

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: April 28, 2010
RE: City Manager's Report



For the Agenda of May 3, 2010

Broadband Public Meeting. Clare County has scheduled a broadband meeting for May 5th (*see att'd flyer*). Steve will formally represent the City at this meeting, but the City Commission, other public officials, and residents are welcomed and encouraged to attend.

Delay in MDOT Projects. At the April 19th City Commission meeting, I informed the Commission that MDOT was scheduled to commence work on the planned traffic control/signal light replacement project in Clare and complete the plantings on the rail-trail project. As reflected in the attached email, they have experienced some delays in both projects. The tree plantings are being completed today; the ground plantings (annuals, grasses, etc.) are now scheduled to be planted next week; signal work is scheduled to recommence tomorrow.

Parks & Recreation Board Appointments. Mayor Pat asked me to share with the City Commission that he will not be able to attend the scheduled May 3rd meeting. Consequently, he feels it would be inappropriate for him to place his appointments to the City's Parks & Recreation Advisory Board on the agenda without being present to answer questions of the Commission regarding the appointment(s) and having all seated commissioners present to vote on his appointments; he now plans to place this item of business on the agenda of the May 17th meeting. As a side bar, if all the presently appointed members of the Parks & Recreation Advisory Board attend the scheduled monthly board meeting on May 20th, a quorum will be available to conduct business (the next appointment expires May 22nd).

COAM Negotiations. Our first formal "sit-down" negotiations to renew our labor contracts with the members of our police bargaining units has been tentatively scheduled for Tuesday, May 11th @ 1:30 pm. If members of the City Commission care to join us, we welcome the attendance – we simply can't have more than two elected officials present to ensure we don't violate the Open Meetings Act.

Circuit Court Motion. Our City Attorney has filed a complaint (*copy att'd*) on the City's behalf with the Clare County Circuit Court in an attempt to remove the remnants of the trailer house in the Pleasant Valley Mobile Home Court in Clare that was destroyed by fire a few months ago.

Board & Committee Vacancy List. The monthly board and committee vacancy listing is attached for the Commission's information.

Attachments.

1. Broadband Meeting Notice.
2. MDOT Email.
3. Circuit Court Petition.
4. Board & Committee Vacancy Listing.



**OFFICE OF THE CLARE COUNTY
ADMINISTRATOR/CONTROLLER**

William D. Newkirk- Controller
225 W. Main Street, P.O. Box 438, Harrison, MI 48625
Ph: (989) 5392510 Fax: (989) 5392588 email: newkirkb@clareco.net

The Clare County Board of Commissioners,
in cooperation with the
The Clare County Broadband Project Users Group
And The Clare County Enterprise Community,

Invites you, or any and all other township officials and representatives, to attend a special meeting of the Clare County Broadband Project Users Group to discuss the progress to date on the Clare County Broadband Project and the process and steps necessary for your township to participate in this project.

This meeting is scheduled for Wednesday, May 5, 2010 at 7:00 P.M.
in Meeting Room A of the Clare County Building.

Interested township officials are encouraged to attend this meeting, or send a representative who can bring vital information back to the township board relative to the steps they must take to participate in this project.

Comments and questions can be addressed to:

William Newkirk, County Controller
989-539-2510
Or
newkirkb@clareco.net

Planting on bike path and signal work.txt
From: Thomas Nelson [nelson2@michigan.gov]
Sent: Thursday, April 22, 2010 8:25 AM
To: khibl@cityofclare.org
Subject: Planting on bike path and signal work
Attachments: Thomas Nelson.vcf

Ken,

Just got word from the subcontractor on the planting for the bike path.....they are delayed until the first week in May. I will keep you informed as soon as I have further info.

There are utility coordination problems with the signal work and they may be moving out until the conflicts are corrected. Again, I will let you know more as things develop.

If any questions, please give me a call on the cell number.

Thanks

Tom

Thomas H. Nelson
M.D.O.T.
Mt. Pleasant T.S.C.
Phone (989) 775-6104 ext. 310
Nextel (989) 239-2663
Fax (989) 775-6329

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

CITY OF CLARE,

Plaintiff,

vs.

File No. 10-

-CH

ESTATE OF ROBERT BOOS, deceased,

Defendant,

_____/

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

_____ /

COMPLAINT

NOW COMES the Plaintiff by and through its attorney Jaynie Smith Hoerauf of Jaynie Smith Hoerauf, P.C. and for Plaintiff's complaint states as follows:

1. Upon information and belief Defendant owns the mobile home at #2 Scotch Drive, Pleasant Valley Mobile Home Park, Clare, Michigan 48617.
2. Upon information and belief Defendant is deceased, see attached death certificate.
3. There is no estate filed in the Clare County Probate Court and the undersigned does not expect there would be necessarily an estate.

4. As far as the undersigned is aware, the Defendants only family member is Robert Boos Jr., of 2244 ½ 22nd Street South, St. Petersburg, Florida 33712. Robert Boos Jr. has indicated verbally to the Clare City Inspection Department that he has no interest in the subject property.

5. That Plaintiff is a Michigan Municipal Corporation having its offices located at 202 W. Fifth St., Clare, Michigan 48617, within Clare County, Michigan.

6. All transactions and occurrences forming the basis of this complaint occurred within the City of Clare, Clare County, State of Michigan.

COUNT I – ABATEMENT OF CONTINUING NUISANCE

7. Plaintiff realleges and incorporates Paragraphs 1 through 6 above as though set forth word for word herein.

8. Defendant is the owner of personal property located in City of Clare, Clare County, Michigan, being a burned out mobile home.

9. Defendant's mobile home upon the property has been destroyed by fire and is unsanitary and a threat to public health, safety and welfare.


10. Defendant's maintenance of a violation of the City of Clare Zoning Ordinance constitutes a nuisance *per se*, subject to abatement.

11. The nuisance *per se* located upon Defendant's lot is injurious to the public health, safety and welfare.

WHEREFORE Plaintiff prays that this honorable court grant an order requiring Defendant to promptly remediate or remove the mobile home and should Defendant fail to do so or fail to do so promptly, that the City of Clare may be permitted to remove the mobile home at Defendant's expense, add necessary expenses to Defendant's tax bill and grant Plaintiff its costs and attorney fees.

Dated: April 20, 2010

JAYNIE SMITH HOERAUF, P.C.

BY  _____
JAYNIE SMITH HOERAUF

Approved, SCAO

55th STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	MOTION AND VERIFICATION FOR ALTERNATE SERVICE	CASE NO. 10- -CH
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Court address Court telephone no.
 225 West Main, Harrison MI 48625 989-539-7131

Plaintiff name(s), address(es), and telephone no(s).
 CITY OF CLARE
 202 W. Fifth St.
 Clare, MI 48617

Defendant name(s), address(es), and telephone no(s).
 ESTATE OF ROBERT BOOS
 #2 Scotch Drive
 Pleasant Valley Mobile Home Park
 Clare, MI 48617

In the matter of _____

1. Service of process upon Defendant cannot reasonably be made as otherwise provided in MCR 2.105, as shown in the following verification of process server.

2. Defendant's last known home and business addresses are:
#2 Scotch Drive, Pleasant Valley Mobile Home Park Clare Michigan 48617
 Home address City State Zip

Business address City State Zip

- a. I believe the home address shown above is current.
 business
- b. I do not know the defendant's current home address. I have made the following efforts to ascertain the current
 business address: funeral home search obtaining death certificate
- I will notify the next of kin that I was able to find by first class mail.

3. I request the court order service by alternate means.

I declare that the statements above are true to the best of my information, knowledge and belief.

4/20/10
 Date
601 Beech, Box 67
 Address
Clare MI 48617 989-386-3434
 City, state, zip Telephone no.

Jaynie Smith Hoerauf
 Attorney signature
Jaynie Smith Hoerauf P47885
 Attorney name (type or print) Bar no.

VERIFICATION OF PROCESS SERVER

1. I have tried to serve process on this defendant as described: _____ State date, place and what occurred on each occasion

I declare that the statements above are true to the best of my information, knowledge and belief.

 Date Signature

 Process server (type or print)

April 21, 2010

Current Board and Commission Vacancies

- 6 Airport Advisory
- 3 Parks and Recreation Advisory Board
- 1 Cemetery Advisory Board
- 1 Zoning Board of Appeals
- 1 Tree Board

Diane Schmidt
City Clerk