

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

JUNE 15, 2009

A regular meeting of the Lapeer City Commission was held June 15, 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, Bostick-Tullius, and Farrington.
City Manager Dale Kerbyson.
City Attorney Representative Tim Turkelson.

Absent: None.

Mayor Sprague led the Pledge of Allegiance.

AGENDA APPROVAL

116 2009 06-15

Moved by Marquardt. Seconded by Bennett.

To approve the Agenda for June 15, 2009 with the addition of Item G-4: Resolution Establishing Depository Account: 2009 Limited Tax GO Bonds.
MOTION CARRIED.

MINUTES

117 2009 06-15

Moved by Robinet. Seconded by Marquardt.

To approve the minutes from the Regular Meeting held on June 1, 2009.
MOTION CARRIED.

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

CONSENT AGENDA

118 2009 06-15

Moved by Bostick-Tullius. Seconded by Marquardt.

To approve the Consent Agenda for June 15, 2009 resulting in the following:

1. Approval of Special Event Request from DBA, Thursday Night Concert Series from June 4 through August 6, 2009.
2. Approval of Special Event Request from DBA, Lapeer Country Cruise, June 27, 2009.
3. Approval of a Resolution to Replace Bridges Through The Local Bridge Program funding from MDOT.

CITY OF LAPEER
RESOLUTION TO REPLACE BRIDGES
THROUGH THE LOCAL BRIDGE PROGRAM

WHEREAS, the condition of the bridges listed below have deteriorated to such an extent that replacement or rehabilitation is necessary; and

WHEREAS, the budget of the City of Lapeer will not allow reconstruction or rehabilitation of these bridges without additional funds from other sources;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lapeer requests Local Michigan Department of Transportation Bridge Program Funding for replacement of the following bridges listed in order of priority:

	<u>NBI Bridge ID</u>	<u>Structure No.</u>
Proposed Rehabilitation Bridge:		
Court Street over Farmers Creek	444385200029 B01	5486
Proposed Replacement Projects:		
Genesee Street over Farmers Creek	444385244042 B01	12650

4. Approval of the Budget Adjustment for the Police Retirement Fund.
5. Approval of the amendment of the Cable Advisory Board Bylaws, Section 4. Meetings.
6. Approval of the Permit and Application for Wolverine Fireworks for the July 4th fireworks and authorize the Mayor to sign required documents.
7. Approval of Payment Request # 1 from Site Development for the Sanitary Sewer portion of the M-24 Corridor Utility Expansion Project in the amount of \$26,620.00.
8. Approval of the new Property Improvement Program Community/Financial Institution Participation Agreement effective June 15, 2009 with Lapeer County Bank and Trust and authorize the Mayor to sign required documents.
9. Approval of the Maintenance Agreement with INTELESYS in the amount of \$2,277.00 and 4-hour training session in the amount of \$475.00 and authorize the City Clerk to sign required documents
10. Approval of the Special Assessment Installments for 2000, 2001, 2002, 2004, 2006, 2007 and 2008 which are delinquent as of May 1, 2009 be added to the 2009 Summer Tax Roll as authorized by City Charter.

MOTION CARRIED. RESOLUTIONS DECLAIRED ADOPTED.

BILL LISTING FOR JUNE 15, 2009

119 2009 06-15

Moved by Robinet. Seconded by Marquardt.

To approve the Bill Listing for June 15, 2009 in the amount of \$466,345.93.

MOTION CARRIED.

PUBLIC COMMENTS

None.

PUBLIC PROCLAMATIONS AND RECOGNITIONS

Proclamation – Pastor Rick Menzing.

120 2009 06-15

Moved by Robinet. Seconded by Farrington.

To approve the proclamation for Pastor Rick Menzing.

PROCLAMATION CITY OF LAPEER

In Recognition of Pastor Rick Menzing

WHEREAS, Pastor Rick Menzing has served as Pastor to Faith Christian Family Church since July 1986, giving guidance and spiritual inspiration to his congregation, and earning the respect and admiration of all our citizens by his whole-hearted and dedicated participation in many church and civic projects; and

WHEREAS, he has given generously of his time and effort by hosting a monthly luncheon for the area pastors for over 18 years, currently serves as Chamber Ambassador and has served as President of the Ambassadors of the Chamber of Commerce for 2 years, MC of the live radio “Community Chat” talk show for four years on WLSP 1530, among many others; and

WHEREAS, Pastor Rick Menzing has supported programs to benefit people of all ages and walks of life including Alcoholics for Christ program for the past 10 years, self esteem program "Getting Free", monthly food distribution through the national food ministry Angel Food since February 2007, ministering weekly in the Thumb Correctional Facility since its opening over 20 years ago, and starting the International School of Ministry Bible College to those wishing to earn an Associates Degree in biblical studies here in Lapeer; and

WHEREAS, with the love and encouragement of his wife Diana and their fine family, he has been a powerful influence for good in our community and has earned and justly deserves this public recognition for his many years of service to our community.

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 Pastor Rick Menzing for his dedication and distinction of many years of service to the citizens of the City of Lapeer and our Community with his exemplary leadership style; and

BE IT FURTHER RESOLVED, that a copy of this Proclamation be spread upon the official proceedings of the City of Lapeer, and that a copy thereof be tendered to Pastor Rick Menzing as a testimonial of the high esteem and appreciation in which he is regarded by the City of Lapeer Commission. Dated this 6th day of July, 2009.

MOTION CARRIED. PROCLAMATION DECLARED ADOPTED.

Mayor Sprague read and presented the Proclamation to Pastor Menzing. Pastor Menzing thanked the Commission, feels blessed to have worked in a wonderful community and introduced grandsons Blake and Brennan, son Paul and wife Diana.

PUBLIC HEARINGS

None.

ADMINISTRATIVE REPORTS

Mutual Aid Interlocal Agreement with Oxford Fire Department.

121 2009 06-15

Moved by Robinet. Seconded by Bennett.

To approve the Mutual Aid Interlocal Agreement with Oxford Fire Department and authorize the Mayor to sign required documents.

MOTION CARRIED.

2009-2010 Oregon Township Fire Protection Agreement

122 2009 06-15

Moved by Robinet. Seconded by Bennett.

To approve the 2009-2010 Oregon Township Fire Protection Agreement and authorize the Mayor and City Manager to sign required documents.

MOTION CARRIED.

Liability Insurance - Stevenson Company, Michigan Township Participating Plan

123 2009 06-15

Moved by Farrington. Seconded by Bostick-Tullius.

To approve the Stevenson Company, Michigan Township Participating Plan for the City of Lapeer Property and Liability Insurance at a cost of \$158,344.00 for the FY July 1, 2009 through June 30, 2010 and authorize the City Clerk to sign required documents.

MOTION CARRIED.

Resolution Establishing Depository Account: 2009 Limited Tax GO Bonds

124 2009 06-15

Moved by Robinet. Seconded by Bennett.

To approve the Corporate Authorization Resolution with Citizens First to establish the 2009 GO Construction Account for the I-69/M-24 Corridor Utility Project and authorize the Mayor and Clerk to sign required documents.

CORPORATE AUTHORIZATION RESOLUTION

CF BANCORP
525 Water Street
Port Huron MI 48060

By: City of Lapeer
2009 G.O. Construction Account

Referred to in this document as "Financial Institution" Referred to in this document as "Corporation",

I, Donna L. Cronce, certify that I am Secretary (clerk) of the above named corporation organized under the laws of Michigan, Federal Employer ID Number 38-6004630, engaged in business under the trade name of City of Lapeer, and that the resolutions on this document are a correct copy of the resolutions. These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

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	Signature	Facsimile (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) Exe
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 June 15, 2009 (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.

CITY MANAGER'S REPORT

City Manager Dale Kerbyson commented on a letter received from Sky Electric, that he would respond to the letter and provide a copy of the response to the Commission.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

No Board appointments were made.

DEPARTMENTAL COMMUNICATIONS

Departmental Monthly Reports received into record.

MAYOR/COMMISSIONER COMMENTS

Commissioner Farrington inquired about the Sky Electric letter and was interested in what the City procedures are for awarding any work such as bids or contracts to contractors and vendors.

City Manager Dale Kerbyson indicated he drove around the city to look at the parks which are in good shape and the crew is up to date.

Mayor Sprague apologized for his absence during of Flag Day and thanked Commissioner Robinet for providing the oratory.

ADJOURNMENT

124 2009 06-15

Moved by Bennett.

To adjourn the meeting.

MOTION CARRIED.

The regular meeting adjourned at 6:44 p.m.

William J. Sprague, Mayor

Donna L. Cronce, City Clerk