

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. in meeting room LLA at the Pere Marquette District Library by Mayor Pat Humphrey who led with the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Absent: None. Also, present: Ken Hibl, City Manager; Steve Kingsbury, City Treasurer; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Murphy second by Commissioner Clark to approve the items listed with an asterisk (*) (Agenda, Minutes, Communications, Professional Development, Second reading of Ordinance 2020-001 and Bills) that are considered to be routine by the City Commission. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

3. *APPROVAL OF MINUTES:

Approved By Consent Agenda.

5. PUBLIC COMMENT: None.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

A. SECOND READING OF ORDINANCE 2020-001 – ORV ORDINANCE

***Second Reading**

The City's Traffic & Safety Committee has unanimously recommended that the City of Clare adopt an ordinance to allow and regulate the use of ORVs within the geographical boundaries as outlined within the parameters of a new ordinance, being Ordinance 2020-001, drafted by our City Attorney. All ordinance code changes or amendments require the approval of the Clare City Commission.

And all ordinances require two readings and approval of the Clare City Commission subsequent to a public hearing. The required public hearing and First Reading were completed at the City Commission meeting of June 15, 2020. The Commission approved the second reading via consent agenda and is now to approve the adoption of the proposed Ordinance.

Motion by Commissioner Clark second by Commissioner Murphy to approve the ORV Ordinance by adoption of Resolution 2020-080. Roll call vote: Yeas: Commissioners Josh Clark, Nick Loomis & Carolyn (Gus) Murphy. Nays: Bob Bonham and Pat Humphrey. Absent: None. *Motion Carried.*

B. APPROVAL OF GOLF CART USAGE ON CITY STREETS

The City's Traffic & Safety Committee unanimously recommended that the City of Clare adopt an ordinance to allow and regulate the use of ORVs within the geographical boundaries as outlined within the parameters of a new ordinance, being Ordinance 2020-001, drafted by our City Attorney. The City Commission was asked to consider adopting the proposed Ordinance. But in reviewing the proposed ordinance, we determined that the new law did not include the use of golf carts. Consequently, we posed the question to our City Attorney. She opined that golf carts are not considered an ORV, thus the allowance to use them on City streets was left to the discretion and prerogative of the City Commission. And if the City Commission favorably considered the usage of this conveyance on City streets, the Commission has authority to allow the use by adoption of a resolution, which Jaynie prepared.

We asked our Traffic & Safety Committee to provide a recommendation to the City Commission on the use of golf carts in the City; the Committee unanimously recommended approval. The City Staff concurs with that recommendation. The City Commission is asked to make a determination as to the use of golf carts.

Motion by Commissioner Murphy second by Commissioner Loomis to approve the use of golf carts on city streets by adoption of Resolution 2020-081. Roll call vote: Yeas: Commissioners Josh Clark, Nick Loomis & Carolyn (Gus) Murphy. Nays: Bob Bonham and Pat Humphrey. Absent: None. *Motion Carried.*

C. APPROVAL OF CONTRACTUAL AGREEMENT FOR DAM INSPECTION-LAPHAM ASSOCIATES

The City is the owner of the Lake Shamrock Dam. We are required to have the dam inspected every three years; the report of inspection is then forwarded to the Clare County Emergency Management Director and the Michigan Department of Environment, Great Lakes, & Energy (EGLE) for review and files. The Clare County Director of Emergency Management has designated Lapham Associates as the recommended engineer of record to inspect all dams located within Clare County. The Lake Shamrock Dam was last inspected in 2017 by Lapham Associates, thus we have solicited their services to again conduct the required inspection; a copy of the proffered contract for their services is attached. The City Commission is asked to approve the contractual agreement with Lapham Associates.

Note: the contractual agreement with Lapham Associates obtained for budgetary purposes in February 2020 provides a disclaimer of being void if not approved within 30 days, however, we have confirmed the cost of the services is unchanged. We will be provided an updated copy of the contract.

Motion by Commissioner Bonham second by Commissioner Murphy to approve the dam inspection agreement with Lapham Associates by adoption of Resolution 2020-082. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis & Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

D. SALE OF VACANT CITY PROPERTY-BIRCHWOOD AVENUE

After approximately two decades of unsuccessful attempts to sell vacant residential property adjacent to Birchwood Avenue in the City of Clare, the David Seiter Estate donated the property to the City in 2011. The only access to the property is via the unimproved street, Birchwood Avenue. The only residence on this street is owned by Mr. Blaine Tanner. The City Commission approved the sale of one of the adjacent vacant lots to Mr. Tanner in August 2019. He has now approached the City and asked that he be allowed to purchase the contiguous vacant lot for the same price he purchased the last lot (\$5,000 and pay the closing costs of approx. \$700).

The City has not marketed nor solicited bids for the sale of the property. The City has no viable need for the property. And based on the Seiter Estate's fruitless efforts to sell the property, it likely has little or no value to anyone other than Mr. Tanner. As reflected on the assessor's card, the City has the vacant parcel valued at \$8,000. With the sale offer combined with the agreement to pay closing costs on the sale, Mr. Tanner's offer is just \$1,300 shy of that value. Consequently, the City Commission is asked to approve the sale of the parcel to Mr. Tanner.

Motion by Commissioner Murphy second by Commissioner Clark to approve the sale of property #051-240-040-50 to Mr. Tanner by adoption of Resolution 2020-083. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy, and Nick Loomis. Nays: None. Absent: None. *Motion carried.*

E. AIRPORT LOT 102 LEASE AGREEMENT – MR. SCOTT CARTER

Scott Carter has recently purchased a new airplane and has requested that the City enter a lease agreement for Lot 102 (vacant property) of the Clare Municipal Airport Hangar Plat to permit him to construct a new airport hangar on this lot. The Airport Manager and the Airport Advisory Board recommend approval of the lease; I endorse this recommendation. The City Commission is asked to consider approval of the lease agreement.

Motion by Commissioner Bonham second by Commissioner Clark to approve the Lot 102 Lease Agreement by adoption of Resolution 2020-084. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy, and Nick Loomis. Nays: None. Absent: None. *Motion carried.*

F. CODE ENFORCEMENT OFFICER – INDEPENDENT CONTRACTOR AGREEMENT

The City has long been in the need of a dedicated Code Enforcement Officer to provide enforcement of its ordinance codes – in particular its codes related to zoning and blight.

The City presently utilizes the services of the Clare County Community Development Department for its building and trade inspection permit services. Consequently, the City approached the Department Director to determine whether they would be capable of and interested in expanding the scope of services they presently provide to the City to include code enforcement services. The Department Director, Ms. Lori Phelps, has agreed to do so; consequently, we asked our City Attorney to draft an Independent Contractor Agreement to outline the specific services to be provided by the Clare County Community Development Department to the City of Clare. The City Commission is asked to approve the agreement

Motion by Commissioner Murphy second by Commissioner Loomis to approve the Code Enforcement Independent Contractor Agreement by adoption of Resolution 2020-085. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy, and Nick Loomis. Nays: None. Absent: None. *Motion carried.*

G. AUTHORIZATION TO PROVIDE AIRPLANE HANGAR SPACE FOR FLIGHT SCHOOL AT THE CLARE MUNICIPAL AIRPORT

Having a flight school at our airport is one of the primary elements of having a viable, economically supportable airport. The flight school generates revenue through fuel sales, significantly increases flight activity, and contributes to increasing the number of airplanes (means more hangars) and airplane owners at the airport.

Gary Todd, our Airport Manager, created the first flight school we've had at the airport in nearly two decades. In recognition of the importance of having a flight school at our airport, the City Commission had the wisdom to provide hangar space for Gary's flight school airplane at the airport.

For multiple reasons, Gary has decided to bow out of the flight school business. But due to his foresight and understanding of the important of maintaining the flight school at our airport, he negotiated a business deal with 3 Point Aviation, an established FBO and flight school operator at the Alma Airport, to sell his flight school airplane to 3 Point Aviation. In return, 3 Point would agree to continue housing the flight school airplane at the Clare Municipal Airport and allow local flight instructors to use the airplane to instruct local flight students. Gary has asked that he be allowed to continue the City's practice of providing no-fee hangar space for the flight school airplane to ensure we retain a flight school at our airport. The City Commission is asked to approve Gary's request.

Motion by Commissioner Bonham second by Commissioner Clark to provide a no-fee hangar space for a flight school airplane, to allow for continuation of a flight school at the Clare Municipal Airport by adoption of Resolution 2020-086. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy, and Nick Loomis. Nays: None. Absent: None. *Motion carried.*

H. APPROVAL OF BIDS TO REPLACE DOWNTOWN LEAD WATER LINE SERVICE LEADS

The City solicited bids in the Fall of 2019 to replace the known (at the time) lead water service leads in the City's downtown district. As reflected in the attached Proposal Sheet, we had seven known lead water service lines at the time of bid solicitation. We received three bids, the low bid being from Matt's Underground from Kalkaska, Michigan.

To ensure that we had identified all the lead service leads in the downtown district before we proceeded with, we sampled 100% of all the downtown service leads, and to our chagrin discovered we had five more (now 12 total) that exceeded the Action Level for lead. We arranged for the funding for replacement costs (sought and attained City Commission approval to allow the Water Fund to borrow the needed funds from the Sewer Fund), but before we could commence the actual replacement, the coronavirus pandemic halted all construction project within the state.

With essential construction again being allowed in Michigan, we established communication with our low bidder, Matt's Underground, to determine whether he would hold his original bid price even though we told him that the City DPW

Department would replace the three service leads that did not require to be bored under McEwan Street – thus he would replace the nine leads that required boring, and we would replace the remaining three. To our pleasant surprise, he provided us an amended proposal to replace the nine “long” leads for less than his original bid price to replace the seven original leads. Consequently, we ask that the City Commission approve the amended proposal of Matt’s Underground, thereby allowing us to eliminate our twelve known downtown lead water service leads.

Motion by Commissioner Murphy second by Commissioner Clark to approve the bids and approve the line replacement by Matt’s Underground by adoption of Resolution 2020-087. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy, and Nick Loomis. Nays: None. Absent: None. *Motion carried.*

E. DIRECTIVE TO PREPARE REPORT-DETERMINATION WHETHER TO DREDGE LAKE SHAMROCK

The topic of dredging Lake Shamrock has been ongoing for more than two decades and has historically been disputed in respect to responsibility for and payment of costs related to ongoing maintenance (weed control) and a possible dredging project. During the vast majority of that time, the City was not aware it was the owner of the lake, and oversight of the lake was the responsibility of an appointed lake board comprised of two city commissioners, a county commissioner, a county drain commissioner, and a lake resident. But recent detailed research by the City Attorney disclosed that the City is in fact the owner of the lake – that ownership was transferred to and accepted by the City more than three decades ago.

When the City learned that it owned the lake, the Clare City Commission immediately took a number of preliminary steps related to management of the lake – first and most important being the dissolution of the aforementioned lake board – thus providing the City Commission the direct and full authority to oversee all future decisions related to the lake, to include lake maintenance.

In March 2019, the City Commission directed, on its own initiative, its city manager to prepare a report to be submitted to the City Commission to facilitate the Commission’s determination whether to proceed to dredge the lake. Unfortunately, the City’s lake engineer notified the City that there were potential issues with the MDEQ (now EGLE) permit for the dredging disposal site, and the special assessment process was halted. The City has since located a new disposal site within close proximity of the City that has been approved by EGLE. Consequently, the City Commission is asked to consider again directing its city manager to prepare a report for the Commission’s consideration to assist the Commission in determining whether it wishes to re-commence the assessment process for a lake dredging project.

Motion by Commissioner Clark second by Commissioner Murphy to approve the DPW Director Contract by adoption of Resolution 2020-088. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy, and Nick Loomis. Nays: None. Absent: *Motion carried.*

8. TREASURER’S REPORT

The Treasurer presented his report.

9. CITY MANAGER’S REPORT

City Planning Commission Meeting. The City Planning Commission is scheduled to meet on July 8th. Agenda topics include the proposed conversion of the former Oddfellow’s Hall on Wilcox to an eight-unit apartment building and a continuing discussion related to Medical and Recreation Marihuana.

Central Michigan R/C Jets Event. The Central Michigan Chapter of Remote Control (R/C) Jets will host a flight event at the Clare Municipal Airport on August 15th & 16th from 9am – 5pm. There is no entrance fee for public attendance. The City will close its east/west runway (Runway 08/26) for the event. Spectator entrance and parking will be available from Washington Road.

CARES Act Grant – Clare Municipal Airport. The City has received approval of the \$30K CARES Act for our airport. We received and approved the proposals for a new HVAC system from Martin's– the low bidder was disqualified due to lack of required licensure and no insurance, which is scheduled to be installed in August; Gary is in the process of ordering the base and weather station (both are within his approval authority); the trees in our safety zone are scheduled to be professionally felled; and the remaining \$12K will be returned to our General Fund to be used as a portion of our local match requirement for the recent runway and taxiway lighting project at the airport.

Little Tobacco Drain Board Meeting. The Drain Board met in Clare @ Shamrock Park (outdoor meeting) on July 1st. The Board approved the attached schedule to commence the drain project, which remains on track for a Fall/Winter 2019 project.

Lake Shamrock Dredging Project. We intend to commence the assessment process for the Lake Shamrock Dredging Project at either the July 20th or August 3rd meeting – will depend on whether we can complete all the required notice requirements in time for Jul 20th. If not, we'll commence the process at the August 3rd meeting. We will need a minimum of three Commission meetings to complete the assessment process. We have received final EGLE approval for a new dredge material disposal site on Eberhart Road.

VACTOR Purchase. We intend to ask the City Commission for a sole source approval for the purchase of the new VACTOR that was approved for purchase in the FY 2020/2021 CIP. We budgeted \$425K for the purchase. Luke has found a multi-state purchasing program (Sourcewell) that will potentially save us approximately \$40K on the estimated purchase price. The actual purchase is about three months out due to the financial mechanics that Steve needs to complete before we can consummate the purchase.

CPD Presentations. We intend to introduce our new K-9 to the City Commission at our scheduled July 20th meeting. We will also ask the City Commission to present Officer John Lake a Life Saving Pin for his actions involved with a recent vehicular/traffic accident.

Charter Amendment Documents. We've received approval required to allow us to place the requested amendment to our City Charter related to lease agreements on the November ballot.

10. *COMMUNICATIONS

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

Charter Communications: The City received notice from Charter Communications outlining the most recent programming changes.

Michigan Bureau of Elections: The Secretary of State provides the latest number regarding absent voter ballot applications returned to the precincts, new voter registrations, and ballots issued and returned.

12. EXTENDED PUBLIC COMMENT: None.

13. COMMISSION DISCUSSION TOPICS: None.

14. *APPROVAL OF BILLS

Consent Agenda Item.

15. ADJOURNMENT

Motion by Commissioner Bonham second by Commissioner Murphy to adjourn the meeting. Ayes: All. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 6:53 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk