

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, Pat Humphrey, Tom Koch and Jean McConnell. Also present were, Ken Hibl, City Manager; Steve Kingsbury, Treasurer and Finance Director; Dwayne Miedzianowski, Police Chief; Lori Schuh, Main Street Manager; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve the items listed with an asterisk (\*) (Amended Agenda, Minutes, Communications, Bills List, Board and Committee Appointments, First Reading of Ordinance 2011-008 and Department Reports) that are considered to be routine by the City Commission. All in favor: Ayes: All. Nays: None. Absent: John Koch. *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: None.

7. NEW BUSINESS:

**A. CUP OF EXCELLENCE PRESENTATION**

The City of Clare (specifically, Cops & Doughnuts) is this year's winner and recipient of the Michigan Municipal League's (MML) Cup of Excellence. This is the most prestigious award presented by the MML, thus we have great cause to be proud of this recognition. We will retain the Cup for a one-year period, wherein it will travel to Mackinaw Island – the site of next year's annual MML Convention – where it will be presented to the 2012 winner. Officers Al White and Officer's Greg Rynearson reenacted the presentation given at the MML Conference which was instrumental in bringing the Cup home to Clare.

**B. PRESENTATION OF LIFE SAVING PIN TO OFFICER GREG RYNEARSON**

On September 29, 2011 the Clare Police Department responded to a 911 dispatch for a possible carbon monoxide poisoning case. Officer Greg Rynearson, the first emergency responder on the scene, found the victim, DariLynn Vowell, disoriented and semi-conscious and immediately removed her from the residence. Ms. Vowell recently wrote a Letter to the Editor to a local newspaper outlining these events and crediting Officer Rynearson for saving her life. The Mayor and Ms. Vowell presented a Life Saving Pin to Officer Greg Rynearson for his decisive and immediate actions.

**C. REQUEST FOR INDUSTRIAL FACILITES TAX EXEMPTION-ROBOTIC WELDED PARTS**

Robotic Welded Parts, Incorporated has filed an application with the City of Clare for issuance of a twelve (12) year Industrial Facilities Exemption Certificate for abatement of real property taxes for the cost of constructing a new building valued at \$308,120.

The City Commission is asked to formally consider the tax abatement request of Robotic Welded Parts. In doing so, the Commission is required to hold a public hearing to receive public comment related to the requests. Upon conclusion of the public hearing, the Commission should deliberate the merits of the application and, if deemed appropriate by the

Commission, act on the application by adoption of the separate Resolutions: one for the Exemption Certificate and one for the related, requisite Agreement between the City of Clare and Robotic Welded Parts Inc.

Supporting documentation (application, receipts, etc.) for the application is attached. The requisite notice for the public hearing has been accomplished, and taxing units have been notified of the request. To date two of the taxing jurisdictions as well as the City Assessor have responded stating they support issuance/have no objection to the requested exemption. We've received no stated public objections.

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

Public Comment: Tom Pirstill, General Manager of Clare County Transit Corporation spoke in support of the IFE request by Robotic Welded Parts, as did Kathy Methner, Development Director of Middle Michigan Development Corporation.

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

Motion by Jean McConnell second by Bill Horwood approve the application for the Exemption Certificate by adoption of Resolution 2011-100 and approve the related Agreement with Robotic Welded Parts by adoption of Resolution 2011-101. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch and Jean McConnell. Nays: None. Absent: John Koch. *Motion Carried.*

**D. CLOSE-OUT OF FOURTH AND BEECH STREETSCAPE CDBG PROJECT**

The City applied for and was awarded a Community Development Block Grant (CDBG) in 2010 in the amount of \$137,000 (\$87,000 in grant funds; \$50,000 in local/DDA funds) to construct new streetscape on West Fourth Street and Beech Street in the City of Clare. The project has been completed and all grant funds have been expended; consequently, we have requested that the Michigan Economic Development Corporation close the grant files. One of the necessary steps involved in the formal closure of the grant project files is the conduct of a public hearing by the governing body accepting comment related to the grant. We have posted the required notice of the required hearing; the Commission is asked to hold the required public hearing and subsequently formally request that the grant be closed.

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

Public Comment: None.

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

Motion by Bill Horwood second by Tom Koch to approve closure of the grant by adoption of Resolution 2011-102. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch and Jean McConnell. Nays: None. Absent: John Koch. *Motion Carried.*

**E. PROPOSED ORDINANCE CHANGE-CHAPTER 52, ZONING (ORDINANCE 2011-008, GARAGE SALES IN C-1 AND C-2 DISTRICTS)**

In August 2011 the City Planning Commission forwarded a proposed revision to the City's ordinance codes related to outdoor sales in the City's commercial district that was intended to preclude or prohibit a flea market appearance in the City's commercial

districts. The City Commission reviewed the proposed ordinance proposal and rejected it, sending it back to the Planning Commission for further consideration and discussion. The Planning Commission reconsidered the City proposed ordinance and concluded that the first attempt to attain the objective of prohibiting a flea market appearance in Clare was in fact inappropriate as suggested by the City Commission due to the fact that it limited and harmed free enterprise, which was never the intent or desire of the Planning Commission.

After considerable discussion and deliberation, the Planning Commission determined that to achieve the desired objective, the best approach would be to mimic the current garage sale restrictions in place within the residential districts of the City and apply them to the City's commercial districts: allowing commercial entities to hold garage sale events within the City but limit them to only two licensed events per year (excluding the once-per-year City-wide garage sale event), thereby not harming commercial enterprise while concurrently limiting flea market operations.

All changes to zoning within the City must be accomplished by ordinance change; the Clare City Commission is the only governing body within the City with the authority to enact, change, or amend the City's Ordinance Codes.

To accommodate the City Commission's formal review of the proposed ordinance change, a public hearing, which is a mandatory requirement for any ordinance change, has been scheduled to receive comment pertaining to the proposed zoning ordinance revisions. The City Commission is asked to hold the public hearing, consider and discuss the proposed ordinance change, and if the Commission determines the proposed change has merit, approve a first reading of the amendment.

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

Public Comment: None.

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

**F. CLARE DDA CHARITABLE GAMING LICENSE APPLICATION**

The Clare Downtown Development Authority (DDA) and Main Street Board is applying for a Charitable Gaming License to facilitate a fund-raising raffle in early 2012. In order to take be successful in its application, a Local Governing Body Resolution for Charitable Gaming Licenses is required. The City Commission is asked to consider approving the requisite resolution.

Motion by Jean McConnell second by Bill Horwood to approve application of the gaming license by adoption of Resolution 2011-103. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch and Jean McConnell. Nays: None. Absent: John Koch. *Motion Carried.*

**G. \*AIRPORT HANGAR DRAINAGE BIDS**

Pulled from the agenda.

**H. EVIP PRESENTATION**

To continue to qualify for revenue sharing, all Michigan Municipalities must now meet certain state standards/qualifications/requirements, commonly referred to as EVIP (Economic Vitality Incentive Program). Three of the components that are currently included in the state's EVIP are citizen awareness (dashboard and citizen's guide), cooperative agreements/programs and

employee health care cost-sharing. We met the requirement to comply with the first element (dashboard and citizen's guide) of EVIP by October 1<sup>st</sup>. Steve Kingsbury provided an overview of our dashboard and citizen guide to the Commission.

**I. \*BOARD & COMMITTEE APPOINTMENTS-CHERRY GROVE CEMETERY BOARD (MS. BETHANY MITTAN & MR. MIKE SVED)**

Approved by Consent Agenda.

**J. \*BOARD & COMMITTEE APPOINTMENTS – TREE ADVOCACY GROUP (MS. JEANNE SHELANDER & MR. RON VERCH)**

Approved by Consent Agenda.

8. TREASURER'S REPORT

The Treasurer's Report was received.

9. \*CITY CLERK'S REPORT

Approved by Consent Agenda.

10. MAIN STREET MANAGER'S REPORT

The Main Street Manager's Report was received.

11. CITY MANAGER'S REPORT

Clare County Fallen Hero Memorial Dedication Ceremony. The Fallen Heroes Foundation approached the City in 2008 and asked if we'd be willing to be a host site for a memorial commemorating all Clare County soldiers, sailors, and airmen/women who have lost their lives in the current Middle East conflict. The memorial includes a bronze statue with names of the fallen heroes commemorated on the memorial and will be placed in Clare's City Park. Each memorial costs \$10,000 and is funded through donations. We were informed this week that the Foundation has raised the money needed for the Clare County memorial, and they plan to hold a dedication ceremony here on Saturday, October 29<sup>th</sup> at 1 pm. We encourage participation at this event.

Update – WWT Project. Demolition has commenced on the City's old WWT plant; however, work is presently at a stand-still due to the presence of old sludge found at the bottom of the old digester building. The sludge must now be tested to ensure that it can be safely land-filled or land-applied; we anticipate we should have the test results returned within the next week. Webitat equipment has started arriving. We currently have eight modules on site with eight more to be delivered. The radio tests for the SCADA system installation have been completed. We anticipate that we will now continue to see progress on these various WWT project over the next 3-4 months. Concurrently our WWT personnel will commence mandated semi-annual testing of the Hatton Township Landfill site.

Clare Depot Roofing Project. The roofing of the depot building has been completed.

Absence. I plan to be out of the state during the period October 28 – November 4; Steve will be the Acting CM during my absence.

12. \*COMMUNICATIONS

Approved by Consent Agenda.

MML Correspondence. The City received the enclosed informational correspondence from the Michigan Municipal League regarding Senate Bill 7.

MSHDA Memorandum. The City correspondence memorandum from the MSHDA Community Development Division informing us of forthcoming changes to the Housing Resource Fund.

City Attorney Correspondence. The City Attorney sent the enclosed correspondence regarding a section of Prairie Street owned by private individuals.

Grant Application. We received correspondence from Clare County Community Foundation regarding a grant application filed by the DDA.

Notice to Property Owner. The City offered the enclosed correspondence in response to a request for a Home Occupation Permit.

13. COMMISSION DISCUSSION TOPICS: Commissioner Tom Koch requested additional information from City Manager Ken Hibl regarding Sergeant Ward's dismissal and expressed concern about information provided in a recent report from Special Prosecutor, Aaron Miller regarding allegations of harassment made against Chief Miedzianowski.

C/M Hibl explained that there were news releases on each issue, but in regard to Rich Ward's dismissal there was a payroll timesheet issue in which he submitted timesheets with errors and was paid erroneously as well as other administrative issues.

Commissioner Koch asked Chief Miedzianowski if he would do anything differently if he could (in relation to having a gun drawn when entering a closed room) when there were children in the apartment (as noted in the report). Chief Miedzianowski answered that he would not do anything different, explaining that they (the police) were not aware at the time that there were children in the room and the person they (police) were looking for is very violent; he had assaulted a Clare police officer in the past. Ken Hibl elaborated further stating that it is standard police protocol, that if you are going into an unknown circumstance with a report of someone that has a past history of violent action toward law enforcement, to go in with a drawn weapon. When asked by Tom Koch, the Chief affirmed that the individual they (police) were looking for was to be arrested. Commissioner Koch stated that the report was not clear enough to provide the essence of what was occurring and it did not express the danger of the situation. Commissioner Koch suggested that Chief Miedzianowski hold an interview with the newspapers so that the public is better informed.

Bill Horwood offered that there will always be accusations against police officers and the newspapers love it up because it sells papers.

Chief Miedzianowski informed the Commission that they do also receive positive comments from residents.

Jean McConnell commented that she hears both good and bad comments from the community but has recently heard from residents who have stated that they have confidence in our police department and approve of what the police are doing.

14. EXTENDED PUBLIC COMMENT: Al White announced that he recently spoke with an individual who was looking to move his family to the mid Michigan area from Lansing. The individual researched a 30-mile radius, checking into schools, housing, etc. After conducting his analysis, he selected Clare as the family's new home.

15. \*APPROVAL OF BILLS

Approved by Consent Agenda.

16. ADJOURNMENT

Motion by Jean McConnell second by Tom Koch to adjourn the meeting. All in favor:  
Ayes: All. Nays: None. Absent: John Koch. *Motion Carried.* Meeting adjourned at  
7:30 p.m.

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Pat Humphrey, Mayor

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Diane Lyon, City Clerk