

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
OCTOBER 3, 2022**

A regular meeting of the Lapeer City Commission was held October 3, 2022, 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: Dale Kerbyson, present.

City Attorney: Mike Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**207 2022 10-03 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for October 3, 2022, as presented.

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

Nays: None.

MOTION CARRIED.

**208 2022 10-03 MINUTES**

Moved by Cattane. Seconded by Swindell.

Approve the minutes of the regular meeting held September 19, 2022, as presented.

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

Nays: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Mayor Marquardt presented the Maxfield Family with a certificate of appreciation and a check for \$200 as the winners of the 2022 Neighborhood Beautification Contest, which was sponsored by Lapeer Neighborhoods, Inc.

Jenny Burkhart, 865 N. Wilder, gave an invocation and stated Frist Presbyterian Church is hosting a free community meal on October 8, 2022, from Noon until 3:00 p.m.

Chris Jadach restated the unions objection to adding the DDA Director to the City's health insurance.

Tim Roodvoets, chair of DDA, stated this is not a question of eligibility; the DDA Director is eligible by law. If the DDA requests the director be added, he will be added; the question is who is going to pay for it.

Buddy Beyer, Beyer Furniture, expressed frustration with the constant closing of Nepessing Street all day for all the special events that take place downtown on Saturdays.

Kim Hodge stated the act does not require the DDA Director be added to the healthcare plan; it simply states the DDA Director is eligible.

**CONSENT AGENDA**

None.

**209 2022 10-03 BILL LISTING**

Moved by Cattane. Seconded by Pattison.

Approve the bill listing for October 3, 2022, in the amount of \$620,008.56.

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

Nays: None.

MOTION CARRIED.

**PROCLAMATION, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

**210 2022 10-03 RESOLUTION – SET PUBLIC HEARING FOR LOCAL DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF LAPEER**

Moved by Stroh. Seconded by Atwood.

Adopt the resolution setting a public hearing for the proposed amended and restated development plan and financing plan of the Local Development Finance Authority of the City of Lapeer to be held November 7, 2022.

**RESOLUTION # 2022-22  
RESOLUTION SETTING PUBLIC HEARING FOR  
PROPOSED AMENDED AND RESTATED  
DEVELOPMENT PLAN AND FINANCING PLAN OF THE  
LOCAL DEVELOPMENT FINANCE AUTHORITY  
OF THE CITY OF LAPEER**

**WHEREAS**, on November 5, 2007, the City Commission approved and modified a Development Plan and Tax Increment Financing Plan of the Local Development Finance Authority of the City of Lapeer for the Lapeer Industrial and Research Park; and

**WHEREAS**, Section 417(2) of the Recodified Tax Increment Financing Act (“the Act”) provides that amendments to an approved development plan or tax increment plan must be submitted by the Authority to the governing body for approval or rejection following the same notice and public hearing provisions that are necessary for approval or rejection of the original plan; and

**WHEREAS**, Section 416(1) of the Act provides that the governing body, before adoption of a resolution approving a development plan or tax increment financing plan, shall hold a public hearing on the development plan; and

**WHEREAS**, notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the municipality, the first of which shall be not less than 20 days before the date set for the hearing and that notice of the hearing within same time frame shall be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the development plan or the tax increment financing plan is approved or amended.

**NOW, THEREFORE, BE IT RESOLVED** that the Lapeer City Commission shall conduct a public hearing in the City Commission Chambers of the City of Lapeer, 576 Liberty Park, Lapeer, Michigan 48446 on the 7<sup>th</sup> day of November 2022 at 6:30 p.m., or as soon thereafter as the matter can be heard, to consider a resolution approving the Amended and Restated Development Plan and Tax Increment Financing Plan of the Local Development Finance Authority of the City of Lapeer for the Lapeer Industrial and Research Park.

**BE IT FURTHER RESOLVED** the County Press is hereby designated as the newspaper of general circulation in which the required notices shall be published.

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

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **ADMINISTRATIVE REPORTS**

### **211 2022 10-03 OPT OUT OF PA 152 OF 2011 FOR YEARS 2023 AND 2024**

Moved by Pattison. Seconded by Atwood.

Adopt the resolution to Opt Out of PA 152 of 2011 for the years of 2023 and 2024.

### **CITY OF LAPEER RESOLUTION # 2022-21 OPT OUT OF PA 152 OF 2011 JANUARY 1, 2023, THROUGH DECEMBER 31, 2024**

WHEREAS, the Publicly Funded Health Insurance Contribution Act, PA 152 of 2011 places limits on the amount a public employer can pay for employee medical plans; and

WHEREAS, pursuant to this Act, the City of Lapeer is exercising the option to exempt itself from the requirements of the Act for the next succeeding year as authorized under MCL 15.568 (et. seq.); and

WHEREAS, the City of Lapeer by exercising the option to exempt itself shall in no way limit the ability to continue to examine the law and review interests of all involved at any time.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Lapeer City Commission exercises the option to be exempt from the requirements of PA 152 of 2011 at this time for the year beginning January 1, 2023, through December 31, 2024, by a 2/3 vote of its governing body.

ON A ROLL CALL VOTE:

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

Nays: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

## **CITY MANAGER'S REPORT**

### **ICE RINK DISCUSSION**

The Commissioners discussed the potential contract with a vendor to provide ice skates for rent at the ice rink for a 16-week period during the winter months. This was brought to the Commission to try to enhance the ice rink and bring more families to the area. The goal this year is to get community buy-in with the ice rink. The ice rink subcommittee suggested having an ice skate rental vendor who also provides entertainment with music and staff for a 4-hour

period on Saturdays. During the weekend of Winterfest, the skate rental fee would be waived. The question of what is being done to enhance the atmosphere of the area was asked; will warming stations be added; is there a place to sit and change skates; maybe lights should be added, etc. Commissioners asked what the \$30,000 covered in the contract; liked that it was a local person; however, there appears to be some negotiations that need to take place before we consider this contract. Let's review all aspects of this project and make sure we do it right.

It was the consensus of the commission to have the City Manager and City Attorney work on developing a contract and an RFP for ice skate rental for use with the ice rink.

### **DDA REQUEST TO ADD DDA DIRECTOR TO CITY HEALTH INSURANCE DISCUSSION**

Mayor Marquardt began by stating that looking at the budgets for the DDA and the Pix, it has been several years since either one has had an increase in their budget (DDA five years ago, PIX ten plus years ago), and would like to suggest the Commission consider a dollar amount, (possibly \$15,000) and increase both budgets by that amount. This will allow for each entity to spend the funds as they see fit. These funds can come from the general fund or the contingency fund.

A discussion ensued about the DDA funding. A suggestion was made to do one of two things; increase the DDA budget by a specific dollar amount; or forgive the outstanding cobra lights loan, which will put the onus of additional funding back on the DDA. Many feel that a healthy downtown means a healthy city. As the City already pays a very large portion of the DDA Directors salary, it was asked if the DDA has explored all the revenue options available to them, including increasing taxes. Some Commissioners are against raising taxes on the DDA. Most feel the DDA Director is doing a good job and feel that if we want to retain talented people, increases need to be given. It was recommended that the DDA review the City Master Plan, specifically Chapter three, and the City of Lapeer Downtown Development Plan, and study it; these plans indicate what the city is asking the DDA to do. The DDA is doing a great job in some areas, however they are failing in economic development; want to see the DDA become self-sufficient. It was asked if the DDA will be capturing funds on the police millage?

Commissioner Pattison would like to see a breakdown from the DDA of the alternatives, if the Commission decides to not add the DDA Director to the City insurance, what is the cost of private insurances.

Commissioner Stroh asked the City Manager to investigate the forgiveness of the \$14,400 cobra light loan and what it would take to do that. This would free up some funding for the DDA. He also requested that this item be placed on the October 17, 2022, agenda to be voted on.

City Manager Kerbyson stated that GLWA was going back to the 72" line last Friday; the City is back to normal operations; they have declared the emergency over. We had 530 services with an unknown material; we have checked 330 of those to date; should be able to meet our original goal of substantial completion of excavation by mid-October; moving towards replacing those that have been identified as lead or galvanized. Retiree Memorial Wall at the Public Safety Building has been installed. We have received three letters with very positive feedback regarding our performance during the water crisis from the Lapeer County Health Department and EGLE.

## **CITY MANAGER EVALUATION**

Mayor Marquardt stated City Manager Kerbyson's annual evaluation would be conducted tonight during the regular meeting. She stated she would go around to each Commissioner and ask for any additional comments they may have.

Commissioner Stroh had no additional comments; spelled out everything in additional comments on the written evaluation. Thanked City Manager Kerbyson for the information he provided about the communication course he took.

Commissioner Swindell had no additional comments.

Commissioner Pattison gives credit to our City Manager for where our city is; feels we are in very good hands.

Commissioner Atwood thanked the Commissioners who put the new style evaluation form together; likes it and appreciates their time. Worked with City Manager Kerbyson for about seven years; contacts City Manager Kerbyson whenever he has an issue that comes to his attention; he responds to those situations very successfully and makes any necessary corrections quickly. People speak highly of him around the state; his colleges say he is one of the better managers around the state; yet there is always room for improvement. We must be able to take criticism and make corrections as needed; he has proven to be able to do that. We should strongly consider giving our manager a raise in the near future.

Commissioner Cattane had no additional comments.

Mayor Marquardt thanked the two Commissioner's and our City Clerk for all the hard work developing the new evaluation form that better reflects what happens in our city. In this process, three department heads were selected to review the City Manager as well. Feels that the communication between City Manager and herself has improved. Most of the evaluations score the City Manager at meets standards or exceeds standards. She asked if City Manager Kerbyson had any comments for the Commission.

City Manager Kerbyson stated he liked the new evaluation form and found it to be effective; liked the need to provide feedback if a question was answered in a certain way as it is beneficial to have feedback. He stated this is a continuation of the last 24 months and the next review will not be done until October of 2023. He continued, stating over the past two years we have successfully navigated a pandemic; dealt with a water crisis; acquired, demolished, and environmentally cleaned up the White Junior High property. The City has received \$7.1 million in grant funds over the last couple of years, which is roughly 54 times his salary; the city is in good financial standing, and the auditors just finished up this week. Likes what Commissioner Atwood was saying, as there has been no change in compensation since 2020, nor has there been a change in vacation time since 2010. He asked if any of the Commissioners had any questions of him. Mayor Marquardt commented that City Manager Kerbyson should write up his compensation request and provide it to the Commission for consideration.

## **212 2022 10-03 PERFORMANCE IMPROVEMENT PLAN (PIP)**

Moved by Stroh. Seconded by Pattison.

To mark the PIP as completed satisfactorily, as directed.

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

Nays: None.  
MOTION CARRIED.

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

City Attorney Nolan stated that his office has received the Lapeer Associates appeal brief; they will be responding; this is relating to the parking or lack thereof, in the Adli parking lot.

### **213 2022 10-03 APPOINTMENT – YOUTH COUNCIL**

Appointment by Mayor Marquardt. Moved by Pattison. Seconded by Swindell.

To appoint Isabella Cattane to the Youth Council for a term of November 1, 2022, to November 1, 2023.

Ayes: Atwood, Pattison, Stroh, Swindell.

Nays: None.

Abstain: Cattane

MOTION CARRIED.

### **214 2022 10-03 APPOINTMENT – CIVIL DEFENSE COORDINATOR**

Moved by Pattison. Seconded by Stroh.

To appoint Jeremy Howe as Civil Defense Coordinator for a term to expire January 1, 2023.

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

Nays: None.

MOTION CARRIED.

### **215 2022 10-03 APPOINTMENT – PRISON LIAISON COMMITTEE**

Moved by Pattison. Seconded by Stroh.

To appoint Jeremy Howe to the Prison Liaison Committee for a term to expire April 1, 2025.

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

Nays: None.

MOTION CARRIED.

### **DEPARTMENTAL REPORTS**

The DDA Monthly Departmental Reports was received into the record.

### **PUBLIC COMMENTS**

Chris Jadach agrees that the DDA should be self-sufficient; the DDA is event heavy; the events do not benefit all the businesses in the downtown. Not in favor of forgiving the loan as that is simply politicking. Resents Commissioner Cattane's disdain for the city employees unless he misunderstood.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Expressed all his gratitude to all the city employees and those who invest in the city.

Commissioner Stroh: This community is amazing and always has been; loves that the employees champion together. Service organizations are spread thin and work very hard; we can do better, and we will do better. When we go at something, let's try to do it as best as possible.

Commissioner Swindell: Moving money from one place to another is politicking; we are brainstorming out loud and trying to find solutions. We have been very event heavy during the

last few weekends; not everyone knows there are back ways into the businesses in the downtown. Youth Council had a new member appointed tonight and two more applications have been submitted. Got some good pointers from the City Clerk today to help the kids; excited to see the youth council get up and running.

Commissioner Cattane: Does not think less of any employees in this city than any other. When he was a child, the heart of the city was downtown; does not want the downtown to fail, does not want to see it die again. Thinks that our Police and Fire Departments are the best in the State of Michigan; everyone is important, The Optimist and the Kiwanis Club both play a very large role in this City, just like the DDA does. Wants what's best for our town.

Commissioner Pattison: Comments are not against the DDA; just wants to make sure that we explore all sides of the issues. The DDA is a separate entity; yet the money we spend is everyone's; we need to spend it wisely. Cannot remember the last time fall came as quickly as it did this year.

City Manager Kerbyson: Likes how the downtown looks with all the decorations, which are awesome. Nightmare on Nepessing is coming this week.

Mayor Marquardt: Wants everyone to be aware of a prankster out there who is doing harm to cyclists by placing tape across the sidewalk from a pole to another sign; cyclist run into it before they see it and fall. Read the listing of local events; Taste of Lapeer is being held on October 6, 2022. Government for Tomorrow has been in contact with the Lapeer Community Schools.

**216 2022 10-03 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 8:25 p.m.

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

Nays: None.

MOTION CARRIED.

The regular meeting adjourned at 8:25 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk