

## AGENDA REPORT

TO: Mayor & City Commissioners  
FROM: Diane Schmidt, City Clerk  
DATE: June 30, 2010  
RE: \*Communications

For the Agenda July 06, 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 July 06, 2010.**

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

Michigan Department of Energy, Labor & Economic Growth. We received the attached notice that the state has reviewed the application for a proposed plumbing and mechanical inspection agreement between the City of Clare and Isabella County. The application will go before members of the State Construction Code Commission for approval.

Notice of Public Hearing. We received the attached notice of hearing before the Michigan Public Service Commission by Consumer's Energy.

Default Judgment. The City received the attached Default Judgment permitting the City to remove a mobile home destroyed by fire earlier this year.

Blight Notice and Response Letter. We sent the attached blight notice to the owner of a rental property located at 802 Maple Street and received a (attached) letter in response.

Notice of File Closure. The City attorney sent notification that the file on the Estate of Robert Boos has been closed.

Garage Sale Signs. We received the attached letter from a City resident concerning the posting of garage sale signs in city limits.

Kudos for Bob Bonham. We received the attached note from the Clare Congregational Church thanking Bob and crew for their assistance.

Attachments. As noted above.



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
LANSING

STANLEY "SKIP" PRUSS  
DIRECTOR

June 14, 2010

Ms. Jean McConnell, Mayor Pro Tem  
City of Clare  
202 West Fifth Street  
Clare, MI 48617

RE: Application to Administer and Enforce

Dear Ms. McConnell:

The City's additional information relating to its Application to Administer and Enforce, proposed ordinances, and related information, received in this office on June 11, 2010, has been reviewed and appears acceptable.

Therefore, the Township's Application, ordinances, and all related information will be presented to the members of the State Construction Code Commission for consideration at their meeting scheduled for July 7, 2010. You will be notified of the Commission's decision following the meeting.

If you have questions, you may contact me at (517) 241-9302.

Sincerely,

A handwritten signature in cursive script that reads "Michael Somers".

Michael Somers, Analyst  
Office of Administrative Services

MS/mds

Cc: Diane Schmidt, Clerk, City of Clare  
Tim Nieporte, Director, Community Development, Isabella County  
Plan Review Division, BCC  
Mechanical Division, BCC  
Plumbing Division, BCC

*Providing for Michigan's Safety in the Built Environment*

BUREAU OF CONSTRUCTION CODES  
P.O. BOX 30254 • LANSING, MICHIGAN 48909  
Telephone (517) 241-9347 • Fax (517) 241-9308  
[www.michigan.gov/dleg](http://www.michigan.gov/dleg)

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**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING  
FOR THE ELECTRIC CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-15943**

- Consumers Energy Company requests Michigan Public Service Commission's approval of the reconciliation of its Electric Choice Incentive Mechanism for the periods June 20, 2008 through December 31, 2008, and January 1, 2009 through November 30, 2009.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050 for a free copy of the application. Any person may review the application at the offices of Consumers Energy Company.
- The first public hearing in this matter will be held:

**DATE/TIME:** July 13, 2010, at 9:00 a.m.  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge Barbara A. Stump

**LOCATION:** Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the April 1, 2010 application of Consumers Energy Company (Consumers Energy), which seeks the Commission's approval of the reconciliation of its Electric Choice Incentive Mechanism for the periods June 20, 2008 through December 31, 2008, and January 1, 2009 through November 30, 2009.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 241-6180 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by July 6, 2010. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's attorney, Raymond E. McQuillan, One Energy Plaza, Jackson, Michigan 49201.

Any person wishing to make a statement of position without becoming a party to the case, may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter will become public information: available on the Michigan Public Service Commission's website, and subject to disclosure.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of Consumers Energy's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the offices of Consumers Energy Company, One Energy Plaza, Jackson, Michigan. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6180.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

June 15, 2010



# CITY OF CLARE

202 West Fifth Street • Clare, Michigan 48617-1490

989/386-7541 • Fax 989/386-4508

[www.cityofclare.org](http://www.cityofclare.org)

June 21, 2010

## CITY HALL

Ph 989/386-7541  
Fx 989/386-4508  
[www.cityofclare.org](http://www.cityofclare.org)

Mr. Frederick B. Wood  
1038 Lincoln Drive  
Weidman, Michigan 48893

Dear Fred,

## DEPARTMENT OF PUBLIC WORKS

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

The City has received a number of expressed concerns from neighbors of your tenants residing at 802 Maple Street in Clare. The most recent of these concerns is regarding an extremely offensive odor emanating from or around the residence.

## W/WWT PLANT

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

I recently visited this neighborhood in response to the neighbor's concerns. I affirmed that the odor from the residence or the yard of the residence is in fact highly offensive – to the degree that a neighbor would clearly be denied the pleasurable use of his/her backyard or be able to conduct any type of normal outdoor activity.

## POLICE DEPT.

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

While responding to the complaint, I also noticed a number of civil infraction violations by your tenant related to blight, to include a significant number of items stored on the front porch, items stored in a van located on the property, and a generally unkempt appearance of the residence.

## FIRE DEPT. NON-EMERGENCY

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

Our records indicate that this is not the first occurrence related to either the offensive odor or the blighted conditions that are currently present at this residence. Consequently, if this matter is not satisfactorily resolved by July 1, 2010, the City will issue a civil infraction citation, the minimum cost of which will be \$75 plus any incidental costs incurred by the City.

## PARKS & RECREATION

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

I ask that you or your tenant take immediate action to alleviate the aforementioned nuisance and blight conditions. Please call me or Mr. Dave Williams, our Code Enforcement Officer, if you have questions related to this matter.

## AIRPORT

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

Sincerely yours,

Ken Hibl  
City Manager

## MAIN STREET MANAGER

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

cc: Dave Williams, Code Enforcement Officer  
Jaynie Hoerauf, City Attorney

Frederick B. Wood  
1038 Lincoln Drive  
Lake Isabella, MI 48893  
June 25, 2010

Ken Hibl  
City Manager  
City of Clare  
202 West 5<sup>th</sup> Street  
Clare, MI 48617

Dear Ken:

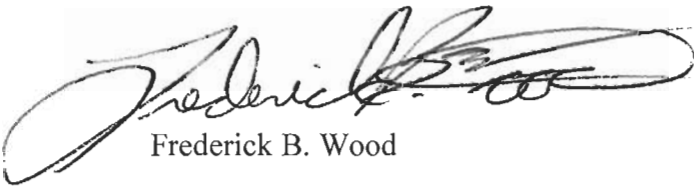
Thank you for bringing the issues at 802 Maple to my attention. Rest assured that I will take care of the problem as soon as possible. I have had the same tenants in the property for the last two and a half years and have not had any problems with them.

I would however, like an extension of time to resolve this matter to July 15th instead of the 1<sup>st</sup>. I called the tenant yesterday and they are gone and will not be back until this weekend. Also, my daughters' graduation open house is this Saturday, June 26<sup>th</sup> and my 'honey-do' list is a mile long. The 4<sup>th</sup> of July falls in there as well. Depending on what the problem is, more time may be needed.

Also, if you could send me copies of any complaints\correspondence with the tenants or even a phone log it would be greatly appreciated. It would give me the extra ammunition, if needed, to get the tenant to comply.

If you have any questions, please call my cell at 989-295-9448.

Sincerely,



Frederick B. Wood

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

CITY OF CLARE,

Plaintiff,

vs.

File No. 10-900175-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  
\_\_\_\_\_

A TRUE COPY

Dated

6-21-10

PAMELA MAYFIELD, COUNTY CLERK

BY

*AM*

DEPT. CLERK

CLARE COUNTY  
10 JUN 1 13 09  
P47885  
JAYNIE SMITH HOERAUF

DEFAULT JUDGMENT

At a session of said Court held in the  
Courthouse in said County on the  
21<sup>st</sup> day of June, 2010.

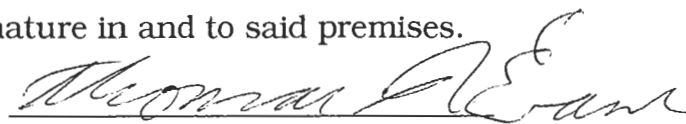
PRESENT: HONORABLE THOMAS R. EVANS, CIRCUIT JUDGE

It appearing to the Court that the Plaintiff has determined that the Defendant's property has been destroyed by fire and is unsanitary and a threat to public health, safety and welfare.

And an Order for Service by Publication Posting and Notice of Action having been published for three (3) consecutive weeks and Defendants and their unknown heirs, devisees, legatees and assigns, having failed to respond;

On Motion of Jaynie Smith Hoerauf, Attorney for the Plaintiffs;

IT IS SO ORDERED, ADJUDGED AND DECREED, that the Plaintiff is permitted to remove the mobile home at Defendant's expense and add necessary expenses to Defendant's tax bill, and that said Defendants or their unknown heirs, devisees, legatees and assigns have no right, title, or interest whatever of any kind or nature in and to said premises.

  
THOMAS R. EVANS  
CIRCUIT JUDGE

**JAYNIE SMITH HOERAUF, P.C.**  
ATTORNEY AT LAW

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

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

**FILE NAME:** Estate of Robert Boos, deceased

**DATE OF NOTICE:** June 22, 2010

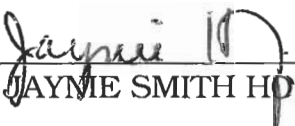
We have closed the file described above and placed same into our storage facility. While we try to retain closed files for an extended period of time, we do reserve the right to destroy or otherwise dispose of all files, without further notice and in a manner which preserves the confidential and secret nature of their contents, at any time subsequent to 90 days from date of this notice.

Within such 90 days, you may review your file in our office and should there be materials contained therein as have not been previously provided to you and which you desire to retain, you may obtain those materials by identifying them to us. We will then send those materials to you at no charge. Any materials previously furnished to you may be likewise obtained at a charge of \$.25 per page requested. The address to which you wish the materials to be mailed should also be furnished to us.

We appreciate the opportunity of having been of assistance to you in this matter. If you have any questions, please telephone us at 989-386-3434.

Sincerely yours,

JAYNIE SMITH HOERAUF, P.C.

BY   
JAYNIE SMITH HOERAUF

JSH/dm  
Enclosure – Default Judgment  
C: Dave Williams

January 28. 2010

City of Clare  
Attn: Ken Hibl  
202 W. Fifth Street  
Clare, MI 48617

RE: Posting of Garage Sale Signs in City Limits

Dear Mr. Hibl;

I would like to start this letter by stating that I am very proud of our little city and am very grateful to our city employees and elected city officials for doing such a fantastic job, not only running our city, but also taking such great care of it's residents.

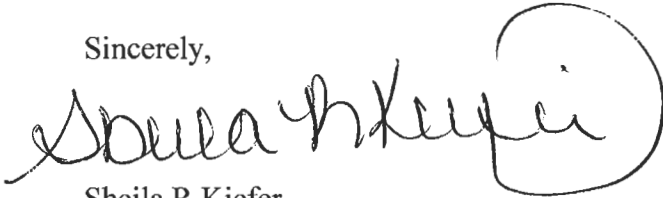
Having stated that, I am a little frustrated about a City rule regarding garage sales. I recently held a garage sale at my residence (the first time in 10 years) and posted garage sale signs at three major intersections and a couple of side streets. On the second day of our sale, the building inspector showed up with a few of said signs in his hand. Mr. Williams, the building inspector, informed me that we were not allowed to hang any signs, advertising garage sales, anyplace other than our driveway. He also stated that this was noted on our garage sale permit. He was very kind and handled my frustration well and explained that he did not enjoy this job, nor did he agree with this 'law' and that if I were to contact you, Mr. Hibl, that you did a fantastic job of working with us residents and that he was sure you would do your best to adjust this 'law'. He then went on to explain that the reason this was a rule was because residents weren't taking down signs after their sales were over. I can understand this frustration but feel it is not fair to punish all residents because of the few who don't follow the rules or care to keep our city tidy and clean. This is really a disadvantage for those of us who live on John Street because our street does not connect to any 'major' roads such as McEwan or US 10. The only way to access our street is by other side streets. The odds of someone driving down our street and happening upon a garage sale sign, that is only posted at the end of our drive, is pretty null.

As a city resident I would like to make a suggestion. I can concede that signs probably shouldn't be put up on light poles for the safety of our drivers and understand that is also not cost effective for city employees to run around pulling left over garage sale signs down all over town. Why couldn't we make it a requirement that signs have to state the date of sales, address of sale, and cannot be put on any city poles? Also that the signs must only be put in the ground where right of ways are not blocked. If these signs are then not pulled by residents after said dates of sales, city employees pull them and fine the residents at the address on signs? If dates and address are not on signs, or any signs are found on poles, then those signs would be pulled immediately.

I realize that I am making this sound more simple than it probably is. I am aware that these things aren't ever black and white, especially when dealing with the public, but I really do think this 'law' needs to be changed. I plan on having another sale again this year and would love to be able to post signs for this sale. (By the way, I did go out Saturday early am and pull ALL of MY signs).

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

Sincerely,

A handwritten signature in cursive script that reads "Sheila R Kiefer". The signature is written in black ink and is positioned to the left of a large, hand-drawn circle.

Sheila R Kiefer

Clare Congregational  
United Church of Christ  
110 West Fifth Street  
Clare, Michigan 48617



Bob Bonham  
City of Clare  
202 W. Fifth Street  
Clare MI 48617-1490

1490



Thank you for your help in removing the old antennae beside the church parking lot. Church members have been diligently working to improve the church property and appearance. Your help with equipment and manpower is certainly very much appreciated.

Thanks again,  
Clare Congregational  
Church