

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
JUNE 21, 2021**

A regular meeting of the Lapeer City Commission was held June 21, 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 Pro-Tem Pattison led the Pledge of Allegiance.

137 2021 06-21 AGENDA APPROVAL

Moved by Cattane. Seconded by Pattison.

Approve the Agenda for June 21, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

138 2021 06-21 MINUTES

Moved by Stroh. Seconded by Osentoski.

Approve the minutes of the Regular meeting held June 7, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

None.

139 2021 06-21 CONSENT AGENDA

Moved by Osentoski. Seconded by Stroh.

Approve the Consent Agenda for June 21, 2021, resulting in the following:

1. 2021-22 Budget for the Brownfield Redevelopment Authority, the Tax Increment Finance Authority's 1, 2, and 3, the Tax Increment Finance Authority Trust, and the Economic Development Corporation and revised 2020-21 Budgets.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

140 2021 06-21 BILL LISTING

Moved by Cattane. Seconded by Atwood.

Approve the Bill Listing for June 21, 2021, in the amount of \$362,397.80.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

141 2021 06-21 LAPEER OPTIMIST BEER TENT RESOLUTION

Moved by Stroh. Seconded by Cattane.

Approve the resolution to authorize the Lapeer Optimist Club to use the City sidewalks and Cedar Street north of Nepessing Street for their beer tent on Friday, August 20, 2021, through Sunday, August 22, 2021.

Commissioner Stroh asked why this was in the form of a resolution as opposed to a special event. City Clerk Sanchez stated the Lapeer Optimist Club is required to apply to the State of Michigan, which requires a resolution from the governing body to be submitted with their application.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

142 2021 06-21 TEXT AMEMDMENT – ANIMAL CREMATORIUM

Commissioner Cattane introduced an Ordinance Amendment to Secs. 7-08.02, 7-16.02, 7-13.04 and 7-24.03 to clearly state use requirements for an animal crematorium.

143 2021 06-21 RE-ZONING – 35 S. COURT ST., 130 HOWARD ST. & VACANT PARCEL #L21-24-700-040-00

Commissioner Stroh introduced an Ordinance Amendment to rezone the properties known as 35 S. Court St., 130 Howard St. and vacant parcel L#21-24-700-040-00 from B-2 General Business to I-1 Industrial.

CITY MANAGER'S REPORT

144 2021 06-21 ASBESTOS ABATEMENT CONTRACT – WHITE JR. HIGH

Moved by Cattane. Seconded by Osentoski.

Approve low bid from BBK Environmental to remove the asbestos remaining in White Jr. High as surveyed by certified environmental audit company for \$43,762. and authorize the City Manager to sign the appropriate documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

145 2021 06-21 DEMOLITION – WHITE JR. HIGH SCHOOL

Moved by Pattison. Seconded by Stroh.

Approve the agreement with Adamo Group to demolish the abandoned, abated, and salvaged White Junior High School and authorize the City Manager to sign the appropriate documents.

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 we had an unsuccessful attempt to purchase the land to complete the pedestrian tunnel under M-24; has asked the City Attorney to begin the condemnation process on that slightly less than half acre of land. It has been disappointing and frustrating. Mayor Marquardt asked how long the condemnation process will take. City Attorney Nolan stated it would go on the general docket and we are looking at months as opposed to weeks.

City Manager Kerbyson further stated from the beginning we have been negotiating with the property owners, in the background it has been possible that we might have to take it to the worst-case scenario being condemnation to acquire the land; to promote the public good; open public access to the tunnel. The owners have known this all along. An offer to purchase was submitted to the owners, who flatly rejected and demanded a significantly higher price than either of the two appraisals; we knew it was beyond our ability to negotiate a settlement. In this case the court will look for an appropriate value and that is what the City will pay.

Commissioner Cattane asked if we are locked into a deal after the judge’s decision and stated he feels the two appraisals are way too high. City Manager Kerbyson agreed regarding the appraisal price and stated when the City was going to use the State Grant fund, the State insisted on the second appraiser, whom they believe to be the very best. That appraisal was on the full 1.66 acres, where we only need half an acre at the most.

Commissioner Stroh asked what amount the sellers were asking for the property and what the appraisal amount were. City Manager Kerbyson stated the first appraisal for the half acre was between \$75,000 and \$80,000; the family wanted to give us an additional acre, so the State required a second appraisal to include that value which came back at \$184,000. The property owners asking price was \$289,000 and much higher prices before that.

City Manager Kerbyson stated he received an email from Davison Monument Company; they have been unable to develop a design for our rebranding; but will be handing us off to another company for the rebranding of the various markers.

Lastly, he was asked to notify the Commission the ballot initiative to completely prohibit recreational marijuana establishments has been submitted to the Lapeer County Clerks office and should appear on the November 2, 2021, General Election ballot.

CITY ATTORNEY'S REPORT

City Attorney Nolan stated he has been working with City Manager Kerbyson on the demolition contract for White Jr. High and the asbestos abatement contracts; general business with the City and we are keeping on top of everything. Courts are reopening, with different levels and fast reaching the highest level; cases are being processed and business is being done; soon will be back to normal.

UNFINISHED BUSINESS

146 2021 06-07 REAPPOINTMENT – YOUTH COUNCIL

Moved by Mayor Marquardt. Motion by Pattison. Seconded by Cattane.

To appoint Joshua Atwood to the Youth Council for a one-year term to expire July 1, 2022.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

The monthly Departmental Reports, Downtown Development Authority Monthly Report, and the 2020 Consumers Confidence Report.

PUBLIC COMMENTS

Mark LaBaza asked if the City Manager knows the amount of asbestos that was in White Junior High and what types. City Manager Kerbyson stated there are several different items, most of the items are glue related.

MAYOR/COMMISSIONER COMMENTS

Commissioner Osentoski: Wished City Manager Kerbyson a Happy Birthday; excited to see the White Jr. High building come to fruition and to see what will be developed there; hopes to see the pedestrian tunnel wrapped up by the end of the year.

Commissioner Cattane: Looking forward to having a professional setting for our Commission meetings; grateful to see the fatality rate from COVID has dropped. White Jr. High has a lot of our public still mourning the loss of this building; the end result is the building has been vacant for 25 years; is costly and time consuming to repair it; we did the right thing regardless of the public push back; ultimately this was the responsibility of the school system; yet they are struggling. Happy to take this burden away from the school board and thanked the Commission for doing the right thing.

Commissioner Atwood: Likes historical buildings, yet where White Jr. High is concerned; we are doing something that needs to be done that no one wanted to do. It is not salvageable and we do this so we can pave the way for the future; there is the possibility of awesome development there. Has mixed emotions, but we are moving forward.

Commissioner Stroh: It has been a delight to see business increase on Mondays with the Car Cruise, Concerts in the Park on Thursdays, and Friday Night Bikes; great time, great business. Business partners throughout the City have noted an increase in business. We will have to set our sites on helping the business get back up and running after the fire. Cultural arts are alive and well in Lapeer; wonderful exhibits; get out walk, look for the arts.

Commissioner Pattison: Before we meet again; and gratefully it will be in person, we are going to have fireworks in Lapeer on the 4th of July. Looking forward to it, we all need to show up, be safe, have a great time.

Mayor Marquardt: Attended the Bike Night, great evening, spoke to so many wonderful people; businesses are happy, people are happy; nice to have these put together. Many places in the UP are having bike nights as well. Happy Birthday to City Manager Kerbyson, shall we sing? Able to check out the show at Stone's Throw Theater, where she was able to purchase a red rose piece. Excited to have the meetings back at City Hall where the public can feel comfortable coming to a meeting. Thanked Commissioner Pattison for leading the meeting tonight since she was using her cell phone. Happy 4th of July and be safe.

147 2021 06-21 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:05 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:05 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk