



CITY OF CLARE

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www.cityofclare.org

CLARE CITY COMMISSION

Monday, November 2, 2009

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**
 - 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** – None
7. **NEW BUSINESS**
 - A. Recognition – Mr. Warren McGuire
 - B. Recognition – Colonel Mike Humphrey
 - C. Recognition – Firefighter Jay Kleinhardt (35-Year Service Award)
 - D. Adoption of Ordinance 2009-004 (Zoning – Downtown Design Guidelines)
 - (1) *Second Reading
 - (2) Adoption of Ordinance 2009-004
 - E. Support of HR 3745
 - F. *Board & Committee Appointment – Ms. Jan Winter, Clare City Planning Commission
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. CLOSED SESSION – Discuss & Consider Proposed Labor Contracts (Teamsters Local 214)**
- 16. EXTENDED NEW BUSINESS – Approval of Teamsters Hourly & Supervisory labor Contracts**
- 17. ADJOURNMENT**

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 John Koch, Tom Koch, Jean McConnell, and Pat Humphrey. Absent: Bill Horwood. Also present were Bob Bonham, Acting City Manager; Steven Kingsbury, Finance Director/Treasurer; Lori Schuh, Main Street Manager; Sarah Schumacher, Deputy City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Jean McConnell second by Commissioner John Koch to approve the items listed with an asterisk (*) that are considered to be routine by the City Commission (Minutes, Communications, Department Reports, Approval of Bills, Agenda, First Reading of Ordinance 2009-004). Roll call vote: Yeas: Commissioners John Koch, Jean McConnell, Tom Koch and Pat Humphrey. Nays: None. Absent: Bill Horwood. *Motion Approved.*

3. *APPROVAL OF MINUTES:

Consent Agenda Approval.

4. *APPROVAL OF AGENDA:

5. Consent Agenda Approval.

6. PUBLIC COMMENT: - Al Demarest expressed his views on the Railroad Depot Forum held on September 29, 2009, the Planning Commission discussion of the Railroad Depot at the meeting held on October 09, 2009, the present condition of the Railroad Depot, location options for the Railroad Depot, and on the State of Michigan's revenue cuts and stimulus money. Tom Creguer questioned the time allowed for removal of the Railroad Depot from its present location.

7. OLD BUSINESS/UNFINISHED BUSINESS:

A. U.S. Bike Route 20.

Motion by Commissioner John Koch second by Commissioner Jean McConnell to support the development of U.S. BR-20, an approved plan of the National Transportation Authority for an official U.S. Bicycle Route System that traverses through central Michigan – specifically through the City of Clare on the Pere Marquette Trail, by adoption of Resolution 2009-106. Roll call vote: Yeas: Commissioners Tom Koch, John Koch, Jean McConnell, and Pat Humphrey. Nays: None. Absent: Bill Horwood. *Motion Approved.*

8. NEW BUSINESS:

A. Revision of Chapter 52 (Zoning) Sections 52-277 and 52-279 (Ordinance 2009-004).

*First reading of proposed Ordinance Revision-Consent Agenda Approval.

Lori Schuh provided background information regarding the proposed ordinance revision.

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

9. TREASURER'S REPORT

Treasurer's report received.

10. *DEPARTMENT REPORTS

Consent Agenda Approval.

11. CITY MANAGER'S REPORT

Tractor Purchase: Several questions were brought up at the October 5th commission meeting so I have started gathering information on financing possibilities and reconditioned equipment that may be available from Holder. I received an email from Marc Fisher, Sales Manager at Holder of North America Inc. He stated that although the website states that there are both C9700 & C9.72H units available it is not the case as they have sold the remaining units. Commissioner John Koch has also requested information regarding the Safe Routes to School program and possibly receiving grant funds for the purchase. We will have the remaining information available to discuss at the November 2, 2009 meeting.

12. *IDC Meeting.* The IDC met on October 17, 2009 to formulate the development of a new industrial park. There will be a proposal from them to be presented on the November 2, 2009 meeting.

13. *Hydrant Flushing.* Just a reminder, we will commence hydrant flushing on October 18th @ 11pm to exercise and ensure proper operation of all of our fire hydrants. This annual task routinely takes our crews five working days to complete working an 11pm-7am shift; we anticipate completion on October 23rd.

14. *Airport Hangar Project.* The foundation and concrete floors have been completed and awaiting the delivery of the building materials scheduled for October 27th. Central Asphalt has been notified so they can schedule the remaining paving for completion.

15. *Stamina Stadium Paving.* The remaining paving of the parking lot was completed by Central Asphalt and Department of Public Works employees will attempt to complete parking striping before winter, weather permitting.

16. *COMMUNICATIONS:

Consent Agenda Approval.

** Correspondence from the State of Michigan Liquor Control Commission.* The City received correspondence related to a request from Shri Hari Oil, Inc., 1513 N. McEwan St., Clare, MI 48617, for a new Specially Designated Merchant license with Gas Pumps.

**Correspondence from and Response to Betty Lewis.* The City received correspondence and forwarded a response regarding the restriction of animals at City-managed soccer program events.

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

17. EXTENDED PUBLIC COMMENT

18. COMMISSION DISCUSSION TOPICS

Mayor Humphrey announced the rest of the Commission that he had attended a 75th anniversary for the Clare Kiwanis to present a Proclamation to the group.

19. *APPROVAL OF BILLS:

Consent Agenda Approval.

20. ADJOURNMENT:

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

Meeting adjourned at 6:42 p.m.

Pat Humphrey, Mayor

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: October 28, 2009
RE: Recognition – Warren McGuire

For the Agenda of November 2, 2009

Background. Mr. Warren McGuire has been a highly respected Clare business and community leader for nearly six decades. Unfortunately, Mr. McGuire recently passed away. The City Commission is asked to consider formally recognizing Warren for his long-standing community leadership and service.

Issues & Questions Specified. Should the City Commission formally recognize the community leadership and service of Mr. Warren McGuire?

Alternatives.

1. Formally recognize Mr. McGuire.
2. Do not formally recognize Mr. McGuire.
3. Set aside decision regarding this matter to a later date.

Financial Impact. There is no direct fiscal impact to the City other than the cost of frame for a resolution.

Recommendation. I recommend that the City Commission formally recognize the community service and leadership of Mr. Warren McGuire by adoption of Resolution 2009-107 (*copy att'd*).

Attachment. Resolution 2009-107.

RESOLUTION 2009-107

A RESOLUTION OF THE CLARE CITY COMMISSION FORMALLY RECOGNIZING AND HONORING THE LIFE AND SERVICE OF MR. WARREN McGUIRE.

WHEREAS, Mr. Warren McGuire, a highly-respected Clare-area citizen, businessman, and community leader in the City of Clare and the Clare Area Community for the past six decades regrettably passed away on 12 October, 2009; and

WHEREAS, the Mayor and Clare City Commission, on behalf of the residents of the City of Clare, desires to formally offer its heartfelt condolences to the family of Mr. Warren McGuire and recognize and honor his life and community service.

NOW THEREFORE BE IT RESOLVED THAT, on behalf of the residents of the City of Clare, the Mayor and Clare City Commission hereby formally recognizes the faithful, dedicated, and distinguished business career, community leadership, civic service, and exemplary life of Mr. Warren McGuire.

BE IT FURTHER RESOLVED THAT the City Commission offers its most sincere, heartfelt condolences to the family of Warren McGuire for their loss and for the loss of this superb citizen of the Greater Clare Area Community.

BE IT FURTHER RESOLVED THAT the City Commission hereby designates the 4th day of November 2009 as an official day of honor and remembrance within the City of Clare commemorating the distinguished life and accomplishments of Warren McGuire.

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 2nd day of November 2009.

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: October 28, 2009
RE: Recognition – Colonel Mike Humphrey

For the Agenda of November 2, 2009

Background. U.S. Air Force Colonel Mike Humphrey, a Clare native and graduate of Clare High School, is scheduled to retire from the Air Force in November after a highly distinguished thirty-year career. The City Commission is asked to consider honoring and recognizing COL Humphrey for his dedicated service to our nation.

Issues & Questions Specified. Should the City Commission formally recognize the distinguished career and faithful, dedicated service to our nation of Colonel Mike Humphrey?

Alternatives.

1. Formally recognize Colonel Humphrey.
2. Do not formally recognize Colonel Humphrey.
3. Set aside decision regarding this matter to a later date.

Financial Impact. There is no direct fiscal impact to the City other than the cost of frame for a resolution.

Recommendation. I recommend that the City Commission formally recognize the distinguished career and dedicated service of Colonel Mike Humphrey by adoption of Resolution 2009-108 (*copy att'd*).

Attachment. Resolution 2009-108.

RESOLUTION 2009-108

A RESOLUTION OF THE CLARE CITY COMMISSION FORMALLY RECOGNIZING AND HONORING THE LIFE AND SERVICE OF COLONEL MIKE HUMPHREY.

WHEREAS, Colonel Mike Humphrey, a Clare native and graduate of Clare High School, has faithfully served the citizens and nation of the United States of America as a thirty-year veteran of the United States Air Force; and

WHEREAS, Colonel Humphrey is scheduled to retire from the United States Air Force, thereby culminating his thirty-year highly distinguished and honorable career; and

WHEREAS, the Mayor and Clare City Commission, on behalf of the residents of the City of Clare, offers its heartfelt congratulations to Colonel Humphrey and his family upon the occasion of his retirement from the U.S. Air Force and expresses its most sincere appreciation and gratitude for this faithful service to our nation.

NOW THEREFORE BE IT RESOLVED THAT, on behalf of the residents of the City of Clare, the Mayor and Clare City Commission hereby formally recognizes the faithful, dedicated, and distinguished military career and honorable service of Colonel Mike Humphrey.

BE IT FURTHER RESOLVED THAT the Mayor and City Commission offers Colonel Humphrey and his family members its most sincere congratulations upon the occasion of his retirement and expresses its appreciation and gratitude for the many sacrifices and challenges endured by Colonel Humphrey and his family during the course of his distinguished service.

BE IT FURTHER RESOLVED THAT the Mayor and City Commission offers Colonel Humphrey its sincere wishes for continued success, prosperity, and good health.

BE IT FURTHER RESOLVED THAT the Mayor and City Commission hereby designates the 9th day of November 2009 as an official day of honor within the City of Clare commemorating the distinguished military career and accomplishments of Colonel Mike Humphrey.

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 2nd day of November 2009.

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: October 28, 2009
RE: Recognition – Firefighter Jay Kleinhardt (35-Year Service Award)

For the Agenda of November 02, 2009

Background. Mr. Jay Kleinhardt has faithfully, honorably, and courageously served the residents of the City of Clare and the Greater Clare Area Community for the past thirty-five years as a member of the Clare Fire Department. The City Commission is asked to consider formally recognizing Jay for this distinguished achievement.

Issues & Questions Specified. Should the City Commission formally recognize the service of Firefighter Jay Kleinhardt?

Alternatives.

1. Formally recognize this selfless service.
2. Do not formally recognize this selfless service.
3. Defer/delay decision of this matter to a subsequently scheduled City Commission meeting.

Financial Impact. The cost to the City is approximately \$158 (the cost of a memento, a framed resolution, and a certificate).

Recommendation. I recommend that the City Commission formally recognize the faithful, dedicated, and honorable service of Firefighter Jay Kleinhardt by adoption of Resolution 2009-112(copy att'd).

Attachments.

1. Certificate.
2. Resolution 2009-112.

Certificate of Achievement

City of Clare

This certificate is presented to

Jay Kleinhardt

*In recognition of his 35 years of faithful, dedicated service
to the City of Clare Fire Department.*


Mayor Pat Humphrey

November 2, 2009

RESOLUTION 2009-112

A RESOLUTION OF THE CLARE CITY COMMISSION RECOGNIZING FIREFIGHTER JAY KLEINHARDT FOR THIRTY-FIVE YEARS OF FAITHFUL AND COURAGEOUS SERVICE TO THE CITY OF CLARE AND THE GREATER CLARE AREA COMMUNITY.

WHEREAS, Firefighter Jay Kleinhardt has faithfully, honorably, and courageously served the residents of the City of Clare and the Greater Clare Area Community as a member of the Clare Fire Department for the past thirty-five years; and

WHEREAS, the City Commission deems that it is appropriate and fitting to formally recognize said faithful, honorable, and courageous public service.

NOW THEREFORE BE IT RESOLVED THAT, on behalf of the residents of the City of Clare and the citizens of the entire Greater Clare Area Community, the Mayor of the City of Clare and the Clare City Commission hereby formally recognizes the faithful, dedicated service of Firefighter Jay Kleinhardt while serving as a member of the Clare Fire Department City of Clare Department of Public Works, during the period October 2, 1974 to October 1, 2009.

BE IT FURTHER RESOLVED THAT the City Commission recognizes and honors Firefighter Jay Kleinhardt for his phenomenal service, for his superb dedication, for his dauntless courage, and for his unswerving and peerless loyalty to the Clare Fire Department and the local residents he has served.

BE IT FURTHER RESOLVED THAT the Mayor and City Commission offers Firefighter Kleinhardt its sincere wishes for good health, long life, and for continued success in all endeavors and concurrently challenges him to continue to serve the public with the same reputation for his unswerving standards for excellence that he has so ably established.

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

YEAS:

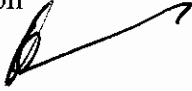
NAYS:

ABSENT:

Resolution approved for adoption on this 2nd day of November 2009.

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager 
DATE: October 28, 2009
RE: Adoption of Ordinance 2009-004 (Zoning – Downtown Design Guidelines)

For the Agenda of November 2, 2009

Background. The Main Street Board and the City Planning Commission have recommended changes to City's current downtown design guidelines related to building paint colors and projecting signs: the first being that any paint color change to a downtown building must be approved by the Main Street Board prior to the commencement of painting; the latter being the allowance of and stipulation of the dimensions of second floor projecting signs.

Our City Attorney has drafted proposed changes to the current zoning ordinance (*copy att'd*).

The City Commission conducted a public hearing and a first reading of the proposed ordinance amendment at the scheduled meeting of October 19, 2009. No public comment was received.

In order to complete the process to adopt the proposed ordinance (Ordinance 2009-004), 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 property 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 2009-109 (*copy att'd*).

Attachments.

1. Ordinance 2008-004.
2. Resolution 2009-109.

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

Chapter 52, Division 8, Section 52-277 of the Code of Ordinances, City of Clare, Michigan, is hereby amended to read as follows:

Sec. 52-277. Conflicts between standards.

(4) *Front facade design.* All building facades that face a street shall conform to the following design criteria:

h. *Building colors:* Exterior colors shall be compatible with the colors on adjacent buildings and are subject to prior review and approval by the city. Proposed colors shall be specified on the plans. Historic paint colors are encouraged and typically no more than three colors shall be used without permission from the city. Gaudy or fluorescent colors are prohibited. The painting of brick or stone of existing unpainted buildings or proposed building construction shall generally not be allowed. The city may approve the painting of unpainted existing buildings or proposed building construction where the building painting is in keeping with the historic and architectural character of the city. The removal of paint on building surfaces shall be performed in such a way that the original masonry and mortar is not damaged.

(5) *Side and rear facade design.* Whenever a side or rear facade is visible from a public street, or if parking is located at the side or rear of the building, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

d. *Building colors:* Exterior colors shall be compatible with the colors on adjacent buildings and are subject to prior review and approval by the city. Proposed colors shall be specified on the plans. Historic paint colors are encouraged and typically no more than three colors shall be used without permission from the city. Gaudy or fluorescent colors are prohibited. The painting of brick or stone of existing unpainted buildings or proposed building construction shall generally not be allowed. The city may approve the painting of unpainted existing buildings or proposed building construction where the building painting is in keeping with the historic and architectural character of the city. The removal of paint on building surfaces shall be performed in such a way that the original masonry and mortar is not damaged.

Chapter 52, Division 8, Section 52-279 of the Code of Ordinances, City of Clare, Michigan, is hereby amended to read as follows:

Sec. 52-279. Sign review standards.

(4) *Location.*

- a. The erection of poles in the public rights-of-way of the downtown DDA district is prohibited except that such prohibition shall not apply to:
 1. Public utilities that require the erection of poles to provide services rendered by them.
 2. The erection of poles for installation of traffic control signs or devices.
 3. A public or private entity has been granted permission by the governing body with jurisdiction over the roadway.
- b. No sign shall be erected which shall be less than eight feet from ground level measured vertically from the bottom of said sign to ground level.
- c. Business signs ~~shall not be located~~ may be allowed on the second story facade of the building subject to approval of the city.
- d. No sign shall be erected within a distance of ten feet measured horizontally from any fire hydrant, traffic light or street lighting poles, nor shall any sign be erected in any location where, by reason of traffic conditions, fire or explosion hazards, it would imperil public safety or interfere with the function of the fire department.
- e. Signs shall be prohibited from extending, in any manner, into or over public rights-of-way traveled, or intended for use by motorized vehicles. However, projecting or canopy signs shall not extend more than four feet over the public right-of-way in the downtown DDA district not intended for use by motorized vehicles.
- f. Signs shall be located either in the panel situated above the awning or transom windows, on the canvas awning, on the window or door glass, on the transom window area or on a small projecting sign.
- g. No wall, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot. See Illustration 52-279(d).
GRAPHIC LINK

(6) Projecting signs. Individual projecting signs to be mounted perpendicular to building façade shall be permitted subject to the following:

- a. The signboard shall not exceed ~~eight~~ forty square feet.
- b. ~~No signs shall~~ may be mounted above the first floor of the building subject to approval of the city.
- c. The distance from the ground to the lower edge of the signboard shall be eight feet minimum.
- d. The distance from the building wall to the signboard shall not exceed six inches.
- e. The width of the signboard shall not exceed three feet.
- f. The height of the lettering, numbers or graphics shall not exceed eight inches.
- g. The projecting signs shall be limited to one sign per business. Projecting signs are not permitted in conjunction with wall-mounted, freestanding or applied letter signs.
- h. The outside edge of a projecting sign shall not extend more than four feet from the face of the building that it is attached to or one-third of the sidewalk width whichever is less. See Illustration 52.279(f).

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 _____ day of _____, 2009.

DIANE SCHMIDT , Clerk

RESOLUTION 2009-109

**A RESOLUTION OF THE CLARE CITY COMMISSION ADOPTING
ORDINANCE 2009-004.**

WHEREAS, Consumer's Energy has historically provided the service of designating house numbers for new residential and commercial addresses; and

WHEREAS, said entity intends to terminate said service at year-end; and

WHEREAS, Clare County has drafted an ordinance stipulating that the County would commence providing house number and road naming services for all Clare County residences and businesses upon termination of said services by Consumer's Energy and that all residents and businesses would be required to comply with the provisions outlined within said new ordinance; and

WHEREAS, the Clare County Ordinance provides that villages and cities within Clare County may assume the responsibilities and prepotency for said service for property within their respective jurisdictions; and

WHEREAS, the City Commission has determined that providing said services and assuming said responsibilities for said services is in the best interests of the City and its residents and businesses; and

WHEREAS, the City Staff has prepared a House Numbering and Road Naming Ordinance to provide said services; and

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 property owners.

THEREFORE IT IS HEREBY RESOLVED by the Clare City Commission that Ordinance 2009-003, a House Numbering and Road Naming Ordinance, is hereby adopted, the effective date of said Ordinance being fifteen days from this date.

BE IT FURTHER RESOLVED by the Clare City Commission that even though the effective date is fifteen days from this date, the City shall not commence providing said services until such time that Consumer's Energy ceases to provide said services and the Clare County House Numbering and Road Naming Ordinance becomes effective.

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 Tom Koch and supported by Commissioner John Koch. The Resolution declared adopted by the following roll call vote:

YEAS: Jean McConnell, Bill Horwood, Tom Koch, John Koch, and Pat Humphrey

NAYS: None

ABSENT: None

Resolution approved for adoption on this 5th day of October 2009.

DIANE SCHMIDT
City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibel, City Manager
DATE: October 28, 2009
RE: Support of H.R. 3745



For the Agenda of November 2, 2009

Background. The City relies on its Public, Educational, & Government (PEG) Channel 26 as a means of communicating with community residents. Wisconsin Representative Tammy Baldwin has introduced House Resolution (H.R.) 3745 (*see copy of att'd press release and legislation synopsis*) and as a means to protect the continued use of PEG channels throughout the United States. Our MAC 3 TV Cable Consortium has asked all of its member communities to consider adopting a resolution of support for this proposed legislation.

Issues & Questions Specified. Should the City Commission approve a support resolution for HR 2745?

Alternatives.

1. Approve the resolution of support.
2. Do not approve a resolution of support
3. Set aside decision regarding this matter to a later date.

Financial Impact. There is no direct fiscal impact to the City.

Recommendation. I recommend that the City Commission adopt the proposed Resolution 2009-110 (*copy att'd*), thereby formally supporting the proposed legislation presented by Congresswoman Baldwin.

Attachments.

1. Press Release & Synopsis.
2. Resolution 2009-110.



Rep. Baldwin Introduces the CAP Act in Effort to Protect PEG Channels

Representative Tammy Baldwin (D-WI) introduced today the Community Access Preservation (CAP) Act of 2009 (H.R. 3745). The CAP Act addresses some of the most crucial issues currently facing public, educational, and government (PEG) channels. NATOA, along with the Alliance for Community Media (ACM), has been a strong supporter of Rep. Baldwin in her actions fighting to protect PEG channels.

Below the text of this email you will find the Press Release from Rep. Baldwin's Office as well as the full text of the CAP Act. Additionally, a one page summary of the bill is attached to this email. More information will follow.

If you have any questions or require any additional information, please contact me at mjohnson@natoa.org.

Matt Johnson
NATOA Legal Fellow
mjohnson@natoa.org



Press Release

Congresswoman Tammy Baldwin

Wisconsin's Second District

2446 Rayburn H.O.B.
Washington, DC 20515
Phone: 202-225-2906
Fax: 202-225-6942

10 E. Doty St. #405
Madison, WI 53703
Phone: 608-258-9800
Fax: 608-258-9808

400 E. Grand Ave. #402
Beloit, WI 53511
Phone: 608-362-2800
Fax: 608-362-2838

October 8, 2009

Baldwin Advocates for Community Access TV *Public, Educational, Governmental Channels Need Support*

Congresswoman Tammy Baldwin has introduced the Community Access Preservation (CAP) Act of 2009 (H.R. 3745) to address the challenges faced by public, educational, and governmental (PEG) TV channels and community access television stations.

Historically, the funding for and broadcast of PEG channels have been negotiated as part of local franchise agreements between cable companies and local franchise authorities. However, twenty-three states have enacted new telecommunication laws that establish state-level franchise authorities. As a result of these recent state-wide agreements and a lack of adequate federal protection, some PEG channels now face significant broadcast and funding obstacles.

“Local access channels bring unique voices, perspectives, and programming to television,” said Congresswoman Baldwin. “The nature of television programming is changing, as are the methods in which that programming is delivered. These changes should not come at the expense of the diversity and vibrancy of local voices,” Baldwin said.

PEG channels connect residents with their local government in much the same way C-SPAN connects people to activities in Congress. Local school districts operate channels to feature school board meetings and forums, interviews, lectures, and sporting events not otherwise broadcast on television. Additionally, communities adopt various genres of PEG programming to reflect local interests. According to a survey conducted by National Association of Telecommunications Officers and Advisors, religious shows represent 20-40% of local access programming.

PEG stations and channels are locally funded, produced, and viewed and current federal law and a number of state laws are silent as to the basic requirements for PEG broadcasts or do not require dedicated funding beyond an “adequate assurance of financial support.” Some franchised cable operators carry PEG channels differently than commercial channels, broadcasting them in reduced resolution, displaying them in menu-format, or simply moving them to a digital-only tier where they are inaccessible to analog cable customers. In some cases, customers must now pay extra fees in order to receive PEG channels. In other cases, operators are refusing to pass through PEG closed captioning unless a special request is made. This treatment undervalues PEG channels and their viewers.

The Community Access Preservation (CAP) Act would address the immediate issues facing PEG channels by:

- Allowing PEG fees to be used for any PEG-related purposes;
- Requiring PEG channels to be carried in the same manner as local broadcast channels;
- Requiring the FCC to study the effect state video franchise laws have had on PEG channels, and requiring operators to provide the greater of the support required under state laws, or the support historically provided for PEG; and
- Making cable television-related laws and regulations applicable to all landline video providers.

“Decisions at the state and federal level have combined to create a crisis for PEG. With the CAP Act, Rep. Baldwin effectively addresses the most immediate problems and opens the door to the future by preserving

support for PEG while the FCC conducts its study. This bill is critical to us. Wisconsin's rich community access heritage is on the line," said Mary Cardona, Executive Director of the Wisconsin Association of PEG Channels.

"Community Media has a four decade history of connecting communities with their governments, schools, churches, friends and neighbors. The future existence of community media is being threatened against the intent of Congress for localism and diversity of voices in media. With the CAP Act, Rep. Baldwin addresses immediate needs to preserve and protect the important role PEG channels play in advancing democratic ideals through community uses of media," said Matt Schuster, Chair, Alliance for Community Media.

The Community Access Preservation (CAP) Act does not assume a "one size fits all" PEG structure, instead leaving the decision to negotiate for PEG channels to franchising authorities and the local communities they represent.

Baldwin's legislation is supported by the Alliance for Community Media (ACM) and the National Association of Telecommunication Operators and Advisors (NATOA).

###

CAP Act (Introduced in House)

HR 3745 IH

111th CONGRESS
1st Session
H. R. 3745

To amend the Communications Act of 1934 to provide for carriage and display of public, educational, and government channels in a manner consistent with commercial channels, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

October 7, 2009

Ms. BALDWIN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide for carriage and display of public, educational, and government channels in a manner consistent with commercial channels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Community Access Preservation Act' or the 'CAP Act'.

SEC. 2. AMENDMENTS.

- (a) In General- Section 611 of the Communications Act of 1934 (47 U.S.C. 531) is amended--
- (1) by redesignating subsection (f) as subsection (h); and
 - (2) by inserting after subsection (e) the following new subsections:
- (f) Equivalence-
- (1) IN GENERAL- In the case of any franchise under which channel capacity is designated under subsection (b), such channel capacity shall be--
 - (A) at least equivalent in quality, accessibility, functionality, and placement to--
 - (i) channel capacity used for required carriage of local commercial television stations, as defined in section 614(h)(1); or
 - (ii) if no such stations are required to be carried, the channel capacity used to carry the primary signal of the network-affiliated commercial television stations carried on the cable system; and
 - (B) provided to and viewable by every subscriber of a cable system without additional service or equipment charges.
 - (2) SIGNAL QUALITY AND CONTENT- A cable operator shall--
 - (A) carry signals for public, educational, or governmental use from the point of origin of such signals to subscribers without material degradation and without altering or removing content provided as part of the public, educational, or governmental use; and
 - (B) provide facilities adequate to fulfill such requirements.
 - (3) WAIVER- The requirements of paragraph (1) may be waived by a franchising authority if the franchise contains an explicit provision that such requirements shall not apply and such provision was adopted after a proceeding the conduct of which afforded the public adequate notice and an opportunity to participate.
 - (4) ENFORCEMENT- The requirements of this subsection may be enforced by a franchising authority or by the Commission.
 - (5) ADDITIONAL REQUIREMENTS- Nothing in this subsection prevents a franchising authority from establishing additional requirements with respect to the quality, accessibility, functionality, placement, and provision of channel capacity designated for public, educational, or governmental use.
- (g) Preservation of Public, Educational, and Governmental Use-
- (1) STUDY- Within 180 days after the date of enactment of the Community Access Preservation Act, the Commission shall submit to Congress a report containing--
 - (A) an analysis of the impact of the enactment of State video service franchising laws since 2005 on public, educational, and governmental use of cable systems;
 - (B) an analysis of the impact of the conversion from analog to digital transmission technologies on public, educational, and governmental use of cable systems; and
 - (C) recommendations for changes required to this Act to preserve and advance localism and public, educational, and governmental use of advanced communications systems.
 - (2) SUPPORT- In States that adopted legislation affecting cable system franchising requirements relating to support for public, educational, or governmental use of a cable system that became effective after May 31, 2005, a cable operator shall, notwithstanding such legislation--
 - (A) pay to any political subdivision in which the operator provides service the greater of--
 - (i) the historical support that the operator, or its predecessor, provided for public, educational, or governmental use of the cable system in such subdivision in accordance with this subsection; or
 - (ii) the amount of any cash payment that the operator is required to pay to such subdivision under such State legislation affecting cable system franchising requirements;

`(B) carry signals for public, educational, or governmental use from the point of origin of such signals to subscribers and provide facilities adequate to fulfill such requirements in accordance with subsection (f)(2); and

`(C) provide at least the number of channels for public, educational, or governmental use that it was providing as of May 31, 2005.

`(3) CALCULATION OF HISTORICAL SUPPORT- Historical support includes the value of all support provided for public, educational, or governmental use, including in-kind support and free services. The cable operator shall pay support equal to the greater of--

`(A) the value of the support provided in the most recent calendar year prior to the effective date of such State legislation affecting cable system franchising requirements; or

`(B) the value of the annual average support provided over the term of the franchise pursuant to which it operated prior to such effective date, taking into account the time value of money.

`(4) PAYMENTS- The amounts owed to the political subdivision under paragraph (2)(A) shall be paid annually, in quarterly installments, with the first payment being due 30 days after the date of enactment of the Community Access Preservation Act.

`(5) USES; DISPUTES-

`(A) USES- Support provided to any State or local political subdivision under this subsection shall be dedicated to public, educational, or governmental use of channel capacity.

`(B) DISPUTES- If there is a dispute as to amounts owed under this subsection, undisputed amounts shall be paid, and the Commission shall determine on an expedited basis what, if any, additional amounts are owed.'

(b) Franchise Fee Definition- Section 622(g)(2) of such Act (47 U.S.C. 542(g)(2)) is amended--

(1) in subparagraph (B), by striking 'in the case of any franchise in effect on the date of the enactment of this title,';

(2) by striking subparagraph (C); and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(c) Cable Service Definition- Section 602(6) of such Act (47 U.S.C. 522(6)) is amended by striking 'means' and inserting 'means, regardless of the technology or transmission protocol used in the provision of service'.

RESOLUTION 2009-110

A RESOLUTION OF THE CLARE CITY COMMISSION SUPPORTING THE PASSAGE OF HR 3745, THE COMMUNITY ACCESS PRESERVATION ACT.

WHEREAS, public, educational and government (PEG) channels play a significant role in the City of Clare; and

WHEREAS, PEG channels are a unique and valuable resource for local information and discourse for the residents of the City of Clare; and

WHEREAS, PEG channels televise local government meetings, including city council, planning commission, county board and school board meetings, so that citizens are informed about the actions taken by local elected officials; and

WHEREAS, PEG channels contribute to the democratic process by providing opportunities for candidates and others, such as the League of Women Voters, to discuss local issues during election campaigns; and

WHEREAS, PEG channels provide a window through which residents can view the diversity of cultures, recreational activities and artistic endeavors in their local community; and

WHEREAS, PEG channels reflect the unique identity of the communities they serve; and

WHEREAS, it is important to preserve PEG channels and funding for PEG channels, and to ensure that the channels continue to be available to the entire community to serve the residents of the City of Clare; and

WHEREAS, HR 3745, the Community Access Preservation Act, addresses critical and immediate threats to PEG.

NOW THEREFORE BE IT RESOLVED THAT The City of Clare City Commission supports immediate passage of HR 3745; and

BE IT FURTHER RESOLVED THAT The City Commission calls on our Congressional delegation to take all possible actions in support of the passage of HR 3745, including but not limited to endorsing, co-sponsoring and voting for HR 3745, and to work for its rapid passage.

This 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 2nd day of November 2009.

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Diane Schmidt, City Clerk 
DATE: October 21, 2009
RE: *Board & Committee Appointment (Jan Winter – City Planning Commission)

For the Agenda of November 2, 2009

***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 agenda of the Clare City Commission for November 2, 2009.**

Background. The appointment of Jan Winter to City of Clare Planning Commission has expired. Jan has agreed to serve another three-year term at the pleasure of the City Commission; the Commission is asked to consider approving the appointments.

Issues & Questions Specified. Should the City Commission approve the appointment of Jan Winter to serve another term as a member of the City of Clare Planning Commission?

Alternatives.

1. Approve the appointment.
2. Select another City resident to serve in this position.
3. Do not appoint anyone to serve in this position.
4. Defer/delay decision of this matter to a subsequently scheduled City Commission meeting.

Financial Impact. There is no direct financial impact to the City.

Recommendation. I recommend that the City Commission approve the appointment of Jan Winter to serve another three-year term as a member of the City of Clare Planning Commission by adoption of Resolution 2009-111 (*copy att'd*).

Attachment. Resolution 2009-111.

RESOLUTION 2009-111

A RESOLUTION OF THE CLARE CITY COMMISSION REAPPOINTING MS JAN WINTER TO SERVE ANOTHER TERM AS A MEMBER OF THE CITY OF CLARE PLANNING COMMISSION.

WHEREAS, the appointed term of City of Clare Planning Commissioner, Jan Winter, has expired; and

WHEREAS, said commissioner has agreed to be reappointed to serve another three-year term of said Commission; and

WHEREAS, the City Commission thanks Ms. Jan Winter for her outstanding past service, and continues to consider her to be fully qualified to perform the duties as a voting member and chairperson of the City of Clare Planning Commission.

NOW THEREFORE BE IT RESOLVED that the City Commission of the City of Clare hereby appoints Jan Winter to continue to serve as a voting member of the City of Clare Planning Commission, said appointment being effective the 2nd day of November 2009 and terminating on the 1st day of November 2012.

BE IT FURTHER RESOLVED that said appointment is voluntary and without compensation and that Ms. Winter may resign said appointment by providing the City Commission written notice of her intentions to do so.

BE IT FURTHER RESOLVED that said appointment is an at-will appointment of the City Commission and can be revoked, terminated, or rescinded by the City Commission at its discretion without stated cause or prejudice and without prior notice.

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

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 2nd day of November 2009.

Diane Schmidt, City Clerk

To: Mayor Pat Humphrey and the Clare City Commission
From: Steven J. Kingsbury, Treasurer, Finance Director and
Director of Information Technology
Date: October 28, 2009
Reference: Treasurer's Report for November 2, 2009

MERS Employer Advisory Meeting: On Thursday, October 22nd I attended/participated in the semi-annual Municipal Employees Retirement System (MERS) Employer Advisory Board meeting in Lansing. Selection to serve on this Advisory board is at the sole discretion of the executive management of MERS and includes just 26 of my peers from over 700 municipalities throughout the state. In addition to the invited municipal members present in the meeting MERS Chief Executive Officer Anne Wagner, Senior Actuary Alan Sonnanstine and several other members of the MERS management team also attended/participated.

The primary items discussed during this meeting included the recently developed Bridged Benefit Plan introduced by MERS, the updated Experience Study for 2010 including the analysis assumptions and process, the 2008 Consolidated MERS Report, an overview of the MERS Portfolio Performance as well as a discussion of part-time employees. The meeting was very productive for both the participating municipal members as well as the management of MERS who use the information exchanged in the development of future policies, procedures and initiatives both internally and through the Michigan Legislature.

Tentative Assessed and Taxable Values: Enclosed you will find an updated table and graph of the total assessed and taxable values for the City of Clare based upon the preliminary assessment roll for 2010. As anticipated there is a decrease in both assessed and taxable values for next year based upon recent declining market values of property and the deflationary nature of the CPI during the measurement period. It should be noted however in reviewing this information that the fifteen year average growth in assessed and taxable values is 5.7% and 4.7% respectfully. Furthermore, during this same fifteen year history the average cost of living increase has been a moderate 2.52%. Though negative values in any particular time period is not desired long-term growth and development is what is important and has been demonstrated in the City of Clare.

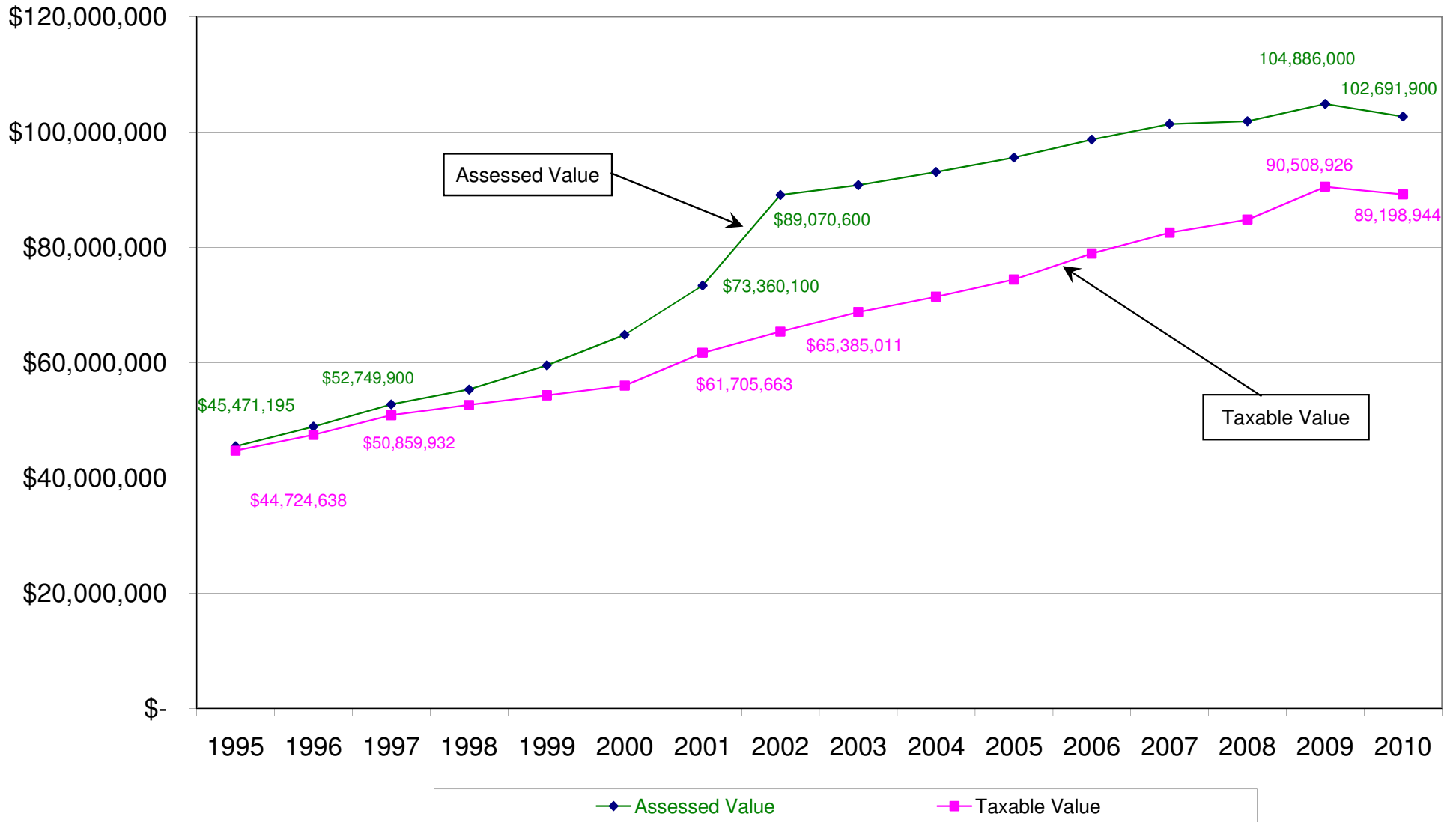
Part-Time Financial Assistant Selection: A total of fifteen individuals expressed an interest in the part-time financial assistant position that we recently advertised. After thoroughly evaluating all of the candidates Michelle Bott was selected for the position. Michelle is a graduate of Ferris State University with a bachelor's degree in finance with a minor in accounting achieving a grade point average of 3.97/4.00. Michelle has worked for a couple of local businesses in a several different capacities and has practical hands-on experience in accounting, cost accounting, capital asset management and auditing. Michelle is a lifelong resident of Clare graduating from the Clare High School.

City of Clare
Total Ad Valorem Assessed and Taxable Values
1995 to 2010

Property Tax Year	Assessed Value		Taxable Value		Assessed to Taxable	Consumer Price Index (CPI)*
	Total	Percent Increase	Total	Percent Increase		
1995	\$ 45,471,195		\$ 44,724,638		\$ 746,557	2.6%
1996	48,897,120	7.5%	47,451,166	6.1%	1,445,954	2.8%
1997	52,749,900	7.9%	50,859,932	7.2%	1,889,968	2.7%
1998	55,346,100	4.9%	52,653,011	3.5%	2,693,089	1.6%
1999	59,523,900	7.5%	54,332,603	3.2%	5,191,297	1.9%
2000	64,829,800	8.9%	56,022,505	3.1%	8,807,295	3.2%
2001	73,360,100	13.2%	61,705,663	10.1%	11,654,437	3.2%
2002	89,070,600	21.4%	65,385,011	6.0%	23,685,589	1.5%
2003	90,786,000	1.9%	68,779,069	5.2%	22,006,931	2.4%
2004	93,064,731	2.5%	71,433,094	3.9%	21,631,637	2.3%
2005	95,553,900	2.7%	74,413,478	4.2%	21,140,422	3.3%
2006	98,670,200	3.3%	78,942,652	6.1%	19,727,548	3.7%
2007	101,412,200	2.8%	82,560,007	4.6%	18,852,193	2.4%
2008	101,877,600	0.5%	84,821,983	2.7%	17,055,617	4.4%
2009	104,886,000	3.0%	90,508,926	6.7%	14,377,074	-0.3%
Preliminary 2010	102,691,900	-2.1%	89,198,944	-1.4%	13,492,956	
Total Increase (1995 to 2010)	\$ 57,220,705		\$ 44,474,306			
Average Increase (1995 to 2010)		5.7%		4.7%		2.52%

* The Consumer Price Index (CPI) expressed above is for the period of October - September.
(For example, the 4.4% CPI for 2008 compares the rate of inflation for the period
of October 2006/September 2007 to October 2007/September 2008.)

City of Clare Total Ad Valorem Assessed and Taxable Values 1995 to 2010



AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: October 28, 2009
RE: City Manager's Report

For the Agenda of November 2, 2009

October 26th Fire Council Meeting. The Fire Council met on October 26th; all governmental entities (Grant Township, Sheridan Township, Vernon Township, Wise Township, and the City of Clare) of the Council were represented. The primary point of discussion was the possible purchase of a new water tender; the Council approved the solicitation of bids for the new, proposed apparatus. Dependent on the bid prices, the Council will make a purchase recommendation (or not) to the City Commission – likely in December. Other items of discussion included the grant application submitted to DNR for the purchase of wild-land turnout gear (lightweight gear used predominantly to fight grass or forest fires); the joint purchase of ice rescue gear with the Surrey Township Fire Department (each department purchased two sets of gear) to ensure we have the local capability to accomplish water rescue operations in the winter; the recent completion of an evaluation of the department by representatives of ISO.

Veteran's Day Office Closure. City offices will be closed on Wednesday, November 11, 2009; however, this is not a vacation day for our employees. Traditionally, we have used this day to complete administrative tasks and functions that we don't routinely have time to accomplish during the year, e.g., annual purging of files; general housekeeping chores, etc.

Zoning Board of Appeals (ZBA) Meeting. The Clare ZBA is scheduled to convene on Friday, October 28th at 10:30am to consider a sign setback variance request of the Clark Podiatry Clinic. The City Staff supports this variance request as we believe the current sign setback requirements to be too restrictive/unreasonable. We intend to propose an ordinance change to the Planning Commission and the City Commission to reduce the current required sign setback.

Well #9. The well has been drilled. The pump is scheduled to be removed from Well #5 (the old well) within the week for rehabilitation; once the rehab is completed, the pump will be placed in the new well and the well brought on line. We anticipate it will be at least another month (likely longer) before the new well is brought on line.

Tractor Purchase. As the Commission is well aware, we have been discussing this topic since April 2009. I apparently have not done a good job in communicating the City's needs on this subject and have evidently done a poor job in justifying that need. And I have also failed to ensure we have explored all options regarding the purchase of the needed equipment – in particular, the financing of this equipment. Prior to my departure on my recent vacation, I asked Steve Kingsbury to explore our options in this regard. We have looked at all the "normal" funding options (self-funding, commercial loans, etc.), but we also now discovered that this equipment purchase could be eligible for 50/50 USDA grant funding. This source of funding is generally reserved for public safety equipment (particularly fire trucks), but in Steve's conversation with USDA, he discovered that USDA may look favorably on a grant for this

particular equipment due to its sidewalk snow removal function coupled with the fact that we have a significant senior population and the equipment would be used to clear sidewalks in winter for children walking to school. So before bringing this matter back to the City Commission for further consideration and discussion, we are going to pursue the possible grant option further.

November 3rd Election. As a reminder the City’s polling site for the Nov 3rd election is the Public Safety Building, and the polls are scheduled to be open between the hours of 7am to 8pm. We encourage all Clare registered voters to cast their ballots. Aside from the two City Commission seats that are on the ballot, the millage for City street improvements is also slated for renewal.

Attachments. None.

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: October 28, 2009
RE: *Communications



For the Agenda November 2, 2009

***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 November 2, 2009.**

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

FEMA Correspondence. The City received the enclosed letter from FEMA.

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

Attachments. As noted above.



FEMA

October 16, 2009

BFE-1

The Honorable Patrick Humphrey
Mayor, City of Clare
202 W. Fifth Street
Clare, Michigan 48617

Re: Proposed Base Flood Elevations for
Clare County, Michigan (All Jurisdictions)
Community: City of Clare
CID: 260629

Dear Mayor Humphrey:

On June 26, 2009, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of a Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM). The FIS report and FIRM for your community were prepared in our countywide format, which means that flood hazard information for the entire geographic area of the county, including your community and all other jurisdictions, was presented. This information makes it appropriate to modify the elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) for certain locations in the City of Clare, Clare County, Michigan. Public notification by way of a Standard Newspaper Notice that the proposed modifications in Base Flood Elevations (BFEs) are posted in the BFE Notice for Studies on the FEMA Website https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp will be given in the *Clare County Cleaver* on or about October 21, 2009 and October 28, 2009 and the *Clare County Review* on or about October 23, 2009 and October 30, 2009. The BFEs for the flooding sources are listed in the table at the end of the BFE Notice for Studies. Also, the proposed BFE determinations can be obtained by calling the FEMA Map Assistance Center toll free at 1-877-FEMA MAP (1-877-336-2627). A copy of the Standard Newspaper Notice and a copy of the Notice of Proposed Flood Elevation Determinations published in the *Federal Register*, on September 15, 2009 at Volume 74, Number 177, Page 47175 are enclosed for your information.

These proposed BFEs, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any revised BFEs are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed BFEs.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of BFE determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the BFE determinations final. The appeal procedure is outlined below for your information. The

regulations FEMA developed to implement Section 110 are listed in Title 44, Chapter I, Part 67, Code of Federal Regulations. A copy of the NFIP regulations is enclosed.

During the 90-day appeal period following the second publication in the referenced newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the BFE determinations may appeal to you, or to an agency that you publicly designate. You must send copies of the individual appeals to the FEMA Region as soon as you receive them. Note that the 90-day appeal period is statutory and cannot be extended or shortened for any reason. It is important to know, however, that the sole basis for the appeals is having knowledge or information indicating that the proposed BFE determinations are scientifically or technically incorrect. However, inquiries regarding data other than the proposed BFE determinations (e.g., incorrect street names, typographical errors, omissions) will be considered as comments and not appeals. Any applicable changes will be made before the revised FIS report and FIRM become effective.

During the appeal period, private citizens who want to appeal should present to you the scientific or technical data intended to negate or contradict FEMA's findings in any form, as you specify. FEMA requests that you review and consolidate all appeals by private persons, and issue a written opinion stating whether the evidence presented is sufficient to justify an official appeal by your community on behalf of such persons. Your decision on whether an appeal by the community in its own name will be made must be sent to this office within the 90-day appeal period and at the same time a copy must be sent to the following address:

Lisa Brandenburg, PE, CFM
Project Manager
Stantec Consulting Services Inc.
1901 Nelson Miller Parkway
Louisville, Kentucky 40223-2177

Any documents submitted to you without evidence that they were sent within 90 days of the second publication in the local newspaper will be considered comments. Your community may find it appropriate to call further attention to the proposed BFE determinations and to the appeal procedure by using a press release or other public notice.

If the FEMA Region does not receive an appeal from your community on behalf of individuals within the 90 days provided, FEMA shall consolidate and review on their own merits the individual appeals, which you have on file and forwarded to us. FEMA's final decision will be in writing, and copies will be sent to each individual appellant and the State coordinating agency.

The appeal resolution process will consider any scientific or technical data submitted by your community intended to negate or contradict the information upon which the proposed BFE determinations are based. The appeal will be resolved by consultation with officials of the local government involved, an administrative hearing, or submission of the conflicting data to an independent scientific body or appropriate Federal agency for a determination. FEMA will determine the method for resolution.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time as specified in Part 65 of the NFIP Regulations. If warranted, FEMA will revise the FIRM again after the effective date.

The reports and other information used for the final determination will be made available for public inspection. Until the conflict of data is resolved and the FIRM becomes effective, flood insurance available within your community shall continue to be available in accordance with the effective FIRM dated February 25, 1992.

If warranted by substantive changes, during the appeal period, FEMA will send to you revised copies of the FIS report and FIRM. At the end of the 90-day appeal period and following the resolution of any appeals, FEMA will send you a letter of final BFE determinations.

The FIRM panels for Clare County have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. In the mean time, if you have any questions about the digital files please contact Lisa Brandenburg, Stantec Consulting Services Inc., the designated mapping partner for preparing digital mapping files. She can be reached at (502) 212-5072. These files can be used in conjunction with other thematic data for purposes of floodplain management, insurance determinations, and many other planning applications. In addition, your community may be eligible for additional credits under the NFIP Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the proposed BFE determinations, FIS, or FIRM for your community, please contact Mike Hanke at (312) 408-5364 for assistance. If you have any questions concerning mapping issues in general, please contact the FEMA Map Assistance Center, toll free at 1-877- FEMA MAP (1-877-336-2627).

Sincerely,



Norbert F. Schwartz
Mitigation Division Director
FEMA, Region V

Enclosures:

- 1) Newspaper Notice
- 2) Notice of Proposed Base Flood Elevation Determinations
- 3) National Flood Insurance Program Regulations
- 4) "How to get the CFR"

cc: Ken Hibl, City Manager

From: Carolyn Bennett [cbennett@mmdc.org]
Sent: Friday, October 09, 2009 3:43 PM
To: info@mmdc.org
Subject: MMDC Bullets - October 9, 2009

MMDC Bullets – October 9, 2009

Here are a few of the highlights of this past week at MMDC.

- MMDC would like to thank the **Clare County Enterprise Community** for its support for our organization in the amount of \$7,500. This contribution is in addition to the EC's regular client fee. This contribution is greatly appreciated.
- Mt. Pleasant Industrial Park North will soon host a new company. **RW Doors of Michigan, LLC** will be taking up residence in the former ITW Foils building.
- **Mock Interview Day** is scheduled for Tuesday, March 16, 2010 at CMU's Bovee University Center. Information on this event is posted on MMDC's website www.mmdc.org – Workforce Education/Mock Interview Day.
- Carolyn Bennett was this week recognized as a **Certified Business Solutions Professional (CBSP)** as part of Michigan's 21st Century Workforce Initiative. CBSP's provide a demand driven collaborative approach in assisting Michigan businesses retain current workers, create jobs, and operate competitively in the global market and to attract new business. Training was funded under a grant from the Michigan Department of Labor and Economic Growth and was provided through a partnership between Michigan State University School of Labor and Industrial Relations and South Central Michigan Works!
- There will be a meeting of the **Mt. Pleasant Local Development Finance Authority (LDFA)** on **Tuesday, October 20th at noon** at **MMDC, 111 S. University, Mt. Pleasant, MI 48858.**

Kathy & Carolyn

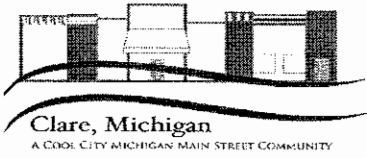
Carolyn Bridges Bennett, CBSP
Director of Promotions & Workforce Development
Middle Michigan Development Corporation
111 S. University, Mt. Pleasant MI 48858
cbennett@mmdc.org
www.mmdc.org
PH (989)772.2858
FX (989)773.2115



PAYABLES REPORT FOR COMMISSIONERS

Query: INV_DueDt >= 09/15/2009 And INV_DueDt <= 11/17/2009 And INV_BankCode = CONSO And INV_Status = OPEN

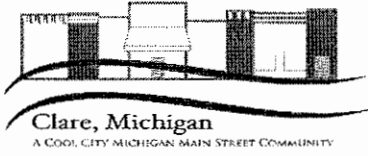
VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
1ST CHOICE OFFICE OUT	19638	OFFICE SUPPLIES - PD	10/22/09	11/03/09	5.06
1ST CHOICE OFFICE OUT	20005	OFFICE SUPPLIES - FD	10/27/09	11/03/09	54.94
1ST CHOICE OFFICE OUT	20020	OFFICE SUPPLIES	10/27/09	11/03/09	111.30
1ST CHOICE OFFICE OUT	00439383	SUPPLIES - FD	10/27/09	11/03/09	10.00
ACE HARDWARE	025142	ICE RINK MATERIALS	10/22/09	11/03/09	8.07
ACE HARDWARE	025167	PARK MAINT SUPPLIES - PARKS	10/27/09	11/03/09	56.66
ACE HARDWARE	025168	RETURN CREDIT-SUPPLIES-PARK	10/27/09	11/03/09	-11.18
ACE HARDWARE	025218	MISC SHOP SUPPLIES	10/27/09	11/03/09	19.34
ACE HARDWARE	24471	UPS SHIPPING	10/28/09	11/03/09	15.00
ACE HARDWARE	025246	SIGN STEEL	10/28/09	11/03/09	32.38
ACKER AVIATION, LLC	NOV 2009	AIRPORT MANAGER SERVICES	10/21/09	11/03/09	921.56
ALLTEL	102809-615-156	AIRPORT MGR-092809-100809	10/22/09	11/03/09	81.15
AT&T LONG DISTANCE	11182009	LONG DISTANCE - STMT 100409	10/21/09	11/03/09	48.37
AWOL - ALWAYS WORKING	NOV 2009	CEMETERY MAINT CONTRACT	10/21/09	11/03/09	4,290.00
AWOL - ALWAYS WORKING	NOVEMBER 09	JANITORIAL SERVICES	10/21/09	11/03/09	2,345.00
BELL EQUIPMENT	0064997	MISC PARTS #37	10/21/09	11/03/09	259.28
BELONGA, CLIFFORD	329 JOHN	DEPOSIT OVERPAID FINAL	10/22/09	11/03/09	96.55
BENCHLEY BROTHERS INC	1060681	SW KIT - DPW	10/27/09	11/03/09	12.73
BLODGETT OIL	316218	SHOP OIL - DPW	10/27/09	11/03/09	409.12
BOB SCHELLHAS SALES &	13138	OPERATING SUPPLIES - DPW	10/21/09	11/03/09	44.80
BOB SCHELLHAS SALES &	13139	OPERATING SUPPLIES - DPW	10/21/09	11/03/09	57.50
BOB'S TIRE STORE	069104	TIRES - #60	10/27/09	11/03/09	473.16
BRANDY WARNER	092609 REIM	PK RENTAL REIM-09262009	10/22/09	11/03/09	25.00
BRIDGEPORT EQUIPMENT	IV62333	MAINT PARTS #18	10/22/09	11/03/09	307.21
BUDGET BATTERIES	65897452	STINGERS (2) - PD	10/22/09	11/03/09	27.67
BURNSIDE & LANG, PC	52746	PROFESSIONAL SERVICES	10/21/09	11/03/09	1,500.00
CENTRAL ASPHALT PAVIN	12530	TOP MIX	10/21/09	11/03/09	245.98
CENTRAL MI OFFICE PRO	076256	PHOTO PAPER	10/22/09	11/03/09	19.99
CERTIFIED LABORATORIE	551803	SUPPLIES - DPW	10/22/09	11/03/09	404.07
CERTIFIED LABORATORIE	552306	SUPPLIES - WWT	10/27/09	11/03/09	219.39
CINTAS FIRST AID & SA	0305127995	SAFETY SUPPLIES - DPW	10/21/09	11/03/09	44.95
CINTAS FIRST AID & SA	0305127996	SAFETY SUPPLIES - PD	10/22/09	11/03/09	31.14
CITY OF CLARE	110209-UTIL	CITY UTILITIES-090209-10020	10/22/09	11/03/09	2,700.45
CITY OF CLARE	110309-1525	1525 MCEWAN UTILITIES	10/28/09	11/03/09	32.22
CLARE AUTOMOTIVE SUPP	2-408097	BLADES - #20	10/21/09	11/03/09	6.95
CLARE AUTOMOTIVE SUPP	2-408146	SWITCH - #7	10/21/09	11/03/09	25.92
CLARE AUTOMOTIVE SUPP	2-408418	MISC MAINT SUPPLIES-#8, #88	10/21/09	11/03/09	78.15



PAYABLES REPORT FOR COMMISSIONERS

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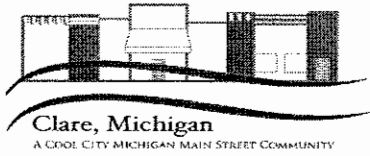
VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
CLARE AUTOMOTIVE SUPP	2-408554	MAINT PAERT - #6	10/21/09	11/03/09	38.70
CLARE AUTOMOTIVE SUPP	2-408565	MAINT PARTS #6	10/21/09	11/03/09	16.54
CLARE AUTOMOTIVE SUPP	2-408601	BLADES #6	10/21/09	11/03/09	9.90
CLARE AUTOMOTIVE SUPP	2-408744	REPAIR PARTS - #20	10/22/09	11/03/09	18.46
CLARE AUTOMOTIVE SUPP	2-408785	MAINT PARTS - #20	10/27/09	11/03/09	13.90
CLARE AUTOMOTIVE SUPP	2-408856	ACETYLENE - DPW	10/27/09	11/03/09	27.72
CLARE AUTOMOTIVE SUPP	2-408902	ARBOR	10/27/09	11/03/09	9.89
CLARE AUTOMOTIVE SUPP	2-409075	MISC FILTERS - DPW	10/27/09	11/03/09	58.79
CLARE AUTOMOTIVE SUPP	2-409250	HOSE - SHOP-DPW	10/27/09	11/03/09	21.23
CLARE AUTOMOTIVE SUPP	2-409290	TRACTOR LIGHT - #12	10/27/09	11/03/09	22.69
CLARE COUNTY HOUSING	RE: 522 ORCHAR	OVERPAID FINAL BILL	10/22/09	11/03/09	4.20
CLARE DOWNTOWN DEVELO	11/2009DISBURS	REMAINING DISBURSEMENT	10/22/09	11/03/09	25,995.04
CLARE HARDWARE	283788	MAINT PARTS - #59*	10/21/09	11/03/09	7.99
CLARE HARDWARE	283682	MAINT SUPPLIES	10/22/09	11/03/09	5.98
CLARE HARDWARE	283796	PAINT SUPPLIES - PARKS	10/22/09	11/03/09	13.97
CLARE HARDWARE	283808	PAINT - PARKS	10/22/09	11/03/09	23.88
CLARE ROTARY CLUB #59	485,535 MIED	01/2009-06/2009	10/22/09	11/03/09	318.50
CONSUMERS ENERGY	111109-62 6217	091809-101609-202 W 5TH ST	10/22/09	11/03/09	34.43
CONSUMERS ENERGY	111109-27 4436	091809-101609-396 SHAMROCK	10/22/09	11/03/09	19.66
CONSUMERS ENERGY	111109-32 3779	091809-101609-221 WILCOX PK	10/22/09	11/03/09	53.50
CONSUMERS ENERGY	111209-22 9579	091909-101609-305 W STATE S	10/23/09	11/03/09	20.84
CONSUMERS ENERGY	110409-18 4012	081009-100809-10843 S EBERH	10/14/09	11/04/09	19.76
CONSUMERS ENERGY	110409-18 3923	091009-100509-10725 S EBERH	10/14/09	11/04/09	448.46
CONSUMERS ENERGY	110409-23 4508	090509-100609-11175 S EBERH	10/14/09	11/04/09	6,627.96
CONSUMERS ENERGY	110409-38 4642	090509-100609-305 MAPLE ST	10/19/09	11/04/09	2,961.61
CONSUMERS ENERGY	111109-67 1551	091809-101609-510 N MCEWAN	10/22/09	11/11/09	98.15
CONSUMERS ENERGY	111109-38 6837	091809-101609-315 W FIRST S	10/22/09	11/11/09	140.24
CONSUMERS ENERGY	111109-89 8045	091809-101609-501 FOREST AV	10/22/09	11/11/09	31.30
CONSUMERS ENERGY	111109-12 0894	091809-101609-1532 N MCEWAN	10/22/09	11/11/09	90.42
CONSUMERS ENERGY	111109-22 2971	091809-101609-696 POINT DR	10/22/09	11/11/09	25.29
CONSUMERS ENERGY	111109-37 4806	091809-101609-332 WITBECK D	10/22/09	11/11/09	56.34
CONSUMERS ENERGY	111109-84 0617	091809-101609-820 CEDAR ST	10/22/09	11/11/09	19.98
CONSUMERS ENERGY	111109-62 0392	091809-101609-813 INDUSTRIA	10/22/09	11/11/09	19.66
CONSUMERS ENERGY	111109-62 6332	091809-101609-405 MAPLE	10/22/09	11/11/09	214.27
CONSUMERS ENERGY	111109-71 3445	091809-101609-507 S MCEWAN	10/22/09	11/11/09	22.89
CONSUMERS ENERGY	111109-22 8523	091809-101609-700 SCHOOLCRE	10/22/09	11/11/09	21.37
CONSUMERS ENERGY	111109-22 8705	091809-101609-820 SCHOOLCRE	10/22/09	11/11/09	36.71



PAYABLES REPORT FOR COMMISSIONERS

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VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
CONSUMERS ENERGY	111109-22 8861	091809-101609-604 SCHOOLCRS	10/22/09	11/11/09	33.51
CONSUMERS ENERGY	111109-32 3696	091809-101609-231 WILCOX RK	10/22/09	11/11/09	53.01
CONSUMERS ENERGY	112209-24 6823	091909-101609-327 BROOKWOOD	10/23/09	11/12/09	53.86
CONSUMERS ENERGY	111209-49 3910	091909-101709-3990 E COLONV	10/23/09	11/12/09	94.80
CONSUMERS ENERGY	111209-96 5677	091909-101609-3333 DUNLOP R	10/23/09	11/12/09	154.23
CONSUMERS ENERGY	111209-42 3627	091909-101609-202 W FOURTH	10/23/09	11/12/09	31.46
CONSUMERS ENERGY	111209-42 6778	091909-101609-416 W 5TH ST	10/23/09	11/12/09	15.96
CONSUMERS ENERGY	111209-24 7862	091909-101609-10242 S CLARE	10/23/09	11/12/09	27.92
CONSUMERS ENERGY	111209-67 0900	091809-101609-299 N MCEWAN	10/23/09	11/12/09	19.66
CONSUMERS ENERGY	111209-22 8986	091809-101609-500 SCHOOLCRE	10/23/09	11/12/09	131.06
CONSUMERS ENERGY	111209-22 8902	091909-101609-1603 N MCEWAN	10/23/09	11/12/09	81.21
CONSUMERS ENERGY	111209-22 9215	091909-101609-1525 N MCEWAN	10/23/09	11/12/09	91.49
CONSUMERS ENERGY	111209-42 5911	091909-101609-202 W 5TH ST	10/23/09	11/12/09	270.29
CONSUMERS ENERGY	111209-42 6109	091909-101609-207 W 5TH ST	10/23/09	11/12/09	606.49
CONSUMERS ENERGY	111209-42 6497	091909-101609-601 W 5TH ST	10/23/09	11/12/09	27.92
CONSUMERS ENERGY	111309-14 5081	091909-101609-610 W WHEATON	10/26/09	11/13/09	19.66
COOK, JENNIFER WUELF	213 W FIRST #1	DEPOSIT OVERPAID FINAL	10/22/09	11/03/09	113.06
DELTA COLLEGE	1910590	CLASSES - 2 OFFICERS	10/22/09	11/03/09	170.00
DEPARTMENT OF TRANSP	320524	RAIL-TRAIL PER RES #2009-03	10/22/09	11/03/09	100,370.24
DTE ENERGY	110609-0003 8	091409-101309-305 MAPLE	10/19/09	11/06/09	21.04
DTE ENERGY	110609-0004 6	091409-101309-305 MAPLE APT	10/19/09	11/06/09	34.58
DTE ENERGY	110609-0001 5	091409-101209-207 W 5TH ST	10/19/09	11/06/09	137.13
DTE ENERGY	110609-0002 2	091409-101309-307 MAPLE ST	10/19/09	11/06/09	88.73
DTE ENERGY	110909-0001 2	091409-101409-1532 N MCEWAN	10/20/09	11/09/09	34.58
DTE ENERGY	11102009-0002	091209-101009-11175 EBERHAR	10/21/09	11/10/09	119.98
DTE ENERGY	111309-0001 3	091409-101509-202 W 5TH ST	10/26/09	11/13/09	130.42
FED EX	9-310-01366	FREIGHT CHARGES - PD	10/22/09	11/03/09	37.64
FIA CARD SERVICES	111509-SK	REPAIR SUPPLIES	10/26/09	11/03/09	61.17
FIA CARD SERVICES	111509-AG	REC SUPPLIES	10/27/09	11/03/09	864.15
GALL'S INC	510140904	UNIFORM SUPPLIES - PD	10/22/09	11/03/09	113.59
GALLIHUGH & SONS INC	2584	CEMENT PLACEMENT	10/21/09	11/03/09	14,368.00
JADE SCIENTIFIC INC.	13656705	LAB SUPPLIES	10/27/09	11/03/09	127.34
JANE MURTON	09/29/09 REIM	PK RENT REIM-09/29/09	10/22/09	11/03/09	50.00
JD METALWORKS INC.	32412	WATER CHUTE - #1844	10/27/09	11/03/09	70.75
JIM'S BODY SHOP, INC	132	REPAIR PART & LABOR #59	10/21/09	11/03/09	228.86
JOHN KOCH	NOV 2009	ELEC COMM SERVICE STIPEND	10/21/09	11/03/09	25.00
JOSH MILLER	CL REIM 11/09	FRINGE BENEFITS	10/21/09	11/03/09	61.98



PAYABLES REPORT FOR COMMISSIONERS

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VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
KEN HIBL	102209 REIM	MI REIM	10/23/09	11/03/09	97.90
KONKEL, NOELLE & MICH	504 HYSELL	DEPOSIT O/P FINAL	10/22/09	11/03/09	29.04
LAFEBRE', JOSEPH I.	211 W FIRST #1	DEP O/P FINAL	10/28/09	11/03/09	80.85
MACKIE, DENISE A.	207 E SECOND	DEPOSIT O/P FINAL	10/28/09	11/03/09	38.69
MICHIGAN DEQ	595603	CAMPGROUNG LIC FEE	10/23/09	11/03/09	81.00
MIDLAND ENGINE INC	C41033	MISC FILTERS	10/21/09	11/03/09	91.59
PAMIDA	102009-412	REC SUPPLIES - REC	10/26/09	11/03/09	21.72
PAMIDA	102809REC	REC SUPPLIES	10/28/09	11/03/09	8.48
PORTER, ALOISE M.	207 W 1ST #1E	DEP OVERPAID FINAL	10/22/09	11/03/09	128.06
RICCA CHEMICAL COMPAN	450116	SUPPLIES	10/21/09	11/03/09	227.79
RTI LABORATORIES INC	55350	SUPPLIES	10/23/09	11/03/09	83.00
SEITER BROTHERS LUMBE	140842	SHOP SUPPLIES	10/22/09	11/03/09	15.99
SEITER BROTHERS LUMBE	140904	TOOLS - DPW	10/27/09	11/03/09	11.78
SEITER ELECTRIC INC	52742	ELEC TAPE	10/23/09	11/03/09	13.50
SHULL, KATHRYN	NO FORWARD ADD	OVERPAID FINAL BILL	10/22/09	11/03/09	18.54
STRAUCH, DUDLEY	103 JOHN R #5	DEPOSIT OVERPAID FINAL	10/22/09	11/03/09	70.85
THOMSON WEST	614346	ZONING BULL SUB	10/21/09	11/03/09	168.00
TOM KOCH	NOV 2009	ELEC COMM SERVICE STIPEND	10/21/09	11/03/09	25.00
USA BLUE BOOK	914666	FRINGE BENEFITS AND SUPPLIE	10/21/09	11/03/09	819.70
USA BLUE BOOK	917074	SUPPLIES	10/23/09	11/03/09	18.00
VOSSOS, JOHN	629 COUR	DEPOSIT OVERPAID FINAL	10/22/09	11/03/09	85.04
WHITE ALAN	NOV 2009	CLOTHING ALLOWANCE	10/21/09	11/03/09	65.00
WIELAND TRUCKS	45392C	SEAL & GASKET #8	10/21/09	11/03/09	43.88
WIELAND TRUCKS	465411B	LIGHT - #8	10/27/09	11/03/09	24.98
WITBECK'S FAMILY FOOD	00305135	SUPPLIES - FD	10/27/09	11/03/09	194.63
WITBECK'S FAMILY FOOD	00439286	SUPPLIES - FD	10/27/09	11/03/09	384.59
WITBECK'S FAMILY FOOD	00343555	RETURNS -SUPPLIES - FD	10/27/09	11/03/09	-59.15
WOODSMAN INC	200369	CHIPPER KNIFES	10/21/09	11/03/09	258.68




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VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
Sub Total:					174,568.00
COMMISSION APPROVAL:					
		ADVANCED BENEFIT SOLUTIONS			78.69
		ADVANCED BENEFIT SOLUTIONS			1,009.16
		GREAT WOLF LODGE			243.88
		LEARNING SOLUTIONS			299.00
Total:					176,198.73

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager 
DATE: October 28, 2009
RE: Approval of Teamsters Hourly & Supervisory Labor Contracts

For the Agenda of November 02, 2009

Background. The City Commission, following closed-session discussion, move into open session to consider and approve the proposed Hourly and Supervisory Teamsters Union labor contracts.

Issues & Questions Specified. Should the City Commission approve the contracts?

Alternatives.

1. Approve both contracts.
2. Approve one but not the other contract.
3. Deny approval of the proposed contracts.
4. Request modification or amendment, thereby requiring further negotiations.
5. Defer/delay decision of this matter to a subsequently scheduled City Commission meeting.

Financial Impact. The City Commission previously agreed to the terms of the proposed agreements in June 2009; all financial aspects of the contract were discussed at that time. The adopted 2009/2010 City Budget included the needed appropriations to support the proposed contracts.

Recommendation. I recommend that the City Commission approve the two proposed labor contracts by adoption of Resolutions 2009-069 and 2009-070, respectively.

Attachments.

1. Resolution 2009-069.
2. Resolution 2009-070.

RESOLUTION 2009-069

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A CONTRACTUAL AGREEMENT WITH THE TEAMSTER'S HOURLY BARGAINING UNIT.

WHEREAS, the City of Clare and the City's hourly employees represented by Teamster's Local 214 enjoy a contractual agreement, which expired on June 30, 2009; and

WHEREAS, representatives of both of the aforementioned entities have negotiated the terms for a new contractual agreement; and

WHEREAS, said renegotiated agreement has been ratified by the hourly members of said labor organization and;

WHEREAS, the City Commission has reviewed and considered said proposed agreement and deemed that approval is in the best interests of the City and its employees.

NOW THEREFORE BE IT RESOLVED THAT, the Clare City Commission hereby approves an Agreement between the City of Clare and Teamsters Local 214 Hourly Contract for the period July 1, 2009 through March 30, 2013, the terms, conditions, stipulations, and provisions of said contract as outlined therein. Act.

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 2nd day of November 2009.

Diane Schmidt, City Clerk

RESOLUTION 2009-070

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A CONTRACTUAL AGREEMENT WITH THE TEAMSTER'S HOURLY BARGAINING UNIT.

WHEREAS, the City of Clare and the City's supervisory employees represented by Teamster's Local 214 enjoy a contractual agreement, which expired on June 30, 2009; and

WHEREAS, representatives of both of the aforementioned entities have negotiated the terms for a new contractual agreement; and

WHEREAS, said renegotiated agreement has been ratified by the hourly members of said labor organization and;

WHEREAS, the City Commission has reviewed and considered said proposed agreement and deemed that approval is in the best interests of the City and its employees.

NOW THEREFORE BE IT RESOLVED THAT, the Clare City Commission hereby approves an Agreement between the City of Clare and Teamsters Local 214 Supervisor Contract for the period July 1, 2009 through March 30, 2013, the terms, conditions, stipulations, and provisions of said contract as outlined therein. Act.

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 2nd day of November 2009.

Diane Schmidt, City Clerk