CLARE CITY COMMISSION
Monday, February 2, 2015
6:00 p.m.
AGENDA

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 – None

7. NEW BUSINESS
   A. Probationary Firefighter Pay
   B. Ordinance 2015-001 – Zoning Change, 720 Ann Arbor
      (1) Public Hearing
      (2) *First Reading
   C. Acceptance of MCACA Grant – Depot Project
   D. Intergovernmental Agreement – Clare County & City of Clare (Installation of IT Equipment)
   E. Contractor Payment – Dunigan Brothers
   F. Contractor Payment – Maguire Ironworks
   G. Excusal From Meeting Attendance – Mayor Humphrey

8. TREASURER’S REPORT

9. CITY MANAGER’S REPORT

10. *COMMUNICATIONS

11. EXTENDED PUBLIC COMMENT

12. COMMISSION DISCUSSION TOPICS

13. *APPROVAL OF BILLS

14. ADJOURNMENT
The regular meeting of the Clare City Commission was called to order at 6:01 p.m. in the Commission Chambers by Mayor Pat Humphrey who led the Pledge of Allegiance. Present were: Commissioners Pat Humphrey, Jean McConnell, Carolyn (Gus) Murphy, and Karla Swanson. Absent: Bob Bonham. Also present were Ken Hibl, City Manager; Steve Kingsbury, Treasurer & Finance Director; and Diane Lyon, City Clerk.

2. CONSENT AGENDA:
   Moved by Commissioner McConnell second by Commissioner Swanson to approve the items listed with an asterisk (*) (Agenda, Minutes, Communications, and Bills) that are considered to be routine by the City Commission. Ayes: All. Nays: None. Absent: Bob Bonham. Motion Carried.

3. *APPROVAL OF MINUTES:
   Approved By Consent Agenda.

4. *APPROVAL OF AMENDED AGENDA:
   Approved By Consent Agenda.

5. PUBLIC COMMENT: None.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

   A. FAIR HOUSING POLICY-MEDC/CDBG FAÇADE IMPROVEMENT PROGRAM
   As the City Commission is aware the City along with multiple downtown businesses are currently in the process of submitting facade improvement grant applications through the Michigan Economic Development Corporation's (MEDC) Community Development Block Grant (CDBG) program. A condition of this grant program requires that the City adopt the standardized federal Fair Housing Policy that identifies the City's commitment to fair housing and a number of proactive steps that we are to undertake to insure tenants of fair housing.

   Motion by Commissioner McConnell second by Commissioner Swanson to adopt the Fair Housing Policy by Resolution 2015-002. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell, Gus Murphy, and Karla Swanson. Nays: None. Absent: Bob Bonham. Motion Carried.

   B. CHARTER COMMUNICATIONS FRANCHISE AGREEMENT
   Pursuant to Public Act 480 of 2006 any video service provider seeking to provide video service in one or more service areas in the State of Michigan after January 30, 2007, shall file an application for a Uniform Video Service Local Franchise Agreement with the local unit of government. PA 480 standardized the video services franchise agreement thereby eliminating the need for local units of government to individually negotiate these agreements. This Public Act also shifted most of the regulatory responsibility and oversight of franchise holders from the local units of government to the Michigan Public Service Commission (MPSC).

   Pertinent to this background information, the City of Clare has been a member of the Mid Michigan Area Cable Consortium (MMACC) since its founding in 1995. MMACC is an eleven community intergovernmental cooperative group consisting of communities located in Clare, Gratiot and Isabella Counties. MMACC is responsible for the management of the Public, Education and Governmental (PEG) access channels and the video production studios located in these three counties. Along with this responsibility MMACC works directly with the area's cable television provider Charter Communications on franchising issues.

   In 2007 following the passage of PA 480 the Consortium's legal counsel advised our members to not sign the Uniform Franchise Agreement and instead reserve our rights in the event that PA 480 was appealed or significantly altered through the legislative
process. With this action the existing franchise agreement in effect between the City of Clare and Charter prior to the passage of PA 480 remained in full force and effect.

As a result of our reservation of rights Charter Communications and MMACC engaged in mediation at the Michigan Public Service Commission. The result of the mediation was a compromise by both parties on franchise reporting and channel placement/branding considerations. This mediation process was also slowed somewhat as Charter Communications filed for bankruptcy protection during this timeframe. After several months of negotiation between MMACC and Charter Communications following the mediation process a tentative agreement was reached allowing for an additional public access channel contingent upon a recommendation by MMACC to the individual local units of government to approve the Uniform Video Services Local Franchise Agreement.

The franchise agreement between the City of Clare and Charter Communications provides for the existing franchise and PEG fees to remain the same and will also allow for the addition of one public access channel upon written request of each local unit of government within the consortium.

Motion by Commissioner Swanson second by Commissioner McConnell to approve the franchise agreement and the letter requesting the addition of a PEG channel by adoption of Resolution 2015-003. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell, Gus Murphy, and Karla Swanson. Nays: None. Absent: Bob Bonham. Motion Carried.

C. WETLANDS REMEDIATION-CLARE MUNICIPAL AIRPORT
In 2013 the City of Clare by appropriate resolution initiated a multi-year capital improvement project at our municipal airport to construct a 1,500 foot parallel taxiway for Runway 4/22 (Resolutions 2013-072 & 2013-073 attached). As part of this project a small existing wetland area of approximately three quarters of acre had to be relocated to the existing wetland mitigation area created in 2001 when Runway 4/22 was constructed.

In 2014 the City Commission approved by appropriate resolution a wetland mitigation design contract with the engineering firm Mead Hunt and also an MDOT Aeronautics Airport Block Grant to pay for the wetland remediation design (Resolutions 2014-086 & 2014-087 attached). This wetland mediation design project also incorporated a reconditioning of the wetland mitigation area created in 2001.

Mead Hunt, our engineer for the wetland mitigation design, has completed their work and developed the plans, specifications and estimates of probable costs (copies attached). MDOT Aeronautics is scheduled to consider these plans and estimates and requires the local sponsor of the airport to also approve them prior to soliciting bids from qualified contractors. Following review and approval by both MDOT Aeronautics and the Clare City Commission Mead Hunt will solicit bids, review and validate those received and then make a recommendation for the award of the construction contract.

Motion by Commissioner McConnell second by Commissioner Murphy to approve the wetland mitigation design plan and cost estimate by adoption of Resolution 2015-004. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell, Gus Murphy, and Karla Swanson. Nays: None. Absent: Bob Bonham. Motion Carried.

D. COMPACTOR REPAIR/REHABILITATION-WATER & WASTEWATER TREATEMENT PLANT
The City's wastewater treatment plant uses a process to screen large items from the sewage inflow received at the plant to facilitate the efficient processing of biologically treatable influent. This process uses a screenings compactor that has been in continuous use with only routine maintenance required for approximately the past ten years. This equipment, which removes excess water and then compacts the removed material for proper disposal at a licensed landfill, is a critical piece of equipment for our wastewater treatment plant and is now in need of a replacement of the screw
compactor mechanism. Vulcan Industries located in Missouri Valley Iowa is the manufacturer of this equipment and therefore the only source for parts and repair.

Repair and rehabilitation of this equipment will cost $5,297. These funds have been budgeted within the Sewer System Fund and are available for this expense.

Motion by Commissioner McConnell second by Commissioner Murphy to authorize the expenditure and sole source repair and rehabilitation of the screenings compactor by adoption of Resolution 2015-005. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell, Gus Murphy, and Karla Swanson. Nays: None. Absent: Bob Bonham. Motion Carried.

E. DIVISION B CONTRACTOR PAYMENT-MAGUIRE IRON
The contractor that is working on the Division B portion (the water tower) of the City's North Industrial Park and Utility Infrastructure project has submitted their second application for payment for work completed through December 31, 2014. The City's engineer for this project Gourdie-Fraser has reviewed the application for payment and has verified that all indicated work has in fact been satisfactorily completed and that all invoices/purchases included within the contractor's application for payment have in fact been purchased by the contractor for the City of Clare's 2014/15 North Industrial Park/Infrastructure project.

Motion by Commissioner Swanson second by Commissioner Murphy to approve the contractor payment by adoption of Resolution 2015-006. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell, Gus Murphy, and Karla Swanson. Nays: None. Absent: Bob Bonham. Motion Carried.

F. NORTHERN MICHIGAN CHILD ADVOCACY CENTER MULTIDISCIPLINARY TEAM PROTOCOL AGREEMENT
The mission of the Northern Michigan Mobile Child Advocacy Center is to bring healing, hope, and justice to abused and neglected children in Northern Michigan. Through its community based collaborative network, this organization is able to bring education, prevention, intervention, and advocacy services to children and families in rural counties who lack services of their own.

To further the enhancement of this mission, the Advocacy Center has developed a multi-agency, multidisciplinary protocol to deal with cases of abused and neglected children in Clare County. Quoting from the protocol document, “…this Protocol shall ensure that cases of suspected sexual and physical abuse of children are investigated in a consistent, effective and child-appropriate manner using a coordinated, multi-disciplinary team approach. The team will focus on prevention of these forms of abuse, while also providing for proper assessment, management, prosecution and tracking of investigations. The Child Protection Law (CPL) recognizes the need for coordinating the investigation of certain cases and requires that protocols be drafted at the local level in order to accomplish this goal. As set forth in MCL 722.628(6):

In each county, the prosecuting attorney and the department shall develop and establish procedures for involving law enforcement officials as provided in this section. In each county, the prosecuting attorney and the department shall adopt and implement standard child abuse and neglect investigation and interview protocols using as a model the protocols developed by the governor's task force on children's justice as published in FIA Publication 794 (revised 8-98) and FIA Publication 779 (8-98), or an updated version of those publications.

Further, this protocol shall apply to those situations involving child abuse or neglect as described in Section 8(3) of the Child Protection Law, as amended. The Michigan Child Protective Law applies when one or more of the following conditions exist:
a) Abuse or neglect is the suspected cause of a child’s death
b) The child is the victim of suspected sexual abuse or sexual exploitation.
c) Abuse or neglect resulting in severe physical injury to the child requires medical treatment or hospitalization. For purposes of this supervision, severe physical injury means brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprains, internal injuries, poisoning, burns, scalds, severe cuts, or any other physical injury that seriously impairs the health or physical well-being of a child.
d) Law enforcement intervention is necessary for the protection of the child, a department employee, or another person involved in the investigation.

e) The alleged perpetrator of the child’s injury is not a person responsible for the child’s health or welfare.

f) A child has been exposed to or had contact with methamphetamine production. It is intended that this protocol shall serve as a minimum standard for investigations.”

The Clare Police Chief has been solicited to be a signatory to this protocol document. The City Commission is asked to authorize our Police Chief to sign the protocol agreement, thereby directing that we (the City and the Clare Police Department) abide by and comply with the conditions and terms of the protocol document.

Motion by Commissioner Swanson second by Commissioner Murphy to the Chief of Police to sign the Protocol Agreement by adoption of Resolution 2015-008. Roll call vote: Yeas: Commissioners Pat Humphrey, Jean McConnell, Gus Murphy, and Karla Swanson. Nays: None. Absent: Bob Bonham.  Motion Carried.

G. BOARD & COMMITTEE APPOINTMENT-MR. NICK WYMAN (PLANNING COMMISSION)

Approved By Consent Agenda. Resolution 2015-007.

8. TREASURER’S REPORT
The Treasurer presented his report.

9. *DEPARTMENT REPORTS
Approved By Consent Agenda.

10. CITY MANAGER’S REPORT

REDF Bankruptcy Litigation. The law firm who has been retained by the City of Clare to defend our interests in the REDF Marketing Bankruptcy litigation has provided an update that there have been so many adversary defendants that have also filed motions to dismiss that the court has agreed that a special day (February 13th) is to be set for all of the hearings. Our attorney has indicated that she will be attending the hearing and presenting our argument to the court personally. Our attorney also indicated that the court has made some recent rulings on other aspects of the case which in her opinion are very favorable to our position.

Demolition of 807 Maple Street. The residential structure that was damaged beyond repair by a fire that occurred on March 24, 2014 has been demolished, all building materials have been removed from the property and the former building footprint back filled. With this action being satisfactorily completed the insurance settlement funds that have been held by the City of Clare have been released to the property owner.

Free Tax Clinic. The City Clerk has coordinated with the Michigan State University College of Law to provide a one-day income tax preparation clinic for low-income individuals and families. As reflected within the enclosed flyer the clinic will take place from 10:00 a.m. until 4:00 p.m. on Saturday, February 21, 2015 and will be held at the Pere Marquette District Library.

MML Capital Conference. This year’s Michigan Municipal League (MML) Capital Conference will be held at the Lansing Center on March 24th and 25th (Tuesday and Wednesday). The two conference will include sessions on Crowdfunding; Transportation; TIF/Economic Development; Municipal Finance; Proactive Legislative Agenda; Personal Property Tax; Energy; and Green Initiatives. To take advantage of the pre-registration conference discount and make arrange transaction and accommodation arrangements please let Diane know by Monday, February 2nd if you are interested in attending.

Statewide May Election. As the City Commission is aware a Constitutional Amendment has been proposed by the Michigan Legislature and Governor to increase the state's sales tax to 7%. This matter will be decided by a general election in May and if passed will
provide significant funding for road repair throughout the state; additional funding for municipalities and schools; will change the retail sales taxes currently collected on fuel to a wholesale sales tax; and it will restore a low income tax credit. It is possible that this issue will be less than positively received by the voters of Michigan and therefore a campaign is being planned to present the positive aspects of this initiative.

**Addendums**

The Commission was asked to provide a recommendation if they are so inclined, to direct city staff to draft a ballot proposal asking voters to renew the street millage on the May ballot.

The January 28th Business After Hours will be held at the new downtown venue, Brewin on McEwan. The City will provide a brief presentation on the status of the Clare Depot at this event.

The City has recently been notified of significant changes to the Freedom of Information Act which will take effect on July 1. The changes will demand a significant amount of additional work and resources to ensure compliance.

The Chamber office is the recipient of a mini-grant from the Michigan Council for Arts and Cultural Affairs to improve art & cultural interest in downtown Clare, and to attract and retain visitors for longer stopovers to the area. It is a 5 phase project. Phase I of the project will be implemented with these grant funds and will focus on creating a mural in the alley (Art Alley) between Beech and McEwan Streets. The project has been dubbed “Art-Traction”.

The Planning Commission will hold a Special meeting on January 28 to consider the façade grant applications to the MEDC for several downtown businesses and to consider a zoning change request for 720 Ann Arbor Trail on behalf of the Mennonite Church who have a proposed property purchase agreement in place with the present owner.

The City Manager will be out of the office January 27-30 to attend the Michigan Local Government Management Association Conference in Novi, Michigan.

11. **COMMUNICATIONS**

   * **Approved By Consent Agenda.**

   **Metro Act Permit Extension.** The City approved a request from AT&T to extend their permit for operation in the City’s Right-of-Way.

   **MDOT Reports.** The Michigan Department of Transportation Quarterly Reports were provided for review.

   **MDEQ National Floodplain Insurance Program Updates.** We have received an update and information regarding changes to homeowner flood insurance rates.

   **Legislative Update – Michigan Association of Municipal Clerks (MAMC).** We received information regarding two new Public Acts related to election law.

   **Construction Codes.** The Michigan Bureau of Construction Codes has issued a notice of public hearing regarding Michigan Electrical Code Rules.

   **SOS Media Release.** The Secretary of State provided a statement upon being sworn in for her second term to office.

12. **EXTENDED PUBLIC COMMENT:** None.

13. **COMMISSION DISCUSSION TOPICS:** Mayor Pat Humphrey asked to be excused from the February meetings.

14. **APPROVAL OF BILLS**

   * **Approved By Consent Agenda.**
15. **ADJOURNMENT**

Motion by Commissioner McConnell second by Commissioner Swanson to adjourn the meeting. Ayes: All. Nays: None. Absent: Bob Bonham. *Motion Carried.* Meeting adjourned at 6:43 p.m.

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Pat Humphrey, Mayor               Diane Lyon, City Clerk
TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: January 29, 2015
RE: Probationary Firefighter Pay

For the Agenda of February 2, 2015

**Background.** The current pay for probationary firefighters of the Clare Fire Department is $8.15 an hour (minimum wage). At a meeting of the Clare Area Fire Council on Monday, January 26th, Chief Chapman recommended an increase to our present pay structure for our probationary firefighters. The Fire Council endorsed the Chief’s proposal to increase the probationary firefighter wage to $10 an hour and then subsequently to provide an incremental wage increase upon completion of Firefighter I and II training and achievement of full firefighter status. The probationary wage increases will be developed and subsequently presented to the City Commission as part of the City's FY2015/16 Budget now under development. The City Commission is asked to approve the recommended salary increase.

**Issues & Questions Specified.** Should the City Commission approve the proposed pay increase for probationary firefighters?

**Alternatives.**
1. Approve the proposed increase.
2. Approve a salary increase other than that recommended.
3. Do not approve an increase to the present wages structure.
4. Set aside decision regarding this matter to a later date.

**Financial Impact.** Due to the fact that we have lost five qualified firefighters in the past calendar year and a concurrent reduction in the number of fire runs during the current budget year, there is no impact to the current Fire Fund budget. The increase will be incorporated into our wage structure for future budget years.

**Recommendation.** I recommend that the City Commission approve the proposed increase to probationary firefighter pay and provided additional incremental increases upon completion of training by adoption of Resolution 2015-009 (copy att’d).

**Attachment.** Resolution 2015-009.
RESOLUTION 2015-009

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING AN HOURLY WAGE INCREASE FOR PROBATIONARY MEMBERS OF THE CLARE FIRE DEPARTMENT.

WHEREAS, the current starting wage for probationary firefighters of the Clare Fire Department is $8.15 an hour; and

WHEREAS, said wage is not competitive with wages offered to probationary members of other regional fire departments; and

WHEREAS, a revised wage structure for probationary firefighters was presented to and endorsed by the members of the Clare Area Fire Council at a scheduled meeting held on January 26, 2015; and

WHEREAS, the Clare City Commission has reviewed and considered said revised wage structure for probationary firefighters of the Clare Fire Department and deemed said wage increases appropriate, equitable, and prudent.

NOW THEREFORE BE IT RESOLVED that the Clare City Commission hereby approves a starting wage increase for probationary firefighters of the Clare Fire Department to $10 per hour; a subsequent incremental wage increase upon successful completion of Firefighter I and II training and achievement of full firefighter status.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSO FAR 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 2nd day of February 2015.

_______________________________
Diane Lyon, City Clerk
AGENDA REPORT

TO: Mayor Pat Humphrey and the Clare City Commission
FROM: Ken Hibl, City Manager
DATE: January 29, 2015
RE: Ordinance 2015-001 (Chapter 52, Zoning Change -720 Ann Arbor Trail)

For the Agenda of February 2, 2015

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Background. The City has received a request (copy att’d) from the Great Lakes Mennonite Church to change the zoning of the property at 720 Ann Arbor Trail, which is owned by Mr. Jim Paetschow and commonly referred to as the “Old Valcast Property”, from Industrial to Residential. The Mennonite Church has outgrown its present building located on Mary Street behind First Choice Office Supplies and has offered to purchase Mr. Paetschow’s property contingent upon changing the zoning – thus allowing them to relocate and expand its church and school at this site. Mr. Paetschow has offered his concurrence to the zoning change action.

The Future Land Use Map (copy att’d) of the City’s Master Plan stipulates the use of this property as Residential, thus the request is in concert with and supports the City’s Master Plan. A church and school is an allowed use of property zoned as Residential; it is not an allowed use on property zoned Industrial – therefore necessitating a change of zoning if the new proposed use is to be allowed.

All ordinance code changes or amendments require the approval of the Clare City Commission. But Chapter 52 (Zoning) amendments first require the review and recommendation(s) of the Planning Commission prior to submittal of the proposed ordinance amendment to the City Commission.

The Planning Commission met on January 28th and considered the request for zoning change. Subsequent to conducting a noticed public hearing, the Planning Commission unanimously recommended (see copy of att’d Resolution 2015-001PC) that the City Commission approve Ordinance 2015-001 (copy att’d), thereby approving the proposed zoning change.

A public hearing is required prior to the review and consideration of the proposed amendment by the City Commission. The required public notices (copies att’d) announcing the hearing have been published. Subsequent to the conduct of the hearing, the Commission has the options of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the ordinance/zoning change.

The City Commission is asked to conduct the required public hearing and direct a First Reading of the proposed Ordinance 2015-001.
Issues & Questions Specified. Should the City Commission hold a public hearing and conduct the first reading of Ordinance 2015-001?

Alternatives.
1. Hold a public hearing and conduct a first reading of the proposed ordinance amendment.
2. Do not hold a hearing, nor direct a first reading thereby declining to amend the ordinance.
3. Set aside the decision regarding this matter to a later date.

Financial Impact. Approval of the requested zoning change and the subsequent purchase and use of the property by the Great Lakes Mennonite Church will render the property at 720 Ann Arbor as non-taxable. However, this parcel is presently considered a blighted property by the City, thus any improvements made to the buildings and the property are considered highly desirable. Concurrently, the Mary Street Building presently used by the Mennonite Church will revert to the tax rolls once that building is vacated and the use reverts to Commercial.

Recommendation. I recommend that the City Commission hold the requisite public hearing and conduct the first reading of Ordinance 2015-001.

Attachments.
1. Zoning Change Request.
2. Future Land Use Map.
3. Resolution 2015-001PC.
5. Ordinance 2015-001.
# Request for Change in Zoning

**Name of Applicant:** Great Lakes Mennonite Church  
**Address of Applicant:** 150 Mary Street  
**City:** Clare  
**State:** MI  
**Zip:** 48617  
**Phone:** (989) 802-9028  
**Wireless:** ( )  
**Address of Property for Rezoning:** 720 Ann Arbor Trail  
**Tax ID#:** 18-051-034-100-29  
**Is the applicant also the owner?:** YES  
**If NO, name of the property owner:** Red Hook Properties LLC  
**Address of Property Owner:** PO Box 236  
**City:** Clare  
**State:** MI  
**Zip:** 48617  
**If applicant is not the owner, has permission been granted by the owner for a zoning change?** YES  
**Current Zoning:** R1 R2 C1 C2 I IP  
**Requested Zoning:** (R1) R2 C1 C2 I IP  

I understand that there is a fee to request a parcel be rezoned. That fee is based on a time/material fee schedule. This request must be presented to the Planning Commission prior to receiving approval of the City Commission. In order to accommodate public notice requirements, that process may take several weeks to accomplish. The fee for a rezoning request in non-refundable and is payable within 30 days of invoicing.

**Date:** 1/13/15  
**Signature of Applicant:** [Signature]  
**Request received on:** 1/13/15  
**By:** [Signature]
Future Land Use

City of Clare, Michigan

- Single Family Residential
- High Density Single Family Residential
- Multi Family Residential
- Central Business District
- Neighborhood Commercial
- Office
- Industrial
- Public/Semi-Public
- Recreation
- Water Bodies

Base Map Data Source: Isabella and Clare Counties Geographic Framework, version 5b, April 2006.
Parcel Data Source: Gourdie-Fraser, Inc., April 2006.
RESOLUTION 2015-001PC

A RESOLUTION OF THE CLARE CITY PLANNING COMMISSION RECOMMENDING APPROVAL OF ORDINANCE 2015-001, AN ORDINANCE TO CHANGE THE ZONING OF PROPERTY LOCATED AT 720 ANN ARBOR TRAIL IN THE CITY OF CLARE, MICHIGAN.

WHEREAS, the City of Clare has received a request to change the zoning of property located within the City of Clare from Industrial to Residential; and

WHEREAS, said change of zoning supports and is in concert with the zoning reflected on the Future Land Use Map of the Master Plan of the City of Clare; and

WHEREAS, Ordinance 2015-001, an ordinance reflecting the change of said property from Industrial to Residential, has been submitted to the Planning Commission for consideration; and

WHEREAS, the City Planning Commission is required to review and provide a recommendation(s) to the Clare City Commission regarding to any proposed zoning ordinance changes or amendments; and

WHEREAS, the City Planning Commission has, subsequent to a properly noticed public hearing, publicly considered and deliberated said proposed Ordinance 2015-001.

NOW THEREFORE BE IT RESOLVED THAT the City Planning Commission of City of Clare hereby recommends that the Clare City Commission approve Ordinance 2015-001.

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

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

YEAS: Steve Barnes, Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, John Kline, Jan Winter and Nick Wyman.

NAYS: None.

ABSTAIN: None.

ABSENT: Darren Acton.

Resolution approved for adoption on this 28th day of January 2015.

________________________________
Diane Lyon, City Clerk
CITY OF CLARE

202 West Fifth Street | Clare, Michigan 48617-1490
Office 989.386.7541 | Fax 989.386.4508
www.cityofclare.org

CITY OF CLARE
PUBLIC NOTICE

The City of Clare City Commission will hold a public hearing on Monday, February 2, 2014 at 6:00 p.m. at Clare City Hall, 202 W Fifth Street, to receive public comments pertaining to an amendment of the City of Clare Code of Ordinances: Chapter 52, Zoning, Ordinance 219, Sections 1 & 2. A copy of the proposed Ordinance amendment is available for review in the Clerk’s office, Monday through Friday, 8 am to 5 pm. The City Commission will accept comments at the hearing or in writing if the written comments are received by the City Clerk not later than 5 p.m. on the date of the hearing. The City of Clare is an equal opportunity employer and provider.

Diane Lyon
Clare City Clerk
AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE BY amending the City Code Ordinance Part II, Code of Ordinances, Chapter 52.

Short Title: CITY OF CLARE- ORDINANCE AMENDMENT. An ordinance to amend Chapter 52 – Zoning.

Ordinance 219 as continued by Chapter 52, of the Clare City Code is hereby amended as follows:

Section 1. The sections of the above-mentioned zoning ordinance and hereafter mentioned parcels is hereby repealed.

Section 2. That the following parcel of property known as Property No. 051-034-100-29, described herein shall be zoned Industrial- Residential:

T17N R4W SEC 34
720 ANN ARBOR TRAIL
BEG S00 DEG 08'00"E ALG W SEC L 893.58 FT FROM NW SEC COR; TH S00 DEG 08'00"E 160.72 FT TH S72 DEG 48'00"E 689.63 FT TH N00 DEG 54'26"W 364.69 FT TH W 653.38FT TO POB. 4 A M/L

Affirmed to be in compliance with the City of Clare Future Land Use Map of the City’s Master Plan and recommended for rezoning to Residential by the Planning Commission of the CITY OF CLARE on January 28, 2015 at a special meeting with ___ commissioners in attendance, ___ voting aye, ___ voting nay.

I hereby certify that the foregoing was duly affirmed and recommended by the Planning Commission of the CITY OF CLARE, Michigan, at a special meeting on the 28th day of January 2015, that of ________ members of the City Commission, ___________ were in attendance and ________ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Passed by the City Commission of the CITY OF CLARE on ____________, at its regular meeting with _________ commissioners in attendance, _________ voting aye, _________ nay. Adopted by the City Commission of the City of Clare this _________ day of ______________, 2015.

Signed: _____________________, Mayor.
I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of the CITY OF CLARE, Michigan, at its regular meeting on the _______ of ______________, 2014, that of _________ members of the City Commission, ________ were in attendance and ________ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

____________________________
Diane Lyon, Clerk
TO: Mayor & City Commission  
FROM: Ken Hibl, City Manager  
DATE: January 29, 2015  
RE: Acceptance of MCACA Grant

For the Agenda of February 2, 2015

**Background.** The City applied for a Michigan Council for the Advancement of Culture and Art (MCACA) grant in the amount of $89K to rehabilitate the basement of the Clare Railroad Depot, thereby providing a first-ever “home” for the Clare County Arts Council. MCACA approved the grant request in the amount of $51,874. The City Commission is asked to formally approve the acceptance of the grant (*copy of grant agreement att’d*).

**Issues & Questions Specified.** Should the City Commission accept the proffered grant?

**Alternatives.**
1. Accept the grant.
2. Deny acceptance of the grant.
3. Set aside decision regarding this matter to a later date.

**Financial Impact.** There is no direct fiscal obligation upon the City as the Depot Committee has the funds available to provide the required local match of $51,874. Indirectly City resources will be utilized for grant administration and work related to necessary infrastructure (water & sewer) connections.

**Recommendation.** I recommend that the City Commission accept the grant by adoption of Resolution 2015-010 (*copy att’d*).

**Attachments.**
1. Grant Agreement.
2. Resolution 2015-010.
GRANT AGREEMENT FOR ARTS SERVICES

Control #: 15CI0015FI

The MICHIGAN COUNCIL FOR ARTS AND CULTURAL AFFAIRS, a state agency (the 'Council') and City of Clare, (the 'Grantee') enter this Grant Agreement for Arts Services ('Grant Agreement') on January 13, 2015 and mutually agree as follows:

1. Authority
   This Grant Agreement is executed under authority of Sec. 11(6) of the History, Arts and Libraries Act, 2001 PA 63, MCL 399.711 and Sec. 1035 of 2014 PA 252.

2. Grant Agreement Period
   The period of this Grant Agreement shall be from January 1, 2015 and extend to September 30, 2015, unless prior termination is effectuated by the Council pursuant to Section 7.

3. Project(s) Funded
   Beginning on January 1, 2015, Grantee shall:

   Renovate the portion of the Clare Railroad Depot that will serve as the Activity Center for the Clare County Arts Council, as more specifically set forth in the grant application or revised 'grantee information form', which is incorporated herein and made part of this Grant Agreement by reference.

   The project shall be completed before the last date listed in Section 2. If the Grantee is delayed in completing the project by an event beyond its control, the Council has the sole discretion to extend the date for completing the project. A time extension shall be the only remedy for a delay.

   The Grantee expressly warrants and guarantees to the Council that the project will conform to the specifications for the project and will not be defective. The Grantee's obligations for correction of the project work are in addition to any warranties or guarantees required by the Grantee's contractors or by law. Nothing contained in this Grant Agreement shall be construed to establish a period of limitations for the Grantee to warrant and guarantee that the project work will not be defective.

   During the construction of the project, the Grantee may request changes to the project as originally set forth in the grant application. The Grantee shall submit a complete description and itemized cost estimate to the Council before performing the work required by the requested change. The Council has the sole discretion whether to accept or reject the proposed changes. If the Council accepts the changes, the parties must execute a written instrument amending this Grant Agreement before the Grantee may perform the change work.

   The project shall comply with Michigan barrier free design requirements set forth in the Utilization of Public Facilities by Physically Limited Act, 1966 PA 1, MCL 125.1351 et seq., and related rules.

   Grantee shall comply with all financial and other requirements as outlined in the 2015 MCACA Grant Program Guidelines, which are incorporated herein and are made part of this Grant Agreement by reference.

   Grantee understands and agrees that:

   (a) Artistic excellence and artistic merit are criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the people of Michigan.

   (b) Obscenity is without artistic merit, is not protected speech, and will not be funded by a grant awarded by the Council and supported with State appropriations.

   Grantee understands that the Council shall withhold undistributed grant payments from Grantee if Grantee violates any of the requirements for funding listed in the preceding paragraph, and further, that if Grantee violates any of the requirements, Grantee may be disqualified from awards of future grants for a period of up to three years.

4. Category Specification
   The Grantee is eligible for this grant in the Capital Improvement category.

5. Terms and Conditions of Payment
   The Council shall pay the Grantee an amount not to exceed $51,874 on the following dates and in the following amounts, subject to the Grantee's compliance with this Grant Agreement. The Council, in its sole discretion, shall determine whether the Grantee has fulfilled all Grant Agreement terms and conditions. If the Council determines that the Grantee has failed to comply with any term or condition, the Grantee shall not be entitled to any payment listed on the next page:
<table>
<thead>
<tr>
<th>Amount:</th>
<th>Date:</th>
<th>Stipulation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$29,570.00</td>
<td>2/27/2015</td>
<td>Upon processing of signed agreement and copies of Governor and Legislative notifications, revised budget, reflecting grant award</td>
</tr>
<tr>
<td>$14,520.00</td>
<td>7/17/2015</td>
<td></td>
</tr>
<tr>
<td>$7,784.00</td>
<td>12/18/2015</td>
<td>Upon council approval of final report due 10/30/2015</td>
</tr>
</tbody>
</table>

The Grantee shall meet the above listed conditions at least 30 days prior to the indicated payment date, so that the Council will have adequate time to process scheduled payments. In the event this Grant Agreement needs to be approved by the State Administrative Board, it shall be contingent upon such approval and no grant payments shall be made until this contingency is satisfied. Failure to comply with any deadlines will delay payment or may cause termination of this Grant Agreement pursuant to Section 7. Further, Grantee acknowledges that Council’s performance of its payment obligation is dependent upon the continued receipt of government funding. In the event that the State Legislature or any State official, commission, authority, body, or employee, or the federal government (a) takes any legislative or administrative action, which fails to provide, terminates or reduces the funding necessary for this Grant Agreement, or (b) takes any legislative or administrative action, which is unrelated to the source of funding for this Grant Agreement, but which affects the Council’s ability to fund and administer this Grand Agreement, and other Council programs, then the Council may terminate this Grant Agreement by providing notice to the Grantee of termination.

The payment amounts set forth in this section shall, at a minimum, be matched on a dollar-for-dollar basis from local and/or private sources. The match may include new manufactured materials as allowed under the Federal Internal Revenue Code for charitable contributions, subject also to the pre-approval of such a match by the Council. The Council shall receive proof of the entire amount of the matching funds and/or new manufactured materials by the end of the award period.

No member of the State Legislature or any individual employed by the State may share in the awarded grant or any benefit that arises from the grant.

6. **Redistribution Prohibition**

The Grantee may not redistribute any grant awarded under this Grant Agreement or the matching funds which conferred eligibility for the grant to any other entity, unless specifically provided for in this Grant Agreement.

7. **Termination of Grant Agreement**

The Council may terminate this Grant Agreement for any reason by giving 5 days written notice to the Grantee. Upon termination, the Council shall have no further obligation to make the payments described in Section 5.

8. **Grantee’s Liability**

The Grantee will furnish and maintain during the term of this Grant Agreement public liability, property damage, and workers’ compensation insurance or self-insurance insuring, as they may appear, the interests of the parties to this Grant Agreement. The Grantee is responsible for ensuring that all precautions are exercised at all times for the protection of all persons and property. The Grantee shall secure all necessary certificates and permits from municipal or other public authorities and comply with all national, state, and municipal laws, ordinances, and regulations as may be required in connection with the performance of this Grant Agreement.

9. **Limitation of Liability**

The State of Michigan, the Michigan Strategic Fund and the Council, and their organizational units, officers, agents, and employees shall not be liable to the Grantee, nor to any individuals or entity with whom the Grantee contracts, for any direct, indirect, incidental, consequential or other damages incurred as a result of activities, actions or inactions on the part of the Grantee for services rendered pursuant to this Grant Agreement resulting in litigation; from the Council’s decision not to make payment to the Grantee pursuant to Section 5; or from termination of this Grant Agreement pursuant to Section 7.

Any liability resulting from activities, actions or inactions engaged in by the Grantee under this Grant Agreement shall be the sole responsibility of the Grantee. Any liability resulting from activities, actions or inactions engaged by the individuals or entities with whom the Grantee contracts shall be the sole responsibility of the subgrantee or as otherwise specified in a subgrant agreement between the Grantee and the subgrantee; however, under no circumstances shall the State, the Michigan Strategic Fund or the Council, and their organizational units, officers, agents and employees be liable for the activities of the Grantee or any subgrantee. Neither party will indemnify the other party in any litigation that may arise from the performance of this Grant Agreement or any subgrant agreement executed to fulfill this Grant Agreement. This section shall not be construed as a waiver of governmental immunity.
10. **Third Party Beneficiary**

This Grant Agreement is not intended to make any person or entity not a party to this Grant Agreement a third-party beneficiary of this Grant Agreement or to confer on a third party any rights or obligations enforceable in their favor.

11. **Support Credit**

The Grantee shall prominently display the Council's name and logo in printed materials associated with the grant and include support credit in each broadcast promotion as follows:

'This activity is supported by the MICHIGAN COUNCIL FOR ARTS AND CULTURAL AFFAIRS.'

When no printed material is used, verbal acknowledgment shall be given prior to or at the beginning of each presentation. The Grantee shall transmit copies of printing, photographs, advertising and program materials prepared for this activity to the Council.

12. **Accounting**

The Grantee shall maintain appropriate documents, journals, ledgers and statements in accordance with generally accepted accounting practices, retain these records for a period of not less than 3 years from the date of completion of the final report prepared pursuant to Section 16, and make these documents available for examination and audit by appropriate agents of the State and/or Federal Government. Grantee shall use cost accounting principles which comply with Federal requirements as set forth in Federal OMB Circular A-122, 'Cost Principles for Nonprofit Organizations' or OMB Circular A-21, 'Cost Principles for Educational Institutions' or OMB Circular A-87, 'Cost Principles for State and Local Governments', whichever applies.

13. **Administrative Requirements**

Grantee shall comply with the applicable administrative requirements for grants-in-aid as set forth in Federal OMB Circular A-102, 'Uniform Administrative Requirements for Grants-in-Aid and Local Governments' or OMB Circular A-110, 'Grants and Agreements with Institutions of Higher Education, Hospitals and other nonprofit Organizations' and applicable sections of Federal OMB Circular A-133, 'Audits of State and Local Governments'.

14. **Equal Opportunity**

Grantee certifies compliance with Executive Order 79-4, the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 372.101 et seq., and all other pertinent federal, state and local fair employment practices and equal opportunity laws. The Grantee covenants not to discriminate against any employee or applicant for employment, to be employed when services under this Grant agreement are undertaken, with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, on the grounds of race, color, religion, national origin, age, sex or disability, or to exclude any person from participation in, deny any person the benefits of, or discriminate any person due to the above-listed grounds with respect to any program or activity funded in whole or part under this Grant Agreement. The Grantee agrees to include the aforementioned covenant in every contract or subgrant entered into by the Grantee to effectuate this Grant Agreement. Grantee certifies that there are established policies to provide equal opportunity to participate in and benefit from all programs, activities and services and equal employment opportunities; and agrees to state in all promotional materials, advertisements, and recruiting materials its equal opportunity policies.

15. **Fair Labor Standards**

All professional performers and related or supporting professionals employed on projects or in productions which are financed in whole or in part under this Grant Agreement will be paid, without deduction or rebate on any account, not less than the minimum compensation determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities. Furthermore, no part of any project or production which is financed in whole or in part under this grant agreement will be implemented under working conditions which are unsanitary, hazardous or dangerous to the health and safety of those involved. Compliance with the safety and sanitary laws of the state in which the activity or part thereof takes place shall be prima facie evidence of compliance. The Council may terminate this Grant Agreement if the name of the Grantee or any contractor, manufacturer or supplier of the Grantee appears in the register compiled by the Michigan Department of Energy, Labor and Economic Growth pursuant to the State Contracts with Certain Employers Prohibited Act, 1980 PA 278, MCL 423.321 et seq.
16. Reports
   The Grantee shall furnish the following report or reports to the Council:
   
   (a) A final report covering the grant period, which is due within 30 days after the end of the grant period. The final report shall indicate at least the following:
   
   (i) Project revenues and expenditures, including grant matching fund amounts;
   (ii) Number of patrons attracted or benefiting during the grant period; and
   (iii) A narrative summary of the project and its outcome.

   Failure to submit the above-described reports in a timely manner may void Grantee's claim to funds under this Grant Agreement.

17. Reviews and Evaluations

   In order to provide members of the Council, appropriate Council evaluators and staff an opportunity to appraise the nature and caliber of activities supported by Council funds, Grantee agrees to admit those individuals to activities without charge and to cooperate with in-depth reviews and evaluations as may be required.

18. Other Certifications

   The Grantee certifies, by signature to this Grant Agreement, that neither he/she/it nor any principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the grant by any federal department or agency. If the Grantee is unable to certify to any portion of this statement, the Grantee shall attach to this Grant Agreement an explanation of the reason.

19. Governance

   This Grant Agreement is governed by the laws of the State of Michigan and supersedes all prior agreements, documents and representations between the Council and the Grantee, whether expressed, implied, oral or otherwise. This Grant Agreement constitutes the entire agreement between the parties and may not be amended, except by written instrument executed by both parties prior to the termination date set forth in Section 2. No party to this Grant Agreement may assign this Grant Agreement or any of his/her/its rights, interest or obligations hereunder without prior consent of the other party. The Grantee agrees to inform the Council in writing immediately of any proposed changes of dates, budget or services indicated in this Grant Agreement, as well as changes of address or personnel affecting this Grant Agreement. Changes in dates, budget or services are subject to the Council's approval. If any provision of this Grant Agreement is deemed void or unenforceable, the remainder of the Grant Agreement shall remain valid.

20. Counterparts

   This Grant Agreement may be executed in one or more counterparts and transmitted by facsimile, email, pdf or other electronic means, each of which shall constitute an original, and all of which together shall constitute one and the same instrument.

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MICHIGAN STRATEGIC FUND
MI COUNCIL FOR ARTS AND CULTURAL AFFAIRS

City of Clare

John M. Bracey
Executive Director
Date: January 13, 2015

Pat Humphrey
Mayor
Date: ___________________________
RESOLUTION 2015-010

A RESOLUTION OF THE CLARE CITY COMMISSION ACCEPTING A MICHIGAN COUNCIL FOR THE ADVANCEMENT OF CULTURE & ARTS (MCACA) GRANT.

WHEREAS, the City of Clare applied for a Michigan Council for the Advancement of Culture & Arts capital grant to assist in rehabilitating the basement portion of the Clare Railroad Depot to provide dedicated office and administrative space for the Clare County Arts Council, which is one of the designated tenants of said building; and

WHEREAS, the City has been offered a MCACA capital grant in the amount of $51,874 for said purpose; and

WHEREAS, the Clare Depot Committee has made a financial commitment and has the funds available to provide the required equivalent local match funds to facilitate acceptance of said grant; and

WHEREAS, the Clare City Commission has reviewed and considered the proffered agreement for said grant and has determined the terms outlined in said agreement are acceptable.

NOW THEREFORE BE IT RESOLVED that the Clare City Commission hereby accepts the proffered MCACA grant in the amount of $51,874 and directs its City Manager to ensure the City’s compliance with all terms and conditions of said grant agreement.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS IN SO FAR 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 2\textsuperscript{nd} day of February 2015.

_____________________________
Diane Lyon, City Clerk
To: Mayor Pat Humphrey and the Clare City Commission
From: Steven J. Kingsbury, MBA, CPFA, MiCPT
Treasurer, Finance Director and
Director of Information Technology
Date: January 29, 2015
Regarding: Intergovernmental Agreement – Clare County Off-Site Data Backup

For the Agenda of February 2, 2015

Background   The City has been asked by the Clare County Technology Director if we would be willing to provide connectivity to our mutually shared fiber optics communication network and a minimal amount of space within our computer network server closet within the Public Safety Building for the installation of their equipment to receive and maintain a resilient backup of the County's computer data files. This connectivity would be completely outside of the City's computer network domains that are all behind/protected by a Law Enforcement Information Network (LEIN) certified firewall. We in principal agreed to their request as this type of technology sharing is another example of the cost-sharing initiatives that we envisioned when we first started the installation of the county-wide fiber network. Our City Attorney has drafted the enclosed Intergovernmental Agreement for this relationship between the City and the County which we ask the City Commission to consider approving.

Financial Impact   As identified within the Intergovernmental Agreement there is no cost to the City of Clare, the County will be responsible for all costs associated with this relationship.

Recommendation   We recommend that the City Commission approve the proposed Intergovernmental Agreement by adoption of Resolution 2015-012.

Attachments

1. City of Clare - Clare County Data Backup Intergovernmental Agreement.
2. City of Clare Resolution 2015-012.
Agreement made between the following:

City of Clare, a Michigan municipal corporation, having its principal offices at 202 West Fifth Street, Clare, Michigan 48617, and Clare County, having its principal offices at 225 West Main, Harrison, Michigan 48625,

PURPOSE

The parties’ purpose in entering into this Intergovernmental Contract pursuant to MCL 124.1, *et seq* is to allow Clare County to use space within the City of Clare’s Public Safety Building. The use is intended to include the installation and maintenance of a Netgear ReadyNAS and a Liebert UPS, and connectivity to the jointly operated fiber optics communications systems currently in existence between the City, the County, the Clare-Gladwin Regional Educational Services District (RESD) and other public entities.

ARTICLE I – TERM

This agreement shall commence on the 2nd day of February, 2015. The term of this contract shall be three (3) years. This Agreement may be terminated at any time upon one month written notice by either party. After the initial three-year term, this agreement shall renew automatically for one year periods without any action by any party.

ARTICLE II – COMPENSATION

Clare County will pay all costs for the initial installation of additional required electrical service and communications cabling. No additional compensation or expense for this use will be incurred by either party.

ARTICLE III – INSURANCE

Clare County shall maintain, at its sole cost during the entirety of this Lease, commercial general liability insurance insuring Clare County against liability for personal injury, death or damage to personal property arising out of the use of the Site by Clare County. The City 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 City’s and Clare County’s policies of insurance shall include standard waiver of subrogation clause or endorsement. The City and Clare County each hereby waive all right of recovery against the other for losses covered by insurance.
ARVICLE IV – INDEMNITY.

Clare County 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 Clare County's use and/or occupancy of the Site including liability or loss arising from environmental contamination.

ARVICLE V – OTHER PROVISIONS

A. 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.

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

C. 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.

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

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

F. 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.

G. 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.

H. 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.

<table>
<thead>
<tr>
<th>WITNESSES</th>
<th>CITY OF CLARE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>_____________________________</td>
</tr>
<tr>
<td></td>
<td>BY: JEAN MCCONNELL</td>
</tr>
<tr>
<td></td>
<td>ITS: Mayor PRO TEM</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WITNESSES</th>
<th>CLARE COUNTY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>_____________________________</td>
</tr>
<tr>
<td></td>
<td>BY:</td>
</tr>
<tr>
<td></td>
<td>ITS:</td>
</tr>
</tbody>
</table>
RESOLUTION 2015-012

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CLARE AND CLARE COUNTY FOR THE PURPOSE OF PROVIDING A COMPUTER DATA RESILIENCY BACKUP SITE FOR THE CLARE COUNTY.

WHEREAS, the City of Clare has been asked by Clare County if we would be willing to provide a location and connectivity for the County to maintain a resiliency backup site for the County's computer data; and

WHEREAS, in the spirit of collaboration and cooperation the City agreed and expressed its total support for the County's proposal; and

WHEREAS, the City Attorney drafted an Intergovernmental Agreement establishing the terms, conditions, responsibilities and duties of both parties for said proposal; and

WHEREAS, the Clare City Commission has reviewed and considered the proposed Intergovernmental Agreement and determined that it is prudent and in the best interests of the City of Clare and Clare County to approve said agreement.

NOW THEREFORE BE IT RESOLVED that the City Commission of the City of Clare hereby approves the Intergovernmental Agreement between the City of Clare and Clare County to allow the County to maintain a computer data resiliency site within the City's secured computer facilities.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSO_FAR 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 2nd day of February 2015.

_______________________________
Diane Lyon, City Clerk
To: Mayor Pat Humphrey and the Clare City Commission
From: Steven J. Kingsbury, MBA, CPFA, MiCPT
Treasurer, Finance Director and
Director of Information Technology
Date: January 29, 2015
Regarding: North Industrial Park/Infrastructure Build Project - Contractor Payment

For the Agenda of February 2, 2015

Background   The general contractor that is working on the Division A portion of the City's North Industrial Park and Utility Infrastructure project has submitted their fourth application for payment for work completed through December 30, 2014. The City's engineer for this project Gourdie-Fraser has reviewed the application for payment and has verified that all indicated work has in fact been satisfactorily completed and that all invoices/purchases included within the contractor's application for payment have in fact been purchased by the contractor for the City of Clare's 2014/15 North Industrial Park/Infrastructure project.

Financial Impact   Approval of this application for payment from the contractor thereby allows the City to submit it along with the approving resolution from the Clare City Commission to both the U.S. Economic Development Administration to request reimbursement from the EDA Grant awarded to the City for this project as well as the USDA Rural Development Office to be approved as a construction draw from the water and sewer revenue bonds and the capital improvement bond all financed through Rural Development.

Recommendation   Based upon our project engineers review and approval of the enclosed application for payment we recommend that the City Commission approve resolution 2015-013 thereby authorizing the $91,695.62 payment to Dunigan Brothers, Inc.

Attachments

1. Dunigan Brothers, Inc. - Contractor's Application for Payment Number Four.
### Contractor's Application for Payment No. 4

To: City of Clare  
Owner: 202 W. Sth St., Clare, MI 48617-4508

From (Contractor): Durigan Brothers, Inc.  
911 E. South St., Jackson, MI 49203

Project: Division A - Water, Sewer & Infrastructure -  
Class Industrial Park North

Application Period: 12/14 thru 12/30/2014  
Application Date: 12/30/14

Via (Engineer): Goudie-Fraser, Inc  
123 W. Front St., Traverse City, MI 4968

Contractor's Project No.:  
Engineer's Project No.: 13388

---

<table>
<thead>
<tr>
<th>Approved Change Orders</th>
<th>Change Order Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number</strong></td>
<td><strong>Additions</strong></td>
</tr>
<tr>
<td>1. ORIGINAL CONTRACT PRICE</td>
<td>$2,281,021.80</td>
</tr>
<tr>
<td>2. Net change by Change Orders</td>
<td>$</td>
</tr>
<tr>
<td>3. Current Contract Price (Line 1 ± 2)</td>
<td>$2,281,021.80</td>
</tr>
<tr>
<td>4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate)</td>
<td>$1,046,355.20</td>
</tr>
<tr>
<td>5. RETAINAGE:</td>
<td></td>
</tr>
<tr>
<td>a. 5% X $1,046,355.20 Work Completed</td>
<td>$52,317.76</td>
</tr>
<tr>
<td>b. 5% X Stored Material</td>
<td>$</td>
</tr>
<tr>
<td>c. Total Retainage (Line 5a + Line 5b)</td>
<td>$52,317.76</td>
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<tr>
<td>6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)</td>
<td>$994,037.44</td>
</tr>
<tr>
<td>7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)</td>
<td>$902,341.83</td>
</tr>
<tr>
<td>8. AMOUNT DUE THIS APPLICATION</td>
<td>$91,695.62</td>
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<tr>
<td>9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above)</td>
<td>$1,287,784.36</td>
</tr>
</tbody>
</table>

---

**Contractor's Certification**

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

**Payment of:**  
$ Ninety one thousand six hundred ninety five dollars and sixty two cents  
(Line 8 or other - attach explanation of the other amount)

is recommended by:  
[Signature] (Engineer)  
(Date)

**Payment of:**  
$ Ninety one thousand six hundred ninety five dollars and sixty two cents  
(Line 8 or other - attach explanation of the other amount)

is approved by:  
(Owner)  
(Date)

Approved by:  
(Funding Agency if applicable)  
(Date)

---

EJCDC C-620 Contractor's Application for Payment  
© 2010 National Society of Professional Engineers for EJCDC. All rights reserved.  
Page 1 of 4
# Progress Estimate - Unit Price Work

**Contractor's Application**

<table>
<thead>
<tr>
<th>Bid Item No</th>
<th>Item Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Bid Item Value ($)</th>
<th>Estimated Quantity Installed</th>
<th>Value of Work Installed to Date</th>
<th>Materials Presently Stored (not in C)</th>
<th>Total Completed and Stored in Date (D + E)</th>
<th>% (F / B)</th>
<th>Balance to Finish (B - F)</th>
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<tr>
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<td>$2,100.00</td>
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<tr>
<td>11</td>
<td>Sanitary Sewer, 8&quot; (Within Industrial Park)</td>
<td>220</td>
<td>$44.00</td>
<td>$10,040.00</td>
<td>10</td>
<td>$21,040.00</td>
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<td>12</td>
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<td>$44.00</td>
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<td>13</td>
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<td>16</td>
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<td>17</td>
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<td>18</td>
<td>Sewer Depth Excavation</td>
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<tr>
<td>21</td>
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<td>27</td>
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<td>$1,525.00</td>
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**Note:**
- B = A + C
- Total Completed and Stored Date = D + E
- % (F / B) = 100%

**Other Items:**

- **Site Electrical**
  - $12,100.00
- **Access Driveway**
  - $2,420.00
- **Landscape**
  - $2,200.00
- **Generator**
  - $30,000.00
- **Restoration**
  - $3,300.00
- **Site Electrical and Gas Allowance**
  - $5,000.00
- **Storm Sewer, 12"**
  - 1480

**Contractor's Application:**

**Application Number:** 4

**Application Date:** 12/30/14
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<thead>
<tr>
<th></th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
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<td>29</td>
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<td>33</td>
<td>Rip Rap</td>
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<td>35</td>
<td>Machine Grading</td>
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<td>Bituminous Wear Course</td>
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**Totals:**

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### Stored Material Summary

<table>
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<tr>
<th>Bid Item No.</th>
<th>Supplier Invoice No.</th>
<th>Submittal No. (with Specification Section No.)</th>
<th>Storage Location</th>
<th>Description of Materials or Equipment Stored</th>
<th>Date Placed into Storage (Month/Year)</th>
<th>Amount Stored Previously ($)</th>
<th>Amount Stored this Month ($)</th>
<th>Amount Stored Completed and Stored to Date (D+E) ($)</th>
<th>Date (Month/Year)</th>
<th>Amount Incorporated in Work ($)</th>
<th>Amount Remaining in Storage ($) (D + E - F)</th>
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<td>22</td>
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<td>Pace Main, 6&quot;</td>
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<td>$29,449.20</td>
<td>10/2014</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

| **Totals**   | $29,449.20          | $29,449.20                    | $29,449.20 |
PARTIAL UNCONDITIONAL WAIVER

I/we have a contract with DUNIGAN BROS. INC.
(other contracting party)

to provide JACK AND BORE for the improvements to the
property described as CLARE INDUSTRIAL PARK NORTH

and by signing this waiver waive my/our construction lien in the amount of $ 125870.00 for labor/materials provided through 11/30/2014 (date of draw cutoff or actual payment)

This waiver, together with all previous waivers, if any (circle one) does/does not cover all amounts due me/us for contract improvement provided through the date shown above.

If the owner or lessee of the property or the owner’s or lessee’s designee has received a notice of furnishing from me/one of us or if I/we are not required to provide one, and the owner, lessee, or designee has not received this waiver directly from me/one of us, the owner, lessee, or designee may not rely upon it without contacting me/one of us, either in writing, by telephone, or personally, to verify that it is authentic.

STATEMENT OF ACCOUNT

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
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<td>Extras</td>
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<td>Deduct Credit</td>
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<td>Previously Paid</td>
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<td>Retention</td>
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<td>Balance</td>
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<tr>
<td>This Payment</td>
<td>$125870.00</td>
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<td>Balance To</td>
<td></td>
</tr>
<tr>
<td>Become Due</td>
<td></td>
</tr>
</tbody>
</table>

Signed on: 11/15/2015

RT BORING
(Printed Name of Lien Claimant)

(Address)

Telephone: 517-368-3219

DO NOT SIGN BLANK OR INCOMPLETE FORMS. RETAIN A COPY
RESOLUTION 2015-013

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING AN APPLICATION FOR PAYMENT FOR THE CITY'S NORTH INDUSTRIAL PARK AND INFRASTRUCTURE CAPITAL IMPROVEMENT PROJECT.

WHEREAS, the City of Clare, Counties of Clare and Isabella, State of Michigan (the “City”) has undertaken a capital improvement project to construct a new North Industrial Park and to extend public utilities to provide service to the property; and

WHEREAS, this capital improvement project is being funded by a $2.6 million Grant from the United States Economic Development Administration, water and sewer bonds and capital improvement bonds purchased by the United States Department of Agriculture Rural Development and existing City funds; and

WHEREAS, Dunigan Brothers, Inc. was awarded the contract to complete the Division A portion of the project which includes water and sewer mains; a sewage collection and lift station; roadways and general infrastructure; and

WHEREAS, the City has received the fourth contractor's application for payment for this division of the project; and

WHEREAS, the City's project engineer Gourdie-Fraser has reviewed the request for payment and has verified that all indicated work has been satisfactorily completed, that all included purchases have been made and that all required documentation has been accurately and thoroughly completed; and

WHEREAS, the USDA Rural Development requires formal approval by resolution of the contractor's request for payment by the Clare City Commission.

NOW THEREFORE BE IT RESOLVED THAT the Clare City Commission hereby approves the fourth contractor application for payment from Dunigan Brothers, Inc. in the amount of $91,695.62; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Clare City Commission hereby directs the City’s Treasurer and Finance Director to submit the contractor's application for payment to both the Economic Development Administration for reimbursement from the EDA Grant awarded to the City for this project and also to USDA Rural Development for funds to be disbursed from the bonds issued for this project.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSO FAR 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:
Resolution approved for adoption on this 2nd day of February 2015.

Diane Lyon, Clare City Clerk
AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission

From: Steven J. Kingsbury, MBA, CPFA, MiCPT
Treasurer, Finance Director and
Director of Information Technology

Date: January 29, 2015

Regarding: North Industrial Park/Infrastructure Build Project - Contractor Payment

For the Agenda of February 2, 2015

________________________________________

Background  The contractor that is working on the Division B portion (the water tower) of the
City's North Industrial Park and Utility Infrastructure project has submitted their third
application for payment for work completed through January 31, 2015. The City's engineer for
this project Gourdie-Fraser has reviewed the application for payment and has verified that all
indicated work has in fact been satisfactorily completed and that all invoices/purchases included
within the contractor's application for payment have in fact been purchased by the contractor for
the City of Clare's 2014/15 North Industrial Park/Infrastructure project.

Financial Impact  Approval of this application for payment from the contractor thereby allows
the City to submit it along with the approving resolution from the Clare City Commission to both
the U.S. Economic Development Administration to request reimbursement from the EDA Grant
awarded to the City for this project as well as the USDA Rural Development Office to be approved
as a construction draw from the water revenue bond financed through Rural Development.

Recommendation  Based upon our project engineers review and approval of the enclosed
application for payment we recommend that the City Commission approve resolution 2015-014
thereby authorizing the $33,250.00 payment to Maguire Iron, Inc.

Attachments

1. Maguire Iron, Inc. - Contractor's Application for Payment Number Three.
2. City of Clare Resolution 2015-014.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ORIGINAL CONTRACT PRICE</td>
<td>$1,444,000.00</td>
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<tr>
<td>2. Net change by Change Orders</td>
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<tr>
<td>3. Current Contract Price (Line 1 + 2)</td>
<td>$1,444,000.00</td>
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<tr>
<td>4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate)</td>
<td>$399,554.14</td>
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<tr>
<td>5. RETAINAGE:</td>
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</tr>
<tr>
<td>a. 5% X $310,000.00 Work Completed</td>
<td>$15,500.00</td>
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<tr>
<td>b. 5% X $145,583.30 Stored Material</td>
<td>$7,279.17</td>
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<tr>
<td>c. Total Retainage (Line 5a + Line 5b)</td>
<td>$22,779.17</td>
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<tr>
<td>6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)</td>
<td>$432,804.14</td>
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<td>7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)</td>
<td>$399,554.14</td>
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<tr>
<td>8. AMOUNT DUE THIS APPLICATION</td>
<td>$33,250.00</td>
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<tr>
<td>9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above)</td>
<td>$1,011,195.87</td>
</tr>
</tbody>
</table>

Contractor's Certification

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Payment of: $ Thirty three thousand two hundred fifty dollars and zero cents
(Line 8 or other - attach explanation of the other amount)

is recommended by: ____________________________
(Engineer) (Date)

Payment of: $ Thirty three thousand two hundred fifty dollars and zero cents
(Line 8 or other - attach explanation of the other amount)

is approved by: ____________________________
(Owner) (Date)

Approved by: ____________________________
Funding Agency (if applicable) (Date)
# Progress Estimate - Unit Price Work

**For (Contract):** Division B - Elevated Water Storage Tank  
Clare Industrial Park North  

**Application Number:** 3  
**Application Date:** 1/31/15

**Application Period:** 1/01/2015 to 1/31/2015

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Description</th>
<th>Bid Item Quantity</th>
<th>Unit Price</th>
<th>Bid Item Value ($)</th>
<th>Estimated Quantity Installed</th>
<th>Value of Work Installed to Date</th>
<th>Materials Presently Stored (not in C)</th>
<th>Total Completed and Stored to Date (D + E)</th>
<th>% (F/B)</th>
<th>Balance to Finish (B - F)</th>
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| Total        |                               | $1,444,000.00    | $310,000.00 | $145,583.30 | $455,583.30 | 31.6% | $988,416.70 |

EJCDC C-620 Contractor's Application for Payment  
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Page 2 of 3
# Stored Material Summary

**For (Contract):** Division B - Elevated Water Storage Tank  
Clare Industrial Park North

**Application Period:** 1/01/2015 to 1/31/2015

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Supplier Invoice No.</th>
<th>Submittal No. (with Specification Section No.)</th>
<th>Storage Location</th>
<th>Description of Materials or Equipment Stored</th>
<th>Stored Previously</th>
<th>Amount ($)</th>
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<tr>
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<td>3/4 x 96 PW x 377 P/L x A36 HR Plate</td>
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<td>$7,352.07</td>
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<td>$145,583.30</td>
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**Contractor’s Application**

**Application Number:** 3

**Application Date:** 1/31/15

**Subtotal Amount Completed and Stored to Date (D + E):**

- **Date:** (Month/Year)
- **Amount ($)**

**Materials Remaining in Storage (G):**

- **Date:** (Month/Year)
- **Amount ($)**

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Page 3 of 3
A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING AN APPLICATION FOR PAYMENT FOR THE CITY'S NORTH INDUSTRIAL PARK AND INFRASTRUCTURE CAPITAL IMPROVEMENT PROJECT.

WHEREAS, the City of Clare, Counties of Clare and Isabella, State of Michigan (the “City”) has undertaken a capital improvement project to construct a new North Industrial Park and to extend public utilities to provide service to the property; and

WHEREAS, this capital improvement project is being funded by a $2.6 million Grant from the United States Economic Development Administration, water and sewer bonds and capital improvement bonds purchased by the United States Department of Agriculture Rural Development and existing City funds; and

WHEREAS, Maguire Iron, Inc. was awarded the contract to complete the Division B portion of the project which includes a 500,000 gallon elevated water storage tank, foundation and all related water main connections; and

WHEREAS, the City has received the third contractor's application for payment for this division of the project; and

WHEREAS, the City's project engineer Gourdie-Fraser has reviewed the request for payment and has verified that all indicated work has been satisfactorily completed, that all included purchases have been made and that all required documentation has been accurately and thoroughly completed; and

WHEREAS, the USDA Rural Development requires formal approval by resolution of the contractor's request for payment by the Clare City Commission.

NOW THEREFORE BE IT RESOLVED THAT the Clare City Commission hereby approves the third contractor application for payment from Maguire Iron, Inc. in the amount of $33,250.00; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Clare City Commission hereby directs the City’s Treasurer and Finance Director to submit the contractor's application for payment to both the Economic Development Administration for reimbursement from the EDA Grant awarded to the City for this project and also to USDA Rural Development for funds to be disbursed from the bonds issued for this project.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSO FAR 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 2\textsuperscript{nd} day of February 2015.

_______________________________

Diane Lyon, Clare City Clerk
AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission
From: Ken Hibl, City Manager
Date: January 29, 2015
Re: Meeting Excusal – Mayor Pat Humphrey

For the Agenda of February 2, 2015

______________________________________________________________________________

Background: Mayor Pat Humphrey has informed the City Commission that he will be out of the state and unable to attend two upcoming, scheduled commission meetings. When known absences have occurred in the past, the City Commission has granted excusal from meetings to ensure continued compliance with Chapter 6, Section 6.6 of the City of Clare Charter (copy attached) specifies "...that if a commissioner shall miss five consecutive regular meetings of the commission or twenty-five percent or more of such meetings in any fiscal year of the city, unless such absence shall be excused by the commission and the reason therefore entered in the proceedings, his office shall become vacant". The City Commission is asked to grant an excusal.

Issues & Questions Specified: Should the City Commission formally approval the meeting excusal for Mayor Pat Humphrey?

Alternatives:
1. Approve the meeting excusal.
2. Disapprove the meeting excusal.
3. Set aside the decision regarding this matter to a later date.

Financial Impact: None

Recommendation: I recommend that the City Commission Mayor Pat Humphrey from the regular City Commission meetings to be held on February 16th and March 2nd by adoption of Resolution 2015-015.

Attachments

1. Chapter 6, Section 6.6 of the Clare City Charter
2. City of Clare Resolution 2015-015.
Section 6.6. - Compulsory attendance at meetings.

The commission may, by vote of not less than two of its members, compel the attendance of its members and other officers of the city at its regular and special meetings and enforce orderly conduct therein; and any member of the commission or other officer of the city who refuses to attend such meetings or conducts himself in a disorderly manner thereat shall be deemed guilty of misconduct in office. The chief of police shall serve as the sergeant-at-arms of the commission in the enforcement of the provisions of this section. Provided further, that if a commissioner shall miss five consecutive regular meetings of the commission or twenty-five percent or more of such meetings in any fiscal year of the city, unless such absence shall be excused by the commission and the reason therefor entered in the proceedings, his office shall become vacant.
RESOLUTION 2015-015


WHEREAS, the Charter of the City of Clare, Counties of Clare and Isabella, State of Michigan (the “City”) specifies within Chapter 6, Section 6.6 "...that if a commissioner shall miss five consecutive regular meetings of the commission or twenty-five percent or more of such meetings in any fiscal year of the city, unless such absence shall be excused by the commission and the reason therefore entered in the proceedings, his office shall become vacant."; and

WHEREAS, Mayor Pat Humphrey has informed the City Commission that he will be out of the state for two meetings (one in February and one in March) and thus will be unable to attend the Commission’s February 16th and March 2nd regularly scheduled meetings; and

WHEREAS, Mayor Humphrey as a result of his upcoming absence from said City Commission meetings formally requested that the City Commission excuse him from said meetings; and

WHEREAS, the City Commission has determined that said request is reasonable.

NOW THEREFORE BE IT RESOLVED THAT the Clare City Commission hereby approves the excusal of Mayor Pat Humphrey from the February 16th and March 2nd regularly scheduled meetings of the Clare City Commission.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSO FAR 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 2nd day of February 2015.

_______________________________
Diane Lyon, Clare City Clerk
To: Mayor Pat Humphrey and the Clare City Commission
From: Steven J. Kingsbury, MBA, CPFA, MiCPT
Treasurer, Finance Director and
Director of Information Technology
Date: January 30, 2015
Reference: Treasurer’s Report for February 2, 2015

Current Cash Receivables from Grants/Bonds:

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<th>Grant/Program</th>
<th>Amount</th>
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<td>EDA Grant Pending</td>
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<td>MEDC/CDBG - Request #2</td>
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<td>Rural Development Pending Bond Draws</td>
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<td>Rural Development Police Vehicle Tech Grant</td>
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<td>Rural Development</td>
<td>14,000.00</td>
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<tr>
<td>Fire Dept Breathing Air Compressor</td>
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North Industrial Park/Infrastructure Capital Improvement Summary: Enclosed for the Commission's reference is a summary of the expenditures made and funding sources received/used for the North Industrial Park/Infrastructure Expansion project. This report includes all expenditures made or in the process of being approved as well as all grant and bond funds received or in the process of being requested. As reflected within the summary report the project is approximately 41% complete overall with Division A being somewhat further than Division B which is as originally planned.
## City of Clare
### 2014-2016 Capital Improvement Project Summary

### North Industrial Park/Infrastructure Capital Improvement Project

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<th>Total Completed</th>
<th>Retainage</th>
<th>Paid To Date</th>
<th>Percent Complete</th>
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<tr>
<td><strong>Division A - Dunigan Brothers</strong></td>
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<tr>
<td>General Infrastructure</td>
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<td>$ 54,027.60</td>
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### Funding Sources:

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<td>City Funds</td>
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<td>23,823.00</td>
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</table>

**$ 4,940,860.00** | **$ 2,062,669.14** | **41.75%**
AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission
From: Ken Hibl, City Manager
Date: January 29, 2015
Regarding: City Manager's Report

For the Agenda of February 2, 2015

*Planning Commission Meeting.* The City Planning Commission met in special session on Wednesday, January 28th. The primary topics of business included consideration of a zoning change request (outlined in Ordinance 2015-001); development and approval of their annual report (*copy att’d*) to the City Commission; and consideration and approval of façade improvement proposals for eight downtown storefronts. The downtown façade proposals are linked to a grant we have been coordinating with MEDC for the past couple years; we have been informed we should receive preliminary assessment of our application within the next week. If that assessment is positive, we will schedule a public hearing for the February 16th Commission meeting and ask the City Commission for formal approval to declare the City’s intent to apply for the grant and will provide the Commission and the public an overview of the proposed façade improvements at that meeting.

*May Street Millage Ballot Item.* At the last City Commission meeting, we briefly discussed whether to place a proposed street millage on the state-wide May election ballot for Clare street improvements. As the Commission is aware, the primary purpose for the May election is to provide the Michigan electorate an opportunity to approve or disapprove the Michigan Transportation Revenue Ballot proposed by the Michigan legislature. The ballot proposal, if approved by Michigan’s voters, will raise sales and use tax from 6% to 7%; exempt sales tax on motor fuels; remove higher education from the School Aid Fund; and amend use tax distribution. The approved ballot proposal is estimated to provide $1.2B for road improvements in the state; provide $300M additional funding for schools; and earmark an additional $94M for local revenue sharing distribution. Initial estimates provided to us by the state reflect that our annual Act 51 revenues would increase approximately $50K in 2016 and every year thereafter if the transportation referendum is passed. Due to the uncertainty of the results of the proposed state ballot initiative and the complexity and difficulty of trying to explain to our voters why they should consider approving the state transportation initiative and concurrently approve a local street millage, I recommend we postpone a decision on whether to present a local street millage to our residents pending the results of the state’s transportation ballot item.

*Joint City Commission/Planning Commission Meeting.* The Planning Commission has again requested a joint meeting with the City Commission to formally present its annual report and discuss topics of mutual interest. The minutes of the 2014 annual meeting are attached as a reference document. As reflected in those minutes, a number of significant topics were discussed at the joint meeting. If the City Commission is inclined to again support the Planning Commission’s recommendation to hold a joint meeting this year, we suggest that an opportunity to do so would be on February 11th, which is the regularly scheduled monthly meeting date for the Planning Commission.

*Resignation of MMDC Executive Director.* Mr. Brian Anderson, who has served as Middle Michigan Development Corporation’s Exec Director for the past five years, has announced his
resignation effective in February to allow him to take a new position in Indianapolis. As the Commission is aware, the City is a governmental client of MMDC. Due to the short notice of Brian’s departure, Mr. Rick Barz, the retired President of Isabella Bank and a former Chairman of the MMDC, has agreed to temporarily serve as the interim Exec Director of the organization until a new full-time Exec Director can be selected. An informal farewell and recognition event is being hosted in Mt Pleasant for Brian on Tuesday, Feb 3rd.

**Attachments.**

2. Minutes of the 2014 Joint City Commission/Planning Commission meeting.
Annual Report
City of Clare Planning Commission
Encompassing the Period December 2013 to December 2014

Purpose. The Michigan Planning Act of 2008 mandates the submittal of an annual report of the municipal planning commission to the legislative body of the municipality regarding the operations and status of planning activities, to include recommendations to the legislative body related to municipal planning and development.

Period of Report. This report is inclusive of actions of the City of Clare Planning Commission during the period December 31, 2013 to December 31, 2014.

General. The City of Clare Planning Commission consists of nine members appointed by the Mayor of the City of Clare with the approval of the majority of the Clare City Commission. Six of the nine members are required to be qualified electors of the City; the other three members are not required to be qualified electors. The current composition of the Clare Planning Commission is eight qualified electors of the City one non-resident Clare downtown business owner; the current slate of commissioners is attached to this report. It is desirable that one of the appointed planning commissioners is appointed to concurrently serve as a voting member of the City's Zoning Board of Appeals; Commissioner John Kline is the Planning Commission's representative on the Clare Zoning Board of Appeals. The Planning Commission elects its own chairperson annually; the current chair being Commissioner John Kline replacing Dave Prawdzik upon his resignation; Commissioner Jan Winter served as the vice chair through October 2014 at which time Commissioner Winter requested to step down from that seat. Commissioner Josh Clark was nominated and selected to fill the position of vice chair. The commission is scheduled to meet once monthly on the second Wednesday of the month at 6:30pm at Clare City Hall. Special meetings may be called by the commission chairperson. All meetings are required to be open to the public. The City of Clare Planning Commission met on six occasions during the period of this report.

Primary Accomplishments and Activities.
a. Ordinance Amendments. The City Planning Commission considered and made recommendations regarding four (4) ordinance changes related to Chapter 52 (Zoning) of the Ordinance Codes of the City of Clare:
1. 2014-003- Projecting & window signs in the downtown district; parking requirements for drive-in restaurants.
2. 2014-008-Complete Streets
3. 2014-009-Raising Ducks & Chickens within City Limits.
4. Rezoning of 200 acres of property owned by the Clare Northern Group and transferred to the City of Clare under the terms of an Urban Cooperation Agreement in effect between the City and Grant Township. In accordance with the City's existing Future Land Use Map, the Planning Commission recommended sixty (60) acres of this property be zoned as Industrial Park, and the remainder be zoned Commercial-2. The City Commission subsequently zoned the parcels accordingly.
b. **Site Plans.** The Planning Commission approved only four site plans during this reporting period. The diminution of the number of site plans for new construction is viewed as a continuation of the state’s and the nation’s current economic challenges.

1. The relocation & rehabilitation of the Clare Railroad Depot.
2. Improvements to Pettit Park—Installation of New Playground Equipment.

c. **Special Use Permit.** No special use permits were submitted or approved during this reporting period.

d. **Review of Proposed Capital Projects.** The Planning Act requires that the planning commission review all public capital projects recommended for construction or implementation within the City’s geographical boundaries. The planning commission conducted a preliminary review of all proposed capital projects for the City’s 2013/2014 fiscal year prior to submittal to the City Commission in conjunction with the City’s budget approval process and determined that the projects appear to support the goals and objectives outlined in the Comprehensive Master Plan of the City.

e. **Clare Railroad Depot Rehabilitation.** The City Commission continues to remain involved and monitor the progress being made by the Clare Depot Committee. Sufficient funds (in excess of $120,000) were raised during this reporting period to allow relocation of the depot building to its new location on West Fourth Street. One of the City Planning Commissioners (Commissioner Jan Winter) continues to serve as the Chairperson of the Clare Railroad Depot Steering Committee.

**Budgetary Considerations.** The current professional development budget allocated for the continuing education of the Planning Commission members has and continues to be adequate. The City’s funding for public capital projects appears adequate – particularly in light of the current economic situation.

**Recommendations**

a. **Code Enforcement.** The Planning Commission is aware that the City eliminated the full-time position of Code Enforcement Officer due to budget constraints. The Planning Commission has noted continued degradation of enforcement of the City’s Ordinance Codes since the elimination of this position – particularly in the enforcement of codes related to zoning, e.g., proliferation of signs not meeting the City’s codes and general house-keeping issues (grass mowing, clutter/blight, unauthorized temporary signs, etc.). The Commission recommends the position of Code Enforcement Officer be reinstated, at least in a part-time status, to ensure compliance with the City’s Codes. If this cannot be accomplished due to continued financial constraints, consideration should be given to eliminating or changing the City’s Ordinance Codes that are being most frequently violated.

**Other Comments.** Based on the continuing recommendations of the Planning Commission the Clare City Commission and the City’s Planning Commission conducted a joint meeting on
January 8, 2014 to discuss items of mutual importance and to review general philosophy, vision, and objectives for the City.

**Attachments**: List of Planning Commission Members.

Respectfully Submitted,

[Signature]

Commissioner John Kline  
Chairman, City of Clare Planning Commission  
February 2, 2015
The joint meeting of the Clare City Commission and Clare City Planning Commission was called to order in the City Commission Chambers, at 6:30 p.m. by Mayor Pat Humphrey and Chair Dave Prawdzik who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Josh Clark, Pat Humphrey, John Kline, Jean McConnell, Carolyn (Gus) Murphy, Dave Prawdzik, Karla Swanson, and Jan Winter. Absent: Bob Bonham, Glenda Carmoney, Elaine Demasi, and Ben Walters. Also present were Jaynie Hoerauf, City Attorney; Ken Hibl, City Manager; and Diane Lyon, City Clerk.

APPROVAL OF JOINT AGENDA:
Moved by Commissioner Winter second by Commissioner Acton to approve the agenda. Ayes: All present. Nays: None. Absent: Bob Bonham, Glenda Carmoney, Elaine Demasi, and Ben Walters. Motion approved.

APPROVAL OF DECEMBER 11, 2014 PLANNING COMMISSION MINUTES:
Moved by Commissioner Winter second by Commissioner Demasi to approve the minutes of December 11, 2013. Ayes: Darren Acton, Josh Clark, John Kline, Dave Prawdzik, and Jan Winter. Nays: None. Absent: Glenda Carmoney, Elaine Demasi, and Ben Walters. Motion approved.

Commissioner Winter moved to open the public comment period. Ayes: All. Nays: None. Motion approved.

PUBLIC COMMENT: None.

Commissioner Acton moved to close the public comment period. Ayes: All. Nays: None. Motion approved.

UNFINISHED BUSINESS: None

NEW BUSINESS:

PLANNING COMMISSION ANNUAL REPORT
The Planning Commission submits a report to the Clare City Commission on an annual basis outlining the Commission's major accomplishments; highlighting difficulties (if any) encountered; and offering recommendations for meeting the objectives and goals of the City's Master Plan and enforcement of the City's Zoning Codes. If approved, the report will then be submitted to the City Commission by the Chair of the Planning Commission.

Moved by Commissioner Clark second by Commissioner Winter to approve the Planning Commission's annual report by adoption of Resolution 2014-001PC. Ayes: All. Nays: None. Absent: Glenda Carmoney, Elaine Demasi, and Ben Walters. Motion approved.

Planning Commission Chair Dave Prawdzik presented the annual report to the City Commission.

JOINT DISCUSSION
Commissioner McConnell expressed appreciation to the Planning Commission for their hard work and dedication; sorting out the nuances and details (on projects, ordinances, etc.) that come before them, making it easier for the City Commission to do their job.
In reference to Commission McConnell’s comment, Attorney Hoerauf’s provided that from her perspective, if the commissions were receiving a lot of use or dimensional variance requests or other similar requests it would indicate that a review of the city’s Master Plan or Codes of Ordinance may be necessary to determine why the requests are being generated and revisions or amendments would be required (if they were found to be inadequate). City Manager Hibl noted that the Zoning Board of Appeals has not met since 2010; this is a good sign that the Master Plan and Ordinance Codes in place are effective at this time.

Ken Hibl told commissioners that the list provided in the agenda report is not inclusive so if there are topics that a board member wishes to discuss, they should feel free to do so. The City Manager requested that the commissioners discuss the topics of commercial development and code enforcement first so that the city attorney can be dismissed once discussion is complete and questions, if any, are answered on those two topics.

- **Traffic Safety**
  Commissioner Clark expressed concerns about the safety of students crossing the street at McEwan Street and Wheaton Avenue because it is a very busy area. A Crossing Guard is present to halt traffic and assist students crossing in the morning and at the end of the school day at State Street and McEwan when school is in session but there are still concerns for the safety of the students at the Wheaton crossing. McEwan Street is a State of Michigan controlled roadway and therefore MDOT controls the installation of traffic lights, street signs and signals.

- **Planning Commission Seat Vacancy**
  Commissioner Acton inquired about the seat vacancy the Planning Commission now has with Commissioner Hofweber’s term expiring on the Commission on January 4th. C/M Hibl stated that Mayor Humphrey has some potential replacement candidates that he will consider for appointment to fill that position.

- **Commercial Development of the 140-acre parcel north of E. Colonville Road now under the jurisdictional authority of the City. What type of development?? What if Big-Box Store(s) comes knocking?**
  Attorney Hoerauf offered that the health, welfare, and safety of the community are first and foremost considerations in developing a Master Plan.

  The City of Clare developed standards several years ago to provide guidelines, rules and regulation for larger retail units coming to the community related to parking, light pollution, green space, etc. in anticipation of large commercial development.

  The City of Clare has had big box stores knock on the door in the past and continues to receive calls now and again about the possibility of development but most of the time nothing has come of it. There is always a possibility that a big box could decide to build in the community. If that occurs, a staff site plan will take place and both commissions will be made aware of the request. The Planning Commission would then conduct a site plan review as they are responsible for reviewing and either approving or disapproving the site plan. Big box stores cannot be treated differently than any other commercial business.

  Commissioner Swanson stated that there was public opposition to Walgreen’s setting up shop in Clare but the company was in compliance with the regulations in place. As long as a
corporation is in compliance with the rules and regulations they cannot be turned away.

Attorney Hoerauf noted that there are no grounds for a referendum on a site plan. A referendum has to be specifically permitted by state law.

Sentiment appears to have changed in favor of big box stores according to Commissioner Winter but there is still a contingency out there that would oppose development. While big box stores may sell many of the same products as some of the small businesses they often don’t repair products or offer the same level of customer service.

- **Code Enforcement – what can be done to enforce current ordinances with limited budget constraints?**
  The city had a full-time Code Enforcement Officer in place but once that full-time position was eliminated, code violations blossomed overnight. A part-time Code Enforcement Officer was employed and it was discovered that because the job is so time consuming a part-time position is ineffective in keeping codes enforced. Mowing, blight and signage make up the majority of ordinance code violations. A full-time Code Enforcement Officer is needed and it takes the right person to do the job of making the initial personal contact and then following-up on the violations to ensure that issue(s) is resolved.

- **Designation of downtown Clare as Federal Historical District.**
  Resident Ken Lingaur is a student at Eastern Michigan University and is working on obtaining a master’s degree in historical preservation. He has been conducting research and is completing an application for the city to submit for the DDA’s Federal Historic Designation as part of his master’s degree thesis. There are specific criteria in order for buildings to qualify so that determined what area would be submitted for historic designation. The project has taken about two years and at a minimal cost to the city. Designation would put us on the national map and provide an opportunity for downtown business owners to receive state and federal tax credits when they do renovations, etc. The DDA (a number of them are downtown business owners) supports this application. Once we receive that designation we must have a historic preservation committee in place to take on the onerous task enforcing those guidelines. The application will be available for review the second weekend in February here at Clare City Hall in the City Clerk’s office.

- **Move & Rehabilitation of the Clare RR Depot.**
  The depot will be moving in April 2014.

- **Desired Future Use of Downtown Consumers Energy Site.**
  Consumer’s Energy intends to build a new facility in the new industrial park and move from their downtown location on 4th Street. Several ideas for repurposing the downtown site have been offered to city staff; a community center, another ClareCastle (senior living center), condominiums, and a youth center have all been proposed and we welcome hearing additional ideas from the community. The site is contaminated but if a Phase I & II environmental assessment and background can be completed there are some uses that would be allowed at the site provided the soil is not disturbed. There are residents who would prefer the city not take ownership so that the facility remains on the tax rolls.

- **Street Improvements.**
  The city contracted with Mt. Pleasant’s engineering department to conduct a street survey. They will provide a street improvement priority report in the next month or two, which will help us, determine a priority list for street improvements. The city receives ¾ mil in taxes for street
improvements, which generates approximately $65-70,000 annually; one block of street costs about $120,000 to improve. So our intent is to present a list of streets to both commissions for approval to place on the ballot as a special assessment and borrow money to complete those specific street improvements; water & sewer would be completed at the same time & would come out of the water and sewer fund. It would be a general city-wide assessment. The ¾ mil would be used to keep up with maintenance.

- **Filling of Empty Storefronts/Attract Businesses to Clare.**
  There is no formal process for recruiting businesses to Clare, but a volunteer group of city ambassadors would be beneficial to the community. We wouldn’t want them to take business away from another community but rather woo them to open up another business in Clare.

- **Continuance of Rail-Trail through downtown Clare.**
  The DNR is trying to negotiate a deal with the railroad for a property trade. They are at an impasse so it’s possible that we will have to complete the PM rail-trail through Clare ourselves. There is an initiative to connect the Pere Marquette to the Fred Meyer trail down in Ithaca. All the communities along 127 are in favor of it. It will run in MDOT right-of-way from Ithaca to Alma and along Old 27 from Mt. Pleasant to Clare. There is interest from another trail group to take it down to Ionia.

Commissioners agreed that a joint meeting should be held once or twice annually.

**ADJOURNMENT** - Moved by Commissioner Acton and seconded by Commissioner Swanson to adjourn. Ayes: All. Nays: None. Absent: Bob Bonham, Glenda Carmoney, Elaine Demasi, and Ben Walters. Motion approved. Meeting adjourned at 7:58 p.m.

__________________________
Diane Lyon, City Clerk
AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Diane Lyon, City Clerk
DATE: January 30, 2015
RE: *Communications

For the Agenda of February 2, 2015

*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 February 2, 2015.

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

**Capitol E-News.** Judy Emmons January newsletter is attached for the Commission’s Review.

**Michigan Economic Development Corporation News.** The latest edition is attached for review.

**Michigan Association of Planners.** A Planning and Zoning calendar of events for 2015 training workshops has been provided for the Commission.

**MPSC Notice of Public Hearing.** The City received a notice of public hearing for scheduling prehearing conference dates and other procedural matters.

**Bureau of Elections News Update.** The latest Michigan Bureau of Elections news is attached for review.

**2015 Election Dates Calendar.** The May Elections calendar is attached for review.

**Attachments.** As outlined above.
Emmons bill has immediate impact in keeping students safer
Legislation I sponsored that was signed into law last year created the OK-2-SAY program, a confidential early warning system for students to report threats to their safety or the safety of others.

The program became operational in Michigan schools on Sept. 2, 2014. By mid-December, state officials had verified more than 400 tips, including tips on bullying and cyberbullying, threats of suicide and child abuse. I am pleased the new law is working as intended to help keep our kids safe.

Students and others can anonymously submit tips by phone at 855-565-2729, by text message at 652729 (OK2SAY), by email at ok2say@mi.gov, or through the website at www.mi.gov/ok2say.

Alcohol limit lowered to .08 on the water and trails
With a new law in place, if you’re too drunk to legally drive, you’re too drunk to operate certain recreational vehicles.

I supported legislation that lowers the blood alcohol content (BAC) threshold from .10 to .08 for operating a snowmobile, boat or off-road vehicle—the same level used for driving a vehicle. Other provisions increase the penalties for violations and prohibit a person under the age of 21 from operating a snowmobile or boat with any level of alcohol.

Each season, alcohol is a contributing factor in many snowmobile and boating accidents. The new law lets everyone know that safety on the trail and on the water is as important as safety on the road.

Emmons supports veterans plate
Michigan motorists will soon have a great opportunity to honor those who have served our country.

Under a new law, the secretary of state will be allowed to issue a specialty fundraising license plate recognizing Michigan’s veterans. Proceeds from sales of the plate will help provide tuition assistance for Michigan National Guard members and funds for veteran service providers and organizations. The implementation date is Sept. 1, 2015.

Winter weather reminder
The massive accidents due to hazardous winter driving conditions earlier this month are a good reminder that motorists should take extra precaution before heading out.

Travelers can go to www.michigan.gov/roadconditions and www.michigan.gov/drive to check road conditions before traveling. Road conditions are also available by calling the MSP Travel Hotline at 1-800-381-8477.
MI unemployment rate drops to 6.3 percent, lowest since November 2002

Michigan’s seasonally adjusted unemployment rate in December dropped over the month by four-tenths of a percentage point to 6.3 percent, according to data released today by the Michigan Department of Technology, Management & Budget.

The state unemployment rate dropped 10 out of 12 months during 2014 and is at its lowest point since November 2002.

“The continuing drop in Michigan’s unemployment rate is both an affirmation and a call to action. Finishing the year with the lowest unemployment rate in more than 12 years shows we are on the right path as our economy is growing stronger with an environment that is creating more and better jobs,” said Gov. Rick Snyder.

Total employment rose in December by 21,000 as the number of unemployed dropped by 21,000. From December 2013 to December 2014, the number of unemployed in the state fell by 89,000 or 23 percent. This drop outpaced the nationwide reduction of 16.3 percent over the same period.

In other economic development news, the Michigan Economic Development Corporation executive committee on Tuesday appointed MEDC Executive Vice President Chief Operating Officer Steve Arwood as MEDC CEO. Following his appointment, Snyder named Arwood President and Chairman of the Michigan Strategic Fund.

“Steve Arwood, in leadership positions in my administration, has demonstrated a real feel for what it takes to grow our economy and his appointment to chair MSF is important to our continuing reinvention of Michigan,” Snyder said. “We are committed to bringing our state workforce capabilities to new levels of excellence. Steve’s service will be vital to our success.”

To learn more about Snyder's plans for continuing to move Michigan forward, visit here.
ON-SITE WORKSHOPS

Can’t make the scheduled workshops? Interested in another topic?
No problem! Bring the training to your community through MAP’s on-site program!

About on-site workshops:
MAP’s on-site workshops are a flexible and affordable way to bring training to your community. You pick the topic, date, location, and attendees—MAP finds an AICP-certified instructor and provides the materials. Collaborating with neighboring communities provides added value to the workshop, and also helps cover costs.

Topics:
- Planning & Zoning Essentials
- Zoning Board of Appeals: Beyond the Basics
- Site Plan Review
- Risk Management
- Capitol Improvement Plans
- Community Engagement
- The Master Planning Process

For more information, or to schedule an on-site workshop, please contact Meghan at (734)913-2000 or mprindle@planningmi.org.

ABOUT MAP

The Michigan Association of Planning (MAP) is a 501(c)3 non-profit organization dedicated to promoting quality community planning through statewide education, information and advocacy.

Membership benefits are valuable:
- Subscription to Michigan Planner magazine.
- Discounts on MAP events and publications.
- Part of nation-wide network of planners.
- Access to tools and resources to help you make better decisions.
- And more!

For more information, contact Sherrie at (734)913-2000 or showard@planningmi.org.

CALENDAR OF EVENTS

December 11, 2014
Transportation Bonanza 6
Lansing | Lansing Center
333 E. Michigan Ave., Lansing, MI 48993

January 14, 2015
Planning & Zoning Essentials
Mt. Pleasant | Isabella County Building
200 N. Main St., Mt. Pleasant, MI 48858

February 4, 2015
Planning & Zoning Essentials
Kalamazoo Area | Oshtemo Township Hall
7275 W. Main St., Kalamazoo, MI 49009

February 12, 2015
Community Engagement
Traverse City | Government Center
400 Boardman Ave., Traverse City, MI 49684

February 20, 2015
Student MAP Conference
Ann Arbor | Michigan League
University of Michigan Central Campus

February 26, 2015
Planning & Zoning Essentials
Ann Arbor | Washtenaw County Building
705 N. Zeeb Rd., Ann Arbor, MI 48107

March 5, 2015
Site Plan Review
Lansing Area | Hampton Inn - Okemos
2200 Hampton Place, Okemos, MI 48864

March 5, 2015
ZBA: Beyond the Basics
Lansing Area | Hampton Inn - Okemos
2200 Hampton Place, Okemos, MI 48864

April 9, 2015
Spring Institute
Lansing | Lansing Radisson
111 N. Grand Ave., Lansing, MI 48933

October 7-9, 2015
Planning Michigan Conference
Detroit | Marriott at the Renaissance Center
400 Renaissance Dr., Detroit, MI 48243

Michigan Association of Planning
1919 W. Stadium Blvd.
Suite 4
Ann Arbor, MI 48103
The Michigan Association of Planning’s education programs provide participants with the skills and knowledge to make better land use decisions. Our knowledgeable and experienced instructors enable new elected and appointed officials to better understand their roles and responsibilities, and reacquaint experienced ones with innovative planning tools and techniques. We make it easy for you to receive the education and training necessary to keep up with the ever-changing land-use landscape.

PLANNING & ZONING ESSENTIALS
The most requested training product we offer. This course is designed to boost confidence by sharpening skills, identifying conflicts of interest, understanding legal foundations, examining roles and responsibilities, and more!

January 14th | 4:00 p.m. - 9:00 p.m.  Mt. Pleasant | Isabella County Building  Instructor: Sarah Traylor, AICP, McKenna Associates
February 4th | 4:00 p.m. - 9:00 p.m.  Kalamazoo Area | Oshtemo Township Hall  Instructor: Greg Maliken, AICP; Oshtemo Charter Twp
February 26th | 4:00 p.m. - 9:00 p.m.  Ann Arbor | Washtenaw County Building  Instructor: Doug Loomis, AICP, Carlisle | Wirtz, Inc.

This program is ideal for introducing new planning commissioners and zoning board of appeals members to their roles and responsibilities, and also for more experienced officials looking to refresh their skills and build upon existing knowledge. Roles and responsibilities, site plan review, comprehensive planning, zoning ordinances, variances, how to determine practical difficulty, and standards for decision-making are covered.

Choose from three options to fit your needs:

1. Full Program (4-9pm) for the best overview and understanding of how the planning commissioners, zoning board of appeals, elected officials, and staff interact.
2. Planning Commission Session (4-7:30pm)
3. Zoning Board of Appeals Session (6-9pm)

WHAT MAKES THESE WORKSHOPS VALUABLE?
• All instructors are certified by the American Institute of Certified Planners (AICP)
• All attendees receive a comprehensive guidebook
• Half-hour dinner break and networking with fellow officials
• MAP’s reputation and credibility as a land use leader are widely recognized, assuring the highest quality educational experience.

REGISTRATION FORM
Complete one form per registrant. All rates include light dinner.

CONTACT INFORMATION:
NAME
AFFILIATION
EMAIL (confirmations and directions will be sent via email)
PHONE (with area code)
BILLING ADDRESS (include apt. or suite #)

REGISTRATION INFORMATION:
I'm a MAP Member
I'm a full-time student, and want to join MAP for $15
Join MAP now for $60 and receive the member discount

RATES
MEMBER RATES
NON-MEMBER RATES
Community Engagement
Feb. 12 | Traverse City
Fri. 95 | $125
$95 | $125
Site Plan Review
Mar. 5 | Lansing
$85 | $115
$85 | $115
ZBA: Beyond the Basics
Mar. 5 | Lansing
$85 | $115
$75 | $105
$75 | $105
Planning & Zoning Essentials
Mar. 5 | Lansing
$85 | $115
$75 | $105
$75 | $105

Pick a location for Planning & Zoning Essentials:
Ɣ Mt. Pleasant
Ɣ Kalamazoo
Ɣ Ann Arbor

PAYMENT INFORMATION:  TOTAL:
$25 late fee if you register LESS THAN 5 business days before workshop

WHO SHOULD ATTEND?
• New and experienced planning commissioners and zoning board of appeals members
• Elected and appointed officials
• Zoning administrators
• Staff
• Emerging planning professionals
• Planning students (special student-member rate!)

SIGNATURE
STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION
NOTICE OF HEARING
CONSUMERS ENERGY COMPANY
CASE NO. U-17752

- The Michigan Public Service Commission will be conducting regulatory reviews, revisions, determinations and/or approvals necessary for Consumers Energy Company to fully comply with certain provisions of Public Act 295 of 2008, and Commission Orders issued in Cases Numbers U-15805, U-16543, U-16581 and U-17301.

- The rates, terms and conditions associated with the implementation of a Community Solar Program Pilot for three years up to 10 megawatts (MW), among other issues, will be considered in Case No. U-17752.

- The information below describes how a person may participate in this case.

- You may contact Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.

- A public hearing will be held:

  DATE/TIME: Monday, February 2, 2015, 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 Mark D. Eyster

  LOCATION: Michigan Public Service Commission
  7109 West Saginaw Highway
  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) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider Consumers Energy Company’s (Consumers Energy) application seeking Commission approval of its Amended Renewable Energy Plan in Case No. U-17752. Consumers Energy represents that the amended application will be filed by January 23, 2015.

Consumers Energy represents that its application will seek approval of an Amended Renewable Energy Plan, which is a 20 year plan for achieving compliance with the provisions of 2008 PA 295. The Company’s plan will include estimates of the amount of renewable energy that Consumers Energy needs to obtain in order to meet the renewable energy standards established by that act, a description of the manner in which the Company intends to acquire that renewable energy, and estimates of the costs of doing so. The Company represents its application will seek approval of a Community Solar Program Pilot for three years up to 10 MW.
All documents filed in this case shall be submitted electronically through the Commission’s E-Dockets website at: michigan.gov/mpsededockets. 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: mpsededockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpsededockets@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 January 26, 2015. (Petitions to intervene may also be filed 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 appear at the hearing 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 becomes public information, thus available on the Michigan Public Service Commission’s website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Commission’s Rules of Practice and Procedure R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy’s application may be reviewed on the Commission’s website at: michigan.gov/mpsededockets, and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.


January 6, 2015
January 16, 2015

City Filing Deadlines
Many cities conduct their elections in the odd-year. Filing deadlines for the remainder of 2015 are as follows:

For a May Election without a Primary - January 20, 2015

For an August Primary/November Election - April 21, 2015

For a November Election without a Primary - July 21, 2015

City filing deadlines are set by the Michigan Election Law in all instances in an odd year.

AVCB Recount Lessons Learned
Two state level recounts were conducted in December each involving Absent Voter Counting Boards (AVCBs). These recounts gave everyone involved a unique opportunity to see how the new AVCB structure (ballots and totals by precinct) affected recounts. In addition, each jurisdiction did things a bit differently.

So what really worked well?

- Different memory/program cards for each AVCB
- Banding ballots for each AVCB

While different memory/program cards creates a challenge when processing AV’s on election day, it also serves as a double check that the proper ballot was issued to the voter. Issuing a greater number of ballot styles increases the possibility of an absentee voter receiving the incorrect...
ballot style. So if a Precinct 1 AV voter was accidentally issued a Precinct 3 AV ballot, the AVCB will catch the error at the tabulator and be able to appropriately duplicate that ballot. In the event of a recount, AVCB’s should balance easily as there will be no confusion over why there is one more Precinct 3 AV ballot and one less in Precinct 1.

Which leads us to separating and banding by AVCB. As you know, in a recount, ballots are pulled out and counted. The number tabulated must match the physical count. Having the ballots banded by AVCB made for a much smoother recounting process.

The Bureau of Elections recommends that jurisdictions using AVCB’s consider using these methods in the future; while we understand there is a cost factor in purchasing different memory/program cards at this point in time, the benefits in the case of a recount are significant in ensuring the recountability of every precinct.

Deck - Special Proposal Ballot Course has been released in the eLearning Center. In under 10 minutes, this course explains how to create a chart of predetermined results and the corresponding test deck for a ballot with proposals only. The chart of predetermined results is universal for this type of election and can be used by any jurisdiction.

HINT: That means the chart is already created and only the ballots need to be marked!

Helpful Links

Questions? Please contact the Bureau of Elections at 1-800-292-5973 or elections@michigan.gov.

The Bureau of Elections News Update will always be sent to MERIT email accounts. If other election administrations that do not have MERIT email access would like to receive this newsletter as well use the Subscribe link below to have it sent directly to another email account.

It is recommended that you add misos@govsubscriptions.michigan.gov and MISOS@public.govdelivery.com to your safe senders list, as well as your @miqvf.org email address if you have MERIT email forwarded to another email account.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>By 4:00 p.m., Jan. 15 **</td>
<td>District Library Board candidates who wish to seek office at the May 5 election must file an Affidavit of Identity and a nominating petition. (A $100.00 nonrefundable fee may be filed in lieu of a petition.) Withdrawal deadline elapses at 4:00 p.m. on January 20*. (If filing official is a local clerk, filing official notifies county clerk of candidates’ names and addresses within 3 days after withdrawal deadline.) (397.181) <strong>see footnotes</strong></td>
</tr>
<tr>
<td>By Jan. 27</td>
<td>Petitions to place proposals on ballot filed with county and local clerks. (If governing law sets an earlier petition filing deadline, earlier deadline must be observed.) (168.646a)</td>
</tr>
<tr>
<td>Jan. 30</td>
<td>Last day a recall petition can be filed for May election. (Local offices only face recall in May &amp; November) (168.963)</td>
</tr>
<tr>
<td>By Feb. 10</td>
<td>Ballot wording of proposals qualified to appear on ballot certified to county and local clerks. (168.646a)</td>
</tr>
<tr>
<td>By Mar. 21</td>
<td>Clerks shall electronically transmit or mail (as requested) an absent voter ballot to each absent UOCAVA (uniformed services or overseas) voter who applied for an absent voter ballot 45 days or more before the election (MOVE deadline.) (168.759a)</td>
</tr>
<tr>
<td>By Mar. 21</td>
<td>Absent voter ballots must be available for issuance to voters. (168.714)</td>
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<tr>
<td>Mar. 26 through Apr. 14</td>
<td>Precinct inspectors appointed by local election commission for election. (168.674)</td>
</tr>
<tr>
<td>By Mar. 30</td>
<td>Notice of close of registration for election published. One notice required. (168.498)</td>
</tr>
<tr>
<td>Apr. 6</td>
<td>Last day to register for election. (168.497)</td>
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<td>Date Code</td>
<td>Event Description</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------------------------------------------------------------</td>
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<tr>
<td>By Apr. 24</td>
<td>Pre-Election Campaign Statements filed (closes Apr. 19).</td>
</tr>
<tr>
<td>By 4:00 p.m., Apr. 24</td>
<td>Write-in candidates file Declaration of Intent forms. (168.737a)</td>
</tr>
<tr>
<td>By Apr. 28</td>
<td>Notice of election published. One notice required. (168.653a)</td>
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<tr>
<td>By Apr. 30</td>
<td>Public accuracy test must be conducted by local election commission. (R 168.778) Notice of test must be published at least 48 hours before test. (168.798)</td>
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<tr>
<td>By 2:00 p.m., May 2</td>
<td>Electors who wish to receive an absent voter ballot for election by mail submit applications. (168.759)</td>
</tr>
<tr>
<td>Up to 4:00 p.m., May 4</td>
<td>Electors qualified to obtain an absent voter ballot for election may vote in person in clerk’s office. (168.761)</td>
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<tr>
<td>Up to 4:00 p.m., May 5</td>
<td>Emergency absentee voting for election. (168.759b)</td>
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<td>May 5</td>
<td>ELECTION</td>
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<td>By May 11</td>
<td>Boards of County Canvassers meet to canvass election. (168.821)</td>
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<tr>
<td>By Jun. 4</td>
<td>Post-Election Campaign Statements filed (closes May 25).</td>
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* As the customary 3-day withdrawal deadline falls on a Sunday (January 18) and the following Monday is Martin Luther King Day (January 19), the withdrawal deadline moves forward to Tuesday, January 20.

** Effective 1/02/2012 Local School Board Member candidates moved to the even year November General Election; this change in election date directly affected the election of Community College Board of Trustees. In some cases, this change in Election Law affected the District Library Board candidates also. Please verify filing deadlines in your districts prior to publishing.
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<tr>
<th>VENDOR</th>
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Sub Total: 147,467.00
## PAYABLES REPORT FOR COMMISSIONERS

**EXP CHECK RUN DATES 01/21/2015 - 01/29/2015**  
**BOTH JOURNALIZED AND UNJOURNALIZED PAID**  
**BANK CODE: CONSO**

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**OPEN INVOICE TOTAL:**  

| Grand Total: | 154,162.75 |

**COMMISSION APPROVAL:**

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