

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JANUARY 3, 2023**

A regular meeting of the Lapeer City Commission was held January 3, 2023, at the 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, Pattison, Stroh, Swindell.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Denis McCarthy, present.

Mayor Marquardt led the Pledge of Allegiance.

01 2023 01-03 AGENDA APPROVAL

Moved by Cattane. Seconded by Atwood.

Approve the Agenda for January 3, 2023, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

02 2023 01-03 MINUTES

Moved by Cattane. Seconded by Stroh.

Approve the minutes of the regular meeting and closed session held December 19, 2022, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Brian Witherspoon and his wife, who live above Exit Reality, asked if additional 72-hour parking spaces could be added to the parking lot behind Exit Reality. Currently there are only 6 spaces available to all the residents, and it's just not enough. Additionally, they would like to know if a 72-hour handicapped parking space could be added.

Jenny Burkhart gave an invocation.

03 2023 01-03 CONSENT AGENDA

Moved by Cattane. Seconded by Swindell.

Approve the consent agenda for January 3, 2023, as presented:

1. Fixed Asset Disposal: 2016 Ford Explorer.

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

Nays: None.

Absent: None.

MOTION CARRIED.

04 2023 01-03 BILL LISTING

Moved by Pattison. Seconded by Swindell.

Approve the bill listing for January 3, 2023, in the amount of \$1,094,386.22.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

None.

05 2023 01-03 ADULT USE RETAIL – 208 E. GENESEE

Moved by Pattison. Seconded by Cattane.

Approve the proposed Adam & Eve Adult Use Retail located at 208 E. Genesee Street for hours of operation of 10:00 a.m. to 8:00 p.m.

Ayes: Cattane, Pattison, Swindell.

Nays: Atwood, Stroh.

Absent: None.

MOTION CARRIED 3-2.

06 2023 01-03 FY2022-23 BUDGET AMENEDMENTS

Moved by Pattison. Seconded by Atwood.

Approve the budget amendments for FY2022-23, as presented

BUDGET AMENDMENT REQUEST			2022/2023
ACCOUNT #	ACCOUNT NAME	AMOUNT OF ADJUST. (+/-)	Explanation for change
<u>General Fund</u>			
101-000-665.000	Interest on investment	15,000	Increase in revenue
101-257-658.257	ACT 415 Penalty	6,475	Increase in revenue
101-266-679.000	Miscellaneous revenue	19,244	Increase in revenue
101-336-543.000	State Fire Protection	5,997	Increase in revenue
101-441-492.000	ROW Permits	17,000	Increase in revenue
101-690-676.000	Reimb-Housing Services Revenue	2,000	Increase in revenue - Housing
101-931-584.250	Contribution from LDFA	73,209	Increase in revenue
Subtotal General Fund revenue		138,925	
101-690-701.000	Salary and Wages Full Time	2,000	Increase in Housing (see revenue)
101-972-959.248	Contrib to DDA	13,895	DDA loan forgiven
Subtotal General Fund expenditures		15,895	
<u>Park Fund</u>			
208-000-665.000	Interest on investments	2,000	Increase in revenue
208-931-584.233	Contribution from TIFA3	165,561	Increase in revenue for Genesee Trail
Subtotal Park Fund revenue		167,561	

208-751-702.000	Part-time wages	8,000	Rate increase for part-time staff
208-755-702.000	Part-time wages	1,000	Rate increase for part-time staff
208-756-702.000	Part-time wages	5,000	Rate increase for part-time staff
208-756-975.000	Buildings	12,100	Comm center wall pads and pool grout
Subtotal Park Fund expenditures		26,100	

Cemetery Fund

209-567-702.000	Part-time wages	2,500	Rate increase for part-time staff
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Capital Projects Fund

403-265-976.000	Machinery & Equipment	6,650	Commission room cameras
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Land Acquisition Fund

450-101-960.000	Other miscellaneous expense	2,500	Harris appraisal
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Sewer Fund

590-555-741.000	Uniforms	2,200	Increase in supplies
590-555-743.000	Chlorine	2,000	Increase in supplies
590-555-743.100	Chemical-Ferrous Chloride	33,000	Increase in supplies
590-555-974.000	Scada upgrades	10,000	Increase in engineering
590-562-814.200	PFOS Expenses	10,000	Increase in PFOS testing expenses
Subtotal Sewer Fund expenditures		57,200	

Water Fund

591-556-815.000	Other contractual services	50,000	Increase related to lead water lines
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Motor Pool Fund

661-000-679.000	Miscellaneous revenue	13,000	Increase in revenue-sale of assets
661-580-744.000	Tools	4,000	Increase in tools
661-580-815.000	Other contractual services	40,000	Increase in vehicle repairs
661-580-976.000	Machinery & Equipment	92,000	Vehicles ordered early due to supply issues
Subtotal Motor Pool Fund expenditures		136,000	

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

Nays: None.

Absent: None.

MOTION CARRIED.

07 2023 01-03 CENTER BUILDING LEASE AGREEMENT

Moved by Stroh. Seconded by Swindell.

Approve the Center Building Lease Agreement and allow the City Manager and Mayor to sign the appropriate documentation.

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

Nays: None.

Absent: None.

MOTION CARRIED.

MARIHUANA EXCISE TAX DISTRIBUTION PROJECTS

The Commission discussed the three projects that Rowe Professional Services provided cost estimates for, which included a 9-hole Disc Golf Course, a Pump Track and a Splash Pad. The marihuana excise tax distribution to the City is the source of funding for the project. Two of the projects had cost estimates that far exceed the funds available. Possible locations for a disc

golf course were discussed, as well as donating the funds to a non-profit associated with the pump track. In conclusion, it was suggested that the Park Board convene a meeting to determine what they can do with this additional funding.

08 2023 01-03 MARIHUANA EXCISE TAX DISTRIBUTION PROJECTS

Motion by Pattison. Seconded by Cattane.

To do nothing, until the Park Board comes back to the City Commission with recommendations.

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson requested a closed session after the close of the regular meeting to discuss a personnel matter.

09 2023 01-03 CLOSED SESSION

Motion by Cattane. Seconded by Atwood.

To enter into a closed session after the completion of the regular meeting for the purpose of discussing a personnel matter which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney McCarthy said he hit the ground running today; answered a few questions and is eager to help the City anyway he can; wants the City to be the best place it can be.

10 2023 01-03 APPOINTMENT – YOUTH COUNCIL

Appointment by Mayor Marquardt. Moved by Cattane. Seconded by Pattison.

Reappoint Sophia Pietrykowski, Christian Kaake and Leigha Kaake to the Youth Council for terms to expire November 1, 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

11 2023 01-03 APPOINTMENT – DISTRICT LIBRARY BOARD

Moved by Cattane. Seconded by Swindell.

To appoint William Marquardt to the District Library Board for a term to expire December 31, 2026.

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

Nays: None.

Absent: None.

MOTION CARRIED.

12 2023 01-03 APPOINTMENT – ELECTION COMMISSION

Moved by Stroh. Seconded by Swindell.

To appoint Denis McCarthy to the Election Commission for a term to expire January 1, 2024.

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL REPORTS

None.

PUBLIC COMMENTS

Melissa Petrie asked about the status of the ice-skating rink, regarding the skate rental. Also, she asked if the new projects are being researched so there are no delays in their progress.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: Happy New Year. Children are going back to school, hopes everyone had a good holiday season. Lapeer now has rush hour traffic, and he does not like it. Be polite while driving on the roads, it will go a long way.

Commissioner Swindell: Happy New Year to everyone; new things are coming and changing.

Commissioner Pattison: Happy New Year and welcomed Mr. McCarthy.

Mayor Marquardt: Welcomed Denis McCarthy. Asked the City Clerk to send possible dates to the Commissioners to request a closed session to review the nine RFP's for City Attorney; current contract with Kohl, Harris, Nolan & McCarthy is good until the end of June, and we will keep that contract, however, we need to be prepared. She would like to review the RFP's and select the top three candidates to be interviewed; want Commissioners to help develop questions for those firms to be interviewed. It was requested that City Manager Kerbyson and Director of Financial Services Hanna be in attendance at this meeting to review the City Attorney RFP's.

CLOSED SESSION

The Lapeer City Commission convened to a closed session for the purpose of discussing a personnel matter at 7:27 p.m. and returned to its regular meeting at 9:53 p.m.

13 2023 01-03 RETIREMENT – CITY MANAGER KERBYSON

Motion by Stroh. Seconded by Cattane.

To accept City Manager Dale Kerbyson's request for early retirement with an end date of March 31, 2023, to include \$125,000. buyout, include his city vehicle and to provide insurance coverage for his daughter until she reaches the age of 26.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

14 2023 01-03 ADJOURNMENT

Moved by.

Adjourn the regular meeting at 9:56 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 9:56 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk