

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. in the City Commission Chambers of Clare City Hall, 202 West Fifth Street, Clare, Michigan by Mayor Pat Humphrey who led with the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Absent: Carolyn (Gus) Murphy. Also, present: Jeremy Howard, City Manager; Michelle Bott, Interim City Treasurer; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Jenkins second by Commissioner Loomis to approve the items listed with an asterisk (*) (Agenda, Minutes, Communications, Professional Development, 2nd Reading of Ordinances 2021-003 & 2021-004, and Bills) that are considered to be routine by the City Commission. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *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. ORDINANCE 2021-003, REQUEST FOR CHANGE IN ZONING-211 EAST SECOND STREET

Mark Bolle recently requested a building permit to put a house on vacant land at 211 East Second Street. The home is to be placed on Lots 9 and 10 of block 34 on East Second Street. The property (ID# 051-077-009-10) has been vacant for many years after the previous home burned down. In reviewing the Zoning Authorization form to enable Mr. Bolle to obtain a building permit, it was discovered that Lot 9 of the parcel is zoned Industrial (I) and Lot 10 is zoned Residential (R2). In order for the house to be placed on site, the zoning must be changed on Lot 9 from Industrial (I) to Residential (R2). A Request for Rezoning application to accomplish this change and allow for both lots to be zoned residential was submitted by Mark Bolle.

In evaluating the parcel's location, and the fact that it is a combined single parcel with half being zoned Residential (R2) and the other half Industrial (I), and it is on a residential street surrounded by other residentially zoned structures, and it is identified on the City's Future Land Use Map as residential zoning, we determined that all factors are clear indications that R2 zoning is the best use/zoning of this property long term.

As the proposed ordinance falls under the purview of the Planning Commission, a review of the proposed ordinance by that entity is required. The Planning Commission completed the required review at its scheduled meeting of July 14, 2021 and recommended the proposed ordinance be approved (Resolution 2021-013PC).

The City Commission was asked at its meeting of July 19, 2021 whether it desired to adopt the proposed ordinance amendment (Ordinance 2021-003) – and if so to commence the process for ordinance adoption. The City Commission held a public hearing and directed the First Reading of the Ordinance at that meeting.

All changes to zoning within the City must be accomplished by ordinance change. All ordinance code changes or amendments require the approval of the City Commission, and all ordinances require two readings and approval of the City Commission subsequent to a public hearing. The required public notice announcing the hearing was published and the public hearing held. The Commission now has the option of allowing a Second Reading of proposed Ordinance 2021-003 or denying the conduct of a Second Reading, thereby rejecting the proposed new ordinance.

The Commission is now asked to allow a Second Reading and either approve or deny the adoption of the proposed Ordinance.

Motion by Commissioner _____ second by Commissioner _____ to approve Ordinance 2021-003 by adoption of Resolution 2021-053. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried*

B. ORDINANCE 2021-004, SMALL CELL ORDINANCE

With the passage of the Michigan small cell Act 2018 PA 365, authorizing deployment of small wireless facilities and their use of municipal rights-of-ways (ROW), municipalities now have a limited ability to regulate the use of their rights-of way (ROW). In response to this Act and the Federal Communications Commission (FCC) 2018 small cell orders, the attached small cell ordinance amendment is designed to preserve the city's zoning, aesthetics and integrity within the city proper. The City Commission is now asked to formally initiate the process to consider the proposed ordinance.

As the proposed ordinance falls under the purview of the Planning Commission, a review of the proposed ordinance by that entity is required. The Planning Commission completed the required review at its scheduled meeting of July 14, 2021 and recommended the proposed ordinance be approved (Resolution 2021-015PC).

The City Commission was asked at its meeting of July 19, 2021 whether it desired to adopt the proposed ordinance amendment – and if so to commence the process for ordinance adoption. The City Commission held a public hearing and directed the First Reading of the Ordinance at that meeting.

All changes to zoning within the City must be accomplished by ordinance change. All ordinance code changes or amendments require the approval of the City Commission, and all ordinances require two readings and approval of the City Commission subsequent to a public hearing. The required public notice announcing the hearing was published and held. The Commission now has the option of allowing a Second Reading of the proposed Ordinance 2021-004 or denying the conduct of a Second Reading, thereby rejecting the proposed new ordinance.

The Commission is now asked to allow a Second Reading and either approve or deny the adoption of the proposed Ordinance.

Motion by Commissioner Bonham second by Commissioner Loomis to approve Ordinance 2021-004 by adoption of Resolution 2021-054. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried*

C. AIRPORT LOT LEASE AGREEMENT-SCOTT CARTER, LOT 102 & EAST ½ OF LOT 104

Last July Scott Carter entered into a lease agreement for Lot 102 (then vacant property) of the Clare Municipal Airport Hangar Plat to permit him to construct a new airport hangar on the lot. The hanger has since been completed and is in use. Since that time, it was determined that there is an unbuildable adjacent lot (Lot 104). At the most recent Airport Advisory Board meeting, the Board discussed and decided that the best use of Lot 104 was to split it into two halves and then lease and combine those halves with the adjacent lots on each side. This would allow each of the sites to be 1.5 lots and have more usable/buildable space. Thus, lot 102 would take the east half of lot 104 and lot 106 would take the west half of lot 104. The Airport Manager and the Airport Advisory Board recommend approval of this lease and I endorse this recommendation.

The City Commission is asked to consider approval of the lease agreement.

Motion by Commissioner Jenkins second by Commissioner Loomis to approve the Lease Agreement by adoption of Resolution 2021-055. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried*

D. AIRPORT LOT LEASE AGREEMENT-MARK BOLLE, LOT 106 & WEST ½ OF LOT 104

Mark Bolle is planning on purchasing a new airplane and has requested that the City enter into a lease agreement for Lot 106 and the West half of Lot 104 (vacant property) of the Clare Municipal Airport Hangar Plat to permit him to construct a new airport hangar on this lot and a half. It was recently determined that there is an unbuildable lot (Lot 104) adjacent to Lot 106, and at the most recent Airport Advisory Board meeting, the Board discussed and decided that the best use of Lot 104 was to split it into two halves and then lease and combine those halves with the adjacent lots on each side. This would allow each of the sites to be 1.5 lots and have more usable/buildable space. The Airport Manager and the Airport Advisory Board recommend approval of this lease and I endorse this recommendation.

The City Commission is now asked to consider approval of the lease agreement.

Motion by Commissioner Bonham second by Commissioner Loomis to approve the Lease Agreement by adoption of Resolution 2021-056. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried*

E. APPROVE THE ADDITION OF REBAK WAY AND CONSUMERS ENERGY PARKWAY TO THE CITY'S ACT 51 ROADWAY MAPS

In November of 2020, the City Commission accepted the transfer of two roads (Rebak Way and Consumers Energy Parkway) along with the existing infrastructure from Clare Northern Group. The final step in the process is to add those streets to the maps for ACT 51 funding. A resolution is required to accomplish this and then it must be sent to the Michigan Department of Transportation (MDOT) to facilitate amendment of the Act 51 Maps for the City of Clare.

Once the roads are transferred into ACT 51 there will be additional funding for the city of approximately \$3,000 per year based on the total length of the roads. They are likely to be classified as local streets at this time, but that funding could increase if they are designated as major streets at some point in the future.

Motion by Commissioner Bonham second by Commissioner Jenkins to approve the addition of Rebak Way and Consumers Energy Parkway to the City's Act 51 roadway maps by adoption of Resolution 2021-057. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried*

F. APPROVE SEWER & STORMWATER CAMERA BIDS & PURCHASE

This year's budget included the purchase of a push camera for city sewer and stormwater lines. The city recently sent out bids and held a bid opening. We are now bringing those bids to you for approval.

We received three bids. Luke and the DPW crew were able to demo all three cameras that were bid. After the demos and further research and discussion DPW recommends that the City approve the second lowest bid from Jack Doheny Co. out of Northville, MI.

The second lowest bid is being recommended because DPW staff determined that the quality of the video on the Vivax Camera offered by Jack Doheny Co. was significantly better than the other two that were demoed and the camera itself was much more user friendly to operate.

This camera will be a welcome addition to the tools that DPW has at its disposal to diagnose, maintain, and repair the city's infrastructure.

Motion by Commissioner Loomis second by Commissioner Jenkins to approve the bids and the purchase of the push camera from Jack Doheny Co. by adoption of Resolution 2021-058. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried*

G. 2021 MERS DELEGATE APPOINTMENTS

The 75th annual MERS meeting is scheduled for October 6-8 in Grand Rapids, Michigan. The City has historically sent two representatives (an officer delegate and an employee

delegate) to at least one day of the conference to ensure that we remain abreast of the latest changes to the MERS program. The employee delegate is selected by ballot of the City's employees; the City Commission appoints the officer delegate. The officer delegate selected must be a contributing member of MERS and must be appointed, "by official action of the governing body..." (see attached MERS certification form).

This year the employees eligible to vote have selected Sarah Schumacher as their primary delegate and Josh Shuster as the alternate. City Clerk Diane Lyon has offered to be the management delegate and I as the City Manager will serve as alternate.

MERS requires the City's delegates be appointed by the respective municipal governing body in order to vote on policy matters presented to the delegation for decision. Therefore, the City Commission is asked to formally designate these individuals to represent the employees and the City at the annual conference.

Motion by Commissioner Jenkins second by Commissioner Bonham to approve the appointment of the 2021 MERS officer and employee delegates and alternate delegates, by adoption of Resolution 2021-059. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried*

8. TREASURER'S REPORT: *The Interim Treasurer presented her report.*

9. CITY MANAGER'S REPORT

July Board of Review. The July Board of Review took place recently. There were no major issues and the few filings that were done were handled quickly. Our new Assessor oversaw the BOR and everything went smoothly. As a reminder, we are still looking for a resident who would like to sit on the BOR as we do currently have a vacancy.

MML Convention. MML will hold its annual convention this year on Sep 22-24 in Grand Rapids at the Amway Grand Hotel. The annual MML meeting is routinely held in conjunction with the annual convention and will be held on September 22, 2021. As always, the City is requested by MML to designate its voting delegation for that meeting not later than August 28th. The Commission is asked to designate one of its members attending the meeting as its primary representative and designate another commissioner as its alternate representative to cast the City's vote on all business brought before the MML Board of Directors and slated on the agenda for the scheduled meeting. I do plan on attending as well. We need to know which, if any of you, are interested in attending and then at the next meeting we will ask you to designate the voting members. Please let Diane know if you would like to attend and we can get you registered and your hotel stay booked.

Pat Humphrey, Bob Bonham and Maegan Jenkins expressed a desire to attend this years conference.

Clare Art Alley Event. Reminder this event is coming up a few days after our meeting.

I wanted to point out an upcoming event happening August 6 from 5-10 in the downtown. This is not a city event, but is instead sponsored completely by the businesses downtown. In coordination with the city, they will be blocking off the Alley between Fifth and Fourth Streets (Art Alley) as well as fencing in the area behind the buildings in the parking lot between Fourth and Third. People will be able to have drinks and wander inside the fenced in area (per LCC rules). There will be bands in Art Alley and also in the area in the parking lot during the intermission of the bands in Art Alley. This event took place a few years ago and it is being brought back again now. Fingers crossed we will have some great weather and will have some great crowds wandering in and around downtown Clare and seeing our great community.

K9 Police Car Accident. On Saturday, July 24 one of our Police vehicles (K9 unit) was involved in an accident while on the scene of an accident. The vehicle was parked on the freeway with lights going dealing with the incident and traffic and a truck rear-ended the vehicle. Luckily no one was injured. At this time, we have filed a claim with the insurance company and are waiting for a determination if the vehicle is totaled. We will bring you more information once we have it since the replacement of the vehicle as it is very much needed, especially because it is equipped with the K9 equipment. I have attached a picture of the vehicle to this report.

Facility Tours. After the last meeting, several commissioners went over to the Water Plant to take a tour of the facility. Dale did a great job with the tour and shared some very interesting information. I think these types of “tours” are important to let the commission see and hear first-hand the items that are discussed and approved on a regular basis. Please let me know if this is something that you would like to continue occasionally and if you have a specific place you would like to visit.

The Commission desires to take a tour of MTW’s facility on North Mission Road.

Waste Management Rate Increase. Utility Billing Clerk Mary Warner provided details regarding an issue that was recently discovered when Waste Management sent the most recent bill with an annual rate increase to the city. This typically happens each year in some amount. Though the city budgets and pays this bill, it is a pass-through cost as the residents pay for this service. Typically, Waste Management sends a notice, per the contract, that the rates will be increasing before May of each year. This allows us to adjust the budget and fee schedule accordingly. However, this year we did not receive a notice so we didn’t adjust the rate. When we received the new July bill there was an increase. As it turns out, Waste Management drafted and sent an email but for some reason it didn’t leave Waste Management’s server. The question is whether the Commission is comfortable allowing Waste Management to increase their rates beginning in September of this year even though we didn’t receive the notification in a timely manner? I recommend we do pay so that we can smooth the increase over the course of the fiscal year as I would guess that the increase next year will include the “make up” for this year. This way the increase for residents is spread out. The increase this year will be 50 cents a month for residents. I suggest we tell Waste Management to start in September. This is because I will need to bring a new utility fee schedule to you at the next meeting. The October billing (for September) will then reflect the new rates for residents.

The Commission took a straw poll and will favorably consider an adjustment to the fee schedule for residential waste services when presented at the next meeting.

Clare Proud Moment. I was recently at the Board of Directors Meeting for Middle Michigan Development Corporation (MMDC) and wanted to share with you the report that I gave to them at the meeting. The list below shows all the development, very recent development, going on in Clare. After I was done reporting this to them everyone was saying how great it was that so much is going on. For a “small” town we have a lot going on and a lot to be proud of.

10. *COMMUNICATIONS: *Approved by Consent Agenda.*
11. EXTENDED PUBLIC COMMENT: None.
12. COMMISSION DISCUSSION TOPICS: A request was made to place a trash receptacle on McEwan Street near 4th Street.
13. *APPROVAL OF BILLS: *Approved by Consent Agenda.*
14. *PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES: *Approved by Consent Agenda.*
15. ADJOURNMENT: Motion by Commissioner Loomis second by Commissioner Jenkins to adjourn the meeting. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried.* Meeting adjourned at 6:28 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk