



CITY OF CLARE

202 West Fifth Street • Clare, Michigan 48617-1490

989/386-7541 • Fax 989/386-4508

www.cityofclare.org

CLARE CITY COMMISSION

Monday, March 15, 2010

6:00 p.m.

AGENDA

CITY HALL

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

DEPARTMENT OF PUBLIC WORKS

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

W/WWT PLANT

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

POLICE DEPT.

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

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

1. **CALL TO ORDER**
 - A. Pledge of Allegiance
 - B. Roll Call
2. **CONSENT AGENDA** – All items listed with an asterisk (*) are considered to be routine by the City Commission and shall be enacted by one motion. There will be no separate discussion of these items unless a Commissioner or citizen requests to do so, in which event the item shall be removed from the General Order of Business and considered in its normal sequence on the agenda.
3. ***APPROVAL OF MINUTES**
4. ***APPROVAL OF AGENDA**
5. **PUBLIC COMMENT**
6. **OLD/UNFINISHED BUSINESS**
 - A. Intergovernmental Agreement – Broadband Services
 - B. Board & Committee Appointment (Clare Main Street Board – Mr. Roger Williams)
7. **NEW BUSINESS**
 - A. Recognition – Mr. Dave Maxwell
 - B. Recognition – Mr. Rick Moser
 - C. Water Tower Lease – ISP Management
 - D. Amendment to Rental Rehab Grant Program Guidelines
8. **TREASURER'S REPORT**
9. ***DEPARTMENT HEAD REPORTS**
10. **CITY MANAGER'S REPORT**
11. ***COMMUNICATIONS**
12. **EXTENDED PUBLIC COMMENT**
13. **COMMISSION DISCUSSION TOPICS**
14. ***APPROVAL OF BILLS**
15. **ADJOURNMENT**

The regular meeting of the Clare City Commission was called to order by Mayor Pat Humphrey in the Commission Chambers, at 6:00 p.m., who led the Pledge of Allegiance. Present were: Commissioners Bill Horwood, Pat Humphrey, John Koch, Tom Koch and Jean McConnell. Absent: None. Also present were Ken Hibl, City Manager; Steve Kingsbury, Treasurer and Finance Director; Bob Bonham, Director of Public Works; John Holland, Waste Water Treatment Supervisor; Dwayne Miedzianowski, Chief of Police; Lori Schuh, Main Street Manager; Dick Acker, Airport Manager; Amandagrace Green, Parks and Recreation Director, and Diane Schmidt, City Clerk.

2. CONSENT AGENDA:
Moved by Commissioner Jean McConnell second by Commissioner Bill Horwood to approve the items listed with an asterisk (*) (Minutes, Agenda, Communications, Approval of Bills) that are considered to be routine by the City Commission. Ayes: All. Nays: None. Absent: None. *Motion Carried.*
3. *APPROVAL OF MINUTES:
Consent Agenda Approval.
4. *APPROVAL OF AGENDA:
Consent Agenda Approved.
5. PUBLIC COMMENT: - The new President of Middle Michigan Development Corporation (MMDC), Mr. Brian Anderson, was introduced by Kathy Methner of MMDC.
6. OLD BUSINESS/UNFINISHED BUSINESS: None.
7. NEW BUSINESS:

A. IDC PRESENTATION AND RENEWAL OF IDC AGREEMENT

Jim Allen, President of the Industrial Development Corporation (IDC), Kathy Methner, of Middle Michigan Development Corporation, and Craig Goodrich of Gourdie Fraser & Associates presented an Industrial Park Study presentation to City Commissioners. Jim Allen recommended that the City and IDC move forward to apply for grant funds for development of a proposed industrial park at the north end of Clare.

The IDC Power Point presentation was presented to the Clare City Planning Commission at its January 2010 meeting. The Planning Commission unanimously recommended approval of the IDC's request to pursue funding sources to determine whether its proposal for industrial expansion in the City is affordable. The Planning Commission succinctly and clearly stipulated that any such development must be affordable/not cause an undue fiscal hardship or burden on the residents and businesses of the City.

Kathy Methner recommended certifying the industrial park regardless of location and notifying the EDA by the April 1, 2010 deadline of the IDC's and City's

intention to submit a grant application to East Michigan Council of Governments while economic development administration funds are available.

After a lengthy discussion, Commissioner Jean McConnell made the motion second by Commissioner Bill Horwood to approve a recommendation that the Clare Industrial Development Corporation and the City proceed to apply for grant funds for the proposed development of an industrial park at the north end of Clare, by adoption of Resolution 2010-012. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, and Jean McConnell. Nays: Tom Koch. Absent: None. *Motion Approved.*

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to renew the formal business agreement between the City and the IDC, by adoption of Resolution 2010-013. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, and Jean McConnell. Nays: Tom Koch. Absent: None. *Motion Approved.*

B. OPERATION OF OFF-ROAD RECREATION VEHICLES (ORVs) WITHING CITY LIMITS

The Parks & Recreation Advisory Board discussed the matter at its scheduled meeting on February 18th but due to a lack of quorum, the Board could not provide a formal recommendation. However, the consensus of the three members present was that the prohibition of ORVs in Clare should not be lifted.

The Traffic & Safety Committee held a meeting on February 23rd, 2010 to discuss the matter. The Committee unanimously recommended that the prohibition remain in place.

Motion by Commissioner Bill Horwood second by Commissioner Jean McConnell continue prohibition of ORV operation within city limits and adopt an ordinance prohibiting ORV operation within city limits, by adoption of Resolution 2010-014. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch, and Jean McConnell. Nays: John Koch. Absent: None. *Motion Approved.*

C. APPROVAL OF PARKS & RECREATION MASTER PLAN

The City's Five Year Parks & Recreation Master Plan has expired. The Parks & Recreation Board, with the outstanding assistance and guidance of Central Michigan University, commenced renewal of the Plan in January 2009. The proposed new Plan has been reviewed by the Parks & Recreation Board and required notice of the Plan has published. The Plan now requires consideration and approval of the City Commission to facilitate its submittal to the Michigan Department of Natural Resources and Environment.

Motion by Commissioner John Koch second by Commissioner Bill Horwood to open a public hearing to receive comment regarding a proposed five year Parks and Recreation Master Plan. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

Public Comment: None

Motion by Commissioner Jean McConnell second by Commissioner John Koch to close the public hearing. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

Motion by Commissioner Bill Horwood second by Commissioner Jean McConnell to approve the five year Parks and Recreation Master Plan by adoption of Resolution 2010-015. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, Tom Koch, John Koch, and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

D. RENEWAL OF CEMETERY MAINTENANCE CONTRACT

Motion by Commissioner Bill Horwood second by Commissioner Jean McConnell to approve renewal of the cemetery maintenance services contract with AWOL Lawn Services, by adoption of Resolution 2010-016. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Tom Koch, and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

E. INTERGOVERNMENTAL BROADBAND SERVICES AGREEMENT

Motion by Commissioner John Koch second by Commissioner Jean McConnell set aside this agenda item to the March 15, 2010 City Commission meeting. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Tom Koch, and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

F. BOARD & COMMITTEE APPOINTMENTS – PARKS AND RECREATION BOARD

The City Commission has been discussing the appointment of membership to the City's various boards and committees for approximately six weeks without resolution. A request was made at the most recent Commission meeting to place the appointment of membership to the Parks & Recreation Advisory Board on the March 1st agenda for possible consideration and appointment.

This matter is now once again left to the discretion of the City Commission in respect to action. The Clare Ordinance Codes pertaining to the appointment of members to the Parks & Rec Board specifically stipulates that the Mayor appoints qualified individuals to this Board with confirmation of the City Commission. Consequently, making an appointment to this particular Board without appointment(s) by the Mayor would be in violation of this particular ordinance code.

Motion by Commissioner Jean McConnell second by Commissioner Bill Horwood to throw out a motion approved at the January 18, 2010, which held in abeyance all current and future board and committee appointments. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Tom Koch and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*

Motion made by Commissioner Tom Koch second by Commissioner Jean McConnell suggesting Mayor Humphrey nominate Kelly Koch to the Parks and Recreation Board. Roll call vote: Yeas: Commissioners Bill Horwood, John Koch, and Tom Koch. Nays: Pat Humphrey, and Jean McConnell. Absent: None. *Motion Carried.*

Mayor Humphrey did not nominate Kelly Koch to the Parks and Recreation Board.

8. TREASURER'S REPORT

Treasurer's report was received.

9. MAIN STREET MANAGER REPORT

Main Street Manager's Report was received.

10. CITY MANAGER'S REPORT

Depot Steering Committee Meeting. We held our first steering committee meeting on February 17, 2010. The meeting was well-attended, and we set wheels in motion to develop an architectural site plan (MMCAA is providing the architect services at no cost to us, as they have a certified architect on staff); to develop some preliminary construction/rehabilitation costs (complements of Mr. Bob Meister of Design Builders, who has volunteered these services) to allow us to determine a more-comprehensive cost of this project; and have contacted a moving company from Muskegon to provide us moving costs. We are scheduled to meet next on March 10th to review preliminary architectural plans and other preliminary cost estimates and decide what direction we take in respect to fund-raising.

Well #9. After a lengthy meeting and discussion with DRNE officials and our well contractor in Clare approximately three weeks ago, we have finally attained approval from MDRNE to bring our new Well #9 on line.

Sanitary Sewer Pump Station #7. During the course of performing routine maintenance on the pumps in Lift Station #7 (the most westerly pump station on Witbeck Drive, which not only services Witbeck Drive but also collects all the sanitary sewer flows north of the Tobacco River), one of the pump guide poles/rails (two parallel metal poles to which the pumps are attached and allow us to raise and lower the pumps within the pump stations) dislodged from its foundation. The rail replacement (we replaced the guide rails for both pumps due to their corroded condition) has been completed. However, we continue to have "issues" with the pumps at this site and are troubleshooting to determine whether the pumps need replacement.

Assessing Services. As the Commission knows, we contract for assessing services with BS&A (the firm that is also our software management provider for nearly all of our automated municipal management programs and systems), and our assessor of record, Mr. Dan Kirwin, is an employee of BS&A. Our relationship with BS&A (both for assessing services and software programs and support) has been excellent. Due to restructuring within BS&A, Dan will be replaced by Ms. Edie Hunter (also a BS&A employee and certified assessor) commencing in April. We anticipate this

will be a very smooth transition and essentially transparent to our customers as Edie has long been Dan's "back-up" on the one day per week that Dan could not be in Clare (and there were a considerable number of days that Dan's BS&A duties precluded him from accomplishing assessing services for us in 2009 – to the point that I raised the issue with BS&A management, thus in part the reason for the pending change to Edie). We will likely still see Dan in Clare on occasion, but Edie will become our assessor of record; we (the City Staff) are very comfortable with this change.

KASL.Net. KASL.Net, a wireless company from Alma that purchased Great Lakes Computers in Clare approximately two years ago, is presently our Internet Service Provider (ISP). We have an expired contractual agreement with KASL.Net that allows them to place their primary antenna array for wireless services on our water tower in return for providing us internet services, which is one of our primary means of communication and data/information sharing between our City departments. We also pay KASL.Net for providing internet services for three of our City Commissioners (Commissioner Bill, Mayor Pro Tem Jean, and Mayor Pat). KASL.Net is being purchased by ISP Management of Alma. We (Steve, Diane, John Holland, and I) met with a representative of ISP Management yesterday (Feb 23rd) regarding the renewal of the expired contractual agreement with KASL.Net. As the City intends to change ISPs concurrent with our connectivity to broadband (the Clare County/RESO initiative we have discussed with the City Commission), we informed ISP Management that it is our desire to change our current relationship to a monthly payment schedule versus our current "barter" arrangement. ISP Management has agreed to our proposal, thus the City Commission will likely be presented with a proposal for a new contractual agreement with this company within the next month.

MDOT – Bay Region Invitation. We've received an invitation for the Bay Region annual Transportation Information & Input Meeting. We have routinely attended this meeting each year and found it to be very informative. I ask that any commissioners that desire to attend this meeting inform Diane by March 16th to allow us to RSVP prior to the requested reservation deadline.

CDBG Application. We submitted a grant application to the Michigan Economic Development Corporation for a streetscape extension along West Fourth Street and Beech Street; the DDA is funding the local match for the project. We're advised that MEDC only has \$14M for this grant round (compared to \$44M last year – but we were not eligible to apply last year due to the fact we were not on the state's low/moderate income listing), thus competition for the reduced amount of grant funds is expected to be highly competitive. Announcement of grant awards is expected in April.

11. *COMMUNICATIONS:
Consent Agenda Approval.

State of Michigan Department of Treasury. The City received notice for participation in the 2010 14-point review program.

City Attorney Correspondence. The City sent out a meeting request to interested parties representing property owners with access to McGuirk Drive, to discuss underground utilities in McGuirk Drive, and responsibility for and access to McGuirk Drive.

12. *APPROVAL OF BILLS:

Consent Agenda Approval.

13. EXTENDED PUBLIC COMMENT: None

14. COMMISSION DISCUSSION TOPIC: Commissioner Tom Koch announced that he will be petitioning for a referendum which states, "any expansion of an industrial park in the City of Clare involving the pledging of the full faith and credit of the City of Clare in the pursuit of grant funding is limited to the purchase of property adjacent to the current existing industrial park property on Industrial Drive at the south end of the city," with the intention of blocking grant applications by the City and IDC for a proposed industrial park at the north end of the City.

John Koch brought up the issue of board and commission appointments because the suggestion of adding an ad hoc member to review applications with the Mayor was discussed at a previous meeting but did not go any further. J. Koch stated that the City administrative staff should not be involved in making appointment recommendations to the Mayor.

Tom Koch requested that the City Manager refrain from being involved with anything that has to do with the City's volunteers. Jean McConnell responded that it is part of the City Manager's job.

Bill Horwood pointed out that Commissioners are not required to approve everything that comes before them.

John Koch requested the Mayor provide reasoning for not reappointing Kelly Koch to the Parks and Recreation Board. Mayor Humphrey's response was that he desires to diversify the Parks and Recreation Board.

15. ADJOURNMENT:

Motion by Commissioner Jean McConnell second by Commissioner Tom Koch to adjourn. Ayes: All. Nays: None. Absent: None. *Motion Approved.*

Meeting adjourned at 8:44 p.m.

Pat Humphrey, Mayor

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager 
DATE: March 10, 2009
RE: Intergovernmental Agreement – Broadband Services

For the Agenda of March 15, 2010

Background. We presented (see copy of March 1st Agenda Report) a draft of the proposed intergovernmental agreement for broadband services between Clare County and the municipalities of Clare, Farwell, and Harrison to the City Commission at its March 1st meeting with what we presumed to be relative assurance that the agreement would be finalized prior to our meeting. Since it was not, the City Commission set it aside for consideration at the March 15th meeting.

We are again presenting the agreement to the City Commission and have again been assured that it will be ready for final consideration by all the governmental entities on March 15th. The matter is tentatively on the agenda for the March 15th agenda of the Harrison City Council, and Farwell has convened a special meeting for the primary purpose of considering this agreement and a related internet service provider agreement. However, all we can current present to the City Commission is a finalized version (*copy att'd*) of the draft agreement everyone believes will be final document. Also attached is a related document (a proposed bill of sale – *the copy prepared for Farwell is att'd*; Clare's will be similar except the equipment listing may be a bit different...the cost to us will be the same - \$1).

The City Commission is again asked to review and consider the draft form of this agreement and the bill of sale.

Issues & Questions Specified. Should the Clare City Commission approve the proposed Intergovernmental Broadband Contract and bill of sale?

Alternatives.

1. Approve the contract and bill of sale.
2. Approve the contract with modification, stipulations, or changes.
3. Disapprove the proposed Agreement and bill of sale.
4. Set the matter aside for consideration at a later-scheduled commission meeting.

Financial Impact. The preponderance of all costs associated with the City's connectivity to the broadband connection have been borne by Clare County and the Clare County Enterprise Community. However, we know we will incur costs (currently indeterminable) associated with our internal (department-to-department; internal cabling, etc.) connectivity. We will apprise the Commission of the amount of these costs when we can accurately quantify them.

Recommendation. I recommend that the Clare City Commission approve the Intergovernmental Agreement and bill of sale by adoption of Resolution 2010-017 (*copy att'd*).

Attachments.

1. March 1st Agenda Report.
2. Draft Intergovernmental Agreement.
3. Sample Bill of Sale.
4. Resolution 2010-017.

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: February 24, 2009
RE: Intergovernmental Agreement – Broadband Services

For the Agenda of March 1, 2010

Background. As the City Commission is aware, the City has been working in concert with Clare County, the Clare-Gladwin RESD, the Village of Farwell, and the City of Harrison to establish broadband service connectivity between these entities. An agreement has been signed (*see copy of unsigned version*) by Clare County and the RESD.

The major funding elements of this initiative have thus far been paid for by Clare County and the Clare County Enterprise Community. We are now approaching (within a matter of weeks) the point that we will be able to actually make the broadband connections. But before we are able to do so, we are required to formally enter into an Intergovernmental Agreement (*draft copy att'd*). The final details of this agreement are still being reviewed by attorneys for all respective signatories. We anticipate that the agreement will be in its final form and available for consideration and approval by the City Commission by March 1st, thus we have placed this topic on the agenda for the March 1st meeting. We do not anticipate that the draft version of this agreement will change appreciably (if at all) in content or format. We will forward the final version of the agreement to the City Commission electronically or in hard copy if we receive it prior to Monday's meeting; otherwise, we will present it at the meeting.

The City Commission is asked to review and consider the draft form of this agreement.

Issues & Questions Specified. Should the Clare City Commission approve the proposed Intergovernmental Broadband Contract?

Alternatives.

1. Approve the contract.
2. Approve the contract with modification, stipulations, or changes.
3. Disapprove the proposed Agreement.
4. Set the matter aside for consideration at a later-scheduled commission meeting.

Financial Impact. The preponderance of all costs associated with the City's connectivity to the broadband connection have been borne by Clare County and the Clare County Enterprise Community. However, we know we will incur costs (currently indeterminable) associated with our internal (department-to-department; internal cabling, etc.) connectivity. We will apprise the Commission of the amount of these costs when we can accurately quantify them.

Recommendation. I recommend that the Clare City Commission approve the Intergovernmental Agreement by adoption of Resolution 2010-017 (*copy att'd*).

Attachments.

1. Clare County-RESD Contract.
2. Draft Intergovernmental Agreement.
3. Resolution 2010-017.

CLARE COUNTY ENTERPRISE COMMUNITY

A grassroots revitalizing effort at work... the essence of collaboration

BILL OF SALE

THE GRANTOR, **Clare County Enterprise Community, an IRS 501(c)3 nonprofit organization,**
WHOSE ADDRESS IS **225 West Main Street, PO Box 678, Harrison, Michigan 48625**

ASSIGNS TO THE GRANTEE, **City of Clare,**
WHOSE ADDRESS IS **202 West Fifth Street, Clare, Michigan 48617.**

THE FOLLOWING DESCRIBED FIBER AND EQUIPMENT IN THE CITY OF CLARE, CLARE COUNTY,
MICHIGAN:

<u>Qty.</u>	<u>Description</u>	<u>Value</u>	<u>Total</u>
	Pole Design & Permit Fees for Fiber	\$ 1,575.00	\$39,752.93
	Fiber Project Installation Costs	\$28,718.00	
	Fiber Make Ready Costs	\$ 5,743.60	
2	1000 –BASE-CWDM Coarse Wavelength Division Multiplexing 1510 NM SFP Transceiver Modules	\$ 549.90	
2	1000-BASE-LX/LH SFP Transceiver Modules	\$ 179.90	
1	Cisco Catalyst 2960G-24TCSwitch	\$ 1,898.55	
2	HP Procurve Mini-GBIC LX – LC Transceiver Modules	\$ 380.00	
2	HP Procurve 2610-24 Ethernet Switches	\$ 707.98	

FOR THE FULL CONSIDERATION OF \$1.00 DOLLAR.

DATED: March 11, 2010

Rod Williams, President
Clare County Enterprise Community, Inc.

Ken Hibl, Manager
City of Clare

Fiber and Pole Map Attached

INTERGOVERNMENTAL CONTRACT ALLOWING ACCESS TO THE
CLARE COUNTY BROADBAND NETWORK INFRASTRUCTURE

Agreement made among the following:

Clare County, a Michigan Municipal corporation (Clare County)
City of Clare, a Michigan municipal corporation (City of Clare)
Pere Marquette District Library

WHEREAS, the purpose of this agreement is to make access to the network infrastructure available to Clare County, City of Clare, City of Harrison, Village of Farwell, Pere Marquette District Library, Harrison District Library, Surrey Township Public Library, Surrey Township,

WHEREAS, it is the intention of the parties to share access to the network infrastructure between one another, and

WHEREAS, it is the intention of the network lease agreement to provide access to the network infrastructure from the City of Clare to the Pere Marquette District Library,

WHEREAS, it is the intention of the network lease agreement to provide network service from the City of Harrison to the Harrison District Library and from the Village of Farwell to Surrey Township District Library and Surrey Township (based on proximity), and

WHEREAS, the parties to this contract are entering into an Intergovernmental Contract pursuant to MCL 124.1, *et seq.*

Article I – Provisions related to provision and maintenance of network infrastructure.

A. It is the intent of the parties that network infrastructure will be shared between all governmental units within Clare County and all public libraries, to the extent of system capacity.

B. It is also the intent of the parties that, in addition to the governmental and public users noted above, the infrastructure be utilized to foster development of new internet service providers that will foster and provide broadband capabilities to unserved or underserved areas of the county.

1. Pursuant to the network lease between Clare County and the Clare Gladwin Wide Area Network Consortium and the Clare Gladwin Regional Educational Service District, Clare County is obligated to pay network maintenance charges between

the Harrison Middle School main distribution frame and the other connected schools in the sum of \$1,120 per year. Those sums will be prorated between the City of Clare, the City of Harrison and the Village of Farwell in accordance with the number of miles of network dedicated to their use. Said charges will be billed to the municipalities noted above from the County on an annual basis without markup by the County. The sums due on the invoices will be remitted to the County within sixty (60) days of the date of invoice.

2. In order to provide and facilitate a single point of approval for attaining permission for a prospective internet service provider to utilize the system, the parties agree as follows:
 - a. All applications for use of the network infrastructure shall be made by any network service provider to the Clare/Gladwin RESD. The RESD shall evaluate the request and its feasibility. If the request is feasible and will not impair the other users on the network, the Clare/Gladwin RESD is authorized to give approval for use by internet service providers. This approval shall be provisionally made in writing by the Clare/Gladwin RESD. The written notice of approval by CGRESD will be mailed to each of the signatories to this agreement at the addresses in the section devoted to notice.
 - b. The City of Clare, the City of Harrison, the Village of Farwell shall have an opportunity to veto any internet service provider application or permission granted by the CGRESD. Any veto issued under the provision of this paragraph shall be on the basis that the application or permission granted by the CGRESD would if granted impair the usage of other network users or is not in the public interest. Said veto shall be issued if at all within forty-five (45) days of the receipt of the notice set forth in paragraph above. In the event the cities or village fail to act within forty-five (45) days of receiving the notice noted above, the application by the proposed ISP shall be deemed approved, and converted from provisional to final.
3. The City of Clare is authorized under the terms of this agreement to permit and grant access on similar terms to the Pere Marquette District Library. The City of Harrison is authorized under the terms of this agreement to permit and grant access on similar terms to the Harrison District Library. The Village of Farwell is authorized under the terms

of this agreement to permit and grant access on similar terms to Surrey Township and the Surrey Township Library.

- a. Apart from the access noted above, the City of Clare, City of Harrison and Village of Farwell shall not allow further connections to the infrastructure without agreement of all parties hereto.

C. Infrastructure costs.

1. Consumer Energy pole attachments. It is expected that exercise of this agreement will incur certain costs for pole attachment. At the time of this writing, the costs are \$15.41 per pole attachment per year, which sum is payable to Consumers Energy for use of its poles. At the installation of the infrastructure, the pole attachment costs are being paid by the Clare County Enterprise Community. However, as the agreement continues, the annual and continuing cost of pole usage shall be allocated as follows:
 - a. Normal annual pole attachment costs shall be borne by the City of Clare, the City of Harrison, the Village of Farwell within its boundaries or to bring service to its users.
 - b. In the event of unexpected additional costs the parties shall submit any potential claims to their respective insurance companies for recompense (i.e. in the event of destruction by severe weather). In the event that there are unexpected additional costs related to maintenance of the system upon Consumers Energy's poles, the cost of restoring the poles shall be evenly divided between all network infrastructure users whose traffic passes across the poles. For instance, should the destruction be within the City of Clare and the poles that lie between Pere Marquette District Library and the CGRESD connection, both the City of Clare and the Pere Marquette District Library would share in the costs thereof.
 - c. Should the City of Clare, the City of Harrison or the Village of Farwell find this approval process unacceptable for any reason, the municipality may opt out of the approval process set forth within these paragraphs on or after January 1, 2013, by delivering a writing to Clare County, the Clare Gladwin RESD and the other signatories to this agreement in accordance with the

notice section below. Said opt out or withdrawal from the approval process set forth above shall be effective ninety days after mailing in accordance with the notice provisions hereunder.

Article II – Provisions regarding bandwidth or services carried across the infrastructure.

The purpose of this section set forth is to delineate the terms under which the County will act as purchasing agent for bandwidth to be provided under this agreement.

A. Clare County shall act as the purchasing agent for bandwidth to be provided to all the signatories to this agreement. In addition, the three libraries noted above shall be permitted to and shall be counted within the shared bandwidth purchased for purposes of measuring or metering the bandwidth utilized. Each of the libraries may, however, enter into separate contracts or collective contracts between the libraries as the case may be, and the Internet Service Provider directly and not through the County. This provision is made in order that the libraries may take advantage of reimbursement subsidies available.

B. The County will purchase sufficient bandwidth that all users enjoy at least six megabyte service. The cost of the bandwidth shall be divided between the parties as set forth in Exhibit “A”.

C. The City of Clare, the City of Harrison, the Village of Farwell shall be obligated under this contract to purchase the bandwidth procured by the County for the periods noted in Exhibit “A” for each guaranteed pricing period. It is anticipated that the County will obligate itself under contract in order to obtain favorable prices and during that obligated period the cities shall remain obligated as well. However, upon expiration of the terms noted in Exhibit “A” for each guaranteed price unit, the cities may elect to terminate coverage under this article. The termination of services under this article shall not affect the remainder of the agreement which shall remain valid in all events. In the event that the broadband services contracted for the County are proposed to increase at a rate of greater than fifteen (15%) percent over any previous contract year, the cities may elect to terminate their participation in the bandwidth purchase upon sixty (60) days notice.

D. It is anticipated at this time that the bandwidth procured by the County from the ISP will be approximately 21 megs. If, however, the measured service exceeds 21 megs on a sustained basis as noted below, the excess usage will result in the pass-through of excess charges to the County by the ISP.

ARTICLE 3 – OTHER PROVISIONS

A. The parties are aware of and will abide by the terms of the Network Lease Agreement between Clare County and the Clare Gladwin Wide Area Network Consortium, Clare County hereby grants and permits the City of Clare, the City of Harrison and the Village of Farwell to have access to the network infrastructure constructed by and between Clare Gladwin Area Wide Network Consortium, the Clare Gladwin RESD and the Clare County Enterprise Community.

B. Changes Or Modification. No change or modification of this agreement shall be valid unless the same be in writing and signed by all the parties hereto.

C. State Law Governing Agreement. This Agreement shall be governed by the laws of the State of Michigan.

D. Choice Of & Consent To Forum. The parties hereby affirmatively waive and release any and all recourse to any and all courts federal and/or foreign courts; and irrevocably consent to submit all disputes arising under this Agreement to resolution within state courts in the State of Michigan. The parties consent to the exercise of personal jurisdiction by the courts of the State of Michigan.

E. Situs. The situs of this Agreement is Isabella County, State of Michigan because all obligations hereunder pertain to activities therein.

F. Venue. Venue shall be laid in Clare County, State of Michigan.

G. Severability. If any of the provisions of this document are rendered void by acts of the legislature or the courts, this agreement shall be construed as if the offending portion had been omitted.

H. Anti-Waiver. No provision of this Agreement, right or remedy hereunder may be waived except by in a writing signed by the party expressly waiving such right, remedy or obligation. No waiver shall be implied upon the conduct, enforcement, non-enforcement or course of performance of the parties.

I. Consent To Jurisdiction, Forum, And Venue. The parties consent to submit to the jurisdiction of the courts of the State of Michigan, said consent to be deemed irrevocable and a waiver of right of recourse (if any) to any Federal or foreign court, whether claim to Federal jurisdiction is laid upon diversity or subject matter (or both).

IN WITNESS WHEREOF, the parties have hereunto signed their names on the day and date set forth above.

WITNESSES

CLARE COUNTY

BY:
ITS:

WITNESSES

CITY OF CLARE

BY: PAT HUMPHREY
ITS: Mayor

WITNESSES

PERE MARQUETTE DISTRICT LIBRARY

BY: SHEILA BISSONNETTE
ITS: Library Director

RESOLUTION 2010-017

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING AN INTERGOVERNMENTAL BROADBAND AGREEMENT

WHEREAS, Clare County and the Clare-Gladwin RESD have entered into an agreement whereby broadband access is provided to the County by the RESD; and

WHEREAS, the Clare County Enterprise Community has offered to fund similar connectivity to the RESD system for the three governmental units in Clare County, namely the City of Clare, the Village of Farwell, and the City of Harrison; and

WHEREAS, a stipulation of said offer is that all affected governmental entities shall be required to enter into an Intergovernmental Agreement outlining the terms and conditions of said offer; and

WHEREAS, the City has reviewed said proposed Agreement and considers its terms and conditions to clearly serve the best interests of the City and potentially the best interests of the City's residents and business community.

NOW THEREFORE BE IT RESOLVED THAT the Clare City Commission hereby approves a proposed Intergovernmental Agreement between Clare County, the City of Clare, the Village of Farwell, and the City of Harrison outlining terms and conditions related to receiving and participating in broadband services for said entities.

The Resolution was introduced by Commissioner _____ supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 15th day of March 2010.

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: March 9, 2010
RE: Board & Committee Appointment (Clare Main Street Board – Mr. Roger Williams)

For the Agenda of March 15, 2010

Background. At the scheduled City Commission of February 15, 2010, the Commission was asked (*see copy of att'd agenda report*) to consider appointing Mr. Roger Williams to the City's Main Street Board. The matter was set aside based on a motion made and adopted by the City Commission at its January 18th meeting to hold all board and committee appointments in abeyance until such time the Commission had an opportunity to review the process and procedures for all board and committee appointments and discuss and determine whether it desired to make any changes to those processes and procedures.

The City Commission unanimously voted (*see copy of extract of meeting minutes*) to lift the self-imposed restriction of board and committee appointments at its March 1st meeting. Therefore, the Commission is asked to again consider the appointment of Mr. Roger Williams to serve as a member of the Clare Main Street Board.

Issues & Questions Specified. Should the City Commission appoint Mr. Roger Williams to serve as a member of the Clare Main Street Board?

Alternatives.

1. Approve the appointment.
2. Refer the selection of this individual back to the Clare Area Chamber of Commerce President and Board of Directors, asking for another/different selectee.
3. Defer/delay decision of this matter to a subsequently scheduled City Commission meeting.

Financial Impact. There is no direct financial impact to the City.

Recommendation. I recommend that the City Commission approve the appointment of Mr. Roger Williams to serve a one-year term as a member of the City of Clare Main Street Board by adoption of Resolution 2010-011 (*copy att'd*).

Attachments.

1. Agenda Report for February 15th Commission Meeting.
2. Extract of Meeting Minutes, March 1, 2010.
3. Resolution 2010-011.

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: February 10, 2010
RE: *Board & Committee Appointment (Clare Main Street Board – Mr. Roger Williams)

For the Agenda of February 15, 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 agenda of the Clare City Commission for February 15, 2010.**

Background. The Clare Main Street Board consists of thirteen appointed members: twelve of these members are selected and appointed by the Clare City Commission and concurrently serve as members of the Clare Downtown Development Authority (DDA); and one of the members is selected by the Clare Area Chamber of Commerce President and its Board of Directors and appointed by the Clare City Commission – this member does not concurrently serve as a member of the City DDA. The thirteenth Main Street Board member is generally appointed for a one-year period due to the fact that Chamber of Commerce Board of Directors and its President are elected annually.

The Chamber of Commerce President and Board of Directors has selected Mr. Roger Williams, an elected and serving member of the Board of Directors of the Clare Area Chamber of Commerce, to serve as its representative member of the Clare Main Street Board. The City Commission is asked to make the appointment.

Issues & Questions Specified. Should the City Commission appoint Mr. Roger Williams to serve as a member of the Clare Main Street Board?

Alternatives.

1. Approve the appointment.
2. Refer the selection of this individual back to the Clare Area Chamber of Commerce President and Board of Directors, asking for another/different selectee.
3. Defer/delay decision of this matter to a subsequently scheduled City Commission meeting.

Financial Impact. There is no direct financial impact to the City.

Recommendation. I recommend that the City Commission approve the appointment of Mr. Roger Williams to serve a one-year term as a member of the City of Clare Main Street Board by adoption of Resolution 2010-011 (*copy att'd*).

Attachment. Resolution 2010-011.

Extract of Meeting Minutes – March 1, 2010 City Commission Meeting

“Motion made by Commissioner Jean McConnell second by Commissioner Bill Horwood to throw out a motion approved at the January 18, 2010, which held in abeyance all current and future board and committee appointments. Roll call vote: Yeas: Commissioners Bill Horwood, Pat Humphrey, John Koch, Tom Koch and Jean McConnell. Nays: None. Absent: None. *Motion Approved.*”

RESOLUTION 2010-11

A RESOLUTION OF THE CLARE CITY COMMISSION APPOINTING MR ROGER WILLIAMS TO SERVE AS A MEMBER OF THE CLARE MAIN STREET BOARD.

WHEREAS, the Clare Main Street Board consists of thirteen members, twelve of which are selected and appointed by the Clare City Commission and one member selected by the President and Board of Directors of the Clare Area Chamber of Commerce and appointed by the Clare City Commission; and

WHEREAS, said Chamber of Commerce appointee is traditionally selected and appointed annually and serves as a liaison between the Chamber of Commerce President and said organization's Board of Directors and the twelve members of the City Commission-selected Main Street Board members; and

WHEREAS, the Clare Chamber of Commerce President has selected Mr. Roger Williams, an elected and currently serving member of the Clare Area Chamber of Commerce Board of Directors, as the Chamber of Commerce representative to the Clare Main Street Board.

NOW THEREFORE BE IT RESOLVED that the City Commission of the City of Clare hereby appoints Mr. Roger Williams to serve as a voting member of the City of Clare Main Street Board, said appointment being effective the 15th day of February 2010 and terminating on the 14th day of February 2011.

BE IT FURTHER RESOLVED that said appointment is voluntary and without compensation and is contingent upon Mr. Williams' continued service as a member of the Clare Area Chamber of Commerce Board of Directors.

BE IT FURTHER RESOLVED that said selection for appointment can be withdrawn or revoked by the President of the Clare Area Chamber of Commerce/and or the majority vote of said organization's Board of Directors and said appointment may be revoked by the Clare City Commission upon notice of its intent to do so to the President of the Clare Area Chamber of Commerce .

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 15th day of March 2010.

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: March 9, 2010
RE: Recognition – Mr. David Maxwell



For the Agenda of March 15, 2010

Background. The appointed terms of Mr. David Maxwell as a member of the City of Clare Main Street Board, the City's Downtown Development Authority, and the the Clare Brownfield Redevelopment Authority have expired.

Dave has faithfully served the residents of the City of Clare as a concurrent member of the three aforementioned boards and authorities since 2006. The City Commission is asked to recognize him for his outstanding service.

Issues & Questions Specified. Should the City Commission recognize the faithful service of David Maxwell?

Alternatives.

1. Recognize his service.
2. Do not formally recognize his service.
3. Set aside decision regarding this matter to a later date.

Financial Impact. Approximately \$10 for the cost of a framed resolution.

Recommendation. I recommend that the City Commission formally recognize David Maxwell for his service to the City of Clare and its residents by adoption of Resolution 2010-018 (*copy att'd*).

Attachment. Resolution 2010-018.

RESOLUTION 2010-018

A RESOLUTION OF THE CLARE CITY COMMISSION RECOGNIZING MR. DAVID MAXWELL FOR HIS DEDICATED COMMITMENT TO THE CITY OF CLARE WHILE CONCURRENTLY SERVING AS A MEMBER OF THE CITY OF CLARE MAIN STREET BOARD, THE CLARE DOWNTOWN DEVELOPMENT AUTHORITY, AND THE CLARE BROWNFIELD REDEVELOPMENT AUTHORITY.

WHEREAS, Mr. David Maxwell has faithfully served the City of Clare and its residents as an appointed member of the City of Clare Main Street Board, the City's Downtown Development Authority, and the Clare Brownfield Redevelopment Authority for the past three years; and

WHEREAS, the appointed terms of Mr. Maxwell on said boards and authorities has expired; and

WHEREAS, the City Commission deems that it is appropriate and fitting to formally recognize Mr. Maxwell for said faithful service.

NOW THEREFORE BE IT RESOLVED THAT, on behalf of the residents of the City of Clare and the citizens of the entire Greater Clare Area Community, the Mayor of the City of Clare and the Clare City Commission hereby formally recognizes the faithful, dedicated service of Mr. David Maxwell while serving as an appointed member of the of the City of Clare Main Street Board, the City's Downtown Development Authority, and the City's Brownfield Redevelopment Authority and extends its sincere appreciation for said service.

BE IT FURTHER RESOLVED THAT the City Commission recognizes Mr. David Maxwell for his outstanding dedication, for his devotion to preserving and enhancing the viability, marketability, and sustainability of the City's downtown district and for his tireless commitment for attaining excellence.

BE IT FURTHER RESOLVED THAT the Mayor and City Commission offers Mr. Maxwell its sincere wishes for continued success in all endeavors.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 15th day of March 2010.

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: March 9, 2010
RE: Recognition – Mr. Rick Moser



For the Agenda of March 15, 2010

Background. The appointed terms of Mr. Rick Moser as a member of the City of Clare Main Street Board, the City's Downtown Development Authority, and the Clare Brownfield Redevelopment Authority have expired.

Rick has faithfully served the residents of the City of Clare as a concurrent member of the three aforementioned boards and authorities since 2006. The City Commission is asked to recognize him for his outstanding service.

Issues & Questions Specified. Should the City Commission recognize the faithful service of Rick Moser?

Alternatives.

1. Recognize his service.
2. Do not formally recognize his service.
3. Set aside decision regarding this matter to a later date.

Financial Impact. Approximately \$10 for the cost of a framed resolution.

Recommendation. I recommend that the City Commission formally recognize Rick Moser for his service to the City of Clare and its residents by adoption of Resolution 2010-019 (*copy att'd*).

Attachment. Resolution 2010-019.

RESOLUTION 2010-019

A RESOLUTION OF THE CLARE CITY COMMISSION RECOGNIZING MR. RICK MOSER FOR HIS DEDICATED COMMITMENT TO THE CITY OF CLARE WHILE CONCURRENTLY SERVING AS A MEMBER OF THE CITY OF CLARE MAIN STREET BOARD, THE CLARE DOWNTOWN DEVELOPMENT AUTHORITY, AND THE CLARE BROWNFIELD REDEVELOPMENT AUTHORITY.

WHEREAS, Mr. Rick Moser has faithfully served the City of Clare and its residents as an appointed member of the City of Clare Main Street Board, the City's Downtown Development Authority, and the Clare Brownfield Redevelopment Authority for the past three years; and

WHEREAS, the appointed terms of Mr. Moser on said boards and authorities has expired; and

WHEREAS, the City Commission deems that it is appropriate and fitting to formally recognize Mr. Moser for said faithful service.

NOW THEREFORE BE IT RESOLVED THAT, on behalf of the residents of the City of Clare and the citizens of the entire Greater Clare Area Community, the Mayor of the City of Clare and the Clare City Commission hereby formally recognizes the faithful, dedicated service of Mr. Rick Moser while serving as an appointed member of the of the City of Clare Main Street Board, the City's Downtown Development Authority, and the City's Brownfield Redevelopment Authority and extends its sincere appreciation for said service.

BE IT FURTHER RESOLVED THAT the City Commission recognizes Mr. Rick Moser for his outstanding dedication, for his devotion to preserving and enhancing the viability, marketability, and sustainability of the City's downtown district and for his tireless commitment for attaining excellence.

BE IT FURTHER RESOLVED THAT the Mayor and City Commission offers Mr. Moser its sincere wishes for continued success in all endeavors.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:


NAYS:

ABSENT:

Resolution approved for adoption on this 15th day of March 2010.

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: March 9, 2010
RE: Water Tower Lease – ISP Management 

For the Agenda of March 15, 2010

Background. KASL.Net, a wireless company from Alma that purchased Great Lakes Computers in Clare approximately two years ago, is presently our Internet Service Provider (ISP). We have an expired contractual agreement with KASL.Net that allows them to place their primary antenna array for wireless services on our water tower in return for providing us internet services, which is one of our primary means of communication and data/information sharing between our City departments. We also pay KASL.Net for providing internet services for three of our City Commissioners (Commissioner Bill, Mayor Pro Tem Jean, and Mayor Pat). KASL.Net is being purchased by ISP Management of Alma. The City met with Mr. Jeff Hall, the President and owner of ISP Management, on February 23rd regarding the renewal of the expired contractual agreement with KASL.Net. As the City intends to change ISPs concurrent with our connectivity to broadband (the Clare County/RESO initiative we have discussed with the City Commission), we informed Mr. Hall that it is our desire to change our current relationship to a monthly payment schedule versus our current “barter” arrangement. ISP Management has agreed to our proposal, thus the City Commission is now asked to consider approving a proposed contractual (*copy att’d*) agreement, which has been reviewed by our City Attorney, stipulating the terms of the proposed agreement.

Issues & Questions Specified. Should the Clare City Commission approve a contractual agreement with ISP Management?

Alternatives.

1. Approve the proposed agreement with ISP Management.
2. Approve a modified version of the proposed agreement
3. Disapprove the agreement, thereby also invalidating our contractual agreement with Clare County in respect to broadband services.
4. Set the matter aside for consideration at a later-scheduled commission meeting.

Financial Impact. The proposed agreement will provide the City’s Water Fund a minimum of \$1,200 in annual revenues (up to a maximum of \$1,800 annually when the four “trade” accounts are eliminated) for the term of the contract.

Recommendation. I recommend that the Clare City Commission approve the proposed agreement with ISP Management by adoption of Resolution 2010-020 (*copy att’d*).

Attachments.

1. Proposed Contractual Agreement.
2. Resolution 2010-020.

LEASE AGREEMENT

THIS LEASE AGREEMENT entered into as of this _____ day of, _____ 2010, (Effective Date) by and between City of Clare, a Michigan municipal corporation, whose address is 202 West Fifth Street, Clare, Michigan 48617 (“Landlord”) and ISP Management Inc., (“Tenant”) whose address is 409 Gratiot Ave., Alma, Michigan 48801.

BACKGROUND

- a. Landlord is the owner of a parcel of land located on West Fourth Street, Clare Michigan commonly referred to as the Clare Water Tower. (the “Premises”).

Tenant desires to lease space at the Clare Water Tower described below for the installation, operation and/or continuance of operations of certain Antenna Facilities previously owned or operated or installed by Great Lakes Computers and/or KASL Technologies, (previous Tenant) which may include directional Antenna(s), connecting cables and appurtenances (collectively, “Antenna Facilities”) for use in connection with its Internet business.

- b. Accordingly, the parties are entering into this Lease on the terms and conditions set forth below.

AGREEMENT

In consideration of their mutual covenants, the parties agree as follows:

1. **Leased Premises.** Landlord leases to Tenant and Tenant leases from Landlord, on the terms and subject to the conditions contained herein, a portion of the Premises, consisting of space on the top of the Clare Water Tower, for the Tenant’s Antenna Arrays and approximately 150 square foot of space nearby or at the base of the tower within the City’s discretion (some space is currently offered within the water tower for this purpose) as required for the construction of an electronics cabinet shelter building for a suitable service of electricity, telephone, fiber backbone connection and other utility facilities, cable runs for the Tenant’s Antenna Arrays, (collectively, “Antenna Facilities”) and an easement for the right of access thereto.
2. **Term.** The “Initial Term” of this Lease shall commence on the date in the first paragraph of this Lease (“Effective Date”) and end on December 31 of the fifth calendar year of the Lease. Subject to the terms and conditions of this Lease, Tenant shall have the right to extend this Lease for three (3) additional five (5) year renewal periods (“Renewal Term”) commencing on January 1 following the expiration date of the Initial Term or of any subsequent Renewal Term. This Lease shall be automatically renewed for each successive Renewal Term unless either Landlord or Tenant sends written notice of non-renewal to the other no later than ninety (90) days prior to the expiration of the Initial Term or any Renewal Term, such notice to be provided in accordance with Paragraph 21 of this Lease. Prior to the end of each five (5) year term either the Landlord or Tenant may request to reevaluate the amount of monthly rent. The monthly rent may be adjusted to a mutually agreeable amount not to exceed the mean rental for similar low power,

unlicensed wireless internet services in the rural Clare and Isabella County Michigan market in the previous year, based on a 120 foot antenna site.

3. **Rent.** Tenant shall compensate Landlord as monthly rent for the Premises:
 - a. One hundred dollars (\$100.00) per month for Base Rent.
 - b. Service – In – Kind
 1. High Speed Internet Access in Trade. The Tenant shall provide up to (4) four high speed trade accounts with up to 1.5 mbps of internet bandwidth each for the use of the Landlord. Tenant shall have sole discretion in regards to the delivery method of trade service.
 2. Cash in Lieu of High Speed Internet Access Trade Noted in Paragraph 1. Twelve dollars and fifty cents (\$12.50) per month for every non-used trade account commencing on the 1st day of the month following trade service cancellation.
 3. Network Consultation. The Tenant shall provide Landlord network consultation from time to time on a per need basis.
 4. Public IP addresses. Tenant shall provide Landlord up to (2) two Public IP addresses for Landlords use.
4. **Use of Premises.**
 - a. Tenant shall use the Premises for the installation, operation and maintenance of its Antenna Facilities for the transmission, reception and operation of an Internet System and uses incidental thereto and for no other uses.
 - b. Tenant agrees that all installations and constructions described in this Lease shall be completed promptly in a neat, workmanlike manner, consistent with good engineering practices and in compliance with all applicable codes and regulations. All costs of the installation, including, but not limited, the cost of extending of Landlord's electrical service to Tenant's equipment, shall be paid by the Tenant.
 - c. When the Tenant does any work on the Premises, it shall, at its own expense, remove any obstructions there from and restore the Premises to as good a condition as existed before the work was undertaken, unless otherwise directed by Landlord.
 - d. Tenant shall, at its expense, comply with all present and future federal, state and local laws, ordinances, rules and regulations (including laws and ordinances relating to health, radio frequency emissions, other radiation and safety) in connection with the use, operation, maintenance, construction and/or installation of the Antenna Facilities and/or the Premises. Landlord agree to cooperate reasonably with Tenant in obtaining, at Tenant's expense licenses and permits required for or substantially required by Tenant's use of the premises.
 - e. Landlord represents that to the best of its knowledge, the pre-existing installation did not damage the structural integrity of the water tower, did not cause, nor is in imminent danger of causing contamination, that there are no pending or outstanding

claims, orders, notices, judgments, penalties or encumbrances against previous Tenant in regards to use of the Premises.

- f. The Tenant shall remove its Antenna Facilities from the Premises upon termination of the Lease. Such removal shall be done in a workmanlike and careful manner and without interference or damage to any other equipment, structures or operations on the Premises, including use of the Premises by Landlord or any of Landlord's assignees or leases. Tenant shall restore the affected area of the Premises to the reasonable satisfaction of Landlord ordinary wear and tear accepted. Upon removal of the Antenna Facilities (or portions thereof) as provided above, all costs and expenses for the removal and restoration of the affected area shall be borne by Tenant, and Tenant shall hold Landlord harmless from any portion thereof. If however, Tenant requests permission not to remove all or a portion of the improvements, and Landlord consents to such non-removal, title to the affected improvements shall thereupon transfer to Landlord and the same thereafter shall be the sole and entire property of Landlord and Tenant shall be relieved of its duty to otherwise remove same.
- g. Landlord reserves the right to install additional bracketing material or similar structural supports to allow for the co-location of other lessees' antenna or similar radiating or broadcasting equipment. Landlord agrees, as a precondition to any such additional installation, to provide all reasonable and necessary assurances to the Tenant that such co-location will not disturb, disrupt or cause harm to Tenant's antenna or radiation equipment.

5. Installation of Equipment.

- a. Tenant shall have the right, at its sole cost and expense, to install, operate and maintain Tenant's Antenna Facilities on the Premises, in accordance with good engineering practices and with all applicable FCC rules and regulations. All installation of equipment by Tenant shall be inspected and approved by the City's water tower engineer of record at the Tenant's expense.
- b. Tenant's installation of all such Antenna Facilities shall be done according to plans approved by Landlord, which approval shall not be arbitrarily withheld, conditioned or delayed. Any damage done to Premises during installation and/or during operations shall be repaired or replaced immediately at Tenant's expense and to Landlord's reasonable satisfaction.

6. **Equipment Upgrade.** Tenant may update or replace defective Antenna Facilities from time-to-time without prior approval of the Landlord. Any change in their general location on the Premises shall be approved by Landlord, which approval shall not be unreasonably withheld, conditioned or delayed. If the upgrade involves additional equipment installed on Premises, or a change in location on the Premises, Tenant shall submit to Landlord a proposal for any such replacement facilities and any supplemental materials as may be requested, for Landlord's evaluation and approval.

7. Maintenance.

- a. Tenant shall, at its own expense, maintain its Antenna Facilities attached to the Premises in a safe condition, in good repair and in a manner suitable to Landlord so as not to conflict with the use of or other leasing of the Premises by Landlord and so as not to interfere with related facilities or other equipment of other tenants.
- b. Tenant shall have sole responsibility for the maintenance, repair, and security of its equipment, personal property, Antenna Facilities, and leasehold improvements, and shall keep the same in good repair and condition during the lease.
- c. Tenant shall keep the Premises free of Tenant owned debris or anything of a dangerous, noxious or offensive nature or which would create a hazard or undue vibration, heat, noise or interference.

8. Cooperation.

- a. Landlord agrees to cooperate with Tenant in any efforts by Tenant to secure any governmental; permits necessary to use the Leased Premises as contemplated in this Lease, and to join in any application or other documents reasonably requested by Tenant within twenty-one (21) days of Tenant's written request.
- b. Each party shall provide to the other a telephone number which will be answered by a representative of such party twenty-four (24) hours a day for use only in the event of an emergency. Each party agrees to notify the other party if there is a change in the emergency telephone number.

9. Premises Access. Tenant shall have reasonable, undelayed access to the Premises at all times. The Landlord shall have the right to have its designee, to accompany Tenant whenever Tenant accesses the Premises.

10. Utilities. Landlord agrees to cooperate with Tenant in its efforts to obtain electric and other utilities from any location provided by Landlord or the serving Utility. During the term of this Lease, Tenant may elect to either install its own electrical service to the Site or Utilize the Landlord's existing electrical system on a pro-rated cost basis established by the Landlord. If Tenant elects to install its own electrical service, all costs to maintain, repair, operate and replace the electric facilities, upgrades, extensions or tie-ins to the Site requested by Tenant shall be paid by Tenant. Tenant shall promptly repair at its expense any damage occasioned by said construction or maintenance on the Site.

11. Taxes. Tenant shall be responsible for paying all personal property taxes assessed directly upon and arising solely from its own use of the Antenna Facilities on the Site during the term of this Lease.

12. Interference. Tenants installation, operation, and maintenance of its transmission facilities shall not damage or interfere in any way with the Landlord's water tower operations or related repair and maintenance activities or with such activities of other tenants of the water tower. Landlord, at all times during this Lease, reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter or improve the premises in connection with the Tower operations as may be necessary,

including leasing parts of the water tower and surrounding ground space to others. Landlord will exercise reasonable care to prevent non-interference with its internet operations. If the Landlord receives a request for co-location on the water tower from any other third-party, it shall submit a proposal complete with all technical specifications reasonably requested by Tenant to review for non-interference; however, Landlord shall not be required to provide Tenant with any specifications or information claimed to be of a proprietary nature by the third party. The third party shall be responsible for the reasonable cost of preparing technical specifications for its proposed transmission facility. Tenant shall have thirty (30) days following receipt of said proposal to make any objections thereto, and failure to make any objection within said thirty (30) day period shall be deemed consent by Tenant to the installation of antennas or transmission facilities pursuant to said proposal. After having received Tenant's objections pursuant to this paragraph, the City shall review Tenant's objections and may enter into the proposed additional use or lease within its sole discretion.

13. **Insurance.** Tenant shall maintain, at its sole cost during the entirety of this Lease, commercial general liability insurance insuring Tenant against liability for personal injury, death or damage to personal property arising out of the use of the Site by Tenant. Such insurance shall provide coverage in an amount not less than one million dollars for property damage. Tenant shall provide Landlord with a certificate of insurance evidencing such coverage which states the carrier has insured Tenant for all liabilities under this Lease and that it will not cancel or change any policy of insurance issued to Tenant except after thirty (30) days notice in writing to Landlord. Landlord shall be added to the policy as an additional insured. The fact that Tenant is required to furnish insurance in accordance with this paragraph or the fact that such insurance is furnished does not and shall not relieve Tenant from its obligations to Landlord under the provisions under other parts of this Lease for any deficiency amount of which Tenant is responsible to Landlord. Landlord shall insure the property and building of which the Site is part thereof, as the case may be, against loss or damage under a policy or policies of fire and extended coverage. All of the Landlord's and Tenant's policies of insurance shall include standard waiver of subrogation clause or endorsement. Landlord and Tenant each hereby waive all right of recovery against the other for losses covered by insurance.
14. **Tenants Property.** All Antenna Facilities installed by Tenant at the Site shall remain the property of Tenant and shall not be subject to any lien or encumbrance of Landlord or any third party acting pursuant to an agreement with Landlord.
15. **Water Tower Maintenance.** The Landlord shall maintain in good order and repair the water tower so that it will adequately support all of the Tenant's Antenna Facilities.
16. **Indemnity.** Tenant shall indemnify and hold the City harmless from any and all costs (including but not limited to, reasonable attorney's fees and court costs) and claims of liability or loss which arise out of the Tenant's use and/or occupancy of the Site including liability or loss arising from environmental contamination.
17. **Hazardous Substances.** Landlord represents and warrants that it has no knowledge, nor should it have any knowledge, of any substance, chemical or waste (collectively, "Substance") on the Site that is identified as hazardous, toxic or dangerous in any

applicable federal, state or local law or regulation. Tenant agrees not to introduce or use any Substance on the Site in violation of any applicable law.

18. **Assignment.** Tenant may not assign this Lease or sublet the Premises without prior written consent of the Landlord accept to an affiliate or successor of interest. The terms and conditions of this Lease shall extend and bind the heirs, personal representatives, successors and assigns of Landlord and Tenant.

19. **Lease Termination.** Events of Termination. Except as otherwise provided herein, this Lease may be terminated upon sixty (120) days written notice to the other party as follows:

- a. by either party upon a default of any covenant or term hereof by the other party, which default is not cured within sixty (120) days of receipt of written notice of default to the other party (without, however, limiting any other rights of the parties pursuant to any other provisions hereof);
- b. by Tenant for cause if it is unable to obtain all certificates, permits, licenses or other approvals required from any governmental authority and/or any easements required from any third party to operate its Antenna Facilities;
- c. by Tenant for cause if such approvals cancelled, expire, lapse, withdrawn or terminated;
- d. by Tenant for cause if the Leased Premises is or becomes unacceptable for technological reasons including without limitation shadowing or interference under Tenant's Antenna Facilities, design or engineering specifications or the communications systems to which the Antenna Facilities belong;
- e. by Tenant if Landlord fails to hold legal title to the property on which the Site is located;
- f. by Tenant if Landlord does not have the authority to enter into this Lease;
- g. by Landlord if Tenant becomes insolvent, an assignment is made for the benefit of creditors, or a voluntary or involuntary petition is filed concerning bankruptcy of Tenant;
- h. by Landlord if any creditor of Tenant files any sort of lien or encumbrance involving City property; in that event the lien or encumbrance shall be deemed not to encumber any City property and shall encumber only Tenant's property;
- i. by Landlord in the event of unforeseen circumstances without cause and without continuing liability on the part of the Tenant;
- j. by Landlord if it determines that Tenant has failed to comply with applicable ordinances, or state or federal law, or any conditions attached to government approvals granted there under, after a public hearing before the Landlord's Council;

- k. by Landlord if Tenant ceases operations at the Site continuously for more than one year.
- 20. **Acceptance of Premises.** The Tenant has inspected the premises and accepts the premises as is.
- 21. **Destruction of Damage to the Leased Premises.** If the Premises, an easement, and/or the utility easements are damaged through no fault of Tenant so as to render all or any part of the Premises, the easements, and/or any utility easements substantially unusable for Tenant's intended use, rent shall abate while Landlord, at its expense, promptly restores the Premises, the easements, and/or any utility easements to a mutually agreeable condition. Provided, however, that in the event Landlord fails to repair the Premises, the easements, and/or any utility easements within a reasonable time (a maximum of thirty (30) days), Tenant shall have the right to terminate this Sublease in full or as it relates to the property so damaged without affecting its remedies permitted by law, equity, and/or this Lease.
- 22. **Notices.** All notices, request, demands, and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipt requested; to the following addresses:

Landlord: City of Clare
202 W. Fifth St.
Clare, MI 48617

Tenant: ISP Management Inc.
409 Gratiot
Alma, Michigan 48801

- 23. **Miscellaneous.**
 - a. Landlord and Tenant represent that each, respectfully, has full right, power, and authority to execute this Lease.
 - b. This Lease constitutes the entire agreement and understandings of the parties and supersedes all offers, negotiations, and other agreements of any kind. There are no representations or understandings of any kind not set forth herein. Any modification of or amendment to this Lease must be in writing and executed by both parties.
 - c. This Lease shall be construed in accordance with the laws of the State of Michigan.
 - d. If any of the terms of this Lease is found to be void or invalid, such invalidity shall not affect the remaining terms of this Lease, which shall continue in full force and effect.
 - e. The prevailing party in any action or proceeding in court to enforce the terms of this Lease shall be entitled to receive its reasonable attorneys' fees and other reasonable enforcement costs and expenses from the non-prevailing party.

- f. Tenant shall not place signage on the Site other than one sign for emergency purposes, should such sign be necessary.

This Lease was executed as of the date set forth above.

Landlord: PAT HUMPHREY
Printed Name
MAYOR/CITY OF CLARE
Title

Signature

Tenant: _____
Printed Name

Title

Signature

RESOLUTION 2010-020

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A CONTRACTUAL AGREEMENT WITH ISP MANAGEMENT.

WHEREAS, City's contractual agreement with KASL.Net, a wireless Internet Service Provider (ISP) to lease water tower space to said company for its antenna array in return for providing the City fee-free wireless service has expired; and

WHEREAS, ISP Management, an Alma, Michigan based company, is in the process of purchasing KASL.Net and desires to continue a lease arrangement for water tower space with the City to allow said company to provide wireless internet services in the local area; and

WHEREAS, the City desires to continue said lease arrangement and has negotiated a mutually-beneficial lease agreement with ISP Management to allow said company to lease space on its water tower for placement of its antennas in return for a set fee; and

WHEREAS, the City Commission has reviewed said proposed contractual agreement and considers its terms and conditions to serve the best interests of the City and potentially the best interests of the City's residents and business community.

NOW THEREFORE BE IT RESOLVED THAT the Clare City Commission hereby approves a proposed contractual agreement between the City of Clare and ISP Management, the terms and conditions of said agreement as outlined therein.

The Resolution was introduced by Commissioner _____ supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 15th day of March 2010.

Diane Schmidt, City Clerk

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: March 9, 2010
RE: Amendment to Rental Rehab Grant Program Guidelines



For the Agenda of March 15, 2010

Background. The City received a \$200K rental rehabilitation grant from the Michigan State Housing Development Authority (MSHDA) in 2008 to provide downtown business owners an opportunity to rehabilitate existing downtown second-story residential space or convert unused or underutilized second-story space to residential use. Regrettably we've had no downtown property owners utilize the grant funds and were in jeopardy of losing the grant until Mr. Gary Todd recently applied to use this grant opportunity to rehabilitate an existing residential space at 202 North McEwan Street.

When we received the application from Mr. Todd, our grant administrator (the Gladwin Housing Commission) noted that our Program Guidelines (*copy att'd*), which were approved in May 2008, needed amendment to comply with MSHDA program revisions implemented since we received the grant. The needed revisions (a date change; an annotation listing the maximum dollar amounts of the grant; and a statement regarding property owner labor and work – see *copy of att'd pages requiring revision*) are on the first three pages of the Program Guidelines and are highlighted; the remainder of the Guidelines adopted in 2008 remain valid.

The Main Street Board reviewed and considered the needed changes at its meeting on March 5th and unanimously recommended approval. The City Commission is now asked to consider approving the amendment.

Issues & Questions Specified. Should the Clare City Commission approve a needed amendment to the Rental Rehabilitation Program Guidelines?

Alternatives.

1. Approve the needed amendment.
2. Do not approve the needed amendment.
3. Set the matter aside for consideration at a later-scheduled commission meeting.

Financial Impact. Amendment of the Program Guidelines will allow the continued utilization of the grant program funds for eligible downtown property owners.

Recommendation. I recommend that the Clare City Commission approve the proposed amendment to the Rental Rehabilitation Program Guidelines by adoption of Resolution 2010-021 (*copy att'd*).

Attachments.

1. Grant Program Guidelines.
2. Amendments to Program Guidelines
3. Resolution 2010-021.

COMMUNITY DEVELOPMENT BLOCKGRANT (CDBG)

RENTAL REHABILITATION PROGRAM
PROGRAM GUIDELINES

May 2008

To be considered and approved by
Clare City Commission
May 5, 2008

Prepared by:
City of Clare
202 West Fifth Street
Clare, MI 48617

1. GENERAL PROVISIONS

These PROGRAM GUIDELINES (Guidelines) intend to set forth the policies and identify the priorities of the City of Clare Community Development Block Grant (CDBG) Rental Rehabilitation Program (Program). These Guidelines set forth the format that will cover general policies of the Program. However, the Program Administrator (Administrator), with the approval of the City of Clare (City) and the Michigan State Housing Development Authority (MSHDA), may waive or modify the requirements in individual cases based upon unforeseen circumstances. The City may also revise any of the parameters in this document to further the intent of the Housing and Community Development Act of 1977 as amended. Federal legislation and implementation regulations have been developed and have been integrated into this program to protect the integrity of such policies.

A. GOALS

The primary emphasis of this program is to provide safe, decent, sanitary, and affordable rental housing to lower income residents of the City of Clare within the targeted Development Area (Attachment A). Financial Assistance will be provided to eligible landlords to assist in providing affordable rental units in the upper stories of downtown buildings. This will be accomplished by improving energy efficiency, repairing health and safety deficiencies, and providing, at minimum, basic livability standards.

B. SOURCES OF FUNDS

MSHDA FUNDS

MSHDA has supplied \$200,000 in funding that will help facilitate rehabilitation of rental units in the target area. These funds will be loaned to eligible landlords at 0% interest for 5 years and then forgiven if landlords comply with all MSHDA and City requirements. Maximum MSHDA funding for each dwelling unit being rehabilitated is \$35,000, includes cost of lead paint remediation, for rehabilitation of previously non-residential space.

PROPERTY OWNER

All property owners are required to provide a minimum of 25% of total project costs. The **Property Improvement Program (PIP)** is available to property owners if units meet PIP qualifications.

C. PROPERTY OWNER AND RENTAL UNIT REQUIREMENTS

1. PROPERTY OWNER QUALIFICATIONS/INFORMATION

- a. MSHDA funded this program for a downtown targeted area only. Any unit to be considered must lie in designated targeted downtown area. (Please see attachment A for designated area.)
- b. Proof of Deed or Land Contract in property owners name (if land contract, a letter from holder that they will sign the mortgage/lien agreement.
- c. Documentation showing that all property taxes on property to be rehabilitated are current and paid in full.
- d. Documentation showing that appropriate (MSHDA approved) levels of property insurance are current and paid
- e. Documentation of most recent three (3) months owner paid utilities for units to be rehabilitated (if applicable).
- f. Prior to signing mortgage, property owner must submit required matching funds to City to be utilized on approved project.

2. NUMBER OF UNITS ELIGIBLE

In order to maximize the number of participants, an individual landlord may have a maximum of four (4) residential units rehabilitated under this program. A participating landlord may re-apply following completion of his/her project. In the event there are no current project applicants for a period of thirty (30) days, a previous applicant may become eligible for an additional two (2) units.

3. LEVEL OF IMPROVEMENT

Upon completion of the rehabilitation, the dwelling unit shall meet local building codes along with Federal Housing Quality Standards (HQS) and MSHDA Moderate Rehabilitation Standards. This includes plumbing, heating, electrical and structural components, all of which must be completed by licensed and insured contractors. **There is no property owner labor or work allowed in rehabilitation process.** All materials, equipment, fixtures, and building supplies utilized in the program will be moderately priced but durable *in* quality. Rehabbed units will be re-inspected each year for the five year term of the lien to assure conditions are being maintained to previously mentioned code.

4. FINANCIAL FEASIBILITY

Following rehabilitation the dwelling unit must be able to financially support itself. In addition all debt service, property taxes, insurance, and utilities (those paid by property owner) must be current prior to the CDBG Rental Rehabilitation Program mortgage being signed and the rehabilitation commenced.

D. PROGRAM ADMINISTRATION

1. CITY OF CLARE

The City of Clare City Commission is a five (5) member board where each individual is elected by the residents of the City of Clare and is responsible to oversee the Program. Commissioner Patrick Humphrey is currently the Mayor and the City Manager, (currently Ken Hibl) acts as the liaison between the Commission and the Rental Rehabilitation Program for the City. Long term objectives include assuring City's compliance with service to economically disadvantaged populations, assisting with outreach to groups for economically disadvantaged citizens with low/moderate income levels, and advocating on behalf of these groups. The City of Clare will contract with a Third Party Administrator who will function as the Program Administrator.

2. APPROVAL AUTHORITY

Sole approval of a rehabilitation project using CDBG funds shall rest with the City of Clare. The Administrator or City may consult with MSHDA and/or City and State Building Inspectors as needed before approval is granted.

3. GRANT AGREEMENT

The Program shall comply with all requirements and conditions contained in the Grant Agreement between the City and State of Michigan. If a violation of the Agreement occurs, the Administrator shall immediately notify the Mayor of the City of Clare, and the MSHDA Office of Community Development.

E. APPLICATION PROCESS

1 PROPERTY OWNER PARTICIPATION

- a. Applicant (property owner) contacts City staff and/or Main Street Manager to review program requirements and completes pre-application
- b. Initial evaluation by City staff and Main Street Manager and Third Party administrator.
- c. Denied applicants will be notified in writing the reason for the denial decision.
- d. If qualified, applicant completes a full application and supporting documentation is provided. Supporting documentation will include the following:
 1. Asbestos survey
 2. Proof of paid taxes
 3. Proof of ownership (warranty deed)
 4. Receipt of owner paid utilities for units to be rehabilitated
 5. Disclosure of financial liabilities on the property
 6. A non-refundable application fee of \$1,000 (to be applied to project costs)
- e. Applications will be processed on a first come, first serve process. An application is considered complete when all information required is supplied to City.
- f. If unit to be rehabilitated is occupied, notice according to URA requirements is sent to tenant(s) that Federal funds have been applied for
- g. Application reviewed and approved by City
- h. Initial inspection by City that could include City inspector, and Third Party Administrator.
- i. Preparation of bid specifications and cost estimates by Third Party Administrator
- j. Meeting between City, Third Party Administrator, and property owner to finalize project

2. RESIDENT PARTICIPATION

Residents are the central aspect of this program and their participation is required in application process. Consequently, residents (18 years and older) occupying dwelling units under consideration for this program will be required to submit a confidential form and written evidence (Tax returns, payroll evidence, etc.) as part of the program application. Residents with income in excess of the MSHDA guidelines may result in disqualification of the dwelling unit from the program. Following rehabilitation resident income will be verified as low/moderate for the initial residents of the assisted units.

3. RESIDENT NOTIFICATION

Program regulations require notifications be sent to all residents in selected units regarding lead based paint hazards and displacement. It is the intent of this program that no resident be required to re-locate (displaced) to another dwelling unit during the rehabilitation of their unit, and that such event may result in the disqualification of the unit from the program. However, if all parties involved agree that displacement is necessary all associated costs shall in be in accordance with the Federal Uniform Relocation Act and shall be the sole responsibility of the property owner.

NOTE: Property owners cannot elect to not renew a lease or evict a resident due to upcoming rehabilitation work. This would constitute displacement and resident would be entitled to relocation benefits.

F. MORTGAGE REQUIREMENTS

1. LEINS ON PROPERTY

MSHDA requires a lien be placed on any property approved for rehabilitation. A 0% interest mortgage will be signed and if property owner keeps apartments affordable and complies with all other MSHDA and City requirements, the loan will be forgiven after 5 years. If property is sold during the 5 year term, the new property owner may either pay back the *entire* amount of the loan removing the rent restrictions; or, may continue the affordability requirements for the remaining period of time and not repay the assistance. No declining balance or pro-ratio will be allowed during the loan term.

G. AFFORDABILITY REQUIREMENTS

1. PERIOD OF AFFORDABILITY

For a period of five (5) years following the signing of the mortgage and completion of the rehabilitation project, 51% of all units rehabilitated (1 of 1, 1 of 2, 2 of 3 etc.) must be occupied by residents whose income is at or below 80% of the area median income (AMI) and rents shall be regulated in accordance HUD's Section 8 Fair Market Rent. During this period rental rates will be certified annually.

2. RESIDENT INCOME LIMITS

The maximum household income for families residing in rental units prior to the unit being rehabilitated or upon vacancy and re-renting shall not exceed the following as determined by MSHDA (limits subject to annual review and adjustment.) for the initial resident in assisted units; See Attachment A for current income and rent limits.

3. RENTAL RATES

Property Owners may not increase the rent on units in program from the pre-rehabilitation rent for a minimum of one year after the rehabilitation has been completed. The landlord cannot economically displace the initial low/moderate tenants. Therefore, any rent increase for low/moderate tenants after their first year of occupancy cannot exceed 10% of the previous year's rent during the five year affordability period. Rents cannot be increased for one year after rehabilitation is complete and then must still remain within MSHDA guidelines. See Attachment A for current income and rent limits.

4. TERM OF LEASE

To be fair to both landlord and resident, a lease that guarantees the monthly rental charge for 1 year and only calls for eviction in cases of just cause is required. NOTE: Just causes are generally; failure to pay rent, cause excessive disturbance to other residents, damage, etc. Month to month leases are allowed if monthly rental charge is guaranteed for 1 year term and it is in the tenant's best interest to go month to month.

H. CONTRACTORS

1. CONTRACTOR REQUIREMENTS

All contractors interested in participating in the Rental Rehabilitation program must be determined eligible by City. Required items include: current State of Michigan contractor's license, active property / liability/ workman's compensation insurance and list of current references (similar jobs completed within past 12 months preferably). Proof of insurance must be submitted to City for validation. *Contractors are also responsible for obtaining all necessary permits on any project they are selected for including lead if applicable.*

2. INSURANCE

Contractors will be required to carry to following insurance coverage:

- a. **Workers Compensation** equivalent to Compensation Law of the State of Michigan.
- b. **Comprehensive General Liability Insurance** for contracts under \$35,000 a minimum of \$500,000 per occurrence Combined Single Limits (Bodily Injury/Property Damage), and for contracts over \$35,000 a minimum limit of \$1,000,000 Combined Single Limits (Bodily Injury/Property Damage).
- c. **Comprehensive Automobile Liability Insurance** for contracts under \$35,000 a minimum of \$300,000 per occurrence Combined Single Limits (Bodily Injury/Property Damage, and for contracts over \$35,000 a minimum limit of \$1,000,000 Combined Single Limits (Bodily Injury /Property Damage).
- d. Contractor shall furnish a **Certificate of Insurance** to the City prior to commencing construction. Such Certificate shall include a thirty (30) day notification of cancellation or material change to the policy.

3. CONTRACTOR LIST

The City shall solicit contractors as to their qualifications and interest in the program. The City will maintain a listing of interested contractors, which shall be available for review.

4. CONTRACTOR SELECTION

The City shall make available qualified contractor listing for property owner review. Property owners may solicit bid from contractor not on qualified listing as long as contractor will qualify with City before bid walk thru takes place. Property Owner is required to solicit a minimum of three (3) bids from qualified contractors. With City approval, two (2) bids may be allowed if unforeseen circumstances exist (lack of participation by qualified contractors, etc.).

5. BID PROCESS

Bid documents and specifications shall be prepared in accordance with a MSHDA approved, established Third Party Administrator (tentatively Gladwin City Housing Commission).

6. PAYMENTS TO CONTRACTORS

The following payment schedule shall apply to all program projects.

- 25% initial payment upon signing contract (funding provided by property owner)
- Payment equal to 50% of the total contract upon completion of 50% of the work as determined by City and the Property Owner
- Payment equal to 75% of the total contract upon completion of 75% of the work as determined by City and property Owner.
- 25% balance upon completion of work, final inspections completed and Certificate of Occupancy issued by City.
 - ✓ Property Owner must sign Final Acceptance Form
 - ✓ Contractor must provide a signed Final Invoice, Release of Liens, and Warranty for final payment.
- All work shall be guaranteed for minimum of 18 months.

7. CHANGE ORDERS

Any and all changes orders to the approved bid specifications shall be signed by the property owner, contractor, and City prior to implementation. NOTE: No work other than those specified in bid specifications shall take place in rental units being rehabilitated during term of contract between property owner and contractor.

I. OTHER TERMS AND CONDITIONS

1. CONFLICT OF INTEREST

No elected County Official or immediate family member, City Commissioner, or employee directly involved in administering the CDBG program, or immediate family member, is eligible to benefit directly from CDBG funds. Applicants who are employed by the City of Clare, the Third Party Administrator (TPA) or are related to a member of the City staff, or the Clare City Commission, or TPA shall disclose their relationship on their application, and the applications shall be submitted to MSHDA for final approval. No CDBG funds will be advanced without prior MSHDA approval of the application.

2. NON-DISCRIMINATION

No person shall be denied assistance based upon race, color, creed, religion, national origin, sex, marital status, reliance on public assistance, age, disability, or familial status.

3. CONFIDENTIALITY

The Program shall comply with MSHDA confidentiality practices in its transactions with all applicants and their residents.

4. FILES

The Administrator shall be responsible for establishing a permanent file for all approved applications and insuring that all necessary documents are included in the applicant's permanent file. A permanent file may be destroyed three (3) years after the loan closeout date. MSHDA Applications which are declined or canceled shall be destroyed after three (3) years.

5. DECLINED APPLICATION

The Administrator shall notify in writing any applicant who submits a written application for CDBG rental rehabilitation funds and is declined, and advise the applicant of the reason for the decision.

6. LEAD BASED PAINT

All area of a building being considered for funding in this program will be inspected for Lead Based Paint as required by MSHDA. At this time there is a maximum of \$35,000 available for previously non-residential units which include soft costs and lead abatement. For rehabilitation of existing rental units, a maximum of \$25,000 is available which include soft costs and lead abatement.

7. ASBESTOS

Any structure which contains friable asbestos materials shall only be eligible to receive CDBG funds after an inspection and cost estimate for abatement performed by a licensed asbestos abatement contractor is provided to the Administrator. The cost of the inspection and estimate shall not be paid from CDBG funds.

8. HISTORICAL PROPERTY

The Michigan State Historic Preservation Office (SHPO) shall be notified of all potential projects in which the structure is 50 years of age or older. This is to assure compliance with all Federal and state regulations concerning rehabilitation of historic properties.

9. CHECKLISTS

The Administrator shall be responsible for preparation of an **Environmental Checklist, Local Building Code Inspection Form, Historical Significance Response Sheet** (if necessary), **Lead Based Paint Certification Form, Noise Attenuation Checklist**, and any other checklist required by MSHDA, and shall place each document in the applicant's permanent file.

10. BID PROPOSAL

The TPA shall be responsible for preparation of the Bid Proposal and advising the property owner of contractors who have expressed an interest in bidding on the project. The property owner may solicit a licensed contractor who meets program requirements and ask them to bid once they are approved by Administrator.

11. DISABLED, FEMALE, AND MINORITY CONTRACTORS

The Program shall actively solicit participation of disabled, female, and minority contractors. The Program shall annually obtain a list of contractors in these categories doing business in the immediate area and invite them by letter to participate in the Program. Advertising will encourage their participation and give Notice that the City of Clare is an Equal Opportunity Employer.

12. CONTRACTOR PERFORMANCE

If documented complaints are filed against a contractor, the Program may use discretion in removing the contractor from the list of eligible contractors. Repeated sub-standard performance of work by a contractor which is documented by the Administrator, Building Inspector, Bureau of Occupational and Professional Regulation, or Michigan Department of Labor and Economic Growth (DLEG) may result in the contractor's ineligibility to participate in the Program. The Administrator shall notify the contractor of this action in writing after board approval.

J. COMPLAINT RESOLUTION

1. The Program shall comply with MSHDA approved methods for resolution of complaints and problems.

2. REVIEW COMMITTEE

The City shall appoint a Complaint Review Committee consisting of no less than three (3) members. One member must have building/construction expertise; one member must be a property owner within the designated area; one member must be a representative of the City. Committee members shall be appointed for a period of no less than one year and shall receive no compensation from the Program. The Administrator or a Program staff person shall not be appointed to the Committee.

3. COMPLAINT RESOLUTION PROCEDURE

The following Complaint Resolution Procedure shall be adopted to resolve all complaints by applicants or between parties participating in the Program. The Administrator shall notify the contractor and property/ owner prior to the commencement of the project of the procedure should the contractor or owner not be able to resolve a problem.

- a. Any party applying for or participating in a rehabilitation project administered by the Program may file a written complaint to the Administrator giving a detailed description of the complaint. The Administrator shall provide a copy of the complaint to the party against which the complaint is written. If the complaint is against the Administrator, the Administrator shall convene a meeting of the Complaint Review Committee at the earliest date convenient to all parties.
- b. The Administrator shall investigate the complaint and respond in writing within fifteen (15) working days to both parties of the recommended resolution of the problem.
- c. Each party shall review the recommendation and respond in writing within fifteen (15) working days to the Administrator of their decision on the resolution recommended. The Administrator will attempt to mediate any unresolved issues between the parties.

- d. If the issue cannot be resolved between the parties and Administrator, the Administrator shall convene a meeting of the Complaint Review Committee at the earliest date convenient to all parties.
- e. The Complaint Review Committee, consisting of no less than three members in attendance, shall review all written documents and hear verbal arguments by the parties. The complaint Review Committee will make a decision during the meeting on the resolution of the complaint unless it is determined that additional information is required and it is necessary to reconvene the committee for final decision at a later date. The Administrator shall advise the parties in writing of the Committee's decision.
- f. If the parties do not accept the decision of the Complaint Review Committee, the Administrator shall advise the parties in writing that they shall be required to participate in a Dispute/Resolution Program. The costs of participation in the Dispute/Resolution Program shall be at the expense of the parties in the dispute.
- g. If mediation is unsuccessful and all of the above procedures have been adhered to and properly documented, the issue may be referred to the MSHDA Office of Community Development staff for final decision.

4. DISCRIMINATION

A person claiming discrimination based upon race, color, creed, religion, national origin, sex, marital status, reliance on public assistance, age, disability, or familial status by the Program may file a complaint with the City of Clare Program Review Committee, the Michigan Civil Rights Commission, or the Equal Opportunity Office, Michigan Department of Labor and Economic Growth (DLEG).

5. MSHDA HOME/CDBG COMPLIANCE GUIDE

The Program shall comply with the procedures and requirements contained in the MSHDA-HOME/CDBG COMPLIANCE GUIDE (MSHDA Guide) and any subsequent revision received by the Program. The provisions contained in the MSHDA Guide shall be incorporated to the Program Guidelines.

6. MSHDA-OCD POLICY BULLETINS

The Program will comply with MSHDA-OCD Policy Bulletins. Also, any subsequent policies hereafter implemented by MSHDA.

7. MSHDA ENVIRONMENTAL REVIEW PROCEDURAL GUIDE

The Program shall comply with MSHDA Environmental Review Procedural Guide. Any subsequent revisions hereafter implemented by MSHDA, shall be adopted as required.

COMMUNITY DEVELOPMENT BLOCKGRANT (CDBG)

RENTAL REHABILITATION PROGRAM
PROGRAM GUIDELINES

March 2010

To be considered and approved by
Clare City Commission
May 5, 2008

Prepared by:
City of Clare
202 West Fifth Street
Clare, MI 48617

1. GENERAL PROVISIONS

These PROGRAM GUIDELINES (Guidelines) intend to set forth the policies and identify the priorities of the City of Clare Community Development Block Grant (CDBG) Rental Rehabilitation Program (Program). These Guidelines set forth the format that will cover general policies of the Program. However, the Program Administrator (Administrator), with the approval of the City of Clare (City) and the Michigan State Housing Development Authority (MSHDA), may waive or modify the requirements in individual cases based upon unforeseen circumstances. The City may also revise any of the parameters in this document to further the intent of the Housing and Community Development Act of 1977 as amended. Federal legislation and implementation regulations have been developed and have been integrated into this program to protect the integrity of such policies.

A. GOALS

The primary emphasis of this program is to provide safe, decent, sanitary, and affordable rental housing to lower income residents of the City of Clare within the targeted Development Area (Attachment A). Financial Assistance will be provided to eligible landlords to assist in providing affordable rental units in the upper stories of downtown buildings. This will be accomplished by improving energy efficiency, repairing health and safety deficiencies, and providing, at minimum, basic livability standards.

B. SOURCES OF FUNDS

MSHDA FUNDS

MSHDA has supplied \$200,000 in funding that will help facilitate rehabilitation of rental units in the target area. These funds will be loaned to eligible landlords at 0% interest for 5 years and then forgiven if landlords comply with all MSHDA and City requirements. Maximum MSHDA funding for each dwelling unit being rehabilitated is as follows:

Maximum Unit Dollar Limits

- Lesser of \$25,000/unit or 75% of project costs for existing units
- Lesser of \$35,000/unit or 75% of project cost for newly created units. Includes costs up to \$10,000/unit for lead paint remediation, for rehabilitation of previously non-residential space.

PROPERTY OWNER

All property owners are required to provide a minimum of 25% of total project costs. The **Property Improvement Program (PIP)** is available to property owners if units meet PIP qualifications.

C. PROPERTY OWNER AND RENTAL UNIT REQUIREMENTS

1. PROPERTY OWNER QUALIFICATIONS/INFORMATION

- a. MSHDA funded this program for a downtown targeted area only. Any unit to be considered must lie in designated targeted downtown area. (Please see attachment A for designated area.)
- b. Proof of Deed or Land Contract in property owners name (if land contract, a letter from holder that they will sign the mortgage/lien agreement.
- c. Documentation showing that all property taxes on property to be rehabilitated are current and paid in full.
- d. Documentation showing that appropriate (MSHDA approved) levels of property insurance are current and paid
- e. Documentation of most recent three (3) months owner paid utilities for units to be rehabilitated (if applicable).
- f. Prior to signing mortgage, property owner must submit required matching funds to City to be utilized on approved project.

2. NUMBER OF UNITS ELIGIBLE

In order to maximize the number of participants, an individual landlord may have a maximum of four (4) residential units rehabilitated under this program. A participating landlord may re-apply following completion of his/her project. In the event there are no current project applicants for a period of thirty (30) days, a previous applicant may become eligible for an additional two (2) units.

3. LEVEL OF IMPROVEMENT

Upon completion of the rehabilitation, the dwelling unit shall meet local building codes along with Federal Housing Quality Standards (HQS) and MSHDA Moderate Rehabilitation Standards. This includes plumbing, heating, electrical and structural components, all of which must be completed by licensed and insured contractors. **There is no property owner labor or work allowed in rehabilitation process unless specifically approved by MSHDA before work begins.** All materials, equipment, fixtures, and building supplies utilized in the program will be moderately priced but durable in quality. Rehabbed units will be re-inspected each year for the five year term of the lien to assure conditions are being maintained to previously mentioned code.

4. FINANCIAL FEASIBILITY

Following rehabilitation the dwelling unit must be able to financially support itself. In addition all debt service, property taxes, insurance, and utilities (those paid by property owner) must be current prior to the CDBG Rental Rehabilitation Program mortgage being signed and the rehabilitation commenced.

RESOLUTION 2010-021

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING AN AMENDMENT TO ITS RENTAL REHAIBLITAION GRANT PROGRAM GUIDELINES.

WHEREAS, the City of Clare received a \$200,000 rental rehabilitation grant from the Michigan State Housing Development Authority (MSHDA) in 2008 to provide downtown business owners an opportunity to rehabilitate existing downtown second-story residential space or convert unused or underutilized second-story space to residential use; and

WHEREAS, a condition of said MSHDA grant required the City to create and adopt Program Guidelines, which were adopted by the Clare City Commission in May 2008; and

WHEREAS, said Program Guidelines require amendment to comply with MSHDA-mandated changes that have occurred since May 2008; and

WHEREAS, the City of Clare Main Street Board has reviewed and considered said needed amendment at its scheduled public meeting of March 5, 2010 and has unanimously recommended that the City Commission approve said needed amendment; and

WHEREAS, the Clare City Commission has reviewed said needed amendment and has determined that said amendment has no significant adverse affect on the overall benefits of the Rental Rehabilitation Program.

NOW THEREFORE BE IT RESOLVED THAT the Clare City Commission hereby approves needed amendment to the City of Clare Rental Rehabilitation Program Guidelines.

The Resolution was introduced by Commissioner _____ supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 15th day of March 2010.

Diane Schmidt, City Clerk

To: Mayor Pat Humphrey and the Clare City Commission
From: Steven J. Kingsbury, Treasurer, Finance Director and
Director of Information Technology
Date: March 10, 2010
Reference: Treasurer's Report for March 15, 2010

Account Reconciliation Report: All accounts of the City of Clare are in balance as of February 28, 2010.

Cash and Investment Report: Enclosed you will find a summary report of all cash and investment accounts of the City reported by bank of deposit as of February 28, 2010.

Cash Summary By Fund Report: Enclosed you will find a summary report by operating fund of all cash and investment balances of the City as of February 28, 2010.

Revenue and Expenditure Report: Enclosed you will find a Summary Revenue and Expenditure Report (Unaudited) of the City of Clare prepared as of February 28, 2010.

Balance Sheet: Enclosed you will find a Comparative Balance Sheet (Unaudited) of the City of Clare prepared as of February 28, 2010.

CITY OF CLARE
CASH AND INVESTMENT SUMMARY (UNAUDITED) BY BANK
From 2/01/2010 To 2/28/2010

<u>Financial Institution/Account Description</u>	<u>Interest Rates</u>	<u>Balance 2-1-10</u>	<u>Total Increases</u>	<u>Total Decreases</u>	<u>Balance 2-28-10</u>
<u>City of Clare Accounts</u>					
Chemical Bank/Consolidated Account	0.300%	\$ 171,121.86	\$ 641,818.20	\$ 580,657.31	\$ 232,282.75
Firstbank/Money Market Account	0.650%	72,341.99	38.65	-	72,380.64
Isabella Bank/Certificate of Deposit	2.100%	100,000.00	-	-	100,000.00
Chemical Bank/Current Property Tax Account	0.300%	138,995.62	866,974.94	980,986.50	24,984.06
Petty Cash and Cash on Hand	N/A	350.00	-	-	350.00
Cash Held by Isabella County	0.15%	22,322.07	2.76	-	22,324.83
Chemical Bank/Repurchase Agreements	1.25% to 2.00%	1,900,000.00	50,000.00	150,000.00	1,800,000.00
Firstbank/Hatton Township Landfill Trust Fund	2.230%	86,000.00	-	-	86,000.00
Total - City of Clare Accounts		<u>\$ 2,491,131.54</u>	<u>\$ 1,558,834.55</u>	<u>\$ 1,711,643.81</u>	<u>\$ 2,338,322.28</u>
<u>City of Clare Component Unit Accounts</u>					
Chemical Bank DDA Account	0.300%	\$ 197,112.01	\$ 41,922.92	\$ 10,240.30	\$ 228,794.63
Chemical Bank LDFA Account	0.300%	212,043.74	48.80	4,672.50	207,420.04
Total - City of Clare Component Unit Accounts		<u>\$ 409,155.75</u>	<u>\$ 41,971.72</u>	<u>\$ 14,912.80</u>	<u>\$ 436,214.67</u>

CASH SUMMARY BY FUND FOR THE CITY OF CLARE

From 02/01/2010 To 02/28/2010

ALL FUNDS (UNAUDITED)

CASH and INVESTMENT ACCOUNTS

FUND	DESCRIPTION	BALANCE 2/1/2010	TOTAL DEBITS	TOTAL CREDITS	BALANCE 2/28/2010	Investment Balances 2/28/2010	Transactional Account Balances 2/28/2010
101	General Fund	\$ 1,016,459.39	\$ 315,933.91	\$ 334,527.93	\$ 997,865.37	\$ 730,000.00	\$ 267,865.37
150	Cemetery Perpetual Care	270,862.02	1,045.77	-	271,907.79	270,000.00	1,907.79
202	Major Streets	25,032.09	28,207.52	24,653.13	28,586.48	20,000.00	8,586.48
203	Local Streets	4,650.20	5,931.14	9,778.60	802.74	-	802.74
206	Fire Fund	58,697.70	15,562.73	30,822.78	43,437.65	40,000.00	3,437.65
208	Parks and Recreation	5,789.46	10,265.87	13,441.14	2,614.19	-	2,614.19
210	Downtown Development Authority (DDA)	197,112.01	41,922.92	10,240.30	228,794.63	-	228,794.63
211	Sidewalk Replacement Fund	36,532.29	128.02	486.04	36,174.27	35,000.00	1,174.27
214	Local Finance Development Authority (LDFA)	212,043.74	48.80	4,672.50	207,420.04	-	207,420.04
265	Drug Law Enforcement Fund	1,401.91	0.27	-	1,402.18	-	1,402.18
303	Public Safety Building Debt Service	-	-	-	-	-	-
590	Sewer System Fund	522,829.29	73,851.97	97,659.67	499,021.59	475,000.00	24,021.59
591	Water System Fund	228,126.96	48,020.57	68,205.91	207,941.62	205,000.00	2,941.62
636	Data Processing Fund	27,260.03	33,681.24	20,303.31	40,637.96	25,000.00	15,637.96
641	Mobile Equipment Fund	8,904.38	65,870.46	44,278.17	30,496.67	-	30,496.67
701	General Agency Fund	4,757.66	500.00	500.00	4,757.66	-	4,757.66
703	Property Tax Fund	138,995.62	866,974.94	980,986.50	24,984.06	-	24,984.06
704	Imprest Payroll Fund	41,240.61	92,860.14	85,816.09	48,284.66	-	48,284.66
737	Health Reimbursement Account Fund	13,591.93	-	184.54	13,407.39	-	13,407.39
765	Hattan Township Landfill Trust Fund	86,000.00	-	-	86,000.00	86,000.00	-
TOTAL - ALL FUNDS		\$ 2,900,287.29	\$ 1,600,806.27	\$ 1,726,556.61	\$ 2,774,536.95	\$ 1,886,000.00	\$ 888,536.95

Summary

Revenue and Expenditure Report

Prepared as of

February 28, 2010

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 101 - GENERAL FUND						
Revenues						
000.000-GENERAL	2,489,597.32	2,993,582.80	2,032,392.93	140,593.69	961,189.87	67.89
931.000-TRANSFERS IN AND OTHER SOURCES	28,000.00	75,000.00	12,855.00	0.00	62,145.00	17.14
TOTAL Revenues	2,517,597.32	3,068,582.80	2,045,247.93	140,593.69	1,023,334.87	66.65
Expenditures						
101.000-CITY COMMISSION	49,504.38	49,220.13	28,024.23	867.93	21,195.90	56.94
172.000-CITY MANAGER	116,101.88	121,210.60	77,405.60	9,508.97	43,805.00	63.86
191.000-FISCAL SERVICES	108,941.00	112,373.82	74,814.84	11,896.65	37,558.98	66.58
215.000-CLERK	118,862.62	122,965.27	72,985.28	13,041.63	49,979.99	59.35
247.000-BOARD OF REVIEW	706.24	1,511.20	186.85	0.00	1,324.35	12.36
257.000-ASSESSOR	38,263.83	44,430.41	22,815.83	4,981.15	21,614.58	51.35
262.000-ELECTIONS	4,518.90	3,300.00	1,061.36	0.00	2,238.64	32.16
265.000-BUILDING AND GROUNDS	68,389.27	261,113.23	28,719.49	5,400.35	232,393.74	11.00
266.000-ATTORNEY	61,743.59	48,000.00	33,185.72	6,490.00	14,814.28	69.14
276.000-CEMETERY	66,317.33	79,278.99	46,534.64	2,063.45	32,744.35	58.70
301.000-POLICE	829,781.93	953,806.63	617,858.31	68,527.30	335,948.32	64.78
371.000-BUILDING INSPECTION DEPARTMENT	48,375.33	55,678.75	35,518.50	3,903.90	20,160.25	63.79
441.000-DEPARTMENT OF PUBLIC WORKS	43,744.89	59,562.98	38,617.63	1,773.68	20,945.35	64.83
445.000-DRAINS - PUBLIC BENEFIT	198.76	10,500.00	0.00	0.00	10,500.00	0.00
448.000-STREET LIGHTING	79,837.26	72,164.78	50,719.34	1,067.64	21,445.44	70.28
526.000-LANDFILL CLOSURE	58,600.19	53,912.96	15,613.85	240.28	38,299.11	28.96
528.000-REFUSE COLLECTION/DISPOSAL	168,131.75	203,829.92	127,398.27	18,675.90	76,431.65	62.50
537.000-AIRPORT	244,231.92	492,256.95	243,092.94	6,083.82	249,164.01	49.38
721.000-PLANNING	21,017.73	18,000.00	18,937.60	618.00	(937.60)	105.21
955.000-NON DEPARTMENTAL	3,574.63	3,900.00	0.00	0.00	3,900.00	0.00
999.000-TRANSFERS (OUT) AND OTHER USES	372,331.00	552,904.52	293,931.52	10,000.00	258,973.00	53.16
TOTAL Expenditures	2,503,174.43	3,319,921.14	1,827,421.80	165,140.65	1,492,499.34	55.04
Fund 101:						
TOTAL REVENUES	2,517,597.32	3,068,582.80	2,045,247.93	140,593.69	1,023,334.87	66.65
TOTAL EXPENDITURES	2,503,174.43	3,319,921.14	1,827,421.80	165,140.65	1,492,499.34	55.04
NET OF REVENUES & EXPENDITURES	14,422.89	(251,338.34)	217,826.13	(24,546.96)	(469,164.47)	60.62

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 150 - CEMETERY PERPETUAL CARE						
Revenues						
000.000-GENERAL	29,455.28	21,000.00	8,346.03	1,045.77	12,653.97	39.74
TOTAL Revenues	29,455.28	21,000.00	8,346.03	1,045.77	12,653.97	39.74
Expenditures						
276.000-CEMETERY	0.00	0.00	600.00	0.00	(600.00)	100.00
999.000-TRANSFERS (OUT) AND OTHER USES	28,000.00	32,000.00	12,855.00	0.00	19,145.00	40.17
TOTAL Expenditures	28,000.00	32,000.00	13,455.00	0.00	18,545.00	42.05
Fund 150:						
TOTAL REVENUES	29,455.28	21,000.00	8,346.03	1,045.77	12,653.97	39.74
TOTAL EXPENDITURES	28,000.00	32,000.00	13,455.00	0.00	18,545.00	42.05
NET OF REVENUES & EXPENDITURES	1,455.28	(11,000.00)	(5,108.97)	1,045.77	(5,891.03)	41.13

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 202 - MAJOR STREETS						
Revenues						
000.000-GENERAL	253,047.28	193,240.98	96,468.13	28,207.52	96,772.85	49.92
TOTAL Revenues	253,047.28	193,240.98	96,468.13	28,207.52	96,772.85	49.92
Expenditures						
446.001-STATE TRUNKLINE MAINTENANCE	59,436.20	76,248.31	60,002.47	8,189.50	16,245.84	78.69
449.002-PRESERVATION STREETS	64,013.37	85,375.11	54,973.21	8,321.71	30,401.90	64.39
449.003-WINTER MAINTENANCE	53,441.56	16,475.00	7,538.39	7,475.00	8,936.61	45.76
449.004-ADMIN, ENGINEERING & RECORD KEEPING	10,393.60	13,873.50	5,995.89	666.92	7,877.61	43.22
999.000-TRANSFERS (OUT) AND OTHER USES	24,000.00	10,000.00	5,000.00	0.00	5,000.00	50.00
TOTAL Expenditures	211,284.73	201,971.92	133,509.96	24,653.13	68,461.96	66.10
Fund 202:						
TOTAL REVENUES	253,047.28	193,240.98	96,468.13	28,207.52	96,772.85	49.92
TOTAL EXPENDITURES	211,284.73	201,971.92	133,509.96	24,653.13	68,461.96	66.10
NET OF REVENUES & EXPENDITURES	41,762.55	(8,730.94)	(37,041.83)	3,554.39	28,310.89	58.19

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 203 - LOCAL STS FUND						
Revenues						
000.000-GENERAL	155,635.13	143,333.86	105,331.18	5,931.14	38,002.68	73.49
931.000-TRANSFERS IN AND OTHER SOURCES	116,000.00	172,000.00	25,000.00	0.00	147,000.00	14.53
TOTAL Revenues	271,635.13	315,333.86	130,331.18	5,931.14	185,002.68	41.33
Expenditures						
449.001-CONSTRUCTION STREETS (INCL. ENG.& ROW)	83,726.46	98,650.00	39,209.01	0.00	59,440.99	39.75
449.002-PRESERVATION STREETS	162,128.16	203,136.57	111,432.52	9,111.59	91,704.05	54.86
449.003-WINTER MAINTENANCE	31,515.87	9,800.00	46.65	0.00	9,753.35	0.48
449.004-ADMIN, ENGINEERING & RECORD KEEPING	6,931.98	9,473.50	5,996.69	667.01	3,476.81	63.30
TOTAL Expenditures	284,302.47	321,060.07	156,684.87	9,778.60	164,375.20	48.80
Fund 203:						
TOTAL REVENUES	271,635.13	315,333.86	130,331.18	5,931.14	185,002.68	41.33
TOTAL EXPENDITURES	284,302.47	321,060.07	156,684.87	9,778.60	164,375.20	48.80
NET OF REVENUES & EXPENDITURES	(12,667.34)	(5,726.21)	(26,353.69)	(3,847.46)	20,627.48	45.10

REVENUE AND EXPENDITURE REPORT FOR CITY OF CLARE

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 206 - FIRE FUND						
Revenues						
000.000-GENERAL	197,201.72	189,586.43	159,710.06	157,135.62	29,876.37	84.24
931.000-TRANSFERS IN AND OTHER SOURCES	100,616.00	106,648.52	106,648.52	0.00	0.00	100.00
TOTAL Revenues	297,817.72	296,234.95	266,358.58	157,135.62	29,876.37	89.91
Expenditures						
336.000-FIRE DEPARTMENT	300,445.82	463,906.14	126,597.21	15,751.78	337,308.93	27.29
906.000-DEBT SERVICE	67,813.57	29,100.60	29,112.27	0.00	(11.67)	100.04
999.000-TRANSFERS (OUT) AND OTHER USES	19,810.00	19,504.00	19,522.00	0.00	(18.00)	100.09
TOTAL Expenditures	388,069.39	512,510.74	175,231.48	15,751.78	337,279.26	34.19
Fund 206:						
TOTAL REVENUES	297,817.72	296,234.95	266,358.58	157,135.62	29,876.37	89.91
TOTAL EXPENDITURES	388,069.39	512,510.74	175,231.48	15,751.78	337,279.26	34.19
NET OF REVENUES & EXPENDITURES	(90,251.67)	(216,275.79)	91,127.10	141,383.84	(307,402.89)	54.60

REVENUE AND EXPENDITURE REPORT FOR CITY OF CLARE

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 208 - PARKS AND RECREATION						
Revenues						
000.000-GENERAL	301,972.70	613,368.70	312,096.28	210.87	301,272.42	50.88
931.000-TRANSFERS IN AND OTHER SOURCES	150,000.00	255,000.00	138,000.00	10,000.00	117,000.00	54.12
TOTAL Revenues	451,972.70	868,368.70	450,096.28	10,210.87	418,272.42	51.83
Expenditures						
751.001-PARKS	389,910.40	786,240.85	395,712.86	7,951.17	390,527.99	51.50
751.002-RECREATION	68,647.66	81,594.02	50,783.42	5,489.97	30,810.60	62.24
TOTAL Expenditures	458,558.06	867,834.87	446,496.28	13,441.14	421,338.59	52.51
Fund 208:						
TOTAL REVENUES	451,972.70	868,368.70	450,096.28	10,210.87	418,272.42	51.83
TOTAL EXPENDITURES	458,558.06	867,834.87	446,496.28	13,441.14	421,338.59	51.45
NET OF REVENUES & EXPENDITURES	(6,585.36)	533.83	3,600.00	(3,230.27)	(3,066.17)	51.64

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 210 - DDA(DOWNTOWN DVLPMT AUTHORITY)						
Revenues						
000.000-GENERAL	240,882.32	262,000.00	193,265.81	40,922.92	68,734.19	73.77
TOTAL Revenues	240,882.32	262,000.00	193,265.81	40,922.92	68,734.19	73.77
Expenditures						
747.001-DDA - OPERATIONS	82,131.14	117,100.00	22,289.56	4,881.81	94,810.44	19.03
747.002-DDA - MAINSTREET	77,608.49	120,400.00	53,517.22	5,358.49	66,882.78	44.45
906.000-DEBT SERVICE	96,522.00	104,153.25	28,249.75	0.00	75,903.50	27.12
TOTAL Expenditures	256,261.63	341,653.25	104,056.53	10,240.30	237,596.72	30.46
Fund 210:						
TOTAL REVENUES	240,882.32	262,000.00	193,265.81	40,922.92	68,734.19	73.77
TOTAL EXPENDITURES	256,261.63	341,653.25	104,056.53	10,240.30	237,596.72	30.46
NET OF REVENUES & EXPENDITURES	(15,379.31)	(79,653.25)	89,209.28	30,682.62	(168,862.53)	49.25

REVENUE AND EXPENDITURE REPORT FOR CITY OF CLARE

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 211 - SIDEWALK REPLACEMENT FUND						
Revenues						
000.000-GENERAL	28,863.02	24,834.77	23,401.08	128.02	1,433.69	94.23
TOTAL Revenues	28,863.02	24,834.77	23,401.08	128.02	1,433.69	94.23
Expenditures						
444.000-SIDEWALKS	26,428.49	23,547.83	24,016.17	486.04	(468.34)	101.99
TOTAL Expenditures	26,428.49	23,547.83	24,016.17	486.04	(468.34)	101.99
Fund 211:						
TOTAL REVENUES	28,863.02	24,834.77	23,401.08	128.02	1,433.69	94.23
TOTAL EXPENDITURES	26,428.49	23,547.83	24,016.17	486.04	(468.34)	101.99
NET OF REVENUES & EXPENDITURES	2,434.53	1,286.94	(615.09)	(358.02)	1,902.03	98.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF CLARE

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 214 - LOCAL DEVELOPMENT FINANCE AUTH						
Revenues						
000.000-GENERAL	2,834.23	3,600.00	720.43	48.80	2,879.57	20.01
TOTAL Revenues	2,834.23	3,600.00	720.43	48.80	2,879.57	20.01
Expenditures						
000.000-GENERAL	77,136.14	100,000.00	0.00	0.00	100,000.00	0.00
223.000-DEBT SERVICE	63,662.33	66,056.25	65,881.25	4,672.50	175.00	99.74
TOTAL Expenditures	140,798.47	166,056.25	65,881.25	4,672.50	100,175.00	39.67
Fund 214:						
TOTAL REVENUES	2,834.23	3,600.00	720.43	48.80	2,879.57	20.01
TOTAL EXPENDITURES	140,798.47	166,056.25	65,881.25	4,672.50	100,175.00	39.67
NET OF REVENUES & EXPENDITURES	(137,964.24)	(162,456.25)	(65,160.82)	(4,623.70)	(97,295.43)	39.26

REVENUE AND EXPENDITURE REPORT FOR CITY OF CLARE

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 265 - DRUG LAW ENFORCEMENT FUND						
Revenues						
000.000-GENERAL	14.39	2,020.00	1,402.18	0.27	617.82	69.41
TOTAL Revenues	14.39	2,020.00	1,402.18	0.27	617.82	69.41
Expenditures						
301.000-POLICE	2,467.71	2,019.99	0.00	0.00	2,019.99	0.00
TOTAL Expenditures	2,467.71	2,019.99	0.00	0.00	2,019.99	0.00
Fund 265:						
TOTAL REVENUES	14.39	2,020.00	1,402.18	0.27	617.82	69.41
TOTAL EXPENDITURES	2,467.71	2,019.99	0.00	0.00	2,019.99	0.00
NET OF REVENUES & EXPENDITURES	(2,453.32)	0.01	1,402.18	0.27	(1,402.17)	34.71

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 303 - PUBLIC SAFETY BLDG DEBT SERVIC						
Revenues						
931.000-TRANSFERS IN AND OTHER SOURCES	49,525.00	48,760.00	48,805.00	0.00	(45.00)	100.09
TOTAL Revenues	49,525.00	48,760.00	48,805.00	0.00	(45.00)	100.09
Expenditures						
223.000-DEBT SERVICE	49,525.00	48,760.00	48,805.00	0.00	(45.00)	100.09
TOTAL Expenditures	49,525.00	48,760.00	48,805.00	0.00	(45.00)	100.09
Fund 303:						
TOTAL REVENUES	49,525.00	48,760.00	48,805.00	0.00	(45.00)	100.09
TOTAL EXPENDITURES	49,525.00	48,760.00	48,805.00	0.00	(45.00)	100.09
NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	0.00	0.00	100.09

REVENUE AND EXPENDITURE REPORT FOR CITY OF CLARE

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 414 - FACADE IMPROVEMENT PROGRAM (CDBG)						
Revenues						
000.000-GENERAL	43,349.22	0.00	38.99	0.00	(38.99)	100.00
TOTAL Revenues	43,349.22	0.00	38.99	0.00	(38.99)	100.00
Expenditures						
728.002-ECONOMIC DEV - FACADE IMP. DOHERTY	57,500.00	0.00	0.00	0.00	0.00	100.00
999.000-TRANSFERS (OUT) AND OTHER USES	25,956.05	0.00	38.99	0.00	(38.99)	100.00
TOTAL Expenditures	83,456.05	0.00	38.99	0.00	(38.99)	100.00
Fund 414:						
TOTAL REVENUES	43,349.22	0.00	38.99	0.00	(38.99)	100.00
TOTAL EXPENDITURES	83,456.05	0.00	38.99	0.00	(38.99)	100.00
NET OF REVENUES & EXPENDITURES	(40,106.83)	0.00	0.00	0.00	0.00	100.00

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 590 - SEWER SYSTEM FUND						
Revenues						
000.000-GENERAL	892,127.37	3,945,162.54	481,711.25	57,954.02	3,463,451.29	12.21
TOTAL Revenues	892,127.37	3,945,162.54	481,711.25	57,954.02	3,463,451.29	12.21
Expenditures						
536.001-SEWER TREATMENT AND PUMPING	866,062.73	2,930,110.04	322,000.65	56,436.21	2,608,109.39	11.08
536.002-SEWER COLLECTION	138,657.84	336,129.99	278,256.71	19,781.94	57,873.28	82.78
906.000-DEBT SERVICE	65,580.00	90,765.00	28,995.00	0.00	61,770.00	31.95
TOTAL Expenditures	1,070,300.57	3,357,005.03	629,252.36	76,218.15	2,727,752.67	18.83
Fund 590:						
TOTAL REVENUES	892,127.37	3,945,162.54	481,711.25	57,954.02	3,463,451.29	12.21
TOTAL EXPENDITURES	1,070,300.57	3,357,005.03	629,252.36	76,218.15	2,727,752.67	18.74
NET OF REVENUES & EXPENDITURES	(178,173.20)	588,157.51	(147,541.11)	(18,264.13)	735,698.62	15.21

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 591 - WATER SYSTEM FUND						
Revenues						
000.000-GENERAL	514,270.66	980,252.84	364,559.64	83,912.86	615,693.20	37.19
TOTAL Revenues	514,270.66	980,252.84	364,559.64	83,912.86	615,693.20	37.19
Expenditures						
536.003-TREATMENT, PUMPING AND STORAGE	260,752.55	711,605.46	166,181.12	23,983.60	545,424.34	23.35
536.004-WATER DISTRIBUTION	185,165.42	306,647.23	225,102.23	22,598.63	81,545.00	73.41
536.005-PRINCIPAL RESPONSIBLE PARTY #1	94,790.40	139,194.30	78,815.59	6,417.50	60,378.71	56.62
906.000-DEBT SERVICE	18,893.34	19,403.75	9,080.00	0.00	10,323.75	46.80
TOTAL Expenditures	559,601.71	1,176,850.74	479,178.94	52,999.73	697,671.80	40.72
Fund 591:						
TOTAL REVENUES	514,270.66	980,252.84	364,559.64	83,912.86	615,693.20	37.19
TOTAL EXPENDITURES	559,601.71	1,176,850.74	479,178.94	52,999.73	697,671.80	40.72
NET OF REVENUES & EXPENDITURES	(45,331.05)	(196,597.90)	(114,619.30)	30,913.13	(81,978.60)	39.11

REVENUE AND EXPENDITURE REPORT FOR CITY OF CLARE

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 636 - DATA PROCESSING						
Revenues						
000.000-GENERAL	90,686.64	67,640.00	33,472.49	33,681.24	34,167.51	49.49
TOTAL Revenues	90,686.64	67,640.00	33,472.49	33,681.24	34,167.51	49.49
Expenditures						
228.000-DATA PROCESSING, INFORMATION TECHNOLOGY	73,087.99	107,020.15	77,405.37	20,303.31	29,614.78	72.33
TOTAL Expenditures	73,087.99	107,020.15	77,405.37	20,303.31	29,614.78	72.33
Fund 636:						
TOTAL REVENUES	90,686.64	67,640.00	33,472.49	33,681.24	34,167.51	49.49
TOTAL EXPENDITURES	73,087.99	107,020.15	77,405.37	20,303.31	29,614.78	72.33
NET OF REVENUES & EXPENDITURES	17,598.65	(39,380.15)	(43,932.88)	13,377.93	4,552.73	63.48

REVENUE AND EXPENDITURE REPORT FOR CITY OF CLARE

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 641 - MOBILE EQUIPMENT						
Revenues						
000.000-GENERAL	403,699.55	519,594.72	331,947.27	65,642.79	187,647.45	63.89
TOTAL Revenues	403,699.55	519,594.72	331,947.27	65,642.79	187,647.45	63.89
Expenditures						
000.000-GENERAL	12,184.13	7,816.58	6,474.60	266.32	1,341.98	82.83
441.000-DEPARTMENT OF PUBLIC WORKS	452,446.18	373,288.09	243,055.12	41,485.19	130,232.97	65.11
906.000-DEBT SERVICE	0.00	70,790.38	0.00	0.00	70,790.38	0.00
TOTAL Expenditures	464,630.31	451,895.05	249,529.72	41,751.51	202,365.33	55.22
Fund 641:						
TOTAL REVENUES	403,699.55	519,594.72	331,947.27	65,642.79	187,647.45	63.89
TOTAL EXPENDITURES	464,630.31	451,895.05	249,529.72	41,751.51	202,365.33	55.22
NET OF REVENUES & EXPENDITURES	(60,930.76)	67,699.67	82,417.55	23,891.28	(14,717.88)	59.85

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 765 - HATTON TOWNSHIP LANDFILL TRUST FUND						
Revenues						
931.000-TRANSFERS IN AND OTHER SOURCES	28,500.00	28,500.00	0.00	0.00	28,500.00	0.00
TOTAL Revenues	28,500.00	28,500.00	0.00	0.00	28,500.00	0.00
Fund 765:						
TOTAL REVENUES	28,500.00	28,500.00	0.00	0.00	28,500.00	0.00
TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	100.00
NET OF REVENUES & EXPENDITURES	28,500.00	28,500.00	0.00	0.00	28,500.00	0.00

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 902 - GENERAL LONG-TERM DEBT						
Expenditures						
000.000-GENERAL	25,292.00	0.00	0.00	0.00	0.00	100.00
TOTAL Expenditures	<u>25,292.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>
Fund 902:						
TOTAL REVENUES	0.00	0.00	0.00	0.00	0.00	100.00
TOTAL EXPENDITURES	<u>25,292.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>
NET OF REVENUES & EXPENDITURES	<u>(25,292.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>100.00</u>

PERIOD ENDING 02/28/2010

% Fiscal Year Completed: 66.58

*NOTE: Available Balance / PCT Budget Used does not reflect amounts encumbered.

ACCOUNT DESCRIPTION	END BALANCE 06/30/2009	2009-10 AMENDED BUDGET	YTD BALANCE 02/28/2010	ACTIVITY FOR MONTH ENDED 02/28/2010	AVAILABLE BALANCE	% BDGT USED
Fund 934 - GASB ACCRUALS						
Revenues						
000.000-GENERAL	168.00	0.00	0.00	0.00	0.00	100.00
101.000-CITY COMMISSION	(2,221.00)	0.00	0.00	0.00	0.00	100.00
301.000-POLICE	(4,953.00)	0.00	0.00	0.00	0.00	100.00
441.000-DEPARTMENT OF PUBLIC WORKS	(10,746.00)	0.00	0.00	0.00	0.00	100.00
590.000-GASB 34 - SEWER	(8,250.00)	0.00	0.00	0.00	0.00	100.00
591.000-GASB 34 - WATER	(5,961.00)	0.00	0.00	0.00	0.00	100.00
751.001-PARKS	(2,942.00)	0.00	0.00	0.00	0.00	100.00
TOTAL Revenues	(34,905.00)	0.00	0.00	0.00	0.00	100.00
Expenditures						
000.000-GENERAL	(14,375.00)	0.00	14,375.00	0.00	(14,375.00)	100.00
441.000-DEPARTMENT OF PUBLIC WORKS	(56,609.00)	0.00	0.00	0.00	0.00	100.00
TOTAL Expenditures	(70,984.00)	0.00	14,375.00	0.00	(14,375.00)	100.00
Fund 934:						
TOTAL REVENUES	(34,905.00)	0.00	0.00	0.00	0.00	100.00
TOTAL EXPENDITURES	(70,984.00)	0.00	14,375.00	0.00	(14,375.00)	100.00
NET OF REVENUES & EXPENDITURES	36,079.00	0.00	(14,375.00)	0.00	14,375.00	100.00
TOTAL REVENUES - ALL FUNDS	6,081,372.83	10,645,126.16	4,476,172.27	625,415.53	6,168,953.89	42.05
TOTAL EXPENDITURES - ALL FUNDS	6,554,255.01	10,930,107.03	4,445,338.72	435,436.84	6,484,768.31	40.67
NET OF REVENUES & EXPENDITURES	(472,882.18)	(284,980.87)	30,833.55	189,978.69	(315,814.42)	41.35

City of Clare

Comparative Balance Sheet

Prepared as of

February 28, 2010

Fund 101 GENERAL FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
101-000.000-001.000	CASH	44,437.23	95,134.73
101-000.000-001.002	CASH ON HAND	250.00	250.00
101-000.000-001.003	PETTY CASH	100.00	100.00
101-000.000-002.001	CASH - FIRSTBANK	71,913.10	72,380.64
101-000.000-002.002	CASH - ISABELLA BANK	100,000.00	100,000.00
101-000.000-003.000	CERTIFICATES OF DEPOSIT/ REPURCHASE AGR.	800,000.00	730,000.00
101-000.000-040.000	ACCOUNTS RECEIVABLE	12,728.00	18,613.94
101-000.000-040.210	DUE FROM DDA	3,321.13	4,118.50
101-000.000-040.271	ACCOUNTS RECEIVABLE - LIBRARY	11,879.99	11,483.45
101-000.000-043.000	A/R UTILITIES	9,887.14	13,305.46
101-000.000-043.001	ALLOWANCE FOR UNCOLLECTIBLE ACCOUNTS	(800.00)	(450.00)
101-000.000-048.641	DUE FROM THE MOBILE EQUIP FUND	172,000.00	129,000.00
101-000.000-048.703	DUE FROM TAX FUND	574.42	0.00
101-000.000-084.703	DUE FROM TAX FUND	116.18	1,200.22
101-000.000-111.000	INVENTORY	1,838.08	2,837.10
101-000.000-111.001	INVENTORY - AIRPORT FUEL	21,558.22	15,930.00
Total Assets		1,249,803.49	1,193,904.04
*** Liabilities ***			
101-000.000-202.000	ACCTS PAYABLE	0.00	187.79
101-000.000-214.222	DUE TO COUNTY- TR FEES	730.46	99.03
101-000.000-214.225	DUE TO COUNTY - SCHOOL TR FEES	2,461.46	396.00
101-000.000-214.729	DUE TO OTHER GOV. UNITS	17,244.94	17,271.31
101-000.000-228.000	DUE TO STATE OF MICHIGAN	161.25	108.98
101-000.000-233.000	BL/CR RETIREE GROUP	607.32	0.00
101-000.000-276.000	DUE TO UTILITY CUSTOMERS	0.00	109.84
Total Liabilities		21,205.43	18,172.95
*** Capital ***			
101-000.000-391.000	FISCAL FUND BALANCE	943,482.07	957,904.96
Beginning Fund Balance		943,482.07	957,904.96
Net of Revenues VS Expenditures		285,115.99	217,826.13
Total Capital		1,228,598.06	1,175,731.09
Total Liabilities And Capital		1,249,803.49	1,193,904.04

Fund 150 CEMETERY PERPETUAL CARE

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
150-000.000-001.000	CASH	6,219.13	1,907.79
150-000.000-003.000	REPURCHASE AGREEMENTS	285,000.00	270,000.00
Total Assets		291,219.13	271,907.79
*** Capital ***			
150-000.000-390.000	FUND BALANCE	73,286.71	74,741.99
150-000.000-390.001	NONEXPENDABLE FUND BALANCE	202,274.77	202,274.77
Beginning Fund Balance		275,561.48	277,016.76
Net of Revenues VS Expenditures		15,657.65	(5,108.97)
Total Capital		291,219.13	271,907.79
Total Liabilities And Capital		291,219.13	271,907.79

Fund 202 MAJOR STREETS

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
202-000.000-001.000	CASH	515.61	8,586.48
202-000.000-003.000	REPURCHASE AGREEMENTS	20,000.00	20,000.00
202-000.000-045.000	SPECIAL ASSESSMENTS RECEIVABLE	9,457.40	8,511.65
Total Assets		29,973.01	37,098.13
*** Liabilities ***			
202-000.000-339.000	DEFERRED REVENUES	9,457.40	8,511.65
Total Liabilities		9,457.40	8,511.65
*** Capital ***			
202-000.000-391.000	FISCAL FUND BALANCE	23,865.76	65,628.31
Beginning Fund Balance		23,865.76	65,628.31
Net of Revenues VS Expenditures		(3,350.15)	(37,041.83)
Total Capital		20,515.61	28,586.48
Total Liabilities And Capital		29,973.01	37,098.13

Fund 203 LOCAL STS FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
203-000.000-001.000	CASH	4,840.43	802.74
203-000.000-003.000	REPURCHASE AGREEMENTS	10,000.00	0.00
203-000.000-045.000	SPECIAL ASSESSMENTS RECEIVABLE	55,556.54	45,960.41
Total Assets		70,396.97	46,763.15
*** Liabilities ***			
203-000.000-339.000	DEFERRED REVENUES	55,556.54	45,960.41
Total Liabilities		55,556.54	45,960.41
*** Capital ***			
203-000.000-391.000	FISCAL FUND BALANCE	39,823.77	27,156.43
Beginning Fund Balance		39,823.77	27,156.43
Net of Revenues VS Expenditures		(24,983.34)	(26,353.69)
Total Capital		14,840.43	802.74
Total Liabilities And Capital		70,396.97	46,763.15

Fund 206 FIRE FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
206-000.000-001.000	CASH	114,601.30	3,437.65
206-000.000-003.000	REPURCHASE AGREEMENTS	40,000.00	40,000.00
206-000.000-040.000	ACCOUNTS RECEIVABLE	68,086.39	157,690.89
206-000.000-111.000	INVENTORY	2,567.01	3,279.06
Total Assets		225,254.70	204,407.60
*** Liabilities ***			
206-000.000-290.000	ACCRUED WAGES PAYABLE - FIREMEN	19,907.09	0.00
Total Liabilities		19,907.09	0.00
*** Capital ***			
206-000.000-391.000	FISCAL FUND BALANCE	203,532.17	113,280.50
Beginning Fund Balance		203,532.17	113,280.50
Net of Revenues VS Expenditures		1,815.44	91,127.10
Total Capital		205,347.61	204,407.60
Total Liabilities And Capital		225,254.70	204,407.60

Fund 208 PARKS AND RECREATION

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
208-000.000-001.000	CASH	2,235.27	2,614.19
208-000.000-045.000	SPECIAL ASSESSMENTS RECEIVABLE	60,000.00	40,000.00
Total Assets		62,235.27	42,614.19
*** Liabilities ***			
208-000.000-273.000	UNDISTRIBUTED RECEIPTS	0.00	(15.00)
208-000.000-283.000	DEPOSITS PAYABLE - PARK RENTALS	877.00	1,852.00
208-000.000-339.000	DEFERRED REVENUES	60,000.00	40,000.00
Total Liabilities		60,877.00	41,837.00
*** Capital ***			
208-000.000-390.000	FUND BALANCE	3,762.55	(2,822.81)
Beginning Fund Balance		3,762.55	(2,822.81)
Net of Revenues VS Expenditures		(2,404.28)	3,600.00
Total Capital		1,358.27	777.19
Total Liabilities And Capital		62,235.27	42,614.19

Fund 210 DDA(DOWNTOWN DVLPMT AUTHORITY)

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
210-000.000-001.000	CASH	216,181.34	228,794.63
210-000.000-040.000	ACCOUNTS RECEIVABLE	0.00	2,080.00
210-000.000-085.414	DDA FROM THE DOHERTY - CDBG FACADE LOAN	0.00	12,479.95
Total Assets		216,181.34	243,354.58
*** Liabilities ***			
210-000.000-214.725	DUE TO SCHOOLS FOR OVER CAPTURE	33,366.00	33,366.00
210-000.000-273.000	UNDISTRIBUTED RECEIPTS	0.00	1,000.00
210-000.000-339.000	DEFERRED REVENUES	0.00	12,479.95
Total Liabilities		33,366.00	46,845.95
*** Capital ***			
210-000.000-391.000	FISCAL FUND BALANCE	122,678.66	107,299.35
Beginning Fund Balance		122,678.66	107,299.35
Net of Revenues VS Expenditures		60,136.68	89,209.28
Total Capital		182,815.34	196,508.63
Total Liabilities And Capital		216,181.34	243,354.58

Fund 211 SIDEWALK REPLACEMENT FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
211-000.000-001.000	CASH	1,692.67	1,174.27
211-000.000-003.000	CERTIFICATES OF DEPOSIT/ REPURCHASE AGR.	35,000.00	35,000.00
211-000.000-045.000	SPECIAL ASSESSMENTS RECEIVABLE	8,349.33	3,986.08
Total Assets		45,042.00	40,160.35
*** Liabilities ***			
211-000.000-339.000	DEFERRED REVENUES	8,349.33	3,986.08
Total Liabilities		8,349.33	3,986.08
*** Capital ***			
211-000.000-390.000	FUND BALANCE	34,354.83	36,789.36
Beginning Fund Balance		34,354.83	36,789.36
Net of Revenues VS Expenditures		2,337.84	(615.09)
Total Capital		36,692.67	36,174.27
Total Liabilities And Capital		45,042.00	40,160.35

Fund 214 LOCAL DEVELOPMENT FINANCE AUTH

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
214-000.000-001.000	CASH	278,106.08	207,420.04
Total Assets		278,106.08	207,420.04
*** Capital ***			
214-000.000-391.000	FISCAL FUND BALANCE	410,545.10	272,580.86
Beginning Fund Balance		410,545.10	272,580.86
Net of Revenues VS Expenditures		(132,439.02)	(65,160.82)
Total Capital		278,106.08	207,420.04
Total Liabilities And Capital		278,106.08	207,420.04

Fund 265 DRUG LAW ENFORCEMENT FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
265-000.000-001.000	CASH	2,463.88	1,402.18
Total Assets		2,463.88	1,402.18
*** Capital ***			
265-000.000-390.000	FUND BALANCE	2,453.32	0.00
Beginning Fund Balance		2,453.32	0.00
Net of Revenues VS Expenditures		10.56	1,402.18
Total Capital		2,463.88	1,402.18
Total Liabilities And Capital		2,463.88	1,402.18

Fund 303 PUBLIC SAFETY BLDG DEBT SERVIC

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
	Beginning Fund Balance	0.00	0.00
	Net of Revenues VS Expenditures	0.00	0.00
	Total Capital	0.00	0.00
	Total Liabilities And Capital	0.00	0.00

Fund 414 FACADE IMPROVEMENT PROGRAM (CDBG)

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
414-000.000-001.000	CASH	31,014.16	0.00
Total Assets		31,014.16	0.00
*** Capital ***			
414-000.000-390.000	FUND BALANCE	40,106.83	0.00
Beginning Fund Balance		40,106.83	0.00
Net of Revenues VS Expenditures		(9,092.67)	0.00
Total Capital		31,014.16	0.00
Total Liabilities And Capital		31,014.16	0.00

Fund 590 SEWER SYSTEM FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
590-000.000-001.000	CASH	16,657.43	1,696.76
590-000.000-002.001	CASH HELD BY ISABELLA COUNTY	22,292.10	22,324.83
590-000.000-003.000	REPURCHASE AGREEMENTS	600,000.00	475,000.00
590-000.000-043.000	A/R UTILITIES	40,478.38	44,819.87
590-000.000-043.001	ALLOWANCE FOR UNCOLLECTIBLE ACCOUNTS	(1,689.40)	(1,350.00)
590-000.000-045.000	SPECIAL ASSESSMENTS RECEIVABLE	223,520.99	175,885.69
590-000.000-111.000	INVENTORY	10,784.80	9,588.11
590-000.000-130.000	LAND	10,756.50	10,756.50
590-000.000-132.000	LAND IMPROVEMENTS	412,516.37	412,516.37
590-000.000-133.000	ACCUMULATED DEPRECIATION - LAND IMPROVEM	(362,657.59)	(364,523.94)
590-000.000-136.000	BUILDINGS, ADDITIONS, ETC.	4,003,097.27	4,003,097.27
590-000.000-137.000	ACCUMULATED DEPRECIATION-BUILDINGS	(2,352,325.80)	(2,472,701.44)
590-000.000-138.000	EQUIPMENT	485,601.48	485,601.48
590-000.000-145.000	ACCUMULATED DEPRECIATION - EQUIPMENT	(397,858.30)	(414,718.74)
590-000.000-146.000	OFFICE EQUIPMENT AND FURNITURE	17,002.77	17,002.77
590-000.000-147.000	ACCUMULATED DEPR. - OFFICE EQUIPMENT	(17,002.77)	(17,002.77)
590-000.000-154.001	SEWER SYSTEM - LAGOONS	1,334,616.74	1,344,791.34
590-000.000-154.002	SEWER SYSTEM - COLLECTION	3,162,267.44	3,162,267.44
590-000.000-155.000	ACCUMULATED DEPR. - SEWER SYSTEM	(1,773,568.95)	(1,896,880.76)
590-000.000-158.000	CONSTRUCTION IN PROGRESS	0.00	19,627.85
Total Assets		5,434,489.46	5,017,798.63
*** Liabilities ***			
590-000.000-256.000	ACCRUED INT PAYABLE	12,385.83	9,663.33
590-000.000-276.000	DUE TO SEWER CUSTOMERS	0.00	109.63
590-000.000-285.000	SECURITY DEPOSITS	18,100.00	19,800.00
590-000.000-300.000	WOODLAWN SEWER BONDS	365,000.00	315,000.00
590-000.000-304.000	FmHA BONDS PAYABLE	379,000.00	375,000.00
590-000.000-305.001	CC SEWAGE DISPOSAL SYS #4	385,000.00	365,000.00
590-000.000-339.000	DEFERRED REVENUES	223,520.99	0.00
Total Liabilities		1,383,006.82	1,084,572.96
*** Capital ***			
590-000.000-391.000	NET ASSETS	4,010,418.99	4,055,766.78
590-000.000-391.001	NET ASSETS - RESERVE FOR BONDS	25,000.00	25,000.00
Beginning Fund Balance		4,035,418.99	4,080,766.78
Net of Revenues VS Expenditures		16,063.65	(147,541.11)
Total Capital		4,051,482.64	3,933,225.67
Total Liabilities And Capital		5,434,489.46	5,017,798.63

Fund 591 WATER SYSTEM FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
591-000.000-001.000	CASH	7,144.08	2,941.62
591-000.000-003.000	CERTIFICATES OF DEPOSIT/ REPURCHASE AGR.	350,000.00	205,000.00
591-000.000-040.000	ACCOUNTS RECEIVABLE	18,639.77	47,889.23
591-000.000-043.000	A/R UTILITIES	15,638.48	25,327.74
591-000.000-043.001	ALLOWANCE FOR UNCOLLECTIBLE ACCOUNTS	(900.00)	(500.00)
591-000.000-045.000	SPECIAL ASSESSMENTS RECEIVABLE	22,806.28	4,291.21
591-000.000-111.000	INVENTORY	10,874.95	4,645.30
591-000.000-130.000	LAND	42,632.25	42,632.25
591-000.000-136.000	BUILDING, ADDITIONS AND IMPROVEMENTS	430,779.78	444,584.99
591-000.000-137.000	ACCUMULATED DEPRECIATION-BUILDINGS	(348,232.78)	(356,850.13)
591-000.000-138.000	EQUIPMENT	17,852.84	17,852.84
591-000.000-145.000	ACCUMULATED DEPR. - EQUIPMENT	(14,602.07)	(15,049.27)
591-000.000-152.001	WATER SYSTEM - WELLS	723,957.48	723,957.48
591-000.000-152.003	WATER SYSTEM - PUMPING	45,989.93	45,989.93
591-000.000-152.004	WATER SYSTEM - STANDPIPES	973,376.91	973,376.91
591-000.000-152.005	WATER SYSTEM - MAINS	575,027.46	575,027.46
591-000.000-152.007	WATER SYSTEM - TRANSMISSION	100,704.07	100,704.07
591-000.000-153.000	ACCUMULATED DEPR. WATER SYSTEM	(1,223,124.77)	(1,267,560.42)
591-000.000-158.000	CONSTRUCTION IN PROGRESS	0.00	11,051.35
Total Assets		1,748,564.66	1,585,312.56
*** Liabilities ***			
591-000.000-256.000	ACCRUED INT PAYABLE	3,243.33	3,026.67
591-000.000-276.000	DUE TO WATER CUSTOMERS	0.00	92.19
591-000.000-300.000	WOODLAWN WATER BONDS	325,000.00	300,000.00
591-000.000-339.000	DEFERRED REVENUES	22,806.28	0.00
Total Liabilities		351,049.61	303,118.86
*** Capital ***			
591-000.000-391.000	NET ASSETS	1,419,337.77	1,396,813.00
Beginning Fund Balance		1,419,337.77	1,396,813.00
Net of Revenues VS Expenditures		(21,822.72)	(114,619.30)
Total Capital		1,397,515.05	1,282,193.70
Total Liabilities And Capital		1,748,564.66	1,585,312.56

Fund 636 DATA PROCESSING

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
636-000.000-001.000	CASH	1,756.74	15,637.96
636-000.000-003.000	CERTIFICATES OF DEPOSIT/ REPURCHASE AGR.	60,000.00	25,000.00
636-000.000-146.000	OFFICE EQUIPMENT AND FURNITURE	243,004.67	270,575.64
636-000.000-147.000	ACCUMULATED DEPR. - OFFICE EQUIPMENT	(226,361.72)	(240,957.73)
Total Assets		78,399.69	70,255.87
*** Capital ***			
636-000.000-391.000	NET ASSETS	96,590.10	114,188.75
Beginning Fund Balance		96,590.10	114,188.75
Net of Revenues VS Expenditures		(18,190.41)	(43,932.88)
Total Capital		78,399.69	70,255.87
Total Liabilities And Capital		78,399.69	70,255.87

Fund 641 MOBILE EQUIPMENT

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
641-000.000-001.000	CASH	2,615.49	30,496.67
641-000.000-043.000	A/R UTILITIES	778.87	780.47
641-000.000-043.001	ALLOWANCE FOR UNCOLLECTIBLE ACCOUNTS	(83.00)	(50.00)
641-000.000-109.000	INVENTORY--STREET MATERIALS	20,256.24	12,790.81
641-000.000-111.000	INVENTORY	4,317.49	4,483.37
641-000.000-130.000	LAND	85,000.00	85,000.00
641-000.000-136.000	BUILDING, ADDITIONS AND IMPROVEMENTS	649,589.12	649,589.12
641-000.000-137.000	ACCUMULATED DEPRECIATION-BUILDINGS	(257,790.35)	(286,413.41)
641-000.000-138.000	EQUIPMENT	582,329.14	587,819.14
641-000.000-139.000	OTHER EQUIPMENT	16,787.52	16,787.52
641-000.000-145.000	ACCUMULATED DEPR. - EQUIPMENT	(460,985.68)	(492,886.01)
641-000.000-148.000	VEHICLES - DPW	783,690.75	810,164.75
641-000.000-148.001	VEHICLES - POLICE	92,904.88	97,704.88
641-000.000-149.000	ACCUMULATED DEPRECIATION - VEHICLES	(590,988.66)	(676,774.77)
Total Assets		928,421.81	839,492.54
*** Liabilities ***			
641-000.000-202.000	ACCTS PAYABLE	0.00	14.00
641-000.000-214.101	DUE TO GENERAL FUND	172,000.00	129,000.00
641-000.000-276.000	DUE TO UTILITY CUSTOMERS	0.00	6.21
641-000.000-307.001	STREET SWEEPER PURCHASE - 2007	98,708.84	71,316.88
Total Liabilities		270,708.84	200,337.09
*** Capital ***			
641-000.000-391.000	NET ASSETS	610,921.83	556,737.90
Beginning Fund Balance		610,921.83	556,737.90
Net of Revenues VS Expenditures		46,791.14	82,417.55
Total Capital		657,712.97	639,155.45
Total Liabilities And Capital		928,421.81	839,492.54

Fund 701 GENERAL AGENCY FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
701-000.000-001.000	CASH	7,682.04	4,757.66
Total Assets		7,682.04	4,757.66
*** Liabilities ***			
701-000.000-202.000	ACCTS PAYABLE	0.00	(500.00)
701-000.000-206.000	FIRE INSURANCE SETTLEMENT ESCROW	7,681.00	0.00
701-000.000-230.000	DUE TO OTHER GOVERNMENTAL UNITS	0.00	780.00
701-000.000-274.000	UNDISTRIBUTED TAX COLLECTIONS	1.04	4,477.66
Total Liabilities		7,682.04	4,757.66
Beginning Fund Balance		0.00	0.00
Net of Revenues VS Expenditures		0.00	0.00
Total Capital		0.00	0.00
Total Liabilities And Capital		7,682.04	4,757.66

Fund 703 PROPERTY TAX FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
703-000.000-001.000	CASH	41,068.03	24,984.06
703-000.000-018.000	TAXES RECEIVABLE - SUMMER	193,324.81	24,927.63
703-000.000-019.000	TAXES RECEIVABLE - WINTER	193,246.85	154,373.09
Total Assets		427,639.69	204,284.78
*** Liabilities ***			
703-000.000-214.101	DUE TO GENERAL FUND	131,249.56	25,685.07
703-000.000-214.202	DUE TO MAJOR STREET FUND	99.76	125.50
703-000.000-214.203	DUE TO LOCAL STREET FUND	7,797.98	677.34
703-000.000-214.208	DUE TO PARKS FUND	5,225.64	1,261.50
703-000.000-214.211	DUE TO SIDEWALK REPLACEMENT FUND	(322.17)	184.25
703-000.000-214.590	DUE TO SEWER FUND	8,886.74	5,953.30
703-000.000-214.591	DUE TO WATER FUND	5,944.33	500.42
703-000.000-214.641	DUE TO MOBILE EQUIPMENT	10.70	15.02
703-000.000-215.001	DUE TO COMPONENT UNIT - DDA	73,294.27	21,006.47
703-000.000-222.001	DUE TO CLARE COUNTY	85,675.68	10,572.88
703-000.000-222.002	DUE TO ISABELLA COUNTY	8,503.24	10,416.64
703-000.000-223.000	DUE TO LIBRARY - PMDL	5,413.82	(218.10)
703-000.000-225.000	DUE TO CLARE PUBLIC SCHOOLS	77,593.18	128,116.59
703-000.000-228.000	DUE TO STATE OF MICHIGAN	17,109.09	(613.46)
703-000.000-230.001	DUE TO ISABELLA COUNTY TRANSIT	1,157.87	794.54
703-000.000-276.000	DUE TO TAXPAYERS (OVERPAYMENT REFUNDS)	0.00	(193.18)
Total Liabilities		427,639.69	204,284.78
Beginning Fund Balance		0.00	0.00
Net of Revenues VS Expenditures		0.00	0.00
Total Capital		0.00	0.00
Total Liabilities And Capital		427,639.69	204,284.78

Fund 704 IMPREST PAYROLL FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
704-000.000-001.000	CASH	23,949.55	48,284.66
704-000.000-040.000	ACCOUNTS RECEIVABLE	0.00	315.00
Total Assets		23,949.55	48,599.66
*** Liabilities ***			
704-000.000-228.000	DUE TO STATE OF MICHIGAN	4,022.80	4,853.47
704-000.000-229.000	DUE TO FEDERAL GOV'T	9,720.16	7,699.57
704-000.000-231.001	AFLAC PAYABLE	(85.69)	(339.56)
704-000.000-231.002	MERS PAYABLE	17,876.57	18,035.71
704-000.000-231.003	BLUE CROSS PAYABLE	(20,926.50)	7,472.76
704-000.000-231.004	THIN BLUE LINE PAYABLE	0.00	(2.00)
704-000.000-231.005	TEAMSTERS PAYABLE	629.00	77.50
704-000.000-231.008	MISCELLANEOUS PAYABLE	0.00	2,670.60
704-000.000-231.011	DENTAL VISION PAYABLE	12,713.21	8,131.61
Total Liabilities		23,949.55	48,599.66
Beginning Fund Balance		0.00	0.00
Net of Revenues VS Expenditures		0.00	0.00
Total Capital		0.00	0.00
Total Liabilities And Capital		23,949.55	48,599.66

Fund 737 HEALTH REIMBURSEMENT ACCOUNT FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
737-000.000-001.000	CASH	16,798.41	13,407.39
Total Assets		16,798.41	13,407.39
*** Liabilities ***			
737-000.000-262.001	HRA PAYABLE - 1027	348.85	7.74
737-000.000-262.002	HRA PAYABLE - 1041	411.92	0.00
737-000.000-262.003	HRA PAYABLE - 1024	126.34	0.00
737-000.000-262.005	HRA PAYABLE - 1063	413.43	0.00
737-000.000-262.006	HRA PAYABLE - 1029	0.00	82.98
737-000.000-262.009	HRA PAYABLE - 1079	209.29	0.00
737-000.000-262.010	HRA PAYABLE - 1034	55.60	54.34
737-000.000-262.013	HRA PAYABLE - 1025	321.87	0.00
737-000.000-262.017	HRA PAYABLE - 1109	1,149.35	0.00
737-000.000-262.018	HRA PAYABLE - 1010	881.47	0.00
737-000.000-262.019	HRA PAYABLE - 1021	708.34	0.00
737-000.000-262.020	HRA PAYABLE - 1128	266.84	513.74
737-000.000-262.022	HRA PAYABLE - 1130	2,216.66	2,566.66
737-000.000-262.023	HRA PAYABLE - 1101	1,503.68	2,203.68
737-000.000-262.024	HRA PAYABLE - 1069	1,400.00	1,287.07
737-000.000-262.025	HRA PAYABLE - 1074	1,583.34	2,083.34
737-000.000-262.026	HRA PAYABLE - 1017	477.08	456.43
737-000.000-262.027	HRA PAYABLE - 1108	788.82	1,154.31
737-000.000-262.028	HRA PAYABLE - 1089	153.11	0.00
737-000.000-262.029	HRA PAYABLE - 1142	979.22	(427.39)
737-000.000-262.030	HRA PAYABLE - 1141	681.83	438.21
737-000.000-262.031	HRA PAYABLE - 1160	379.70	494.55
737-000.000-262.032	HRA PAYABLE - 1171	700.00	0.00
737-000.000-262.033	HRA PAYABLE - 1177	750.02	1,000.04
737-000.000-262.034	HRA PAYABLE - 1172	291.65	991.65
737-000.000-262.036	HRA PAYABLE - 1191	0.00	291.69
737-000.000-262.037	HRA PAYABLE - 1184	0.00	208.35
Total Liabilities		16,798.41	13,407.39
Beginning Fund Balance		0.00	0.00
Net of Revenues VS Expenditures		0.00	0.00
Total Capital		0.00	0.00
Total Liabilities And Capital		16,798.41	13,407.39

Fund 765 HATTON TOWNSHIP LANDFILL TRUST FUND

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
765-000.000-003.000	CERTIFICATES OF DEPOSIT	57,500.00	86,000.00
Total Assets		57,500.00	86,000.00
*** Capital ***			
765-000.000-390.000	FUND BALANCE	57,500.00	86,000.00
Beginning Fund Balance		57,500.00	86,000.00
Net of Revenues VS Expenditures		0.00	0.00
Total Capital		57,500.00	86,000.00
Total Liabilities And Capital		57,500.00	86,000.00

Fund 901 GENERAL FIXED ASSETS

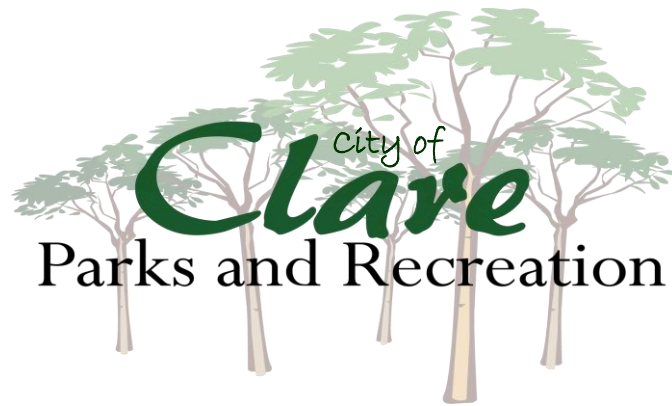
GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
901-000.000-130.101	LAND - GFA, GENERAL FUND	3,016,899.83	3,016,899.83
901-000.000-130.206	LAND - GFA, FIRE DEPARTMENT	5,675.00	5,675.00
901-000.000-130.208	LAND - GFA, PARKS & RECREATION	469,989.83	487,985.87
901-000.000-130.210	LAND - DDA	0.00	124,626.20
901-000.000-132.101	LAND IMPROVEMENTS - GFA, GENERAL FUND	36,045.05	36,045.05
901-000.000-132.202	ROAD IMPROVEMENTS - MAJOR STREETS	0.00	41,145.66
901-000.000-132.203	ROAD IMPROVEMENTS - LOCAL STREETS	0.00	169,135.17
901-000.000-132.208	LAND IMPROVEMENTS - GFA, PARKS AND REC.	73,222.80	82,859.01
901-000.000-132.210	LAND IMPROVEMENTS - DDA	0.00	319,592.25
901-000.000-132.211	SIDEWALK IMPROVEMENTS	0.00	56,273.72
901-000.000-132.214	LAND IMPROV - LDFA	0.00	77,136.14
901-000.000-133.000	ACCUMULATED DEPRECIATION - LAND IMPROVEM	0.00	(42,607.69)
901-000.000-133.210	ACCUM DEPR - LAND IMPROV - DDA	0.00	(72,219.05)
901-000.000-133.214	ACCUM DEPR - LAND IMPROV - LDFA	0.00	(2,828.33)
901-000.000-136.101	BUILDINGS, ETC. - GFA, GENERAL FUND	1,314,646.28	1,314,646.28
901-000.000-136.206	BUILDINGS, ETC. - GFA, FIRE DEPARTMENT	461,759.56	461,759.56
901-000.000-136.208	BUILDINGS, ETC. - PARKS & RECREATION	277,366.76	277,366.76
901-000.000-137.000	ACCUMULATED DEPRECIATION-BUILDINGS	0.00	(622,723.24)
901-000.000-138.101	EQUIPMENT - GFA, GENERAL FUND	148,073.59	172,873.59
901-000.000-138.206	EQUIPMENT - GFA, FIRE DEPARTMENT	413,209.18	537,959.18
901-000.000-138.208	EQUIPMENT - GFA, PARKS & RECREATION	83,079.31	89,890.23
901-000.000-138.210	EQUIPMENT - DDA	0.00	138,200.00
901-000.000-138.500	ACCUMULATED DEPRECIATION-EQUIPMENT	0.00	(322,294.84)
901-000.000-139.210	ACCUM DEPR - EQUIP (DDA)	0.00	(138,200.00)
901-000.000-146.206	OFFICE EQUIPMENT - GFA, FIRE DEPARTMENT	1,269.00	1,269.00
901-000.000-147.000	ACCUMULATED DEPR. - OFFICE EQUIPMENT	0.00	(444.15)
901-000.000-148.206	VEHICLES - FIRE DEPARTMENT	796,123.21	796,123.21
901-000.000-149.000	ACCUMULATED DEPRECIATION - VEHICLES	0.00	(368,662.01)
Total Assets		7,097,359.40	6,637,482.40
*** Capital ***			
901-000.000-130.399	INVESTMENT IN LAND	3,492,564.66	3,635,186.90
901-000.000-132.399	INVESTMENT IN LAND IMPROVEMENTS	109,267.85	664,531.93
901-000.000-136.399	INVESTMENT IN BUILDINGS, ETC.	2,053,772.60	1,431,049.36
901-000.000-138.399	INVESTMENT IN EQUIPMENT	644,362.08	478,428.16
901-000.000-146.399	INVESTMENT IN OFFICE EQUIPMENT&FURNITURE	1,269.00	824.85
901-000.000-148.399	INVESTMENT IN VEHICLES	796,123.21	427,461.20
Beginning Fund Balance		7,097,359.40	6,637,482.40
Net of Revenues VS Expenditures		0.00	0.00
Total Capital		7,097,359.40	6,637,482.40
Total Liabilities And Capital		7,097,359.40	6,637,482.40

Fund 902 GENERAL LONG-TERM DEBT

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
902-000.000-186.000	AMOUNT TO BE PROVIDED - LTD	1,711,241.70	1,513,000.00
Total Assets		1,711,241.70	1,513,000.00
*** Liabilities ***			
902-000.000-256.000	ACCRUED INT PAYABLE	0.00	18,154.00
902-000.000-256.210	ACCRUED INT PAYABLE	0.00	4,121.00
902-000.000-256.214	ACCRUED INT PAYABLE	0.00	3,017.00
902-000.000-301.000	CAPITAL LEASE-FIRE TRUCK	35,241.70	0.00
902-000.000-305.000	PUBLIC SAFETY BUILDING	745,000.00	729,000.00
902-000.000-306.000	1990 DDA BONDS	45,000.00	25,000.00
902-000.000-306.001	2006 DDA BOND	440,000.00	425,000.00
902-000.000-306.002	1994 DDA BOND	75,000.00	40,000.00
902-000.000-307.000	1998 LDFA BOND	290,000.00	240,000.00
902-000.000-310.001	IPC - AERIAL FIRE TRUCK 2006	81,000.00	54,000.00
Total Liabilities		1,711,241.70	1,538,292.00
*** Capital ***			
902-000.000-391.000	FISCAL FUND BALANCE	0.00	(25,292.00)
Beginning Fund Balance		0.00	(25,292.00)
Net of Revenues VS Expenditures		0.00	0.00
Total Capital		0.00	(25,292.00)
Total Liabilities And Capital		1,711,241.70	1,513,000.00

Fund 934 GASB ACCRUALS

GL Number	Description	PERIOD ENDED 02/28/2009	PERIOD ENDED 02/28/2010
*** Assets ***			
934-000.000-084.000	DUE FROM GOVT ACTIVITIES	0.00	271,492.00
Total Assets		0.00	271,492.00
*** Liabilities ***			
934-000.000-214.000	DUE TO BUS TYPE ACTIVITIES	0.00	271,492.00
934-000.000-307.000	POST CLOSURE LANDFILL LIABILITY	0.00	256,310.00
934-000.000-339.000	DEFERRED REVENUES	0.00	(98,458.00)
Total Liabilities		0.00	429,344.00
*** Capital ***			
934-000.000-390.000	FUND BALANCE	0.00	(179,556.00)
934-000.000-391.000	FISCAL FUND BALANCE	0.00	36,079.00
Beginning Fund Balance		0.00	(143,477.00)
Net of Revenues VS Expenditures		0.00	(14,375.00)
Total Capital		0.00	(157,852.00)
Total Liabilities And Capital		0.00	271,492.00



Monthly Director's Report, March 8, 2010

Parks and Recreation Director, AmandaGrace H. Green

Current Events

The **ice rink** at Shamrock Park has had a wonderful season, with extensive use from the public over the winter months. Unfortunately, winter is coming to an end, and our ice rink is slowly starting to melt at the south end.

Work has been underway for several months now on the **City of Clare Parks and Recreation Master Plan 2010-2014**. The draft of the Master Plan was recently supported by the Parks and Recreation Advisory Board, and is currently open for public review and comment. The plan went to the City Commission and received approval during the first week of March. The plan will now be filed with the MDNRE in order to enable the City to be eligible for grants.

Based on the present park and recreation master plan, and the one currently being finalized, extensive improvements to **Pettit Park Campground** are desired. Some of the desired improvements include water hookups at each electrical site, pavement of the roadway throughout the park, and extension of the current bathroom facility to include two unisex shower stall and a maintenance room. A bid for engineering design plans has been accepted by the City Commission for the project, with design plans being completed around the middle of March and subsequently being put out for bid.

With the start of the New Year has come the rebirth of the **Weekly Teen Group** at the Library, in which teens ages 13-18 years old are invited each Wednesday from 3:30 to 5:30 pm to the Library to spend time playing games, socializing, and helping to plan other events for teens in the community. Currently, the group averages 10-15 members a week, with attendance varying each week to include new teens.

The annual **Business Expo** was held at the Doherty Hotel on February 25, 2010. The City once again displayed a booth at the expo which provided information and initial guidance to residents and area guests. Initial brainstorming plans are underway for the 2011 Business Expo, which will provide a "Movie" theme.

Planning for the **Clare Irish Festival** has been completed, and the 2010 fun and festivities will begin this week. Parks and Recreation is once again putting on a **Kids Fun Run** for the 2010 festival in correlation with the existing 5K/10K for teens and adult participants. The first 75 kids

March 8, 2010

to sign in for this free kids fun run will receive a free t-shirt, and all participants will receive a ribbon.

Future Events

Junior Fire Fighters Academy is coming back once again this year to allow the area youth a “HOT” event to participate in during spring break. Participants will learn fire safety and prevention through hands-on activities and informative discussions. Volunteers from the Clare Fire Department will assist children as they try out lots of fire equipment. The fee for the academy is \$10.00 a person, and includes an award certificate, t-shirt, and lunch.

While the warm weather might be putting a damper on the Shamrock Park Ice Rink, it is clearing the way for Easter! Unfortunately this year our pilot for the Great EGGstravaganza is not available to fly for us, so we are looking to plan a traditional **Egg Hunt on McIreland Trails** kids. Teens will also be able to have a great time this Easter with their own **Glow-In-the-Dark Easter Egg Hunt** during the evening hours of March 30th.

Clare Pride Day is once again around the corner as a collaboration between school and community to show appreciation for the local businesses and residents who show so much support to the community throughout the year. Clare Pride Day is scheduled for April 22, 2010, and 420+ high school students are anticipated for participation in being a volunteer work force for the event to spruce up the Clare community. Local businesses are being asked to fill out Service Order sheets to let the committee know what tasks are available to have volunteers participate in completing.

With last year’s extension of Rail Trail into downtown Clare to the PMDL, comes the need for additional signage and information along the trail for visitors. As a result of this need, a double sided **message center** will be located at the trail head with an area map on one side and plenty of space for advertising area events and activities on the back. The lower portion of the sign will be a brochure rack for pamphlet handouts.

Additional programs on the horizon include **National Night Out (Passport to Safety)**, **Summer Concert Series**, and **Senior Events**.

“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 that the 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 Agenda of the Clare City Commission.”

**DEPARTMENT OF PUBLIC WORKS
DEPARTMENT REPORT – FEBRUARY 2010**

Street Work. During the month of February we plowed snow on five occasions in which we used 50.81 tons of salt. Snow was hauled away from all of the lots. During the first week of the month we chipped brush on the scheduled days. Crews also have been repairing street name signs that were loose or broken. We have ordered our salt for next year thru the State of Michigan purchasing. We currently have approx. 250 ton in the building and we use about 450 - 500 ton per year in a normal winter, so we have ordered 300 ton for next year hoping that we have close to 200 ton left from this season.

Water & Sewer Work. We had a water main break and it was located on South Rainbow Dr. just east of the one that we had last month as the DPW employees were repairing the break and turned the main back on another leak started just a few feet away. At this time we are at a loss why we have had tree breaks in this area in such a short time. We continue to replace several radio reading devices as the original ones installed approximately ten years ago the batteries are slowly starting to fail. Current meter reading reports show that we have about 200 that are not reading currently, a lot of this is because the cold weather and older batteries do not have the proper voltage left to transmit the signal. The upcoming budget we will budget replacement of 200 to 300 reading devices. During February temperatures did not allow for anymore sewer cleaning but we will start again as soon as the temps allow us too.

Cemetery Work. Since we did not have one burial during the month we took the time to give the cemetery building a good cleaning.

Miscellaneous Work. The remodeling of the hallway at City Hall has been completed and we have started on painting of the southwest office in which the city treasurer will be moving into once completed. We washed all of the main street banners and American flags as they were getting a little dingy. The main street banners were then installed back on the poles downtown. We also installed blue strands of lights on all the tree trunks in the DDA area for the Beat the Winter Blues Festival and removed them once the function was over.

DPW Work. During the month of February we coated the skating rink approximately once per week as long as the temperature allowed. We have several skaters that have commented that this was the best that the rink has ever been.

Attachments. Manhour Report, Equipment Report, Utility Work Order Report

DEPARTMENT OF PUBLIC WORKS- MANHOUR (FEB 2010)

FUND	% OF HOURS	DEPARTMENT	February-10	
			REG.	O/T
GENERAL FUND	14.84%	General Fund/City Hall	200.50	
	0.78%	Cemetery	10.50	
	1.22%	Parades/Flags/Pking Lots	16.50	
	3.89%	DDA Parking Lots	47.50	5.00
	0.00%	Downtown Trees & Lights		
	1.67%	DDA Trees & Lights	22.50	
	2.00%	Airport	24.00	3.00
PARKS	5.48%	Lake Shamrock Dam & Park work	74.00	
TKLINE'S	3.00%	Winter Maintenance	20.00	20.50
	0.59%	Hauling Snow from BR-127	4.00	4.00
MAJOR STREETS	0.37%	Preservation	5.00	
	4.81%	Winter Maintenance	47	18
LOCAL STREETS	2.15%	Preservation	29.00	
	12.14%	Winter Maintenance	158	6
SEWER	1.67%	Collection	12.00	10.50
WATER	10.29%	Distribution & Meter Mts.	137.00	2.00
DPW	30.31%	DPW Admin/Bldg/Equip	407.50	2.00
	4.81%	OFF TIME: Sick/Vac	65.00	
<i>1351</i>	100%	TOTALS:	1280	71

FUND	% OF HOURS	DEPARTMENT	February-10	
			REG.	O/T
PARKS	51.75%	PARKS WORK	83.5	5
	4.68%	DDA WORK	2	6
	34.80%	BUILDING & GROUNDS WORK	59.5	
	8.77%	OFF TIME: Holiday/Sick/Vac	15	
<i>171</i>	100%	TOTALS:	160	11

FUND	% OF HOURS	DEPARTMENT	February-10	
			REG.	O/T
DPW Clerical	4.48%	Cemetery Admin	7.2	
	22.84%	Refuse Collection	36.72	
	4.48%	Major Sts Admin	7.2	
	4.48%	Local Sts Admin	7.2	
	23.29%	Sewer Collection	37.44	
	23.76%	Water Distribution	37.44	0.75
	6.72%	DPW Administration	10.8	
	9.95%	OFF TIME: Holiday/Sick/Vac	16	
160.75	100%	TOTALS:	160	0.75

UTILITY WORK ORDERS COMPLETED IN FEBRUARY 2010

<u>WORK ORDER TYPE</u>	<u># OF CUSTOMERS</u>
<i>Service turned on</i>	2
<i>Service turned off (requested or non-payment)</i>	3
<i>Pull Meter - service discontinued</i>	1
<i>Replaced Meter or Meter Head</i>	1
<i>Replaced RF (reading device)</i>	<u>32</u>
	39

EQUIPMENT RENTAL - FEBRUARY 2010

GENERAL FUND

General Operations	101-265.000-943.641	857.10		
Cemetery	101-276.000-943.641	36.14		
Police	101-301.000-943.641	19,597.27		
Parades/Flags/Pking Lots	101-441.000-943.641	2,707.86		
Street Lighting	101-448.000-943.641	80.44		
Airport	101-537.000-943.641	2,103.47		
			101-000.000-001	-\$25,382.28 cr

MAJOR STREETS & TRUNKLINES

Trunklines	202-446.001-943.641	2,274.34		
Major Streets	202-449.003-943.641	2,727.15		
			202-000.000-001	-\$5,001.49 cr

LOCAL STREETS:

203-449.003-943.641		7,662.63		
			203-000.000-001	-\$7,662.63 cr

PARKS & DAM MTS.:

208-751.001-943.641		5,122.90		
			208-000.000-001	-\$5,122.90 cr

SEWER FUND

Sewer Treatment	590-536.001-943.641	566.00		
Sewer Collection	590-536.002-946.641	624.16		
			590-000.000-001	-\$1,190.16 cr

WATER FUND

Water Trmt/Pumping	591-536.003-946.641	396.48		
Water Distribution/Meters	591-536.004-946.641	1,321.68		
			591-000.000-001	-\$1,718.16 cr

MOBILE EQUIPMENT FUND

Cash Received	641-000-001	\$46,077.62		
General Fund	641-000-669.101			-\$25,382.28
Major Sts/Tklines	641-000-669.202			-\$5,001.49
Local Sts	641-000-669.203			-\$7,662.63
Parks	641-000-669.208			-\$5,122.90
Sewer	641-000-669.590			-\$1,190.16
Water	641-000-669.591			-\$1,718.16

CONSOLIDATED FUND: Checks Written For:

General Fund	102-000-669.101			\$25,382.28
Major Sts/Tklines	102-000-669.202			\$5,001.49
Local Sts	102-000-669.203			\$7,662.63
Parks	102-000-669.208			\$5,122.90
Sewer	102-000-669.590			\$1,190.16
Water	102-000-669.591			\$1,718.16

<u>EQUIPMENT RENTAL, ALL DEPOSITS:</u>				\$46,077.62
			102-000.000-067	
			102-000.000-001.001	
			102-000.000-067.102	

SUPERINTENDENT'S MONTHLY OPERATING REPORT WATER & WASTEWATER TREATMENT FEBRUARY 2010

Wastewater Treatment Plant

In addition to their routine duties, our Operators performed the following tasks:

- *The bathroom was cleaned and painted.
- *Detroit Air Compressor repaired the air compressor at the WWTP after the compressor kept tripping the breaker.
- *Ferric chloride tank was cleaned after a load of solid contaminated chemical was received. The several fed lines are plugged.
- *The mechanical seal on the 6" trash pump was replaced.
- *Pulled pump #2 at lift station #7 and removed rags. During one of the removals the guide rails for the pump pulled loose from the cement. Hydrodynamics, Inc. came and replaced the guides. Rags were also removed from one of the check valves.
- *Door handle was replaced at lift station #5.
- *Electrical line to sump pump in basement of WWTP was begun to be rerouted to the emergency circuit.

Water Treatment Plant

In addition to their routine duties, our Operators performed the following tasks:

- *Peerless-Midwest was here to perform annual preventative maintenance on the well and high service pumps.

Landfill

In addition to their routine duties, our Operators performed the following tasks:

- *Nothing significant

Administrative Functions

During the month, the following administrative tasks were performed:

- *The WWT Dept. hosted the Northern Lower Michigan Water Association meeting on Feb 10.
- *John Holland attended board training.
- *Final approval was given to place Well #9 online by the DNRE.
- *Bid proposals were reviewed for the WWTP expansion.
- *ISP antenna proposals were reviewed.
- *Stormwater monitoring plan was reviewed and a certificate of assurance was sent to the DNRE.
- *The Consumer Confidence Report Certificate of Publication was sent to the DNRE.

***Josh Miller and John Nabbefeld attended the MRWA lab class at the Ionia WWTP.**

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AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: March 10, 2010
RE: City Manager's Report



For the Agenda of March 15, 2010

Depot Steering Committee Meeting. We held our second steering committee meeting today (March 10th). We've added two new committee members (Tammy Miller, representing Chemical Bank, and Kim Gray, an artist with the Clare County Arts Council) since our last meeting. We continue to make progress on this project, and as a committee we remain totally optimistic we can make this project a reality. Our current greatest challenges include property acquisition (former CarQuest property) and funding the project. But as a committee, we do not believe that either of these challenges are "show-stoppers" and are in the process of developing plans to attain the goal of relocating the depot and being well on our way to rehabilitating the building within the next two years.

Planning Commission Meeting. The Planning Commission is scheduled to meet this evening (March 10th). Agenda items include presentation of the City's five-year capital plan and three discussion topics: the depot; a possible PILOT request; and the potential northern industrial development. The Michigan Planning Enabling Act of 2008 mandates that the Planning Commission review the City's annual proposed capital improvement project list to ensure the planned projects support the goals and objectives of the Comprehensive Master Plan.

Governor's Roundtable – Job Creation Initiatives. Lori Schuh, our Main Street Manager; Mary Ann Shurlow, our Chamber of Commerce President; and I were invited, along with approximately 60 other local-area (Mt. Pleasant, Harrison, Farwell, & Clare) community members to a round-table hosted by Governor Granholm at the Harrison Campus of the MidMichigan Community College. The Governor showcased a new entrepreneurship program titled, FASTTRAC NEW VENTURE (*see copy of att'd program flyer and press release related to the program*), at the roundtable; she also announced that the first 1,000 registrants in the state would receive free tuition for the program. Invited members of the roundtable included five Michigan entrepreneurs (two from the Grand Rapids area; one from Mt. Pleasant; and two from Clare), who each shared with those in attendance their local "success" stories. The two entrepreneurs from Clare (Jeff Best of Best Outfitters and Mark Reihl, who has designed and developed a patent-pending high efficiency commercial refrigeration unit that is currently being tested at Cops & Doughnuts) publicly made very complementary comments regarding the Clare business community from which they had received support and also praised the staff of the Michigan Small Business & Technology Development Center at MMCC that provided them needed assistance for business start-up.

Board & Committee Vacancies. We will commence providing the City Commission with a monthly listing of current board and committee vacancies and pending (two months in advance of term-expirations) vacancies as an attachment to the City Manager's Report; the first of the

aforementioned listings is attached. I ask that the City Commission inform us if they desire additional or supplemental information to that provided in the attachment to this Report.

Dog Complaints – Cherry Grove Cemetery. I've received two expressed concerns (one from a Clare resident; one from a non-resident) within the past three months regarding their displeasure that we do not prohibit dogs in the Cherry Grove Cemetery. I will forward the matter for discussion and consideration to both the Cherry Grove Cemetery Board and our Parks & Recreation Advisory Board (the first as they have responsibility, in concert with the City Staff, for development of the City's cemetery rules and guidelines; and the latter as walking – to include walking with dogs – is a recreational activity). I anticipate that this could be a tough issue to resolve and difficult to find a solution that will appease everyone.

Initiative and Referendum. The topic of a referendum related to the proposed new industrial park recommended by the Clare Industrial Development Corporation was mentioned at the March 5th meeting. I asked our Jaynie Hoerauf, our City Attorney, to provide an opinion (*copy att'd*) regarding the topic to guide the City Commission in this matter if a referendum petition is received by the City.

Attachments.

1. FASTRACK NEW VENTURE information.
2. Board & Committee Vacancy List.
3. City Attorney Opinion.



FASTTRAC® NEW VENTURE™

- **Who should attend:**

Those looking to develop a comprehensive business plan. If your business needs financing, a business plan will likely be required. If you're looking to improve your business, but are not quite sure what you need to do, you'll find this workshop to be extremely valuable.

- **Topics include:**

- Concept Analysis
- Market Research
- Reaching Your Market
- Building Your Team
- Profitability & Cash Flow
- Plan Implementation

- **When & Time:**

Tuesday Evenings (10 – 3 hour sessions)
April 13th – June 15th
5:00 pm – 8:00 pm

- **Where:**

Mid Michigan Community College
Pickard Building
Mount Pleasant, MI 48858

- **Fee and Registration:**

\$ 100

This Workshop normally would cost \$700. Due to support from the Michigan Economic Development Corp. we are able to offer at this substantial non-refundable discount.

Pre-Registration is encouraged as seating is limited

Register Online at www.misbtdc.org/training

Register by Phone at 989.386.6630

The MI-SBTDC program is partially funded by the U.S. Small Business Administration. All MI-SBTDC programs or co-sponsored programs are extended to the public on a nondiscriminatory basis. Reasonable accommodations for persons with disabilities will be made, if requested at least 2 weeks in advance. Contact Anthony Fox, 1375 S. Clare Ave, Harrison, MI 48625, ph. 989.386.6630.

SPONSORS



MI-SBTDC Region 4
Mid Michigan Community College
1375 S. Clare Avenue
Harrison, MI 48625
www.misbtdc.org/region4

Date: March 9, 2010
Contact: Tony Fox (MI-SBTDC)
Phone: 989-386-6630
E-mail: aefox@midmich.edu

Governor Holds Roundtable at Mid Michigan Community College to Discuss Initiatives to Help Grow Michigan's Economy, Create Jobs

New tools are available to help small and medium-sized businesses grow and create jobs in Michigan.

HARRISON – Governor Jennifer M. Granholm today joined with the Michigan Small Business and Technology Development Centers (MI-SBTDC), Michigan Credit Union League (MCUL), and FastTrac NewVenture program clients at mid Michigan Community College to discuss new tools available to help small and medium-sized businesses grow in Michigan. The governor discussed a new partnership that will be launched this year with the MCUL and the MI-SBTDC to provide an initial \$43 million for eligible small business loans.

“Small businesses are vital sources of innovation and job creation in Michigan,” Granholm said. “Through collaboration and tools like the FastTrac program, and the Michigan Small Business Financing Alliance with the Michigan Credit Union League, the state will enable even more Michigan citizens to develop their entrepreneurial talents that will help continue the diversification of Michigan’s economy.”

FastTrac NewVenture, a program of the Ewing Marion Kauffman Foundation, offers real world guidance to people who want to become entrepreneurs. During the ten-week course, entrepreneurs evaluate the feasibility of their business concept, make contacts, and learn how to start profitable small businesses, attract new clients or customers, retain employees, and improve service and product offerings.

The Michigan Economic Development Corporation has pledged \$200,000 to expand the program in 2010 in other areas of the state. This practical hands-on business development program will help 1,000 prospective entrepreneurs hone the skills they need to create, manage and grow a successful, job creating business.

(more)

Regional Centers

- Escanaba
- Traverse City
- Alpena
- Harrison/Mt. Pleasant
- Midland/Bay City/Saginaw
- Flint
- Grand Rapids
- Lansing
- Detroit
- Mt. Clemens
- Kalamazoo
- Ypsilanti



In partnership with
the MI-SBTDC



“Michigan is committed to creating a robust, supportive culture of entrepreneurship that will strengthen and diversify the state’s economy,” Michigan Economic Development Corporation President and CEO Greg Main said. “These new partnerships will be a driving force in this effort, empowering small business owners and entrepreneurs to pursue their dreams and helping them to succeed.”

"Michigan is committed to the growth of small businesses, which will play a critical role in rebuilding Michigan's economy," stated Carol Lopucki, State Director of the Michigan Small Business and Technology Development Center. "The FastTrac programs allow entrepreneurs and small business owners an opportunity to test the feasibility of an idea and develop a plan before they launch a small business or take their business in a new direction. FastTrac is one of the many tools that are available to entrepreneurs here in Michigan."

The governor also discussed today with the Michigan Credit Union League that over 30 credit unions have committed an initial \$43 million for small business loans in partnership with the MEDC and MI-SBTDC.

The Michigan Credit Union League and its subsidiary CUcorp will coordinate the alignment of Michigan’s 335 credit unions with the MI-SBTDC. A critical element of the program will be the alignment of applications for credit union capital with a technical assistance process administered by the MEDC and MI-SBTDC, which will include training and individual counseling. This assistance will increase the program’s success since these types of loans carry higher-than-average credit risk, and credit unions will apply their normal careful underwriting standards for each loan.

With the initial pledged funds of \$43 million, assuming an average loan size of \$20,000, credit unions hope to help at least 2,150 small businesses statewide.

A formal working group to outline the step by step process will be immediately formed. The MCUL will also seek to advocate for state and federal legislation that will strengthen and expand access to funding leverage programs like the 21st Century Jobs Fund and the Capital Access Program in order to maximize the availability of capital to the Michigan small business community.

“Credit unions, as not-for-profit cooperatives, have demonstrated their desire and capacity to lend during these difficult economic times,” said Michigan Credit Union League CEO Dave Adams. “We are fueling loan growth for the auto industry through our Invest in America program (www.lovemycreditunion.org) and now we see great opportunities to expand small business lending. It is what our state badly needs.”

Inquiries regarding the new credit union small business loan alliance should be directed to the Michigan Credit Union League at 800-262-6285. Further details regarding this program will be made available within the next 90 days. In the interim, interested potential borrowers can also contact their

(more)



credit unions as a majority of credit unions do make small business loans. However, inquiries regarding this specific alliance should be directed to MCUL. To register for the FastTrac NewVenture program or for more information, that is scheduled to start on April 13, 2010 please contact the Michigan Small Business and Technology Development Center at 989-386-6630 or visit www.misbtdc.org/region4.

About the MI-SBTDC

The Michigan Small Business & Technology Development Center provides counseling, training and market research for Michigan's new business ventures, existing small businesses, expanding new businesses and new technology companies. The MI-SBTDC™ Region 4 office has locations in on both Harrison and Mount Pleasant campuses of Mid Michigan Community College. Entrepreneurs and small business owners may access our services by calling (989) 386-6630 or visiting www.misbtdc.org/region4 .

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CITY OF CLARE

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

March 9, 2010

CITY HALL

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

DEPARTMENT OF PUBLIC WORKS

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

W/WWT PLANT

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

POLICE DEPT.

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

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

Current Board and Commission Vacancies

- 2 Parks and Recreation Advisory Board
- 2 Downtown Development Authority
- 1 Cemetery Advisory Board
- 1 Zoning Board of Appeals
- 1 Tree Board

Upcoming Board and Commission Vacancies

April 2010 1 Parks and Recreation

Diane Schmidt
City Clerk

MEMO

To: Ken Hibl, City Commissioners
From: Jaynie Smith Hoerauf
Date: March 8, 2010
Re: Initiative and Referendum

*Thanks
Jaynie*

Per your request I have reviewed the law and Charter with a view toward filing of a referendum concerning the location of future industrial park area. It is my opinion that if and when petitions are received seeking a referendum on directing the city not to explore or apply for grants or to create debt for the purpose of locating any future industrial parks anyplace except south of the current industrial park, the Commission must determine whether the matter is administrative in nature or legislative in nature. If it is administrative in nature, it is not a matter subject to referendum according to law. It is my opinion that the stated referendum would be administrative or advisory in nature and thus inconsistent with Michigan law. The City Commission may elect not to place the matter on a public ballot if petitions to do so are received and deemed administrative or advisory in nature. Should they so decide, however, and the petitioners persist in their cause, the matter would then be decided by litigation in Circuit Court. I will explain. As always, the explanation is longer than I would like and I beg your patience.

The referendum proposed by Commissioner Tom Koch is:

“Any expansion of an industrial park in the City of Clare involving the pledging of the full faith and credit of the City of Clare in the pursuit of grant funding is limited to the purchase of property adjacent to the current existing industrial park property in Industrial Drive at the south end of the city.”

There are several notes I would make about the proposed language. Firstly, I think that the language as proposed would require some improvement, as it uses the legal term of art that has multiple differing meanings. The words “full faith and credit” have crept into legal parlance, taken from Article IV, Section 1 of the U.S. Constitution. That

Ken Hibl, City Commissioners
March 8, 2010
Page 2

provision requires that all states recognize and give effect to the laws and judgments of other states:

“Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State....” US Constitution, Article IV, Section 1.

Black’s law dictionary defines “full faith and credit” as requiring that foreign judgments be given such faith and credit as it had by law or usage in the state of its origin. Blacks Law Dictionary, 4th Edition, West Publishing 1957. It is also used often in Michigan statutes concerning bonded indebtedness, whereby the “full faith and credit” of the local unit or state is pledged to repay the debt taken. I am certain that the proponents of this language intend that it apply to the city indebtedness for an industrial park project. So, by its terms it would prevent the city only from using any grant funds that required city matching funds, that the city intended to fund by indebtedness. Interestingly, the language as presented would permit the city to place an industrial park anywhere in the city, so long as it did without incurring any debt.

The powers of initiative and referendum are of Constitutional origin, arising as rights reserved to the people in the Michigan Constitution of 1963, Article 2, § 9. The best statement of the scope of the power is found there:

“The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum.”

The above provision applies to state enactments and gives detailed requirements for petitions in that case. However, what the people have “reserved” to themselves at the state level is not so protected or exalted at the local level. The law says that at the state level this power is *constitutionally reserved* and at the local level is merely *delegated by the state as a permissive charter provision*. Thus, at the local level there is no absolute right to initiative and referendum. The power of initiative and referendum as it applies to local governments is found in dozens of different places. The state has enacted laws piecemeal since it’s

inception and thus there are different statutes which apply in different situations; boundaries, emergency medical services, public transportation, revenue bonds, sewer systems, are a partial list. Thus, caution should be used in discussing referendums as there is little safe generalization.

Since there is no specific authority regarding a referendum requiring that any future industrial park be located in a particular location, we will rely on the general law. The City's Charter is consistent with the Home-Rule Cities Act. MCL 117.4i. Home-rule cities may provide in their charter for initiative and referendum on all matters within the scope of their powers and also for the recall of all of its officials. Once a city, by charter, provides a procedure for referendum, it controls all actions, unless it is inconsistent with state law.

There is a body of law regarding what matters are subject to referendum. For instance, referendum is appropriate only on *legislative* matters and not *administrative issues*. The Michigan Supreme Court's discussion of the topic is revealing as to matters that are properly the subject of referendum, considering whether a particular zoning matter was a proper subject of referendum:

"We hold that the words initiative and referendum are themselves an implicit limitation on the matters that may properly be the subject of an initiative or referendum, and that the Legislature did not in 1909 intend to confer on the electors of home-rule cities the power to vote on questions not truly legislative in character.

The unlimited sweep of *McKinley* would authorize an initiative or referendum on the most mundane executive matter: whether a particular secretary or clerk is to be hired or terminated, whether the garbage is to be collected on Monday or Tuesday, and whether male municipal employees may wear short-sleeved shirts in the summer time and female employees may wear pantsuits at any time.

It is the fate of all ideas, good and bad, that someone will seek to extend them to an extreme beyond purpose and reason. It is the duty of the courts, in their area of responsibility to guard against that tendency, and to confine this important reserved right

of the people to its legitimate and proper scope lest, through misuse, it fall into disrepute.” West v Portage, 392 Mich 458, at 465-466 (1974).

An ordinance, though a legislative enactment, is not automatically legislative in nature. The courts examine the substance of the ordinance to determine whether it is administrative or legislative. Examples of the difference are:

Legislative	Administrative
Matters concerning voting by the people Power to make and propose laws making previously lawful acts, unlawful	City's decision to purchase land Rezoning of parcels of land Directing the Clerk to advertise for bids Employment decisions Scheduling of services rendered to the city Implementation of a general policy

See, West v Portage, 392 Mich 458 (1974), Beach v Saline, 412 Mich 729 (1982) and others.

Here are some matters that have been considered (just sort of a list, to give you an idea of what has gone before):

- A proposed referendum on an ordinance of city council amending a zoning ordinance to authorize federally approved low cost housing project for blacks and latinos in a white neighborhood was enjoined as the referendum was motivated by racial discrimination. Ranjel v City of Lansing, 293 FSupp 301 (Western District Michigan 1969).
- Adoption of an ordinance to amend a zoning ordinance is legislative and so subject to referendum. Chynoweth v City of Hancock, 107 MichApp 360 (1981).
- A consent judgment concerning by which a developer was permitted to develop a mobile home park was not subject to referendum. Green Oak Township v Munzel, 255 MichApp 235; 661 NW2d 243 (2003).
- Questions concerning federal military intervention in Central America and federal military spending were advisory questions that the city council did not have the power to place on the ballot.

Southeastern Michigan Fair Budget Coalition v Killeen, 153 MichApp 370, 395 NW2d 325 (1986)

- New city water and sewer rates are not subject to referendum. Yurek v City of Sterling Heights, 37 MichApp 386, 194 NW2d 474 (1971).
- Implementation by ordinance of a general policy, program or plan is an administrative act which is not subject to voter initiative or referendum. The court thought it “inconceivable” that the law would permit citizens to initiate piecemeal measures affecting land development. Citizens Lobby of Port Huron, Michigan, Inc v Port Huron City Clerk, 132 MichApp 412, 347 NW2d 473 (1984)

The City’s Charter provides for referendum at § 7.12, *et seq.*.

“An ordinance may be initiated or a referendum on an ordinance enacted by the commission may be had, by a petition as hereinafter provided.”
Section 7.12.

Note that the City Charter, its foundation speaks of referenda as related to specific ordinances or laws. Certainly, should this proposed referendum not proceed to the ballot, opponents of new debt for industrial park purposes would still have an opportunity for a referendum on the subject, as most bonding measures are subject to referendum, at the time the specific measure is proposed. Most special assessment procedures are subject to referendum as to the necessity of the improvement.

If a petition drive is to be initiated, the Charter provides the requirements. The petitions need to be approved as to form, by myself, before being circulated. The time limit for circulating the petitions is two months, since no signature may be older than that at the time submitted. The petitions are to be filed with the City Clerk who must determine their sufficiency within fifteen days of filing. If found sufficient, the Clerk is to present the petitions to the City Commission at its next regular meeting. Section 7.13.

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Diane Schmidt, City Clerk
DATE: March 10, 2010
RE: *Communications

For the Agenda March 15, 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 March 15, 2010.**

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

Correspondence from Plunkett & Clooney. The City received the attached Order Granting Defendants' Motion for Summary Disposition.

Attachments. As noted above.

ccdf

PLUNKETT  **COONEY**

February 17, 2010

RECEIVED

FEB 18 2010

JAYNIE SMITH HOERAUF, P.C.

Elizabeth Rutherford
MMLLPP
3501 Lake Eastbrooke, Ste 150
Grand Rapids, MI 49056

Jaynie Hoerauf
Jaynie Smith Hoerauf, P.C.
601 Beech Street
P.O. Box 67
Clare, MI 48617

Re: Richard Bancroft v City of Clare, et al
Your File No: 100GL0902739

Dear Ms. Rutherford and Ms. Hoerauf:

Enclosed please find a hard copy of the Order Granting Defendants' Motion for Summary Disposition as a follow up to my email.

If you have questions or concerns, please do not hesitate to contact us.

Very truly yours,

PLUNKETT COONEY

Gene Hullinghorst

Gene Hullinghorst
Direct Dial: (517) 324-5607

GH/lr
Enclosures
cc: Chief Dwayne Miedzianowski (w/encl)

Branches.00560.94391.1915119-1

ATTORNEYS & COUNSELORS AT LAW

325 E. Grand River Avenue, Suite 250 • East Lansing, MI 48823 • T: (517) 333-6598 • F: (517) 333-6694 • plunkettcooney.com

STATE OF MICHIGAN
IN THE 80TH DISTRICT COURT FOR THE COUNTY OF CLARE

RICHARD BANCROFT,

Plaintiff,

-vs-

Case No: 09-4958-GC

Judge Joshua M. Farrell

CITY OF CLARE, POLICE DEPARTMENT,
OFFICER JEREMY MCGRAW,

Defendants.

Richard Bancroft, In Pro Per
1064 N. Clare Avenue
Harrison, MI 48625-9193
(989) 539-3070

David K. Otis (P31627)
Gene Hullinghorst (P45557)
PLUNKETT COONEY
Attorneys for Defendant
325 E. Grand River Ave, Ste 250
East Lansing, MI 48823
(517) 324-5612

ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY DISPOSITION

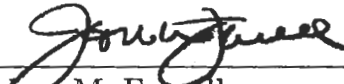
At a session of said court held in the Circuit
Courtrooms, City of Harrison, Clare County,
Michigan on this 17th day of February, 2010.

PRESENT: THE HONORABLE JOSHUA M. FARRELL
District Judge

This matter having come before the court on Defendants' Motion for
Summary Disposition, the court having considered the brief submitted and oral
argument, and the court being fully advised in the premises,

IT IS ORDERED that Defendants' Motion for Summary Disposition is
hereby **GRANTED** for the reasons stated on the record.

This resolves all pending claims and closes the case.



Joshua M. Farrell
District Judge

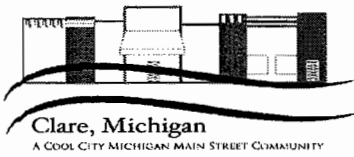
Ken Hibl, City Commissioners
March 8, 2010
Page 6

Upon receiving such a petition the City Commission may:

(1) Determine the matter is administrative and not subject to referendum. If the Commission makes this determination, the petitioners' only recourse would be to Circuit Court by Writ of Mandamus or Superintending Control, should they disagree.

(2) Determine that the matter is legislative and place the desired referendum on the ballot for the next scheduled election.

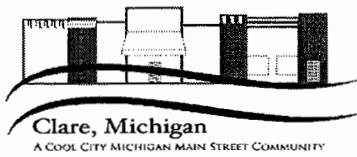
I hope this memo has been helpful. If you have questions or problems, please feel free to call.



PAYABLES REPORT FOR COMMISSIONERS

EXP CHECK RUN DATES 03/02/2010 - 04/06/2010 BOTH JOURNALIZED AND UNJOURNALIZED OPEN BANK CODE: CONSO

VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
1ST CHOICE OFFICE OUTL	24625	OFFICE SUPPLIES	03/04/10	03/16/10	110.91
1ST CHOICE OFFICE OUTL	24492	INKJET-FD	03/04/10	03/16/10	30.67
1ST CHOICE OFFICE OUTL	24506	OFFICE SUPPLIES - PD	03/04/10	03/16/10	9.18
1ST CHOICE OFFICE OUTL	24700	MAILING LABELS	03/08/10	03/16/10	32.99
A & E RENTAL	113363	SERVICE 01012010	03/09/10	03/16/10	80.00
ACE HARDWARE	027008	SUPPLIES - WWT	03/09/10	03/16/10	13.91
ACE HARDWARE	027028	SHIPPING - WWT	03/09/10	03/16/10	10.31
ACE HARDWARE	026937	PLUMBING SUPPLIES - WWT	03/04/10	03/16/10	13.83
ACE HARDWARE	026893	SHIPPING-WWT	03/04/10	03/16/10	17.49
ACE HARDWARE	026895	SUPPLIES - WWT	03/04/10	03/16/10	36.87
ACE HARDWARE	026854	SUPPLIES	03/04/10	03/16/10	19.33
ACE HARDWARE	027017	ROPE & CABLE - PD	03/08/10	03/16/10	33.72
ACKER AVIATION, LLC	MAR 2010 #2	AIRPORT MANAGER SERVICES	03/04/10	03/16/10	921.56
ALERT-ALL CORP	210010095	PR SUPPLIES - FD	03/05/10	03/16/10	723.15
ARAMARK	510445525	UNIFORM SUPPLIES - PD	03/04/10	03/16/10	95.28
ARAMARK	510445522	UNIFORM SUPPLIES - PD	03/04/10	03/16/10	15.00
ARAMARK	510432945	UNIFORM SUPPLIES - PD	03/04/10	03/16/10	12.00
ARTISITIC ENGRAVING &	1587	AWARD SUPPLIES	03/05/10	03/16/10	335.00
BLODGETT OIL	332207	ROTELLA - DPW	03/08/10	03/16/10	562.16
BOB SCHELLHAS SALES &	13203	SUPPLIES - AP	03/08/10	03/16/10	38.50
BOB SCHELLHAS SALES &	13208	P TOWELS - AP	03/08/10	03/16/10	32.50
BRIAN GREGORY	02222010	SCHOOL EXPENSES	03/04/10	03/16/10	64.17
BRUCE KEIDEL	03032010	SERVICES-020410-022510	03/04/10	03/16/10	1,076.68
BS & A SOFTWARE	065207	ASSESSING SERVICE-DAN,EDIE	03/05/10	03/16/10	4,000.00
CAMPBELL PRINTING INC	10098	BROCHURES-DW	03/04/10	03/16/10	852.00
CAPITAL EQUIPMENT	63063	MAINT SUPPLIES-FD #1849	03/05/10	03/16/10	162.92
CAPITOL COMMUNICATION	137414	TONER AND SHIPPING - PD	03/05/10	03/16/10	36.00
CENTRAL VENDING	35634	VENDING SUPPLIES - PD	03/04/10	03/16/10	33.50
CHARTER COMMUNICATIONS	03172010	BASIC CABLE SERVICE	03/04/10	03/16/10	5.43
CINTAS FIRST AID & SAF	0305133737	EYE WASH STATION CNG OUT-WWT	03/04/10	03/16/10	166.02
CLARE AUTOMOTIVE SUPPL	2-423042	SUPPLIES - DPW	03/04/10	03/16/10	6.24
CLARE AUTOMOTIVE SUPPL	2-423627	TRUCK MAINT SUPPLIES - #1846	03/05/10	03/16/10	15.25
CLARE AUTOMOTIVE SUPPL	2-423950	MAINT SUPPLIES #1849	03/05/10	03/16/10	70.78
CLARE AUTOMOTIVE SUPPL	2-423781	MAINT SUPPLIES #1846	03/05/10	03/16/10	8.77
CLARE AUTOMOTIVE SUPPL	2-423862	PS PLUGS - DPW	03/08/10	03/16/10	18.28
CLARE AUTOMOTIVE SUPPL	2-423875	TRAILER CONN - #89	03/08/10	03/16/10	8.98
CLARE AUTOMOTIVE SUPPL	2-423880	TRAILER CONN #89.00	03/08/10	03/16/10	3.75
CLARE AUTOMOTIVE SUPPL	030110 STMT	DISCOUNT ALLOWED	03/05/10	03/16/10	-11.81
CLARE AUTOMOTIVE SUPPL	2-424401	OIL FILTER - WWT	03/09/10	03/16/10	7.01



PAYABLES REPORT FOR COMMISSIONERS

EXP CHECK RUN DATES 03/02/2010 - 04/06/2010 BOTH JOURNALIZED AND UNJOURNALIZED OPEN BANK CODE: CONSO

VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
CLARE AUTOMOTIVE SUPPL	2-424342	BODY HARDWARE PD- 46-4	03/09/10	03/16/10	2.78
CLARE AUTOMOTIVE SUPPL	2-424403	STARTER W/CORE DISCOUNT - #1	03/09/10	03/16/10	102.56
CLARE COUNTY REVIEW	42008	MINUTES-B O C,CITY COMM	03/08/10	03/16/10	141.00
CLARE COUNTY REVIEW	42024	DEPOT PHOTOS AD	03/08/10	03/16/10	41.00
CLARE HARDWARE	FEB 10 DISCOUNT	FEBRUARY 2010 DISCOUNT	03/05/10	03/16/10	-66.41
CLARE HARDWARE	287038	ROLLER COVER	03/08/10	03/16/10	2.79
CLARE HARDWARE	287061	PAINT - CH	03/08/10	03/16/10	11.49
CLARE HARDWARE	287066	TAPE-CH	03/08/10	03/16/10	11.58
CLARE HARDWARE	287010	86.56	03/05/10	03/16/10	86.56
CLARE HARDWARE	286938	SUPPLIES	03/04/10	03/16/10	5.96
CLARE HARDWARE	286928	TAPE	03/04/10	03/16/10	19.98
CLARE HARDWARE	286971	SUPPLIES	03/04/10	03/16/10	5.29
CLARE HARDWARE	287013	MAINT SUPPLIES - WWT	03/04/10	03/16/10	48.88
CLARE HARDWARE	287124	DOOR SPRING	03/09/10	03/16/10	5.59
CLARE HARDWARE	387126	ROPE CLEAT - CHERRY GROVE	03/09/10	03/16/10	2.99
CLARE HARDWARE	286357	HAND TOOLS - WWT	03/09/10	03/16/10	12.57
CLARE PRINT & PULP	090805	SUPPLIES - FD	03/08/10	03/16/10	10.80
CLARE PUBLIC SCHOOLS	05112010RENTALFE	CAFETERIA RENTAL 5/11/10-CNW	03/04/10	03/16/10	50.00
CLARE PUBLISHING INC	03112010-SUB	SUBSCRIPTION RENEWAL-2 YEARS	03/04/10	03/16/10	40.00
CLARE STARTER INC	036604	STARTER REPAIR - FD - #1846	03/05/10	03/16/10	89.95
CONSUMERS ENERGY	032410-3151	020110-022810-TRAFFIC LIGHTS	03/04/10	03/16/10	403.89
CONSUMERS ENERGY	031710-6109	012310-022210-207 E 5TH ST	02/26/10	03/17/10	847.17
CRYSTAL PURE WATER INC	29306	MAR-MAY 2010 RENTAL	03/04/10	03/16/10	30.00
DALE CLARK	03022010	PUMPS CONF 03/02/2010	03/04/10	03/16/10	19.99
DEWOLF & ASSOCIATES	03012010	TRAINING - PD	03/05/10	03/16/10	595.00
DIESEL TRUCK SALES INC	390490	FILTER AND FRT - DPW	03/09/10	03/16/10	54.19
DWAYNE MIEDZIANOWSKI	02262010	OFFICE SUPPLIES	03/04/10	03/16/10	10.00
ERIC JOHNSON	02182010	FORENSIC SERVICE CLASS (2)	03/05/10	03/16/10	130.00
ETNA SUPPLY	1773480	EQUIPMENT MAINT SUPPLIES - W	03/05/10	03/16/10	272.62
FASTENAL COMPANY	MIMTP39148	FASTENERS - DPW	03/09/10	03/16/10	33.31
HACH COMPANY	6612466	MISC LAB SUPPLIES	03/04/10	03/16/10	296.44
HARRINGTON AMMUNITION	4126	AMM. SUPPLIES - PD	03/08/10	03/16/10	1,350.00
HSBC BUSINESS SOLUTION	21376800	PRESS AND PLATES	03/05/10	03/16/10	525.82
HYDRO DYNAMICS INC	25223	SVC CALL HYDROMATIC STATION	03/08/10	03/16/10	2,389.36
IDEXX DISTRIBUTION COR	241794385	MISC LAB SUPPLIES-WWT	03/04/10	03/16/10	957.93
INFOGEOGRAPHICS, INC	JAB 3/2/10	ANNUAL MAINT-03302010-032920	03/05/10	03/16/10	865.00
JAYNIE SMITH HOERAUF P	44802	SERVICES-02052010-0226201	03/05/10	03/16/10	2,220.00
JOHNSTON ELEVATOR INC	73630	SUPPLIES - WWT	03/04/10	03/16/10	34.19
MARTEL ELECTRONICS INC	140498A	CAR-CAM - PD	03/04/10	03/16/10	2,644.00



PAYABLES REPORT FOR COMMISSIONERS

EXP CHECK RUN DATES 03/02/2010 - 04/06/2010 BOTH JOURNALIZED AND UNJOURNALIZED OPEN BANK CODE: CONSO

VENDOR	INVOICE #	DESCRIPTION	Entry Date	CK DATE	AMOUNT
MEDLER ELECTRIC COMPAN	S2806972	2 KITS - WWT	03/04/10	03/16/10	120.43
MEDLER ELECTRIC COMPAN	S2776395	BATTERIES - FD	03/08/10	03/16/10	58.60
MICHIGAN RESCUE CONCEP	7828	WATER RESCUE EQUIPMENT-FD	03/05/10	03/16/10	32.00
MID MICHIGAN AREA CABL	03022010-108	FRANCHISE FEES-OCT-DEC 2009-	03/04/10	03/16/10	3,927.65
NATE CRADIT	129	SERVICES-02032010-02272010	03/04/10	03/16/10	182.24
NYE UNIFORM COMPANY	278712	UNIFORM SUPPLIES - PD	03/04/10	03/16/10	107.08
PAMIDA	03012010STMT	STATEMENT CREDIT	03/05/10	03/16/10	-0.01
RICHARD ACKER	02162010	MAAE CONF-2/16,18,2010	03/04/10	03/16/10	86.00
RIO SUPPLY MICHIGAN ME	81699	SUPPLIES - WWT	03/09/10	03/16/10	1,731.50
SHUSTER, JOSH	02272010	FRINGE BENEFITS	03/04/10	03/16/10	69.96
SIEMENS WATER TECHNOLO	3003015	EQUIPMENT MAINT SUPPLIES - W	03/05/10	03/16/10	237.00
TOBACCO RIVER RUSTICS	1025	SAFETY EQUIPMENT AND SUPPLIE	03/05/10	03/16/10	4,229.00
USA BLUE BOOK	990677	PUMP - WWT	03/05/10	03/16/10	214.81
USA BLUE BOOK	996333	MAINT SUPPLIES - WWT	03/05/10	03/16/10	154.70
WILLIAM DROOMER	03012010	SAFETY GLASSES	03/04/10	03/16/10	170.00
WITBECK'S FAMILY FOODS	00333496	TEEN GROUP SUPPLIES	03/09/10	03/16/10	22.55
WITBECK'S FAMILY FOODS	00326983	SUPPLIES - WWT	03/09/10	03/16/10	44.92
				Sub Total:	35,361.03



PAYABLES REPORT FOR COMMISSIONERS

INVOICE DUE DATES 03/03/2010 - 03/09/2010 JOURNALIZED PAID BANK CODE: CONSO

VENDOR	INVOICE #	DESCRIPTION	CK DATE	AMOUNT	STATU
80TH DISTRICT COURT	18971	BOND - SHANNON DIAN WEBSTER	03/04/10	100.00	Pai
CONSUMERS ENERGY	1/15-2/11/10	10807 S EBERHART #1	03/02/10	22.95	Pai
STAPLES	03062010	OFFICE SUPPLIES	03/04/10	296.22	Pai
STATE OF MICH WH	03202010	WITHHOLDING FEB 2010	03/09/10	4,972.27	Pai
YODER NORMAN	JAN2010	DEDUCTIONS	03/04/10	660.12	Pai
				6,051.56	

COMMISSION APPROVAL:

OPEN INVOICE TOTAL: 35,361.03

Grand Total: 41,412.59
