

The regular meeting of the Clare City Commission was called to order at 6:01 p.m. in the Commission Chambers by City Clerk Diane Lyon who led with the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Josh Clark and Carolyn (Gus) Murphy. Absent: Pat Humphrey and Karla Swanson. Also, present: Ken Hibl, City Manager; Dale Clark, WWTP Supervisor; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Clark second by Commissioner Murphy to approve the items listed with an asterisk (\*) (Agenda, Minutes, Communications, Department Reports, Board & Committee Appointments and Bills) that are considered to be routine by the City Commission. Ayes: All. Nays: None. Absent: Pat Humphrey and Karla Swanson. *Motion Carried.*

3. DESIGNATE MEETING CHAIRPERSON:

Mayor Humphrey and Mayor Pro Tem Swanson have announced that they will be absent from tonight's scheduled meeting. Consequently, the City Commission is asked to designate a chairperson to conduct the meeting in their absence.

Motion by Commissioner Murphy second by Commissioner Clark to nominate Bob Bonham as Chairperson for tonight's scheduled meeting. Ayes: All. Nays: None. Absent: Commissioners Pat Humphrey and Karla Swanson. *Motion Carried.*

Motion by Commissioner Clark second by Commissioner Murphy to close nominations. Ayes: All. Nays: None. Absent: Commissioners Pat Humphrey and Karla Swanson. *Motion Carried.*

4. \*APPROVAL OF MINUTES:

*Approved by Consent Agenda.*

5. \*APPROVAL OF AGENDA:

*Approved by Consent Agenda.*

6. PUBLIC COMMENT: None.

7. OLD/UNFINISHED BUSINESS:

A. APPROVE GFA PROPOSAL FOR MCEWAN STREET SIDEWALK DESIGN

The City Commission had previously expressed to the City Staff a need for a sidewalk to safely accommodate pedestrian traffic to and from the Emerald Isle Recreation Complex on Pinecrest Street in the City's southern sector. City sidewalks currently terminate at Dunlop Street. Consequently, the City Staff asked GFA to provide the City a proposal to design and obtain an MDOT permit for the sidewalk within the McEwan Street Right-of-Way. The proposal was submitted to the City Commission for consideration and approval at the Commission's scheduled meeting of November 7, 2019. After discussion, the City Commission set the matter aside and directed the City Staff to determine if there was a feasible alternative to the McEwan Street routing that would preclude the need for an MDOT permit. The City Staff has reviewed and considered other options for the sidewalk routing. The Staff's conclusions are outlined in the succeeding paragraph.

Aside from McEwan, there are only three north/south streets (Markley, Arnold, and Shady Lane) south of Dunlop Street. Of the three, only Markley extends to Pinecrest, the street upon which Emerald Isle Recreation Complex is located – the other two are not thru streets to Pinecrest. McEwan Street is the only one of those streets presently maintained by the City and located within the City's geographical boundaries. All the other streets are located within Vernon Township and "owned" & maintained by the Isabella County Road Commission (ICRC). There is not sufficient existing shoulder width to accommodate a five-foot sidewalk on any of the streets except McEwan Street, thus all but McEwan Street would need to be widened to accommodate the sidewalk. Widening the Vernon Township streets would create a need to alter the existing storm water patterns and require extensive excavation work. The City would need to negotiate an agreement with the Isabella County Road Commission regarding maintenance and ownership of the new sidewalk (and likely the street) if it is constructed within the ICRC right-of-way (ROW); the City already enjoys a

maintenance agreement with MDOT for the McEwan Street ROW. And frankly we don't want the additional burden of maintaining Markley, Shady Lane, Arnold due to their condition – particularly since we already maintain McEwan and would continue to do so if we opted to route the sidewalk within one of the three Vernon Township streets. The McEwan Street ROW allows a direct link to commercial businesses in the City's southern sector – thus a McEwan Street sidewalk would serve those businesses and potentially improve commerce along this route; all of the Vernon Township streets course through a residential neighborhood. The McEwan Street ROW offers the best nighttime lighting of any of the routes, thus providing a safer pedestrian environment.

Based on the factors iterated in the preceding paragraph, the City Staff continues to recommend that if sidewalks are to be constructed to accommodate pedestrian traffic to the Emerald Isle Recreation Complex, the sidewalk should be constructed within the McEwan Street right-of-way.

MDOT requires the issuance of a permit to allow any construction within its ROW. In order to obtain a permit, we are required to submit engineered design drawings to MDOT for review and approval. Consequently, the City Commission is asked to approve the GFA proposal if it believes sidewalks are a needed capital improvement in this sector of the City. The City Staff believes that need is definitely legitimate and will only continue to increase in the future. The City Commission is asked to approve the GFA proposal to design and obtain an MDOT permit for construction of sidewalks within the McEwan Street right-of-way.

Motion by Commissioner Murphy second by Commissioner Clark to approve the Engineering Agreement of Gourdie-Fraser for the design of sidewalks south along McEwan Street to the Emerald Isle Recreation Complex by adoption of Resolution 2020-022. Roll Call Vote Yeas: Commissioners Bob Bonham, Josh Clark and Carolyn (Gus) Murphy. Nays: None. Absent: Pat Humphrey and Karla Swanson. *Motion Carried.*

7. NEW BUSINESS:

**A. NOTICE OF INTENT TO ISSUE BONDS-DDA STREETSCAPE REHABILITATION PROJECT**

The City's downtown streetscape is aged (nearly 30 years old) and frankly is showing its age in a number of downtown locations, e.g., pavers are cracked and heaving, electrical outlets have failed, cracked and heaving curb, sidewalks, and tree grates, storm drain issues in the block south of Fourth Street, etc. Consequently, the Clare DDA has solicited the assistance of GFA to provide a proposal to rehabilitate the entirety of the existing streetscape and add one additional block of new streetscape on the south side of West Fifth Street (contiguous to the Dollar General Store).

In scheduled public meetings within the past six months, the DDA has discussed the need and scope of the streetscape rehab project. They reached the conclusion that the need is clearly legitimate and subsequently approved a Gourdie-Fraser engineering proposal to provide the design, bid, and construction oversight services for this project.

GFA has commenced the design process. Bid solicitation is anticipated in early-to-mid-March to allow completion of this project within the DDA-directed construction window of commencement after St. Patty's Day and completion prior to the US-127 Auto Tour (third Thursday in August).

The DDA has asked the City to sell bonds on its behalf to fund project with the DDA in turn promising to commit its tax capture for the next 15-year period to pay the debt associated with the bond sales/project costs.

The City has solicited the services of its Bond Counsel, Miller Canfield, to prepare and complete all necessary actions to sell the bonds. Our bonding attorney has completed the required first step in the bond sales process – a required resolution noticing the City's intent to sell the bonds for this project. The City Commission is asked to adopt the proposed resolution.

Motion by Commissioner Clark second by Commissioner Murphy to approve the sale of bonds for the DDA Streetscape Rehabilitation Project by adoption of Resolution 2020-023. Roll Call Vote Yeas: Commissioners Bob Bonham, Josh Clark and Carolyn (Gus) Murphy. Nays: None. Absent: Pat Humphrey and Karla Swanson. *Motion Carried.*

**B. APPROVE THE SOLE SOURCE PURCHASE OF A FLYGT LIFT PUMP FOR LIFT STATION #3 FROM KENNEDY INDUSTRIES**

Since 2015 the City has purchased four Flygt Submersible Pumps as part of the City's plan to eventually replace all of our system submersible pumps due to the unique and factual "no-clog" guarantee. Dale Clark, our Water & Wastewater Superintendent, has requested authority to purchase the fifth FLYGT pump as a sole source purchase as Kennedy Industries remains the only known regional dealer that sells this pump. The purchase is necessary due to a failed pump at Lift Station #3. The City Commission is asked to approve the request.

Motion by Commissioner Clark second by Commissioner Murphy to approve the Flygt Lift Pump purchase by adoption of Resolution 2020-024. Roll Call Vote Yeas: Commissioners Bob Bonham, Josh Clark and Carolyn (Gus) Murphy. Nays: None. Absent: Pat Humphrey and Karla Swanson. *Motion Carried.*

**C. APPROVE MML CITY MANAGER SEARCH SERVICES PROPOSAL**

Based on my impending retirement, the Clare City Commission considered and discussed its options in respect to searching for, interviewing, selecting, and hiring a new manager at its scheduled February 3<sup>rd</sup> meeting. The options considered and discussed included a presentation by Ms. Kathie Grinzinger, the Lead Executive Search Member of the Michigan Municipal League's Search Services Team. Upon conclusion of Kathie's presentation, the City Commission discussed in detail its options and determined (*Resolution 2020-016*) that they believed the City's interests were best served by utilizing the executive search services offered by the MML and requested a proposal for those services. The City has received the requested proposal/contract. Our City Attorney has reviewed the proposal/contract and has no issues or concerns in respect to legal sufficiency. The City Commission is asked to approve, disapprove, approve with amendment, or set aside a decision regarding the proposal.

Motion by Commissioner Murphy second by Commissioner Clark to approve the contract proposal with MML for the City Manager search in the amount of \$18,000 by adoption of Resolution 2020-025. Roll Call Vote Yeas: Commissioners Bob Bonham, Josh Clark and Carolyn (Gus) Murphy. Nays: None. Absent: Pat Humphrey and Karla Swanson. *Motion Carried.*

**D. APPROVE SANITARY SEWER MANHOLE LINING BIDS**

The approved City of Clare FY 2019/2020 Capital Improvement Schedule and the related FY 2019/2020 Budget includes fund allocation for relining six sanitary sewer manholes within the City of Clare. The City solicited bids for the manhole relining project. Two bids were received, both from well-known and reputable companies known to the City. Both bids met bid specifications. The City Commission is asked to approve the bids and award the project work to the low bidder, Robbin Harsh Excavating of Clare, thereby facilitating completion of the project by the 2019/2020 fiscal year-end.

Motion by Commissioner Murphy second by Commissioner Clark to approve the bids and award the work to Robbin Harsh Excavating by adoption of Resolution 2020-026. Roll Call Vote Yeas: Commissioners Bob Bonham, Josh Clark and Carolyn (Gus) Murphy. Nays: None. Absent: Pat Humphrey and Karla Swanson. *Motion Carried.*

**E. \*BOARD & COMMITTEE APPOINTMENTS-DDA-TOM KOCH AND MARYANN SHURLOW**

*Reappointments approved by Consent Agenda. Resolution 2020-027.*

8. **TREASURER'S REPORT**

*The Treasurer was not present to provide a verbal report at tonight's scheduled meeting.*

10. **\*DEPARTMENT REPORTS**

*Approved by Consent Agenda.*

9. CITY MANAGER'S REPORT

Inter-County Drain Board Meeting. The Board held a scheduled meeting on Feb 7<sup>th</sup> @ Clare City Hall. The Board awarded the bid for grant administration of the FEMA grant for voluntary removal of existing structures within the drain boundaries to Wade Trim. Actual construction work on the drain will likely not commence prior to Summer 2020 with completion in 2021. The Board set its next meeting date for Mar 20<sup>th</sup> @ 1pm @ Clare City Hall.

Planning Commission Meeting. The Commission is scheduled to meet on Wednesday, Feb 19<sup>th</sup> to consider a façade improvement proposal for the Clare Wendy's Restaurant.

February DDA Meeting. The DDA cancelled its scheduled Feb 7<sup>th</sup> meeting; the next meeting is scheduled for Mar 6<sup>th</sup> with the two primary agenda topics being commitment of the DDA's tax capture for the obligation bonds being sold to rehabilitate the downtown streetscape. The DDA will also entertain a Consumers Energy presentation related to electric vehicles (EV). The general public is encouraged to attend the meeting to learn the latest developments and projections regarding EVs.

MML Capital Conference Event. As reflected in the attached MML correspondence, the MML has scheduled its annual Capital Conference (Lansing) March 24 & 25. If any of the Commissioners intend to participate in the Lansing conference, pls inform us accordingly so we can complete the registration process.

MMDC Quarterly Board Meeting. The MMDC's next quarterly breakfast meeting is scheduled for March 17<sup>th</sup> @ 8am. The keynote breakfast speaker will be Mr. Daniel Eichinger, the Director of Michigan Department of Natural Resources. We have to inform MMDC nlt March 2nd of the exact # of seats we will use and the names of the attendees. Please inform Diane whether you will/will not attend by that date to allow us to RSVP to MMDC.

MDNR Commitment Letter. As the City Commission is aware, we applied and were approved for an MDOT \$1.2M Transportation Alternative Program (TAP) grant to complete the "Clare Gap" of the Pere Marquette Trail. The total estimated construction project is approximately \$1.5M, thus we applied to the Michigan Natural Resources Trust Fund (MNRTF) for a \$300K grant to allow the project to proceed. To our complete surprise and chagrin, the Trust Fund disapproved our grant application, thus we were in jeopardy of losing the \$1.2M TAP Grant funding. We reached out to the Michigan Department of Natural Resources (MDNR) for assistance. As reflected in the attached letter from MDNR, they have come to our rescue and have provided a commitment to funding the needed \$300K, thus assuring the receipt of the TAP grant funding and construction of the "Gap" Project. The project design is being accomplished by the Mt. Pleasant TSC; construction is anticipated to commence and be completed in 2021.

New Police Vehicle. The new police vehicle has been delivered and is ready for use on the Road.

10. \*COMMUNICATIONS

FOIA Requests: The most recent FOIA requests & responses are attached for your information.

SOS News: The Secretary of State and local clerks have made a request for the State Legislature to restrict the deadline for the addition of new questions of the ballot to 75 days prior to an election due to the extremely tight timeline for the requisite review, printing and testing prior to the distribution to voters of Michigan.

11. EXTENDED PUBLIC COMMENT: None.12. COMMISSION DISCUSSION TOPICS: The City Attorney is in the process of researching how other communities address the issue of horse droppings on city property.13. \*APPROVAL OF BILLS

*Approved by Consent Agenda.*

14. ADJOURNMENT

Motion by Commissioner Murphy second by Commissioner Clark to adjourn the meeting.

Ayes: All. Nays: None. Absent: Pat Humphrey and Karla Swanson. *Motion Carried.*

Meeting adjourned at 6:40 p.m.

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Bob Bonham, Chairperson

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Diane Lyon, City Clerk