

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, Karla Swanson, Carolyn (Gus) Murphy and Jean McConnell. Absent: none. Also present were Ken Hibl, City Manager; Brian Gregory, Chief of Police; Officer Jeremy McGraw; Steve Kingsbury, Treasurer & Finance Director; Dale Clark, Water & Waste Water Superintendent; Al Jessup, Director of Public Works; Luke Potter, Asst Director of Public Works; Diane Lyon, City Clerk; James Chapman, Fire Chief; Asst. Fire Chief Sam Eberhart and several other members of the Clare Fire Department.

2. CONSENT AGENDA:

Moved by Commissioner McConnell 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: None. *Motion Carried.*

3. \*APPROVAL OF MINUTES:

*Approved By Consent Agenda.*

4. \*APPROVAL OF AGENDA:

*Approved By Consent Agenda.*

5. PUBLIC COMMENT: None.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

**A. INTRODUCTION OF NEW FIRE FIGHTERS**

The Clare Fire Department has significantly increased its recruitment efforts the past six months. These efforts have proven very successful – as evidenced by the addition of six new probationary firefighters added to the Department’s roster.

Chief Chapman introduced new fire fighters Ryan Brooke, Jim Doherty, Arron Eichorn, Andrew LeForet, and Bryce Carter, who were present at the meeting (Masyn Simon was absent), to provide an opportunity for the Commission and the public to meet them and personally thank them for making the individual and professional commitment to serving our community in this demanding and critical role.

**B. 10-YEAR SERVICE AWARD-BRIAN GREGORY, CHIEF OF POLICE**

Chief Brian Gregory has faithfully served the residents of the City of Clare for the past ten years as an employee of the Clare Police Department, the past four and one-half years as the Department’s Chief. The City Commission is asked to consider formally recognizing Chief Brian for this distinguished achievement.

Motion by Commissioner Swanson second by Commissioner McConnell to recognize Chief Gregory’s 10-year employment milestone by adoption of Resolutions 2017-076. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**C. 10-YEAR SERVICE AWARD-STEVEN KINGSBURY, TREASURER & FINANCE DIRECTOR**

Mr. Steven Kingsbury has faithfully served the residents of the City of Clare for the past ten years as the City’s Treasurer, Finance Director, IT Director, and Acting City Manager. The City Commission is asked to consider formally recognizing Steve for this distinguished achievement.

Motion by Commissioner Swanson second by Commissioner McConnell to recognize Steven Kingsbury’s 10-year employment milestone by adoption of Resolutions 2017-077. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**D. PURCHASE OF ZERO TURN MOWER FOR WWTP**

The City's Water Department solicited bids for a new zero-turn mower due to the mechanical failure (far exceeded its useful life cycle) of the Department's old mower. As reflected in Dale's memo and bid spreadsheet, we received seven bids. The two low bids (McConnell Equipment & Doug's Small Engine) did not meet bid specifications (see Dale's memo), thus were disqualified. The City Commission is asked to approve the resultant low bid (Capital Equipment of Clare) and authorize the expenditure of funds to facilitate the purchase of the mower.

Motion by Commissioner Murphy second by Commissioner Swanson to approve bids and award the bid to Capital Equipment of Clare for the purchase of a new mower for the WWTP by adoption of Resolution 2017-078. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**E. STREETS IMPROVEMENT PROJECTS-WEST SEVENTH STREET, JOHN R STREET AND BEECH STREET**

The City's Capital Improvement Schedule for the approved 2017/2018 Budget includes three primary street projects – Beech Street, West Seventh Street, and John R Street – funded by the City's elector-approved street millage. Note: we are also reconstructing a major portion of Ann Arbor Trail this year, but the primary funding source for that project is an MEDC-sponsored grant and has been previously presented to and discussed with the City Commission; it is not addressed further in this Agenda Report.

We've solicited bids for all of the primary construction components of these projects: excavation, asphalt, concrete curb & approaches, sidewalks, and water main. The Beech Street Project will only have two of these construction components (excavation and asphalt), but the project will include a rolled asphalt curb and asphalt approaches. The other two streets projects will incorporate all five of the primary construction components.

We've reviewed all bids to ensure compliance with our specifications and have conversed with all the low bidders to ensure they understand the bid specifications and all project requirements. All the bidders are well-known to us and are reputable, top-notch, local companies. The low bidders for each of the above-stated construction components are listed below:

- Asphalt. Reith-Riley Construction of Prudenville for all three street projects.
- Excavation. Robin Harsh Excavating, Clare for John R and 7th Street; McGuirk Sand & Gravel, Mt. Pleasant for Beech Street.
- Water Main. McGuirk Sand & Gravel for 7th Street; Central Michigan Contracting, Farwell for John R Street.
- Concrete Curb & Approaches. Bella Concrete Construction, Houghton Lake for both John R & W Seventh Streets.
- Sidewalks. Superior Concrete of Harrison for John R & W Seventh Streets. Note: the actual low bidder was McGuirk Construction but only if he was awarded all the construction components for both street projects.

The City Commission is asked to approve all the bids received and authorize the expenditure of funds in the amounts of each of the respective construction components for the respective street projects.

The City Commission was asked for guidance regarding the installation of sidewalks in city's ROW that are slated to be repaired/replaced during the street reconstruction projects. The City adopted a Complete Streets Ordinance in 2014. The Ordinance calls for the City to promote a safe network of access for pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. Five foot wide sidewalks will accommodate those needs. However, there are many areas in the city where mature trees exist in street ROWs and unless we cut those trees down, we cannot accommodate five foot sidewalks in those areas. City staff would prefer not to cut down the trees and install the five foot sidewalks only where we would not need to cut down healthy trees and where it makes sense to do so. The City Commission determined that the width of the sidewalks should be left to city staff's discretion.

Motion by Commissioner Bonham second by Commissioner McConnell to approve the bids and authorize the expenditures to the low bidders, as recommended by city staff, by adoption of Resolutions 2017-079, 2017-081, 2017-082, 2017-083, and 2017-084. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**F. BUDGET AMENDMENT-2017 WATER MAIN IMPROVEMENT PROJECTS**

The City's 2017/2018 Capital Improvement Program (CIP) includes funding to upgrade the water main lines on portions of West Seventh Street and John R Street in conjunction with the street improvement projects being made during the City's current budget year. When formulating the 2017/2018 budget to fund these planned capital projects, we used construction estimates we requested about six months ago from a reputable, local contractor who has worked for us in the past.

We solicited project construction bids after approval of the 2017/2018 budget. The actual water main construction bids we received significantly exceeded the construction estimates we used to formulate the project budgets. Consequently, we are obliged to ask the City Commission to approve a budget amendment to allow us to proceed with the planned water main improvement projects.

The Treasurer has completed a cost analysis for the three primary street projects we will complete this year. As reflected in his analysis, the water main construction costs exceed our budget estimates by approx. \$34.5K, while the bids we received for all of the other primary construction elements associated with our planned street projects are comfortably less than our budget estimates.

To control project costs, we directly purchased the actual water main pipe for the John R and 7th Street Projects and will provide the pipe to the contractors for installation. We intend to continue this practice for future street projects we manage. To preclude the situation we encountered this year with the variance in our budget estimates and actual bid prices, we plan to actually bid (rather than ask for estimates) most of the construction elements of our future street projects in the December/January time-frame, thereby allowing us to use actual bid costs in preparing our budget estimates for our street projects.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the budget amendment by adoption of Resolution 2017-085. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**G. PURCHASE OF CPD REPORT WRITING & ARCHIVE SOFTWARE**

Our police department utilizes software developed in 1996 for report writing and archiving of their police reports and records. This software is the backbone and is critical to their operational needs. Unfortunately, we've been informed the software will no longer be supported commencing in August 2017 – consequently forcing us to immediately purchase new software. The replacement software is proprietary and is only supplied and supported by one vendor, thus requiring us to sole-source purchase this software. The City Commission is asked to approve the purchase of the software from the sole-source vendor.

Motion by Swanson second by Commissioner McConnell to approve the purchase of TIMS software from CORE Technology by adoption of Resolution 2017-086. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**H. SELECTION OF CITY AUDITING FIRM**

The City of Clare is required by state law and the United States Department of Agriculture - Rural Development to have an independent audit completed of our financial records annually by a licensed public accounting firm. For the past several years the accounting firm of Andrews, Hooper & Pavlik of Midland, Michigan have satisfactorily and timely completed the City's fiscal audit. Last year's audit was the

final year of our audit engagement contract with AHP and it is prudent to request bids from interested public accounting firms for these services.

The City prepared and distributed a Request for Proposal for annual external auditing services that included our requirements and also what information was to be included in the proposal. As a result we received five proposals. Each of the proposals covered a five-year period with the option, at the City's discretion, to extend the contract for an additional period.

The cost for these required services for the first year range from a low of \$16,000 from Andrews, Hooper & Pavlik to a high of \$21,000 quoted by both Weinlander Fitzhugh and Yeo and Yeo. It is important to note that the second lowest bidder did not include a price for a Single Unit Audit which is required when the City receives federal funding exceeding a specified amount (currently \$750,000 during a single fiscal year).

It is also important to note the number of committed hours to be provided within each of the proposals which are inverse to the quoted costs. AHP indicated that they would be working 326 hours annually on our audit which was the greatest number of hours of all the proposal respondents whereas Yeo and Yeo indicated that they would be spending only 140 hours annually on our audit.

Motion by McConnell second by Commissioner Swanson to approve the proposals and award the City Audit work to Andrews, Hooper & Pavlik by adoption of Resolution 2017-087. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**I. ELECTION OF MML WORKER'S COMPENSATION FUND BOARD OF TRUSTEES**

We have received notice of the upcoming annual MML Workers' Compensation Fund Board of Trustees election. The City Commission is asked to approve the proposed slate provided by the Nominating Committee or direct that a write-in candidate be designated.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the proposed slate of candidates for the MML WC Fund Board of Trustees as provided by MML's Nominating Committee and direct the City Clerk to submit the ballot on behalf of the City Commission by adoption of Resolution 2017-088. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**J. \*BOARD & COMMITTEE APPOINTMENT –BOARD OF REVIEW (CAROL SANTINI)**

*Approved By Consent Agenda.* Resolution 2017-089.

**K. \*BOARD & COMMITTEE APPOINTMENT – LDFA BOARD (JOHN MILLER)**

*Approved By Consent Agenda.* Resolution 2017-090.

**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 July 12th to consider the construction of a proposed Volleyball Court at Shamrock Park. This is an Eagle Scout Project that was proposed by Mr. Sam Humphrey endorsed by the City's Parks & Recreation Advisory Board. The Commission unanimously approved the proposed project. The Commission's next-scheduled meeting is August 9th.

Little Tobacco Drain Inter-County Board Meeting. The Board met at Clare City Hall @ 1pm on July 13th; Steve attended on our behalf. The project continues to move forward, but actual work on the drain could be delayed to 2019.

Lake Shamrock Property Owners Meeting. Mr. Dave Coker, the elected member of the Shamrock Lake Board representing the lakefront property owners, has invited all property owners to a meeting at Shamrock Park to again discuss the need for dredging Lake Shamrock.

New Chamber of Commerce Director. Pam O’Laughlin has resigned her position as the Clare Area Chamber of Commerce Director to assume the duties currently performed by Kathy Methner of the Middle Michigan Development Corporation; Pam’s last official day of duty was July 13th. The Chamber Board of Directors has appointed Kelli Nicholas as the Acting/Interim Director pending the selection of a new full-time director.

Retention of ISO Rating. The Clare Fire Department has retained its ISO Rating of 4 – a very notable and desirable accomplishment for an on-call, volunteer fire department.

Youth Police Academy & Junior Firefighter Academy. The 2017 30-member class of cadets commenced their training on Monday, July 10; graduation is Thursday, July 20th. Junior Fire Academy, co-hosted by the Clare Fire Department and the Clare Recreation Department, was held on Friday, July 14th; this year’s academy had 32 attendees – double the number from last year.

Upcoming Events. The Middle Michigan Development Corporation is hosting its quarterly board meeting on Tuesday, July 18h @ 8am in the Doherty Hotel; the keynote speaker will be Jamie Clover Adams, the Michigan Director of Agriculture & Rural Development. Alro Steel is hosting a retirement luncheon for Dawn Thomas at the Clare plant on Wednesday, July 19th from 12-3pm. The owners/developers of the proposed Pioneer Golden Estates, an assisted & memory care facility/independent-living center will host a ceremonial ground-breaking event on Friday, July 21st @ 11am at the site of their new development on McGuirk Drive in Clare. A new Save-A-Lot store is hosting its ribbon-cutting event on Wednesday, July 26th @ 7:55am at its store location in Clare’s northern commercial district.

Well-Drilling Invoice. The invoice for the drilling of the test well for the City’s new public well exceeded the approved amount of \$11,200. The driller determined he needed to drill to the bottom of a geo-formation, thus the additional cost. He did so without informing us in advance. But had he done so, we would have authorized the additional cost as we needed the information he obtained by going to the bottom of the formation, thus the additional costs are legitimate and warranted.

Pere Marquette Rail-Trail “Clare Gap” Meeting. We are hosting a Clare Gap meeting with representatives from MDNR and MDOT at City Hall on Tuesday, Jul 18th.

11. \*COMMUNICATIONS

*Approved By Consent Agenda.*

Denial-FOIA Fee Appeal. The City issued a letter denying the appeal of an Estimate of FOIA Fees.

12. EXTENDED PUBLIC COMMENT: None.

13. COMMISSION DISCUSSION TOPICS: None.

14. \*APPROVAL OF BILLS

*Approved By Consent Agenda.*

15. ADJOURNMENT

Motion by Commissioner Murphy second by Commissioner Swanson to adjourn the meeting. Ayes: All. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 7:08 p.m.