

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
October 15, 2018**

A regular meeting of the Lapeer City Commission was held October 15, 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, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney Representative: Aleksandrs Bomis, present.

Mayor Sprague led the Pledge of Allegiance.

**AGENDA APPROVAL**

**224 2018 10-15**

Moved by Marquardt. Seconded by Bostick-Tullius.

Approve the Agenda for October 15, 2018 as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**MINUTES**

**225 2018 10-15**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes of a Regular meeting held October 15, 2018 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**

Police Chief Frisch introduced Rodney Sanderson-Smith, volunteer service coordinator for the Police and Fire Departments.

Maurice Freed, Mayfield Township, introduced himself as a candidate for the Lapeer County School Board.

Jenny Burkhardt, Wilder Road, gave invocation.

Shelly Cross, Colorado, rented PIX Theatre to show a documentary on the legalization of recreational marihuana on Wednesday, October 17<sup>th</sup> at 7:00 p.m.; event is free, invited all to come.

**CONSENT AGENDA**

**226 2018 10-15**

Moved by Marquardt. Seconded by Osentoski.

Approve the Consent Agenda for October 15, 2018 resulting in the following.

1. Special Event Request from the Lapeer Area Chamber of Commerce, Annual Christmas Parade, December 1, 2018; 11:00 a.m., Nepessing Street in the downtown area.
2. Special Event Request from the Downtown Development Authority, Annual Downtown Treat Walk, October 27, 2018, 10:00 a.m. - 2:00 p.m., in the downtown area.

3. Special Event Request from the Downtown Development Authority, Annual Winterfest and Pub Crawl, November 30<sup>th</sup> from 4:00 p.m. to 9:00 p.m., & December 1, 2018, 12:00 p.m. - 9:00 p.m. in the downtown area.
4. Special Event Request from Ray C's and Wheelin Team 457, Annual Buck Pole event, November 15, 2018, from 7:00 a.m. to 9:00 p.m. at Ray C's on M-24.
5. Set Halloween Trick or Treat Hours from 6:00 p.m. to 8:00 p.m. on Halloween night, Wednesday, October 31, 2018.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **BILL LISTING FOR OCTOBER 15, 2018**

### **227 2018 10-15**

Moved by Marquardt. Seconded by Atwood.

Approve the Bill Listing for October 1, 2018 in the amount of \$501,941.78.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

### **PUBLIC HEARINGS**

#### Lapeer Housing Department.

Mayor Sprague opened the public hearing at 6:39 p.m.

Director of Housing Denise Soldenski introduced the Team Work project stating the introduction application has been submitted to MEDC with a 50/50 grant match, grant amount of \$944,600. Ann Zettle and her Team from Team Works are here for questions and/or comments. Ms. Zettle introduced her team members as: Jeff Brands, Carol Parisau, Terry Bowerman, Tony MacSoud, Jeannene & Jim Koprowksi, and Jeff VanKamp. Ms. Zettle thanked the City of Lapeer for their support, especially Denise Soldenski and Pam Reid. A fully handicap accessible facility will be in place once the project is complete. The grant has not been awarded yet, there are still a few steps to finalize and a few Federal government tests to pass. After the final budget is approved, MEDC will put out a press release indicating the City of Lapeer as the Grantee and Team Works as the Developer.

Mayor Sprague closed the public hearing at 6:44 p.m.

City Manager Dale Kerbyson commented that MEDC changed positions making it easier to move forward with the project which, to his understanding, indicates the grant will be awarded; congratulations, looking forward to the project moving forward.

### **228 2018 10-15**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Resolution to Approve Developer Agreement for the MEDC CDBG Lapeer Team Work Project and also Approve Resolution to Authorize the City of Lapeer to Submit a MEDC CDBG Application for the Lapeer Team Work Project.

#### **RESOLUTION TO AUTHORIZE THE CITY OF LAPEER TO SUBMIT A MEDC CDBG APPLICATION FOR THE LAPEER TEAM WORK PROJECT**

WHEREAS, the City of Lapeer has been invited by the Michigan Strategic Fund to submit a CDBG application in the amount of \$944,600; and

WHEREAS, the City of Lapeer desires to use the CDBG funds for the Lapeer Team Work Project; and

WHEREAS, the City of Lapeer commits local funds from its general fund and Building Department fund in the amount of \$50,000 general fund and \$14,658 Building Department; and

WHEREAS, the proposed project is consistent with the local community development plan as described in the Application; and

WHEREAS, at least 51% of the beneficiaries of the proposed project will be low and moderate income persons; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated and will not be obligated prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the Lapeer City Commission hereby designates the Mayor as the Certifying Officer, the person authorized to sign the Michigan Economic Development Corporation CDBG Application and Grant Agreement documents, and allows the Director of Housing and Neighborhood Development or Grant Administrator as the persons authorized to sign ongoing grant documents and payment requests as necessary; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of October 15<sup>th</sup>, 2018.

RESOLUTION TO APPROVE  
DEVELOPER AGREEMENT FOR THE MEDC CDBG  
LAPEER TEAM WORK PROJECT

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low income residents; and

WHEREAS, the Developer Agreement for the City of Lapeer application for Community Development Block Grant (CDBG) grant funds from the Michigan Economic Development Corporation (MEDC) to rehabilitate the exterior façade of the Lapeer Team Work building located at 286 W. Nepessing Street; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the Housing Department to enter a Developer Agreement with Lapeer Team Work, Inc. for the Lapeer Team Work Project; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the Mayor to sign the Developer Agreement for the City of Lapeer Housing Improvement Department grant application with MEDC for the CDBG grant funds for the Lapeer Team Work project.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

**ADMINISTRATIVE REPORTS**

Resolution to approve the HID Acceptance of the MSHDA HCV Administration Contract Extension for 2019.

**229 2018 10-15**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve Resolution to Approve Michigan State Housing Development Authority (MSHDA) Division of Rental Assistance and Homeless Solutions Housing Choice Voucher Program Proposal for Housing Choice Voucher Administration 2019.

RESOLUTION TO APPROVE  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)  
DIVISION OF RENTAL ASSISTANCE AND HOMELESS SOLUTIONS  
HOUSING CHOICE VOUCHER PROGRAM

PROPOSAL FOR HOUSING CHOICE VOUCHER ADMINISTRATION 2019

WHEREAS, the City of Lapeer is interested in continuing the contract with the Michigan State Housing Development Authority (MSHDA) to administer Housing Choice Vouchers for Lapeer and Tuscola Counties and Bad Axe Veteran's Administration Supportive Housing (VASH) Vouchers for the 2019 contract term in its continuing effort to improve the housing stock and provide affordable housing opportunities for the region's low and very low income HCV applicants/participants; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to sign the 2019 contract for administration of Housing Choice Vouchers for Lapeer and Tuscola Counties and Bad Axe VASH; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned contract; and

WHEREAS, said City Commission authorizes the Director of Housing and Neighborhood Development to sign the related contractual documents; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to contract with the Michigan State Housing Development Authority's (MSHDA) Rental Assistance and Homeless Solutions Division on or after October 15<sup>th</sup>, 2018 to administer the Housing Choice Voucher program for Lapeer and Tuscola Counties and Bad Axe VASH, and authorizes the Director of Housing and Neighborhood Development to sign related contractual documents on behalf of the City of Lapeer upon receipt.

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

Assistance to Firefighters Grant Program.

**230 2018 10-15**

Moved by Bennett. Seconded by Osentoski.

Approve Resolution to Support Submission of Fire Department Grant Application for Assistance to Firefighters Grant Program and authorize the Fire Chief to sign all documentation as it relates to this grant.

Resolution to Support Submission of Fire Department Grant Application  
For ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

WHEREAS, the City of Lapeer Fire & Rescue Department is eligible to submit one application for funding assistance for the purchase of certain types of fire service vehicles and equipment; and

WHEREAS, the Federal government has funded a grant program for this purpose; and  
WHEREAS, the City of Lapeer Fire & Rescue Department would like to submit a request for funding assistance for the purchase of firefighter protective equipment and portable radios at a total cost not to exceed \$100,000; and

WHEREAS, funding for this project is proposed from a grant from the Department of Homeland Security in an amount not to exceed \$90,000 (90%) and \$10,000 (10%) from the City of Lapeer for the requested equipment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer City Commission authorizes submission of a Department of Homeland Security grant application under the Assistance to Firefighters Grant Program and commits up to \$10,000 of City funds to provide a match toward the grant application should it be awarded

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **CITY MANAGER'S REPORT**

### **Dark Store Legislation.**

Commissioner Bennett requested an explanation on how to best to explain this donation to the citizens of Lapeer. Mr. Kerbyson indicated if a vacant store remains vacant for years due to contractual language, it affects all citizens of the community. Should this legislation pass, it could affect the whole county of Lapeer in the future. Mayor Sprague questioned if this was legal to donate to such a cause. Mr. Kerbyson indicated yes, the test is if it only benefits one person there would be an issue, however, it benefits the whole community so it is legal.

### **231 2018 10-15**

Moved by Bostick-Tullius. Seconded by Marquardt.

Approve the City of Lapeer support the City of Escanaba in the State Tax Commission battle over the past Dark Store ruling and contribute \$2,500 towards the Escanaba legal defense fund.

ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **Confirmation of City Clerk.**

### **232 2018 10-15**

Moved by Bennett. Seconded by Atwood.

Confirm Renee Bullen as City Clerk.

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

Nays: None.

Absent: None.

MOTION CARRIED

## **CITY ATTORNEY'S REPORT**

City Attorney Representative Aleksandrs Bomis indicated the City has been awarded a judgment on a property within the City that has been deemed an unsafe structure; action will be taken to abate the property in 21 days; a lien by the City will be placed on the property, however, the City would like to see the property owner take action to resolve this issue prior to a lien being placed.

## **UNFINISHED BUSINESS**

### **233 2018 10-15**

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

Appoint Glenn Alverson to the Local Officers Compensation Commission with a term ending October 1, 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED

### **234 2018 10-15**

Appointed by Mayor Sprague. Moved by Atwood. Seconded by Osentoski.

Appoint Samuel Howard, Devin Falkenhagen, and Morgan Castle to the Youth Council with a term ending November 1, 2019.

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

Nays: None.

Absent: None.

MOTION CARRIED

### **235 2018 10-15**

Moved by Marquardt. Seconded by Bostick-Tullius.

Appoint Renee Bullen to the Election Commission with a term ending January 1, 2019.

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

Nays: None.

Absent: None.

MOTION CARRIED

## **DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports, Monthly Financial Report for June 2018 Pre-Audit, Monthly Financial Report for July 2018, and Housing Department - Update to 2016-2020 Goals and Objectives were received into record.

## **PUBLIC COMMENTS**

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Thank you to Rodney Sanderson-Smith, it is a sacrifice to volunteer for such a position and he is a great soccer player.

Commissioner Bostick-Tullius: Thank you to Rodney Sanderson-Smith; congratulations to Team Works; was keynote speaker in Lansing on the importance of having a great relationship with your City Attorney and the importance of the attorney's education and advocacy on behalf of the City and is grateful that we have that with our City Attorney.

Commissioner Marquardt: Thanked Fire Chief Kluge and his team for bringing the new fire truck for viewing as well as for Saturday's Open House; is excited about the Team Work project; congratulations to Team Work, Denise Soldenski and Shelly Lincoln; this project will bring other business downtown.

City Manager Kerbyson: There is a contractor in place and ready to go for the Team Work project for when the grant is awarded; Fire Department Open House was a big success, well attended, congratulations; requested Rodney Church to announce his community build project. Director of Parks, Recreation, and Cemetery Rodney Church explained they are having a Community Build at Cramton Park to put in a new play structure in 3 days from October 25-27; looking for adult volunteers, will work 8:00 am to 4:30 pm, tools and lunch will be provided. Mr. Kerbyson stated the Asset Management update will be forthcoming; leaf collection will start November 1<sup>st</sup>; the Police, Fire, and DPW Directors will speak to Ed Tech on their careers.

Mayor Sprague: Thank you for the new fire truck viewing and open house; announced local events; was a great turnout of Nightmare on Nepeessing this past Saturday.

Closed session request to discuss the City Manager's Evaluation.

### **236 2018 10-15**

Moved by Bennett. Seconded by Bostick-Tullius.

Approve a Closed session request to discuss the City Manager's Evaluation.

ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **Closed Session**

The City Commission convened to a Closed Session for the purpose of discussing the City Manager's Evaluation at 7:02 p.m. and returned to its regular meeting at 8:13 p.m.

## **ADJOURNMENT**

### **238 2018 10-15**

Moved by Marquardt.

Adjourn the regular meeting.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:13 p.m.

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Mayor William J. Sprague

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Renee Bullen, City Clerk

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Tracey Russell, Deputy City Clerk