

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, Karla Swanson and Carolyn (Gus) Murphy. Absent: Jean McConnell. Also present were Ken Hibl, City Manager; Steve Kingsbury, City Treasurer; Dale Clark, WWTP Superintendent; Al Jessup, DPW Director; Luke Potter, Asst. DPW Director; Joy Simmer, Parks & Recreation Director; Mary Warner, DPW Secretary; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Swanson second by Commissioner Murphy to approve the items listed with an asterisk (*) (Agenda, Minutes, Communications, and Bills) that are considered to be routine by the City Commission. Ayes: All. Nays: None. Absent: Jean McConnell. *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. RECOGNITION OF MRS. JUDY BRANKEL

The City formally recognized Judy Brankel in April by adoption of Resolution 2018-029, for her outstanding service to our community with the Parks & Recreation Board. Unfortunately, Judy's medical condition at the time precluded her from attending the City Commission meeting to allow personal presentation of the resolution adopted by the Commission in her honor. Judy's medical situation is much-improved, so we asked her to attend the Dec 3rd meeting to allow the Commission to personally thank her for her service. The Commission thanked Judy for her service and Mayor Humphrey presented the framed Resolution to her.

B. PRESENTATION OF FISCAL YEAR 2017/2018 AUDIT RESULTS

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, 2018. The Treasurer/Finance Director, City Clerk and City Manager have each reviewed the audit report prior to the meeting and have formally acknowledged the results in writing.

Representatives Duane Reyhl and Jennifer Feurstein presented the results of the audit to the Clare City Commission. The audit results are unqualified meaning that no adverse findings were discovered or noted during the course of the independent audit.

The City Commission is asked to formally approve the audit findings and results as presented by a qualified senior staff member of the public accounting firm Andrews, Hooper & Pavlik.

Motion by Commissioner Bonham second by Commissioner Swanson to approve the audit findings by adoption of Resolution 2018-149. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: Jean McConnell. *Motion Carried.*

C. DISCUSSION TOPIC-CHERRY GROVE CEMETERY ROADWAYS

The Cherry Grove Cemetery Advisory Board has requested an audience with the City Commission to discuss the rehabilitation/paving of the roadway system within the City's cemetery; we've scheduled the requested discussion for tonight's Commission meeting.

Mr. Jason Koch and Reverend Margaret Vredevelde were present as representatives of the Cherry Grove Cemetery Advisory Board.

Mr. Koch has completed significant research regarding options and recommendations regarding this needed project and therefore served as the primary spokesman for the Board regarding the topic.

Mr. Koch consulted Mr. Deepak Gupta from the Clare County Road Commission regarding recommendations for roadway repairs. Chip Seal would be the least costly at approximately \$23,733 and should last for 7 years; Paving/Asphalt Overlay (1 ½”), which Mr. Gupta recommended due to structural needs, would run around \$81,450, lasting up to 20 years or more.

Commissioner Bonham stated that the cracking roadways occurred because the City did not have the funds to put in a gravel base prior to paving the cemetery roadways. The current pavement could be pulverized to serve as a base for paving however the cost to pulverize and pave would be very expensive.

Due to the expense involved and limited City funds available for this project, Reverend Vredevelde suggested that a fundraiser might be a good way to raise money for the project.

CM Hibl offered that city staff will investigate what the requirements would be for the cemetery roads to qualify for Act 51 funding under local streets.

The City Commission thanked the Board members for their commitment to maintaining the cemetery, for their research, and for their suggestions for improvements to the cemetery.

D. AMEND RESOLUTION 2018-106 (LAKE SHAMROCK DREDGING PERMIT)

By adoption of Resolution 2018-106, the City Commission authorized the expenditure of \$20K to facilitate the submittal of a dredging permit application. As reflected in the attached email exchange with Tony Groves of Progressive Engineering, the actual costs incurred to collect the needed samples to support the permit application exceeded the cost authorized by the City Commission by \$542. Tony has confirmed those are the final costs of the sampling work. Consequently, the Commission is asked to amend its original funding expenditure authorization to include the additional costs.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the amendment of Resolution 2018-106 by adoption of Resolution 2018-150. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: Jean McConnell. *Motion Carried.*

E. INFORMATION TOPIC: MICHIGAN'S NEW LEAD & COPPER RULES

Michigan has instituted new lead and copper rules that are the most stringent & toughest in the nation. We (and all other Michigan communities) are still assessing the impact of the new rules. Dale Clark, Steve Kingsbury, Al Jessup, & I have all attended various informational conferences and seminars on the subject. And at each of those educational sessions, we learn just a bit more - but we are far from being “experts” on the topic, and we are not yet in a position that will allow us to provide the Commission an accurate assessment of the impact or the cost of implementing the new rules. However, we are at the juncture that we need to share with the City Commission and the public what we know to date and then will add to that knowledge-sharing process as we implement the new rules.

One of the most immediate requirements of the new rules is that we must complete a 100% physical inventory of all the water service lines within our community by January 1, 2020. The inventory will require a physical inspection and likely require entrance into all the residential, commercial, and industrial structures to which we provide water service. Consequently, our first step must be to inform and educate our water system customers of the new rules; we intend to commence this process in December - thus reiterating the need to share and discuss this info with the City Commission.

A PowerPoint presentation from the most recent MML seminar held in Marshall a few weeks ago, a summary sheet of the new rules, and a Q&A document regarding the new rules was presented to the Commission.

As a side bar and attached only for informational purposes is the Request for Declaratory Ruling that was filed by the legal firm, Miller Canfield, on behalf of the Great Lakes Water Authority, the Detroit Water & Sewerage Department, and Oakland County. As you will recall, the City Commission supported this action by adoption of its Resolution 2018-125. MDEQ has denied the request.

F. MEETING EXCUSAL – MAYOR PRO TEM JEAN MCCONNELL

The City Charter stipulates "...that if a commissioner shall miss five consecutive regular meetings of the commission or twenty-five percent or more of such meetings in any fiscal year of the city, unless such absence shall be excused by the commission and the reason therefore entered in the proceedings, his office shall become vacant."

Mayor Pro Tem Jean McConnell has informed the City that she is unable to attend the next-scheduled meeting and has requested that they be excused from attending the December 3rd scheduled Commission Meeting.

The Commission has a long-standing history to excuse commissioners in otherwise good standing from attendance at scheduled meetings for good cause. It is the City Commission's prerogative whether to honor the request of Mayor Pro Tem McConnell.

Motion by Commissioner Bonham second by Commissioner Swanson to approve excusal of Commissioner McConnell by adoption of Resolution 2018-151. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: Jean McConnell. *Motion Carried.*

8. TREASURER'S REPORT

The Treasurer presented his report.

9. CITY MANAGER'S REPORT

ZBA Meeting. The Zoning Board of Appeals is scheduled to meet on December 6, 2018 to consider a variance request associated with the proposed new Mercantile Bank Building tentatively scheduled for construction next spring - pending site plan approval at the December 12th Planning Commission meeting.

Planning Commission Meeting. The Planning Commission is scheduled to meet on December 12th. Primary agenda topics include the proposed Mercantile Bank site plan, a Special Permit application for a Class C Medical MJ license, and consideration of its annual report.

DDA Meeting. The next DDA meeting is scheduled for December 14th. Primary agenda topics are an "opt in" resolution of the Pere Marquette District Library to allow capture of taxes that would otherwise be exempt and to discuss a proposal for reverse angle parking in the City's downtown district.

Michigan Recreation MJ Penalty Chart. Our City Attorney has provided us a recreational marihuana use penalty chart for informational purposes.

Public Notice - Proposed Water System Improvement Project. We met with our USDA representative last week to review our options regarding our water improvement projects - in particular our possible eligibility for a USDA grant to replace two additional water wells that lie within the profile of the EPA Superfund Site. Based on that meeting, we have determined our best option is to notice our intent to do both projects simultaneously, resulting in a \$3.3M project - more than doubling the initial amount of our water project for which we are obtaining a USDA loan. If it is determined we do not meet the eligibility requirements for the grant portion of the proposed project, we will simply proceed with the loan portion of the project. The public hearing to receive comment pertaining to the two proposed projects is scheduled for the Dec 17th City Commission meeting.

Out of Office. I will be out of the office the better part of Thu, Dec 6th and Dec 7th to attend the quarterly board of directors meeting of the MML's Property & Liability Pool in Frankenmuth.

Addendum:

Additional Election Duties: The City Clerk has received notification that due to the passing of proposal 3, additional election duties will be required. We anticipate 12 – 20 of added hours of work per month during regular months with a much larger number of hours being required as an election nears.

10. ***COMMUNICATIONS**

FOIAs The most recent FOIA request is attached: McLaren Central Michigan Hospital.

11. **EXTENDED PUBLIC COMMENT:** None.

12. **COMMISSION DISCUSSION TOPICS:** Commissioner Bonham inquired about whose responsibility it is to remove summer decorations from Cherry Grove Cemetery. Commissioner Murphy suggested that DPW inform business owners who place decorations on the downtown sidewalks in the winter to clear the snow around the decorated area so that the sidewalk plow doesn't have to clear snow around the decorations which would take additional time and opens up the potential to damaging the decorations.

13. ***APPROVAL OF BILLS**

Approved By Consent Agenda.

14. **ADJOURNMENT**

Motion by Commissioner Bonham second by Commissioner Swanson to adjourn the meeting. Ayes: All. Nays: None. Absent: Jean McConnell. *Motion Carried.* Meeting adjourned at 7:42 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk