

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, John Koch, Tom Koch, Jean McConnell, and Pat Humphrey. Absent: None. Also present were Ken Hibel, City Manager; Lori Schuh, Main Street Manager; Steven Kingsbury, Finance Director/Treasurer; Bob Bonham, DPW Superintendent; John Holland, Waste Water Superintendent; Sarah Schumacher, Deputy City Clerk; 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, Approval of Bills, First Reading of amended Ordinance 2008-002, Board and Committee appointments). Roll call vote: Yeas: Commissioners John Koch, Jean McConnell, Tom Koch, Bill Horwood and Pat Humphrey. Nays: None. Absent: None. *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. Tractor Purchase

Motion by Commissioner John Koch second by Commissioner Tom Koch to approve the purchase of a new small tractor rather than rehabilitate the City's currently-owned Holder for the purpose of clearing snow from City sidewalks after the Commission determined that the City should continue providing the service of residential sidewalk snow removal in Clare, by adoption of Resolution 2009-027. Roll call vote: Yeas: Commissioners John Koch, Jean McConnell, Tom Koch, and Pat Humphrey. Nays: Bill Horwood. Absent: None. *Motion Approved.*

Public Comment: Received from DPW employees Al Jessup and Bill Droomer.

7. NEW BUSINESS:

A. Public Hearing – Proposed Amendment to Ordinance 2008-002.

Due to a change in the developer's financing source (originally a loan from the Michigan State Housing Development Authority – now a loan from Isabella Bank), the ordinance needs to be amended.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to open the Public Hearing. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: none. Absent: none. *Motion Approved.*

Public comment: None

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

\*First Reading of Proposed Ordinance - Consent Agenda Approval.

B. Brownfield Reimbursement Agreement.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve a proposed Reimbursement Agreement contingent upon a recommendation of approval by the Brownfield Redevelopment Authority, by adoption of Resolution 2009-093. Roll call vote: Yeas: Commissioners Tom Koch, Bill Horwood, John Koch, Jean McConnell, and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

C. Waste Hauler Permit.

Motion by Commissioner Tom Koch second by Commissioner John Koch approve the license application of Lincoln Sanitation, Incorporated by adoption of Resolution 2009-094. Roll call vote: Yeas: Commissioners Tom Koch, Bill Horwood, John Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

D. Public Hearing on an Application for USDA Rural Development Loan for Sanitary Sewer System Improvements

The City has received a mandate from the Michigan Department of Environmental Quality (MDEQ) to take corrective action to reduce the ammonia levels from our waste water plant by 2010. Failure to do so could result in enforcement actions available to MDEQ, to include revocation of our discharge permit and fines. A public hearing is being held to receive comments pertaining to our loan application and proposed capital expenditures.

Motion by Commissioner Tom Koch second by Commissioner Bill Horwood to open the Public Hearing. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: none. Absent: none. *Motion Approved.*

Public comment: Waste Water Superintendent, John Holland, explained the need for improvements to the waste water treatment facility.

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

E. Engineering Agreement for Rural Development Project

Motion by Commissioner Tom Koch second by Commissioner John Koch approve the execution of an engineering contract between the applicant-municipality's engineer, Gourdie-Fraser and Associates, and the municipality as a required element of the USDA Rural Development loan application process, with total compensation for engineering services estimated at \$288,296, by adoption of Resolution 2009-095. Roll call vote: Yeas: Commissioners Tom Koch, Bill Horwood, John Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

F. \*Board and Committee Appointment: City Planning Commission-Karla Swanson.  
Consent Agenda Approval.

8. TREASURER'S REPORT  
Treasurer's report received.

9. MAIN STREET MANAGER'S REPORT  
Main Street Manager's report received.

10. CITY MANAGER'S REPORT

Project Updates: State Street, Wilcox Parkway, Well #9, Pere Marquette Rail Trail and Other Planned Projects:

1. State Street. City crews are in the process of painting crosswalks and installing signage; all is scheduled to be completed prior to the commencement of school next week.
2. Wilcox Parkway project is completed.
3. Rail Trail. Paving is completed. Restoration and landscape work has started; fencing is scheduled to commence this week.
4. Old Well #5/New Well #9. A pilot well has been drilled and the results have been submitted to MDEQ. We are essentially at a standstill until MDEQ gives us the green light to proceed.
5. Remaining projects include tree trimming and cutting; sidewalk work; curb work on US-BR 127; and paving of the Stamina Stadium Parking Lot. All of the listed remaining projects are scheduled to commence within the next two to three weeks and should be completed by mid-October.

New Web Site. The website is up and running with very few "hiccups" experienced.

New Road Naming Ordinance. Clare County is in the process of adopting a Road Naming Ordinance wherein all newly constructed roads and streets and the assignment of house numbers will be performed by Clare County; there will be a charge for the county service (Consumer's Energy currently assigns house numbers without charge but wants to "get out of the business"). The proposed ordinance provides municipalities within the County to "opt out" of the Clare County ordinance requirements and adopt a municipal ordinance in its stead. I have informed Clare County that we will do so and City Attorney, Jaynie Hoerauf, has drafted an ordinance.

Police K-9 Proposal. We have been provided an opportunity to establish our own K-9 program. proposal to the City Commission regarding this opportunity will be presented at the September 21 City Commission meeting.

Zoning Board of Appeals (ZBA) Meeting. Our ZBA is scheduled to convene on Friday, September 11<sup>th</sup> to consider two variance requests: one being a residential setback variance at 214 John R and the other a downtown sign variance at 521 N. McEwan.

Main Street Award. The City has been informed that we are once again a state-level recipient of a Main Street Award. The award will be presented at a breakfast ceremony on Sep 16<sup>th</sup> at the Michigan Downtown Conference; four representatives from Clare will attend the awards ceremony.

Award of Tax Credits – 4<sup>th</sup> Street Senior Housing Project. Mr. Phil Seybert has been notified that the Michigan Economic Development Corporation has awarded this project requested tax credits.

Rail-Trail Opening Ceremony. The City will host a grand opening ceremony for the rail-trail extension project on Saturday, September 19<sup>th</sup> @ 10am. We have mailed in excess of 300 formal invitations for the event.

Airport MAP Meeting. Airport Manager, Dick Acker and City Manager, Ken Hibl, were accompanied by Mayor Pro Tem, Jean McConnell to present an airport master plan to representatives of MDOT in Lansing on August 25<sup>th</sup>.

Railroad Depot Public Forum. Based on a request by the City Planning Commission, the City will host a public forum pertaining to the Clare Railroad Depot on Tuesday, September 29<sup>th</sup> at 7pm at our Public Safety Building with the primary purpose of determining whether there is any community interest in moving and rehabilitating the depot through local fund-raising and using local resources.

MML Convention. Commissioner Bill Horwood and City Manager Ken Hibl will attend the MML Convention in Kalamazoo during the period September 22-25.

Flood Plain Meeting. Clare City Staff attended a flood plain meeting hosted by MDEQ and FEMA at the Clare County Courthouse on August 13<sup>th</sup>. We will be required to adopt a new ordinance floodplain ordinance if we wish to remain eligible for FEMA disaster relief funds.

Contempt Hearing. Our City Attorney has filed a contempt motion against Mr. Lynn Hill for continued violations of the City's Ordinance Codes; the hearing is set for October 5<sup>th</sup>.

New Police Vehicle. The purchase of a new 2008 police vehicle fell through, so we placed an order for a new 2010 vehicle at a cost of \$20,599, which is under the \$24,195 price tag the Commission approved for the '08 model; however, lights and other police equipment must be installed on the vehicle once it is received. The original \$24,195 expenditure will not be exceeded without a request (if necessary) of the City Commission.

11. \*COMMUNICATIONS:

Consent Agenda Approval.

Approval of Tax Credits. The City received a letter from the State of Michigan informing us of a reservation of tax credits for the 4<sup>th</sup> Street Senior Housing Project.

Isabella County Master Plan. The City received notification from the Isabella County Planner that an amended Master Plan was approved.

Notice of Hearing. The City received correspondence notifying us of a public hearing to be held at the Michigan Public Services Commission

Notice of Award. The City received correspondence formally notifying us of the 2009 Small System Exemplary Wellhead Protection Program Award.

Issuance of Zoning Compliance Certificates. The City issued zoning compliance certificates to North Ten, LCC and G&G Enterprises.

Fourth Street Housing Correspondence. The City offered a letter in support of the subject project.

Waste Management Correspondence. We were provided a holiday schedule for residential solid waste collection by our service provider.

Notice of Bankruptcy. The City received a Notice of Bankruptcy in regards to Journal Register Company, et al.

Zoning Compliance Correspondence. The City issued a compliance letter to Mr. and Mrs. Albert Kuebler; this matter has been favorably resolved.

Liquor Control Commission Letter. We received notice that Bob's Lounge has received approval for its requested temporary liquor license.

Tim Moore E-News. The latest edition was received.

MMDC Correspondence. The City received the weekly *MMDC Bullets* for the Commission's information.

12. EXTENDED PUBLIC COMMENT: None

13. COMMISSION DISCUSSION TOPICS: Commissioner Horwood suggested having signs made, paid for by local businesses, to direct users of the rail-trail to local business establishments and to make maps available to users of the rail-trail

14. \*APPROVAL OF BILLS:  
Consent Agenda Approval.

15. ADJOURNMENT:  
Meeting adjourned at 7:46 p.m.

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Pat Humphrey, Mayor

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Diane Schmidt, City Clerk