

AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commission
FROM: Ken Hibl, City Manager
DATE: October 11, 2018
RE: City Manager's Report

For the Agenda of October 15, 2018

Planning Commission Meeting. The Planning Commission met on October 10, 2018. The Commission approved a site plan application for a new Dollar General Store on the vacant property near the intersection of Maple Street & W. Fifth Street (site of the ole Tri-R Hotel); the developer confirmed that he intends to commence construction next spring. The Planning Commission also considered and recommended approval of a proposed ordinance (2018-008) “opting-out” of the proposed new law (Proposal 1 on the November ballot) pertaining to recreational marihuana. The next Planning Commission meeting is scheduled for Nov 14th.

New Tesla Charging Station. The City Staff and the DDA Design Committee met on October 8th and approved a proposed eight-station Tesla Charging Station (*see copy of att'd drawings*) to be constructed in the east parking lot of the Doherty Hotel. Tesla is constructing a nation-wide network of these charging stations, which will be strategically placed to accommodate Tesla car owners (as a general rule, minimum of one charging station every 200 miles). Clare was selected as a site due to its central location in the state.

Recognition for Fluoridation Program. The City of Clare was one of fifty Michigan municipalities recently recognized (*see copy of att'd email*) for its fluoride program.

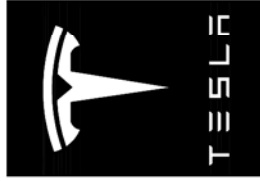
Clare Water System Sanitary Survey. MDEQ visited the City on August 27th to conduct an assessment of the City's water system. A summary sheet of the findings of the visit is attached.

PROTEC Correspondence. The City is a member (*see copy of att'd list of municipal members*) of PROTEC, a lobby organization for the protection of municipal rights-of-way related to telecommunications. On behalf of its membership, PROTEC has drafted a letter opposing Senate Bill 637, which if adopted as law, significantly reduces local government's authority and influence over its public own rights-of-way and increases the ability of communication providers to infringe on municipal rights to use the ROWs.

Halloween Parade Permit. The City has attached the attached permit for this year's annual Halloween Parade.

Attachments.

1. Tesla Proposals.
2. Fluoride Program Recognition.
3. MDEQ Water System Survey Results.
4. PROTEC Correspondence.
5. Halloween Parade Permit.
6. MDEQ Water System Survey.

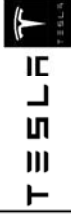


TESLA

SUPERCHARGING STATION

CLARE DOHERTY HOTEL MICHIGAN

SITE NAME: CLARE DOHERTY HOTEL MICHIGAN
604 NORTH MCEWAN
CLARE, MI 48617



3500 DEER CREEK RD
PALO ALTO, CA 94304
(650) 941-5000

LAB

49030 Pontiac Trail, Ste 400
Wixom, Michigan 48393
PHONE: 248-705-9212

DRAWN BY: RC
CHECKED BY: PL

REV	DATE	DESCRIPTION
A	08/07/2018	C006
B	08/11/2018	C008

SITE NAME: CLARE DOHERTY
HOTEL, MICHIGAN
604 NORTH MCEWAN
CLARE, MI 48617

SHEET TITLE
TITLE SHEET &
PROJECT DATA

SHEET NUMBER
T-1

SHEET NO.	TITLE SHEET & PROJECT DATA	REF NO.
T-1	TOPOGRAPHIC SURVEY	A
A-1	OVERALL SITE PLAN	A
A-2	PROPOSED SITE PLAN	A
A-3	ENLARGED PROPOSED EQUIPMENT LAYOUT	A
A-4	PERMITTING INFORMATION	A
LS-1	LANDSCAPING PLAN, DETAILS & PLANT SCHEDULE	A

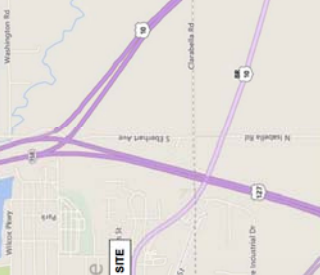
ARCHITECT OF RECORD	PROJECT ENGINEER
PETER LICHOMSKI, ARCHITECT 49030 PONTIAC TRAIL, SUITE 400 WIXOM, MI 48393 (248) 705-9212 peterlichomski@labarchitects.com	CLARK TROMBLEY RANDERS CONSULTING ENGINEERS 504 S. CREYTS RD, SUITE B LANSING, MI 48215 (313) 465-5555 jranders@ctrop.com

CALL BEFORE YOU DIG
IF YOU DIG IN ANY STATE
DIAL 811 FOR THE LOCAL
"ONE CALL CENTER" -
IT'S THE LAW

THE UTILITIES SHOWN HEREIN ARE FOR THE CONTRACTOR'S CONVENIENCE
AND ARE NOT A GUARANTEE OF THE LOCATION, DEPTH, OR CHARACTER OF THE
UTILITIES. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOSS
OF ANY UTILITIES OR FOR THE DAMAGE TO ANY UTILITIES OR FOR THE
ALL DAMAGE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
ALL DAMAGE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

PERMITTING: KEN HBL
JURISDICTION: CITY MANAGER CITY OF CLARE
CLARE, MI 48617
khlbl@cityofclare.org

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL PLANS. EXISTING
UTILITIES SHOWN HEREIN ARE FOR THE CONTRACTOR'S
CONVENIENCE AND ARE NOT A GUARANTEE OF THE
ENGINEER IN WRITING OF ANY DISCREPANCIES
BEFORE PROCEEDING WITH THE WORK.



PROJECT DESCRIPTION

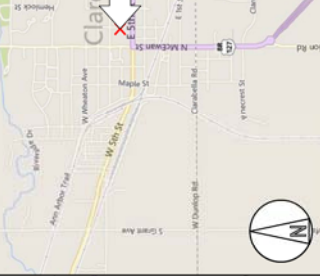
- INSTALL (4) TESLA SUPERCHARGER CABINETS
- INSTALL (8) TESLA CHARGING STATIONS
- INSTALL (1) QED SWITCHGEAR ASSEMBLY
- INSTALL (1) UTILITY TRANSFORMER
- INSTALL (1) UTILITY TRANSFORMER AND FUTURE(S)
- INSTALL (4) AUTOTRANSFORMERS

APPLICABLE CODES

ALL WORK SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES:

- 2015 INTERNATIONAL BUILDING CODE
- 2014 NATIONAL ELECTRICAL CODE

IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL.



SITE INFORMATION

PROPOSED TESLA EV SITE ADDRESS:
604 NORTH MCEWAN
CLARE, MI 48617

EXISTING SITE ADDRESS:
3500 DEER CREEK RD
PALO ALTO, CA 94304

POWER COMPANY:
TESLA MOTORS, INC.
3500 DEER CREEK RD
PALO ALTO, CA 94304
(650) 941-5000

ONE ENERGY PLAZA
JACKSON, MI 48201-2276
PHONE: 800-477-5050

COUNTY:
CLARE

LATITUDE (NAD83):
41° 46' 00" N

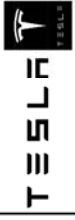
LONGITUDE (NAD83):
84° 46' 00" W

FLOOD HAZARD AREA NOTE

THIS SITE IS LOCATED IN FLOOD ZONE "X".
NO BASE FLOOD ELEVATION.
AREA DETERMINED TO BE OUTSIDE 500-YEAR
FLOOD PLAIN.

CONTRACTOR NOTE

CONTRACTOR SHALL COMPLETE INSTALL PER
THE SIGNED AND SEALED SET OF DRAWINGS.
ALL DRAWINGS MUST BE SUBMITTED THROUGH AN
RFI REQUEST PROCESS WITH ARCHITECT /
ENGINEER FOR AN APPROVAL PRIOR TO
CONTRACTOR PROCEEDING WITH A
DRAWING. THE SIGNED AND SEALED SET
OF DRAWINGS.



3500 DEER CREEK RD
PALO ALTO, CA 94304
(650) 997-1000

LAB

48030 Pontiac Trail, Ste 400
Wyom., Michigan 48393
PHONE: 248-705-9212

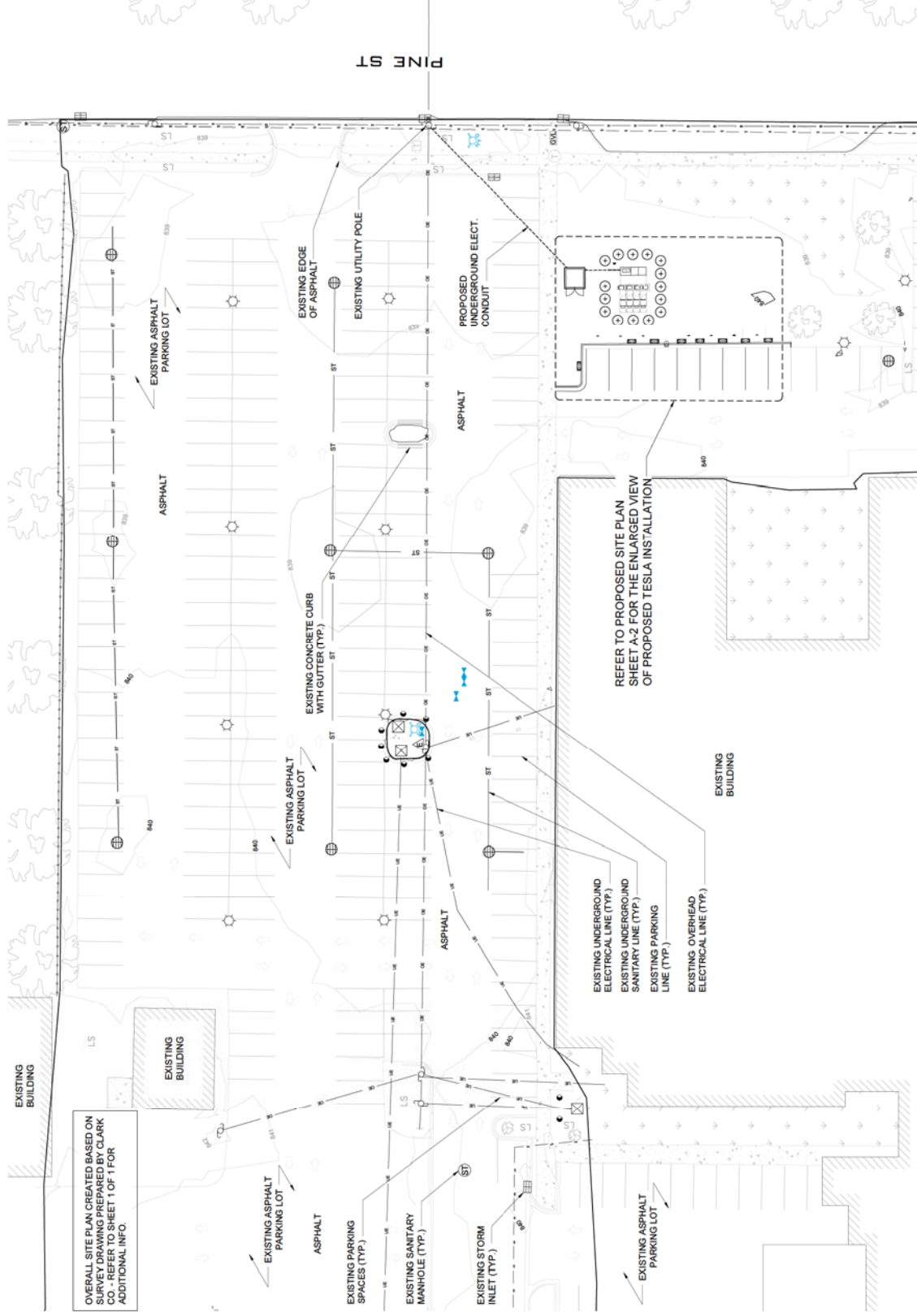
DRAWN BY: INC
CHECKED BY: PL

REV	DATE	DESCRIPTION
B	06/11/2018	CD06
A	06/07/2018	CD05

SITE NAME: CLARE DOHERTY
HOTEL, MICHIGAN
604 NORTH MCEWAN
CLARE, MI 48617

OVERALL SITE PLAN

SHEET NUMBER
A-1



0' 20' 40' 80' 120'
SCALE
1"=10'-0"
2"=30'-0"

OVERALL SITE PLAN



3500 DEER CREEK RD
PALO ALTO, CA 94304
(650) 681-6001

49030 Pontiac Trail, Ste 400
Wixom, Michigan 48393
PHONE: 248-705-9212

DRAWN BY:	RC
CHECKED BY:	PL

REV	DATE	DESCRIPTION
B	09/11/2018	CD50
A	09/07/2018	CD50

**SITE NAME: CLARE DOHERTY
HOTEL, MICHIGAN
604 NORTH MCEWAN
CLARE, MI 48617**

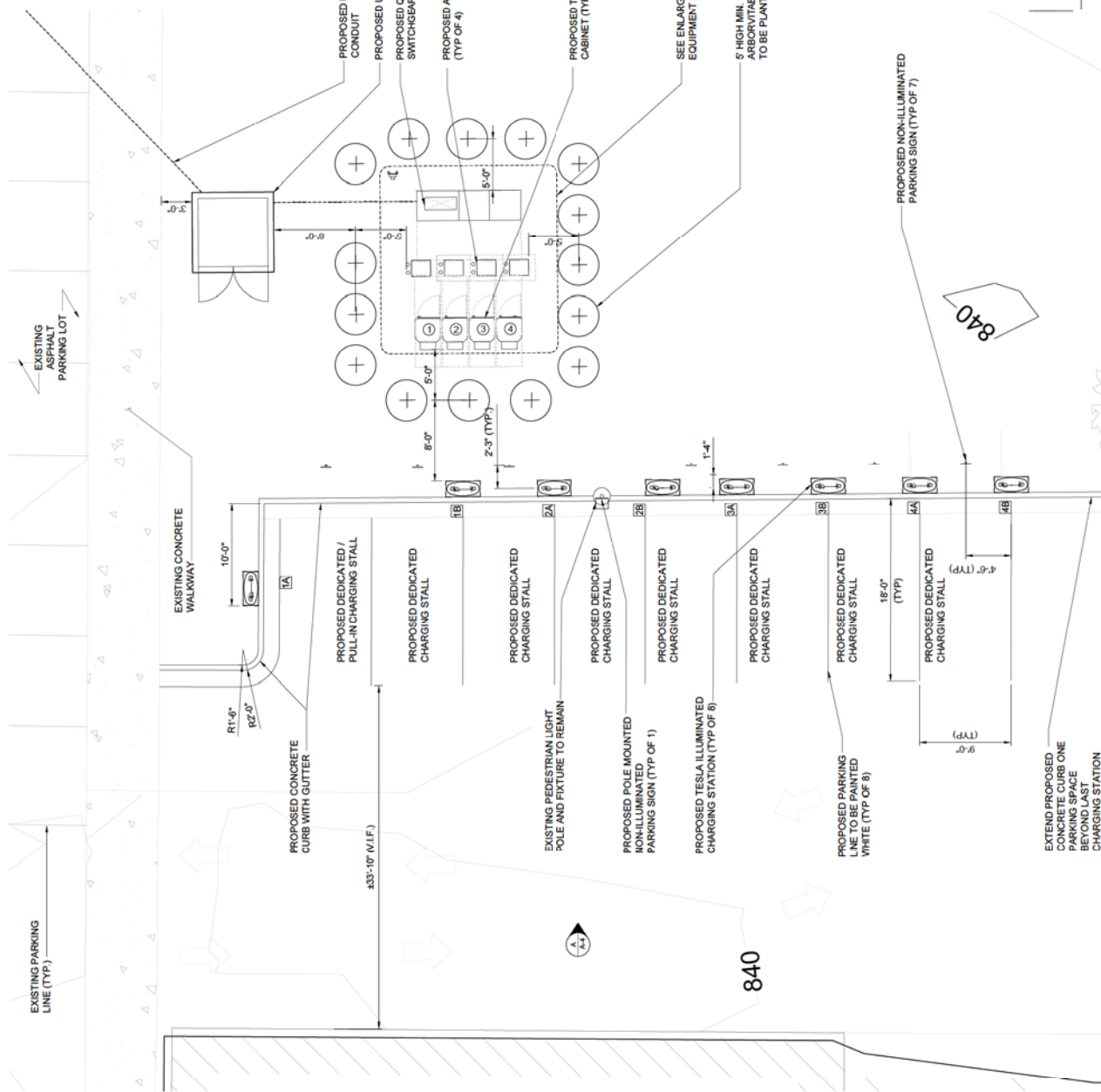
PROPOSED SITE PLAN

A-2
SHEET NUMBER

- NOTES**
1. SOD PLANTED IN THE FALL MUST ESTABLISH ITS ROOTS BEFORE THE FIRST WINTER FROST DETERMINE WHEN THE FIRST FROST USUALLY OCCURS AND PLANT THE SOD IN THE SPRING. IF THE SOD IS PLANTED IN THE WINTER, THE SOD MUST BE FINISHED LATER THAN ONE MONTH BEFORE THE FIRST FROST. USE STRAW UNTIL SOD CAN BE INSTALLED.
 2. FOR SIGNAGE INFORMATION SEE SHEET A-5.
 3. THE CONTRACTOR SHALL VERIFY ALL DEMOLITION AND CONSTRUCTION QUANTITIES PRIOR TO BIDDING.

TESLA EQUIPMENT SCHEDULE			
TESLA EQUIPMENT	DESCRIPTION	PART NUMBER	QUANTITY
SUPERCHARGING CABINETS	GEN 2 L-N SUPERCHARGER	1033026-04-E	4
CHARGE POST JUNCTION BOX	DUAL CONDUCTORS	1048092-00-A	8
CHARGE POST DOCK	NORTH AMERICA	1028384-00-C	8
PRECAST FOUNDATION	VER 1	1145052-00	8
CABINET FON METAL STAND	VER 1	114506-00	4
CABINET FON PRECAST SLAB	VER 1	1145055-00	4

PROJECT AREA STALL COUNT	
EXISTING STALL COUNT	8
PROPOSED TESLA CHARGING STALLS	8



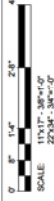
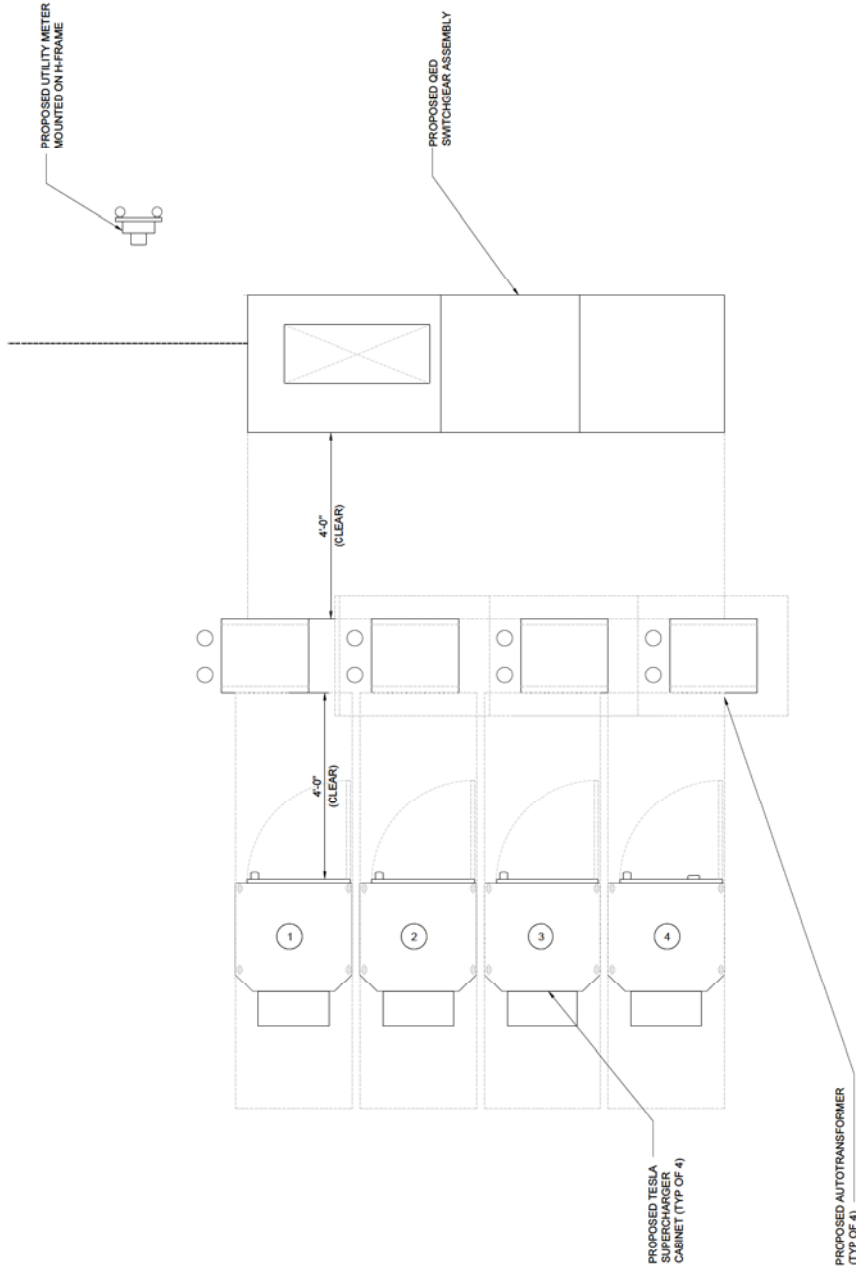
0 2'-0" 5'-0" 10'-0"

SCALE: 11"x17" - 3/32"=1'-0"
2000-34" - 3/16"=1'-0"

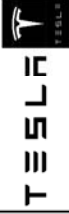
PROPOSED SITE PLAN

NOTE

1. TRANSFORMER TO BE INSTALLED PER MANUFACTURER INSTRUCTIONS.



ENLARGED PROPOSED EQUIPMENT LAYOUT



3500 DEER CREEK RD
PALO ALTO, CA 94304
(650) 997-1000

LAB

48030 Pontiac Trail, Ste 400
Wyom, Michigan 48393
PHONE: 248-705-9212

DRAWN BY: RC
CHECKED BY: PL

REV	DATE	DESCRIPTION
B	09/10/2018	CD06
A	09/07/2018	CD06

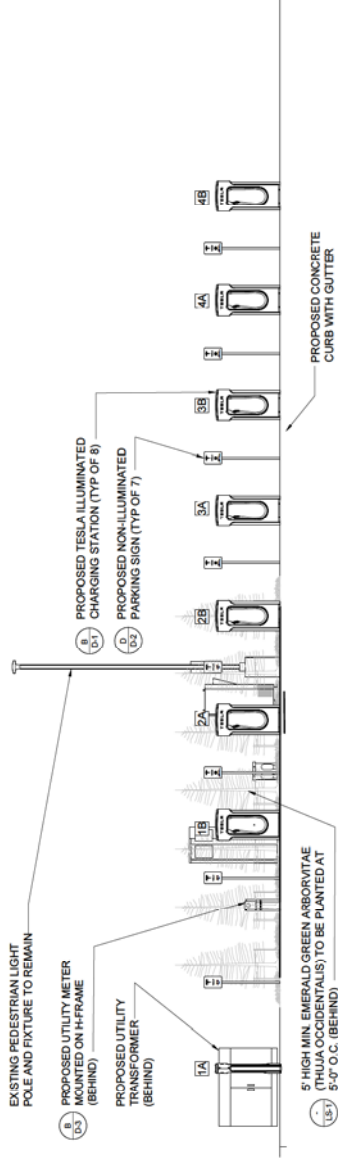
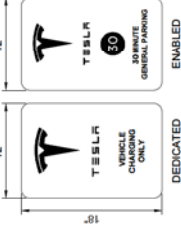
SITE NAME: CLARE DOHERTY
HOTEL, MICHIGAN
604 NORTH MCEWAN
CLARE, MI 48617

SHEET TITLE
ENLARGE PROPOSED
EQUIPMENT LAYOUT

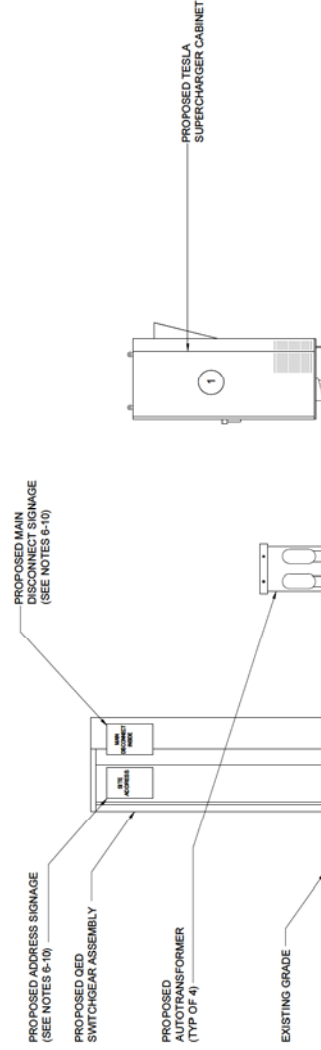
SHEET NUMBER
A-3

- NOTES
1. BOTTOM OF LOWEST SIGN TO BE INSTALLED 54" ABOVE GRADE.
 2. SIGNAGE TO BE RELOCATED TO NEW SITE.
 3. ADDITIONAL PARKING SIGNS TO BE INSTALLED 2' ABOVE TOP OF PREVIOUS SIGN.
 4. NOT USED.
 5. NOT USED.
 6. DO NOT ANCHOR SIGNAGE OR PENETRATE SIDE OF SWITCHGEAR ASSEMBLY.
 7. SIGNAGE TO BE RELOCATED TO NEW SITE.
 8. SIGNAGE TO BE RELOCATED TO NEW SITE.
 9. ALL TEXT SHALL BE CAPITAL LETTERS. LABEL FONT SHALL BE ARIAL (OR SIMILAR) AND IS NOT TO BE BOLD.
 10. CONTRAST BETWEEN CHARACTERS, SYMBOLS AND THEIR BACKGROUND SHALL BE 70% MINIMUM AND HAVE A NON GLARE FINISH.

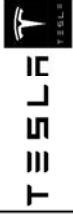
CHARGING POST SIGNAGE SCHEDULE			
SUPERCHARGER	CHARGE POST	SIGN(S) TO INSTALL	DEDICATED
1	1A	1A	DEDICATED
2	1B	2A	DEDICATED
3	2B	2A	DEDICATED
4	3A	3A	DEDICATED
	3B	3A	DEDICATED
	4A	4A	DEDICATED
	4B	4B	DEDICATED



SITE ELEVATION



SITE ELEVATION



3500 DEER CREEK RD
PALO ALTO, CA 94304
(650) 997-1000

LAB

48030 Pontiac Trail, Ste 400
Wixom, Michigan 48393
PHONE: 248-705-9212

DRAWN BY: RC
CHECKED BY: PL

REV	DATE	DESCRIPTION
A	09/07/2018	CD08
B	09/11/2018	CD08

SITE NAME: CLARE DOHERTY
HOTEL, MICHIGAN
604 NORTH MCEWAN
CLARE, MI 48617

SHEET TITLE
SITE ELEVATION

SHEET NUMBER
A-4



49030 Pontiac Tral, Ste 400
Wixom, Michigan 48393
PHONE: 248-705-9212

[illegible]

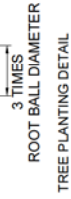
SHEET NUMBER
LS-1

1. ALL PLANTS SHALL BE WATERED THOROUGHLY TWICE DURING THE FIRST 24 HOUR PERIOD AFTER PLANTING. ALL PLANTS SHALL THEN BE WATERED WEEKLY, AND MORE FREQUENTLY DURING TIMES OF EXTREME HEAT, FOR THE DURATION OF THE FIRST GROWING SEASON.

PLANT SCHEDULE						
CODE	BOTANICAL NAME	COMMON NAME	QTY	SIZE (AT CONSTRUCTION)	SPACING	SPECIFICATIONS (AT FULL SIZE)
TREES	THUJA OCCIDENTALIS	EMERALD GREEN ARBORVITAE	15	5'-0" - 7'-0" TALL	5'-0" O.C.	12'-0" TO 14'-0" TALL
SHRUBS						
GROUND COVER						
OTHER						

1. SITUATE ROOT BALL SO THAT TOP OF ROOT BALL IS 2" ABOVE FINISHED GRADE.
2. SCARIFY SIDES AND BOTTOM OF TREE PIT.
3. BACKFILL TREE PIT WITH EXISTING SOIL AND WATER UNTIL NO MORE WATER IS ABSORBED.
4. DO NOT ALLOW AIR POCKETS TO FORM WHILE BACKFILLING.
5. INSTALL A MIN. 4"-Ø DIAMETER MULCH RING AT A MIN. DEPTH OF 3" FOR TREES IN LAWN AREA.
6. TREES NEED TO BE STAKED ONLY WHEN EXTREME WINDS ARE EXPECTED. IF STAKING IS NECESSARY CONTACT THIS OFFICE AND A DETAIL WILL BE PROVIDED.

1. PLANT SO THAT TOP OF ROOT BALL IS 1" ABOVE FINISHED GRADE.
2. SCARIFY SIDES AND BOTTOM OF PIT. BACKFILL WITH SPECIFIED PLANTING SOIL MIXTURE. HAND TAMPED TO REMOVE VOIDS. WATER UNTIL NO MORE WATER IS ABSORBED.
- 3.



NO SCALE



PROPOSED



EXISTING



TESLA SUPERCHARGER STATION

DOHERTY HOTEL, CLARE, MI

Diane Lyon

From: Tom Pirnstil [director@clarecountytransit.org]
Sent: Wednesday, October 10, 2018 1:27 PM
To: Diane Lyon
Subject: Congratulations

Diane, congratulations to the City of Clare. Hope you got some \$\$\$\$\$.

Take care,

Tom

50 Michigan water systems awarded national fluoridation quality award

LANSING, Mich. – The Michigan Department of Health and Human Services (MDHHS) Oral Health Unit is recognizing 50 Michigan public water systems for being awarded the Water Fluoridation Quality Award from the U.S. Centers for Disease Control and Prevention (CDC).

The award recognizes those communities that maintained a consistent level of optimally fluoridated water throughout 2017. A total of 1,499 water systems in 30 states received the award, including the following:

Adrian	Linden
Baraga	Ludington
Battle Creek-Verona System	Manchester
Belding	Marshall
Benton Township	Mason
Boyne City	MHOG Sewer & Water Authority
Carson City	Michigan State University
Charlevoix	Midland
Charlotte	Milford
Clare	Monroe
Dexter	Muskegon
East Jordan	Northwest Ottawa Water Treatment Plant
Elk Rapids	Otsego
Escanaba Water Department	Plainfield Township
Fremont	Saginaw

Gladstone Water Department	Schoolcraft
Grand Rapids	Sparta
Great Lakes Water Authority	St. Johns
Hartford	St. Joseph
Hillsdale	St. Clair Water and Sewer Authority
Holland Board of Public Works	Standish
Huron Shores Regional Utility Authority	Summit Township
Jackson	Traverse City
Kalamazoo	Union City
Lake Bella Vista	Wakefield

Fluoridation is the adjustment of fluoride in the water to a level that is optimal for preventing tooth decay. According to the CDC, drinking fluoridated water keeps teeth strong and reduces cavities (also called tooth decay) by about 25 percent in children and adults.

"Michigan consistently exceeds the CDC recommendations for community water supplies by having 90 percent of our population on community water systems accessing fluoridated water," said Karen MacMaster, MDHHS acting deputy director of Population Health Administration. "These awards demonstrate the commitment to quality by these community water systems."

Community water fluoridation has been recognized by CDC as one of 10 great public health achievements of the 20th Century. It is estimated that every dollar invested in fluoridation saves at least \$38 in costs for dental treatment.

For more information about community water fluorination, [visit the CDC website](#).



Lists to be merged/duplicates eliminated and alphabetized

Akron
Algonac
Auburn
AuGres
Barton Hills Village
Battle Creek
Bay City
Berkley
Bingham Farms
Breedsville
Buchanan
Burr Oak
Central Lake
Charlevoix
Clare
Clinton
Clio
Coldwater
Columbiaville
Coopersville
Dearborn
Decatur
Delta Charter Township
Dowagiac
Dundee
Durand
East Jordon
Edwardsburg
Elberta
Essexville
Farwell
Fenton
Flat Rock
Forestville
Frankenmuth
Galesburg
Gaylord
Goodrich
Grand Beach
Grand Ledge
Grass Lake
Grosse Pointe Shores
Harper Woods
Harrison
Hart
Hersey

Hillman
Howard City
Huntington Woods
Iron River
Jackson
Keego Harbor
Laingsburg
Leonard
Litchfield
Livonia
Mackinaw City
Marysville
Maybee
Mecosta
Meridian Township
Merrill
Michiana
Monroe
Morley
Nashville
Newaygo
North Branch
North Muskegon
Novi
Onaway
Parchment
Paw Paw
Pentwater
Petersburg
Port Hope
Quincy
Reading
River Rouge
Rochester
Rothbury
Sand Lake
Sebewaing Light & Water
South Rockwood
Southfield
Standish
Stephenson
Sylvan Lake
Traverse City
Udly
Vandalia
Vanderbilt
West Branch
Wolverine

Ada
Allendale
Alpine
Ann Arbor
Auburn
Auburn Hills
Berkley
Bloomfield
Boyne
Byron
Cascade
Clason
Coldwayer
Coopersville
Durand
East Grand Rapids
Elk Rapids
Ferndale
Ferndale
Gaines
Georgetown
Grand Haven
Grand Rapids
Grand Rapids
Grosse Pointe
Grosse Pointe
Shores
Hastings
Huntington Woods
Iron River
Ithaca
Jackson
Jamestown
Kentwood
Lake Orion
Lapeer
Leonard
Livonia
Meridian
Middleville
Nelson
Niles
Northfield
Orion
Parchment
Plainfield
Pleasant Ridge
Quincy
Rochester
Rochester Hills
Rogers City

Romulus
Royal Oak
Saline
Sparta
St. Louis
Techumseh
Traverse City
Troy
Union City
Walker
Waterford
Wyoming
Ypsilanti

DRAFT

KITCH DRUTCHAS WAGNER VALITUTTI & SHERBROOK

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS
ONE WOODWARD AVENUE, SUITE 2400
DETROIT, MICHIGAN 48226-5485
(313) 965-7900
Fax (313) 965-7403
INTERNET ADDRESS: <http://www.kitch.com>

PRINCIPALS

RICHARD A. KITCH
GREGORY G. DRUTCHAS
RONALD E. WAGNER
RALPH F. VALITUTTI, JR.
HARRY J. SHERBROOK
WILLIAM D. CHAKLOS
STEVE N. CHEOLAS
SUSAN H. ZITTERMAN (1)(7)
JOHN S. WASUNG (1)
JOHN PAUL HESSBURG (3)
KAREN B. BERKERY (1) (4)
DANIEL R. SHIREY (5)
JOHN M. SIER (6)
STEPHEN R. BRZEZINSKI (15)
THOMAS R. SHIMMEL
MICHAEL J. WATZA
MARK A. WISNIEWSKI
RICHARD J. JOPPICH
BARBARA A. MARTIN
JULIA K. MCNELIS
DEAN A. ETSIOS
CHERYL A. CARDELLI
LAURA L. WITTY
DONALD B. LENDERMAN (7)
RICHARD J. SUHRHEINRICH
R. LISA PANAH (7)
TIMOTHY S. GROUSTRA (8)
MARY CATHERINE STOREN
SUSAN D. MACGREGOR
DAVID C. WIEGEL
JENNA WRIGHT GREENMAN

CHRISTINA A. GINTER
MARK M. SESI
RYAN D. EWLES
MICHAEL T. WALSH (2)
MARCY A. TAYLER
TERENCE P. DURKIN
GENEVIEVE E. DELONIS
CHRISTINA A. DOYLE
ANDREW M. HARRIS
PATRICK M. FISHMAN
BETH A. WITTMANN (1)
RICK J. WITTMER (2)
LINDSAY C. KELLEY-BLIVEN
MEGHAN KENNEDY RIORDAN (12)
A. GABE SYBESMA
MARIO CUSUMANO (2)
GREGORY A. BEHLER
PATRICK B. CAVANAUGH (1)
MICHAEL E. GERAGHTY
VICTOR A. MCCOY
M. SEAN FOSMIRE
TIMOTHY P. BRADY

ASSOCIATE PRINCIPALS

STEVEN P. MCCAUSLIN
ANNE M. BROSSIA (9)
DAVID T. HENDERSON (1)
AMY L. CARRIVEAU
MARGARET M. PHILPOT
JOSLYN R. IAFRATE
KALLY L. GOODWIN
LAURIE A. TANNOUS (13) (14)

2379 WOODLAKE DRIVE, SUITE 400
OKEMOS, MICHIGAN 48864-6032
(517) 381-4426
FAX: (517) 381-4427

TOWNE SQUARE DEVELOPMENT
10 S. MAIN STREET, SUITE 200
MT. CLEMENS, MICHIGAN 48043-7903
(586) 463-9770
FAX: (586) 463-8994

1440 W. RIDGE STREET, SUITE C
MARQUETTE, MICHIGAN 49855-3199
(906) 228-0001
FAX: (906) 228-0003

405 MADISON AVENUE, SUITE 1500
TOLEDO, OHIO 43604-1235
(419) 243-4006
FAX: (419) 243-7333

20 N. CLARK ST., SUITE 600
CHICAGO, ILLINOIS 60602-4252
(312) 332-7901
FAX: (312) 332-7903

BRIAN A. CARRIER
PHILIP MCNELIS
CARINA M. KRAATZ
MICHAEL J. PESESKI
LINDSAY E. ROSE
EVA SOSNOWSKA (2)
MARTIN E. GOFF
ABIGAIL MCINTYRE
HEIDI GEHART
JILL N. STORY

SENIOR ASSOCIATES

ELISE J. ARSENAULT
RYAN R. CLARK
MATTHEW H. FAIVER
AMANDA S. KAKOS
MICHAEL B. KERN (16)
YASIR MUHAMMAD
KENNETH OVERWATER (7)
BRAD R. PERO (11)
EDUARDO T. REYES
CAREN RIES

ASSOCIATES

NICHOLAS ALSAKA (2)
WAYNE D. BESS
DOMINIC J. DEBEUL
JESSE M. DEPAUW
MATTHEW D. GARRETT
KATHARINE GOSTEK
ZETH D. HEARLD
FARAH R. ISRAEL

SULVIA A. JALABA
KANWARPREET S. KAHRA
JULIANA B. KHALIFEH
BRANDON R. KOPPIN
ZEINAB SAAD
KEYUR G. SHAH
PAUL SHAILOR
LAURA M. SHERBROOK
QUENDALE G. SIMMONS
CHLOE C. STREETMAN
MICHAEL VANORDER

OF COUNSEL

STUART TRAGER (10)
MICHAEL VECCHIONI

- (1) ALSO ADMITTED IN OHIO
- (2) ONLY ADMITTED IN ILLINOIS
- (3) ALSO ADMITTED IN WASHINGTON, D.C.
- (4) ALSO ADMITTED IN NEW YORK
- (5) ALSO ADMITTED IN FLORIDA
- (6) ALSO ADMITTED IN IOWA
- (7) ALSO ADMITTED IN ILLINOIS
- (8) ALSO ADMITTED IN ARKANSAS
- (9) ONLY ADMITTED IN OHIO
- (10) MTT JUDGE RETIRED
- (11) ALSO ADMITTED IN INDIANA
- (12) ALSO LICENSED AS A FOREIGN LEGAL CONSULTANT IN CANADA
- (13) ONLY ADMITTED IN CANADA
- (14) ALSO LICENSED AS A FOREIGN LEGAL CONSULTANT IN MICHIGAN
- (15) ALSO ADMITTED IN HAWAII
- (16) ALSO ADMITTED IN MASSACHUSETTS

October 5, 2018

Tom Leonard
Speaker of the House
Room 164 - Capitol Building
P.O. Box 30014
Lansing, MI 48909

Re: SB 637 and FCC Preemption of ROW Located Cellular Towers

Dear Mr. Speaker:

I write on behalf of my client(s) PROTEC <https://www.protec-mi.org/>, a consortium of more than 90 Michigan Cities, Townships and Villages. A list of communities that are opposed to these bills is attached.

Please allow me to itemize our key concerns with the bills. The 1st concern is that the FCC has now federally preempted all issues relevant to locating cellular facilities in local rights of way, by virtue of 3 particular Orders dated October 21, 2014, August 3, 2018 and most recently, September 27, 2018. See <https://www.fcc.gov/document/wireless-infrastructure-report-and->

Re: SB 637 and FCC Preemption of ROW Located Cellular Towers
<October 5, 2018>
Page 2

[order](#) and <https://docs.fcc.gov/public/attachments/FCC-18-111A1.pdf> and <https://www.fcc.gov/document/fcc-facilitates-wireless-infrastructure-deployment-5g>.

Accordingly, it is no longer necessary or appropriate for this body to continue considering SB 637 as the Federal Government has now broadly and specifically spoken and fully occupies this area of law. To adopt State legislation at this point would be to add unnecessary bureaucratic layers and greatly confuse an area of law which the federal government very clearly has decided to regulate with one uniform set of rules across all states.

In addition to this most recent federal preemption issue, my clients continue to oppose SB 637 for the reasons stated in our attached summary, as well as my testimony before the Senate Energy and Tech Committee of March 8, 2018. See <https://www.youtube.com/watch?v=1ZPhceGolMg>

The Bill language is dramatically different than the conversations and testimony that some suggest.

- **Size:** The “pizza box” analogy is startlingly wrong. The bill allows more than 31+ cubic feet of wireless equipment. That is the size of a commercial fridge x 4/pole, on 50 foot, not 40 foot poles.
- **5G Promotion:** The Bill obligates the industry to do -0-. Nothing. No build out anywhere, urban or rural, no minimum service standards and certainly no rate regulation “in exchange” for this grand give-away of tax payer supported property.
- **Free Market Economics and the Monopolist Communications Industry:** How does giving away publicly supported property to a for-profit monopolistic industry support free markets?
- **Fees and Time to Consider Applications:** Too little on both accounts.
- **This Give Away also Results in Massive Reductions in Historical Cable Franchise Fees.**
- **And a note on SB 894:** Subjects ROW to zoning contrary to long established law. It is unnecessary and a further constraint on local self-governance. We also oppose it.

Last, I wish to correct an apparent misunderstanding regarding the MML and MTA position on SB 637. As I understand it, both are neutral. NOT Supporting. Some House Energy Committee members stated these organizations are “supporting” the Bills. That is not correct based upon all the information I have, including the attached long list of cities and townships opposing and, I copy both organizations in case they wish to clarify.

I am happy to discuss this matter with you and your staff and the House as a whole if you care to permit, or as desired.

Re: SB 637 and FCC Preemption of ROW Located Cellular Towers
<October 5, 2018>
Page 3

Respectfully,

/S/

Michael J. Watza
PROTEC General Counsel
(313) 965-7986
mike.watza@kitch.com





CITY OF CLARE
202 WEST FIFTH STREET
CLARE, MI 48617
989/386-7541 (Ext. 201 or 202)



PARADE PERMIT APPLICATION

Together with any supplementary information as may be required by the City of Clare, this form must be filed with the Department of Public Works, not more than sixty (60) days nor less than fourteen (14) days, prior to the parade date to ensure proper processing. The permit shall be issued after the following departments have checked over the date, time, and route of said parade:

Department representative should initial by their department and make a copy of any documentation they require.

AS POLICE UC FIRE ☒ DPW/TRAFFIC ☒ CITY MANAGER

PLEASE TYPE OR PRINT ALL INFORMATION. THANK YOU.

1. NAME OF PARADE: Halloween

2. PARADE MARSHALL: Mr. Garth Cornwell

3. ORGANIZATION SPONSORING THE PARADE:

Organization Name: Clare Primary School

Mailing Address: 205 E. Wheaton St.

Telephone Number: 989-386-3438

Principal Contact: Terri Nevill / Garth Cornwell

4. PERSON IN CHARGE THE DAY OF THE PARADE:

Name: Garth Cornwell

Title: Principal

Mailing Address: 205 E. Wheaton St.

Telephone Number: 989-386-3438

5. PARADE DETAIL INFORMATION:

Parade Date: Oct. 31, 2018

Assembly Time: _____ Parade Start Time: 8:45

*Assembly Location: Corner of Pine & Wheaton

Parade End Time: _____

**Disbursement Location: In bus area behind middle school

Disbursement to be Completed By (approximate time): _____

6. NUMBER OF UNITS/PARADE PARTICIPANTS:

650 Individuals/Groups on Foot

_____ Marching Bands

_____ Motor Driven (including politicians, fire, police, antique, etc...)

_____ Animals

_____ Any Other (Explain) _____



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAGINAW BAY DISTRICT OFFICE



C. HEIDI GRETHUR
DIRECTOR

September 20, 2018

Mr. Ken Hibl, Manager
City of Clare
202 West Fifth Street
Clare, Michigan 48617-1490

WSSN: 1420

Dear Mr. Hibl:

SUBJECT: City of Clare - Water System Sanitary Survey

This letter confirms my visit with Mr. Dale Clark, Mr. Luke Potter, and Mr. Alan Jessup on August 27, 2018, and subsequent conversations review and discussion of the water supply facilities serving the City of Clare (City). The purpose of this meeting was to evaluate the water system with respect to the requirements of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399). In addition, the enclosed Water System Review form was updated to gather information on the City water supply system.

The following table summarizes our findings from our survey of the water system:

Survey Element	Findings
Source	Recommendations made
Treatment	Recommendations made
Distribution System	Minor deficiency
Finished Water Storage	Recommendations made
Pumps	Recommendations made
Monitoring & Reporting	Recommendations made
Management & Operations	Recommendations made
Operator Compliance	No deficiencies/recommendations
Security	Recommendations made
Financial	No deficiencies/recommendations
Other	Recommendations made

The following deficiency must be resolved in order to return the water system to compliance:

1. The City's current cross connection program has been neglected and is not being properly performed. Because inspections are not meeting the minimum inspection frequencies, the City is considered deficient regarding cross connection. Therefore, a written plan to address this deficiency must be submitted to the Saginaw Bay District Office by October 16th, 2018.

It is hoped that the following recommendations will prove useful in enhancing the operation and maintenance of your water supply:

1. The City is currently working with Gourdie-Fraser to produce an engineering report for current and future water system improvements. The following items are addressed in the Preliminary Engineering Report and are also recommended changes by the Department of Environmental Quality (DEQ):
 - a. Plans for the replacement or rehabilitation of three iron removal filters are called for immediately and the fourth filter has been given a timeframe of one to three (1-3) years. The life expectancy of the filter tank is 30-35 years, the City's tanks are currently 55 years old.
 - b. The two High Service Pumps located in the Iron Removal Plant have exceeded their life expectancy. The current plans are to replace both of the pumps with upgraded 1500 gpm pumps with a Variable Frequency Drive.
 - c. Upgrading the City's SCADA system is also planned in the one to three (1-3) year timeframe.
 - d. The City has an aging Master Meter, which monitors all water supplied to the public. A new meter is required to accurately measure the amount of water supplied to the system.
 - e. The plan also calls for adequate and updated ventilation for the chemical storage and dosing room at the Water Treatment Facility, which currently poses a potential health risk.
 - f. General security is recommended for Well #8 to deter actions like vandalism and trespassing.
 - g. Well #6 has been continually losing capacity; therefore, it is recommended that Well #6 is abandoned and replaced with a new well. A new well is currently being researched as the City has put a test well in around the Clare Soccer Complex located south of the City.

The following items are not discussed in the Preliminary Engineering Report but are deemed, by the DEQ, important for the City to operate:

1. A routine valve maintenance program should be implemented to ensure that valves operate properly when needed. Inoperable valves can result in unnecessary service interruptions and wasted water during water main installation, repair, and maintenance activities. As a result of inoperable valves, larger portions of the distribution system must be depressurized for repairs. Without pressure, these portions of the distribution system are more susceptible to ground water infiltration and backflow from cross connections. It is recommended that valve locations be documented, and basic valve information be recorded. Also, valves should each be operated at least once every three years to determine their condition.
2. The City should also begin considering the replacement of old, undersized watermains. It is our understanding that over one-half of the City's watermains are cast-iron and approximately 8 miles of 4-inch watermain exists in the system. Undersized, cast iron watermains are subject to increased breakage, low pressures, and poorer water quality. It is likely that replacement of these watermains would assist in reducing the amount of lost water.

3. The current Emergency Response Plan is outdated; therefore, the plan needs to be updated with the proper information and contacts and be submitted to the Saginaw Bay District office.
4. If electrical service to the booster station is lost, a minimum pressure of approximately 30 psi will likely not be maintained; therefore, auxiliary power is required. It is recommended to have a permanent backup generator.
5. Because the City is planning to undergo significant changes and updates to the system, it is recommended the City plans to update the General Plan and Reliability Study once the planned changes and updates have been completed.
6. On July 7th, 2018, the City issued a Boil Water Notice for a small portion of the City. As required by Act 399, a written report must be completed and filed by the supply within ninety (90) days after an emergency. Therefore, the completed Drinking Water Emergency Report needs to be completed and submitted by October 5th, 2018.

The City has a long list of items that should be or need to be updated to ensure the reliability of the water system. In addition to the items identified above, the City's Wells #8 and #9 currently go through treatment with air-stripping to remove volatile organic contaminants (VOC's) to levels below the maximum contaminant level (MCL). The City has also recently discovered that Wells #8 and #9 are impacted by per- and polyfluoroalkyl substances (PFAS) compounds below the Lifetime Health Advisory (LHA) for these compounds. Well #6, which was installed in 1968, has exceeded the average life expectancy of wells at 35-45 years. Well #6 has also been losing a significant amount of capacity and is expected to be replaced in one to three (1-3) years. The City's Water Treatment Facility is also in need of a substantial amount of changes. The four iron removal filters are all 55 years old and all in need of either replacement or rehabilitation, as they have all exceeded the average life expectancy at 30-35 years. Also, inside the Water Treatment Facility, the City plans to replace the two high service pumps. There are also plans to upgrade the SCADA system, upgrade ventilation in the chemical storage and dosing room, and replace the master meter. All of the previously mentioned improvements are major improvements and will require a substantial amount of funding.

The City should incorporate these concerns into its planning process and consider abandoning Well #6 and discontinuing use of Wells #8 and #9 for potable water. With the replacement of these three wells and the age and poor condition of the existing Water Treatment Facility, the City should consider moving the wells and Water Treatment Facility to a new location. Moving wells to an uncontaminated aquifer should lessen the likelihood for impact from increasing levels of VOCs or PFAS or future emerging contaminants.

The City is also currently dealing with emerging contaminants, which is discussed in the remainder of this letter. In 2018, the DEQ began an extensive sampling program, which included all Type I Drinking Water Supplies around the state, for PFAS. The City of Clare collected samples from Wells #8 and #9 for PFAS compounds in June 2018. The samples were analyzed utilizing a methodology which is not approved by the Environmental Protection Agency (EPA) for drinking water. Although the results should not be utilized to compare to the LHA, the methodology used, and thus the results of these analyses, can be utilized as an indicator of the likelihood of the existence of low to medium concentrations of some of the PFAS compounds. Despite the compounds being lower than the current LHA, more testing will need to be done so that a proper evaluation can be made. The DEQ is continuing to sample around the state

and is currently expected to sample Clare County in the early weeks of November. We will keep the City informed of the results of these investigative efforts.

Currently, there is no regulatory drinking water standard for any of the PFAS chemicals. However, in May 2016, the United States Environmental Protection Agency (USEPA) established a non-regulatory LHA for two of these chemicals, PFOS and PFOA. The LHA for PFOS and PFOA is 70 ppt combined, or individually if only one of them is present. The USEPA recommends that this LHA applies to both short-term (i.e., weeks to months) scenarios during pregnancy and lactation, as well as to lifetime-exposure scenarios. The LHA is the level, or amount, below which no harm is expected from these chemicals. The Michigan Department of Health and Human Services (MDHHS), as well as the DEQ, have used this LHA of 70 ppt to inform decisions on actions that should be taken or are recommended to reduce exposure and prevent increased risk to public health from these PFAS contaminants. The USEPA has not set health advisory levels for the other PFAS compounds because not enough is known about them.

Neither the DEQ nor the USEPA have any guidance values for these other analytes at this time. If additional guidance and/or comparison values are developed for PFOS, PFOA, or other PFAS chemicals in the future, we may reevaluate this water supply.

According to the Agency for Toxic Substances and Disease Registry (ATSDR), some, but not all, studies in humans with drinking water levels well above the LHA for extended periods of time have shown that certain PFAS may: affect the developing fetus and child including possible changes in growth, learning, and behavior; decrease fertility; interfere with the body's natural hormones; increase cholesterol; affect the immune system; and increase cancer risk. For more information about PFAS-related health effects, visit www.atsdr.cdc.gov/pfas.

The concentrations of PFOS and PFOA in these samples are below the USEPA LHA of 70 ppt. Should information become available which would indicate that they could potentially exceed the LHA, we provide the following recommendations:

1. Inform the public of these sample results through posting on your website or other means. The DEQ, in collaboration with the MDHHS, has developed a toolkit containing communication templates to help notify the consumers of your water supply on the presence of PFAS in the drinking water and the response measures that are being initiated. This is a resource available to you if you choose and can be modified to fit your needs. The toolkit is available at www.michigan.gov/pfasresponse and click on "visit news and education."
2. Investigate potential sources of PFAS in your watershed and initiate steps to remove any identified source, if possible.
3. Evaluate options to modify operations to reduce PFAS in the water supply should levels approach the existing LHA. For example, this could be accomplished by minimizing use of wells with elevated PFAS levels, or through the installation of treatment technology capable of reducing PFAS prior to distribution.

We look forward to working with your water supply to address this issue, inform your customers, and evaluate solutions to this challenge. These recommendations are based on the best available and most current information and may change depending on additional information

related to site conditions; the availability of new data; or other new information as it becomes available. We may recommend further action at that time.

As previously mentioned, as part of the DEQ's proactive statewide sampling initiative, the City of Clare is on the list to be sampled for PFAS.

For information on PFOS, PFOA, and other PFAS, including possible health outcomes, you may visit these websites:

- **State of Michigan PFAS Action Response Team (MPART)** website serving as the main resource for public information on PFAS contamination in Michigan:
www.michigan.gov/pfasresponse
- **United States Environmental Protection Agency (USEPA)** website including basic information, USEPA actions, and links to informational resources:
www.epa.gov/pfas
- **Agency for Toxic Substances and Disease Registry (ATSDR)** website including health information, exposure, and links to additional resources:
www.atsdr.cdc.gov/pfas

If you have any questions, or desire to discuss the contents of this letter, feel free to contact me at 989-395-8567; or email to sylvesterm1@michigan.gov.

Sincerely,



Matthew Sylvester
District Engineer
Drinking Water and Municipal Assistance Division
Saginaw Bay District Office

Enclosure

cc: Central Michigan District Health Department, Clare County
cc/enc: Mr. Dale Clark, City of Clare