

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MARCH 1, 2021**

A regular meeting of the Lapeer City Commission was held March 1, 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.

**039 2021 03-01 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for March 1, 2021 with the addition of Item C-1.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**040 2021 03-01 MINUTES**

Moved by Stroh. Seconded by Pattison.

Approve the minutes of a Regular meeting held February 15, 2021 and the minutes of the Special meeting held on February 24, 2021 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**041 2021 03-01 CONSENT AGENDA**

Moved by Osentoski. Seconded by Stroh.

Approve the Consent Agenda for March 1, 2021 resulting in the following:

1. Special Event: Historic Farmers Market.

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

### **042 2021 03-01 BILL LISTING APPROVAL**

Moved by Pattison. Seconded by Atwood.

Approve the Bill Listing for February 11, 2021 through February 24, 2021 in the amount of \$2,303,618.48.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **043 2021 03-01 RESOLUTION 2021-06 – ALLOW FOR WRITTEN APPEALS – BOARD OF REVIEW**

Moved by Pattison. Seconded by Cattane.

Adopt the resolution to allow written appeals from residents and non-residents for the Board of Review.

#### **Resolution to Allow Local Residents to Protest to Board of Review in Writing**

WHEREAS, the General Property Tax Act, MCL 211.30(4) states that, when appealing to the Board of Review, “a nonresident taxpayer may file his or her appearance, protest, and papers in support of the protest by letter, and his or her personal appearance is not required”: and

WHEREAS, MCL 211.30(8) states that “The governing body of the township or city may authorize, by adoption of an ordinance or resolution, a resident taxpayer to file his or her protest before the board of review by letter without a personal appearance by the taxpayer or his or her agent. If that ordinance or resolution is adopted, the township or city shall include a statement notifying taxpayers of this option in each assessment notice under section 24c and on each notice or publication of the meeting of the board of review”; and

WHEREAS, under the Open Meetings Act, MCL 15.263a, a meeting of a public body may be held electronically through March 30, 2021, and “a public body may use technology to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the public body and other participants to satisfy the requirement under this subsection that members of the public be heard by others during the electronic meeting and the requirement under section 3(5) that members of the public be permitted to address the electronic meeting”;

THEREFORE BE IT RESOLVED that, in order to ease the burden on taxpayers, the assessor and the Board of Review, and to ensure that all taxpayers have an equal opportunity to be heard by the Board of Review, the Lapeer City Commission hereby resolves, according to provisions of MCL 211.30(8) of the General Property Tax Act, that the Board of Review shall receive letters of protest regarding assessments from resident

taxpayers from the first Tuesday in March until it adjourns from the public hearings for which it meets to hear such protests.

BE IT RESOLVED that letters from both residents and nonresidents may include those submitted by handwriting, typewriting, email, and in a chat.

Resolution adopted this 1<sup>st</sup> day of March 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

RESOLUTION DECLARED ADOPTED.

**044 2021 03-01 RESOLUTION 2021-07 POVERTY EXEMPTION POLICY GUIDELINE**

Moved by Stroh. Seconded by Pattison.

Adopt the resolution to create a Poverty Exemption Policy Guidelines.

**City of Lapeer Resolution to  
Adopt Poverty Exemption Policy and Guidelines**

WHEREAS, the General Property Tax Act, MCL 211.7u, states that the homestead of persons who, in the judgment of the board of review (March, July & December), 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 City Commission is required by MCL 211.7u to adopt guidelines for the poverty exemption;

NOW, THEREFORE, BE IT RESOLVED, pursuant to MCL 211.7u, that the City of Lapeer, adopts the following guidelines for the board of review to implement.

The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household.

To be eligible for exemption under this section, a person must do all of the following on an annual basis:

- 1) Taxpayer must file Forms 5737 (Application for MCL 211.7u Poverty Exemption) with all additional required documentation with the assessor after January 1<sup>st</sup> through the day prior to the last day of the December Board of Review. Failure to meet the requirements or submission of an incomplete application will result in a denial of the poverty exemption.
- 2) Own and occupy as a principal residence the property for which an exemption is requested. The person shall affirm this ownership and occupancy status in writing by filing a form prescribed by the state tax commission with the local assessing unit.
- 3) All applicants must provide a complete, signed Federal Income Tax return and State Income Tax return including the Homestead Property Tax Credit (MI-1040 CR), that were filed in the immediately preceding year or in the current year for all persons residing in the principal residence. If the applicant (s) is not required to file a Federal or State Income Tax return, a signed Poverty Exemption Affidavit must be provided

along with the Homestead Property Tax Credit (MI-1040CR). A City of Lapeer Income Tax return also must be provided if applicant(s) are required to file a return.

- 4) Produce a valid driver license or other form of identification if requested by the board of review.
- 5) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if required by the supervisor or board of review.
- 6) Meet the federal poverty income guidelines published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services.

An exemption due to poverty shall not be granted unless total income of all members of the household is less than 100% of the Federal Poverty Guidelines for a household of equivalent size. A partial exemption of 50% shall not be granted unless the total household income of all member of the household is less than 150% of the Federal Poverty Guidelines. Meeting income levels of the City policy does not guarantee the approval of a poverty exemption. Income and assets are reviewed by the Board of Review in the decision-making process.

Income may include, but is not limited to:

- Money, wages, salaries before deductions, regular contributions from persons not living in the residence.
- Net receipts from non-farm or farm self-employment (receipts from a person's own business, professional enterprise, or partnership, after business expense deductions).
- Regular payments from social security, railroad retirement, unemployment, worker's compensation, veteran's payments, public assistance, supplemental security income (SSI).
- Alimony, child support, military family allotments.
- Private and governmental retirement and disability pensions, regular insurance, annuity payments.
- Dividends, interest, and net income from rentals, royalties, estates, trusts, gambling or lottery winnings.

In addition to an income test, in order to be considered for tax exemption under MCL 211.7u, the Board of Review will also consider an asset test which is not to exceed 150% of the Federal Poverty Guidelines for an equivalent household. An applicant's principal residence and principal automobile shall be excluded from the test.

Cash and other assets may include but are not limited to:

- Bank accounts, interest income.
- Stocks and bonds, pensions. IRAs and other investment accounts.
- Withdrawals of bank deposits and borrowed money.
- Gifts, loan, lump-sum inheritances and one-time insurance payments.
- Money received from the sale of property such as stocks, bonds, a house or car.
- Second home, rental property or building/property other than the residence.
- Excess land or vacant land.
- Jewelry, antiques, or artworks.
- Recreational vehicles or additional vehicles which may include but not limited to campers, boats, motorcycles, off road vehicles, snowmobiles etc.
- Equipment or personal property of value.
- Federal non-cash benefits programs such as Medicare, Medicaid, food stamps.

- Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms.

The Michigan homestead property tax credit cannot be considered as income for purposes of the poverty exemption.

If the Board of Review determines that the applicant has income from other sources, such as relatives, dependents, friends, they may add this income to the applicant's reported income and if the resulting sum of the incomes is greater than one and a half times the Federal Poverty Income Guidelines, than a poverty exemption may be denied. If the amount of this income is added to the applicant's reported income and the resulting sum is less than one and a half times the Federal Poverty Income Guidelines, than poverty exemption may be granted.

The Board of Review and Assessor shall review all poverty exemption applications with or without the applicant being present. However, the board may request that any or all applicants be physically present to respond to any question the Board and Assessor may have including questions regarding their financial affairs, health, the status of people living in their home, etc.

A person filing a poverty exemption claim is not prohibited from also appealing the assessment on the property for which the claim is made before the March Board of Review in the same year.

If a person claiming an exemption is qualified under the eligibility requirements, the board of review shall grant the exemption in whole or in part.

IT ALSO RESOLVED that the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption.

Dated this 1<sup>st</sup> day of March 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

RESOLUTION DECLARED ADOPTED.

**045 2021 03-01 2021-08 CHARITABLE GAMING LICENSE RESOLUTION**

Moved by Cattane. Seconded by Stroh.

Approve the local Governing Body Resolution for Charitable Gaming License for Lapeer Community Schools Education Foundation.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**046 2021 03-01 COMMUNITY CENTER PARKING LOT PROJECT**

Moved by Osentoski. Seconded by Pattison.

Approve awarding the Community Center Parking Lot Rehab project to Gross Construction of New Lothrop, MI for an amount not to exceed \$306,254.36.

ON A ROLL CALL VOTE:

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

Nays: None.  
Absent: None.  
MOTION CARRIED.

**047 2021 03-01 OUTDOOR SYNTHETIC ICE RINK 60'X100'**

Moved by Cattane. Seconded by Stroh.

Approve the purchase of an outdoor synthetic ice rink to be used year-round through-out the City of Lapeer, option 2, size 60'x100' for \$96,000; Nice Rink board systems \$6,080 and Installation/training for \$6,000.

A discussion ensued about the synthetic ice rink relating to the two different sizes available; recreation programs being developed; location of the rink; the rink being utilized year-round for it to be cost effective; cleaning of the rink; synthetic ice being not as smooth as real ice; skates needing to be very sharp; on synthetic ice; moving the rink to various locations and the ability to make it smaller for certain events.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

**048 2021 03-01 GOALS & OBJECTIVES 2021-2026**

Moved by Osentoski. Seconded by Stroh.

Approve the Goals & Objectives 03-01-2021 through 06-30-2026 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Kerbyson stated we are moving forward with the Social Districting project that was approved at the last meeting. Chief Frisch has been working hard to get the plan sent out to Liquor Control Commission this week.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan stated that he will have a litigation update report soon; there will be some proposed amendments to Chapter 68 and 69 for the next meeting which are housekeeping items and some things to add to each chapter that we have learned through litigation so there will be no issues in the future; addressing both the medical and recreational ordinances.

**UNFINISHED BUSINESS**

None.

**DEPARTMENTAL COMMUNICATIONS**

None.

## **PUBLIC COMMENTS**

Clare Longoria is very upset and spoke against the Master Plan that was approved at the last meeting.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Thanked all the Commissioner for supporting and voting in favor of the ice rink; sometimes in government you have to patient; thank you to the staff for putting in so much effort.

Commissioner Osentoski: The ice rink will be great addition to our community and the County; it is a great addition to our Parks and Recreation Department; thanked everyone for voting in favor.

Commissioner Cattane: The ice-skating rink is going to be good for our town and the neighbors of our City; more people are being vaccinated; people are not worrying like they used to about COVID; God Bless all of you in the medical field and first responders.

Commissioner Stroh: Thank you to everyone who contributed to the skating rink and this is a wonderful addition to our City; making strides in the areas of the Dog Park, Pocket Park and possibly the south water-front area as we move forward. The arts are doing okay, there are several shows and projects in the area: sketch book project with the schools in Almont. Dryden, Imlay City and Lapeer Schools will be on display in March for two weeks.

Commissioner Pattison: Thank you for the ice-rink; participated in the Michigan Municipal League's Elected Officials Academy Virtual Core Weekender course; very good course; thanked Tracey Russell for signing him up, recommends all to attend this course if they have not done so already.

City Manager Kerbyson: White Junior High, we have received another salvage bid; put two companies together to work in tandem; should improve our revenue. Contacted by others for access to the building; will be removing the contaminants from the building soon. Grant application should be approved mid-March, which is good timing. Looking forward to the initial start and continued success of the Historic Farmer's Market.

Mayor Marquardt: Looking forward to the Farmer's Market; looking forward to the skating rink; would like to see the City having access to some ice skates. This is a wonderful addition to our parks and the City of Lapeer. Our next meeting is March 15, 2021 which will be virtual.

## **049 2021 03-01 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:09 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:09 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