

The regular meeting of the Clare City Commission was called to order by Mayor Pat Humphrey in the Commission Chambers, at 6:05 p.m., who led the Pledge of Allegiance. Present were: Commissioners Bill Horwood, Jean McConnell, Pat Humphrey, John Koch, and Tom Koch. Absent: None. Also present were Ken Hibel, City Manager; Steve Kingsbury, Treasurer and Finance Director; Lori Schuh, Main Street Manager; and Sarah Schumacher, Deputy City Clerk.

2. CONSENT AGENDA:

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

3. \*APPROVAL OF MINUTES:

Consent Agenda Approval.

4. \*APPROVAL OF AGENDA:

Consent Agenda Approval.

5. PUBLIC COMMENT: - None.

6. OLD BUSINESS/UNFINISHED BUSINESS: None

7. NEW BUSINESS:

A. RECOGNITION OF THE CLARE VARSITY FOOTBALL TEAM & COACHING STAFF.

Motion by Commissioner Jean McConnell second by Commissioner John Koch to formally recognize the accomplishments of the Clare High School Varsity Football Team and its Coaching Staff by adoption of Resolution 2009-073. Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Jean McConnell and Tom Koch. Nays: None. Absent: None. *Motion Approved.*

B. RECOGNITION OF SERGEANT DAVID SAAD FOR TEN YEARS OF SERVICE.

Motion by Commissioner Bill Horwood second by Commissioner Jean McConnell to formally recognize the faithful, dedicated, and honorable service of Sergeant David Saad by adoption of Resolution 2009-074. Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Jean McConnell and Tom Koch. Nays: None. Absent: None. *Motion Approved.*

C. RECOGNITION OF MR. GARY GILBERT.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to formally recognize the service of Mr. Gary Gilbert, retiring Executive Director of the MidMichigan Community Action Agency by adoption of Resolution 2009-122. Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Jean McConnell and Tom Koch. Nays: None. Absent: None. *Motion Approved.*

D. FY 2008/2009 AUDIT PRESENTATION BY BURNSIDE & LANG.

Motion by Commissioner John Koch second by Commissioner Jean McConnell to postpone the audit report until December 21, 2009.

Motion by Commissioner Jean McConnell second by Commissioner Tom Koch to change the sequence of the following two agenda items.

E. ESTABLISHMENT OF NEW INDUSTRIAL DEVELOPMENT DISTRICT AND PLANT REHABILITATION DISTRICT.

Motion by Commissioner Bill Horwood second by Commissioner John Koch to open the Public Hearing to receive comment related to designating 314 East Fourth Street and its buildings (Spartech) as an Industrial Development District and Plant Rehabilitation District. Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Jean McConnell and Tom Koch. Nays: None. Absent: None. *Motion Approved.*

County Commissioner, John Wolf provided support of both the establishment of a new Industrial Development District and Plant Rehabilitation District and a Clare County Broadband Initiative Intergovernmental Work Group.

Tom Pirnstill, General Manager, Clare County Transit Corporation, provided support of the new Industrial Development District and Plant Rehabilitation District and requested clarification regarding determination of district boundaries.

Motion by Commissioner Bill Horwood second by Commissioner John Koch to close the Public Hearing. Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Jean McConnell and Tom Koch. Nays: None. Absent: None. *Motion Approved.*

Motion by Commissioner John Koch second by Commissioner Jean McConnell to approve Mr. Scott Carter's request to designate 314 East Fourth Street and its buildings (Spartech) as an Industrial Development District and Plant Rehabilitation District by adoption of Resolution 2009-075. Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Jean McConnell and Tom Koch. Nays: None. Absent: None. *Motion Approved.*

F. DISCUSSION TOPIC-INTERGOVERNMENTAL WORKING GROUP & PROPOSED AGREEMENT: CLARE COUNTY BROADBAND INITIATIVE.

Discussion among Commissioners was in support of the intergovernmental working group and proposed broadband initiative agreement.

G. APPROVAL OF CHRISTMAS CARD LIST & EMPLOYEE CHRISTMAS BONUSES.

Commissioner John Koch proposed the regular full-time employee Christmas Cash bonus be increased from \$50.00 to \$100.00. Commissioners Jean McConnell and Bill Horwood indicated that they were not comfortable making that much of a change to the approved budget. Commissioner McConnell suggested an increase to \$75.00 instead. Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve the Christmas Cards List and approve payment of employee Christmas Cash bonuses as follows: Full-time employees: \$75.00, Volunteer Fire Fighters, Auxiliary Police & Cadets: \$50.00, and Part-time employees by adoption of Resolution 2009-076.: \$25.00 Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Jean McConnell and Tom Koch. Nays: None. Absent: None. *Motion Approved.*

8. TREASURER'S REPORT

Treasurer's report was received

9. MAIN STREET MANAGER'S REPORT

Main Street Manager's Report was received.

10. CITY MANAGER'S REPORT

Proposed 2010 MDOT Projects in Clare. We have met with MDOT officials for preliminary discussions regarding four proposed MDOT projects in Clare currently scheduled for 2010 commencement: upgrade of our three traffic signals on USBR-127; mill and resurface of USBR-127 from intersection of McEwan & Fifth Street to the round-about; upgrade/replacement of McEwan railroad crossing; and repaving of M-115 from Clare to Farwell. All projects are tentative contingent upon final funding and permit approval.

Proposed Partnership w/MidMichigan Community Action Agency – Clare Railroad Depot. MidMichigan Community Action Agency currently owns the most easterly section of the tri-building complex located at the intersection Beech Street and West Fourth Street, and they are attempting to negotiate ownership of the center section of this building complex. I approached Gary Gilbert (the retiring Executive Director) and Jill Sutton (the newly appointed Executive Director) of MidMichigan Community Action Agency (MMCAA) to determine whether they would be interested in partnering/collaborating with the City to potentially move the Clare Railroad Depot to this site and then rehabilitate the building (one of MMCAA's charter objectives is community development – this would be a community development project). Gary and Jill both enthusiastically support the idea of the proposed partnership and have agreed to discuss the matter with their board of directors (meets Thursday, December 3<sup>rd</sup>) to ensure they have the Board's support. If we are able to consummate this

partnership, they will assist us in nearly every facet of the project, e.g., they have an on-staff architect who has already been on site to visit the depot and has offered to complete preliminary drawings; they will assist us in grant writing and fund-raising activities, etc; their participation in the project does not require that they “hang a shingle” or occupy any portion of the building. Once I hear back from Gary and Jill regarding their Board’s endorsement, I will offer the proposal of the partnership to the Planning Commission at its next scheduled meeting (tentatively). And while I can offer no “absolutes” of success with this partnership and there will certainly remain significant challenges with the project even if the partnership becomes a reality, I believe our degree of success will be substantially improved with this organization as one of our partners while concurrently continuing and expanding the partnership circle with other community organizations, to include the local railroad aficionado group, the Chamber of Commerce, fraternal organizations, etc.

Clarendon Glen Apartments. During the past year, we’ve (the City Staff) had an ongoing dialogue with the proprietors of Clarendon Glen Apartments regarding the possibility of converting their project to a PILOT (Payment in Lieu of Taxes). We formally met with representatives of the management firm of Clarendon Glenn in late September and received a preliminary outline of their potential request shortly thereafter. We (Steve Kingsbury, Dan Kirwin, & I) recently conducted a preliminary analysis of the preliminary proposal and provided a response. We have subsequently received two documents (a letter from the USDA State Director’s Office and a petition from apartment residents) related to the likely forthcoming formal request. I simply offer this information to the Commission now in anticipation of receiving a formal request within the next month.

Waste Treatment Plant Ammonia Issue. As the City Commission is aware, we have been directed by MDEQ to reduce our ammonia discharge levels at our waste treatment plant; our deadline to submit technical plans to do so was September 1, 2009 with construction to be initiated not later than April 1, 2009. In our discussions with MDEQ, we asked whether we could conduct a pilot study to determine the most effective technology that will eliminate our high ammonia discharge rates before committing resources and then discovering that the technology selected would not attain the desired effects. MDEQ agreed to our request and has provided us formal correspondence to that effect.

Charter Communications Channel Realignment. Charter Communications recently took arbitrary action to realign a number of the PEG channels (e.g., our former Channel 26 government access channel has been moved to Channel 96; public access has been moved from Channel 3 to Channel 99, etc.) across the state. A significant number of municipalities filed suit in federal district court to temporarily restrain Charter’s actions; the MidMichigan Area Cable Consortium (of which we are a member) joined this action. The federal courts rejected the petition to restrain Charter’s actions, thus the channels have been moved. Charter has admitted that there may be video problems with the new channels, thus we have posted contact information for our cable subscribers in the event they experience problems with the video feeds for the new channel alignment.

Airport Hangar Project Update. Construction is nearing completion: all ground work has been completed; exterior walls and hangar doors have been erected and installed; approximately 90% of the roof is in place. We anticipate that the hangars should be ready for occupancy within the next two to three weeks. A Project Meeting Report is attached for the Commission’s information.

11. \*COMMUNICATIONS:

Consent Agenda Approval.

\* MDOT Correspondence. The City received a letter from MDOT outlining recommendations pertaining to a request/suggestion that the City install 3-way stop controls at an intersection in the vicinity of Clare Public Schools; based on this recommendation, the City’s Traffic & Safety Committee denied the request.

\* Letter of Appreciation. The City received a letter of appreciation from Colonel (Ret) Mike Humphrey.

\*Tax Tribunal Correspondence. We received docket information related to the pending tax appeal of Briarwood LDHA. Our assessor, Dan Kirwin, is continuing discussions with Briarwood representatives in an attempt to formulate a proposed settlement in this matter.

\*Notice of Integration/Merger. We received two articles of correspondence regarding the merger of Burnside & Lang (the City's auditors) and Andrews, Hooper, & Pavlik, PLC.

\*MDNR Correspondence. We received correspondence from the DNR related to our request for reimbursement of funds for the rail-trail construction project. As indicated in the automated payment receipt, we have already received these funds. We have also received grant funds (\$2.5K) from the DNR for trees we planted within the City this spring.

\*MDEQ Correspondence. The City received a letter from the Department of Environmental Quality approving our permit request to allow us to continue to discharge iron filter backwash into the Little Tobacco Drain.

\*MMDC Correspondence. The latest editions of weekly *MMDC Bullets* were made available for the Commission's information.

\*Tim Moore E-News. We received the latest edition.

\*MERS Correspondence. We received a notice of increase of employee contribution for our police bargaining unit members.

\*Mayoral Correspondence. Mayor Humphrey sent a letter of thanks to a local resident.

\*Zoning Compliance Certificate. The City issued a Zoning Compliance permit.

\*United Way Donations. The attached letter delineates the United Way donations of City employees for the 2009 campaign.

\*Recognition Award. The City received a letter notifying us of a safety recognition award for our Public Water Safety Program.

\*Stipulation for Consent Judgment. A *Stipulation for Consent Judgment* has been filed with the Michigan Tax Tribunal based on the approved settlement approved by the City Commission.

\*Insurance Correspondence. Our insurance carrier provided us a copy of correspondence related to an accidental fall on the steps of City Hall.

\*Safe Routes to School Program We are participating with Clare Public Schools in the National Safe Routes to School Program; the attached email simply offers notice of the community's enrollment in the program.

\*Thank You Letter. The City offered a thank you letter to AWOL for their great contract performance in the Cherry Grove Cemetery this year.

12. EXTENDED PUBLIC COMMENT: None

13. COMMISSION DISCUSSION TOPIC: Commissioner Tom Koch mentioned that he was appreciative of the letter received from Colonel Mike Humphrey.

14. \*APPROVAL OF BILLS:  
Consent Agenda Approval.

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

Meeting adjourned at 7:30 p.m.

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Jean McConnell, Mayor Pro Tem

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Diane Schmidt, City Clerk