

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. via remote audio public meeting attendance as authorized under Executive Order 2020-154 and in person attendance by the Clare City Commission at the Pere Marquette District Library Room LLA, 185 East Fourth Street, by Mayor Pat Humphrey who led with the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Absent: None. Also, present: Jeremy Howard, City Manager; Steve Kingsbury, City Treasurer, and Diane Lyon, City Clerk.

Rules for Public Comment during the conduct of remote electronic meetings were read to the audience by the City Clerk

2. CONSENT AGENDA:

Moved by Commissioner Clark second by Commissioner Murphy to approve the items listed with an asterisk (*) (Agenda, Minutes, Communications, Department Reports, Professional Development, Board & Committee Appointments, 1st Reading of Ordinances 2020-004, 005 & 006, and Bills) that are considered to be routine by the City Commission. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, 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. FIRST READING OF PROPOSED ZONING ORDINANCE 2020-006, 625 WEST FIFTH STREET

Background. The City of Clare recently learned that the commercial property at 625 West Fifth Street (formerly a Chemical Bank Branch Building) owned by Mr. Jim Paetschow was being used for residential use. In discussion with Jim, he was informed that he either had to cease this improper use or request that the zoning of the property be changed to allow residential use. Jim submitted a zoning change application to the Planning Commission which was heard at their September 9th meeting.

The Planning Commission considered the request, and in evaluating the parcel's location and the fact that it is a single property parcel and is an island in and by itself surrounded by Township property parcels that are being used for residential purposes, supports and validates that the current residential use of the property, albeit zoned incorrectly and not identified on the City's Future Land Use Map as residential (it likely should have been) is a clear indication that this is the best use of this property in the long term.

The approval authority for all ordinance changes in the City is the City Commission. But in matters related to Chapter 52 (Zoning), the City Planning Commission is required to provide a formal recommendation to be considered by the City Commission in its discussions regarding the proposed ordinance change. The Planning Commission held a public hearing on the proposed ordinance/zoning change on September 9, 2020, and unanimously recommended approval of the proposed zoning change.

All changes to zoning within the City must be accomplished by ordinance change. All ordinance code changes or amendments require the approval of the City Commission, and all ordinances require two readings and approval of the 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 Bonham second by Commissioner Murphy to open the public hearing. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

Public Comment: None.

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

B. FIRST READING OF PROPOSED ORDINANCES 2020-004 & 2020-005-MARIHUANA

The City of Clare presently permits licensure of all categories of medical marihuana businesses (grow, process, transport, certification, and provisioning) allowed by the State of Michigan but concurrently prohibits any adult-use recreation marihuana businesses within its jurisdictional boundaries. Both the City Planning Commission and the City Commission have been petitioned by the attorneys, owners, and investors of the City's three established and licensed medical marihuana business establishments requesting the City amend its present ordinances to allow them to grow and process adult-use recreational marihuana in their licensed facilities in Clare for retail sales outside the City's jurisdictional boundaries – thereby allowing them to more aggressively compete in Michigan's adult-use recreation marihuana market and provide the potential for significantly increased investment and job creation within the City of Clare. In response to the most recent petition and presentation on this topic to the City Commission by the attorneys and investors of these businesses in July 2020, the City Commission directed its City Attorney to draft an amendment to the City's current ordinances to facilitate formal discussion and consideration of the requested ordinance changes. Those changes are outlined in the attached Ordinances 2020-004 and 2020-005. The first formal step in consideration of the proposed ordinance amendments was a public hearing, a formal discussion, and formulation of recommendations by the City's Planning Commission to the City Commission in respect to whether the proposed ordinance changes should be adopted.

When the majority of the Michigan electorate decided to allow/legalize adult-use recreation marihuana in the state in 2018, the law stipulated that local governmental jurisdictions that allowed any category of commercial adult-use recreation marihuana business within its jurisdiction were required to “opt in” – thereby requiring the issuance of commercial recreation marihuana licenses for all five categories (grow, process, certification, transportation, and retail sales) of recreational marihuana to business entities that qualified for issuance of the respective commercial licenses. But since the law's inception, the rules have changed wherein a local governmental unit now has the prerogative to pick and choose whatever category of adult-use recreational marihuana license (if any) it determines should be allowed within its boundaries. Consequently, the City can now continue to prohibit the commercial retail sales of recreational marihuana within its jurisdiction but can concurrently allow recreational marihuana to be commercially grown, processed, certified, and transported in the City for sale to commercial recreational marihuana markets outside the City. And that is in essence what the provisions of the proposed ordinance amendments (2020-004 & 2020-005) allow, if adopted: continued prohibition of any commercial adult-use marihuana retail sales within the City while allowing commercial marihuana growers to apply for licenses to commercially grow, process, certify, and transport recreational marihuana in Clare still only in the City's South Industrial Park so long as they sell their product to markets outside the jurisdictional boundaries of Clare.

The Clare Industrial Development Corporation (IDC) also considered and discussed the proposed ordinances during the course of a meeting held on August 28th. The IDC has consistently and strongly opposed any type of recreational marihuana proposal and has adamantly opposed the retail sale of medical marihuana within the boundaries of the City's South Industrial Park. But in a vote on the two newly proposed ordinances, the IDC has, by majority vote, endorsed the adoption of 2020-004 and 2020-005. The IDC concurrently, by unanimous vote, proclaimed its adamant and unified opposition

to the commercial retail sales of adult-use recreation marihuana within the boundaries of Clare.

At the regularly scheduled Planning Commission meeting of September 9th, a public hearing was held regarding the two proposed ordinance amendments. Following discussion among members of the Planning Commission, a majority of Planning Commission voted to recommend approval of the proposed changes by adoption of Resolution 2020-018PC.

All ordinance code changes or amendments require the approval of the City Commission, and all ordinances require two readings and approval of the 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.

To date, the City has received one letter of objection to the proposed ordinance amendments.

City Attorney Jaynie Hoerauf was present via Zoom to provide answers and information to the City Commission regarding the ordinance amendments

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

Public Comment: Tom Kunse, Grant Township resident and business owner within Clare's south industrial park, provided a letter to the City Commission opposing the proposed ordinance amendments.

Attorneys Joey Kejbou and Jordan Rasaam, representing medical marihuana businesses who have received approval to operate medical marihuana facilities within Clare's south industrial park, spoke in favor of the ordinance amendments.

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

C. INFORMATION TECHNOLOGY SUPPORT AGREEMENT-IT RIGHT

The City of Clare approximately two decades ago selected IT Right of Bath, Michigan as the City's technology support vendor of record. 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 24/7/365 technology service support to the City which is a mission critical requirement given the integration of technology in all facets of the City's operations including police and fire. To say that we have been completely satisfied with the services provided by IT Right is an understatement, they truly are a partner in virtually all aspects of the services that we provide to the community and are an integral part of our day-to-day operation.

As the City Commission is aware, on Sunday, July 19, 2020 a lightning strike to the Consumers Energy utility pole outside of City Hall caused significant damage to our technology and telecommunications equipment even though both were fully protected behind isolated and separately grounded electrical services and dedicated commercial grade UPS's. After my initial assessment and request for assistance technicians from both IT Right and Winn Telecom were onsite working nearly 12 hours with myself to restore major parts of our network. Follow-up visits to repair the remainder of the

technology infrastructure were very quickly completed with all of the service work being done without labor costs, all of which were covered by our annual service contract with IT Right. Easily this one unfortunate event could have cost the City well over half the cost of our annual service contract.

As mentioned above IT Right is also a business partner with BS&A software which streamlines our technology support and thereby reduces to almost a non-existent level the time that we have any interruptions to our technology infrastructure. The technicians of IT Right also work very effectively and closely with Clare and Isabella Counties as well as our other technology related vendors (Point-n-Pay for credit and debit card processing services; Multi-Service Aviation for fuel sales at the City's Airport; Winn Telecomm who provides the City telephone services; and Firehouse Software service to name a few). In all instance's IT Right is completely respected by these companies and has seamlessly worked with and provided excellent service in support of the City's operations.

Motion by Commissioner Bonham second by Commissioner Clark to approve the agreement by adoption of Resolution 2020-117. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

D. *BOARD & COMMITTEE REAPPOINTMENT-PLANNING COMMISSION (JASON LOWE) *Resolution 2020-118 Approved by Consent Agenda.*

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

9. CITY MANAGER'S REPORT

City Planning Commission Meeting. The City Planning Commission met on Wednesday, September 9th. Agenda topics included a proposed site plan and special use for converting the former Beauty College on Wilcox Parkway into the new Clare Senior Center, the request for rezoning 625 West Fifth Street from Commercial to Residential, consideration of proposed changes to the City's existing marihuana ordinances to allow recreational marihuana to be grown, processed, certified, and transported in the South Industrial District, and continued discussions on two potential ordinance amendments regarding Accessory Dwelling Units and the sign ordinance. It was a long meeting lasting 3 hours, but the discussion was very productive and they were able to accomplish a great deal at that one meeting.

Downtown Streetscape. Work was originally scheduled to commence mid-September and last for approximately 8 weeks. However due to some construction delays the start date is now scheduled for Monday, September 28th. However, even with the late start date the contractor still believes they will meet the substantial completion date stipulated in the contract.

Railroad Crossing – Maple Street. On Wednesday, September 16, several city staff met at the Maple Street rail crossing with a representative from MDOT rail. The crossing there had been flagged as a crossing that was eligible for funding to decrease the potential for car/train accidents. After discussion of the options available to the city it was determined that the best course of action was to allow MDOT Rail to install signals with flashing lights and bells. There will not be crossing arms at this area. This will be fully funded by MDOT Rail at a cost of approximately \$250,000. The only cost to the city will be a small amount per year cost sharing for the upkeep and maintenance done by MDOT Rail on the lights and system. We think this will be a great asset to the city which should help protect our residents and at a very minimal cost.

Wastewater Treatment Plant. Waste Water Treatment Plant Screw Pump Replacement bids are due at 10:00 a.m. on Tuesday, September 22, 2020.

Rail Trail Update. We were recently informed by MDOT that due to the delays caused by COVID and the increased workload created by the flooding and devastation to the East of us, the Rail Trail project letting and design has been pushed back until sometime next summer and construction will not likely begin until 2022. This is a full year delay on the timeline we anticipated. We will know more when they send us an updated timeline on the project.

Verizon Cell Tower. The city has been working with Verizon on a potential cell tower to be placed in Maple Street Park. I received word recently that they are still working on the environmental report as I was contacted to provide additional information on the site. Once we receive more information or next steps, I will share those with you at that time.

Election Grant. The State of Michigan in cooperation with the Center for Tech and Civic Life recently announced another opportunity for municipalities to apply for a grant to help with technology related to elections. City Clerk Diane Lyon has applied for the grant (no potential numbers were given by the grant provider) and we are now waiting to hear back if we were successful.

Halloween. Once again, we find ourselves in the situation of having to contemplate what can be done during a pandemic and under the current Executive Orders for gatherings. We are not optimistic that we will be able to host Halloween celebrations as we normally have in the past. Joy has reached out to other surrounding municipalities and all of them seem to be in a wait and see and hope position right now. We hope to have some direction by early October to share with you and with residents regarding events and trick or treating.

Lake Shamrock Dredging. This project has many moving parts, and we are working diligently to get you information in October that will allow you to begin moving the process forward. We are currently working with our Bond Attorney and City Attorney to make sure that all of the steps are correctly done to move the process forward. We received additional cost information and are awaiting a few more pieces to be able to bring you some solid estimated numbers. We have found that there are a few more steps that need to be completed in order to move forward. We will bring you information related to setting a special assessment district, setting an assessment roll, and issuing bonds to pay for the project, as well as the required public notices and hearings for your action.

Addendums. Center for Tech and Civic Life Grant. The City Clerk applied for and received a \$5,000 grant to be used exclusively for the public purpose of planning and operationalizing a safe and secure November 2020 election for City.

Seal Coating of Downtown Parking Lots. D&D Asphalt have started the process of sealcoating the downtown parking lots.

10. *COMMUNICATIONS

Clare County Mobile Food Distribution: The Greater Lansing Food Bank will be providing free food distribution at the Clare County Fairgrounds on Saturday, October 3, 2020. Registration begins at 9am with distribution taking place from 10:30am until noon.

MIDHHS Notice of Aerial EEE Mosquito Spraying Treatment: The City received Notice from the Michigan Department of Health & Human Services of scheduled spraying in specifically identified areas within Clare County to combat Eastern Equine Encephalitis.

Early AV Processing: The State has approved legislation to allow certain cities and townships to begin opening absent voter ballot envelopes the day prior to election day. This does not apply to the City of Clare.

FOIA Requests: The most recent FOIA were provided for information.

11. EXTENDED PUBLIC COMMENT: None.

12. COMMISSION DISCUSSION TOPICS: Speeding traffic and jake breaking in the city are a concern of the Commission. They desire to increase the enforcement of traffic laws in the City. The Commission would like to receive a monthly police report which includes the number of speeding tickets issued.

Commissioner Loomis requested a copy of MML's annual convention agenda.

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

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

15. ADJOURNMENT: Motion by Commissioner Bonham second by Commissioner Murphy to adjourn the meeting Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 6:44 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk