

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. in the Commission Chambers by Mayor Pat Humphrey who led the Pledge of Allegiance. Present were: Commissioners Bill Horwood, John Koch, Tom Koch and Pat Humphrey. Absent: Jean McConnell. Also present were Ken Hibel, City Manager; Steve Kingsbury, Treasurer and Finance Director; Dwayne Miedzianowski, Chief of Police; John Holland, WWT Superintendent; Lori Schuh, Main Street Manager; and Diane Schmidt, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner John Koch second by Commissioner Bill Horwood to approve the items listed with an asterisk (\*) (Minutes, Communications, Approval of Bills and Amended Agenda), that are considered to be routine by the City Commission. Ayes: All. Nays: None. Absent: Jean McConnell. *Motion Carried.*

3. \*APPROVAL OF MINUTES:

Consent Agenda Approved.

4. \*APPROVAL OF AMENDED AGENDA:

Consent Agenda Approval.

5. PUBLIC COMMENT: - Commissioner John Koch read a prepared statement written by Marian Matyn in which she declined reappointment to the Parks and Recreation Advisory Board because of concerns that the board and committee appointment process lacks structure and definition and serving on the board would be inappropriate since her spouse, Rod Leslie, serves on the Airport Advisory Board.

6. OLD BUSINESS/UNFINISHED BUSINESS:

7. NEW BUSINESS:

A. 35-YEAR SERVICE RECOGNITION-BILL DROOMER

Motion by Commissioner Bill Horwood second by Commissioner John Koch to approve formally recognize Bill Droomer's 35-years of service to the City by presentation of a resolution and adoption of Resolution 2010-049. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

B. ADOPTION OF 2010/2011 BUDGET

The Clare City Commission has reviewed and discussed the proposed Fiscal Year 2010/2011 budget, millage rates, fee and rate schedules for City services to include any rate changes and recommended appropriations during multiple budget workshops during the months of March, April, and May 2010 pursuant to State Statutes and the City Charter and discussed and reviewed the final proposed 2010/2011 City budget during the course of a regularly scheduled meeting of the Clare City Commission on the 7<sup>th</sup> day of June 2010.

Motion by Commissioner Bill Horwood second by Commissioner Tom Koch to open the public hearing pertaining to fiscal year 2010/11 budget adoption, 2010/2011 millage, admin fees, penalties and tax due dates.

Public Comment: None

Motion by Commissioner Bill Horwood second by Commissioner John Koch to close the public hearing pertaining to fiscal year 2010/11 budget adoption, 2010/2011 millage, admin fees, penalties and tax due dates.

Motion by Commissioner Bill Horwood second by Commissioner John Koch to approve the Fiscal Year 2010/2011 budget, millage rates, admin fees, penalties, and tax due dates by adoption of Resolution 2010-050 and 2010-051. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

C. FEE AND RATE SCHEDULE

The City Commission has reviewed said fee and rate schedule, to include recommended changes thereto, and deems the approval of said schedule to be in the best interests of the City with exception to the Building Department fee schedule which will be reviewed at the next regularly scheduled City Commission meeting.

Motion by Commissioner John Koch second by Commissioner Tom Koch to approve the Fiscal Year 2010/2011 fee schedule, by adoption of Resolution 2010-0052. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

D. RENEWAL OF ASPHALT SERVICES BIDS-CENTRAL ASPHALT

The City annually solicits bids for its planned street resurfacing projects. The 2009/2010 bid was awarded to Central Asphalt for a \$53.97 per-ton price. Central Asphalt has offered to “hold” the price for our planned 2010/2011 projects. Bob Bonham has queried a neighboring municipality where Central Asphalt recently provided the low bid and was awarded the asphalt work for a street project currently underway in that municipality. The offer made to us by Central Asphalt is lower than the price they offered as low bid to the neighboring municipality.

Motion by Commissioner Tom Koch second by Commissioner Bill Horwood to approve renewal of the asphalt services bid by Central Asphalt, by adoption of Resolution 2010-0854. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

E. MUTUAL REFERRAL AGREEMENT-LISTENING EAR CRISIS CENTER

The City has received a request from Listening Ear Crisis Center asking that the City become a signatory to a proposed Mutual Referral Agreement, which increases their potential to receive a high standard for professional performance.

Motion by Commissioner Tom Koch second by Commissioner Bill Horwood to approve the Mutual Referral Agreement between the City and Listening Ear Crisis Center, by adoption of Resolution 2010-055. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

F. MORATORIUM ON ISSUANCE OF PERMITS & LICENCES-SALE OR DISPENSATION OF MEDICAL MARIHUANA

Michigan voters legalized the use of medical marihuana in the state in 2008. Implementation rules regarding the use of medical marihuana were issued by the State of Michigan in April 2009. A general overview and update regarding medical marihuana in Michigan was provided to the Commission in a PowerPoint presentation. To date we have taken no action regarding the issuance of permits or licensing of medical marihuana-related activities or facilities in the City – primarily because we haven’t had a need to and because the Michigan law is still evolving. The Clare City Planning Commission voted unanimously at its scheduled May 12<sup>th</sup> meeting to ask the City Commission to issue a formal moratorium to allow additional study and consideration of the matter; our City Attorney agrees that the issuance of a formal moratorium is a good idea.

Motion by Commissioner Bill Horwood second by Commissioner John Koch to approve a three-month moratorium, by adoption of Resolution 2010-056. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

G. MDOT CONTRACT-PAVING OF US-127BR (3<sup>RD</sup> STREET TO 5<sup>TH</sup> STREET

MDOT plans to repave US-127BR (McEwan Street) between Third Street and Fifth Street in downtown Clare this summer. However, the MDOT paving project does not include the on-street parking areas in these two blocks; consequently, MDOT offered to include paving the parking spaces in the project if the City paid (\$5.3K) for this portion of the project. We included the funds to complete this

paving in the 2009/2010 Downtown Development Authority (DDA) budget. MDOT has now forwarded us a proposed contract to facilitate the inclusion of paving the parking spaces with their resurface project.

Motion by Commissioner Bill Horwood second by Commissioner John Koch to approve the MDOT Contract, by adoption of Resolution 2010-057. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

H. ENGINEERING SERVICES AGREEMENT FOR WATER TANK PAINTING-DIXON ENGINEERING

The City's water tank is in dire need of repainting and we are advised that if it is not painted within the next year, it will likely require significant rehabilitation work. We have contacted Dixon Engineering, considered to be one of "the" regional authorities in water tank engineering and an organization with whom the City has enjoyed a great professional relationship for more than 20 years, to solicit their assistance in developing bid specifications and bidding oversight for painting of the water tank. Based on a request from John Holland, our Water & Wastewater Superintendent, Dixon Engineering has provided a proposed agreement for the requested services.

Motion by Commissioner Bill Horwood second by Commissioner Tom Koch to approve the proposed contractual agreement for services with Dixon Engineering, by adoption of Resolution 2010-058. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

I. ENGINEERING SERVICES AGREEMENT FOR DOWNTOWN (BEECH & FOURTH STREET) STREETScape-GOURDIE FRASER

The City submitted a Notice of Intent (NOI) to the Michigan Economic Development Corporation (MEDC) for a streetscape grant project (Beech & Fourth Street) in the amount of \$137,200 (\$50K local match; \$87.2K grant funds). The City's NOI was accepted and approved, and the City was invited to submit a full grant application for the proposed project. The grant application was submitted, and we have been informally advised that the grant has been approved and sent to MEDC's legal department for preparation of a grant agreement contract, which the City should receive within the next few weeks. Concurrent with the submittal of the grant application, the City submitted a letter request to incur local engineering costs to allow the commencement of engineering design and bid specification and bid solicitation documents; the City's request has been approved. Based on this approval, we have requested a proposal for project engineering services from Gourdie-Fraser, our engineering firm of record and the firm that prepared preliminary engineering project drawings for no cost to support our grant NOI and grant application.

Motion by Commissioner Bill Horwood second by Commissioner John Koch to approve the proposed contractual agreement for services with Gourdie-Fraser, by adoption of Resolution 2010-059. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

J. APPROVAL OF COAM LABOR CONTRACT

The City has held two negotiation sessions with its Command Officers Association of Michigan (supervisory unit, which consists of Sergeants Saad and Ward) labor bargaining unit. Based on those negotiations, we have mutually agreed (contingent upon approval of the City Commission) upon the terms of a new labor contract.

The new contract sets the annual salary increases (3% for the first two years of the contract period, then a 2.5% increase) commensurate with that agreed upon with the City's two Teamsters' bargaining units; provides the same health care benefits as currently provided to the Teamsters' bargaining units; adjusts the health care buy-out option to that of the Teamsters plan; allows for the buy-out of a maximum of 40 hours of compensatory time and the carry-over of a maximum of

40 hours of compensatory time annually; and increases the amount of the boot allowance to \$200 (previously \$100) once each other year.

The contract is for a five-year period except that language is included for a limited re-opener for health care and salary increases effective March 30, 2013. The reason for this re-opener is that is the date of the expiration of the current Teamsters health care plan, thus we cannot currently predict whether the plan will hold, decrease, or increase in costs.

Motion by Commissioner Tom Koch second by Commissioner Bill Horwood to approve the proposed COAM labor agreement, by adoption of Resolution 2010-060. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, and Pat Humphrey. Nays: Tom Koch. Absent: Jean McConnell. *Motion Approved.*

#### K. SINGLE LOT ASSESSMENTS

The City Commission has deemed it necessary and appropriate to establish single lot assessments against specific properties within the City of Clare to recoup certain uncollected charges from the owners of said specific properties, and the list of said uncollected charges submitted to the City Commission. The single lot assessment roll delineating all individuals who were to be assessed for said uncollected charges has been prepared and filed with the City Clerk, who in turn has provided due and legal notice of a public hearing to review the assessment roll for said single lot assessments and to receive objections to said roll in writing.

Motion by Commissioner John Koch second by Commissioner Bill Horwood to open the public hearing pertaining to the single lot assessments.

Public Comment: None

Motion by Commissioner Bill Horwood second by Commissioner John Koch to close the public hearing pertaining to the single lot assessments.

Motion by Commissioner John Koch second by Commissioner Bill Horwood to approve the single lot assessment roll, by adoption of Resolution 2010-061. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, and Pat Humphrey. Nays: None. Absent: Jean McConnell. *Motion Approved.*

#### 8. TREASURER'S REPORT

Treasurer's report was received.

#### 9. MAINSTREET MANAGER'S REPORT

Main Street Manger's report was received.

#### 10. CITY MANAGER'S REPORT

Planning Commission Meeting. The Planning Commission is scheduled to meet on Wednesday, June 9<sup>th</sup>. The Commission currently has two primary agenda topics to discuss: completion of its annual report to the City Commission and the review and consideration of a Payment in Lieu of Taxes (PILOT) request from one of our current low-to-moderate income, multi-family units. The Planning Commission will tentatively hold a special meeting on June 30<sup>th</sup> to consider two site plan requests.

Rental Rehab Grant. Mr. Gary Todd has signed the contract with the City to allow him to proceed with our first downtown rental rehabilitation project. He intends to commence construction this week.

Response to Mr. Joe Hart. I have completed my informal inquiry related to the allegations made publicly at the May 17<sup>th</sup> City Commission meeting by Mr. Joe Hart. I found no corroboration of Joe's allegations and informed him via letter of my findings.

Beech Street & W. Fourth Street Streetscape Grant . We have been informally advised by our contact at MEDC that the review of our grant application has been completed without fault and has been forwarded to MEDC's legal department for

preparation of grant agreement documents, which should be forwarded to us for consideration and approval within the next few weeks.

Depot Project. Jill Sutton, the Executive Director of the MidMichigan Community Action Agency (MMCAA) informed me this week that her Board of Directors favorably considered the purchase of the former CarQuest Building contingent upon agreement with the current property owners and tentatively approved the donation of property adjacent to the CarQuest Building and currently owned by MMCAA to the City for a relocation site for the depot – contingent of course on all the other pieces of this project falling in place, e.g., property purchase, movement of the depot, fund availability to rehab the depot, etc.

Board & Committee Vacancies. We provided a monthly board and committee vacancy list to the City Commissioners. The one-year rotational chair on the Pere Marquette District Library Board is the City's to fill commencing July 1<sup>st</sup>. City Clerk Diane Schmidt has commenced public solicitation for applications for this position, but I suggest that if the respective City Commissioners know of someone they believe would be a good candidate for this position, they should make their nomination(s) known to the other City Commissioners prior to the June 21<sup>st</sup> Commission meeting so an appointment can be made at that meeting – or discuss at the June 7<sup>th</sup> meeting the process that you wish to use to nominate and appointment an individual to fill this seat.

11. \*COMMUNICATIONS:

Consent Agenda Approval.

MDOT Correspondence. We've received a letter regarding the upcoming Michigan Airport Programming (MAP) meetings. Note that we are required to submit our ten-year airport plan to the state not later than August 4<sup>th</sup>.

MDNR Correspondence. The City received a letter regarding reimbursement payments for the Pere Marquette Rail Trail Project.

Affidavits of Publication, Posting, & Mailing. Our City Attorney provided us a copy of the aforementioned affidavits regarding our continued attempts to obtain a court order to dispose of the burnt mobile home shell within the Pleasant Valley Mobile Home Park.

Charter Communications. We received a letter notifying us of revised cable channel line-up for Charter customers.

MAC Channel 3 Correspondence. Information is provided for the City Commission's and the public's information.

Walk for Warmth Certificate of Appreciation. The City received a certificate for participating in this community event.

Michigan Tax Tribunal Docket Notice. We've been notified of a pending tax tribunal case involving MidMichigan Medical Center challenging the taxability of a portion of its Clare facility.

Notice of Hearing. We've received a notice regarding Consumer's Energy's petition before the Michigan Public Service Commission related to a proposed rate hike (incentive payment).

Certified Mail. The City received correspondence related to a petition filed before the Michigan Tax Tribunal on behalf of Spartan Stores.

Petition & Proof of Service. We received notice that Brookwood Manor has filed a petition with the Michigan Tax Tribunal.

12. EXTENDED PUBLIC COMMENT: None

13. COMMISSION DISCUSSION TOPICS: None

14. \*APPROVAL OF BILLS:

Consent Agenda Approval.

15. CLOSED SESSION: POAM Labor Negotiations Strategy.

16. ADJOURNMENT:

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

Meeting adjourned at 8:36 p.m.

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Pat Humphrey, Mayor

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Diane Schmidt, City Clerk