

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JULY 17, 2023**

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

Mayor Marquardt led the Pledge of Allegiance.

**162 2023 07-17 AGENDA APPROVAL**

Moved by Pattison. Seconded by Stroh.

Approve the Agenda for July 17, 2023, with the deletion of Jennell RaCosta's re-appointment to the Planning Commission.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**163 2023 07-17 MINUTES**

Moved by Stroh. Seconded by Swindell.

Approve the minutes of the regular meeting held June 19, 2023, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Brad Haggadone, Lapeer County Commissioner provided an update to the Commission regarding the Lapeer County Board of Commissioners proceedings.

Jenn Zielinski, Government Affairs Manager, Common Citizen, parent company of Pure Lapeer and Xplore Cannabis, gave an update to the Commission about what is happening in the cannabis industry and at their stores.

Melissa Petrie gave an invocation.

Jeremy Hing, read a statement regarding the Andrew's River Estate No. 2, Special Assessment District.

**164 2023 07-17 CONSENT AGENDA**

Moved by Cattane. Seconded by Stroh.

Approve the consent agenda for July 17, 2023, as presented:

1. Special Event: Stand Up Lapeer – September 9, 2023.

2. Special Event: Kiwanis Club – Rubber Duck Dash – September 9, 2023.

3. Special Event: Kiwanis Club – Fantasy Forest – October 14, 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**165 2023 07-17 BILL LISTING**

Moved by Cattane. Seconded by Swindell.

Approve the bill listing for July 17, 2023, in the amount of \$761,122.73.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:**

None.

**PUBLIC HEARING:**

Mayor Marquardt opened the public hearing for Andrew's River Estates No. 2 Special Assessment District at 6:55 p.m.

James Spivy, 40 Old Farm Ct., asked why the builders were not held accountable for completing the road. Additionally, he had questions about how the work would be done to replace the road. Finally, he asked if the project is going out for bid or who won the bid.

Donna Whittier, Old Carriage Lane, very concerned about what this project is going to cost each resident. Would like to have more information.

Jeremy Hing, 312 Old Farm Lane, understands the builder went out of business, yet because the city did not collect the bond, homeowners are now responsible for the cost. Would like to know more about the Special Assessment process. Would like to know the terms and how long to spread this out if it is assessed.

There being no further comments, Mayor Marquardt closed the public hearing at 7:04 p.m.

**166 2023 07-17 ANDREW'S RIVER ESTATES NO. 2 – RESOLUTION #3**

Moved by Cattane. Seconded by Stroh.

Approve resolution #3 to determine the project necessary and order the preliminary roll prepared regarding the Andrew's River Estates No. 2, Special Assessment District #2023-01.

CITY OF LAPEER  
SPECIAL ASSESSMENT  
Resolution 2023-22  
Andrew's River Estates No. 2  
Street Improvements  
Special Assessment District #2023-01

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described:

Andrew’s River Estates No. 2 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.

AND WHEREAS, the City Commission deems it advisable and necessary to proceed with said public improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to proceed with the public improvements described above and the plans and estimates of cost as presented are approved.
2. The City Assessor is directed to make and prepare a preliminary special assessment roll in conformity with the requirements of Chapter 64 (Special Assessment Ordinance), Section 64.09 of the General Ordinances of the City of Lapeer.
3. When the preliminary special assessment roll has been completed, the City Assessor shall file the same with the City Clerk for presentation to the City Commission.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

AYES: Cattane, Pattison, Stroh, Swindell.

NAYS: Atwood.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED 4-1. RESOLUTION DECLARED ADOPTED.

**ADMINISTRATIVE REPORTS:**

**167 2023 07-17 ANDREW’S RIVER ESTATES NO. 2 – SPECIAL ASSESSMENT DISTRICT – RESOLUTION #4**

Moved by Stroh. Seconded by Pattison.

Adopt resolution #4 accepting the preliminary roll and setting a public hearing for August 21, 2023, at 6:30 p.m. or as soon thereafter as may be heard regarding the Andrew’s River Estates No. 2, Special Assessment District #2023-01.

CITY OF LAPEER  
SPECIAL ASSESSMENT  
Resolution 2023-23  
Andrew’s River Estates No. 2  
Street Improvements  
Special Assessment District #2023-01

WHEREAS, the City Assessor has prepared a preliminary special assessment roll for the purpose of specifically assessing that portion of the costs of the public improvements more particularly hereinafter described to the properties specially benefited by said public improvement, and the same has been presented to the City Commission by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said preliminary special assessment roll shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
2. The City Commission shall meet on August 21, 2023, at 6:30 o'clock p.m., Local Time, at the City Hall for the purpose of hearing all persons interested in said preliminary special assessment roll and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The City Clerk is directed to cause notice of said hearing to be published once in the County Press or LA View, Lapeer, Michigan, a newspaper of general circulation in the City of Lapeer and is further directed to cause notice of such hearing to be mailed by first class mail to each owner of or person of interest in the property in the special assessment district more particularly described in the following notice at the address shown on the last general tax assessment roll of the City, at least ten (10) full days prior to the date of such hearing.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**CITY OF LAPEER  
COUNTY OF LAPEER, MICHIGAN  
NOTICE OF HEARING TO REVIEW PRELIMINARY  
SPECIAL ASSESSMENT ROLL**

**TO THE OWNERS OF ALL PROPERTY WITHIN THE FOLLOWING DESCRIBED  
SPECIAL ASSESSMENT DISTRICT #2023-01:**

Andrew's River Estates No. 2 - Street Improvements.

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 NOTICE** that a preliminary special assessment roll has been prepared for the purpose of defraying the Special Assessment District's share of the cost of the following described public improvement:

Andrew's River Estates No. 2 - 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 said preliminary special assessment roll is on file for public examination with the City Clerk. Objections to said preliminary special assessment may be made in writing prior to the close of the hearing or by personal appearance at the time of the hearing to review said preliminary special assessment roll. A written protest filed prior to the close of said hearing or an oral protest made by an owner or party of interest or his or her agent at the time of said hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal. A written

appeal of the special assessment may be filed with the State Tax Tribunal within 30 days after confirmation by the City Commission of the Special Assessment Roll.

**TAKE FURTHER NOTICE** that the City Commission and the City Assessor will meet at the City Hall, at 6:30 o'clock p.m., Local Time, on August 21, 2023, for the purpose of reviewing said preliminary special assessment roll and hearing any objections thereto.

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

AYES: Cattane, Pattison, Stroh, Swindell.  
NAYS: Atwood.  
ABSENT: None.  
ABSTAIN: None.  
MOTION CARRIED 4-1. RESOLUTION DECLARED ADOPTED.

**168 2023 07-17 LAPEER OPTIMIST BEER TENT RESOLUTION**

Moved by Cattane. Seconded by Swindell.

Adopt 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 18, 2023, through Sunday, August 20, 2023.

CITY OF LALPEER  
RESOLUTION # 2023-21  
Lapeer Optimist Club

Resolved: that the request 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 18, 2023, through Sunday, August 20, 2023.

It is the consensus of this legislative body that the request be approved by the State of Michigan, Department of Consumer & Industry Services, Liquor Control Commission.

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

**169 2023 07-17 2023-2024 PROPERTY AND LIABILITY INSURANCE**

Moved by Stroh. Seconded by Cattane.

Approve Peterson McGregor & Associates for the City of Lapeer's Property & Liability Insurance at a cost of \$227,719 for the fiscal year July 1, 2023, through June 30, 2024, and authorize the City Manager to sign the required documents.

ON A ROLL CALL VOTE:

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

**170 2023 07-17 DOWNTOWN AREA RIGHT-OF-WAY LICENSE**

Moved by Pattison. Seconded by Swindell.

Approve the Right-of-Way license for Hernandez Mexican Food at 4 E. Nepessing Street until November 15, 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**171 2023 07-17 LEGAL SERVICES REPRESENTATION AGREEMENT**

Moved by Cattane. Seconded by Stroh.

Approve the legal services representation agreement between Fletcher, Fealko, Shoudy & Francis, PC, and the City of Lapeer, and authorize the City Manager to sign the necessary documentation.

ON A ROLL CALL VOTE

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

Nays: None.

Absent: None.

MOTION CARRIED.

**172 2023 07-17 CHARITABLE GAMING LICENSE – PREGNANCY CENTER OF LAPEER**

Moved by Stroh. Seconded by Atwood.

Adopt the Local Governing Body Resolution for Charitable Gaming License for the Pregnancy Center of Lapeer.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**173 2023 07-17 COMMUNITY CENTER – WATER HEATER REPLACEMENT**

Moved by Swindell. Seconded by Stroh.

Approve the proposal for professional services with DiClemente Siegel Designs (DSD) for architectural and engineering services for the Community Center Hot Water Heater Boiler Replacement project not to exceed \$27,600, and authorize the Director of Parks, Recreation & Cemetery to sign the necessary documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER’S REPORT**

City Manager Womack asked if the Commission wished to speak about the Youth Council now, or would they like it to be added to the next agenda. Consensus was to add to the next agenda for discussion. Rowe will be doing a topographic analysis of Parking Lot #5 which is estimated to cost \$10,000; similarly, the parking lot study is estimated to be approximately \$4,500. Mayor spoke with Mr. Parker this week, he is currently on deployment, he will be added to the next agenda for appointment to some boards; has been working with the County and DDA on a

Social District expansion; DDA will be presenting it to their board for approval at their next meeting. Has been working with the new City Attorney on some of the outstanding legal issues that carried forward; the lane closures on Genesee Street will be challenging; working with several departments on the project. Joint meeting may be held at the Community Center, the meeting will have an educational component which will cover Freedom of Information Act (FOIA) and Open Meetings Act (OMA), and then we will do a brainstorming session. Introduced the new building official, Mike Neumeyer, who started today.

**CITY ATTORNEY'S REPORT**

None.

**UNFINISHED BUSINESS**

**174 2023 07-17 REAPPOINTMENT TO LAPEER HOUSING COMMISSION**

Moved by Marquardt. Moved by Stroh. Seconded by Cattane.

To reappoint Lisa Lie to the Lapeer Housing Commission for a term to expire August 1, 2028.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**175 2023 07-17 REAPPOINTMENT TO LAPEER NEIGHBORHOODS INC.**

Moved by Marquardt. Moved by Stroh. Seconded by Cattane.

To reappoint Kerri Roberts, Lisa Lie and Robin Chesnutt to Lapeer Neighborhoods, Inc. for terms to expire August 1, 2025.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**176 2023 07-17 REAPPOINTMENT TO PLANNING COMMISSION**

Moved by Marquardt. Moved by Pattison. Seconded by Swindell.

To reappoint Austin Kelly and Douglas Roberts to the Planning Commission for terms to expire August 1, 2026.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**DEPARTMENTAL REPORTS**

The Monthly Departmental Report, the Downtown Development Authority Monthly Report and the Marihuana Facility Update were received into the record.

**PUBLIC COMMENTS**

Melissa Petrie would like the City Commission to look into teenpact.com.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Stroh: Thanked everyone for coming; we need to do a better job letting residents know how the various processes work. Citizens often do not know the processes of the Zoning Board of Appeals and the Planning Commission which can be frustrating. If we do a better job at educating the public, it can help ease the process. Amazing summer with cultural

art camps in and around the city; youth theater program under way and there are new installations of art murals are on display downtown. Enjoy the summer and watch the air quality.

Commissioner Swindell: Agrees with everyone in the room; this is an unfortunate situation that the bond was not held and collected for the road. Please reach out to the Commissioners or City Manager if you should have any questions. Disc golf pads and baskets are going in this weekend and most of the course should be playable by Monday.

Commissioner Atwood: Regarding the road; does not want to see peoples' taxes increased; if this is the city's fault, then you would almost have to say the City should be paying for it. Sympathizes with the residents and now we must deal with it. Would like to see other roads fixed as well. Can we postpone this until inflation goes down. If the residents do not want the road done, residents need to speak up and oppose it; it is okay to speak your minds. July 30, 2023, World Day Against Human Trafficking; recommends going to see "Sound of Freedom"; very emotional.

Commissioner Cattane: Echo the words of Commissioner Stroh; upset for the residents that this is happening; we need to get this fixed. Kiwanis Club announced the concept of a playground for children with disabilities and would like to see the community get behind it and donate to the crowd funding.

Commissioner Pattison: Understands that the special assessment is frustrating; the city does not have the money to pay for all the roads to be fixed. Your roads are going to be repaired and the city will be picking up 70% of the cost and this is a good deal.

City Manager Womack: Community he came from specially assessed 100% of the assessment to the residents. While he is in his office about 50 hours a week, he would encourage people to call or email him questions before the meetings and we can get those questions answered.

Mayor Marquardt: Has been here a few years. We will get through this; adding more taxes can be hard, but the city will do what it can to help. Read the list of local events.

**177 2023 07-17 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:53 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:53 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk