



CITY OF CLARE

202 West Fifth Street • Clare, Michigan 48617-1490

989/386-7541 • Fax 989/386-4508

www.cityofclare.org

CLARE CITY COMMISSION

Monday, January 04, 2010

6:00 p.m.

AGENDA

CITY HALL

Ph 989/386-7541

Fx 989/386-4508

www.cityofclare.org

DEPARTMENT OF PUBLIC WORKS

Ph 989/386-2182

Fx 989/386-3445

W/WWT PLANT

Ph 989/386-2321

Fx 989/386-2387

POLICE DEPT.

Non-emergency

Ph 989/386-2121

Fx 989/386-0440

FIRE DEPT. NON-EMERGENCY

Ph 989/386-2151

Fx 989/386-3020

PARKS & RECREATION

Ph 989/386-7541

Fx 989/386-4508

AIRPORT

Ph 989/386-0445

Fx 989/386-4508

MAIN STREET MANAGER

Ph 989/386-9190

Fx 989/386-9190

1. **CALL TO ORDER**
 - A. Pledge of Allegiance
 - B. Roll Call
2. **CONSENT AGENDA** – All items listed with an asterisk (*) are considered to be routine by the City Commission and shall be enacted by one motion. There will be no separate discussion of these items unless a Commissioner or citizen requests to do so, in which event the item shall be removed from the General Order of Business and considered in its normal sequence on the agenda.
3. ***APPROVAL OF MINUTES**
4. ***APPROVAL OF AGENDA**
5. **PUBLIC COMMENT**
6. **OLD/UNFINISHED BUSINESS**
7. **NEW BUSINESS**
 - A. Adoption of Ordinance 2009-006 (Ch. 8 Animals and Ch. 30 Parks and Recreation)
 - (1) *Second Reading
 - (2) Adoption of Ordinance 2009-006
8. **TREASURER'S REPORT**
9. **MAIN STREET MANAGER'S REPORT**
10. **CITY MANAGER'S REPORT**
11. ***COMMUNICATIONS**
12. **EXTENDED PUBLIC COMMENT**
13. **COMMISSION DISCUSSION TOPICS**
14. ***APPROVAL OF BILLS**
15. **ADJOURNMENT**

The regular meeting of the Clare City Commission was called to order by Mayor Pro Tem Jean McConnell in the Commission Chambers, at 6:00 p.m., who led the Pledge of Allegiance. Present were: Commissioners Bill Horwood, Jean McConnell, John Koch, and Tom Koch. Absent: Pat Humphrey. Also present were Bob Bonham, Acting City Manager; Steve Kingsbury, Treasurer and Finance Director; James Chapman, Fire Chief; Amandagrace Green, Parks and Recreation Director; and Diane Schmidt, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Tom Koch second by Commissioner Bill Horwood to approve the items listed with an asterisk (*) that are considered to be routine by the City Commission (Minutes, Agenda, Communications, Department Reports, Approval of Bills, and First Reading of Ordinance Revisions 2009-006 and 2009-005). Roll call vote: Yeas: Commissioners Bill Horwood, Jean McConnell, John Koch, and Tom Koch. Nays: None. Absent: Pat Humphrey. *Motion Approved.*

3. *APPROVAL OF MINUTES:

Consent Agenda Approval.

4. *APPROVAL OF AGENDA:

Consent Agenda Approval.

5. PUBLIC COMMENT: - None.

6. OLD BUSINESS/UNFINISHED BUSINESS:

A. PRESENTATION OF 2008/2009 AUDIT.

Mark Freed of Andrews, Hooper & Pavlik, P.L.C. (formerly Burnside & Lang, P.C.) presented the Fiscal Year 2008/2009 Audit report to the City Commission. Mr. Freed noted that the audit was "clean" and presented no serious problems or concerns.

Commissioner Tom Koch inquired to what degree the auditing firm would recommend the City adjust the sewer and water rates to cover the cost of future expenditures necessary for maintenance and repair of the water and sewer system infrastructure. Steve Kingsbury remarked that it would be difficult to say at this time but a rate study is scheduled for next year and water and sewer service fees may be restructured in the future.

Commissioner Jean McConnell asked Mr. Freed if there is an industry standard for the amount of funds that municipalities maintain in their fund balance accounts. Mr. Freed replied that there is no state mandate, but typically municipalities set aside three to eight months of operating funds in their fund balance accounts.

Motion by Commissioner Bill Horwood second by Commissioner John Koch to accept the FY08/09 audit report by adoption of Resolution 2009-077. Roll call vote: Yeas: Commissioners Bill Horwood, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: Pat Humphrey. *Motion Approved.*

7. NEW BUSINESS:

A. PETTIT PARK BATHROOM DESIGN PROPOSALS.

Motion by Commissioner John Koch second by Commissioner Tom Koch to approve the award of design services for the proposed Pettit Park Shower Facilities to Lapham Associates of Clare for a cost not to exceed \$2,200 by adoption of Resolution 2009-049. Roll call vote: Yeas: Commissioners Bill Horwood, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: Pat Humphrey. *Motion Approved.*

B. PURCHASE OF NEW FIRE DEPARTMENT TENDER.

Motion by Commissioner Bill Horwood second by Commissioner Tom Koch to approve the purchase of a new tender for the Clare Fire Department, said purchase to be made from Custom Fab & Body, LLC of Marion, Wisconsin for a purchase price not to exceed \$186,218 by adoption of Resolution 2009-103. Roll call vote: Yeas: Commissioners Bill Horwood, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: Pat Humphrey. *Motion Approved.*

C. REVISION OF CHAPTER 8 (ANIMALS) AND CHAPTER 30 (PARKS & RECREATION) OF THE ORDINANCE CODES OF THE CITY OF CLARE; ORDINANCE 2009-006.

Motion by Commissioner Bill Horwood second by Commissioner John Koch to open a public hearing to receive comment regarding a proposed change to the City's current ordinance codes to prohibit animals and pets from sporting events overseen by the City on City property. Roll call vote: Yeas: Commissioners Bill Horwood, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: Pat Humphrey. *Motion Approved.*

*FIRST READING: Consent Agenda Approval.

Public Comment: None

Motion by Commissioner Bill Horwood second by Commissioner John Koch to close the public hearing. Roll call vote: Yeas: Commissioners Bill Horwood, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: Pat Humphrey. *Motion Approved.*

D. REVISION OF CHAPTER 52 (ZONING) OF THE ORDINANCE CODES OF THE CITY OF CLARE; ORDINANCE 2009-005.

Motion by Commissioner Bill Horwood second by Commissioner John Koch to open a public hearing to receive comment relating to a proposed zoning Ordinance amendment that would change the currently required 10-foot sign setback requirement to three feet. Yeas: Commissioners Bill Horwood, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: Pat Humphrey. *Motion Approved.*

*FIRST READING: Consent Agenda Approval.

Public Comment: None

Motion by Commissioner Bill Horwood second by Commissioner John Koch to close the public hearing. Roll call vote: Yeas: Commissioners Bill Horwood, Tom Koch,

John Koch, and Jean McConnell. Nays: None. Absent: Pat Humphrey. *Motion Approved.*

8. TREASURER'S REPORT

Treasurer's report was received.

9. *DEPARTMENT REPORTS

Consent Agenda Approval.

10. CITY MANAGER'S REPORT

City Hall Aesthetic Improvements. We are in the process of making some aesthetic improvements to the bottom floor of City Hall: new carpeting; removal of 25-year old wall paper; new paint; improved lighting in the hallway and east entrance; and some office "shuffling": (Steve moving to the most westerly office of the first floor; Diane moving to Steve's current office, etc.). The vast majority of the funding for these improvements (carpet and paint) were pre-paid from last year's budget (we had planned to do the work in the last budget year but simply ran out of time to do so), and the majority of the labor (excluding electrical and carpet laying) is being provided by our DPW crews, thus resulting in significant cost savings. The only disadvantage to using our own labor resources is that this project is low-priority in comparison to other critical DPW winter tasks (snow removal; water, storm, and sanitary sewer breaks and back-ups; etc.); consequently, it may take us three to four times the amount of time to complete this project in comparison to using contracted labor for the work and service – which we view as a minor inconvenience that we are gladly willing to accept for the cost savings we achieve.

New Water/Wastewater Department Part-Time Employee. As the City Commission is aware, the Water/Wastewater Department is authorized (and budgeted for) a part-time employee. Kim Parker was that part-time employee until her resignation approximately five months ago; the position has been vacant since Kim's departure. Kim's departmental duties were strictly administrative in nature. Upon her departure, John asked that he be allowed to re-designate this position as a part-time operator position versus administrative; I approved his request. The City advertised the position accordingly while simultaneously providing all current City employees the opportunity to "bid" on the position. While no current employees were interested in the position, we received in excess of 40 applications for the part-time operator position – a great many of them with previous water and wastewater experience (some of them licensed) that have been laid off in other municipalities throughout the state. John is in the process of conducting interviews of those he selected as best-qualified; I anticipate that he will make a decision regarding the hiring of a new part-time employee within the next month.

Central Michigan University (CMU) Internship. We have again been approached by a CMU student (Mr. Andrew Knapp, who is majoring in public administration at CMU) to intern with us. I interviewed him last month and determined he meets the qualifications we require for internship; he is scheduled to start his internship with us in January 2010.

City Office Closures. City offices will be closed on the following days for the Christmas/New Year Holiday period: all day on December 24th and December 25th; one-half day (afternoon) of December 31st; and all day on January 1st.

Results of 14-Point Assessing Mini-Review. The Michigan Department of Treasury recently conducted a 14-point review of our Assessing Department. As reflected in their correspondence, we received very high marks.

Absence. I will be out of the office until Thursday, December 31st; Bob Bonham will serve as the Acting City Manager during my absence.

11. *COMMUNICATIONS:

Consent Agenda Approval.

*MAC 3 Correspondence. MAC 3 TV has issued a public notice related to the recent channel realignment by Charter Communications for local cable TV subscribers.

*Airport T-Hangar Project Meeting Report. A record of the referenced meeting is attached for the City Commission's information.

*City Treasurer Correspondence. Our City Treasurer forwarded correspondence to one of our neighboring governmental entities related to an invoice received by the City.

*USDA Correspondence. We received correspondence from the USDA related to our pending loan for sanitary sewer system improvements.

*Tax Tribunal Consent Judgment. The Tax Tribunal has formally issued a Consent Judgment, thereby approving the proposed agreement between the City of Clare and the Doherty Hotel.

12. EXTENDED PUBLIC COMMENT: Fire Chief James Chapman thanked the Commission for supporting the purchase of a new fire tender. Chief Chapman introduced Joe Thomas of Great Lakes Fire and factory representative for Custom Fab & Body, LLC, who will be building the fire tender. Mr. Thomas thanked the City for awarding Custom Fab & Body, LLC the bid for the new fire tender. Mr. Thomas will act as a liaison, providing progress reports and photos to the City during production of the equipment.

13. COMMISSION DISCUSSION TOPIC: None

10. *APPROVAL OF BILLS:

Consent Agenda Approval.

11. ADJOURNMENT:

Motion by Commissioner Bill Horwood second by Commissioner John Koch to adjourn. Ayes: All. Nays: None. Absent: Pat Humphrey. *Motion Approved.*

Meeting adjourned at 7:12 p.m.

Pat Humphrey, Mayor

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Diane Schmidt, City Clerk
DATE: December 30, 2009



RE: Adoption of Ordinance 2009-006 (Revision of Chapter 8 (Animals) and Chapter 30 (Parks and Recreation) of the Ordinance Codes of the City of Clare)

For the Agenda of January 04, 2010

Background. The Parks and Recreation Board has recommended a change to the City's current ordinance codes to prohibit animals and pets from sporting events overseen by the City on City property. The recommended change was prompted by incidents involving pets at this past fall's soccer games that caused disruption to the games and created a potential safety hazard to spectators and participants. The proposed change was discussed with and reviewed by our City Attorney; the recommended change is considered to be reasonable and was determined to have the minimal wide-range effect on City residents while simultaneously achieving the desired results of the Parks and Recreation Board.

The City Commission conducted a public hearing and a first reading of the proposed ordinance amendment at the scheduled meeting of December 21, 2009. No public comment was received.

In order to complete the process to adopt the proposed ordinance (Ordinance 2009-006), the City Commission is required to direct a second reading (all first and second readings of ordinance amendments are Consent Agenda items of the Clare City Commission unless properly removed from the Consent Agenda). Thereafter, the City Commission may adopt the proposed ordinance.

Issues & Questions Specified. Should the City Commission direct a second reading of the proposed ordinance and thereafter take formal action to adopt the ordinance?

Alternatives.

1. Direct a second reading and adopt the new ordinance.
2. Direct the second reading but do not adopt the ordinance.
3. Do not direct the second reading, thereby disapproving the ordinance in its current form.
4. Set aside decision regarding this matter to a later date.

Financial Impact. There is no direct fiscal impact to the City other than the administrative costs of publishing the public notice.

Recommendation. I recommend that the City Commission approve the proposed ordinance by adoption of Resolution 2010-001 (*copy att'd*).

Attachments.

1. Ordinance 2009-006.
2. Resolution 2010-001.

ORDINANCE NUMBER 2009- 006

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE.

Chapter 8, Article I, Section 8-15 of the Code of Ordinances, City of Clare, Michigan, is hereby added as follows:

Section 8-15. It shall be unlawful for any person to permit or to bring any animal to a sporting event overseen by the City which occurs on City property. All animals or pets, apart from service animals, are banned at all sporting events overseen by the City occurring on City property.

Chapter 30, Article III, Section 30-73 of the Code of Ordinances, City of Clare, Michigan, is hereby revoked and restated as follows:

Sec. 30-73. Animals and pets.

It shall be unlawful to do any of the following acts upon city park lands:

- (1) *Wildlife*. Take from the park, disturb, injure or kill any wildlife within park boundaries without written permission.
- (2) *Pets*. Possess any animal considered a pet, unless such pet is on a leash no longer than six feet, or allow a pet to disturb or annoy other park users, or fail to clean all droppings and other messes created by a pet in such person's possession. Running a pet for the purpose of relieving itself is unlawful, except in designated pet runs.
- (3) *Horses*. Ride horses any place upon park lands, except on designated roadways, without permission, or fail to clean up all droppings of the horse within the park. Every horse must be under the control of the rider at all times.
- (4) To allow or bring any animal to a sporting event overseen by the City upon City property. All animals or pets, apart from service animals, are banned from sporting events overseen by the City held on City property.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Adopted by the City Commission of the City of Clare this 4th day of January, 2010.

Diane Schmidt, Clerk

2010-001

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A REVISION TO CHAPTER 8 (ANIMALS) AND CHAPTER 30 (PARKS AND RECREATION) OF THE ORDINANCE CODES OF THE CITY OF CLARE.

WHEREAS, the City Commission held a public hearing to consider comment related to said Ordinance and receiving none, approved the first reading of said proposed Ordinance, and

WHEREAS, the City Commission approved a second reading of said proposed Ordinance at a scheduled meeting and subsequently considered said Ordinance and determined that adoption served the best interests of the City of Clare and its citizens.

THEREFORE IT IS HEREBY RESOLVED by the Clare City Commission that Ordinance 2009-006, a Ordinance amendment to prohibit animals and pets, with exception to service animals, from sporting events overseen by the City on City property, is hereby adopted, the effective date of said Ordinance being fifteen days from this date.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 4th day of January 2010.

DIANE SCHMIDT
City Clerk

To: Mayor Pat Humphrey and the Clare City Commission
From: Steven J. Kingsbury, Treasurer and Finance Director
Date: December 30, 2009
Reference: Treasurer's Report for January 4, 2010

Fiscal 2008/09 Annual Audit: Following the presentation of the 2008/09 Fiscal Audit by Mr. Mark Freed, Managing Partner of Andrews, Hooper & Pavlik, P.L.C., a copy of our audit has been filed with the State Treasurer and also the USDA. The City's annual F-65 report has also been completed and filed with the State Treasury.

Clare County Land Bank: In an effort improve properties throughout Clare County that have been put up for tax foreclosure sale the Clare County Treasurer and Commission created a Land Bank Authority Board and provided initially operational funding. The initial meeting of the Land Bank Board was held on December 17, 2009 during which I was elected to serve as Vice Chairman. During the next several months we will be working on establishing the policies and procedures of the Land Bank Board to insure the proper redevelop of properties transferred into the Land Bank.



JENNY BEEMER-FRITZINGER

Clare County Treasurer

Janet Price—Chief Deputy

Cori Turner & Cindy Heintz—Deputy Treasurer's

225 W. Main St
P.O. Box 564
Harrison, MI 48625
Tel. (989) 539-7801
Fax (989) 539-0866

December 9, 2009

Clare County Land Bank Authority Board
Steven Kingsbury
202 W. Fifth
Clare, Michigan 48617

Dear Mr. Kingsbury,

The first meeting for the Clare County Land Bank Authority will be on Thursday, December 17, 2009 at 10:00 am in the County Board of Commissioners Room.

Enclosed, please find the tentative agenda for the meeting. Officers will be elected, the purpose of the Land Bank Authority will be discussed, and the Articles of Incorporation, along with the bylaws, will need to be adopted.

I look forward to meeting with you and to a productive and rewarding meeting. I believe the Land Bank will prove to be a positive addition to Clare County.

Sincerely,

Jenny Beemer-Fritzinger
Clare County Treasurer

Enclosure

CLARE COUNTY LAND BANK AUTHORITY
ORGANIZATIONAL MEETING

AGENDA

THURSDAY, DECEMBER 17, 2009

10:00 AM

BOARD OF COMMISSIONERS ROOM, CLARE COUNTY COURT HOUSE

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
4. PUBLIC INPUT
5. ITEMS FOR CONSIDERATION
 - A. ELECT OFFICERS
 1. CHAIR
 2. VICE CHAIR
 3. TREASURER
 4. SECRETARY
 - B. GENERAL DISCUSSION OF LAND BANK AUTHORITY PURPOSE
 - C. ADOPT ARTICLES OF INCORPORATION
 - D. PROPOSED MEETING SCHEDULE
 1. ANNUAL MEETING:
THURSDAY, MAY 6, 2010 10:00 AM
 2. QUARTERLY MEETINGS:
THURSDAY, FEBRUARY 4, 2010 10:00 AM
THURSDAY, SEPTEMBER 9, 2010 10:00 AM
THURSDAY, NOVEMBER 4, 2010 10:00 AM
 - E. ADVISORY GROUP—MEMBERS? HOW OFTEN?
 - F. SOURCES OF FUNDING?
 - G. DISCUSSION—INTERGOVERNMENTAL AGREEMENT
 - H. AUTHORITY MEMBERS BONDED
6. UNFINISHED BUSINESS
7. NEW BUSINESS
8. MISCELLANEOUS
9. ADJOURNMENT

1. Main Street Notes

Happy New Year!!! This year will be the year of change in many ways for our Main Street/DDA District. I look forward to assisting the community through these changes, knowing that we will look back on the upcoming year with a great feeling of accomplishment.

The Clarecastle Senior Housing and Senior Center project is moving along on schedule. Already the project is looking great, and everyone is anticipating the wonderful new residents and visitors this will bring to our downtown.

It looks like in 2010...good things will continue to happen on Main Street!

2. Educational Opportunities

Although I was unable to attend the Quarterly Training for Main Street due to the weather conditions, I managed to obtain the information presented at this training. The topic of this training was Evaluating Events. The material sent to me is useful and will provide us new ideas and sound business practices to have successful events.

As always, I continue to learn everything that I can about being a great Main Street Manager for our community. If you have a tidbit of knowledge or experience that you believe would help us, please feel free to share it with me, I will gladly utilize the information to our benefit!

3. Community

Please remember that the Clare Area Chamber of Commerce will be holding their annual Business-to-Business Expo on February 25, 2010. I am the co-chair for this event, and the committee is planning another spectacular expo. The theme this year is Safari with the slogan being "Hunt for Success at the Business Expo". If you have any questions about the event please let me know, I'll be happy to help you. Come support our Chamber, Main Street businesses, and all of the businesses that will be representing booths. Also, please be sure to stop by the City's booth where we will be representing Main Street and the City of Clare.

I continue to assist the Clare Area Chamber of Commerce through committee work and as a Board member. Also, I continue helping as the Program Director, and now Board member, for the Clare Rotary Club. As a reminder, I have developed a presentation to help people learn more about our DDA/Main Street Program. Please let me know whether there is a group or organization that would like to hear this presentation, I would be happy to present our information to them.

4. Committees

The Promotion Committee is working on the 2010 work plans. Our next event will be the brand new Beat the Winter Blues Festival scheduled for February 12-13, 2010. This event promises to be super fun with Clare turning from green to blue for these two days!

Also, the committee is working on the Irish Golf Scavenger Hunt which will be held in conjunction with the Irish Festival March 10-14, 2010.

The Design committee continues to work on the National Register for Historic Places application. Ken Lingaur, our intern on this project, is making steady progress in his efforts to complete the application to have our Main Street District listed on the National register for Historic Places, and is excited to be able to tell "the story of downtown Clare" for this purpose.

The Organization Committee meets this week to finalize the 2010 work plans as well as to work on the next edition of our Main Street newsletter, Street Talk. They are glad to be able to provide this piece and help other organizations share their information through this communication tool. We always have lots of positive feedback about this piece and it is an excellent way to stay in touch with our downtown property owners and members of the community.

In addition, the committee will soon begin plans for Clare Pride Day. This award-winning project is exciting to work on, and the committee can't wait to begin!

The Economic Restructuring Committee will begin developing their 2010 work plans. Included in these is a plan to continue monitoring the Rental Rehab Program. A progress report will be presented when more activity takes place with this project.

Thank you for your dedication to our community and your support of our Main Street program. If I can assist you in any way please let me know.

Lori Schuh
Main Street Manager

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Bob Bonham, Acting City Manager
DATE: December 30, 2009
RE: City Manager's Report

For the Agenda of January 04, 2010

City Hall Aesthetic Improvements. City crews have started by removing the old wall paper during that process they had difficulty removing the wall paper paste so we decided to have a drywall person put a skim coat on the walls. He is in the process of that now and should be completed sometime around the 2nd of January. Once this is done DPW crews will continue with painting.

New Water/Wastewater Department Part-Time Employee. Wastewater Superintendent John Holland has made a selection for the advertised part-time wastewater operator position. John Nabbelfele is a Marine Reservist and a water operator for the Marine Corp. He will be working 25 hours per week. Previous employee Kim Parker was at an hourly rate of \$13.87/hr. when she left the City. Mr. Nabbelfele's hiring wage is \$11.80/hr.

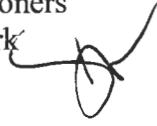
Water main break. On Sunday December 27th a water main broke on E. Fifth St. near Tender Care Nursing Home. Water could not be shut off until Tuesday to allow the nursing to make arrangements for us to be able to shut off the water until repaired. The repairs took approximately two hours.

Ice Rink. The ice rink has come together very nicely in the last week and is scheduled to open to the public on December 30th.

Absence. Ken has extended is vacation thru Friday January 1st and will be present for the commission meeting on January 4th.

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Diane Schmidt, City Clerk
DATE: December 30, 2009
RE: *Communications



For the Agenda January 04, 2010

***Note: This is a Consent Agenda item and is considered as routine by the City Commission. As such, this matter shall be automatically enacted by one motion with all other Consent Agenda items unless a Commissioner or citizen requests this item be individually discussed, in which event it shall be removed from the Consent Agenda and considered and acted upon in its designated sequence on the approved Clare City Commission agenda of January 04, 2010.**

The following major items of correspondence were either received by or transmitted by the City since the last regularly scheduled City Commission meeting:

Employment Tax Status - City Assessor. The City received the enclosed opinion letter from the city attorney regarding the employment tax status of the city assessor.

DOL Bureau of Construction Codes. The City received the enclosed notice of public hearing from the DOL related to proposed amendments to the Michigan Elevator Safety board General Rules and Construction Code-Part 7. Plumbing Code.

Charter Communications change in contact information. The City received notice that Charter Communications has made a change in management and has provided new technical contact information. Charter is also providing additional resources to monitor complaints and address interference problems with channels 96 and 97.

MMDC Correspondence. The latest editions of weekly *MMDC Bullets* are attached for the Commission's information.

Attachments. As noted above.

JAYNIE SMITH HOERAUF, P.C.

ATTORNEY AT LAW

601 Beech Street / P.O. Box 67 / Clare, Michigan 48617

Phone (989) 386-3434 / Fax (989) 386-3636

E-mail / hoerauf@sbcglobal.net

December 15, 2009

Mr. Ken Hibl
City of Clare
202 West Fifth
Clare MI 48617

RE: City Assessor – Employment Tax Status

Dear Ken:

Please accept this letter in response to your inquiry regarding the employment tax status of the city assessor. It is my opinion that the City's employment of BS & A Software Inc., to perform its assessing functions does not create an employment tax liability problem. I will explain.

The recent discussion has been regarding various tax opinions involving municipalities that treat the tax assessor as an independent contractor. The tax assessor is hired as a contract employee to perform the assessing functions and paid a contract sum in lieu of a wage. In this model, the assessor is given a "gross" contract amount, employment taxes are not withheld (and the employer portion not paid by the local government) and the income is reported to the government on Form 1099 rather than by use of a W-2 form. This type of employment is not favored under tax law and has been a popular tax avoidance tactic in some industries (i.e....construction). No matter how often it is done, it is usually inconsistent with employment tax law. The tax law is structured to result in a determination that the person is an employee, rather than an independent contractor. As an employee the person must be placed on the formal payroll and employment taxes withheld and paid as we go.

Mr. Ken Hibl
Page 2
December 15, 2009

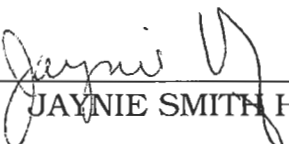
This inquiry and analysis does not pertain to the City under the circumstances. The City of Clare has had two assessors in the last few years. The first, Ms. Lemm, was a regular payroll employee (thus ending the inquiry). The second, Mr. Kirwin, is a payroll employee of a separate, bona fide company. He is paid wages by BS & A and (we have to assume that they manage their payroll duties/obligations like any other employer) receives his W-2 through them. The City has a contract for services, receives regular invoices, and pays the invoices. All of this is beyond question and there is no employee being paid contract wages and receiving a 1099, as in many other cities. The City has never retained an assessor under an independent contractor arrangement, apart from the corporation BS & A. Should the City have retained either individual on a contract basis and issued a Form 1099 for the compensation to the individual, the inquiry would be much different.

Your second question involves the proposed sharing of an assessor between several cities by virtue of an Urban Cooperation Act Agreement. Under that agreement, one City would act as employer, pay the assessor, withhold payroll taxes, make all employer contributions for taxes and the various cities would then remit their percentage share of the cost as reimbursement. It is my opinion that there is no employment tax liability issue on the proposed arrangement, either. In that instance, you have an individual on a payroll, with all payroll taxes being withheld and remitted pursuant to a written agreement. No sums would be paid to the assessor as independent contractor or reported via Form 1099. If you were to have a situation in which the individual has contracted for services to be rendered, the contract treating him as an independent contractor, with a 1099 issued in lieu of putting the individual on the payroll, the analysis would be very different.

I hope that this assists.

Sincerely,

JAYNIE SMITH HOERAUF, P.C.

BY 
JAYNIE SMITH HOERAUF

JSH/ss

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
NOTICE OF PUBLIC HEARING

Michigan Elevator Safety Board General Rules (SOAHR# 2008-005 LG)
Construction Code – Part 7. Plumbing Code (SOAHR# 2009-007 LG)

The Department of Energy, Labor & Economic Growth, Bureau of Construction Codes, will hold a public hearing on January 20, 2010, at 9:30 a.m. in Conference Room 3, 1st floor, 2501 Woodlake Circle, Okemos, MI 48864. The proposed effective date of the Elevator Rule Set is August, 2010, and the proposed effective date of the Plumbing Rule Set is September, 2010.

The public hearing is to receive public comments on the proposed amendments to the administrative rules noted above. Testimony will be taken for each rule set in the order the rules are listed above. Individuals who are not present during testimony for a particular rule set will be provided an opportunity to testify after final testimony on the Plumbing Code rule set.

The proposed Michigan Elevator Safety Board General Rules will adopt the ASME A17.1-2007, ASME A18.1-2008, and ANSI A10.4-2007. The code covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevating devices. The hearing is being conducted by authority conferred on the director of the Department of Energy, Labor and Economic Growth by section 8 of 1967 PA 227 and section 8 of 1976 PA 333, Executive Reorganization Order No. 2008-4, MCL 445.2025.

The proposed Michigan plumbing rules will adopt the 2009 edition of the International Plumbing Code with amendments, deletions, and additions as deemed necessary for use in Michigan. The hearing is being conducted by the Department under the authority of Section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1 and 2008-4, MCL 445.2011 and MCL 445.2025.

The proposed rules will be published in the January 1, 2010, *Michigan Register*. Copies of the proposed Michigan amendments to the Michigan Elevator Safety Board General Rules and Construction Code – Part 7. Plumbing Code may be obtained for a fee of \$3.00 each by submitting a check or money order, made payable to the State of Michigan, to the Bureau at the address below. You may download a free copy of the proposed amendments by visiting our website at www.michigan.gov/bcc. The amendments are located under the What's New section.

Oral or written comments may be presented in person at the hearing on January 20, 2010, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., January 20, 2010. If your presentation is in written form, please provide a copy to a rules analyst at the conclusion of your testimony.

Department of Energy, Labor & Economic Growth
Bureau of Construction Codes
Office of Administrative Services
P.O. Box 30254
Lansing, MI 48909
Telephone (517) 335-2972
Facsimile (517) 241-9570
matsumotos@michigan.gov

Be sure all cellular telephones and pagers are turned off or set to vibrate during the hearing.

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Shannon Matsumoto at 517-241-6312 (voice) or 517-322-5987 (TTY) at least 14 days prior to the hearing. DELEG is an equal opportunity employer/program.



Charter
COMMUNICATIONS®

A WIRED WORLD COMPANY™

December 29, 2009

City of Clare, MI
Attn: Ms. Kay Haven, City Clerk
202 West Fifth
Clare, MI 48617

Dear Ms. Haven:

Charter Communications recently made a change in management areas that affected the contact information for technical operations with Charter Communications.

The new technical contact for you is as follows:

Technical Operations Manager Name: Lloyd Collins
Address: 1145 S. Telegraph Road
City, State, Zip: Monroe, MI 48161
Phone: 734-240-4004 Fax: 734-234-2366
E-Mail: lloyd.collins@chartercom.com

Charter has also established the following resources in the event any of your constituents need to contact us concerning specific problems with Channels 96-99. Our regular customer service number is 888-GET-CHARTER. In addition, Charter will monitor the following email address for any complaints or concerns about interference on channels 96 and 97. joegm@chartercom.com. Anyone experiencing interference on those channels may email Charter at that email address, identifying the nature of their problem and their contact information. Charter will respond by email or phone to the complainant by the next business day and schedule a service call if required at the customer's convenience.

Second, Charter has set up a hotline, toll-free telephone number for the purpose of fielding any telephone complaints about interference on Channels 96 and 97. Anyone experiencing interference may call and leave a message at **877.976.1625**. Again, Charter will respond by the next business day and schedule a service call if required, at the customer's convenience.

In addition, I have a new direct dial telephone number for my office. My new number is 616-607-2378. Please note this change as well.

Best Regards,

Tim Ransberger
Charter Communications

From: Carolyn Bennett [cbennett@mmdc.org]
Sent: Wednesday, December 16, 2009 4:07 PM
To: info@mmdc.org
Subject: MMDC Bullets

MMDC Bullets – December 16, 2009

- On December 4 we attended a Michigan Economic Developers Association (MEDA) event titled “Economic Development; Pushing the Boundaries.” This day-long seminar provided valuable insights on the various aspects of entrepreneurship, tourism, partnerships, and new industry (film industry being one) attraction, and the value of utilizing these tools to enhance our communities.
- The first Asset Based Community Development Training was held on Saturday, December 12 at the Mannsiding Lodge in Clare County. MMDC was able to provide this critical training through a grant received from the USDA. Twenty participants from Surrey Township, Freeman Township, Hayes Township, and Lake George attended. Lisa Hadden, Mt. Pleasant Area Chamber of Commerce President, facilitated the training.
- Thank you to the City of Clare for creating an Industrial Development District and Plant Rehab District for Robotic Welded Parts at its new location in the City of Clare. It continues to be a privilege to work with communities that have the best interest of their businesses at heart.
- The Harrison Area Economic Development Organization (HAEDCO) hosted its third “Bucks for Business” contest this week. This program offers entrepreneurs in the greater Harrison Area the opportunity to win \$1,000 toward the start-up or expansion of their business. In addition, all companies are provided information about local agencies that will assist with business development. The winner of the “Bucks for Business” contest will be announced in a future bullets broadcast.
- Bandit Industries has been approved by the Michigan Economic Development Corporation’s (MEDC) management team for inclusion in their EDJT (economic development job training) Pilot Program Grant. The approval is for \$25,000 to train 45 employees. Thank you to our local MEDC Business Development Manager Brenda Flory for working with Bandit Industries to make this happen!
- Congratulations to the City of Mt. Pleasant and Midori Sushi Restaurant and Martini Bar for receiving a grant from the MEDC for façade improvement at its location in downtown Mt. Pleasant.
- Mock Interview Day is scheduled for Tuesday, March 16 at CMU’s Bovee University Center. Thanks to the Clare County Enterprise Community, CME Mitsuba, Commercial Bank, FutureMold, Melling Products, and StageRight, MMDC is already halfway to its financial goal!
- Tomorrow is finally moving day! We’ve been packing and tossing for weeks and the time has finally come to move MMDC to its new location at 200 E. Broadway – the former Isabella Bank Building. Our offices will be closed on Thursday and Friday and will reopen on Monday, December 21 at our new location. Should you need to reach us, please leave a voicemail message or send an email. We’ll do our best to get back with you in a timely manner.

Kathy & Carolyn

Carolyn Bridges Bennett, CBSP

Director of Promotions & Workforce Development
Middle Michigan Development Corporation
111 S. University, Mt. Pleasant MI 48858
cbennett@mmdc.org
www.mmdc.org
PH (989)772.2858
FX (989)773.2115



PAYABLES REPORT FOR COMMISSIONERS

Query: INV_DueDt >= 12/01/2009 And INV_DueDt <= 01/19/2010 And INV_Status = OPEN

VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
1ST CHOICE OFFICE OUT	21810	SUPPLIES-PARKS	12/28/09	01/05/10	23.80
1ST CHOICE OFFICE OUT	22013	OFFICE SUPPLIES - WWT	12/28/09	01/05/10	110.38
ACE HARDWARE	026085	LUBE-WWT	12/28/09	01/05/10	9.88
ACE HARDWARE	026143	FASTENERS-PKS	12/28/09	01/05/10	5.44
ACE HARDWARE	026155	BATTERIES-PD	12/29/09	01/05/10	45.95
ACE HARDWARE	026161	SUPPLIES-WWT	12/29/09	01/05/10	5.38
ACKERMAN PLUMBING & H	0016	SHEET METAL-#46-2	12/28/09	01/05/10	7.50
ALRO STEEL CORP	JLU5018CE	ANGLE	12/28/09	01/05/10	129.36
ALRO STEEL CORP	JLW4102CE	ANGLE	12/30/09	01/05/10	110.81
AT&T CORPORATION	489888926-058	11242009-12232009	12/30/09	01/05/10	32.55
BOB SCHELLHAS SALES &	13172	SUPPLIES-DPW	12/28/09	01/05/10	69.28
BOB SCHELLHAS SALES &	13173	SUPPLIES	12/28/09	01/05/10	39.50
BOB SCHELLHAS SALES &	13174	SUPPLIES-WWT	12/29/09	01/05/10	255.00
CAPITAL EQUIPMENT	62482	REPAIR PARTS-DPW	12/28/09	01/05/10	222.60
CENTRAL VENDING	35399	VENDING SUPPLIES - PD	12/30/09	01/05/10	33.50
CERTIFIED LABORATORIE	569906	SANITIZER	12/28/09	01/05/10	225.96
CINTAS FIRST AID & SA	0305130627	SAFETY SUPPLIES - PD	12/28/09	01/05/10	21.00
CLARE AUTOMOTIVE SUPP	2-416442	CLEANERS #59	12/28/09	01/05/10	16.53
CLARE CHAMBER OF COMM	2770	CLARE CASH	12/28/09	01/05/10	50.00
CLARE COUNTY TREASURE	12212009	051-059-001-02	12/28/09	01/05/10	1,975.53
CLARE HARDWARE	285372	SHOP SUPPLIES-DPW	12/28/09	01/05/10	4.97
CLARE HARDWARE	285342	PAINT - PARKS	12/28/09	01/05/10	9.98
CLARE HARDWARE	285377	BRUSH	12/28/09	01/05/10	3.29
CLARE HARDWARE	285394	TUBING	12/28/09	01/05/10	9.99
CLARE HARDWARE	285406	PRIMER	12/28/09	01/05/10	12.87
CLARE HARDWARE	285458	MAINT SUPPLIES-DPW	12/30/09	01/05/10	26.56
CLARE PRINT & PULP	090726	SUPPLIES-PARKS	12/28/09	01/05/10	7.50
CONSUMERS ENERGY	010410-09 3862	110109-113009-STREET LIGHTS	12/28/09	01/04/10	6,324.14
CONSUMERS ENERGY	010410 09 3656	110109-113009-STREET LIGHTS	12/28/09	01/04/10	475.20
CONSUMERS ENERGY	010510 23 4508	110509-120809-11175 S EBERH	12/28/09	01/05/10	6,278.29
CONSUMERS ENERGY	010510 38 4642	110509-120809-305 MAPLE	12/28/09	01/05/10	3,125.39
CONSUMERS ENERGY	010510-18 3923	110709-121009-10725 S EBERH	12/28/09	01/05/10	311.69
CONSUMERS ENERGY	010610-18 4012	110709-121009-10843 S EBERH	12/28/09	01/06/10	30.85
CONSUMERS ENERGY	011310-27 4436	111809-121809 396 SHAMROCK	12/29/09	01/05/10	19.66
CONSUMERS ENERGY	011310 32 3779	111809-121809-221 WILCOX PK	12/29/09	01/05/10	40.41
CONSUMERS ENERGY	011310 62 6217	111809-121809-413 MAPLE	12/29/09	01/05/10	47.43
CONSUMERS ENERGY	011310 67 1551	111809-121809-510 N MCEWAN	12/29/09	01/13/10	116.95



PAYABLES REPORT FOR COMMISSIONERS

Query: INV_DueDt >= 12/01/2009 And INV_DueDt <= 01/19/2010 And INV_Status = OPEN

VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
CONSUMERS ENERGY	011310 37 4806	111809-121809-332 WITBECK D	12/29/09	01/13/10	58.49
CONSUMERS ENERGY	011310 22 2971	111809-121809-696 POINT DR	12/29/09	01/13/10	28.88
CONSUMERS ENERGY	011310 12 0894	111809-121809-1532 N MCEWAN	12/29/09	01/13/10	89.31
CONSUMERS ENERGY	011310 38 6837	111809-121809-315 W FIRST S	12/29/09	01/13/10	179.30
CONSUMERS ENERGY	011310 89 8045	111809-121809-501 FOREST	12/29/09	01/13/10	34.88
CONSUMERS ENERGY	011310 32 3696	111809-121809-231 WILCOX PK	12/29/09	01/13/10	19.76
CONSUMERS ENERGY	011310-22 8986	111809-121809-500 SCHOOLCRE	12/29/09	01/13/10	26.07
CONSUMERS ENERGY	011310-22 8861	111809-121809	12/29/09	01/13/10	139.45
CONSUMERS ENERGY	011310-22 8705	111809-121809-820 SCHOOLCRE	12/29/09	01/13/10	28.33
CONSUMERS ENERGY	011310-22 8523	111809-121809-700 SCHOOLCRE	12/29/09	01/13/10	21.72
CONSUMERS ENERGY	011310-71 3445	111709-121709 507 S MCEWAN	12/29/09	01/13/10	23.37
CONSUMERS ENERGY	011310-67 0900	111809-121809-299 N MCEWAN	12/29/09	01/13/10	90.92
CONSUMERS ENERGY	011310-62 6332	111809-121809-405 MAPLE	12/29/09	01/13/10	294.49
CONSUMERS ENERGY	011310-62 0392	111809-121809-813 INDUSTRIA	12/29/09	01/13/10	19.66
CONSUMERS ENERGY	011310-84 0617	111809-121809-820 CEDAR ST	12/29/09	01/13/10	20.29
CONSUMERS ENERGY	011809-22 9579	111909-122109-305 W STATE S	12/29/09	01/05/10	19.76
CONSUMERS ENERGY	011810-42 6778	111809-121809-416 W 5TH ST	12/29/09	01/18/10	15.96
CONSUMERS ENERGY	011810-96 5677	111809-122109-3333 DUNLPO R	12/29/09	01/18/10	205.73
CONSUMERS ENERGY	011810-42 3627	111809-121809-202 W FOURTH	12/29/09	01/18/10	39.60
CONSUMERS ENERGY	011810-49 3910	111809-122109-3990 E COLONV	12/29/09	01/18/10	96.71
CONSUMERS ENERGY	011810-24 6823	111909-122109-327 BROOKWOOD	12/29/09	01/18/10	61.68
CONSUMERS ENERGY	011810-42 6497	111809-122109-601 W 5TH ST	12/29/09	01/18/10	39.90
CONSUMERS ENERGY	011810-42 5911	111809-122109-202 W 5TH ST	12/29/09	01/18/10	326.61
CONSUMERS ENERGY	011810-42 6109	111809-122109-207 W 5TH ST	12/29/09	01/18/10	779.98
CONSUMERS ENERGY	011810-22 9215	111909-122109-1525 N MCEWAN	12/29/09	01/18/10	42.18
CONSUMERS ENERGY	011810-22 8902	111909-122109-1603 N MCEWAN	12/29/09	01/18/10	169.93
CONSUMERS ENERGY	011810-24 7862	111909-122109-10242 S CLARE	12/29/09	01/18/10	31.84
CONSUMERS ENERGY	011910 14 5081	111909-122109-610 W WHEATON	12/30/09	01/19/10	19.66
CRIME PREVENTION HASS	12302009	MEMBERSHIP 2010	12/30/09	01/05/10	30.00
DALE CLARK	01052010	FRINGE BENEFITS	12/30/09	01/05/10	307.89
DELTA COLLEGE	1342811	SERVICES-PD	12/28/09	01/05/10	70.00
DTE ENERGY	010409- 0002	110909-121109-11175 S EBERH	12/15/09	01/04/10	610.93
DTE ENERGY	01062010 0001	110009-121109-1532 N MCEWAN	12/28/09	01/06/10	126.01
DTE ENERGY	01062010 0001	110109-121409-207 W 5TH ST	12/28/09	01/06/10	1,062.59
DTE ENERGY	01062010 0001	11102009-12142009 202 W 5TH	12/28/09	01/06/10	729.54
DTE ENERGY	01062010 0004	111009-121109-305 MAPLE APT	12/28/09	01/05/10	123.92
DTE ENERGY	01052010 0003	11102009-12112009-305 MAPLE	12/28/09	01/05/10	55.69



PAYABLES REPORT FOR COMMISSIONERS

Query: INV_DueDt >= 12/01/2009 And INV_DueDt <= 01/19/2010 And INV_Status = OPEN

VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
DTE ENERGY	01052010 0002	110909-121109-307 MAPLE	12/28/09	01/05/10	1,381.36
ETNA SUPPLY	1753560	SUPPLIES-WWT	12/28/09	01/05/10	148.22
FIA CARD SERVICES	011510-AG	EQUIPMENT-REC	12/28/09	01/05/10	319.80
GALL'S INC	510301416	TACTICAL CARRIER	12/28/09	01/05/10	110.02
GALL'S INC	510305235	UNIFORMS	12/28/09	01/05/10	215.95
JD METALWORKS INC.	33248	HANDRAIL#1	12/30/09	01/05/10	84.43
JD METALWORKS INC.	33251	BRACKET	12/30/09	01/05/10	15.48
MI ASSOCIATION OF AIR	09-120	2010 MAAE MEMBER DUES	12/28/09	01/05/10	70.00
MICH MUNICIPAL TREASU	2010MMTA	2010 MMTA DUES	12/28/09	01/05/10	50.00
MID MICHIGAN URGENT C	122209 RF	PRE EMP	12/28/09	01/05/10	49.00
MID MICHIGAN URGENT C	122209-2 RF	PRE EMP	12/28/09	01/05/10	108.00
MIDLAND FENCE COMPANY	1947	FENCE - FD	12/30/09	01/05/10	375.00
MITCH CANEL	12292009	FRINGE BENEFITS	12/29/09	01/05/10	122.75
MITCH CANEL	12302009	FRINGE BENEFITS - MC	12/30/09	01/05/10	9.39
MUTUAL OF OMAHA	JAN 2010	COVERAGE 01012010-01312010	12/29/09	01/05/10	759.63
NEIGHBORHOOD ASSOCIAT	12302009	2010 MEMBERSHIP - PD	12/30/09	01/05/10	25.00
NYE UNIFORM COMPANY	271926	UNIFORMS	12/28/09	01/05/10	98.54
OWENS SOFT WATER, INC	246596	WATER	12/28/09	01/05/10	6.00
QUICK TOM	122809 REIM	FRINGE BENEFITS-TQ	12/28/09	01/05/10	62.78
ROBBIN HARSH EXCAVATI	11032	PRODUCT AND LABOR- COTTAGE	12/28/09	01/05/10	630.00
SEITER BROTHERS LUMBE	142084	SUPPLIES-DPW	12/28/09	01/05/10	8.99
SEITER BROTHERS LUMBE	142072	SUPPLIES - DPW	12/28/09	01/05/10	59.16
SHUSTER, JOSH	12242009	FRINGE BENEFITS - JS	12/30/09	01/05/10	186.53
SOUTHWEST BRAKE & PAR	M311569	SUPPLIES-FD-#1841	12/28/09	01/05/10	214.54
SPEEDTECH LIGHTS	1805	EQUIPMENT	12/28/09	01/05/10	662.15
VISION SERVICE PLAN	JAN 2010	PLAN FOR JAN 2010	12/29/09	01/05/10	112.23
WALTER J LESIAK PH D	12212009	08/09 CONSULTATION SERVICES	12/28/09	01/05/10	500.00



PAYABLES REPORT FOR COMMISSIONERS

Query: INV_DueDt >= 11/15/2009 And INV_DueDt <= 01/19/2010 And INV_BankCode = CONSO And INV_Status = OPEN

VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
			Sub Total:		32,661.10
COMMISSION APPROVAL:			ADVANCED BENEFIT SOLUTIONS		37.34

Total: 32,698.44