

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: January 13, 2010
RE: *Communications



For the Agenda January 18, 2010

***Note: This is a Consent Agenda item and is considered as routine by the City Commission. As such, this matter shall be automatically enacted by one motion with all other Consent Agenda items unless a Commissioner or citizen requests this item be individually discussed, in which event it shall be removed from the Consent Agenda and considered and acted upon in its designated sequence on the approved Clare City Commission agenda of January 18, 2010.**

The following major items of correspondence were either received by or transmitted by the City since the last regularly scheduled City Commission meeting:

Request for Consideration. The Mayor received the enclosed correspondence from a Clare resident regarding an expressed interest in appointment to the Pere Marquette District Library Board. This particular board position (one-year rotating appointment) becomes available on July 1st.

Notice of Violation of Ordinance Code. The City offered the attached letter regarding a violation of the City's utility ordinance codes..

Award of Tax Exemption Certificate. The City received notice that the recommended tax abatement of Integrity Printing is approved.

Zoning Compliance Certificate. The City provided approval of the attached zoning compliance permit application.

Denial of Request for Reimbursement. Mrs. Barbara Bell requested that the City reimburse her for one-half of her costs for connection to the City's sanitary sewer system; I denied the request.

Notice of Payment. The City received the enclosed correspondence from the MDNR notifying us of their approval of our most recent request for reimbursement for costs associated with construction of the rail-trail.

Notice of Election Law Change. The City received the attached memorandum from the state regarding this subject.

Court Order. The city received the enclosed order from the Clare County Circuit Court regarding a zoning violation case that we have been attempting to enforce for approximately two years.

Attachments. As noted above.

ALLEN & KLAUS LLP
ATTORNEYS AT LAW
104 WEST STATE STREET
P.O. BOX 265
CLARE, MICHIGAN 48617

RICHARD S. ALLEN
MARCY ALLEN KLAUS
JEFFREY J. KLAUS

TELEPHONE 989.386.3454
FACSIMILE 989.386.4132

January 5, 2010

Mr. Pat Humphrey
City of Clare
202 W. Fifth Street
Clare, MI 48617

RE: Pere Marquette District Library

Dear Mayor Humphrey:

I understand that the City of Clare PMDL Board Member seat will soon be vacant. It was a pleasure to serve on the board previously and I would like to be considered for the position when it becomes open.

Very truly yours,



Marcy A. Klaus
Allen & Klaus LLP

MAK/skr



CITY OF CLARE

202 West Fifth Street • Clare, Michigan 48617-1490
989/386-7541 • Fax 989/386-4508

www.cityofclare.org

January 11, 2010

CITY HALL

Ph 989/386-7541
Fx 989/386-4508
www.cityofclare.org

Mr. Tracy Bolle
7902 East Herrick
Clare, Michigan 48617

Dear Tracy,

DEPARTMENT OF PUBLIC WORKS

Ph 989/386-2182
Fx 989/386-3445

As you are aware, the City installed a new sanitary sewer lead to service the residence located at 306 East State Street, a rental property under your management. We have provided you adequate opportunity to connect this residence to the City's sanitary system as required by our ordinance codes. And while you have repeatedly informed us that you would complete the required connection during the past five-month period, you have failed to do so.

W/WWT PLANT

Ph 989/386-2321
Fx 989/386-2387

This letter serves as your formal notification of violation of Chapter 46 of the Ordinance Codes of the City of Clare. You have thirty days from the date of this letter to submit your plan to connect the residence at 306 East State Street to the City's sanitary sewer system.

POLICE DEPT.

Non-emergency
Ph 989/386-2121
Fx 989/386-0440

Feel free to contact Bob Bonham, our Director of Public Works, or me if you have questions regarding this matter.

FIRE DEPT. NON-EMERGENCY

Ph 989/386-2151
Fx 989/386-3020

Sincerely yours,

Ken Hibel
City Manager

PARKS & RECREATION

Ph 989/386-7541
Fx 989/386-4508

AIRPORT

Ph 989/386-0445
Fx 989/386-4508

MAIN STREET MANAGER

Ph 989/386-9190
Fx 989/386-9190



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

ROBERT J. KLEINE
STATE TREASURER

January 4, 2010

Kirk Smith
Integrity Printing
P O Box 809
Clare MI 48617

Dear Sir/Madam:

Pursuant to the requirements of Public Act 198 of 1974, as amended, the State Tax Commission has issued an Industrial Facility Exemption Certificate numbered 2009-409, to Integrity Printing, located at 760 Industrial Dr, City of Clare, Clare County. This certificate was issued at the December 21, 2009 meeting of the Commission and the investment amounts approved are as follows:

Real Property: \$

Personal Property: \$149,500

The State Education Tax to be levied for this certificate is 6 mills.

In accordance with MCL 24.304, the local unit of government or applicant has sixty days from the date of this letter to request a hearing to correct an error contained in the enclosed certificate.

Notification of completion of this project shall be filed with the Commission within 30 days of project completion. Within 90 days of project completion, a report of final costs shall be filed with the assessing officer of the local unit and the Commission.

If you have further questions regarding the issuance of this industrial facility exemption certificate, please call 517-373-3272.

Sincerely,

Kelli Sobel, Executive Secretary
State Tax Commission

Enclosure

c: Daniel R. Kirwin, Assessor, City of Clare

*Rec'd
1-8-10*



Industrial Facilities Exemption Certificate

New Certificate No. 2009-409

Pursuant to the provisions of Public Act 198 of 1974, as amended, the State Tax Commission hereby finds that the industrial property, hereafter referred to as the industrial facility, owned or leased by **Integrity Printing**, and located at **760 Industrial Dr, City of Clare**, County of **Clare**, Michigan, located within a Plant Rehabilitation or Industrial Development District, is intended for the construction or installation of new industrial property, and complies with Section 9 and other provisions of the act.

Therefore, as provided by MCL 207.551 to 207.572, inclusive, the State Tax Commission hereby certifies as a **new industrial facility** the property located at **760 Industrial Dr.**

This certificate provides the authority for the assessor to exempt the industrial facility for which this Industrial Facilities Exemption Certificate is in effect, but not the land on which the facility is located, from ad valorem taxation. This certificate further provides the authority to levy a specific tax known as the Industrial Facilities Tax.

This certificate, unless revoked by order of the State Tax Commission as provided by Public Act 198 of 1974, as amended, shall remain in force for a period of **0** year(s) for real and **12** year(s) for personal;

Real property component:
Beginning December 31, , and ending December 30, .

The State Education Tax to be levied for the real property component of this certificate is **6 mills.**

Personal property component:
Beginning December 31, 2009, and ending December 30, 2021.


The State Education Tax to be levied for the personal property component of this certificate is **6 mills, unless exempted by MCL 207.564(4) which was enacted with the creation of the Michigan Business Tax.***

This Industrial Facilities Exemption Certificate is issued on **December 21, 2009.**

A TRUE COPY
ATTEST:


Sarah Miller
Michigan Department of Treasury





Kelli Sobel, Executive Secretary
State Tax Commission

*Contact the local assessor for further clarification regarding the classification and tax applied to the personal property component of this certificate.

Completed

O.K.
1-6-10
[Signature]

ZONING COMPLIANCE / OCCUPANCY PERMIT

PROPERTY ADDRESS: 106. S. McEWAN ST. CLARE, MI 48617		
PROPERTY OWNER: PIONEER DEVELOPMENT		
PROPERTY OWNER'S ADDRESS: B&B MANAGEMENT 48617 104 S. McEWAN ST. CLARE, MI		
CITY: CLARE	STATE: MI	ZIP: 48617
PHONE: 989-386-9390	MOBILE:	
PROPOSED USAGE: AUTOMOTIVE REPAIR FACILITY		
DOUBLE D'S AUTO, LLC.		
TOTAL SQUARE FOOTAGE: 1500		# EMPLOYEES: 0
TOTAL # OF PARKING SPACES: 6		ZONING: COMM.
PROPOSED DATE OF OCCUPANCY: 10 / 15 / 2009		
OWNER'S SIGNATURE: [Signature] MANAGER		
DATE: 12-28-09		

2 OWNERS



CITY OF CLARE

202 West Fifth Street • Clare, Michigan 48617-1490

989/386-7541 • Fax 989/386-4508

www.cityofclare.org

January 6, 2010

CITY HALL

Ph 989/386-7541
Fx 989/386-4508
www.cityofclare.org

B & B Management
Attn: Mr. Donald Maurer
104 S. McEwan Street
Clare, Michigan 48617

DEPARTMENT OF PUBLIC WORKS

Ph 989/386-2182
Fx 989/386-3445

Dear Mr. Maurer,

Please find enclosed an approved copy of your Zoning Compliance application.

W/WWT PLANT

Ph 989/386-2321
Fx 989/386-2387

On behalf of the City, I wish you every success in your new business venture in Clare. Please don't hesitate to call on us if we can be of assistance in any City-related matter.

POLICE DEPT.

Non-emergency
Ph 989/386-2121
Fx 989/386-0440

Best Wishes,

Ken Hibl
City Manager

FIRE DEPT. NON-EMERGENCY

Ph 989/386-2151
Fx 989/386-3020

Enclosure

PARKS & RECREATION

Ph 989/386-7541
Fx 989/386-4508

AIRPORT

Ph 989/386-0445
Fx 989/386-4508

MAIN STREET MANAGER

Ph 989/386-9190
Fx 989/386-9190



CITY OF CLARE

202 West Fifth Street • Clare, Michigan 48617-1490
989/386-7541 • Fax 989/386-4508
www.cityofclare.org

January 6, 2010

CITY HALL

Ph 989/386-7541
Fx 989/386-4508
www.cityofclare.org

Ms. Barbara Bell
602 Cottage Street
Clare, Michigan 48617

Dear Ms. Bell,

DEPARTMENT OF PUBLIC WORKS

Ph 989/386-2182
Fx 989/386-3445

I am regrettably obliged to deny your request for reimbursement for costs associated with your connection to the City's public sanitary sewer system.

W/WWT PLANT

Ph 989/386-2321
Fx 989/386-2387

The City generally assumes all costs of this system within the City's right-of-way. But that portion of the system that is located on private property is owned by the property owner. Consequently, the property owner is responsible for this portion of the system, to include responsibility for all costs incurred to install, maintain, or repair this portion of the system.

POLICE DEPT.

Non-emergency
Ph 989/386-2121
Fx 989/386-0440

You are certainly welcome to appeal my decision to the Clare City Commission if you desire by simply writing a letter outlining your request and your stated reasons for the appeal to my decision.

Sincerely yours,

Ken Hibl
City Manager

FIRE DEPT. NON-EMERGENCY

Ph 989/386-2151
Fx 989/386-3020

PARKS & RECREATION

Ph 989/386-7541
Fx 989/386-4508

AIRPORT

Ph 989/386-0445
Fx 989/386-4508

MAIN STREET MANAGER

Ph 989/386-9190
Fx 989/386-9190

12-18-09

Dear Mr. Hill,

Enclosed, please find copies of the two bills I pd. They are costs involved with the City break up to sewer at 602 Cottage St.

I believe it only fair that the City pay $\frac{1}{2}$ the costs

I inquired of five men what their thoughts were on this. They all said if the work had been done ^{3-5 yrs} years ago the cost would not have even been $\frac{1}{2}$. Labor & materials have increased that much.

The two bills total \$1,575.50 half being
\$ 787.⁰⁰

Thank You

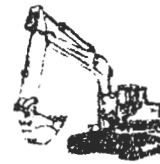
Barbara Bell
602 Cottage St.
Alab, Mi 48617

ROBBIN HARSH EXCAVATING, INC.

9395 S. CLARE AVE.

CLARE, MICHIGAN 48617

(989) 386-3528 • Fax (989) 386-2539



SOLD BY		DATE	
		11-5 20 09	
NAME <i>Mrs. Humphrey</i>			
ADDRESS		PHONE	
<i>602 Cottage St</i>			
CITY <i>Clare MI 48617</i>			
<input checked="" type="checkbox"/> CASH <input type="checkbox"/> C.O.D.		<input type="checkbox"/> CHARGE <input type="checkbox"/> PAID OUT	
		<input type="checkbox"/> MOSE. RET'D <input type="checkbox"/> PD. ON ACCT.	
QUAN	DESCRIPTION	PRICE	AMOUNT
1	<i>As per bid</i>		<i>77500</i>
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12	<i>Thank You</i>		
13			
14			
15			
16			
RECEIVED BY			TOTAL
			<i>77500</i>

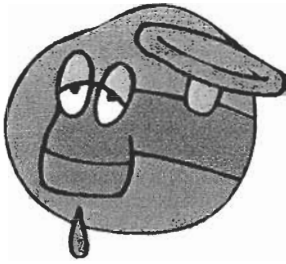
10174

Thank You



INVOICE

INVOICE # 09117
INVOICE DATE: 11/17/09
CUSTOMER ID: BBELL



LOUCH'S PLUMBING
PO BOX 2
ROSEBUSH, MI 48878
(989) 205-5450

TO:

BARBARA BELL
602 COTTAGE STREET
CLARE MI 48617

MAKE CHECK PAYABLE TO LOUCH'S PLUMBING
PO BOX 2
ROSEBUSH MI 48878

DATE: 11/17/09

I hereby submit the following:

DESCRIPTION	Qty	Unit	Cost	Amount
Re Pipe drain line to city sewer				
Bid Job				\$ 800.00
Amount Due				\$ 800.00
Amount Paid				\$ 800.00

PAID

Comments:

Amount:	\$ 0.00
No tax – shipping:	
Total:	\$ 0.00

Terms and Conditions
All work is to be done in a workman like manner, according to standard practices. Any deviation or alteration from the above specifications will require approval of all parties.

THANK YOU FOR YOUR BUSINESS

INVOICE FILE
CUSTOMER FILE



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

January 8, 2010

Mr. Ken A. Hibl
City Manager
City of Clare
202 West Fifth Street
Clare, MI 48617

Dear Mr. Hibl:

SUBJECT: TF07-096, Pere Marquette Rail Trail Extension

We have reviewed your payment requests #5 and #6-Partial, with expenditures to date in the amount of \$468,890.23. Partial payments in the amounts of \$75,370.23 and \$4,339.23, respectively, have been processed.

Once the final audit has been approved, the final \$25,000.00 or 10%, will be released.

If you have any questions, please feel free to contact me. Our address is: **Grants Management, Department of Natural Resources, P.O. Box 30425, Lansing, MI 48909-7925.**

Sincerely,

Samuel Duncan, IV
Accounting Specialist
Grants Management
517-373-9443
duncans@michigan.gov

SD:lh
Enclosure
cc: Ms. Jule Stafford, DNR

NATURAL RESOURCES COMMISSION

Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • Timothy L. Nichols • J. R. Richardson • Frank Wheatlake

STEVENS T. MASON BUILDING • P.O. BOX 30028 • LANSING, MICHIGAN 48909-7528
www.michigan.gov/dnr • (517) 373-2329

Great Lakes, Great Times, Great Outdoors!



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: December 30, 2009
TO: Selected County, City, Township and Village Clerks
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: New Federal Law Makes Use of Merit Election E-Mail System Necessary

On October 28, 2009, the federal Military and Overseas Voter Empowerment (MOVE) Act was signed into law by the President. One feature of the new federal law permits absent uniformed services voters and overseas voters to request that their absentee ballots be sent electronically via the Internet instead of by mail. Such voters can also request the electronic transmission of registration forms and absentee ballot applications.

To prepare for the implementation of the new federal law, it is important that you access the Merit E-Mail account established for you by the Bureau of Elections on a daily basis. For assistance, please call the Bureau's toll free Help Desk line at 1-800-310-5697.

If you do not have access to a computer and/or the Internet, please contact the Help Desk to make alternative arrangements for the receipt of communications issued through this office.

Complete instructions regarding the implementation of the new federal law will be forwarded to all counties, cities, townships and selected villages via the Election E-Mail System over the coming weeks. In the mean time, feel free to contact this office if you have any questions:

Michigan Department of State
Bureau of Elections
1-800-292-5973
Elections@Michigan.gov

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF CLARE

CITY OF CLARE,

Plaintiff,

vs.

File No. 08-900560-CH

LYNN LEE HILL,

Defendant.

JAYNIE SMITH HOERAUF P47885
JAYNIE SMITH HOERAUF, P.C.
Attorney for Plaintiff
601 Beech, Box 67
Clare MI 48617
(989) 386-3434

A TRUE COPY
Dated 12/23/09
FAMELA MAYFIELD, COUNTY CLERK

BY Jm DEPT. CLERK

TARA S. HOVEY
Attorney for Defendant

ORDER

At a session of said court held in said county on the 10th
day of November, 2009

PRESENT: Honorable Thomas R. Evans, Circuit Court Judge

The parties appeared in court and stipulated and agreed as follows:

1. Defendant will consent to and allow entry and inspections of
the Defendant's garage by the City of Clare at random intervals selected
by the City to verify whether Defendant is repairing vehicles for financial
gain.

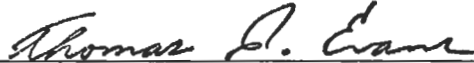
2. Inspections are to be made by the Clare City Police
Department command officer (Chief, Lieutenant, or Sergeant). No
warrant shall be required.

3. Defendant will provide a list of family members that he may on occasion assist with repairs on a gratis basis to help the City determine whether the Defendant is engaging in a repair business. See attached Exhibit "A". The City may elect to contact owners of vehicles found on the premises to verify whether the Defendant is engaging in repairs for financial gain.

4. Defendant will endeavor to direct the traffic connected with his commercial business to his commercial facility, to include: deliveries, customers making contact for repairs.

IT IS SO ORDERED.

12/15/09



HONORABLE THOMAS R. EVANS
Circuit Court Judge

Exhibit "A"

Don and Jacquine Haske	Father-in-Law
Stuart and Cheryl Hill	Brother
Ashley Hill	Niece
Rachelle and Nathan Yarhouse	Niece
Zack hill	Nephew
Robert and Chris Haske	Uncle-in-Law
Tammy and Bob Eberthart	Brother-in-Law
Linda and Brian Barnes	Sister
Zelda and Leo Maylow	Sister
Jennifer and Andy Geeck	Sister-in-Law
Marion Latunski	Cousin
John and Tina Kocsis	Uncle-in-Law
Jeff Hellus	
Frank and Jean Hellus	
Kylee Chalfant	Daughter
Terry Yarhouse and wife	In-Laws
Kaitlynn Hansen	Niece