

The regular meeting of the Clare City Commission was called to order at 6:02 p.m. via remote audio meeting attendance as authorized under Executive Order 2020-154 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; Jim Chapman, Fire Chief; Joy Simmer, Parks & Recreation Director; Luke Potter, DPW Director; Dale Clark, WWT Superintendent; Jeremy Howard, new City Manager, and Sarah Schumacher, Deputy Clerk.

Rules for Public Comment during the conduct of remote electronic meetings were read to the audience by the Deputy 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, Professional Development, Board & Committee Appointments, 2<sup>nd</sup> Reading of Ordinance 2020-003 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.*

4. **\*APPROVAL OF AGENDA:**

*Approved by Consent Agenda.*

5. **PUBLIC COMMENT:** Doug Jacobson of Gladwin, introduced himself as the Chairman of Trustees of Mid Michigan Community College and congratulated City Manager Ken Hibl on his upcoming retirement.

6. **UNFINISHED BUSINESS:** None.

7. **NEW BUSINESS:**

**A. APPROVE CITY MANAGER CONTRACT – JEREMY HOWARD**

During the course of a special public meeting held on August 6, 2020, the Clare City Commission unanimously selected Mr. Jeremy Howard as Clare's new City Manager. An employment contract has been negotiated with Jeremy. The City Commission is asked to formally approve the employment agreement.

Motion by Commissioner Murphy second by Commissioner Clark to approve the employment agreement by adoption of Resolution 2020-100. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**B. RENEW CITY CLERK EMPLOYMENT CONTRACT – DIANE LYON**

The employment contract between the City of Clare and Diane Lyon, the Clare City Clerk, will expire on August 14, 2020. The Clare City Commission is asked to renew the agreement with the proposed amendments.

Motion by Commissioner Clark second by Commissioner Murphy to renew the City Clerk Employment Contract with proposed amendments by adoption of Resolution 2020-096. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**C. APPROVE FY2020/2021 STREET IMPROVEMENT PROJECT BIDS**

The City's approved FY 2020/2021 Budget and CIP includes \$259,000 for street projects. Prior to the final approval of the City's proposed budget and CIP, the City solicited bids for its planned street projects. As reflected in the first attached Bid Memo, only two bids were received, the low bid submitted by Central Asphalt for \$246,798. The initial bid solicitation included the rehabilitation of the remainder of Ann Arbor Trail and sections of West Wheaton Street, Beech Street, and Forest.

But due to the cost of the Ann Arbor rehabilitation project and the absence of any residential homes on this section of the street, the City decided to substitute a sidewalk construction project in the southern sector of the City – thereby significantly enhancing

nonmotorized accessibility while simultaneously improving public safety in this sector of the community – and rehabilitating a significant portion of Witbeck Drive and a section of Hillcrest Street in lieu of the Ann Arbor project.

Due to the change of plans, new bids were required for the Witbeck Drive and Hillcrest projects and for the sidewalk project. As reflected in the second Bid Memo and Bid Tabulation Sheet, only one asphalt bid was received – that being by Central Asphalt. The sidewalk bids have already been approved by the City Commission and the project has been completed except for City's completion of restoration; the cost of the sidewalk project was approximately \$36.5K.

The City Commission is now asked to approve the second round of asphalt bids to allow the commencement of the street projects (a mix of rehabilitation, mill & fill, and ultrathin applications) on West Wheaton, Forest, Beech, Hillcrest Streets and Witbeck Drive.

Motion by Commissioner Bonham second by Commissioner Clark to approve the commencement of street projects by adoption of Resolution 2020-101. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**D. APPROVE EXPENDITURE OF FUNDS – EMERALD ISLE STORAGE BUILDING**

The Master Layout Plan for the Emerald Isle Recreation Complex approved by the City of Clare Planning Commission includes the construction of a storage building. The Planning Commission reiterated its support of the proposed project by singularly approving the proposed site plan to construct the 1,500sf building at its August 12<sup>th</sup> meeting.

Two benevolent donors – one anonymous and the other being Carol Santini – have collectively donated \$18,000 to construct the storage building. One of these donors has stipulated conditions of his \$10K donation: those conditions being that the building is to be purchased and constructed by Pioneer Pole Buildings of Clare and that the building is to be constructed in 2020.

The cost to construct the building is \$20,078. The Parks Department has the needed \$20,078 to construct the building. Therefore, the City Commission is asked to approve the expenditure of funds needed to construct the building.

Motion by Commissioner Loomis second by Commissioner Murphy to approve the expenditure of funds by adoption of Resolution 2020-102. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**E. APPROVE EXPENDITURE OF FUNDS – PHASE 1 OF EMERALD ISLE PLAYGROUND**

The Master Plan for the Emerald Isle Recreation Complex, which was approved by the City's Planning Commission, includes the construction of a new playground. Due to the cost of the playground, the Parks & Recreation Advisory Board decided to construct the playground in two phases.

The Parks & Recreation Department (namely, Joy Simmer) and the Parks & Recreation Advisory Board have conducted multiple community fund-raising events the past few years to facilitate construction of the new playground. Additionally, the City Commission previously approved the reservation of funds from the Hammerberg endowment for the playground equipment. The funds raised and earmarked for the playground equipment are being held at the Clare County Community Foundation. Sufficient funds are now available to allow the construction of Phase 1 of the playground project. The City Commission is asked to authorize the expenditure of the funds needed to complete Phase 1 of the playground.

**Note: As playground equipment is highly specialized and proprietary, the Parks & Recreation Board selected and has been working with Panchura Playground Company for the past three years to design the desired playground for the Rec Complex; consequently, the city commission is asked to approve a sole source**

**purchase and installation of this playground equipment by this playground vendor**

Motion by Commissioner Loomis second by Commissioner Clark to approve the expenditure of funds to complete Phase 1 of the playground by adoption of Resolution 2020-103. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**F. APPROVE SALE OF PROPERTY – NORTH INDUSTRIAL PARK**

The Clare Industrial Development Corporation has negotiated the sale of approximately 11 acres of industrial property to Mr. Tom Schunk to allow him to relocate his business, County Wide Septic, to the City's North Industrial Park and construct a new 15,000sf building on this site to house his business offices and a septage pretreatment plant. The City Planning Commission approved the proposed site plan to construct the new industrial building and relocate the business to this site contingent upon approval of the sale of the property to Mr. Schunk at a special meeting on July 29<sup>th</sup>. The City Commission is asked to approve the sale of the property.

Motion by Commissioner Loomis second by Commissioner Bonham to approve the sale of property to Mr. Tom Schunk by adoption of Resolution 2020-104. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**G. APPROVE EQUIPMENT PURCHASE – CLARE FIRE DEPT WILD LAND TURN-OUT GEAR**

The Clare Fire Department's approved FY2020/2021 Budget & CIP included the purchase of wildland turn-out gear. The Department has received three quotations for the purchase of the fire gear – the low qualifying quote being submitted by Dinges Fire Company in the amount of \$8,988.95. The City Commission is asked to authorize the expenditure of funds to facilitate the purchase of the equipment.

Motion by Commissioner Clark second by Commissioner Murphy to approve the expenditure of funds to facilitate the purchase of the equipment by adoption of Resolution 2020-105. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**H. APPROVE CONTINUING DISCLOSURE CERTIFICATE – LITTLE TOBACCO DRAIN**

As the City Commission is well aware, the Clare/Isabella Intercounty Drain Board intends to rehabilitate the Little Tobacco River Drain due to the absence of any maintenance being performed on the drain since the 1940s and the resultant annual flooding of properties along the Drain. This significant and long-overdue rehabilitation project is scheduled to commence in Fall 2020 and be completed in Winter 2021.

The Drain Board proposes to sell bonds to finance the project. In an attempt to reduce the cost of this considerably expensive project (anticipated to be approximately \$10M), the Drain Board's Attorney has submitted a request to the City requesting the Clare City Commission approve a Continuing Disclosure Certificate, thereby potentially garnering a more favorable interest rate for the bond sales – and thereby potentially reducing the overall costs of the project for all assessed parties.

The City Commission is asked to review, consider, and approve the request

Motion by Commissioner Bonham second by Commissioner Murphy to approve the Continuing Disclosure Certificate by adoption of Resolution 2020-106. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**I. DESIGNATION OF VOTING DELEGATE -MML ANNUAL CONVENTION**

As reflected in the attached Michigan Municipal League (MML) correspondence, the League will hold its annual convention remotely this year due to the worldwide Coronavirus Pandemic; the convention will be held on Sep 29-Oct 2. The annual MML meeting is routinely held in conjunction with the annual convention and will be held on September 29, 2019 @ 3:00pm. As indicated in the MML letter, the City is requested 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 remote 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

Motion by Commissioner Murphy second by Commissioner Clark to designate Commissioner Wyman as primary delegate and Commissioner Humphrey as alternate delegate at the remote MML Annual Convention by adoption of Resolution 2020-107. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**J. SECOND READING OF ORDINANCE 2020-003 – CHAPTER (ENVIRONMENT – FRONT YARD BLIGHT)**

Over the past decade, the City has received occasional complaints regarding blight associated with front yard gardens (vegetable and flower gardens). Most recently the City received a request to consider banning all front yard gardens. Consequently, we posed a query to our City Attorney regarding the wisdom and enforceability of doing so. Jaynie responded with a strong recommendation against specifically banning front yard gardens and offered a number of national examples of municipalities who had done so and more frequently than not encountered unfavorable legal action challenging those ordinances. Jaynie provided a proposed draft of an amendment to our existing ordinances that she believes is a far more effective solution. The City Commission was asked at its meeting of August 3<sup>rd</sup> whether it desired to adopt the proposed ordinance amendment, and if so to commence the process for ordinance adoption. The City Commission directed the First Reading of the Ordinance at that meeting.

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

Motion by Commissioner Murphy second by Commissioner Bonham to allow a Second Reading and approve the adoption of the sale of the proposed ordinance by adoption of Resolution 2020-108. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**K. REMAINING PTO – KEN HIBL**

I “rolled-over” two weeks (80 hours) of FY 19/20 PTO that I was unable to use due to the topsy-turvy COVID environment we’ve lived in since March to our FY 20/21 budget year with the intention of using at least some of that vacation time prior to my pending retirement on August 31<sup>st</sup>. As of today, I have 72 hours remaining, and based on my present schedule the next two weeks, I’m not optimistic that I will be able to use more than eight to 16 hours of the balance. Consequently, I ask that the City Commission allow me to “sell-back” 40 hours of the remaining time, and I’ll “eat” or donate the remainder that I’m not able to use

Motion by Commissioner Clark second by Commissioner Loomis to allow a “sell-back” of 40 hours PTO and donation of the remainder PTO by adoption of Resolution 2020-109. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

**L. \*BOARD & COMMITTEE APPOINTMENT – CHERRY GROVE CEMETERY ADVISORY BOARD (JJ POET)**

*\*Approved by Consent Agenda, Resolution 2020-110*

**M. APPROVAL OF GFA PROPOSAL – WASTE WATER TREATMENT**

The screw pump at the City's Waste Water Plant is failing. As this is the primary pump that transfers all of the collected sanitary waste from the City into the actual waste treatment plant, it is absolutely critical that the screw pump be replaced as it is not repairable. Consequently, we required the services of GFA to design the new screw pump and solicit bids on our behalf. GFA has provided us a proposal for their services and have agreed to expedite their design and solicitation of bids for a new pump. The City Commission is asked to approve the amended (a reduction of time for design and solicit bids from 30 days to 15 days) proposal

Motion by Commissioner Clark second by Commissioner Murphy to approve the amended proposal by adoption of Resolution 2020-111. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried*

8. TREASURER'S REPORT

*The Treasurer presented his report.*

9. CITY MANAGER'S REPORT

*City Planning Commission Meeting.* The City Planning Commission met on Wednesday, August 12<sup>th</sup> and considered two site plans: the construction of a new 3,600sf airplane hangar at the Clare Municipal Airport and a new 1,500sf storage building at the Emerald Isle Recreation Complex. Both site plans were approved. The Planning Commission is awaiting the lifting of COVID-19 meeting restrictions to allow them to meet 1:1 with representatives of Giffels Webster to complete zoning code amendments and changes. The next-scheduled meeting is Wednesday, September 9<sup>th</sup>. Known agenda topics will include a zoning change request from Mr. Jim Paetschow and the commencement of discussions related to a proposed zoning change to the City's adult marihuana ordinances in respect to allowing licensed marihuana growers to grow and process recreational marihuana in Clare and sell their product to licensed retailers outside of Clare while continuing to restrict the retail sale of recreational marihuana within Clare's geographical boundaries.

*DDA Meeting.* The DDA met on August 7<sup>th</sup> and approved the bids solicited for sealcoating the two downtown municipal parking lots. The DDA is scheduled to meet next on Friday, September 4<sup>th</sup>, but if past practice is followed, the meeting may be rescheduled to a later date due to the Labor Day Weekend.

*Letter of Opposition to the Proposed Assessment Roll for the Lake Shamrock Dredging Project.* The City received the attached letter from The Terpening Family opposing the proposed assessment for the Lake Shamrock Dredging Project. We will respond to Mr. Terpening that his letter will be presented to the City Commission for consideration at the scheduled October 9<sup>th</sup> public hearing related to the approval of the Assessment Roll for the project.

*Senate Bill 690.* We (Mary, Luke, Steve & I) attended a Zoom meeting at the Community Action Agency regarding the implementation of this utility billing arrears forgiveness program. MMCAA will administer the program locally and will be our interface with the program. After attending the meeting, I am more comfortable with our decision to Opt-In as our commitment to not enacting the utility shut-off process for non-payment for qualified customers only has a 90-day restriction. Further, we are allowed to take shut-off and collection actions against customers who are not qualified for the program. The next step in this process will be two-fold: The City Commission's approval of a contract with MMCAA to implement the program and the submittal of our utility data base to MMCAA to allow them to identify qualified customers; we anticipate we may receive the contract in September. It is clearly evident that MMCAA and state health agencies will have an extremely difficult task in identifying qualified customers as the only positive means to do so, is by social security numbers, and approximately 98% of utilities in the state do not collect or retain that information; consequently, qualification criteria will likely have to be a laborious, time-consuming process. Our approach will likely be to send notice to all of our customers who are in arrears encouraging them to contact MMCAA if they believe they are qualified to provide their social security numbers to MMCAA (we *do not* want to retain that data in our files) to verify qualification. Qualified customers will receive forgiveness of 25% of the total arrears; payment for the arrears will be sent directly the public utilities – not the customers.

*Lead Exceedance & Update on Lead Service Line Replacements.* All known downtown lead water service leads have been replaced.

*Day of Review for Drain Projects.* The Clare County Drain Commissioner has provided us notice of a Day of Review to include all intercounty drain projects scheduled to commence this year – to include the Little Tobacco River Drain Project. The review is being held on August 19<sup>th</sup> at the large pavilion at Shamrock Park from 9am to 5pm. All property owners affected or impacted by the drain projects have been invited and encouraged to attend.

ZBA Meeting. The ZBA met on Wednesday, August 12<sup>th</sup>, to consider a variance request of North Ten, LLC for front & rear setback requirements to allow construction of a pre-engineered 4,320 sf metal industrial building on West Third Street in Clare. The variance request was unanimously approved. North Ten LLC is now required to submit a site plan application for consideration by the City's Planning Commission before they can commence construction.

Things Left Undone. I will provide the City Commission and Jeremy an update the latter part of next week listing the major projects that I and/or the Staff are working on (or need to be worked on) that I left undone/incomplete and need continued emphasis or a decision made to ignore or discard. I am grateful that Jeremy will be able to commence work in the City on August 24<sup>th</sup> as it will provide us a good opportunity to introduce him to our organization and our community. I will develop a proposed orientation schedule for him next week and will share that schedule with the Commission. If any of you desire to join Jeremy for any of the activities on the schedule, I welcome and encourage you to do so.

Next City Commission Meeting. Due to the Labor Day Holiday, the next scheduled City Commission will be held on Tuesday, September 8<sup>th</sup>. City offices will be closed on Monday, September 7<sup>th</sup> in observance of the holiday.

10. \*COMMUNICATIONS

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

CE & DTE Notice of Hearing: The City received a Notice of Hearing from the Michigan Public Service Commission regarding upcoming hearing with Consumers Energy and DTE.

Consumers Energy: The City received notice of upcoming tree trimming throughout the city.

FOIA Requests: The most recent FOIA requests, notices of extension, and deferral responses were provided for information.

11. EXTENDED PUBLIC COMMENT: None.

12. COMMISSION DISCUSSION TOPICS: None.

13. \*APPROVAL OF BILLS

*This item of business was approved with a roll call vote of the Consent*

14. \*PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES

15. ADJOURNMENT

Motion by Commissioner Bonham second by Commissioner Clark to adjourn the meeting  
Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

Meeting adjourned at 7:03 p.m.

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Pat Humphrey, Mayor

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Sarah Schumacher, Deputy Clerk