

## AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners  
FROM: Diane Lyon, City Clerk  
DATE: March 14, 2023  
RE: \*Communications

For the Agenda of March 20, 2023

**\*Note: This is a Consent Agenda item and is considered 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 March 20, 2023.**

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FOIA Requests & Responses: The most recent FOIA requests and responses are attached for information. Tom Dunn, Lynn Patterson, Farm Bureau.

Site Plans, Special Use Permits, Variance Requests & Public Notices:

Public Notice for Ordinance amendment 2023-002.

Public notice for FY23/24 Budget Workshops and Budget Hearing.

Attachments. As noted above.

## Diane Lyon

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**From:** Tom Dunn <tomdun@gmx.com>  
**Sent:** Wednesday, March 8, 2023 4:12 PM  
**To:** Diane Lyon  
**Cc:** Sarah Schumacher; Jennifer Kinberg; Jeremy Howard  
**Subject:** Re: RE: FOIA REQUEST

Do not need that one.  
Thanks Diane

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Sent from my Android phone with GMX Mail. Please excuse my brevity.  
On 3/8/23, 4:08 PM Diane Lyon <DLyon@cityofclare.gov> wrote:

Hi Tom

I need clarification on your FOIA request. You have listed in your request "Office Assistant". Whose Office Assistant are you referring to?

Diane Lyon, City Clerk  
Clare City Hall  
202 W. Fifth St.  
Clare, MI 48617

Phone: (989) 386-7541 x106  
Fax: (989) 386-4508  
Email: [dlyon@cityofclare.gov](mailto:dlyon@cityofclare.gov)  
City Hall office hours Monday -Thursday 7:00am-5:30pm

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**From:** Tom Dunn <tomdun@gmx.com>  
**Sent:** Thursday, March 2, 2023 3:00 PM  
**To:** Diane Lyon <DLyon@cityofclare.gov>  
**Subject:** FOIA REQUEST

## FREEDOM OF INFORMATION REQUEST

**Date:** Thursday, March 3, 2019

City of Clare

**SENT VIA. – Email**

Diane Lyon, Clerk

[dlyon@cityofclare.org](mailto:dlyon@cityofclare.org)

202 W. 5<sup>th</sup> Street

Clare, Michigan 48617

FOIA Officer

This is a formal request under the Michigan Freedom of Information Act (FOIA), P.A. 442 of 1976 as amended; Open Meetings Act, P.A. 267 of 1976 as amended; Privacy Act of 1974 [Public Law 93-579]; and Title 5 U.S.C. §552 & §552(a) [Public Law 104-98].

I request to receive certified copies of the requested documentation, as prescribed in **M.C.L. 15.233 §3(1)(2)(5) of the FOIA ACT**. A copy of any and all documents, including records, reports, logs, letters, memoranda, notes of telephone conversations, journal entries, e-mails, faxes, or any other documentation of any kind pertaining to the following:

**Proved the following documents;**

**Oaths of office for the following city personnel and contractors;**

**City Commission, Treasurer, Clerk, Board of Review members, Assessor and, City of Clare Assessing Technician, Office Assistant.**

If you claim an exemption and deny my request in whole or in part, you must provide me with factually based reasons for your decision.

**If no such documents exist or are unavailable, please disclose such in writing and signed by an authorized official.**

I will expect your response to my request within (5) five business days.

Respectfully Submitted,

*Pastor, Thomas Dunn*

[tomdun@gmx.com](mailto:tomdun@gmx.com)



202 West Fifth Street, Clare, Michigan 48617  
www.cityofclare.org  
phone: (989) 386-7541 fax: (989) 386-4508

March 8, 2023

Tom Dunn  
425 Cottage Ave.  
Clare MI 48617

Email: tomdund@gmx.com

**RE: Freedom of Information Act ("FOIA") Request Response**

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated March 2, 2023, and received in this office on March 6, 2023, for the following records is acknowledged:

**Proved the following documents;**

**Oaths of office for the following city personnel and contractors; City Commission, Treasurer, Clerk, Board of Review members, Assessor and, City of Clare Assessing Technician, Office Assistant.**

On March 8, 2023, you clarified your request by email stating that you do not need the Oath of office for Office Assistant as requested in your initial emailed request. Your request for public record(s) has been granted in part. All existing records will be provided upon the receipt of payment of the estimated fees for processing your request. If you wish to pick up the information in person, I can further reduce the fee estimate. Please let me know how you wish to proceed.

A copy of this request will be kept on file for no less than one (1) year.

The City of Clare's FOIA Procedures and Guidelines and Summary are available for review on our website at [www.cityofclare.org](http://www.cityofclare.org). A copy of this request will be kept on file for no less than one (1) year.

If your FOIA request has been denied in whole or in part, you may do one of the following at your option:

- (1) Commence an action in the circuit court to compel disclosure of the public records or information within 180 days after the governmental unit's final determination to deny your request. If the circuit court orders disclosure of all or a portion of the public record or information, you have the right to receive reasonable attorney's fees, costs, and disbursements. If the circuit court determines that the governmental unit arbitrarily and capriciously denied your request, you also have the right to receive punitive damages in the amount of \$500.00. Please see MCL 12.231 *et seq.* for further information on the Freedom of Information Act.
- (2) Submit to the City Manager a written appeal that specifically states the word "**appeal**" and identifies the reason(s) for reversal of the denial. Your appeal should be sent to City of Clare – City Manager, 202 West Fifth Street, Clare, MI 48617-1490.

Diane Lyon  
City Clerk & Freedom of Information Coordinator

*The City of Clare is an Equal Opportunity Provider and Employer*



## Diane Lyon

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**From:** dlyon@cityofclare.gov  
**Sent:** Wednesday, March 8, 2023 11:10 AM  
**To:** Diane Lyon  
**Subject:** New submission from Request for Examination or Copy of Records (FOIA)

### Requestor Information

**Name**

Lynn Patterson

**Date of Birth**

07/11/1978

**Street Address**

88 Meadowlark Dr

**City**

Ionia

**State**

MI

**Zip Code**

48846

**Daytime Phone:**

(616) 755-0433

**Email**

[l.m.patterson0711@gmail.com](mailto:l.m.patterson0711@gmail.com)

### Request Information

**Date/Time of Incident:**

12/2022

**CPD Comp #:**

Unsure

**Type of Incident:**

Child phonographic material

**Location of Incident:**

Surrey Motel

**I am requesting the following record(s):**

I am looking for a police report involving William Conn. If more information is needed please let me know. You can email the incident report to me when available.

**I am requesting the above record(s) for:**



Where the north begins at the crossroads of Rt 10 and 127.

202 West Fifth Street, Clare, Michigan 48617  
www.cityofclare.org  
phone: (989) 386-7541 fax: (989) 386-4508

March 8, 2023

## DENIAL OF REQUEST FOR PUBLIC RECORD

Lynn Patterson  
88 Meadowlark Dr.  
Ionia, MI 48846

Tel: (616) 755-0433  
l.m.patterson0711@gmail.com

RE: **FOIA Request #2023-015 via email dated 03/08/2023 for: A police report involving William Conn at the Surrey Motel involving Child phonographic material.**

X Your request as described is denied because it does not exist under information. The Surrey Motel is not located within the City of Clare thus it is not in the city's jurisdiction.

**NOTICE:** This correspondence constitutes a certification that the public records, as indicated, do not exist. You have the right to appeal this denial to the City Manager in writing that specifically states the word "APPEAL" and indicates the reason or reasons for reversal of the denial, or seek judicial review in the Circuit Court within 180 days of a final determination to deny a request. If the Court determines a public record is not exempt from disclosure, it shall order its release or production. The burden of proof in Court is on the public body. If the Court determines that the public body has been arbitrary and capricious in not disclosing a public record, it may award, in addition to actual and compensatory damages, punitive damages not exceeding \$500.00

The City of Clare's FOIA Procedures and Guidelines and Summary are available for review on our website at [www.cityofclare.org](http://www.cityofclare.org).

If your FOIA request has been denied in whole or in part, you may do one of the following at your option:

- (1) Commence an action in the circuit court to compel disclosure of the public records or information within 180 days after the governmental unit's final determination to deny your request. If the circuit court orders disclosure of all or a portion of the public record or information, you have the right to receive reasonable attorney's fees, costs, and disbursements. If the circuit court determines that the governmental unit arbitrarily and capriciously denied your request, you also have the right to receive punitive damages in the amount of \$500.00. Please see MCL 12.231 *et seq.* for further information on the Freedom of Information Act.
- (2) Submit to the City Manager a written appeal that specifically states the word "**appeal**" and identifies the reason(s) for reversal of the denial. Your appeal should be sent to City of Clare – City Manager, 202 West Fifth Street, Clare, MI 48617-1490.

A copy of this request will be kept on file for no less than one (1) year.

\_\_\_\_\_  
FOIA Coordinator or Authorized Representative

March 8, 2023  
Date Denial Approved

*The City of Clare is an Equal Opportunity Provider and Employer*



## Diane Lyon

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**From:** cityclare@web4.shumakergroup.com  
**Sent:** Wednesday, March 15, 2023 10:02 AM  
**To:** Diane Lyon; Shannon Sirpilla; Jeremy Howard; Sarah Schumacher; Jennifer Kinberg;  
FOIA; Elections  
**Subject:** FOIA Request

Name: Lynn Marie Patterson  
Date of Birth:  
Address: 88 Meadowlark Dr  
Phone: 6167550433  
Email: lpatterson@ci.ionia.mi.us

### **Request Information**

Date/Time of Incident: December 2022  
CPD Comp #: unknown  
Type of Incident: Child pornographic material  
Location of Incident: unknown

### **Records Requested**

Records Requested: I would like the incident report involving William Conn

Purpose of Request: Inspection  
True Copy: on



**Records Located on Website**

If the County directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from non-exempt information*).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the County must notify the Requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the County must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the County has included the website address for a record in its written response to the Requestor and the Requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the County must provide the public records in the specified format (if the County has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

**Request for Copies/Duplication of Records on County Website**

I hereby stipulate that, even if some or all of the records are located on the County website, I am requesting that the County make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature	Date
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**Overtime Labor Costs**

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

**Consent to Overtime Labor Costs**

I hereby agree and stipulate to the County using overtime wages in calculating the following labor costs as itemized in the following categories:

- 1.  Labor to copy/duplicate
- 2.  Labor to locate
- 3a.  Labor to redact
- 3b.  Contract labor to redact
- 6b.  Labor to copy/duplicate records already on County's website

Requestor's Signature	Date
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**Request for Discount: Indigence**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a Requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

**Office Use:**  Affidavit Received  Eligible for Discount  Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:	Date:
Requestor's Signature:	

**Request for Discount: Nonprofit Organization**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the County.

**Office Use:**  Documentation of State Designation Received  Eligible for Discount  Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:	Date:
Requestor's Signature:	



Where the north begins at the crossroads of Rt 10 and 127.

202 West Fifth Street, Clare, Michigan 48617  
www.cityofclare.org  
phone: (989) 386-7541 fax: (989) 386-4508

March 16, 2023

## DENIAL OF REQUEST FOR PUBLIC RECORD

Casee Scheurer  
Farm Bureau Insurance  
PO Box 30100  
Lansing MI 48909

Tel: (517) 323-7000  
cscheur@fbinsmi.com

RE: **FOIA Request police report #23-71-4 03/12/2023 for driver Colton Hopp loss location US127 Harrison MI.**

X Your request as described is denied because it does not exist under information. Your email states that the incident took place in the City of Harrison, MI, therefore the incident would not be in the City of Clare's jurisdiction.

**NOTICE:** This correspondence constitutes a certification that the public records, as indicated, do not exist. You have the right to appeal this denial to the City Manager in writing that specifically states the word "APPEAL" and indicates the reason or reasons for reversal of the denial, or seek judicial review in the Circuit Court within 180 days of a final determination to deny a request. If the Court determines a public record is not exempt from disclosure, it shall order its release or production. The burden of proof in Court is on the public body. If the Court determines that the public body has been arbitrary and capricious in not disclosing a public record, it may award, in addition to actual and compensatory damages, punitive damages not exceeding \$500.00

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A copy of this request will be kept on file for no less than one (1) year.

\_\_\_\_\_  
FOIA Coordinator or Authorized Representative

March 16, 2023  
Date Denial Approved

*The City of Clare is an Equal Opportunity Provider and Employer*



## **PROPOSED ORDINANCE AMENDMENT**

### **CITY OF CLARE NOTICE OF PUBLIC HEARINGS**

The City of Clare Planning Commission will hold a public hearing on Wednesday, April 12, 2023, at 5:30 p.m., at Clare City Hall and the Clare City Commission will hold a public hearing on Monday, April 20, 2023, at 6:00 p.m. at Clare City Hall to receive public comments pertaining to an Ordinance amendment to Chapter 52-308 & 52-310 Vehicle Storage and Parking. A copy of the proposed Ordinance amendments is available for review by contacting the City at [info@cityofclare.gov](mailto:info@cityofclare.gov) or calling 989-386-7541. The Planning Commission and City Commission will accept comments during the hearings or in writing if the written comments are received by the City Clerk not later than 4 p.m. on the date of each respective hearing. The City of Clare is an equal opportunity employer and provider.

Diane Lyon  
Clare City Clerk



**CITY OF CLARE  
NOTICE OF PUBLIC HEARINGS ON  
PROPOSED 2023-2024 BUDGET**

The City of Clare Planning Commission will hold a public hearing on Wednesday, April 12, 2023, 5:30 p.m., to receive public comment pertaining to Fiscal Year 2023-24 Capital Improvement Projects as part of the budget process.

Following the recommendations made by the City's Planning Commission, the capital improvements schedule will be presented to the City Commission as part of the budget workshop process. The City will be conducting budget workshops for the Fiscal Year 2023-24 during the regularly scheduled meetings on April 17, 2023, & May 15, 2023, City Commission meetings.

**PLEASE TAKE NOTICE** that on June 5th, 2023, the Clare City Commission will hold a public hearing to consider the adoption of the City's Fiscal Year 2023-24 budget, amendments to the City's fee and rate schedule, and single lot assessments at 6:00 p.m.

A copy of the proposed budget is available for public inspection by contacting fiscal services at [ssirpilla@cityofclare.org](mailto:ssirpilla@cityofclare.org) or by calling (989) 424-4069.

The public is encouraged to provide input during the public comment period or public hearing portions of the meetings. Written and verbal comments will be accepted until 4 p.m. on the date of the meetings and may be submitted to the City Clerk at Clare City Hall, 202 W. Fifth St., Clare, MI 48617, via email to [dlyon@cityofclare.gov](mailto:dlyon@cityofclare.gov), or by calling 989-424-4068.

The meeting agendas will be posted on the city's website at [www.cityofclare.gov](http://www.cityofclare.gov), on the lobby bulletin boards at Clare City Hall, and on Charter Cable Channel 189. *The City of Clare is an equal opportunity provider and employer.*

Diane Lyon  
City Clerk

