

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. via remote audio and visual (Zoom) public meeting attendance as authorized under the Open Meetings Act, 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 Murphy second by Commissioner Bonham to approve the items listed with an asterisk (*) (Agenda, Minutes, Communications, Department Reports, Professional Development, Board & Committee Appointments, 1st Reading of Ordinance 2020-010, 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. ELECTION OF MAYOR

The Charter of the City of Clare stipulates that the Clare City Commission shall elect a member of the commission to serve as Mayor of the City at the first meeting following the scheduled November election. The commission is asked to take the necessary steps to elect the city's mayor in accordance with the provisions of the Charter by calling for nominations and subsequently electing a commissioner to serve in this capacity.

Note: As elections of City Commissioners are now conducted only in even years to coincide with scheduled state and national elections, the term of Mayor and Mayor Pro Tem are for two-year terms to coincide with the even-year elections.

Motion by Commissioner Bonham second by Commissioner Murphy to nominate Pat Humphrey to serve as at Mayor of the City of Clare. 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 Loomis second by Commissioner Murphy to close nominations. 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 Murphy second by Commissioner Clark to approve the election of Pat Humphrey to serve as Mayor of the City of Clare by adoption of Resolution 2020-143. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

B. DESIGNATION OF MAYOR PRO TEM

The Charter of the City of Clare stipulates that the City Commission may, at its discretion, designate one of its members to serve as the City's Mayor Pro Tem to fulfill the duties of the City Mayor during any absences of the Mayor. The City Commission has traditionally designated a Mayor Pro Tem and is asked to consider whether it desires to continue this tradition.

Note: As elections of City Commissioners are now conducted only in even years to coincide with scheduled state and national elections, the term of Mayor and Mayor Pro Tem are for two-year terms to coincide with the even-year elections.

Motion by Commissioner Murphy second by Commissioner Clark to nominate Bob Bonham to serve as Mayor Pro Tem of the City of Clare. 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 Murphy second by Commissioner Loomis to close nominations. 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 Clark second by Commissioner Murphy to approve the selection of Bob Bonham to serve as Mayor Pro Tem of the City of Clare by adoption of Resolution 2020-144. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**C. FIRST READING OF PROPOSED ZONING ORDINANCE 2020-011
(REZONING OF 202 W. STATE ST.)**

The City of Clare has been working with Dr. Kristin Heintz for the last several months regarding the relocation of her current chiropractic business to a new location (202 West State Street). Kristen submitted a Rezoning Request and Site Plan Application including supporting documents to the Planning Commission for consideration at their November 11th meeting.

The City Staff met with the applicant on November 5th and reviewed the site plan application and rezoning request. The request to rezone the property from Residential to Commercial was looked at by staff and determined that it did meet the criteria for rezoning. The future land use map has the parcel and surrounding area moving to Commercial in the future. In addition, directly across the street is another Commercial use (Ten Sixteen Recovery) so it does fit into the neighborhood. The proposed site plan meets the City's minimum zoning and building code standards and requirements. Existing buffer fencing is in place and Kristen intends to put landscaping along the fence for additional screening and other landscaping on the property to approve the aesthetics. The Staff recommended approval of the site plan and the rezoning of the parcel from residential to commercial.

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 met on November 11th to consider the request and hold the required and properly noticed public hearing necessary for the site plan approval and zoning change. Following discussion among members of the Planning Commission, the Planning Commission voted to recommend approval of the site plan and zoning designation change by adoption of Resolution 2020-024PC recommending the adoption of Ordinance 2020-010 by the City Commission.

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 2020-010 or denying the conduct of a First Reading, thereby rejecting the proposed new ordinance.

Motion by Commissioner Bonham second by Commissioner Murphy 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. SINGLE LOT ASSESSMENTS

The City Staff has prepared a single lot assessment roll for charges invoiced but not paid by respective property owners. The City Commission is asked to consider and approve the assessment roll, thereby allowing these charges to be included on the tax bills of the respective parties.

Public Notice of the public hearing associated with the Assessment Roll has been made, and the property owners listed on the Roll have been notified by first class mail regarding the roll and the scheduled public hearing to hear comments related to the Roll. To date the City has received no written comments related to the Roll.

The City Commission is now asked to conduct the scheduled public hearing and consider approving the assessment roll with the charges for each single lot to allow the Treasurer to have the charges placed on the respective property owner's tax bill.

Motion by Commissioner Bonham second by Commissioner Murphy 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.*

Motion by Commissioner Bonham second by Commissioner Murphy to approve the Single Lot Assessment Roll by adoption of Resolution 2020-145. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

E. COVID COMPENSATORY TIME PAYOUT APPROVAL FOR POLICE

In March of this year, at the beginning of the COVID-19 outbreak, now retired City Manager Ken Hibl worked with the Police Department to create a program to help accommodate the never before seen issues that were arising due to the pandemic. The program allowed full time police officers to accrue half an hour of comp time for every hour of time that they worked (excluding overtime). The program was implemented in March and concluded at the beginning of October. Over the course of that time, a total of 1,701.5 hours of comp time was accrued by the eligible full-time officers. The cost to extinguish this liability including applicable payroll taxes is \$46,794.14.

As you know, the city applied for several CARES Act grants and was awarded several of them. One of those awards was \$55,601 that was eligible to be used for COVID related expenses for First Responder Pay and Benefits. Therefore, the grant funds are eligible to be used to payout the comp time accrued during the program. Along with the approval of the grant funds being used for this purpose the city commission should also approve a one-time budget amendment for the expense.

The commission also is asked to approve the MERS Temporary Modification to Benefit Provisions form which allows the city to work with MERS regarding benefit adjustments to an employer's definition to earn service credit, and definition of compensation. These adjustments are allowed to account for workload and schedule changes, as well as for different types of compensation, such as paid leave. MERS has defined the temporary period of adjustment is March 1, 2020 through December 31,

2020. To facilitate this exclusion the city is required to approve, sign and submit the form to MERS.

Motion by Commissioner Clark second by Commissioner Murphy to approve the payout of COVID Comp Time to qualifying police officers of the city by adoption of Resolution 2020-146. Roll call vote: Yeas: Commissioners Bob Bonham, Josh Clark, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

F. LAKE SHAMROCK DREDGING/DAM SPILLWAY PROJECT

As you all have seen in this process there are many steps. The timeline that we have hopefully put us to completion of all of the steps by the end of this year so that we can begin the work next spring. At this meeting, we are proceeding with the following steps in the process:

1. Conduct the scheduled public hearing for the purpose of hearing objections to the making of the Improvements and to the establishment of the Special Assessment District.
2. Determine the necessity of public improvements to Lake Shamrock.
3. Approve the plans, specifications and estimated cost of the improvements.
4. Determine the proportion of the cost of the improvements to be paid by special assessment upon properties especially benefitted.
5. Designate the special assessment district and create the special assessment role.
6. Set a public hearing for Monday, December 21, 2020, at 6:00 p.m. for the purpose of reviewing the Assessment Roll and hearing any objections thereto.

The City has worked with the City Attorney and its Bond Counsel, Miller Canfield, to prepare and complete resolution 2020-147 which lays out all of the necessary pieces for these steps.

The City Commission is now being asked to hold a public hearing prior to adoption of the proposed resolution.

Motion by Commissioner Murphy 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 Clark 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.*

Motion by Commissioner Bonham second by Commissioner Clark to approve the adoption of Resolution 2020-147. 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**

Emerald Isle Recreation Complex. Hopefully you had a chance to read the Parks and Recreation report this month. If you have not had a chance to drive out to the complex lately it would be a great time to do so. A couple of highlights from the great things going on at the complex are that the pole building for use as a storage shed is now complete as far as the structure goes. There is still some work to be done with concrete and some of the work inside, but it is a great addition. The skate park equipment that the commission approved earlier this year has also been installed and is being used by kids. Watch for future completion of the planned gazebo and footbridge as well.

Downtown Streetscape. Luke and the contractors completed a walkthrough and punch list on the DDA streetscape last week and everything is starting to wrap up. They have reached

the point of substantial completion and are just working on a few punch list areas and one more section of paver replacement. We are also working with the contractor to get pricing for some of the extra brick so that the DDA can allow the purchase of the extra brick at cost. That way we have some brick available for minor replacements if needed in the future and we are also looking at the possibility of having DPW workers remove and replace other sections as they need replacing and as their schedule allows.

DDA and LDFA Meetings. The city has recently conducted the second of the mandated public comment meetings for both of these boards. Both meetings went well and were held electronically via Zoom so it was nice for me to put some faces with names of some of the board members who I have only heard on the telephone in past meetings.

Planning Commission Meeting. The most recent Planning Commission meeting was also held electronically via Zoom and this made it much easier to facilitate discussion. The Planning Commissioners approved the site plan and forwarded on the zoning change on your agenda tonight for 202 West State Street. I think Dr. Kristen Heintz' business will be a great addition to the area she is moving her office to and the improvements she has planned will look very nice. The Planning Commission also spent another hour or so discussing the sign ordinance. This is a very large rewrite of the current language and working with Jill at GW has been very productive. The commissioners have a lot of great ideas and are working hard to recommend a good ordinance to the City Commission. They will be discussing it again at their next meeting and you will likely see it for discussion and potential approval sometime early next year.

Zoom and Electronic Meetings: With the continued uncertainty around COVID and future meetings I did purchase for the City a Zoom account. I will be using this with many of our boards at least through the end of the year as OMA now allows that. However, we have already had discussions with the school and the possibility of utilizing their cafeteria for meetings if we get to next year and the electronic meetings option is no longer available via OMA. This would give us enough space to at least have the board members in the same room socially distanced and wearing masks and likely would be enough room for public in most meetings.

Addendums:

City Office Closure: Due to the current MDHHS orders, all city offices will be closed to the public from November 18, 2020-December 8, 2020. City Staff will be available to the public by appointment for essential services. Staff will continue to work remotely when possible and in office as necessary. Notices have been placed on the entryways of all city facilities.

We have received a request from a downtown business to cordon off parking in front of businesses that will rely on curb-side pick-up during the COVID shutdown. DPW is working on completing that task within the DDA for those businesses who desire this service.

10. *COMMUNICATIONS

Clare Mobile Food Distribution: The Greater Lansing Foodbank will provide a free drive-through food distribution on December 5, 2020, at 1473 Transportation Drive, Harrison, MI from 9am-noon for Clare County residents.

Election Results: The City and County November 3 election results are provided for information. The City had nearly 62% of the registered electorate vote in this year's general election exceeding all prior year presidential election turnouts during my tenure.

Certification of Charter Amendment: The City has provided the Secretary of State, the Clare County Clerk, and the Isabella County Clerk certification of election results regarding the City's proposed Charter Amendment regarding property leases.

Charter Communications Rate Increase: The City received notice from Charter Communications that two of their offered products will have rate increases going into effect after December 2, 2020.

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

MPSC Notice of Hearing for Consumers Energy: The received notice of an upcoming video/teleconferencing hearing regarding Consumers Energy's Power Supply Cost Recovery Plan (PSCR) and monthly PSCR Factors.

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

11. EXTENDED PUBLIC COMMENT: None.
12. COMMISSION DISCUSSION TOPICS: Electrical lines are installed at the Emerald Isle Complex for the purpose of providing electric in the new storage building and for the installation of security & parking lot lighting. The security & parking lot lighting will be installed when additional funds are raised to complete paving of the parking area.
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 6:32 p.m.

Pat Humphrey, Mayor

Diane Lyon, City Clerk