

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, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Absent: None. Also, present: Jeremy Howard, City Manager; Luke Potter, DPW Director; Brian Gregory, Police Chief; Dale Clark, WWTP Superintendent; Shannon Sirpilla, City Treasurer; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Jenkins second by Commissioner Murphy to approve the items listed with an asterisk (*) (Agenda, Minutes, 1st Reading of Ordinance 2021-006, 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, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. 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: None.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

A. ORDINANCE 2021-006-TINY HOMES

Currently the City does not allow for tiny homes inside the city limits as there are a number of Ordinance Codes that would prohibit the placement of a tiny home including minimum building size, tires and tongues on houses, hookups, etc.

A local business owner, who is in the process of constructing a tiny home, approached the city several months ago with the desire of possibly amending the City's Codes of Ordinance to create a specific Ordinance that would provide for the allowance of tiny homes within the city of Clare. City staff recommended they approach the Planning Commission about the subject to gauge if there was any interest in amending the current Ordinances or creating a special Ordinance to allow tiny homes.

As the proposed ordinance falls under the purview of the Planning Commission, a review of the proposed ordinance is required by that body. Following a presentation by the business owner at the March Planning Commission meeting, discussion regarding a tiny homes Ordinance took place at the March, May, July, and August meetings. Following discussion at those meetings, the Planning Commission asked consultant Jill Bahm to gather information to bring back to the Planning Commission for additional discussion and for the development of a tiny homes Ordinance. Following discussion and direction on the topic, Jill provided a draft Ordinance amendment to the Planning Commission at their September 8th meeting. The Planning Commission has recommended the Clare City Commission adopt the Ordinance to by their adoption of Resolution 2021-018PC.

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

Public Comment: None.

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

B. SALE OF PROPERTY-NORTH INDUSTRIAL PARK

The Clare Industrial Development Corporation (IDC) has negotiated and voted to recommend the sale of the last remaining parcel in the North Industrial Park (6.51 acres) to Mr. Dennis Resseguie which will allow him to relocate his business, Renosol, to Clare. Renosol was located in Bay City but they recently lost their building to a fire. Dennis plans on constructing a new 30,000+ square foot building on the site to house his industrial facility which specializes in the manufacturing of Custom Polyurethane Components (e.g., foam for football helmets). After site plan approval at the Planning Commission at a future meeting, they hope to break ground this year and start construction on the building next Spring. The City Commission is asked to approve the sale of the property.

Mr. Dennis Resseguie, President of Renosol Corporation, his wife Holly, and Mr. Steve Stark of the Clare IDC were present at the meeting. Mr. Resseguie provided a brief overview of the proposed project plans for the site.

Motion by Commissioner Murphy second by Commissioner Jenkins to approve the sale of industrial property in the North Industrial Park by adoption of Resolution 2021-073. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

C. SALE OF USED EQUIPMENT-1992 FORD VACTOR TRUCK

The City recently solicited bids for the sale of an excess 1992 used vactor truck after the recent purchase of our new Vacuum truck. A minimum bid of \$15,000 was set by the Director of Public Works. The City received one bid for the equipment from Mr. Mark Bolle. The City Commission is asked to approve the bid and authorize the sale of the property.

Motion by Commissioner Murphy second by Commissioner Loomis to approve the sale of the 1992 Vac Truck by adoption of Resolution 2021-074. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried*

D. HAULING AGREEMENT-LAKE SHAMROCK SPOILS

At the end of 2020 and the beginning of 2021, the City of Clare finalized the Special Assessment and Bond Sale for the Lake Shamrock dredging project. The project is continuing to progress and we are at a point where we would like to get a signed contract for the hauling of the spoil material from the lake. DPW Director Luke Potter initiated a conversation with local businessman Marvin Heintz regarding the hauling of the spoils using his trucks and rolloff bins, and the City Attorney drafted a contractual agreement for said hauling.

Motion by Commissioner Bonham second by Commissioner Murphy to approve the contractual agreement with Mr. Marvin Heintz by adoption of Resolution 2021-075. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried*

E. APPROVAL FOR SOLE SOURCE PURCHASE-WWTP TRUCK PURCHASE

During budget conversations earlier this year, we discussed replacing the 2009 model, aging service truck used by Wastewater this fiscal year. The vehicle has reached the end of its useful life for the type of use needed by the City. The new service truck has been budgeted and planned for replacement in the current 2021/2022 CIP in the amount of \$67,000.

We are again able to use Sourcewell for this bid which allows the city to utilize contracts that have already been bid out by Sourcewell across the country. The city is then able to take advantage of the often heavily discounted prices. The Sourcewell bid for this service

truck is currently held by National Auto Fleet Group. The bid amount is \$67,036.18, just over our originally budgeted number, and includes the upgraded winch which will allow us to do additional work that we normally contract out. The city's plan is to sell the current Wastewater service truck, which will help to offset the cost as those funds will be returned to the mobile equipment fund.

The City Commission is asked to approve the sole source bid and award the contract for the purchase of a new service truck to National Auto Fleet Group.

Motion by Commissioner Murphy second by Commissioner Loomis to approve the sole source purchase from National Auto Fleet Group by adoption of Resolution 2021-076. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

F. REPAIR OF K9 UNIT POLICE VEHICLE

The City's K9 police vehicle was recently involved in an accident and declared a total loss by the City's insurance adjuster. The vehicle is critical to the City Police Department's sustained operations. Due to the low mileage on the vehicle, we worked with the insurance company to get the vehicle back for just the cost of the salvage. The insurance value of the car was \$11,164, so the city was able to "pay" the \$1,000 salvage cost and retain the vehicle. The insurance company then issued a check to the city for \$10,164. It was originally thought that the repairs would cost less than the amount of the check cut by the insurance company but there was some additional hidden damage. We were able to get the repair done for \$11,603.74. This is a win for the city as we will be able to get this very important K9 unit back into service for a little more than what we received in insurance money. Even though the vehicle was totaled and purchased back from the insurance company, it still has a clean title. This option is significantly more cost effective than purchasing a brand-new police Tahoe for \$60,000+ that was not included in the budget for this year. It also has proven nearly impossible to find a Tahoe to purchase.

The Commission is asked to authorize the payment of \$11,603.74 for the repair of the K9 Police Unit.

Motion by Commissioner Loomis second by Commissioner Murphy to approve the K9 Police Vehicle repairs by adoption of Resolution 2021-077. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

G. BOND AUTHORIZATION, ACCEPTANCE, AWARD AND EXECUTION FOR A VAC TRUCK, FIRE ENGINE, AND FIRE DEPARTMENT AIR PACKS

The City Commission previously agreed to the solicitation of bonds to assist in the funding of the City's new fire engine, fire air packs, and vacuum truck. Two qualified bids were received. The third request for proposal from Isabella Bank was not received. The most favorable proposal was submitted by Mercantile Bank of Michigan at a rate of 1.90% for the amount of \$1,150,000.

The City Commission is now asked to adopt the proposed resolution to accept and award the sale of bonds, and to authorize the issuance and execution of the bonds.

Motion by Commissioner Murphy second by Commissioner Bonham to accept the bond proposals, authorize and award the bond proposal to Mercantile Bank of Michigan, and to authorize the issuance and execution of said bonds by adoption of Resolution 2021-078. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

H. TECHNOLOGY SUPPORT AGREEMENT-IT RIGHT

The City of Clare has contracted with IT Right of Bath, Michigan for technology support over the past 20 years. IT Right has a very integrated business relationship with BS&A Software who provides the City with all of our municipal specific computer software which includes property assessment and taxation, cemetery management, building department (permits and code enforcement) as well as all of the financial management programs which are specific to municipal government.

IT Right provides around the clock support and service and works closely with many other software vendors that we currently use, including but not limited to online bill payments,

and airport fuel sales. IT Right sets up the City's new user accounts based on access levels, and helps to keep our mailboxes cleaned up from potential harm by blacklisting spam messages.

Motion by Commissioner Murphy second by Commissioner Jenkins to approve the support agreement with ITRight by adoption of Resolution 2021-079. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

8. TREASURER'S REPORT: *The City Treasurer presented her report.*

9. *DEPARTMENT REPORTS
*Approved by Consent Agenda

10. CITY MANAGER'S REPORT

Lake Shamrock Dredging. The project continues to move forward. We have hired an operator for the barge (Shannon Dickerson). He is a Clare graduate who recently moved back to the area and has over 20 years of experience with heavy equipment. He has already started and is anxious to get started. The access road for the hauling and equipment has been completed at the first staging site. The barge has been delivered and is on the city property on the corner of Wilcox Parkway and McEwan. Turbidity curtains are being installed in the lake very soon. Contracts are being approved for hauling (tonight) and spoils disposal location (soon). Staff and I as well as many citizens that I have talked to are excited to see this long-awaited project begin.

Ideal Theater. I recently met with the new owners of the Ideal Theater. They have big plans for renovations both inside and outside to the building. They reopening of the movie theater will be a welcomed event in the city. They hope to be renovated and up and running as soon as possible.

Other news. We had a longer than usual agenda so I will keep my report short, but be sure to check out the Department Head reports for lots of other great stuff going on that I won't reiterate here.

11. *COMMUNICATIONS

Bureau of Elections News: The most recent BOE News Update spotlighting election security measures was provided for information.

Consumers Energy Public Hearing Notice: A hearing before the MPSC is scheduled on September 14, 2021, at 9:30am to hear a request from Consumers Energy regarding the approval to commence a renewable energy cost reconciliation proceeding.

Connected Nation Michigan: The latest in information on broadband and tech news and how the internet changed during the pandemic was provided for information.

Current Site Plans, Special Use Requests and Public Notices: The most recent Site Plans (Peterbilt & Superior Title, Special Use Permit (Day Care on Park Street) requests and public notices (Summary Ordinance 2021-005) were provided for information.

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. CLOSED SESSION:

ANNUAL PERFORMANCE EVALUATION, CITY MANAGER

The City Manager's contract stipulates that he shall receive an annual performance evaluation. Jeremy has requested that his 2021-2022 performance evaluation be considered and presented by the City Commission in closed session.

Discussions regarding individual performance evaluations qualify for closed session of public, governing bodies under the provisions of the Michigan Open Meetings Act when requested by the employee.

The City Manager's performance evaluation is a collective product of the entire City Commission. Each Commissioner was asked complete their respective evaluation and submit it to the City Clerk prior to the meeting September 20th meeting to tally the individual numerical scores and determine average score prior to the meeting to be presented on a final evaluation worksheet by the Mayor during the Closed Session meeting. The Mayor then signs the final averaged performance evaluation on behalf of the Commission.

Motion by Commissioner Bonham second by Commissioner Loomis to go into closed session at 6:24 p.m. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried*

Motion by Commissioner Bonham second by Commissioner Murphy to go back into open session at 6:42 p.m. and approve the minutes of closed session. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried*

17. ADJOURNMENT: Motion by Commissioner Bonham second by Commissioner Murphy to adjourn the meeting. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Maegan Jenkins, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried*. Meeting adjourned at 6:43 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk