

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, Pat Humphrey, Jean McConnell, Karla Swanson and Carolyn (Gus) Murphy. Absent: None. Also present were Ken Hibl, City Manager; Steve Kingsbury, Treasurer; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner McConnell second by Commissioner Murphy to approve the items listed with an asterisk (*) (Amended Agenda (addition of L. Extended Engineering Services and the addition of the public hearing for the Beech Street abandonment), Second Reading of Ordinances 2017-004, 2017-005, 2017-006, Minutes, Communications, 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 AMENDED AGENDA:

Approved By Consent Agenda.

5. PUBLIC COMMENT: Jack and Glenna Haring were in favor of vacating Beech Street provided it will not land lock their property on the north side of the (Tobacco) drain.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

A. RECOGNITION- MATT MILLER FOR 6 YEARS OF SERVICE ON THE PARKS & REC ADVISORY BOARD

Matt Miller has served as a voting member of the City's Parks & Recreation Advisory Board for the past six years and eight months. He has submitted his resignation stating time and scheduling conflict, thus the City Commission is asked to recognize him for his service to the City and to the Board.

Motion by Commissioner McConnell second by Commissioner Swanson to formally approve recognition of Mr. Matt Miller by adoption of Resolution 2017-142. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

B RECOGNITION OF DENNY SIAN FOR 10 YEARS OF SERVICE ON THE DOWNTOWN DEVELOPMENT AUTHORITY

Denny Sian has served as a voting member of the City's Downtown Development Authority and Brownfield Redevelopment Authority for the past ten 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 Commissioner McConnell second by Commissioner Swanson to formally approve recognition of Mr. Denny Sian by adoption of Resolution 2017-143. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

C. AIRPORT LOT 307 LEASE AGREEMENT

Mr. Al Schiffer has purchased the existing aviation hangar constructed on Lot 307 of the Clare Municipal Airport Layout Plan from North Ten, LLC. Consequently, he has petitioned the City to have the lease for the lot transferred to reflect that he is the new owner of the hangar on this lot. The City Commission is asked to approve the lease agreement.

Motion by Commissioner Murphy second by Commissioner Swanson to approve the Lease Agreement by adoption of Resolution 2017-144. Roll call vote: Yeas:

Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

D. APPROVAL OF RECREATION COMPLEX PAY APPLICATION – ROBBIN HARSH EXCAVATING, INC.

We've received a pay application from Robbin Harsh Excavating, Inc. in the amount of \$88,720 for work accomplished on the City's new recreation complex. Gourdie-Fraser has reviewed the pay request for accuracy and validity; they have recommended approval of the pay request. The City Commission is asked to approve the payment request.

Motion by Commissioner Swanson second by Commissioner Bonham to approve the payment request by adoption of Resolution 2017-145. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

E. SECOND READING & ADOPTION OF ORDINANCE 2017-004-ZONING CHANGE

Subsequent to holding a public hearing, the Clare City Commission considered and approved a first reading of a proposed ordinance (Ordinance 2017-004) to change the zoning of a parcel of property within the City of Clare from Commercial to Industrial at the request of the property owner, thereby changing to the zoning of the property to coincide with the City's Future Land Use Map.

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 and subsequently approve Ordinance 2017-004 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 2017-004 by adoption of Resolution 2017-146. Roll call vote: Yeas: Commissioners Carolyn (Gus) Murphy and Karla Swanson. Nays: Bob Bonham, Pat Humphrey, and Jean McConnell. Absent: None. *Motion Defeated.*

Mayor Humphrey requested reconsideration of the previous motion second by Commissioner Swanson. Roll call vote: Yeas: Commissioners Carolyn (Gus) Murphy, Pat Humphrey and Karla Swanson. Nays: Bob Bonham and Jean McConnell. Absent: None. *Motion Carried.*

Motion by Commissioner Swanson second by Commissioner Murphy to approve the Second Reading and Adoption of Ordinance 2017-004 by adoption of Resolution 2017-146. Roll call vote: Yeas: Commissioners Carolyn (Gus) Murphy, Pat Humphrey and Karla Swanson. Nays: Bob Bonham and Jean McConnell. Absent: None. *Motion Carried.*

F. SECOND READING & ADOPTION OF ORDINANCE 2017-005-SOLID WASTE

Subsequent to holding a public hearing, the Clare City Commission considered and approved a first reading of a proposed ordinance (Ordinance 2017-005) to amend the City's solid residential waste ordinance by mandating that solid waste containers not be placed curbside more than 24 hours in advance of scheduled pick-up and retrieved within 24 hours of curbside waste collection.

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 and subsequently approve Ordinance 2017-005 for incorporation to the City's Ordinance Codes.

Motion by Commissioner Bonham second by Commissioner Murphy to approve the Second Reading and Adoption of Ordinance 2017-005 by adoption of Resolution 2017-147. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

G. SECOND READING & ADOPTION OF ORDINANCE 2017-006-MEDICAL MARIHUANA REGULATIONS

Subsequent to holding a public hearing, the Clare City Commission considered and approved a first reading of a proposed ordinance (Ordinance 2017-006) to add a new chapter to the City's Ordinance Code governing and regulating Medical Marihuana. This ordinance was drafted and recommended for approval by the Clare City Attorney as an umbrella ordinance regarding the control and licensing of medical marihuana facilities within the City.

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 and subsequently approve Ordinance 2017-006 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 2017-006 by adoption of Resolution 2017-148. Roll call vote: Yeas: Commissioners Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: Bob Bonham and Jean McConnell. Absent: None. *Motion Carried.*

H. APPROVAL OF ELECTION YEAR RESOLUTION

The Charter of the City of Clare stipulates the City is required to hold annual elections for its city commissioners and that commissioners shall serve three-year terms. Compliance with this aspect of the City Charter can be an unnecessary expense and oftentimes simply doesn't make sense – a great example being our current November election with two of our city commissioners running unopposed for their incumbent offices and no other referendum subjects on the ballot.

Generally speaking, we are obligated to abide by the requirements of our Charter unless superseded by state or federal law. And the only way to amend the City Charter is by appointment of a Charter Commission, which is a lengthy process ultimately requiring a vote of the municipality's electorate and approval by the Governor. But as our current requirement to hold annual elections even when it does not make sense to do so is not unique only to our Charter and our municipality, the State of Michigan has passed a law allowing local governing bodies to adopt a Resolution to hold general municipal elections on even years and concurrently changing the terms of office of its elected body to four-year terms to synchronize the election of our city commissioners with the even-year elections without the process of a Charter amendment. Our City Attorney has provided us an implementing Resolution (Resolution 2017-149) to accommodate that change. The City Commission is asked to hold the required hearing and decide whether to adopt the resolution.

It should be noted that adopting this Resolution does not preclude holding odd-year elections for specific ballot issues, e.g., voter-approved millages, voter-approved bond sales, school elections, etc.

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

Public Comment: None.

Motion by Commissioner Bonham second by Commissioner McConnell to close the public hearing.

Motion by Commissioner Swanson second by Commissioner McConnell to approve the Election Year Resolution by adoption of Resolution 2017-149. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

I. VACATE BEECH STREET RIGHT-OF-WAY BETWEEN FIRST STREET AND SECOND STREET

A portion of the City's existing Beech Street Right-of-Way courses through the Johnston's Elevator complex in the south sector of the City. The City has no intent to develop or use this right-of-way. But there is potential for the proprietors of Johnston Elevator to use this property for future development. Consequently, the City has published notice of the City's intent to abandon this portion of the City's Beech Street Right-of-Way. The City Commission is now asked to hold a public hearing to receive comment related to the proposed abandonment and subsequently approve this proposal.

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

Public Comment: Jack and Glenna Haring restated were in favor of vacating Beech Street provided they have access to their property on the north side of the (Tobacco) drain. The Harings provided additional comment that city property on the north side of the drain is not properly maintained. Commissioner Bonham offered that the Department of Public Works (DPW) is unable to mow in that area when it is wet. C/M Hibl will address the complaint with the DPW.

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

Motion by Commissioner McConnell second by Commissioner Bonham to approve the abandonment of Beech Street Right-of-Way between First and Second Streets by adoption of Resolution 2017-150. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

J. APPROVAL OF RECREATION COMPLEX PAY APPLICATION – MURIN COMPANY

We've received a pay application from Murin Company for work accomplished on the City's new recreation complex. Gourdie-Fraser has reviewed the pay request for accuracy and validity; they have recommended approval of the pay request. The City Commission is asked to approve the payment request. The cost to the City is \$34,466.35. Funds have been budgeted for this expense and are available. We have withheld 15% of the total contract amount until next spring to ensure that the grass seed germinates.

Motion by Commissioner Murphy second by Commissioner Swanson to approve the payment request by adoption of Resolution 2017-151. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

K. APPROVAL OF ANN ARBOR TRAIL REHABILITATION PROJECT PAY APPLICATION – MCGUIRK SAND & GRAVEL

We've received a pay application from McGuirk Sand & Gravel for work accomplished on the City's Ann Arbor Trail Rehabilitation Project. Gourdie-Fraser has reviewed the pay request for accuracy and validity; they have recommended approval of the pay request. The City Commission is asked to approve the payment request.

The cost to the City is \$140,931.78. Funds have been budgeted for this expense and are available. We hope to have the final pay application submitted to the City Commission within the next two weeks with "0" retainage, thereby allowing us to request close-out for the grant to facilitate eligibility for the next round of ICE grants.

Motion by Commissioner Murphy second by Commissioner Swanson to approve the payment request by adoption of Resolution 2017-152. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

L. APPROVAL OF ANN ARBOR TRAIL REHABILITATION PROJECT ADDITIONAL ENGINEERING SERVICES – GFA

Due to the extremely favorable construction bids we received for the Ann Arbor Trail Infrastructure Capabilities Enhancement (ICE) Grant Project, we requested and the Michigan Economic Development Corporation approved an amendment to the original grant application, thereby allowing us to nearly double the scope of the enhancement project. We (the City Staff) asked the City Commission to approve the amended construction aspect of the project, but to our chagrin, we discovered today that we failed to ask for the Commission's approval to commensurately approve additional costs for the engineering services of this expanded project. We ask the Commission to do so now.

Motion by Commissioner Bonham second by Commissioner Swanson to approve the payment request by adoption of Resolution 2017-155. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

E. *BOARD & COMMITTEE APPOINTMENTS –
LINDA GUILIANI-PARKS & RECREATION ADVISORY BOARD
Approved by Consent Agenda-Resolution 2017-153
CHRISTINE DUHAIME-DOWNTOWN DEVELOPMENT AUTHORITY
Approved by Consent Agenda-Resolution 2017-154

8. TREASURER'S REPORT

The Treasurer presented his report.

9. CITY MANAGER'S REPORT

Planning Commission Meeting. The City Planning Commission held a special meeting on October 25th to consider a request of the Herrick House to construct a 374sf addition to its existing building to accommodate additional cold and dry storage space; the request was unanimously approved. The Commission is scheduled to hold a regularly-scheduled meeting on November 8th to consider a site plan application and two special use permits for medical marijuana (a cultivation facility and a processing center).

Bridge Safety Inspection Quality Assurance Visit. We have been selected to undergo a QA visit of our bridge inspection program. The visit is scheduled for November 14th.

Resident Concerns – Halloween Trick or Treat Safety. We received a call on November 1st from a long-term Clare resident expressing her concerns regarding the safety of young trick or treaters due to the apparent disregard of vehicle drivers and also concern regarding the large number of teen-aged trick or treaters. The caller stated she will no longer participate in trick or treat activities due to the escalating cost and her concern that her continued participation will contribute to her increasing safety concerns; she strongly recommended that Clare cease door-to-door trick or treat activities and work with local churches and/or non-profit organizations to designate one or two central locations within the City where trick or treaters can come to keep them off the street. We also received concerns from a local school teacher and resident asking that the City cease trick or treat activities on school nights and schedule these activities on weekends to ensure the trick or treat activities do not interfere with school activities.

Project Updates. W. Seventh Street and John R. Street are essentially complete except for the final coat of asphalt, which was scheduled to be completed on Thursday, Nov 2nd but was cancelled due to weather conditions; the paving has been rescheduled for Monday, November 6th. Beech Street is completed. Ann Arbor Trail construction work is complete and the roadway is open to vehicular traffic; however, there are four pedestrian crosswalk sites where storm water is collecting/pooling. Gourdie-Fraser has met with McGuirk Contracting and the two entities have developed a "fix" to the existing problem by installing three large drain structures behind the east sidewalk to capture and release the standing storm water. The new structures are scheduled to be installed on November 6th. McGuirk and GFA have agreed to share in the costs of this "fix". Airport Taxiway Project: Paving had to be cancelled due to compaction issues with the taxiway substructure. It was determined that the sand used for the base was at fault, thus the contractor and his materials vendor will bring new materials to the work site to mix with the existing sub-base materials. We do not anticipate there will be additional costs unless the proposed solution does not work. Paving of the taxiway is rescheduled for

next spring. New Sports Complex Update – All work is essentially complete; we are now waiting for the grass to grow.

Closure of City Offices. In compliance with our respective bargaining agreements, City Offices will be closed on November 15th.

Veteran's Day Closure. For the past two-plus decades, City Hall has closed to the public on Veteran's Day; the day was used as an administrative (file cleaning, general housekeeping, document destruction, etc.) day. Due to two primary factors (more reliance on digital files/fewer paper files and significantly improved efficiency of our departments), we will not close City Hall this year (Veteran's Day is on Saturday, but we would normally have closed on Friday, Nov 10th in the past). We will evaluate annually whether we need to continue the practice of using this date for an administrative day and be close to the public for this purpose.

Lake Shamrock Board Meeting. We are attempting to schedule another Lake Shamrock Board meeting to honor the request of The Lake Shamrock Association. Due to scheduling conflicts and non-availability of Lake Board members, we've not been successful in finding a date that is workable; we will continue in our efforts to do so.

MML Workers Comp Fund Audit Results. Based on the results of the MML's 2016/2017 audit, we received a reimbursement check for overpayment of fees – Great News...particularly since the reimbursement is a significant amount.

Absence. I will be out of the state for the period November 7-15; Steve will be the Acting City Manager during my absence.

November 20th City Commission Read-Ahead Packet. Due to my absence thru Nov 15th (first day back in the office on Nov 16th) and Diane's scheduled all-day attendance at a strategic planning session for MAC-3 TV on Nov 16th, the Commission read-ahead packet delivery for the November 20th Commission meeting will be delayed by one day – anticipate receiving the packet on Nov 17th vs. Nov 16th.

Blight Update. Reclaimed Wood has informed their landlord that they do not intend to renew their lease agreement and plan to move from their Clare location by year-end. Jaynie has petitioned the courts in Isabella County to allow her to reinstate her petition against Steve Lalonde, thereby eliminating the need to "start all over again". Mike Jones has provided us a very rudimentary outline of his proposed clean-up intentions at the Mike's Landscape location, and he has completed some general, visible housekeeping tasks. It's a start.

Storm Water Issue – Glendale & Rainbow. I received a voice mail from Kathy Rendel and spoke to her again today; she owns a residence on Glendale that is being sold. Kathy is in Florida and advised that she had a cash sale pending for the residence in Clare. The potential purchaser walked away from the sale due to standing water in the back yard of the residence; she blames the City for the loss of the sale and believes the standing water is the fault of the City due to a clogged storm drain. But in reality this blame is misplaced. This residence and two others (one on Rainbow and one on Fifth Street) share a back yard with a very large depression that collects storm water with no means to drain or escape as there is no collection system that services the depression – it is not connected to the City's storm drain system, thus the only way for the water to escape is through evaporation and soil absorption. We have entered on the property and took an elevation reading at the lowest point of the depression. Much to our surprise, there is sufficient elevation (the lowest point of the depression is approximately 3.5' above our storm drain on Rainbow) to place a manhole on the property and install a drain to connect to the City's storm drain system on Rainbow. We are confident our system is capable of accepting this storm water without issue and will gladly allow the connection to be made. But the storm basin and drain would have to be installed on private property – thus it is the collective responsibility of the three property owners to determine whether they wish to share the costs of installing the collection basin and piping to connect to the City system. I've left a voice mail for Ms. Rendel to explain this situation but have not received a reply. As a side bar, Al is also working with MDOT as it appears that a portion of the storm water from East Fifth Street could be contributing to Ms. Rendel's storm water issue; MDOT has their engineering staff studying the matter and will provide

us their assessment/evaluation. Commissioner Bonham noted that there used to be a structure in Rendel's back yard. He speculated that the drain may have been plugged when Rendel's removed that structure.

Addendum: The Clare County Sheriff's Department will cover shifts on the eve of the Police Department's Christmas party so that the part-time officers will be able to attend.

11. *COMMUNICATIONS

FOIA Requests and Responses: The most recent FOIA correspondence was provided from requestors Fowler; Dunn.

Clare County Hazard Mitigation Plan Review: Jerry Becker provided a copy of the most recent Hazard Mitigation meeting minutes.

Complaint Letter: Mr. David Roswig has submitted another letter of complaint regarding Pleasant Valley Estates.

Mac TV Newsletter: MAC TV provided their October 2017 Newsletter.

Blight Elimination Plan: A business owner (Mike's Landscaping) submitted a blight elimination plan to the City.

SESAC Performance License Correspondence: We received correspondence from SESAC regarding music licensing.

SOS Press Release: The Secretary of State provided a press release regarding a grace period for license plate renewal.

Thank You: Doyle Township sent a thank you letter for the donation of Jaws of Life equipment.

12. EXTENDED PUBLIC COMMENT: None.

13. COMMISSION DISCUSSION TOPICS: A consensus of the City Commission determined that they would hold a combined meeting with the Planning Commission on November 8 at 6:00 pm, at the Pere Marquette District Library to discuss the current and future provisions for Medical Marihuana Ordinances.

C/M Hibl reported that County Commissioner Strouse has not been at our meetings as of late due to his wife's failing health.

Commissioner Swanson inquired about the status of Fifth Street Auto's Occupancy Permit for his new building because demolition of the burned building on site appears to be progressing very slowly. Al Jessup has been working with the owner to get him to complete demolition of the burned out building.

Commissioner Bonham was dismayed at being caught off guard by a city resident who had confronted him about the Election Year Change notice which had been published in the local paper. The City Clerk will begin forwarding all public notices to the City Commission to remedy this issue.

Commissioner Bonham criticized the Fire Department for sending out late notice about this year's annual steak fry. C/M explained that the date was decided at the last minute.

14. *APPROVAL OF BILLS

Approved By Consent Agenda.

15. ADJOURNMENT

Motion by Commissioner Murphy second by Commissioner McConnell to adjourn the meeting. Ayes: All. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 7:08 p.m.