

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
DECEMBER 20, 2021**

A regular meeting of the Lapeer City Commission was held December 20, 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, Swindell.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

262 2021 12-20 AGENDA APPROVAL

Moved by Cattane. Seconded by Swindell.

Approve the Agenda for December 20, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

263 2021 12-20 MINUTES

Moved by Pattison. Seconded by Stroh.

Approve the minutes of the workshop and regular meeting both held December 20, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

Jenny Burkhart, 865 N. Wilder, gave an invocation.

264 2021 12-20 CONSENT AGENDA

Moved by Stroh. Seconded by Cattane.

Approve the consent agenda for December 20, 2021:

1. Contract for Planning Services: Rowe Professional Service Company.
2. Fixed Asset Disposal: 2001 GMC 2500 HD

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

Nays: None.

Absent: None.

MOTION CARRIED.

265 2021 12-20 BILL LISTING

Moved by Cattane. Seconded by Atwood.

Approve the Bill Listing for December 20, 2021, in the amount of \$343,624.38

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

Nays: None.

Absent: None.

MOTION CARRIED.

266 2021 12-20 RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

Moved by Cattane. Seconded by Stroh.

Adopt the resolution for designation of Street Administrator appointing Jeff Graham as Street Administrator for the City of Lapeer.

RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

Therefore, be it resolved, that this Honorable Body designate DPW Director, Jeff Graham as the single Street Administrator for the City of Lapeer in all transactions with the State Transportation Department as provided in Section 13 of the Act.

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

Nays: None.

Absent: None.

MOTION CARRIED.

267 2021 12-20 BOUNDARY TRANSFER – 39 W. GENESEE / 47 W. GENESEE / VAC GENESEE

Moved by Cattane. Seconded by Stroh.

Adopt the Resolution to Approve the Boundary Transfer request for Richard Swaine on behalf of the owner of 39 W. Genesee, 47 W. Genesee and Vacant W. Genesee Street as requested; L21-23-700-040-10, L21-23-800-040-00, and L21-23-900-040-00.

RESOLUTION #2021-26
RESOLUTION TO APPROVE
BOUNDARY TRANSFER REQUEST FOR
RICHARD SWAINE
39 & 47 W. GENESEE & VACANT LOT

WHEREAS, Richard Swaine, owner of the property located at 39, 47 and Vacant Lot West Genesee Street, has filed a Boundary Transfer Request (Combination); and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Boundary Transfer Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Boundary Transfer Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.
3. That the Boundary Transfer Request is approved resulting in the following legal description:
L21-23-701-040-20 City of Lapeer Jennings Addition Part of Lot 4, and all of Lots 5 and 6 Block 1.(L=9 P=598 SEC 5 T7N-R9E) COMMENCING AT THE NORTHEAST CORNER OF LOT 4 BLOCK 1 THENCE ALONG THE NORTH LINE OF SAID LOT 4, N88°34'00" W, 9.82 FEET TO THE POINT OF BEGINNING, THENCE PARALLEL WITH THE EAST LINE OF SAID LOT 4 S00°07'47"E, 147.13 FEET TO THE SOUTH LINE OF SAID LOT 4 THENCE ALONG THE NORTH LINE OF A 16.5 FT WIDE ALLEY N 88°34'32"W, 170.18 FEET TO THE SOUTHWEST CORNER OF LOT 6; THENCE ALONG THE WEST LINE OF SAID LOT 6, N00°04'21"W, 147.15 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE ALONG THE NORTH LINE OF SAID LOT 6, S88°34'00"E, 170.03 FEET TO THE POINT OF BEGINNING. CONTAINS .574 ACRES. SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND/OR RIGHT OF WAYS OF RECORD.
4. That the Boundary Transfer Request preserve all easement and master utility plans.
5. That any future site development complies with all setbacks and other applicable requirements established by the City of Lapeer Zoning Ordinance.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the City Assessor and to Russell C Arnold Trust.

This Resolution adopted and effective this 20th day of December 2021.

Ayes: Cattane, Pattison, Stroh, Swindell.

Nays: Atwood.

Absent: None.

MOTION CARRIED 4-1.

268 2021 12-20 BOUNDARY TRANSFER 1356 & 1368 IMLAY CITY ROAD

Moved by Pattison. Seconded by Cattane.

Adopt the Resolution to Approve the Boundary Transfer request for Berry Green Management, Inc. 1356 & 1368 Imlay City Road; L21-29-952-040-00 and L21-29-953-040-00.

RESOLUTION #2021-27
RESOLUTION TO APPROVE
BOUNDARY TRANSFER REQUEST FOR
BERRY GREEN MANAGEMENT, INC.
1356 & 1368 IMLAY CITY ROAD

WHEREAS, Berry Green Management Inc, owner of the property located at 1356 &1368 Imlay City Road, has filed a Boundary Transfer Request for a parcel combination; and

WHEREAS, Chapter 6 (Land Division Ordinance), Section 6.05 Lot Splits, of the General Ordinances of the City of Lapeer, provides that approval shall be by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Boundary Transfer Request is in conformity with Chapter 7 (Zoning Ordinance) of the General Ordinances of the City of Lapeer.
2. That the Boundary Transfer Request is in conformity with The Land Division Act of P.A. 288 of 1967, as amended.
3. That the Boundary Transfer Request is approved resulting in the following two (2) legal descriptions:
L21-29-952-040-02 City of Lapeer, Kingsbury's Plat Lot 2,3, 4, and the East 20 feet of Lot 1 (Liber 1: Page 90: Section 4, T7N-R10E)
4. That the Boundary Transfer Request preserve all easement and master utility plans.
5. That any future site development complies with all setbacks and other applicable requirements established by the City of Lapeer Zoning Ordinance.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be filed with the Lapeer County Register of Deeds.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the City Assessor and to Berry Green Management.

This Resolution adopted and effective this 20th day of December 2021.

Ayes: Cattane, Pattison, Stroh, Swindell.

Nays: Atwood.

Absent: None.

MOTION CARRIED 4-1.

269 2021 12-20 SECONDHAND DEALER LICENSE

Moved by Pattison. Seconded by Stroh.

Mayor to approve a Secondhand Dealer License for ecoATM, LLC., located at 540 S. Main Street.

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

Nays: None.
Absent: None.
MOTION CARRIED.

270 2021 12-20 SECONDHAND DEALER LICENSE

Moved by Cattane. Seconded by Pattison.

Mayor to approve a Secondhand Dealer License for ecoATM, LLC., located at 555 E. Genesee Street.

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

271 2021 12-20 SECONDHAND DEALER LICENSE & PAWNBROKER LICENSE

Moved by Cattane. Seconded by Stroh.

Mayor to approve a Secondhand Dealer License and Pawnbroker License for Lapeer Gold and Loan located at 801 East Street.

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

CITY MANAGER'S REPORT

City Manager Kerbyson suggested the Mayor and Commissioners pose for a photo with their ugly sweaters. Commissioner Swindell was declared this year's winner of the ugly sweater contest.

CITY ATTORNEY'S REPORT

City Attorney Nolan spoke about the issues in and around Rotary Park and the lack of services for those persons who find their way into the court system; however, with the assistance of Chief Frisch, many of the offenders have been able to get into programs to assist them. After listening to the school safety message this week, you should all be very proud of Chief Frisch. After listening to him and Sheriff McKenna, you should be able to sleep a little better; these people have the backs of this community and have been there for the kids since day one and they are unwavering. What a great city to be in. A few years ago, we could have been Oxford. He is very proud of Chief Frisch. Merry Christmas to all of you.

UNFINISHED BUSINESS

272 2021 12-20 APPOINTMENT ELECTION COMMISSION

Moved by Pattison. Seconded by Cattane.

To reappoint Romona Sanchez, Michael Nolan, and Denise Marinelli to the Election Commission for a term to expire January 1, 2023.

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

DEPARTMENTAL REPORTS

The Monthly Departmental Reports, Downtown Development Authority and Marihuana Licenses Update December 2021 were received into the record.

PUBLIC COMMENTS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Cattane: Watching Mr. Wandrie, Sheriff McKenna and Chief Frisch at the school safety presentation, we are very blessed to have them. He is having a hard time finding his Christmas cheer this year; close family friend is now on a vent due to COVID. Grateful to be with his family at Christmas this year. Proud and humbled to be sitting here, it has been a good year, keep making good things happen. Merry Christmas and Happy New Year.

Commissioner Atwood: Merry Christmas and Happy New Year. Regarding the requested ordinance amendments to Chapter 68, made at the December 6, 2021, meeting; would like to know from the City Attorney what the legal ramifications would be if those changes are made.

Commissioner Stroh: Happy New Year, Merry Christmas; have a wonderful holiday season. Be kind to others, check on your neighbors, kindness goes a long way.

Commissioner Swindell: Merry Christmas to everyone, excited for Christmas to be here and be over. The school meeting was super awesome. We are very blessed to have Chief Frisch, the Sheriff's office, and the school district who all work well together. We are a small town, and a close county. Great people in charge and looking out for our kids.

Commissioner Pattison: Merry and safe Christmas and a Happy and safe New Year.

City Manager Kerbyson: Busy with our year end filings, audit has been filed. Merry Christmas and Happy New Year.

Mayor Marquardt: Announced local events and read the list of dates City offices will be closed over the next two weeks. Merry Christmas and Happy New Year to all; have a safe holiday. Thanked the City Manager for the new shirts.

273 2021 12-20 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 6:55 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:55 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk