

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. in the City Commission Chambers of Clare City Hall, 202 West Fifth Street, Clare, Michigan by Mayor Pat Humphrey who led with the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Also, present: Jeremy Howard, City Manager; Shannon Sirpilla, City Treasurer; Luke Potter, DPW Director; Terry Acton, Code Enforcement & Zoning Administrator; David Saad, Clare City Police Chief; Dale Clark, WWTP Superintendent; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Bonham second by Commissioner Loomis to approve the items listed with an asterisk (*) (Amended Agenda, Minutes, Department Reports, Communications, Professional Development, and Bills) that are considered to be routine by the City Commission. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. *Motion Carried.*

3. *APPROVAL OF MINUTES:

Approved by Consent Agenda.

4. *APPROVAL OF AMENDED AGENDA:

Approved by Consent Agenda.

5. PUBLIC COMMENT: Jim Walter II, 701 Forest, provided the following letter:

Members of Clare City Council and City Manager Howard,

The purpose of this letter is to appeal to your better judgment when it comes to enforcement of the vehicle storage & parking ordinance. Due to a meeting conflict, I am unable to attend your July 18 meeting in person.

Section 52-308 indicates that parking of a camper "shall be permitted only in a required side or rear yard." While conceivably well intended, the direct impact in our *individual* case is a discriminatory view of our home and approach. The camper is clearly parked to the side of the lot, in fact, as far to the side of the lot as is possible (when, of course, we are not camping or storing it). The ambiguous description in the code could allow for the professional judgment of enforcement officers, but is being strictly interpreted while many other, more pressing problems need attention in our city & community.

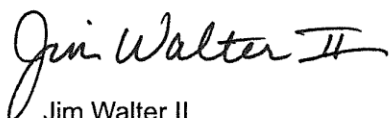
I urge you to reconsider your approach to this matter. You may recall that Clare has long been associated with the moniker "the Gateway to the North." Enforcement of this ordinance doesn't appear to give a friendly nod to those of us who are proud to identify with this community & northern living. It resembles government overreach, micromanagement of personal property, and frankly seems silly. I don't need the city government's help to manage my personal property on this matter. A reasonable alternative would be to exclude the months of April through October from this ordinance.

We have far greater issues demanding your time and attention, including lawn blight, untenable housing situations, infrastructure shortcomings, and poor street/sidewalk conditions. As election/millage season nears, this small section of code enforcement is not where I hope to see your energy spent, and believe it may have a negative impact on your overall efforts.

I have supported the work of the council and city as a whole, and I certainly can respect your desire to make Clare an even better place to live and work, but fear you are unnecessarily alienating some of the very people who also seek to improve Clare and support our local government. I urge you to reconsider this ordinance in its entirety, and/or consider a re-draft that recognizes camping & boating seasons at the least.

Thank you for your time and consideration. It is appreciated.

Respectfully,



Jim Walter II

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:**A. REQUEST FOR COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE-IDEAL THEATER CLARE, LLC.**

Michigan Public Act 210 of the Acts of 2005 provides local units of government an opportunity to approve tax abatements to be used as incentives to promote economic development within established districts of their respective communities. An easy-read primer related to the Act and the process required to issue the referenced abatements are outlined in the Frequently Asked Questions (FAQ) document published by the Michigan Economic Development Corporation.

Ideal Theater Clare, LLC. has filed an application with the City of Clare for issuance of a ten (10) year Commercial Rehabilitation Exemption Certificate for abatement of property taxes for the cost of proposed building rehabilitation and improvements to the historic building. The estimated cost of the project is in excess of \$1.5M. Supporting documentation for the request is attached to the application.

The requisite notice for the public hearing has been accomplished, and taxing units and property owners within the Redevelopment District have been notified of the request. The Clare Downtown Development Authority has unanimously recommended approval of the application.

The Theater is located in the established Commercial Rehabilitation Development District approved by the City Commission by adoption of Resolution 2022-062, at its July 5th scheduled meeting.

The City Commission is asked to formally consider the tax abatement request of Ideal Theater Clare, LLC. In doing so, the Commission is required to hold a public hearing to receive public comment related to the request. 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 required Resolution 2022-063.

Ms. Sandy Wright, Ms. Lisa Benic and Ms. Sarah Adkins were present as representatives on behalf of the Theater. Sandy provided a brief overview of the rehabilitation project.

Motion by Commissioner Loomis second by Commissioner Bonham to open the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

Public Comment: None.

Motion by Commissioner Bonham second by Commissioner Loomis to close the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

Motion by Commissioner Loomis second by Commissioner Bonham to approve the Commercial Rehabilitation Exemption Certificate by adoption of Resolution 2022-063. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

B. DESIGNATE SIGNATORY FOR ENGINEERING SERVICES AGREEMENT

The City approved the Rehabilitation of the Apron (large ramp area by the Terminal) and Taxi Lanes 2 and 3 at the Clare Municipal Airport at their April 18th meeting by adoption of Resolution 2022-031. The project has been approved for MDOT funding (90/5/5 cost share – Federal/State/Local). However, they are asking for us to clarify in the resolution that the City Manager is authorized to sign any and all documents required for the execution of the contract. We've added that language to the previously approved resolution from the April 18th meeting. To avoid delays with future contracts, I am also asking the City Commission to approve a resolution designating the City Manager as the signatory for all future MDOT contracts. We will of course bring any new contracts to the City Commission for their approval.

Motion by Commissioner Bonham second by Commissioner Loomis to authorize the City Manager to sign any and all documents for MDOT contract 2022-0790 by adoption of Resolution 2022-064 and authorize the City Manager to sign all future MDOT Aeronautics contracts by adoption of Resolution 2022-065. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

C. APPROVE INVOICE FOR EMERGENCY REPAIR SERVICE-WELL 7 TRANSMISSION LINE

The City experienced a failure of a transmission line, due to corrosion, on one of its most reliable and most productive public water wells (Well #7) in late June 2022 (see attached memo from Water Treatment Superintendent Dale Clark). At the request of our Water Superintendent, Dale Clark, I approved emergency repair services totaling \$11,736.00 to facilitate the repair of the line. The City Commission is now asked to approve (after-the-fact) the payment of these invoices as well as authorizing the Treasurer to make any and all necessary budget amendments.

Motion by Commissioner Loomis second by Commissioner Bonham to approve the emergency repairs and payment to Isabella Corp. by adoption of Resolution 2022-066. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

D. APPROVE ANNEXATION REQUEST FOR 403 SOUTH MCEWAN STREET

The City has received a petition for annexation from Jerry Russell and Sandy Burch to annex property that is contiguous to the existing City boundary. The property is located at 403 S. McEwan Street, Clare., in Vernon Township (Isabella County). The septic system on the property has failed, therefore, the owners are requesting annexation to obtain public sanitary sewer services from the city. The requisite notice of public hearing has been published.

The City enjoys an annexation agreement with Vernon Township that essentially stipulates that neither governmental entity can deny an annexation request from any property owner who owns property contiguous to the City's boundary.

The City Commission is asked to approve the annexation request.

Motion by Commissioner Bonham second by Commissioner Loomis to open the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

Public Comment: None.

Motion by Commissioner Bonham second by Commissioner Loomis to close the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

Motion by Commissioner Loomis second by Commissioner Bonham to approve the annexation request by adoption of Resolution 2022-067. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

E. APPROVE JURISDICTIONAL TRANSFER OF PROPERTY-SPEEDWAY, LLC.

The City enjoys the provisions of an Urban Cooperation Agreement (UCA) with Grant Township. The Agreement, which was approved by both governmental entities in 2008, outlines the process, terms, and procedures of transfer of jurisdictional control of property from Grant Township to the City for those lands within District I of the UCA to the area designated as District II of the Urban Cooperation Agreement.

We have received a request from Speedway, LLC. to transfer jurisdictional control of approximately 5 acres of property to the City.

In condensed terms, the UCA provides any property owner within the geographical boundaries of the area defined as District I the opportunity to request transfer of jurisdictional control of their property to the City, which if/when approved moves the property to District II. If such a request is received, both governmental entities are required to post a notice of a public hearing to receive comment pertaining to the request. Following the conduct of the hearing, the governmental units are obliged to enter into an agreement transferring the jurisdictional control of the property within 30 days. In 2013, our City Attorney provided a more detailed memo outlining the highlights of the UCA for the City Commission's information and consideration.

While there is a provision for petition and referendum regarding the transfer of jurisdiction in the UCA, that provision is not applicable to this particular request as there are no eligible petitioners who reside within the boundaries of the property to be transferred.

The City has posted notice of the requisite hearing. Grant Township has received notice of the public hearing.

The City Commission is requested to hold the hearing and approve the agreement for transfer of jurisdictional control of the requested property.

Mr. Wally Humphrey-Phillips, representing Speedway LLC., was present to answer questions of the Commission.

Motion by Commissioner Loomis second by Commissioner Bonham to open the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

Public Comment: None.

Motion by Commissioner Bonham second by Commissioner Loomis to close the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

Motion by Commissioner Bonham second by Commissioner Loomis to approve the District II Transfer Request of Speedway, LLC. by adoption of Resolution 2022-068. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

F. AUTHORIZE CONTRACT EXTENSION WITH ANDREWS, HOOPER & PAVLIK

The City of Clare is required by state law and the United States Department of Agriculture - Rural Development to have an independent audit completed of our financial records annually by a licensed public accounting firm. For the last several years, the accounting firm of Andrews, Hooper & Pavlik of Midland, Michigan, have satisfactorily and timely completed the City's fiscal audit. Last fiscal year's audit was the final year of our audit engagement contract with AHP (four-year contract with a five-year extension option) and per our previous contract agreement, they have submitted a proposal for said five-year extension with a proposed fee schedule through 2026. Executing this contract extension with AHP is in the best interest of the City of Clare due to the excellent performance they have provided the city as well as the historical knowledge that they have of our system, files, and structure.

The cost for these required services for the first year is \$17,300 with each additional year increase between \$800 and \$900. AHP indicated that they would be honoring all of the services previously provided in the last several years that they have for the City of Clare.

Motion by Commissioner Loomis second by Commissioner Bonham to the contract extension with AHP by adoption of Resolution 2022-069. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried.

8. TREASURER'S REPORT: The Treasurer provided a report to the Commission.

9. *DEPARTMENT REPORTS: *Approved by Consent Agenda.*

10. CITY MANAGER'S REPORT

DDA Meeting. The DDA met on July 14th and had one item on its agenda. It was the recommendation to approve the Commercial Rehabilitation District and subsequent application by Ideal Theater for their exemption. The recommendation was unanimous.

Planning Commission/Master Plan. The Planning Commission had no business so they were able to cancel their meeting of July 13th. The draft Master Plan has been sent out for public distribution and will be in the required public comment phase until the August Planning Commission meeting.

Little Tobacco Drain Project. The 5th Street bridge portion of this project has been completed and further work on cleanup and widening in a few more spots along the drain are continuing. The overall project is getting close to wrapping up.

Water Line Replacements (Lead/Copper/Galvanized). This project is continuing through the summer. Many of the locations that have had sidewalk or yards torn up have now been repaired and will be finalized with raking and hydroseeding soon.

Lake Shamrock Dredging Project. We worked with our engineers and submitted permits for 3 new sites for spoils to be taken to from the lake. All 3 have been submitted to EGLE and they have responded that they have been received. We are waiting for responses from them, but we have not heard anything yet.

Verizon Cell Tower. Progress continues to move forward on this project and the location of a new Verizon cell tower in the parking lot of City Hall. The general contractor held a bid meeting here a week or so ago and bids were due recently. They thought that they would be able to get started shortly after the bids were opened and the tower would likely take about a month to build. After it is complete then Verizon will need to install its antennas and equipment (no timeline on that yet). We did remove a few scrub trees along the fence where the tower is being located in the Northwest corner of the property. DPW staff completed the removal of the trees and they did a fantastic, professional job as always.

Music and Art in the Alley 2022. Once again, this year Art Alley in Downtown Clare is the place to be for Art and Music. Be sure to come join the fun Saturday, July 23rd from 2 p.m. to 10 p.m. for a celebration of music, art, and community. You will be able to hear incredible musicians from around the state including American Idol 2022 Top 20 finalist Jacob Moran! You will also be able to wander through Art Alley and check out the local artists on display. The event flyer is attached to this report and you can follow the event on Facebook at <https://www.facebook.com/events/327527722923976> for more details and current information.

11. *COMMUNICATIONS: *Approved by Consent Agenda.*

12. EXTENDED PUBLIC COMMENT: None.

13. COMMISSION DISCUSSION TOPICS: None.

14. *APPROVAL OF BILLS: *Approved by Consent Agenda.*

15. *PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES: *Approved by Consent Agenda.*

16. ADJOURNMENT: Motion by Commissioner Loomis second by Commissioner Bonham to adjourn the meeting. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey and Nick Loomis. Absent: Maegan Jenkins and Carolyn (Gus) Murphy. Nays: None. Motion Carried. Meeting adjourned at 6:25 p.m.