

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
SEPTEMBER 7, 2021**

A regular meeting of the Lapeer City Commission was held September 7, 2021, 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, Pattison, Stroh.

Absent: Commissioner Osentoski (Deceased 9/2/2021).

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

Mayor Marquardt asked that we enter a moment of silence in recognition of the passing of City Commissioner Dan Osentoski.

184 2021 09-07 AGENDA APPROVAL

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for September 7, 2021.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

185 2021 09-07 MINUTES

Moved by Pattison. Seconded by Cattane.

Approve the minutes of the regular meeting held August 16, 2021, as presented.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

PUBLIC COMMENTS

Jenny Burkhart, 865 N. Wilder gave an invocation and prayed a blessing for Commissioner Osentoski's family.

Melissa Petrie, 728 Lincoln Street, commented on what a brave, courageous, and compassionate man Commissioner Osentoski was. She has a vested interest in the community; she feels government's responsibility is to provide safeguards to its citizens as well as their liberty, property, and protection. The children are our future; been to many funerals of children who have gotten in trouble with drugs and spoke against marihuana. Wants the commission to really consider what they have allowed to come into this city. This is a family community. Feels that marihuana is a gateway drug.

186 2021 09-07 CONSENT AGENDA

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for September 7, 2021:

1. Special Event – Lapeer Community Schools Homecoming Parade – Oct. 1, 2021.
2. Traffic Control Order #303.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

187 2021 09-07 BILL LISTING

Moved by Cattane. Seconded by Pattison.

Approve the Bill Listing for September 7, 2021, in the amount of \$1,068,619.39.

Commissioner Stroh stated he would like to see a comparison of the DTE bills from prior to the cobra lights coming down to now, so we can see what our savings is.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

188 2021 09-07 PROCLAMATION: NATIONAL RAIL SAFETY WEEK

Moved by Pattison. Seconded by Stroh.

Adopt the Proclamation for Constitution Week, September 20-26, 2021.

Proclamation National Rail Safety Week

WHEREAS, 1,889 rail grade crossing collisions resulted in 678 personal injuries and were responsible for 201 fatalities in the United States during 2020; and

WHEREAS, 1,088 trespassing incidents have occurred in the United States resulting in 532 pedestrians being killed and another 556 injured while trespassing on railroad property rights of way during 2020; 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, that I, Deborah Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby proclaim the week of September 20th to 26th,

2021, National Rail Safety Week and I encourage all citizens to recognize the importance of rail safety education.

Dated this 7th day of September 2021.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

189 2021 09-07 REZONING-AJA INVESTMENTS LLC – 1330 IMLAY CITY RD., PARCEL # L21-29-950-040-00; B-2 GENERAL BUSINESS TO I-1 INDUSTRIAL

Moved by Cattane. Seconded by Pattison.

Adopt the proposed amendments to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(30) of the General Ordinances of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (30) The following described properties formerly zoned B-2 General Business are hereby rezoned to I-1 Industrial:

1330 Imlay City Road – Parcel #L21-29-950-040-00

CITY OF LAPEER W 80 FT OF LOT 1, KINGSBURY'S PLAT (L=1 P=90 SEC 4, T7N-R10E) & PART OF SEC 4, T7N, R10E, COM S LN HWY-21 AT PT S01*53'45"E 418.3 FT & S65*27'30"E 255.94 FT FROM CEN OF SEC, TH SE'LY ALG CRV OF HWY 106.13 FT; TH S60*52'45"E 43.69 FT; TH S29*07'15"W 138.33 FT TO N LN GTRR R/W; TH NW'LY ALG RR R/W 146.22 FT; TH N27*32'45"E 141 FT TO BEG. 0.477 A 44-12-360-001-00

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood.

Absent: Osentoski.

MOTION CARRIED 3-1.

190 2021 09-07 REZONING-MELENDZ/BERGIN – 1109 S. MAIN ST., PARCEL # L21-16-550-009-00; R-2 SINGLE -FAMILY RESIDENTIAL TO B-2 GENERAL BUSINESS

Commissioner Cattane introduce the amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(31) of the General Ordinance of the City of Lapeer.

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

- (31) The following described property formerly zoned R-2 Single-Family Residential is hereby rezoned to B-2 General Business:

1109 S. Main Street – Parcel #L21-16-550-009-00

SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION LOT 9.

191 2021 09-07 2022-2023 MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA) HOUSING CHOICE VOUCHER ADMINISTRATION

Moved by Stroh. Seconded by Pattison.

Approve the resolution for Michigan State Housing Development Authority (MSHDA) for Housing Choice Voucher (HCV) Administration for 2022-2023 for Lapeer, Tuscola and Huron Counties and Bad Axe Veteran's Administration Supportive Housing (VASH); which authorizes the Director of Housing and Neighborhood Development to sign all required documents.

City Manager Kerbyson state that due to our very high-quality staff and work they do; other counties have looked to us to take on this work and the State of Michigan has agreed.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

192 2021 09-07 2022-2023 MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA) STAFF CONTRACTS

Moved by Stroh. Seconded by Pattison.

Approve the budgeted staff contracts for Sarah Taylor, Two T's (Jodi Mauk), and GH Smith (Shannon Smith) for January 1, 2022, through December 31, 2023, which coincides with the City of Lapeer/MSHDA Housing Choice Voucher Administration 2022-2023 contract.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

193 2021 09-07 VACANT COMMISSION SEAT

Moved by Stroh. Seconded by Cattane.

To declare Commissioner Dan Osentoski's Commission Seat vacant, as he recently and unexpectedly passed away and accept letters of interest to fill the vacated seat, which may be submitted to the City Clerk's office not later than 4:00 p.m. on Monday, September 20, 2021.

Commissioner Atwood commented that he would like to see the applications be accepted until September 30, 2021, as this would give the public more time to submit letters of interest. Commissioner Cattane stated the seat must be filled within 30 days, otherwise it will trigger a special election which will be a huge mess; we need to fill the seat now. Mayor Marquardt stated by filling the seat sooner, the new Commissioner would have the opportunity to attend the Michigan Municipal League conference at the end of the month, which is an opportunity to learn a great deal.

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood.

Absent: None.

MOTION CARRIED 3-1.

CITY ATTORNEY'S REPORT

City Attorney Nolan requested a Closed Session to discuss pending litigation:

Mariah Bonfiglio v Romona Sanchez, and the City of Lapeer, Case No. 21-054929

193 2021 09-07 CLOSED SESSION

Moved by Pattison. Seconded by Cattane.

To enter into a Closed Session after the completion of the regular meeting for the purpose of discussing pending litigation.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

UNFINISHED BUSINESS

194 2021 07-19 APPOINTMENT – PARK BOARD

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

To appoint Ashley Fanson to the Park Board for a three-year term to expire April 1, 2024.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

**195 2021 07-19 APPOINTMENT – GREATER LAPEER
TRANSPORTATION AUTHORITY**

Motion by Pattison. Seconded by Cattane.

To appoint Romona Sanchez to the Greater Lapeer Transportation Authority for an open-ended term.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: As he reflects on Commissioner Osentoski passing, it is way too young; Dan was very involved in the City and his family has a lot going on; death is hard when you don't see it coming. Dan had passion and you can't fault him for that; he will be missed.

Commissioner Stroh: Saddened by Commissioner Osentoski's passing; fortunate to have served on many boards with him; didn't agree all the time but he truly appreciated his voice and presence here at the Commission meetings. Dan lived a full life and truly gave to the City of Lapeer.

Commissioner Cattane: What makes our community great are the people who come out and do things for this community. Lapeer has a strong presence of people here who get involved; no two people agree on everything. He will miss Commissioner Osentoski; this community will miss him, Dan worked for this town. It is people like him who make the world a better place for tomorrow.

Commissioner Pattison: Sat with him and worked with him on this Commission for 2 years; had to admire his pride and passion for this community. He was just a regular person and if he can take anything from him, he is a better person.

City Manager Kerbyson: We will continue to fly flags at half-staff throughout the City until Commissioner Osentoski's funeral.

Mayor Marquardt: Thank you to the Police Department, Fire Department and Department of Public works for their hard work on Lapeer Days, it was a huge success. Wants to give condolences to Commissioner Osentoski's family, will miss his smiling face at the many meetings they attended; he was very passionate about issues. She will miss him, and it was way too young for him to pass; feels he will be here guiding us in one way or another.

196 2021 09-07 CLOSED SESSION

The Commission convened to a Closed Session for the purpose of discussing pending litigation at 7:07 p.m. and returned to its regular meeting at 8:33 p.m.

197 2021 09-07 MARIAH BONFIGLIO vs. ROMONA SANCHEZ CASE NO. 21-054929

Motion by Pattison. Seconded by Stroh.

To direct the City Attorney to defend the actions of the City Clerk, in particular, and the City of Lapeer generally in the matter of Bonfiglio v. City of Lapeer; Case No. 21-054929-AW and to take all actions necessary and appropriate to carry out that defense.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

198 2021 09-07 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 8:34 p.m.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:34 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk