

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
SEPTEMBER 5, 2023**

A regular meeting of the Lapeer City Commission was held September 5, 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.

204 2023 09-05 AGENDA APPROVAL

Moved by Cattane. Seconded by Swindell.

Approve the Agenda for September 5, 2023, with the addition of item E-2, Assisted Living Week proclamation.

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

Nays: None.

MOTION CARRIED.

205 2023 09-05 MINUTES

Moved by Cattane. Seconded by Stroh.

Approve the minutes of the regular meeting held August 21, 2023, as presented.

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

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

Melissa Petrie gave an invocation.

Stefan Brady commented on the pump track and future developments on West Genesee.

206 2023 09-05 CONSENT AGENDA

Moved by Stroh. Seconded by Swindell.

Approve the consent agenda for September 5, 2023, as presented:

1. Special Event: Harvest Fest/Porchfest – September 23, 2023

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

Nays: None.

MOTION CARRIED.

207 2023 09-05 BILL LISTING

Moved by Cattane. Seconded by Swindell.

Approve the bill listing for September 5, 2023, in the amount of \$521,146.14.

ON A ROLL CALL VOTE:

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

Nays: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

208 2023 09-05 PROCLAMATION – NATIONAL RAIL SAFETY WEEK

Moved by Cattane. Seconded by Pattison.

Adopt the National Rail Safety Week Proclamation.

***CITY OF LAPEER
Proclamation
National Rail Safety Week***

WHEREAS, 2,194 rail grade crossing collisions resulted in 803 personal injuries and were responsible for 274 fatalities in the United States during 2022; and

WHEREAS, 1,208 trespassing incidents have occurred in the United States resulting in 658 pedestrians being killed and another 550 injured while trespassing on railroad property rights of way during 2022; and

WHEREAS, educating and informing the public about rail safety, reminding the public that railroad right of ways are private property, enhancing public awareness of the dangers associated with highway rail grade crossings, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws will reduce the number of fatalities and injuries; and

WHEREAS, the International Association of Chiefs of Police, National Operation Lifesaver, United States Department of Transportation, and all local, state, county, and railroad law enforcement officers, first responders, and railroad corporations commit to partnering together in an effort to educate at a national level all aspects of railroad safety, to enforce applicable laws in support of National Rail Safety Week.

THEREFORE, I, Debbie Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby proclaim the week of September 18 to 24, 2023, National Rail Safety Week and I encourage all citizens to recognize the importance of rail safety education.

Dated this 5th day of September 2023.

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

Nays: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

209 2023 09-05 PROCLAMATION – ASSISTED LIVING WEEK

Moved by Stroh. Seconded by Swindell.

Adopt the Assisted Living Week Proclamation.

***CITY OF LAPEER
Proclamation
Assisted Living Week***

WHEREAS, residents of assisted living communities are active members of the larger

community, offering their knowledge, life experiences and involvement; their past contributions continue to be a vital part of the City of Lapeer's rich history; and their ongoing participation deepens our city's identity; and

WHEREAS, assisted living is a critical long term care option for older adults and individuals with disabilities that fosters choice, dignity, and independence; assisted living communities are committed to excellence, innovation, and the advancement of person-centered care; and

WHEREAS, in 1995, the National Center for Assisted Living established National Assisted Living Week® to honor the contributions of assisted living communities in providing long term care to America's seniors and individuals with disabilities; and

WHEREAS, this year's theme of National Assisted Living Week® is "Season of Reflection," highlights the incredible care provided by essential caregivers and the special bonds created in assisted living facilities across the country; and

WHEREAS, during this special week, assisted living communities across the country are encouraged to organize activities and events which celebrate the dedication of staff, the individuality of residents, and the deep connections formed in these settings.

NOW, THEREFORE, I, Debbie Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission, do hereby proclaim the week of September 10-16, 2023, as Assisted Living Week in the City of Lapeer, and we urge all citizens to virtually visit or call a loved one, family member, or friend residing in any care setting and offer a kind word and spend time participating in various virtual activities to unite those from all walks of life in need of our continuing love and support, and to learn more about how assisted living services benefit the City of Lapeer.

Dated this 5th day of September 2023.

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

Nays: None.

MOTION CARRIED.

ADMINISTRATIVE REPORTS:

210 2023 09-05 ZONING ORDINANCE – TEXT AMENDMENT

Commissioner Pattison introduced an ordinance amendment to Chapter 7 (Zoning Ordinance), Section 7-24.03 Definitions, Essential Services, of the General Ordinances of the City of Lapeer.

ORDINANCE NO. 2023-03

THE CITY OF LAPEER ORDAINS:

Changes to Chapter 7 (Zoning):

Section 7-24.03 Definitions.

Essential Services.

The erection, construction, alteration, or maintenance by public or quasi-public **franchised** utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems. These may include, but are not necessarily limited to: mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in

connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or quasi-public utilities or municipal departments or commissions or for the public health or general welfare. Essential services shall not include buildings other than control buildings or such buildings that are primarily enclosures or shelters of the above essential service equipment. Cellular telephone or communications towers as defined by this article shall not be considered essential services.

211 2023 09-05 DRINKING WATER REVOLVING FUND (DWRP) – DESIGNATION OF AUTHORIZED PROJECT REPRESENTATIVE

Moved by Cattane. Seconded by Stroh.

Adopt the resolution to add the Director of Public Works, Jeff Graham, as authorized project representative for the Drinking Water Revolving Fund (DWRP).

A RESOLUTION ADOPTING A FINAL PROJECT PLAN FOR WATER SYSTEM IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE

WHEREAS, the City of Lapeer recognizes the need to make improvements to its existing water treatment and distribution system; and

WHEREAS, the City of Lapeer authorized Spicer Group, Inc. to prepare a Project Plan, which recommends the construction of watermain replacement along W. Genesee St. from Millville Rd. to Harrison St., watermain replacement along Harrison St. from W. Genesee St. to Liberty St., hydro excavation, and identification of approximately 7010 water services located through the city and the replacement of all identified lead and/o galvanized waters services; and

WHEREAS, said Project Plan was presented at a Public Hearing held on June 7, 2021, and all public comments have been considered and addressed.

NOW THEREFORE BE IT RESOLVED, that the City of Lapeer formally adopts said Project Plan and agrees to implement the selected alternative (Water System Improvements).

BE IT FURTHER RESOLVED, that the Director of Public Works, a position currently held by Jeff Graham is designated as the authorized representative retroactive to the retirement date (March 31, 2023) of City Manager, Dale Kerbyson, for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

Dated this 5th day of September 2023.

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

Nays: None.

MOTION CARRIED.

CITY MANAGER’S REPORT

City Manager Womack stated that original motion was to table to a specific date, however, he will be asking the Commission to approve a new investigation of this Special Assessment District (SAD). As this SAD was originally started under the previous City Manager, and while we are trying to keep up with everything that has been done, he still has several questions. Therefore, he feels a new investigation is warranted with the information learned from

discussions with the commission and with the public warrants a new investigation; next meeting will ask the Commission to pass a resolution for a new investigation of this project.

212 2023 09-05 AMEND MOTION PREVIOUSLY MADE – 197 2023 08-21

Moved by Stroh. Seconded by Pattison.

To amend motion 197 2023 08-21 to: Postpone indefinitely Andrew’s River Estate No. 2, Street Improvement, Special Assessment District No. 2023-01.

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

Nays: None.

MOTION CARRIED.

CITY ATTORNEY’S REPORT

None.

UNFINISHED BUSINESS

213 2023 09-05

Moved by Marquardt. Moved by Pattison. Seconded by Cattane.

To reappoint Don Dube to the Local Development Finance Authority, for a term to expire August 1, 2027.

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

Nays: None.

MOTION CARRIED.

DEPARTMENTAL REPORTS

The DDA Monthly Departmental Report was received into the record.

PUBLIC COMMENTS

Melissa Petrie has a concern that City Attorney has not been present at recent meetings.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: Summer is not over, enjoy it while you can. School is back in session, please pay attention to the school buses; respect the rules of the road. Kiwanis Duck Dash is this Saturday at 11:00 a.m. with lots of family fun activities. The grand opening of the disc golf course at Crampton Park will be September 24, 2023; last Bike Night is Friday; last Food Truck Event is next Monday. Personal note, daughter is now a full-time college student.

Commissioner Swindell: Go play disc golf course at Crampton Park; come to the Grand Opening on September 24, 2023. If you see people go into the river, they are going in to retrieve discs in hopes of returning them to the owner.

Commissioner Pattison: Nice to see people here this evening. There are openings on boards and commissions, if you would like to help the city, please get in touch with the City Clerk to apply.

City Manager Womack: Enjoyed the Lapeer Days Events. Doing a lot of work on behalf of the city and sees a lot of potential her in the next year.

Mayor Marquardt: Read the list of events.

214 2023 09-05 ADJOURNMENT

Having no further business, Mayor Marquardt adjourned the regular meeting at 6:52 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk