

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 Public Act 228 of 2020, 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 as amended (remove Mike Sargent from item A.), Minutes, Communications, Department Reports, Professional Development, Board & Committee Appointments, 1st Reading of Ordinances 2020-007, 008 & 009, 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. EMPLOYEE RECOGNITIONS-DALE CLARK, GARY BAUER, JEFF MICHELS & GREG KOLHOFF

Dale Clark has completed twenty-five years of faithful, dedicated service to the City of Clare as a member of the City's Water & Wastewater Department.

Firefighter Gary Bauer has courageously and honorably served as a member of the Clare Fire Department for forty-five (45) years.

Firefighter Jeff Michels has courageously and honorably served as a member of the Clare Fire Department for forty (40) years.

Sergeant Greg Kolhoff has faithfully served the residents of the City of Clare and the Greater Clare Area Community for the past fifteen (15) years as a member of the Clare Police Department initially serving as a certified line officer within the Department.

We ask that the City Commission recognize Dale, Gary, Jeff and Greg for their extraordinarily outstanding service to the community.

Jeff Michels announced that it has been an honor to serve on the Clare Fire Department and expressed appreciation for the support of his family, the City of Clare, and the fire department crew members.

Motion by Commissioner Clark second by Commissioner Murphy to recognize the service of Dale Clark, Gary Bauer, Jeff Michels and Greg Kolhoff by adoption of Resolutions 2020-127, 2020-128, 127-129 and 2020-131. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

B. REQUEST FOR JURISDICTIONAL TRANSFER OF PROPERTY-RED HOOK PROPERTIES

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 Red Hook Properties to transfer jurisdictional control of approximately 2.29 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 30-day 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. 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 scheduled a hearing for November 2020 meeting in conjunction with their regularly scheduled monthly meeting.

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

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

Motion by Commissioner Bonham second by Commissioner Murphy to approve the jurisdictional transfer of property by adoption of Resolutions 2020-132. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

C. DETERMINATION OF NECESSITY-LAKE SHAMROCK

At the October 5 meeting of the City Commission, the first step in this multi-step process began with the Notice of Intent to sell bonds to finance the project. At tonight's meeting, we are now proceeding to the next steps in the process which are as follows:

1. Determine the necessity of public improvements to Lake Shamrock.
2. Determine the proportion of the cost of the improvements to be paid by special assessment upon properties especially benefitted.
3. Designate the special assessment district.
4. Set a public hearing on the proposed improvements.

The City has worked with the City Attorney and its Bond Counsel, Miller Canfield, to prepare and complete Resolution 2020-133 which lays out all of the necessary pieces for these four steps. As discussed in previous meetings, the resolution calls for a 50/50 split of the cost for improvements related to the dredging and dam spillway between the Lake Shamrock property owners and the City. If the commission desires a different split, that discussion and decision can be made tonight before the adoption of the resolution.

Motion by Commissioner Murphy second by Commissioner Clark to approve the Determination of Necessity for public improvements to Lake Shamrock, approve the

50/50 cost split, designate the Special Assessment District and set a public hearing on the proposed improvements by adoption of Resolution 2020-133. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

D. APPROVAL OF A FIRE DEPARTMENT EMPLOYEE WAGE INCREASE

At the recent meeting of the Clare Area Fire Council (an advisory council comprised of the Supervisors of Grant, Sheridan, Vernon, and Wise Townships; the Mayor of Clare; the Clare Fire Chief; a Clare Firefighter; the Clare City Manager; and the Clare Finance Director), a per hour wage increase for the members of the Clare Fire Department was considered. The discussion revolved around making sure that the starting wage for new firefighters was competitive enough to attract new applicants and the overall rates of pay for all levels of firefighters. The suggested wage increases are now being presented to the City Commission for discussion and action.

The Fire Council reviewed a recent survey of other local fire departments to allow them to compare CFD current wages with those of other departments. Chief Chapman informed that it can be difficult to recruit firefighters with a starting pay of \$10/hour, and over the course of the last 10 years firefighters have received only a \$1/hour raise which equates to 10 cents a year. This has not kept up with inflation and has now created a need to “catch up” the hourly rates. An hourly increase of \$2 per hour is recommended at this time; and, in order to ensure that we do not fall behind on wage increases in the future, the Fire Council proposed implementing a 2% annual increase in order to keep up with inflation and wage scales in surrounding areas.

The Fire Council has made a recommendation for the City Commission to approve the proposed hourly wage increase along with the 2% per year adjustments moving forward.

Motion by Commissioner Bonham second by Commissioner Loomis to approve the recommended wage increases by adoption of Resolution 2020-134. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

E. APPROVE EMPLOYEE PURCHASE OF MERS SERVICE CREDIT-DIANE LYON

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.

Diane Lyon has requested that the City Commission approve her request to purchase five (5) years of service credit using her 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 Diane’s request to be \$67,639.00. The City Commission is asked to approve Diane’s request for purchase of the additional service credit.

Motion by Commissioner Murphy second by Commissioner Clark to approve the request for an employee purchase of MERS service credit by adoption of Resolution 2020-135. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

F. FIRST READING OF PROPOSED ZONING ORDINANCE 2020-007, CHICKENS & DUCKS REVISION

The city presently allows ducks & chickens (no more than two in any combination and no rooster) to be raised within the city. The approval of surrounding neighbors is required, and to this point we have not had a single complaint or issue with permitting chickens and ducks since we approved this allowance. Currently we require that a special use permit be considered and issued by the City Planning Commission prior to allowing our residents to build the chicken coop or purchase the fowl. That is costing our residents \$150 to pay for the required public notice, which is currently mandated before we can issue the special permit as it falls under the purview of the Planning Commission, and thus the state’s Zoning Enabling Act. The bureaucracy to obtain the

permit doesn't make much sense as the cost of the fowl and the required city permit are only a few dollars. Additionally, it takes minimum of three weeks before we can issue approval of the permit due to the 15-day public hearing notice requirement.

Consequently, we asked the City Attorney to draft an ordinance revision 2020-007 for your consideration that changes the approval authority to allow chickens & ducks to be the City Manager level instead of having to go through the Planning Commission, thus allowing us to provide permit approval within days of receipt vs. weeks to a month and reducing the cost by \$150 due to the elimination of the public notice that has to be published with local news media.

The Planning Commission voted to recommend approval of the proposed changes by adoption of Resolution 2020-020PC at their October 14th meeting.

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. A First Reading of the proposed Ordinance has been accomplished by approval of the consent agenda.

The City Commission is asked to conduct the required public hearing for the proposed ordinance.

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

G. FIRST READING OF PROPOSED ZONING ORDINANCE 2020-008, DRIVEWAY CURB CUTS

The city recently received a request for a curb cut from a property owner whose address and front yard are located on a street with their backyard adjacent to another city street. The purpose for the curb cut request was to allow them to park their recreational vehicle in their backyard behind their garage. Our codes require recreational vehicles to be parked in side yards or back yards, but their side yard along the existing driveway is very narrow and they aren't able to access the backyard without a curb cut. Our current codes do not accommodate an allowance for a second curb cut to install a second driveway.

Per our current codes, the street administrator must provide a written permit authorizing a curb cut. However, it appears it would be possible to amend the current zoning code 52-518 to allow for a second drive/curb cut with written authorization from the street administrator for parcels that do happen to run through the block abutting two streets.

Consequently, we asked the City Attorney to draft an ordinance revision 2020-008 for your consideration that would add language to allow access to a parcel that runs through a city block, abutting two streets, to have a second access driveway, or curb-cut, with written authority granted by the street administrator.

At the regularly scheduled Planning Commission meeting of October 14th, a public hearing was held regarding the proposed ordinance amendments. Following discussion among members of the Planning Commission, the Planning Commission voted to recommend approval of the proposed changes by adoption of Resolution 2020-021PC.

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. A First Reading of the proposed Ordinance has been accomplished by approval of the consent agenda.

The City Commission is asked to conduct the required public hearing for the proposed ordinance.

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

H. FIRST READING OF PROPOSED ZONING ORDINANCE 2020-009, ACCESSORY DWELLING UNITS (ADU)

The Planning Commission has had several discussions regarding Accessory Dwelling Units (ADUs) over the past year with extensive conversations at their last two meetings. At those meetings, Planning Commissioners, Giffels Webster, City Attorney, and city staff discussed options and proposed revisions to the draft ordinance. The discussions primarily revolved around the number of ADUs to be allowed in the city, the size of individual ADUs, the number of people occupying an ADU, the allowed number of families dwelling in an ADU, and the controls necessary to address these concerns.

Jill Bahm of Giffels Webster has provided an outline of the changes requested by the Planning Commission and City Staff as well as the updated draft ordinance addressing ADU's in the city.

During the Planning Commission's last discussion, they requested staff to provide the number of lots within the city that would, following zoning requirements, accommodate an ADU. After investigation and conversations with staff, it was determined that it is not possible to compile that information with our software program and impossible to know which parcels could accommodate an ADU because at any given time a property owner could tear down or add a deck, shed, garage, etc., which would then potentially change the ability of property owner to then build an ADU on their lot. With that being said, I believe that with the drafted language limiting the number of ADUs allowed in the city to 3 in total, this issue is moot. The language as drafted prevents construction of more than three total ADU's in the city without an amendment to the ordinance in the future.

The Planning Commission voted to recommend approval of the proposed changes by adoption of Resolution 2020-022PC at their October 14th meeting.

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. A First Reading of the proposed Ordinance has been accomplished by approval of the consent agenda.

The City Commission is asked to conduct the required public hearing for the proposed ordinance.

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

D. *BOARD & COMMITTEE REAPPOINTMENT-DDA (GREG RYNEARSON, GUS MURPHY & CHRISTINE DUHAIME) *Resolution 2020-1 Approved by Consent Agenda.*

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

9. CITY MANAGER'S REPORT

Downtown Streetscape. Work is continuing to move forward. I am sure you have seen the extensive work done on the corner of 4th and McEwan. That piece was the most time extensive piece and is now nearing completion as they are pouring concrete and blacktop. It should be much better now on that corner with removing the water during a storm. They are now moving on to the brick replacements doing demo and replacement of bricks on the selected sections and will continue over the next several weeks.

Health Department emergency order related to gatherings/meetings. Below is the link to the newest emergency order as issued by MDHSS after the Governors Executive Orders were removed by the courts. I believe that most of the same regulations were issued in this new format. The 20 people indoors per 1,000 square feet and facial coverings requirements are still in place.

https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-541962--,00.html

Open Meetings Act Legislation. Over the last week or so the Legislature has been working on changes to the Open Meetings Act that would facilitate the continued use of virtual meetings in order to accommodate the requirements of current emergency orders limiting the ability of in person meetings. Both the House and Senate have passed bills that allow the continuation of virtual meetings through the end of this year. Those bills are now waiting for the Governor's signature.

Lead/Galvanized Waterline replacements - Funding. We have not heard any more information regarding the time-table for when we will receive the 2.5 million in funding for this project, but I will continue to keep you up to date.

Little Tobacco River Drain Project. A preconstruction meeting was held on October 15, 2020 for all involved entities to start to coordinate efforts for the project to begin. At this point, the tentative start date to start clearing some areas of the drain is November of this year. Major construction pieces related to bridges and rail will begin in the Spring after the frost laws are off.

Planning Commission. The Planning Commission had another big agenda for their meeting on October 14th. At the meeting, they approved a number of items including the Site Plan and Special use for the Culvers restaurant being designed and built on the North end, the chickens and ducks ordinance revision, curb cuts ordinance revision, accessory dwelling units ordinance revision. They also had another productive discussion on the sign ordinance revision and further revisions are being drafted for their next meeting.

Leaves. Just a reminder to citizens now that we are into the Fall season and falling leaves. Please do not rake leaves into city streets. This can cause issues with both the street sweeper and it can clog city storm sewers. The City of Clare does however participate in the residential curbside yard waste collection program. Yard waste is collected on Thursdays from April 1 through November 30 (barring substantial snowfall). Yard waste will not be collected if placed in plastic bags or cardboard boxes. It must be in one of the following:

- Biodegradable bags-Available at the City Clerk's Office in Clare City Hall for a nominal fee.
- A privately owned rigid container (trash can) that has the words "YARD WASTE ONLY" clearly painted (or otherwise permanently marked) on the side. No Yard Waste container shall ever weigh more than 35 pounds when full.
- Yard Waste must be placed to the curb before 6:00 a.m. on the day of collection as drivers will only go down each street one time. When a major holiday (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day) falls on a regular working day, collection will be one day later. If the holiday falls on Sunday, it will not affect collection services.

Halloween. Another reminder: Halloween trick-or-treat hours are Saturday, October 31st from 6 p.m. to 8 p.m. in the city. Please remember to be safe and have fun. Unfortunately, we are having to cancel Spooktacular and the Fire Department hotdog cookout, but stay tuned to city social media accounts and press releases for more event information on things that can still be done under current guidelines and social distancing like the Pumpkin Run/Walk and a new event Tractor Treat to be held at the Emerald Isle Complex.

Addendums.

Giant Pumpkins. A big thank you to Mr. Todd Swartz for donating five giant pumpkins that are currently placed curbside throughout the downtown area. The giant pumpkins will be taken to Emerald Isle Rec Complex for the Tractor Treat event on October 31.

Parks & Recreation Fundraiser. Buccilli's Pizza sold 428 pizzas at their fundraising event for Parks & Recreation.

10. *COMMUNICATIONS

Charter Communications: Charter Communications that effective October 31, 2020, customer billing statement dates and payment due dates will be changing.

Mobile Food Distribution: The Greater Lansing Food Bank will be distributing food to Clare County residents on Saturday, November 7, 2020, at the Clare County Fairgrounds from 9am-noon or until food is distributed.

Herring and Murphy Intercounty Drain Meeting: The City received notice from the State of Michigan Department of Agriculture and Rural Development (MDARD) that a Drainage Board Meeting will take place virtually on October 26, 2020 at 10:00 am regarding the Herring and Murphy Intercounty Drain.

Mid Michigan Community Action Agency Water Assistance Program: MMCCA is providing assistance to individuals and families who do not have access to water and qualify for funding assistance.

CE Notice of Hearing: The City received a Notice of Hearing from the Michigan Public Service Commission regarding an upcoming hearing on a request made by Consumers Energy.

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

11. EXTENDED PUBLIC COMMENT: Wayne Terpening expressed opposition to the City establishing trick or treat hours and allowing Halloween. Mr. Terpening also noted that he would be in contact with the City Manager and the State of Michigan with regard to submitting a petition for referendum for the Lake Shamrock Dredging and Dam Spillway Improvements project.

Fire Chief Jim Chapman expressed appreciation to the City Commission for recognizing his tenured employees earlier in the meeting and for the approval and support of pay increases for the members of the fire department.

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 Loomis 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 6:43 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk