

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, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Absent: None. Also present were Ken Hibl, City Manager; Steve Kingsbury, Treasurer; Joy Simmer, Parks & Recreation Director; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Swanson second by Commissioner Murphy to approve the items listed with an asterisk (\*) (Amended Agenda, Minutes, Department Reports, Communications, Second Reading of Ordinance 2017-003, 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. DISCUSSION WITH REPRESENTATIVE JASON WENTWORTH**

Representative Wentworth provided a legislative update to the City Commission. Topics included proposed changes to Michigan's no-fault insurance; P3-a public/private partnership to provide low interest loans to rural northern Michigan businesses; the restructuring of revenue sharing; and concentrated efforts to complete the Clare (rail-trail) Gap.

**B. RECOGNITION OF JON RINGELBERG**

Jon Ringelberg has served as a voting member of the City's Park & Recreation Advisory Board for the past nine years. He has opted not to request renewal of his appointment to the Board, thus the City Commission is asked to recognize him for his service to the City and Board.

Motion by Murphy second by Commissioner Swanson to approve recognition of Mr. Ringelberg by adoption of Resolution 2017-118. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**C. ABANDONMENT OF PUBLIC RIGHT-OF-WAY (PORTION OF W. FOURTH STREET SIDEWALK)**

Mr. Larry Kleinhardt, the proprietor of The Venue, 501 N. McEwan, is the recipient of a façade grant provided by the Michigan Economic Development Corporation. The grant has funded a significant portion of the rehabilitation of this historic building. But Larry has made the decision to go far beyond the scope of the building improvements funded by the grant and expend an undisclosed but noteworthy amount of personal funds to return the building exterior to its original design and stature.

One element of the original design of the building included an exterior entrance to the basement from a sidewalk entry point on West Fourth Street. But the entry point was enclosed, filled, and converted to concrete sidewalk when exterior display windows were added to the building. The scope of work of the façade grant included the removal of the display windows to return the building to its original design. Upon removal of these windows, the original exterior basement windows and the entry point for the exterior basement entrance were revealed.

Larry's intent is to re-install the exterior Fourth Street basement entrance to the building. But to do so, the City will be required to abandon a small portion of sidewalk and the removal of a decorative tree within the sidewalk ROW.

The Clare DDA met on site at the Venue on August 15, 2017 to review the request; the DDA members unanimously recommended approval of Larry's request – five of the DDA's members commenting that they personally recall the existence of the exterior basement entrance.

Section 7.9 of the Charter of the City of Clare stipulates the City must post and publish notice of any intended abandonment of City right-of-way four weeks in advance of consideration to do so; the City has posted the required notice. The Charter further stipulates that if any objection to the abandonment is filed with the City, a 4:1 majority vote of the Commission is required to allow the abandonment. We've received no objection to date.

The City Commission is now asked to hold a public hearing to receive comment related to the proposed abandonment and subsequently act upon the request for abandonment.

Motion by Commissioner McConnell second by Commissioner Murphy to open a public hearing.

Public Comment: None.

Motion by Commissioner Swanson second by Commissioner Murphy to close the public hearing.

Motion by Commissioner Murphy second by Commissioner Swanson to approve the abandonment of a portion of sidewalk by adoption of Resolution 2017-119. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

Following approval, Cheryl Kleinhardt-Byer (Larry's sister) and Morgan Humphrey thanked the Commission on behalf of Larry and Judy Kleinhardt, who weren't able to make the meeting, for their support of this project.

#### **D. ORDINANCE 2017-003 (FIREARMS & HUNTING)**

Subsequent to holding a public hearing, the Clare City Commission considered and approved a first reading of a proposed ordinance to change Sections 30-74 and 28-167 of the Ordinance Codes of the City of Clare, which currently prohibit the carrying or possession of a firearm or bow/crossbow in Clare. This provision of our ordinances is in contradiction with the federal "Open Carry" law, which allows the open carrying of a weapon in public. Consequently, we asked Jaynie to provide us a proposed amendment to correct our ordinance codes; Ordinance 2017-003 is the resultant product of our request.

As all ordinance changes/amendments require the consideration and approval by the City Commission, we now ask the City Commission to allow a Second Reading of the proposed ordinance amendment (completed by consent agenda) and subsequently approve Ordinance 2017-003 for incorporation to the City's Ordinance Codes.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the second reading and adoption of Ordinance 2017-003 by adoption of Resolution 2017-120. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

#### **E. 2017 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 Tuesday this year – to provide families sufficient time to arrive home from work, complete the dinner meal, and still accommodate the trick or treat event.

We've 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. We've also coordinated the recommended hours with Clare Public Schools. We ask the City Commission to set the trick or treat hours for Clare for 6-8pm on October 31.

Motion by Swanson second by Commissioner Murphy to approve the proposed Trick-or-Treat hours for the City by adoption of Resolution 2017-121. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**F. REMAINING PAY ITEMS FOR NEW RECREATION COMPLEX**

Major earthwork and related construction on our new recreation complex is nearing completion. The significant items remaining include the purchase and installation of the irrigation pump; installation of the irrigation system for the soccer fields by Thielen Turf; seeding of the fields by Murin Company (both of these last two items should be completed within the next week to ten days and are being done in coordination with the other); application of top soil to portions of the complex; and seeding and mulching of the remainder of the complex.

The complexity and challenges of this project have been unlike any I've been associated with during my tenure as Clare's city manager – but we've worked through all of them to this point and have achieved success through many unique and innovative solutions, with the cooperation and assistance of multiple contractors, the awesome talents and persistence of our Department of Public Works and our engineer, and the patience and hard work of our Parks & Recreation Board members and the community members who have donated significant time, effort, and resources in raising funds for the project. We now ask that the City Commission approve the remaining pay items (approval to purchase the well pump; approval to pay for the electrical service; approval of a change order for Robbin Harsh Excavating; and acceptance of the seed and mulch quotation from Murin Company) to allow us to complete the first phase of what will be a great community recreation asset.

Motion by McConnell second by Commissioner Swanson to approve the remaining pay items for the new South Recreation Complex by adoption of Resolutions 2017-122, 2017-123, 2017-124, 2017-128. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**G. 2018 MML LIABILITY & PROPERTY POOL BOARD ELECTION**

The City has have received notice of the 2018 MML Liability & Property Board of Directors election. The City Commission is asked to approve the proposed slate provided by the MML Nominating Committee or direct that a write-in candidate(s) be designated.

Motion by Murphy second by Commissioner Swanson to authorize the City Clerk to submit the ballot with the selection of the incumbent candidates by adoption of Resolution 2017-125. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**H. \*BOARD & COMMITTEE APPOINTMENT – PARKS & RECREATION ADVISORY BOARD (PETE SPITZLEY)**

*Approved By Consent Agenda.* Resolution 2017-126.

**I. CHANGE OF CONTRACTOR-JOHN R STREET WATER MAIN PROJECT**

By adoption of its Resolution 2017-082, the City Commission awarded the water main improvement component of the John R Street Improvement Project to Central Michigan Contracting for a contract price of \$39,980. Central Michigan Contract had until August 31st to complete the contracted work, but unfortunately he is so back-logged the earliest he will be able to commence the work in end-September – thus holding up the remainder of our 2017 street projects.

The City has informed Central Michigan Contracting his proposed start date is unacceptable, and he has relinquished his entitlement to complete the work for us. We have concurrently negotiated with Robbin Harsh Excavating, who has agreed to complete the work in question for the same contract price (\$39,980) and commence work immediately. Consequently, the City Commission is asked to approve the change in contractors.

Motion by Swanson second by Commissioner Murphy to approve the change of contractors by awarding the water main component of the John R Street Improvement Project to Robbin Harsh Excavating by adoption of attached Resolution 2017-127. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

8. TREASURER'S REPORT

The Treasurer provided his report.

9. \*DEPARTMENT REPORTS

*Approved By Consent Agenda.*

10. CITY MANAGER'S REPORT

Planning Commission Meeting. The City Planning Commission held its regularly scheduled meeting on September 13th and unanimously approved three site plan applications (Robotic Welded Parts for construction of a new 12Ksf industrial building at its existing site on E. Fourth Street; SharpCo for construction of new 10Ksf industrial building in the City's North Industrial Park; and FCI of Lansing for construction of a new 19Ksf building in the City's South Industrial Park for three medical marijuana facilities) and three medical marijuana special use permits (provisioning license, Class B grow license, and processing center license) applications of FCI.

Blight Updates. I've had personal, on-site discussions with the Mr. Mike Jones of Mike's Landscaping and with a senior employee of Reclaimed Wood to discuss the blight conditions at both of these locations. Both individuals have indicated they will take measures to rectify the current blight conditions on these properties.

Project Updates. W. Seventh Street is complete except for asphalt. Paving will be accomplished at the same time that Beech Street and John R are paved. John R. Street sidewalks have been completed; water main replacement did not commence this week as scheduled; work is now scheduled to commence on Sep 18th. Beech Street is completed except for asphalt and driveway approaches, which will be accomplished at the same time the other streets are paved. Ann Arbor Trail water main installation and pressure testing is completed; however, repetitive water samplings have failed, thus the new main will be re-chlorinated and tested again next week. Curb and gutter work has commenced. The project remains ahead of schedule. Airport Taxiway construction is in progress and is scheduled to be completed by end-October. Witbeck Drive asphalt project (approx. 250') has been completed. New Sports Complex major construction (earth moving) is nearing completion; field preparation for seeding has been completed; seeding and irrigation system installation is scheduled to commence next week.

FOIA Training. Diane has coordinated with the Michigan State Police to host a FOIA training class in Clare and has invited all of our neighboring municipalities. The training will be held at the PMDL on Wednesday, Sep 20th from 9am to 3pm. Approximately 50 attendees are expected. A significant number of the City's department heads (incl. our two Chiefs, Diane, Steve, Dale, & I) and all members of our Clerk's Office are scheduled to attend.

11. \*COMMUNICATIONS

*Approved By Consent Agenda.*

FOIA Requests and Responses: The most recent FOIA requests and responses are provided.

Letters to Michigan Department of Agriculture & Rural Development (MDARD): The City drafted letters to appropriate state officials within MDARD expressing its interest to be considered for a potential site for a dairy processing center.

Letter of Condolence & Regret: The City forwarded a letter of Condolence and Regret to the widow of a local veteran related to an incident at the Cherry Grove Cemetery.

Letter of Support: The City offered the attached letter of support for a grant request of Prosperity Region 5.

12. EXTENDED PUBLIC COMMENT: None.

13. COMMISSION DISCUSSION TOPICS: None.

14. \*APPROVAL OF BILLS

*Approved By Consent Agenda.*

15. ADJOURNMENT

Motion by Commissioner McConnell second by Commissioner Swanson to adjourn the meeting. Ayes: All. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 6:43 p.m.

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Pat Humphrey, Mayor

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Diane Lyon, City Clerk