

**MINUTES OF A REGULAR MEETING
OF THE
LAPEER CITY COMMISSION**

December 4, 2006

A regular meeting of the Lapeer City Commission was held on December 4, 2006 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Sprague
Commissioners Turkelson, Marquardt, Robinet, Farrington, and Ogden.
City Attorney Ron Shamblin
City Manager Dale Kerbyson

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

268 2006 12-04

Moved by Robinet. Seconded by Turkelson.

To approve the Agenda for December 4, 2006 with the addition of Item B.5. Resolution Establishing Depository Account to the Consent Agenda.

MOTION CARRIED.

MINUTES

269 2006 12-04

Moved by Farrington. Seconded by Robinet.

To approve the minutes of the Regular Meeting held on November 20, 2006 and the Executive Session held on November 20, 2006 as presented.

MOTION CARRIED.

Minutes from Various Boards and Commissions received through November 30, 2006 were received into record.

CONSENT AGENDA

270 2006 12-04

Moved by Turkelson. Seconded by Robinet.

To approve the Consent Agenda for December 4, 2006 resulting in the following:

1. Approval to accept the donation from WalMart in the amount of \$1,250 and approve the Budget Adjustment to appropriate funds to the Fire Prevention Account 101-336-956200.
2. Approval to accept the donation from WalMart in the amount of \$1,250 and receipt into the DARE Fund in the amount of \$625 and the K-9 Fund in the amount of \$625.
3. Approval of Pay Request #3 to AW Excavating, Inc. in the amount of \$325,625.58 for the 2005 Capital Improvement Project.
4. Approval of Traffic Control Order 250.

CITY OF LAPEER
PERMANENT TRAFFIC CONTROL
ORDER NO. 250

Location: Parking space on the Turrill Street side in front of 410 S. Saginaw Street.

Order: Install a "Handicapped Parking" space on the south side of Turrill Street, west of S. Saginaw Street, in front of the residence of 410 S. Saginaw Street.

Reason: We have had a request from the owner of the residence at 410 S. Saginaw Street for a Handicapped parking space to be installed in front of their residence on the Turrill Street side. This request is based on the residence handicap status and the need for a parking space to remain open in close proximity of their entry door. The owners provide the proper medical paperwork to show proof of need.

5. Approve the Corporate Authorization Resolution from Citizens First to Establish a Depository Account.

CORPORATE AUTHORIZATION RESOLUTION

CITIZENS FIRST
525 Water Street
Port Huron MI 48060

By: City of Lapeer
576 Liberty Park
Lapeer MI 48446

Referred to in this document as "Financial Institution"

Referred to in this document as "Corporation"

AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below.

Name and Title or Position	Signature	Facsimile Signature (if used)
A. Paul H. Boucher, Jr. (Director of Financial Services)		
B. Harry L. Green (Manager Accounting & Data Proc.)		
C. Donna L. Cronic (City Clerk)		
D.		
E.		
F.		

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
	(1) Exercise all of the powers listed in this resolution.	
A	(2) Open any deposit or share account(s) in the name of the corporation.	1
A, B, C	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	2
	(4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences of indebtedness.	
	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	
	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	
	(7) Other .	

LIMITATIONS ON POWERS The following are the Corporation's express limitations on the powers granted under this resolution.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated _____. If not completed, all resolutions remain in effect.

CERTIFICATION OF AUTHORITY

I further certify that the Board of Directors of the Corporation has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

X If checked, the Corporation is a non-profit Corporation.

In Witness Whereof, I have subscribed my name to this document and affixed

the seal of the Corporation on
December 4, 2006 (date).

Attest by One Other Officer Secretary

RESOLUTIONS

The Corporation named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicate on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification number (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use or alternative signature and verification codes unless otherwise agreed in writing.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

BILL LISTING FOR DECEMBER 4, 2006

271 2006 12-04

Moved by Marquardt. Seconded by Turkelson.

To approve the Bill Listing for December 4, 2006 in the amount of \$417,270.63.

MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS

Proclamation in Recognition of Esther Stacy

272 2006 12-04

Moved by Robinet. Seconded by Farrington.

To approve the Proclamation in Recognition of Esther Stacy.

CITY OF LAPEER

Proclamation
In Recognition of Esther Stacy

WHEREAS, Esther Stacy, has served with dedication on the Lapeer Planning Commission since September 14, 1981; and

WHEREAS, Esther Stacy, has shown personal integrity by the spirit of volunteerism in sharing her time to support the development of projects during her twenty-five years on the Lapeer City Planning Commission; and

WHEREAS, Esther Stacy, has exemplified professionalism, caring, and hard work by her participation in local community affairs.

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission wish to honor and recognize Esther Stacy for her outstanding community commitment and dedication of time, talents, and energy to help all citizens within our community and wish her continued success.

Dated this 4th day of December, 2006.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Mayor Sprague presented the Proclamation to Esther Stacy.

Proclamation in Recognition of Curt Carter.

273 2006 12-04

Moved by Robinet. Seconded by Turkelson.

To approve the Proclamation in Recognition of Curt Carter.

PROCLAMATION
CITY OF LAPEER
In Recognition of Curt Carter

WHEREAS, Curt Carter was born on February 1, 1944 to Agnes and Laverne (Poddy) Carter in Lapeer, Michigan; and

WHEREAS, Curt Carter graduated from Lapeer High School in 1962, and then went on to receive an Associates Degree in Business Administration from Mott Community College and attended Michigan State University, Graduate School of Banking at University of Michigan, Independent Bankers School at Ball State University, Graduate School of Banking at University of Wisconsin, and Institute for Financial Management at Harvard University; and

WHEREAS, Curt Carter is the loving husband and best friend of Mary Lynne, and the proud father of Brett and Julie, grandfather of Cameron, Conner, and Ashley; and

WHEREAS, Curt Carter began his employment with Lapeer County Bank & Trust as a Management Trainee on October 16, 1966, appointed Assistant Cashier December 8, 1970, appointed Cashier & Auditor December 13, 1972, appointed to Secretary to the Board of Directors of Lapeer County Bank & Trust December 15, 1976, appointed Vice President & Cashier January 1, 1978, elected to the Board of Directors of Lapeer County Bank & Trust January 1, 1979, appointed President of Lapeer County Bank & Trust January 1, 1983, named President & CEO of Lapeer County Bank & Trust January 1, 1984, appointed Chairman & CEO of Lapeer County Bank & Trust July 1, 2005, and named Chairman of the Board on July 1, 2006; and

WHEREAS, Curt Carter is a Past President and 35 year member of the Lapeer Optimist Club; member of the Lapeer County Courthouse Restoration Committee; Treasurer of Lapeer Community Schools Scholarship & Student Loan Fund; Treasurer of Lapeer GoodFellows; Charter member of the Economic Club of Lapeer County; Trustee of Lapeer Regional Medical Center; Director of McLaren Medical Management, Inc.; Director of Lapeer County Community Foundation; and a member of the Lapeer County Building Authority, Blood Services Committee, and American Red Cross; and has

formerly served on the Lapeer Area Chamber of Commerce, Big Brothers Big Sisters of Lapeer County, American Cancer Society, Lapeer Township Planning Commission, Lapeer Area United Way, and Christian Family Services; and

WHEREAS, Curt Carter has received the Distinguished Service Award from Lapeer Jaycees in 1975, and chosen as Male Citizen of the Year in 1998, and named to the inaugural Lapeer Community Schools Hall of Honor as one of the winners of the 2006 Distinguished Alumni Award; and

WHEREAS, Curt Carter is an active member in the Downtown Development Authority, Economic Development Corporation, Brownfield Redevelopment Authority, Local Development Finance Authority, and Chairman of the Tax Increment Finance Authority and Chairman of the Lapeer Development Corporation.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor William J. Sprague, and the Lapeer City Commission wishes to recognize Curt Carter for his many years of dedicated service to the citizens of his community and within the City of Lapeer.

Dated this 4th day of December, 2006.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Proclamation in Recognition of Lapeer Development Corporation

274 2006 12-04

Moved by Marquardt. Seconded by Turkelson.

To approve the Proclamation in Recognition of Lapeer Development Corporation.

CITY OF LAPEER
In Recognition of
Lapeer Development Corporation
25th Anniversary

WHEREAS, the Economic Development Corporation of the City of Lapeer and the Economic Development Corporation of the County of Lapeer joined forces in 1981 and became the Lapeer Development Corporation; and

WHEREAS, the Lapeer Development Corporation is celebrating their 25th year of active service and participation in the community; and

WHEREAS, the Lapeer Development Corporation has assisted over 295 Lapeer County businesses with services such as site locations,, financing, tax incentives, job training, infrastructure improvements and grant preparation; and

WHEREAS, the Lapeer Development Corporation has brought the private sector investments of \$453,705,612 into Lapeer County and resulted in 6,249 jobs being created and/or retained; and

NOW, THEREFORE, BE IT RESOLVED, that I, William J. Sprague, Mayor of the City of Lapeer, and the Lapeer City Commission wishes to honor and recognize the Lapeer Development Corporation for their community commitment and continued success in the years to come.

Dated this 4th day of December 2006.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

None.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson provided information on the Lapeer Development Corporation luncheon to be held December 8, 2006.

2007 Official Calendar

275 2006 12-04

Moved by Turkelson. Seconded by Robinet.
To approve the City of Lapeer 2007 Official Meeting Calendar.
MOTION CARRIED.

CITY ATTORNEY'S REPORT

City Attorney Ron Shamblin provided an update on the Interlocal Agreement.

276 2006 12-04

Moved by Turkelson. Seconded by Robinet.
To approve the Interlocal Agreement City of Lapeer – Township of Lapeer Sharing of Revenue and Annexation of Property, and authorize the Mayor and City Manager to sign said Agreement.
MOTION CARRIED.

UNFINISHED BUSINESS

None.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Brief discussion was held regarding Charter Communication issues that have been resolved, attendance at community events, Thumb Narcotics Unit issues and to have an update provided on the Thumb Narcotics Unit, employee appreciation event, and Lapeer District Library Request. City Manager Dale Kerbyson commented that his understanding of the library request was to remove a portion of Brown City that is inside the service area of Lapeer County and that it required approval by all municipalities within the library district.

277 2006 12-04

Moved by Turkelson. Seconded by Robinet.
To approve the Resolution for Amendment To Lapeer District Library Agreement.

CITY OF LAPEER

RESOLUTION

AMENDMENT TO LAPEER DISTRICT LIBRARY AGREEMENT

WHEREAS, Lapeer County, the City of Lapeer, Lapeer Township, Mayfield Township, and Goodland Township ("Participating Municipalities") have established the Lapeer District Library pursuant to the Lapeer District Library Agreement, effective January 1, 2003; and

WHEREAS, by operation of Section 3 of the District Library Establishment Act (MCL 397.173), the district of the Lapeer District Library excludes the portion of the City of Brown City in Lapeer County within the district of the pre-existing Brown City Public Library; and

WHEREAS, the Library of Michigan has confirmed that the Lapeer District Library district excludes the portion of the City of Brown City within Lapeer County as this small area is located within the legal service area of the Brown City Public Library; and

WHEREAS, consistent with Section 3 of the District Library Establishment Act, the Lapeer District Library and the Participating Municipalities wish to amend the Lapeer District Library Agreement to conform the District Library Agreement to the existing boundaries of the Lapeer District Library district recognized by the Library of Michigan since January 1, 2003, by more specifically describing the District boundaries and the exclusion of the portion of the City of Brown City within Lapeer County from the Lapeer District Library district, as required by operation of law.

NOW, THEREFORE, BE IT RESOLVED that the Lapeer City Council hereby approves the Amendment to the Lapeer District Library Agreement in substantially the form attached hereto, and authorizes and directs the Mayor and Clerk of the City to execute the Amendment on behalf of the City of Lapeer.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

ADJOURNMENT

278 2006 12-04

Moved by Robinet. Seconded by Marquardt.

To adjourn the meeting.

MOTION CARRIED.

The meeting adjourned at 6:46 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC, City Clerk