

The regular meeting of the Clare City Commission was called to order by Mayor Pat Humphrey in the Commission Chambers, at 6:00 p.m., who led the Pledge of Allegiance. Present were: Commissioners Bill Horwood, Pat Humphrey, John Koch, Tom Koch and Jean McConnell. Absent: None. Also present were Ken Hibl, City Manager; Steve Kingsbury, Treasurer and Finance Director; Bob Bonham, Director of Public Works; John Holland, Waste Water Treatment Supervisor; Dwayne Miedzianowski, Chief of Police; Lori Schuh, Main Street Manager; Dick Acker, Airport Manager; Amandagrace Green, Parks and Recreation Director, and Diane Schmidt, City Clerk.

2. CONSENT AGENDA:  
Moved by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve the items listed with an asterisk (\*) (Minutes, Agenda, Communications, Approval of Bills) that are considered to be routine by the City Commission. Ayes: All. Nays: None. Absent: None. *Motion Carried.*
3. \*APPROVAL OF MINUTES:  
Consent Agenda Approval.
4. \*APPROVAL OF AGENDA:  
Consent Agenda Approved.
5. PUBLIC COMMENT: - The new President of Middle Michigan Development Corporation (MMDC), Mr. Brian Anderson, was introduced by Kathy Methner of MMDC.
6. OLD BUSINESS/UNFINISHED BUSINESS: None.
7. NEW BUSINESS:
  - A. IDC PRESENTATION AND RENEWAL OF IDC AGREEMENT

Jim Allen, President of the Industrial Development Corporation (IDC), Kathy Methner, of Middle Michigan Development Corporation, and Craig Goodrich of Gourdie Fraser & Associates presented an Industrial Park Study presentation to City Commissioners. Jim Allen recommended that the City and IDC move forward to apply for grant funds for development of a proposed industrial park at the north end of Clare.

The IDC Power Point presentation was presented to the Clare City Planning Commission at its January 2010 meeting. The Planning Commission unanimously recommended approval of the IDC's request to pursue funding sources to determine whether its proposal for industrial expansion in the City is affordable. The Planning Commission succinctly and clearly stipulated that any such development must be affordable/not cause an undue fiscal hardship or burden on the residents and businesses of the City.

Kathy Methner recommended certifying the industrial park regardless of location and notifying the EDA by the April 1, 2010 deadline of the IDC's and City's

intention to submit a grant application to East Michigan Council of Governments while economic development administration funds are available.

After a lengthy discussion, Commissioner Jean McConnell made the motion second by Commissioner Bill Horwood to approve a recommendation that the Clare Industrial Development Corporation and the City proceed to apply for grant funds for the proposed development of an industrial park at the north end of Clare, by adoption of Resolution 2010-012. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, and Jean McConnell. Nays: Tom Koch. Absent: None. *Motion Approved.*

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to renew the formal business agreement between the City and the IDC, by adoption of Resolution 2010-013. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, and Jean McConnell. Nays: Tom Koch. Absent: None. *Motion Approved.*

**B. OPERATION OF OFF-ROAD RECREATION VEHICLES (ORVs) WITHING CITY LIMITS**

The Parks & Recreation Advisory Board discussed the matter at its scheduled meeting on February 18<sup>th</sup> but due to a lack of quorum, the Board could not provide a formal recommendation. However, the consensus of the three members present was that the prohibition of ORVs in Clare should not be lifted.

The Traffic & Safety Committee held a meeting on February 23<sup>rd</sup>, 2010 to discuss the matter. The Committee unanimously recommended that the prohibition remain in place.

Motion by Commissioner Bill Horwood second by Commissioner Jean McConnell continue prohibition of ORV operation within city limits and adopt an ordinance prohibiting ORV operation within city limits, by adoption of Resolution 2010-014. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch, and Jean McConnell. Nays: John Koch. Absent: None. *Motion Approved.*

**C. APPROVAL OF PARKS & RECREATION MASTER PLAN**

The City's Five Year Parks & Recreation Master Plan has expired. The Parks & Recreation Board, with the outstanding assistance and guidance of Central Michigan University, commenced renewal of the Plan in January 2009. The proposed new Plan has been reviewed by the Parks & Recreation Board and required notice of the Plan has published. The Plan now requires consideration and approval of the City Commission to facilitate its submittal to the Michigan Department of Natural Resources and Environment.

Motion by Commissioner John Koch second by Commissioner Bill Horwood to open a public hearing to receive comment regarding a proposed five year Parks and Recreation Master Plan. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

Public Comment: None

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

Motion by Commissioner Bill Horwood second by Commissioner Jean McConnell to approve the five year Parks and Recreation Master Plan by adoption of Resolution 2010-015. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

**D. RENEWAL OF CEMETERY MAINTENANCE CONTRACT**

Motion by Commissioner Bill Horwood second by Commissioner Jean McConnell to approve renewal of the cemetery maintenance services contract with AWOL Lawn Services, by adoption of Resolution 2010-016. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Tom Koch, and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

**E. INTERGOVERNMENTAL BROADBAND SERVICES AGREEMENT**

Motion by Commissioner John Koch second by Commissioner Jean McConnell set aside this agenda item to the March 15, 2010 City Commission meeting. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Tom Koch, and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

**F. BOARD & COMMITTEE APPOINTMENTS – PARKS AND RECREATION BOARD**

The City Commission has been discussing the appointment of membership to the City's various boards and committees for approximately six weeks without resolution. A request was made at the most recent Commission meeting to place the appointment of membership to the Parks & Recreation Advisory Board on the March 1<sup>st</sup> agenda for possible consideration and appointment.

This matter is now once again left to the discretion of the City Commission in respect to action. The Clare Ordinance Codes pertaining to the appointment of members to the Parks & Rec Board specifically stipulates that the Mayor appoints qualified individuals to this Board with confirmation of the City Commission. Consequently, making an appointment to this particular Board without appointment(s) by the Mayor would be in violation of this particular ordinance code.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to throw out a motion approved at the January 18, 2010, which held in abeyance all current and future board and committee appointments. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Tom Koch and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

Motion made by Commissioner Tom Koch second by Commissioner Jean McConnell suggesting Mayor Humphrey nominate Kelly Koch to the Parks and Recreation Board. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, and Tom Koch. Nays: Pat Humphrey, and Jean McConnell. Absent: None. *Motion Carried.*

Mayor Humphrey did not nominate Kelly Koch to the Parks and Recreation Board.

8. TREASURER'S REPORT

Treasurer's report was received.

9. MAIN STREET MANAGER REPORT

Main Street Manager's Report was received.

10. CITY MANAGER'S REPORT

Depot Steering Committee Meeting. We held our first steering committee meeting on February 17, 2010. The meeting was well-attended, and we set wheels in motion to develop an architectural site plan (MMCAA is providing the architect services at no cost to us, as they have a certified architect on staff); to develop some preliminary construction/rehabilitation costs (complements of Mr. Bob Meister of Design Builders, who has volunteered these services) to allow us to determine a more-comprehensive cost of this project; and have contacted a moving company from Muskegon to provide us moving costs. We are scheduled to meet next on March 10<sup>th</sup> to review preliminary architectural plans and other preliminary cost estimates and decide what direction we take in respect to fund-raising.

Well #9. After a lengthy meeting and discussion with DRNE officials and our well contractor in Clare approximately three weeks ago, we have finally attained approval from MDRNE to bring our new Well #9 on line.

Sanitary Sewer Pump Station #7. During the course of performing routine maintenance on the pumps in Lift Station #7 (the most westerly pump station on Witbeck Drive, which not only services Witbeck Drive but also collects all the sanitary sewer flows north of the Tobacco River), one of the pump guide poles/rails (two parallel metal poles to which the pumps are attached and allow us to raise and lower the pumps within the pump stations) dislodged from its foundation. The rail replacement (we replaced the guide rails for both pumps due to their corroded condition) has been completed. However, we continue to have "issues" with the pumps at this site and are troubleshooting to determine whether the pumps need replacement.

Assessing Services. As the Commission knows, we contract for assessing services with BS&A (the firm that is also our software management provider for nearly all of our automated municipal management programs and systems), and our assessor of record, Mr. Dan Kirwin, is an employee of BS&A. Our relationship with BS&A (both for assessing services and software programs and support) has been excellent. Due to restructuring within BS&A, Dan will be replaced by Ms. Edie Hunter (also a BS&A employee and certified assessor) commencing in April. We anticipate this

will be a very smooth transition and essentially transparent to our customers as Edie has long been Dan's "back-up" on the one day per week that Dan could not be in Clare (and there were a considerable number of days that Dan's BS&A duties precluded him from accomplishing assessing services for us in 2009 – to the point that I raised the issue with BS&A management, thus in part the reason for the pending change to Edie). We will likely still see Dan in Clare on occasion, but Edie will become our assessor of record; we (the City Staff) are very comfortable with this change.

KASL.Net. KASL.Net, a wireless company from Alma that purchased Great Lakes Computers in Clare approximately two years ago, is presently our Internet Service Provider (ISP). We have an expired contractual agreement with KASL.Net that allows them to place their primary antenna array for wireless services on our water tower in return for providing us internet services, which is one of our primary means of communication and data/information sharing between our City departments. We also pay KASL.Net for providing internet services for three of our City Commissioners (Commissioner Bill, Mayor Pro Tem Jean, and Mayor Pat). KASL.Net is being purchased by ISP Management of Alma. We (Steve, Diane, John Holland, and I) met with a representative of ISP Management yesterday (Feb 23<sup>rd</sup>) regarding the renewal of the expired contractual agreement with KASL.Net. As the City intends to change ISPs concurrent with our connectivity to broadband (the Clare County/RESO initiative we have discussed with the City Commission), we informed ISP Management that it is our desire to change our current relationship to a monthly payment schedule versus our current "barter" arrangement. ISP Management has agreed to our proposal, thus the City Commission will likely be presented with a proposal for a new contractual agreement with this company within the next month.

MDOT – Bay Region Invitation. We've received an invitation for the Bay Region annual Transportation Information & Input Meeting. We have routinely attended this meeting each year and found it to be very informative. I ask that any commissioners that desire to attend this meeting inform Diane by March 16<sup>th</sup> to allow us to RSVP prior to the requested reservation deadline.

CDBG Application. We submitted a grant application to the Michigan Economic Development Corporation for a streetscape extension along West Fourth Street and Beech Street; the DDA is funding the local match for the project. We're advised that MEDC only has \$14M for this grant round (compared to \$44M last year – but we were not eligible to apply last year due to the fact we were not on the state's low/moderate income listing), thus competition for the reduced amount of grant funds is expected to be highly competitive. Announcement of grant awards is expected in April.

11. \*COMMUNICATIONS:  
Consent Agenda Approval.

State of Michigan Department of Treasury. The City received notice for participation in the 2010 14-point review program.

City Attorney Correspondence. The City sent out a meeting request to interested parties representing property owners with access to McGuirk Drive, to discuss underground utilities in McGuirk Drive, and responsibility for and access to McGuirk Drive.

12. \*APPROVAL OF BILLS:

Consent Agenda Approval.

13. EXTENDED PUBLIC COMMENT: None

14. COMMISSION DISCUSSION TOPIC: Commissioner Tom Koch announced that he will be petitioning for a referendum which states, "any expansion of an industrial park in the City of Clare involving the pledging of the full faith and credit of the City of Clare in the pursuit of grant funding is limited to the purchase of property adjacent to the current existing industrial park property on Industrial Drive at the south end of the city," with the intention of blocking grant applications by the City and IDC for a proposed industrial park at the north end of the City.

John Koch brought up the issue of board and commission appointments because the suggestion of adding an ad hoc member to review applications with the Mayor was discussed at a previous meeting but did not go any further. J. Koch stated that the City administrative staff should not be involved in making appointment recommendations to the Mayor.

Tom Koch requested that the City Manager refrain from being involved with anything that has to do with the City's volunteers. Jean McConnell responded that it is part of the City Manager's job.

Bill Horwood pointed out that Commissioners are not required to approve everything that comes before them.

John Koch requested the Mayor provide reasoning for not reappointing Kelly Koch to the Parks and Recreation Board. Mayor Humphrey's response was that he desires to diversify the Parks and Recreation Board.

15. ADJOURNMENT:

Motion by Commissioner Jean McConnell second by Commissioner Tom Koch to adjourn. Ayes: All. Nays: None. Absent: None. *Motion Approved.*

Meeting adjourned at 8:44 p.m.

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Pat Humphrey, Mayor

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Diane Schmidt, City Clerk