

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, Carolyn (Gus) Murphy, Jean McConnell, and Karla Swanson. Absent: None. Also present were Ken Hibl, City Manager; Steven Kingsbury, Treasurer and Finance Director; 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 (remove Waste Treatment Plant IT Service Connectivity & add Police Vehicle Purchase as an item for discussion), Minutes, Communications, Department Reports, 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:

Robert Townsend of Clare, Michigan, who overwhelmingly won the democratic vote at the August 2, State Primary Election, informed the Commission that 93% of his campaign contributions come from this district and he thanked them for their support.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

A. SELECTION OF ENGINEER – ICE GRANT (ANN ARBOR TRAIL) PROJECT

The City has been invited to submit a Part II application for a Michigan Economic Development Infrastructure Capacity Enhancement (ICE) grant in the amount of \$509K to upgrade three blocks of four-inch water main on Ann Arbor Trail to eight-inch main lines and concurrently reconstruct the three blocks of roadway/street; we accepted the invitation. The City now requires the services of an engineering firm to complete the design of the project and provide oversight of construction during the course of the project. The grant criteria mandate that the engineer must be selected on a competitive basis.

The City solicited Requests for Qualifications (RFQs) of engineers interested in providing the needed services. Six (CES of Milford, MI; Fleis & Vandenbrink of Midland, MI; Gourdie-Fraser of Traverse City, MI; Lapham Associates of Clare, MI; Moore & Bruggink of Grand Rapids, MI; and Rowe Professional Services Company of Mt. Pleasant, MI) RFQ proposals were received; all proposals met the RFQ criteria.

Three members of the City Staff collectively reviewed and individually scored all of the proposals received and then added our individual scores with the mutual understanding that the highest combined score would likely be our recommended candidate engineer.

The engineering firm of Gourdie-Fraser received the highest numerical score. We recommend they be selected to be the company to provide the needed engineering services for this project. The City Commission is asked to affirm the recommendation by selecting Gourdie-Fraser to provide the required services.

Motion by Commissioner Swanson second by Commissioner Murphy to designate Gourdie-Fraser as the firm to provide engineering services for the ICE/Ann Arbor Trail Grant Project and direct the Clare City Manager to negotiate the cost of the engineering services by adoption of Resolution 2016-090. Roll call vote: Yeas: Commissioners Carolyn (Gus) Murphy, Jean McConnell, Karla Swanson, Bob Bonham, and Pat Humphrey. Nays: None. Absent: None. *Motion approved.*

B. APPOINTMENT OF CERTIFYING OFFICER – ICE GRANT ENVIRONMENTAL REVIEW

The City has been invited to submit a Part II application for a Michigan Economic Development Corporation (MEDC) Infrastructure Capacity Enhancement (ICE) grant in the amount of \$509K to upgrade three blocks of four-inch water main on Ann Arbor Trail to eight-inch main lines and concurrently reconstruct the three blocks of roadway/street; we accepted the invitation. A requirement of the grant criteria is the completion of an environmental review of the project area and the designation of a Certifying Officer (CO) for said review.

I queried MEDC to determine whether I could be designated as the CO for the purposes of this grant. I was advised that the Mayor should be appointed as the Certifying Officer as I would be the individual completing the Environmental Review. The City Commission is asked to appoint the Mayor as the CO for the required Environmental Review.

Motion by Commissioner Bonham second by Commissioner Swanson to appoint Mayor Pat Humphrey as the Environmental Review Certifying Officer and concurrently appoint Mayor Pro Tem Jean McConnell as the Alternate CO by adoption of Resolution 2016-091. Roll call vote: Yeas: Commissioners Jean McConnell, Bob Bonham, Karla Swanson, Carolyn (Gus) Murphy, and Pat Humphrey. Nays: None. Absent: None. *Motion approved.*

C. ENGINEERING PROPOSAL – FARWELL/CLARE 2017 SMALL URBAN PROJECT

The City is expected to receive a \$375,000 Farwell-Clare Small Urban Grant for a road project that must be completed in 2017 to assure receipt of the referenced grant funds. The City commissioned Gourdie-Fraser to conduct a traffic study to determine the best use of the Small Urban grant funds to support the anticipated future development in the north sector of the City. Gourdie-Fraser presented the results of the study to the City

Commission in July and recommended a project to realign the westernmost portion of East Colonville Road and the northbound off-ramp of US-127 and concurrently relocate the E. Colonville Road/Clare Avenue intersection north of its present location to a point adjacent to the northbound on-ramp of US-127, thereby facilitating the possible future construction of a round-about at this intersection. This proposal has concurrence-in-principle of the Michigan Department of Transportation, but funding is not presently available to complete the entirety of the proposed project.

The City is working with Gourdie-Fraser and the Middle Michigan Development Corporation to develop a phased approach to this project and find additional sources of funding for the project. The primary objective of our discussions with these two entities is to maximize and leverage the Small-Urban grant funds. While we've determined a possible additional funding source, many variables and potential stumbling blocks remain to be ascertained and eliminated, respectively, before we are prepared to make a definitive recommendation to the City Commission regarding the scope of the project that should be undertaken using the Small-Urban grant funds. But regardless of the final scope of the project we recommend, there are six mandatory tasks that need to be taken care of now to assist us in determining the feasibility of any/all options available to us. These tasks were outlined in the Gourdie-Fraser proposal that we ask the City Commission to approve to provide us the opportunity to determine and evaluate the best alternatives available and make the best use of any potential funding.

Motion by Commissioner McConnell second by Commissioner Murphy to approve the Gourdie-Fraser proposal by adoption of Resolution 2016-092. Roll call vote: Yeas: Commissioners Karla Swanson, Carolyn (Gus) Murphy, Bob Bonham, Jean McConnell, and Pat Humphrey, Nays: None. Absent: None. *Motion approved.*

D. AMENDMENT TO CITY MANAGER CONTRACT

The City Manager's current contract with the City expires on March 16, 2017. I ask that the City Commission consider amending the contract with a new expiration date of June 30, 2018 and authorizing an additional forty (40) hours of PTO annually. All other terms of the current contract would remain in effect unless otherwise directed by the Commission.

Motion by Commissioner McConnell second by Commissioner Murphy to approve the City Manager's Contract by adoption of Resolution 2016-093. Roll call vote: Yeas: Commissioners Bob Bonham, Karla Swanson, Carolyn (Gus) Murphy, Jean McConnell and Pat Humphrey. Nays: None. Absent: None. *Motion approved.*

E. APPROVAL OF CITY CLERK CONTRACT

The employment contract of Diane Lyon, the Clare City Clerk, has expired. The Clare City Commission is asked to consider approving a new employment agreement. The City Attorney has reviewed the format and content of the proposed agreement and opined it is acceptable and proper.

Motion by Commissioner McConnell second by Commissioner Swanson to approve the proposed employment agreement for its City Clerk by adoption of Resolution 2016-094. Roll call vote: Yeas: Commissioners Jean McConnell, Carolyn (Gus) Murphy, Jean McConnell, Bob Bonham, and Pat Humphrey. Nays: None. Absent: None. *Motion approved.*

E. APPROVAL OF TREASURER/FINANCE DIRECTOR CONTRACT

The employment contract of Steven Kingsbury, the Clare City Treasurer/Finance Director, has expired. The Clare City Commission is asked to consider approving a new employment agreement. The City Attorney has reviewed the format and content of the proposed agreement and opined it is acceptable and proper. The City Manager recommended increasing the Treasurer/Finance Director salary to \$58,000 annually as there are three department heads who presently earn more than Mr. Kingsbury. C/M Hibl offered to forgo his salary increase in order to help offset salary increases for the City Clerk and Treasurer/Finance Director.

Motion by Commissioner Bonham second by Commissioner Swanson to approve the proposed employment agreement for its City Treasurer & Finance Director by adoption of Resolution 2016-095. Roll call vote: Yeas: Commissioners Jean McConnell, Carolyn (Gus) Murphy, Jean McConnell, Bob Bonham, and Pat Humphrey. Nays: None. Absent: None. *Motion approved.*

G. PURCHASE OF POLICE VEHICLE DISCUSSION

The Commission requested this discussion topic be added to the agenda due to concerns regarding the unauthorized purchase and delivery of a new police vehicle made by the Chief of Police; the purchase price (\$42,481) exceeded the amount approved for this purchase in our current budget (\$34,000).

A position at the police department was recently eliminated and within a few weeks the Police Chief purchased a new Dodge Charger. As a matter of public perception, the type of vehicle and timing of the purchase presented additional concern for the Commission who expressed frustration with this turn of events. C/M Hibl explained that there are only a handful of vehicles being manufactured by US car makers today specifically for police use - the Charger is presently the of choice by many police agencies; it is the most popular, best selling police vehicle used today and is currently used by some of our neighboring communities.

C/M Hibl met with Chief Gregory and discussed the violation and had determined that his action was not a flagrant, malicious, or blatant disregard for our policies or an intentional disregard for the City Manager's or the City Commission's authority. His (Chief Gregory) rationale for making the purchase was the approved and accepted USDA grant and the approved budget line item designated for the vehicle purchase; he assumed he could transfer funds from other line items in his operating budget to cover the overage of the purchase price.

While Mayor Humphrey had learned of the violation the day following the delivery of the vehicle, the remaining Commissioners were troubled that they not been informed immediately. The City Manager had delayed informing the entire Commission because he was awaiting the City Attorney's opinion as to whether we had legal grounds to return the vehicle to the dealer without significant penalty and he had already taken subsequent action to rectify the situation. Mayor Humphrey was adamant that the dealership should have been contacted immediately to return the vehicle; particularly since we had not issued payment for the vehicle.

The Police Chief & C/M have an appointment with the dealer in Mt. Pleasant to return the car on Thursday (August 18) afternoon. Charges or claim of loss by the dealership are not anticipated to be incurred as this vehicle was built for one purpose – for sale to and use by police departments.

8. TREASURER'S REPORT

The Treasurer presented his report.

9. *DEPARTMENT REPORTS

Approved by Consent Agenda.

10. CITY MANAGER'S REPORT

Depot Crowd Funding Project. Our Patronicity website reflects that we have raised \$23,990 of our \$25K goal as of August 12th with seven days remaining to qualify for the \$25K match from MEDC. The major contributors this week were Isabella Bank, the Clare Rotary Club, and Gourdie-Fraser.

Sale of Used Streetlight Fixtures. We included the following notice in our August newsletter regarding the sale of our used, decorative street light fixtures: The City recently took advantage of a Consumers Energy Incentive Program to convert all of the City's decorative street lights to LED (light emitting diode) bulbs, thereby reducing the amount of the City's monthly electric bills and decreasing manpower costs. We have saved all of the old street light fixtures and are offering to sell them on a first-come, first served basis with our City taxpayers receiving first option to purchase them. If you are interested in purchasing a small part of Clare's history, here are the ground rules: For City Tax Payers. Cost is \$10 per fixture; limit is two fixtures per household or business; must pay in advance @ City Hall between now and Aug 31st; pick up your purchased light fixtures at the Clare Municipal Airport (we'll have signs to direct you) on Sep 6th or Sep 10th between the hours of 9am – 2pm. For Everyone Else: If we have not sold all the fixtures by Aug 31st, we will similarly offer them to local residents and businesses who are not City taxpayers for \$15 per fixture on a first-come, first served basis; limit per customer is two fixtures. Check with City Hall anytime after Aug 31st, and we'll inform you whether we have any fixtures remaining. Then go to the Clare Airport on Sep 6th or 10th to pick up your fixtures. We will also offer the fixtures to local non-profit or neighboring governmental units for use at their facilities after Aug 31st; call Mr. Al Jessup, Clare DPW Director, 386-7541, for details. We will place a similar notice on our website, TV access channel, and on our bulletin boards.

501 Building Board of Appeals Request. The property owner of this building has withdrawn his request for a hearing by the Construction Board of Appeals.

Street Millage. We included the following notice in our August newsletter regarding the City's proposed street millage that will appear on the November ballot:

The City will ask the Clare electorate to consider a street millage on November 8, 2016. This millage request (3mills for five years) was presented to the voters in March 2016 and was declined by three votes. However, the need to improve our streets remains a very important element of the state of our city, and our current revenues simply won't keep pace with needed street repairs. Consequently, the Clare City Commission unanimously decided to place this matter before Clare voters again in November. Please take the time to read the insert to this newsletter that explains the need for the millage and the City's plan to improve our streets with the revenues generated by that millage. If you still have questions after reading the insert, please feel free to stop by City Hall between now and November 8th to discuss your concerns with the city staff. We will also host an Open House at City Hall on Monday, October 17, 2016 @ 7pm to answer questions and provide details of the street improvement plans. In addition to posting this information on our website, on our bulletin boards, and on our government access channel, we will also include this information in our next newsletter.

City Planning Commission Activities. The Planning Commission held its regularly scheduled meeting on August 10th. The primary focus of business was to continue work on the Master Plan Update Project. The project is nearing completion with a final review of the draft document scheduled in conjunction with a special meeting the Commission is holding on August 31st. The draft document will then be forwarded to the City Commission to authorize its distribution for review by neighboring governmental entities and the public. State law provides 63 days for that review, upon which time the Planning Commission will consider any recommended changes and subsequently approve the renewed Master Plan unless the Clare City Commission specifically exercises its prerogative to withhold approval authority at the City Commission level. I recommend the Commission not exercise that prerogative and allow the Planning Commission to retain the authority to approve the document. The purpose of the special meeting to be held on August 31st is to consider a site plan request by Heintz Propane to construct a 2200sf addition to its existing building in the south industrial park. The IDC reviewed and recommended approval of the proposed addition at its scheduled meeting of August 9th.

Downtown Design Standards Review. The Clare DDA recently changed a number of provisions of its downtown design standards in respect to signage due to the proliferation of electronic signs and non-compliance with current standards. The changes were drafted as an ordinance amendment by our City Attorney and forwarded to the Planning Commission for review and consideration prior to presentation to the City Commission. The Planning Commission voiced several concerns regarding the proposed changes and designated two of its members to attend the Aug 5th DDA meeting to share their

concerns. The DDA listened to the voiced concerns, and the concerns of several downtown business owners, who also attended the DDA meeting. The discussions expanded into a number of other areas of interest in the downtown business district, to include outside seating areas, outside displays, lighting, and sidewalk clear areas. Based on these discussions, the DDA, Planning Commission and the Chamber of Commerce collectively agreed to form a working group with representatives from all three entities and the City to review all the downtown design guidelines and make recommended changes that will then be presented to the DDA and the Planning Commission for consideration.

State Attorney General Ruling – Prohibition of Charitable Fund-Raising Within Street Rights-of-Way. For as long as I can remember, local fire departments and other fraternal and non-profit organizations (e.g., the Clare Kiwanis Club) have conducted charitable fund-raising events within street rights-of-way. The State Attorney General has opined that this practice is illegal and will no longer be allowed in Michigan.

Zero Turn Mowers. As we are nearing the end of our 2016 mowing season, we have informed the primary bidders that we will re-solicit bids when the new product year commences (anticipate after January 1, 2017), thereby providing all interested bidders an opportunity to bid again with a clean bid sheet while still making the purchase in our present budget year.

Emergency Authorization for Repairs. I authorized the emergency repairs of our truck hoist in the DPW Garage; a copy of the purchase order is attached. Without the hoist, fleet repairs at our DPW Garage would have ceased.

Absence. I will be out of the state for the period August 21-25; Steve will be the Acting CM during my absence.

11. *COMMUNICATIONS

Approved By Consent Agenda.

MAC TV-3 Newsletter.

MML Annual Meeting Notice.

USDA Correspondence.

MML Conference Registration.

Secretary of State Newsletter.

Zoning Compliance Correspondence.

12. EXTENDED PUBLIC COMMENT: None.

13. COMMISSION DISCUSSION TOPICS: Some of our City Commissioner's have been approached by individuals in the community regarding the termination of Mr. Matt Halicek from the Fire Department. While the Commission was not inclined to interfere with departmental employment decisions they did inquire as to whether a second chance at employment had been considered since Mr. Halicek had worked for the Fire Department on and off for more than twenty years. The City Manager offered that he

intends to recognize Matt for his service in the but it has been his practice not to micromanage each department, leaving employment decisions to individual department heads. The Fire Chief did discuss the matter with him and he confirmed that the Fire Chief did not make his decision lightly.

14. *APPROVAL OF BILLS

Approved By Consent Agenda.

15. ADJOURNMENT

Motion by Commissioner McConnell second by Commissioner Murphy to adjourn the meeting. Ayes: All. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 7:11 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk