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 the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Absent: None. Also present were Ken Hibl, City Manager; Steven Kingsbury, Treasurer and Finance Director; Joy Simmer, Parks & Recreation Director; Al Jessup, Department of Public Works Director; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:
Moved by Commissioner McConnell second by Commissioner Swanson to approve the items listed with an asterisk (*) (Amended Agenda, Minutes, Communications, 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: Mayor Humphrey clarified the meaning of the public comment and public hearing segments of a public meeting, offering that the public comment period is the portion of a meeting where the public may make a statement or comment to the Commission; it is not an opportunity for open forum discussion between the public and the City Commission.

The public hearing segment of a public meeting is a time in which the City Commission will take public comment or questions related to the agenda topic for which the public hearing was called; this is the only time during the public meeting in which discussion may take place between the public and the City Commission and shall only relate to the topic of the hearing.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

A. ANNUAL REVIEW & RENEWAL OF TITLE VI PLAN & POLICY
MDOT requires that all recipients (we are) of Federal-aid highway funds are required to have a Title VI Plan and Policy. The respective Plan and Policy is required to be submitted to MDOT for review and is required to be renewed annually by the governing body of the respective governmental entities. The City Commission was asked to review and renew our Plan and the Policy to ensure our compliance with Federal and State requirements.

Motion by Commissioner Swanson second by Commissioner Bonham to approve the Title VI Plan & Policy by adoption of Resolution 2016-096. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

B. APPOINTMENT OF MERS DELEGATES
The Michigan Employees Retirement System (MERS) will hold its annual conference in Traverse City, Michigan on September 28th and 29th. The City Commission has traditionally sent two delegates to the conference, an employee representative elected by the City's employees to represent their interests at the conference, and a management delegate (traditionally, the City Treasurer) to represent management's interests at the conference.

Through individually cast ballots the City employees have elected Sarah Schumacher as their primary delegate and Luke Potter as their alternate representative. City Treasurer Steven Kingsbury will be in final preparation for the City's annual audit so City Clerk Diane Lyon has agreed to attend on behalf of the City as its management representative and Steve has agreed to serve if needed as the alternate management representative. The City Commission is asked to formally designate these individuals to represent the respective elements of the City at the annual conference. 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.

Motion by Commissioner Murphy second by Commissioner Swanson to appoint Sarah Schumacher as the primary employee delegate and Luke Potter as the alternate employee delegate and Diane Lyon as the management representative and Steven Kingsbury as the alternate management representative to attend the 2016 annual MERS Conference by adoption of the proposed Resolution 2016-097. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

C. COLONVILLE ROAD IMPROVEMENT PROJECT GRANT CLOSURE

The City received a Community Development Block Grant (CDBG) in 2014 to improve Colonville Road from a two-lane, seasonal road to a Class A, three-lane, all-season road. The project was successfully completed last year. The final pay distribution and fund reimbursement occurred earlier this year. To complete the close-out process for the CDBG with the Michigan Economic Development Corporation, we are required to hold a public hearing to receive comments (pro and con) pertaining to the grant and the grant project.

Motion by Commissioner Bonham second by Commissioner McConnell to open a public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

Public Comment: None.

Motion by Commissioner Bonham second by Commissioner McConnell to close the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

Motion by Commissioner Bonham second by Commissioner Murphy to approve the Closure of Grant MSC 210034-EDIG by adoption of Resolution 2016-098. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

D. ADOPTION OF HAZARDOUS MITIGATION PLAN

Mr. Jerry Becker, the Clare County Emergency Management Director, and the Clare County Emergency Planning Committee have prepared a hazard mitigation plan for Clare County. The Plan has been approved by appropriate state and federal agencies and now enables Clare County and any local governmental entities within Clare County that adopt the Plan as theirs to apply for state and federal emergency assistance funds in the event of a qualifying disaster. The City Commission is asked to adopt The Clare County Hazard Mitigation Plan.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the Hazard Mitigation Plan by adoption of Resolution 2016-099. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

E. APPROVAL OF GOURDIE-FRASER ENGINEERING PROPOSAL-ICE GRANT

By adoption of its Resolution 2016-090, the Clare City Commission selected Gourdie-Fraser Associates as the City's engineering firm for design and construction oversight to improve and upgrade three blocks of water main lines and street infrastructure on Ann Arbor Trail as part of a Michigan Economic Development Corporation (MEDC) Infrastructure Capacity Enhancement (ICE) grant. The City Staff subsequently met with GFA officials and negotiated a proposed contract for this project.

Our review of the negotiated contract meets all of our requirements and those of MEDC. The City Commission is asked to approve the proposed contractual agreement.

GFA Representative Craig Goodrich was present, providing clarification of project specifics for the Commission.

Motion by Commissioner McConnell second by Commissioner Murphy to approve the contractual agreement by adoption of Resolution 2016-100. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

F. CHARITABLE GAMING LICENSE RESOLUTION-OUR LADY OF HOPE LADIES GUILD

Our Lady of Hope Parish Ladies Guild has requested that the City Commission consider adopting a Resolution allowing the issuance of a state Gaming License to allow their organization to conduct its annual Quilt Raffle as a fund-raising event for the Guild. The City Commission is asked to consider approving the resolution.

Motion by Commissioner Murphy second by Commissioner Swanson to approve the Gaming License by adoption of Resolution 2016-101. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

G. APPROVAL OF FEDERAL/STATE/LOCAL AIRPORT PROJECT GRANT

MDOT has offered the City of Clare an Airport Block Grant to complete design of Part B of the design required for the construction of the 1,500 feet of a parallel taxiway for Runway 04/22 at the Clare Municipal Airport (the MDOT Block Grant transmittal letter and grant agreement is attached).

As previously presented to the City Commission the parallel taxiway was identified as the top priority project on the City's Airport Development Plan and for obvious safety considerations. The small wetland mitigation is a requirement of the construction and is eligible for federal funding pursuant to the Airport and Airway Improvement Act of 1982 as amended, and/or the Aviation Safety and Noise Abatement Act of 1979.

The City Commission is asked to approve the contractual agreement allowing the design of the wetland mitigation plan.

Motion by Commissioner Bonham second by Commissioner Swanson to approve the Airport Block Grant by adoption of Resolution 2016-102. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

H. APPROVAL TO SUBMIT PART II APPLICATION-ICE GRANT

The City applied for an Infrastructure Capacity Enhancement (ICE) Grant to upgrade three blocks Ann Arbor Trail water main from 4-inch to 8-inch pipe and concurrently reconstruct three blocks of the street. Our application was favorably considered, and we were invited to submit a Part II Application, which is due to MEDC not later than September 9, 2016. We committed to MEDC that we would submit a Part II Application.

To allow us to submit the application, we must first conduct a public hearing. We have noticed that hearing, which is scheduled to be held at the Commission meeting of September 6th. The Commission is asked to conduct the hearing and subsequently adopt a resolution approving the submittal of the part II Application.

The application itself is essentially a reiteration of the Part I Application, but also requires the certification of UGLG (Unit of General Local Government) Public Participation Documentation; Certification by the Applicant UGLG; and Statement of Assurances. The Commission has already authorized its city manager as the signatory of these attachments. The Mayor or Mayor Pro Tem is the signatory of the actual Part II Application form. Additionally required documentation is the Environmental Review (completed by the city manager and signed by the Mayor or Mayor Pro Tem).The City Commission is asked to approve the proposed contractual agreement.

The City Manager noted for the record that there is a typographical error on the agenda for this topic of discussion which reads Public Notice but should read Public Hearing as a notice for public hearing has been published.

Motion by Commissioner McConnell second by Commissioner Bonham to open a public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

Public Comment: None.

Motion by Commissioner McConnell second by Commissioner Bonham to close the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

Motion by Commissioner Bonham second by Commissioner Swanson to approve the submission of the grant agreement by adoption of Resolution 2016-103. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

I. AUTHORIZATION TO DISTRIBUTE MASTER PLAN FOR COMMENT AND GRANT AUTHORITY FOR APPROVAL OF THE PLAN

With the assistance of McKenna Associates, the City of Clare Planning Commission has spent the past nine months updating the City's Comprehensive Master Plan and the City's Future Land Use Map. The process included multiple focus group discussions, public hearings, and lengthy, in-depth discussions amongst the Planning Commission members, the City Staff, and planners from McKenna Associates. The end result is a new draft Plan and Future Land Use Map.

To complete the process of updating the City's Master Plan, the City Commission is required to authorize distribution of the draft Plan and Land Use Map to all surrounding and affected governmental bodies (Clare and Isabella County, all surrounding municipalities and townships, local schools and universities, libraries, etc.) for review and comment. The Zoning & Enabling Act allows 63 days for comment, at which time the Planning Commission is provided an opportunity to review all comments received and incorporate those comments into the Plan or reject them. The Plan can then be approved.

The Master Plan is typically prepared by and approved by the City Planning Commission. However, there is a provision of the Michigan Zoning & Enabling Act that allows the governing body to withhold the approval authority unto itself. Our current Master Plan was approved by our Planning Commission.

The City Commission is asked authorize the distribution of the revised Master Plan and Future Land Use Map and concurrently decide whether it desires to withhold approval authority of the Plan unto itself or allow the Planning Commission to be the approval authority of the Plan and Map.

Motion by Commissioner Bonham second by Commissioner Swanson to authorize the distribution of the Master Plan and relinquish approval authority to the Planning Commission by adoption of Resolution 2016-104. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

J. RECREATION COMPLEX BIDS

In order to ensure that we have soccer fields available for the City's soccer program next year, it is imperative that we plant grass seed on the newly prepared fields this year (by end-September) to allow the grass to take root and mature sufficiently to allow use next summer and fall. Consequently, we solicited bids to clear the peripheral area around the fields for the recreation trail system at the new complex (must be completed prior to planting the seed to preclude damaging the fields once grass has germinated); for preparing the fields for seeing; for seeding the fields; and

for removing top soil from the parking, playground, concession, & restroom area, and redistributing the clay that was removed to prepare the recreation fields.

We received two bids for these work items on the project. As reflected on the bid sheet, we requested line-item bids to allow us to segregate the work to continue work on the project while allowing ourselves latitude to attempt to find alternatives for those work items we felt were too costly or that we could do separately. As reflected in the GFA letter, we are recommending that the City Commission approve the bids and award the work to Crawford Contracting for four items of work: mobilization; clearing, grubbing, tree removal, & topsoil removal; trail grading; and complete the stone trail. We will then formulate alternatives and present them to the City Commission at the Sep 19th meeting for seeding the fields and other work that needs to be accomplished this year.

Commissioner McConnell expressed concern about seeding the area without having a sprinkler system installed.

Motion by Commissioner Murphy second by Commissioner Swanson to approve the bids and award the work to Crawford Contracting by adoption of Resolution 2016-105. Roll call vote: Yeas: Commissioners, Pat Humphrey, Carolyn (Gus) Murphy, and Karla Swanson. Nays: Bob Bonham and Jean McConnell. Absent: None. *Motion Carried.*

K. <u>CEMETERY MAINTENANCE CONTRACT</u>

The City entered into a grounds maintenance contract for the Cherry Gove Cemetery with The Boyz Lawn Service in 2015. The company has established a record of substandard performance and less-than-desirable responsiveness during the contract period and the City has again received multiple complaints regarding the performance of this company during the week of August 29 to September 2, 2016. The DPW Director verified the complaints as valid and informed the contractor accordingly. The contractor has been slow in his attempt to correct the cited complaints and has not taken corrective action.

We have offered adequate and sufficient opportunity for the contractor to meet the City's standards and improve his contractual performance. The City Attorney has reviewed the agreement and has determined that we are justified in terminating the contractual agreement with the contractor.

Since the City will require continued cemetery grounds maintenance for the remainder of calendar year 2016, we requested verbal quotations from two local vendors that have previously enjoyed contracts with the City for maintenance of the cemetery and are therefore very familiar with the City's expectations and standards for work performance regarding cemetery grounds maintenance. AWOL was the only vendor who opted to provide the City a quote for the grounds maintenance work and we consider the quote to be fair and reasonable under the circumstances.

The Clare City Commission is asked to approve the immediate termination of the contract between the City of Clare and The Boyz Lawn Service, allowing City Staff to notify the contractor immediately to start the clock for the 30 day notice requirement as outlined in the contractual agreement; and to approve a short-term agreement for cemetery grounds maintenance with AWOL for the period commencing September 8, 2016 through December 31, 2016 for a cost not to exceed $11,280.

The City Commission directed City Staff to determine a cost for labor and equipment to correct deficiencies at the cemetery and deduct those costs from the prorated amount The Boyz Lawn Service will be paid for the month of September 2016.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the immediate termination of the contractual agreement with The Boyz Lawn Service by adoption of Resolution 2016-106 and enter in to a short term cemetery maintenance agreement with AWOL by adoption of Resolution 2016-107. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

8. TREASURER'S REPORT
The Treasurer presented his report.

9. CITY MANAGER'S REPORT
Depot Crowd Funding Project. Our Patronicity website crowd-funding project has been closed reflecting that we raised $41,140 of our $25K goal. We have actually raised more than that amount as contributions continue to come in. But on the day our project closed, that is the amount reflected as raised funds toward our goal.

Rental Rehabilitation Ordinance. Unless the City Commission provides us guidance to the contrary, we will pursue the adoption of a Rental Ordinance for the City of Clare. We last attempted this initiative approximately 16 years ago with significant public opposition. We strongly feel it is time to move forward with this initiative again.

MML Conference Attendance. I will be attending the MML Conference during the period Sep 14-16. I should be available via phone, text, and email for the duration of the conference.

Woodlawn Bridge Paving Project. I have approved the written quotations we received for "capping" the Woodlawn Bridge for a cost not to exceed $3,100.

Approval to Purchase Trailer. I approved the purchase of a 7'x16' landscape trailer from US-27 Motor Sports & Trailers for a cost of $2,883.50. The purchase of this trailer will improve the efficiency of our grounds maintenance crews as well as reducing maintenance costs associated with our mowers.

Approval to Pave Airport Runway and Taxiway Markings. I approved an invoice in the amount of $6,086.79 to for airport pavement marking work accomplished by PK Contracting. This expenditure was approx. $1K in excess of my current authorization limit of $5K. But doing so resulted in significant cost savings ($2,500) for us as we were able to "catch" this vendor passing thru Clare between jobs, which eliminated the need for mobilization costs that would have normally been associated with this work. This was a budgeted expenditure in our current operating budget.

Approval for Water Retention Tank Inspection & Sludge Removal. I approved the expenditure of funds to use the services of Liquid Engineering Services to inspect the condition of and remove up to three-inches of sludge from our water retention tank at our water treatment plant for a cost of $3,130. This was a sole source approval as this is the only firm known to us that will provide this service without the need to take our water system off-line while they are accomplishing this work – they do so by having their personnel, who are certified divers, use disinfected dry suits to accomplish this work.

10. *COMMUNICATIONS
Approved By Consent Agenda.
Bureau of Elections. The most recent newsletter is attached for your reading pleasure.

Clare County Hazard Mitigation Plan. Under Resolution 16-15, the Clare County Board of Commissioners has adopted a Hazard Mitigation Plan.

Charter Communications Notice. Charter Communications has announced the addition of a channel (Ovation Network) in their channel lineup offerings.

Isabella County Drain Commission Notices. We received notice that the Board of Determination would meet on August 23, 2016, regarding the maintenance and improvement of the McDonald Creek Drain and have received notice of their Order of Necessity.

Federal Communications Commission. The FCC has notified us of a new Section 106 filing. Section 106 requires compliance with the FCC's rules for environmental review as they relate to building a new tower or collocating an antenna on an existing structure to ensure that licensees and registrants take appropriate measures to protect environmental and historic resources, and that the agency meets its obligations under the National Environmental Policy Act (NEPA) to consider the potential environmental impact of its

actions, as well as under other environmental statutes such as the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA).

Letter of Support. The City issued a letter of support to the East Michigan Council of Governments for the 2017 East Central Michigan Prosperity Initiative.

Federal Court Ruling-Straight Ticket Voting. The Federal Courts have ruled on the attempt to block straight ticket voting.

Response to Trip & Fall and Graffiti Complaint. We provided a response to a complaint received.

11. EXTENDED PUBLIC COMMENT: None.

12. COMMISSION DISCUSSION TOPICS: Orange cones have been placed on the Fourth Street sidewalk to identify electrical boxes which have sank into the ground. DPW crews will be repairing those areas as soon as time allows.

13. *APPROVAL OF BILLS
    Approved By Consent Agenda.

14. ADJOURNMENT
    Motion by Commissioner McConnell second by Commissioner Murphy to adjourn the meeting. Ayes: All. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 6:52 p.m.

_____ _____

Pat Humphrey, Mayor Diane Lyon, City Clerk