

**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 marijuana lawsuits, all but one has been dismissed. Green Buddha 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