

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 & Finance Director; Michelle Bott, Deputy Treasurer; Diane Lyon, City Clerk; and Brian Gregory along with several members of the Clare City Police Department and Mobile Medical Response.

2. CONSENT AGENDA:

Moved by Commissioner McConnell second by Commissioner Murphy to approve the items listed with an asterisk (\*) (Amended Agenda, Minutes, Communications, Board & Committee Appointments, First Reading of Ordinances 2017-007 & 2017-009, 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: None.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

**A. OATH OF OFFICE-COMMISSIONERS BOB BONHAM & JEAN MCCONNELL**

The City of Clare's residents have re-elected Commissioners Bob Bonham and Jean McConnell to serve another three-year term as City Commissioners of the Clare City Commission.

City Clerk Diane Lyon administered the oath of office to Commissioners Bonham and McConnell.

**B. PRESENTATION OF LIFE SAVING PINS**

Mr. David Isaac, a long-time Clare business man, sustained a heart attack while attending a football game at the Clare High School Athletic Complex on October 27th. Dave is alive today because of the immediate response of members of the Clare Police Department, members of MMR, and a retired nurse (who has asked to remain anonymous). The performance of these individuals is deserving of recognition and merit— thus the Mayor presented Life Saving Pins to these individuals at tonight's scheduled Commission meeting.

**C. ELECTION OF MAYOR**

The Charter of the City of Clare stipulates that the Clare City Commission shall elect a member of the commission to serve as the City's mayor at the first meeting following the scheduled November election. The commission is asked to take the necessary steps to elect the city's mayor by calling for nominations and subsequently electing a commissioner to serve in this capacity.

Nomination by Commissioner Murphy second by Commissioner Swanson for Commissioner Humphrey to serve as the City's Mayor.

Motion by Commissioner Bonham second by Commissioner Murphy to close nominations. Ayes: All. Nays: None. Absent: None. *Motion Carried.*

Motion by Commissioner Swanson second by Commissioner Murphy to elect Pat Humphrey of the City Commission to serve as the Mayor of the City of Clare by adoption of Resolution 2017-156. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Gus Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**D. ELECTION OF MAYOR PRO TEM**

The Charter of the City of Clare stipulates that the City Commission may, at its discretion, designate one of its members to serve as the City's Mayor Pro Tem to accomplish mayoral duties during any absences of the Mayor. The City Commission has traditionally designated a Mayor Pro Tem and is asked to consider whether it desires to continue this tradition.

Nomination by Commissioner Swanson second by Commissioner Murphy for Commissioner McConnell to serve as the City's Mayor Pro Tem.

Motion by Commissioner Bonham second by Commissioner Murphy to close nominations. Ayes: All. Nays: None. Absent: None. *Motion Carried.*

Motion by Commissioner Swanson second by Commissioner Murphy to select Jean McConnell of the City Commission to serve as the Mayor Pro Tem of the City of Clare by adoption of Resolution 2017-157. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Jean McConnell, Gus Murphy, and Karla Swanson. Nays: None. Absent: None. *Motion Carried.*

**E. PRESENTATION AND APPROVAL OF FY16/17 AUDIT**

The public accounting firm of Andrews, Hooper & Pavlik (AHP) of Midland, Michigan conducted an independent audit of the City of Clare's financial records for the City's fiscal year ending June 30, 2017. A qualified representative from the firm is scheduled to publicly present the results of the audit to the Clare City Commission at its regularly scheduled meeting on November 20, 2017. The audit results are unqualified meaning that no significant adverse findings were discovered or noted during the course of the independent audit. A draft copy of the complete audit report was provided for the Commission's review prior to tonight's meeting.

The Treasurer/Finance Director, City Clerk and City Manager will have each reviewed the audit report prior to the meeting and will have formally acknowledged the results in writing.

The City Commission is asked to formally approve the audit findings and results as presented by Andrews, Hooper & Pavlik.

Motion by Commissioner Bonham second by Commissioner Swanson to approve the audit findings by adoption of Resolution 2017-158. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Jean McConnell and Karla Swanson. Nays: None. Absent: None. *Motion approved.*

**F. ORDINANCE AMENDMENT 2017-007, CHAPTER 40 (DEMONSTRATIONS)**

Based on recurring national events involving public protests and demonstrations and the violence (and resultant injuries) associated with those events, the City Staff believes it prudent to amend our existing ordinance codes to incorporate prudent, common sense prohibitions of items allowed to be carried by demonstrators/protesters to ensure the public safety of our community.

Our City Attorney has drafted an amendment to our current codes (Ordinance 2017-007) outlining the items prohibited to be carried by public demonstrators and protestors in our community.

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 notices announcing the hearing have been published. Subsequent to the conduct of the hearing, the Commission has the options of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the ordinance/zoning change.

The City Commission is asked to conduct the required public hearing, consider and discuss the proposed amendment, and direct a First Reading of the proposed Ordinance.

Motion by Commissioner McConnell second by Commissioner Swanson to open 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 approved.*

Public Comment: None.

Motion by Commissioner McConnell second by Commissioner Murphy 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 approved.*

**G. APPROVAL OF RENTAL AGREEMENT-PITNEY BOWES**

The City's rental agreement for a mail metering/mailing system with Pitney Bowes will expire in January. In order to get the equipment shipped to us by the end of the year for setup in January, our agreement with Pitney Bowes must be approved and submitted to the government specialist at Pitney Bowes for processing. Pitney Bowes is the market leader providing exceptional service and the only vendor in the nation that provides USPS approved meters; consequently, the City has one of two choices:

- Renew the agreement with Pitney Bowes.
- Do not use a mail/metering system, thereby requiring our administrative staff to hand-carry all mail to the post office for weighing, metering, and affixing of required postage.

For the sake of efficiency and effectiveness, the City staff strongly urges renewal of the agreement.

Motion by Commissioner Murphy second by Commissioner Bonham to Commission approve the Rental Agreement with Pitney Bowes by adoption of Resolution 2017-159. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

**H. APPROVAL OF ANN ARBOR TRAIL PROJECT PAYMENT #2 -MCGUIRK SAND & GRAVEL**

We have received pay application #2 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 requests.

Motion by Commissioner Murphy second by Commissioner Swanson to approve the pay request by adoption of Resolutions 2017-160. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

**I. APPROVAL OF RECREATION COMPLEX PAYMENT-THIELEN TURF**

We've received a pay application from Thielen Turf for work accomplished on the City's new recreation complex. We've reviewed the pay request for accuracy and validity. The City Commission is asked to approve the payment request.

Motion by Commissioner McConnell second by Commissioner Murphy to approve the pay request by adoption of Resolutions 2017-162. 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 PAYMENT FOR PURCHASE OF BODY ARMOR**

By adoption of Resolutions 2017-102 and 2017-106, the City Commission approved the purchase of eight ballistic vests for the Clare Police Department. We now ask that the City Commission complete the purchase of the three remaining sets of ballistic panels and four remaining vests (carriers), thereby completing the entire complement of vests that were included in the City's 2017/2018 Capital Improvement Program and Budget.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the purchase of bullet proof vests by adoption of Resolutions 2017-163. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy, Karla Swanson and Jean McConnell. Nays: None. Absent: None. *Motion Carried.*

**K. ORDINANCE AMENDMENT 2017-009, CHAPTER 27, ARTICLE III (MEDICAL MARIHUANA)**

Based on recurring national events involving public protests and demonstrations and the violence (and resultant injuries) associated with those events, the City Staff believes it prudent to amend our existing ordinance codes to incorporate prudent, common sense prohibitions of items allowed to be carried by demonstrators/protesters to ensure the public safety of our community.

Our City Attorney has drafted an amendment to our current codes (Ordinance 2017-007) outlining the items prohibited to be carried by public demonstrators and protestors in our community.

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 notices announcing the hearing have been published. Subsequent to the conduct of the hearing, the Commission has the options of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the ordinance/zoning change.

The City Commission is asked to conduct the required public hearing, consider and discuss the proposed amendment, and direct a First Reading of the proposed Ordinance.

Motion by Commissioner Bonham second by Commissioner McConnell to open 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 approved.*

Public Comment: None.

Motion by Commissioner Swanson second by Commissioner Murphy 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 approved.*

**L. \*BOARD & COMMITTEE APPOINTMENT RENEWALS**

(1) *Tree Advocacy Group – Jeanne Shelander. Approved by Consent Agenda-Resolution 2017-164.*

(2) *Local Development Finance Authority – Mary Warner. Approved by Consent Agenda-Resolution 2017-165*

**8. TREASURER'S REPORT**

The Treasurer presented his report. He acknowledged Michelle Bott for her assistance in preparing for the audit.

**9. CITY MANAGER'S REPORT**

Planning Commission Meeting. Subsequent to its combined meeting with the City Commission on November 8th, the City Planning Commission also approved a site plan (two 28Ksf industrial buildings and three 10Ksf greenhouses) and two special use permits for a medical marijuana grow facility and a processing center at the November 8th meeting. The Commission's next meeting is scheduled for Dec 13th; the Commission is tentatively scheduled to consider a number of Special Use Permits (group day care facilities and a counseling & rehabilitation organization).

Bridge Safety Inspection Quality Assurance (QA) Visit. The QA visit went well – no major findings or items requiring correction. We learned that we only own one bridge (Woodlawn) that meets the criteria for national review; the span on all of our remaining bridges is below criteria levels.

Closure of City Offices. City offices will be closed on November 23rd and 24th in observance of Thanksgiving.

Lake Shamrock Board Meeting. A board meeting is scheduled for November 27th @ 6pm @ PMDL.

Storm Water Issue – Glendale & Rainbow. We have confirmed that this storm water issue was not caused by the City and is not the responsibility of the City to repair – it is a private drain that is connected to the City’s storm system on Rainbow. The most recent storm water issue was likely caused in great part by the removal of the private structure that collected this storm water.

Music Royalty Fees. We are now obliged to pay music royalty fees to all three royalty “watch-dog” groups (ASCAP, BMI, and SESAC) for music and events that occur in our community. Our annual fees are now approximately \$1,200 annually. Failure to pay these fees can result in penalty fees and court costs.

Addendum: The Clare PD wrote 50 parking tickets last night for parking in the city streets between the hours of 3:00 am and 6:00 am.

11. \*COMMUNICATIONS

FOIA Requests and Responses: The most recent FOIA correspondence was provided. TriTerra; Dunn, Lypka.

Clare County Hazard Analysis Report: The County report was provided.

Complaint Letter: Mr. David Roswig submitted two more letters of complaint – the first regarding the City’s Police Department and Fire Department; the second to DPW. The City provided two response letters.

Letter of Support for County Civil Infractions Ordinance: the City provided a letter of support to a proposal made to the Clare County Board of Commissioners by our City Attorney.

SOS Express News: The most recent addition was provided.

12. EXTENDED PUBLIC COMMENT: None.

13. COMMISSION DISCUSSION TOPICS: Commissioner McConnell announced that she will be absent from the December 4<sup>th</sup> meeting.

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 6:51 p.m.

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Pat Humphrey, Mayor

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Diane Lyon, City Clerk