

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
AUGUST 17, 2020**

A regular meeting of the Lapeer City Commission was held August 17, 2020 electronically via GoToMeeting and 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.

**158 2020 08-17 AGENDA**

Motion by Pattison. Seconded by Stroh.

Approve the Agenda for August 17, 2020 with the addition of F-9, Michigan Municipal League Annual Conference representatives and alternate.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**159 2020 08-17 MINUTES**

Motion by Cattane. Seconded by Pattison.

Approve the minutes of the Regular Meeting held August 3, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Jenny Burkhart, 865 N. Wilder gave an invocation and read a scripture from John.

**CONSENT AGENDA**

**160 2020 08-17 SPECIAL EVENT REQUEST- GIRL SCOUTS**

Motion by Cattane. Seconded by Pattison.

Approve the Special Event Request from the Girl Scouts of Southeastern Michigan to hold a recruiting event at Cramton Park on September 15, 2020 at 5:00 p.m. as long as it is in compliance with current (at the date of the event) Coronavirus related Executive Orders.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**161 2020 08-17 SPECIAL EVENT REQUEST – DOWNTOWN DEVELOPMENT AUTHORITY**

Motion by Osentoski. Seconded by Pattison.

Approve the Special Event Amendment Request from the Downtown Development Authority to enhance the outdoor seating for the restaurants through October 31, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**162 2020 08-17 SPECIAL EVENT REQUEST – TILTED AXIS**

Motion by Cattane . Seconded by Stroh.

Approve the Special Event Request from Tilted Axis Brewing Company to hold an Oktoberfest event on Friday and Saturday, September 25 -26, 2020 from Noon to 11 p.m. with conditions that compliance with the current Governor’s Executive Orders will be required and approval of outdoor liquor licenses application from LCC.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**163 2020 08-17 SPECIAL EVENT REQUEST – PROJECT BROTHERHOOD RESOLVE**

Motion by Cattane. Seconded by Osentoski.

Approve the Special Event Request from Project Brotherhood Resolve to hold their Annual Ruck for the Fallen Walk September 19, 2020 starting at 8:00 a.m.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**164 2020 08-17 SPECIAL EVENT REQUEST- DOWNTOWN DEVELOPMENT AUTHORITY**

Motion by Stroh. Seconded by Osentoski.

Approve the Special Event Request from Downtown Development Authority to hold a sidewalk sale in the downtown area August 20-22, 2020; as outlined within the Governor’s Orders for social and safe distancing.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**165 2020 08-17 SPECIAL EVENT REQUEST – LAPEER OPTIMIST CLUB**

Motion by Cattane. Seconded by Atwood.

Approve Special Event Request from the Lapeer Optimist Club to hold their annual Chicken Barbeque event on Saturday, August 22, 2020 from Noon to 6:00 p.m. with conditions that compliance with current Governor’s Executive Orders as required.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

Motion by Pattison. Seconded by Cattane.

Approve the resolution to declare August 26, 2020 as Women’s Equality Day.

**A RESOLUTION TO DECLARE  
AUGUST 26, 2020  
WOMEN’S EQUALITY DAY**

**Whereas**, The women of the United States have designated August 26, the anniversary date of the certification of the nineteenth Amendment which culminated a 72-year effort by women suffragettes to extend the right to vote to women, as a symbol of the continued fight for equal rights; and

**Whereas**, The women of the United States have historically been treated as second-class citizens and have often been denied privileges, public or private, legal or institutional; and

**Whereas**, The women of the United States have joined together to assure that these rights and privileges are available to all citizens equally; and

**Whereas**, The women of the United States have won their right to vote in 1920;

**Now, Therefore, be it resolved**, that the members of the Lapeer City Commission declare August 26, 2020, as Women’s Equality Day and an opportunity to continue to work for equal rights for all citizens.

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

NAYS: None.

ABSENT: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

**166 2020 08-17 PURCHASE OF PROPERTY – L20-84-900-050-00**

Motion by Pattison. Seconded by Cattane.

Approve and accept the Quit Claim Deed for the property described as L-20-84-900-050-00 from Lapeer County Land Bank Authority.

A discussion took place on what may be done with the property in the future, as well as having the entrance blocked from unauthorized use.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**167 2020 08-17 INTRODUCE ORDINANCE AMENDMENT TO CHAPTER 22**

Commissioner Pattison introduced an Ordinance Amendment to Chapter 22 Water Regulations.

**168 2020 08-17 FIXED ASSET DISPOSAL**

Motion by Osentoski. Seconded by Pattison.

Approve the disposal of a 2011 SCAG Mower.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**169 2020 08-17 M-DOT CONSTRUCTION CONTRACT #20-5240**

Motion by Cattane. Seconded by Pattison.

Approve entering into Contract No: 20-5240 between Michigan Department of Transportation (MDOT) and the City of Lapeer and approve the Municipal Resolution as required.

**CITY OF LAPEER MUNICIPAL RESOLUTION  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
CONTRACT NO: 20-5240  
JOB NUMBER: 202389CON; 202393CON**

**PART A - CS 4400; JOB # 202389CON; #5322, #5484, # 12765**

Rehabilitation work for the Structure # 5322, which carries Imlay City Road over the South Branch of the Flint River; Structure # 5484, which carries Mason Street over Farmers Creek; and structure # 12765, which carries McCormick Drive Ext over Hunters Creek; including deck epoxy healer/sealer, deck patching, structure patching, approach stabilization and maintenance of traffic work; an all together with necessary related work.

**PART B - CS 4400; JOB # 202393CON; #5485, # 12962**

Rehabilitation work for the Structure # 5485, which carries Fox Street over Farmers Creek; Structure # 12960, which carries DeMille Road over Canadian National and Grand Trunk Western Railroad; including deck epoxy healer/sealer, deck patching, structure patching, approach stabilization and maintenance of traffic work; an all together with necessary related work.

BE IT RESOLVED THAT the Michigan Department of Transportation Contract # 20-5240, Job #: 202389CON; 202393CON for a five bridge Preventative Maintenance Project as described above between the Michigan Department of Transportation and the City of Lapeer is hereby accepted and City Manager Dale Kerbyson and Mayor Debbie Marquardt are authorized to sign the required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**170 2020 08-17 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT CHANGE ORDER #1- SUPERIOR EXCAVATING**

Motion by Osentoski. Seconded by Atwood.

Approve Change Order #1 to the Construction Contract with Superior Excavating resulting in a net increase of \$155,000 revising the contract amount to \$621,647.50.

City Manager Kerbyson stated the increase is due to extending the water lines beyond the limits of the construction contract because of the water pressure surge that happened a month ago which caused several breaks beyond on the section we working on. Commissioner Stroh asked if Great Lakes Water Authority will be paying any of this increase. City Manager Kerbyson stated it has not yet been discussed with them.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**171 2020 08-17 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT PAYMENT REQUEST #2 - SUPERIOR EXCAVATING**

Motion by Cattane. Seconded by Pattison.

Approve Payment Request #2 to Superior Excavating in the amount of \$225,593.60 for services completed on the Millville Road Water Main Replacement Project.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**172 2020 08-17 SALE OF PROPERTY – 1432 N. SAGINAW STREET**

Motion by Stroh. Seconded by Osentoski .

Approve the sale of 8,625 square feet of City of Lapeer property (L22-03-700-040-00) to Mr. and Mrs. Steven Chown in the amount of \$7,856.25 and authorize the Mayor and City Manager to sign the required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**173 2020 08-17 BILL LISTING**

Motion by Pattison. Seconded by Cattane.

Approve the Bill Listing for June 1, 2020 through August 12, 2020 in the amount of \$7,541,104.68.

Commissioner Stroh asked why this is coming up again. City Manager Kerbyson stated that Director of Financial Services Hanna recommended that the bills be done on a monthly basis; however, our auditors have stated that we must approve the Bills at each meeting based on a law from 1895 which requires communities to do so.

Commissioner Stroh asked if the Finance Department has any issue with this as there had been a concern about efficiency in the department with this practice. Director of Financial Services Hanna stated she did not see any issues as the finance department will continue to run efficiently and will mail payment so that no late fees are incurred.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **174 2020 08-17 MICHIGAN MUNICIPAL LEAGUE ANNUAL CONFERENCE REPRESENTATIVE AND ALTERNATE**

Motion by Cattane. Seconded by Pattison.

Approve Commissioner Pattison as the Representative and Commissioner Stroh as the Alternate Representative for the City of Lapeer for the Michigan Municipal Annual Conference to be held virtually September 29 – October 2, 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **CITY MANAGER'S REPORT**

City Manager Kerbyson stated we have done a lengthy interview for the replacement of the DPW Director and he will be talking with the application in the next few days. Also, the Restart Michigan Grants, there are 211 applications in county; 93 from 48446 zip code, which will be reviewed soon; should go out by September 1, 2020.

#### **CITY ATTORNEY'S REPORT**

None.

#### **UNFINISHED BUSINESS**

None.

#### **DEPARTMENTAL COMMUNICATIONS**

The Monthly Department Reports and the Medical Marijuana Licenses Provisioning Center, Grower, Processor, Secure Transport, Safety Compliance Facility Update were received into the record as presented a.

#### **PUBLIC COMMENTS**

Kimberly Bizon, candidate for the U.S. Congressional 10<sup>th</sup> District seat, introduced herself stating her platform is putting people and community first. Thanked the Commission for holding virtual meeting and looks forward to connecting with the people of Lapeer; she can be reached at [Kimberlybizonforcongress.com](mailto:Kimberlybizonforcongress.com)

#### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Osentoski: He was asked to read a comment from the Citizens For a Better Lapeer; which thanked City Attorney Nolan for his endorsement of their petition language; petitions will be circulated; asked if Chief Frisch could talk about summary

incidents which are down 40% from last year. Chief Frisch proved a brief overview of the figures in the monthly report.

Commissioner Pattison: Rode by Waste Water Treatment Plant, noticed a couple semi-trucks removing a large amount of sludge; the retaining basins appear to be clean. Ask for a full report on the complete status of the Waste Water Treatment Plant.

Commissioner Stroh: At the August 3, 2020 meeting expressed concerns over a number of issues that we have not been getting timely updates on; sent email to City Manager; copied entire Commission on that email; expressed concerns with the items, some of which have been going on for some time; no response received a week and a half later. Finds it interesting that he came to the last meeting with nothing to report; would have expected the follow-up reports to come hastily.

Commissioner Cattane: Asked for an update on the Planning Commissions roll with recreational marihuana; worked the election for Lapeer Township; amazed by our City Clerk Romona and all the other Clerks; amazing experience to work the polls; everyone should work one election; Clerks are worried they will not have enough workers for the November Election; get out and vote; volunteer to work the polling station if you are able.

Mayor Marquardt: Great experience to work at the election; discussed having Certificates of Appreciation for Catherine Bostick-Tullis, A. Wayne Bennett, Glenn Alverson to be presented at the next meeting, September 8, 2020; requested City Manager Kerbyson reach out to Wayne Bennett to attend. Thanked the department heads for the monthly reports; knows there is a lot of detail. Regarding special elections, there is a cost associated for holding those; last one cost approximately \$6,000. Called for a Special Meeting on Tuesday, August 25, 2020.

### **175 2020 08-17 SPECIAL MEETING IN PERSON**

Motion by Cattane. Seconded by Stroh.

To hold the Special Meeting of August 25, 2020 in person at City Hall @ 6:30 p.m.

Commissioner Pattison stated that all guidelines with social distancing and masks should be followed.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **176 2020 08-17 ADJOURNMENT**

Motion by Cattane.

Adjourn the regular meeting at 7:52 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:52 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk