

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Diane Schmidt, City Clerk
DATE: June 15, 2010
RE: *Communications

For the Agenda June 21, 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 June 21, 2010.**

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

US Army Corps of Engineers Correspondence. We've sent a letter requesting assistance investigating the degrading ecosystem of Lake Shamrock from the U.S. Army Corps of Engineers.

Michigan Tax Tribunal Petition. The City has been notified of a pending tax tribunal case involving Alro Steel challenging the taxability of its Clare facility.

Letter from Mr. William Carlson. The City received the attached letter regarding the resignation of Bill Carlson from the Parks and Recreation Board (he is moving out of state).

Michigan Tax Tribunal Response. The City Attorney sent the attached response letter regarding the tax tribunal case involving Alro Steel challenging the taxability of its Clare facility.

Attachments. As noted above.



CITY OF CLARE

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

www.cityofclare.org

May 27, 2010

CITY HALL

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

District Engineer
U.S. Army Corps of Engineers Detroit District
Attn: Mr. Steven Check, Project Manager
P.O. Box 1027
Detroit, Michigan 48226-2523

DEPARTMENT OF PUBLIC WORKS

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

Dear Mr. Check,

Please accept this letter as reaffirmation that the City of Clare needs the U.S. Army Corps of Engineers, Detroit District's, assistance in investigating the degrading ecosystem of Lake Shamrock, which is located within the geographical boundaries of the City, under the authority of Section 206 of the Water Resource Development Act of 1996.

W/WWT PLANT

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

This correspondence simply serves to reiterate the needs outlined in the City's request of March 1, 2004, which I believe you have retained in your files. The need today is even more critical than described in the referenced correspondence as the lake's ecosystem has deteriorated substantially since 2004.

POLICE DEPT.

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

The City of Clare understands that non-Federal cost sharing is required for an Ecosystem Restoration Report, for plans and specifications, and for project construction. The City also understands that should the requested assistance is provided and the project should be approved, the City is responsible for providing, in general, 35% of the total project costs, which includes furnishing lands, easements, rights-of-way, relocations, and disposal areas.

FIRE DEPT. NON-EMERGENCY

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

Sincerely yours,

PARKS & RECREATION

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

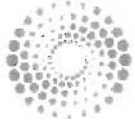
Ken Hibl
City Manager

AIRPORT

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

MAIN STREET MANAGER

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



THOMSON REUTERS

CERTIFIED MAIL

May 29, 2010

Mr. Peter Kopke, Chief Clerk
State of Michigan
Michigan Tax Tribunal
P.O. Box 30232
Lansing, Michigan 48909

***Re: Alro Steel v City of Clare
Parcel No. 18-990-00-012-06****

Dear Mr. Kopke:

Enclosed please find Petitioner's Petition and proof-of-service relative to the above-referenced parcel(s). Also enclosed is a check in the amount of \$625.00 made payable to the State of Michigan for the requested filing fee.

If you have any questions regarding this matter, please do not hesitate to contact me at (248) 879-3151.

Respectfully Submitted,

Thomas W. Randle

cc w/ encl:
City of Clare Assessor
City of Clare Clerk
Clare School Board Secretary
Clare County Equalization Director
Clare County Clerk

840 W. Long Lake Rd
Suite 180
Troy, MI 48068-6377

thomsonreuters.com

*For parcel with highest SEV in contention if multiple parcels

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
MICHIGAN TAX TRIBUNAL**

**Alro Steel,
Petitioner,**

v

**Parcel No(s). 18-990-00-012-06
18-002-10-012-05**

**City of Clare,
Respondent.**

Petition

Petitioner, Alro Steel, through its representative, Thomson Reuters (Property Tax Services) Inc., petitions this Tribunal as follows:

1. Petitioner is a corporation whose principal office is located at: 500 Industrial , Clare, MI 48617.
2. Respondent, City of Clare, levies and collects the property taxes on the subject property.
3. The property identification number is 18-990-00-012-06* and the property is classified as Industrial-IFT Real property, is presently used for Industrial-IFT purposes and was originally designed to be used for Industrial-IFT purposes. *If the Petition includes multiple parcels, Petitioner only listed the parcel with the highest SEV in contention and all parcels are contiguous.
4. The property is located in Clare County, the Clare School District and Clare-Gladwin RESD.
5. This matter involves issues relating to valuation and assessment of the subject property.
6. Petitioner appeared before the appropriate local Board of Review in this matter if and when required.
7. The subject assessments imposed on the subject property and the taxes to be levied and collected are invalid for the reason that:
 - (a) The equalized assessment thus imposed on the subject property is more than 50% of its true cash value in violation of the applicable statutory and constitutional limitations.
 - (b) The assessment is unlawful and is based upon the application of wrong principles and thereby operates as a fraud upon the taxpayer.

8. Respondent, City of Clare, imposed the following 2010 value(s) on the subject property:

Parcel No.	TCV	AV	SEV	TV
18-990-00-012-06	\$3,836,200	\$1,918,100	\$1,918,100	\$1,868,776
18-002-10-012-05	\$219,600	\$109,800	\$109,800	\$109,800
Totals:	\$4,055,800	\$2,027,900	\$2,027,900	\$1,978,576

9. Petitioner asserts that the 2010 value(s) should be no higher than the following:

Parcel No.	TCV	AV	SEV	TV
18-990-00-012-06	\$2,420,000	\$1,210,000	\$1,210,000	\$1,210,000
18-002-10-012-05	\$150,000	\$75,000	\$75,000	\$75,000
Totals:	\$2,570,000	\$1,285,000	\$1,285,000	\$1,285,000

10. The amount in dispute is as follows:

Parcel No.	TCV	AV	SEV	TV
18-990-00-012-06	\$1,416,200	\$708,100	\$708,100	\$658,776
18-002-10-012-05	\$69,600	\$34,800	\$34,800	\$34,800
Totals:	\$1,485,800	\$742,900	\$742,900	\$693,576

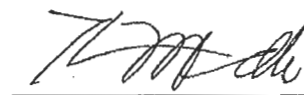
11. Petitioner requests the Tax Tribunal hear this case and enter an order reducing the 2010 true cash, assessed and taxable values and direct Respondent to refund to Petitioner any excess taxes, fees and penalties paid, plus interest and costs.

Respectfully Submitted,

Thomson Reuters (Property Tax Services) Inc.

Dated: May 29, 2010

By:



Thomas W. Randle
Representatives for Petitioner

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
MICHIGAN TAX TRIBUNAL**

**Alro Steel,
Petitioner,**

v

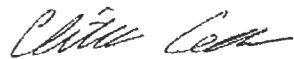
**Parcel No(s). 18-990-00-012-06
18-002-10-012-05**

**City of Clare,
Respondent.**

Christopher Coucke, being duly sworn, deposes and says that on May 29, 2010, he served a copy of the Petition relative to the above-captioned matter upon:

City of Clare Assessor 202 W. Fifth Street Clare, MI 48617	Clare County Equalization Director Clare County Equalization Office Clare County Courthouse 225 W. Main St., P.O. Box 438 Harrison, MI 48625
City of Clare Clerk 202 W. Fifth St. Clare, MI 48617	Clare County Clerk Clare County Clerk's Office Clare County Courthouse 225 W. Main St., P.O. Box 438 Harrison, MI 48625
Clare School Board Secretary Clare Public Schools 201 E. State St. Clare, MI 48617	

via certified mail, return receipt requested, with proper postage affixed thereto.



Christopher Coucke

**Michigan Tax Tribunal
Entire Tribunal Case Information Sheet**

1. Petitioner Name and Address Alro Steel 500 Industrial Clare, MI 48617		2. Respondent, Address and Phone No. City of Clare 202 W. Fifth Street Clare, MI 48617 (989) 386-7541 ext. 103	
3. Agent Name, Address and Phone Thomson Reuters (Property Tax Services) Inc. 840 West Long Lake Rd, Ste 180 Troy, Michigan 48098 (248) 879-3151		4. Agent Name and address, if known	
5. Filing Fee Paid: \$625.00		6. Is a proof of service attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Column Below for Property Tax appeal only		Column below for Non-Property Tax appeal only	
A. Amount of State Equalized Value in Contention: \$708,100* *For parcel with highest SEV in contention if multiple parcels		A. Amount in Contention: Tax: \$ _____ Penalty: \$ _____ Interest: \$ _____	
B. Issue (designate one): <input checked="" type="checkbox"/> Valuation <input type="checkbox"/> Special Assessment <input type="checkbox"/> Equalization C. Reason for appeal: <input checked="" type="checkbox"/> True Cash Value (TCV) & taxable value (TV) <input type="checkbox"/> TV only <input type="checkbox"/> Uncapping: Tax Year(s) at issue: _____ <input type="checkbox"/> Tax Bill: Tax Year(s) at issue: _____ <input type="checkbox"/> STC Order: Tax Year(s) at issue: _____ <input type="checkbox"/> Other (please state): _____ D. Type of Property: <input checked="" type="checkbox"/> Real E. Classification of Property: <input checked="" type="checkbox"/> Industrial-IFT F. Board of Review: Was the parcel appealed to the Board of Review? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		B. Tax Type (designate one): <input type="checkbox"/> Aircraft Fuel Privilege <input type="checkbox"/> Airport Parking Tax <input type="checkbox"/> Estate Tax <input type="checkbox"/> Individual Income <input type="checkbox"/> Motor Carrier <input type="checkbox"/> Motor Fuel <input type="checkbox"/> Sales, Use, Withholding <input type="checkbox"/> Severance Tax <input type="checkbox"/> Single Business <input type="checkbox"/> Stadia or Convention Facility Financing <input type="checkbox"/> State Convention Facility Dev <input type="checkbox"/> State Real Estate Transfer Tax <input type="checkbox"/> Tobacco Products <input type="checkbox"/> Other (please state): _____	
G. Tax Year(s) 2010	H. Parcel ID No. (for parcel listed in "A" above) 18-990-00-012-06	C. Assessment No(s). (attach an additional sheet, if necessary)	D. Date of Issuance
I. Are you appealing more than one parcel? Yes a. If yes, how many? 2 b. Are the parcels contiguous? Yes			

June 8, 2010

Dear Mayor and City Commissioners,

I hereby submit my resignation as a member of the Clare Parks and Recreation Advisory Board as of June 21, 2010. A recent change in my commitments precludes me from properly executing my responsibilities as a board member

Sincerely,

William Carlson.

William Carlson 6-21-10

JAYNIE SMITH HOERAUF, P.C.

ATTORNEY AT LAW

601 Beech Street / P.O. Box 67 / Clare, Michigan 48617
Phone (989) 386-3434 / Fax (989) 386-3636
E-mail / hoerauf@sbcglobal.net

LETTER OF TRANSMITTAL

TO: Michigan Tax Tribunal
P.O. Box 30232
Lansing MI 48909

RE: Alro Steel v City of Clare

FROM: Jaynie Smith Hoerauf

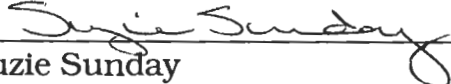
DATE: June 15, 2010

ENCLOSURE(S): Answer to Petition, Proof of Mailing

INSTRUCTION(S): Please file

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that the document(s) contained herein was (were) mailed by First Class Mail to the person(s) listed above, at the address(es) shown hereon, on said date. I further certify that the appropriate postage was placed on said mailings with the return address of JAYNIE SMITH HOERAUF, P.C., 601 Beech Street, P.O. Box 67, Clare, Michigan 48617-0067.


Suzie Sunday
Legal Assistant

Enclosure
cc: Client
Mr. Thomas W. Randle

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
MICHIGAN TAX TRIBUNAL

ALRO STEEL,

Petitioner,

Vs.

Parcel Nos.: 18-990-00-012-06
18-002-10-012-05

CITY OF CLARE,

Respondent.

_____/

JAYNIE SMITH HOERAUF P47885
JAYNIE SMITH HOERAUF PC
Attorney for Respondent
601 Beech, Box 67
Clare MI 48617
(989) 386-3434

THOMAS W. RANDLE
Attorney for Petitioner

_____/

ANSWER TO PETITION

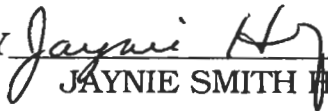
NOW COMES Jaynie Smith Hoerauf of Jaynie Smith Hoerauf, P.C.,
attorney for Respondent, and for Answer to Petition states as follows:

1. Admitted upon information and belief.
2. Admitted.
3. Admitted.
4. Denied for the reason that it is untrue as the property is
located in Isabella County and the Clare School District.
5. Admitted.
6. Admitted.

7. Denied for the reason that it is untrue.
8. Admitted.
9. Respondent disputes the values asserted by Petitioner for 2010 and asserts that the values set forth in Paragraph 8 are correct.
10. It is admitted that the Petitioner has computed the amount disputed correctly. The Respondent denies that the Tribunal should make an adjustment equal to these figures.
11. Respondent opposes the requested relief.

Dated: June 15, 2010

JAYNIE SMITH HOERAUF, P.C.

BY _____
JAYNIE SMITH HOERAUF

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
MICHIGAN TAX TRIBUNAL

ALRO STEEL,

Petitioner,

Vs.

Parcel Nos.: 18-990-00-012-06
18-002-10-012-05

CITY OF CLARE,

Respondent.

_____/

JAYNIE SMITH HOERAUF P47885
JAYNIE SMITH HOERAUF PC
Attorney for Respondent
601 Beech, Box 67
Clare MI 48617
(989) 386-3434

THOMAS W. RANDLE
Attorney for Petitioner

_____/

PROOF OF MAILING

On the date below I sent by first class mail a copy of Answer to
Petition to:

Thomas W. Randle
Thomson Reuters
840 West Long Lake Road, Ste. 180
Troy MI 49098-6377

Clare Community Schools
201 East State
Clare MI 48617

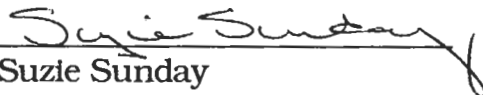
Clare County Equalization Director
225 West Main
Harrison MI 48625

Clare County Clerk's Office
225 West Main
Harrison MI 48625

Michigan Department of Treasury
Lansing MI 48922

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

Dated: 6/15/2010


Suzie Sunday