

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MARCH 6, 2023**

A regular meeting of the Lapeer City Commission was held March 6, 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.

**051 2023 03-06 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for March 6, 2023, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**052 2023 03-06 MINUTES**

Moved by Stroh. Seconded by Swindell.

Approve the minutes of the regular meeting held February 21, 2023, and the special meeting held February 25, 2023, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CEREMONIAL SWEARING IN OF NEW PARTOL OFFICER**

Police Chief Howe preformed the swearing-in of Patrol Officer Kristopher Pender.

**PUBLIC COMMENTS**

Jenny Burkhart gave an invocation.

Karen Lackey, resident, read an excerpt from a booklet.

Melissa Petrie thanked the City Commission for holding public interviews for the City Manager position. Thanked City Manager Kerbyson for all he has done for the City of Lapeer. Stated she has red flags and concerns about the lead candidate. Asked the Commissioners who will give this new manager his new job orientation; and who will be reviewing what he is doing; is there a probationary period for the new manager. She asked what protections the residents and business owners have against actions by the top City Manager candidate. She has concerns about this candidate because of the information she was able to obtain while researching the candidates.

Bryan Cloutier, resident, also commented that he was impressed with the lead candidate, however, the Commission needs to do their due diligence and properly vet the top candidate.

Matthew White, resident, has the same concerns, and feels it is worth spending additional time to investigate the candidates and look deeply into the lead candidate's background.

Patrick Hingst, owner of Woodchips, submitted a letter about Friday Night Bikes at the last Commission meeting asking for a conversation about the event. Ask that people be mindful of the words they choose. Thanked City Manager Kerbyson for his service to the City of Lapeer; grateful for everything he has done for the city.

### **CONSENT AGENDA**

None.

### **053 2023 03-06 BILL LISTING**

Moved by Cattane. Seconded by Pattison.

Approve the bill listing for March 6, 2023, in the amount of \$2,050,225.24.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:**

### **054 2023 03-06 PROCLAMATION – RICHARD J. SCHOENHERR**

Moved by Pattison. Seconded by Stroh.

Adopt the proclamation for Officer Richard Schoenherr's retirement.

#### CITY OF LAPEER

#### Proclamation

#### In Recognition of Richard J. Schoenherr

**WHEREAS**, Richard J. Schoenherr, officially began his career with the City of Lapeer Police Department on February 9, 1998, as a Patrolman; he rose through the ranks to be promoted to Patrolman I in 2003; and Patrolman II in 2008; and, then promoted to Patrolman III in 2013; and was again promoted to Patrol Officer IV in 2018; and

**WHEREAS**, Officer Schoenherr, in performance of his duties serving the citizens of the City of Lapeer, has received six Departmental Letters of Commendation, one Excellent Service Recognition, two Life Saving Awards, one Supervisory Commendation; and

**WHEREAS**, Officer Schoenherr, has brought a vast range of skills and expertise in the aspects of police department and a wealth of experience from proudly serving this community for over 25 years; and

**WHEREAS**, Officer Schoenherr, will retire on February 23, 2023, after having given conscientious, responsible, and professional service to the citizens of the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

**THEREFORE, LET IT BE KNOWN**, that I, Mayor Debbie Marquardt, and the Lapeer City Commission wish to honor and express deep appreciation to **Richard J. Schoenherr** for his efforts and devotion to public service and wish him continued success in his retirement.

Dated this 6<sup>th</sup> day of March 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **ADMINISTRATIVE REPORTS:**

### **055 2023 03-06 M-24 TUNNEL CONNECTION**

Moved by Stroh. Seconded by Pattison.

Approve the updated contract for engineering services with Rowe Professional Services Company for the M-24 underpass project; and authorize the Director of Parks, Recreation and Cemetery to sign the contract.

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

Nays: None.

Absent: None.

MOTION CARRIPED.

### **056 2023 03-06 AMEND THE CITY OF LAPEER FEE SCHEDULE**

Moved by Cattane. Seconded by Stroh.

Approve the amendment to the City of Lapeer for the Parks and Recreation Fee Schedule as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **057 2023 03-06 RESOLUTION – POVERTY EXEMPTION**

Moved by Pattison. Seconded by Stroh.

Adopt the resolution for the City of Lapeer’s Poverty Exemption Policy and Guidelines.

City of Lapeer

Resolution #2023-04

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 HEREBY RESOLVED**, pursuant to MCL 211.7u, that the City of Lapeer, adopts the following guidelines for the Board of Review to implement.

To be eligible for exemption under this section, an applicant must meet the “Federal Poverty

Income Guidelines” as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines. must do all the following on an annual basis. The federal income levels used are those adopted in the prior tax year.

As required by PA 390 of 1994, all guidelines for poverty exemptions as established by the governing body of the local assessing unit shall also include an asset level test. The guidelines shall include but not be limited to both the specific income and asset levels of the claimant and all persons residing in the household.

All requirements must be met on an annual basis.

- 1) Taxpayer must file Forms 5737 01-21 (Application for MCL 211.7u Poverty Exemption) and Form 5739 (Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty) with all additional required documentation with the assessor after January 1<sup>st</sup> through the one week prior to the last day of the December Board of Review. The form is available on the City’s website at [ci.lapeer.mi.us](http://ci.lapeer.mi.us) or in the assessor’s office. Failure to meet the requirements or submission of an incomplete application will result in 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 and 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 Form 4988 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 assessor or Board of Review.

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.
- 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 or should have 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 these incomes is greater than the Federal Poverty Income Guidelines, then a poverty exemption may be denied.

In addition to an income test, 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.

Assets shall be treated as cash at present value and added to the applicant's reported income; if the sum of which is equal to or less than the Federal Poverty Income Guidelines then a poverty exemption may be granted at 100%.

A 50% exemption shall be granted if the total household income and assets of all members of the household is less than 150% of the Federal Poverty Guidelines and all other requirements are met.

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. This means that an applicant could be called to appear on short notice.

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.

The Board of Review shall reject any application where the information appears fraudulent, misleading, or incomplete.

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.

**BE IT FURTHER RESOLVED** that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption.

Dated this 6<sup>th</sup> day of March 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**058 2023 03-06 RESOLUTION – PROPERTY EXEMPTION POLICY**

Moved by Pattison. Seconded by Stroh.

Adopt the resolution for the City of Lapeer’s Property Exemption Policy.

City of Lapeer

Resolution # 2023-05

Property Tax Exemption Policy & Procedures

**WHEREAS**, the Michigan Constitution of 1963 (as amended) and the General Property Tax Act (PA 206 of 1893) set forth that all property, both real and personal, located within the State of Michigan is subject to ad valorem property taxation, unless expressly exempt.

**WHEREAS**, real and personal property exemptions are identified and authorized within specific sections and subsection of 211.77 & 211.9 of the Michigan Compiled Laws and further defined by the Michigan courts and have set the burden of proof of exemption entitlement rests with the claimant. A claimants 501(c)(3) status is not a determining factor for exemption.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, pursuant to MCL 211.7u, that the City of Lapeer, adopts the following guidelines for the exemption of Property tax:

In order for an exemption of ad valorem property to be approved and added to the assessment roll, the following procedures will be followed:

- 1) A completed “Application for Ad Valorem Property Tax Exemption” must be filed with the Assessor on or before December 31<sup>st</sup> (Tax Day) for the subsequent year.
- 2) All requested attachments must be submitted with the application; including but not limited to:
  - a) Letter of Exempt status from the IRS.
  - b) Articles of Incorporation.
  - c) By-laws.
  - d) If application is for a parsonage, attached the name of the ordained cleric who resides in the house and a copy of their license.
  - e) Federal and Michigan Income Tax Returns for previous 3 years including Form 990.
  - f) Copies of all leases including sub-leases in effect at the subject property during the previous calendar year.

- g) Any information or literature that describes the functions of the organization.
- 3) Once the Assessing Department has reviewed the application and supporting documentation, they may schedule an inspection of the property.
  - 4) Once the eligibility is determined; a written notice will be sent to the applicant along with appeal procedures.
  - 5) The properties shall be review annually for continued eligibility status of the exemption. The assessor may request additional information from the organization to support the status. If the information is not received, a second request will be sent. If there is no response to the second request, the exemption may be removed.
  - 6) If the exemption no longer qualifies, it shall be removed and written notification will be provided to the claimant including the appeal rights, this may be in the form of an Assessment Notice.

Disable Veterans Exemption; the Assessing Department shall follow all current Michigan State Tax Commission Guidelines issued under the authority of Public Act 161 of 2013, MCL 211.7b.

**BE FURTHER RESOLVED**, that the City of Lapeer Commission adopts the Property Tax Exemption Policy for the City of Lapeer Assessing Department pursuant to Michigan General Property Tax Act PA 206 of 1893 as amended and MCL 211 Section 7.

Dated this 6th day of March 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**059 2023 03-06 ASSESSING ACCESSIBILITY**

Moved by Pattison. Seconded by Stroh.

Adopt the resolution for the City of Lapeer's Assessing Accessibility Policy.

City of Lapeer

Resolution # 2023-06

Policy of Accessibility for the Assessing Department

**WHEREAS**, the State of Michigan has adopted Act 206 of 1893, the General Property Tax Act, which authorizes taxation of all property, real and personal, withing Michigan unless expressly exempted; and

**WHEREAS**, the state Of Michigan has adopted amendments to this Act pursuant to 2018 PA 660, the Property Assessing Reform Act; and

**WHEREAS**, the Michigan State Tax Commission requires local units of government to have written procedures, including accessibility to the Assessing Department; and

**WHEREAS**, pursuant to 2018 PA 660, the City of Lapeer Assessor, Denise Marinelli, is available by phone at 810-245-4217 or email at [dmarinelli@ci.lapeer.mi.us](mailto:dmarinelli@ci.lapeer.mi.us); and

**WHEREAS**, an average estimated response time for taxpayer's inquiries submitted under #1 above will be within 7 business days; and

**WHEREAS**, a taxpayer wishing to arrange an in-person meeting with the Assessment Department can contact the Assessing Office at 810-245-4206/245-4217 or by email at [dmarinelli@ci.lapeer.mi.us](mailto:dmarinelli@ci.lapeer.mi.us) or [rmacdermaid@ci.lapeer.mi.us](mailto:rmacdermaid@ci.lapeer.mi.us); and

**WHEREAS**, computerized assessment records are available by contacting the Assessor's Office at the above contact information. Requests for significant amounts of information may be subject to the City of Lapeer Freedom of Information Act Policy. Requests for the inspection of physical assessment cards should be made at Lapeer City Hall during normal working hours. The City's office hours are Monday through Friday from 8:00 am. To 5:00 pm.; and

**WHEREAS**, Taxpayers wishing to dispute their assessment, taxable value or classification must protest to the March Board of Review. There is no process to informally hear and resolve disputes prior to the March Board of Review.

**THEREFORE, BE IT RESOLVED**, that the City of Lapeer Commission adopts the Policy of Accessibility for the City of Lapeer Assessing Department pursuant to State of Michigan Tax Commission Guideline 2020-01 and 2018 PA 660, being MCL211.10g(1)(c).

Dated this 6th day of March 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **CITY MANAGER'S REPORT**

City Manager Kerbyson provided updates to the 2021-2026 Goals and Objectives; including several items that have been completed.

### **060 2023 03-06 2021-2026 GOALS & OBJECTIVES – UPDATE**

Moved by Stroh. Seconded by Swindell.

Approve the updated 2021-2026 Goals and Objectives, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Kerbyson stated the scheduling of the lead and service line replacement at the homes needing such has begun; the bid opening for the Genesee Street Water Lines was today, there were multiple bidders. Monroe Street resurfacing, which is a grant project, will begin in May and should be completed by November.

### **061 2023 03-06 2022 MARIJUANA FUNDS**

Moved by Cattane. Seconded by Stroh.

To discuss the revenue from Marihuana Excise Tax with the annual budget.

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

Nays: None.

Absent: None.



MOTION CARRIED.

**CITY ATTORNEY'S REPORT**

City Attorney McCarthy has been working with various department heads and still trying to resolve some Tax Tribunal cases.

**UNFINISHED BUSINESS**

**062 2023 03-06 REAPPOINTMENTS TO PARK BOARD**

Moved by Marquardt. Moved by Stroh. Seconded by Cattane.

Approve reappoint Marty Johnson and Marge Alexander to the Park Board for a term to expire April 1, 2026.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**063 2023 03-06 REAPPOINTMENTS TO ZONING BOARD OF APPEALS**

Moved by Cattane. Seconded by Pattison.

Reappoint Jeff Hogan and Lynn McCarthy to the Zoning Board of Appeals for a term to expire April 1, 2026.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**DEPARTMENTAL REPORTS**

None.

**PUBLIC COMMENTS**

Bryan Cloutier thanked City Manager Kerbyson for his service and his time and stated all his interactions with him have been cordial and professional.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: This community is very blessed; it's a good problem to have 13 applications for the City Manager position; it says something positive about our community. Looking forward to warmer weather.

Commissioner Atwood: Thanked everyone for coming; appreciates the feedback. Thanked City Manager Kerbyson for all he has done; it has been an honor to work with him and he has learned a lot; he values the knowledge that Dale has, and the next manager had been set up for success with an all-star staff.

Commissioner Stroh: Thank you for the feedback and input from the residents in the audience. Thanked City Manager Kerbyson for his hard work over the years; the city has been positioned for great success; it's very exciting. Excited for the opportunity.

Commissioner Swindell: Pleased with the events of Saturday. Will be interviewing City Attorney's this Saturday. Although change is hard, it is also good. Thanked City Manager Kerbyson for getting the City into a very good financial position, which makes it easy for the next City Manager.

Commissioner Pattison: Quality of applicants is a reflection of City Manager Dale Kerbyson; you will be missed; best wishes on your future plans. Thanked the retired officer and welcomed the new officer.

City Manager Kerbyson: There will be several items for the next agenda and one will require an executive session.

Mayor Marquardt: This was her third time interviewing City Manager candidates; this was the best process and thanked Pivot Group Municipal Services; thrilled with their professionalism. Thanked City Manager Kerbyson for his service to the city and all the wonderful things he has done with projects and staff; we have top-notch directors and employees. Wished him the best in whatever he does next.

**064 2023 03-06 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:51 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:51 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk