

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 Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Absent: Bob Bonham and Karla Swanson. Also present were Ken Hibl, City Manager; Steve Kingsbury, City Treasurer; Diane Lyon, City Clerk.

2. CONSENT AGENDA:

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

3. \*APPROVAL OF MINUTES:

*Approved By Consent Agenda.*

4. \*APPROVAL OF AGENDA:

*Approved By Consent Agenda.*

5. PUBLIC COMMENT: Al Demarest spoke on the significant borrowing it will take to clean up Lake Shamrock and he asked the Mayor if he would be allowed to ask questions on this agenda item during Mr. Groves' presentation, to which the Mayor agreed.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

**A. RECOGNITION OF AMBER MCNALLY & TANA SPICER**

Chief Chapman has recommended the presentation of Life Saving Awards to local residents Amber McNally and Tana Spicer for their heroic actions related to a fire that damaged three apartments at Gateway Village on September 7, 2018. Mayor Humphrey presented the awards.

**B. RECOGNITION OF DEPUTY CLERK SARAH SCHUMACHER-10 YEARS OF SERVICE**

Sarah Schumacher has faithfully served the residents of the City of Clare as a Deputy Clerk of the City of Clare for the past ten years. The City Commission is asked to honor and recognize Sarah for her great public service, for her great dedication and commitment, and for her phenomenal work ethic and amazing attitude.

Motion by Commissioner Murphy second by Commissioner McConnell to recognize Sarah by adoption of Resolution 2018-104. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Nays: None. Absent: Bob Bonham and Karla Swanson. *Motion Carried.*

**C. RECOGNITION OF FIREFIGHTER BOB GUILIANI -10 YEARS OF SERVICE**

Bob Guiliani has faithfully served the residents of the City of Clare as a member of the Clare Fire Department for the past ten years, serving as the Department's photographer. The City Commission is asked to honor and recognize Bob for his great public service, for his immense dedication and commitment, and for his valor and courage. Following the presentation of his service award, Bob, as the Fire Department's photographer, provided a chronicled video presentation of Fire Department services over the past 10 years.

Motion by Commissioner Murphy second by Commissioner McConnell to recognize Bob by adoption of Resolution 2018-105. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Nays: None. Absent: Bob Bonham and Karla Swanson. *Motion Carried.*

**D. LAKE SHAMROCK PERMIT DREDGING COSTS PRESENTATION BY TONY GROVES**

By adoption of its Resolution 2017-166 the Clare City Commission declared the necessity to dredge Lake Shamrock, therefore, City Staff directed the City's long-

standing lake engineer, Tony Groves of Progressive Engineering, to initiate the process of applying for a dredging permit to determine whether MDEQ would allow us to dredge the lake. The permit was submitted in May 2018. Due to changes and new requirements of the MDEQ in respect to dredging Mr. Tony Groves was required to solicit quotations for core sampling (which requires use of specialized equipment) and analysis in order to submit a more detailed narrative on the impact to the lake bed and on the proposed dredging process and equipment. The MDEQ did waive the threatened and endangered species testing requirement. The costs to complete the core sampling and analysis will run between \$15K and \$20K. Results from these tests must be submitted by October 17 or the City loses the initial \$2K application fee however there is no guarantee that MDEQ will issue a permit. It is unknown how long it will take MDEQ to make a determination on the permit. But in order for the Commission to make a determination as to how to proceed in the future, application is necessary in order to determine whether the City will even be allowed to dredge the lake. If a permit is issued, there will be a five year time frame to complete the dredging project; the City could then request an amendment to the permit to add on a maintenance condition to the permit to allow for upkeep of the lake bed. As this was an unanticipated and unexpected expense, we have not included the costs of these services in the current budget. Consequently, we require approval from the City Commission if we are to proceed.

Motion by Commissioner McConnell second by Commissioner Murphy to the expenditure by adoption of Resolution 2018-106. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Nays: None. Absent: Bob Bonham and Karla Swanson. *Motion Carried.*

Mr. Joe Valenti was acknowledged by the Mayor to make a statement. Mr. Valenti opined that the lake is in its current condition because the weeds are not harvested after they have been sprayed.

**E. PROPOSED AMENDMENT TO THE DDA DISTRICT AND TIF BOUNDARIES-ORDINANCES 2018-006 & 2018-007**

By adoption of its Resolution 2018-089, the Clare City Commission declared its intent to establish new boundaries for the City of Clare Downtown Development District, designate additional properties within the Downtown Development District, and set a public hearing to hear and consider comment related to the proposed Ordinance 2018-006 & 2018-007 establishing the amended Downtown Development Authority (DDA) District.

The City Clerk has published the requisite public notices and notified the appropriate taxing jurisdictions and property owners stipulated in the Resolution. The City Commission is now asked to hold the hearing and determine whether to allow the proposed ordinance to proceed to a second reading and potential adoption at a subsequent scheduled public meeting.

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

**PUBLIC COMMENT:** Al Demarest requested a boundary map and asked for tax information which was provided by the City Treasurer as follows:

DDA Property Tax Totals - Assessed, Taxable, Base Year and Captured					
	Number of Parcels	Assessed Value	Taxable Value	Base Year	2018 Property Taxes Captured
Existing Real Parcels	112	\$6,746,160.00	\$5,713,578.00	\$2,461,600.00	\$3,251,978.00
Existing Personal Parcels	39	421,800.00	421,800.00	585,150.00	(163,350.00)
Existing Totals	151	\$7,167,960.00	\$6,135,378.00	\$3,046,750.00	\$3,088,628.00
Additional Real Parcels	43	1,302,800.00	1,193,420.00	1,193,420.00	-
Expanded Totals	1	\$8,470,760.00	\$7,328,798.00	\$4,240,170.00	\$3,088,628.00

DDA Chairman Jim Allen presented information about the proposed DDA boundary amendment.

Al Demarest offered that he is not opposed to the boundary change.

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

#### **F. TRICK OR TREAT HOURS**

Historically, the City Commission has set the date and time for Halloween Trick or Treat within the City. Generally these hours are set for 6-8pm on October 31st – which falls on Wednesday this year – to provide families sufficient time to arrive home from work, complete the dinner meal, and still accommodate the trick or treat event.

We've coordinated with our neighboring communities to determine their hours for trick or treat. Two of our closest neighbors have set their hours for 5:30-7:30; two have set their times for 6:00-8:00. We've also coordinated the recommended hours with Clare Public Schools. We ask the City Commission to set the trick or treat hours for Clare for 6-8pm on October 31.

Motion by Commissioner Murphy second by Commissioner McConnell to set Trick or Treat hours to 6-8pm on October 31 by adoption of Resolution 2018-108. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Nays: None. Absent: Bob Bonham and Karla Swanson. *Motion Carried.*

#### **G. TITLE VI POLICY REVIEW & RENEWAL**

MDOT requires that all recipients (we are) of Federal-aid highway funds are required to have a Title VI Plan and Policy. The respective Plan and Policy is required to be submitted to MDOT for review and is required to be renewed annually by the governing body of the respective governmental entities. The City Commission is asked to review and renew our Plan and the Policy to ensure our compliance with Federal and State requirements.

Motion by Commissioner McConnell second by Commissioner Murphy to review and approve the annual certification of our Title VI Policy by adoption of Resolution 2018-109. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Nays: None. Absent: Bob Bonham and Karla Swanson. *Motion Carried.*

#### **H. TRAFFIC CONTROL ORDER 001-2018-SCHOOL AREA SIGNAGE**

The City's Traffic & Safety Committee met on August 30, 2018 to discuss three specific topics – a request by CPS to add an additional handicap sign and parking space on Pine Street in proximity of the Clare Primary School, a request to limit parking along Pine, Wheaton, and State Streets in proximity to CPS for 30-minute duration, and a request from a resident at 107 East Wheaton to remove a parallel parking space in proximity to his driveway. The Committee approved the handicap sign request, declined to set a 30-minute parking limit on Pine, Wheaton, and State Streets but instead decided to add a designated drop-off and pick-up site, and denied the request to remove the parallel parking spot on Wheaton Street. The request to install the new signage to implement the first two traffic controls is outlined in the attached TCO 001-2018; the City Commission is asked to consider and approve the Order.

Motion by Commissioner McConnell second by Commissioner Murphy to approve the Traffic Control Order by adoption of Resolution 2018-110. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Nays: None. Absent: Bob Bonham and Karla Swanson. *Motion Carried.*

#### **I. MEETING EXCUSAL-COMMISSIONERS BONHAM AND SWANSON**

The City Charter stipulates "...that if a commissioner shall miss five consecutive regular meetings of the commission or twenty-five percent or more of such meetings

in any fiscal year of the city, unless such absence shall be excused by the commission and the reason therefore entered in the proceedings, his office shall become vacant.”

Commissioners Bonham and Swanson are scheduled to be out of town and have requested that they be excused from attending the September 17th regularly scheduled Commission Meeting. The Commission has a long-standing history to excuse commissioners in otherwise good standing from attendance at scheduled meetings for good cause. Commissioners Bonham and Swanson have an excellent attendance record, and their request for excusal seems to warrant approval. The City Commission is asked to formally approve the excusal of these Commissioners.

Motion by Commissioner Murphy second by Commissioner McConnell to approve the excusal of Commissioners Swanson and Bonham by adoption of Resolution 2018-111. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Nays: None. Absent: Bob Bonham and Karla Swanson. *Motion Carried.*

#### **J. DISPOSAL OF CITY PROPERTY**

The City's current practice to dispose of obsolete and unneeded property requires that the City solicit public bids by publication in local newspapers - regardless of the value of the property being disposed. This process is oftentimes inefficient and costly. A recent example was the sale of an old zero-turn mower. An offer was made to purchase the mower for \$500, but the City was obliged to first solicit bids (for a cost exceeding \$100) and then received bids far less than the original offer - thus costing the City approximately \$200 - not to mention the cost of resources to solicit the bids. A current example is the needed disposal of non-certifiable ladders at the Clare Fire Department. The estimated value of the ladders is less than \$150. The cost and expenditure of resources to solicit bids will exceed the estimated value of the ladders - thus costing the City money.

Steve & I recommend that the City Commission adopt a policy that essentially mirrors our current purchasing policy in that department heads have the authority to dispose of property valued consistent with their purchasing approval authority (\$2,000) and that the city manager be similarly permitted to approve disposal of property valued up to \$4,999. Additionally, that solicitation of bids for the property be disposed of be accomplished on the City's website and bulletin boards and other "no-cost" media. We further recommend that all properties valued greater than \$5,000 continue with our present practice (solicitation in local papers and approval by the City Commission).

Motion by Commissioner Murphy second by Commissioner McConnell to approve the proposed parameters for the Disposal of City Property valued less than 5K by adoption of Resolution 2018-112. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Nays: None. Absent: Bob Bonham and Karla Swanson. *Motion Carried.*

#### **K. AUTHORIZATION TO EXPEND FUNDS FOR DEPOT SIDEWALKS**

The City plans to host a ribbon-cutting and public open house for the Clare Depot on October 12, 2018. It is important that we construct a significant portion of the sidewalks for the depot prior to the scheduled open house event and prior to the occupation of the building by our two tenants, the Clare County Arts Council and the Clare Area Chamber of Commerce. The Planning Commission approved the landscape plan for the depot at its meeting of September 12th; consequently, we can now proceed with the construction of the sidewalks to be paid out of the funds raised for the Depot project.

We've negotiated a not-to-exceed cost of \$12,000 for the construction of the sidewalks with Isabella Corp, the company that was awarded the City's street and sidewalk projects for the FY 2018/2019 CIP and Budget Year. The City Commission is asked to authorize the expenditure of funds to allow the construction of the sidewalks.

Motion by Commissioner McConnell second by Commissioner Murphy to the expenditure for installation sidewalks at the Depot by adoption of Resolution 2018-

113. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell and Carolyn (Gus) Murphy. Nays: None. Absent: Bob Bonham and Karla Swanson.  
*Motion Carried.*

**L. \*BOARD & COMMITTEE APPOINTMENT-JOSH CLARK, ZONING BOARD OF APPEALS**

*Approved by Consent Agenda-Resolution 2018-114.*

8. TREASURER'S REPORT

The Treasurer presented his report.

9. \*DEPARTMENT REPORTS

Approved By Consent Agenda.

10. CITY MANAGER'S REPORT

*Planning Commission Meeting.* The Planning Commission met on September 12th and approved the transfer of a Medical Marijuana special use permit issued to Green Bronco, LLC from Bldg 555 to 535 in Clare's south industrial park, approved a new special use Medical MJ permit request of Green Bronco for a processing center in Bldg 535, and approved a new special use Medical Marijuana permit request of Green Bronco for a Class C (1500 plants) grow facility in Bldg 545. The Commission also approved a special use permit request to establish a new residential child care facility at 501 Schoolcrest for Sally Jo Eberhart; approved a request for a ratio change for an existing child development center; and approved the proposed landscape plan for the Clare RR Depot.

*Clare High School Danish Visit.* Clare High School is hosting approximately 25 Danish students and teachers in Clare for three days. They are scheduled for an orientation visit of the Clare Fire Department on Wednesday, September 18th @ 8:15.

*Insurance Dividends.* The MML Property & Liability Pool Board of Directors (of which I am a member) approved another \$2.1M dividend distribution for its members for the 2019 policy year. So we can anticipate receiving another dividend check next year in an amount very similar to this year (\$8K). The MML Workers Comp Fund Board similarly approved the identical dividend amount as they did last year - so we will a dividend or savings in both of those insurance programs next year.

*Absence.* I will out of the office attending the annual MML Convention in Grand Rapids for the period Sep 19-22. I will be out of the office again on vacation during the period Sep 28-Oct 10. Steve will be the Acting CM during my vacation absence.

11. \*COMMUNICATIONS

*FOIAs.* The most recent requests and responses were provided: United Impact Group, LLC. Michael Duman and Buckfire Law Firm

*SOS News.* The September 4, 2018 SOS News release is attached for review.

*The Leading Edge.* The Michigan Municipal League's Leading Edge News is attached for review.

*LARA Licensing.* The City received notice that Pioneer Golden Estates Assisted Living Facility has received licensure from the State.

12. EXTENDED PUBLIC COMMENT: Al Demarest commented on the Little Tobacco Drain project noting that the Drain Board is an autonomous body.

13. COMMISSION DISCUSSION TOPICS: None.

14. \*APPROVAL OF BILLS

Approved By Consent Agenda.

15. ADJOURNMENT

Motion by Commissioner McConnell second by Commissioner Murphy to adjourn the meeting at 7:17 pm. Ayes: All. Nays: None. Absent: Bonham and Swanson. *Motion Carried.*

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Pat Humphrey, Mayor

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Diane Lyon, City Clerk