

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
DECEMBER 2, 2019**

A regular meeting of the Lapeer City Commission was held December 2, 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 Marquardt.

Commissioners: Atwood, Cattane, Osentoski, Pattison, Stroh.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

257 2019 12-04 AGENDA APPROVAL.

Moved by Osentoski. Seconded by Cattane.

Approve the Agenda for December 4, 2019 as presented.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

258 2019 12-04 MINUTES.

Moved by Osentoski. Seconded by Pattison.

Approve the minutes of the Special Meeting held November 7, 2019 and Regular Meeting held November 18, 2019, as amended to read:

“255 2019 11-18 Appointments to Zoning Board of Appeals”

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS.

Chris Aiello, Lapeer Infused, provided an update of progress for the business and the status of the license; indicated the company had recently let their provisional license for medical marihuana provisioning center expire in error; City Clerk has revoked the license; will be filing an appeal of revocation.

Janet Adams, Lapeer, gave an invocation.

Don Flory, ask the commission for serious consideration of zoning changes for 1356 Imlay City Road; building is for sale; the buyer is asking for change in zoning; allow for building to be used for something else.

259 2019 12-02 CONSENT AGENDA.

Moved by Atwood. Seconded by Stroh.

Approve the Consent Agenda for December 2, 2019 resulting in the following:

1. Traffic Control Order #301.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

260 2019 12-02 BILL LISTING FOR DECEMBER 2, 2019.

Moved by Atwood. Seconded by Pattison.

Approve the Bill Listing for December 2, 2019 in the amount of \$536,375.14.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

261 2019 12-02 Resolutions in Recognition of Samuel J. Isaac, Bryan D. Kirby and Zebadiah E. Schons.

Moved by Osentoski. Seconded by Stroh.

Approve the resolution in recognition of Samuel J. Isaac.

**RESOLUTION
CITY OF LAPEER
In Recognition of Samuel J. Isaac**

WHEREAS, Samuel J. Isaac served as a Firefighter with the City of Lapeer Fire & Rescue Department from June 16, 2008 through May 31, 2019; and

WHEREAS, Samuel J. Isaac is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Samuel J. Isaac exemplifies professionalism, dependability, caring and hard work in his service as a Firefighter; and

WHEREAS, through his persistence, hard work, and dedication, Samuel J. Isaac has set an example for all Firefighters and is honored by his community;

NOW, THEREFORE BE IT RESOLVED, that I, Deborah G. Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Samuel J. Isaac for his efforts and devotion to public service, and wish him continued success in all his endeavors.

**RESOLUTION
CITY OF LAPEER
In Recognition of Bryan D. Kirby**

WHEREAS, Bryan D. Kirby served as a Firefighter with the City of Lapeer Fire & Rescue Department from June 14, 2004 through December 10, 2018; and

WHEREAS, Bryan D. Kirby is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Bryan D. Kirby exemplifies professionalism, dependability, caring and hard work in his service as a Firefighter; and

WHEREAS, through his persistence, hard work, and dedication, Bryan D. Kirby has set an example for all Firefighters and is honored by his community;

NOW, THEREFORE BE IT RESOLVED, that I, Deborah G. Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Bryan D. Kirby for his efforts and devotion to public service, and wish him continued success in all his endeavors.

**RESOLUTION
CITY OF LAPEER
In Recognition of Zebadiah E. Schons**

WHEREAS, Zebadiah E. Schons served with the City of Lapeer Fire & Rescue Department as a Firefighter from May 11, 1998 to September 30, 2010; then as a Lieutenant from October 1, 2010 until September 30, 2016; then as a Captain from October 1, 2016 until April 8, 2019 and

WHEREAS, Zebadiah E. Schons is an individual of great personal integrity and has given conscientious service to the citizens of the City of Lapeer and Lapeer County; and

WHEREAS, Zebadiah E. Schons exemplifies true professionalism, dependability, caring and hard work in his service as both a Firefighter and Officer; and

WHEREAS, through his persistence, hard work, and dedication, Zebadiah E. Schons has set an example for all Firefighters and is honored by his community;

NOW, THEREFORE BE IT RESOLVED, that I, Deborah G. Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission, take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Zebadiah E. Schons for his efforts and devotion to public service, and wish him continued success in all his endeavors.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

262 2019 12-02 Codification of City Ordinances.

Commissioner Atwood introduced the Ordinance Adopting a Codification and Revision of the Ordinance of the City of Lapeer, County of Lapeer, State of Michigan.

263 2019 12-02 Davison Road Rehabilitation Project – Change Order #2.

Moved by Atwood. Seconded by Pattison.

Approve Change Order #2 to the construction contract with Ace-Saginaw Paving Co., resulting in a net increase of \$1,110.71 revising the contract amount to \$621,389.93.

City Manager Kerbyson provided an explanation for the second change order.

Commissioner Stroh asked for an explanation regarding the first change order, resulting in an increase. City Manager Kerbyson stated because the asphalt rates were so good we added several repairs; which were not a part of the original bid to maximize funding available.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

264 2019 12-02 Davison Road Rehabilitation Project – Payment #2.

Moved by Osentoski. Seconded by Cattane.

Approve Payment Request #2, final payment to Ace-Saginaw Paving Co., in the amount of \$67,424.56 for services completed on the Davison Road Rehabilitation Project.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

265 2019 12-02 Rezoning – B-2 General Business to I-1 Industrial

1356 Imlay City Rd. - Parcel #L21-29-952-040-00.

Commissioner Cattane introduced the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(22) to the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

(22) The following property formerly zoned B-2 General Business is hereby rezoned to I-1 Industrial:

Parcel #L21-29-952-040-00 addressed as 1356 Imlay City Road

CITY OF LAPEER KINGSBURY'S PLAT LOT 2 & E 20 FT OF LOT 1 (L=1 P=90 SEC 4, T7N-R10E) 44-12-360-002-00

266 2019 12-02 Rezoning – R-2 Single Family Residential to B-2 General Business 891 Baldwin Rd. - Parcels #L20-98-704-040-00 & #L20-98-704-050-00.

Commissioner Pattison introduced the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(23) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (23) The following properties formerly zoned R-2 Single Family Residential is hereby rezoned to B-2 General Business:

Parcel #L20-98-704-040-00 addressed as 891 Baldwin Road

CITY OF LAPEER T7N, R10E, SEC 8 BEG NW COR OF LOT 2 OF WITSTOCK MANOR, TH S70°E ALG N LN OF LOT 2 OF WITTSTOCK MANOR 160.2 FT; TH N14°30'E PAR C/L OF M-24 75 FT; TH N70°W 145.4 FT; TH S25°45'W 75 FT ALG E LN BALDWIN RD TO POB 12-31-2017 COMBINE WITH L21-60-201-040-00 INTO L20-98-704-050-00

And

Parcel #L20-98-704-050-00 addressed as 891 Baldwin Road

CITY OF LAPEER T7N, R10E, SEC 8 BEG NW COR OF LOT 2 OF WITSTOCK MANOR, TH S70°E ALG N LN OF LOT 2 OF WITTSTOCK MANOR 160.2 FT; TH N14°30'E PAR C/L OF M-24 75 FT; TH N70°W 145.4 FT; TH S25°45'W 75 FT ALG E LN BALDWIN RD TO POB ALSO INCLUDING THE N 17 FT OF LOT 2, WHITTSTOCK MANOR L2 PG 38 12-31-2017 COMBINED FROM L20-98-704-040-00 & L21-60-201-040-00

CITY MANAGER'S REPORT

None.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan updated the City Commission on the FB Lapeer vs. City of Lapeer litigation.

UNFINISHED BUSINESS:

267 2019 12-02 Appointment to Downtown Development Authority.

Appointed by Mayor Marquardt. Moved by Osentoski. Seconded by Pattison. Appoint Dan Sharkey and Tim Roodvoets to the Downtown Development Authority, term expiring 01-01-2024.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

268 2019 12-02 Appointment to Planning Commission.

Appointed by Mayor Marquardt. Moved by Stroh. Seconded by Osentoski. Appoint Jeff Pattison to the Planning Commission, as Commission Representative for a term to expire as commission seat expires.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

269 2019 12-02 Appointment to Youth Council.

Appointed by Mayor Marquardt. Moved by Stroh. Seconded by Pattison. Appoint Joshua Atwood to the Youth Council, as Commission Representative for a term to expire 11-01-2020.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

270 2019 12-02 Re-appointment to Accuracy Board.

Moved by Pattison. Seconded by Stroh.

Appoint Dana Jansen, Jennell RaCosta, Paul Parsch and Harry Green (alternate), to the Accuracy Board for a term to expire 02-01-2021.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

271 2019 12-02 Re-appointment as Civil Defense Coordinator.

Moved by Atwood. Seconded by Pattison.

Appoint David Frisch as the Civil Defense Coordinator for a term to expire 01-01-2021.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

272 2019 12-02 Re-appointment to County Center Board.

Moved by Atwood. Seconded by Cattane.

Appoint Jeff Hogan to the County Center Board for a term to expire 01-01-2021.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

273 2019 12-02 Re-appointment to Election Commission.

Moved by Atwood. Seconded by Stroh.

Appoint Romona Sanchez, Mike Nolan and Jaime Barra to the Election Commission for a term to expire 01-01-2021.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

274 2019 12-02 Re-appointment to Income Tax Board of Review.

Moved by Pattison. Seconded by Cattane.

Appoint Scott McCallum to the Income Tax Board of Review for a term to expire 12-01-2022.

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.

Nays: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Downtown Development Authority Status Update and the Medical Marijuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility Update were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: Thanked citizens for coming; hoped everyone had a nice Thanksgiving; shared personal story of the loss of his father in a house fire.

Commissioner Atwood: Thanked the commission for reappointment to the Youth Council; thanked the commission for support of the traffic control #301; asked to have the ugly sweater contest at next meeting; the superheroes cleaned up the leaves at Veteran's Park.

Commissioner Stroh: Mentioned many of the events happening in Lapeer that are focused around the arts; encouraged citizens to find a piece of art they like and support it.

Commissioner Osentoski: Noted Winterfest is this weekend and thanked the 3 firefighters for their service.

Commissioner Pattison: Attended the MML training with the Mayor and other two new commissioners; learned a great deal; and will continue to work hard to learn more.

Mayor Marquardt: Thanked the three firefighters for their service, they are heroes; thank you to our police department too; upcoming events.

City Manager Kerbyson: Tomorrow, December 3, 2019 is Community Day of Giving, Community Foundation will matches up to \$3,000.

275 2019 12-02 ADJOURNMENT

Moved by Osentoski.

Adjourn the regular meeting.

MOTION CARRIED.

The regular meeting adjourned at 7:10 p.m.

Mayor Debbie Marquardt

Romona Sanchez, City Clerk