

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
APRIL 19, 2021**

A regular meeting of the Lapeer City Commission was held April 19, 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.

080 2021 04-19 AGENDA APPROVAL

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for April 19, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

081 2021 04-19 MINUTES

Moved by Pattison. Seconded by Cattane.

Approve the minutes of the Regular meeting held April 5, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Lapeer Chamber of Commerce, Executive Director Neda Payne provided an update about the Lapeer Days Festival and how things will be different this year to comply with COVID regulations.

Mark Labaza questioned whether or not the Boards or Commission meetings would continue in person or virtually.

082 2021 04-19 CONSENT AGENDA

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for April 19, 2021 resulting in the following:

1. Special Event: Lapeer Area Chamber of Commerce, Lapeer Days.
2. Special Event: Lapeer Area Chamber of Commerce, Hot Air Balloon Rides.
3. Special Event: Veterans Esteem Team Inc. - Memorial Day Parade.

4. Lapeer Art Association - Bench Warming Project.

5. Confirmation of City Clerk.

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

083 2021 04-19 BILL LISTING APPROVAL

Moved by Cattane. Seconded Pattison.

Approve the Bill Listing for March 31, 2021 through April 14, 2021 in the amount of \$150,512.46.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

084 2021 04-19 AUDIT SERVICES RECOMMENDATION.

Moved by Cattane. Seconded by Atwood.

Approve Rehman Robson LLC to provide audit services for the fiscal years of 2020/2021, 2021/2022 and 2022/2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

085 2021 04-19 RULES & PROCEDURES OF THE CITY COMMISSION REVIEW.

Moved by Cattane. Seconded by Osentoski.

Approve adding the Bill Listing back to the Agenda as Item D beginning with the May 3, 2021 Agenda.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

086 2021 04-19 DRINKING WATER STATE REVOLVING FUND (SRF) PROJECT PLAN- DRINKING WATER SYSTEM IMPROVEMENTS – SET PUBLIC HEARING

Moved by Stroh. Seconded by Atwood.

Set a Public Hearing for June 7, 2021 at 6:30 pm, or as soon thereafter as possible, for the purpose of receiving public comment on the Drinking Water System Improvements.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Osentoski Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

087 2021 04-19 RESOLUTION DECLARING A CONTINUING LOCAL STATE OF EMERGENCY (COVID-19).

Moved by Stroh. Seconded by Cattane.

Adopt the resolution declaring a continuing Local State of Emergency (COVID-19) until May 24, 2021.

2021-12

RESOLUTION

Declaring a Local State of Emergency (COVID-19)

WHEREAS, COVID-19, and the possible exposure to persons afflicted with it, constitute a clear and present danger to the health, safety, and welfare of City personnel and persons doing business with or residing in the City. Federal, state, and county orders, directives, guidelines, and recommendations, including from the Michigan Department of Health and Human Services (MDHHS) and the Center for Disease Control (CDC), have been issued in an effort to control the COVID-19 Coronavirus pandemic declared by the World Health Organization (WHO); and

WHEREAS, these federal, state, and county orders, directives, guidelines, and recommendations include closing and restricting business establishments; cancelling, postponing, and limiting the numbers at gatherings of people; postponing or limiting the number of persons required to physically attend public meetings; and calling for appropriate steps to be taken by local governments in an effort to control the spread of COVID-19; and

WHEREAS, these federal, state, and county orders, directives, guidelines, and recommendations have been changed or updated on a frequent basis, and further changes or updates are expected. Most recently, the Michigan Department of Health and Human Services issued an Emergency Order on March 5, 2021, which includes limiting the number of persons permitted to attend indoor gatherings and requiring the implementation of social distancing protocols and the wearing of face masks. The MDHHS Order directly impacts the City's ability to conduct indoor gatherings, including public meetings of City Officials, City Administration, City Staff and Employees and members of the general public due to space constraints; and

WHEREAS, COVID-19 and the possible exposure to persons afflicted with it, the emergence of dangerous new COVID variants, and the unavailability of COVID vaccine for most of the public constitute a clear and present danger to the health, safety, and welfare of City residents, personnel, and persons doing business with the City; and

WHEREAS, In accordance with section 3a(1)(b) of the Michigan Open Meetings Act, and pursuant to federal, state, and county orders, directives, guidelines, and recommendations, the Mayor and City Commission, pursuant to Section 6.9 of the City Charter, have determined and declare a continuing Local State of Emergency due to COVID-19 and authorize the City Manager, or Mayor, in conjunction with City Staff and Police and Fire Services, to act in accordance with the City of Lapeer Emergency Preparedness Plan, to ensure that indoor gatherings are conducted safely and in accordance with applicable federal, state, and county orders, directives, guidelines, and recommendations relating to COVID-19.

THEREFORE, IT IS RESOLVED AND DECLARED by the Mayor and City Commission of the City of Lapeer, Lapeer County, Michigan, that there is a continuing Local State of Emergency in the City due to COVID-19, and that MDHHS orders the be implemented to ensure that local resources are to be used as needed and to the fullest extent possible to minimize the risk to personal health/safety of the public or members of the City Commission or City Staff.

IT IS FURTHER RESOLVED AND DECLARED THAT:

1. The City Commission authorizes the City Manager, or Mayor to take appropriate measures, in their discretion, to respond to or protect City residents, businesses, and personnel from the declared Local State of Emergency by adopting and enforcing all appropriate measures, including but not limited to:
 - A. Taking actions necessary to comply with federal, state, and county orders and directives that are binding on the City.
 - B. Limiting, cancelling, or postponing City meetings and functions to those required by law, or those deemed to fall within the safe gathering guidelines of MDHHS.
 - C. Cancelling, postponing, or establishing emergency rules for any public meeting of a City Commission, board, commission, or committee, and providing public notice and conducting City Commission, board, commission, and committee meetings electronically with remote attendance, in accordance with the Open Meetings Act, as amended.
2. This Declaration shall remain in effect until the earlier of May 24, 2021, at 11:59 p.m. or the City Commission determines the Local State of Emergency no longer exists and terminates this Declaration.

Resolution declared adopted this 19th day of April 2021.

ON A ROLL CALL VOTE:

Ayes: Cattane, Osentoski, Pattison, Stroh.

Nays: Atwood.

Absent: None.

MOTION CARRIED 4-1.

088 2021 04-19 MICHIGAN DEPARTMENT OF TREASURY AND STATE LAND BANK AUTHORITY - 2021 BLIGHT ELIMINATION GRANT.

Moved by Pattison. Seconded by Stroh.

Approve Resolution 2021-13; 2021 Blight Elimination Grant.

Discussion was held regarding grant funding match and would there be any additional funding that could be obtained for this project. Mr. Kerbyson has looked into other funding with no luck of finding any other funds thus far.

Resolution 2021-13
State of Michigan
Department of Treasury and State Land Bank Authority
2021 Blight Elimination Grant

WHEREAS, the City of Lapeer will submit an application for a State of Michigan Department of Treasury and the State Land Bank Authority (SLBA) 2021 Blight Elimination Grant; and

WHEREAS, the City of Lapeer has been informed that said grant application has a maximum award per proposal of \$200,000.00; and

WHEREAS, the City of Lapeer has targeted White Junior High to be demolished as an eligible project; and

WHEREAS, the total cost of demolition of White Junior High will exceed the grant award.

NOW THEREFORE BE IT RESOLVED, that the City Commission of the City of Lapeer agrees to cover the cost of the project that which exceeds the maximum grant amount.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

089 2021 04-19 BUDGET ADJUSTMENT FY20/21.

Moved by Stroh. Seconded by Cattane.

Approve the Budget Adjustments FY20/21 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

090 2021 04-19 RESOLUTION TO APPROVE NORTH OREGON/MAIN STREET NEIGHBORHOOD GRANT PROGRAM APPLICATION

Moved by Cattane. Seconded by Pattison.

Approve a Resolution for the Housing Department to submit an application to the Michigan State Housing Development Authority (MSHDA) for the Neighborhood Enhancement Program (NEP) grant in the amount of \$54,998.

Resolution 2021-14
RESOLUTION TO APPROVE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)
NEIGHBORHOOD ENHANCEMENT PROGRAM (NEP)
CITY OF LAPEER HOUSING IMPROVEMENT GRANT APPLICATION

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low-income residents; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to apply for \$54,998 through the Michigan State Housing Development Authority Neighborhood Enhancement Program (NEP) for City of Lapeer Housing Improvement Grant; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned grant application; and

WHEREAS, said City Commission authorizes the Mayor to sign the grant application form and related documents as required by MSHDA and allow the Director of Housing and Neighborhood

Development and Grant Administrator to sign related grant documents when allowed by MSHDA as required; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to submit the application for funding through the Michigan State Housing Development Authority's Neighborhood Enhancement Program for a City of Lapeer Housing Improvement Grant, authorizes the Mayor and Director of Housing and Neighborhood Development to sign grant related documents on behalf of the City of Lapeer.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented that City Attorney Nolan has a birthday this week. County Transportation Authority, County Road Commission, and the City were given a small grant for road work which will help complete the Oregon Street Project with \$27,000 from the Small Urban Task Force. Close to closing out the fuel spill at 9 W. Genesee Street, have received final payment from the property owner; we have a resolution with Great Lakes Water Authority (GLWA) on the 18 main breaks they caused in late 2020 which the City will recoup \$85,000 in settlement fees which includes 10% for administration fees. The White Junior High reclamation will start this Thursday and will continue for approximately six weeks with the demo of the building expected to begin in mid to late June. The contractor will have a parking lot sale for the community to purchase items that they may want from the school. It appears we may not have fireworks this year, as the Lapeer Chamber of Commerce may not have raised the funds. Mr. Kerbyson suggested the City may be able to cover the cost of the fireworks and it was the consensus of the Commission to do so. Commissioner Stroh would like to see a presentation from the Chamber showing the gap and what the City may need to cover if enough funds cannot be collected by the Chamber. Mr. Kerbyson was instructed by the Commission to meet with the Chamber to discuss the status of the Fireworks Special Event.

CITY ATTORNEY'S REPORT

City Attorney Nolan thanked everyone for not singing happy birthday to him tonight and thanked everyone for their birthday comments.

UNFINISHED BUSINESS

091 2021 04-19 RE-APPOINTMENT - PARK BOARD

Appointment by Mayor Marquardt. Moved by Osentoski. Seconded by Pattison.
To re-appoint Tim Herbert to the Park Board for a term to expire April 1, 2024.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Monthly Departmental Reports, Investment Report 12-31-2020, Downtown Development Authority Monthly Report, and the Marihuana Licenses Update – April 2021 was received into the record as presented.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: Indicated he has nothing new to report, however, hopes the COVID numbers go in the right direction.

Commissioner Stroh: Spent the weekend judging the art competition in Utica with Congresswoman McLain, event had 80 submissions, was great to be included; Gallery 194, Center for the Arts, and Stone's Throw Theatre have events going on for this upcoming week.

Commissioner Atwood: Encouraged the big box stores to keep up with their trash pick-up and receptacles; encouraged people to pick up trash if they see it and not just walk by. Litter is a pet peeve, and he wants to encourage people to help keep our community clean.

Commissioner Pattison: COVID numbers are not good; remember your 3 w's, wear your mask, wash your hands and watch your social distancing. We need to get the numbers down so we can enjoy future events such as the Fireworks Special Event.

City Manager Kerbyson: Indicated the Budget Workshop needs to be scheduled and would like to do it in person. It was the consensus of the Commission to have the Budget Workshop on May 10, 2021 at 5:30 pm with dinner being served.

Mayor Marquardt: Would like to see the COVID numbers go down, agrees with other Commission comments, thanked everyone for attending the meeting.

092 2021 04-19 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:15 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:15 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk