

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: September 2, 2009
RE: City Manager's Report



For the Agenda of September 8, 2009

Project Updates: State Street, Wilcox Parkway, Well #9, Pere Marquette Rail Trail and Other Planned Projects:

1. State Street. City crews are in the process of painting crosswalks and installing signage; all is scheduled to be completed prior to the commencement of school next week. Great project; great end results.
2. Wilcox Parkway. The project is completed.
3. Rail Trail. Paving is completed. Restoration and landscape work has started; fencing is scheduled to commence this week. Local residents started using the trail (biking, walking, rollerblading, and skateboarding) about five minutes after the asphalt work was completed last Saturday (Aug 29th).
4. Old Well #5/New Well #9. A pilot well has been drilled and the results have been submitted to MDEQ. We are essentially at a standstill until MDEQ gives us the green light to proceed.
5. Other Summer Projects. Remaining projects include tree trimming and cutting; sidewalk work; curb work on US-BR 127; and paving of the Stamina Stadium Parking Lot. All of the listed remaining projects are scheduled to commence within the next two to three weeks and should be completed by mid-October.

New Web Site. The website is up and running with very few “hiccups” experienced. We have received a significant number of tremendously positive comments from a wide range of entities. Steve, Nate, and Diane earned some very well-deserved kudos on this project.

New Road Naming Ordinance. Clare County is in the process of adopting a Road Naming Ordinance wherein all newly constructed roads and streets and the assignment of house numbers will be performed by Clare County; there will be a charge for the county service (Consumer's Energy currently assigns house numbers without charge but wants to “get out of the business”). The proposed ordinance provides municipalities within the County to “opt out” of the Clare County ordinance requirements and adopt a municipal ordinance in its stead. I have informed Clare County that we will do so and Jaynie has drafted an ordinance; we are in the process of issuing public notice of the new ordinance to allow us to present it to the City Commission for consideration.

Police K-9 Proposal. We have been provided an opportunity to establish our own K-9 program (a trained dog has been donated to Officer Brian Gregory, who is a certified K-9 instructor). My intent is to present a proposal to the City Commission regarding this opportunity at the September 21 City Commission meeting.

Zoning Board of Appeals (ZBA) Meeting. Our ZBA is scheduled to convene on Friday, September 11th to consider two variance requests: one being a residential setback variance and the other a sign variance (*see copies of att'd public notices*).

Main Street Award. The City has been informed (*see copy of att'd Congratulatory Correspondence*) that we are once again a state-level recipient of a Main Street Award. The award will be presented at a breakfast ceremony on Sep 16th at the Michigan Downtown Conference; we will have at least four representatives from Clare attend the awards ceremony.

Award of Tax Credits – 4th Street Senior Housing Project. Mr. Phil Seybert has been notified (*see copy of att'd email*) that the Michigan Economic Development Corporation has awarded this project requested tax credits – great news for us!

Rail-Trail Opening Ceremony. As a reminder, we will host a grand opening ceremony for the rail-trail extension project on Saturday, September 19th @ 10am (*see copy of att'd flyer*). We have mailed in excess of 300 formal invitations for the event.

Airport MAP Meeting. We presented our airport master plan to representatives of MDOT in Lansing on August 25th. Dick Acker and I were accompanied by Mayor Pro Tem Jean McConnell.

Railroad Depot Public Forum. Based on a request by the City Planning Commission, we will host a public forum pertaining to the Clare Railroad Depot on Tuesday, September 22nd at 7pm at our Public Safety Building with the primary purpose of determining whether there is any community interest in moving and rehabilitating the depot through local fund-raising and using local resources. We will commence advertising the event after the Labor Day Holiday.

MML Convention. Commissioner Bill Horwood and I will attend the MML Convention in Kalamazoo during the period September 22-25.

Flood Plain Meeting. A number of the Clare City Staff attended a flood plain meeting hosted by MDEQ and FEMA at the Clare County Courthouse on August 13th. We will be required to adopt a new ordinance floodplain ordinance if we wish to remain eligible for FEMA disaster relief funds.

Contempt Hearing. Our City Attorney has filed a contempt motion (*copy att'd*) against Mr. Lynn Hill for his continued violations of the City's Ordinance Codes; the hearing is set for October 5th.

New Police Vehicle. Our "great deal" on the new 2008 police vehicle fell through, so we placed an order for a new 2010 vehicle at a cost of \$20,599 – well under the \$24,195 price tag the Commission approved for the '08 model; however, we still have to install lights and other police equipment on the vehicle once we receive it. We will not exceed the approved \$24,195 expenditure without a request (if necessary) of the City Commission; we budgeted \$25K for the purchase of this vehicle.

Attachments.

1. ZBA Public Notices.
2. Main Street Award Notice.
3. MEDC Email – 4th Street Senior Housing Tax Credits.
4. Rail-Trail Flyer.
5. Contempt Hearing Notice.



CITY OF CLARE

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

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

CITY OF CLARE ZONING BOARD OF APPEALS PUBLIC NOTICE

The City of Clare Zoning Board of Appeals will hold a public hearing on, **Friday, September 11, 2009, at 9:00 a.m.** at Clare City Hall to receive public comment pertaining to a request for a **Dimensional Variance** - to construct a roof over an existing deck on an existing single family home in R1 zoning district located at 214 John R Street. A copy of the application is available for review at City Hall, 202 W Fifth Street, Clare, MI 48617, Monday through Friday from 8 a.m. to 5 p.m. The Zoning Board of Appeals will accept comments at the hearing or in writing if the written comments are received by the City Clerk not later than 9:00 a.m. on the date of the hearing.



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

MAIN STREET MANAGER

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

The Zoning Board of Appeals of the City of Clare will hold a public hearing on Friday, September 11, 2009 at 9:00 am at Clare City Hall, 202 W. Fifth Street, Clare, MI 48617 to receive public comment regarding a request for a sign variance from Cops & Doughnuts, 521 North McEwan Street in the City of Clare. The Board will accept comment at the hearing or in writing. The City Clerk must receive written comment not later than 9 am on September 11, 2009 to be considered. The variance request is available for review at Clare City Hall between the hours of 8 am to 5 pm M -F. (989) 386-7541.



2009 Michigan Downtown Conference

September 15–16, 2009 • Lansing, Michigan • michigandowntownconference.org

PLANNING PARTNERS

Community
Economic
Development
Association of
Michigan

Main Street
Oakland County

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Association

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Corporation

Michigan
Historical Center

Michigan
Historic
Preservation
Network

Michigan Main
Street Center

Michigan
Municipal
League

Michigan
State Housing
Development
Authority

Congratulations!

August 19, 2009

Dear Mary Ann Shurlow:

The Michigan Downtown Conference Planning Partners are pleased to announce that you have been selected to receive the **Main Street Four Points/Organization 2009 Award for the Clare Pride Day**. You will be recognized at the Awards Presentation Breakfast to be held during the Michigan Downtown Conference at the Lansing Center in Downtown Lansing, Michigan. While the conference runs from September 15-16th, the Awards Presentation Breakfast will be held on Wednesday, September 16th from 8:00 AM – 10:00 AM.

You were nominated by Lori Schuh, Clare Main Street. Nominations in this category were received from all over the state. The award winners were then selected by the Conference Planning Partners.

We hope that you or a representative from your project will be present to receive the award. We invite you or your representative to attend the breakfast at no charge. The cost for additional guests at the breakfast is \$25 per person. Of course, we would be delighted if you and others would register to attend the conference, which would include the breakfast cost.

2009 Michigan Downtown Conference

September 15-16, 2009 • Lansing, Michigan • michigandowntownconference.org

To attend the Award Winners Breakfast ONLY:

1. Fill out the attached Award Winners Breakfast Registration form and fax it to: (734) 677-2407 by **noon on Friday, September 4, 2009.**
2. Please mail checks (\$25.00 for each additional guest), payable to Michigan Downtown Conference, to:
Larry Amburgy, Attn: MDC, 1223 Turner Street, Suite 101,
Lansing, MI 48906. If you have any questions, feel free to contact Jennifer Dickie at (734) 677-0503, or email her at jdickie@ucia2.com.

To attend the full 2009 Michigan Downtown Conference:

1. Register @ www.michigandowntownconference.com.
2. **The rate is \$160 per person. Early registration ends September 4, 2009.** Any registration after that date must be done at the conference and will be \$190 per person.
 - i. Students with a valid student ID card are eligible for the \$100 Student Rate if they register prior to September 4.

We look forward to congratulating you in person next month at the 2009 Michigan Downtown Conference!

Sincerely,

*The Michigan Downtown Conference
Planning Partners*

Ken Hibl

From: Eric Helzer [helzere@michigan.org]
Sent: Wednesday, September 02, 2009 9:29 AM
To: Phil Seybert; J E Tischler
Cc: khibl@cityofclare.org; Deborah Stuart
Subject: Fourth Street Project, Clare - MBT Application Approved

Phil and James - Just a quick note to let you know that your MBT Application for the Fourth Street Project was approved at the Small Signing last week. You will receive a letter shortly outlining the approval.

Congratulations and good luck with your project !



Eric P. Helzer
Brownfield Program Analyst
MEDC - Michigan Economic Development Corporation
300 N. Washington Square, 3rd Floor
Lansing, Michigan 48913
office: 517-241-5230
fax: 517-335-0198
email: helzere@michigan.org

2009 MEDC Brownfield Program Guidelines Are Available ! - Please contact us if you do not have a copy.



*Please join us at the
Grand Opening Ceremony
to celebrate the completion of the
Pere Marquette Rail Trail Extension
into downtown Clare*

*Saturday, September 19, 2009
10:00 a.m.*

*Fifth Street Municipal Parking Lot
Downtown Clare*



*For more information
about this event please
contact Clare City Hall:
989-386-7541*



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

CITY OF CLARE,

Plaintiff,

vs.

File No. 08-900560-CH

LYNN LEE HILL,

Defendant.

_____/

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

TARA S. HOVEY
Attorney for Defendant

_____ /

NOTICE OF HEARING

TO: Lynn Lee Hill Tara S. Hovey
 1108 Mary Street P.O. Box 649
 Clare MI 48617 Harrison, MI 48625

PLEASE TAKE NOTICE that a Second Motion for Contempt has been scheduled in regard to the above matter on October 5, 2009, at 2:00 p.m. in the afternoon, in the Circuit Courtroom, Courthouse, Harrison, Michigan, as soon thereafter as counsel may be heard.

Dated: August 31, 2009

JAYNIE SMITH HOERAUF, P.C.

BY Jaynie H
JAYNIE SMITH HOERAUF

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

CITY OF CLARE,

Plaintiff,

vs.

File No. 08-900560-CH

LYNN LEE HILL,

Defendant.

_____/

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

TARA S. HOVEY
Attorney for Defendant

_____ /

PROOF OF MAILING

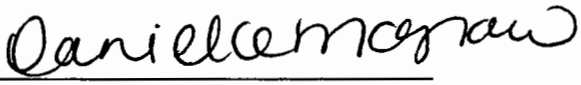
On the date below I sent by first class mail a copy of Second Motion
for Contempt, Notice of Hearing, and Proof of Mailing to:

Lynn Lee Hill
1108 Mary Street
Clare MI 48617

Tara S. Hovey
PO Box
Harrison, MI 48625

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

Dated: August 31, 2009



Danielle McGraw

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

CITY OF CLARE,

Plaintiff,

vs.

File No. 08-900560-CH

LYNN LEE HILL,

Defendant.

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

TARA S. HOVEY
Attorney for Defendant

SECOND MOTION FOR CONTEMPT

NOW COMES the Plaintiff by and through its attorney Jaynie Smith Hoerauf of Jaynie Smith Hoerauf, P.C. and hereby moves the court to hold Defendant in contempt for violation of the court's Order of Abatement issued on February 3, 2009. In support of its motion, the City says:

1. When Defendant approached the City for a permit to build his garage, the size and scope of the project caused the City Building Inspector to make especially clear to Mr. Hill that commercial activity was prohibited within the residential zone.

2. In order to reiterate that requirement, the certificate of occupancy issued for the building contained the limitation imposed by zoning law, see Attachment A.

3. Thereafter, on August 22, 2007, the Code Enforcement Officer wrote to Mr. Hill to reaffirm that the garage could not be used for commercial purposes but only for residential purposes.

4. Thereafter, the City received information that Mr. Hill was operating a commercial establishment within a residential district and undertook a criminal action to enforce its zoning ordinance.

5. That action was resolved by entry of an order that the Defendant would cease and desist from the zoning violations, see Attachment B.

6. Thereafter, the City received information that Mr. Hill was, once again, conducting a commercial automobile repair facility within a residential district and brought this abatement action.

7. Subsequent to the entry order of the abatement, the City had received information that Mr. Hill is once again, or still as the case may be, conducting a commercial automotive repair business in his residentially zoned parcel. See Attachment C.

8. On March 5, 2009, the City then filed its first motion for an order holding Mr. Hill in contempt for failure to comply with the courts order.

9. On May 26, 2009, an Order was filed stipulating Mr. Hill to pay a \$500.00 fine, comply with the February 3, 2009 abatement order, and to request that Defendant serve time in county jail if the matter is brought before the court again.

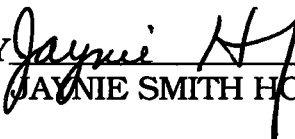
10. The City once again has information that Mr. Hill is operating a commercial automotive repair establishment within a residential district. See Attachment D.

WHEREFORE Plaintiff requests that this honorable court:

1. Jail Mr. Hill for contempt of court.
2. Order the garage, which is being used on a continuing basis as a zoning violation, be demolished and removed from the premises including the vehicle lifts which have been installed in the building.
3. Order a fine to the maximum extent allowed by law.
4. Grant any other relief that the court feels is just and equitable under the circumstances.

Dated: August 31, 2009

JAYNIE SMITH HOERAUF, P.C.

BY  _____
JAYNIE SMITH HOERAUF