

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, 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, 2nd 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. APPROVAL OF MDOT PERFORMANCE & IDENTIFICATION RESOLUTION**

The City enjoys an agreement with MDOT to work within and maintain (on a reimbursable basis) the MDOT road system (U.S. BR-127 & U.S. BR-10/M-115) that courses through the City of Clare on a permit basis. MDOT requires the City to submit an annual performance resolution outlining the parameters and conditions of this agreement and to identify municipal individuals who are authorized to submit permits related to work within the state's trunk lines. The City Commission is asked to approve the resolution.

Motion by Commissioner Clark second by Commissioner Bonham to approve the MDOT Performance & Identification Resolution by adoption of Resolutions 2020-136. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**B. SECOND READING OF PROPOSED ZONING ORDINANCE 2020-007, CHICKENS & DUCKS REVISION**

As you are aware, the city allows the raising of ducks & chickens (no more than two in any combination and no rooster) 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 presently 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. After some discussion, it seems that this 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 be at 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 is required to be published.

At the regularly scheduled Planning Commission meeting of October 14th, a public hearing was held regarding the proposed ordinance amendment. Following discussion among members of the Planning Commission, the Planning Commission voted to recommend approval of the proposed changes by adoption of Resolution 2020-020PC.

All ordinance code changes or amendments require the approval of the City Commission, and all ordinances require two readings and the 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 October 19th to consider the proposed ordinance amendment (Ordinance 2020-007) – 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 has approved a Second Reading by consent agenda and is now asked to approve the adoption of the proposed Ordinance.

Motion by Commissioner Bonham second by Commissioner Clark to approve the adoption of Ordinance 2020-007 by adoption of Resolutions 2020-137. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**C. SECOND 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. However, our current codes do not accommodate an allowance of a second curb cut for placement of 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 the 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 October 19th to consider the proposed ordinance amendment (Ordinance 2020-008) – 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 has approved a Second Reading by consent agenda and is now asked to approve the adoption of the proposed Ordinance.

Motion by Commissioner Bonham second by Commissioner Murphy to approve the adoption of Ordinance 2020-008 by adoption of Resolutions 2020-138. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**D. SECOND 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, including extensive conversations at their last two meetings. At those meetings, Planning Commissioners, Giffels Webster, City Attorney, and staff discussed options and suggested changes to the drafted ordinance. The discussions primarily revolved around the number of ADUs to be allowed in the city, the size of individual ADUs, the number of occupants for an ADU, and concern that the ADUs would become multi-family units, and the controls needed to prevent those concerns.

Jill Bahm of Giffels Webster updated the draft ordinance with the recommended changes requested by the Planning Commission and city staff.

During the Planning Commission's last discussion, one item of information that was requested was the number of lots within the city that would accommodate an ADU following zoning requirements and setbacks. City staff opined that this information would be difficult if not impossible to obtain an accurate number of properties. After further investigation and conversations with staff it was determined that it is not possible to put a number together with our software program and it would be impossible to know which parcels would be able to build an ADU because at any given time someone could tear down or add on a deck, shed, garage, etc., which would then potentially change the ability of that lot to then build an ADU. 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 ADU's in the city total unless changed in the ordinance in the future.

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 2020-022PC.

All ordinance code changes or amendments require the approval of the City Commission, and all ordinances require two readings and the 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 October 19th to consider the proposed ordinance amendment (Ordinance 2020-009) – 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 has approved a Second Reading by consent agenda and is now asked to approve the adoption of the proposed Ordinance.

Motion by Commissioner Murphy second by Commissioner Loomis to approve the adoption of ADU Ordinance 2020-009 by adoption of Resolutions 2020-139. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**E. SOLE SOURCE PURCHASE OF POLICE PATROL VEHICLE**

The 2020/21 Police budget has a scheduled purchase of a new police vehicle and equipment planned for this year. The Chevrolet Tahoe is still the designated police vehicle thru the state buying program so we have once again asked McGuire Chevrolet, our local state-buying program automobile dealer, to give us a quote for a new patrol vehicle. We have been very satisfied with our last purchase of a patrol vehicle from

McGuire Chevrolet and we are happy to be able to keep the purchase local as well. We have been very satisfied with the workability of the Tahoe and the Police Department has recommended we stay with that for this purchase. The Tahoe also continues to hold very good resale when the time comes to replace and sell the vehicle.

The city has received a USDA grant for 55% of the purchase price up to an amount not to exceed \$27,000, leaving a balance of approximately \$24,000 that will need to be paid from the City's Mobile Equipment Fund. The disposal/sale of the patrol vehicle being replaced will also help offset some of the cost as well.

The City Commission is asked to approve the purchase of a 2021 Chevrolet Tahoe patrol vehicle which will replace the 2009 Crown Victoria.

The total cost of the new vehicle will be approximately \$51,000 (Tahoe- \$41,236.55 and equipment-approximately \$9,795). The City is receiving a USDA grant for 55% of the purchase price up to an amount not to exceed \$27,000, leaving a balance of approximately \$24,000 that will have to be paid from the City's Mobile Equipment Fund. The fund balance of the Mobile Equipment Fund is presently able to accommodate this purchase and the purchase was budgeted for in this fiscal year. The disposal/sale of the Crown Victoria patrol vehicle being replaced will also help offset some of the cost.

Motion by Commissioner Bonham second by Commissioner Clark to approve the sole source purchase of the police patrol vehicle by adoption of Resolution 2020-140. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**F. REVISED INTERGOVERNMENTAL AGREEMENT – TENNIS COURT USE & MAINTENANCE**

the City Commission approved a lease agreement and Intergovernmental Agreement pertaining to the lease of the Clare Public Schools Tennis Courts last year. But as the Clare Tennis League and CPS are the predominant users of the tennis courts, we had asked our City Attorney to draft an intergovernmental agreement that specifies the maintenance costs of the tennis courts be shared between all three entities (CPS, Tennis League, & the City) for the term of the lease agreement. The three entities have met and discussed additional details regarding the amounts to be contributed yearly (\$500 per entity). Additionally, the agreement had designated the city to be the holder of the funds rather than the school who currently holds the funds. The city attorney has drafted a revision to the original agreement that includes these minor changes related to the amount of contribution and to the housing of the funds and how they are expensed. These changes are included in paragraphs 4 and 5A of the agreement.

The City Commission is asked to approve the proposed agreement revision.

Motion by Commissioner Murphy second by Commissioner Bonham to approve the revised intergovernmental tennis courts agreement by adoption of Resolution 2020-141. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**G. DONATION OF ROADWAY AND INFRASTRUCTURE-CLARE NORTH COMMERCIAL DISTRICT**

Clare Northern Group, LLC has been working on their property, Clare Commons development, at the corner of East Colonville Road and South Clare Avenue over the past few years. They have now completed the roads and infrastructure as part of the development process and they now wish to donate the roads and infrastructure to the City of Clare.

A sketch of the new roadway (Rebak Way) connecting East Colonville Road and South Clare Avenue, as well as the extension of Consumers Energy Parkway from the edge of the City of Clare's North Industrial park has been provided to the City Commission.

The city recently contracted with Gourdie Fraser, Inc. to do a field survey to verify the centerline of the new roads. The field survey was completed on October 16<sup>th</sup>. Christopher Lester of GFA provided written verification that the location of the road and centerline match the descriptions.

The City Attorney has drafted an Agreement between Clare Northern Group and the City of Clare as well as a Warranty Deed transferring the paved roads, curbing, storm sewer mains and catch basins, water mains, sewer mains and street lighting to the City of Clare.

Streetlighting has not yet been completed and the City is awaiting a firm date from Consumers Energy for street light installation.

Once the transfer is approved by the City Commission, the City Treasurer and City Attorney will work with Clare Northern Group to prepare the appropriate tax donation acknowledgment documents for Clare Northern after establishing values from them, City Assessor, and Gourdie-Fraser. The approximate value of the land, street, and infrastructure is \$2,000,000.

Based on the total length of the roads, the city will receive additional MDOT Act 51 funding of approximately \$3,000 per year once the roads are added to our Act 51 roadways. The donated roadways will be classified as local roads at this time, but if they become designated as major roads in the future, Act 51 funding will increase.

The City Commission is asked to approve the acceptance of the roadways and infrastructure.

Motion by Commissioner Loomis second by Commissioner Murphy to approve acceptance of the donation of roadways by adoption of Resolution 2020-142. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

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

9. CITY MANAGER'S REPORT

Next City Commission Meeting. Due to opening day of deer season falling on a Sunday this year and it being a union contract negotiated holiday, the Opening Deer Day Holiday will therefore fall on Monday, November 16<sup>th</sup>. The next scheduled City Commission meeting will thus be held on Tuesday, November 17<sup>th</sup>. City offices will be closed on Monday, November 16<sup>th</sup> in observance of the holiday. Appropriate postings of the meeting date change have been made.

Street Reconstruction Delays. Due to several factors, many of which were unforeseen, the city was notified that the reconstruction of parts of several city streets have been delayed until Spring 2021. With the recent temperature changes it was decided that the best option was for the delay in order to make sure that the work is done in such a way that it will be good for many years to come. The streets being delayed until Spring are portions of Forest Avenue (mill and overlay), Witbeck Drive and Hillcrest Street (pulverize, shape, repave), and Beech Street (ultrathin overlay). The contractor has informed us that they will be holding the prices as bid and the paving will be done in Spring, 2021.

Police Stats. The breakdown of Police Department incidents by incident type for the second half of October were provided to the Commission.

Downtown Streetscape. Work is continuing to move forward on the streetscape. The subcontractor for the brick replacement, Better Yards, has all the brick pavers installed in front of Dollar General and has started working in front of 4 Leaf Brewing, then moving north. Though their timeline is running short, the weather looks good next week and they feel that they will complete the work by the deadline.

Election. Clerk staff have been very busy preparing for and working with citizens for the November 3<sup>rd</sup> election. The clerk's office has issued almost 750 absentee ballots which is double the record amount issued in August. Approximately 80% of the ballots issued have been returned at this point. We expect election day to be busy and are hopeful that citizens

are calm, considerate, and respectful of one another so that there are no issues on election day. Thank you to the staff, volunteers, and workers for all of your hard work.

Audit. The city has been undergoing their mostly “virtual” audit and things have been going well. The Finance Director and staff have been busy preparing documents and working with the auditors. We appreciate the hard work that they have been putting in to make sure our finances are well maintained and correct.

Halloween. The Pumpkin Run/Walk and “Tract-or”-Treat on Saturday are being held on October 31, 2020, at the Emerald Isle Complex.

10. \*COMMUNICATIONS

MPSC Survey: The City received a letter from the Michigan Public Service Commission requesting completion of the annual cable service provider survey. The survey has been completed and submitted.

Michigan State Police News Release: The State Emergency Operations Center has announced the launch of numerous free COVID-19 test sites location statewide.

Little Tobacco Drain Maintenance Notice: The City received notice from the Clare County Drain Commissioner that maintenance is scheduled on the drain easement between November 30, 2020 through October 1, 2021 on city properties that contain a drain easement for the Little Tobacco Drain.

Clare Area Chamber of Commerce: The most recent news from the Chamber is attached for review.

FOIA Requests & Responses: The most recent FOIA requests and responses are attached for information.

11. EXTENDED PUBLIC COMMENT: Jim Paetschow has been notified that due to nonpayment of the water/sewer buy in fees at Tobacco Ranch, those fees along with a penalty fee are scheduled to be placed on his property taxes following the Single Lot Assessment hearing scheduled for the November 17, 2020 City Commission meeting unless the fees are paid prior to the hearing. Mr. Paetschow disagrees with the amount he was billed for this service and has asked the City Commission to consider amending the amount of those fees.
12. COMMISSION DISCUSSION TOPICS: Commissioners discussed the information presented by Mr. Paetschow along with additional information presented by City Treasurer Steve Kingsbury related to the water/sewer buy in fees. The Mayor, Mayor Pro Tem, City Manager, City Treasurer and Jim Paetschow will meet prior to the November 17, 2020 City Commission meeting to discuss the water/sewer buy in fees that were billed to Tobacco Ranch in January 2019.

The Commission requested the horse corral in the 5<sup>th</sup> Street parking lot to be re-stained.

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 7:01 p.m.*

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Pat Humphrey, Mayor

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Diane Lyon, City Clerk