

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JUNE 6, 2022**

A regular meeting of the Lapeer City Commission was held June 6, 2022, 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: Mike Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

122 2022 06-06 AGENDA APPROVAL

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for June 6, 2022, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

123 2022 06-06 MINUTES

Moved by Pattison. Seconded by Swindell.

Approve the minutes of the Regular meeting held June 6, 2022, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Lapeer County Prosecuting Attorney John D. Miller and Lapeer County Undersheriff Jeremy Howe gave a presentation on the Lapeer County Law Enforcement Millage that will be on the ballot Tuesday, August 2, 2022, which is seeking 1.45 mills for 6 years, which would generate approximately \$4.7 million per year.

Jenny Burkhart, 865 N. Wilder, gave an invocation.

Clare Longoria stated she wanted to thank everyone that will be attending the meeting tomorrow and asked that when the access management plan is discussed keep in mind her parcel lost its curb cut on M-24 and the other access roads to the parcel is dirt. She asked the commission to request MDOT bring up the diagram with her property to detail the issues she is facing with this parcel. She also asked that the City Commission request the speed limit be adjust down to allow for this parcel to be sold.

Melissa Petrie, 728 Lincoln, stated she will be praying for Mr. Terry Frisch and stated Sheriff McKenna's family has been in this town for more than 100 years and they are Irish.

124 2022 06-06 CONSENT AGENDA

Moved by Cattane. Seconded by Atwood.

Approve the consent agenda for June 6, 2022, as presented:

1. Special Event: Lapeer County Animal Control, Annual Adoption Event, June 11, 2022
2. Special Event: Chamber of Commerce, Fireworks 2022, date change to July 8, 2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

125 2022 06-06 BILL LISTING

Moved by Pattison. Seconded by Stroh.

Approve the bill listing for June 6, 2022, in the amount of \$238,669.51.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

126 2022 06-06 ARBOR DAY PROCLAMATION

Moved by Cattane. Seconded by Swindell.

Adopt the Arbor Day Proclamation, as presented.

Commissioner Stroh asked that more than one tree be planted on Arbor Day and he would like the City Commission to be invited to take part in the event.

**Proclamation #2022-16
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 April 29, 2022, 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 6th day of June 2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

127 2022 06-06 ON-PREMISES TASTING ROOM PERMIT – RUSSELL B. GREGORY LLC

Moved by Swindell. Seconded by Pattison.

Adopt the Local Government Approval for On-Premises Tasting Room Permit for Russell B. Gregory, LLC.

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

Nays: None.

Absent: None.

MOTION CARRIED.

128 2022 06-06 BOUNDARY TRANSFER REQUEST – HAWAK ENTERPRISES

Moved by Pattison. Seconded by Cattane.

Adopt the resolution to approve a boundary transfer request for Lapeer Commons Condominiums – Hawak Enterprises and S Main St RE LLC.

Resolution #2022-15

**RESOLUTION TO APPROVE
BOUNDARY TRANSFER REQUEST FOR
Lapeer Commons Condominiums –
Hakaw Enterprises/ S Main St RE LLC
South Main Street**

WHEREAS, Hakaw Enterprises on-behalf of Lapeer Commons Condominiums, owner of the property located on S Main Street, has filed a Boundary Transfer Request; and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Boundary Transfer Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Boundary Transfer Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.
3. That the Boundary Transfer Request is approved resulting in the following two (2) legal descriptions:

L21-65-500-003-00 Lapeer Commons Condominiums Unit 3 (MD L3284-620 SEC 7 T7N R10E) formally part of L21-39-831-019-00 (FKA L21-39-831-019-00; L21-39-831-020; L21-39-831-831-021-00; L21-39-831-022-00; L21-39-831-023-00; L21-39-831-831-024-00; L21-39-831-025-00; L21-39-831-032-00 & L21-39-831-831-032-60)

L21-39-831-019-10 City of Lapeer Supervisor's Plat #4 [SEC 7 T7N R10E L0001, P0091] Lots 24; 25 & part of Lots 19; 20; 21; 23 & Part of Vac Lina Dr adj thereto, described as Beginning at the NE Corner Lot 18 which is N01°15'03"W 1622.5 FT & W 68.62 FT from the SE SEC COR, TH N90°00'00"W 579.73 FT along North line of Lot 18; TH N00°00'19"W 235.28 FT; TH S90°00'00"E 142.34 FT; TH N00°21'07"E 59.24 FT; TH N45°00'00"E 57.26 FT; TH S90°00'00"E 157.49 FT; TH S00°36'07"W 35.75 FT; TH S89°59'39"W 50.02 FT; TH S00°00'19"E 150.00 FT; TH N89°59'39"E 290.00 FT; to the W LN of M-24 Hwy, Curve to Left 149.29 FT (R=3113.82 LC=S00°12'31"W 149.28 FT); to the Point of Beginning. Subject to easements and Right of Ways of Record. 2.92 AC
ANNEXED 12/07
4. That the Boundary Transfer Request preserve all easement and master utility plans.
5. That any future site development complies with all setbacks and other applicable requirements established by the City of Lapeer Zoning Ordinance.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the City Assessor and to Hakaw Enterprises / S Main St RE LLC.

This Resolution adopted and effective this 6th day of June 2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

129 2022 06-06 DELINQUENT SPECIAL ASSESSMENT

Moved by Stroh. Seconded by Cattane.

Approve adding the 2017 Special Assessment District delinquent installments 17-01 and 17-02, as of May 20, 2022, to the 2022 Summer Tax Roll, as authorized by City Charter.

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

Nays: None.

Absent: None.

MOTION CARRIED.

130 2022 06-06 CITY OF LAPEER - WIRE TRANSFER POLICY

Moved by Cattane. Seconded by Stroh.

Adopt the City of Lapeer Wire Transfer Policy, effective July 1, 2022, as presented.

Wire Transfer Policy

The City of Lapeer has adopted by resolution, four signers on each bank account: The Director of Financial Services, Assistant Director of Financial Services, City Clerk and the Executive Administrator. The Director of Financial Services or the Assistant Director of Financial Services will have the ability to create a wire transfer online. The City Clerk or Executive Administrator will approve the wire transfer in order for the funds to be sent.

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

Nays: None.

Absent: None.

MOTION CARRIED.

131 2022 06-06 BUDGET AMENDMENTS FOR FY2021-2022

Moved by Pattison. Seconded by Stroh.

Approve the budget amendments for FY2021-2022, as presented.

BUDGET ADJUSTMENT REQUEST FORM	# FY 2021/22
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The following budget adjustments are requested. **All Budget adjustments must be whole dollars. Negative numbers should be in parenthesis ().**

ACCOUNT #	ACCOUNT NAME	AMOUNT OF ADJUST. (+/-)
101-000-402.010	TAXES-COMPONENT UNIT	(1,188,374)
101-000-415.000	TAX CHARGEBACKS	(5,000)
101-000-438.000	INCOME TAX	43,934
101-336-675.010	GRANT-FIRE DEPARTMENT	3,700
101-336-679.000	MISCELLANEOUS REVENUE	10,000
101-690-524.002	MSHDA-SECTION 8	16,000
101-690-524.003	MSHDA SECT 8-EHV	1,500
101-721-617.000	SITE PLAN REVIEW FEES	5,000
	Net Increase/(Decrease) in Revenue	\$ (1,113,240)
101-105-969.000	LIABILITY INSURANCE	50
101-172-701.000	SALARY & WAGES-FULL TIME	27,000
101-172-727.000	OFFICE SUPPLIES	6,000

101-202-815.000	OTHER CONTRACTUAL SERVICE	5,000
101-265-930.000	BUILDINGS & GROUNDS MAINTENANCE	2,000
101-266-826.000	CITY ATTORNEY FEE	(15,000)
101-336-741.000	UNIFORMS	3,700
101-336-962.100	FIRE INCIDENT	10,000
101-690-728.000	POSTAGE	1,300
101-690-815.100	OTHER CONTRACTUAL SERVICES-MSHDA	14,700
101-690-818.000	MSHDA SECT 8-EHV	1,500
101-721-805.000	ENGINEERING - SITE PLAN REVIEW	20,000
101-721-900.000	ADVERTISING	3,000
101-721-815.000	OTHER CONTRACTUAL SERVICE	10,000
101-966-995.249	TRANS TO BUILDING DEPT FUND	(100,000)
101-966-995.403	TRANS TO CAPITAL IMPROVEMENT	73,596
101-972-959.231	CONTRIB TO TIFA 1	(143,000)
101-972-959.232	CONTRIB TO TIFA 2	(80,000)
101-972-959.233	CONTRIB TO TIFA 3	(737,000)
101-972-959.243	CONTRIB TO BROWNFIELD	(2,086)
101-972-959.248	CONTRIB TO DDA	(82,000)
101-972-959.250	CONTRIB TO LDFA	(132,000)
	Net Increase/(Decrease) in Expenditures	\$ (1,113,240)
	Net change Fund Balance- General Fund	\$ -
202-000-546.000	GAS & WEIGHT TAX	76,843
202-000-546.200	TRUNKLINE MAINTENANCE	12,000
202-964-699.868	TRANS FROM 2010 S.A. BOND	1,967
	Net Increase/(Decrease) in Revenue	\$ 90,810
202-474-701.000	SALARY & WAGES-FULL TIME	20,000
202-474-782.000	MATERIAL AND SUPPLIES	3,000
202-478-701.000	SALARY & WAGES-FULL TIME	25,000
202-478-782.000	MATERIAL AND SUPPLIES	1,310
202-478-941.000	EQUIPMENT RENTAL-CITY	7,000
202-482-969.100	PROPERTY INSURANCE	1,000
202-488-941.000	EQUIPMENT RENTAL-CITY	2,000
202-495-701.000	SALARY & WAGES-FULL TIME	7,000
202-495-941.000	EQUIPMENT RENTAL-CITY	3,000
202-497-701.000	SALARY & WAGES-FULL TIME	7,500
202-497-782.000	MATERIAL AND SUPPLIES	10,000
202-497-941.000	EQUIPMENT RENTAL-CITY	4,000
	Net Increase/(Decrease) in Expenditures	\$ 90,810
	Net change Fund Balance - Major Street Fund	-

203-964-699.101	TRANS FROM GENERAL FUND	143,929
203-964-699.818	TRANS FROM 2011 S. A. CONST.	5,347
	Net Increase/(Decrease) in Revenue	\$ 149,276
203-463-701.000	SALARY & WAGES-FULL TIME	20,000
203-468-941.000	EQUIPMENT RENTAL-CITY	10,000
203-474-701.000	SALARY & WAGES-FULL TIME	3,000
203-478-701.000	SALARY & WAGES-FULL TIME	13,000
203-478-941.000	EQUIPMENT RENTAL-CITY	6,000
	Net Increase/(Decrease) in Expenditures	\$ 52,000
	Net change Fund Balance- Local Street Fund	\$ 97,276
208-751-679.000	MISCELLANEOUS REVENUE	6,000
208-751-674.400	DONATION RESTRICTED	1,350
208-754-674.100	DONATIONS-DOG PARK	1,500
208-757-653.200	CLASS/INSTRUCT-OTHER	7,000
208-757-654.500	YOUTH SOCCER	6,500
	Net Increase/(Decrease) in Revenue	\$ 22,350
208-751-976.000	MACHINERY & EQUIPMENT	12,000
208-751-976.999	MACHINERY & EQUIPMENT NON-CIP	2,500
208-754-974.000	LAND IMPROVEMENTS	75,000
208-756-976.000	MACHINERY & EQUIPMENT	11,000
	Net Increase/(Decrease) in Expenditures	\$ 100,500
	Net change Fund Balance- Park Fund	\$ (78,150)
209-567-633.000	FOUNDATIONS	2,250
	Net Increase/(Decrease) in Revenue	\$ 2,250
209-567-921.000	GAS	1,500
	Net Increase/(Decrease) in Expenditures	\$ 1,500
	Net change Fund Balance - Cemetery Fund	\$ 750
249-371-491.000	BUILDING PERMITS	20,000
249-371-491.200	ELECTRICAL PERMITS	30,000
249-371-491.300	MECHANICAL PERMITS	53,000
249-371-491.400	PLUMBING PERMITS	7,000
249-371-492.000	ROW PERMITS	6,000
249-964-699.101	TRANS FROM GENERAL FUND	(100,000)
	Net Increase/(Decrease) in Revenue	\$ 16,000
249-371-815.000	OTHER CONTRACTUAL SERVICE	60,000
249-371-930.000	BUILDING & GROUNDS MAINTENANCE	3,000
249-371-921.000	GAS	1,000
	Net Increase/(Decrease) in Expenditures	\$ 64,000
	Net change Fund Balance - Building Fund	\$ (48,000)

287-690-524.000	MSHDA/MEDC GRANTS	(14,000)
287-690-524.001	MSHDA-ADMIN FEES	(4,000)
287-690-524.005	USDA Admin Rev	3,000
287-690-524.004	USDA Grant Rev	30,000
287-690-674.000	OWNERS CONTRIBUTION	17,000
	Net Increase/(Decrease) in Revenue	\$ 32,000
287-690-813.100	RENTAL REHABILITATION	35,000
287-690-813.200	HOMEOWNER REHABILITATION	(2,000)
287-690-813.000	GRANT ADMINISTRATION	(1,000)
	Net Increase/(Decrease) in Expenditures	\$ 32,000
	Net change Fund Balance - Housing Fund	\$ -
403-964-699.101	TRANS FROM GENERAL FUND	(70,333)
	Net Increase/(Decrease) in Revenue	\$ (70,333)
403-972-959.248	CONTRIB TO DDA	10,738
403-265-976.000	CITY HALL - BUILDINGS	25,000
	Net Increase/(Decrease) in Expenditures	\$ 35,738
	Net change Fund Balance- Capital Fund	(106,071)
450-000-679.000	MISCELLANEOUS REVENUE	7,500
450-000-567.000	MDEQ TRUST FUND	200,000
	Net Increase/(Decrease) in Revenue	\$ 207,500
450-101-960.000	OTHER MISCELLANEOUS EXPENSE	241,000
	Net Increase/(Decrease) in Expenditures	\$ 241,000
	Net change Fund Balance - Land Acquisition	
	Fund	\$ (33,500)
506-000-665.000	INTEREST ON INVESTMENTS	400
506-535-659.000	PARKING VIOLATION FINES	100
506-931-584.248	CONTRIB FROM DDA	766
	Net Increase/(Decrease) in Revenue	\$ 1,266
506-534-941.000	EQUIPMENT RENTAL-CITY	4,000
506-534-701.000	SALARY & WAGES-FULL TIME	4,000
506-534-782.000	MATERIAL AND SUPPLIES	1,000
	Net Increase/(Decrease) in Expenditures	\$ 9,000
	Net change Fund Balance- Parking Fund	\$ (7,734)
590-555-607.300	TAP-IN FEES	57,000
590-558-607.200	IPP PERMIT	2,250
590-562-692.00	PFOS REVENUE	215,000
590-964-699.817	TRANS FROM 2010 S.A. CONST	5,050

	Net Increase/(Decrease) in Revenue	\$ 279,300
590-555-920.000	ELECTRIC	35,000
590-555-921.000	GAS	10,000
590-555-923.000	WATER AND SEWER	500
590-555-930.000	BUILDING & GROUNDS MAINTENANCE	1,000
590-557-701.000	SALARY & WAGES-FULL TIME	15,000
590-562-814.200	PFOS EXPENSES	(62,500)
590-555-757.000	LAB SUPPLIES	1,000
	Net Increase/(Decrease) in Expenditures	\$ -
	Net change Fund Balance- Sewer Fund	\$ 279,300
591-556-607.300	TAP-IN FEES	40,000
591-556-637.000	METER INSTALL & REPAIR	10,000
	Net Increase/(Decrease) in Revenue	\$ 50,000
591-556-974.000	LAND IMPROVEMENTS	50,000
	Net Increase/(Decrease) in Expenditures	\$ 50,000
	Net change Fund Balance- Water Fund	\$ -
602-228-927.000	INTERNET SERVICES	10,000
602-228-934.000	EQUIPMENT MAINT-COMPUTER	10,000
602-228-976.000	MACHINERY & EQUIPMENT	20,000
	Net Increase/(Decrease) in Expenditures	\$ 40,000
	Net change Fund Balance- Technology Fund	\$ (40,000)
661-000-679.000	MISCELLANEOUS REVENUE	100,000
	Net Increase/(Decrease) in Revenue	\$ 100,000
661-580-815.000	OTHER CONTRACTUAL SERVICE	20,000
661-580-782.000	MATERIAL AND SUPPLIES	50,000
	Net Increase/(Decrease) in Expenditures	\$ 70,000
	Net change Fund Balance- Motor Pool Fund	\$ 30,000
805-966-995.202	TRANS TO MAJOR STREET FUND	1,967
805-966-995.203	TRANS TO LOCAL STREET FUND	5,347
805-966-995.590	TRANS TO WASTEWATER	5,050
	Net Increase/(Decrease) in Expenditures	\$ 12,364
	Net change Fund Balance- Special Assessment	\$ (12,364)
	Fund	\$ (12,364)

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.
Nays: None.
Absent: None.
MOTION CARRIED.

CITY MANAGER'S REPORT

132 2022 06-06 HISTORIC COURTHOUSE PAVILION AGREEMENT

Discussion was held about the historic courthouse pavilion agreement. Currently the agreement is for the City of Lapeer to assume responsibility for the usage, maintenance, repair, and financial obligations brought upon and/or required for the operation of the electricity at the Lapeer County Community Pavilion.

City Manager Kerbyson stated that this agreement is an effort to improve the relations between the Lapeer County Administration and the City of Lapeer as the City Commission has requested.

Mayor Marquardt stated that having a good relationship with County Commissioners, DDA, and Chamber of Commerce only serves our residents better. However, she is not sure that the pavilion is needed at this time as most of the events held there in the past have made other arrangements. She would rather see the funds used for other projects here in the City. Commissioner Stroh stated he sees no purpose for this agreement as Lapeer County has made it very clear in the recent past that the property was theirs and asked us to leave. Commissioner Cattane stated that there was conflict two-years ago, now there are different people involved, unfortunately the useability of the pavilion has suffered. Many of the events that took place there, have now moved to new locations.

Commissioner Cattane asked how long this contract is good for or is it into perpetuity. He also stated this is a peaceful thing yet feels there needs to be a time limit on the agreement. Commissioner Pattison agrees that there needs to be a time limit of at least 10 years, possibly 20 years. He would also like to negotiate being able to move the picnic tables which are currently bolted down.

Commissioner Atwood thanked the County Administrator and the City Manager for working on this and does not feel we need to overthink this. He agrees that it would be better if the tables were movable.

Moved by Cattane. Seconded by Stroh.

To table the Historic Pavilion Agreement until July 18, 2022, so the City Manager can negotiate with the County Administrator on an end date to the agreement and that the picnic tables be removable.

Ayes: Cattane, Pattison, Stroh, Swindell.

Nays: Atwood.

Absent: None.

MOTION CARRIED.

City Manager Kerbyson stated that he spoke to Senator Peters representative about supporting our earmarks for the Genesee Street Bridge; the building department is now located here at City Hall, however, Mr. Oliver will remain at the Howard Street location; the announcement for the Police Chief position has been posted.

DEPARTMENTAL REPORTS

The Downtown Development Authority Monthly Report was received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: Helped the DDA hang up the veteran banners; checked on a homeless person sleeping in Annrook Park. Opioids are a problem; we need to get a handle on it as it is a crisis. Bike Night went very well, and everyone should attend this Friday.

Commissioner Swindell: Graduation season is upon us, keep your eyes and ears open for the kids; swing out is this week; there will be lots of open houses, please do not let the kids drink at your house during the parties.

Commissioner Pattison: June 6, on this day 78 years ago, a lot of our citizens did not come home; they helped make our country what it is today and let's not forget that.

Mayor Marquardt: Do not forget that yes, we do have drugs in our community, yet she has confidence in our law enforcement; not all homeless people are addicted to drugs; the housing department works hard to help these people as does law enforcement; read the list of current events; everyone had been invited to Harmony Hall open house on June 23, 2022; tomorrow evening is our M-24 discussion; ice rink sub-committee will meet tomorrow June 7, 2022 at 1:30 p.m. here at City Hall.

133 2022 06-06 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:44 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:44 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk