

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
MAY 18, 2020**

A regular meeting of the Lapeer City Commission was held May 18, 2020 electronically via GoToMeeting and 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.

83 2020 05-18 AGENDA APPROVAL

Moved by Pattison. Seconded by Stroh.

Approve the Agenda for May 18, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

84 2020 05-18 MINUTES

Moved by Cattane. Seconded by Atwood.

Approve the minutes of the Regular Meeting held May 4, 2020 and the Budget Workshop on May 9, 2020 as presented.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

A letter was received and distributed to the Commission regarding Medical Marihuana Ordinance; Alternative RX, LLC from Ivan Ammori dated May 4, 2020 (see attached). Mr. Ammori attended the meeting and indicated he would appreciate any consideration the Commission could give to him in relation to the letter. Mayor Marquardt gave instruction for City Attorney Mike Nolan to work with Mr. Ammori and his attorney.

Bernard Jocuns commented on having a friendlier message on the PIX marquee instead of notification of events being postponed, something along the lines of "Stay Well". Mayor Marquardt directed City Manager Kerbyson to look into making this change.

CONSENT AGENDA

85 2020 05-18 CONSENT AGENDA

Moved by Osentoski. Seconded by Atwood.

Approve the Consent Agenda for May 18, 2020 resulting in the following:

1. Special Event Request from Veterans Esteem Team Inc. to hold a modified "in-vehicle" Memorial Day Parade on Monday, May 25, 2020 from 10AM to 12PM; beginning in City Lot #5 with parade participants exiting onto N. Saginaw Street traveling south bound to Horton Street, west on Horton to north on N. Court Street to west on Nepessing Street.
2. Special Event Request from Lapeer Downtown Development Authority (DDA) for the Annual Concert Series at the Lapeer Farmer's Market Pavilion on Thursday evenings, beginning June 4th and running until August 13, 2020 from 6:30 PM – 8:00 PM.
3. Special Event Request from Lapeer Downtown Development Authority (DDA) to hold their Annual Summer Car Cruise on Nepessing Street, between Mason Street and Pine Street. The event would be held every Monday night beginning June 8, 2020

and run through September 28, 2020 from 5:00PM – 9:00PM, excluding the Labor Day holiday.

Commissioner Pattison questioned both Special Events hosted by the DDA, alcohol is not indicated on the application, will that be a yes or no? Executive Director James Alt indicated no for both events on alcohol.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

86 2020 05-04 BILL LISTING FOR MAY 18, 2020

Moved by Cattane. Seconded by Pattison.

Approve the Bill Listing for May 18, 2020 in the amount of \$404,808.23.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

None.

87 2020 05-18 PUBLIC HEARINGS FY 2020-2021 Budget Public Hearing

Mayor Marquardt opened the public hearing at 6:40 p.m. Hearing no comments from the public, closed the public hearing at 6:40 p.m.

Moved by Pattison. Seconded by Atwood.

Approve Resolution to Adopt the Budget of the City of Lapeer for the Fiscal Year July 1, 2020 to June 30, 2021 and to Make Appropriations Therefore, and the first year of the proposed 2020-2025 Capital Improvement Program.

Commissioner Stroh stated he does not see the CIP or the changes made from the Budget Workshop within the budget presented for this meeting, should the CIP have been attached? City Manager Kerbyson indicated the CIP items are within the budget itself. Commissioner Stroh questioned, wasn't it supposed to be at 19%; he sees 14% for the General Fund. Director of Finance Kelly Hanna referred to the General Fund Summary, the middle column is what the Administration recommended; the Commission approved the column on the far right which is coming in at 17% or \$1.9 million.

Commissioner Cattane questioned two items, 1) the rebranding and 2) the parking lot at the recreation center, when those items come up for review, can we make adjustments when they come up? Mayor Marquardt replied, yes

ON ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

ADMINISTRATIVE REPORTS

88 2020 05-18 CITY-WIDE FEE SCHEDULE.

Moved by Osentoski. Seconded by Pattison.

Approve the City-Wide Fee Schedule as presented, effective 07-01-2020.

Commissioner Stroh asked about the handicapped parking fee, why is it going up from \$150 to \$250 and is it stating that the \$250 is for Special Event citations? City Manager Kerbyson indicated the previous Commission felt it should be a stronger message so people would not continue to park in the handicapped spaces. Police Chief Frisch indicated the \$150 fee is the citations for violations outside of Special Events. All fees are increased during Special Events as it is not often that action is needed towards our citizens. Mayor Marquardt requested City Manager Kerbyson investigate when the previous fee was set at \$150. Commissioner Cattane requested a new fee schedule be sent to him on the Building Department as the left margin was hard to read.

Mayor Marquardt questioned the cemetery fees, why do we no longer have two fees, one for resident openings, cremations, etc. and a separate fee for non-residents? Director of Parks, Recreation, and Cemetery Rodney Church indicated after researching other facilities, it was most common throughout municipal cemeteries to have one fee and the majority of people who purchase are non-residents, therefore it made more sense to have one fee versus two separate fees. Mayor Marquardt indicated residents already pay property taxes, income taxes, and assumed the lower fees at the cemetery was an

extra break for residents. Director Church indicated that after researching pricing, that the cemetery prices have not been increased in years and it was time to increase them.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

89 2020 05-18 DOWNTOWN OUTDOOR DINING AREA RIGHT-OF-WAY LICENSE – FAT BOY’S.

Moved by Cattane. Seconded by Stroh.

Approve the Right of Way License application for Outdoor Dining Area at Fat Boy’s Bar & Grill located at 10 E. Nepessing Street with no changes proposed from last year’s license.

Commissioner Cattane requested confirmation from Police Chief Frisch that this was fine as this establishment has frequent officer calls to this location. Chief Frisch indicated it is all good.

ON A ROLL CALL VOTE:

Ayes: Cattane, Osentoski, Pattison, Stroh.

Nays: Atwood.

Abstain: None

Absent: None.

MOTION CARRIED.

90 2020 05-18 MICHIGAN DEPARTMENT OF TRANSPORTATION CONSTRUCTION CONTRACT #20-5222 AND MUNICIPAL RESOLUTION FOR MILLVILLE ROAD RECONSTRUCTION PROJECT.

Moved by Osentoski. Seconded by Pattison.

Approve entering into contract number 20-5222 between Michigan Department of Transportation (MDOT) and the City of Lapeer and to approve the MUNICIPAL RESOLUTION as required and allow the DPW Director to sign all necessary documents.

Commissioner Atwood asked if the stretch of Millville Road that will be under construction will be closed completely, as LJ’s Market has gone through a lot over the last several years. City Manager Kerbyson said it is never our intention to close a road; however, it may be necessary to close for an open road cut but unlikely.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

91 2020 05-18 MILLVILLE ROAD WATER MAIN REPLACEMENT PROJECT; ROWE PROFESSIONAL SERVICES CO. - CONSTRUCTION ENGINEERING AGREEMENT.

Moved by Cattane. Seconded by Atwood.

Approve the contract for Construction Engineering Services with Rowe Professional Services Company for the Millville Road Water Main Replacement project, not to exceed \$36,900.00, and allow the DPW Director to sign all necessary documents. Funding is available in the Fiscal Year 2019-2020 Budget Project #22310.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

92 2020 05-18 AMENDMENT TO CHAPTER 19, OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS ORDINANCE.

Commissioner Pattison introduced a proposed Amendment to Chapter 19, Offenses Against Public Peace, Safety and Morals Ordinance., of the General Ordinance of the City of Lapeer.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson reported on a couple of items 1) Received a National Railroad Grant to paint the cabooses adjacent to the Historic Train Depot for \$15,000-\$16,000, should look brand new after three weeks of work (was in the paper). Commission Stroh questioned if the area was ever named, as Sam Morey was instrumental in getting the cabooses, maybe do some type of recognition; 2) The City Clerk have 1,070 permanent absentee voters and will send out another 950 letters this week to registered voters; 3) Requested protocol for flags at half mass or fully raised during Memorial Day. Discussion was held and it was the consensus that flags would be raised at sunrise on Memorial Day and placed back to half mass the following morning.

CITY ATTORNEY'S REPORT

City Attorney Nolan apologized for not connecting to the meeting in a timely fashion as he had computer issues; indicated we have received a contract to repair the railroad crossing on Saginaw. Mayor Marquardt requested Mr. Nolan to meet with Ivan and his attorney regarding the letter submitted to Commission which was discussed during Public Comments.

UNFINISHED BUSINESS

93 2020 05-18 APPOINTMENT – LAPEER BUILDING AUTHORITY.

Moved by Osentoski. Seconded by Stroh.

Re-appoint Dale Kerbyson to the Lapeer Building Authority for a term to expire 06-01-2023.

ON A ROLL CALL VOTE:

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

Nays: None.

Absent: None.

MOTION CARRIED.

PUBLIC COMMENTS

None.

DEPARTMENTAL COMMUNICATIONS

Monthly Departmental Reports received into the record as presented.

MAYOR/COMMISSIONER COMMENTS

Commissioner Atwood: Will Millville will be closed during construction? City Manager Kerbyson confirmed it will be closed for six weeks with a detour of Millville to Davis Lake Road to M24. Thanks to all the volunteers for flower planting, good turnout, it was good to get out and nice to see Rodney/Ryan; thanks for the pizza.

Commissioner Cattane: Thanks to City Manager and City Attorney for going after the Saginaw railroad repair, my car thanks you. Sees that life is coming back, more people on the streets, the war is not won yet, but we will win it.

Commissioner Stroh: Thank you to everyone for all that you do.

Commissioner Pattison: Everyone keep in mind why we celebrate Memorial Day.

Mayor Marquardt: Thanks to all the volunteers that came out to plant flowers, Rodney/Ryan had it well organized; lots of pizza, drinks, cookies, chips. Maybe it will become an annual event, in the past the Master Gardeners used to do it. Is looking forward to being at the Memorial Day Ceremony, hope you can attend, will go down in history with area youth organizing this event.

City Manager Kerbyson wished everyone a happy Memorial Day, as did Mayor Marquardt.

94 2020 05-18 ADJOURNMENT

Moved by Cattane.

Adjourn the regular meeting at 7:18 p.m.

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

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 7:18 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk

Tracey S. Russell, Deputy City Clerk