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. Absent: Bob Bonham. Also present were Steve Kingsbury, Acting City 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 (*) (Agenda, Minutes, Communications, Department Reports, First Reading of Ordinance 2012-001, and Bills) that are considered to be routine by the City Commission. 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: None.

7. NEW BUSINESS:

A. RECOGNITION OF PD DEPARTMENT EMPLOYEE AND OFFICERS OF THE YEAR.

Each year the Clare Police Department selects its officers of the year and those officers are invited to a scheduled City Commission meeting for appropriate acknowledgement and recognition. Selection is based on a broad spectrum of criteria, to include performance and accomplishments. This year John Pedjac was selected as the paid employee of the year; Officer Ken Chinavare was selected as the reserve police officer of the year; and Cadet Policeman James Leedy was selected as the Cadet Police Officer of the Year.

All three individuals were in attendance to receive the presentation of a Mayor's Key of Excellence from Pat Humphrey.

B. ANNUAL AUDIT REPORT

The public accounting firm of Andrews, Hooper & Pavlik (AHP) of Midland, Michigan conducted an independent audit of the City of Clare's financial records for the City's fiscal year ending June 30, 2011. A qualified representative from Burnside & Lang is scheduled to publicly present the results of the audit to the Clare City Commission at its regularly scheduled meeting on December 19, 2011. No significant adverse findings were discovered or noted during the course of the independent audit. A draft copy of the complete audit report was provided in the commission packet.

The Treasurer/Finance Director, City Clerk, and City Manager have each reviewed the audit report and have formally acknowledged the results in writing.

The City Commission is asked for formally approve the audit findings and results as presented by Andrews, Hooper & Pavlik.

Motion by Commissioner Jean McConnell second by Commissioner Tom Koch to review and approve the audit results presented by Andrews, Hooper & Pavlik by adoption of Resolution 2011-123. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch and Jean McConnell. Nays: None. Absent: Bob Bonham. *Motion Carried.*

C. RENEWAL OF TOWNSHIP FIRE SERVICES AGREEMENTS

The City has long enjoyed fire service agreements with four of our neighboring townships: Grant, Sheridan, Vernon, and Wise. The agreements expire on December

31, 2011. All four townships are voting members of the Clare Fire Council. The Council reviewed and discussed the agreements at recent Council meetings with the concluding recommendation of the Council that the agreements should be submitted to the governing bodies of all of the signatories for renewal.

The agreements have been presented to three of the four Boards of Trustees of the respective townships. All three of the Township Boards have approved the renewal of the agreement with only two minor changes: the Grant Township Board has approved the agreement without a termination date (all the agreements have 180-day "opt out" clauses, thus the Board didn't feel that a termination date was necessary); the Vernon Township Board has asked that the agreement include the provision to make service payments on a quarterly basis versus one lump-sum payment annually. The Wise Township Board meets December 15th, and the agreement will be presented at that meeting for consideration and approval – we fully anticipate that Wise Township will similarly approve the proposed agreement renewal.

The City Commission is asked to approve the renewal of the fire service agreements.

Motion by Commissioner Bill Horwood second by Commissioner Tom Koch to approve the renewal of the fire service agreements by adoption of Resolutions 2011-124, 125, & 126 and adopt Resolution 2011-127 with the contingency that Wise Township approves the agreement. Roll call vote: Yeas: Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch and Jean McConnell. Nays: None. Absent: Bob Bonham. *Motion Carried.*

D. <u>ACT 99 INSTALLMENT PURCHASE AGREEMENT</u>

The City and MidMichigan Community Action Agency (MMCAA) have partnered and collaborated on a number of mutually beneficial community projects and ventures over the past decade – the most recent being the Clare Railroad Depot Project. In August 2010 the City Commission conceptually approved the purchase of the former CarQuest property (*Resolution 2010-090*), which is owned by MMCAA, for a future site for the historic railroad depot. In September 2010, the City Commission formally approved an agreement with MMCAA (*Resolution 2010-092*) to consummate the aforementioned property purchase.

While we have formally purchased this property by virtue of the executed real estate purchase agreement, we have not "closed" the real estate purchase (closure is scheduled for December 30th) due to the need to complete all the required environmental due-diligence actions prior to property title transfer.

Phase I and Phase II Environmental Assessments and a formal BEA have now been completed (fully funded by a Clare County Brownfield Authority EPA Grant – no cost to the City) and filed with MDEQ; all environmental documents are on file with the City Clerk.

The City Attorney provided an opinion letter related to the financing/funding of this purchase. As reflected in that opinion, the financing/funding method we are required to use for this purchase must comply with the provision of Public Act 99. The City Clerk and City Treasurer certifications required to comply with the Act were included in the packet. The City Commission is asked to formally complete this transaction by adoption of Resolution 2011-128.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve required funding/financing by adoption of Resolution 2011-128. Roll call vote: Yeas: Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch and Jean McConnell. Nays: None. Absent: Bob Bonham. *Motion Carried.*

E. <u>USDA PAYMENT RESOLUTION - WWT IMPROVEMENT PROJECT</u>

The general contractor that is working on the ammonia remediation and electrical upgrade division of the City of Clare's WWTP improvement project has submitted its second application for payment for work completed through November 25, 2011. The City's project engineer Gourdie-Fraser has reviewed the application for payment and has verified that all indicated work has in fact been satisfactorily completed and that

all invoices/purchases included within the contractor's application for payment have in fact been purchased by the contractor for the City of Clare's 2011 WWTP improvement project.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to authorize payment to J. R. Heineman in the amount of $117,892.01 by adoption of resolution 2011-129 Roll call vote: Yeas: Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch and Jean McConnell. Nays: None. Absent: Bob Bonham. *Motion Carried.*

F. PROPOSED ORDINANCE AMENDMENT – CHAPTER 2 (ADMINISTRATION), PUBLIC SAFETY RESPONSE COST RECOVERY (ORDINANCE 2012-001)

The City's public safety entities (police, fire, DPW) are occasionally dispatched (particularly the Clare Fire Department – on far fewer occasions, CPD and DPW) to respond to accidents or incidents involving individuals or entities that are not tax payers or residents of the City of Clare – or in the case of CFD, do not reside within the area of jurisdiction of the department). For all emergency responses or dispatches that are outside the City limits (or outside the Fire Jurisdiction boundaries in the case of CFD), the City invoices and attempts to collect/recoup our costs for the services provided. On more than one occasion we have been challenged by invoiced parties and insurance companies regarding our right or authority to assess these charges. Consequently, we discussed the matter with our City Attorney and determined that we need to establish a legal framework to assess these charges and fees; the result is a proposed ordinance amendment.

The City Commission is asked to review and consider the proposed ordinance amendment; hold a public hearing to receive comment related to the amendment; and consider approving a first reading of the ordinance revision.

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

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

G. *BOARD & COMMITTEE APPOINTMENT – PLANNING COMMISSION (REAPPOINT COMMISSIONER JOHN KLINE)

Consent Agenda Approved.

The appointment of John Kline to the City's Planning Commission expired on December 14, 2011. The Mayor has appointed John to serve another term; this appointment is subject to the approval of the City Commission (ref. 52.51 & 52.52 of the City's Ordinance Codes); this appointment is subject to the approval of the City Commission.

8. TREASURER'S REPORT

The Treasurer's Report was received.

9. *DEPARTMENT HEAD REPORTS

Consent Agenda Approved.

10. CITY MANAGER'S REPORT

Clare County Community Foundation Grant Approval. The City applied for a Community Development Block Grant two years ago to fund a proposed way-finding sign project for the City; the grant was rejected due to the cost of the proposed project (estimated project cost was $25K; minimum grant application amount allowed was $100K). Consequently, the City's Main Street/DDA Board took this on as a project and applied to the Clare County Community Foundation to assist in funding of this project.

The Foundation approved the grant request; consequently, we intend to commence this project next spring. We believe we can accomplish this project for approximately $15 to 16K by utilizing City resources (primarily DPW) to install the majority of the signs involved in the project and slightly reducing the scope of the first phase of the project. The Main Street Board has received local funding commitments from the IDC and DDA for the balance of the costs.

Main Street Accreditation. The Clare Main Street Board received notice that our Program has received continued accreditation. As one of the state's Master Main Street Programs, we are evaluated annually to ensure we meet all ten of the national criteria; we undergo an accreditation evaluation every other year. This is a significant accomplishment (in our case, a recurring significant accomplishment) that is credited to our Main Street Board, the volunteers of the Main Street Program, and all individuals, organizations, and entities within our community that support the Program.

Police Vehicle Fleet. One of our two "new" black & white police vehicles is now in service; the second is expected to be in service by next weekend.

Parking Lot Thru Traffic. A concern was expressed at the December 5th meeting related to vehicular traffic taking "short cuts" through our public parking lots to circumvent traffic signals and devices. Chief Midge's response is outlined in the attached email. For the Commission's information, I am not readily inclined to recommend erection of "No Thru Traffic" signs as suggested in the Chief's response for three reasons: the Michigan Motor Vehicle Code already provides us an enforcement option for this action; erection of these signs would add to unnecessary sign proliferation and concurrently detract from the aesthetics of our community; and finally the cost that would be involved to purchase, erect, and maintain the signs. As also reflected in the Chief's response, he has directed our officers to be vigilant of violators. I suggest that we allow some time to determine if the added vigilance and education attains the effect we desire; if it does not, we'll research other possible options.

Holiday Schedule. As a reminder, City offices will be closed on December 23rd and December 26th for the Christmas holiday period and closed at noon on December 30th and all day on January 2nd for the New Year holidays.

First January Meeting. Due to the aforementioned holiday schedule, the first City Commission meeting of 2012 will be held on Tuesday, January 3rd.

11. *COMMUNICATIONS
Consent Agenda Approved.
Kudos for Clare Police Department. The City received an email related to a recent incident that occurred in the MMC-Clare Parking Lot.

Notice of New Business Representative. The City received correspondence from Teamster Local Union #214 regarding assignment of a new representative.

Liquor Control Commission Correspondence. We a letter from the LCC.

Kudos for Clare Fire Department. We received an email from a grateful resident of Isabella County for the quick, efficient, and effective response to a recent barn fire by of our fire department.

Attorney Correspondence. Our City Attorney transmitted a letter related to a pending Tax Tribunal case on our behalf.

MDOT Correspondence. We received an email correspondence from our local TSC notifying us of planned road projects in 2012.

Local Resident Concern. We received a letter from a local resident regarding a WWII memorial or monument that was apparently removed from City Park. Our initial query has determined that the memorial was removed at least two decades ago; we will do what we can to research the matter further. To date we have not responded to the concern, nor has anyone volunteered any information to us regarding the concern (this same letter recently appeared in the editorial section of at least one of our local papers); we intend to reply when we are able to provide factual information regarding the memorial and its disposition.

12. EXTENDED PUBLIC COMMENT: None.

13. COMMISSION DISCUSSION TOPICS: None.

14. *APPROVAL OF BILLS
Consent Agenda Approved.

15. ADJOURNMENT
Motion by Jean McConnell second by Bill Horwood to adjourn the meeting. Ayes: All. Nays: None. *Motion Carried.* Meeting adjourned at 7:00 p.m.

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Pat Humphrey, Mayor Diane Lyon, City Clerk