

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 with the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, and Carolyn (Gus) Murphy. Absent: Karla Swanson. Also present were Ken Hibl, City Manager; Steve Kingsbury, Treasurer; Brian Gregory, Chief of Police; Jeremy McGraw, Police Officer; Dave Saad, Police Captain; Clare PD; Dale Clark, WWTP Superintendent; Al Jessup, DPW Director; Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner McConnell second by Commissioner Murphy to approve the items listed with an asterisk (*) (Agenda, Minutes, Communications, and Bills) that are considered to be routine by the City Commission. Ayes: All. Nays: None. Absent: Karla Swanson. *Motion Carried.*

3. *APPROVAL OF MINUTES:

Approved By Consent Agenda.

4. APPROVAL OF AGENDA:

Approved By Consent Agenda.

5. PUBLIC COMMENT: Dan Shively, 735 Northridge, Clare, issued a complaint stating that a solicitor from the 7th Day Adventist Church was canvassing the neighborhood on July 26 between the hours of 7:30pm and 8:00pm, long after the timeframe allocated under City Ordinance (9:00am-5:00pm, Monday - Saturday). Mr. Shively contacted Central Dispatch, who informed him the solicitor had a permit. Mr. Shively called City Hall the following day and was informed that no permit had been issued. Chief Gregory had not received any information about this complaint until tonight's meeting but will check with Central Dispatch to find out where the disconnect occurred.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

A. PRESENTATION OF LIFE SAVING PIN-OFFICER JEREMY MCGRAW

Officer Jeremy McGraw recently responded to a call for medical assistance to an ambulance at a residence within the City. Officer McGraw was the first on the scene and found an unresponsive man. He immediately administered CPR and is credited for saving the individual's life (Mark Musser).

Officer McGraw's actions clearly warrant the presentation of a police life saving pin; the Mayor is asked to publicly make the presentation of the pin to Officer McGraw at tonight's scheduled meeting.

Mr. Mark Musser and Mayor Humphrey presented the life saving pin to Officer McGraw.

B. GRANT APPLICATION FOR ELECTION EQUIPMENT

The State of Michigan is in the process of replacing our aging voting equipment. In 2015, the State developed an RFP to receive bids for replacement of the voting equipment; they have selected three vendors who qualify and are eligible to enter into a 10-year contract with individual counties. After receiving input from local townships and city clerks, and following a thorough review of the equipment, pricing, and contract provisions offered by the select vendors, our County Clerk, Lori Martin, has selected Election Source as the vendor of choice for Clare County. The new voting equipment is expected to improve the accuracy and transparency of voting tabulation in all jurisdictions and improve the speed of election night reporting.

Approximately \$45 million dollars has been set aside for the voting equipment replacement program from State appropriated funds and Federal Help America Vote Act (HAVA) funds. This funding will pay for the basic equipment required to administer elections within local jurisdictions and cover the cost of maintenance for the first 5 years of the vendor contract. Local jurisdictions will be required to pay for optional and spare equipment, and for the service and maintenance of voting equipment during the last 5 years of the vendor contract. To receive State and HAVA

funding, local jurisdictions are required to enter into a grant agreement with the State. All Clare County jurisdictions must submit a signed grant agreement by August 8, 2017, in order to receive and implement equipment for use in the November 7, 2017 General Election.

Motion by Commissioner McConnell second by Commissioner Murphy to formally approve the Grant Agreement with the State of Michigan and authorize the City Clerk to execute the Grant documents and related documents by adoption of Resolution 2017-091. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

C. PURCHASE OF BLADE TRUCK

The City's 2017/2018 approved Capital Improvement Program and 2017/2018 FY Budget includes the purchase of a new underbody blade truck. Our last truck was purchased through the state purchasing program. We are very pleased with the truck (a Freightliner) and using this program has saved us approximately 15% in procurement costs. We've historically used Schultz Equipment for the purchase of our underbody attachments. This company provides a top-notch product, has an impeccable reputation for quality of its after-market service, and provides us standardization of our equipment and spare parts – thus improving our efficiency.

Al Jessup, our DPW Director, met with the representatives of D&K Trucking, the sole provider of the truck offered thru the state purchasing program, and Schultz Equipment. Based on a thorough review of the specifications of the equipment we intend to purchase, Al recommends the sole source purchase of the truck and equipment through these two vendors. I strongly endorse and support his recommendation.

The City Commission is asked to approve the purchase of the equipment as recommended.

Motion by Commissioner McConnell second by Commissioner Bonham to approve the sole source purchase of a blade truck from D&K Trucking by adoption of Resolution 2017-092. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

D. WITBECK DRIVE ASPHALT BIDS

The City's 2017/2018 approved Capital Improvement Program (CIP) and 2017/2018 FY Budget includes the repaving of a portion of Witbeck Drive that has deteriorated beyond repair. The City solicited bids for this project; three bids were received. The City Commission is asked to approve the bids and authorize the expenditure of funds to repave a section of Witbeck Drive.

Motion by Commissioner Murphy second by Commissioner Bonham to approve the bids and award the paving work to Rite-Way Asphalt by adoption of Resolution 2017-093. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

E. SOLE SOURCE APPROVAL FOR BLOWER MAINTENANCE

As reflected in a memo from Dale Clark to Steve Kingsbury, our Water/Wastewater Department requires approval to use Aerzen, a sole source distributor for repair parts to allow them to perform scheduled maintenance on installed plant equipment. The amount of the required parts (\$5,114) exceeds the authority of the City Manager; therefore the City Commission was asked to approve this necessary sole source repair parts acquisition.

Motion by Commissioner Bonham second by Commissioner Murphy to approve the sole source repair parts acquisition in the amount of \$5,114.09 by adoption of Resolution 2017-094. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

F. AIRPORT LIABILITY INSURANCE

The insurance policy for coverage at our airport is due for renewal. As reflected in a memo of Gary Todd, our Airport Manager, Gary has found an insurer that offers a more comprehensive and complete policy for a slightly lower rate – and the agent and owner of the insurance company is local. Consequently, Gary has recommended that the City Commission change insurers to National Aviation & Marine Underwriters.

Motion by Commissioner Murphy second by Commissioner Bonham to approve the change of insurance providers for the Clare Municipal Airport from AVSURANCE Corporation to National Aviation & Marine by adoption of Resolution 2017-095. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

G. MEETING EXCUSAL – COMMISSIONER KARLA SWANSON

Commissioner Swanson has requested that she be excused from attending tonight's regularly scheduled Commission Meeting due to other obligations.

Motion by Commissioner Murphy second by Commissioner Bonham to formally excuse Commissioner Swanson by resolution 2017-096. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

H. APPROVAL TO PURCHASE WATER MAIN MATERIALS

The three primary street improvement projects (Beech Street, W. Seventh Street, & John R Street) were included in the City's 2017/2018 Construction Improvement Program (CIP) and approved for funding in the City's 2017/2018 budget. The City Commission subsequently approved all the recommended construction components (concrete curb & approaches, excavation, water mains, sidewalks, and asphalt) of these street projects at the Commission's scheduled meeting of July 17th. As discussed at that meeting, the City purchased the preponderance of the materials for the respective street projects rather than include these items in the bid packages in an effort to save money. The City similarly purchased a significant amount of the materials (predominantly piping, storm drain items, manhole structures, etc.) for the new recreation complex for the same reason – cost savings. We've now received invoices totaling \$38,188.45 for these materials and ask the Commission to approve payment of those invoices.

Motion by Commissioner Bonham second by Commissioner Murphy to approve payment for the materials purchased by the City for the City's street projects and for the recreation complex project by adoption of Resolution 2017-097. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

I. NECESSITY HEARING – BEECH STREET IMPROVEMENT PROJECT

During the conduct of a scheduled City Commission meeting on February 20, 2017, the Commission approved the abandonment of a portion of the Beech Street Right-of-Way. A subsequent discussion ensued regarding a proposed street rehabilitation project for this street and whether curbing and driveway approaches should be included in the project and who pays for these construction items. A decision to use a rolled asphalt curb versus a typical concrete curb was made. Similarly, the City Staff has proposed that asphalt driveway approaches be utilized for this project.

The requisite report regarding the necessity of the driveway approaches for this improvement project has been prepared and our City Clerk has caused public notice to be published to allow the conduct of a Necessity Hearing for this project. The City Commission is now asked to conduct the Necessity Hearing and make a determination as to the necessity of the project.

Motion by Commissioner Bonham second by Commissioner Murphy to open a public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

Public Comment: None.

Motion by Commissioner McConnell second by Commissioner Murphy to close the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

Motion by Commissioner Bonham second by Commissioner Murphy to formally declare the necessity of the project by adoption of Resolution 2017-098. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

J. ASSESSMENT ROLL HEARING – BEECH STREET IMPROVEMENT PROJECT

The City Clerk published notice and notified all affected property owners of the proposed assessment roll for the Beech Street Improvement Project. The City Commission is now asked to conduct the hearing and subsequently approve the proposed assessment roll.

Motion by Commissioner McConnell second by Commissioner Murphy to open a public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

Public Comment: None.

Motion by Commissioner McConnell second by Commissioner Murphy to close the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

Motion by Commissioner Bonham second by Commissioner Murphy to formally approve the assessment roll by adoption of Resolution 2017-099. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

K. MCGUIRK CONSTRUCTION TIME & MATERIALS CONTRACT

Crawford Contracting was awarded a contract in 2016 to complete a significant portion of the walkway/trailway component of the City's new recreation and sports complex. Despite repeated contract extensions granted to this contractor, he did not complete this essential work; consequently, we asked our engineer to negotiate a settlement offer with Crawford and terminated his contract. We subsequently attempted to negotiate with other contractors on the site to complete the work started by Crawford Contracting. We were unsuccessful in these attempts and were to the point that the uncompleted work was causing a work stoppage on other critical aspects of the project. Consequently, we asked our engineer to query McGuirk Construction, who was in the City working on one of our street projects, whether they would do the work on a Time & Materials basis. They agreed to do so. Consequently, I advised the Commission that I approved the work as a critical and urgent exception to our purchasing policy. McGuirk has completed the required work; the detailed cost (\$38,531) for this work is outlined on the attached TM detail spreadsheet.

To ensure compliance with the spirit and intent of our practices and policies, I am obliged to ask the Commission to conduct an "after-the-fact" review of my action in this matter and provide approval or disapproval of the action.

Motion by Commissioner Murphy second by Commissioner McConnell to approve the payment to McGuirk Construction in the amount of \$38,531 by adoption of Resolution 2017-100. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

L. PURCHASE OF FIRE DEPARTMENT TURN-OUT GEAR

The City's approved Capital Improvement Program (CIP) included the purchase of turn-out gear for the Clare Fire Department; the City's approved FY 2017/2018 included funds to support this purchase. The Commission is asked to approve the actual purchase of the turn-out gear.

Motion by Commissioner Bonham second by Commissioner Murphy to approve the purchase of the turn-out gear by adoption of Resolution 2017-101. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

M. PURCHASE BALLISTIC VESTS – CLARE POLICE DEPARTMENT

The City's approved Capital Improvement Program (CIP) included the purchase of 10 ballistic vests for the Clare Police Department; the City's approved FY 2017/2018 included funds to support this purchase. The Commission is asked to approve the purchase of seven of the 10 vests. A subsequent purchase for the remainder will be requested of the Commission once it is determined if a requested grant to defray a portion of the subsequent purchase is approved.

Motion by Commissioner McConnell second by Commissioner Murphy to approve the purchase of the ballistic vests by adoption of Resolution 2017-120. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

N. BUY-BACK OF CEMETERY LOT

The City has received a request from Ms. Karen Kubik, the rightful owner of Grave 3, Lot 2, Block 29, of the City-owned Cherry Grove Cemetery, to sell back to the City the referenced grave site. The City's Cemetery Rules & Procedures require the City Commission's approval to buy-back any grave sites in its cemetery.

Motion by Commissioner Murphy second by Commissioner Bonham to approve the buy-back of the grave site by adoption of Resolution 2017-103. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, and Jean McConnell. Nays: None. Absent: Karla Swanson. *Motion Carried.*

O. TOUR OF INCIDENTENCE COMMAND TRAILER

The City Commission was invited to tour the Incident Command Trailer following adjournment of tonight's meeting.

8. TREASURER'S REPORT

The Treasurer presented his report.

9. CITY MANAGER'S REPORT

Planning Commission Meeting. The City Planning Commission is scheduled to meet on August 9th to consider the site plan application for Pioneer Golden Estates; they wish to spread out the costs for the water/sewer buy-in expense. The Commission is scheduled to meet again on August 23rd to consider a façade change proposal of Stitches for Britches.

Upcoming Events. The annual Ice Cream Social hosted by the Clare Pilot's Assoc. is scheduled for Aug 14th. The 11th annual US-27 Car Tour is scheduled for its traditional overnight stop in Clare on August 24th. MMCC will host its annual car & bike show on the Harrison Campus on September 17.

Lake Shamrock Property Owner's Association. A meeting was called by Dave Coker, the lake owner's representative on the Lake Shamrock Board, for Jul 26th; approximately 35 lake front owners attended. The owners present agreed to resurrect the Association and set as its primary goal of dredging the lake.

Delivery of Columbarium. The monument is scheduled for delivery on Wednesday (August 9) at 10:00am.

Notice of Dividend. The MML Liability & Property Pool Board of Directors authorized the return of \$2.2M in equity to its members; Clare's share of that distribution is \$9,416.

ICE Grant Release of Funds. We received our formal approval to proceed with our Ann Arbor Trail infrastructure enhancement project; this notice was followed yesterday by approval to proceed with the expanded scope (five blocks) of this project.

Waste Management Annual Hazardous Waste Disposal Event. Waste Management is hosting this annual event on September 13.

Pinecrest Test Well Results. Dan Whalen has provided us his initial assessment of the test well we drilled at our new recreation complex. Based on this information, it appears that we should be able to drill a new City well on this site to replace our failing well; the water quality is such that it will likely not be able to be used as a potable water source for the recreation complex due to high arsenic and sulphate content; however, it may be possible to pipe in (and back out) with the current water system to dilute the levels to an acceptable level. Or, we can drill a well and hope that the chemical levels are lower so that we can have potable water at the Recreation complex. Even without dilution, the water quality of the test well will allow us to use the water for irrigation purposes at the recreation complex.

MML Convention and Annual Meeting. MML correspondence is attached regarding both of the subject topics. If any of the City Commissioners plan to attend the conference, we can amend Monday evening's agenda to have any elected official attending designated to vote at the convention.

Clare Depot. We are within \$50K of completing the depot thanks to the generosity of the community and support from local foundations.

11. *COMMUNICATIONS

MAC TV: MAC TV provided their July 2017 Network Newsletter.

Michigan Secretary of State: SOS provided their August 2017 Newsletter as well as an Election Reminder.

Charter Communications: Charter provided a notice identifying rate changes including a TV surcharge increase from \$6.05 to \$7.50 per month and a Receiver Rental increase from \$4.99 to \$5.99 per month. These changes will take place on the billing cycle beginning after August 22, 2017.

Middle Michigan Development Corporation: MMDC provided their July 2017 Newsletter.

FOIA Request & Response: A FOIA dated 07/17/17 was granted on 07/21/17.

FOIA Request & Response: A FOIA dated 07/19/17 was granted on 07/31/17.

FOIA Request & Response: A FOIA dated 07/24/17 was granted in part on 07/25/17.

MML Representation Notice: Michigan Municipal League provided notice of representation by the law firm Plunkett and Cooney, PC as legal counsel for the City of Clare.

U.S Department of Justice Compliance Review: The city received Notification of Compliance Review of the City of Clare Clerk's Office and the Accessibility of Polling Places under the ADA. The City of Clare was found in violation of not having adequate signage under ADA in the Fifth Street parking lot during the November 8, 2016 election. We are in the processes of remedying this issue.

Michigan Municipal League: MMPP provided an August 2017 "The Loop" Newsletter. They also provided information about the MML 2017 Convention that will take place September 13-15 in Holland, Michigan.

Michigan Bureau of Election: MBOE provided an August 2017 News Update.

12. EXTENDED PUBLIC COMMENT: None.

13. COMMISSION DISCUSSION TOPICS:

Commissioner Bonham stated that fireworks were being discharged in the City around midnight and at 4:00 am, against City Ordinance, last week. Captain Saad stated that the police department received numerous complaints the following day; there were three separate reported locations where fireworks had been discharged.

14. *APPROVAL OF BILLS

Approved By Consent Agenda.

15. ADJOURNMENT

Motion by Commissioner McConnell second by Commissioner Murphy to adjourn the meeting. Ayes: All. Nays: None. Absent: Karla Swanson. *Motion Carried.* Meeting adjourned at 6.55 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk