

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
MAY 4, 2020**

A regular meeting of the Lapeer City Commission was held May 4, 2020 electronically via GoToMeeting and 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.

74 2020 05-04 AGENDA APPROVAL

Moved by Osentoski. Seconded by Stroh.

Approve the Agenda for May 4, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

75 2020 05-04 MINUTES

Moved by Cattane. Seconded by Atwood.

Approve the minutes of the Regular Meeting held April 20, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

The following public comment was received via email and read into the record by City Clerk Sanchez:

Good evening Mayor Marquardt and Commissioners Pattison, Atwood, Stroh, Cattane, and Osentoski:

My name is Gabe Parton Lee and this public comment is submitted on behalf of Northwest Confections Michigan, LLC, asking that the City Commission of Lapeer exercise its authority to "opt-in" to the adult-use marijuana regulated system in Michigan. This would open Lapeer up to significant state tax revenue streams, new locally-based job opportunities, and cutting-edge business development; all of which are in line with the voters' desire in the City of Lapeer and State of Michigan.

Northwest Confections Michigan, LLC seeks to establish headquarters in Lapeer to bring the "Wyld" brand of marijuana-infused edibles to Michigan. Wyld is the largest infused-edibles brand in the U.S., operating in Oregon, California, Nevada, and Colorado. We want to prove that this new sector of business can provide a net benefit to the local community, as well as provide opportunity for its residents.

Voters in the City of Lapeer resoundingly approved Proposition 1 to legalize commercial adult-use marijuana in Michigan, and we are asking the City Commission to exercise its authority to responsibly implement ordinances to regulate adult-use marijuana in Lapeer. You have the power to opt-in and limit adult-use licenses to operators who are currently abiding by the medical marijuana regulations, and we would ask that you use it.

Opting-in will open the City of Lapeer to new revenue streams and a thriving local economy, which is particularly important given the current COVID-19 pandemic. Lapeer

needs locally-based, well-paying jobs for all of us to get back on our feet. The State of Michigan will distribute revenues from marijuana excise taxes only with those cities and counties that opt-in to adult-use marijuana; if Lapeer opts-in, even on a limited basis, it will share in this new tax revenue stream. Under your careful oversight, you can promote public safety and stimulate business development in a time that it is greatly needed in your lovely city.

Again, we would respectfully ask that you use your vested authority to opt-in and exercise reasonable controls over the regulated adult-use marijuana industry, don't let the ballot decide.

Thank you for your consideration. I would be happy to answer any additional questions via email, teleconference, or phone.

CONSENT AGENDA

None.

76 2020 05-04 BILL LISTING FOR MAY 4, 2020

Moved by Pattison. Seconded by Cattane.

Approve the Bill Listing for May 4, 2020 in the amount of \$354,677.26.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

77 2020 05-04 ARBOR DAY PROCLAMATION

Moved by Osentoski. Seconded by Pattison.

Approve the Arbor Day Proclamation as presented.

**CITY OF LAPEER
ARBOR DAY PROCLAMATION**

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal,

THEREFORE, BE IT RESOLVED that I, Deborah G. Marquardt, Mayor of the City of Lapeer and the Lapeer City Commission do hereby declare May 6, 2020 as Arbor Day planting day in the City of Lapeer and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations. Dated this 4th day of May 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

78 2020 05-04 MDOT CATEGORY B RESOLUTION – RECONSTRUCT SECOND ST.

Moved by Pattison. Seconded by Stroh.

Approve the resolution to establish a request for funding of \$224,850 to reconstruct Second St. from Jackson St. to N. Main St. and to authorize the City Manager and/or Department of Public Works Director to act as agent.

A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM FOR THE FOLLOWING IMPROVEMENTS:

Remove and replace asphalt pavement, modify existing storm sewer system, and install curb and gutter on Second St. from Jackson St. to N. Main St. (see attached map).

City of Lapeer

WHEREAS, the City of Lapeer is applying for \$224,850 in funding through MDOT from the Transportation Economic Development Category B Program to Reconstruct Second St. from Jackson St. to N. Main St. (M-24).

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized City Manager and/or Department of Public Works Director, to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least \$224,850 toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the City commits to owning, operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

79 2020 05-04 FY 2020-2021 BUDGET NOTICE: SET PUBLIC HEARING FOR MAY 18, 2020

Moved by Atwood. Seconded by Stroh.

Approve setting a public hearing on May 18, 2020 at 6:30 p.m. or as soon thereafter as may be heard regarding the Fiscal Year 2020-2021 City of Lapeer Budget and the first year of the proposed 2020-2026 Capital Improvement Plan.

Commissioner Cattane asked how the public hearing would take place if the stay at home order was extended. City Manager Kerbyson indicated that if the stay home order was extended, we would be conducting the public hearing and meeting as we are tonight, virtually. Public will have the ability to comment through email, GoToMeeting, or via telephone.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

80 2020 05-04 MEDICAL MARIHUAN ASSESSMENT 2020

Moved by Cattane. Seconded by Pattison.

To keep the number limit for medical marijuana facilities as is.

ON A ROLL CALL VOTE:

Ayes: Cattane, Osentoski, Pattison, Stroh.

Nays: Atwood.

Abstain: None
Absent: None.
MOTION CARRIED.

81 2020 05-04 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT

Moved by Pattison. Seconded by Stroh.

To award the contract for the Millville Water Main Replacement Project to Superior Excavating, lowest bidder, in an amount of \$466,647.50 and authorize the Department of Public Works Director to sign all necessary documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

The Community Center will remain closed through the end of May per the Governor's Executive Order. Throughout many of the buildings we will be installing sneeze guards so that employees will be protected; other protocols will be in place as well once we open to the public. The Building Department is very busy reviewing plans and performing several inspections at the hospital as they are pouring concrete. Focused on submitting for FEMA funding and has learned we must participate in three (3) webinars to be considered for the grant funds. Lastly, if you have questions about the budget please call prior to Saturday and he will be happy to discuss.

Commissioner Stroh asked if it is a large expense having to install Plexiglas. City Manager Kerbyson indicated it has not been that significant per building, but some building we will be adding a door or half door to eliminate public from walking around counters. Also, at City Hall where glass is already in place, we are cutting what he calls "mouse holes" into the glass so that we have the ability of pass paperwork between staff and residents; similar to what you used to see at a bank.

Commissioner Cattane asked if there has been a significant drop in the income tax revenue coming in for April. City Manager Kerbyson stated that normally we would be done by April 15; however, with the extension it is beginning to trickle off. In the past, we usually get 30% of the revenue during the last 20 days of the season.

CITY ATTORNEY'S REPORT

City Attorney Nolan stated we are receiving lots and lots of pre-trial notices from the courts indicating that we will be starting back up May 15th-16th, 2020. However, if the order gets extended, we won't know when we will be back in court. Courts are using video conferencing when they can, and there is an initiative in the works; attempting to do jury trials via web which he recommends against it.

UNFINISHED BUSINESS

None.

PUBLIC COMMENTS

None.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: It is morbid to say he is happy to see there are only 27 deaths in our county, after last week when the body county was climbing by the day; these are our neighbors and all lives are precious. So proud of the hospital, medical facilities and our community; we are beating this and he thanks everyone; keep up the good work.

Commissioner Stroh: Echoes Commissioner Cattane's comments; our community is staying home and pushing numbers down; concerned with the Arts; many events have been cancelled by Lapeer Art Association, Stone's Throw Theater, Lapeer Community Schools and Chatfield School to list a few. Many organizations are looking at how to program and move forward with safe distances and still be profitable. Concerned with

how the Center for the Arts is going to move forward as they need money and bodies for success; move forward with the Arts Council as soon as possible.

Commissioner Osentoski: Wants the citizens and business to know that the City is here to help them; if you need anything, please reach out to the Mayor, Commissioners, or the City to see if we can help in anyway. Stay strong and we will get through this. The residents of the City of Lapeer did not vote overwhelmingly to allow recreational marihuana and gets a kick out of the public comment people using COVID-19 as a reason.

Commissioner Pattison: Proud of the way the City is reacting; grocery stores have labeled isles with directions; please follow the guidelines at the stores; follow correctly if not for your sake, for the sake of others and to keep us all safe; faster we do it, the faster we are out of this.

Mayor Marquardt: Apologizes for her delay this evening; computer issues. Proud of the City and the employees and how we have all been handling this. Worried about businesses; will be reaching out to the downtown businesses to see how they are doing. See everyone on Saturday morning for the Budget Workshop.

82 2020 05-04 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:06 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:06 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk