

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, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Absent: None. Also, present: Ken Hibl, City Manager; Steve Kingsbury, City Treasurer & Finance Director; Tom Francisco and John Lake, Police Officers; 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, Department Reports, 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:

A. AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR POLICE SERVICES-CLARE PUBLIC SCHOOLS & CITY OF CLARE

By adoption of its Resolution 2019-007, the City approved an intergovernmental agreement with Clare Public Schools for a school resource officer (police) services. The current agreement provides a 50/50 cost-share for these services. As reflected in an email of Jim Walter, the CPS School Superintendent, the City Staff has negotiated an amendment to the existing agreement that stipulates that the services offered to CPS shall be commensurate with the services provided, thereby resulting in a more favorable cost-sharing arrangement for the City.

The City Commission discussed this topic at the scheduled September 3rd Commission Meeting and although it was not unanimous, consensus was attained in respect to honoring the new CPS request of eliminating the “opt-out” language and making a commitment to provide a Clare police officer for the resources officer duties for a period of three years. However, Steve Kingsbury, the City Treasurer/Finance Director, had not had an opportunity to review the renegotiated dollar amounts prior to the Sep 3rd meeting due to his absence the week prior to the meeting and informed the City Manager at the meeting that he disagreed with the CPS computations and the resultant amount offered. Consequently, the City Commission was asked to defer/set aside a decision related to the amendment to the intergovernmental agreement pending further discussions with the CPS Superintendent

While the Commission supports providing a school resource officer, the expense for providing that officer goes beyond wages and benefits (police vehicle, insurance, mandatory training, etc.), therefore, the Commission made a request for the City Manager to request that CPS fully fund the benefit and wage costs of providing an officer to the school.

Steve Kingsbury and Jim Walter have corresponded in respect to the matter. The end-result is essentially a stand-off in respect to the amount each party should contribute for these services - although Steve was successful in obtaining agreement in respect to overtime pay and the resultant CPS offer to increase its contribution to \$62,247 (previously \$60,161.40), resulting in a difference of \$8,257 in the amount that Steve has computed should be the minimum CPS contribution.

The amount offered (\$62,247) is the maximum amount the BOE is presently willing to offer for the police officer services. The City Manager supports Steve in his rationale and computations, but believes it is counterproductive to attempt to push this matter further unless the City Commission desires to do so.

A major issue in this discussion was the non-availability of this officer to the City at the end of the school year due to the amount of overtime, compensatory time, and vacation time the officer accrues during his annual tenure with the school, thus resulting in the City essentially “paying” for this time by his absence when he returns to the City at the end of the school year, and the annual training requirements of the officer, which

are essentially not recognized as contributing factors for CPS when computing commensurate time. Chief Gregory has been asked by the City Manager to closely monitor this situation to ensure that Officer David uses a commensurate portion of his vacation time, compensatory time, and overtime during his actual time spent at the school.

The Commission questioned whether the PD could eliminate overtime and compensatory time for the resource officer since the school is not willing to pay for those additional hours, however the elimination of overtime and compensatory time during the school year is not feasible due to job expectations that go beyond school and student security during athletic events, school activities, and student or family meetings (law related counseling and educational services for students and their family members) which may take place out of regular school hours.

As part of the Commission's plan to reduce the city's budget deficit, the Commission had intended that funds being allocated to supplement the resource officer position at the school would be utilized to help balance the city's budget. With CPS willing to cover only 69% of the officer's wages & benefits, the Commission had concerns about covering the remaining 30K of the budget deficit.

Treasurer Steve Kingsbury noted that the Commission had previously directed staff to shut the sprinkler system off at the cemetery which reduced the amount needed to cover the budget deficit to 20-25K and recommended the City Commission review the list of potential budget solutions that he had provided to the Commissioners prior to the (special) meeting in May.

The City Manager requested the City Commission wait until November when more accurate budget information becomes available to determine if additional cuts are necessary since the city has one full-time officer who is presently out on disability through the first part of November.

There was significant discussion (and possible alternative solution to funding the CPS Resource Officer) at the September 6th DDA Meeting. Prior to the September 6th meeting, DDA board member Maegan Jenkins spoke with select city staff and with her brother who is the City of Lansing's DDA Director. Lansing's DDA pays for a full-time police officer to cover the services provided in the downtown district, thus, Maegan made this suggestion to the Clare DDA; some members of the board supported this idea while others did not. DDA Chair Jim Allen, who is also the Executive Director of the Clare County Community Foundation, suggested establishing a community fund through the Foundation to provide financial support for the school resource officer position. City Manager Hibl offered that it is likely that the hospital, the school, local businesses and local organizations would contribute to this fund. The only uncertainty is the city wouldn't know how much money would be in that fund from year to year; some years may have a surplus of funds while other years may be underfunded and require supplement funding for which the city would be liable.

The City Manager will pursue establishing a fund for the resource officer position if the Commission is in favor of doing so.

Mayor Humphrey voiced favor for establishing a community fund.

While the Commission was not in agreement with the proposal submitted by CPS, they also noted that not having a resource officer is not an option.

Motion by Commissioner Bonham second by Commissioner Humphrey to approve the resource officer contractual agreement with Clare Public Schools by adoption of Resolution 2019-129. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey and Carolyn (Gus) Murphy. Nays: Karla Swanson. Absent: None. *Motion Carried.*

7. NEW BUSINESS:

A. ORDINANCE 2019-012-CHAPTER 2, ADMINISTRATION (ETHICS)

By adoption of Resolution 2019-039 the City adopted an ethics ordinance to govern the conduct of City officials and members of its various commissions, boards, and committees. But when implementation of the ordinance commenced (specifically, distribution of the annual financial disclosure statements), staff discovered that the ordinance did not designate who was required to complete the aforementioned

statements. Consequently, our City Attorney has drafted an amendment (Ordinance 2019-012) to rectify this oversight.

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 notice announcing the hearing has been published. Subsequent to the conduct of the hearing, the Commission has the option of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the proposed new ordinance.

As the process to adopt this ordinance commenced with the City Planning Commission, the proposed amendment (Ordinance 2019-012) was presented to them at the scheduled meeting of September 11, 2019; the Planning Commission unanimously recommended approval of the amendment.

The City Commission is now asked to conduct the required public hearing and approve or deny a First Reading of the proposed ordinance.

Motion by Commissioner Bonham second by Commissioner Swanson to open the public hearing. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

Public Comment: None.

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

B. APPROVE CONCRETE SIDEWALK BIDS

The City's approved 2019/2020 Capital Improvement Program includes a budgeted item of \$30K to repair, replace, or construct new sidewalks within the City. The city solicited bids for the sidewalk projects; Three bids were received - the low bid submitted by Isabella Corp.

All bidders are well-known to the City; all bids received met the City's bid specifications. The City Commission is asked to approve the bids and award the work to one of the contractors.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the bids and award the concrete sidewalk project to Isabella Corp. by adoption of Resolution 2019-131. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

C. APPROVE TENNIS COURT REHABILITATION BIDS

The City approved a ten-year lease agreement with Clare Public Schools for the four tennis courts located at the Brookwood Athletic Complex. The tennis courts require rehabilitation due to significant cracks in the surface of the courts and lack of preventive maintenance. Funds (\$40K) from the Hammerberg Family Endowment Fund have been designated to offset the costs to rehabilitate the tennis courts. The City solicited bids for the rehabilitation project; Two bids were received - the low bid submitted by Goddard Coatings of Pontiac, Michigan.

Based on authentication by representatives of the Clare Tennis League, both bidders are known to be reputable. Both bids meet the City's bid specifications.

The City Commission is asked to approve the bids and award the work to one of the two contractors who submitted bids for the tennis court project.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the tennis court rehabilitation bids and award the work to Goddard Coatings by adoption of Resolution 2019-132. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

D. APPROVE IN-PLAN ROTH ROLLOVER AMENDMENT TO NATIONWIDE DEFERRED COMP PLAN (457b)

The City presently offers its employees a number of approved supplemental retirement plans in addition to MERS. One of our City employees has requested that the City provide an In-Plan Roth Conversion Rollover Amendment to the already-offered Nationwide Deferred Comp Plan (457 b.). The requested amendment requires the approval of the City Commission.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the In-Plan Roth Rollover Amendment by adoption of Resolution 2019-133. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

E. APPROVE MDOT STATE TRUNKLINE MAINTENANCE AGREEMENT

The City enjoys a State Trunkline Maintenance Contract with MDOT that allows the City to perform work and maintenance on the state's trunklines located within the geographical boundaries of the City and receive reimbursement for the maintenance performed. The current contract will expire on September 30, 2019. MDOT has offered the City a new contract for the period October 1, 2019 through September 2024. The City Commission is asked to approve the contract.

Motion by Commissioner Bonham second by Commissioner Clark to approve the MDOT Trunkline Maintenance Contract by adoption of Resolution 2019-134. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

F. USDA GRANT –POLICE VEHICLE

The City of Clare applied to the USDA for a grant to purchase a new police vehicle. The grant was approved for purchase with a 55% (\$27,000) grant offered by the USDA, thus requiring a local match contribution by the City of \$22,293. But due to budget limitations in the City's 2019/2020 budget, the City was forced to ask the USDA to withdraw the grant offer.

Our USDA representative strongly suggested the City to reconsider rejecting the grant offer as the funds had already been obligated and doing so would likely influence future grant applications by the City. Further, the City could defer the actual purchase of the vehicle to its FY 2020/2021 budget. Consequently, the City Manager brought this matter back to the City Commission to ask that the decision to reject the grant offer be reconsidered based on the conditions offered by our USDA representative.

Accepting this grant will require the City to obligate \$22,293 in the Mobile Equipment Fund in the City's FY 20/21 budget. The police vehicle to be replaced will be ten years old next year. It presently has 128,000 miles, thus needs to be replaced. If we reject this grant offer, we will be required to pay the full cost of a new vehicle versus \$22,293 if we accept the grant. The City has historically relied very heavily on USDA for grant funding of its police vehicles. Rejecting the grant offer could jeopardize future grant opportunities for emergency vehicles.

Motion by Commissioner Murphy second by Commissioner Bonham to approve the USDA Grant by adoption of Resolution 2019-135. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

G. MML LIABILITY & PROPERTY POOL BOARD OF DIRECTORS BALLOT

We have received notice of the upcoming annual MML Property & Liability Pool 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 MML Liability & Property Pool Board of Directors Ballot Slate by adoption of Resolution 2019-136. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

H. TECHNOLOGY SUPPORT AGREEMENT

Approximately two decades ago IT Right was selected as the City's technology support vendor of record. IT Right has a very integrated business relationship with BS&A

Software who provides the City with all of our municipal computer software specific to municipal government.

IT Right provides 24/7/365 technology service support to the City which is a mission critical requirement given the integration of technology in all facets of the City's operations including police and fire. We have been completely satisfied with the services provided by IT Right and they are an integral part of our day-to-day operation.

The technicians of IT Right also work very effectively and closely with Clare and Isabella Counties as well as our other technology related vendors (Point-n-Pay for credit and debit card processing services; Multi-Service Aviation for fuel sales at the City's Airport; Winn Telecomm who provides the City telephone services; and Firehouse Software service to name a few). In all instances IT Right is completely respected by these companies and has seamlessly worked with and provided excellent service in support of the City's operations.

For the entire nearly 20-year relationship with IT Right they have not increased their annual service agreement price for the City of Clare and have absorbed the increases in their costs while still increasing the level of service. With the new technology service agreement, the City's annual cost does increase, however, based upon the estimates that we have received from other municipalities it is still well below the cost of other available technology support providers.

The City Commission is asked to approve the technology support agreement with IT Right.

Motion by Commissioner Bonham second by Commissioner Swanson to approve the technology support agreement with IT Right by adoption of Resolution 2019-137. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

I. 2019 TRICK OR TREAT HOURS

Historically, the City Commission has set the date and time for Halloween Trick or Treat within the City. Generally, these hours are set for 6-8pm on October 31st – which falls on Thursday this year – to provide families sufficient time to arrive home from work, complete the dinner meal, and still accommodate the trick or treat event.

City staff has coordinated with our neighboring communities to determine their hours for trick or treat. Two of our closest neighbors have set their hours for 5:30-7:30; two have set their times for 6:00-8:00. City staff have also coordinated the recommended hours with Clare Public Schools. The City Commission is asked to set the trick or treat hours for Clare for October 31, 2019 from 6-8pm.

Motion by Commissioner Swanson second by Commissioner Murphy to set the city's 2019 trick or treat hours to 6pm-8pm, Thursday, October 31 by adoption of Resolution 2019-138. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

8. TREASURER'S REPORT

The Treasurer presented his report.

9. CITY MANAGER'S REPORT

Planning Commission Meeting. The Planning Commission met on September 11th. The Commission approved a site plan application of Total Holistic Cultivation (THC) to construct an 85'x235' building to be used as a medical marijuana grow & processing facility. The project is intended to be Phase 1 with additions to be added to this building as subsequent phases with an end-result of an 87,000sf building.

DDA Meeting. The DDA met on September 13th. Primary agenda topics included a presentation by Gourdie-Fraser Associates regarding options and cost estimates in respect to streetscape rehabilitation in the current DDA district, new construction in the expanded district, and discussions regarding police department funding.

Firefighter Advanced Extrication Training. The Clare Fire Department is hosting the subject training on September 27th, 28th, & 29th at the Clare Fire Department and at Fair

Salvage for fire departments throughout the state. The training is being funded by the Michigan State Firefighter Training Council.

Donation of AED. Operator's Union 324 - the organization that donated an estimated \$400K worth of excavating work to assist in constructing the Emerald Isle Athletic Complex - heard of our need for an AED at Emerald Isle and, without solicitation, donated one for our use. The approximate value is \$1,500.

10. *COMMUNICATIONS

FOIA Requests: The most recent FOIA requests & responses were provided for information.

MAC TV Newsletter: MAC TV provided their September newsletter.

11. EXTENDED PUBLIC COMMENT: None.

12. COMMISSION DISCUSSION TOPICS: None.

13. *APPROVAL OF BILLS

Approved by Consent Agenda.

14. ADJOURNMENT

Motion by Commissioner Bonham second by Commissioner Murphy to adjourn the meeting. Ayes: All. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 7:16 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk