

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
OCTOBER 7, 2019**

A regular meeting of the Lapeer City Commission was held October 7, 2019 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

**ROLL CALL**

Present: Mayor Alverson

Commissioners: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Michael Nolan, present.

Mayor Alverson led the Pledge of Allegiance.

**207 2019 10-07 AGENDA APPROVAL**

Moved by Bennett. Seconded by Osentoski.

Approve the Agenda for October 7, 2019 as presented.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

**208 2019 10-07 MINUTES**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the minutes of the Regular meeting held September 16, 2019.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

Minutes from various Boards and Commissions were received into record.

**PUBLIC COMMENTS**

Jacque Wilson from the Lapeer District Library provided information about the Digital Services available to library patrons.

Janet Adams, Baldwin Road, gave an invocation.

**209 2019 10-07 CONSENT AGENDA**

Moved by Marquardt. Seconded by Osentoski.

Approve the Consent Agenda for October 7, 2019 resulting in the following:

1. Approve the Resolution to Opt Out of PA 152 of 2011 for the 2020 Year.
2. Set Halloween Trick or Treat Hours from 6:00 p.m. to 8:00 p.m. on Halloween Night, October 31, 2019.
3. Special Event Request from the Lapeer Area Chamber of Commerce, Annual Christmas Parade, December 7, 2019; 11:00 a.m., Nepessing Street in the downtown area.
4. Special Event Request from the Lapeer County Young Marines, Young Marine Red Ribbon Week, October 17, 2019 – November 7, 2019, Downtown Lapeer, contingent upon receipt of current insurance.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

**210 2019 10-07 BILL LISTING FOR October 7, 2019**

Moved by Osentoski. Seconded by Atwood.  
Approve the Bill Listing for October 7, 2019 in the amount of \$1,027,964.12.  
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS**

None.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE REPORTS**

**211 2019 10-07 Rezoning – R-2 single-Family Residential to B-2 General Business; Parcel #L21-16-550-008-00 (1101 S. Mail Street)**

Commissioner Bostick-Tullius introduced the ordinance amendment to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a)(21) to the General Ordinances of the City of Lapeer.

THE CITY OF LAPEER ORDAINS:

**ARTICLE 7.02 MAPPED DISTRICTS**

**7.02.02 District Boundaries**

(a) Zoning District Amendments

- (21) The following property formerly zoned R-2 Single Family Residential is hereby rezoned to B-2 General Business:  
Parcel #L21-16-550-008-00 addressed as 1101 S. Main Street  
SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION LOT  
8.4629.65+2054.90

**212 2019 10-07 Housing Improvement Division: Approval for CDBG Grant Amendment.**

Motion by Attwood. Seconded by Bennett.  
Approve the Grant Amendment Request and Re-Evaluation Of An Environmental Assessment for the Michigan Economic Development Corporation (MEDC) Community Development Block Grant (CDBG) for the Lapeer Team Works Inc. Building Façade Project and authorize the Mayor to sign required documents.  
Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**213 2019 10-07 Signatories on Lakestone Bank & Trust Accounts**

Motion by Atwood. Seconded by Osentoski.  
Approve the resolutions to change signatories on the Lakestone Bank & Trust accounts.

RESOLUTION  
BANK & TRUST  
GOVERNMENTAL ENTITY

LAKESTONE  
  
83 W Nepessing St  
Lapeer, Michigan 48446  
LAKESTONEbank.com

GOVERNMENTAL ENTITY NAME AND ADDRESS  
CITY OF LAPEER  
TREASURERS OPERATING

PARK FUND  
GENERAL SAVINGS  
FIRE INS W/H ESCROW  
SPECIAL ASSESSMENT BOND DEBT  
NON VOTED BONDS DBS SER  
DOG PARK  
2017 GO BONDS CONSTRUCTION FUND  
INCOME TAX WITHHOLDING  
576 LIBERTY PARK  
LAPEER, MI 48446-2140

This Resolution supersedes all previous Resolutions, effective October 7, 2019.

DATE OF RESOLUTION	ACCOUNT NUMBER	Tax	Identification
October 7, 2019	Savings #		

By signing below, I certify to LAKESTONE BANK & TRUST (“Financial Institution”) that: I am the ACCOUNTING MANAGER of the above named Governmental entity (“Entity”), validly chartered and operating under the laws of the State of Michigan; the following is a true and complete copy of the resolution, properly adopted at a duly called open legal meeting of the officers of the Entity held on October 7, 2019 in accordance with the charter of the Entity, if any; this Resolution is contained in the minutes of that meeting and that such Resolution is still in force and effect and has not been amended or rescinded, and was and still is in accordance with the charter of the Entity, if any; the Financial Institution has been provided a true and complete copy of the charter of the Entity, if any, as in effect as of the date of this Resolution; provided below are the correct names, titles, and genuine signatures of the persons authorized to exercise the powers provided in the Resolution (“Authorized Signers”); and the Financial Institution may rely upon my certification as to my authority to execute this Resolution and to make the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the powers indicated as contained in this Resolution.

DEPOSITORY ACCOUNT. Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- Account Opening and Maintenance. Open and maintain the Entity account(s).  
Number of signers required: 1
- Make Deposits. Make deposits to the Entity Account(s).  
Number of signers required: 1
- Endorsements. Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.  
Number of signers required: 1
- Make Withdrawals. Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.  
Number of signers required: 1
- Transfer Funds. Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreement related to such transfers.  
Number of signers required: 1
- Approve, Endorse, Guarantee and Identify Payees. Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money and to guarantee the payment of any such negotiable instrument, check, draft, or order for the payment of money.  
Number of signers required: 1
- Delegate Authority. Delegate to others the authority to approve, endorse, guarantee, and identify the endorsement of any payee or endorser on any negotiable instrument, check, draft, or order for the payment of money and to

guarantee the payment of any such negotiable instrument, check, draft, or order for the payment of money.

Number of signers required: 1

SAFE DEPOSIT BOX. Lease a Safe Deposit Box(es) with Financial Institution, make inspections of, deposits to and removals from the Box(es), and exercise all rights and be subject to all responsibilities under the Lease.

Number of signers required: 1

NIGHT DEPOSITORY. Enter into a Night Depository Agreement with Financial Institution and exercise all rights and be subject to all responsibilities under the Agreement.

Number of signers required: 1

LOCKBOX. Enter into a Lockbox Agreement with Financial Institution and exercise all rights and be subject to all responsibilities under the Agreement.

Number of signers required: 1

DEBIT CARD/ACCESS CARD. Apply for, receive and utilize debit, automated teller machine cards, or other access devices to exercise those powers authorized by this Resolution or other Resolutions then in effect.

Number of signers required: 1

CASH MANAGEMENT. Enter into a Cash Management Agreement with Financial Institution, and exercise all rights and be subject to all responsibilities under the Agreement

Number of signers required: 1

IT IS FURTHER RESOLVED THAT:

DESIGNATED DESPOSITORY, Financial institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

AUTHORIZED SIGNER'S POWERS. Authorized Signers are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

SIGNATURES. The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

IMPROPER ENDORSEMENT. Any negotiable instrument, check, draft or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

DISPOSITION OF FUNDS. When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Entity, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited into the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

PRIOR ENDORSEMENTS. All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

PRE-RESOLUTION TRANSACTIONS. All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

WARRANTY. That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

NOTIFICATION OF CHANGES. The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

REVOCAION AND MODIFICATION. An Act ("Act") to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.

**DESIGNATION OF AUTHORIZED SIGNERS**

NAME/TITLE/SIGNATURE	AUTHORITY CODE/LIMITATIONS
Tracey Russell, Executive Assistant Harry L. Green, Accounting Manager Romona J. Sanchez, City Clerk Kaye L. Hodges, Income Tax Administrator	Account Opening and Maintenance; Lease Safe; Night Depository; Lockbox; Debit Card/Access Card; Cash Management; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees; Delegate Authority

City Manager Kerbyson informed the commission with retirement of Karry Helmick new signatories are needed, therefore, Tracey Russell, Harry Green, Romona Sanchez and Kaye Hodges will be the signatories on each account.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED. RESOLUTION DELCARED ADOPTED.

**213 2019 10-07 CITY MANAGER’S REPORT - Real Estate Purchase Agreement for Industrial Property - City of Lapeer and DTE Electric Company**

Moved by Bostick-Tullius. Seconded by Bennett.

Approve the Real Estate Purchase Agreement with DTE Electric Company for vacant land on John Conley Drive, Lot #24 (part of parcel #L20-83-358-080-00) in the amount of \$220,000 and authorize the Mayor and City Manager to sign the required documents.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED

**CITY ATTORNEY’S REPORT**

City Attorney Mike Nolan stated that it is because of City Manager Kerbyson diligence that the purchase agreement with DTE Electric Company was finalized.

**214 2019 10-07 APPOINTMENT TO BOARDS AND COMMISSIONS**

Moved by Marquardt. Seconded by Bostick-Tullius.

Appoint Richard Fassezke to Local Officers Compensation Commission for a term to expire 10-01-2024; appoint Bailey RaCosta to Zoning Board of Appeals for a term to expire 04-01-2022.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.  
MOTION CARRIED.

## **DEPARTMENTAL COMMUNICATIONS**

The Departmental Monthly Report for Downtown Development Authority and the Medical Marihuana Licenses Provisioning Center, Grower, Processor, Secure Transporter, Safety Compliance Facility Update were received into the record as presented.

## **PUBLIC COMMENTS**

None.

## **MAYOR/COMMISSIONER COMMENTS**

### Redevelopment Ready Communities (RRC): Training Plan

No updates provided.

Commissioner Osentoski: Read a section of the City of Lapeer Charter relating to the Duties of Mayor as he felt miss information is being circulated.

Commissioner Atwood: Would like to see the Christmas parade held at night.

Commissioner Bennett: Would also like the parade to be held at night; wanted to know why Commissioner Osentoski thought it necessary to read the Charter; thinks Mayor Alverson is doing well.

Commissioner Bostick-Tullius: Agreed that the Mayor's duties are as stated in Charter; attended RRC training; MML conference was the last one for her and was a success.

Commissioner Marquardt: Has concerns about construction at Saginaw and Genesee as she wants the area to be safe for residents; asked for clarification of Zoning Board of Appeals and Board of Review, if Mayor and Commission can serve on those boards; MML conference was productive and informative.

City Manager Kerbyson: Informed the Commission he is aware of the construction at Saginaw and Genesee, which will be addressed before winter; thanked City Attorney Nolan for teaching Seaver Title that cities do not pay transfer tax on property sales; wrote a letter to Governor Whitmore indicating the negative impacts to the City with her line-item cuts of the budget; October 13, 2019 is the Fire Department Open House.

Mayor Alverson: Commissioner Osentoski's comments are not directed at him, but misinformation that is has not been clarified and is being shared with voters; excited about the extension of the walking paths along Genesee Road.

## **215 2019 10-07 ADJOURNMENT**

Moved by Bennett.

Adjourn the regular meeting.

Ayes: Atwood, Bennett, Bostick-Tullius, Marquardt, Osentoski.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 6:55 p.m.

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Mayor Glenn Alverson

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Romona Sanchez, City Clerk

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Tracey S. Russell, Deputy City Clerk