

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JANUARY 19, 2021**

A regular meeting of the Lapeer City Commission was held January 19, 2021 electronically via *Zoom* 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.

**007 2021 01-19 AGENDA APPROVAL**

Moved by Pattison. Seconded by Stroh.

Approve the Agenda for January 19, 2021 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**008 2021 01-19 MINUTES**

Moved by Cattane. Seconded by Osentoski.

Approve the minutes of a Regular meeting held January 4, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Clare Longoria, spoke against the drive-through restrictions on M-24 (Lapeer Road) between Tower and Turrill Road in the Master Plan.

City Clerk Sanchez read a comment from Jack Tindall who is against the drive-through restrictions on M-24 (Lapeer Road) between Tower and Turrill Road in the Master Plan.

**CONSENT AGENDA**

None.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

**009 2021 01-19 RESOLUTION FOR HUMAN TRAFFICKING AWARENESS MONTH FOR JANUARY 2021**

Moved by Cattane. Seconded by Stroh.

Approve a Resolution for Human Trafficking Awareness Month for January 2021.

Resolution # 2021-01  
Human Trafficking Awareness Month

Whereas, human trafficking is a modern-day form of slavery, which can include bondage, forced marriage, slavery, and commercial sexual exploitation; and

Whereas, human trafficking goes against the core principals of an individual freedoms and civil rights; and

Whereas, to combat this very real problem facing the world today, the people of the United States, the federal government, and state and local governments must work to better understand the complex nature of this problem; and

Whereas, along with health care providers, social workers, child advocacy groups, and law enforcement, we must all work together so that human traffickers are punished, and the victims of these crimes are protected; and

Whereas, education is the first step in eliminating human trafficking; we must all work together to ensure that the residents of the City of Lapeer are aware of this problem and how they can help to put a stop to it.

Now, therefore, be it resolved, that the Lapeer City Commission recognizes January 2021 as National Human Trafficking Awareness Month and we ask all residents to join us in raising the visibility of this crime, where the victims are often invisible. Together, we can bring awareness to this issue and help to fight the injustice of these crimes.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**ADMINISTRATIVE REPORTS**

**010 2021 01-19 BILL LISTING APPROVAL**

Moved by Pattison. Seconded by Cattane.

Approve the Bill Listing for December 24, 2020 through January 12, 2021 in the amount of \$1,462,100.83.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**011 2021 01-19 SECONDHAND DEALER LICENSE: ECOATM, LLC**

Moved by Cattane. Seconded by Pattison.

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

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**012 2021 01-19 SECONDHAND DEALER LICENSE: ECOATM, LLC**

Moved by Stroh. Seconded by Cattane.

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

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**013 2021 01-19 SET A PUBLIC HEARING FOR THE LAPEER TEAM WORK FAÇADE GRANT PROJECT AS REQUIRED BY THE MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT**

Moved by Stroh. Seconded by Osentoski.

Approve setting a public hearing on February 1, 2021 at 6:30 p.m. or as soon thereafter as may be heard regarding the Lapeer Team Work Façade Grant Project as required by the Michigan Community Development Block Grant (CDBG) Agreement.

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 he would like to touch base on a few things we are working on; White Junior High project appears we will need to have a hazardous item survey inside the building, bids will be coming in; working with Rodney Church, Director of Parks, Recreation and Cemetery on the ice-skating rink proposal; working with EGLE on \$5.8 Million Grant for Lead Water Lines replacements, had 3<sup>rd</sup> meeting today and it is a long-term project. Looking for a replacement for Quinten Bishop as he will be transferring to Lapeer County.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan stated he has been very busy with pending litigation and the Commission will need to hold a closed session for Attorney Client privilege in the next few weeks to discuss developments.

## **UNFINISHED BUSINESS**

Mayor Marquardt stated there are several seats available and anyone interested in volunteering, please get in contact with the City Clerk.

Commissioner Stroh suggested that we do our due diligence when placing people on boards or commissions so that we do not have any conflicts of interest or are over taxing people by placing them on multiple boards. He would like to see more people volunteer for these board vacancies.

## **DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports were received into the record as presented.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Shared that his 16 year-old daughter now has a driver's license and he is going to have a heart attack; grateful for all the front line workers and when the opportunity comes, everyone get vaccinated please.

Commissioner Stroh: There are three new art shows that are open; two at Gallery 194 and one at Stones Throw Theater; even with COVID we have cultural arts available.

Commissioner Pattison: We are going in the right direction with COVID; it is not time to ease up; keep wearing the masks and social distancing and do what you can; let's get the restaurants and business open; be safe.

Mayor Marquardt: Do what you can to stay safe, social distance, wear a mask, sign up for a vaccine as well; you can sign up at Meijer. Thanked everyone for being here tonight for our joint meeting.

## **Planning Commission**

Planning Commission Chairwoman RaCosta opened the meeting at 7:02 p.m. and roll call was conducted.

## **Downtown Development Authority**

Downtown Development Authority Chairman Osentoski opened the meeting at 7:03 p.m. and roll call was conducted.

Caitlyn Habben, Planner from Rowe Professional, conducted the training session including the purpose of plans and rules; basic roll and flow of various activities, roles and responsibilities of the legislative bodies, including the Planning Commission, Downtown Development Authority and City Staff; planning flow and procedures; relationship between planning and zoning; different terminology. She continued with Meeting Best Practices – Open Meeting Act and Freedom of Information Act, conflict of interest, ex parte communication, findings of fact, conditions placed on motions, creating motions, RRC Training Policies. She finished out with Hot Topics of the City Commission, Planning Commission and Downtown Development Authority.

Chairwoman RaCosta adjourned the Planning Commission meeting at 7:51 p.m.

Chairman Osentoski adjourned the Downtown Development Authority meeting at 7:52 p.m.

**014 2021 01-19 ADJOURNMENT**

Moved 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 7:53 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

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
FEBRUARY 1, 2021**

A regular meeting of the Lapeer City Commission was held February 1, 2021 electronically via Zoom 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.

**015 2021 02-01 AGENDA APPROVAL**

Moved by Pattison. Seconded by Osentoski.

Approve the Agenda for February 1, 2021 with the addition of Item F-6.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**016 2021 02-01 MINUTES**

Moved by Osentoski. Seconded by Stroh.

Approve the minutes of a Regular meeting held January 19, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**017 2021 02-01 CONSENT AGENDA**

Moved by Cattane. Seconded by Stroh.

Approve the Consent Agenda for February 1, 2021 resulting in the following:

1. Comcast – Uniform Service Local Franchise Agreement.
2. Asset Disposal: 2013 Ford Interceptor Sedan.
3. Asset Disposal: 2008 Chevrolet Uplander Van.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

### **018 2021 02-01 PUBLIC HEARING**

Mayor Marquardt opened the public hearing at 6:38 p.m.

Grant Administrator Shelley Lincoln gave a presentation of the Michigan Community Development Block Grant (CDBG) Lapeer Team Work Façade Project.

Ann Zettle, Team Work, thanked many of the participants who participated in this project, specifically Shelley Lincoln, Denise Soldenski, Choice One Bank, First Contracting, Creekwood Architecture, Lapeer Police and Fire Departments, as well as Police Chief Frisch and Fire Chief Kluge. Finally, this building will leave a lasting impression on the City of Lapeer and with the revenue generated from the five apartments; it will help Team Work to remain a viable agency in this community. This project had a very positive effect on the area.

City Manager Kerbyson stated this project turned out fantastic and with the amount of debris that was in the upstairs at the beginning of this project – to see the final project, it is fantastic; good job everybody. Ann Zettle stated they used the Lapeer County Sheriff's Department Community Corrections to clean up the debris in the building.

The public hearing was closed at 6:59 p.m.

Mayor Marquardt commented the project turned out beautiful; and amazing to see the before and after pictures.

## **ADMINISTRATIVE REPORTS**

### **019 2021 02-01 BILL LISTING APPROVAL**

Moved by Cattane. Seconded by Atwood.

Approve the Bill Listing for January 13, 2021 through January 27, 2021 in the amount of \$623,172.99.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **020 2021 02-01 MDOT LOCAL BRIDGE BUNDLE PILOT PROJECT**

Moved by Stroh. Seconded by Cattane.

Adopt the Resolution of Support and Commitment for the Statewide Local Agency Bridge Bundle Pilot Project.

#### RESOLUTION OF SUPPORT AND COMMITMENT FOR THE STATEWIDE LOCAL AGENCY BRIDGE BUNDLE PILOT PROJECT

WHEREAS, The Michigan Department of Transportation ("MDOT") announced in the Spring of 2018 an initiative to address the needs of Michigan's local bridge conditions through an innovative delivery method known as "bridge bundling;"

WHEREAS, MDOT reached out to the County Road Association of Michigan (“CRA”) and the Michigan Municipal League (“MML”) to work together on such an initiative for the benefit of their mutual communities, and in the interest of public safety and the Michigan taxpayers.

WHEREAS, MDOT studied the feasibility of such an efficiency initiative in 2019 with input from local agency bridge owners, engineers and other key stakeholders statewide;

WHEREAS, the study recommended implementing an “early works” bundle pilot project (“PILOT”) to provide opportunity for state and local partners to establish the necessary partnerships and processes for a successful overall program;

WHEREAS, MDOT has identified \$23 million dollars in federal highway funds for such a PILOT, and has screened and selected a number of local bridges from a statewide review of local bridges for inclusion in same, with no local cash match or local funding required for any phase of the PILOT;

WHEREAS, the City of Lapeer has agreed to the inclusion of the following bridge(s) in the PILOT, with associated planned work:

Bentley Street Bridge

subject to final approval by MDOT and FHWA;

WHEREAS, the City of Lapeer understands that the work as planned will be undertaken in a design-build contract to be let and awarded by MDOT at no cost to the City of Lapeer;

WHEREAS, the City of Lapeer acknowledges that the purpose of the PILOT is to address critical structural preservation needs only and agrees that any requests to add or include work identified by MDOT to be either maintenance-related, a betterment or non-structural improvement to the planned preservation scope shall only be undertaken subject to the approval of MDOT and at 100% City of Lapeer cost;

WHEREAS, the City of Lapeer acknowledges that neither MDOT nor its third-party agents, contractors or consultants are assuming any ownership or responsibility for the future operation or maintenance of the improvements constructed in connection with the PILOT, and that MDOT shall turn over design and as-built plans to the City of Lapeer upon completion of construction;

WHEREAS, upon completion of the construction, the City of Lapeer shall accept the facilities constructed as built to specifications within the construction contract documents. It is understood that the City of Lapeer shall own the facilities and shall operate and maintain the facilities in accordance with applicable law at no cost to MDOT;

WHEREAS, the City of Lapeer agrees to perform long-term, life-cycle maintenance of the improvements made to its bridge(s) included in the PILOT in accordance with sound principles of asset management upon completion of the work;

WHEREAS, the City of Lapeer has designated an employee representative (“CHAMPION”) to serve as a point person for the agency with necessary authority and resources to act and direct its staff and third-party agents to facilitate coordination of its portion of the PILOT with MDOT;

WHEREAS, the City of Lapeer hereby acknowledges that MDOT and its consultants have the appropriate authority to act on its behalf in the planning, design, construction and administration of the PILOT, while allowing City of Lapeer staff input during design and reasonable access during construction to perform its own observations and inspections if desired;

WHEREAS, the City of Lapeer agrees to support implementation of the PILOT consistent with the attached “Responsibilities of Local Agency Champions” as approved by MDOT in September 2020;



WHEREAS, the City of Lapeer acknowledges and agrees that none of its direct or indirect costs incurred in connection with its participation in the PILOT shall be reimbursable by MDOT or FHWA;

NOW THEREFORE BE IT RESOLVED; the City of Lapeer hereby agrees to support implementation of the PILOT to help facilitate the preservation of Michigan's local bridges.

Approved on 1<sup>st</sup> day of February 2021 by:

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**021 2021 02-01 SECONDHAND DEALER LICENSE AND PAWBORKER LICENSE: CASH FOR ALL PAWN**

Moved by Pattison. Seconded by Cattane.

Mayor to approve a Secondhand Dealer License and Pawnbroker License for Cash for All Pawn located at 773 East Street.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**022 2021 02-01 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM**

Moved by Stroh. Seconded by Cattane.

Adopt the resolution to support submission of the Fire Department grant application for Assistance to Firefighters Grant.

Resolution to Support Submission of Fire Department Grant Application  
For ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

WHEREAS, the City of Lapeer Fire & Rescue Department is eligible to submit one application for funding assistance for the purchase of certain types of fire service vehicles and equipment; and

WHEREAS, the Federal government has funded a grant program for this purpose; and

WHEREAS, the City of Lapeer Fire & Rescue Department would like to submit a request for funding assistance for the purchase of equipment to help reduce the incidence of cancers in the fire service at a total cost not to exceed \$80,000; and

WHEREAS, funding for this project is proposed from a grant from the Department of Homeland Security in an amount not to exceed \$72,000 (90%) and \$8,000 (10%) from the City of Lapeer for the requested equipment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer City Commission authorizes submission of a Department of Homeland Security grant application under the Assistance to Firefighters Grant Program and commits up to \$8,000 of City funds to provide a match toward the grant application should it be awarded.

This Resolution adopted this 1<sup>st</sup> day of February 2021.

ON A ROLL CALL VOTE:

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

**023 2021 02-01 AUDIT REPORT – FYE 06/30/2020**

Clark Schaefer Hackett & Co Representative Luke Downing presented the City's Audit Report for Year End 06/30/2020 with an unmodified opinion which is the best opinion you can have and thanked Director of Financial Services Kelly Hanna and her staff for all their hard work. He also stated if the Commission has any questions or comments please reach out to him.

Moved by Cattane. Seconded by Pattison.  
Approve and accept the Audit Report for Fiscal Year Ended 06/30/2020 by Clark Schaefer Hackett & Co as presented.

ON A ROLL CALL VOTE:

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

**024 2021 02-01 DWRP GRANT – SPICER GROUP**

Moved by Pattison. Seconded by Atwood.  
Approve the Spicer Group proposal for engineering services and allow the City Manager to sign the necessary documents.

Discussion regarding the need for the contract, grant preparation, terms of the contract. City Manager Kerbyson clarified that if we are not awarded the grant we will not move forward with the project. The engineering project work is necessary regardless of grant funding to find the remaining lead water lines in the City so that we can comply with the drinking water standard. The State of Michigan is requiring the removal and upgrade of these lead lines by 2025. Commissioner Atwood stated this is an investment in our infrastructure and we will be required to do this regardless of where the funding comes from.

ON A ROLL CALL VOTE:

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

**CITY MANAGER'S REPORT**

City Manager Kerbyson provided an update to the Commission regarding the ice-skating rink. He has spoken to several communities who have used synthetic ice-skating rinks; however, they are using smaller sized rinks and the rink is used for a very limited time. He has researched the cost of a portable chiller to build a true ice rink which will be discussed during the Goals and Objectives meeting to determine size and sites. The approximate size and cost of some include a 40x60 is \$45,000, 40x80 is \$60,000 and 60X100 is \$115,000, all of which includes the boards. The City will not incur any additional cost on our insurance for having this in the

community. Discussions continued regarding location of site; synthetic vs. real ice; options of having community involvement; possible financial assistance; cost perspective and how quickly we can take action if it is decided to move forward with the project.

City Manager Kerbyson provided the Commission with an update on the White Junior High Building which has been very active in the last few weeks. Estimates on demolition costs are being obtained, wherein it is being found there is a greater cost relating to specific items remaining in the building.

Discussion ensued relating to salvage of items in the building that may be sold; difficulty with disposal of certain items in the building; DDA fund raiser to sell the bricks; environmental issues that are arising relating to specific items in the building that cannot be disposed of in a general way; lights, old televisions, etc.; wanting to be environmentally conscious of the way we address the hazards.

Auditor mentioned that income tax has continued to climb over the years; working with other income tax-based communities specifically Grand Rapids, to get the legislature to set aside some of the COVID funds to stabilize local governments income tax revenues. There is a fear that the income tax revenue will decrease over the next year. Want to get the legislature to support the bill to support local communities.

We have a candidate that we will be reviewing and talking to soon about the Department of Public Works Director position.

Spent time working with the Survival Grant for business that applied in Lapeer County and the Chairman of the LDC is reviewing and they will be notifying the list before Friday.

Spent many staff and attorney hours on the case against Lapeer Plating and Plastics; moving it forward; depositions will begin next week; things are going fine, and we are ready for the depositions.

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

None.

#### **UNFINISHED BUSINESS**

##### **025 2021 02-01 EDC/TIFA/BROWNFIELD**

Appointed by Mayor Marquart. Moved by Osentoski. Seconded by Atwood. To re-appoint Dale Kerbyson to Economic Development Corporation/TIFA/Brownfield for a term to expire June 1, 2027.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Marihuana Licenses Provisioning Center, Processor, Secure Transporter, Safety Compliance Facility Update report was received into the record as presented.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Osentoski: Thanked Kelly Hanna and her staff and City Manager Kerbyson for the clean audit report for the City of Lapeer.

Commissioner Cattane: Second Commissioner Osentoski comments about the audit report; Team Work great job it looks beautiful. Frustration of retirees and some medical personnel who want a vaccine but have not yet been able to get one or feel like they got skipped; please be patient those administering the vaccines are working diligently and very hard.

Commissioner Atwood: Thanks to all City staff who worked on our audit; fantastic job; Thanks to Josh McCreedy from Trail Sense and CRAMBA for grooming the trails; the volunteer group does a great job, allowing the trail to be used year round.

Commissioner Pattison: City staff did a great job on the audit; restaurants are open at 25% occupancy; wear your masks; maintain social distance and please support your local businesses.

Mayor Marquardt: Thank you to City staff and everyone involved in the Team Work project; an asset to our community and has set off our beautiful downtown. Clerical worker needed to help with vaccines, contact the Lapeer County Health Department. Implementation of audit recommendation in the current year and no new recommendations, that is something to be proud of.

## **026 2021 02-01 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 8:00 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:00 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
FEBRUARY 15, 2021**

A regular meeting of the Lapeer City Commission was held February 15, 2021 electronically via *Zoom* 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.

**027 2021 02-15 ADD AGENDA ITEMS**

Moved by Cattane. Seconded by Stroh.

Add agenda items F-4 and F-5 to the Agenda for February 15, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**028 2021 02-15 AGENDA APPROVAL**

Moved by Stroh. Seconded by Cattane.

Approve the Agenda for February 15, 2021 with the addition of F-4 and F-5.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**029 2021 02-15 MINUTES**

Moved by Cattane. Seconded by Pattison.

Approve the minutes of a Regular meeting held February 1, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Clare Longoria spoke against the drive-thru restriction on M-24 (Lapeer Road) between Tower and Turrill Road in the Master Plan.

**030 2021 02-15 CONSENT AGENDA**

Moved by Pattison. Seconded by Stroh.

Approve the Consent Agenda for February 15, 2021 resulting in the following:

1. Special Event: Chamber of Commerce – Food Truck Festival.
2. Special Event: Kiwanis Club of Lapeer – Fantasy Forest.
3. Special Event: Kiwanis Club of Lapeer – Rubber Duck Dash.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARING**

None.

**ADMINISTRATIVE REPORTS**

**031 2021 02-15 BILL LISTING APPROVAL**

Moved by Cattane. Seconded by Pattison.

Approve the Bill Listing for January 29, 2021 through February 10, 2021 in the amount of \$1,434,895.63.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**032 2021 02-15 CITY OF LAPEER MASTER PLAN**

Moved by Osentoski. Seconded by Pattison.

Approve the updated 2021 City of Lapeer Master Plan as adopted by the Planning Commission.

Discussion ensued regarding the drive-thru restrictions in the Master Plan; options to amend the plan; procedure to change language in the plan and if that is possible at this point; extension of the utilities to properties in the restricted area on M-24; the turn-over of properties in restricted area; option of fine dining on M-24 not being possible as there are no liquor licenses available.

The City Commission can make suggestions to the Planning Commission, however ultimately, it is up to the Planning Commission and at this time it does not appear the majority is in favor of removing the restriction. The Master Plan is only a guide; it is the zoning ordinances that set the law. Additionally, it was asked what the losses would be if this Master Plan was not approved tonight. The City's position with RRC certification is on the line and potential grant funding may be lost if we do not have RRC approval. The Planning Commission has held firm on its decision to keep the drive-thru restriction in the plan.

ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski, Pattison, Stroh.  
Nays: Cattane.  
Absent: None.  
MOTION CARRIED 4-1.

**033 2021 02-15 OREGON STREET RECONSTRUCTION PROJECT**

Moved by Cattane. Seconded by Stroh.

Approve the contract with Rowe Professional Services Co. for design engineering services for the Oregon Street Reconstruction Project, not to exceed \$51,000 and allow the City Manager to sign said documents.

ON A ROLL CALL VOTE:

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

**034 2021 02-15 POVERTY EXEMPTION RESOLUTION**

Moved by Stroh. Seconded by Cattane.

Adopt the resolution to extend the poverty exemption granted in 2020 to carry forward through 2021.

2021 City of Lapeer Resolution to  
Allow Extension of Poverty Exemption through 2021 Tax Year

WHEREAS, the General Property Tax Act, MCL 211.7u, states that the homestead of persons who, in the judgment of the assessor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under the General Property Tax Act; and

WHEREAS, the Lapeer City Commission has the option under MCL 211.7u(8) to continue poverty exemptions granted for 2020, through 2021, if the assessor determines that a principal residence of a person by reason of poverty is still eligible for this exemption if, on or before February 15, 2021, the Lapeer City Commission adopts a resolution that continues the exemption through tax year 2021 for all principal residences within the local assessing unit that were exempt in tax year 2020, and

WHEREAS, the Lapeer City Commission may require the owner of a principal residence exempt from the collection of taxes to affirm ownership, poverty, and occupancy status in writing by filing Treasury Form 5739—Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty with the City.

NOW, BE IT HEREBY RESOLVED, pursuant to MCL 211.7u(8), that Lapeer City commission, City of Lapeer, Lapeer County, continues the poverty exemption through tax year 2021 for all principal residences within the City that were exempt in tax year 2020. The Lapeer City Commission requires owners of a principal residence exempt from the collection of taxes pursuant to this provision to affirm ownership, poverty, and occupancy status in writing by filing Treasury Form 5739—Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty with the City.

Dated this 15<sup>th</sup> day of February 2021.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Osentoski, Pattison, Stroh.  
Nays: None.  
Absent: None.



MOTION CARRIED.

**035 2021 02-15 HISTORIC LAPEER SOCIAL DISTRICT**

Moved by Osentoski. Seconded by Stroh.

Adopt the resolution designating the Historic Lapeer Social District defining the common areas.

Discussion took place relating to the traffic; will the street be open; special events; safety of the participants of each event is a primary concern; there will be signage added; possible need for traffic control order.

**A Resolution Designating the City of Lapeer, Historic Lapeer Social District  
and Defining the Common Areas**

RESOLVED: The Lapeer City Commission designates the Historic Lapeer Social District for the downtown district on Nepessing Street with Fox Street on the Western Edge and Cedar Street along the Eastern edge of the district. The District would also include the common areas between Tech Smart USA (404 W. Nepessing Street) and Blend Frozen Yogurt (392 W. Nepessing Street) as well as the common area between Health Quest Physical Therapy (411 W. Nepessing Street) and Vinyl Bar and Grill (393 W. Nepessing Street); the depiction of which is set forth in the attached Exhibit A; and which the depiction is incorporated as part of the minutes; and

FURTHER RESOLVED: The Lapeer City Commission defines a Common Areas within the Historic Lapeer Social District consisting of certain public property and rights of way, the boundaries of which are set forth in the attached Exhibit B and which the depiction is incorporated as part of the minutes; and

FURTHER RESOLVED: The common areas will operate year-round, seven days a week, with the exception, of the 3<sup>rd</sup> weekend of August during the annual Lapeer Days Celebrations and the 2<sup>nd</sup> weekend of October. Hours of operation will be Monday – Thursday, between the hours of 11:00 am and 10:00 pm, Friday and Saturday between the hours of 11:00 am and 11:00 pm, and Sunday between the hours of Noon and 10:00 pm. No later; and

FURTHER RESOLVED: The City Manager will review and approve the Management and Maintenance Plan developed by the Lapeer Downtown Development Authority for the Historic Lapeer Social District, which includes hours of operation for the district that are within business hours, but not beyond 11:00 pm.; that will conform with Governor's Executive Orders when applicable.

FURTHER RESOLVED: to authorize the City Manager to apply for the Social District permit with the Michigan Liquor Control Commission (MLCC) for the Historic Lapeer Social District as designated by this Resolution.

Dated this 15<sup>th</sup> day of February 2021.

**ON A ROLL CALL VOTE:**

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

## **CITY MANAGER'S REPORT**

City Manager Kerbyson received another quote for demolition of White Junior High; continues to have assessments to remove toxic items from the building; appears the timing will come together with the building preparation and the State Land Bank grant application for funds; should receive an additional \$150,00 in funding towards our Oregon Street project; continue to move forward with IT Right; City offices will be migrating over to Office365; wrapped up the new employee policy and procedure manual.

## **CITY ATTORNEY'S REPORT**

None.

## **UNFINISHED BUSINESS**

### **036 2021 02-15 EDC/TIFA/BROWNFIELD**

Appointed by Mayor Marquart. Moved by Osentoski. Seconded by Atwood.

To re-appoint Dan Gerlach to Economic Development Corporation/TIFA/ Brownfield for a term to expire June 1, 2027 and Joe Morey to Economic Development Corporation/TIFA/ Brownfield for a term to expire March 1, 2027.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports and the Planning Commission 2020 Annual Report were received into the record as presented.

## **PUBLIC COMMENTS**

Clare Longoria expressed her disappointment in the City Commission's decision to pass the Master Plan.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Osentoski: Thanked Chief Frisch for helping the DDA put together the Social District.

Commissioner Atwood: Explained himself and his decision on the Master Plan approval; cannot control the Planning Commission; has his own thoughts and ideas for directions the City can go in; yet he realized there are four other Commissioner with thoughts and ideas as well; however, at the end of the day it is tough decisions that must be made. Keep small business in your prayers; support your small business and shop local.

Commissioner Cattane: Apologized for his dress and attire, however, its President's Day and he had the day off; has learned so much since becoming a City Commissioner including the roll of the Planning Commission and the Zoning Board of Appeals and the City Commission. Mother got her vaccine last week; feels like he can breathe finally; hats off to the people working at the Health Department, nothing but good things to say.

Commissioner Stroh: Very good meeting, be safe; great discussion on topics that are difficult; agrees with Commissioner Atwood, we do not have control over other Boards and Commissions that have been giving a charge to do their job; we can bring up differences of opinion. We can just do the best at the time with what is necessary and positive for our community.

Commissioner Pattison: Good meeting; lot of things covered; a lot of good topics for the Goals and Objectives meeting; think about what we want to accomplish; work together to accomplish those objectives. Be safe with the snow.

City Manager Kerbyson: Working with the new County Prosecutor; he re-ignited the law enforcement update training; allowed them to use the Pix at no charge; good Community Service item we are working on.

Mayor Marquardt: Goals and Objectives will be held on Wednesday, February 24, 2021 at 5:30 p.m. She voted No on the Master Plan at the Planning Commission. Proud to say the City of Lapeer has received an award from the United States Census and she would like to publicly thank, Romona, our City Clerk, for all the work she has done for the City of Lapeer as we were recognized for having a 69.8% response rate to the 2020 U.S. Census; the only City in this district to have a response rate over 67%, which is the highest self-response rate among all regions; this was also accomplished with three or four numerators who walked around the City and went door-to-door to get the response rate up; one of which was Bill Marquardt.

**037 2021 02-15 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:55 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:55 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

**LAPEER CITY COMMISSION  
MINUTES OF A SPECIAL MEETING  
GOALS & OBJECTIVES  
FEBRUARY 24, 2021**

A special meeting of the Lapeer City Commission was held February 24, 2021 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:30 p.m.

**ROLL CALL**

Present: Mayor Marquardt.  
Commissioners: Atwood, Cattane, Osentoski, Pattison, Stroh.  
Absent: None.

City Manager: Dale Kerbyson, present.  
Directors Present: Church, Frisch, Hanna, Kluge, Oliver, Soldenski.

Mayor Marquardt called the meeting to order at 5:30 pm and turned the meeting over to City Manager Dale Kerbyson.

**GOALS & OBJECTIVES**

City Manager Dale Kerbyson reviewed the presentation for the 2021 through 2026 Goals and Objectives under the following topics:

- Marketing Our City
- Infrastructure Improvements
- Neighborhood Revitalization
- Parks, Recreation, Cemetery, Community Center, Campground, Train Depot
- Police Department
- Current & Rebranding Logos
- Rebranding
- Budget Considerations: Project Costs
- Up to \$500,000.00 available for new projects
- General Topics
- General Fund Balance History
- City of Lapeer Mission Statement
- Resolution – Adopting Goals & Objectives 9/16/19 through 6/30/2025

**Rebranding**

The Commission had a lengthy discussion in regards to changing the City Logo and rebranding which are two very separate items. Two options were discussed, ease into the new logo and/or do a big splash event announcing our new logo/brand. It was the consensus of the Commission to begin changing the logo, such as on letter head, anything new ordered with a logo should be switched over to the approved logo, this would be the first step to easing into the new logo. Step two is to wait and see what funds are available after two main projects are completed, then at that time, revisit how the new logo/rebranding should be rolled out as an event.

### **Up To \$500,000.00 Available For New Projects**

The Commission discussed the following new projects and what their priorities should be and the order in which each project should be completed:

- Demolition of White Jr. High - \$315,000
- Rebranding process as described - \$60,651.80
- Rebranding entrance statements - \$125,000
- MDOT entrance signs - \$10,000
- Hazzard Mitigation Grant Match/in cooperation with the County Drain Commissioner - \$100,000
- Resolve Lapeer Township annexation issue - \$40,000
- *Total cost for these above items \$768,851.80*

It was the consensus of the Commission that the above projects that should have the highest priority is as follow:

1. Demolition of White Jr. High - \$315,000
2. Hazzard Mitigation Grant Match/in cooperation with the County Drain Commissioner - \$100,000
3. Resolve Lapeer Township Annexation Issue - \$40,000

The remainder of the projects will be discussed at a later dated after the above two projects are completed wherein there would be a better understanding of what funds remain and are available to complete the rest of the requested projects.

### **038 20211 02-24 ADJOURNMENT**

Motion by Cattane.

Adjourn the regular meeting at 8:21 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:21 p.m.

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Debbie Marquardt, Mayor

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MARCH 1, 2021**

A regular meeting of the Lapeer City Commission was held March 1, 2021 electronically via *Zoom* 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.

**039 2021 03-01 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for March 1, 2021 with the addition of Item C-1.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**040 2021 03-01 MINUTES**

Moved by Stroh. Seconded by Pattison.

Approve the minutes of a Regular meeting held February 15, 2021 and the minutes of the Special meeting held on February 24, 2021 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**041 2021 03-01 CONSENT AGENDA**

Moved by Osentoski. Seconded by Stroh.

Approve the Consent Agenda for March 1, 2021 resulting in the following:

1. Special Event: Historic Farmers Market.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

## PUBLIC HEARING

None.

## ADMINISTRATIVE REPORTS

### 042 2021 03-01 BILL LISTING APPROVAL

Moved by Pattison. Seconded by Atwood.

Approve the Bill Listing for February 11, 2021 through February 24, 2021 in the amount of \$2,303,618.48.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### 043 2021 03-01 RESOLUTION 2021-06 – ALLOW FOR WRITTEN APPEALS – BOARD OF REVIEW

Moved by Pattison. Seconded by Cattane.

Adopt the resolution to allow written appeals from residents and non-residents for the Board of Review.

#### **Resolution to Allow Local Residents to Protest to Board of Review in Writing**

WHEREAS, the General Property Tax Act, MCL 211.30(4) states that, when appealing to the Board of Review, “a nonresident taxpayer may file his or her appearance, protest, and papers in support of the protest by letter, and his or her personal appearance is not required”: and

WHEREAS, MCL 211.30(8) states that “The governing body of the township or city may authorize, by adoption of an ordinance or resolution, a resident taxpayer to file his or her protest before the board of review by letter without a personal appearance by the taxpayer or his or her agent. If that ordinance or resolution is adopted, the township or city shall include a statement notifying taxpayers of this option in each assessment notice under section 24c and on each notice or publication of the meeting of the board of review”; and

WHEREAS, under the Open Meetings Act, MCL 15.263a, a meeting of a public body may be held electronically through March 30, 2021, and “a public body may use technology to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the public body and other participants to satisfy the requirement under this subsection that members of the public be heard by others during the electronic meeting and the requirement under section 3(5) that members of the public be permitted to address the electronic meeting”;

THEREFORE BE IT RESOLVED that, in order to ease the burden on taxpayers, the assessor and the Board of Review, and to ensure that all taxpayers have an equal opportunity to be heard by the Board of Review, the Lapeer City Commission hereby resolves, according to provisions of MCL 211.30(8) of the General Property Tax Act, that the Board of Review shall receive letters of protest regarding assessments from resident

taxpayers from the first Tuesday in March until it adjourns from the public hearings for which it meets to hear such protests.

BE IT RESOLVED that letters from both residents and nonresidents may include those submitted by handwriting, typewriting, email, and in a chat.

Resolution adopted this 1<sup>st</sup> day of March 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

RESOLUTION DECLARED ADOPTED.

**044 2021 03-01 RESOLUTION 2021-07 POVERTY EXEMPTION POLICY GUIDELINE**

Moved by Stroh. Seconded by Pattison.

Adopt the resolution to create a Poverty Exemption Policy Guidelines.

**City of Lapeer Resolution to  
Adopt Poverty Exemption Policy and Guidelines**

WHEREAS, the General Property Tax Act, MCL 211.7u, states that the homestead of persons who, in the judgment of the board of review (March, July & December), by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under the General Property Tax Act; and

WHEREAS, the City Commission is required by MCL 211.7u to adopt guidelines for the poverty exemption;

NOW, THEREFORE, BE IT RESOLVED, pursuant to MCL 211.7u, that the City of Lapeer, adopts the following guidelines for the board of review to implement.

The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household.

To be eligible for exemption under this section, a person must do all of the following on an annual basis:

- 1) Taxpayer must file Forms 5737 (Application for MCL 211.7u Poverty Exemption) with all additional required documentation with the assessor after January 1<sup>st</sup> through the day prior to the last day of the December Board of Review. Failure to meet the requirements or submission of an incomplete application will result in a denial of the poverty exemption.
- 2) Own and occupy as a principal residence the property for which an exemption is requested. The person shall affirm this ownership and occupancy status in writing by filing a form prescribed by the state tax commission with the local assessing unit.
- 3) All applicants must provide a complete, signed Federal Income Tax return and State Income Tax return including the Homestead Property Tax Credit (MI-1040 CR), that were filed in the immediately preceding year or in the current year for all persons residing in the principal residence. If the applicant (s) is not required to file a Federal or State Income Tax return, a signed Poverty Exemption Affidavit must be provided



along with the Homestead Property Tax Credit (MI-1040CR). A City of Lapeer Income Tax return also must be provided if applicant(s) are required to file a return.

- 4) Produce a valid driver license or other form of identification if requested by the board of review.
- 5) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if required by the supervisor or board of review.
- 6) Meet the federal poverty income guidelines published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services.

An exemption due to poverty shall not be granted unless total income of all members of the household is less than 100% of the Federal Poverty Guidelines for a household of equivalent size. A partial exemption of 50% shall not be granted unless the total household income of all member of the household is less than 150% of the Federal Poverty Guidelines. Meeting income levels of the City policy does not guarantee the approval of a poverty exemption. Income and assets are reviewed by the Board of Review in the decision-making process.

Income may include, but is not limited to:

- Money, wages, salaries before deductions, regular contributions from persons not living in the residence.
- Net receipts from non-farm or farm self-employment (receipts from a person's own business, professional enterprise, or partnership, after business expense deductions).
- Regular payments from social security, railroad retirement, unemployment, worker's compensation, veteran's payments, public assistance, supplemental security income (SSI).
- Alimony, child support, military family allotments.
- Private and governmental retirement and disability pensions, regular insurance, annuity payments.
- Dividends, interest, and net income from rentals, royalties, estates, trusts, gambling or lottery winnings.

In addition to an income test, in order to be considered for tax exemption under MCL 211.7u, the Board of Review will also consider an asset test which is not to exceed 150% of the Federal Poverty Guidelines for an equivalent household. An applicant's principal residence and principal automobile shall be excluded from the test.

Cash and other assets may include but are not limited to:

- Bank accounts, interest income.
- Stocks and bonds, pensions. IRAs and other investment accounts.
- Withdrawals of bank deposits and borrowed money.
- Gifts, loan, lump-sum inheritances and one-time insurance payments.
- Money received from the sale of property such as stocks, bonds, a house or car.
- Second home, rental property or building/property other than the residence.
- Excess land or vacant land.
- Jewelry, antiques, or artworks.
- Recreational vehicles or additional vehicles which may include but not limited to campers, boats, motorcycles, off road vehicles, snowmobiles etc.
- Equipment or personal property of value.
- Federal non-cash benefits programs such as Medicare, Medicaid, food stamps.

- Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms.

The Michigan homestead property tax credit cannot be considered as income for purposes of the poverty exemption.

If the Board of Review determines that the applicant has income from other sources, such as relatives, dependents, friends, they may add this income to the applicant's reported income and if the resulting sum of the incomes is greater than one and a half times the Federal Poverty Income Guidelines, than a poverty exemption may be denied. If the amount of this income is added to the applicant's reported income and the resulting sum is less than one and a half times the Federal Poverty Income Guidelines, than poverty exemption may be granted.

The Board of Review and Assessor shall review all poverty exemption applications with or without the applicant being present. However, the board may request that any or all applicants be physically present to respond to any question the Board and Assessor may have including questions regarding their financial affairs, health, the status of people living in their home, etc.

A person filing a poverty exemption claim is not prohibited from also appealing the assessment on the property for which the claim is made before the March Board of Review in the same year.

If a person claiming an exemption is qualified under the eligibility requirements, the board of review shall grant the exemption in whole or in part.

IT ALSO RESOLVED that the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption.

Dated this 1<sup>st</sup> day of March 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

RESOLUTION DECLARED ADOPTED.

**045 2021 03-01 2021-08 CHARITABLE GAMING LICENSE RESOLUTION**

Moved by Cattane. Seconded by Stroh.

Approve the local Governing Body Resolution for Charitable Gaming License for Lapeer Community Schools Education Foundation.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**046 2021 03-01 COMMUNITY CENTER PARKING LOT PROJECT**

Moved by Osentoski. Seconded by Pattison.

Approve awarding the Community Center Parking Lot Rehab project to Gross Construction of New Lothrop, MI for an amount not to exceed \$306,254.36.

ON A ROLL CALL VOTE:

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

Nays: None.  
Absent: None.  
MOTION CARRIED.

**047 2021 03-01 OUTDOOR SYNTHETIC ICE RINK 60'X100'**

Moved by Cattane. Seconded by Stroh.

Approve the purchase of an outdoor synthetic ice rink to be used year-round through-out the City of Lapeer, option 2, size 60'x100' for \$96,000; Nice Rink board systems \$6,080 and Installation/training for \$6,000.

A discussion ensued about the synthetic ice rink relating to the two different sizes available; recreation programs being developed; location of the rink; the rink being utilized year-round for it to be cost effective; cleaning of the rink; synthetic ice being not as smooth as real ice; skates needing to be very sharp; on synthetic ice; moving the rink to various locations and the ability to make it smaller for certain events.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

**048 2021 03-01 GOALS & OBJECTIVES 2021-2026**

Moved by Osentoski. Seconded by Stroh.

Approve the Goals & Objectives 03-01-2021 through 06-30-2026 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

City Manager Kerbyson stated we are moving forward with the Social Districting project that was approved at the last meeting. Chief Frisch has been working hard to get the plan sent out to Liquor Control Commission this week.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan stated that he will have a litigation update report soon; there will be some proposed amendments to Chapter 68 and 69 for the next meeting which are housekeeping items and some things to add to each chapter that we have learned through litigation so there will be no issues in the future; addressing both the medical and recreational ordinances.

**UNFINISHED BUSINESS**

None.

**DEPARTMENTAL COMMUNICATIONS**

None.

## **PUBLIC COMMENTS**

Clare Longoria is very upset and spoke against the Master Plan that was approved at the last meeting.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Thanked all the Commissioner for supporting and voting in favor of the ice rink; sometimes in government you have to patient; thank you to the staff for putting in so much effort.

Commissioner Osentoski: The ice rink will be great addition to our community and the County; it is a great addition to our Parks and Recreation Department; thanked everyone for voting in favor.

Commissioner Cattane: The ice-skating rink is going to be good for our town and the neighbors of our City; more people are being vaccinated; people are not worrying like they used to about COVID; God Bless all of you in the medical field and first responders.

Commissioner Stroh: Thank you to everyone who contributed to the skating rink and this is a wonderful addition to our City; making strides in the areas of the Dog Park, Pocket Park and possibly the south water-front area as we move forward. The arts are doing okay, there are several shows and projects in the area: sketch book project with the schools in Almont. Dryden, Imlay City and Lapeer Schools will be on display in March for two weeks.

Commissioner Pattison: Thank you for the ice-rink; participated in the Michigan Municipal League's Elected Officials Academy Virtual Core Weekender course; very good course; thanked Tracey Russell for signing him up, recommends all to attend this course if they have not done so already.

City Manager Kerbyson: White Junior High, we have received another salvage bid; put two companies together to work in tandem; should improve our revenue. Contacted by others for access to the building; will be removing the contaminants from the building soon. Grant application should be approved mid-March, which is good timing. Looking forward to the initial start and continued success of the Historic Farmer's Market.

Mayor Marquardt: Looking forward to the Farmer's Market; looking forward to the skating rink; would like to see the City having access to some ice skates. This is a wonderful addition to our parks and the City of Lapeer. Our next meeting is March 15, 2021 which will be virtual.

## **049 2021 03-01 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:09 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:09 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

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MARCH 15, 2021**

A regular meeting of the Lapeer City Commission was held March 15, 2021 electronically via *Zoom* 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.

**050 2021 03-15 AGENDA APPROVAL**

Moved by Pattison. Seconded by Cattane.

Approve the Agenda for March 15, 2021 with the addition of Item H-1.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**051 2021 03-15 MINUTES**

Moved by Cattane. Seconded by Stroh.

Approve the minutes of the Regular meeting held March 1, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Mike Bahoura spoke about revenue sharing from the State of Michigan for the excise tax on recreational marihuana. Communities with retail marihuana locations received approximately \$28,000 per store; regardless of sales that were generated by the actual retail establishment. Each County will also receive funds per retail establishment located in that County as well. He indicated that Michigan has the lowest excise tax in the nation and feels that retail sales will continue to grow in the future.

Mayor Marquardt read into the record an email that was received from Amanda Phelps relating to planning opportunities she would like to see the City consider.

**052 2021 03-15 CONSENT AGENDA**

Moved by Cattane. Seconded by Atwood.

Approve the Consent Agenda for March 15, 2021 resulting in the following:

1. Special Event: Stone Soup Pantry – Hunger Awareness Week.

2. Special Event: Crank 4 A Cause – The Beaver Dash.
3. Traffic Control Order #302.

PERMANENT TRAFFIC CONTROL  
ORDER NO. 302

Location: Two parking spaces within City Lot #8, at the southeast corner of the municipal lot, running parallel and to the south of existing handicap spaces, west of Cedar Street and adjacent to dumpster enclosure.

Order: To install “Veterans Permit Parking Only” signage to designate two parking spaces within the municipal parking lot for the parking of Military Veterans personal vehicles only.

Reason: The City of Lapeer Police Department has received a request from Pete Kirley, Director of Lapeer County Veteran Affairs located at 287 West Nepessing Street, Suite #2 Lapeer, MI. Mr. Kirley has requested that dedicated parking spaces for Veterans engaging in services at the Veterans Affairs office be created. Mr. Kirley has stated that parking space close to the building is limited due to the amount of dedicated permit parking spaces currently existing along Clay Street for Senior Services, reference TCO No. 288. Mr. Kirley has been advised that any space that is marked with Permit Parking Only within City Lot #8 or along Clay Street can be occupied by any vehicle that properly displays a Disabled Person or Disabled Veteran placard or special license plate as outlined in MVC 257.674(6).

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARING**

None.

**ADMINISTRATIVE REPORTS**

**053 2021 03-15 BILL LISTING APPROVAL**

Moved by Pattison. Seconded by Cattane.

Approve the Bill Listing for February 25, 2021 through March 10, 2021 in the amount of \$295,411.63.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**054 2021 03-15 ANNUAL FAIR HOUSING RESOLUTION**

Moved by Stroh. Seconded by Cattane.

Adopt the Annual Fair Housing Resolution.

CITY OF LAPEER

FAIR HOUSING POLICY

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, sex, familial status, national origin, and disability; and,

WHEREAS, under the Michigan Elliott-Larsen Civil Rights Act, PA 453 of 1976, as amended, it is illegal to deny the opportunity to obtain housing to any person because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status;

NOW THEREFORE, BE IT RESOLVED:

LET IT BE KNOWN TO ALL PERSONS that it is the policy of the **City of Lapeer** to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, age, national origin, age, sex, height, weight, disability, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, sex, physical or mental disabilities, national origin, age, height, weight, familial status, or marital status; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** will assist all persons who feel they have been discriminated against because of religion, race, color, sex, physical or mental disabilities, national origin, age, height, weight, familial status or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights; and

BE IT FURTHER RESOLVED, that the **City of Lapeer** will at a minimum post this policy or the Fair Housing poster or other posters, flyers or other information which will bring to the attention of owners of real estate, developers and builders their respective responsibilities and rights under the Federal Fair Housing Law and Michigan Elliott Larsen Act; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect as of March 15, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

RESOLUTION DECLARED ADOPTED.

**055 2021 03-15 SOCIAL DISTRICT PERMIT – TILTED AXIS BREWING COMPANY**

Moved by Cattane. Seconded by Pattison.

Approve the Local Governmental Unit Approval for Social District Permit Resolution for Tilted Axis Brewing Company.

ON A ROLL CALL VOTE:



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

**056 2021 03-15 SOCIAL DISTRICT PERMIT – WOODCHIPS BBQ**

Moved by Osentoski. Seconded by Pattison.

Approve the Local Governmental Unit Approval for Social District Permit Resolution for Woodchips BBQ.

ON A ROLL CALL VOTE:

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

**057 2021 03-15 SOCIAL DISTRICT PERMIT – JANKOVIC HOLDINGS, INC. DBA OLD DETROIT BURGER BAR**

Moved by Cattane. Seconded by Stroh.

Approve the Local Governmental Unit Approval for Social District Permit Resolution for Jankovic Holdings, Inc. dba Old Detroit Burger Bar.

ON A ROLL CALL VOTE:

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

**058 2021 03-15 SOCIAL DISTRICT PERMIT – POPOVIC HOLDINGS, INC. DBA VINYL BAR & GRILL**

Moved by Stroh. Seconded by Cattane.

Approve the Local Governmental Unit Approval for Social District Permit Resolution for Popovic Holdings, Inc. dba Vinyl Bar & Grill.

ON A ROLL CALL VOTE:

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

**059 2021 03-15 ORDINANCE AMENDMENT: CHAPTER 19 OFFENCES AGAINST PEACE, SAFETY AND MORALS**

Commissioner Pattison introduced an Ordinance Amendment to Chapter 19 Offences Against Peace, Safety and Morals.

**CHAPTER 19  
OFFENSES AGAINST  
PUBLIC PEACE, SAFETY AND MORALS**

**SECTION 19-31 SOCIAL DISTRICT**

**19-31 Social District and Commons Area:**

- (A) Pursuant to the authority granted by Public Act 124 of 2020 the City of Lapeer Commission may designate by Resolution Social District and Commons Area, which shall be clearly marked with appropriate signage within the Social District.
- (B) This section is to be strictly construed as a limited exception to, and not in conflict with, Sections 19.02H(2) of Chapter 19 Offenses Against Public Peace, Safety and Morals or Section 3-5D(10) of Chapter 3 Food and Health Section of the City of Lapeer Ordinances which generally prohibit the public consumption of, and possession of, open containers of alcoholic beverages within or upon any public street, sidewalk, alley, parking lot or property used for municipal purposes by the City of Lapeer and for purposes of Chapter 7 Zoning, Article XVII sections 7-17-01 thru 7-17.11 the Social District shall constitute the defined area required by the ordinance for the holder of a Social District Permit.

As used in this section:

- (C) Commons Area: means an area within a Social District clearly designated and clearly marked in accordance with the management and maintenance plan adopted by the City of Lapeer and which is shared by and contiguous to the premises of at least 2 Qualified Licensees the district shall constitute the “defined area” while the ordinance is in effect and the business is in compliance.
- (D) Qualified Licensee: means a retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises; and a manufacturer with either: a) an on-premises tasting room permit, b) an off-premises tasting room license, or c) a joint off-premises tasting room license.
- (E) Social District Permit: means an approved application by the City of Lapeer Commission and a permit issued by the Michigan Liquor Control Commission to a Qualified Licensee to operate within the Social District Commons Area in accordance with Michigan statute, this Chapter and the Historic Lapeer Social District Permit Rules and Regulations made part of any approved Social District Permit.
- (F) The creation of a Commons Area shall include the adoption of a management and maintenance plan, which may be amended as necessary, for the protection of the health and safety of the community and includes, but is not limited to, limitations on the dates and times of operation and defined locations for a Commons Area.
- (G) Except as provided by State law, a Qualified Licensee and holder of a Social District Permit issued by the Michigan Liquor Control Commission and with approval by the City of Lapeer Commission may sell alcoholic liquor for consumption within the confines of a Commons Area when all of the following requirements are met:

1. The Qualified Licensee and holder of a Social District Permit has not had their Liquor License or Social District Permit suspended by the Michigan Liquor Control Commission.
2. The Qualified Licensee and holder of the Social District Permit only sells and serves alcoholic liquor on the holder's licensed premises;
3. The Qualified Licensee and holder of the Social District Permit only serves alcoholic liquor to be consumed in the Commons Area in a container to which all of the following apply:
  - a. The container prominently displays the Qualified Licensee and Social Districts permit holders trade name or logo;
  - b. Container shall also prominently display a special logo that is unique to the Social District as determined by the City.
  - c. The container is not glass; and
  - d. The container has a liquid capacity that does not exceed 16 ounces.

**(H)** A purchaser or person in possession of, may remove a container of alcoholic liquor sold by a Qualified Licensee and holder of a Social District Permit from the Social District Permittee's licensed premises to the Commons Area if all of the following conditions are met:

1. The purchaser or person in possession of an alcoholic liquor does not remove the container from the Commons Area;
2. While possessing the alcoholic liquor container, the purchaser or person in possession of, does not enter a Qualified Licensee and holder of a Social District permit premises other than the Qualified Licensee from which the alcoholic liquor container was purchased; and
3. The purchaser or person in possession of does not possess alcoholic liquor within a motor vehicle; and
4. The purchaser or person in possession of does not consume or possess alcoholic liquor in the traveled portion of an open for vehicular travel roadway.

**(I)** The consumption of alcoholic liquor from a container in a Commons Area as allowed under this section may only occur during the hours established by the Management and Maintenance Plan for the Commons Area.

**(J)** A purchaser or person in possession of alcoholic liquor violating the restrictions set forth in this section is guilty of municipal civil infraction punishable by a fine of up to \$100 and associated court costs.

- (K) A Qualified Licensee and holder of a Social District Permit or their employee violating or allowing others to violate the restrictions set forth in this section is guilty of a municipal civil infraction punishable by a fine of up to \$100 and associated court costs and suspension of Social District Permit and a violation notification to the Liquor Control Commission.
- (L) The City or Lapeer Commission reserves the ability to revoke or suspend the Social District designation if it determines that the activities within or existence of the Commons Area threaten the health, safety, or welfare of the public or have become a public nuisance or that a suspension and/or hours of operation modification is in the best interest of health, safety, or welfare of the public. Before revoking the designation, the City Council will hold at least 1 public hearing, the time and place thereof which shall be noticed as required by the Open Meetings Act, MCL15.261 *et seq.*, on the proposed revocation.
- (M) The City of Lapeer Commission reserves the ability to withdraw approval of an application by a Qualified Licensee submitted to the Michigan Liquor Control Commission.
- (N) The City Clerk is authorized and directed to file this ordinance and any resolutions setting forth the designation of the Social District and Commons Areas along with the management and maintenance plans adopted pursuant to ordinance with the Michigan Liquor Control Commission.
- (O) Severability: In the event that any one or more sections, provision, phrases or words of this chapter shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this chapter.
- (P) Effective Date: This amendatory ordinance shall be effective 10 days after adoption by the City Commission and after publication as provided by the Charter of the City of Lapeer.
- (Q) Termination: This section shall be inapplicable after December 31, 2024 without a resolution issued by the City of Lapeer Commission for continuance as outlined within State of Michigan Public Act 124 of 2020.

**060 2021 03-15 ORDINANCE AMENDMENT: CHAPETER 68 MEDICAL MARIHUANA FACILITIES**

Commissioner Pattison introduced an Ordinance Amendment to Chapter 68 Medical Marihuana Facilities.

**CHAPTER 68  
AN ORDINANCE TO AUTHORIZE AND REGULATE  
THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITES**

§ 68-01 Purpose

- A. It is the intent of this Ordinance to authorize the establishment of certain types of medical marihuana facilities in the City of Lapeer and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this Ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. *The City of Lapeer specifically incorporates the terms and provisions of the Michigan Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act herein as if set forth hereunder.*

68-04 C.(1)(a) is amended to include the following:

(1) Application.

- (a) File an application with the City Clerk's office upon a form provided by the City of Lapeer and submittal of the annual nonrefundable fee. *Such application shall include, in addition to all other items set forth in the application itself:*
- (i) *A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five (5) years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions whether identified in the applicant or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application form the licensure application process.*
- (ii) *A complete disclosure of the applicant and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application form the licensure application process.*

**061 2021 03-15 ORDINANCE AMENDMENT: CHAPTER 69 ADULT USE MARIHUANA BUSINESSES AND FACILITIES**

Commissioner Stroh introduced an Ordinance Amendment to Chapter 69 Adult Use Marihuana Businesses and Facilities.

**CHAPTER 69**  
**AN ORDINANCE TO AUTHORIZE AND REGULATE**  
**THE ESTABLISHMENT OF ADULT USE**  
**MARIHUANA BUSINESSES AND FACILITES**

**§ 69-02 Definitions**

(p) "Excess marihuana grower" means a license issued to a person holding 5 class C marihuana grower licenses or more and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

**§ 69-03 Licensing and Appeals**

<u>License Type</u>	<u>Number</u>
Marihuana Retailer (see below)	6
Marihuana Grower (Class A, B, and C, <del>only</del> )	Unlimited
<i>Marihuana Excess Grower</i>	<i>Unlimited</i>
Marihuana Processor	Unlimited
Marihuana Safety Compliance Facility	Unlimited
Marihuana Secure Transporter	Unlimited

**(2) No Other Licenses Authorized.**

Pursuant to section 6 of the MRTMA, MCL 333.27956, The City shall not authorize any licenses to operate ~~an excess marihuana grower~~, a marihuana microbusiness, designated consumption establishment, and further shall not authorize the issuance of a marihuana event organizer license or temporary marihuana event license in the City.

**§ 69-04 License Applications.**

(j) A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five (5) years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application. *The applicant shall disclose all arrests, prosecutions and dispositions whether identified in the applicant or each stakeholder's ICHAT report por not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application form the licensure application process.*

(q) *A complete disclosure of the applicant and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application form the licensure application process.*

A discussion ensued relating to the amendments to this chapter and why they are being introduced. These changes would add a new category of license, if approved, by adding an excess grower, which was not included in the current ordinance. After five (5) Class C licenses have been approved for a single location, an excess grower license would be required for an additional 2,000 plants, this would allow for larger square foot buildings to be eligible for use.

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

City Manager Kerbyson stated the house that was for sale at 371 Turrill closed today at a small profit. Also, he was asked to comment on the Consumers Energy Grant for \$350,000 which is designed to help the environment as a green application. A map showing the proposed updates to the area also shows the key component of the grant, which is being billed as green environmental, will benefit the earth, as well as the community; there are rain gardens which clean the water before it flows to the river, riverbank stabilization, connects to existing bioswales, provides an extension of the walking path, and is a funding source for the new Farmer's Market pavilion; as well as it ties into our walkability and the area is truly in need of repair and is a good beautification project. There was a very short turnaround window on submission to submit this application and we had already received the phase one approval.

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

#### **062 2021 03-15 RESOLUTION DECLARING A CONTINUING LOCAL STATE OF EMERGENCY**

Moved by Cattane. Seconded by Stroh.

To adopt resolution declaring a continuing Local State of Emergency (COVID-19), to extend the virtual meetings until April 19, 2021.

#### **A Resolution Declaring a Local State of Emergency (COVID-19)**

WHEREAS, COVID-19, and the possible exposure to persons afflicted with it, constitute a clear and present danger to the health, safety, and welfare of City personnel and persons doing business with or residing in the City. Federal, state, and county orders, directives, guidelines, and recommendations, including from the Michigan Department of Health and Human Services (MDHHS) and the Center for Disease Control (CDC), have been issued in an effort to control the COVID-19 Coronavirus pandemic declared by the World Health Organization (WHO); and

WHEREAS, these federal, state, and county orders, directives, guidelines, and recommendations include closing and restricting business establishments; cancelling, postponing, and limiting the numbers at gatherings of people; postponing or limiting the number of persons required to physically attend public meetings; and calling for appropriate steps to be taken by local governments in an effort to control the spread of COVID-19; and

WHEREAS, these federal, state, and county orders, directives, guidelines, and recommendations have been changed or updated on a frequent basis, and further changes or updates are expected. Most recently, the Michigan Department of Health and Human Services issued an Emergency Order on March 5, 2021, which includes limiting the number of persons permitted to attend indoor gatherings and

requiring the implementation of social distancing protocols and the wearing of face masks. The MDHHS Order directly impacts the City's ability to conduct indoor gatherings, including public meetings of City Officials, City Administration, City Staff and Employees and members of the general public due to space constraints; and

WHEREAS, COVID-19 and the possible exposure to persons afflicted with it, the emergence of dangerous new COVID variants, and the unavailability of COVID vaccine for most of the public constitute a clear and present danger to the health, safety, and welfare of City residents, personnel, and persons doing business with the City; and

WHEREAS, In accordance with section 3a(1)(b) of the Michigan Open Meetings Act, and pursuant to federal, state, and county orders, directives, guidelines, and recommendations, the Mayor and City Commission, pursuant to Section 6.9 of the City Charter, have determined and declare a continuing Local State of Emergency due to COVID-19 and authorize the City Manager, or Mayor, in conjunction with City Staff and Police and Fire Services, to act in accordance with the City of Lapeer Emergency Preparedness Plan, to ensure that indoor gatherings are conducted safely and in accordance with applicable federal, state, and county orders, directives, guidelines, and recommendations relating to COVID-19.

THEREFORE, IT IS RESOLVED AND DECLARED by the Mayor and City Commission of the City of Lapeer, Lapeer County, Michigan, that there is a continuing Local State of Emergency in the City due to COVID-19, and that MDHHS orders the be implemented to ensure that local resources are to be used as needed and to the fullest extent possible to minimize the risk to personal health/safety of the public or members of the City Commission or City Staff.

IT IS FURTHER RESOLVED AND DECLARED THAT:

1. The City Commission authorizes the City Manager, or Mayor to take appropriate measures, in their discretion, to respond to or protect City residents, businesses, and personnel from the declared Local State of Emergency by adopting and enforcing all appropriate measures, including but not limited to:
  - A. Taking actions necessary to comply with federal, state, and county orders and directives that are binding on the City.
  - B. Limiting, cancelling, or postponing City meetings and functions to those required by law, or those deemed to fall within the safe gathering guidelines of MDHHS.
  - C. Cancelling, postponing, or establishing emergency rules for any public meeting of a City Commission, board, commission, or committee, and providing public notice and conducting City Commission, board, commission, and committee meetings electronically with remote attendance, in accordance with the Open Meetings Act, as amended.
2. This Declaration shall remain in effect until the earlier of April 19, 2021, at 11:59 p.m. or the City Commission determines the Local State of Emergency no longer exists and terminates this Declaration.

Resolution declared adopted this 15<sup>th</sup> day of March 2021.

ON A ROLL CALL VOTE:



Ayes: Cattane, Pattison, Stroh.  
Nays: Atwood, Osentoski.  
Absent: None.  
MOTION CARRIED 3-2.

### **UNFINISHED BUSINESS**

None.

### **DEPARTMENTAL COMMUNICATIONS**

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

### **PUBLIC COMMENTS**

Pete McCreedy, gave no address, stated the bioswales, parking lot and pavilion concept has some incredible potential; applauded the City for taking the lead on the move of the Farmer's Market, as the number one employer in Lapeer County is farming. This is impressive. Also, feels that Lapeer Days will be enhanced with the improvements to the new Farmer's Market area and the riverfront is a centerpiece of this community and to treat it properly, get access to it, and highlight it to others will be a real focal point of the community.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Thanked the Commission for approving the new event the Beaver Dash Bash; exciting to see the families get involved in recreation around the trails. Thanked Chief Frisch for all his hard work on the Social District. Kayak launch is being planned off N. Saginaw and there is a fund-raising effort through Patronicity to raise \$7,000 for the project.

Commissioner Osentoski: Go to [patroncity.com](http://patroncity.com) to search for Lapeer Landing and you can contribute to the fund which will be matched; will be great for the City; this is a big project so please spread the word. Thank you to Police Chief Frisch for all his hard work on the Social District and thank you to the Commission for approving the resolutions.

Commissioner Cattane: Happy Birthday to Commissioner Atwood; loves downtown Lapeer and wants things to be better; but let us not forget the things that have made us great. As the community changes he wants heavy involvement with of all sorts of points of view so the community can see and embrace the change. Mother received her second COVID-19 shot and soon she can go shopping. Virtual meetings, he would rather be safe than sorry; does not want to be involved in contributing to someone catching COVID-19.

Commissioner Stroh: Thank you to everyone for doing the great work; thanks to Pete McCreedy for speaking so eloquently about the riverfront and the proposed future for our City; the river is important and does become a showcase or center point of our community. Change is not easy for organizations when faced with it, yet we still have to make alternate changes for growth; but our community is growing, and we need to address the issues. Cultural arts are all over town; Stones Throw Theater and Gallery 194 have shows, stay safe and thank you so much for all the hard work everyone is doing.

Commissioner Pattison: Did not want to have to vote for virtual meetings, we are far more effective in person, however, we need to be safe. Vaccines are opening to everyone; the

faster we get vaccines in arms, the faster we get back to normal. Be safe, follow the guidelines.

City Manager Kerbyson: Spent several hours inside White Junior High this morning with MDEQ; have had many hazards removed from the building; MDEQ is requiring some more abatement of items in the building. Interesting that State collected \$30 million in Marihuana tax but distributed only \$10 million.

Mayor Marquardt: Excited and thank everyone who is involved in the trail system and looks forward to the Beaver Dash Bash; would be willing to help at the event that day. There are a lot of phone scams going around these days; she received documents via UPS and a moment later received a call stating she had received an illegal package. Please share the information to make others aware of the scam; thanked everyone for being here tonight.

**063 2021 03-15 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:30 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:30 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

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
APRIL 5, 2021**

A regular meeting of the Lapeer City Commission was held April 5, 2021 electronically via *Zoom* 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.

**064 2021 04-05 AGENDA APPROVAL**

Moved by Pattison. Seconded by Stroh.

Approve the Agenda for April 5, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**065 2021 04-05 MINUTES**

Moved by Cattane. Seconded by Pattison.

Approve the minutes of the Regular meeting held March 15, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Pete Kirley, Director of Lapeer County Veterans Affairs, 33-year retired Army Sergeant Major; veteran of Persian Gulf, Iran, and Afghanistan war. Been in this position for 19 months and wanted to take a few minutes to introduce himself. The office is located at 287 W. Nepessing Street and he looks forward to meeting everyone soon. Have a great year.

**066 2021 04-05 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for April 5, 2021 resulting in the following:

1. Special Event: Center for the Arts of Greater Lapeer, Inc. PIX Drive-In May 1, 2021.
2. Special Event: DDA Summer Car Cruise May – Sept 2021.
3. Special Event: DDA Ladies Night Out May 7, 2021.
4. Special Event: First Baptist Church Evening Service May 23, 2021.

5. Special Event: First Baptist Church Evening Service June 27, 2021.
6. Special Event: Chamber of Commerce Annual Fireworks July 4, 2021.
7. Special Event: Lapeer Optimist Nightmare on Nepessing October 9, 2021.
8. Downtown Outdoor Dining Area Right of Way Licenses.
9. 2021 Annual Spring Clean-Up.
10. MEDC Grant Geo-Technical Work (LDFA).

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARING**

None.

## **ADMINISTRATIVE REPORTS**

### **067 2021 04-05 BILL LISTING APPROVAL**

Moved by Pattison. Seconded by Atwood.

Approve the Bill Listing for March 11, 2021 through March 30, 2021 in the amount of \$679,556.33.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **068 2021 04-05 ORDINANCE AMENDMENT: CHAPTER 19 OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS**

Moved by Cattane. Seconded by Stroh.

Adopt the ordinance amendments to Chapter 19 (Offenses Against Public Peace, Safety and Morals) of the General Ordinances of the City of Lapeer.

## **CHAPTER 19 OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS**

### **SECTION 19-31 SOCIAL DISTRICT**

#### **19-31 Social District and Commons Area:**

- (A) Pursuant to the authority granted by Public Act 124 of 2020 the City of Lapeer Commission may designate by Resolution Social District and Commons Area, which shall be clearly marked with appropriate signage within the Social District.
- (B) This section is to be strictly construed as a limited exception to, and not in

conflict with, Sections 19.02H(2) of Chapter 19 Offenses Against Public Peace, Safety and Morals or Section 3-5D(10) of Chapter 3 Food and Health Section of the City of Lapeer Ordinances which generally prohibit the public consumption of, and possession of, open containers of alcoholic beverages within or upon any public street, sidewalk, alley, parking lot or property used for municipal purposes by the City of Lapeer and for purposes of Chapter 7 Zoning, Article XVII sections 7-17-01 thru 7-17.11 the Social District shall constitute the defined area required by the ordinance for the holder of a Social District Permit.

As used in this section:

- (C) Commons Area: means an area within a Social District clearly designated and clearly marked in accordance with the management and maintenance plan adopted by the City of Lapeer and which is shared by and contiguous to the premises of at least 2 Qualified Licensees the district shall constitute the “defined area” while the ordinance is in effect and the business is in compliance.
- (D) Qualified Licensee: means a retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises; and a manufacturer with either: a) an on-premises tasting room permit, b) an off-premises tasting room license, or c) a joint off-premises tasting room license.
- (E) Social District Permit: means an approved application by the City of Lapeer Commission and a permit issued by the Michigan Liquor Control Commission to a Qualified Licensee to operate within the Social District Commons Area in accordance with Michigan statute, this Chapter and the Historic Lapeer Social District Permit Rules and Regulations made part of any approved Social District Permit.
- (F) The creation of a Commons Area shall include the adoption of a management and maintenance plan, which may be amended as necessary, for the protection of the health and safety of the community and includes, but is not limited to, limitations on the dates and times of operation and defined locations for a Commons Area.
- (G) Except as provided by State law, a Qualified Licensee and holder of a Social District Permit issued by the Michigan Liquor Control Commission and with approval by the City of Lapeer Commission may sell alcoholic liquor for consumption within the confines of a Commons Area when all of the following requirements are met:
  - 1. The Qualified Licensee and holder of a Social District Permit has not had their Liquor License or Social District Permit suspended by the Michigan Liquor Control Commission.
  - 2. The Qualified Licensee and holder of the Social District Permit only

sells and serves alcoholic liquor on the holder's licensed premises;

3. The Qualified Licensee and holder of the Social District Permit only serves alcoholic liquor to be consumed in the Commons Area in a container to which all of the following apply:

- a. The container prominently displays the Qualified Licensee and Social Districts permit holders trade name or logo;
- b. Container shall also prominently display a special logo that is unique to the Social District as determined by the City.
- c. The container is not glass; and
- d. The container has a liquid capacity that does not exceed 16 ounces.

(H) A purchaser or person in possession of, may remove a container of alcoholic liquor sold by a Qualified Licensee and holder of a Social District Permit from the Social District Permittee's licensed premises to the Commons Area if all of the following conditions are met:

1. The purchaser or person in possession of an alcoholic liquor does not remove the container from the Commons Area;
2. While possessing the alcoholic liquor container, the purchaser or person in possession of, does not enter a Qualified Licensee and holder of a Social District permit premises other than the Qualified Licensee from which the alcoholic liquor container was purchased; and
3. The purchaser or person in possession of does not possess alcoholic liquor within a motor vehicle; and
4. The purchaser or person in possession of does not consume or possess alcoholic liquor in the traveled portion of an open for vehicular travel roadway.

(I) The consumption of alcoholic liquor from a container in a Commons Area as allowed under this section may only occur during the hours established by the Management and Maintenance Plan for the Commons Area.

(J) A purchaser or person in possession of alcoholic liquor violating the restrictions set forth in this section is guilty of municipal civil infraction punishable by a fine of up to \$100 and associated court costs.

(K) A Qualified Licensee and holder of a Social District Permit or their employee violating or allowing others to violate the restrictions set forth in this section is guilty of a municipal civil infraction punishable by a fine of up to \$100 and associated court costs and suspension of Social District Permit and a

violation notification to the Liquor Control Commission.

- (L) The City or Lapeer Commission reserves the ability to revoke or suspend the Social District designation if it determines that the activities within or existence of the Commons Area threaten the health, safety, or welfare of the public or have become a public nuisance or that a suspension and/or hours of operation modification is in the best interest of health, safety, or welfare of the public. Before revoking the designation, the City Council will hold at least 1 public hearing, the time and place thereof which shall be noticed as required by the Open Meetings Act, MCL15.261 *et seq.*, on the proposed revocation.
- (M) The City of Lapeer Commission reserves the ability to withdraw approval of an application by a Qualified Licensee submitted to the Michigan Liquor Control Commission.
- (N) The City Clerk is authorized and directed to file this ordinance and any resolutions setting forth the designation of the Social District and Commons Areas along with the management and maintenance plans adopted pursuant to ordinance with the Michigan Liquor Control Commission.
- (O) Severability: In the event that any one or more sections, provision, phrases or words of this chapter shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this chapter.
- (P) Effective Date: This amendatory ordinance shall be effective 10 days after adoption by the City Commission and after publication as provided by the Charter of the City of Lapeer.
- (Q) Termination: This section shall be inapplicable after December 31, 2024 without a resolution issued by the City of Lapeer Commission for continuance as outlined within State of Michigan Public Act 124 of 2020.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

RESOLUTION DECLARED ADOPTED.

**069 2021 04-05 ORDINANCE AMENDMENT: CHAPTER 68 MEDICAL MARIHUANA FACILITIES.**

Moved by Pattison. Seconded by Stroh.

Adopt the ordinance amendments to Chapter 68 Medical Marihuana Facilities.

**CHAPTER 68  
AN ORDINANCE TO AUTHORIZE AND REGULATE  
THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES**

§ 68-01 Purpose

- A. It is the intent of this Ordinance to authorize the establishment of certain types of medical marihuana facilities in the City of Lapeer and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this Ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Lapeer through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. *The City of Lapeer specifically incorporates the terms and provisions of the Michigan Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act herein as if set forth hereunder.*

68-04 C.(1)(a) is amended to include the following:

(1) Application.

- (a) File an application with the City Clerk's office upon a form provided by the City of Lapeer and submittal of the annual nonrefundable fee. *Such application shall include, in addition to all other items set forth in the application itself:*

- (i) *A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five (5) years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application. The applicant shall disclose all arrests, prosecutions and dispositions whether identified in the applicant or each stakeholder's ICHAT report or not. Failure to submit a complete criminal history report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.*

- (ii) *A complete disclosure of the applicant and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.*

ON A ROLL CALL VOTE:

Ayes: Cattane, Osentoski, Pattison, Stroh.



Nays: Atwood.  
Absent: None.  
MOTION CARRIED 4-1.

**070 2021 04-05 ORDINANCE AMENDMENT: CHAPETER 69 ADULT USE MARIHUANA BUSINESSES AND FACILITIES**

Moved by Stroh. Seconded by Cattane.

Adopt the ordinance amendments to Chapter 69 Adult Use Marihuana Businesses and Facilities.

**CHAPTER 69  
AN ORDINANCE TO AUTHORIZE AND REGULATE  
THE ESTABLISHMENT OF ADULT USE  
MARIHUANA BUSINESSES AND FACILITES**

**§ 69-02 Definitions**

(p) "Excess marihuana grower" means a license issued to a person holding 5 class C marihuana grower licenses or more and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

**§ 69-03 Licensing and Appeals**

<b><u>License Type</u></b>	<b><u>Number</u></b>
Marihuana Retailer (see below)	6
Marihuana Grower (Class A, B, and C, <del>only</del> )	Unlimited
<i>Marihuana Excess Grower</i>	<i>Unlimited</i>
Marihuana Processor	Unlimited
Marihuana Safety Compliance Facility	Unlimited
Marihuana Secure Transporter	Unlimited

**(2) No Other Licenses Authorized.**

Pursuant to section 6 of the MRTMA, MCL 333.27956, The City shall not authorize any licenses to operate ~~an excess marihuana grower~~, a marihuana microbusiness, designated consumption establishment, and further shall not authorize the issuance of a marihuana event organizer license or temporary marihuana event license in the City.

**§ 69-04 License Applications.**

(j) A criminal background report on the applicant's criminal history. Such reports shall be obtained by the applicant and, if applicable, each stakeholder through the Internet Criminal History Access Tool (ICHAT) for applicants or stakeholders residing in Michigan and/or through another state sponsored or authorized criminal history access source for applicants or stakeholders who reside in other states or have resided in other states within five (5) years prior to the date of the application. The applicant or stakeholder is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application. *The applicant shall disclose all arrests, prosecutions and dispositions whether identified in the applicant or each stakeholder's ICHAT report por not. Failure to submit a complete criminal history*

*report or supplemental report by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.*

*(q) A complete disclosure of the applicant and each stakeholder's litigation history, by case name, date, jurisdiction and nature or type of litigation. Failure to submit a complete litigation history by the applicant and the stakeholders will result in disqualification from licensure and removal of the applicant's application from the licensure application process.*

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

MOTION CARRIED 3-2.

**071 2021 04-05 MECHANICAL & PLUMBING CONTRACT**

Moved by Pattison. Seconded by Osentoski.

Approve the Mechanical & Plumbing Contract with Ken Nightlinger as substitute contractor and authorize the Mayor and City Manager to sign the required documents.

ON A ROLL CALL VOTE:

Ayes: Atwood, Osentoski, Pattison, Stroh.

Nays: Cattane.

Absent: None.

MOTION CARRIED 4-1.

**072 2021 04-05 CONSTRUCTION ENGINEERING SERVICES CONTRACT**

Moved by Stroh. Seconded by Pattison.

Approve the Construction Engineering Contract with Rowe Engineering for the rehabilitation of the Lapeer Community Center Parking Lot and authorize the City Manager to sign the required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**073 2021 04-05 DEMILLE BOULEVARD AND OAKDALE GROUNDS MAINTENANCE CONTRACT**

Moved by Pattison. Seconded by Osentoski.

Approve the SO\*MX Lawn & Snow Removal for the DeMille Boulevard and Oakdale Grounds Maintenance Contract for the seasons of 2021, 2022 and 2023 and authorize the Mayor and City Manager to sign required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**074 2021 04-05 MT. HOPE CEMETERY GROUNDS MAINTENANCE CONTRACT**

Moved by Stroh. Seconded by Cattane.

Approve the SO\*MX Lawn & Snow Removal for the Mt. Hope Cemetery Grounds Maintenance Contract for the seasons of 2021, 2022 and 2023 and authorize the Mayor and City Manager to sign required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**075 2021 04-05 MARIHUANA FACILITY ASSESSMENT 2021**

Moved by Cattane. Seconded by Stroh.

To keep the same number limit for medical marihuana facilities as it.

ON A ROLL CALL VOTE:

Ayes: Cattane, Osentoski, Pattison, Stroh.

Nays: Atwood.

Absent: None.

MOTION CARRIED 4-1.

**076 2021 04-05 MDOT LOCAL BRIDGE RESOLUTION - GENESEE STREET**

Moved by Pattison. Seconded by Cattane.

To adopt the resolution for MDOT Local Bridge Program for the Genesee Street Bridge.

**MUNICIPAL RESOLUTION FOR REPLACEMENT OF  
THE GENESEE STREET BRIDGE  
THROUGH THE MICHIGAN DEPARTMENT OF TRANSPORTATION  
LOCAL BRIDGE PROGRAM**

WHEREAS, the condition of the Genesee Street bridge has deteriorated to such an extent that replacement is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow for replacement of this bridge without additional funds from other sources;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Michigan Department of Transportation Local Bridge Program Funding for replacement of the Genesee Street Bridge for MDOT's including Fiscal Year 2021-2024.

This resolution adopted this 5<sup>th</sup> day of April 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Kerbyson commented there was a lot of work in this agenda so far. He also stated the MDOT Resolutions is the ninth grant application we have in the works now;

several positive balls in the air relating to grants. About to close our reimbursement for our expenses in the gas station leaks; property owners have paid up and have agreed to pay in full by Friday this week. Met with Postmaster to discuss the outstanding special assessment on the property; she has agreed to send that forward for payment; she was very receptive and excellent to work with. Also met with Lapeer Township last week; has been assisting with the sale of the Energy Steel factory space that has been vacated, Urgent Design, which is next door is considering buying the site.

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

City Attorney Nolan echoed City Manager Kerbyson's comments, behind the scenes he has the opportunity to interact with many of the departments over the course of the weeks between the meeting; remind you what an outstanding staff you have. The administrative staff, the Department of Public Works, who he has been working with recently, deserves a pat on the back. The Commission has a tremendous staff that does an outstanding job and he likes to give shout outs to each department when they deserve it. The Commission is doing an outstanding job; this was a huge agenda and you have moved through it rather quickly.

### **UNFINISHED BUSINESS**

#### **077 2021 04-05 RE-APPOINTMENT - CEMETERY BOARD**

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

To re-appoint Dana Jansen to the Cemetery Board for a term to expire April 1, 2026.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **078 2021 04-05 RE-APPOINTMENT - LAPEER HOUSING BOARD OF APPEALS**

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

To re-appoint James Mikus and Jennell RaCosta to the Lapeer Housing Board of Appeals for a term to expire May 1, 2024.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **DEPARTMENTAL COMMUNICATIONS**

The Housing Improvement Department Memorandum for 371 Turrill Ave. was received into the record.

### **PUBLIC COMMENTS**

None.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Osentoski: Thanked the City Manager and all City employees involved in getting the RRC Certification; good accolade for the City and should help us in the future.

Commissioner Cattane: COVID is not gone, wants it to be gone; please wear a mask, please get the shot when you can. Please be mindful of everyone around you. Glad it is warming up; glad to have fireworks this year; would love to have a plan for us to light up the sky and assist the Chamber in our City. We are in need to celebrate a victory and July 4 would be a good time to do so.

Commissioner Stroh: Gallery 194, Lapeer Art Association and Stones Throw Theater all have shows; has been asked to be a judge at the Congressional Festival of Arts with Representative Lisa McClain's office; pleased to be asked to do so; National Poetry month, so get your Haiku on.

Commissioner Pattison: Been out on the bike trails and the signs are going up and look good; look for them. Would like to request that we put the resolution continuing of the Local State of Emergency on the agenda for the next meeting. We need to reexam it again.

City Manager Kerbyson: Waste Management will be at White Junior High removing the hazardous materials for 2 days; removing some other items that are no longer allowed in landfills; after final asbestos abatement then we can move forward with demolition.

Mayor Marquardt: We have two Commissioners with birthdays this month, Commissioner Pattison's tomorrow and Commissioner Cattane's next week. Looking forward to seeing the bike trail signs.

**079 2021 04-05 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:12 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:12 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

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
APRIL 19, 2021**

A regular meeting of the Lapeer City Commission was held April 19, 2021 electronically via *Zoom* 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.

**080 2021 04-19 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for April 19, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**081 2021 04-19 MINUTES**

Moved by Pattison. Seconded by Cattane.

Approve the minutes of the Regular meeting held April 5, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Lapeer Chamber of Commerce, Executive Director Neda Payne provided an update about the Lapeer Days Festival and how things will be different this year to comply with COVID regulations.

Mark Labaza questioned whether or not the Boards or Commission meetings would continue in person or virtually.

**082 2021 04-19 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for April 19, 2021 resulting in the following:

1. Special Event: Lapeer Area Chamber of Commerce, Lapeer Days.
2. Special Event: Lapeer Area Chamber of Commerce, Hot Air Balloon Rides.
3. Special Event: Veterans Esteem Team Inc. - Memorial Day Parade.

4. Lapeer Art Association - Bench Warming Project.

5. Confirmation of City Clerk.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

## **PUBLIC HEARING**

None.

## **ADMINISTRATIVE REPORTS**

### **083 2021 04-19 BILL LISTING APPROVAL**

Moved by Cattane. Seconded Pattison.

Approve the Bill Listing for March 31, 2021 through April 14, 2021 in the amount of \$150,512.46.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **084 2021 04-19 AUDIT SERVICES RECOMMENDATION.**

Moved by Cattane. Seconded by Atwood.

Approve Rehman Robson LLC to provide audit services for the fiscal years of 2020/2021, 2021/2022 and 2022/2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **085 2021 04-19 RULES & PROCEDURES OF THE CITY COMMISSION REVIEW.**

Moved by Cattane. Seconded by Osentoski.

Approve adding the Bill Listing back to the Agenda as Item D beginning with the May 3, 2021 Agenda.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **086 2021 04-19 DRINKING WATER STATE REVOLVING FUND (SRF) PROJECT PLAN- DRINKING WATER SYSTEM IMPROVEMENTS – SET PUBLIC HEARING**

Moved by Stroh. Seconded by Atwood.

Set a Public Hearing for June 7, 2021 at 6:30 pm, or as soon thereafter as possible, for the purpose of receiving public comment on the Drinking Water System Improvements.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Osentoski Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

**087 2021 04-19 RESOLUTION DECLARING A CONTINUING LOCAL STATE OF EMERGENCY (COVID-19).**

Moved by Stroh. Seconded by Cattane.

Adopt the resolution declaring a continuing Local State of Emergency (COVID-19) until May 24, 2021.

2021-12

RESOLUTION

Declaring a Local State of Emergency (COVID-19)

WHEREAS, COVID-19, and the possible exposure to persons afflicted with it, constitute a clear and present danger to the health, safety, and welfare of City personnel and persons doing business with or residing in the City. Federal, state, and county orders, directives, guidelines, and recommendations, including from the Michigan Department of Health and Human Services (MDHHS) and the Center for Disease Control (CDC), have been issued in an effort to control the COVID-19 Coronavirus pandemic declared by the World Health Organization (WHO); and

WHEREAS, these federal, state, and county orders, directives, guidelines, and recommendations include closing and restricting business establishments; cancelling, postponing, and limiting the numbers at gatherings of people; postponing or limiting the number of persons required to physically attend public meetings; and calling for appropriate steps to be taken by local governments in an effort to control the spread of COVID-19; and

WHEREAS, these federal, state, and county orders, directives, guidelines, and recommendations have been changed or updated on a frequent basis, and further changes or updates are expected. Most recently, the Michigan Department of Health and Human Services issued an Emergency Order on March 5, 2021, which includes limiting the number of persons permitted to attend indoor gatherings and requiring the implementation of social distancing protocols and the wearing of face masks. The MDHHS Order directly impacts the City's ability to conduct indoor gatherings, including public meetings of City Officials, City Administration, City Staff and Employees and members of the general public due to space constraints; and

WHEREAS, COVID-19 and the possible exposure to persons afflicted with it, the emergence of dangerous new COVID variants, and the unavailability of COVID vaccine for most of the public constitute a clear and present danger to the health, safety, and welfare of City residents, personnel, and persons doing business with the City; and

WHEREAS, In accordance with section 3a(1)(b) of the Michigan Open Meetings Act, and pursuant to federal, state, and county orders, directives, guidelines, and recommendations, the Mayor and City Commission, pursuant to Section 6.9 of the City Charter, have determined and declare a continuing Local State of Emergency due to COVID-19 and authorize the City Manager, or Mayor, in conjunction with City Staff and Police and Fire Services, to act in accordance with the City of Lapeer Emergency Preparedness Plan, to ensure that indoor gatherings are conducted safely and in accordance with applicable federal, state, and county orders, directives, guidelines, and recommendations relating to COVID-19.



THEREFORE, IT IS RESOLVED AND DECLARED by the Mayor and City Commission of the City of Lapeer, Lapeer County, Michigan, that there is a continuing Local State of Emergency in the City due to COVID-19, and that MDHHS orders the be implemented to ensure that local resources are to be used as needed and to the fullest extent possible to minimize the risk to personal health/safety of the public or members of the City Commission or City Staff.

**IT IS FURTHER RESOLVED AND DECLARED THAT:**

1. The City Commission authorizes the City Manager, or Mayor to take appropriate measures, in their discretion, to respond to or protect City residents, businesses, and personnel from the declared Local State of Emergency by adopting and enforcing all appropriate measures, including but not limited to:
  - A. Taking actions necessary to comply with federal, state, and county orders and directives that are binding on the City.
  - B. Limiting, cancelling, or postponing City meetings and functions to those required by law, or those deemed to fall within the safe gathering guidelines of MDHHS.
  - C. Cancelling, postponing, or establishing emergency rules for any public meeting of a City Commission, board, commission, or committee, and providing public notice and conducting City Commission, board, commission, and committee meetings electronically with remote attendance, in accordance with the Open Meetings Act, as amended.
2. This Declaration shall remain in effect until the earlier of May 24, 2021, at 11:59 p.m. or the City Commission determines the Local State of Emergency no longer exists and terminates this Declaration.

Resolution declared adopted this 19<sup>th</sup> day of April 2021.

ON A ROLL CALL VOTE:

Ayes: Cattane, Osentoski, Pattison, Stroh.

Nays: Atwood.

Absent: None.

MOTION CARRIED 4-1.

**088 2021 04-19 MICHIGAN DEPARTMENT OF TREASURY AND STATE LAND BANK AUTHORITY - 2021 BLIGHT ELIMINATION GRANT.**

Moved by Pattison. Seconded by Stroh.

Approve Resolution 2021-13; 2021 Blight Elimination Grant.

Discussion was held regarding grant funding match and would there be any additional funding that could be obtained for this project. Mr. Kerbyson has looked into other funding with no luck of finding any other funds thus far.

Resolution 2021-13  
State of Michigan  
Department of Treasury and State Land Bank Authority  
2021 Blight Elimination Grant

WHEREAS, the City of Lapeer will submit an application for a State of Michigan Department of Treasury and the State Land Bank Authority (SLBA) 2021 Blight Elimination Grant; and

WHEREAS, the City of Lapeer has been informed that said grant application has a maximum award per proposal of \$200,000.00; and

WHEREAS, the City of Lapeer has targeted White Junior High to be demolished as an eligible project; and

WHEREAS, the total cost of demolition of White Junior High will exceed the grant award.

NOW THEREFORE BE IT RESOLVED, that the City Commission of the City of Lapeer agrees to cover the cost of the project that which exceeds the maximum grant amount.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**089 2021 04-19 BUDGET ADJUSTMENT FY20/21.**

Moved by Stroh. Seconded by Cattane.

Approve the Budget Adjustments FY20/21 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**090 2021 04-19 RESOLUTION TO APPROVE NORTH OREGON/MAIN STREET NEIGHBORHOOD GRANT PROGRAM APPLICATION**

Moved by Cattane. Seconded by Pattison.

Approve a Resolution for the Housing Department to submit an application to the Michigan State Housing Development Authority (MSHDA) for the Neighborhood Enhancement Program (NEP) grant in the amount of \$54,998.

Resolution 2021-14  
RESOLUTION TO APPROVE  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)  
NEIGHBORHOOD ENHANCEMENT PROGRAM (NEP)  
CITY OF LAPEER HOUSING IMPROVEMENT GRANT APPLICATION

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low-income residents; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to apply for \$54,998 through the Michigan State Housing Development Authority Neighborhood Enhancement Program (NEP) for City of Lapeer Housing Improvement Grant; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned grant application; and

WHEREAS, said City Commission authorizes the Mayor to sign the grant application form and related documents as required by MSHDA and allow the Director of Housing and Neighborhood

Development and Grant Administrator to sign related grant documents when allowed by MSHDA as required; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to submit the application for funding through the Michigan State Housing Development Authority's Neighborhood Enhancement Program for a City of Lapeer Housing Improvement Grant, authorizes the Mayor and Director of Housing and Neighborhood Development to sign grant related documents on behalf of the City of Lapeer.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

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

City Manager Kerbyson commented that City Attorney Nolan has a birthday this week. County Transportation Authority, County Road Commission, and the City were given a small grant for road work which will help complete the Oregon Street Project with \$27,000 from the Small Urban Task Force. Close to closing out the fuel spill at 9 W. Genesee Street, have received final payment from the property owner; we have a resolution with Great Lakes Water Authority (GLWA) on the 18 main breaks they caused in late 2020 which the City will recoup \$85,000 in settlement fees which includes 10% for administration fees. The White Junior High reclamation will start this Thursday and will continue for approximately six weeks with the demo of the building expected to begin in mid to late June. The contractor will have a parking lot sale for the community to purchase items that they may want from the school. It appears we may not have fireworks this year, as the Lapeer Chamber of Commerce may not have raised the funds. Mr. Kerbyson suggested the City may be able to cover the cost of the fireworks and it was the consensus of the Commission to do so. Commissioner Stroh would like to see a presentation from the Chamber showing the gap and what the City may need to cover if enough funds cannot be collected by the Chamber. Mr. Kerbyson was instructed by the Commission to meet with the Chamber to discuss the status of the Fireworks Special Event.

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

City Attorney Nolan thanked everyone for not singing happy birthday to him tonight and thanked everyone for their birthday comments.

### **UNFINISHED BUSINESS**

#### **091 2021 04-19 RE-APPOINTMENT - PARK BOARD**

Appointment by Mayor Marquardt. Moved by Osentoski. Seconded by Pattison.  
To re-appoint Tim Herbert to the Park Board for a term to expire April 1, 2024.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports, Investment Report 12-31-2020, Downtown Development Authority Monthly Report, and the Marihuana Licenses Update – April 2021 was received into the record as presented.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Indicated he has nothing new to report, however, hopes the COVID numbers go in the right direction.

Commissioner Stroh: Spent the weekend judging the art competition in Utica with Congresswoman McLain, event had 80 submissions, was great to be included; Gallery 194, Center for the Arts, and Stone's Throw Theatre have events going on for this upcoming week.

Commissioner Atwood: Encouraged the big box stores to keep up with their trash pick-up and receptacles; encouraged people to pick up trash if they see it and not just walk by. Litter is a pet peeve, and he wants to encourage people to help keep our community clean.

Commissioner Pattison: COVID numbers are not good; remember your 3 w's, wear your mask, wash your hands and watch your social distancing. We need to get the numbers down so we can enjoy future events such as the Fireworks Special Event.

City Manager Kerbyson: Indicated the Budget Workshop needs to be scheduled and would like to do it in person. It was the consensus of the Commission to have the Budget Workshop on May 10, 2021 at 5:30 pm with dinner being served.

Mayor Marquardt: Would like to see the COVID numbers go down, agrees with other Commission comments, thanked everyone for attending the meeting.

## **092 2021 04-19 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:15 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:15 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

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MAY 3, 2021**

A regular meeting of the Lapeer City Commission was held May 3, 2021 electronically via Zoom 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 (arrived at 6:39 pm).

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**093 2021 05-03 AGENDA APPROVAL**

Moved by Cattane. Seconded by Pattison.

Approve the Agenda for May 3, 2021.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

**094 2021 05-03 MINUTES**

Moved by Pattison. Seconded by Stroh.

Approve the minutes of the Regular meeting held April 19, 2021, as presented.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

**PUBLIC COMMENTS**

City Clerk Sanchez read a statement from Bob MacRae on behalf of the Lapeer Tennis Community Inc. regarding positive effects of playing tennis.

**095 2021 05-03 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for May 3, 2021 resulting in the following:

1. Special Event: Lapeer Tennis Community; Play Tennis Midwest Lapeer.
2. Downtown Development Authority Community Pavilion.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: Osentoski.

MOTION CARRIED.

Commissioner Osentoski arrived at 6:39 p.m.

**096 2021 05-03 BILL LISTING**

Moved by Pattison. Seconded by Cattane.

Approve the Bill Listing for May 3, 2021 in the amount of \$542,337.91.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

**097 2021 05-03 ARBOR DAY PROCLAMATION**

Moved by Pattison. Seconded by Atwood.

Adopt the Arbor Day Proclamation as presented.

**ARBOR DAY PROCLAMATION**

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal,

THEREFORE, BE IT RESOLVED that I, Deborah G. Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby declare April 30, 2021 as Arbor Day planting day in the City of Lapeer and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands and urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 3rd day of May 2021.

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

Nays: None.  
Absent: None.  
MOTION CARRIED.

## **PUBLIC HEARING**

None.

## **ADMINISTRATIVE REPORTS**

### **098 2021 05-03 ORDINANCE AMENDMENT: CHAPTER 59 BUSINESS REGISTRATION**

Commissioner Pattison introduced an Ordinance Amendment to Chapter 59 Business Registration.

#### Chapter 59 - Business Registration

##### § 59-1 Purpose.

The purpose of business registration in the City of Lapeer is to promote the general health, safety and welfare of the citizens by identifying business locations and operations within the City to enhance the efficient delivery of City services, including police, fire, water and wastewater services and to promote compliance with all planning, zoning, building, tax, and all related City ordinances and codes.

##### § 59-2 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meaning respectively ascribed to them except where the context clearly indicates a different meaning:

##### **BUSINESS**

Any trade, occupation, work, commerce, profession, and all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly on any premises in this City or anywhere else within its jurisdiction.

##### **PERSON**

Any individual, partnership, association, or corporation sharing in the profits of the business.

##### § 59-3 License; registration required.

- A. No person shall engage in a business without having first obtained a business registration from the City of Lapeer in the manner provided for in this chapter. Any person duly registered on the effective date of this chapter shall be deemed registered hereunder for the balance of the current registration year.
- B. It shall be the duty of every person or registered business to report any changes in the information furnished with the current registration within five business days of such change occurring.
- C. Multiple businesses. The granting of a business registration shall not relieve the person to whom such registration is granted from the necessity of securing individual licenses or permits for each individual business.

- D. State-licensed business. The granting of a business registration to any person or business by the state in the operation, conduct or carrying on of any trade, profession, business, or privilege shall not exempt such person from the necessity of securing a business registration from the City if such registration is required by this chapter.

§ 59-4 License year.

- A. The registration year shall begin *January 1* ~~July 1~~ of each year and shall terminate at midnight on *December 31* ~~June 30~~ of the following year. No registration will be issued until the required fees are paid.
- B. The registration fees for periods of *January 1 through August 31* ~~less than one year~~ shall be the same as a full registration year and *the registration fee for periods of September 1 through December 31 shall be one-half of full registration year* and the effective date of such registration shall commence with the date of issuance thereof.

§ 59-5 Registration application.

Unless otherwise provided in this chapter, every person or business required to obtain a registration from the City of Lapeer to engage in a business shall make application for such registration to the City Clerk, or designee, upon forms provided by the City Clerk, or designee, and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such registration.

§ 59-6 Registration; conditions of issuance.

- A. The issuing of a business registration from the City of Lapeer does not waive mandated licenses (i.e., state, health, building inspection, fire inspection, etc.).
- B. Acceptance by any person or business of a business registration under this chapter shall constitute permission to any officer of the City to enter upon and inspect the licensed premises at all reasonable times.

§ 59-7 Registration fees.

- A. The initial fee, renewal fee, and late fees for registration shall be set forth in the City of Lapeer Fee Schedule as approved by the City Commission.
- B. No registration shall be issued until the required fees are paid.
- C. All fees for the renewal of any business registration which are not paid at the time such fees are due shall incur late fees as outlined in the City of Lapeer Fee Schedule.
- D. *No rebate or refund shall be made of any license fee or part thereof by reason of the death of the licensee, nonuse of the license or discontinuance of the operation of the business.*

§ 59-8 Registration transferal.

No registration may be transferred from one business to another. A registration may be transferred for a change in location of a business within the City of Lapeer's jurisdiction. Each registration holder shall immediately notify the Clerk's office, or designee, of any change in location of a business, address, or any other change in the information provided in the registration application.



§ 59-9 Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500 and/or imprisonment for not more than 90 days, or both such fine and imprisonment, and any other relief that may be imposed by the court.

**099 2021 05-03 FY 2021-2022 BUDGET NOTICE: SET PUBLIC HEARING**

Moved by Stroh. Seconded by Pattison.

Approve setting a public hearing on May 17, 2021 at 6:30 p.m. or as soon thereafter as may be heard regarding the Fiscal Year 2021-2022 City of Lapeer Budget and the first year of the proposed 2021-2027 Capital Improvement Program.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Kerbyson commented that we received confirmation of a \$50,000. Consumer Energy Grant for the rain garden/bioswale program. Pleasure to remind you that tomorrow is Fire Chief Terry Kluge's 60<sup>th</sup> Birthday.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan wished Fire Chief Kluge a Happy 60<sup>th</sup> Birthday.

**UNFINISHED BUSINESS**

None.

**DEPARTMENTAL COMMUNICATIONS**

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Brought to everyone's attention that he failed to acknowledge Commissioner Stroh's birthday, April 24. Had his 2<sup>nd</sup> COVID shot the day before leaving for a weekend getaway with his wife. Please get your vaccination; happy birthday to both Commissioner Stroh and Fire Chief Kluge. Thank you to City administration for the giving of funds to the Chamber so we can ensure there will be fireworks for the 4<sup>th</sup> of July celebration in our town.

Commissioner Osentoski: Happy Birthday to Commissioner Stroh and Fire Chief Kluge; thank you to the City for getting the social districting signs up; looking forward to having the pedestrian crossing signs up in the area as well.

Commissioner Atwood: Happy Birthday to the fellas.

Commissioner Stroh: There is great art in the area; Lapeer Art Association is taking over Gallery 194; Stone's Throw Theater has a new gallery show; thanked the Commission and City for extending the approval and invitation of the bench warming project. Thank you for the birthday wishes; have a good evening.

Commissioner Pattison: Happy Birthday to Commissioner Stroh and Fire Chief Kluge; hope you enjoy(ed) it. Ask the Mayor to put the Local State of Emergency on the agenda for the next regular meeting; farmers market was fantastic, good location, lots of room; made a good move there. Everyone be safe, take care and get your shot when you can.

City Manager Kerbyson: Happy belated birthday to Commissioner Stroh and thank you to Commissioner Cattane for the compliment.

Mayor Marquardt: Wished Commissioner Stroh and Chief Kluge a happy birthday; thank you to City Manager Kerbyson and staff for getting the funds for the fireworks; its time to get out and get the community back together. Enjoyed the farmers market and did run out of money. Spoke to many of the vendors; they seemed very happy; preformed a wedding on Saturday morning. Hoping to see the signs for the pedestrian walks in the downtown area soon.

**100 2021 05-03 ADJOURNMENT**

Moved by Cattane.

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

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:55 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

**LAPEER CITY COMMISSION  
MINUTES OF A SPECIAL MEETING  
MAY 10, 2021**

A special meeting of the Lapeer City Commission was held May 10, 2021 in person at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:30 p.m.

**ROLL CALL**

Present: Commissioners: Atwood, Cattane, Osentoski, Pattison, Stroh.

Absent: Mayor Marquardt

City Manager: Dale Kerbyson, present.

Mayor Pro-Tem Pattison led the Pledge of Allegiance.

**101 2021 05-10 AGENDA APPROVAL**

Moved by Stroh. Seconded by Cattane.

Approve the Agenda for May 10, 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**102 2021 05-10 SET A PUBLIC HEARING FOR THE MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR PARK STREET RECONSTRUCTION AND UTILITY UPGRADES**

Moved by Cattane. Seconded by Osentoski.

Approve setting a public hearing on May 17, 2021 at 6:30 p.m. or as soon thereafter as may be heard regarding the Michigan Community Development Block Grant (CDBG) funding for Park Street reconstruction and utility upgrades.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**103 2021 05-10 ADJOURNMENT**

Moved by Atwood.

Adjourn the regular meeting at 5:33 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The special meeting adjourned at 5:33 p.m.

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Jeff Pattison, Mayor Pro-Tem

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Tracey. S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A WORKSHOP  
FISCAL YEAR 2021/2022 BUDGET REVIEW  
MAY 10, 2021**

A special workshop of the Lapeer City Commission was held May 10, 2021 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:33 p.m.

**ROLL CALL**

Present: Commissioners: Atwood, Cattane, Osentoski, Pattison, Stroh  
Absent: Mayor Marquardt.

City Manager: Dale Kerbyson, present.  
Directors Present: Church, Frisch, Graham, Kluge, Hanna, Kluge, Oliver, Soldenski.

Mayor Pro-Tem Pattison called the meeting to order at 5:33 p.m. and turned the meeting over to City Manager Dale Kerbyson.

**FISCAL YEAR 2021/2022 BUDGET REVIEW**

City Manager Dale Kerbyson reviewed the Fiscal Year 2021/2022 Budget booklet by department/line item in the booklet, indicating we are always very conservative and have been very consistent with at \$9 million dollar budget. There was a concern on why the Youth Council would receive a budget when they have not completed any projects in the past year. The Youth Council's budget line item is a renewal, they are not receiving additional funds, they have not spent any funds, mainly due to COVID, but will be looking at projects to completed with coming year. It was discussed to put the Youth Council Scholarship funds into the Youth Mini Grant.

It was the consensus of the Commission to take a break at 6:37 p.m., and return to the Workshop at 6:45 p.m.

City Manager Dale Kerbyson reviewed the CIP map with the major projects as following:

- Wastewater Treatment Plan Oxidation Ditch Rotor Gear Box Updates
- Signage
- Asphalt Repairs
- 55 KW Back Up Generator Lift Station
- N. Saginaw St & Oregon St. Improvement
- Center for the Arts Building Improvements
- Annrook Park Outdoor Synthetic Ice Rink
- Train Depot Maintenance
- Monroe St. Bridge Preventative Maintenance Project
- DPW Salt Storage Structure Replacement/Parking Lot Repair/Sign Replacement
- Community Center Parking Lot Replacement/Design/Construction Engineering & Survey
- Infrastructure & Continuing Initiatives (Rebranding, Residential Property Improvement Fund, Parks & Rec Master Plan Update, Sidewalk Repair & Maintenance, Scrub Seal w/Micro Seal Top-Coat Major Streets, Scrub Seal w/Micro Seal Top-Coat Local Street)

- Pedestrian Tunnel Ramp Land Acquisition
- Jackson Street – 12<sup>th</sup> Sanitary Main Repair
- Chatfield Mott Trailhead Improvements
- Genesee St. Pedestrian Trail Extension
- Public Safety Building (Building Ceiling Tile Replacement)

Commissioner Stroh would like City Manager Dale Kerbyson to obtain clarification on the \$81,000 for the Center for the Arts and wants the Center for the Arts to do a presentation on what they plan to utilize the \$81,000 for this year.

**PUBLIC COMMENTS**

None.

**Is was the consensus of the Commission to close the meeting at 7:36 p.m.**

The special meeting adjourned at 7:36 p.m.

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Jeff Pattison, Mayor Pro-Tem

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
MAY 17, 2021**

A regular meeting of the Lapeer City Commission was held May 17, 2021 electronically via *Zoom* 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.

**104 2021 05-17 AGENDA APPROVAL**

Moved by Pattison. Seconded by Atwood.

Approve the Agenda for May 17, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**105 2021 05-17 MINUTES**

Moved by Stroh. Seconded by Cattane.

Approve the minutes of the Regular meeting held May 3, 2021; Minutes of a Special meeting held on May 10, 2021; Minutes of a Workshop meeting held on May 10, 2021 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**106 2021 05-17 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for May 17, 2021 resulting in the following:

1. Special Event: Swingout – Lapeer Community Schools – June 3, 2021.
2. Special Event: Annual Summer Concert Series - Lapeer Downtown Development Authority – June 2 – August 12, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**107 2021 05-17 BILL LISTING**

Moved by Cattane. Seconded by Pattison.

Approve the Bill Listing for May 17, 2021 in the amount of \$234,670.22.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC HEARING**

**108 2021 05-17 FY 2021-22 BUDGET PUBLIC HEARING**

The FY 2021-22 Budget Public Hearing was opened at 6:35 p.m. Hearing no comments, the public hearing was closed at 6:36 p.m.

**109 2021 05-17 FY 2021-22 BUDGET RESOLUTION**

Moved by Pattison. Seconded by Atwood.

Approve the Resolution to Adopt the Budget of the City of Lapeer for the Fiscal Year 2021-2022 and make appropriations therefore, and the first year of the proposed 2021-2027 Capital Improvement Program.

RESOLUTION TO ADOPT THE BUDGET  
OF THE CITY OF LAPEER FOR THE FISCAL YEAR  
JULY 1, 2021 TO JUNE 30, 2022  
AND TO MAKE APPROPRIATIONS THEREFORE

WHEREAS, the City Charter requires: That the City Manager submit a budget proposal with his recommendation to the City Commission; that a public hearing be held on said budget proposal; that the City Commission by resolution adopt a budget for the ensuing fiscal year, making an appropriation of the money needed therefore, and designating the sum to be raised by taxation; and

WHEREAS, the Manager has submitted said budget and recommendations along with the proposed tax millage to be levied and a public hearing has been held thereon:

NOW, THEREFORE, BE IT RESOLVED as provided in the City Charter, and in conformity to Public Act 621 of 1978, the Uniform Budgeting and Accounting Act, that the budgets attached hereto and made a part hereof by reference are hereby considered and adopted, to be administered on fund level, as the budgets of the City of Lapeer to cover the operations and expenditures thereof for the fiscal year July 1, 2021 to June 30, 2022.

BE IT FURTHER RESOLVED that in addition to the levy of a City Income Tax in accordance with the State's Uniform City Income Tax Act, the sum of \$2,672,000 be raised by taxation from the levy of 9.8000 mills on the ad Valorum tax roll and 4.9000 mills on the IFT tax roll for operations on the assessed value of all real and personal property in the City as follows:



General Operation ..... 9.8000 mills ..... \$2,750,000  
General Operation ..... 4.9000 mills ..... \$ 35,000

BE IT FURTHER RESOLVED that the City Manager be authorized to transfer necessary amounts between activities (departments) within a fund and up to \$5,000 between funds.

BE IT FURTHER RESOLVED that a copy of this budget resolution be furnished to the City Assessor, who together with the City Treasurer, shall then proceed to assess and collect the taxes in accordance with the City Charter and State Statutes.

Commissioner Stroh stated that during the Budget Workshop he asked for additional information on the DDA/CFA line-item of \$81,000. City Manager Kerbyson stated he has arranged for the LCA Director to make a presentation and to have an accounting of where these funds are spent. Commissioner Stroh asked how the money was earmarked and asked if the City places any restrictions on the funds. City Manager Kerbyson stated there are no restrictions in place by the City on how the funds may be spent.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION ADOPTED.

**110 2021 05-17 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
APPLICATION PUBLIC HEARING**

The Community Development Block Grant (CDBG) Application Public Hearing was opened at 6:38 p.m. Hearing no comments, the public hearing was closed at 6:39 p.m.

**111 2021 05-17 RESOLUTION FOR COMMUNITY DEVELOPMENT BLOCK  
GRANT (CDBG) APPLICATION**

Moved by Pattison. Seconded by Osentoski.

Approve a Resolution for the Water-Related Infrastructure (WRI) Competitive Funding Round for CDBG funds to reconstruct Park Street and designates the City Manager as the Environmental Review Certifying Officer and authorized the City Manager to sign all the required documents.

MEDC – CDBG  
WATER RELATED INFRASTRUCTURE  
AUTHORIZING RESOLUTION – ATTACHMENT B

WHEREAS, the Michigan Strategic Fund has invited Units of General Local Government to apply for its Water-Related Infrastructure (WRI) Competitive Funding Round; and

WHEREAS, the City of Lapeer desires to request \$1,876,063 in CDBG funds to reconstruct Park Street and upgrade the water main, storm sewer and sanitary sewer from Calhoun Street to Saginaw Street; and

WHEREAS, the City of Lapeer commits local funds from its water fund, sewer fund, local streets fund and general fund in the amount of \$625,355; and

WHEREAS, the proposed project is consistent with the local Community Development Plan as described in the Application; and

WHEREAS, the proposed project will benefit all residents of the project area and 64.06 percent of the residents of the City of Lapeer are low and moderate income persons as determined by census data provided by the U.S. Department of Housing and Urban Development by the Michigan Economic Development Corporation; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/incurred and will not be obligated/incurred prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to obligate/incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City of Lapeer hereby designates the City Manager as the Environmental Review Certifying Officer, the person authorized to certify the Michigan CDBG Application, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

Dated this 17th day of May 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION ADOPTED.

#### **ADMINISTRATIVE REPORTS**

#### **112 2021 05-17 RESOLUTION DECLARING A CONTINUING LOCAL STATE OF EMERGENCY (COVID-19)**

Moved by Stroh. Seconded by Pattison.

Adopt the Resolution declaring a continuing Local State of Emergency (COVID-19) until June 30, 2021.

#### **A RESOLUTION**

#### **Declaring a Local State of Emergency (COVID-19)**

WHEREAS, COVID-19, and the possible exposure to persons afflicted with it, constitute a clear and present danger to the health, safety, and welfare of City personnel and persons doing business with or residing in the City. Federal, state, and county orders, directives, guidelines, and recommendations, including from the Michigan Department of Health and Human Services (MDHHS) and the Center for Disease Control (CDC), have been issued in an effort to control the COVID-19 Coronavirus pandemic declared by the World Health Organization (WHO); and

WHEREAS, these federal, state, and county orders, directives, guidelines, and recommendations include closing and restricting business establishments; cancelling, postponing, and limiting the numbers at gatherings of people; postponing or limiting the number of persons required to physically attend public meetings; and calling for appropriate steps to be taken by local governments in an effort to control the spread of COVID-19; and

WHEREAS, these federal, state, and county orders, directives, guidelines, and recommendations have been changed or updated on a frequent basis, and further changes or updates are expected. Most recently, the Michigan Department of Health and Human Services issued an Emergency Order on March 5, 2021, which includes limiting the number of persons permitted to attend indoor gatherings and requiring the implementation of social distancing protocols and the wearing of face masks. The MDHHS Order directly impacts the City's ability to conduct indoor gatherings, including public meetings of City Officials, City Administration, City Staff and Employees and members of the general public due to space constraints; and

WHEREAS, COVID-19 and the possible exposure to persons afflicted with it, the emergence of dangerous new COVID variants, and the unavailability of COVID vaccine for most of the public constitute a clear and present danger to the health, safety, and welfare of City residents, personnel, and persons doing business with the City; and

WHEREAS, In accordance with section 3a(1)(b) of the Michigan Open Meetings Act, and pursuant to federal, state, and county orders, directives, guidelines, and recommendations, the Mayor and City Commission, pursuant to Section 6.9 of the City Charter, have determined and declare a continuing Local State of Emergency due to COVID-19 and authorize the City Manager, or Mayor, in conjunction with City Staff and Police and Fire Services, to act in accordance with the City of Lapeer Emergency Preparedness Plan, to ensure that indoor gatherings are conducted safely and in accordance with applicable federal, state, and county orders, directives, guidelines, and recommendations relating to COVID-19.

THEREFORE, IT IS RESOLVED AND DECLARED by the Mayor and City Commission of the City of Lapeer, Lapeer County, Michigan, that there is a continuing Local State of Emergency in the City due to COVID-19, and that MDHHS orders the be implemented to ensure that local resources are to be used as needed and to the fullest extent possible to minimize the risk to personal health/safety of the public or members of the City Commission or City Staff.

IT IS FURTHER RESOLVED AND DECLARED THAT:

1. The City Commission authorizes the City Manager, or Mayor to take appropriate measures, in their discretion, to respond to or protect City residents, businesses, and personnel from the declared Local State of Emergency by adopting and enforcing all appropriate measures, including but not limited to:
  - A. Taking actions necessary to comply with federal, state, and county orders and directives that are binding on the City.
  - B. Limiting, cancelling, or postponing City meetings and functions to those required by law, or those deemed to fall within the safe gathering guidelines of MDHHS.
  - C. Cancelling, postponing, or establishing emergency rules for any public meeting of a City Commission, board, commission, or committee, and providing public notice and conducting City Commission, board, commission, and committee meetings

electronically with remote attendance, in accordance with the Open Meetings Act, as amended.

2. This Declaration shall remain in effect until the earlier of June 30, 2021, at 11:59 p.m. or the City Commission determines the Local State of Emergency no longer exists and terminates this Declaration.

Resolution declared adopted this 17<sup>th</sup> day of May 2021.

Commissioner Cattane asked if it is possible to add this item to the next agenda as we might not need to be keep the State of Emergency in place for that long as the direction of the CDC indicates we might be nearing the end of the tunnel. City Clerk Sanchez stated the Resolution allows to Commission to dismiss the State of Emergency at any time prior to June 30, 2021. Some of the restrictions have not been changed such as the number of people allowed in an indoor space, mandatory masks or not, vaccinated persons vs. non-vaccinated persons.

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

MOTION CARRIED 3-2. RESOLUTION ADOPTED.

**113 2021 05-17 AMENDMENTS TO CHAPTER 59 BUSINESS REGISTRATION**

Moved by Pattison. Seconded by Stroh.

Adopt the ordinance amendments to Chapter 59 Business Registration.

Chapter 59 - Business Registration

§ 59-1 Purpose.

The purpose of business registration in the City of Lapeer is to promote the general health, safety, and welfare of the citizens by identifying business locations and operations within the City to enhance the efficient delivery of City services, including police, fire, water and wastewater services and to promote compliance with all planning, zoning, building, tax, and all related City ordinances and codes.

§ 59-2 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meaning respectively ascribed to them except where the context clearly indicates a different meaning:

**BUSINESS**

Any trade, occupation, work, commerce, profession, and all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly on any premises in this City or anywhere else within its jurisdiction.

**PERSON**

Any individual, partnership, association, or corporation sharing in the profits of the business.

§ 59-3 License; registration required.

- A. No person shall engage in a business without having first obtained a business registration from the City of Lapeer in the manner provided for in this chapter. Any person duly registered on the effective date of this chapter shall be deemed registered hereunder for the balance of the current registration year.
- B. It shall be the duty of every person or registered business to report any changes in the information furnished with the current registration within five business days of such change occurring.
- C. Multiple businesses. The granting of a business registration shall not relieve the person to whom such registration is granted from the necessity of securing individual licenses or permits for each individual business.
- D. State-licensed business. The granting of a business registration to any person or business by the state in the operation, conduct or carrying on of any trade, profession, business, or privilege shall not exempt such person from the necessity of securing a business registration from the City if such registration is required by this chapter.

§ 59-4 License year.

- A. The registration year shall begin *January 1* ~~July 1~~ of each year and shall terminate at midnight on *December 31* ~~June 30~~ of the following year. No registration will be issued until the required fees are paid.
- B. The registration fees for periods of *January 1 through August 31* ~~less than one year~~ shall be the same as a full registration year and *the registration fee for periods of September 1 through December 31 shall be one-half of full registration year* and the effective date of such registration shall commence with the date of issuance thereof.

§ 59-5 Registration application.

Unless otherwise provided in this chapter, every person or business required to obtain a registration from the City of Lapeer to engage in a business shall make application for such registration to the City Clerk, or designee, upon forms provided by the City Clerk, or designee, and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such registration.

§ 59-6 Registration; conditions of issuance.

- A. The issuing of a business registration from the City of Lapeer does not waive mandated licenses (i.e., state, health, building inspection, fire inspection, etc.).
- B. Acceptance by any person or business of a business registration under this chapter shall constitute permission to any officer of the City to enter upon and inspect the licensed premises at all reasonable times.

§ 59-7 Registration fees.

- A. The initial fee, renewal fee, and late fees for registration shall be set forth in the City of Lapeer Fee Schedule as approved by the City Commission.
- B. No registration shall be issued until the required fees are paid.

- C. All fees for the renewal of any business registration which are not paid at the time such fees are due shall incur late fees as outlined in the City of Lapeer Fee Schedule.
- D. *No rebate or refund shall be made of any license fee or part thereof by reason of the death of the licensee, nonuse of the license or discontinuance of the operation of the business.*

§ 59-8 Registration transferal.

No registration may be transferred from one business to another. A registration may be transferred for a change in location of a business within the City of Lapeer's jurisdiction. Each registration holder shall immediately notify the Clerk's office, or designee, of any change in location of a business, address, or any other change in the information provided in the registration application.

§ 59-9 Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500 and/or imprisonment for not more than 90 days, or both such fine and imprisonment, and any other relief that may be imposed by the court.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 59 ADOPTED.

**114 2021 05-17 MEDC MCCORMICK ICE & LAPEER TEAM WORK  
FAÇADE GRANT MONITORING REQUIREMENTS**

Moved by Cattane. Seconded by Osentoski.

Approve the Fair Housing Policy.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**115 2021 05-17 CONTRACT FOR DESIGN ENGINEERING SERVICES FOR  
THE GENESEE ST. NON-MOTORIZED PATH**

Moved by Atwood. Seconded by Stroh.

Approve the contract for design engineering services with ROWE Professional Services Company for the Genesee St. Non-motorized Path and authorize the City Manager to sign all required documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**116 2021 05-17 4<sup>th</sup> of JULY FIREWORKS PERMIT**

Moved by Cattane. Seconded by Stroh.

Approve the fireworks display application and permit and authorize the Mayor or City Manager to sign the permit.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**117 2021 05-17 CITY OF LAPEER FEE SCHEDULE - FISCAL YEAR 2021/2022**

Moved by Osentoski. Seconded by Cattane.

Approve the City of Lapeer Fee Schedule to be effective July 1, 2021 as presented for Fiscal Year 2021/2022.

ON A ROLL CALL VOTE:

Commissioner Atwood suggested the increased business registration fee be put off until FY 2022/2023 given the circumstances and what businesses have gone through this past year. Would like a letter drafted to notify businesses as to why there is an increase; would like to see the drafted letter prior to it being sent out. City Manager Kerbyson stated the increase in fee would not take place until 2022 as the newly adopted amendments to Chapter 59 Business Registration will move the business registrations to a calendar year instead of a fiscal year. Therefore, all valid business registrations will have an additional six months at no additional fee before they expire on December 31, 2021. Mayor Marquardt also asked that the letter include the City does recognize that businesses have struggled during this pandemic.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**118 2021 05-17 GRANT PROPOSAL FOR A TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B GRANT**

Moved by Osentoski. Seconded by Atwood.

Approve a Grant Proposal for a Transportation Economic Development Fund Category B Grant and allow the City Manager to sign the documents and commit to fund the local contribution for said grant.

A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM FOR THE FOLLOWING IMPROVEMENTS:

*Remove and replace asphalt pavement, modify existing storm sewer system, and install curb and gutter on Second St. from Jackson St. to N. Main Street (see attached map).*

WHEREAS, the City of Lapeer is applying for \$200,800 in funding through MDOT from the Transportation Economic Development Category B Program to *Reconstruct Second St. from Jackson St. to N. Main St. (M-24)*.

WHEREAS, MDOT requires a formal commitment form the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized City Manager, Dale Kerbyson, to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least \$200,800 toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the City commits to owning, operating, funding, and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

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

City Manager Kerbyson commented that we were rushing to get an earmark in for a grant, which has been taken to the next level by Congresswoman McClain for the replacement of the Genesee Street Bridge for approximately \$2.5 million. We have an agreement with Lapeer Township regarding the annexation by choice area and revenue sharing; it is being drafted for the next meeting. This last month it appears our water bills were mailed, yet only a small percentage of them arrived in mailboxes. Several have arrived at homes this Saturday, however, we are aware that some water bills were delayed if you should hear any rumors.

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

City Attorney Nolan stated that when we can get back together in person, he will have a legal update for everyone; too many pitfalls with the virtual setting to attempt to have a confidential meeting over *Zoom*.

### **UNFINISHED BUSINESS**

#### **119 2021 05-17 APPOINTMENT - ZONING BOARD OF APPEALS**

Moved by Osentoski. Seconded by Cattane.

To appoint Dan Farrington to the Zoning Board of Appeal for a term to expire April 1, 2024.

Commissioner Atwood would like to see the Boards and Commissions Interest Indicator form updated to include questions that will provide a better idea of what the applicants have to offer the City for each board.



**ON A ROLL CALL VOTE:**

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

**DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Reports, Downtown Development Authority and the Quarterly Investment Reports Ending March 31, 2021 were received into the record.

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Hopes everyone is enjoying the nice weather; asked if there are resources for the elderly or veterans who may need to be checked up on. Would like to see a discussion happen about how we can let these folks know there are services available to them.

Commissioner Cattane: It is a beautiful day; his daughter has been vaccinated; his son wants to be vaccinated; he is very proud of his kids; kids are facing this with no fear. He is at Rowden Park now and feels that the beauty of our trail system and parks will attract more people to use them, there is a need for emergency call stations throughout.

Commissioner Osentoski: Car show is happening now; looks like the biggest one so far; farmers market is doing great in the new location and having a great turnout.

Commissioner Stroh: It is a great time in the City, a lot of activities are taking place; Friday Night Bikes is coming in June; Stones Throw Theater will have artist Ron Finch soon; shows are being held at Gallery 194, Center for Arts and the LAA as well; get out and explore our local art and enjoy the weather.

Commissioner Pattison: Looking forward to the 4<sup>th</sup> of July fireworks and thanks to the Commission and everyone who worked on it.

City Manager Kerbyson: Reached out to 11 different State Representatives today that represent Lapeer and the counties that surround us regarding legislation that came out late Friday; this legislation was introduced would remove local control on Airbnb type short term rentals and he conveyed our dislike of this concept.

Mayor Marquardt: Sorry to have missed the budget workshop as she had a death in the family; it is one of her favorite workshops; good job getting through the budget everyone. Please join her and Commissioner Atwood in planting the flowers around the City this Saturday; meeting at Roger's Pharmacy and ending with free pizza. Also, please join her for the Memorial Day Celebration, May 31, 2021 at Annrook Park at 11 am. Will be a very nice event.

**120 2021 05-17 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:15 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:15 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

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

A regular meeting of the Lapeer City Commission was held June 7, 2021, electronically via *Zoom* 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.

**121 2021 06-07 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for June 7, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**122 2021 06-07 MINUTES**

Moved by Stroh. Seconded by Osentoski.

Approve the minutes of the Regular meeting held May 17, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Rick VanHaften, Board President of Center for the Arts of Grater Lapeer, Inc. gave a presentation of the events, status, and financial reports for the organization including the PIX Theater and Gallery 194. They do have a full schedule beginning in the fall of 2021.

Commissioner Stroh requested that the Center for the Arts prepare a presentation prior to the budget workshop, so the Commission has a better understanding as to how the monies are being utilized and where the needs are, so the Commission can invest in the arts more wisely. He would like to have the report/presentation by April 30, annually; prior to the budget workshops that take place in May. Also, Ms. Lyons has done a good job keeping the doors open, keeping employees and keeping the arts aware.

Commissioner Atwood thanked the Center for the Arts Board and Ms. Lyons for the presentation and the graphs. Thanked Ms. Lyons for filling in for him during a school walk

downtown. 2019 and 2020 has been difficult to plan and then having to cancel. It has been a hard time for the arts and culture, people want to create; it is a form of stress reliever for people. Happy they were able to offer the virtual shows during such a difficult time. Doing a good job and keep up the good work. Arts and culture are important to the community. Thank you.

**123 2021 06-07 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for June 7, 2021, resulting in the following:

1. DDA Outdoor Dining Permit – J&N Cheers.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**124 2021 06-07 BILL LISTING**

Moved by Pattison. Seconded by Atwood.

Approve the Bill Listing for June 7, 2021, in the amount of \$309,537.36.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC HEARING**

**125 2021 06-07 DRINKING WATER REVOLVING FUND (DWRP) PUBLIC HEARING**

City Manager Dale Kerbyson introduced Don Scherzer, the owner of Spicer Group, Inc.

Don Scherzer, Spicer Group, we prepared your project plan, we will be brief on the public hearing. I would like to introduce Sam Szaroletta who is the Spicer Project Manager who actually prepared the plan.

Sam Szaroletta stated we will be respectful of everyone's time and keep this as brief as I can. This is the public hearing for the City of Lapeer's project plan and application to the Michigan Department of Environment, Great Lakes and Energy to the Drinking Water Revolving Fund. The public hearing is intended to be a forum for any public input and for any questions, comments, if anyone has some clarification, etc. The meeting minutes from this hearing is going to be included in the project plan submittal to EGLE that is due July 1<sup>st</sup>, and the affidavit of publication, advertisement and a list of all the attendees at the meeting today. The meeting minutes for the public portion should be verbatim and I provided a resolution to Romona that will need to be passed at the end of this hearing.

With that being said, just a brief description of the project, the proposed project includes watermain replacement on W. Genesee St. from Millville Rd. to Harrison St. watermain replacement along Harrison St. from W. Genesee St. to Liberty St. and then verification and identification of approximately 700 water services throughout the City with unknown materials of construction. The overall proposed project estimate of cost is \$9,408,000

and due to EGLE's determination the City is classified as disadvantaged which provides, basically, the City is qualified for Booker Funds, which the Booker Funds provide up to \$3 million of principal forgiveness for the construction related costs associated with replacing a lead and/or galvanized water service contingent on the Lead and Copper Rule of Michigan. Like I said, they're just strictly there for the construction costs only, all the other costs are going to be associated with a low interest loan through DWRF the State Revolving Fund, or funding from some other mechanism.

The just a brief project schedule. We are requesting funding for third quarter of 2022. So based on previous projects through the State of Michigan Revolving Fund, typically that means we submit our application by July 1<sup>st</sup> of this year, we hear back from the State on whether or not we are funded sometime either late September and/or October. This year there is quite a few applicants, so I would not be surprised if we didn't find out until some time in October. Then after we are, hear if we are funded or not, then assuming we are funded, we would start design in October through typically January. Then we would apply for any permitting that is associated with this project, and then when once approval from EGLE is given, we put the bid out sometime in March 2022 and then construction would be slated for some time probably in August. So, with that being said, I'd just like to open the floor up to Council and/or anyone from the public for questions and/or comments.

Commissioner Cattane if we are investigating lines into homes as well with this project. Mr. Szaroletta said that is correct. The Lead and Copper Rule has guidance that was issued very recently, probably within the last six weeks or so, and it is a three-part verification; three or four part verification. Basically, with this project we would need to verify at the curb stop, from the curb stop to the home, then from the curb stop to the street and then once inside the home as well. Then if needed, there is a fourth identification at the connection point to the watermain in the street.

Commissioner Cattane asked if the old historical rule of the line inside the house, or the line from the sidewalk to my house is my responsibility. Am I correct in this statement? Mr. Szaroletta stated typically from the curb stop or the road right-of-way to your home, yes. Commissioner Cattane asked if that still applied today, as with recent lead laws changing at the State level. Mr. Szaroletta said it is still yours, the line is still the homeowners, and part of the project plan briefly discusses this and essentially, there will be an agreement between the City and the homeowner that says, if you have a lead line the City will replace it, however, after construction is completed, and after the construction is closed out, the line is still the homeowner's responsibility from here on out.

Commissioner Cattane asked how long we think this project is going to take. Mr. Szaroletta stated construction of this nature, we would probably be looking at, between 18 months and 2 years. 18 to 24 months I would envision.

Commissioner Cattane asked Mr. Kerbyson if we are going to see lane closures, he would imagine. Mr. Kerbyson said no, actually the real time eater there is the number of individual lines we have to investigate. That will take the majority of the time and we estimate that if we work at that diligently, it will take a year to uncover those 700 lines, so then the actual construct would begin after that.

Mr. Kerbyson continued saying the plan would initially, that we would replace or pave 50% of Genesee, the north side, with waterline, is with this project. Mr. Szaroletta stated there would be a lane closure during that portion of the work; I would anticipate that taking 2-3 months for that particular portion. But, like Dale said the vast majority of time is going to be identification/verification of services, and then ya know and any corresponding replacement after that.

Commissioner Stroh stated he had two quick questions, Sam you had mentioned that the refund or the forgiveness program that would go toward this because of being an underserved community was up to \$3 million, however, some of our paperwork seems to allude to the fact that, it is \$3 million. Do we have a clarification or is that just sort of a ballpark? Mr. Szaroletta, stated it is up to \$3 million, so when I say up to, if you have \$3,000,001 worth of lead service replacement, then City would be responsible for \$1 of the construction costs. If you have \$2,999,999, the City will have \$1 left in the fund.

Commissioner Stroh stated of the \$9 million budget, you're saying the proposal or the grant that we are applying for, or the funding that we are applying for is for the \$3 million based on the cost analysis of this project, correct? Mr. Szaroletta stated the \$9 million, the overall project scope is \$9.4 million. With the principal forgiveness the overall loan that the City would have at the end of the project would be \$6.4 million. Commissioner Stroh continued stating that as we have just learned from Commissioner Cattane, from the curb to the residence, of course, it is the homeowner's responsibility, is this project going to cost the homeowner any funding or is the \$9 million covering the replacement of their cost or are they going to be asked to kick in from their side. Mr. Szaroletta stated individually no, there will be no individual costs to the homeowner outside of a blanket funding increase for the overall project. So, if the homeowner finds or we find that the homeowner has a lead service there's going to be no additional fees associated with that person's water line its just the cost of this project typically would be spread across the entire community on a per REU basis. Commissioner Stroh continued saying what is highlighted in what you're anticipating the increase in service to individual residences after the project is completed, is that correct? Mr. Szaroletta said yeah, it should just be a blanket, everyone is gonna get the same thing, no one's gonna have an additional cost if they have the lead service.

Commissioner Stroh asked City Manager Kerbyson if we have plan or have had any discussion with regards to hardship. People who might have a difficult time, because it is a relatively; 11% increase. Don Scherzer stated no residents with a lead service will pay anything, it's part of the project those services that are lead will be replaced and that is part of the \$3 million of loan forgiveness is the construction cost to replace those lead services from the watermain all the way into the home. So, the resident pays nothing. Commissioner Stroh stated he understands that. City Manager Kerbyson continued stated to follow up, I think where you were going with your question is if we incurred, let's say the maximum loan balance of \$6.4 million we would take out a 30- or 40-year loan to pay that back with the fund at their approved low interest rate. We do not anticipate it coming any where near that number but because this is a grant funded large project, we're casting the net as wide as we can, that's, you recall this was originally going to be a \$5.4 million project but the cost of the new excavation requirements for the services and some of the other aspects have really driven up the cost. We do not anticipate going forward with a project that is nearly that expensive. So, we have some money in the bank

and Kelly and I were talking about it just today that we would take out a long-term bond to pay it back and that would be covered in water rates so the impact would be minimally felt across the City.

Commissioner Stroh stated that his question is connected to area or category G, User Costs, the existing number of REU's on the system is 4,000. These REU's are derived from the number of taps that are installed throughout the system. After the proposed project has been installed, user rates are anticipated to increase between \$8.07 and \$11.84 per quarter per REU. Can you explain a, for a layman like myself what REU is, there is a lot of acronyms being thrown around? City Manager Kerbyson answered that REU is Residential Equivalent Unit. So, it is a measuring stick by which we consider flow in a home or in a factory, so the cost is spread over the amount of water used. So, the larger user pays a little more than the smaller user individual homes. In this case, let's say your water bill \$23. a month, if it were to go up 11%, we are talking \$2.30, but again that is the worst-case scenario. Commissioner Stroh stated he wanted to make sure he was understanding it clearly. Even though we've got the funding in order and we're securing the funding for the project that our residents and/or homeowners might see an increase on the resident usage. Thank you.

Commissioner Atwood asked if you are seeing any inflation on the materials that might be used in 2022. Mr. Szaroletta said yes, we have been seeing inflation, there's has been a number of materials going up such as steel, cost of iron, as well as plastic. Basically, COVID has been increasing the costs, as well there has been some sever storms down in Texas earlier this year, which had an impact on the resin they make the PVC pipe from. By the time that this project is constructed I really don't know what that is going to do; if they are gonna go back down to normal or what. It's just a very weird time in construction, that's for sure. Commissioner Atwood also stated some of his other questions were already answered early on, thank you.

Commissioner Stroh stated sorry to ask more questions, but I'm famous for it, so, the reality is of prices going down after COVID and supply and demand is gonna be probably slow moving at best; we're looking at a year out are we going to be able to contract this at this rate with a guarantee, given the scope and size of this so we can lock in pricing? Or is this something we could anticipate being double if supply and demand continue to rise as we have been seeing in construction costs. Mr. Szaroletta stated when we put together these estimates we are typically conservative. While materials are going up, we try and budget that, because typically for the time that an estimate is developed to construction can be any where between one and sometimes two years. We do have a little bit of play in that, typically we don't see huge jumps in cost, definitely don't think it would double, but I believe the \$9.4 million would be a very reasonable number for the overall project cost.

Commissioner Pattison stated regardless of cost, this is a project that has to be done. We need to replace the lead lines, we need to replace the watermain, it's important to the City. It needs to be done, we put it off we risk more important things where increased costs, we need to get this done. Mr. Szaroletta stated the Lead and Copper Rule is basically, the City needs to have the complete DSMI, Distribution System Material Inventory, basically its an overall break down of all your materials used in the distribution system from the main to the home that needs to be completed by January 1, 2025. That

is strictly an inventory, but with Booker Funds and the principal forgiveness that really is a lucrative program to pursue. That is the driving force here between this project and the Lead and Copper Rule.

Commissioner Atwood thanked them for the information and answering all the questions, it was pretty straight forward, he appreciates it. Mr. Szaroletta stated he appreciated working on the project for the City.

The Drinking Water Revolving Fund (DWRf) public hearing was opened at 7:14 p.m. Hearing no comments, the public hearing was closed at 7:15 p.m.

**126 2021 06-07 DRINKING WATER REVOLVING FUND (DWRf)**

Moved by Cattane. Seconded by Pattison.

Adopt the resolution for final project plan for water system improvements and designating the City Manager as authorized project representative.

**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/or 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 City Manager, a position currently held by Dale Kerbyson, is designated as the authorized representative 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.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION ADOPTED.



## **ADMINISTRATIVE REPORTS**

### **127 2021 06-07 BUDGET AMENDMENTS – FY 2020-2021**

Moved by Pattison. Seconded by Atwood.

Approve the budget amendments for the FY 2020-2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **128 2021 06-07 DELINQUENT SPECIAL ASSESSMENTS**

Moved by Pattison. Seconded by Stroh.

To approve adding Special Assessment District 2017-01; 2017-02 and 2011 10-03 Delinquent Special Assessment installments as of May 20, 2021, to the 2021 Summer Tax Roll as authorized by the City Charter.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **129 2021 06-07 GREAT LAKES WATER AUTHORITY – SETTLEMENT AGREEMENT**

Moved by Stroh. Seconded by Cattane.

Adopt the resolution approving the settlement agreement with Great Lakes Water Authority and authorize the Mayor and City Manager to sign the necessary documentation.

Commissioner Atwood thanked Great Lakes Water Authority for the agreement after what happened, it is appreciated.

City Manager Kerbyson indicated this agreement shows what a great partnership we have with Great Lakes Water Authority.

Mayor Marquardt thanked City Manager Kerbyson for negotiating this agreement.

### **A RESOLUTION APPROVING THE SETTLEMENT AND RELEASE AGREEMENT BETWEEN CITY OF LAPEER AND GREAT LAKES WATER AUTHORITY (Settlement Amount: \$84,295.68)**

**WHEREAS**, the City of Lapeer ("City") is a home rule municipality established and existing in accordance with the Constitution and laws of the State of Michigan; and

**WHEREAS**, the City has reached terms on the settlement of a certain claim made by the City against Great Lakes Water Authority for damages sustained by the City as a result of water main breaks that occurred or repairs necessitated as a result for the calendar year 2020, only; and

**WHEREAS**, the Great Lakes Water Authority has provided a Settlement and Release Agreement ("Release") to the City, releasing his claims against the Great Lakes Water Authority. A copy of the Release is attached to this Resolution as **Exhibit 1**; and

**WHEREAS**, the Commissioners of the City find that it is in the City's best interests that the Settlement and Release Agreement be approved and that the City accept the Great Lakes Water Authority's offer of payment to the City in the amount of \$84,295.68.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, AS FOLLOWS:**

**SECTION 1:** The Board of Commissioners of the City of Lapeer approve and authorize the execution of the Settlement and Release Agreement, a copy of which is attached hereto as **Exhibit 1**. Further, the Board of Commissioners authorize and direct the Mayor and City Manager to execute the Settlement and Release Agreement, and to execute and deliver all other documents that are necessary to fulfill the City's obligations under the Settlement and Release Agreement.

**SECTION 2:** The Board of Commissioners of the City of Lapeer authorize the receipt of settlement in the amount of Eighty-Four Thousand Two Hundred Ninety-Five and 68/100 Dollars (\$84,295.68) as the total amount to be paid to the City by the Great Lakes Water Authority as provided for in the Release as a result of water main breaks that occurred or repairs necessitated as a result for the calendar year 2020, only.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION ADOPTED.

**130 2021 06-07 LAPEER TOWNSHIP – SETTLEMENT AGREEMENT**

Moved by Pattison. Seconded by Osentoski.

Approve the settlement agreement between Lapeer Township and the City of Lapeer for Annexation by Choice parcels for shared property tax revenue and authorize the Mayor and the City Manager to sign the necessary documentation.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**131 2021 06-07 BOUNDARY TRANSFER REQUEST - RUSS ARNOLD**

Moved by Cattane. Seconded by Stroh.

Adopt the resolution to approve Boundary Transfer Request for Russ Arnold, for a boundary transfer request for 23 W. Genesee (L21-23-704-040-00) & 39 W. Genesee (L21-23-700-040-00).

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**132 2021 06-07 DOWNTOWN DEVELOPMENT AUTHORITY FY2021-2022**

**OPERATING BUDGET**

Moved by Stroh. Seconded by Osentoski.

Approve the Downtown Development Authority's FY2021-2022 Operating Budget.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**133 2021 06-07 MICHIGAN STATE HOUSING DEVELOPMENT**

**AUTHORITY (MSHDA) EMERGENCY HOUSING VOUCHERS**

Moved by Stroh. Seconded by Cattane.

Adopt the resolution to approve Michigan State Housing Development Authority (MSHDA) Emergency Housing Voucher Program for Emergency Housing Voucher Administration 2021 and allow the Director of Housing Neighborhood Development to sign the necessary documents.

**RESOLUTION TO APPROVE  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)  
DIVISION OF RENTAL ASSISTANCE AND HOMELESS SOLUTIONS  
EMERGENCY HOUSING VOUCHER PROGRAM  
PROPOSAL FOR EMERGENCY HOUSING VOUCHER ADMINISTRATION 2021**

WHEREAS, the City of Lapeer has established a goal to reduce homelessness, and the Department of Housing and Urban Development's (HUD) Emergency Housing Voucher (EHV) program will help reach that goal locally; and

WHEREAS, the City of Lapeer's Housing Improvement Department (HID) currently administers Housing Choice Voucher and Veteran's Administration Supportive Housing (VASH) Voucher programs for Lapeer, Tuscola and Huron Counties via contract with the Michigan State Housing Development Authority (MSHDA) and receives administrative funds to support the expenditures; and

WHEREAS, MSHDA has allocated EHV's to the City of Lapeer for Lapeer, Tuscola and Huron Counties; and requires signature of a Memorandum of Understanding between MSHDA, the Thumb Planning Body, a local Service Provider and the City of Lapeer to define goals, roles, homeless population served, and eligible services; and will provide amendments to the 2021 HCV Administration contract for the program requirements and additional administrative fees as well as lease-up incentive fees for the City of Lapeer to properly administer the vouchers; and

WHEREAS, the HID may need to modify the existing fiscal year budget to accommodate for additional revenues and expenses for the program as well as modify MSHDA contract staff 2021 contracts to allow for additional lease up incentive and voucher issuance bonuses; and

WHEREAS, said City Commission authorizes the Director of Housing and Neighborhood Development to sign the related EHV contractual documents including the MSHDA 2021 HCV Administrative contract amendments, HID MSHDA staff 2021 contract amendments for additional bonuses, and the MSHDA EHV Memorandum of Understanding; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department's Director of Housing and Neighborhood Development signature authority to amend both the 2021 HCV Administration contract with the Michigan State Housing Development Authority's (MSHDA) Rental Assistance and Homeless Solutions Division and the HID MSHDA staff 2021 contracts to accommodate for the EHV program and incentives; as well as signature authority for a local Memorandum of Understanding relating to the expectations of the EHV program on or after June 7, 2021 with potential fiscal year budget amendments for additional EHV program revenues and expenses in efforts to reach the goal of reducing homelessness.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED

**134 2021 06-07 2021-2022 SOLID WASTE LICENSES**

Moved by Cattane. Seconded by Pattison.

Approve the Solid Waste Licenses for 2021-2022 for Republic Services, Rick Rhein Disposal, GFL Environmental USA, Inc., and Deerfield Disposal.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Kerbyson commented the salvage company at White Jr. High is planning on having a sidewalk/parking lot sale this weekend. They should be done early next week and vacating the building. Next the asbestos abatement team comes in and completes that phase in about 3-5 days, and then we will schedule the demolition.

Commissioner Cattane asked about the graffiti wall, can it be digitally mapped. City Manager Kerbyson indicated that we are waiting to clear the area to see if anything can be done.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan stated he wanted to sing praises of Kelly Hanna, Director of Financial Services; they were in court this morning and since the reports were so diligently prepared the judge had no issue or questions and granted our motion. You have a star working for you and that makes his job easy.

## **UNFINISHED BUSINESS**

### **135 2021 06-07 APPOINTMENT – BOARD OF REVIEW**

Moved by Pattison. Seconded by Cattane.

To appoint Marguerite Pope as Alternate to the Board of Review for a term to expire January 1, 2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Medical Marihuana Licenses Update for May 2021 was received into the record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Atwood: Had a rollercoaster week last week; Lapeer Schools Swing Out, getting back to normal; Friday Night Bikes was successful and the fire on Saturday morning was heartbreaking. Very thankful for the City staff and firefighters. First time observing something like that in person; being there for the residents and speaking to property owners. Mayor and Commissioners were at the site helping where they could. Fire Chief came back from his vacation, which says a lot about his character. Thanks to the community, businesses and residents who were bringing coolers and ice, bigger businesses were donating food and water. Fortunate there was no loss of life; very proud of the community and City staff; thank you to the other fire departments from other cities who came to help. Very impressive team effort was shown during this tragedy.

Commissioner Cattane: What a wonderful Thursday and Friday in town; Bike Night was a wonderful time with the Social District; the restaurants were hoping; retail was getting traffic; it was peaceful and wonderful. Saturday stunk! Went down to help and the City Manager had breakfast sandwiches for everyone; helped pass them out. It is a moment of tragedy yet to see the camaraderie and the beauty that can come from a tragedy. Bless the fire department and all the other fire departments for the assist and then in Oregon Township a few hours later. Hope to not have a weekend like that again. To the business owners and residents of those buildings affected by the fire, please know that better days are ahead.

Commissioner Osentoski: Ditto to what the two fellow commissioners have said, thank you to Chief Kluge and the entire fire department. City Manager Kerbyson and all the city staff involved in containing that fire; could have been bigger and could have been worse. Hopes the businesses will be able to rebuild. It was a great show of community support with all the businesses and community. Bike Night was incredible; never seen so many people downtown; it was calm, and everyone had a great time. Good report by Rick VanHaaften; good information and it is important to have the PIX and Gallery 194 in the downtown; looking forward to seeing the theater up and running in the future.

Commissioner Stroh: A tremendous weekend; great to see the Swing Out ceremony and see the traditions coming back. Bike Night, what a new and exciting event, the large number of people and no incidents was amazing. Saturday morning was another moment in history. Very concerned about the people who lived in the apartments and the families who have been displaced, this is a devastation crisis, and we need to make sure we are not forgetting that. The community will need to champion these families for a while and not forget those families. Ask that the Mayor and City Manager extend thank you to the various other communities that provided fire support formally and thank them for coming to our aid.

Commissioner Pattison: What he has learned about Lapeer, is that the worst brings out the best in this community and we saw it this weekend. Fantastic job by the Fire Department and the Police Department; as Commissioner Stroh said, we need to formally thank the other departments; put a resolution together and ask Chief Kluge that we extend our sincere hope that we never have to assist them in this situation.

City Manager Kerbyson: Chief Kluge came back from vacation rushing back from Ohio; Mr. Oliver came in from leave and was there all day; by Monday morning the streets had been swept; remaining buildings had been inspected; City staff did a great job taking care of their duties. This is a great reminder on why fire suppression is so important. We will definitely draft a letter to be sent; all the other fire departments have been publicly thanked; we can do a resolution. Just sent out the COVID report; seven new cases and no deaths.

Mayor Marquardt: Wants to thank our Fire Department and all our City departments that were involved. Wants to thank all the other fire departments that came in to assist; would appreciate writing a letter. Has a contact with Red Cross; she will be able to assist a woman and her 1-month-old baby; she has a lot of stuff for the baby. Spoke to owner of New to You Consignment and she has been contacted by 4 or 5 people looking for help with household goods; other non-profits will be assisting families as well. Asked how soon the new apartment complex on Baldwin Road will be ready; maybe some of the displaced can go there. Some of the businesses will come together to gather funds and goods for the displaced residents. Great report from the Center or the Arts and looking forward to the shows being open soon. Bike Night was a wonderful event for the downtown and the businesses; did have some noise complaints. The stores were open; vendors on the streets; brings business into town which extends beyond the downtown.

**136 2021 06-07 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:53 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:53 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

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JUNE 21, 2021**

A regular meeting of the Lapeer City Commission was held June 21, 2021, electronically via *Zoom* 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 Pro-Tem Pattison led the Pledge of Allegiance.

**137 2021 06-21 AGENDA APPROVAL**

Moved by Cattane. Seconded by Pattison.

Approve the Agenda for June 21, 2021.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**138 2021 06-21 MINUTES**

Moved by Stroh. Seconded by Osentoski.

Approve the minutes of the Regular meeting held June 7, 2021, as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**139 2021 06-21 CONSENT AGENDA**

Moved by Osentoski. Seconded by Stroh.

Approve the Consent Agenda for June 21, 2021, resulting in the following:

1. 2021-22 Budget for the Brownfield Redevelopment Authority, the Tax Increment Finance Authority's 1, 2, and 3, the Tax Increment Finance Authority Trust, and the Economic Development Corporation and revised 2020-21 Budgets.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.



**140 2021 06-21 BILL LISTING**

Moved by Cattane. Seconded by Atwood.

Approve the Bill Listing for June 21, 2021, in the amount of \$362,397.80.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

**141 2021 06-21 LAPEER OPTIMIST BEER TENT RESOLUTION**

Moved by Stroh. Seconded by Cattane.

Approve the resolution to authorize the Lapeer Optimist Club to use the City sidewalks and Cedar Street north of Nepessing Street for their beer tent on Friday, August 20, 2021, through Sunday, August 22, 2021.

Commissioner Stroh asked why this was in the form of a resolution as opposed to a special event. City Clerk Sanchez stated the Lapeer Optimist Club is required to apply to the State of Michigan, which requires a resolution from the governing body to be submitted with their application.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

**ADMINISTRATIVE REPORTS**

**142 2021 06-21 TEXT AMEMDMENT – ANIMAL CREMATORIUM**

Commissioner Cattane introduced an Ordinance Amendment to Secs. 7-08.02, 7-16.02, 7-13.04 and 7-24.03 to clearly state use requirements for an animal crematorium.

**143 2021 06-21 RE-ZONING – 35 S. COURT ST., 130 HOWARD ST. & VACANT PARCEL #L21-24-700-040-00**

Commissioner Stroh introduced an Ordinance Amendment to rezone the properties known as 35 S. Court St., 130 Howard St. and vacant parcel L#21-24-700-040-00 from B-2 General Business to I-1 Industrial.

**CITY MANAGER'S REPORT**

**144 2021 06-21 ASBESTOS ABATEMENT CONTRACT – WHITE JR. HIGH**

Moved by Cattane. Seconded by Osentoski.

Approve low bid from BBK Environmental to remove the asbestos remaining in White Jr. High as surveyed by certified environmental audit company for \$43,762. and authorize the City Manager to sign the appropriate documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**145 2021 06-21 DEMOLITION – WHITE JR. HIGH SCHOOL**

Moved by Pattison. Seconded by Stroh.

Approve the agreement with Adamo Group to demolish the abandoned, abated, and salvaged White Junior High School and authorize the City Manager to sign the appropriate documents.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER’S REPORT**

City Manager Kerbyson commented we had an unsuccessful attempt to purchase the land to complete the pedestrian tunnel under M-24; has asked the City Attorney to begin the condemnation process on that slightly less than half acre of land. It has been disappointing and frustrating. Mayor Marquardt asked how long the condemnation process will take. City Attorney Nolan stated it would go on the general docket and we are looking at months as opposed to weeks.

City Manager Kerbyson further stated from the beginning we have been negotiating with the property owners, in the background it has been possible that we might have to take it to the worst-case scenario being condemnation to acquire the land; to promote the public good; open public access to the tunnel. The owners have known this all along. An offer to purchase was submitted to the owners, who flatly rejected and demanded a significantly higher price than either of the two appraisals; we knew it was beyond our ability to negotiate a settlement. In this case the court will look for an appropriate value and that is what the City will pay.

Commissioner Cattane asked if we are locked into a deal after the judge’s decision and stated he feels the two appraisals are way too high. City Manager Kerbyson agreed regarding the appraisal price and stated when the City was going to use the State Grant fund, the State insisted on the second appraiser, whom they believe to be the very best. That appraisal was on the full 1.66 acres, where we only need half an acre at the most.

Commissioner Stroh asked what amount the sellers were asking for the property and what the appraisal amount were. City Manager Kerbyson stated the first appraisal for the half acre was between \$75,000 and \$80,000; the family wanted to give us an additional acre, so the State required a second appraisal to include that value which came back at \$184,000. The property owners asking price was \$289,000 and much higher prices before that.

City Manager Kerbyson stated he received an email from Davison Monument Company; they have been unable to develop a design for our rebranding; but will be handing us off to another company for the rebranding of the various markers.

Lastly, he was asked to notify the Commission the ballot initiative to completely prohibit recreational marijuana establishments has been submitted to the Lapeer County Clerks office and should appear on the November 2, 2021, General Election ballot.

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

City Attorney Nolan stated he has been working with City Manager Kerbyson on the demolition contract for White Jr. High and the asbestos abatement contracts; general business with the City and we are keeping on top of everything. Courts are reopening, with different levels and fast reaching the highest level; cases are being processed and business is being done; soon will be back to normal.

### **UNFINISHED BUSINESS**

#### **146 2021 06-07 REAPPOINTMENT – YOUTH COUNCIL**

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

To appoint Joshua Atwood to the Youth Council for a one-year term to expire July 1, 2022.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **DEPARTMENTAL COMMUNICATIONS**

The monthly Departmental Reports, Downtown Development Authority Monthly Report, and the 2020 Consumers Confidence Report.

### **PUBLIC COMMENTS**

Mark LaBaza asked if the City Manager knows the amount of asbestos that was in White Junior High and what types. City Manager Kerbyson stated there are several different items, most of the items are glue related.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Osentoski: Wished City Manager Kerbyson a Happy Birthday; excited to see the White Jr. High building come to fruition and to see what will be developed there; hopes to see the pedestrian tunnel wrapped up by the end of the year.

Commissioner Cattane: Looking forward to having a professional setting for our Commission meetings; grateful to see the fatality rate from COVID has dropped. White Jr. High has a lot of our public still mourning the loss of this building; the end result is the building has been vacant for 25 years; is costly and time consuming to repair it; we did the right thing regardless of the public push back; ultimately this was the responsibility of the school system; yet they are struggling. Happy to take this burden away from the school board and thanked the Commission for doing the right thing.

Commissioner Atwood: Likes historical buildings, yet where White Jr. High is concerned; we are doing something that needs to be done that no one wanted to do. It is not salvageable and we do this so we can pave the way for the future; there is the possibility of awesome development there. Has mixed emotions, but we are moving forward.

Commissioner Stroh: It has been a delight to see business increase on Mondays with the Car Cruise, Concerts in the Park on Thursdays, and Friday Night Bikes; great time, great business. Business partners throughout the City have noted an increase in business. We will have to set our sites on helping the business get back up and running after the fire. Cultural arts are alive and well in Lapeer; wonderful exhibits; get out walk, look for the arts.

Commissioner Pattison: Before we meet again; and gratefully it will be in person, we are going to have fireworks in Lapeer on the 4<sup>th</sup> of July. Looking forward to it, we all need to show up, be safe, have a great time.

Mayor Marquardt: Attended the Bike Night, great evening, spoke to so many wonderful people; businesses are happy, people are happy; nice to have these put together. Many places in the UP are having bike nights as well. Happy Birthday to City Manager Kerbyson, shall we sing? Able to check out the show at Stone's Throw Theater, where she was able to purchase a red rose piece. Excited to have the meetings back at City Hall where the public can feel comfortable coming to a meeting. Thanked Commissioner Pattison for leading the meeting tonight since she was using her cell phone. Happy 4<sup>th</sup> of July and be safe.

**147 2021 06-21 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:05 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:05 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

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JULY 6, 2021**

A regular meeting of the Lapeer City Commission was held July 6, 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, Osentoski, Pattison, Stroh.

Absent: None.

City Manager: Dale Kerbyson, absent.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**148 2021 07-06 AGENDA APPROVAL**

Moved by Pattison. Seconded by Cattane.

Approve the Agenda for July 6, 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**149 2021 07-06 MINUTES**

Moved by Stroh. Seconded by Osentoski.

Approve the minutes of the Regular meeting held June 21, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**150 2021 07-06 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for July 6, 2021, resulting in the following:

1. Special Event: DDA Sidewalk Sale, July 23-24, 2021, and September 10-11, 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**151 2021 07-06 BILL LISTING**

Moved by Pattison. Seconded by Atwood.

Approve the Bill Listing for July 6, 2021, in the amount of \$552,179.44.

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**ADMINISTRATIVE REPORTS**

**152 2021 07-06 TEXT AMEMDMENT – ANIMAL CREMATORIUM**

Moved by Cattane. Seconded by Pattison.

Adopt an Ordinance Amendment to Chapter 7 Zoning to Secs. 7-08.02, 7-16.02, 7-13.04, and 7-24.03; removing 7-13.04 E(10); of the General Ordinance of the City of Lapeer.

Commissioner Stroh asked for clarification of this amendment. City Attorney Nolan stated that this allows Crematoriums in the City of Lapeer, but with much more regulation. Mayor Marquardt added that there had been a question on how close to a residence a Crematorium was allowed; therefore, the Planning Commission drafted this amendment to make sure the residents were protected.

**City of Lapeer  
Animal Crematorium Text Amendments**

**Article 8 Industrial Districts**

**Sec. 7-08.02 Schedule of uses.**

**Table 7.08.1 Business and Office Districts Schedule of Uses**

<b>Use</b>	<b>I-1</b>	<b>I-2</b>	<b>Additional Requirements</b>
<b>Retail Uses</b>			
Animal Crematorium		SLU	Sec. 7-13.04.E

**Article 16 Parking, Loading, Access and Circulation Requirements**

**Sec. 7-16.02 Number of spaces required.**

**Table 7.16.1 Parking Space Numerical Requirements**

<b>Commercial</b>	
Animal Crematorium	<b>One (1) parking space per employee, plus three (3) parking spaces.</b>

**Article 13 Use Requirements**

**E. Animal Crematorium**

- (1) All Crematoriums shall be a minimum of 300 feet from any residential use, school, or day care center. The distance shall be measured from the nearest portion of the crematorium building to the nearest portion of the residential, school, or day care parcel.
- (2) All activity relating to the dead shall be handled discreetly and be screened from public view to the maximum extent possible, including delivery and storage of the remains.
- (3) Crematoriums shall not be used for the disposal of any waste materials.
- (4) Animal crematoriums shall not emit any visible air emissions nor generate odors which are discernable beyond their lot lines.
- (5) The applicant or applicant's representative for a Crematorium shall make a presentation to the Planning Commission on the proposed cremation equipment including emission control devices and chimney stack height. Such

presentation shall include plans for ongoing emission monitoring and performance testing and documentation that all emissions fall within accepted industry practices and meet all applicable state or federal air quality standards. In the case of use of an existing building, the information shall be provided to Planning Department Staff.

- (6) Crematoriums shall be constructed, installed, operated and maintained in accordance with all manufacturers' specifications and all applicable federal, state and local permits, as amended.
- (7) The applicant shall identify and provide copies of any certifications that will be required to operate the Crematorium both from a facility standpoint and an operator's standpoint.
- (8) Any additional standards or operation requirements that are needed to protect the public health, safety and welfare or to address unique characteristics of a particular site as defined by the city Planning Commission shall be complied with by the landowner and/or developer and Crematorium operator and owner.
- (9) Animal crematoriums shall be for domesticated animals only.
- ~~(10) Animal crematoriums shall not be used for the disposal of any waste materials.~~
- (11) Animal crematorium may provide room(s) for private viewing of the cremation by member of the animal's family but may not be used to conduct public or private funeral services.
- (12) Animal's remains may not be stored on the property for more than five (5) days. The storage container shall prevent decay and odor.

## **Article 24 Terminology**

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### **Sec. 7-24.03 Definitions.**

ANIMAL CREMATORIUM – A building or part thereof used for animal funeral/disposal services. Services that may be included are preparation of the dead for burial, storage of caskets, funeral urns, and other related funeral supplies.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED. AMENDMENTS TO CHAPTER 7 DECLARED ADOPTED.

### **153 2021 07-06 RE-ZONING – 35 S. COURT ST., 130 HOWARD ST. & VACANT PARCEL #L21-24-700-040-00**

Moved by Stroh. Seconded by Cattane.

Adopt an Ordinance Amendment to rezone the properties known as 35 S. Court St., 130 Howard St. and vacant parcel L#21-24-700-040-00 from B-2 General Business to I-1 Industrial.

THE CITY OF LAPEER ORDAINS:

ARTICLE 7.02 MAPPED DISTRICTS

7.02.02 District Boundaries

(a) Zoning District Amendments

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

35 S. Court Street – Parcel #L21-24-400-040-00  
CITY OF LAPEER JENNING'S ADDITION LOT 12 & LOT 13, BLOCK 1  
(L=9 P=598 SEC 5, T7N-R9E)

130 Howard Street – Parcel #L-21-24-600-040-00  
CITY OF LAPEER JENNING'S ADDITION LOT 14 BLOCK 1 (L=9 P=598  
SEC 5, T7N-R9E)

Vacant Parcel #21-24-700-040-00  
CITY OF LAPEER JENNING'S ADDITION LOT 15 BLOCK 1 (L=9 P=598  
SEC 5, T7N-R9E)

ON A ROLL CALL VOTE:

Ayes: Cattane, Pattison, Stroh.

Nays: Atwood, Osentoski.

Absent: None.

MOTION CARRIED 3-2. AMENDMENTS TO CHAPTER 7 DECLARED ADOPTED.

**154 2021 07-06 2021-2022 PROPERTY AND LIABILITY INSURANCE RENEWAL**

Moved by Pattison . Seconded by Stroh.

Approve Peterson McGregor & Associates for the City of Lapeer's Property and Liability Insurance at a cost of \$199,849. for fiscal year July 1, 2021, through June 30, 2022, and authorize the City Manager to sign all required documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**155 2021 07-06 PARKS AND RECREATION MASTER PLAN**

Moved by Stroh. Seconded by Atwood.

Approve the proposal with ROWE Professional Services to update the City of Lapeer Parks and Recreation Plan in the amount of \$8,500 and authorize the City Manager to sign all necessary documents.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**UNFINISHED BUSINESS**

**156 2021 07-06 REAPPOINTMENT – LAPEER HOUSING COMMISSION**

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

To appoint Robin Chestnutt to the Lapeer Housing Commission for a five-year term to expire August 1, 2026.



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

**157 2021 07-06 REAPPOINTMENT – LAPEER NEIGHBORHOODS, INC.**

Moved by Mayor Marquardt. Motion by Pattison. Seconded by Stroh.  
To appoint Robin Chestnutt, Kerri Roberts, Lisa Lie, to the Lapeer Neighborhoods, Inc. for a two-year term to expire August 1, 2023.

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

**158 2021 07-06 REAPPOINTMENT – LOCAL DEVELOPMENT FINANCE AUTHORITY**

Moved by Mayor Marquardt. Motion by Pattison. Seconded by Atwood.  
To appoint Dale Kerbyson to the Local Development Finance Authority for a four-year term to expire August 1, 2025.

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

**159 2021 07-06 REAPPOINTMENT – PLANNING COMMISSION**

Moved by Mayor Marquardt. Motion by Pattison. Seconded by Osentoski.  
To appoint Jennell RaCosta to the Planning Commission for a three-year term to expire August 1, 2024.

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

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Nice to see everyone in the flesh; great stories in the newspapers this week. Great weekend, weather cooperated; Downtown Lapeer was hopping with Bike Night; happy to see the life back downtown; economy is booming which is wonderful. Fireworks were awesome; thrilled with the City's involvement. Asked that City Attorney provide more detail on the M-24 project and the proposal for the tunnel, he needs education on it.

Commissioner Atwood: Welcome back everyone and thanks for all your hard work before, during the pandemic, and now; thinks we work well together as a team, appreciates all City Staff and what they do.

Commissioner Stroh: Good to see everyone in the flesh, and their expressions without the filter of a computer screen. A lot going on at the Center for the Arts, Lapeer Art Association, Lapeer Community Theater, and Stone's Throw Theater all have a show. Making great strides in creating events and getting traffic in our downtown community; one thing we need to pay attention to is many businesses are facing employee issues; reached out to the DDA to assist in brainstorming to get more employees for those businesses, how can we help those businesses meet their employee needs. We do not want patrons to have difficulties during these great events. Would like to see if we can assist.

Commissioner Pattison: Great to see everyone; better than time delays and lost connections we had with virtual meetings; coming out of the pandemic but are not there yet. Support local businesses, buy in Lapeer when you can.

Mayor Marquardt: Spoke with Neda Payne from the Chamber of Commerce and thanked her and all the City Departments that were involved with the fireworks for a fantastic show. It was needed and people had a really nice time. Great to be back in person, thanked the departments for all they have done; appreciates all that they have done; we have a lot to accomplish, and we have accomplished a lot. Next meeting will be July 19, 2021.

**160 2021 07-06 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 6:52 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:52 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
JULY 19, 2021**

A regular meeting of the Lapeer City Commission was held July 19, 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 (arrived at 6:32 p.m.), Cattane, Osentoski, Pattison, Stroh.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, (arrived at 6:32 p.m.) present.

Mayor Marquardt led the Pledge of Allegiance.

**161 2021 07-19 AGENDA APPROVAL**

Moved by Stroh. Seconded by Pattison.

Approve the Agenda for July 19, 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**162 2021 07-19 MINUTES**

Moved by Osentoski. Seconded by Stroh.

Approve the minutes of the regular meeting held July 6, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Brad Bagans, developer and builder for 244 S. Court and builder for 525 S. Court Street, came to give his opinion of Mr. Darryl Oliver. He stated there have been some negative comments made against Mr. Oliver, however, over the past 30 years, he has dealt with hundreds of building officials' and when he first turned in plans for 244 S. Court, it was difficult for the first couple of reviews. That was because Mr. Oliver knows the code book and he knows it well. He further stated Mr. Oliver has been unbelievable since COVID, and for the past year he has been one of the top inspectors. Mr. Bagans stated he wanted to come today, take time out of his night to say; if he had a City to run, Mr. Oliver is the one he would want to run his building department. He also stated that what both Mr. Oliver and Marilena have done to help and to understand their problems has been great. Mr. Bagans stated again that Mr. Oliver has been unbelievable to work with and he looks forward to working with him again in the future when they expand and on other projects.

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

**163 2021 07-19 CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for July 19, 2021, resulting in the following:

1. Fixed Asset Disposal – 2012 SCAG Mower.
2. Local Development Finance Authority FY2021-22 Budget.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**164 2021 07-19 BILL LISTING**

Moved by Cattane . Seconded by Pattison.

Approve the Bill Listing for July 19, 2021, in the amount of \$366,157.10.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**ADMINISTRATIVE REPORTS**

**165 2021 07-19 BUDGET AMENDMENTS FOR FY2021/22**

Moved by Ostenoski. Seconded by Pattison.

Approve the Budget Amendments for FY2021/22 as presented:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER'S REPORT**

City Manager Kerbyson commented he sent an update to the Commission two Friday's ago and sent another this morning and is happy to answer any questions. Commissioner Cattane asked City Manager Kerbyson to thank the demolition company for saving the plaque on White Junior High.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan stated he would like a closed session on August 2, 2021, to update the Commission on the pending legal cases.

**UNFINISHED BUSINESS**

**166 2021 07-19 REAPPOINTMENT – LOCAL DEVELOPMENT FINANCE AUTHORITY**

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

To appoint Andrew Harrington, Gary Phillips, Robert Rowden to the Local Development Finance Authority for a four-year term to expire August 1, 2025.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**167 2021 07-19 REAPPOINTMENT – PLANNING COMMISSION**

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

To appoint Anne Shenck to the Planning Commission for a three-year term to expire August 1, 2024.

Commissioner Osentoski asked how long Ms. Shenck has been serving on the Planning Commission and if anyone else has expressed interest in serving on that board. He continued asking if the City announces the upcoming term expirations to the public so that anyone interested in serving could apply. City Manager Kerbyson stated we are constantly advertising the vacancies of the boards and commission and we keep track of all application filed. Commission Stroh stated we do not have term limits on our boards or commission, Mr. Kerbyson agreed, that is a correct statement.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: Osentoski.

Absent: None.

MOTION CARRIED 4-1.

**DEPARTMENTAL COMMUNICATIONS**

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

**PUBLIC COMMENTS**

Melissa Petrie, 728 Lincoln Street, asked how someone is appointed to a board or commission; do they have to submit resumes; are they interviewed, etc.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Bike Night was cancelled last week; car cruise is awesome tonight. White Jr. High topic cannot make everyone happy; glad we as the City were able to help the Lapeer School District. Would like a workshop to discuss ordinances to gain a better understanding of them.

Commissioner Stroh: Many great cultural arts happening in the area; nice to see the arts and events coming back and having people participate; people are hungry for reasons to get together safely; still need to work on the employment issues in our city, possibly a meeting with Chamber of Commerce, DDA and some of the Commissioners to strategize how can we help the businesses gain the workforce needed.

Commissioner Osentoski: Glad to see White Jr. High has been taken down; dog park is breaking ground; nice to hear the fire damage will be cleaned up soon; would like to talk about the land acquisition for the tunnel.

Commissioner Pattison: Nasty year for mosquitos; walk around your property and try to eliminate standing water, it would help a lot.

City Manager Kerbyson: Final insurance company has signed off from the fire damage in the DDA; there is a contract for the demo of the building and removal of the debris which will start the first of next month and is likely it will all be cleaned up by Lapeer Days. As of today, we understand that the building to the east may be taken down as well.

Mayor Marquardt: Sidewalk sales are coming back; many businesses are taking part; come downtown to visit the stores they have a lot to offer. This Friday is Bike Night and there will be events for the children including face painting and a bicycle contest. Rubber Duck Dash will be held on September 11, 2021, at 11:00 a.m. Prior to the event there will be an honor ceremony at 10:30 a.m. for the 20-year anniversary of the September 11 attacks.

**168 2021 07-19 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 6:56 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:56 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

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
AUGUST 2, 2021**

A regular meeting of the Lapeer City Commission was held August 2, 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, Osentoski, Pattison, Stroh.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**171 2021 08-02 AGENDA APPROVAL**

Moved by Osentoski. Seconded by Cattane.

Approve the Agenda for August 2, 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**172 2021 08-02 MINUTES**

Moved by Pattison. Seconded by Stroh.

Approve the minutes of the regular meeting held July 19, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Gabe Parton Lee, general counsel for Northwest Confections Michigan, a cannabis infused edible product processor here in Lapeer, stated the business is about six weeks away from completing the build out. He will be in town for a week or so and would be happy to meet with any one from the commission or community that would like more information about the company and what they are going to be doing here in the City of Lapeer.

**173 2021 08-02 BILL LISTING**

Moved by Cattane. Seconded by Atwood.

Approve the Bill Listing for August 2, 2021, in the amount of \$1,177,029.16.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **ADMINISTRATIVE REPORTS**

### **174 2021 08-02 MERS 2021 OFFICER & EMPLOYEE DELEGATE**

Moved by Stroh. Seconded by Cattane.

Approve Municipal Employee's Retirement System of Michigan attendees Dale Kerbyson, Official Representative and Tracey Russell, Employee Delegate and allow the Mayor to sign the 2021 Officers & Employees Delegate Certificate form.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **CITY MANAGER'S REPORT**

City Manager Kerbyson commented that he has spent an enormous amount of time this week working to get Consumers Energy into the downtown to remove the remaining gas line to the buildings that were damaged during the fire. The City dug the hole for Consumers Energy to disconnect the gas line from the main. The demolition has not begun on the buildings yet. The Dog Park is in progress, Diamond Excavating has been doing a great job. The City has received back the ISO rating for the community. Ultimately ISO is the number that is used to base the cost of fire insurance on buildings. The City went from a 4 to a 3, which will translate into savings for both commercial and residential properties. Police Chief Frisch received a letter from the Department of State Police in Lansing, congratulating him on the LEIN Audit, we received a perfect audit, which is very rare. Chief Frisch and his staff have made great strides in achieving this accomplishment. We sent Melissa Petrie a detailed letter regarding her questions.

## **CITY ATTORNEY'S REPORT**

City Attorney Nolan comment on the accomplishment of Chief Frisch's LEIN Audit; well done as that is unheard of; many local departments will not receive the same letter; this shows the professional staff you have. People often wonder what the City Attorney does, well he works with the Police Chief to work out what the signs will say for the dog park; we now have the final wording for the dog park signs.

## **UNFINISHED BUSINESS**

The Mayor and Commission discussed the vacancies on the various boards and commissions and how to reach out to resident to get more applicants to fill the vacancies.

## **DEPARTMENTAL COMMUNICATIONS**

None.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: First vacation in a year and a half with his kids. Lapeer County's numbers on COVID are holding; others neighboring counties are spiking. Speak to your doctor and get vaccinated. August 20, 2021, at 6:00 p.m. he will be in the dunk tank to raise money for the Family Literacy Program at Lapeer Days on Court Street.



Commissioner Atwood: Asked if there will be dedicated parking spaces available for residents and business owners during Lapeer Days. Police Chief Frisch indicated there will be no additional parking available. Progress is being made on the kayak launch just outside of town. Just wrapped up polishing the ladder truck for the Fire Department from the damage it sustained during the fire in the downtown.

Commissioner Stroh: Cultural Arts has many shows happening in the City of Lapeer; he will be judging the Ms. Lapeer Days pageant and the beautiful baby pageant at Lapeer Days. Point of interest, the Mayor, himself, James Alt and Neda Payne met last week to start formulating a discussion which is looking at the employment situation in the City of Lapeer relating to businesses that will be needing employees and how can we help facilitate that process.

Commissioner Osentoski: Attended Bike Night on Friday; it continues to be a good event for the downtown; assumes the bars and restaurants are doing very well. He has concerns about large tracks of land that are being easily convert from commercial to industrial; doesn't like the idea of a grow operation being located between a restaurant and residential area. We should do a better job on where we allow grow facility businesses to be located; maybe we can change where they can be located. Initially he thought industrial, meant they would be located out on John Connelly and McCormick, but they are popping up right next to restaurants, and it doesn't sit well with him.

Commissioner Pattison: Good news about the dog park; asked for an update on the ice rink.

City Manager Kerbyson: City Manager Kerbyson stated the ice rink has been ordered; should have it by end of August, unless that has been adjusted. Hoping to have it installed by fall.

Mayor Marquardt: Has the honor of judging on Saturday as well at the Ms. Lapeer pageant; her husband will be the emcee. Will have a table for the tea party as well.

**175 2021 08-02 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 6:56 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:56 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A SPECIAL MEETING  
AUGUST 2, 2021**

A regular meeting of the Lapeer City Commission was held August 2, 2021, at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:30 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.

**PUBLIC COMMENTS**

None.

**169 2021 08-02 EXECUTIVE CLOSED SESSION**

Mayor Marquardt requested a motion to move to an Executive Closed Meeting at 5:31 p.m.

Moved by Stroh. Seconded by Osentoski.

To move to an Executive Closed Session to discuss legal opinion, which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

**ON A ROLL CALL VOTE:**

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

Nays: None.

Absent: None.

**170 2021 08-02 ADJOURNMENT**

Moved by Cattane.

Adjourn the special meeting at 6:25 p.m.

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

Nays: None.

Absent: None.

**MOTION CARRIED.**

The special meeting adjourned at 6:25 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
AUGUST 16, 2021**

A regular meeting of the Lapeer City Commission was held August 16, 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, Osentoski, Pattison, Stroh.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**176 2021 08-16 AGENDA APPROVAL**

Moved by Cattane. Seconded by Pattison.

Approve the Agenda for August 16, 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**177 2021 08-16 MINUTES**

Moved by Pattison. Seconded by Stroh.

Approve the minutes of the special meeting and regular meeting held August 2, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**178 2021 08-16 CONSENT AGENDA**

Moved by Osentoski. Seconded by Cattane.

Approve the Consent Agenda for August 16, 2021:

1. Special Event Request – Hunger Awareness Week October 8 - 9, 2021.
2. Special Event Request – Tilted Axis Brewing Company, September 18, 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**179 2021 08-16 BILL LISTING**

Moved by Pattison. Seconded by Stroh.

Approve the Bill Listing for August 16, 2021, in the amount of \$3,070,089.40.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**180 2021 08-16 PROCLAMATION: CONSTITUTION WEEK**

Moved by Pattison. Seconded by Stroh.

Adopt the Proclamation for Constitution Week, September 17-23, 2021.

***Proclamation Constitution Week***

WHEREAS, September 17, 2021, marks the 234<sup>th</sup> anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to read, study and preach the greatest document of human liberty and to protect the freedoms set forth in the Bill of Rights; and

WHEREAS, it is fitting and proper to officially recognition to this magnificent document and the anniversary of its creation; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week; and

NOW, THEREFORE, BE IT RESOLVED, that I, Deborah Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby proclaim the week of September 17 through 23, 2021 as:

**Constitution Week**

and encourage all citizens to recognize and appreciate the importance of the Constitution of the United States of America, and to vigilantly protect the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Dated this 16<sup>th</sup> day of August 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**ADMINISTRATIVE REPORTS**

**181 2021 08-16 2021-2026 MAYFIELD TWP. FIRE PROTECTION**

**AGREEMENT**

Moved by Stroh. Seconded by Osentoski.

Approve the 2021-2026 Mayfield Twp. Fire Protection Agreement and authorize the Mayor and City Manager to sign the agreement.

City Manager Kerbyson commented that the meeting with Mayfield Township went very smooth, as usually it is somewhat of a battle to renew this agreement. The agreement will be at an increase of 2.5% per year for five years beginning July 1, 2021, backdated as agreed to by all parties.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**182 2021 08-16 REZONING-AJA INVESTMENTS LLC – 1330 IMLAY CITY RD., PARCEL # L21-29-950-040-00; B-2 GENERAL BUSINESS TO I-1 INDUSTRIAL.**

Commissioner Cattane introduce an Ordinance Amendment to rezone the property known as 1330 Imlay City Road, Parcel #21-29-950-040-00 from B-2 General Business to I-1 Industrial.

**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

**CITY MANAGER'S REPORT**

City Manager Kerbyson commented that the Bentley Street bridge replacement project will begin approximately the week of September 13, 2021; the Dog Park fence and cement work will begin after Lapeer Days; and the Community Center will have their annual shut down for repairs from August 30 through September 8, 2021.

**CITY ATTORNEY'S REPORT**

City Attorney Nolan commended the City Manager and Fire Chief on a job well done with the Mayfield Fire Department Agreement, congratulations, job well done.

**UNFINISHED BUSINESS**

None.

**DEPARTMENTAL COMMUNICATIONS**

The Monthly Departmental Reports; Improvement to ISO Rating Report; the Downtown Development Monthly Report, and the Marihuana Facility Status Report were received into the record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Had a shocker today realizing his daughter is a junior this year and not a sophomore, he is feeling old; looking forward to Lapeer Days, hopes everyone enjoys it, good times to be had by all. He will be in the dunk tank on Friday, August 20 at 6:00 p.m.

Commissioner Atwood: Thanked the City Staff for all the work completed for before and after on Lapeer Days, knows it is a lot of work, thanked the Chamber staff and board as well, this event is a big undertaking, thanks to everyone.

Commissioner Stroh: Reiterates Commissioner Atwood's comments on Lapeer Days; our COVID numbers are not looking good, have fun, enjoy Lapeer Days, and keep a safe distance.

Commissioner Pattison: Have a safe and great Lapeer Days, looking forward to it; lost Paul Mitchell, condolences to the family.

Mayor Marquardt: 1) Congratulations to Chief Kluge and staff on getting the ISO rating to a 3, this is a huge accomplishment, great job, very much appreciated and great for all the city residents; 2) congratulations to Chief Frisch on the LEIN audit, Chief Frisch confirmed the City of Lapeer is the only one in the State of Michigan to receive this recognition; Mayor Marquardt commented that this shows the dedication of the staff, great job. 3) commented on permit fees for neighbor's deck, thought the fees were high, but understands the need.

City Manager Kerbyson: Commented that the White Junior High site is nearing final grading, then it will be seeded; hoped to have the fencing down for Lapeer Days but will be after; has been informed a check for \$200,000.00 is in the mail from the State of Michigan to full fill the grant award reimbursement.

## **183 2021 08-16 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 6:48 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:48 p.m.

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Debbie Marquardt, Mayor

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Tracey S. Russell, Deputy City Clerk

**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 7<sup>th</sup> 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.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

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

A regular meeting of the Lapeer City Commission was held September 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 (sworn in 9/20/2021).

Absent: None

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**199 2021 09-20 AGENDA APPROVAL**

Moved by Pattison. Seconded by Stroh.

Approve the Agenda for September 20, 2021.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

**200 2021 09-20 MINUTES**

Moved by Cattane. Seconded by Pattison.

Approve the minutes of the regular meeting held September 7, 2021, as presented.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Bill Marquardt, 3191 Oregon, thanked Police Chief Frisch for delivering remarks at the Kiwanis Annual Rubber Duck Dash and Fire Chief Kluge for arranging to have the flag flying from the ladder truck. He also thanked to the City for their help with the event.

City Manager Kerbyson introduced Michael Vogt as the new Fire Chief who will be starting with the City on October 12, 2021.

**201 2021 09-20 CONSENT AGENDA**

Moved by Pattison. Seconded by Stroh.

Approve the Consent Agenda for September 20, 2021:

1. Special Event – Baubles and Broomsticks – October 1-2, 2021.

2. Special Event – Red Ribbon Weeks – October 7 – November 12, 2021.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

**202 2021 09-20 BILL LISTING**

Moved by Cattane. Seconded by Atwood.

Approve the Bill Listing for September 20, 2021, in the amount of \$710,400.85.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

**ADMINISTRATIVE REPORTS**

Mayor Marquardt stated she would like to give each person who submitted a letter of intent the opportunity to introduce themselves and speak for up to three (3) minutes.

The following candidates spoke:

Marlana Swindell

Melissa Petrie

Patricia Waugh

Commissioners asked questions and conducted an interview process between the three (3) individuals who were in attendance. At the conclusion of this process, the Rules and Procedures of the City Commission state each Commissioner must name the candidate they are voting for. Once a candidate receives a majority 'vote' that person is the appointee nominated by the Commission to fill the vacant City Commission Seat. City Manager Kerbyson asked for each Commissioner to name their candidate. The first two rounds resulted in a tie vote: 2 – Marlana Swindell and 2 – Patricia Waugh. The Mayor and City Commissioners asked the two candidates additional questions and a third round resulted in the following:

Commissioner Cattane: Marlana Swindell

Commissioner Stroh: Marlana Swindell

Commissioner Pattison: Marlana Swindell

Commissioner Atwood: Patricia Waugh

**203 2021 09-20 APPOINTMENT TO CITY COMMISSION SEAT**

Moved by Cattane. Seconded by Pattison.

Appoint Marlana Swindell as City Commissioner effective September 20, 2021, until 12:01 a.m., November 8, 2021.

Ayes: Atwood, Cattane, Pattison, Stroh.

Nays: None.

Absent: None.

MOTION CARRIED.

City Clerk Sanchez gave the Oath of Office to Commissioner Swindell.

**204 2021 09-20 REZONE 1109 S. MAIN ST., PARCEL #L21-16-550-009-00**

Moved by Pattison. Seconded by Stroh.

Adopt the proposed amendments to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(31) of the General Ordinances 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.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

**205 2021 09-20 INTRODUCE REZONE 1040 S. LAPEER ROAD, PARCEL #L21-39-831-032-00**

Commissioner Cattane introduced the amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(32) of the General Ordinance of the City of Lapeer.

**ARTICLE 7.02 MAPPED DISTRICTS**

**7.02.02 District Boundaries**

(a) Zoning District Amendments

- (32) The following described property formerly zoned R-3 Single-Family Residential is hereby rezoned to B-2 General Business:

1040 S. Lapeer Road – Parcel #L21-39-831-032-00

SEC 7 T7N R10E SUPERVISOR'S PLAT #4 RECORDED IN PLAT LIBER 1, PAGE 91, LOT 32 EX COM N 28 DEG 03' 30" E 196 FT FROM SW CORNER THEREOF TH S 30" W 196 FT, TH S 87 DEG E 300 FT, TH N 2 DEG 18' E TO A PT WHICH IS S 87 DEG E OF BEG, TH N 87 DEG W TO BEG, ALSO EX COM AT NE COR OF SAID LOT, TH WLY ALG N LOT LN 295.14 FT, TH SLY PARALLEL WITH E LOT LINE 300 FT, TH ELY TO A PT ON E LOT LINE 325 FT SLY OF NE COR OF LOT 32, TH NLY ON LOT LINE 325 FEET TO BEG.

**206 2021 09-20 REBRANDING SIGNAGE**

Moved by Stroh. Seconded by Cattane.

Approve the purchase of eight (8) entrance signs for the City of Lapeer from Signs by Crannie, in the amount of \$32,866.78.

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

City Manager Kerbyson stated the Bentley Street Bridge construction will not begin until October 2021.

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

City Attorney Nolan requested a Closed Session to discuss pending litigation:  
City of Lapeer v Lapeer Plating & Plastics, Case No. 20-053712.  
Mariah Bonfiglio v Romona Sanchez, and the City of Lapeer, Case No. 21-054929.

### **207 2021 09-20 CLOSED SESSION**

Moved by Cattane. Seconded Stroh.

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

### **UNFINISHED BUSINESS**

#### **208 2021 09-20 APPOINTMENT – LOCAL OFFICIALS COMPENSATION COMMISSION**

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

To appoint Ed Jamison to the Local Officials Compensation Commission for a five-year term to expire October 1, 2026.

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

### **PUBLIC COMMENTS**

Patricia Waugh, congratulated Commissioner Swindell on being appointed to the vacant City Commission seat.

Mark Labaza, property owner of 1040 S. Lapeer, thanked the Commission for approving a text amendment relating to his property last year and indicated the property has a developer, and a new business will be constructed on the property.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: The Kiwanis Club held a 9/11 tribute Saturday morning at Cramton Park; it was such a feeling of patriotism that day; seeing the ladder truck with Old Glory hanging and the sun shining on it. Mr. Peterson and Chief Frisch did a great job speaking. As he looked at his children and he realized they were not alive when the attacks took place. Every speaker said 9/11 was a tragedy but on 9/12 we were all one and he wants



more 9/12's in our days; Rubber Duck Dash was a great event. Gave thanks to everyone involved in Lapeer Days; it was so good to have it back.

Commissioner Atwood: Congratulations to Commissioner Swindell for being placed in the vacant seat; you are very passionate, interested in teams, excited about the downtown and community focused and centered. Thanked all the applicants who applied for the vacant seat; everyone that applied has great qualifications; gave compliments to the other candidates. Listen to what your community is saying, think about the decisions you are making. The community is where things get done. There are several boards and commissions that need volunteers. Very excited to see that people want to get involved.

Commissioner Stroh: Thanked everyone who submitted a letter of interest. Stated he and the other three seated Commissioners did not have to go through as much when they were elected. Encourages all of you to take the passion you have and apply for one of the boards or commissions we have; love all the passion. Congratulations to Commissioner Swindell.

Commissioner Swindell: Thanked her fellow Commissioners for putting her in the seat. Excited to be a part of it and likes to see the room full during the meetings; wants to see people be involved; feels blessed to fill the seat and will work hard to keep it in November.

Commissioner Pattison: Congratulations to Commissioner Swindell and to all the people who submitted letters; please don't let your commitment to the City stop here. Please submit an application to serve on one of the boards or commissions and be a part of it. Please join us.

Mayor Marquardt: Thanked everyone who submitted their letter of intent and appreciates your interest; come get involved, join our meetings; please submit an application to fill vacancies for our boards and/or commissions. Dog Park has a grand opening at 10 a.m. on October 2, 2021.

**209 2021 09-20 CLOSED SESSION**

The Commission convened to a Closed Session for the purpose of discussing pending litigation at 7:56 p.m. and returned to its regular meeting at 8:42 p.m.

**210 2021 09-20 CITY OF LAPEER v. LAPEER PLATING & PLASTICS, CASE NO. 20-053712**

Motion by Cattane. Seconded by Stroh.

Authorize the City Manager to engage Foster Swift for consultation in election law issues.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**211 2021 09-20 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 8:45 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 8:45 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
OCTOBER 4, 2021**

A regular meeting of the Lapeer City Commission was held October 4, 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.

**212 2021 10-04 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for October 4, 2021, with the addition of G-3, Ballot Proposal Discussion.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**213 2021 10-04 MINUTES**

Moved by Stroh. Seconded by Cattane.

Approve the minutes of the regular meeting held September 20, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

None.

**214 2021 10-04 CONSENT AGENDA**

Moved by Pattison. Seconded by Cattane.

Approve the Consent Agenda for October 4, 2021:

1. Fixed Asset Disposal: 1990 Swenson Salt Spreader.
2. Fixed Asset Disposal: 2005 924GZ Wheel Loader.
3. Halloween Trick or Treat Hours.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**215 2021 10-04 BILL LISTING**

Moved by Cattane. Seconded by Stroh.

Approve the Bill Listing for October 4, 2021, in the amount of \$809,361.65.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **ADMINISTRATIVE REPORTS**

#### **216 2021 10-04 REZONE 1040 S. LAPEER ROAD, PARCEL**

##### **#L21-39-831-032-00**

Moved by Cattane. Seconded by Pattison.

Adopt an ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02.02 (a)(32) of the General Ordinance of the City of Lapeer.

#### **ARTICLE 7.02 MAPPED DISTRICTS**

7.02.02 District Boundaries

(a) Zoning District Amendments

- (32) The following described property formerly zoned R-3 Single-Family Residential is hereby rezoned to B-2 General Business:

1040 S. Lapeer Road – Parcel #L21-39-831-032-00

SEC 7 T7N R10E SUPERVISOR'S PLAT #4 RECORDED IN PLAT LIBER 1, PAGE 91, LOT 32 EX COM N 28 DEG 03' 30" E 196 FT FROM SW CORNER THEREOF TH S 30" W 196 FT, TH S 87 DEG E 300 FT, TH N 2 DEG 18' E TO A PT WHICH IS S 87 DEG E OF BEG, TH N 87 DEG W TO BEG, ALSO EX COM AT NE COR OF SAID LOT, TH WLY ALG N LOT LN 295.14 FT, TH SLY PARALLEL WITH E LOT LINE 300 FT, TH ELY TO A PT ON E LOT LINE 325 FT SLY OF NE COR OF LOT 32, TH NLY ON LOT LINE 325 FEET TO BEG.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **217 2021 10-04 PROCUREMENT POLICY & CONFLICT OF INTEREST**

##### **POLICY FOR FEDERAL AWARDS**

Moved by Pattison. Seconded by Stroh.

Approve the Uniform Guidance Procurement Policy and Conflict of Interest Policy for Federal Wwards.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **BALLOT PROPOSAL**

The Lapeer City Commissioners each made statements regarding the ballot proposal which will appear on the General Election ballot November 2, 2021.

**CITY MANAGER’S REPORT**

City Manager Dale Kerbyson stated he and several of the Commissioners attended the Michigan Municipal League conference in Grand Rapids last week, very nice conference. Rodney Church, Director of Parks, Recreation and Cemetery did a fantastic job on the dog park and the grand opening was amazing. New entrance signs are four weeks out, so the project is moving along. He is in the process of preparing a grant to rebuild a large section on Park Street and will be presenting it to the Commission soon. The State of Michigan has budgeted \$14.5 million dollars for PFAS, and he has reached out to Senator Daley to ask him to advocate for some of those funds to reimburse the City for our clean-up costs.

**CITY ATTORNEY’S REPORT**

City Attorney Nolan stated that Kelly Hanna, Director of Financial Services did a great job on the Uniform Policy’s that were presented to the Commission tonight.

**UNFINISHED BUSINESS**

**218 2021 10-04 APPOINTMENT – DOWNTOWN DEVELOPMENT AUTHORITY**

Moved by Mayor Marquardt. Motion by Cattane. Seconded by Pattison.  
To appoint Catherine Bostick-Tullius to the Downtown Development Authority for a term to expire January 1, 2022; Tony Stroh to the Downtown Development Authority for a term to expire January 1, 2025.

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

**219 2021 10-04 APPOINTMENT – YOUTH COUNCIL**

Moved by Mayor Marquardt. Motion by Atwood. Seconded by Cattane.  
To re-appoint Samuel Howard, Sophia Pietrykowski and appoint Christian Kaake and Leigha Kaake to the Youth Council for a term to expire November 1, 2022.

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

**220 2021 10-04 APPOINTMENT – GREATER LAPEER TRANSPORTATION AUTHORITY**

Motion by Pattison. Seconded by Stroh.  
To appoint Harry Green to the Greater Lapeer Transportation Authority for an open-ended term.

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

**PUBLIC COMMENTS**

Mike Bahoura spoke against the ballot proposal.

Melissa Petrie spoke in favor of the ballot proposal.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Stroh: Many new cultural art shows are happening in Lapeer; thanked the Commission for letting him join the DDA again.

Commissioner Swindell: She attended the MML Conference and learned so much; no idea what she was getting herself into; jumped in with both feet; excited to see what other communities are doing; if the proposal passes the lawsuits will be coming.

Commissioner Atwood: Attended the MML Conference; learned a lot and really enjoys the networking that takes place; meeting new people and encouraging them is worth it because this position can be exhausting. Attended the Beaver Dash Bash, muddy mess and very cold; there was a lot of work that went into the event; best part was watching the kids and the smiles on their faces. Ecotourism helps with mental health and has many other awesome benefits.

Commissioner Cattane: To say the public was not involved is not true; a business license cannot be taken away because you don't like the type of business. There will be consequences; last year there was going to be a ballot initiative either way; the decision we made in July was the right decision. We are here to represent the people, the people voted in favor of marihuana in 2018. Wonderful town we live in; missed the dog park opening; yet did manage to get there after the opening and had a wonderful time.

Commissioner Pattison: Would like to request a discussion about the Youth Council on the next meeting; wished Mayor Marquardt a Happy Birthday.

City Manager Kerbyson: Congratulated Commissioner Atwood for being appointed to the Michigan Municipal Board.

Mayor Marquardt: Provided a rundown of the upcoming events happening around the City for the next couple of weeks.

**221 2021 10-04 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:36 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:36 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
OCTOBER 18, 2021**

A regular meeting of the Lapeer City Commission was held October 18, 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.

**222            2021 10-18            AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for October 18, 2021, as presented.

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

Nays:            None.

Absent:          None.

MOTION CARRIED.

**223            2021 10-18            MINUTES**

Moved by Pattison. Seconded by Swindell.

Approve the minutes of the regular meeting held October 4, 2021, as presented.

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

Nays:            None.

Absent:          None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Joe Davis, #Hope, Deputy at the Lapeer County Sheriff's Office, spoke about the program they have begun in the County relating to addiction and recovery. They have created a network of resources to get people in touch with various organization that can assist these persons with their needs to succeed in recovery.

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

Melissa Petrie, spoke about the increase in petty crime in the City of Lapeer, relating to marihuana.

**224            2021 10-18            CONSENT AGENDA**

Moved by Stroh. Seconded by Cattane.

Approve the Consent Agenda for October 18, 2021, removing item #2 to discuss further:

1. Special Event: Lapeer Downtown Business Association Annual Downtown Treat Walk, Saturday, October 30, 2021, Noon – 2:00 p.m.

3. Special Event: Lapeer Area Chamber of Commerce Annual Christmas Parade, Downtown Lapeer, December 3, 2021, 6:00 p.m.
4. City of Lapeer 2022 Official Meeting Calendar.
- Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.
- Nays: None.
- Absent: None.
- MOTION CARRIED.

**225            2021 10-18            CONSENT AGENDA**

Motion by Stroh. Seconded by Cattane.

Approve Special Event item #2, Costume Kickball at Annrook Park, with a start time of 7 p.m. and ending 10:30 p.m. on October 30, 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**226            2021 10-18            BILL LISTING**

Moved by Cattane. Seconded by Pattison.

Approve the Bill Listing for October 18, 2021, in the amount of \$645,780.61.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**ADMINISTRATIVE REPORTS**

**227            2021 10-18            SPICER GROUP CONTRACT – LEAD SERVICE LINE REPLACEMENT**

Moved by Pattison. Seconded by Stroh.

Approve the contract with Spicer Group for final project engineering and oversight and allow the City Manager to sign all necessary documentation.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**YOUTH COUNCIL – DISCUSSION**

The Lapeer City Commissioners discussed the Youth Council, including the function of this Council, membership issues, pros and cons of the program, ways to help recruit new members, what are the benefits to the Youth Council. Also, ways to use social media to reach out to potential new members, working with the schools to help gain interest. As well as, recruiting members at an earlier age so that we have them for a longer time. Everyone indicated they are willing to help Commissioner Atwood with anything he needs to get the program up and running; once the program has a full board, a review of the bylaws can be made to determine if there is a need to make any changes.



## **CITY MANAGER'S REPORT**

City Manager Dale Kerbyson provided an update on the crack sealing taking place throughout the City; the new ice rink should be here by the end of the month and the installation will take place once a site has been decided.

## **CITY ATTORNEY'S REPORT**

City Attorney Nolan stated at the next meeting he may have a settlement for a major case and may be requesting a closed session. Introduced his partners, Denis McCarthy, and Lisa H. Litton.

## **UNFINISHED BUSINESS**

### **228 2021 10-18 APPOINTMENT – PRISON LIAISON COMMITTEE**

Motion by Pattison. Seconded by Cattane.

To appoint Michael Vogt to the Prison Liaison Committee for a term to expire April 1, 2022.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **229 2021 10-18 APPOINTMENT – ZONING BOARD OF APPEALS**

Motion by Pattison. Seconded by Stroh.

To appoint Patricia Waugh to the Zoning Board of Appeals for a term to expire April 1, 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

## **DEPARTMENTAL REPORTS**

The Monthly Departmental Reports, Quarterly Investment Report ending June 20, 2021, Financial Report for Quarter ending September 30, 2021, Downtown Development Authority September 2021, and Marihuana Licenses Update were received into the record.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Saddened to hear of General Powell passing away; had great patriotism; it took the wind out of his sails to lose him. We need to get vaccinated; we are losing five people a week to COVID; get the shot. Nothing is guaranteed, no one lives forever; listen to the doctors; we need to care about one another.

Commissioner Stroh: Many cultural arts are going on in the community. Lapeer Art Association, Gallery 194, Stone Throw's Theater all have shows; many activities, symphony is gearing up for the holidays; a lot of wonderful things going on, go out and get some culture.

Commissioner Swindell: Excited about the #Hope; people can get help if they want it; likes the energy of the group; family full of addicts. Excited to help with the Youth Council, looks

forward to being involved with it. Kids are fun, have more energy than adults, and they can get things done.

Commissioner Pattison: Checked out the CDC website; has information about marihuana, and it being a gateway drug. There is limited evidence indicating that users of marihuana, the younger it starts the greater risk of future use. Have a safe and happy Halloween; remember to vote November 2.

Mayor Marquardt: Provided an update of events happening around town for the next couple of weeks. Thanked the commission for support during her mothers passing, nice to know you are surrounded by people who care.

**230            2021 10-18            ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:41 p.m.

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

Nays:            None.

Absent:          None.

MOTION CARRIED.

The regular meeting adjourned at 7:41 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
NOVEMBER 1, 2021**

A regular meeting of the Lapeer City Commission was held November 1, 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.

**CEREMONIAL SWEARING IN OF NEW FIRE CHIEF**

City Clerk Romona Sanchez performed the Swearing-In of Fire Chief Michael Vogt.

**231 2021 11-01 AGENDA APPROVAL**

Moved by Stroh. Seconded by Cattane.

Approve the Agenda for November 1, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**232 2021 11-01 MINUTES**

Moved by Cattane. Seconded by Pattison.

Approve the minutes of the regular meeting held October 18, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Sam Howard, 265 Charbridge Drive, founding member of the Youth Council spoke about the negative comments made by the Commissioners at the last meeting and being in favor of reducing the membership number of the Youth council.

Bryan Cloutier, resident, continues to be disappointed by this administration and their actions.

**233 2021 11-01 BILL LISTING**

Moved by Cattane. Seconded by Stroh.

Approve the Bill Listing for November 1, 2021, in the amount of \$522,034.86.

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**  
**234 2021 11-01 PROCLAMATION – LESLIE SCEORD**

Moved by Pattison. Seconded by Cattane.

Adopt the proclamation for Leslie Secord who is retiring November 12, 2021.

**CITY OF LAPEER**  
**Proclamation**  
***In Recognition of Leslie Secord***

***WHEREAS***, Leslie Secord began his employment with the City of Lapeer on October 22, 2001, with the City of Lapeer as Equipment Mechanic 1 and rose through the ranks to be promoted to Chief Mechanic on March 18, 2013.

***WHEREAS***, Leslie Secord has given conscientious, responsible, and professional service to the residents of the City of Lapeer; and

***WHEREAS***, Leslie Secord has been an invaluable asset to the City of Lapeer during his career and has served the City of Lapeer with dedication, integrity, and distinction; and

***WHEREAS***, Leslie Secord will retire on November 12, 2021, after more than 20 years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

***THESEFORE, LET IT BE KNOWN***, that I, Mayor Deborah Marquardt, and the Lapeer City Commission wish to honor and express deep appreciation to **Leslie Secord** for his efforts and devotion to public service and wish his continued success in his retirement.

***Dated this 1<sup>st</sup> day of November 2021.***

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

Nays: None.

Absent: None.

MOTION CARRIED.

**235 2021 11-01 PROCLAMATION – RODNEY CHURCH**

Moved by Pattison. Seconded by Cattane.

Adopt the proclamation for Rodney Church for his work on the Lapeer Dog Park.

**CITY OF LAPEER**  
**Proclamation**  
***In Recognition of Rodney Church***

***WHEREAS***, during the 2016-2017 Goals and Objectives workshop the Parks and Recreation Department was tasked with researching dog parks so as one might possibly be added to our park system; and

**WHEREAS**, Rodney Church, visited over 15 dog parks in and around the thumb area, as well as southeast Michigan to gain knowledge and help formulate a design for the City of Lapeer: and

**WHEREAS**, Rodney met with engineers to develop a concept design and cost estimate; held a public meeting and gathered a list of 10-15 community members who were interested in helping make the dog park a reality; and

**WHEREAS**, Rodney applied for and was awarded non-profit 501c3 status for the Friends of Lapeer Dog Park, where he served as a liaison between the City of Lapeer and the Friends of Lapeer Dog Park; and

**WHEREAS**, Rodney not only assisted but spearheaded many fundraising efforts, which included bus trips to casinos, Detroit Tigers games, Detroit Red Wings games, dinners, expos, dog walks, and raffles; raising nearly \$50,000.; and

**WHEREAS**, Rodney also utilized an opportunity to raise funds through a crowdfunding campaign with Public Places Community Spaces and set a goal to raise \$50,000., then in the fall of 2020 he launched a 45-day campaign to raise an additional \$50,000., which would activate a matching grant from the M.E.D.C. for \$50,000; and

**WHEREAS**, all of Rodney's efforts of the last four years have come to fruition, the dog park was built and officially opened on October 2, 2021, with a grand opening and ribbon cutting ceremony.

**THEREFORE, LET IT BE KNOWN** that the Lapeer City Commission wishes to honor and express deep appreciation to **Rodney Church** for his efforts and devotion to the creation of the Lapeer Dog Park.

**Dated this 1<sup>st</sup> day of November 2021.**

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

Nays: None.

Absent: None.

MOTION CARRIED.

**236 2021 11-01 PROCLAMATION – NATIONAL SALUTE DAY**

Moved by Cattane. Seconded by Pattison.

Adopt the proclamation for National Salute Day, National 11, 2021.

**CITY OF LAPEER  
Proclamation  
National Salute Day**

**WHEREAS**, World War I ended on the 11<sup>th</sup> hour, of the 11<sup>th</sup> day, of the 11<sup>th</sup> month in the year of our lord 1921; and

**WHEREAS**, Congress approved resolution 67 of the 66<sup>th</sup> Congress on March 4, 1921, establishing the Tomb of the Unknown Soldier in Arlington Nation Cemetery, and

**WHEREAS**, Since the burial of an Unknown American Service member from World War I in 1921, additional declarations have occurred but the desire, hope and intent of the American people have not changed; to honor those who gave their life in defense of the American Democracy; and

**WHEREAS**, The American people, young and old, from every walk of life, visit the Tomb of Unknown Soldier, which demonstrates its unshakeable commitment to never forget those who “gave their tomorrow for our today” and experience the power of a united America; and

**WHEREAS**, The Tomb of the Unknown Soldier is not recognized as this nation’s national shire; and

**WHEREAS**, On November 11, 2021, the United States and nations around the world will mark the centennial of the Tomb of the Unknown Soldier; and

**NOW, THEREFORE, BE IT RESOLVED**, that I, Deborah Marquardt, Mayor of the City of Lapeer, and the Lapeer City Commission do hereby proclaim November 11, 2021, as:

## *National Salute Day*

and encourage all citizens to celebrate National Salute Day and to support the efforts to commemorate and remember the Unknown Soldiers buried in Arlington National Cemetery.

**Dated this 1<sup>st</sup> day of November 2021.**

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **CITY MANAGER’S REPORT**

City Manager Dale Kerbyson stated that he has applied for a Community Foundation Grant which will subsidize a Public Place Making item. He has also applied for a CMAQ Grant for the last section of the trail extension. He requested an executive session to discuss a real estate matter.

### **237 2021 11-01 CLOSED SESSION**

Moved by Cattane. Seconded by Stroh.

To enter a Closed Session after the completion of the regular meeting for the purpose of discussing the purchase or lease of real property.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **CITY ATTORNEY’S REPORT**

City Attorney Nolan wanted to reiterate a line that was just read, “gave their tomorrow for our today”; it is a great line and something we should all take with us.

### **PUBLIC COMMENTS**

Jenny Burkhart, 865 N. Wilder, spoke about her involvement with the Youth Council and the family Sam Howard mentioned who needed immediate housing and how her family was able to assist them.

Bryan Cloutier, resident, has been reading a lot about the vote tomorrow as it relates to recreational marijuana and inquired if the city was insured; stated that settlements take a long time. It is disturbing that the city is advocating one way, when it should not be advocating either way at all. The city is pushing one agenda and it's appalling, because it's a false agenda.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Tomorrow is a big day, and the resident will vote on this topic of marijuana once again; and we will not debate this topic again. The will of the people was heard and ignored, so let them vote again. When it's over, it's over. Had a fantastic Halloween.

Commissioner Atwood: Get out and vote tomorrow, practice your right, that is your voice. Won't tell you how to vote, it is up to you to vote; no matter the outcome, his actions will remain the same.

Commissioner Stroh: The arts are alive and well here in Lapeer, things are moving along; Lapeer Art Association has a show opening tomorrow. Best of luck to the candidates tomorrow. He believes that voters have already made up their minds; this do over is unsettling.

Commissioner Swindell: Today is the end of her appointment; has learned a lot. Excited that there are things going on again downtown. Happy that Mr. Howard came to the meeting tonight and spoke; if more adults were as involved as he is, it would be a better city; thanked Sam for his service; very proud of the work he and the youth council have done. Go vote tomorrow; every vote counts; excited for it to be done tomorrow.

Commissioner Pattison: Please vote; set your clocks back, and the "s" word is in the forecast for tonight.

Mayor Marquardt: Thanked Sam Howard for coming to the meeting tonight; when there is trouble in an organization, sometimes it's a breakdown of communication that causes discord. We want to improve the Youth Council; want to know the interests of the Council and need their support; moving forward we want to work more closely with the Youth Council. Provided a list of upcoming events. Lapeer Area Elks is hosting a dinner for veterans on November 7, 2021.

### **238 2021 09-07 CLOSED SESSION**

The Commission convened to a Closed Session for the purpose of discussing a real estate matter at 7:05 p.m. and returned to its regular meeting at 7:30 p.m.

### **239 2021 11-01 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:31 p.m.

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

Nays: None.

Absent: None.  
MOTION CARRIED.

The regular meeting adjourned at 7:31 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk



**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
NOVEMBER 15, 2021**

Prior to the start of the regular meeting, Honorable Laura Cheger Barnard, 71A District Court Judge presided over the Swearing-In Ceremony of the Mayor Elect Debbie Marquardt and Commissioners Elect Marlana Swindell.

A regular meeting of the Lapeer City Commission was held November 15, 2021, at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:32 p.m.

**ROLL CALL**

Present: Mayor Marquardt.

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

Absent: None

City Manager: Dale Kerbyson, Absent.

City Attorney: Michael Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**ELECTION OF MAYOR PRO-TEM**

Mayor Marquardt asked for nominations for Mayor Pro-Tem. Commissioner Cattane nominated Commissioner Pattison. There being no other nominations, the question was called to a vote.

**240 2021 11-15 ELECTION OF MAYOR PRO TEM**

Moved by Cattane. Seconded by Stroh.

Approve Commissioner Pattison as Mayor Pro-Tem.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**241 2021 11-15 AGENDA APPROVAL**

Moved by Atwood. Seconded by Cattane.

Approve the Agenda for November 15, 2021, with the removal of item E-1, Proclamation in support of Medicare for All Act of 2019 .

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

Nays: None.

Absent: None.

MOTION CARRIED.

**242 2021 11-15 MINUTES**

Moved by Cattane. Seconded by Pattison.

Approve the minutes of the regular and closed meeting minutes held October 18, 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.

Kara Lambourn, member of Kiwanis, spoke about a legacy project they would like to do in the City of Lapeer and asked for assistance from the Commission.

Bernie Jocuns, spoke about landmark in the downtown that he feels is racist.

Woman in audience, did not give her name, spoke about the benefits she has with the use of medical marihuana.

### **243 2021 11-15 CONSENT AGENDA**

Moved by Cattane. Seconded by Stroh.

Approve the consent agenda for November 15, 2021:

1. Special Event: Ladies Night Out & Small Business Saturday, November 27, 2021.
2. Special Event: Winterfest, December 3-4, 2021.

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

### **244 2021 11-15 BILL LISTING**

Moved by Pattison. Seconded by Cattane.

Approve the Bill Listing for November 15, 2021, in the amount of \$596,260.43.

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

### **245 2021 11-15 MICHIGAN MUTUAL AID BOX ALARM SYSTEM**

Moved by Stroh. Seconded by Cattane.

Approve the Michigan Mutual Aid Box Alarm System Association agreement and authorize the City Manager to sign all necessary documents.

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

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

City Attorney Nolan stated that he will have a report at the first meeting in December.

### **UNFINISHED BUSINESS**

### **246 2021 11-15 APPOINTMENT TO LOCAL OFFICERS COMPENSATION COMMISSION**

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

To appoint Kenneth Parker to the Local Officials Compensation Commission for a term to expire October 1, 2025.

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

Nays: None.

Absent: None.

MOTION CARRIED.

### **DEPARTMENTAL REPORTS**

The Monthly Departmental Reports, Downtown Development Authority Monthly Report, Local Finance Compensation Commission minutes dated October 28, 2021, Marihuana Licenses Update – November 2021, and the Investment Report for the quarter ended September 30, 2021, were received into the record.

### **PUBLIC COMMENTS**

Val Galli, medical marihuana care giver, spoke about the benefits she has seen with the use of medical marihuana.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Looking forward to Thanksgiving and wished everyone a nice holiday. Son had a good trip to Washington DC with his 8<sup>th</sup> grade class. Glad the election is over and congratulated Mayor Marquardt and Commissioner Swindell.

Commissioner Atwood: Congratulated Mayor and Commissioner Swindell; nice to see the liveliness of the downtown lately. This Wednesday, #Hope has another event at Chef G's, they are also asking for financial support. Let's help where we can; especially this time of year for those who do not have family to rely on.

Commissioner Stroh: Congratulations to both Mayor Marquardt and Commissioner Swindell; we have much work to do and happy to put some things to rest. Would like to encourage fellow commissioners to say hello to others while out and about town.

Commissioner Swindell: Thank you to the other commissioners; excited for the parade and the tree lighting. It is the busiest time of the year for holiday depot; if you know someone who needs help, please send them over. Looking forward to the downtown looking beautiful for the season.

Commissioner Pattison: Congratulations to Mayor Marquardt and Commissioner Swindell. Happy Thanksgiving. Be careful and if you can, get a shot.

Mayor Marquardt: Provided a list of local events happening around town; wished all a safe and happy thanksgiving.

### **247 2021 11-15 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:06 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:06 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
DECEMBER 6, 2021**

A regular meeting of the Lapeer City Commission was held December 6, 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.

**248 2021 12-06 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for December 6, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**249 2021 12-06 MINUTES**

Moved by Pattison. Seconded by Cattane.

Approve the minutes of the regular meeting held November 15, 2021, as presented.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Mike Bahoura, Pure Lapeer, asked the Commission to consider amending the current adult use marihuana ordinance to allow transfer of license.

Chris Aiello, Oxtail (Heds on building), indicated he is begging that the Commission amend the current adult use marihuana ordinance to allow transfer of license, saying it is just a matter of cutting and pasting the same sentence from the medical marihuana ordinance to the adult use marihuana ordinance; distributed a draft amendment to the Commission.

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

**250 2021 12-06 BILL LISTING**

Moved by Cattane. Seconded by Swindell.

Approve the Bill Listing for December 6, 2021, in the amount of \$253,247.12.

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**251 2021 12-06 PROCLAMATION – TERENCE KLUGE**

Moved by Cattane. Seconded by Stroh.

Approve the Proclamation for Terence Kluge who is retiring February 14, 2022.

Proclamation  
In Recognition of Terence Kluge

WHEREAS, Terence (Terry) Kluge began his employment with the City of Lapeer on October 2, 1996, as Fire Chief; and

WHEREAS, Chief Kluge has also served as the Acting Public Safety Director; was nominated for the Outstanding Officer of the Year Award in 2000; and holds the designation of certified fire inspector; and

WHEREAS, Chief Kluge has served on the Prison Liaison Committee; 911 Technical Advisory Committee and has served as a Representative on Lapeer County EMS Board; was Chair of the County Fire Association for 10 years; Lapeer County Dispatch Authority; and various other Boards throughout his career; and

WHEREAS, Chief Kluge has given conscientious, responsible, and professional service to the residents of the City of Lapeer; and

WHEREAS, Chief Kluge has been an invaluable asset to the City of Lapeer during his career and has served the City of Lapeer with dedication, integrity, and distinction; and

WHEREAS, Chief Kluge will retire on February 14, 2022, after more than 25 years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN, that I, Mayor Deborah Marquardt, and the Lapeer City Commission wish to honor and express deep appreciation to Terry Kluge for his efforts and devotion to public service and wish him continued success in his retirement.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**252 2021 12-06 ANNEXATION BY CHOICE AREA RESOLUTION: HUBER FAMILY TRUST**

Moved by Stroh. Seconded by Cattane.

Approve the Resolution authorizing annexation of property to the City of Lapeer from Huber Family Trust.

Resolution #2021-23  
CITY OF LAPEER  
RESOLUTION AUTHORIZING ANNEXATION

OF PROPERTY TO THE CITY OF LAPEER  
HUBER FAMILY TRUST

WHEREAS, Huber Family Trust (Bruce E. Huber and his wife Kimberly Huber) vacant property, located at Sec 8 T7N R10E Churchill Farms Subdivision Lot 25, Township Parcel #44-012-200-025-00 has petitioned for Annexation of Property from Lapeer Township to the City of Lapeer which is located in the "Annexation by Choice" area; and

WHEREAS, Section 9(8) of the Michigan Home Rule Cities Act authorizes annexation of property from township to cities by resolutions approved by an affirmative majority vote of the City Commission and the Township Board, after a petition signed by property owners has been submitted to the City and the Township; and

WHEREAS, Petitioners holding equitable title as land contract vendees or holding record legal title to more than fifty (50%) percent of the area described in Exhibit A have petitioned to be annexed to the City of Lapeer from the Township of Lapeer; and

WHEREAS, a public hearing was held on July 20, 2006, by the Lapeer City Commission and the Lapeer Township Board as to a proposed Interlocal Agreement for the Sharing of Revenue and Annexation of Property between the City of Lapeer and the Township of Lapeer which would allow for the annexation of property described in Exhibit A; and

WHEREAS, no referendum petitions were filed as to the proposed Interlocal Agreement during the prescribed statutory period; and

WHEREAS, said Interlocal Agreement was executed by both the City of Lapeer and the Township of Lapeer on December 4, 2006, and reaffirmed on March 19, 2007, and was filed with the Office of the Great Seal of the Michigan Secretary of State; and

WHEREAS, the Lapeer Township Board has approved the annexation of the property described in Exhibit A by Resolution of its governing board.

THEREFORE, BE IT RESOLVED, that annexation of the property legally described in Exhibit A attached hereto is approved by the City of Lapeer Commission as authorized by statute and the Interlocal Agreement.

BE IT FURTHER RESOLVED that said annexation shall become immediately effective upon the filing of the Township and City Resolutions with the Office of the Great Seal of the Michigan Secretary of State.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**253 2021 12-06 RESOLUTION TO SUPPORT SUBMISSION OF FIRE DEPARTMENT GRANT APPLICATION**

Moved by Cattane. Seconded by Pattison.

Approve the Resolution to Support Submission of Fire Department Grant Application.

Resolution #2021-24  
CITY OF LAPEER

WHEREAS, the City of Lapeer Fire & Rescue Department is eligible to submit one application for funding assistance for the purchase of certain types of fire service vehicles and equipment; and

WHEREAS, the Federal government has funded a grant program for this purpose; and

WHEREAS, the City of Lapeer Fire & Rescue Department would like to submit a request for funding assistance for the purchase of equipment to help enhance the operations and safety of the department at a total cost not to exceed \$100,000; and

WHEREAS, funding for this project is proposed from a grant from the Department of Homeland Security in an amount not to exceed \$90,000 (90%) and \$10,000 (10%) from the City of Lapeer for the requested equipment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Lapeer City Commission authorizes submission of a Department of Homeland Security grant application under the Assistance to Firefighters Grant Program and commits up to \$10,000 of City funds to provide a match toward the grant application should it be awarded.

This Resolution adopted this 6<sup>th</sup> day of December 2021.

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

Nays: None.

Absent: None.

MOTION CARRIED.

**254 2021 12-06 RESOLUTION MICHIGAN STATE HOUSING  
DEVELOPMENT AUTHORITY (MSHDA) FOR THE NEIGHBORHOOD ENHANCEMENT  
PROGRAM (NEP) GRANT APPLICATION, ROUND 7**

Moved by Stroh. Seconded by Cattane.

Approve the Resolution for the Michigan State Housing Development Authority (MSHDA) for the Neighborhood Enhancement Program (NEP) Grant Application, Round 7.

RESOLUTION #2021-25  
RESOLUTION TO APPROVE  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA)  
NEIGHBORHOOD ENHANCEMENT PROGRAM (NEP)  
CITY OF LAPEER HOUSING IMPROVEMENT GRANT APPLICATION

WHEREAS, the City of Lapeer is interested in the continuing effort to improve the housing stock and provide affordable housing opportunities for its moderate, low and very low-income residents; and

WHEREAS, the Lapeer City Commission accepts the recommendation of the City of Lapeer Housing Improvement Department to apply for \$49,493 through the Michigan State



Housing Development Authority Neighborhood Enhancement Program (NEP) for City of Lapeer Housing Improvement Grant; and

WHEREAS, the Michigan State Housing Development Authority requires a resolution authorizing the submission of the aforementioned grant application; and

WHEREAS, said City Commission authorizes the Mayor to sign the grant application form and related documents as required by MSHDA and allow the Director of Housing and Neighborhood Development and Grant Administrator to sign related grant documents when allowed by MSHDA as required; and

THEREFORE, BE IT RESOLVED that the Lapeer City Commission authorizes the City of Lapeer Housing Improvement Department to submit the application for funding through the Michigan State Housing Development Authority's Neighborhood Enhancement Program for a City of Lapeer Housing Improvement Grant, authorizes the Mayor and Director of Housing and Neighborhood Development to sign grant related documents on behalf of the City of Lapeer.

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

Nays: None.

Absent: None.

MOTION CARRIED.

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

City Manager Kerbyson announced Terry Kluge's retirement luncheon will be Friday, December 10, 2021, at the Lapeer Public Safety Building. He also asked if anyone wants to do the ugly Christmas sweater contest for the December 20 meeting; consensus was to hold the contest.

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

City Attorney Nolan stated we originally had five marihuana lawsuits, all but one has been dismissed. Green Budda will be in court tomorrow wherein it is the hope that it too, will be dismissed as well. Indicated it has been a privilege to work with Chief Kluge, that he is a walking encyclopedia, and it has been a true pleasure working with Terry.

### **UNFINISHED BUSINESS**

#### **255 2021 12-06 APPOINTMENT COUNTY CENTER BOARD**

Moved by Mayor Marquardt. Moved by Cattane. Seconded by Swindell.

To reappoint Jeff Hogan to the County Center Board for a term to expire January 1, 2023.

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

Nays: None.

Absent: None.

MOTION CARRIED.

#### **256 2021 12-06 APPOINTMENT DOWNTOWN DEVELOPMENT AUTHORITY**

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

To reappoint Virginia Bruman, Steve Elzerman and Catherine Bostick-Tullius to the Downtown Development Authority for a term to expire January 1, 2026.

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

Nays: None.

Absent: None.  
MOTION CARRIED.

**257 2021 12-06 APPOINTMENT EDC/TIFA/BROWNFIELD**

Moved by Mayor Marquardt. Moved by Stroh. Seconded by Pattison.  
To appoint Judith Downey to the EDC/TIFA/Brownfield Board for a term to expire June 1, 2023.

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

**258 2021 12-06 APPOINTMENT BOARD OF REVIEW**

Moved by Cattane. Seconded by Swindell.  
To reappoint Bonnie Pattison to the Board of Review for a term to expire January 1, 2025.

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

**259 2021 12-06 APPOINTMENT CIVIL DEFENSE COORDINATOR**

Moved by Cattane. Seconded by Stroh.  
To reappoint David Frisch as the Civil Defense Coordinator for a term to expire January 1, 2023.

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

**260 2021 12-06 APPOINTMENT LAPEER COUNTY CENTRAL DISPATCH AUTHORITY**

Moved by Cattane. Seconded by Swindell.  
To appoint Michael Vogt to the Lapeer County Central Dispatch Authority for a term to expire September 2023.

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

**DEPARTMENTAL REPORTS**

None.

**PUBLIC COMMENTS**

Lenny Schneider, Lapeer County Commissioner, congratulated Terry on his retirement; announced that he will not be running for re-election, that 2022 will be his last year serving as the City's County Commissioner and that it has been a great opportunity to serve.

Terry Kluge thanked the City for his employment, has enjoyed his time with the City, and in particular, thanked Dale Kerbyson, he has been great to work with.

### **MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Hopes everyone had a great Thanksgiving. Thanks to Lenny, he is a good man, his replacement needs to have integrity and he has served well, thank you. Commissioner Bennett, what a loss, I have gratitude for him and I always shook his hand at the end of a meeting; he will be missed. Oxford – no parent should have to lose a child; tips his hat to City services that helped, our team was impressive, what a horrible event. Winterfest was awesome, everything was wonderful, proud of our town, thanks to all departments, was a good Friday to top off an awful week. Need to take COVID serious, its bad.

Commissioner Atwood: Tough act to follow. Congrats to Lenny & Terry. It has been a big month, a lot of things happening good and bad; was amazed at local enforcement, we are a big family out there, nice to know we would get help if we needed it, gives him peace of mind. Oxford needs to grieve, they need to take time to heal, let them grieve.

Commissioner Stroh: It has been a dynamic year of change, virus, emotions, a need to learn compassion and patience, need have open conversations about mental health and not be ashamed, need to reach out to help others if you see someone that may need help, don't be afraid to say how are you or just hello, I challenge you to check on your neighbors. Cultural arts have a lot going on over the next two weeks. Get out and enjoy and say hello to others.

Commissioner Swindell: Long time since we met, three weeks ago, seems long when we have an extra week. Lapeer is great at filling the needs of others. If you know a teenager, talk to them, they really need help right now, talk to them.

Commissioner Pattison: Thank you to Lenny and Terry. Keep yourself and your families safe.

City Manager Kerbyson: Currently dealing with COVID and staff, taking care of things as we go, thank you to the Parks Department for the great job they did on the City's float for the parade.

Mayor Marquardt: Requested a moment of silence for Commissioner Bennett and for those in Oxford. Announced local events; reminded all about ugly sweater contest for next meeting. Thanked the Parks department for the ice rink, no hockey but it is a wonderful asset to the city, everyone should notice our new Santa Sleigh.

### **261 2021 12-06 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 7:20 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:20 p.m.

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Debbie Marquardt, Mayor

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Tracey S. Russell, Deputy City Clerk

**LAPEER CITY COMMISSION  
MINUTES OF A WORKSHOP  
MIXED USE OVERLAY  
DECEMBER 6, 2021**

A special workshop of the Lapeer City Commission was held December 6, 2021, at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 5:31 p.m.

**ROLL CALL**

Present: Mayor Marquardt  
Commissioners: Atwood, Cattane, Pattison, Stroh, Swindell  
Absent: None.  
City Manager: Dale Kerbyson, present.  
City Attorney: Michael Nolan.  
Presenter: Caitlyn Habben.

Mayor Marquardt called the meeting to order at 5:31 p.m. and turned the meeting over to Caitlyn Habben.

**REVIEW OF ORDINANCE - MIXED USE OVERLAY**

Planning Consultant Caitlyn Habben presented information regarding the current location and function of the Mixed-Use Overlay zoning district and the marihuana buffer map from Federal properties, parks, daycare and pre-K facilities, and schools. Also presented a series of maps to help show where the M-24 overlay district is in relationship to the marihuana buffer map and where existing marihuana facilities are located in this general area. Ms. Habben explained the rezoning and special land use procedure and situations on how to evaluate the appropriateness for the Planning Commission to approve those requests.

It was the consensus of the Commission to close the meeting at 6:01 p.m.

The special meeting adjourned at 6:01 p.m.

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Debbie Marquardt, Mayor

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Tracey S. Russell, Deputy City Clerk

**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 20<sup>th</sup> 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 20<sup>th</sup> 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.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk