

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
MAY 17, 2021**

A regular meeting of the Lapeer City Commission was held May 17, 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.

104 2021 05-17 AGENDA APPROVAL

Moved by Pattison. Seconded by Atwood.

Approve the Agenda for May 17, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

105 2021 05-17 MINUTES

Moved by Stroh. Seconded by Cattane.

Approve the minutes of the Regular meeting held May 3, 2021; Minutes of a Special meeting held on May 10, 2021; Minutes of a Workshop meeting held on May 10, 2021 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

None.

106 2021 05-17 CONSENT AGENDA

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for May 17, 2021 resulting in the following:

1. Special Event: Swingout – Lapeer Community Schools – June 3, 2021.
2. Special Event: Annual Summer Concert Series - Lapeer Downtown Development Authority – June 2 – August 12, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.
MOTION CARRIED.

107 2021 05-17 BILL LISTING

Moved by Cattane. Seconded by Pattison.

Approve the Bill Listing for May 17, 2021 in the amount of \$234,670.22.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC HEARING

108 2021 05-17 FY 2021-22 BUDGET PUBLIC HEARING

The FY 2021-22 Budget Public Hearing was opened at 6:35 p.m. Hearing no comments, the public hearing was closed at 6:36 p.m.

109 2021 05-17 FY 2021-22 BUDGET RESOLUTION

Moved by Pattison. Seconded by Atwood.

Approve the Resolution to Adopt the Budget of the City of Lapeer for the Fiscal Year 2021-2022 and make appropriations therefore, and the first year of the proposed 2021-2027 Capital Improvement Program.

RESOLUTION TO ADOPT THE BUDGET
OF THE CITY OF LAPEER FOR THE FISCAL YEAR
JULY 1, 2021 TO JUNE 30, 2022
AND TO MAKE APPROPRIATIONS THEREFORE

WHEREAS, the City Charter requires: That the City Manager submit a budget proposal with his recommendation to the City Commission; that a public hearing be held on said budget proposal; that the City Commission by resolution adopt a budget for the ensuing fiscal year, making an appropriation of the money needed therefore, and designating the sum to be raised by taxation; and

WHEREAS, the Manager has submitted said budget and recommendations along with the proposed tax millage to be levied and a public hearing has been held thereon:

NOW, THEREFORE, BE IT RESOLVED as provided in the City Charter, and in conformity to Public Act 621 of 1978, the Uniform Budgeting and Accounting Act, that the budgets attached hereto and made a part hereof by reference are hereby considered and adopted, to be administered on fund level, as the budgets of the City of Lapeer to cover the operations and expenditures thereof for the fiscal year July 1, 2021 to June 30, 2022.

BE IT FURTHER RESOLVED that in addition to the levy of a City Income Tax in accordance with the State's Uniform City Income Tax Act, the sum of \$2,672,000 be raised by taxation from the levy of 9.8000 mills on the ad Valorum tax roll and 4.9000 mills on the IFT tax roll for operations on the assessed value of all real and personal property in the City as follows:

General Operation	9.8000 mills	\$2,750,000
General Operation	4.9000 mills	\$ 35,000

BE IT FURTHER RESOLVED that the City Manager be authorized to transfer necessary amounts between activities (departments) within a fund and up to \$5,000 between funds.

BE IT FURTHER RESOLVED that a copy of this budget resolution be furnished to the City Assessor, who together with the City Treasurer, shall then proceed to assess and collect the taxes in accordance with the City Charter and State Statutes.

Commissioner Stroh stated that during the Budget Workshop he asked for additional information on the DDA/CFA line-item of \$81,000. City Manager Kerbyson stated he has arranged for the LCA Director to make a presentation and to have an accounting of where these funds are spent. Commissioner Stroh asked how the money was earmarked and asked if the City places any restrictions on the funds. City Manager Kerbyson stated there are no restrictions in place by the City on how the funds may be spent.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION ADOPTED.

110 2021 05-17 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION PUBLIC HEARING

The Community Development Block Grant (CDBG) Application Public Hearing was opened at 6:38 p.m. Hearing no comments, the public hearing was closed at 6:39 p.m.

111 2021 05-17 RESOLUTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION

Moved by Pattison. Seconded by Osentoski.

Approve a Resolution for the Water-Related Infrastructure (WRI) Competitive Funding Round for CDBG funds to reconstruct Park Street and designates the City Manager as the Environmental Review Certifying Officer and authorized the City Manager to sign all the required documents.

MEDC – CDBG
WATER RELATED INFASTRUCTURE
AUTHORIZING RESOLUTION – ATTACHMENT B

WHEREAS, the Michigan Strategic Fund has invited Units of General Local Government to apply for its Water-Related Infrastructure (WRI) Competitive Funding Round; and

WHEREAS, the City of Lapeer desires to request \$1,876,063 in CDBG funds to reconstruct Park Street and upgrade the water main, storm sewer and sanitary sewer from Calhoun Street to Saginaw Street; and

WHEREAS, the City of Lapeer commits local funds from its water fund, sewer fund, local streets fund and general fund in the amount of \$625,355; and

WHEREAS, the proposed project is consistent with the local Community Development Plan as described in the Application; and

WHEREAS, the proposed project will benefit all residents of the project area and 64.06 percent of the residents of the City of Lapeer are low and moderate income persons as determined by census data provided by the U.S. Department of Housing and Urban Development by the Michigan Economic Development Corporation; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/incurred and will not be obligated/incurred prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to obligate/incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City of Lapeer hereby designates the City Manager as the Environmental Review Certifying Officer, the person authorized to certify the Michigan CDBG Application, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

Dated this 17th day of May 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION ADOPTED.

ADMINISTRATIVE REPORTS

112 2021 05-17 RESOLUTION DECLARING A CONTINUING LOCAL STATE OF EMERGENCY (COVID-19)

Moved by Stroh. Seconded by Pattison.

Adopt the Resolution declaring a continuing Local State of Emergency (COVID-19) until June 30, 2021.

A 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 June 30, 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 17th day of May 2021.

Commissioner Cattane asked if it is possible to add this item to the next agenda as we might not need to be keep the State of Emergency in place for that long as the direction of the CDC indicates we might be nearing the end of the tunnel. City Clerk Sanchez stated the Resolution allows to Commission to dismiss the State of Emergency at any time prior to June 30, 2021. Some of the restrictions have not been changed such as the number of people allowed in an indoor space, mandatory masks or not, vaccinated persons vs. non-vaccinated persons.

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

MOTION CARRIED 3-2. RESOLUTION ADOPTED.

113 2021 05-17 AMENDMENTS TO CHAPTER 59 BUSINESS REGISTRATION

Moved by Pattison. Seconded by Stroh.

Adopt the ordinance amendments to Chapter 59 Business Registration.

Chapter 59 - Business Registration

§ 59-1 Purpose.

The purpose of business registration in the City of Lapeer is to promote the general health, safety, and welfare of the citizens by identifying business locations and operations within the City to enhance the efficient delivery of City services, including police, fire, water and wastewater services and to promote compliance with all planning, zoning, building, tax, and all related City ordinances and codes.

§ 59-2 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meaning respectively ascribed to them except where the context clearly indicates a different meaning:

BUSINESS

Any trade, occupation, work, commerce, profession, and all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly on any premises in this City or anywhere else within its jurisdiction.

PERSON

Any individual, partnership, association, or corporation sharing in the profits of the business.

§ 59-3 License; registration required.

- A. No person shall engage in a business without having first obtained a business registration from the City of Lapeer in the manner provided for in this chapter. Any person duly registered on the effective date of this chapter shall be deemed registered hereunder for the balance of the current registration year.
- B. It shall be the duty of every person or registered business to report any changes in the information furnished with the current registration within five business days of such change occurring.
- C. Multiple businesses. The granting of a business registration shall not relieve the person to whom such registration is granted from the necessity of securing individual licenses or permits for each individual business.
- D. State-licensed business. The granting of a business registration to any person or business by the state in the operation, conduct or carrying on of any trade, profession, business, or privilege shall not exempt such person from the necessity of securing a business registration from the City if such registration is required by this chapter.

§ 59-4 License year.

- A. The registration year shall begin *January 1* ~~July 1~~ of each year and shall terminate at midnight on *December 31* ~~June 30~~ of the following year. No registration will be issued until the required fees are paid.
- B. The registration fees for periods of *January 1 through August 31* ~~less than one year~~ shall be the same as a full registration year and *the registration fee for periods of September 1 through December 31 shall be one-half of full registration year* and the effective date of such registration shall commence with the date of issuance thereof.

§ 59-5 Registration application.

Unless otherwise provided in this chapter, every person or business required to obtain a registration from the City of Lapeer to engage in a business shall make application for such registration to the City Clerk, or designee, upon forms provided by the City Clerk, or designee, and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such registration.

§ 59-6 Registration; conditions of issuance.

- A. The issuing of a business registration from the City of Lapeer does not waive mandated licenses (i.e., state, health, building inspection, fire inspection, etc.).
- B. Acceptance by any person or business of a business registration under this chapter shall constitute permission to any officer of the City to enter upon and inspect the licensed premises at all reasonable times.

§ 59-7 Registration fees.

- A. The initial fee, renewal fee, and late fees for registration shall be set forth in the City of Lapeer Fee Schedule as approved by the City Commission.
- B. No registration shall be issued until the required fees are paid.

- C. All fees for the renewal of any business registration which are not paid at the time such fees are due shall incur late fees as outlined in the City of Lapeer Fee Schedule.
- D. *No rebate or refund shall be made of any license fee or part thereof by reason of the death of the licensee, nonuse of the license or discontinuance of the operation of the business.*

§ 59-8 Registration transferal.

No registration may be transferred from one business to another. A registration may be transferred for a change in location of a business within the City of Lapeer's jurisdiction. Each registration holder shall immediately notify the Clerk's office, or designee, of any change in location of a business, address, or any other change in the information provided in the registration application.

§ 59-9 Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500 and/or imprisonment for not more than 90 days, or both such fine and imprisonment, and any other relief that may be imposed by the court.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 59 ADOPTED.

**114 2021 05-17 MEDC MCCORMICK ICE & LAPEER TEAM WORK
FAÇADE GRANT MONITORING REQUIREMENTS**

Moved by Cattane. Seconded by Osentoski.

Approve the Fair Housing Policy.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**115 2021 05-17 CONTRACT FOR DESIGN ENGINEERING SERVICES FOR
THE GENESEE ST. NON-MOTORIZED PATH**

Moved by Atwood. Seconded by Stroh.

Approve the contract for design engineering services with ROWE Professional Services Company for the Genesee St. Non-motorized Path and authorize the City Manager to sign all required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

116 2021 05-17 4th of JULY FIREWORKS PERMIT

Moved by Cattane. Seconded by Stroh.

Approve the fireworks display application and permit and authorize the Mayor or City Manager to sign the permit.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

117 2021 05-17 CITY OF LAPEER FEE SCHEDULE - FISCAL YEAR 2021/2022

Moved by Osentoski. Seconded by Cattane.

Approve the City of Lapeer Fee Schedule to be effective July 1, 2021 as presented for Fiscal Year 2021/2022.

ON A ROLL CALL VOTE:

Commissioner Atwood suggested the increased business registration fee be put off until FY 2022/2023 given the circumstances and what businesses have gone through this past year. Would like a letter drafted to notify businesses as to why there is an increase; would like to see the drafted letter prior to it being sent out. City Manager Kerbyson stated the increase in fee would not take place until 2022 as the newly adopted amendments to Chapter 59 Business Registration will move the business registrations to a calendar year instead of a fiscal year. Therefore, all valid business registrations will have an additional six months at no additional fee before they expire on December 31, 2021. Mayor Marquardt also asked that the letter include the City does recognize that businesses have struggled during this pandemic.

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

Nays: None.

Absent: None.

MOTION CARRIED.

118 2021 05-17 GRANT PROPOSAL FOR A TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B GRANT

Moved by Osentoski. Seconded by Atwood.

Approve a Grant Proposal for a Transportation Economic Development Fund Category B Grant and allow the City Manager to sign the documents and commit to fund the local contribution for said grant.

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 Street (see attached map).

WHEREAS, the City of Lapeer is applying for \$200,800 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 form 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, Dale Kerbyson, 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 \$200,800 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. RESOLUTION DECLARED ADOPTED.

CITY MANAGER'S REPORT

City Manager Kerbyson commented that we were rushing to get an earmark in for a grant, which has been taken to the next level by Congresswoman McClain for the replacement of the Genesee Street Bridge for approximately \$2.5 million. We have an agreement with Lapeer Township regarding the annexation by choice area and revenue sharing; it is being drafted for the next meeting. This last month it appears our water bills were mailed, yet only a small percentage of them arrived in mailboxes. Several have arrived at homes this Saturday, however, we are aware that some water bills were delayed if you should hear any rumors.

CITY ATTORNEY'S REPORT

City Attorney Nolan stated that when we can get back together in person, he will have a legal update for everyone; too many pitfalls with the virtual setting to attempt to have a confidential meeting over *Zoom*.

UNFINISHED BUSINESS

119 2021 05-17 APPOINTMENT - ZONING BOARD OF APPEALS

Moved by Osentoski. Seconded by Cattane.

To appoint Dan Farrington to the Zoning Board of Appeal for a term to expire April 1, 2024.

Commissioner Atwood would like to see the Boards and Commissions Interest Indicator form updated to include questions that will provide a better idea of what the applicants have to offer the City for each board.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The Departmental Monthly Reports, Downtown Development Authority and the Quarterly Investment Reports Ending March 31, 2021 were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Hopes everyone is enjoying the nice weather; asked if there are resources for the elderly or veterans who may need to be checked up on. Would like to see a discussion happen about how we can let these folks know there are services available to them.

Commissioner Cattane: It is a beautiful day; his daughter has been vaccinated; his son wants to be vaccinated; he is very proud of his kids; kids are facing this with no fear. He is at Rowden Park now and feels that the beauty of our trail system and parks will attract more people to use them, there is a need for emergency call stations throughout.

Commissioner Osentoski: Car show is happening now; looks like the biggest one so far; farmers market is doing great in the new location and having a great turnout.

Commissioner Stroh: It is a great time in the City, a lot of activities are taking place; Friday Night Bikes is coming in June; Stones Throw Theater will have artist Ron Finch soon; shows are being held at Gallery 194, Center for Arts and the LAA as well; get out and explore our local art and enjoy the weather.

Commissioner Pattison: Looking forward to the 4th of July fireworks and thanks to the Commission and everyone who worked on it.

City Manager Kerbyson: Reached out to 11 different State Representatives today that represent Lapeer and the counties that surround us regarding legislation that came out late Friday; this legislation was introduced would remove local control on Airbnb type short term rentals and he conveyed our dislike of this concept.

Mayor Marquardt: Sorry to have missed the budget workshop as she had a death in the family; it is one of her favorite workshops; good job getting through the budget everyone. Please join her and Commissioner Atwood in planting the flowers around the City this Saturday; meeting at Roger's Pharmacy and ending with free pizza. Also, please join her for the Memorial Day Celebration, May 31, 2021 at Annrook Park at 11 am. Will be a very nice event.

120 2021 05-17 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