

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, Professional Development, Board & Committee Appointments, 2nd 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. SECOND READING AND ADOPTION OF PROPOSED ZONING ORDINANCE 2020-006, 625 WEST FIFTH STREET

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 public hearing that was held at the last meeting is attached.

The City Commission was asked at its meeting of September 21st whether it desired to adopt the proposed ordinance amendment (Ordinance 2020-006) – and if so to commence the process for ordinance adoption. The City Commission directed the First Reading of the Ordinance at that meeting.

The Commission accepted a Second Reading by approval of the consent agenda.

Motion by Commissioner Murphy second by Commissioner Bonham to approve the Ordinance adoption thereby authorizing the change in zoning from C-1 to R1 by adoption of resolution 2020-119. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

B. SECOND READING AND ADOPTION 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 amendments 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.

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(s) of adult-use recreational marihuana license(s) (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; the 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 only in the City's South Industrial Park so long as they sell their recreational products to markets outside the jurisdictional boundaries of Clare.

The Clare Industrial Development Corporation (IDC) 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 was published.

The City Commission was asked at its meeting of September 21st to consider the proposed ordinance amendments (Ordinance 2020-004 and 2020-005) – and if so to commence the process for ordinance adoption. The City Commission directed the First Reading of the Ordinance at that meeting.

To date, the City has received one letter of objection to the proposed ordinance amendments from Mr. Tom Kulse of Grant Township.

The Commission accepted a Second Reading by approval of the consent agenda.

Motion by Commissioner Murphy second by Commissioner Clark to approve Ordinances 2020-004 and 2020-005 by adoption of Resolution 2020-120. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

C. APPROVE SCREWPUMP BIDS AND AWARD CONTRACT WORK

Gourdie-Fraser Associates recently solicited bids on behalf of the City for replacement of the City's failing screw pump, a major component of the waste water treatment plant. The pump was constructed in 1989 and after 30+ years is quickly nearing its end of useful working life and is badly in need of replacement. As reflected in a memo from GFA, four bids were received, the low bid being submitted by Fisher Contracting. After review and reference checking GFA is recommending the approval of the bid from Fisher Contracting in the amount of \$378,125 which includes the alternate automatic lubrication system which will help ensure the longevity of the pump. The City Commission is asked to approve the bids and award the contract for this work to Fisher Contracting.

Motion by Commissioner Bonham second by Commissioner Loomis to approve the bids and award the contract work to Fisher Contracting by adoption of Resolution 2020-121. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

D. SET TRICK-OR-TREAT HOURS

Historically, the City Commission has set the date and time for Halloween Trick or Treat within the City. Generally, these hours are set for 6-8pm on October 31st – which falls on Saturday this year. Once again, we find ourselves in a situation in relation to COVID where we are having to make adjustments to our usual norms.

We have been waiting and watching the decisions made by surrounding communities regarding trick or treat hours and activities. Many of these communities are setting their regular trick or treat hours as in past years. Halloween and trick or treating isn't something that really can be "cancelled". We are encouraging families and citizens to continue to follow guidelines set forth by the local health departments, the CDC, and the State of Michigan, in order to keep everyone as safe as possible while still allowing kids and families to enjoy the fun of Halloween. The Parks and Recreation Department will be announcing information regarding the cancellation of some of the city sponsored Halloween events, but we are hopeful that we will be able to conduct a few events in which we are able to follow the mandated public health guidelines and maintain social distancing.

We ask the City Commission to set the trick or treat hours for Clare for 6-8pm, on Saturday, October 31st.

Motion by Commissioner Bonham second by Commissioner Clark to set Halloween Trick-or-Treat hours by adoption of Resolution 2020-122. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

E. NOTICE OF INTENT TO ISSUE BONDS

- (1) Fire Department & DPW Department Equipment purchases.
- (2) Lake Shamrock Dredging/Dam Spillway

Over the last several months city staff have been working on compiling information to present a bond proposal to pay for several large projects. Two of these projects are equipment related; the first is for Department of Public Works equipment and the second is for Fire Department equipment. The third project is in relation to the Lake Shamrock Dredging/Dam Spillway project.

Within the Department of Public Works, the City's current Vacuum truck is a 1992 model and has reached its end of useful life. As you may recall, this purchase was discussed at the last budget meeting and the truck was slated for replacement during the current fiscal year.

In regard to the Fire Department equipment, the City's current fire engine is a 2000 model. As previously approved by the Commission we were able to pay off the ladder truck early and as such, we are able to continue with budgeted plans to purchase a new fire engine in FY2020/21. The Fire Department's air packs were purchased approximately 13 years ago and the company that made them is no longer manufacturing air packs. We are still able to purchase repair parts at this time but it is becoming increasingly difficult to obtain repair parts. Air packs are required to be recertified annually and following all repairs; this has become increasingly challenging as the current air packs age. The purchase of the air packs is being accelerated from the projected FY2021-22 budget so that we can include their purchase in the sale of bonds along with a new fire engine.

There are several steps and many decision points that need to be resolved by the City Commission in relation to the Lake Shamrock Dredging/Dam Spillway project. At this time, the only action that needs to take place is to approve a resolution noticing the city's intent to sell bonds to pay for the project. There are two different proposals the Lake Shamrock this project. One is to sell bonds for only the dredging project (Resolution 124A); the second is to sell bonds for the dredging project with the Dam Spillway project included (Resolution 124B). The Commission must designate which of the two options they are comfortable with when adopting the resolution.

The City has solicited the services of its Bond Counsel, Miller Canfield, to prepare and complete all necessary actions to sell the bonds. Our bonding attorney has completed the required first step in the bond sales process – the required resolutions noticing the City's intent to sell the bonds for the projects. The City Commission is asked to adopt the proposed resolutions.

Motion by Commissioner Bonham second by Commissioner Murphy to approve the bond proposal to purchase a Vac Truck, Air Packs, and a Fire by adoption of Resolution 2020-123, and to approve the bond proposal for the Lake Shamrock and Dam Spillway project by adoption of Resolution 2020-124B. Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Carolyn (Gus) Murphy and Nick Loomis. Nays: None. Absent: None. *Motion Carried.*

D. *BOARD & COMMITTEE REAPPOINTMENTS

PARKS & RECREATION ADVISORY BOARD (PETE SPITZLEY

Adoption of Resolution 2020-125 Approved by Consent Agenda.

PLANNING COMMISSION (DARREN ACTON, GLENDA CARMONEY AND ANGIE COZAT)

Adoption of Resolution 2020-126 Approved by Consent Agenda.

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

9. **CITY MANAGER'S REPORT**

Downtown Streetscape. Work was originally scheduled to commence mid-September and last for approximately 8 weeks. However, due to some construction and weather delays the start date ended up being September 29th. We are still hopeful that even with the later start date the contractor will meet the substantial completion date stipulated in the contract.

Grants. We were notified of four different grant receipts to the City of Clare recently totaling \$121,345.10. One of the grants was from the State of Michigan in cooperation with the Center for Tech and Civic Life and we were awarded a \$5,000 grant to help with technology and supplies related to elections. We also received three CARES Act related grants for frontline workers and other COVID related costs. One was for \$51,000 for First

Responders Hazard Pay Premiums that allowed us give one-time bonuses to our Police and Fire employees for the work they did and are still doing related to the pandemic. The second one was for \$55,601 for First Responder Pay and Benefits funding to help offset the additional time that was spend during the initial spike of the pandemic. The third one was for the Airport in the amount of \$9,744.10 for use on COVID related expenses at the airport.

MERS Conference. The conference occurred the week of September 21st and though it was much different this year than normal because it was completely virtual, it still contained some very good information. I and the other primary and alternate delegates were able to attend many of the sessions and for the most part they were problem free and contained good information. The voting delegates were able to take part in the business meeting and vote on Thursday of the conference. MERS does hope to be back to normal in person conferences next year.

Traffic Enforcement. After a discussion at the last meeting, the commission asked me to check with the Police Chief on a couple issues related to speeding and ticketing in the city. The commission also requested that we move the speed trailer to a location that could potentially help deter some speeding as well. I spoke with Police and DPW a couple days after the meeting and we were able to get the speed trailer moved to a location in front of the Police station as you are heading East on 5th Street toward McEwan. It has been operational since then and we hope that it may slow traffic down by making them aware of their speed as they approach downtown.

You also asked me to get some statistics on traffic stops and number of tickets issued from the Police department. I spoke with Chief Gregory and he was able to provide me with information from the last couple weeks. It shows the number of Traffic Patrols, Traffic Stops, and the number of tickets written for the time frame 9-16-20 through 9-30-20.

I also asked the Chief to try and add some additional presence and enforcement around the downtown area and key, busy intersections. The Commission is asked to contact me if they have additional questions or desire to see additional information in the Chief's report.

New Executive Order related to gatherings/meetings. Below is the text from the newest Executive order issued by the Governor in relation to indoor and outdoor gatherings. I think this is good news in so much as that the numbers for Michigan and for the City and Clare County continue to be stable enough to relax some restrictions. Hopefully this will continue to help our local businesses and will allow us to be able to more easily facilitate City events and meetings.

“Beginning October 9, 2020, most non-residential indoor venues can host social gatherings and organized events so long as they maintain fewer than 20 people per 1,000 square feet and require facial coverings. Performance venues and stadiums, similarly, will be permitted to operate at 20% seating capacity. Such gatherings and events must be no larger than 500 people in the largest indoor venues, in order to reduce the risk of a “super-spreader” event. Outdoor gathering and event restrictions will also be relaxed, so long as they maintain fewer than 30 people per 1,000 square feet, or 30% seating capacity, up to 1,000 people in the largest outdoor spaces.”

Lake Shamrock. At your meeting October 5, 2020, you received information regarding moving forward with the bond requirements for the lake dredging/dam spillway project. We have been working extensively with our bond attorney and with our city attorney to continue to move this very intricate process forward. Over the next several meetings you will continue to get information related to the lake, the dam, the dredging process, and the many steps involved in the special assessment process which requires things like setting a special assessment district, setting the splits of the assessment, setting the special assessment roll, public hearings, etc.

Attached to this report are a number of different documents. They are being given to you now so you can review them and begin to formulate your thoughts around them. We will be bringing you more information and recommendations at upcoming meetings related to the documents and we will be asking you to make decisions on some of the specifics related to things like the split for the special assessment and including the dam spillway work in the project, among other things. Please feel free to reach out to me if you have questions on any of the documents or need more or different information.

Lead/Galvanized Waterline replacements - Funding. A week or so ago I sent you an email with some exciting news out of Lansing. The City of Clare received 2.5 million dollars as lined out in the recently passed State of Michigan budget to help with our repair/replacement of our lead and galvanized water service lines. Our inventory of the entire city is near complete and the replacement of these lines was going to be a liability cost that would have been with the city for the next 20 to 25 years. The receipt of these funds will allow us to much quicker be able to get this work complete in order to ensure that our city residents have safe and healthy water for many, many years to come.

I would like to thank Representative Jason Wentworth and his staff for his work on securing this funding for the City of Clare and our residents. This grant funding will greatly improve the water quality for the health & safety of our residents.

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 requests were provided for information.

11. EXTENDED PUBLIC COMMENT: Wayne Terpening, Forest Ave., urged the Commission to take the matter of dredging Lake Shamrock to referendum for all residents of the city to vote on the decision of whether to dredge the lake for transparency, voiced concern about ongoing costs to maintain the lake, and suggested using the taxable value of properties to prorate project costs, for equity, in the proposed special assessment district. Mr. Terpening noted that the Section 7.13 of the City Charter outlines the procedure for petition if the Commission fails to put the question to vote and that he has several volunteers to work a petition drive to obtain the requisite 179 valid signatures necessary to file a petition. Mr. Terpening also commended the Commission for including the dam spillway in the project given the recent dam failures of neighboring communities to the east.

Elaine Demasi & Vince Demasi, Wilcox Pkwy, spoke on the transparency of the Lake Shamrock dredging project provided via numerous public meetings held over the past 45-years. These meetings were open to the public, residents were invited to join the meetings, information was published in the newspaper, and it has been discussed at City Commission meetings. Mrs. Demasi noted that this has been a very long journey investigating what we need to do with the lake and offered that the meetings are open (to the public), there is nothing secret about the project, and (Lake Shamrock) studies are available to the public; Mr. Demasi noted that we need to make the lake beautiful again for our children and invited Mr. Terpening to a private debate regarding the project.

12. COMMISSION DISCUSSION TOPICS: None.
13. *APPROVAL OF BILLS: *Approved by Consent Agenda.*
14. *PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES: *Approved by Consent Agenda.*
15. ADJOURNMENT: Motion by Commissioner Murphy second by Commissioner Clark 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 6:36 p.m.*