

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. in the Commission Chambers by City Clerk Diane Lyon who led the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Carolyn (Gus) Murphy, and Karla Swanson. Absent: Pat Humphrey and Jean McConnell. Also present were Ken Hibl, City Manager; Steven Kingsbury, Treasurer and Finance Director; Brian Gregory, Police Chief; and David Saad, Police Captain.

2. CONSENT AGENDA:

Moved by Commissioner Murphy second by Commissioner Swanson to approve the items listed with an asterisk (*) (Amended Agenda, Minutes, Board and Committee Appointments, Communications, and Bills) that are considered to be routine by the City Commission. Ayes: All. Nays: None. Absent: Pat Humphrey and Jean McConnell. *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. NOMINATION OF A COMMISSIONER TO SERVE AS CHAIR OF THE MEETING

Mayor Humphrey requested and received approval from the Commission for excusal from the Commission's February 16th and March 7th regularly scheduled meetings (Resolution 2016-012). Mayor Pro Tem Jean McConnell was unable to make tonight's scheduled meeting due to illness. Therefore a nomination was requested for one of the three available Commissioners to serve as chair for tonight's scheduled meeting.

Motion by Commissioner Swanson second by Commissioner Murphy to nominate Commissioner Bonham to serve as chair for tonight's scheduled meeting.

Motion by Commissioner Swanson second by Commissioner Murphy to close nominations.

Motion by Commissioner Swanson second by Commissioner Murphy to approve Commissioner Bonham's nomination to serve as chair. Ayes: All. Nays: None. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

B. FINAL CONTRACTOR PAYMENT TO MALLEY CONSTRUCTION-COLONVILLE ROAD

The contractor awarded the contract to reconstruct the portion of E. Colonville Road owned by the City has submitted their fourth and final application for payment along with the Second and Final Change Order. The City's engineer for this project Gourdie-Fraser has reviewed the application for payment and the change order and has verified that all indicated work has in fact been satisfactorily completed and that all costs included within the application for payment have in fact been purchased by the contractor for the City's Colonville Road project.

Motion by Commissioner Swanson second by Commissioner Murphy to approve payment to Malley Construction by adoption of Resolution 2016-019. Roll call vote: Yeas: Commissioners Bob Bonham, Carolyn (Gus) Murphy, and Karla Swanson. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

C. REQUEST FOR INDUSTRIAL FACILITIES TAX EXEMPTION – STAGERIGHT

StageRight Incorporated has filed an application with the City of Clare for issuance of a twelve (12) year Industrial Facilities Exemption Certificate for abatement of personal property taxes for the cost of new manufacturing equipment valued at \$3,786,000.

The City Commission is asked to formally consider the tax abatement request of StageRight. In doing so, the Commission is required to hold a public hearing to receive public comment related to the requests. Upon conclusion of the public hearing, the Commission should deliberate the merits of the application and, if deemed appropriate by the Commission, act on the application by adoption of the separate Resolutions: one for the Exemption Certificate and one for the related, requisite Agreement between the City of Clare and StageRight.

Supporting documentation (application, receipts, etc.) for the application has been provided. The requisite notice for the public hearing has been accomplished, and taxing units have been notified of the request. To date one of the taxing jurisdictions have responded stating they support issuance/have no objection to the requested exemption. We've received no stated public objections.

Motion by Commissioner Swanson second by Commissioner Murphy to open a public hearing. Voice vote: Ayes: Commissioners Bob Bonham, Gus Murphy and Karla Swanson. Nays: None. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

Public Comment: None.

Motion by Commissioner Swanson second by Commissioner Murphy to close the public hearing. Voice vote: Ayes: Commissioners Bob Bonham, Gus Murphy and Karla Swanson. Nays: None. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

Motion by Commissioner Swanson second by Commissioner Murphy to approve the application for the Exemption Certificates by adoption of Resolution 2016-024 and approve the related Agreement with StageRight by adoption of Resolution 2016-023. Roll call vote: Yeas: Commissioners Bob Bonham, Carolyn (Gus) Murphy, and Karla Swanson. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

D. SUPPORT OF PURE MICHIGAN SCENIC BYWAYS HERITAGE ROUTE PROPOSAL

Mr. Craig Parrish of Lansing, Michigan has approached the City asking for its support of a proposal he is working on to designate Old Highway 27 as a Heritage Route under MDOT selection criteria. As much of Clare's history is based on the use of this route to northern Michigan, the Commission is asked to consider supporting this request by adopting a resolution that Mr. Parrish can include in his request to MDOT to obtain the Pure Michigan Scenic Byways Heritage Route designation.

Mr. Parrish has organized a classic car tour along old Highway 27 for the past 10 years with the city serving as one of the overnight stops along this route.

Motion by Commissioner Swanson second by Commissioner Murphy to support and endorse the designation of Old Highway 27 as a Pure Michigan Scenic Byways Heritage Route by adoption of Resolution 2016-025. Roll call vote: Yeas: Commissioners Bob Bonham, Carolyn (Gus) Murphy, and Karla Swanson. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

E. AMENDMENT TO FEE & RATE SCHEDULE-PLAN REVIEW RATES

Our current fee and rate schedule provides us the ability to charge a maximum of \$150 for plan review. This fee is totally inadequate for review of large commercial and industrial developments, e.g., the pending WalMart development, which can easily consume hundreds of hours of plan review time. Additionally, there may be future developments that require plan review beyond our internal capabilities, and we could receive requests for multiple large-development plan reviews simultaneously – thus it is possible that we will require professional consulting services for some or part of the plan review process. We need the ability to recoup our costs for these services.

We ask that the City Commission consider an amendment to our current rate schedule to allow the charge of a flat rate of \$150 or \$50 per hour, whichever is higher, for internal plan review services. In those cases where we require a professional consultant to provide these services for us, we ask that the Commission approve

allowing us to pass on to the party requesting/requiring these services the full amount of the costs we are charged by the professional consultant.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the fee and rate schedule amendment by adoption of Resolution 2016-026. Roll call vote: Yeas: Commissioners Bob Bonham, Carolyn (Gus) Murphy, and Karla Swanson. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

F. AMENDMENT TO BUILDING INSPECTOR CONTRACT

The City enjoys a contractual agreement with Mr. Dave Williams for building official services. The agreement does not address the topic of plan review services for large buildings or developments, which we now require with the proposed WalMart development and anticipate we may require for future development.

The City Staff recommends that the City Commission amend the City's Fee & Rate Schedule to stipulate that the fees for plan review services be set for \$150 or \$50 per hour, whichever is higher. If the Commission approves the recommended amendment for these services, it is appropriate that we similarly approve an hourly rate of compensation to Dave Williams to conduct/provide these services. The Commission is asked to amend his current contractual agreement to reflect this additional compensation.

Motion by Commissioner Murphy second by Commissioner Swanson to approve the Building Inspector's contract amendment by adoption of Resolution 2016-027. Roll call vote: Yeas: Commissioners Bob Bonham, Carolyn (Gus) Murphy, and Karla Swanson. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

G. INFORMATION TOPIC: CLARE POLICE DEPARTMENT POLICIES

The Clare Police Department has recently implemented/updated two internal policies: Response to Active Violent Incidents Policy and Less Lethal Impact Munitions Policy. Both policies have been reviewed by our Risk Management specialist at Meadowbrook Insurance and by our City Attorney. Chief Gregory is the approval authority of both policies. It is important that the City Commission have an understanding of the policies, thus Chief Gregory was asked to provide an overview of the policies and answer any questions of the Commission and the public regarding the policies.

Chief Gregory and Captain Saad provided an overview of the policy updates and presented new equipment that will be used to aid officers in law enforcement under these new policies.

G.*BOARD & COMMITTEE APPOINTMENTS-BOARD OF REVIEW – MESSRS. A. SANTINI, J. MISHLER, J. PUNCHES, AND D. PURKIS

Approved by Consent Agenda. Resolution 2016-028.

8. TREASURER'S REPORT

The Treasurer presented his report.

9. CITY MANAGER'S REPORT

Planning Commission Meeting. The Planning Commission is scheduled to continue its work on the City's Master Plan update on Wednesday, March 9th.

Drain Board Meetings. The Clare-Isabella Inter-County Drain Board held individual meetings with eight of the property owners within the assessment district who are directly affected by a recent court ruling wherein the court judge ruled that drain boards do not have immunity as do other governmental entities within the State of Michigan and consequently should a property owner file an easement within the generally accepted easement area of a drain, the respective drain board's authority to enforce the 1897, 1906, and 1948 drain laws of Michigan is null and void. Consequently, the Clare/Isabella Board had the eight property owners served notice to them of the Board's intent to enforce the easement areas (20', 40', & as prescribed by the respective boards to maintain the drain, respectively) stipulated in the referenced drain laws. This service caused the individual property owners considerable angst, and most all of them immediately contacted the City for an explanation. As the City was unaware of the actions of the Drain Board and what

the law-enforcement-delivered services were related to, we contacted the Drain Board. The Board subsequently held a general meeting on February 29th to explain the court rulings, the drain laws of Michigan, and the purpose of the services. The Board subsequently held individual meetings with all eight of the property owners affected by the recent court ruling on Mar 1st in an attempt to amicably resolve the easement issues. With exception of one (possibly two) property owners, a tentative agreement was reached. The timeline for the drain project has been slipped to commence in 2017.

MCACA Grant Final Disbursement/Grant Close-Out. We have successfully closed the Arts Council Grant and have received our final payment for this project.

Christmas Decorations Contract. KenMark, the company that has provided us Christmas decoration services for the past 16 years, has ceased operations. Consequently, we will be required to solicit bids for this service or construct and maintain our own decorations. Our preliminary query determined there are only three companies in Michigan that provide a service of equitable quality and standards as provided by KenMark.

Preliminary Water Feasibility Study - Northern City Sector. We have received the Gourdie-Fraser preliminary report related to water quality from the well tested in the north industrial park. But we have not given up on the possibility/probability that we can successfully find sufficient quantities of good water in this area – and we are more motivated to do so now more than ever based in part on Flint’s current water issues and the likely fall-out (lowering a significant number of the currently acceptable levels of contaminants) by the EPA and by MDEQ in future mandates.

Sale of North Industrial Park Property. The Clare IDC met on Mar 1st and approved the sale of 2.8 acres of property to a local business owner. This individual intends to construct a 9,400sf structure on the site (property adjacent to the water tower) with tentative plans to construct two additional buildings on this site in the future. The IDC will meet again later in the month to consider the actual site plan for the proposed development prior to the Planning Commission’s consideration of the site plan.

Reminder - MML Capitol Conference. As a reminder, the MML’s annual capitol conference is being held Mar 22nd & 23rd. Please advise the City Clerk if you have any interest in attending to allow us to make reservations for you.

Road Standards. We’ve asked Gourdie Fraser to develop standard street, sidewalk, & road criteria for us for all future projects. We’ve asked our City Attorney to draft an ordinance amendment on our behalf to adopt these standards by reference. You should anticipate this will be an agenda item within the next month.

MML Member Insurance Dividends. We’ve received correspondence from the MML regarding approved dividends to be applied to member insurance policies due renewal in 2016.

Addendum

Clare Public Schools Superintendent. CPS has narrowed down the candidate list to two individuals to fill the Superintendent vacancy.

10. *COMMUNICATIONS

Approved By Consent Agenda.

EPA Correspondence. We received general correspondence from EPA regarding lead and copper standards in public drinking water.

MAC TV News. The most recent edition was provided to the Commission.

Charter TV Line-Up Change. Charter Communications has shared its intentions to change current channel line-ups.

Letter of Explanation to Title Company. We offered a letter of explanation regarding the City’s sanitary sewer easement on behalf of a local business’ title insurance claim.

Correspondence to Resident. The City forwarded a letter to a local resident pertaining to misleading and inaccurate information that he was posting to Facebook.

2016 Clare Calendar of Events. The 2016 Clare Calendar of Events was provided for information.

11. EXTENDED PUBLIC COMMENT: None.

12. COMMISSION DISCUSSION TOPICS: The Commission asked if the new Assessor/Code Enforcement Officer Edie Hunter has had an opportunity to address any blight issues in the city. C/M Hibl offered that she has addressed one blight issue thus far.

13. *APPROVAL OF BILLS
Approved By Consent Agenda.

15. CLOSED SESSION- Provide Guidance & Discuss Strategy for POAM and COAM Employee Bargaining Unit Negotiations

Motion by Commissioner Swanson second by Commissioner Murphy to go into closed session. Roll call vote: Yeas: Commissioners Bob Bonham, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

Motion by Commissioner McConnell second by Commissioner Bonham to go into open session. Roll call vote: Yeas: Commissioners Bob Bonham, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

Motion by Commissioner Swanson second by Commissioner Murphy to approve a Letter of Agreement to allow for the continuation of Healthcare coverage benefits through the MCTWF for members of the police department POAM and COAM bargaining unit members. Roll call vote: Yeas: Commissioners Bob Bonham, Carolyn (Gus) Murphy and Karla Swanson. Nays: None. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.*

14. ADJOURNMENT

Motion by Commissioner Murphy second by Commissioner Swanson to adjourn the meeting. Ayes: All. Nays: None. Absent: Pat Humphrey and Jean McConnell. *Motion Carried.* Meeting adjourned at 7:05 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk