/24 bridge construction project to go until the end of July with ramp closure, can use Lake Nepessing as an alternate route. Veterans have Vets to Wellness with GLTA, should see more about this in up-coming news articles. Attended Play Scape dedication, Optimist have done so much for the City's youth; has visited the new Pocket Park and is glad to see socializing and people taking advantage of this new City park.

With no further comments the Commission adjourned to a Closed Session at 7:26 p.m. and returned to the regular session at 7:56 p.m.

ADJOURNMENT

152 2019 07-01

Moved by Bennett.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:56 p.m.

Mayor Glenn Alverson

Tracey S. Russell, Deputy City Clerk