

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

JANUARY 5, 2009

A regular meeting of the Lapeer City Commission was held January 5, 2009 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

Present: Mayor Sprague
Commissioners Bennett, Marquardt, Robinet, and Farrington.
City Manager Dale Kerbyson.
City Attorney Michael Nolan.

Absent: Commissioner Bostick-Tullius.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

1 2009 01-05

Moved by Robinet. Seconded by Marquardt.
To approve the Agenda for January 5, 2009.
MOTION CARRIED.

MINUTES

2 2009 01-05

Moved by Marquardt. Seconded by Bennett.
To approve the minutes from the Special Meeting held on December 12, 2008 and the Regular Meeting held on December 15, 2008.
MOTION CARRIED.

Minutes from the various Boards and Commissions were received into record.

CONSENT AGENDA

3 2009 01-05

Moved by Robinet. Seconded by Marquardt.
To approve the Consent Agenda for January 5, 2009 resulting in the following:

1. Approval of the Michigan State Housing Development Authority Property Improvement Program Community/Financial Institution Participation Agreement and authorize the Mayor to sign required documents.
2. Approval of the Budget Adjustment for Energy Savings Program Debt Service as presented.
3. Approval of the Budget Adjustment for the M-24/I-69 Corridor Utility Project as presented.
4. Approval of Local Share Payment #3 to the State of Michigan for the DeMille/Harrison Intersection Improvement Project in the amount of \$13,425.96.
5. Approval of Payment Request #4 to AW Excavating for the Horton Street Reconstruction Project in the amount of \$22,326.72.
6. Approval of the Corporate Authorization Resolution with Citizens First Savings Bank and authorize the Director of Financial Services and City Clerk to sign required documents.

CORPORATE AUTHORIZATION RESOLUTION

CF BANCORP
525 Water Street
Port Huron MI 48060

By: City of Lapeer
2008 G.O. Construction Account
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	Facsimilie Signature (if used)
A. Paul H. Boucher, Jr. (Director of Financial Services)		
B. Harry L. Green (Manager Accounting & Data Proc.)		
C. Donna L. Cronce (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 N/A. 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.
7. Approval of the Michigan State Housing Development Authority Housing Agent Agreement and Exhibit I Scope of Work document and authorize the Mayor to sign required documents.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

BILL LISTING FOR JANUARY 5, 2009

4 2009 01-05

Moved by Robinet. Seconded by Bennett.

To approve the Bill Listing for January 5, 2009 in the amount of \$935,636.20.

MOTION CARRIED.

Mayor Sprague requested to proceed with the Public Proclamations and Recognitions section prior to the Public Comment section. The City Commission agreed by general consensus.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Proclamation: In Recognition of Curt Carter

5 2009 01-05

Moved by Robinet. Seconded by Bennett.

To approve the Proclamation In Recognition of Curt Carter.

PROCLAMATION
CITY OF LAPEER
In Recognition of Curt Carter

WHEREAS, Curt Carter was instrumental in the establishment of the Downtown Development Authority (DDA) on November 15, 1982 and was one of the first board members who was appointed to the Downtown Development Authority on December 6, 1982 and served through January 1, 2009; and

WHEREAS, Curt Carter played an integral part in the Development Plan of the DDA to improve the downtown district in ways that include the encouragement of renovation of real building facades and creation of back entrances to businesses; maintenance of existing structures of historic character and encouraging new development in conformity with the historic identity of downtown; assistance in the alteration or repair of Saginaw, Court, Clay, Park, and Law Streets; assist with promotional events; development of downtown park areas and open areas as recreational and entertainment for community enjoyment; assist with improvements to building fronts through the Main Street Façade Loan Program; downtown mall area improvements with furniture and fixtures; Farmers Market Pavilion; acquisition and renovation of the Pix Theatre; acquisition and renovation

of Gallery 194, Lapeer Center for the Arts; Downtown Streetscape Project; and electrical lighting and power system for the downtown area.

WHEREAS, his presence in the community is also prominent in various clubs and organizations that include the Lapeer Optimist Club, Lapeer Courthouse Restoration Committee; Lapeer Community Schools Scholarship & Student Loan Fund, Lapeer GoodFellows, Economic Club of Lapeer County, Lapeer Regional Medical Center, Director of McLaren Medical Management, Inc.; Director of Lapeer Community Foundation; Lapeer County Building Authority, Blood Services Committee, 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 is also an active member with the City of Lapeer's Economic Development Corporation, Brownfield Redevelopment Authority, Local Development Finance Authority, 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 take this opportunity to express official gratitude and to recognize Curt Carter for his dedication and distinction of his many years of service to the citizens of the City of Lapeer and Lapeer Community with his exemplary leadership style; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the official proceedings of the City of Lapeer, and that a copy thereof be tendered to Curt Carter as a testimonial of the high esteem and appreciation in which he is regarded by the City of Lapeer Commission.

Dated this 5th day of January, 2009.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Mayor Sprague presented the Proclamation to Curt Carter.

PUBLIC COMMENTS

Lenny Schneider, Lapeer County 4th District Commissioner, passed out information and commented on the Lapeer County 2009 Annual Budget, mandated services, discretionary services, General Fund revenue sources, General Fund Expenditures, and issues due to the loss of State Revenue Sharing.

PUBLIC HEARINGS

Lapeer Commons – PUD Rezoning Request: Robertson – 1048 S. Lapeer Road

Planning Director Linda Jackman reviewed the request, provided a power point presentation of the site, and noted that Mr. Robertson as well as project designer Jim Sporer was present. Commissioner Farrington asked about landscaping and water in the retention pond area. Mr. Robertson commented on additional work planned for this area.

Mayor Sprague opened the public hearing at 6:57 p.m. to hear comments regarding the PUD rezoning request for 1048 S. Lapeer Road.

Lucas Welch, 1061 Baldwin Road, commented that he lived in the area behind the large facility proposed, questioned whether the retention pond would be fenced in, that he had small children, and that some type of barrier would be needed around the retention pond. Planning Director Linda Jackman responded that details of the site have not been completed and that his concerns would be addressed.

Mayor Sprague closed the public hearing at 6:58 p.m.

Brief discussion was held regarding management of project area, whether Culvers restaurant was secured or not, retention pond fencing, fencing along the back of the property, and to inform Mr. Welch on the progression of the project.

Commissioner Robinet introduced a proposed amendment to Chapter 7 (Zoning Ordinance), 7.03, H., #93, of the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

7.03 ZONING DISTRICTS AND MAP

H. ZONING DISTRICT AMENDMENTS:

93. The following property, formerly zoned One-Family Residential (R-5), is hereby rezoned to Planned Unit Development (PUD):

Section 7 T.7N, R.10E, Supervisor's Plat #4 Recorded in Plat Liber 1, Page 91: That part of Lot 22 lying Easterly of West line of N-S portion of Lina Drive if extended; also Lots 20 & 21; also Lot 19 & vacated Lina Drive lying South of same; also Lot 25; also Lot 24 & all of vacated Lina Drive lying West of West line of Lot 19 if extended; and Lot 23 & that part of Lot 22 lying West of West line of N-S portion of Lina Drive if extended."

The rezoning is based on substantial compliance with the conceptual plan by CHMP Architects titled "The Lapeer Commons" with a revision date of 11-18-08, by completion of the site plan process for the various phases of the development within three (3) years from the date of final rezoning approval by the City Commission as per Article 7.14.5."

ADMINISTRATIVE REPORTS

None.

CITY MANAGER'S REPORT

Waterline Resolution

City Manager Dale Kerbyson commented on the Lapeer/Sanilac/Genesee County Waterline. Commissioner Robinet questioned how much it would cost to be involved. Mr. Kerbyson responded that there were no costs involved at this time.

6 2009 01-05

Moved by Robinet. Seconded by Marquardt.
To approve the Waterline Resolution.

WATERLINE RESOLUTION

WHEREAS, the City of Lapeer is a member of the study group evaluating a new waterline to Lake Huron; and

WHEREAS, a new waterline from Lake Huron will provide public drinking water to the mid-east region of the State of Michigan; and

WHEREAS this waterline from Lake Huron will not increase our existing draw of fresh water from the great lakes; and,

WHEREAS, the construction of the water system will provide immediate economic stimulus to one of the hardest hit and highest unemployed regions of the state and country; and,

WHEREAS, the constructed pipeline will add significant infrastructure to the region and provide a valuable water supply backup to the existing system; and,

WHEREAS, the waterline, along with the region's rail and highway transportation system and sewerage disposal system will provide a sustainable infrastructure to the region; and,

WHEREAS, the region will be able to attract and maintain manufacturing concerns for the region; and,

WHEREAS, the pipeline will provide both immediate and long-term economic growth to the region;

NOW, THEREFORE, be it resolved that the City of Lapeer is in full support of the project to construct a waterline from Lake Huron to the region.

BE IT FURTHERED, we are requesting this project to be considered as part of the economic stimulus package as proposed.

MOTION CARRIED. RESOLUTION DECLARED ADOPTED.

City Manager Dale Kerbyson commented that the Housing Department has filed for its first \$1 HUD Home purchase for 1264 First Street.

CITY ATTORNEY'S REPORT

City Attorney Michael Nolan commented on meeting with City Manager Dale Kerbyson to review items that need to be addressed and closed out.

UNFINISHED BUSINESS

7 2009 01-05

Moved by Robinet. Seconded by Farrington.

To appoint Bob Morningstar to the Income Tax Board of Review for a term ending 12-01-12.

MOTION CARRIED.

8 2009 01-05

Moved by Robinet. Seconded by Farrington.

To appoint Dick West to the Greater Lapeer Transportation Authority as a City Representative.

MOTION CARRIED.

DEPARTMENTAL COMMUNICATIONS

None.

MAYOR/COMMISSIONER COMMENTS

Commissioner Bennett commented that he was still looking into the Public Access Channel, that he feels that it is important, and hopes to have Commission support.

Commissioner Marquardt hoped that all had a safe and wonderful holiday.

Commissioner Farrington asked clarification on why the City does not clear snow from the pathways. City Manager Dale Kerbyson responded that it was mainly due to liability issues and difficulties in keeping the pathway cleared. Mr. Farrington inquired on when information would be received regarding a City-wide garbage pickup. City Manager Dale Kerbyson responded that staff was gearing up to present the information to the Commission.

Commissioner Robinet complimented the Department of Public Works on the snow removal. He also inquired into the progress of the M-24/I-69 area. Doug Skylis, Rowe Incorporated representative commented that they are in the final stage of the design process; that 1 permit has been filed with DEQ and that the second permit is almost completed for filing; meetings with property owners in the area and easement requirements; and that the lift station phase should be ready by the end of March with the sanitary sewer phase within two weeks after. Mr. Robinet commented that retired police officer Tom Ostrander had passed away.

ADJOURNMENT

9 2009 01-05

Moved by Bennett. Seconded by Farrington.
To adjourn the meeting.
MOTION CARRIED.

The meeting adjourned at 7:16 p.m.

William J. Sprague, Mayor

Donna L. Cronce, CMC City Clerk