

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, Jean McConnell and Pat Humphrey. Absent: None. Also present were Ken Hibl, City Manager; Richard Acker, Airport Manager; and Diane Schmidt, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Tom Koch second by Commissioner Jean McConnell to approve the items listed with an asterisk (*) (Agenda, Minutes, Communications, Approval of Bills and Board and Committee Appointments), that are considered to be routine by the City Commission with exception to the Payables Report, which Tom Koch requested be removed from the consent agenda. Ayes: All. Nays: None. Absent: None. *Motion Carried.*

3. *APPROVAL OF MINUTES:

Consent Agenda Approved.

4. *APPROVAL OF AGENDA:

Consent Agenda Approved.

5. PUBLIC COMMENT: None

6. OLD BUSINESS/UNFINISHED BUSINESS:

A. PETTIT PARK SHOWER BIDS

By adoption of its Resolution 2010-063, the Clare City Commission approved the bids for construction of a shower facility at the Pettit Park Campground but withheld the Notice to Proceed on the project until such time the Commission's Fiscal Oversight & Budget Committee and the City's Parks & Recreation Advisory Board met to formulate a recommendation regarding the City's funding allocation for certain parks capital projects – specifically, the City's contribution to construction of the Pere Marquette Rail Trail extension into downtown Clare. The Committee and Advisory Board met on July 7th and agreed that the City's costs (approximately \$53K) should be shared equally (\$26.5K each) between the City's General Fund and the voter-approved parks millage. The City Commission is asked to

Motion by Commissioner Jean McConnell second by Commissioner Tom Koch to approve the fiscal recommendation and authorize the issuance of the Notice to Proceed, by adoption of Resolution 2010-073. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

7. NEW BUSINESS:

A. ANNUAL REPORT OF THE CITY PLANNING COMMISSION

The 2008 Michigan Planning Enabling Act mandates that municipal planning commissions, “shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.” The City Planning Commission formulated and approved the required report at its June meetings; Commissioner Dave Prawdzik (the newly selected commission chairperson) presented the annual report which included the activities of the City Planning Commission during the past year.

City Commissioners commended the City Planning Commission for their hard work and dedication.

B. APPROVAL OF GRANT AGREEMENT: BEECH & FOURTH STREET STREETScape PROJECT

The City received formal notice of award of our requested grant to allow us to construct the proposed Beech & Fourth Street Streetscape Project. The City must now approve the grant agreement to allow us to proceed with the project.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve the offered grant agreement by adoption of the proposed Resolution 2010-074, by adoption of Resolution 2010-074. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

C. ADOPTION OF ORDINANCE 2010-002: AMEND CHAPTER 52, SECTION 52-279

The Clare Main Street Board recommended that the downtown design guidelines of the Zoning Codes of the City be amended to change the criteria for window and door signs in commercial businesses. The City of Clare Planning Commission considered the proposed amendment; held a duly noticed public hearing regarding the proposed amendment; and subsequently unanimously recommended that the City Commission adopt the proposed ordinance amendment.

The City Commission conducted a public hearing and a first reading of the proposed ordinance amendment at its scheduled meeting of July 6, 2010. No public comment was received.

The City Commission is required to direct a second reading.

Motion by Commissioner Tom Koch second by Commissioner Jean McConnell to approve the proposed ordinance, by adoption of Resolution 2010-075. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

D. APPROVAL OF THIRD PARTY AGREEMENT: CLARE DOWNTOWN RENTAL REAHABILITATION PROGRAM

The City received a \$244K rental rehabilitation grant from the Michigan State Housing Development Authority (MSHDA) in 2008 for rehabilitation of second-story downtown residential units. The City does not have a Housing Authority, thus we have no "in-house" staff resources qualified to administer the rental rehabilitation grant. At the time that we received the grant, the Clare County Housing Administrator (Mr. Adam Smith) had announced that he was departing his position at the County. With Adam's pending departure, Clare County was studying a possible reorganization, thus the future of the Clare County Housing Administration Office was uncertain. Consequently, we contracted (Resolution 2008-029) with the City of Gladwin (which serves as both the Gladwin County and City of Gladwin Housing Authority) for third-party administration of our grant.

Ms. Lori Ware, who within MSHDA is considered one of the preeminent rental rehabilitation administrators in the state, now serves as the Clare County Housing Administrator; Lori held a position within the Gladwin Housing Office at the time we contracted with them for grant administration. We queried MSHDA to determine whether we could concurrently have two third-party administrators for our rental rehabilitation grant; they've approved our request due to the fact that we have one rental rehabilitation grant in progress with the Gladwin Housing Office acting as the third-party grant administrator. Clare County has agreed to provide this service to the City pending the approval of the City Commission.

The Clare Main Street Board and Downtown Development Authority reviewed and considered the recommendation to utilize the services of Ms. Ware and the Clare County Housing Office; the Board unanimously recommended doing so.

Motion by Commissioner Bill Horwood second by Commissioner Jean McConnell to approve the offered contract agreement, by adoption of the proposed Resolution 2010-076. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

E. APPROVAL OF INTERGOVERNMENTAL CONTRACT AGREEMENT: ACCESS TO THE ECLARE COUNTY BROADBAND NETWORK INFRASTRUCTURE

The City has been working in concert with Clare County, the Clare-Gladwin RESD, the Village of Farwell, and the City of Harrison to establish broadband service connectivity between these entities. An agreement has been signed by Clare County and the RESD.

The major funding elements of this initiative have thus far been paid for by Clare County and the Clare County Enterprise Community. We are now approaching the point that we will be able to actually make the broadband connections. But before we are able to do so, we are required to formally enter into an Intergovernmental Agreement. The final details of this agreement are still being reviewed by attorneys for all respective signatories. We anticipate that the agreement will be in its final form and available for consideration and approval by the City Commission by March 1st, thus we have placed this topic on the agenda for the March 1st meeting. We do not anticipate that the draft version of this agreement will change appreciably in content or format. We will forward the final version of the agreement to the City Commission electronically or in hard copy if we receive it prior to Monday's meeting; otherwise, we will present it at the meeting.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve the Intergovernmental Agreement, by adoption of the proposed Resolution 2010-077. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

F. APPROVAL OF PURCHASE: NEW DPW PICK-UP TRUCK

The approved 2010/2011 Budget for the City included an appropriation in the Mobile Equipment Fund to purchase a new ¾-ton pick-up truck with a specified, installed Meyer Snow Plow. Upon approval of the budget, the City solicited local bids and checked the cost of the vehicle through the state buying program. We received three bids, the lowest being from Kraphol Ford-Lincoln Mercury of Mt. Pleasant. Kraphol Ford offered a 2011 model vehicle; the other two local bidders and the state buying program offered 2010 models.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve the purchase of this vehicle from Kraphol Ford Lincoln-Mercury by adoption of Resolution 2010-078. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

G. APPROVAL OF PURCHASE: TRUCK DUMP BOXES

The dump body box for one of our oldest in-service dump/plow trucks has deteriorated beyond repair; consequently, it must be replaced. We included the purchase of a new dump box in the proposed 2010/2011 budget; based upon the City Commission's approval of the proposed budget, we solicited bids for the purchase of a new box. We received three bids. The City Commission is asked to approve the bids to authorize us to place the order for the new dump box.

Motion by Commissioner Bill Horwood second by Commissioner Tom Koch to approve the bids and authorize the purchase of this equipment, by adoption of Resolution 2010-079. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

H. APPROVAL OF T-HANGAR RENTAL PROCESS & PROCEDURE

The dump body box for one of our oldest in-service dump/plow trucks has deteriorated beyond repair; consequently, it must be replaced. We included the purchase of a new dump box in the proposed 2010/2011 budget; based upon the City Commission's approval of the proposed budget, we solicited bids for the purchase of a new box. We received three bids. The City Commission is asked to approve the bids to authorize us to place the order for the new dump box.

Motion by Commissioner Bill Horwood second by Commissioner Tom Koch to approve the bids and authorize the purchase of this equipment, by adoption of Resolution 2010-079. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

I. APPOINTMENT OF MERS DELEGATES

The Michigan Employees Retirement System (MERS) will hold its annual conference in Kalamazoo during the period September 15-17, 2010. The City Commission has traditionally sent two delegates to the conference, an employee representative elected by the City's employees to represent their interests at the conference, and a management delegate (traditionally, the City Treasurer) to represent management's interests at the conference.

Through individually cast ballots the City employees have elected Luke Potter as their primary delegate and Greg Rynearson as their alternate representative; Steven Kingsbury has agreed to attend on behalf of the City as its management representative. The City Commission is asked to formally designate these individuals to represent the respective elements of the City at the conference.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to appoint Mr. Luke Potter and Mr. Greg Rynearson as the primary and alternate employee representatives, respectively, and Mr. Steven Kingsbury as the management representative to attend the annual MERS Conference, by adoption of the proposed Resolution 2010-081. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

J. DISCUSSION TOPIC-WEBITAT EQUIPMENT -ENTEX

The City has on an annual basis periodically exceeded the maximum ammonia discharge levels allowed by the discharge permit issued to the City by the Michigan Department of Natural Resources and Environment (MDNRE) for its waste water treatment plant, and MDRNE has mandated that the City take steps to eliminate said high ammonia discharge levels. The City has applied for a United States Department of Agriculture (USDA) loan to assist in funding the cost of equipment to remediate said high ammonia discharge levels and the loan has been approved.

The City initiated a study in 2009 with Gourdie-Fraser, the City's engineer of record, to determine options and methods best suited to remediate said ammonia discharge levels. The study led to the decision to conduct a pilot study at the City's waste water treatment plant with specialized equipment supplied by a selected vendor (ENTEX Technologies of Chapel Hill, North Carolina) to determine whether said equipment would remediate said ammonia issue and the results of said pilot study have been successful.

Entex has advised the City's engineer that the cost for the purchase of said equipment utilized in said pilot study would increase approximately \$80,000 within the next few weeks and the City's engineer and the City Staff have recommended that the City make a commitment to purchase said equipment.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve the expenditure of \$154,750 to Entex Technologies, thereby obligating Entex Technologies to "hold" its sale price for the Webitat equipment and system as provided in the Entex Quotation #4416, contingent upon concurrence of the MDRNE that the purchase and installation of said equipment at the City's treatment plant shall suffice in respect to remediation of the current ammonia discharge issue, by adoption of the proposed Resolution 2010-082. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

8. TREASURER'S REPORT

No Treasurer's Report.

9. *DEPARTMENT REPORTS

Consent Agenda Approval.

10. CITY MANAGER'S REPORT

Medical Marihuana Moratorium Update. We are scheduling an information presentation and a public hearing regarding this topic for the City Planning Commission at its scheduled August 11th meeting. We are inviting a law firm from Lansing, a compassion group from Ypsilanti, our City Attorney, law enforcement officials, and a medical practitioner responsible for certification of care givers and providers to the meeting to provide various view points and information. This information will be used by the Planning Commission to formulate a recommendation(s) for the City Staff and the City Commission regarding land use practice and policy (if any) related to medical marihuana that they believe should/should not be implemented in the City. Both our City Attorney and I recommend that the City Commissioners attend on an individual basis to listen to the information presented – understanding that if you do so, you would be unable to discuss the topic amongst yourselves for the potential of an open meetings violation.

Updated Clare Waste Water Ammonia Project Schedule Update. We met with GFA on this topic last week. The Webitat Module pilot study has been a success. Based on this success, we are planning on moving forward with this process; a tentative major events schedule associated with this project is attached for the Commission's information.

Special Planning Commission Meeting. The City's Planning Commission has agreed to hold a special meeting on Wednesday, July 21st to accommodate a site plan request of Boone Adult Care (Horizon) to construct an addition to its current structure.

Zoning Board of Appeals Meeting. A Zoning Board of Appeals meeting has been scheduled to convene on Friday, July 30th to hear a request for a variance to the City's sign ordinance related to sandwich boards. Both the Main Street Board and the City Planning Commission have previously rejected petitions from this business owner to consider an amendment to the City's zoning ordinance codes to allow placement of a sandwich board in the City's downtown district.

Plumbing & Mechanical Inspection Services Approval. We have received approval from the state to proceed with the oversight and management of all building services in the City. But before we can do so, we must adopt specific ordinances for mechanical and plumbing inspection services; I anticipate that we will present those ordinances to the City Commission in August.

Deer in Clare. The number of expressed concerns we are receiving related to the number of deer and the damage the deer are causing is escalating. I ask for the Commission's guidance regarding whether you want the staff to pursue options for deer population control in the City. This will likely be a very emotionally-charged issue, and the reports I've read and discussions I've had with my contemporaries around the state indicate very mixed results of various culling and control programs that have been attempted.

Commissioners determined that even if the deer were removed, more would come in to take their place because of the availability of food and water, and therefore they directed no action.

11. *COMMUNICATIONS:

Consent Agenda Approval.

URS Final Inspection Meeting. The City received the T-Hangar final inspection report.

Resident Complaint. We received a letter of complaint regarding garage sale signs.

Notice of Retirement. We received a letter from Director of Public Works Bob Bonham notifying us of his intentions to retire at the end of the year.

Resident Complaint. We received a verbal complaint regarding dogs at Summerfest and smoking in the park and park restrooms.

Annual Picnic. The Isabella Council of Governments provided an invitation to their annual family picnic.

12. APPROVAL OF BILLS:

Commissioner Tom Koch requested removal of a contractual payment of \$12,500 to the Middle Michigan Development Corporation from the payables list. Commissioner John Koch agreed, requesting that the MEDC provide sufficient evidence at the next meeting that they are and have been providing adequate services to the City prior to paying them the annual contracted service fee.

Motion by Commissioner Tom Koch second by Commissioner John Koch to pay bills with exception to the MMDC invoice. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, Tom Koch, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion Approved.*

13. EXTENDED PUBLIC COMMENT: Airport Manager Dick Acker announced that the City received reimbursement for site preparation of the T-Hangar units at the airport. The City was required to provide a 2.5% match on that project but if the T-Hangars continue to rent at the current occupation rate, that expenditure will be paid back in approximately 20 months. Mr. Acker also reported that fuel sales are steady.

14. COMMISSION DISCUSSION TOPICS: Mayor Pat Humphrey informed the commissioners that he and Jean McConnell attended the grand opening of ClareCastle Senior Housing, noting the beauty of the building's interior and individual units.

15. ADJOURNMENT:

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

Meeting adjourned at 7:26 p.m.

Pat Humphrey, Mayor

Diane Schmidt, City Clerk