

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. Shamrock Park pavilion by Mayor Pat Humphrey who led with the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Josh Clark, Pat Humphrey and Nick Loomis. Absent: Carolyn (Gus) Murphy. Also, present: Ken Hibl, City Manager; Steve Kingsbury, City Treasurer; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Mayor Humphrey requested item F be removed from the agenda and tabled. Moved by Commissioner Clark second by Commissioner Bonham to approve the items listed with an asterisk (\*) (Agenda, Minutes, Communications, Professional Development, Second reading of Ordinance 2020-002, First reading of Ordinance 2020-003, and Bills) that are considered to be routine by the City Commission with the removal of agenda item F. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried.*

3. \*APPROVAL OF MINUTES:

*Approved By Consent Agenda.*

5. PUBLIC COMMENT: None.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

**A. LAKE SHAMROCK DREDGING PROJECT**

By adoption of its Resolution 2020-088, the City Commission directed that a report be prepared related to the necessity, feasibility, practicality, and affordability to initiate a special assessment project to dredge Lake Shamrock. The Commission subsequently adopted its Resolution 2020-091 accepting the Manager's Report, declaring necessity of the proposed dredging project, and directing the City Clerk to provide notice of a hearing related to the proposed dredging project.

The City Clerk has taken action to have the directed public notice published and has concurrently provided letter notice to all property owners listed on the preliminary assessment roll related to the project. The City Commission is now asked to hold the public hearing and then make a determination whether to proceed with the proposed dredging project – in doing so, directing the City Staff to solicit formal bids for the purchase of the equipment and finalize any and all costs associated with the proposed dredging project, to include personnel costs, bonding costs, engineering costs, continuing maintenance costs, legal costs, interest costs, dredging material disposal costs, and any other costs required for the dredging of Lake Shamrock – those costs to be subsequently considered and approved by the City Commission and to be used in formulating the Special Assessment Roll for the dredging project.

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

Public Comment: Bob Beacom, Vince Demasi, Dave Coker and Kim Horwood-Bussell, all residents of Wilcox Parkway; and Don Spachman a resident of Witbeck Drive, spoke in favor of the dredging project.

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

Motion by Commissioner Bonham second by Commissioner Loomis to approve initiating a dredging project and directing a notice to property owners advising of a public hearing to be held @ Lake Shamrock on August 17th by adoption of Resolution 2020-092. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried.*

**B. EARLY PAY-OFF OF PUBLIC ACT 99 FINANCING – FIRE APPARATUS**

The City financed the purchase of the Clare Fire Department's aerial apparatus (ladder truck) using Public Act 99 Financing in 2015, financing \$525K of the \$668K purchase price. The Clare Area Fire Council met on July 22<sup>nd</sup> and unanimously recommended the early pay-off of the remaining debt associated with this apparatus, thus saving interest fees and simultaneously allowing CFD to pursue options and provide recommendations to potentially replace other department apparatus – in particular, the City's oldest (20 years) fire engine. The City Commission is asked to approve the early pay-off of the aerial truck.

Motion by Commissioner Bonham second by Commissioner Loomis to approve the early pay-off of the fire apparatus by adoption of Resolution 2020-093. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried.*

**C. APPROVAL OF AT&T LEASE AMENDMENT**

The City has received a request from AT&T to allow the installation of an emergency generator at the base of the City's water tower to support its existing antenna array on the tower. AT&T's vendor has submitted a proposed site plan for the installation of the generator; the City Staff has reviewed the proposal and has provided its preliminary approval of the site plan pending approval of the proffered lease amendment by the City Commission. The lease document has been reviewed by our City Attorney for legal sufficiency; Jaynie has completed her legal review and has offered her concurrence. The City Commission is asked to approve the lease amendment.

Motion by Commissioner Clark second by Commissioner Bonham to approve the lease amendment with AT&T by adoption of Resolution 2020-094. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, and Nick Loomis. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried.*

**D. ORDINANCE 2020-003-CHAPTER 20 (ENVIRONMENT-FRONT YARD BLIGHT)**

Over the past decade, the City has received occasional complaints regarding blight associated with front yard gardens (vegetable and flower gardens). Most recently the City received a request to consider banning all front yard gardens. Consequently, we posed a query to our City Attorney regarding the wisdom and enforceability of doing so. Jaynie responded with a strong recommendation against specifically banning front yard gardens and offered a number of national examples of municipalities who had done so and more frequently than not encountered unfavorable legal action challenging those ordinances. Jaynie provided a proposed draft of an amendment to our existing ordinances that she believes is a far more effective solution. The City Commission is asked whether it desires to adopt the proposed ordinance amendment – and if so commence the process for ordinance adoption.

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 notice announcing the hearing has been published. Subsequent to the conduct of the hearing, the Commission has the option of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the proposed new ordinance.

The City Commission is asked to conduct the required public hearing and approve or deny a First Reading of the proposed ordinance.

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

Public Comment: None.

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

**E. SECOND READING OF ORDINANCE 2020-002 – NON-DISCRIMINATION POLICY**

**\*Second Reading**

Due to recent national events surrounding racial demonstrations and protests, the City Staff reviewed the City's ordinance codes and determined that we do not have a single, stand-alone, comprehensive ordinance specifically addressing equality and nondiscrimination. Consequently, we asked our City Attorney to provide us a proposed draft for the City Commission's review and consideration.

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 hearing and First Reading were completed at the City Commission meeting of July 20, 2020. The Commission is now asked to allow a Second Reading and approve the adoption of the proposed Ordinance.

Motion by Commissioner Clark second by Commissioner Loomis to approve the Non-Discrimination Ordinance by adoption of Resolution 2020-095. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey and Nick Loomis. Nays: None Absent: Carolyn (Gus) Murphy. *Motion Carried.*

**F. CITY CLERK CONTRACT**

*Agenda Item Tabled.*

**G. APPROVE EMPLOYEE PURCHASE OF MERS SERVICE CREDIT-STEVE KINGSBURY**

The governing plan documents of the Municipal Employees' Retirement System of Michigan defined benefit retirement program allows active and participating employees to purchase up to five years of service credit with approval of the municipalities governing board. The City of Clare has since its original entry into this retirement program allowed employees to purchase service credit, though it has rarely ever been done. Purchases can be paid for by the employee, by the employer or jointly.

Steven Kingsbury has requested that the City Commission approve his request to purchase five (5) years of service credit using his personal funds for the requested purchase. The City has received a MERS Application for the Purchase of Additional Service Credit reflecting an actuarial cost of Steve's request to be \$104,139. The City Commission is asked to approve Steve's request for purchase of the additional service credit.

Motion by Commissioner Bonham second by Commissioner Clark to approve the request to purchase five years of service credit in the MERS defined benefit retirement fund using his personal funds by adoption of Resolution 2020-097. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy, and Nick Loomis. Nays: None. Absent: None. *Motion carried.*

**8. TREASURER'S REPORT**

The Treasurer presented his report.

**9. CITY MANAGER'S REPORT**

*City Planning Commission Meeting.* The City Planning Commission held a Special Meeting on Wednesday, July 29<sup>th</sup> and approved a site plan application for County Wide Septic (Mr. Tom Schunk) to construct a new 15,000sf building that will house his offices and a seepage pretreatment plant. Tom plans to move his entire operation (port-a-johns, excavating, & septic pumping) to the seven-acre site that is pending final sale approval (awaiting survey) by the City Commission; the move will bring about 15 employees to the City.

The Planning Commission is scheduled to meet next on August 12<sup>th</sup> to consider two site plans (a new airplane hangar for Mr. Scott Carter and storage building – \$18K in donated funds - @ Emerald Isle Rec Complex). The Planning Commission is also scheduled to commence discussions with Giffels Webster regarding the City's sign ordinance.

DDA Meeting. The DDA is scheduled to meet next on August 7<sup>th</sup>; the primary topic of discussion will be the approval of bids for sealcoating of the two downtown municipal parking lots.

US-27 Auto Tour. While plans for the Tour will proceed as scheduled, Mr. Craig Parrish (the Tour founder & organizer) has totally changed the structure from previous years due to the COVID-19 pandemic. There will be no street closures, no formal "arrival" of the cars in convoy, and no entertainment. Participants of the Tour will arrive and depart on their own schedules and will be encouraged to park downtown in any parking spaces available. The Tour participants will overnight in Clare on August 20<sup>th</sup> and depart the next morning in semi-organized fashion.

Senate Bill 690. We (Mary, Luke, & I) attended a scheduled webinar for this program today. It is literally impossible to know whether we will receive any fiscal benefit from the program as only those water customers whom are presently enrolled in food assistance programs (we have no visibility as to who is/is not – that information is confidential) are eligible for relief from their utility arrearages. The program is locally administered by the 28 Action Agencies in the state (ours is MMCAA). We must first provide a list of all of our delinquent customers to MMCAA, who will then submit the list to the state's department of health, who in turn will create an eligibility data base. We are required to "opt in" to the program (we already have) and must sign a contract that stipulates we will not take any collection action against delinquent customers before we are advised whether we have any eligible delinquent customers. While it may be a beneficial program to a presently unknown number (if any) of our customers, it's a "roll the dice" proposition for public water utilities who may or may not receive any fiscal benefit. For the potential benefit of our water customers, we will enroll in the program with the full understanding that it's a federal bureaucratic program that requires us to sign our names before we're allowed to read the fine print of the contract.

Lead Exceedance & Update on Lead Service Line Replacements. Due to an administrative oversight (proofreading) on my part, we were required to issue postcard notice of error to our water customers; the postcards were mailed today. On a positive note, we've completed replacement of seven (7) of the 14 known downtown lead service lines – four of the five "short" leads have been replaced by our City DPW and three of the nine "long" leads have been replaced by our contractor, Matt's Underground.

ZBA Meeting. The ZBA is scheduled to hold a rare meeting on Wednesday, August 12<sup>th</sup>, to consider a variance request of Ron Kunse for front & rear setback requirements to construct a pre-engineered metal building.

Sanitary Sewer Asset Management Plan. Due to the Herculean efforts of Mary, Dale, Luke, & Steve, we've completed our mandatory Sanitary Sewer Asset Management Plan (AMP) – a document every public utility in the state is required to submit to EGLE that is required to be updated annually (we completed the AMP for our water system last year). The Plans are immensely voluminous documents that provide a concise overview of our entire water and sanitary sewer systems and are used as primary source documents for managing the respective systems in regard to projected component replacements, development of capital costs and plans, and for assessing reliability, capacity, and capability.

August Primary. This event is scheduled for Tuesday, August 4<sup>th</sup> and has been a tremendous administrative burden for the Clerk's Office due to the new election changes. We anticipate there may be a number of significant challenges with the potential for a very, very long day and a possible increase in customer complaints due to system glitches and learning curves. The primary will be a good test bed for the November Presidential elections.

## 10. \*COMMUNICATIONS

Charter Communications: The City received notice from Charter Communications outlining the most recent price changes for Charter service.

Standard Retirement Plan Service Communications: The City received notice that they have passed compliance testing for the plan year ending 6/30/2020. The City received information regarding IRS Indexed dollar limits to qualified retirement plans for 2020.

12. EXTENDED PUBLIC COMMENT: Dan & Laurie Shively inquired about the proposed special assessment for the Lake Shamrock Dredging project and filing a referendum regarding that project.

Jim Paetschow posed additional questions regarding lake dredging.

Dave Coker requested shore to shore dredging and 5 silt traps on Lake Shamrock and clean-up of Barnes Island; Mr. Coker announced his candidacy for a position on the Clare County Road Commission.

13. COMMISSION DISCUSSION TOPICS: Pat Humphrey noted that the crew from the company installing gas lines in the city need to clean up the mess they are leaving behind on the job.

14. \*APPROVAL OF BILLS  
*Consent Agenda Item.*

15. ADJOURNMENT  
Motion by Commissioner Clark second by Commissioner Loomis to adjourn the meeting. Ayes: All. Nays: None. Absent: Carolyn (Gus) Murphy. *Motion Carried.* Meeting adjourned at 6:52 p.m.

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Pat Humphrey, Mayor

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Diane Lyon, City Clerk