

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JUNE 19, 2023**

A regular meeting of the Lapeer City Commission was held June 19, 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: Mike Womack, present.

City Attorney: Denis McCarthy, present.

Mayor Marquardt led the Pledge of Allegiance.

**146 2023 06-19 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for June 19, 2023, as presented.

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

Nays: None.

MOTION CARRIED.

**147 2023 06-19 MINUTES**

Moved by Pattison. Seconded by Swindell.

Approve the minutes of the regular meeting held June 5, 2023, as presented.

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

Nays: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Jenny Burkhart gave an invocation.

Denis McCarthy has decided to not renew his contract with the City at the end of the month; his practice is extremely busy, and he is having a hard time keeping up with demand and he will be running for probate judge in the future.

**148 2023 06-19 CONSENT AGENDA**

Moved by Pattison. Seconded by Stroh.

Approve the consent agenda for June 19, 2023, as presented:

1. Special Event: Jeep Thing on Nepessing – June 24, July 22, Aug. 26, Sept 23, 2023.

2. Special Event: Nightmare on Nepessing – October 14, 2023.

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

Nays: None.

MOTION CARRIED.

**149 2023 06-19 BILL LISTING**

Moved by Cattane. Seconded by Pattison.

Approve the bill listing for June 19, 2023, in the amount of \$925,063.84.

ON A ROLL CALL VOTE:

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

Nays: None.

MOTION CARRIED.

**PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:**

**150 2023 06-19 MDOT LOCAL BRIDGE PROGRAM – NEPESSING STREET BRIDGE RESOLUTION**

Moved by Stroh. Seconded by Swindell.

Adopt the resolution for MDOT Local Bridge Program for the Nepessing Street Bridge.

CITY OF LAPEER  
MUNICIPAL RESOLUTION #2023-15  
FOR PREVENTATIVE MAINTENANCE OF THE  
NEPESSING STREET BRIDGE THROUGH  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the Nepessing Street bridge has deteriorated to such an extent that preventative maintenance is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow preventative maintenance of this bridge without additional funds from other sources.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program funding for preventative maintenance of the Nepessing Street bridge for MDOT's Funding Year 2026.

This resolution adopted this 19<sup>th</sup> day of June 2023.

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

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**151 2023 06-19 MDOT LOCAL BRIDGE PROGRAM – FOX STREET BRIDGE RESOLUTION**

Moved by Stroh. Seconded by Cattane.

Adopt the resolution for MDOT Local Bridge Program for the Fox Street Bridge.

CITY OF LAPEER  
MUNICIPAL RESOLUTION #2023-16  
FOR PREVENTATIVE MAINTENANCE OF THE  
FOX STREET BRIDGE THROUGH  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the Fox Street bridge has deteriorated to such an extent that preventative maintenance is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow preventative maintenance of this bridge without additional funds from other sources.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program funding for preventative maintenance of the Fox Street bridge for MDOT's Funding Year 2026.

This resolution adopted this 19<sup>th</sup> day of June 2023.

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

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**152 2023 06-19 MDOT LOCAL BRIDGE PROGRAM – OREGON STREET BRIDGE RESOLUTION**

Moved by Pattison. Seconded by Swindell.

Adopt the resolution for MDOT Local Bridge Program for the Oregon Street Bridge.

CITY OF LAPEER  
MUNICIPAL RESOLUTION #2023-17  
FOR PREVENTATIVE MAINTENANCE OF THE  
OREGON STREET BRIDGE THROUGH  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the Oregon Street bridge has deteriorated to such an extent that preventative maintenance is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow preventative maintenance of this bridge without additional funds from other sources.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program funding for preventative maintenance of the Oregon Street bridge for MDOT's Funding Year 2026.

This resolution adopted this 19<sup>th</sup> day of June 2023.

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

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**153 2023 06-19 CITY OF LAPEER FAIR HOUSING POLICY RESOLUTION**

Moved by Stroh. Seconded by Swindell.

Adopt the resolution for the City of Lapeer Fair Housing Policy.

RESOLUTION # 2023-18  
RESOLUTION TO APPROVE  
CITY OF LAPEER  
FAIR HOUSING POLICY

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability; and,

WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, or marital status;

NOW THEREFORE, BE IT RESOLVED:

LET IT BE KNOWN TO ALL PERSONS that the **City of Lapeer** will follow the adopted Fair Housing Policy to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, national origin, religion, sex (including gender identity and sexual orientation), age, height, weight, familial status, marital status and disability; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** shall not discriminate in the sale, rental, leasing, or financing of housing because of race, color, national origin, religion, sex (including gender identity and sexual orientation), age, height, weight, familial status, marital status and disability; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** will assist all persons who feel they have been discriminated against because of race, color, national origin, religion, sex (including gender identity and sexual orientation), age, height, weight, familial status, marital status and disability, to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of June 19th, 2023.

AYES: Atwood, Cattane, Pattison, Stroh, Swindell.  
NAYES:  
MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**ADMINISTRATIVE REPORTS:**  
**154 2023 06-19 REZONING – B-2 GENERAL BUSINESS TO PUD PLANNED UNIT DEVELOPMENT - 1245 IMLAY CITY ROAD – PARCEL #L20-83-408-040-00 AND L20-83-409-040-01**

Moved by Pattison. Seconded by Swindell.  
Adopt an ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02(a)(35) of the General Ordinances of the City of Lapeer.

**Ordinance No. 2023-02**

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS 7.02.02 District Boundaries

(a) Zoning District Amendments

- (35) The following described properties formerly zoned B-2 General Business are hereby rezoned to PUD Planned Unit Development:

1245 Imlay City Road – Parcel #L20-83-408-040-00  
CITY OF LAPEER T7N, R10E, SEC 4, COM AT INT OF N LN OF M-21 & N-S 1/4 LN, TH W'LY ALG N LN M-21 ON CURVE TO L, CHORD BEARING AND DIST OF N66°53'23"W 352.39 FT; TH N01°53'44"E 729.38 FT; TH N88°01'W 90 FT; TH N01°53'44"E 90 FT; TH S88°01'E 415 FT; TH S ALG N-S 1/4 LN 946.42 FT TO P.O.B. ALSO 20 FT DRAINAGE EAS RUNING 300 FT W'LY FROM NE COR OF PROP. 6.8 A

Parcel # 20-83-409-040-01 (Vacant)  
CITY OF LAPEER T7N, R10E SEC 4 COM NW'LY ALG N LN M-21 352.29 FT & N01°51'53"E 275.55 FT FROM N-S 1/4 LN, TH N01°51'53"E 452.03 FT; TH N88°01'W 150 FT; TH S01°51'53"W 452.03 FT; TH S88°01'E 150 FT TO POB 1.56 A

Commissioner Cattane and Commissioner Stroh have concerns that the City of Lapeer is adding more rental units than owner occupied properties. Commissioner Pattison stated that the Planning Commission looked at the project not whether it was for rental properties or owner-occupied properties. City Manager Womack stated that we have to follow the law; we can develop policies for managing large rental properties. Commissioner Atwood asked for an update of rental properties vs. owner-occupied properties. Commissioner Pattison also stated this property is not an ideal for single family homes and is a difficult property to develop.

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

Nays: None.

MOTION CARRIED. AMENDMENT TO CHAPTER 7 ADOPTED.

**155 2023 06-19 SOLID WASTE COLLECTION LICENSES FOR 2023-2024**

Moved by Cattane. Seconded by Pattison.

Approve the 2023-2024 Solid Waste Collection Licenses for Republic Services of Flint (a.k.a. Tri County Refuse), Rick Rhein Disposal, and GFL Environmental.

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

Nays: None.

MOTION CARRIED.

**156 2023 06-19 ANDREW'S RIVER ESTATES NO. 2 – SPECIAL ASSESSMENT DISTRICT**

Moved by Pattison. Seconded by Stroh.

Adopt Resolution #1 preparing reports regarding the Andrew's River Estates No. 2 Street Improvements, Special Assessment District #2023-01 and Resolution #2 that includes setting a public hearing on July 17, 2023, at 6:30 p.m. or as soon thereafter as may be heard to determine the necessity regarding the Andrews River Estates No. 2 Street Improvements, Special Assessment District #2023-01.

RESOLUTION NO. 1

CITY OF LAPEER  
SPECIAL ASSESSMENT  
Andrew's River Estates No. 2  
Street Improvement

Special Assessment District #2023-01

WHEREAS, pursuant to provisions of Chapter 11 of the City Charter and Chapter 64 (Special Assessment Ordinance) of the General Ordinances of the City of Lapeer, the Lapeer City Commission may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof without a petition; and

WHEREAS, the Lapeer City Commission deems it in the public interest, health and welfare to make certain public improvements in the City;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager is directed to investigate and prepare a report in accordance with the provisions of Chapter 64 (Special Assessment Ordinance), Section 64.03 of the General Ordinances of the City of Lapeer for the Andrews River Estate No. 2.
2. When the aforesaid report is completed, the City Manager shall file the same with the City Clerk for presentation to the City Commission.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

RESOLUTION NO. 2

CITY OF LAPEER  
SPECIAL ASSESSMENT  
Andrew's River Estates No. 2  
Street Improvement  
Special Assessment District #2023-01

WHEREAS, the City Manager has prepared a report(s) concerning certain public improvements as hereinafter described, in accordance with the provisions of Chapter 64 (Special Assessment Ordinance), Section 64.03 of the General Ordinances of the City of Lapeer; and

WHEREAS, the Lapeer City Commission has reviewed said report(s); and

WHEREAS, the Lapeer City Commission determines that it is necessary to acquire and construct the public improvements in the City of Lapeer more particularly hereinafter described in this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The aforesaid report(s) shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
2. The Lapeer City Commission hereby determines that the public improvements described more particularly hereinafter provided for are necessary.

3. Said special assessment district shall consist of the lots and parcels of land as herein described:  
  
Andrew's River Estates No. 2, Lots 55-81, and Andrew's River Estates No. 2, Lots 83-89 inclusive; Andrew's River Estate No 2, Lot 82 partial; Andrew's River Estates Lot 21 (partial).
4. The total cost of said public improvements according to frontage (or benefits) is estimated to be \$436,699. of which \$131,009.70 shall be spread over the special assessment district as hereinafter described, and \$305,689.30 which shall be paid by the City.
5. The estimated life of such improvements is not less than 20 years.
6. The City Commission will meet on July 17, 2023, at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing objections to the making of said public improvements and to the special assessment district.
7. The City Clerk is directed to cause notice of said hearing to be published in the LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer at least ten (10) full days before the date of such hearing, and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person in interest in the property in the special assessment district more particularly described in the following notice at the addresses shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
8. The notice of said hearing to be published and mailed shall be in substantially the following form:

CITY OF LAPEER  
 NOTICE OF SPECIAL ASSESSMENT HEARING TO  
 HEAR OBJECTIONS TO PROPOSED PUBLIC  
 IMPROVEMENTS AND TO THE  
 PROPOSED SPECIAL ASSESSMENT DISTRICT

Andrew's River Estates No. 2  
 Street Improvement  
 Special Assessment District #2023-01

TAKE NOTICE that the City Commission of the City of Lapeer, Lapeer County, Michigan, has determined it to be necessary to make the following described public improvement in the City of Lapeer:

Andrew's River Estates Street Improvements

Project Summary:

Project will include reconstructing three streets; Old Carriage Ln., Old Farm Ct., and a portion of Old Farm Ln., which will include pulverizing and removing the base coat of HMA that cannot be salvaged and installing a 6-inch base coat of gravel with two

lifts of HMA for a total of 5 inches of HMA. A limited amount of concrete work is also involved.

The City Commission has determined that part of the cost of the above-described public improvements which is estimated to be \$131,009.70, shall be assessed against all lots and parcels of property abutting the above-described improvements which properties are described as follows:

Andrew's River Estates No. 2, Lots 55-81, and Andrew's River Estates No. 2, Lots 83-89 inclusive; Andrew's River Estate No 2, Lot 82 partial; Andrew's River Estates Lot 21 (partial).

TAKE FURTHER NOTICE that the City Commission has caused report(s) concerning said public improvements to be prepared, which report(s) include pertinent information concerning the proposed improvements and the district as well as a map of the area and these report(s) are on file in the office of the City Clerk and are available for public examination.

TAKE FURTHER NOTICE THAT THE CITY COMMISSION WILL MEET ON JULY 17, 2023, AT 6:30 O'CLOCK P.M., LOCAL TIME, AT THE CITY HALL IN THE CITY OF LAPEER FOR THE PURPOSE OF HEARING OBJECTIONS TO THE NECESSITY OF MAKING OF SUCH PUBLIC IMPROVEMENTS AND TO THE PROPOSED SPECIAL ASSESSMENT DISTRICT.

THIS NOTICE is given by order of the City Commission of the City of Lapeer, Lapeer County, Michigan.

ROMONA SANCHEZ, CMC  
CITY CLERK, CITY OF LAPEER

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ON A ROLL CALL VOTE:

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

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**157 2023 06-19 ANNEXATION BY CHOICE AREA – EL COZUMEL, LLC.**

Moved by Cattane. Seconded by Atwood.

Approve the resolution authorizing annexation of property to the City of Lapeer, El Cozumel, LLC, Churchill Farms Subdivision, Lot 24.

CITY OF LAPEER  
RESOLUTION #2023-14  
RESOLUTION AUTHORIZING ANNEXATION  
OF PROPERTY TO THE CITY OF LAPEER  
EL COZUMEL LLC

**WHEREAS**, El Cozumel, LLC (Alfredo Melendez) vacant property, located at Sec 8 T7N R10E Churchill Farms Subdivision Lot 24, Township Parcel #44-012-200-024-00 has



petitioned for Annexation of Property from Lapeer Township to the City of Lapeer which is located in the "Annexation by Choice" area; and

**WHEREAS**, Section 9(8) of the Michigan Home Rule Cities Act authorizes annexation of property from township to cities by resolutions approved by an affirmative majority vote of the City Commission and the Township Board, after a petition signed by property owners has been submitted to the City and the Township; and

**WHEREAS**, Petitioners holding equitable title as land contract vendees or holding record legal title to more than fifty (50%) percent of the area described in Exhibit A have petitioned to be annexed to the City of Lapeer from the Township of Lapeer; and

**WHEREAS**, a public hearing was held on July 20, 2006, by the Lapeer City Commission and the Lapeer Township Board as to a proposed Interlocal Agreement for the Sharing of Revenue and Annexation of Property between the City of Lapeer and the Township of Lapeer which would allow for the annexation of property described in Exhibit A; and

**WHEREAS**, no referendum petitions were filed as to the proposed Interlocal Agreement during the prescribed statutory period; and

**WHEREAS**, said Interlocal Agreement was executed by both the City of Lapeer and the Township of Lapeer on December 4, 2006, and reaffirmed on March 19, 2007, and was filed with the Office of the Great Seal of the Michigan Secretary of State; and

**WHEREAS**, the Lapeer Township Board has approved the annexation of the property described in Exhibit A by Resolution of its governing board.

**THEREFORE, BE IT RESOLVED**, that annexation of the property legally described in Exhibit A attached hereto is approved by the City of Lapeer Commission as authorized by statute and the Interlocal Agreement.

**BE IT FURTHER RESOLVED** that said annexation shall become immediately effective upon the filing of the Township and City Resolutions with the Office of the Great Seal of the Michigan Secretary of State.

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

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**158 2023 06-19 CITY ATTORNEY CONTRACT**

Moved by Cattane. Seconded by Stroh.

Approve Fletcher, Fealko, Shoudy, Francis, PC and as the City Attorney for the City of Lapeer and authorize the City Manager to negotiate a contract.

ON A ROLL CALL VOTE:

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

Nays: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Womack thanked Mr. McCarthy for his service to the city, it can be a difficult job; mazel tov on running for Probate Judge, looks forward to seeing him on the bench. Met with

Mr. Wandrie and discussed the things the school district is doing and challenges they are facing. We are working on the Genesee Water Main project; all the department heads have put in a great effort for this project and specifically thanked Shelley Lincoln for all her hard work as well; this is a major project that will be taking place this summer and will affect a large area in the city. He is meeting with Neda Payne at parking lot #5 to discuss the Lapeer Days and his vision of what the parking lot may become; met with the Rotary Club. Decided to close most of the city buildings on July 3, 2023, to the public. Currently, there is nothing on the agenda for that date; it would be up to the commission to decide if they would like to cancel that meeting.

**159 2023 06-19 CANCEL JULY 3, 2023, COMMISSION MEETING**

Moved by Cattane. Seconded by Stroh.

Cancel the July 3, 2023, regular city commission meeting; and have the Mayor call for a special meeting should the need arise.

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

Nays: None.

MOTION CARRIED.

**CITY ATTORNEY'S REPORT**

City Attorney McCarthy working on a few tax tribunal cases; and intends to continue working until the contract ends on June 30, 2023.

**UNFINISHED BUSINESS**

**160 2023 06-19 APPOINTMENT – LAPEER BUILDING AUTHORITY**

Moved by Cattane. Seconded by Pattison.

To table the request from Kenneth Parker, until the next meeting, and have the City Manager contact him to answer the questions left blank on the application.

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

Nays: None.

MOTION CARRIED.

**DEPARTMENTAL REPORTS**

The Departmental Monthly Reports were received into the record.

**PUBLIC COMMENTS**

Jenny Burkheart apologized for missing several meetings and thanked those who have reached out to her.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Congratulations again to all the graduates; thanked the parents who volunteered and helped with the all-night party; express gratitude to Above Par Disc Golf and the volunteers who helped out this weekend; thanked Kohl, Harris, Nolan & McCarthy for all their years of service to the city.

Commissioner Atwood: Thanked Mr. McCarty for all the hard work he has done for the city; best of luck on all your future endeavors. Wants the DDA to be able to comment on the for profit events that may be coming.

Commissioner Stroh: Thanked Mr. McCarthy for all the good work his firm has done over the last 14 years. Need to look at the special event that are being held in the DDA. We cannot

keep closing down the street for each and every event. Likes to see all the commerce that is happening around the downtown; however, we need to manage what is happening with all the events. Lots of summer activities going on around the community for kids; nice to see all the activity going on.

Commissioner Swindell: Thanked Mr. McCarthy for taking over when Mr. Nolan left; wished Rodney Church the best on his upcoming event this weekend. Was able to get many volunteers for the Above Par Disc Golf prep for the new course. Need to look into the special event application process and the activities happening downtown.

Commissioner Pattison: Thanked Mr. McCarthy for his services and advice; best of luck in your future endeavors. Wished everyone a happy Juneteenth. Now that we are almost through June, it's time to put the Youth Council discussion back on the agenda.

Mayor Marquardt: Thanked Mr. McCarthy and his firm for their service; looks forward to him running for judge. Read the list of local events happening. There is not a simple answer to approving the special event applications; possibly look at what other cities do. Some business owners are not pleased when the road is closed. Happy holidays and have a safe holiday.

**161 2023 06-19 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:25 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:25 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk