

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
FEBRUARY 15, 2021**

A regular meeting of the Lapeer City Commission was held February 15, 2021 electronically via *Zoom* 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.

**027 2021 02-15 ADD AGENDA ITEMS**

Moved by Cattane. Seconded by Stroh.

Add agenda items F-4 and F-5 to the Agenda for February 15, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**028 2021 02-15 AGENDA APPROVAL**

Moved by Stroh. Seconded by Cattane.

Approve the Agenda for February 15, 2021 with the addition of F-4 and F-5.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**029 2021 02-15 MINUTES**

Moved by Cattane. Seconded by Pattison.

Approve the minutes of a Regular meeting held February 1, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Clare Longoria spoke against the drive-thru restriction on M-24 (Lapeer Road) between Tower and Turrill Road in the Master Plan.

**030 2021 02-15 CONSENT AGENDA**

Moved by Pattison. Seconded by Stroh.

Approve the Consent Agenda for February 15, 2021 resulting in the following:

1. Special Event: Chamber of Commerce – Food Truck Festival.
2. Special Event: Kiwanis Club of Lapeer – Fantasy Forest.
3. Special Event: Kiwanis Club of Lapeer – Rubber Duck Dash.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARING**

None.

**ADMINISTRATIVE REPORTS**

**031 2021 02-15 BILL LISTING APPROVAL**

Moved by Cattane. Seconded by Pattison.

Approve the Bill Listing for January 29, 2021 through February 10, 2021 in the amount of \$1,434,895.63.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**032 2021 02-15 CITY OF LAPEER MASTER PLAN**

Moved by Osentoski. Seconded by Pattison.

Approve the updated 2021 City of Lapeer Master Plan as adopted by the Planning Commission.

Discussion ensued regarding the drive-thru restrictions in the Master Plan; options to amend the plan; procedure to change language in the plan and if that is possible at this point; extension of the utilities to properties in the restricted area on M-24; the turn-over of properties in restricted area; option of fine dining on M-24 not being possible as there are no liquor licenses available.

The City Commission can make suggestions to the Planning Commission, however ultimately, it is up to the Planning Commission and at this time it does not appear the majority is in favor of removing the restriction. The Master Plan is only a guide; it is the zoning ordinances that set the law. Additionally, it was asked what the losses would be if this Master Plan was not approved tonight. The City's position with RRC certification is on the line and potential grant funding may be lost if we do not have RRC approval. The Planning Commission has held firm on its decision to keep the drive-thru restriction in the plan.

ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski, Pattison, Stroh.  
Nays: Cattane.  
Absent: None.  
MOTION CARRIED 4-1.

**033 2021 02-15 OREGON STREET RECONSTRUCTION PROJECT**

Moved by Cattane. Seconded by Stroh.

Approve the contract with Rowe Professional Services Co. for design engineering services for the Oregon Street Reconstruction Project, not to exceed \$51,000 and allow the City Manager to sign said documents.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**034 2021 02-15 POVERTY EXEMPTION RESOLUTION**

Moved by Stroh. Seconded by Cattane.

Adopt the resolution to extend the poverty exemption granted in 2020 to carry forward through 2021.

2021 City of Lapeer Resolution to  
Allow Extension of Poverty Exemption through 2021 Tax Year

WHEREAS, the General Property Tax Act, MCL 211.7u, states that the homestead of persons who, in the judgment of the assessor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under the General Property Tax Act; and

WHEREAS, the Lapeer City Commission has the option under MCL 211.7u(8) to continue poverty exemptions granted for 2020, through 2021, if the assessor determines that a principal residence of a person by reason of poverty is still eligible for this exemption if, on or before February 15, 2021, the Lapeer City Commission adopts a resolution that continues the exemption through tax year 2021 for all principal residences within the local assessing unit that were exempt in tax year 2020, and

WHEREAS, the Lapeer City Commission may require the owner of a principal residence exempt from the collection of taxes to affirm ownership, poverty, and occupancy status in writing by filing Treasury Form 5739—Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty with the City.

NOW, BE IT HEREBY RESOLVED, pursuant to MCL 211.7u(8), that Lapeer City commission, City of Lapeer, Lapeer County, continues the poverty exemption through tax year 2021 for all principal residences within the City that were exempt in tax year 2020. The Lapeer City Commission requires owners of a principal residence exempt from the collection of taxes pursuant to this provision to affirm ownership, poverty, and occupancy status in writing by filing Treasury Form 5739—Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty with the City.

Dated this 15<sup>th</sup> day of February 2021.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.  
Nays: None.  
Absent: None.

MOTION CARRIED.

**035 2021 02-15 HISTORIC LAPEER SOCIAL DISTRICT**

Moved by Osentoski. Seconded by Stroh.

Adopt the resolution designating the Historic Lapeer Social District defining the common areas.

Discussion took place relating to the traffic; will the street be open; special events; safety of the participants of each event is a primary concern; there will be signage added; possible need for traffic control order.

**A Resolution Designating the City of Lapeer, Historic Lapeer Social District  
and Defining the Common Areas**

RESOLVED: The Lapeer City Commission designates the Historic Lapeer Social District for the downtown district on Nepessing Street with Fox Street on the Western Edge and Cedar Street along the Eastern edge of the district. The District would also include the common areas between Tech Smart USA (404 W. Nepessing Street) and Blend Frozen Yogurt (392 W. Nepessing Street) as well as the common area between Health Quest Physical Therapy (411 W. Nepessing Street) and Vinyl Bar and Grill (393 W. Nepessing Street); the depiction of which is set forth in the attached Exhibit A; and which the depiction is incorporated as part of the minutes; and

FURTHER RESOLVED: The Lapeer City Commission defines a Common Areas within the Historic Lapeer Social District consisting of certain public property and rights of way, the boundaries of which are set forth in the attached Exhibit B and which the depiction is incorporated as part of the minutes; and

FURTHER RESOLVED: The common areas will operate year-round, seven days a week, with the exception, of the 3<sup>rd</sup> weekend of August during the annual Lapeer Days Celebrations and the 2<sup>nd</sup> weekend of October. Hours of operation will be Monday – Thursday, between the hours of 11:00 am and 10:00 pm, Friday and Saturday between the hours of 11:00 am and 11:00 pm, and Sunday between the hours of Noon and 10:00 pm. No later; and

FURTHER RESOLVED: The City Manager will review and approve the Management and Maintenance Plan developed by the Lapeer Downtown Development Authority for the Historic Lapeer Social District, which includes hours of operation for the district that are within business hours, but not beyond 11:00 pm.; that will conform with Governor's Executive Orders when applicable.

FURTHER RESOLVED: to authorize the City Manager to apply for the Social District permit with the Michigan Liquor Control Commission (MLCC) for the Historic Lapeer Social District as designated by this Resolution.

Dated this 15<sup>th</sup> day of February 2021.

**ON A ROLL CALL VOTE:**

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

## **CITY MANAGER'S REPORT**

City Manager Kerbyson received another quote for demolition of White Junior High; continues to have assessments to remove toxic items from the building; appears the timing will come together with the building preparation and the State Land Bank grant application for funds; should receive an additional \$150,00 in funding towards our Oregon Street project; continue to move forward with IT Right; City offices will be migrating over to Office365; wrapped up the new employee policy and procedure manual.

## **CITY ATTORNEY'S REPORT**

None.

## **UNFINISHED BUSINESS**

### **036 2021 02-15 EDC/TIFA/BROWNFIELD**

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

To re-appoint Dan Gerlach to Economic Development Corporation/TIFA/ Brownfield for a term to expire June 1, 2027 and Joe Morey to Economic Development Corporation/TIFA/ Brownfield for a term to expire March 1, 2027.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports and the Planning Commission 2020 Annual Report were received into the record as presented.

## **PUBLIC COMMENTS**

Clare Longoria expressed her disappointment in the City Commission's decision to pass the Master Plan.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Osentoski: Thanked Chief Frisch for helping the DDA put together the Social District.

Commissioner Atwood: Explained himself and his decision on the Master Plan approval; cannot control the Planning Commission; has his own thoughts and ideas for directions the City can go in; yet he realized there are four other Commissioner with thoughts and ideas as well; however, at the end of the day it is tough decisions that must be made. Keep small business in your prayers; support your small business and shop local.

Commissioner Cattane: Apologized for his dress and attire, however, its President's Day and he had the day off; has learned so much since becoming a City Commissioner including the roll of the Planning Commission and the Zoning Board of Appeals and the City Commission. Mother got her vaccine last week; feels like he can breathe finally; hats off to the people working at the Health Department, nothing but good things to say.

Commissioner Stroh: Very good meeting, be safe; great discussion on topics that are difficult; agrees with Commissioner Atwood, we do not have control over other Boards and Commissions that have been giving a charge to do their job; we can bring up differences of opinion. We can just do the best at the time with what is necessary and positive for our community.

Commissioner Pattison: Good meeting; lot of things covered; a lot of good topics for the Goals and Objectives meeting; think about what we want to accomplish; work together to accomplish those objectives. Be safe with the snow.

City Manager Kerbyson: Working with the new County Prosecutor; he re-ignited the law enforcement update training; allowed them to use the Pix at no charge; good Community Service item we are working on.

Mayor Marquardt: Goals and Objectives will be held on Wednesday, February 24, 2021 at 5:30 p.m. She voted No on the Master Plan at the Planning Commission. Proud to say the City of Lapeer has received an award from the United States Census and she would like to publicly thank, Romona, our City Clerk, for all the work she has done for the City of Lapeer as we were recognized for having a 69.8% response rate to the 2020 U.S. Census; the only City in this district to have a response rate over 67%, which is the highest self-response rate among all regions; this was also accomplished with three or four numerators who walked around the City and went door-to-door to get the response rate up; one of which was Bill Marquardt.

**037 2021 02-15 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:55 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:55 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk