



# CITY OF CLARE

202 West Fifth Street | Clare, Michigan 48617-1490

Office 989.386.7541 | Fax 989.386.4508

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

## CLARE CITY COMMISSION

Meeting held at Clare City Hall  
202 W. Fifth St., Clare MI

Monday, August 7, 2023  
6:00 p.m.

### AGENDA

#### CITY HALL

Ph 989.386.7541

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

Manager x102

Assessor x103

Clerk x106

Treasurer x107

#### DEPARTMENT OF PUBLIC WORKS

Ph 989.386.2182 or

989.386.7541 x202

Fx 989.386.4508

#### UTILITY BILLING

Ph 989.386.7541 x201

#### W/WWT PLANT

Ph 989.386.2321

Fx 989.386.2387

#### POLICE DEPT. NON-EMERGENCY

Ph 989.386.2121

Fx 989.386.0440

#### FIRE DEPT. NON-EMERGENCY

Ph 989.386.2151

Fx 989.386.3020

#### PARKS & RECREATION

Ph 989.386.7541 x213

Fx 989.386.4508

#### AIRPORT

Ph 989.386.0445

Fx 989.386.4508

#### 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. Appointment of MERS 2023 Conference Delegates

B. Appointment of MML 2023 Annual Meeting Delegates

C. Annual Review and Renewal of Title VI Policy Plan

D. Revocation of Commercial Facilities Exemption Certificate – Doherty Hotel

E. Change to Standard Lighting Contract – Consumer's Energy

F. City Manager Contract Renewal

G. Assessing Contract Agreement – Michigan Assessing Coalition (MAC), LLC – Comprehensive Reappraisal of Industrial Properties

H. Annexation of City-Owned Property – Vernon Township

#### 8. TREASURER'S REPORT

#### 9. CITY MANAGER'S REPORT

#### 10. \*COMMUNICATIONS

**11. EXTENDED PUBLIC COMMENT**

**12. COMMISSION DISCUSSION TOPICS**

**13. \*APPROVAL OF BILLS**

**14. \*PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES**

**15. ADJOURNMENT**

*The public will be permitted to provide comments during the Public Comment portions of the meeting. When offering public comment, the public is asked to identify themselves by providing their name and address.*

*Written comments may be submitted to [dlyon@cityofclare.org](mailto:dlyon@cityofclare.org), or placed in the drop box at Clare City Hall, or sent in by postal mail to the City Clerk, Diane Lyon at Clare City Hall, 202 W. Fifth St., Clare MI 48617, prior to 4 p.m. on the date of the meeting and will be read during the public comment portion of the meeting.*

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. in the City Commission Chambers of Clare City Hall, 202 West Fifth Street, Clare, Michigan by Mayor Pat Humphrey who led with the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Kim Bussell, Pat Humphrey, and Maegan Jenkins. Absent: Carolyn (Gus) Murphy. Also, present: Jeremy Howard, City Manager; Shannon Sirpilla, City Treasurer; Diane Lyon, City Clerk; Luke Potter, DPW Director; Dave Saad, Police Chief; John Lake, Police Captain; Tom Francisco, Police Sergeant; and Dylan Garver, new full-time Patrol Officer.

2. CONSENT AGENDA:

Moved by Commissioner Bussell second by Commissioner Jenkins to approve the items listed with an asterisk (\*) (Agenda, Minutes, Department Reports, Communications, Professional Development, and Bills) that are considered routine by the City Commission. Roll call vote: Yeas: Commissioners Bob Bonham, Kim Bussell, Pat Humphrey, Maegan Jenkins, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

3. \*APPROVAL OF MINUTES:

*Approved by Consent Agenda.*

4. \*APPROVAL OF AGENDA:

*Approved by Consent Agenda.*

5. PUBLIC COMMENT: None.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

**A. TRAFFIC CONTROL ORDER 01-2023, 4 WAY STOP AT E. 7<sup>TH</sup> & PINE ST.**

The City received a request to make East 7th Street and Pine Street a four-way stop to increase the safety of pedestrian traffic. The Traffic Safety Committee met on July 11, 2023, and discussed the area which includes a Methodist church, two Day Cares and has seen increased traffic in recent years. The area was noted to be of particular concern due to pedestrian traffic during school hours. It is believed the additional stop signs making this a four-way stop will increase the safety of pedestrians and other motorists. The City's Traffic & Safety Committee has reviewed the request and recommends approval of the request. The City Commission is asked to approve the request by issuance of a Traffic Control Order 001-2023.

Motion by Commissioner Murphy second by Commissioner Bussell to approve TCO 01-2023 by the adoption of Resolution 2023-051. Roll call vote: Yeas: Commissioners Bob Bonham, Kim Bussell, Pat Humphrey, Maegan Jenkins, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**B. APPROVE BIDS FOR LAKE SHAMROCK DAM/EMERGENCY SPILLWAY/WALKWAY FEASIBILITY & DESIGN PROJECT**

The City recently solicited bids for the Lake Shamrock Dam/Emergency Spillway/Walkway Project. The proposals include Feasibility and Design for the three components and once this first phase of the project is complete the project and costs will be able to be finalized for Final Design, Construction Bidding, Construction Oversight, and ultimately construction of the structures.

Two bids were received at the bid opening for this first phase of the project. The low bid was submitted by GEI Consultants of Michigan in partnership with Spicer Engineering for an amount of \$108,300.

The City Commission is asked to approve the low bid amount of \$108,300 and award the work to GEI Consultants of Michigan.

Motion by Commissioner Murphy second by Commissioner Bussell to approve the bids and award the contract to GEI by adoption of Resolution 2023-052. Roll call vote: Yeas: Commissioners Bob Bonham, Kim Bussell, Pat Humphrey, Maegan Jenkins, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**C. APPROVE 9-B SECTION 3 POLICY**

In October of 2022, the City of Clare was awarded a \$2.77 million dollar grant (2 million in grant funds and 770,000 in city matching funds (match amount was later increased due

to increased costs in the project) from the MEDC CDBG WRI program for the construction of a new water well, water treatment facility improvements, new chemical feed system, electrical updates, lab updates, new backwash and retention tanks, new and integrated SCADA system, replacement of high service pumps and other water-related infrastructure improvements.

In consultation with MEDC, they have let the city know that as a component of the acceptance of the grant funds, the City must adopt a Section 3 Policy of the Housing and Urban Development Act of 1968, as amended, which requires that economic opportunities generated by certain U.S. Department of Housing and Urban Development (HUD) financial assistance for housing and community development programs be directed to low and very low-income persons.

The City Commission is asked to approve the Section 3 Policy and authorize the City Manager and/or Mayor to sign any and all documents necessary to complete this requirement.

Motion by Commissioner Jenkins second by Commissioner Murphy to approve the adoption of the Section 3 Policy by adoption of Resolution 2023-053. Roll call vote: Yeas: Commissioners Bob Bonham, Kim Bussell, Pat Humphrey, Maegan Jenkins, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**D. APPROVE MEDC CDBG WRI PROJECT GRANT AGREEMENT**

As noted in the prior agenda item, the City of Clare was awarded a \$2.77 million dollar grant (2 million in grant funds and 770,000 in city matching funds (the match amount was later increased due to increased costs in the project) from the MEDC CDBG WRI program for the construction of new water well, water treatment facility improvements, new chemical feed system, electrical updates, lab updates, new backwash and retention tanks, new and integrated SCADA system, replacement of high service pumps and other water-related infrastructure improvements. We have received the formal grant award documents MEDC that now require approval by the City Commission to allow us to accept the grant award and proceed with the project. The Commission is asked to approve the grant agreement as presented and authorize the City Manager to sign any and all necessary documents and authorize the City Treasurer to make any and all budget amendments that may be necessary.

Motion by Commissioner Bonham second by Commissioner Murphy to approve the Grant Agreement by adoption of Resolution 2023-054. Roll call vote: Yeas: Commissioners Bob Bonham, Kim Bussell, Pat Humphrey, Maegan Jenkins, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**E. INTRODUCTION OF NEW POLICE OFFICER DYLAN GARVER**

Following the recent retirement of Officer Dave Thompson, the City began the search for a new officer. After reviewing and interviewing candidates, Mr. Daylen Garver was selected as a new officer. Daylen was born and raised in Farwell Michigan, attending Farwell Area Schools. He later obtained his Associates Degree in Criminal Justice through Mid-Michigan College, while volunteering at the Clare Police Department as a Reserve Officer. He remained a Reserve with the department for approximately three years. He later continued his education and training in law enforcement at the Kirtland Police Academy in the winter of 2020. After completing the academy, Daylen took a job with the Missaukee County Sheriff's Office as a Patrol Deputy. Daylen is returning to his roots to work at the Clare Police Department and move back home. Daylen is engaged to be married in October 2023. We are excited to have Daylen serving the community here in Clare.

8. TREASURER'S REPORT: The Treasurer provided a report to the Commission.

9. \*DEPARTMENT REPORTS: *Approved by Consent Agenda.*

10. CITY MANAGER'S REPORT

Lake Shamrock Dredging Project. Mechanical dredging by the City is continuing. As you are aware at approximately 11:45 a.m. on Wednesday, July 5, 2023, an underground sewer line (force main) was struck by a piece of equipment used to dredge Lake Shamrock causing a small crack in the force main sewer line that runs under the Western end of Lake Shamrock. There was no active flow at the time of the incident and the line was isolated within minutes, therefore only a small amount of residual sewage was potentially released



into the lake body near the VFW. Testing was done as a safety precaution, and public notices were posted at the site. The Health Department recommended avoiding bodily contact with the water in that area until testing was complete and postings could be removed. Test samples were taken both upstream and downstream from the location of the incident on Wednesday and taken to the Health Department. The results were received Thursday from the Health Department and testing showed no difference in the two samples therefore the Health Department determined there is no issue and the notices could be removed and any precautions could be lifted. Crews were onsite Thursday morning boring in a new line and the repair was completed by Friday. There were no interruptions of service to any residents or businesses as the lift station that feeds the force main was manually pumped during the incident and repair. Savin Lake Services, who is working on the hydraulic dredging, reported to the City recently that they are making progress with EGLE regarding conversations about the area of the Airport that will be used for the holding cells for the pumped material. They believe that EGLE feels the site on the south end of the airport will be acceptable and permitting requests are now being made.

Bob Bonham inquired about recourse against the Engineering Firm that provided oversight of the installation of the force main since it was not located in the position identified on their drawings and because the pipe did not have a casing. Since the project was completed in the late 90s, the City Manager speculated that it is unlikely that the city could take action against the company but he will confer with the City Attorney.

July Board of Review. The July Board of Review has been scheduled. The meeting will be held on Tuesday, July 18, 2023, at 1:00 p.m. at Clare City Hall, 202 W. Fifth Street, Clare, Michigan. The purpose of this meeting is to correct the assessment roll as allowed by MCL 211.53b. This meeting is subject to the Open Meetings Act. Sharon Frischman, our new Assessor will oversee the BOR meeting.

Depot Day. Depot Day will be held July 15 at the Clare Union Depot from 10:00 a.m. – 4:00 p.m. Please stop in to help raise money for building outside bathrooms for the rail trail trailhead. Activities include: Clare City Police will be holding a K-9 demonstration at 11:00 a.m.; a silent auction; a bake sale; games; coloring pictures; and little train rides for the kids. Hot dogs, ice cream, and Crazy Kettle Corn will be for sale and were donated by Witbeck's Family Foods, the Dairy Phil, and Max & Jo Schunk. If you have not purchased a memorial brick to be engraved and placed at the Depot, there is no time like this Saturday to do that. The Clare County Arts Council will be selling prints and you can stop in to see all the wonderful items they have for sale inside the Depot. While there, please make sure to check out all train memorabilia that this restored Depot has on display and visit the two cabooses that are on the property.

City of Clare Pitch Competition. MMDC is thrilled to be hosting the second Downtown Pitch Competition (available to all of Clare Businesses) - this time in Downtown Clare! Through a competitive pitch competition, ideas will be presented, developed, and ultimately showcased at a community event on September, 19th 2023 at the Ideal Theatre! The competition will fund projects that enhance the vibrancy of our incredible city, with funding provided by community sponsors who believe in the value of Clare.

*Are you interested in pitching an idea? Here are some key dates to keep in mind:*

- *Application Deadline: July 21st, 2023*
- *Kickoff Meetings for Applicants: July 11th, 2023, at 10 am at the Clare City Hall and July 12th, 2023 at 6 pm, on-line via Zoom*
- *Phase 1 Pitch Presentation: August 4th, 2023 (presentation deck submitted via email)*
- *Phase 2 Pitch Presentation and Draft of Project Summary: August 15th, 2023 (updated presentation submitted after receiving feedback from committee submitted via email)*
- *Phase 3 Pitch Presentation (in person): August 22nd, 2023*
- *Competition Presentation: September 19th, 2023*

Street Reconstruction Project. Malley Construction recently notified DPW Director Luke Potter to let the City know that they are running ahead of schedule and will likely be in the City of Clare within the next 2-4 weeks to start the road construction project on Rainbow Drive. The street-work this year includes the removal and replacement of the asphalt as well as the road base (replaced with new sand and gravel), new curb and gutter, and approaches on North Rainbow Drive from Glendale to Eastwood.

City Department Tours. Following tonight's meeting adjournment, we will continue our informal city department tours with a tour of the Municipal Airport.

Addendum: MyMichigan Health Announcement.

MyMichigan Health has announced that they intend to remain in the downtown and expand their facility. The overall four-phase project is expected to cost around \$52 million. 2025 construction is anticipated.

11. \*COMMUNICATIONS: *Approved by Consent Agenda.*
12. EXTENDED PUBLIC COMMENT: Pat Maurer inquired about the eviction of individuals who have taken up residence at the Crossroads Motel. City staff has been called to the Motel on numerous occasions for everything from fire to blight to criminal activity however the current property owner is the one who has instigated the evictions from his property.
13. COMMISSION DISCUSSION TOPICS: None.
14. \*APPROVAL OF BILLS: *Approved by Consent Agenda.*
15. \*PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES: *Approved by Consent Agenda.*
16. ADJOURNMENT: Motion by Commissioner Jenkins second by Commissioner Bussell to adjourn the meeting. Roll call vote: Yeas: Commissioners Bob Bonham, Kim Bussell, Pat Humphrey, Maegan Jenkins, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 6:22 p.m.

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Pat Humphrey, Mayor

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Diane Lyon, City Clerk

## AGENDA REPORT

TO: Mayor Pat Humphrey and the Clare City Commission  
FROM: Jeremy Howard, City Manager  
DATE: August 3, 2023  
RE: Designation of Voting Delegates – MERS Annual Conference

For the Agenda of August 7, 2023

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**Background:** The Michigan Employees Retirement System (MERS) will hold its annual conference in Detroit, Michigan on September 27<sup>th</sup>, 28<sup>th</sup> & 29<sup>th</sup>, 2023 (*flyer att'd*). The City Commission has traditionally sent two delegates to the conference, an employee representative elected by the City's employees to represent their interests at the conference and a management delegate to represent management's interests at the conference.

This year the employees eligible to vote have selected David Saad as their primary delegate and Chad Michels as the alternate. Jeremy Howard will be the management primary delegate and Shannon Sirpilla will serve as an alternate.

MERS requires the City's delegates to be appointed by the respective municipal governing body in order to vote on policy matters presented to the delegation for decision (*delegate form att'd*). Therefore, the City Commission is asked to formally designate these individuals to represent the employees and the City at the annual conference.

**Issues & Questions Specified:** Should the City Commission appoint voting delegates to attend the annual MERS Conference?

**Alternatives:**

1. Appoint the individuals elected and traditionally appointed.
2. Appoint City employees other than elected or traditionally appointed.
3. Do not appoint any City employees to attend the conference.
4. Set this matter aside for further discussion, consideration, and decision at a future, scheduled meeting.

**Financial Impact:** If the Commission decides to send the delegates to the conference the cost this year including registration and hotel accommodations is approximately \$1,500 total for the two-day event for both attendees. Most of the meals during the conference for the delegates are provided as part of the conference registration fee. This expense is budgeted for in the current year budget as usual.

**Recommendations:** I recommend that the City Commission appoint David Saad as the primary employee delegate and Chad Michels as the alternate employee delegate. Furthermore, I recommend that the Commission appoint Jeremy Howard as the management representative and Shannon Sirpilla as the alternate management representative to attend the 2023 annual MERS Conference by the adoption of the attached Resolution 2023-055.

**Attachment:**

1. MERS Flyer.
2. MERS Delegate Form.
3. Resolution 2023-055.

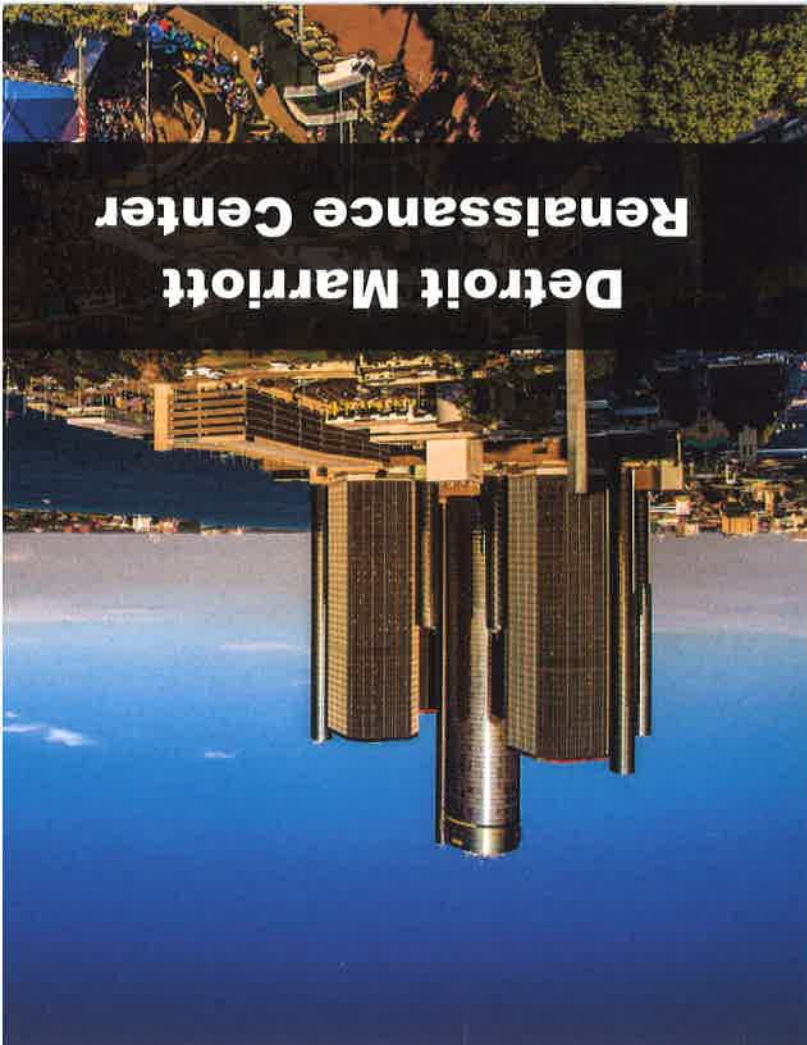
September 28 – 29  
Thursday – Friday

# Retirement Conference 2023

..... YOU'RE INVITED .....



Detroit Marriott  
Renaissance Center



## Early Bird Pricing

Register by **August 4** to receive the discounted rate of \$255/person.

After August 4, the rate will be \$345/person.  
Online registration will close September 15.

[www.mersofmich.com/annualconference](http://www.mersofmich.com/annualconference)



## Book Your Hotel Room

The deadline to reserve a Detroit Marriott hotel room at the discounted rate of \$199/night is Wednesday, September 6.

**New this year!** Book your hotel room at the same time you register for the conference. After you complete your conference registration, you will be presented with the option to reserve a hotel room.





## MERS welcomes you

Join us in Detroit for our Annual Retirement Conference. This year's event promises to provide you with valuable insights on MERS plan information, investment education, plan funding best practices, SECURE 2.0 updates and many opportunities to network with your peers.



## Making an Impact

We're excited to host the first MERS Impact Awards luncheon on Thursday, September 28. Join us as we celebrate those municipalities that have demonstrated a commitment to helping employees achieve financial security in retirement.

There's still time to submit a nomination. Visit [www.mersofmich.com](http://www.mersofmich.com) for details.



## MERS Business Meeting

Thursday, September 28, the MERS Business Meeting convenes. You will hear from MERS CEO Kerrie Vanden Bosch, and delegates will have an opportunity to vote for members of the MERS Retirement Board.

For more information on appointing and electing delegates, visit the conference website.

## Back by popular demand!

Join us on Thursday, September 28 for a Detroit-themed strolling dinner featuring some of the delicious fare the Motor City is known for. Following dinner, *Howl2Go* will duel on the pianos to provide entertainment all evening. Come prepared to request your favorite songs and to have a good time with your fellow conference attendees!





**Municipal Employees' Retirement System of Michigan**  
 1134 Municipal Way • Lansing, MI 48917  
 800.767.6377  
 www.mersofmich.com

## 2023 Officer and Employee Delegate Certification Form

MERS Annual Business Meeting | September 2023

Please print clearly • Scan and attach this file when you register online • Retain a copy for your records

**IMPORTANT:** If you are not electing/appointing delegates to vote during the MERS Annual Business Meeting, please **DO NOT** submit this form. A **delegate** is **NOT** confirmed to have voting rights until this form has been uploaded with their online registration.

The voting delegate representative must be a MERS member, defined as an **active employee on payroll** who is enrolled in either a MERS Defined Benefit Plan, Defined Contribution Plan or Hybrid Plan.

### 1. Officer (and alternate) delegate information

The officer delegate (or alternate) shall be a MERS member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative, executive, or judicial branch of government.

Officer Delegate name

Officer Alternate name

Officer delegate and alternate listed above were appointed to serve during the 2023 MERS Annual Business Meeting by official action of the governing body (or chief judge for a participating court) on \_\_\_\_\_, 2023.

### 2. Employee (and alternate) delegate information

The employee delegate (or alternate) shall be an employee member who is not responsible for management decisions, receives direction from management and, in general, is not directly responsible to the legislative, executive, or judicial branch of government.

Employee Delegate name

Employee Alternate name

Employee delegate and alternate listed above were elected to serve during the 2023 MERS Annual Business Meeting by secret ballot election conducted by an authorized officer on \_\_\_\_\_, 2023.

### 3. Certification

**NOTE:** Certification should be signed by a member of the governing body or chief administrative officer, or the chief judge for a participating court. **An electronic signature is permissible.**

I certify that the officer delegate and alternate selections are true and correct, and the secret ballot election results for the employee delegate and alternate are true and correct.

Employer/municipality name*	Municipality number*	Email address		
Employer address	Employer city	Employer state	Employer zip code	
Printed name	Title of authorized authority*			
Authorized signature*			Date	

\* Required field



1. You may complete it electronically (an electronic authorized signature is permissible), then save it and upload it when registering your delegate(s) – OR –
2. You may print it off and complete it, then scan and upload it to your computer for uploading when you register your delegate(s).

**RESOLUTION 2023-055**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPOINTING THE PRIMARY AND ALTERNATIVE EMPLOYEE AND OFFICER VOTING DELEGATES TO ATTEND THE 2023 MICHIGAN EMPLOYEE RETIREMENT SYSTEM (MERS) ANNUAL MEETING.**

**WHEREAS**, the Michigan Employees Retirement System (MERS) will hold its annual meeting on September 27<sup>th</sup>, 28<sup>th</sup>, and 29<sup>th</sup> in Detroit, Michigan; and

**WHEREAS**, the City of Clare has traditionally sent two representatives to the meeting, an employee representative elected by the members of the local bargaining units and a management representative appointed by the City Commission; and

**WHEREAS**, the employees have elected David Saad as their primary representative and Chad Michels as their alternate representative; and

**WHEREAS**, one member of the city's administrative staff, the City Manager, City Treasurer, or City Clerk, has historically been selected to serve as the primary city management delegate, and one member selected to serve as the alternate delegate;

**NOW THEREFORE BE IT RESOLVED THAT** the City Commission of the City of Clare hereby appoints David Saad to serve as its primary employee delegate and Chad Michels to serve as its alternate employee delegate to vote on any and all matters brought before the voting body of MERS and to represent the City's employees at the annual MERS meeting.

**BE IT FURTHER RESOLVED THAT** the City Commission appoints City Manager Jeremy Howard to serve as the management delegate of the City at said conference and City Treasurer Shannon Sirpilla to serve as the alternate management delegate.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR 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 7<sup>th</sup> day of August, 2023.**

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**Diane Lyon, City Clerk**

## AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission  
FROM: Jeremy Howard, City Manager  
DATE: August 3, 2023  
RE: Designation of Voting Delegates – MML Annual Meeting

For the Agenda of August 7, 2023

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Background. The MML will hold its annual business meeting on Wednesday, October 18, 2023 in Traverse City, Michigan in conjunction with its annual conference being held October 18-20 (*see att'd copy of the convention agenda*). The City is requested to designate its voting delegation for that meeting. Normally several Commissioners attend the conference. The Commission is asked to designate one attendee as its primary voting delegate and a second attendee as its alternate voting delegate to cast the City's vote on all business brought before the MML Board of Directors and slated on the agenda for the scheduled meeting.

Issues & Questions Specified. Should the City Commission designate a primary and alternate voting delegate to cast the City's vote(s) on matters slated on the agenda for the MML annual meeting?

Alternatives.

1. Designate a primary and alternate voting delegate.
2. Do not designate a primary and alternate voting delegate.
3. Set aside the decision regarding this matter to a later date.

Financial Impact. There is no immediate, direct fiscal impact for this approval other than the budgeted costs of conference attendance.

Recommendation. I recommend that the City Commission designate a primary and alternate voting delegate by adoption of Resolution 2023-056 (*copy att'd*).

Attachments.

1. MML Annual Meeting Agenda.
2. Resolution 2023-056.



July 10, 2023

**Michigan Municipal League Annual Meeting Notice**

**(Please present at the next Council, Commission or Board Meeting)**

Dear Official:

The Michigan Municipal League Annual Convention will be held in Traverse City, October 18-20, 2023. The League's "**Annual Meeting**" is scheduled for 4:30 pm on Wednesday, October 18 in Governors' Hall A at the Grand Traverse Resort & Spa. The meeting will be held for the following purposes:

1. **Election of Trustees.** To elect five members of the Board of Trustees for terms of four years each (see #1 on page 2).
2. **Policy.** A) **To vote on the Core Legislative Principles document.**

In regard to the proposed League Core Legislative Principles, the document is available on the League website at <https://mml.org/resources-research/delegate/>. If you would like to receive a copy of the proposed principles by fax, please call Monica Drukis at the League at 800-653-2483.

**B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on.** (See #2 on page 2.)

In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by **September 18, 2023.**

3. **Other Business.** To transact such other business as may properly come before the meeting.

**Designation of Voting Delegates**

Pursuant to the provisions of the League Bylaws, **you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate.** Please submit this information through the League website by visiting <https://mml.org/resources-research/delegate/> **no later than September 18, 2023.**

We love where you live.



Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary Members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

#### 1. Election of Trustees

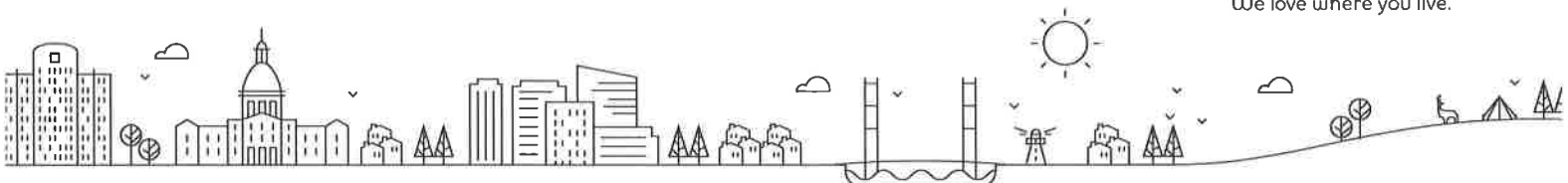
Regarding election of Trustees, under Section 5.3 of the League Bylaws, five members of the Board of Trustees will be elected at the annual meeting for a term of four years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

#### 2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and “no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting.” Thus, the deadline this year for the League to receive resolutions is **September 18, 2023**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. **Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.**

Further, “Every proposed resolution submitted to the Board of Trustees by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or a modification thereof.

We love where you live.



3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Tuesday, October 17, 2023 at the Grand Traverse Resort & Spa for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,



Barbara Ziarko  
President  
Councilmember, City of Sterling Heights



Daniel P. Gilmartin  
Executive Director & CEO





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## 2023 MML Convention

Convention 2023

October 18-20, 2023

Traverse City, MI

Grand Traverse Resort & Spa, Acme, Michigan

The Michigan Municipal League's Convention 2023 concretely connects sessions, workshops, trainings, and more to the event's five objectives: activation, empowerment, innovation, optimism, and tangible tools.

Convention 2023 attendees will leave this year's event with:

- **Activation** – a compelling desire for action to activate their community, councils, and members to embrace inspiration and new ideas.
- **Empowerment** – a deep belief that they have the power to affect prosperity, quality of life, and sense of trust and belonging within their community.
- **Innovation** – a changed perspective to look at their communities through an innovative lens.
- **Optimism** – a positive outlook about future prosperity, quality of life, and sense of trust and belonging within their community.
- **Tangible tools** – meaningful information and tools that help them access resources and create change.

### Registration Fees

Early Bird Registration Rates on or before **September 15, 2023**:

- MML Full & Associate Members/BAP Participants – \$595/person
- Nonmember Government Entities/MML Fund & Pool Program Members – \$950/person

Regular Registration Rates on or before **October 9, 2023**:

- MML Full & Associate Members/BAP Participants – \$795/person
- Nonmember Government Entities/MML Fund & Pool Program Members – \$950/person

## Sign In

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Guests: \$250/person  
Students: \$250/person

[Click here](#) for a faxable registration form.

Onsite Registration:

- MML Full & Associate Members/BAP Participants – \$845/person
- Nonmember Government Entities/MML Fund & Pool Program Members – \$1,000/person

### Agenda

For the Convention Agenda and program details, visit the Convention 2023 [website](#).

### Registration

To register online, log in to the right and then click the "Register Myself" or "Register Someone Else" button below.


When: 10/18/2023 – 10/20/2023

Where: Traverse City, MI

When: 10/18/2023 - 10/20/2023

Where: Grand Traverse Resort  
100 Grand Traverse Village Blvd  
Acme, MI 49610

## Event Add-On's

Select Programs by  

### Wednesday, 18 October 2023

11:30 AM

[MWIMG Affiliate Lunch](#)

Michigan Women in Municipal Government Affiliate Lunch

Time: 11:30 AM - 1:00 PM

6:00 PM

[Welcome Reception](#)

Welcome Reception

Time: 6:00 PM - 8:00 PM

Thursday, 19 October 2023



7:30 AM

[MAM Affiliate Breakfast](#)

Michigan Association of Mayors Affiliate Breakfast

Time: 7:30 AM - 9:00 AM

2:30 PM

[Mobile Tour: DDA Downtown Walking Tour](#)

Mobile Tour: Downtown Traverse City Walking Tour (Future Planning on Foot)

Time: 2:30 PM - 5:00 PM

2:30 PM

[Mobile Tour: Discovery Pier](#)

Mobile Tour: Meaningful Experiences for All on Our Great Lakes

Time: 2:30 PM - 5:00 PM

2:30 PM

[Mobile Tour: Botanic Gardens at Historic Burns Park](#)

Mobile Tour: Immerse Yourself in the Botanic Garden at Historic Burns Park

Time: 2:30 PM - 5:00 PM

2:30 PM

[Mobile Tour: Commongrounds Co-op](#)

Mobile Tour: Commongrounds Co-op Tour

Time: 2:30 PM - 5:00 PM

2:30 PM

[Mobile Tour: The Village at Traverse City Commons](#)

Mobile Tour: History and Innovation at the Grand Traverse Commons

Time: 2:30 PM - 5:00 PM

Friday, 20 October 2023



7:30 AM

[MBC-LEO Affiliate- Breakfast/Annual Meeting](#)

Michigan Black Caucus of Local Elected Officials Breakfast/Annual Meeting

Time: 7:30 AM - 9:00 AM

[Shop](#)

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# Full Agenda

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Tuesday

Wednesday

Thursday

Friday

**October 18, 2023**

**7:30 am – 6:00 pm**

**Registration open**



**8:00 – 9:00 am**

**First Time Attendee Breakfast**

**9:00 – 10:30 am**

**Opening General Session**

**From Conflict to Conversation**

Must disagreement be disagreeable?  
Amidst unprecedented disruption and uncertainty, now is an ideal time for civic leaders to learn new ways to bring people together to tackle their communities' most complex and sensitive issues. Matt Lehrman animates the principle that where people work together courageously, their potential is unlimited.

**10:30 – 11:30 am**

**Community Excellence Award  
Presentations**

**11:30 am – 1:00 pm**

**Networking Lunch**

**11:30 am – 1:00 pm**

**MWIMG Annual Meeting &  
Luncheon (additional fee)**

**1:00 – 4:00 pm**

**Concurrent workshops**

**Walking While Black: L.O.V.E. Is  
The Answer, a film by A.J. Ali**

The Michigan Black Caucus of Local Elected Officials (MBC-LEO) invites Convention attendees to join them in watching a 90-minute version of A.J. Ali's film WALKING WHILE BLACK: L.O.V.E. Is The Answer. Shown during the 2020 Virtual Convention and back by popular demand, this film explores the relationship between law enforcement and the Black community. After positive feedback and great discussion in 2020, this session will continue the conversation and include a facilitated discussion following the film.

**Empowering Your Community to  
Act on Justice40**

Justice40 is a federal initiative that aims to empower communities that are marginalized, underserved,

and/or overburdened. The initiative includes federal and state investments in pollution remediation and reduction, climate change mitigation, and sustainability that has 40% of related federal investment flow to disadvantaged communities. Come and learn about how your community can easily and effectively access the variety of resources available through the Justice40 initiative with this interactive workshop. Attendees will learn more about the initiative and leave with tools for incorporating wellbeing into their infrastructure plans and connections to state and federal agencies.

### **Council-Manager Relations**

When the relationship between the city manager and City Council breaks down, forward motion slows; time and resources are wasted; trust and respect are damaged and, ultimately, the community will not get what it deserves. What are the signs that counseling may be in your future? What strategies should be in place to keep your city off this path in the first place? What steps can you take to mend or improve the way your

executive team works together?  
Come hear from both sides of the equation and learn firsthand about the appropriate roles for elected officials and managers, what strategies can be put into place to help build a productive relationship, and hear examples directly from some seasoned elected officials and managers.

### **Human Trafficking**

Human trafficking is the second largest criminal enterprise in Michigan – eclipsed only by drugs. Michigan also ranks tenth in the nation for human trafficking. Join experts and other officials to break down the issue and learn steps local governments can take to tackle trafficking in our communities.

### **ART-ificial Intelligence and Your Community**

Artificial Intelligence (A.I.) is a hot topic right now and a controversial one in some circles. But it's not all bad. Hear how Jerin Sage, the Director of Placemaking in Flint, is using A.I. for everything from art exhibitions to park planning. In this highly interactive, fun, and futuristic workshop, attendees will leave

knowing much more about the positive ways to use A.I. in their communities. Attendees will take a deep dive into some of the A.I. tools and software that can assist us humans in simplifying day-to-day administrative tasks, help to guide creative processes/teams and open doors to new ideas, connections, and designs to create equitable and engaged communities.

**4:30 – 5:30 pm**

**Annual Business Meeting**

**6:00 – 8:00 pm**

**Welcome Reception**

(<https://blogs.mml.org/wp/events>)

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# Full Agenda

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Tuesday

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**October 19, 2023**

**7:30 am – 5:00 pm**

**Registration Open**

**7:30 – 9:00 am**

**Networking Breakfast**

**7:30 – 9:00 am**

**Michigan Association of  
Mayors (MAM) Annual Meeting  
& Breakfast (additional fee)**

**9:00 – 10:30 am**

**Morning General Session**

**Reconnecting to Our Sense of  
Place**

With the many changes that COVID brought to everyone's lives, an important one for our communities was a renewed sense of place. It made our world smaller and reconnected us with our neighbors and the nature around us. How do we take advantage of this moving forward? How do we utilize what these changes brought about to bring positive improvements and more love to our communities?

**10:30 – 11:30 am**

## **Concurrent Breakout Sessions**

### **State Revolving Loan Funds 101**

The State Revolving Loan Fund (SRF) represents the single largest opportunity for communities to fund water infrastructure, pollution remediate, and conservation in the state. Thanks to reforms made in 2022, the process of accessing these funds has been easier. This session will be an interactive crash course on SRF, looking at both the Clean Water and Drinking Water funds. Attendees will learn about recent changes to SRF structure, how to put together a successful application, and will be connected with the Community TA Providers Network, EGLE, and MI Water Navigator to get assistance as they pursue SRF applications.

### **Michigan as a Receiver Place for Climate Migration**

As climate migration continues to play an effect on where folks are choosing to live, Michigan will become a potential hub for climate migrants. Michigan leaders are asking how we can pull out of our economic and demographic stagnation, and



welcoming climate migrants. Learn how we need to act to make this potential into reality, and to ensure we can welcome growth without further sprawl eating our natural resources and budgets. This need is one part of a marketing campaign to future residents, but also requires considering both our physical planning and governance processes that those newcomers will be participating in.

### **Rural Community Perspectives and Priorities with Michigan's Office of Rural Development**

The Michigan Office of Rural Development (ORD) was created via Executive Directive in 2022 by Governor Gretchen Whitmer to facilitate the state's efforts to build long-term prosperity in Michigan's rural communities. The ORD strategically focuses on key rural priorities including but not limited to housing, workforce, infrastructure, and community capacity building. In this session, the ORD will highlight its current and planned initiatives to support rural communities, discuss results of a statewide survey, and

invite session participants living in or serving rural areas to share their community perspective and priorities.

### **Investing for Community Well-Being and Local Wealth Building**

With billions of dollars in federal and state funding available, how can our communities access and invest new funds to improve community well-being and support local community wealth building? This panel discussion will highlight unique ways that Michigan communities are engaging their communities and investing ARP, Infrastructure Act, and Inflation Reduction Act funding to achieve these goals.

### **MML Legislative Update**

**11:30 am – 12:30 pm**

**Networking Lunch**

**12:30 – 1:30 pm**

**Afternoon General Session**

**Embracing Regional Character in the Mitten State: TED Talk Style**

Local business leaders are changing the region with the work they are doing on behalf of its citizens. This closing session will provide you with inspiration, hope, and creativity on how three area leaders are effecting change at the regional level. They will cover investing in small communities, addressing human and social needs, and how Northern Michigan has branded itself as a tourist destination through agribusiness. This is a TED talk-style panel, with each speaker addressing the audience separately and brought together in the end with a unifying message.

**2:00 – 5:00 pm**

### **Education Tours**

#### **Downtown Traverse City Walking Tour (Future Planning on Foot)**

Traverse City is more than a national destination; home to over 5,200 employees, regional commerce for 4-counties and a populace of 16,000 that increases to over 50,000 daily plus the tourism industry of over 1 million annually. Join us for a downtown walking tour with the Downtown Development Authority to

learn about how they are planning downtown changes based on the future Michigan faces.

### **Meaningful Experiences for All on Our Great Lakes**

Get an exclusive look at the inclusive transformation happening at the Discovery Center & Pier. An old coal dock is getting a second life as a one-of-a-kind barrier-free recreational amenity and community resource that connects people of all ages, needs, and abilities to the Great Lakes. Through this transformation, the Discovery Center & Pier is expanding their role to bring more partners together, leverage their collective strengths, and create opportunities for recreational and educational experiences for all.

### **Immerse Yourself in the Botanic Garden at Historic Barns Park**

The gorgeous botanical garden is in the heart of Traverse City and has an emphasis on plant species native to northwest Michigan. Come and learn about how the garden aids environmental preservation, recreation, and education.

## **History and Innovation at the Grand Traverse Commons**

The Village at Grand Traverse Commons was once the Traverse City State Hospital and has been transformed into an economic center that is a place to live, work, play, shop, and explore. The Commons is a story of historic preservation and redevelopment, and the story is still being written. Join us on this tour to learn about the rich history and redevelopment of the buildings, a tour of a building that is not yet redeveloped and a walk through the 1883 underground steam tunnels. You'll even have extra time at the end to explore the Village on your own.

## **Commongrounds Co-op Tour**

Take the inside tour of Commongrounds, a four-story cooperatively owned, community-financed, mixed-use development near the depot neighborhood. This pilot project hosts non-profit, business, and residential tenants spanning all income levels. Despite being a pilot project, it reached full capacity as of May 2023. Learn about more this in-demand type of community.

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Friday

**October 20, 2023**

**7:30 – 10:30 am**

**Registration Open**

**7:30 – 9:00 am**

**Networking Breakfast**

**7:00 – 9:00 am**

**Michigan Black Caucus-Local  
Elected Officials (MBC-LEO)  
Breakfast (additional fee)**

**9:00 – 10:00 am**

**Concurrent Breakout Sessions**

**Telling Our Stories: Michigan  
Communities Should Learn to Brag**

We know people stay or move to places where they see opportunity – for belonging, for quality of life, to start a family or a business. Michigan communities have an opportunity to encourage folks to move to the mitten state – if we make the choice to invest boldly in our communities and get better at telling the stories of what makes our communities special. This session will help you understand why we need to be better at promoting our state's assets and how to share the narratives of what makes our communities great places.

## **Movin' on Up: Retrofits for Existing Buildings**

Buildings account for 40% of global carbon emissions, and 80% of the buildings that will exist by 2050 already exist today. Many of them date from the 1960s to the 1980s, consuming energy at an alarming and costly pace. Taking the whole lifecycle of materials into account, retrofitting buildings already in existence can help meet industry challenges and international decarbonization goals. Building retrofits can give old building systems a total makeover, like going from a 1970s polyester leisure suit to sleek 2020s athleisure. By utilizing existing buildings and cutting emissions in half, retrofits save both time and money.

**10:15 am – 12:00pm**

**Closing General Session and  
Community Excellence Award  
Presentation**

**12:00 pm**

**Adjourn**



**RESOLUTION 2023-056**

**A RESOLUTION OF THE CLARE CITY COMMISSION DESIGNATING ITS PRIMARY AND ALTERNATE VOTING DELEGATES FOR THE MICHIGAN MUNICIPAL LEAGUE (MML) 2023 ANNUAL MEETING.**

**WHEREAS**, the City of Clare is a long-tenured member in good standing of the Michigan Municipal League; and

**WHEREAS**, the MML has noticed its annual meeting for Wednesday, October 18, 2023, in conjunction with its annual convention being held in Traverse City, Michigan from October 18-20; and

**WHEREAS**, the MML has asked that its members designate a primary and an alternate voting delegate to vote on all agenda items slated for said annual meeting; and

**WHEREAS**, \_\_\_\_\_ are scheduled to attend said annual MML Conference and will thus be eligible to vote at said annual meeting and;

**WHEREAS**, the City Commission has deemed it prudent to designate one of said city commissioners attending said annual convention as its primary voting delegate and designate the other attending commissioner as its alternate voting delegate.

**NOW THEREFORE BE IT RESOLVED THAT** the City Commission of the City of Clare hereby designates \_\_\_\_\_ as its primary voting delegate and designates \_\_\_\_\_ as its alternate voting delegate at the 2023 Michigan Municipal League Annual Meeting.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR 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 7<sup>th</sup> day of August, 2023.**

---

**Diane Lyon, City Clerk**

## AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission  
From: Jeremy Howard, City Manager  
Date: August 3, 2023  
Regarding: Annual Review & Renewal of Title VI Plan & Policy

For the Agenda August 7, 2023

---

*Background.* MDOT requires that all recipients, which we are, of Federal-aid highway funds are required to have a Title VI Plan and Policy (*copy att'd*). The respective Plan and Policy are required to be submitted to MDOT for review and are required to be renewed annually by the governing body of the respective governmental entities. The City Commission is asked to review and renew our Plan and Policy to ensure our compliance with Federal and State requirements.

*Issues & Questions Specified.* Should the City Commission review and renew the City's Title VI Plan & Policy?

*Alternatives.*

1. Review and Renew the Plan & Policy.
2. Approve an amended version of the proposed Plan & Policy.
3. Do not approve a Title VI Plan & Policy.
4. Set aside a decision regarding this matter to a later date.

*Financial Impact.* There is no immediate impact to the City; however, failure to renew the Title VI Plan & Policy could potentially subject the City to withdrawal or denial of Federal-aid highway funds.

*Recommendation.* I recommend that the City Commission review and renew the current Title VI Policy & Plan by adoption of Resolution 2023-057 (*copy att'd*).

*Attachments.*

1. Title VI Plan & Policy.
2. Resolution 2023-057.

**CITY OF CLARE  
TITLE VI  
NON-DISCRIMINATION PLAN**

**202 West Fifth Street  
Clare, MI 48617  
Phone: 989-386-7541  
Fax: (989) 386-4508**

**Title VI Coordinator:  
Luke Potter, Director of Public Works  
Phone: 989-386-7541  
Fax: (989) 386-4508  
[www.cityofclare.org](http://www.cityofclare.org).**

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## **INTRODUCTION**

The City of Clare is a Home Rule City operating under Home Rule Charter approved and election held on March 12, 1948, and effective on April 12, 1948. Accordingly, the City of Clare is a body corporate organized to promote the general health and welfare of the public and citizens of the City of Clare. The City of Clare recognizes its responsibility to provide fairness and equity in all of its programs, services and activities and that it must abide by and enforce Federal and State Civil Rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low- Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, City of Clare must provide access to individuals with limited ability to speak, write, or understand the English language. The City of Clare will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color

or national origin. Therefore, the primary goals and objectives of the City of Clare's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City of Clare's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of Clare programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City of Clare;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City of Clare services, programs or activities.

As the sub-recipient of federal transportation funds, the City of Clare must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Clare shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Clare, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City of Clare will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

### **Discrimination under Title VI**

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of Clare’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of Clare has developed this Title VI Plan to assure that services, programs, and activities of the department are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

## **CITY OF CLARE POLICY STATEMENT**

The City of Clare reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City of Clare and its sub- recipients of federal funds shall not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual’s receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;

6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English-speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose object is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City of Clare will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of Clare designates Luke Potter, Director of Public Works, as the Title VI Coordinator. The Director of Public Works will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Clare complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Clare and Title VI may be directed to the City of Clare, Attn: Luke Potter, Director of Public Works, 202 West Fifth, Clare MI 48617

---

Luke Potter  
Director of Public Works



**CITY OF CLARE  
TITLE VI ASSURANCE**

The City of Clare (hereinafter referred to as the “Recipient”) hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non- discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

“The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of Clare

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Luke Potter, Director of Public Works

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DateDa

## **AUTHORITIES**

**Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

**Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

**Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

**Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

**Section 504 of the Rehabilitation Act of 1973:** No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances.

**EO12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

**28 CFR 50.3:** Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

**EO13166:** Improving Access to Services for Persons with Limited English Proficiency.

## DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines. <http://aspe.hhs.gov/poverty/>

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

## **ADMINISTRATION – GENERAL**

The City of Clare designates Luke Potter, Director of Public Works, as the Title VI Coordinator (hereinafter referred to the “Title VI Coordinator”) shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City of Clare programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City of Clare. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities accomplishments and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City of Clare does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Programs Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5<sup>th</sup>.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to the City of Clare employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of



Title VI language in contracts and publishing the Title VI Plan on the City of Clare internet website, at [www.cityofclare.org](http://www.cityofclare.org).

**Remedial Action:** The City of Clare, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

## **LIMITED ENGLISH PROFICIENCY**

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>i</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>ii</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Clare receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14<sup>th</sup>, 2005 Federal Register.<sup>iii</sup>

The Guidance implies City of Clare as organizations that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

### **Elements of an Effective LEP Policy**

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing and LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

### **Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy**

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of Clare and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP



persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice’s guidance and requires recipients and sub recipients to take steps to ensure meaningful access their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

**The Four-Factor Analysis**

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Clare services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

**Factor 1: The Proportion, Numbers and Distribution of LEP Persons**

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: ‘very well,’ ‘well,’ ‘not well,’ and ‘not at all.’ For our planning purposes, we are considering people that speak English less than ‘very well’ as Limited English Proficient persons.

As seen in Table #1, the Census 2010 Data for City of Clare shows a small amount of the population that would speak English less than ‘very well’.

**TABLE #1**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percent
Population 5 years and over	2,940	2,940
English only	2,849	96.9%
Language other than English	91	3.1%
Speak English less than "very well"	49	1.7%
Spanish	11	0.4%
Speak English less than "very well"	0	0.0%
Other Indo-European languages	41	1.4%
Speak English less than "very well"	10	0.3%
Asian and Pacific Islander languages	39	1.3%
Speak English less than "very well"	39	1.3%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

**Factor 2: Frequency of Contact with LEP Individuals**

The city has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have had encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, regular Board/Council/public meetings are held monthly which would potentially bring LEP individuals to these meetings. Given the small concentration of LEP individuals as displayed in Table #1 (above) the probability of our employees to encounter and LEP individual is low.

### **Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP**

The City of Clare serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to citizens of the City and individuals from outside of the city, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the city is small we will ensure accessibility to all of our programs, services, and activities.

### **Factor 4: The Resources Available to the City of Clare and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

*“Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.”*

The City of Clare does serve very few LEP persons and has very limited resources, therefore it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order.

### **Safe Harbor Stipulation**

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “safe harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing

meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written translation obligations under "safe Harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This "safe harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of Clare budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for City of Clare to proceed with oral interpretation options for compliance with LEP regulations.

### **Providing Notice to LEP Persons**

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to the City of Clare.

### **Options and Proposed Actions**

#### **Options:**

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.<sup>iv</sup>

City of Clare is defining as interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>v</sup>

Considering the relatively small size of the City of Clare, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

### **What the City of Clare will do. What actions will the City of Clare take?**

With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.

The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.

Ensure placement of statements in notices and publications in languages other than English that interpreter services are available for public meetings.

The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.

Once the LEP individual’s language has been identified, City employees will contact an agency from the Translator’s Resource List to provide interpretation services to assist.

Publications of the city’s complaint form available at public meetings.

In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

#### **Office Encounter**

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

#### **Road Encounter**

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List* to provide telephonic interpretation.

3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

### **Over the Phone Encounter**

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.
2. Once the language of the caller has been identified we will proceed with providing the requested assistance to the LEP individual.

### **In Writing**

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

### **City of Clare Staff Training**

City of Clare staff will be provided training or made aware of the requirements for providing meaningful access to services for LEP persons.

## **ENVIRONMENTAL JUSTICE**

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the City of Clare in the following ways:

When planning specific programs or projects, identifying those populations that will be affected by a given program or project.

If a disproportionate effect is anticipated, following mitigation procedures.

If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City of Clare will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City of Clare will document that:

Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.

The project's impact is unavoidable,

The benefits of the project far out-weigh the overall impacts and

Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City of Clare will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City of Clare will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of project on minority and/or low income population groups:

**STEP ONE:** Determine if a minority of low income population is present within the project area. If a conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population and/or low income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

**STEP FOUR:** If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts

that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## **FILING A TITLE VI COMPLAINT**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities and services as required by statute.

### **II. Purpose**

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### **III. Roles and Responsibilities**

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

### **IV. Filing a Complaint**

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of the City of Clare programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City of Clare or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.



Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City of Clare must contact the Title VI Coordinator immediately upon receipt of Title VI related statutes complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

## **V. Investigation**

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.



- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Clare, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Clare, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against the City of Clare sub-recipient should be investigated by the City following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of the Director of Public Works, Luke Potter, for review.
- The City of Clare Director of Public Works reviews the file and investigative report. Subsequent to the review, the City of Clare Director of Public Works makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

City of Clare  
 Luke Potter  
 Director of Public Works  
 202 West Fifth  
 Clare MI 48617  
 Phone: (989) 386-7541  
 Fax: (989) 386-4508  
[lpotter@cityofclare.org](mailto:lpotter@cityofclare.org)

**Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit, within 60 days of the date the complaint was received.

**Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

## APPENDIX A [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding payments to the contractor under the contract until the contractor complies and/or

- b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B TRANSFER OF PROPERTY**

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)\***

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) and)\*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

#### **APPENDIX C PERMITS, LEASES AND LICENSES**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 8(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and

to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

**APPENDIX D TITLE VI COMPLAINT FORM**

**CITY OF CLARE  
TITLE VI COMPLAINT FORM**

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint with the City of Clare based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form due to a physical impairment, please contact: Luke Potter, Director of Public Works, address 202 West Fifth, Clare MI 48617, phone (989) 386-7541, fax (989) 386-4508, e-mail [lpotter@cityofclare.org](mailto:lpotter@cityofclare.org).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

Name of agency and department or program that discriminated:

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Date(s) of alleged discrimination:

Date discrimination began \_\_\_\_\_ Last or most recent date \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

\_\_\_\_ Race \_\_\_\_\_ Religion

\_\_\_\_ Color \_\_\_\_\_ National Origin

\_\_\_\_ Age \_\_\_\_\_ Sex

\_\_\_\_ Disability \_\_\_\_\_ Income

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return completed form to:** Luke Potter, Director of Public Works, 202 West Fifth, Clare MI 48617, phone (989) 386-7541, fax (989) 386-4508, [lpotter@cityofclare.org](mailto:lpotter@cityofclare.org)

**Note:** *The City of Clare prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City of Clare. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

## **APPENDIX E DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS**

“Significant” requires considerations of both context and intensity:

- (a) *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
  - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the Director of Public Works.

## **APPENDIX F PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR**

1. The City of Clare Title VI Plan will be communicated to each City of Clare Department Head who will review the plan with departmental employees.
2. The City of Clare Title VI Plan will be published on the City of Clare’s website.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.



4. The language in Number 2 of the City of Clare’s Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure for responding to individuals with Limited English Proficiency will be implemented.
6. All City of Clare employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of City of Clare facilities will be conducted in reference to compliance with the American Disabilities Act.
8. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
  - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
  - b. **Public Meetings:** The number of open meetings. How meeting dates and times communicated to the general public and to individuals directly affected by the meeting.
  - c. **Construction Projects:** The number of construction projects, number of minority contractors bidding and the number selected; Verification that Title VI language was included in bids and contracts for each project.
  - d. **LEP Needs:** How many requests for language assistance were requested or required and the outcome of these requests.
  - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - f. **Timeliness of Services:** Number of requests for services; Amount of time from request to when service was delivered; Number of requests denied.
  - g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individual affected.
  - h. **Program Participants:** Racial Data of program participants where possible.

<sup>i</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>ii</sup> Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2055 (Volume 70, Number 239)

<sup>iii</sup> The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

<sup>iv</sup> <http://www.dotcr.ost.dot.gov/asp/lep/asp>

<sup>v</sup> Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

# TITLE VI SUB-RECIPIENT ANNUAL CERTIFICATION FORM

This form is to certify compliance with Title VI of the Civil Rights Act of 1964. If your Title VI Plan has been approved by the Michigan Department of Transportation (MDOT), all changes to the organization's Title VI Plan which occurred during the current fiscal year (October 1st through September 30th) must be reported on this form. Please attach additional pages, as necessary, to provide a complete response to each question.

NAME OF ORGANIZATION  
City of Clare

NAME OF TITLE VI COORDINATOR  
Luke Potter

TITLE  
Director of Public Works

ADDRESS  
202 West 5th Street

CITY  
Clare

COUNTY  
Clare

STATE  
MI

ZIP CODE  
48617

TELEPHONE NO.  
989-424-4072

FAX NO.  
989-386-4508

E-MAIL ADDRESS  
lpotter@cityofclare.org

1. Has your Title VI Coordinator changed during the reporting period or since your last Title VI Plan was approved? If yes, please list the name and contact information for the new coordinator.  No  Yes

2. Has your organization had any projects that have Title VI, LEP, or EJ impacts? How many? If yes, what did you do to ensure that those populations affected by the project had meaningful access to and involvement in the development process?  No  Yes

3. What is the number or percentage of LEP or EJ populations who were affected by the project? 0

4. How many public involvement meetings did you hold during the reporting period? 0

5. Did you provide language assistance at any of your public meetings during the reporting period? How many persons received this assistance?  No  Yes  
Not Applicable

6. Did you receive any formal or informal Title VI complaints, or law suits during this reporting period? If yes, how many, and please provide details regarding each complaint or law suit and the resolution.  No  Yes

7. During this reporting period, how many of your employees have been educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities.  
All staff working with the public

8. Please provide any comments or additional information related to the organization's Title VI Plan.

The information reported on this form is accurate and reflects all changes to the organization's Title VI Plan for the current fiscal year.

NAME  
Luke Potter

TITLE  
Director of Public Works

DATE

If you have any questions regarding Title VI, contact: MDOT Title VI Coordinator (517) 241-7462, or [MDOT-TitleVI@Michigan.gov](mailto:MDOT-TitleVI@Michigan.gov). PLEASE RETURN COMPLETED FORM VIA EMAIL, OR FAX TO: (517) 335-0945.

**PLEASE SUBMIT THIS FORM BY OCTOBER 5TH OF THE REPORTING YEAR.**

**RESOLUTION 2023-057**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A TITLE VI PLAN & POLICY.**

**WHEREAS**, Title VI of the Civil Rights Act of 1964 (U.S.C. 200D) provides that no person shall on the ground of race, color, national origin, gender, or disabilities be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal funds; and

**WHEREAS**, the Michigan Department of Transportation (MDOT) requires that any city that is the recipient of Federal-aid highway funds shall have adopted a Title VI Plan and Policy; that said plan be reviewed and renewed annually; and that said view and certification of renewal be provided to MDOT annually; and

**WHEREAS**, the City of Clare is from time to time the recipient of said funds; and

**WHEREAS**, the City has an adopted and approved a Title VI Plan & Policy; and

**WHEREAS**, the City Commission has conducted its annual review of said Plan and Policy and has determined that said approving said Plan and Policy is clearly in the City's best interests.

**NOW THEREFORE BE IT RESOLVED THAT** the Clare City Commission hereby appoints the Director of Public Works as the Title VI Coordinator for the City of Clare, renews the validity of the existing Title VI Plan and Policy for the City of Clare, and directs that the provisions outlined therein be continued to be followed and enforced.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar 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 7<sup>th</sup> day of August, 2023.**

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**Diane Lyon, City Clerk**

## AGENDA REPORT

TO: Mayor & City Commissioners  
FROM: Jeremy Howard, City Manager  
DATE: August 3, 2023  
RE: Revocation of Commercial Facilities Exemption Certificate – Hotel Doherty, Inc.

For the Agenda of August 7, 2023

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**Background.** On May 20, 2019, Hotel Doherty, Incorporated was granted a twelve (12) year Commercial Facilities Exemption (CFE) Certificate (*copy att'd*) for abatement of real property taxes in the amount of \$2,008,814, for the cost of building rehabilitation and improvements to the historic section of the Doherty Hotel by the adoption of Resolution 2019-061 (*att'd*). As a condition of the tax abatement, the City of Clare required that the construction, restoration, or replacement of the facility would be completed by December 31, 2020. However, the COVID pandemic hit at the beginning of 2020, thus leeway was given for the deadline for the construction and restoration.

We have passed the three-year mark for the CFE Application and there has been no construction or rehabilitation, and the owners of the Doherty Hotel have put the facility up for sale, thus the City may pass a resolution to revoke the Exemption Certificate (4-19-001) as outlined in PA 255 of 1978, as amended (*att'd*). If required, new owners in the future could apply for an exemption if the work qualifies under the Act.

**Issues & Questions Specified.** Should the City Commission revoke the Commercial Facilities Exemption Certificate from Hotel Doherty, Incorporated?

**Alternatives.**

1. Approve the revocation of the Exemption Certificate.
2. Disapprove revocation of the Exemption Certificate.
3. Set the matter aside for consideration, deliberation, and decision at a subsequently scheduled Commission meeting.

**Financial Impact.** None at this time.

**Recommendation.** I recommend that the City Commission approve the revocation of the Doherty Hotel Commercial Facilities Exemption Certificate 4-19-001, by the adoption of Resolution 2023-058 (*copy att'd*).

**Attachments.**

1. Exemption Certificate.
2. Resolution 2019-061.
3. PA 255.
4. FAQ Document.
5. Resolution 2023-058.

## **Commercial Facilities Exemption Certificate**

### **Restored Certificate**

Pursuant to the provisions of Public Act 255 of 1978, as amended, the City of Clare hereby finds that the commercial property, hereafter referred to as the commercial facility, owned or leased by Hotel Doherty, LLC., and located at 604 North McEwan Street, City of Clare, County of Clare, Michigan, located within a Commercial Redevelopment District, is intended primarily for the purpose of restoration of obsolete commercial property, and complies with Section 10 and other provisions of the act

Therefore, as provided by MCL 207.651 to 207.668, the City of Clare hereby certifies as a restored commercial facility the property located at 604 North McEwan Street

This certificate provides the authority for the assessor to exempt the commercial facility for which this Commercial Facilities Exemption Certificate is in effect, but not the land on which the facility is located or the personal property placed within the facility, from ad valorem taxation. This certificate further provides the authority to levy a specific tax known as the Commercial Facilities Tax

This certificate, unless revoked by resolution of the City of Clare as provided by Public Act 255 of 1978, as amended, shall remain in force for a period of twelve year(s);

Beginning December 31, 2019, and ending December 31, 2031.

The taxable value of the obsolete commercial property related to this certificate is \$2,008,814

This Commercial Facilities Exemption Certificate is issued on May 28, 2019

**Diane Lyon, City Clerk**  
**City of Clare, Michigan**

**RESOLUTION 2019-061**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A COMMERCIAL FACILITIES EXEMPTION CERTIFICATE APPLICATION, PA 255 OF 1978 AS AMENDED, OF THE DOHERTY HOTEL INCORPORATED LOCATED AT 604 McEWAN STREET IN CLARE, MICHIGAN.**

**WHEREAS**, the City of Clare legally established a Commercial Redevelopment District in downtown Clare, said district to coincide with the established Downtown Development Authority District of the City of Clare and including the site of the Doherty Hotel on May 6, 2019 after a public hearing held on May 6, 2019; and

**WHEREAS**, the state equalized value of the property proposed to be exempt plus the aggregate state equalized value of property previously exempt and currently in force under Public Act 255 of 1978 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total state equalized value of the City of Clare; and

**WHEREAS**, exceeding 5% will not have the effect of substantially impeding the operation of the City of Clare or of impairing the financial soundness of an affected taxing unit; and

**WHEREAS**, the application was approved at a public hearing as provided by section 6(2) of Public Act 255 of 1978 on May 20, 2019; and

**WHEREAS**, the application was approved for a period of twelve (12) years; and

**WHEREAS**, the Doherty Hotel Incorporated is not delinquent in any taxes related to the facility; and

**WHEREAS**, the application is for commercial property as defined in section 3(3) of Public Act 255 of 1978; and

**WHEREAS**, the Doherty Hotel has provided answers to all required questions under Section 6(1) of PA 255 of 1978 to the City of Clare; and

**WHEREAS**, the City of Clare requires that the construction, restoration or replacement of the facility shall be completed by December 31, 2020; and

**WHEREAS**, the commencement of the construction, restoration or replacement of the facility did not occur more than 45 days prior to the filing of the application for exemption; and

**WHEREAS**, the commencement of the construction, restoration or replacement of the facility did not occur prior to the establishment of the Commercial Redevelopment District; and

**WHEREAS**, the application relates to a construction, restoration or replacement program which when completed constitutes a new, replacement or restored facility within the meaning of Public Act 255 of 1978 and that is situated within a Commercial Redevelopment District established under Public Act 255 of 1978; and

**WHEREAS**, completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, and create, retain, and prevent a loss of employment within the Clare community - and in particular in the downtown district of Clare, wherein the Doherty Hotel is located; and

**WHEREAS**, the restoration includes improvements aggregating 10% or more of the true cash value of the property at commencement of the restoration as provided by section 4(6) of Public Act 255 of 1978.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Commission of the City of Clare be and hereby grants a Commercial Facilities Exemption for the real property, excluding land, located in the Downtown Commercial Redevelopment District of the City of Clare at 604 McEwan Street, Clare, Michigan for a period of twelve (12) years, beginning May 20, 2019 and ending May 19, 2031, pursuant to the provisions of PA 255 of 1978, as amended.

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

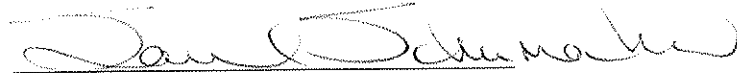
**The Resolution was introduced by Commissioner Robert Bonham and supported by Commissioner Karla Swanson. The Resolution declared adopted by the following roll call vote:**

**YEAS: Robert Bonham, Karla Swanson, Gus (Carolyn) Murphy, Pat Humphrey**

**NAYS: None**

**ABSENT: Josh Clark**

Resolution approved for adoption on this 20<sup>th</sup> day of May 2019.



Sarah Schumacher, Deputy Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Clare, County of Clare, Michigan at a regular meeting held on May 20, 2019.



Sarah Schumacher, Deputy Clerk

# COMMERCIAL REDEVELOPMENT ACT

## Act 255 of 1978

AN ACT to provide for the establishment of commercial redevelopment districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide remedies and penalties.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

**Compiler's Notes:** For transfer of powers and duties under the commercial redevelopment act from the department of commerce to the chief executive officer of the Michigan jobs commission, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

### **207.651 Short title.**

#### Sec. 1.

This act shall be known and may be cited as the "commercial redevelopment act".

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

**Compiler's Notes:** For transfer of powers and duties under the commercial redevelopment act from the department of commerce to the chief executive officer of the Michigan jobs commission, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

### **207.652 Meanings of words and phrases.**

#### Sec. 2.

For the purposes of this act, the words and phrases defined in sections 3 and 4 have the meanings ascribed to them in those sections.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978



**207.653 Meanings of words and phrases.**

Sec. 3.

- (1) "Commercial facilities tax" means the specific tax levied under this act.
- (2) "Commercial facilities exemption certificate" means a certificate issued pursuant to section 8.
- (3) "Commercial property" means land improvements classified by law for general ad valorem tax purposes as real property including real property assessable as personal property pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14, whether completed or in the process of construction, the primary purpose and use of which is the operation of a commercial business enterprise and shall include office, engineering, research and development, warehousing parts distribution, retail sales, hotel or motel development, and other commercial facilities. Commercial business enterprise also includes a business that owns or operates a transit-oriented development or a transit-oriented facility. Commercial property does not include any of the following:
  - (a) Land.
  - (b) Property of a public utility.
  - (c) Housing, except that portion of a building containing nonhousing commercial activity.
  - (d) Financial organization. As used in this subdivision, "financial organization" means a bank, industrial bank, trust company, building and loan or savings and loan association, bank holding company as defined in 12 USC 1841, credit union, safety and collateral deposit company, regulated investment company as defined in the internal revenue code, and any other association, joint stock company, or corporation at least 90% of whose assets consist of intangible personal property and at least 90% of whose gross receipts income consists of dividends or interest or other charges resulting from the use of money or credit. The exclusion of financial institutions shall not apply to the otherwise included property of financial institutions which is located in the designated area of a city that is either the largest city in population within the county, as determined by the latest federal census; or is a city that had more than the median percentage for all cities in this state of its residents below the poverty line as determined by the latest federal census. Each city qualified to not be excluded under this subdivision shall designate only 1 commercial area for purposes of this provision, which area may be conterminous with, or included within, a commercial redevelopment district and in which area a majority of the land must be zoned commercially.

Commercial property may be owned or leased. If, in the case of leased property, the lessee is liable for payment of ad valorem property taxes, and furnishes proof of that liability, the lessee is eligible for the exemption. If the lessor is liable for payment of ad valorem property taxes and furnishes proof of that liability, the lessor is eligible for the exemption.
- (4) "Commercial redevelopment district" means an area of a local governmental unit established as provided in section 5.
- (5) "Commission" means the state tax commission created by 1927 PA 360, MCL 209.101 to 209.107.
- (6) "Facility" means a restored facility, a replacement facility, or a new facility.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978 ;-- Am. 1980, Act 407, Imd. Eff. Jan. 8, 1981 ;-- Am. 2008, Act 227, Imd. Eff. July 17, 2008 ;-- Am. 2010, Act 244, Imd. Eff. Dec. 14, 2010

**207.654 Definitions; L to T.**

Sec. 4.

- (1) "Local governmental unit" means, except as otherwise provided in this subsection, a city, village, or township. For local governmental units designating a commercial redevelopment district after June 30, 2008, local governmental unit means a city or village.
- (2) "New facility" means 1 of the following:
  - (a) Through June 30, 2008, new commercial property other than a replacement facility to be built in a redevelopment district.

- (b) Beginning July 1, 2008, new commercial property other than a replacement facility to be built in a redevelopment district that meets all of the following:
- (i) Is located on property that is zoned to allow for mixed use that includes high-density residential use.
  - (ii) Is located in a qualified downtown revitalization district as defined in section 2 of the neighborhood enterprise zone act, 1992 PA 147, MCL 207.772.
  - (iii) The local governmental unit in which the new facility is to be located does all of the following:
    - (A) Establishes and implements an expedited local permitting and inspection process in the commercial redevelopment district.
    - (B) By resolution provides for walkable nonmotorized interconnections, including sidewalks and streetscapes throughout the commercial redevelopment district.
- (3) "Obsolete commercial property" means commercial property the condition of which is impaired due to changes in design, construction, technology, or improved production processes, or damage due to fire, natural disaster, or general neglect.
- (4) "Replacement" means the complete or partial demolition of obsolete commercial property and the complete or partial reconstruction or installation of new property of similar utility.
- (5) "Replacement facility" means 1 of the following:
- (a) Through June 30, 2008, commercial property on the same or contiguous land within the district which land is or is to be acquired, constructed, altered, or installed for the purpose of being substituted for obsolete commercial property together with any part of the old altered property that remains for use as commercial property after the replacement.
  - (b) Beginning July 1, 2008, commercial property on the same or contiguous land within the district which land is or is to be acquired, constructed, altered, or installed for the purpose of being substituted for obsolete commercial property and any part of the old altered property that remains for use as commercial property after the replacement, that meets all of the following:
    - (i) Is located on property that is zoned to allow for mixed use that includes high-density residential use.
    - (ii) Is located in a qualified downtown revitalization district as defined in section 2 of the neighborhood enterprise zone act, 1992 PA 147, MCL 207.772.
    - (iii) The local governmental unit in which the replacement facility is to be located does all of the following:
      - (A) Establishes and implements an expedited local permitting and inspection process in the commercial redevelopment district.
      - (B) By resolution provides for walkable nonmotorized interconnections, including sidewalks and streetscapes throughout the commercial redevelopment district.
- (6) "Restoration" means changes to obsolete commercial property other than replacement as may be required to restore the property, together with all appurtenances thereto, to an economically efficient condition. Restoration includes major renovation including but not limited to the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore the commercial property to an economically efficient condition. Restoration does not include improvements aggregating less than 10% of the true cash value of the property at commencement of the restoration of the commercial property.
- (7) "Restored facility" means a facility that has undergone restoration.
- (8) "State equalized valuation" means the valuation determined under 1911 PA 44, MCL 209.1 to 209.8.
- (9) "Transit-oriented development" means infrastructure improvements that are located within 1/2 mile of a transit station or transit-oriented facility that promotes transit ridership or passenger rail use.
- (10) "Transit-oriented facility" means a facility that houses a transit station in a manner that promotes transit ridership or passenger rail use.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978 ;-- Am. 2008, Act 227, Imd. Eff. July 17, 2008 ;-- Am. 2010, Act 244, Imd. Eff. Dec. 14, 2010

**207.655 Commercial redevelopment district; establishment; resolution; notice; hearing; finding and determination; applicability of district established by township; exemption of restored facility; commercial property included as part of commercial redevelopment district also part of tax increment district.**

Sec. 5.

(1) A local governmental unit, by resolution of its legislative body, may establish a commercial redevelopment district, which may consist of 1 or more parcels or tracts of land or a portion thereof, if at the time of adoption of the resolution the property within the district is any of the following:

(a) Obsolete commercial property or cleared or vacant land which is part of an existing, developed commercial or industrial zone which has been zoned commercial or industrial for 3 years before June 21, 1978, and the area is or was characterized by obsolete commercial property and a decline in commercial activity.

(b) Land which has been cleared or is to be cleared as a result of major fire damage, or cleared or to be cleared as a blighted area under Act No. 344 of the Public Acts of 1945, as amended, being sections 125.71 to 125.84 of the Michigan Compiled Laws.

(c) Cleared or vacant land included within a redevelopment plan adopted by a downtown development authority pursuant to Act No. 197 of the Public Acts of 1975, as amended, being sections 125.1651 to 125.1680 of the Michigan Compiled Laws, or adopted by an urban redevelopment corporation pursuant to Act No. 250 of the Public Acts of 1941, as amended, being sections 125.901 to 125.922 of the Michigan Compiled Laws, or Act No. 120 of the Public Acts of 1961, being sections 125.981 to 125.986 of the Michigan Compiled Laws.

(d) Property which was owned by a local governmental unit on June 21, 1978, and subsequently conveyed to a private owner and zoned commercial.

(2) The legislative body of a local governmental unit may establish a commercial redevelopment district on its own initiative or upon a request filed by the owner or owners of 75% of the state equalized value of the commercial property located within a proposed district.

(3) Before adopting a resolution establishing a commercial redevelopment district, the legislative body shall give written notice by certified mail to the owners of all real property within the proposed commercial redevelopment district and shall afford an opportunity for a hearing on the establishment of the commercial redevelopment district at which any of those owners and any other resident or taxpayer of the local governmental unit may appear and be heard. The legislative body shall give public notice of the hearing not less than 10 nor more than 30 days before the date of the hearing.

(4) The legislative body of the local governmental unit, in its resolution establishing a commercial redevelopment district, shall set forth a finding and determination that the district meets the requirements set forth in subsection (1).

(5) A commercial redevelopment district established by a township shall be applicable only within the unincorporated territory of the township and shall not be applicable within a village located in that township.

(6) A restored facility included in an area covered by a tax increment financing plan adopted by a downtown development authority created under Act No. 197 of the Public Acts of 1975, as amended, shall be exempt from this act in a city with a population of 1,000,000 or more.

(7) Commercial property included as part of a commercial redevelopment district may also be part of a tax increment district established under the tax increment finance authority act.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978 ;-- Am. 1979, Act 27, Imd. Eff. June 6, 1979 ;-- Am. 1980, Act 407, Imd. Eff. Jan. 8, 1981 ;-- Am. 1980, Act 448, Imd. Eff. Jan. 15, 1981

**207.656 Application for commercial facilities exemption certificate; filing; contents; notice; hearing; determination of state equalized valuation of property owned by local governmental unit on June 21, 1978, and subsequently conveyed to private owner and zoned commercial.**

Sec. 6.

(1) The owner or lessee of a facility may file an application for a commercial facilities exemption certificate with the clerk of the local governmental unit that established the commercial redevelopment district. The application shall be filed in the manner and form prescribed by the commission. The application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the fixed building equipment which will be a part of the facility, a time schedule for undertaking and completing the restoration, replacement, or construction of the facility, a statement of the economic advantages expected from the exemption,

including the number of jobs retained or created because of the exemption, including expected construction employment, and information relating to the requirements in section 10.

(2) Upon receipt of an application for a commercial facilities exemption certificate, the clerk of the local governmental unit shall notify in writing the assessor of the assessing unit in which the facility is located or to be located, and to the legislative body of each taxing unit which levies ad valorem property taxes in the local governmental unit in which the facility is located or to be located. Before acting upon the application, the legislative body of the local governmental unit shall hold a public hearing on the application and give public notice to the applicant, the assessor, a representative of the affected taxing jurisdictions, and the general public. The hearing on the application shall be held separately from the hearing on the establishment of the commercial redevelopment district.

(3) Upon receipt of an application for a commercial facility exemption certificate for a facility located on property which was owned by a local governmental unit on June 21, 1978, and subsequently conveyed to a private owner and zoned commercial, the clerk of the local governmental unit, in addition to the other requirements of this section, shall request the assessor of the assessing unit in which the facility is located or is to be located to determine the state equalized valuation of the property. This determination shall be made prior to the hearing on the application for a commercial facilities exemption certificate held pursuant to subsection (2).

**History:** 1978, Act 255, Imd. Eff. June 21, 1978 ;-- Am. 1980, Act 407, Imd. Eff. Jan. 8, 1981

### **207.657 Application for commercial facilities exemption certificate; approval or disapproval.**

#### Sec. 7.

The legislative body of the local governmental unit, not more than 60 days after receipt of the application by the clerk, shall by resolution either approve or disapprove the application for a commercial facilities exemption certificate in accordance with section 10 and the other provisions of this act. The clerk shall retain the original of the application and resolution. If disapproved, the reasons shall be set forth in writing in the resolution, and the clerk shall send a copy of the resolution to the applicant.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

### **207.658 Commercial facilities exemption certificate; issuance; contents; effective date; filing; record.**

#### Sec. 8.

(1) Following approval of the application by the legislative body of the local governmental unit, the clerk of the local governmental unit shall issue to the applicant a commercial facilities exemption certificate in the form the commission determines which shall contain:

- (a) A legal description of the real property on which the facility is or is to be located.
- (b) A statement that unless revoked as provided in this act the certificate shall remain in force for the period stated in the certificate.
- (c) In the case of a restored facility a statement of the state equalized valuation of the obsolete commercial property, separately stated for real and personal property, for the tax year immediately preceding the effective date of the certificate after deducting the state equalized valuation of the land and personal property other than personal property assessed pursuant to section 14(6) of Act No. 206 of the Public Acts of 1893, as amended.

(2) The effective date of the certificate shall be the December 31 next following the date of issuance of the certificate.

(3) The clerk of the local governmental unit shall file with the commission a copy of the commercial facilities exemption certificate and the commission shall maintain a record of all certificates filed.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

**207.659 Exemption from ad valorem property taxes; duration of certificate; review and extension of certificate; limitation; date of issuance of certificate of occupancy; basis of review.**

Sec. 9.

(1) A facility for which a commercial facilities exemption certificate is in effect, but not the land on which the facility is located or to be located, or personal property other than personal property assessed pursuant to section 14(6) of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being section 211.14 of the Michigan Compiled Laws, for the period on and after the effective date of the certificate and continuing so long as the commercial facilities exemption certificate is in force, is exempt from ad valorem property taxes. A lessee, occupant, user, or person in possession of the facility for the same period is exempt from ad valorem taxes imposed under Act No. 189 of the Public Acts of 1953, as amended, being sections 211.181 to 211.182 of the Michigan Compiled Laws.

(2) Unless earlier revoked as provided in section 15, a commercial facilities exemption certificate shall remain in force and effect for a period to be determined by the legislative body of the local governmental unit. The certificate may be issued for a period of at least 1 year, but not to exceed 12 years. If the number of years determined is less than 12, the certificate may be subject to review by the legislative body of the local governmental unit and the certificate may be extended. The total amount of time determined for the certificate including any extensions shall not exceed 12 years after the completion of the facility. The certificate shall commence with its effective date and end on the December 31 next following the last day of the number of years determined. The date of issuance of a certificate of occupancy, if required by appropriate authority, shall be the date of completion of the facility.

(3) If the number of years determined by the legislative body of the local governmental unit for the period a certificate remains in force is less than 12 years, the review of the certificate for the purpose of determining an extension shall be based upon factors, criteria and objectives that shall be placed in writing, approved at the time the certificate is approved by the legislative body of the local governmental unit and sent to the applicant and commission.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978 ;-- Am. 1984, Act 342, Imd. Eff. Dec. 27, 1984 ;-- Am. 1993, Act 340, Eff. Mar. 15, 1994

**207.660 Finding and statement as to state equalized valuation of property proposed to be exempt; requirements for exemption certificate.**

Sec. 10.

(1) If the state equalized valuation of property proposed to be exempt pursuant to an application under consideration, considered together with the aggregate state equalized valuation of property exempt under certificates previously granted and currently in force under this act or Act No. 198 of the Public Acts of 1974, as amended, being sections 207.551 to 207.571 of the Michigan Compiled Laws, exceeds 5% of the state equalized valuation of the local governmental unit, the legislative body of the local governmental unit shall make a separate finding and shall include a statement in its resolution approving the application that

exceeding that amount shall not have the effect of substantially impeding the operation of the local government unit or impairing the financial soundness of any affected taxing unit.

(2) The legislative body of the local governmental unit shall not approve an application for an exemption certificate unless the applicant complies with all of the following requirements:

(a) The commencement of the restoration, replacement, or construction of the facility does not occur before the establishment of the commercial redevelopment district. An application for an exemption certificate shall be valid if filed within 45 days after commencement of the restoration, replacement, or construction.

(b) The application relates to a construction, restoration, or replacement program which when completed constitutes a new, replacement, or restored facility within the meaning of this act and which shall be situated within a commercial redevelopment district established in a local governmental unit eligible under this act to establish such a district.

(c) Completion of the facility is calculated to, and will at the time of issuance of the certificate have the reasonable likelihood to, increase commercial activity, create employment, retain employment, or prevent a loss of employment in the community in which the facility is situated.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

### **207.661 Valuation of facilities and property by assessor.**

Sec. 11.

The assessor of each city or township in which there is a restored facility, a new facility or a replacement facility with respect to which 1 or more commercial facilities exemption certificates are issued and in force shall determine annually as of December 31 the value of each facility separately, having the benefit of the certificates and upon receipt of notice of the filing of an application for the issuance of a certificate, shall determine and furnish to the local legislative body the value of the property to which the application pertains and other information as may be necessary to permit the local legislative body to make the determinations required by section 10(1).

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

### **207.662 Commercial facilities tax; levy; amount; collection, disbursement, and assessment of tax; allocation; payment to state treasury and credit to state school aid fund; copy of amount of disbursement; facility located in renaissance zone; "casino" defined.**

Sec. 12.

(1) Except as provided in subsection (9), there is levied upon every owner of a new, replacement, or restored facility to which a commercial facilities exemption certificate is issued a specific tax to be known as the commercial facilities tax.

(2) The amount of the commercial facilities tax, in each year, for a restored facility shall be determined by multiplying the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is situated by the taxable value of the real property of the obsolete commercial property for the tax year immediately preceding the effective date of the commercial facilities exemption certificate after deducting the taxable value of the land and of personal property other than personal property assessed pursuant to section 14(6) of the general property tax act, 1893 PA 206, MCL 211.14.

(3) The amount of the commercial facilities tax, in each year, for a new or replacement facility shall be determined by multiplying the taxable value of the facility excluding the land and personal property other than personal property assessed pursuant to section 14(6) of the general property tax act, 1893 PA 206, MCL 211.14, by the sum of 1/2 of the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is located other than mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, plus, subject to section 12a, the number of mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(4) The commercial facilities tax shall be collected, disbursed, and assessed in accordance with this act.

(5) The commercial facilities tax is an annual tax, payable at the same times, in the same installments, and to the same officer or officers as taxes imposed under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, are payable. Except as otherwise provided in this section, the officer or officers shall disburse the commercial facilities tax payments received each year to and among the state, cities, townships, villages, school districts, counties, and authorities, at the same times and in the same proportions as required by law for the disbursement of taxes collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(6) Except as provided in subsection (7), for intermediate school districts receiving state aid under sections 56, 62, and 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, of the amount that would otherwise be disbursed to or retained by the intermediate school district, all or a portion, to be determined on the basis of the tax rates being utilized to compute the amount of state school aid, shall be paid instead to the state treasury to the credit of the state school aid fund established by section 11 of article IX of the state constitution of 1963. If the sum of any industrial facility taxes prescribed by 1974 PA 198, 207.551 to 207.572, and the commercial facilities taxes paid to the state treasury to the credit of the state school aid fund that would otherwise be disbursed to the local or intermediate school district, under section 11 of 1974 PA 198, MCL 207.561, and this section, exceeds the amount received by the local or intermediate school district under sections 56, 62, and 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, the department of treasury shall allocate to each eligible local or intermediate school district an amount equal to the difference between the sum of the industrial facility taxes and the commercial facilities taxes paid to the state treasury to the credit of the state school aid fund and the amount the local or intermediate school district received under sections 56, 62, and 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681. This subsection does not apply to taxes levied for either of the following:

(a) Mills allocated to an intermediate school district for operating purposes as provided for under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a.

(b) An intermediate school district that is not receiving state aid under section 56 or 62 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656 and 388.1662.

(7) For commercial facilities taxes levied after 1993 for school operating purposes, the amount that would otherwise be disbursed to a local school district shall be paid instead to the state treasury and credited to the state school aid fund established by section 11 of article IX of the state constitution of 1963.

(8) The officer or officers shall send a copy of the amount of disbursement made to each unit under this section to the commission on a form provided by the commission.

(9) A new, replacement, or restored facility located in a renaissance zone under the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, is exempt from the commercial facilities tax levied under this act to the extent and for the duration provided pursuant to the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, except for that portion of the commercial facilities tax attributable to a special assessment or a tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff. The commercial facilities tax calculated under this subsection shall be disbursed proportionately to the local taxing unit or units that levied the special assessment or the tax described in section 7ff(2) of the general property tax act, 1893 PA 206, MCL 211.7ff.

(10) As used in this act, facility does not include a casino. As used in this subsection, "casino" means a casino or a parking lot, hotel, motel, or retail store owned or operated by a casino, an affiliate, or an affiliated company, regulated by this state pursuant to the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978 ;-- Am. 1984, Act 135, Imd. Eff. June 1, 1984 ;-- Am. 1993, Act 340, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 368, Imd. Eff. Dec. 27, 1994 ;-- Am. 1996, Act 450, Imd. Eff. Dec. 19, 1996 ;-- Am. 1998, Act 243, Imd. Eff. July 3, 1998 ;-- Am. 2008, Act 227, Imd. Eff. July 17, 2008

**Compiler's Notes:** Act 163 of 1989, purporting to amend MCL 207.622, could not take effect "unless amendment 2 of House Joint Resolution I of the 85th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963." House Joint Resolution I was submitted to, and disapproved by, the people at the special election held on November 7, 1989.

**207.662a Reduction in number of mills levied under state education tax act; limitation on number of exclusions.**

Sec. 12a.

(1) Within 60 days after the granting of a new commercial facilities exemption certificate under section 8 for a new or a replacement facility, the state treasurer may, for a period not to exceed 6 years, exclude up to 1/2 of the number of mills levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, from the specific tax calculation on the facility under section 12(3) if the state treasurer determines that reducing the number of mills used to calculate the specific tax under section 12(3) is necessary to reduce unemployment, promote economic growth, and increase capital investment in qualified local governmental units.

(2) The state treasurer shall not grant more than 25 exclusions under this section each year.

**History:** Add. 2008, Act 227, Imd. Eff. July 17, 2008

**Compiler's Notes:** Former MCL 207.662a, which pertained to commercial redevelopment district for property classified as commercial property, was repealed by Act 368 of 1994, Imd. Eff. Dec. 27, 1994.

**207.663 Tax as lien upon real property; certificate of nonpayment and affidavit required for proceedings upon lien.**

Sec. 13.

The amount of the tax applicable to real property, until paid, shall be a lien upon the real property to which the certificate is applicable; but only upon the filing by the officer of a certificate of nonpayment of the commercial facilities tax applicable to real property, together with an affidavit of proof of service of the certificate of nonpayment upon the owner of the facility by certified mail with the register of deeds of the county in which the property is situated, may proceedings then be had upon the lien in the same manner as provided by law for the foreclosure in the circuit court of mortgage liens upon real property.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

**207.664 Grounds for revocation of exemption.**

Sec. 14.

The legislative body of the local governmental unit may revoke the exemption if it finds that the completion of the facility has not occurred within 2 years after the effective date of the exemption certificate or a greater time as authorized by the legislative body for good cause, or that the holder of the exemption has not proceeded in good faith with the replacement, restoration, or construction and operation of the facility in good faith in a manner consistent with the purposes of this act and in absence of circumstances that are beyond the control of the holder of the exemption certificate.



**History:** 1978, Act 255, Imd. Eff. June 21, 1978

**207.665 Transfer or assignment of certificate; approval; notice and hearing.**

Sec. 15.

A commercial facilities exemption certificate may be transferred and assigned by the holder of the certificate to a new owner or lessee of the facility but only with the approval of the local governmental unit after application by the new owner or lessee, and notice and hearing in the manner provided in section 6 for the application for a certificate.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

**207.666 Report on status of exemption.**

Sec. 16.

Each governmental unit granting a commercial redevelopment exemption not later than October 15 each year shall report to the commission on the status of each exemption, including the current value of the property to which the exemption pertains, the value on which the commercial facilities tax is based, and a current estimate of the number of jobs retained or created by the exemption.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

**207.667 Report on utilization of commercial redevelopment districts; economic analysis of costs and benefits.**

Sec. 17.

(1) The department of commerce annually shall prepare and submit to the taxation and economic development and energy committees of the house of representatives and the finance and corporations and economic development committees of the senate a report on the utilization of commercial redevelopment districts, based on the information filed with the commission.

(2) After this act has been in effect for 3 years, the department of commerce shall prepare and submit to the taxation and economic development committees of the house of representatives and the finance and corporations and economic development committees of the senate an indepth economic analysis of the costs and benefits of this act in the 3 communities where it has been most heavily utilized as determined by dollars of state equalized valuation foregone.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978

**207.668 Limitation on new exemptions; continuation of exemption.**

Sec. 18.

A new exemption shall not be granted under this act after December 31, 2025, but an exemption then in effect shall continue until the expiration of the exemption certificate.

**History:** 1978, Act 255, Imd. Eff. June 21, 1978 ;-- Am. 1983, Act 252, Imd. Eff. Dec. 29, 1983 ;-- Am. 1984, Act 342, Imd. Eff. Dec. 27, 1984 ;-- Am. 2008, Act 227, Imd. Eff. July 17, 2008 ;-- Am. 2020, Act 218, Imd. Eff. Oct. 15, 2020

Frequently Asked Questions  
Commercial Redevelopment Act  
(PA 255 of 1978, as amended)

The following frequently asked questions are being provided as a service to assessors and taxpayers to better inform them about the administration of Public Act 255 of 1978, as amended.

**Note:** The information contained in these frequently asked questions constitutes an analysis of one or more statutes and not legal advice. Since the analysis is limited to general statutory requirements, individual facts may result in different conclusions being reached. Therefore, individuals may wish to consult legal counsel.

**1. What is a Commercial Facilities Exemption?**

The Commercial Redevelopment Act (known as the Commercial Facilities Exemption), PA 255 of 1978, as amended, provides a tax incentive to commercial business enterprises to enable renovation and expansion of aging facilities and assist in the building of new facilities. A Commercial Redevelopment District (CRD) must be created prior to initiating a project so it is essential that you consult your local assessor before commencing a project. A Commercial Facilities Exemption Certificate entitles the facility to exemption from ad valorem real property taxes for a term of 1-12 years as determined by the local governmental unit. Applications are filed, reviewed, and approved by the local governmental unit. The State Tax Commission (STC) receives a copy of the certificate after issuance by the local governmental unit.

**2. Who establishes a Commercial Redevelopment District?**

The legislative body of a qualified local governmental unit may establish a Commercial Redevelopment District on its own initiative or upon written request filed by the owner or owners of 75% of the state equalized value of the commercial property located within a proposed district.

**3. Who can file an application for a Commercial Facilities Exemption Certificate (CFEC) and with whom is it filed?**

The owner or lessee of a commercial facility may file an application for a CFEC with the Clerk of the qualified local governmental unit that established the Commercial Redevelopment District.

**4. How do I apply for a Commercial Facilities Exemption Certificate?**

Applications can be found on the Michigan Department of Treasury website: [www.michigan.gov/propertytaxexemptions](http://www.michigan.gov/propertytaxexemptions). Completed applications are filed with the Clerk of the local governmental unit and must be accompanied by the following documentation:

- a. A legal description of the property referred to in the application.

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(PA 255 of 1978, as amended)

- b. A statement describing the facility and its proposed project that must include all of the following items:
  - 1. General description of the facility (including year built, original use, most recent use, number of stories and square footage);
  - 2. General description of the proposed use of the facility;
  - 3. A description of the general nature and extent of the restoration, replacement or construction to be undertaken;
  - 4. A descriptive list of the fixed building equipment that will be a part of the facility, if applicable; and
  - 5. A time schedule for undertaking and completing the restoration, replacement or construction of the facility.
  
- c. A statement of the economic advantages expected from the exemption, including the number of jobs retained or created due to the exemption, including expected construction employment.

**5. Are there provisions in the application process that are time sensitive?**

Yes. Work may not begin before the establishment of the district. After work has begun in an established district, the application must be filed with the clerk of the local governmental unit within 45 days. Also, in order to qualify for a State Education Tax (SET) exemption from the State Treasurer, applications and certificates must be completed and received by the State of Michigan no later than October 31<sup>st</sup>. An application received after October 31<sup>st</sup> will not be processed until the following tax year.

**6. Who determines if a facility qualifies for a Commercial Facilities Exemption Certificate (CFEC)?**

The determination of qualification for a CFEC is made by the local governmental unit (LGU) when the application is filed with the clerk. The LGU must determine whether or not an applicant meets the definitions of the Act.

**7. Can an application for a Commercial Facilities Exemption Certificate be denied?**

Yes. An application can be denied at the local unit level if all of the requirements are not met by the applicant.

**8. What is the term of a Commercial Facilities Exemption Certificate (CFEC)?**

The CFEC may be issued for a period of at least one (1) year, but not more than twelve (12) years. The total amount of time determined for the certificate, including any extensions, shall not exceed twelve (12) years after the completion of the facility. The certificate shall commence with its effective date and end on the December 30<sup>th</sup> immediately following the last day of the number of years approved.

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**9. What determines the starting date of a Commercial Facilities Exemption Certificate (CFEC)?**

The effective date of the CFEC is December 31<sup>st</sup> immediately following the date of issuance of the certificate by the local governmental unit.

**10. How is the tax computed on a Commercial Facilities Exemption Certificate?**

Restored Facility: Multiply the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is situated by the taxable value of the real property (excluding land) of the obsolete commercial property for the tax year immediately preceding the effective date of the commercial facilities exemption.

New or Replacement Facility: Multiply 50% of the mills levied as ad valorem taxes for that year by all taxing units other than State Education Tax and multiply 100% of the mills levied as ad valorem taxes for that year for SET by the taxable value of the real property (excluding land) for the current tax year.

**11. Are special assessment millage rates impacted by the granting of a Commercial Facilities exemption?**

Special assessment millage rates may be impacted. Millage-based special assessments levied under Public Act 33 of 1951 do not apply to property with a Commercial Facilities exemption. However, the special assessments would still be applicable to the land on which the Commercial Facilities exemption property is located. Conversely, for millage-based special assessments levied under public acts other than Public Act 33 of 1951, property with a Commercial Facilities exemption pays on the full special assessment millage rate, the same as any “ad valorem” property.

**12. What happens when an incomplete application for a Commercial Facilities Exemption Certificate is received?**

The applicant will be contacted to submit the required items.

**13. What requirements must be met to gain approval for a Commercial Facilities Exemption Certificate at the local governmental unit level?**

The owner or lessee of the property must file an application with the local governmental unit (LGU). The application shall contain or be accompanied by a general description of the facility, a general description of the proposed use of the facility, a detailed description of the nature and extent of the restoration, replacement or construction to be undertaken, a descriptive list of the fixed building equipment that will be a part of the facility, a time schedule for undertaking and completing the restoration, replacement or construction of

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the facility, a statement of the economic advantages expected from the exemption, including the number of jobs to be retained or created as a result of the exemption, including expected construction employment; and additional information as may be required by the LGU. Since individual LGUs may have specific application procedures and requirements, it is recommended that prospective applicants consult with the LGU early in the project planning process.

**14. Can a Commercial Facilities Exemption Certificate (CFEC) be transferred?**

Yes. A CFEC may be transferred and assigned by the holder of the certificate to a new owner or lessee of the facility if the qualified local governmental unit approves the transfer after application by the new owner(s).

**15. Can a Commercial Facilities Exemption Certificate (CFEC) be revoked? If yes, who holds the authority to do so?**

Yes. The legislative body of the qualified local governmental unit (LGU) may, by resolution, revoke the CFEC of a facility if it finds that the completion of the restoration, replacement or construction of the facility has not occurred within two years of the effective date of the exemption or a greater time authorized by the LGU for good cause, or that the holder of the exemption certificate has not proceeded in good faith with the replacement, restoration or construction and operation of the facility in a manner consistent with the purpose of the exemption and in the absence of circumstances beyond the control of the holder of the exemption certificate.

**16. When does the revocation of a Commercial Facilities Exemption Certificate take effect?**

The revocation will take effect December 31<sup>st</sup> in the year in which the local governmental unit revokes the certificate by resolution.

**17. What is the definition of “commercial property?”**

MCL 207.653(3) defines “commercial property” as:

“land improvements classified by law for general ad valorem tax purposes as real property including real property assessable as personal property pursuant to section 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14, whether completed or in the process of construction, the primary purpose and use of which is the operation of a commercial business enterprise and shall include office, engineering, research and development, warehousing parts distribution, retail sales, hotel or motel development, and other commercial facilities but shall not include any of the following:

- a. Land.

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- b. Property of a public utility.
- c. Housing, except that portion of a building containing nonhousing commercial activity.
- d. Financial organizations.”

“Commercial property may be owned or leased. If, in the case of leased property, the lessee is liable for payment of ad valorem property taxes, and furnishes proof of that liability, the lessee is eligible for the exemption. If the lessor is liable for payment of ad valorem property taxes and furnishes proof of that liability, the lessor is eligible for the exemption.”

**18. What is the definition of “new facility?”**

MCL 207.654(2)(b) defines “new facility” as:

“Beginning July 1, 2008, new commercial property other than a replacement facility to be built in a redevelopment district that meets all of the following:

- (i) Is located on property that is zoned to allow for mixed use that includes high-density residential use.
- (ii) Is located in a qualified downtown revitalization district as defined in section 2 of the neighborhood enterprise zone act, 1992 PA 147, MCL 207.772.
- (iii) The local governmental unit in which the new facility is to be located does all of the following:
  - (A) Establishes and implements an expedited local permitting and inspection process in the commercial redevelopment district.
  - (B) By resolution provides for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the commercial redevelopment district.”

**19. What is the definition of “obsolete commercial property?”**

MCL 207.654(3) defines “obsolete commercial property” as:

“commercial property the condition of which is impaired due to changes in design, construction, technology, or improved production processes, or damage due to fire, natural disaster, or general neglect.”

**20. What is the definition of “replacement facility?”**

MCL 207.654(5)(b) defines “replacement facility” as:

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“Beginning July 1, 2008, commercial property on the same or contiguous land within the district which land is or is to be acquired, constructed, altered, or installed for the purpose of being submitted for obsolete commercial property and any part of the old altered property that remains for use as commercial property after the replacement, that meets all of the following:

- (i) is located on property that is zoned to allow for mixed use that includes high-density residential use.
- (ii) is located in a qualified downtown revitalization district as defined in section 2 of the neighborhood enterprise zone act, 1992 PA 147, MCL 207.772.
- (iii) the local governmental unit in which the replacement facility is to be located does all of the following:
  - (A) establishes and implements an expedited local permitting and inspection process in the commercial redevelopment district.
  - (B) by resolution provides for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the commercial redevelopment district.”

**21. What is the definition of “restoration?”**

MCL 207.654(6) defines “restoration” as:

“Changes to obsolete commercial property other than replacement as may be required to restore the property, together with all appurtenances thereto, to an economically efficient condition. Restoration includes major renovation including but not limited to the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore the commercial property to an economically efficient condition. Restoration does not include improvements aggregating less than 10% of the true cash value of the property at commencement of the restoration of the commercial property.”

**22. What is the definition of “restored facility?”**

MCL 207.654(7) defines “restored facility” as:



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“A facility that has undergone restoration.”

**23. What is the State Treasurer’s State Education Tax (SET) exclusion?**

Within sixty (60) days after the granting of a new Commercial Facilities Exemption Certificate, the State Treasurer may exempt 50% of the SET mills for a period not to exceed six (6) years. The State Treasurer will not grant more than 25 of these SET exclusions each year.

**24. What is required of the Local Governmental Unit regarding the yearly status reporting of the Commercial Facilities Exemptions to the State Tax Commission?**

Not later than October 15<sup>th</sup> of each year, each qualified local governmental unit granting a Commercial Facilities Exemption shall report to the State Tax Commission on the status of each exemption. The report must include the current value of the property to which the exemption pertains, the value on which the commercial facilities tax is based, and a current estimate of the number of jobs retained or created by the exemption.

**25. Where can I obtain copies of previously issued Commercial Redevelopment Act Certificates?**

Copies of certificates acted upon by the State Tax Commission after January 1, 2013, are available on the Department of Treasury website at: [www.michigan.gov/propertytaxexemptions](http://www.michigan.gov/propertytaxexemptions). Choose the exemption program under which the certificate was issued. Within the “Certificate Activity” link, the certificates are listed according to the date they were acted upon.

**RESOLUTION 2023-058**

**RESOLUTION REVOKING A COMMERCIAL FACILITIES EXEMPTION CERTIFICATE NUMBER 4-19-001 OF THE DOHERTY HOTEL.**

**WHEREAS**, pursuant to P.A. 210 of 2005, as amended, after a duly noticed public hearing held on the 20<sup>th</sup> of May, 2019, the City of Clare City Commission by adoption of resolution 2019-061 established the City of Clare Downtown Development Authority Commercial Rehabilitation District; and

**WHEREAS**, the City of Clare approved a Commercial Facilities Exemption application for the Doherty Hotel, certificate number 4-19-001 for property located at 604 McEwan Street, Clare, Michigan; and

**WHEREAS**, the Doherty Hotel has failed to proceed in good faith with the rehabilitation of the facility within the construction period allowed.

**NOW, THEREFORE, BE IT RESOLVED BY** the City Commission of the City of Clare that the Clare City Commission hereby revokes Commercial Rehabilitation Exemption Certificate number 4-19-001 for the Doherty Hotel for the property at 604 McEwan Street, Clare, Michigan.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar 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 7<sup>th</sup> day of August, 2023.**

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**Diane Lyon, City Clerk**

**RESOLUTION DECLARED ADOPTED.**

**I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Clare, County of Clare, Michigan, at a regular meeting held on August 7, 2023.**

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**Clerk's Signature**

## AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission  
FROM: Jeremy Howard, City Manager  
DATE: August 3, 2023  
RE: Consumers Energy Authorization Resolutions for Standard Lighting Agreements

For the Agenda of August 7, 2023

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Background. The City has Standard Lighting Agreements in effect with Consumers Energy. The City is obliged to provide Consumers Energy with specific authorization for any changes to the Agreements.

At the June 5<sup>th</sup>, 2023 regular City Commission meeting, the Commission made a request for the installation of a new street light at the corner of Rainbow Drive and Eastwood Drive to illuminate the roadway for the safety of drivers and pedestrians. City staff submitted a request for the new light to Consumers Energy.

As reflected on the Consumers Energy authorization forms (*att'd*), the City Commission's approval is required by Consumers Energy to facilitate the change. The Commission is asked to authorize the change.

It is also recommended that the City Commission authorize its Director of Public Works to execute any and all documents related to said authorization on behalf of the City of Clare and authorize the City Treasurer/Finance Director to make any and all necessary budget amendments.

Issues & Questions Specified. Should the City Commission authorize the change to the Standard Street Lighting Agreement and authorize the Director of Public Works to execute any and all documents related to said authorization on behalf of the City of Clare and authorize the City Treasurer/Finance Director to make any and all necessary budget amendments?

Alternatives.

1. Authorize the recommended change.
2. Do not authorize the recommended change.
3. Defer the decision regarding the matter to a subsequently scheduled meeting.

Financial Impact. There will be a very minor financial cost (monthly pole fee) for the City and the installation of the new lighting should not have a significant impact on the City's electricity usage.

Recommendation. I recommend that the City Commission authorize the changes to the Consumers Energy Standard Electrical Agreement and authorize the Director of Public Works to execute any and all documents related to said authorization on behalf of the City of Clare and authorize the City Treasurer/Finance Director to make any and all necessary budget amendments by adoption of Resolution 2023-059 (*copy att'd*).

Attachments.

1. Consumers Energy Authorization Forms.
2. Resolution 2023-059.



A CMS Energy Company

**CEM Support Center**

Consumers Energy, Lansing Service Center, Rm. 122, 530 W. Willow St., Lansing, MI 48906-4754

July 17, 2023

NOTIFICATION #:  
1067575608

CITY OF CLARE  
202 W 5th St  
Clare, MI 48617-1490

REFERENCE: N RAINBOW AND EASTWOOD DR, CLARE

Dear Valued Customer,

Thank you for contacting Consumers Energy for your energy needs. Please note the Notification Number above and include it on any correspondence you send. Please note the Account Number, located above the Account Name on your invoice, when submitting payment.

Enclosed for approval and signature is the original Authorization for Change and Resolution covering the replacement and/or installation of streetlight(s). You are responsible for the final restoration.

The estimated cost for your energy request is as follows:

Non Refundable Agreement for Installation of Electric Facilities:

Winter Construction Costs:	\$	-
Installation Charge:	\$	100.00
Additional Costs		
<b>Total Estimated Cost:</b>	<b>\$</b>	<b>100.00</b>
Less Prepayment Received:	\$	-
<b>Total Estimated Cost Due:</b>	<b>\$</b>	<b>100.00</b>

Please sign and return the original Authorization for Change and Resolution in the enclosed self-addressed envelope or email to: [POBoxCEServiceRequest@cmsenergy.com](mailto:POBoxCEServiceRequest@cmsenergy.com). Payment in full is required before the installation can be scheduled for construction.

Please review all attached materials carefully and direct inquiries for your request to:  
Gabriel Poletti at 810-760-3485



A CMS Energy Company

Dear New Electric Customer:

Thank you for your request for electric service. In order to expedite your request and meet your schedule, we have developed the following list of items requiring action by you (Customer Responsibilities). These requirements must be met before we can install your service.

CUSTOMER RESPONSIBILITIES

- 1) Service Location: A copy of our design document may be included in your customer packet. If included, your service entrance equipment should be located at the spot indicated by an "X" as shown on the design document (Form 2804). Install the meter socket 3½ 5 feet above final grade of this location.
- 2) Meter Socket: Residential metering equipment furnished free of charge, owned and maintained by Consumers Energy includes: meters and one or two position self contained meter sockets. Contact the company representative assigned to your notification for locations to pick up the meter socket. For metering installations that require a three or more position self contained meter socket, the customer will be required to purchase approved meter sockets from a distributor or supplier of their choice.
- 3) Payment: An invoice may be included in your customer packet. If included, the deposit amount on the invoice must be paid prior to installation of your service. Additional charges may apply and will be billed/or a refund issued upon completion of your service installation.
- 4) Site Conditions: The site must be within three (3) inches of final grade before we can install your service. If you have requested an underground service, you will need to clear a 12 foot wide path that is free of building materials, brush, trees, shrubs, etc, along the proposed service route to avoid delays. Our Forestry Department can provide this service for you at an additional charge. For overhead service, nominal line clearing will be provided at no charge. Any extensive line clearing may require additional charges. After your service is installed, we will backfill and place excavated earth over the trench. You are responsible for the final restoration and ensuring that the grading over the trench is at the required level.
- 5) Staking: To avoid damage, you must mark (stake) your existing private underground facilities such as: well, septic systems, sprinkler system, any underground wires, buried LPG tanks, piping, or other unusual buried facilities. These stakes must be apparent when we arrive to install the service. We cannot reimburse you for damage to facilities that are not properly staked. You do not need to stake the utilities' electric, gas or communication lines.
- 6) Mobile Home or Temporary Service: If you requested service to a mobile home or temporary electric service, you will be required to set your own pole or install a pipe for underground service in accordance with Consumers Energy specifications. Contact the Consumers Energy representative assigned to your notification for additional information.
- 7) Construction Repair: If additional line work is required to reach your location due to site conditions or other unusual circumstances, extra charges may be incurred.
- 8) **ELECTRICAL INSPECTION: YOU ARE RESPONSIBLE FOR ENSURING THAT ALL ELECTRICAL PERMITS AND INSPECTIONS ARE OBTAINED BEFORE ANY SERVICE CONNECTIONS CAN BE MADE. WIRINGS MUST COMPLY WITH LOCAL AND STATE ELECTRICAL CODES. NOTE: CAUTION SHOULD BE USED WHEN WORKING INSIDE FUSE PANEL. PANEL MAY BE ENERGIZED AFTER SERVICE IS**
- 9) Additional Charges: Underground services installed during the months of December through April may be subject to an additional charge. Unusual site conditions may also require an additional charge. These charges will be communicated to you in advance of construction.
- 10) Joint Trenching: Discounts for installation of electric and gas service in the same trench (joint trench) are applied in calculating the gas service contribution.
- 11) Usage Rate: Customers are billed at a general service rate while the structure is under construction. If the structure is a home, then the owner of the home, upon receiving a Certificate of Occupancy, should call 1 800 477 5050 to ensure the gas and/or electric rates are changed to an appropriate rate.

Please keep these procedures in a convenient location to review as we proceed with designing your service and constructing the job. If any of the characteristics of the service request are changed and not communicated to us, you may experience delays and/or additional charges.

If you have any questions regarding these requirements please direct inquiries to:

**Gabriel Poletti** at **810-760-3485**



A CMS Energy Company

**CEM Support Center**

Consumers Energy, Lansing Service Center, Rm. 122, 530 W. Willow St., Lansing, MI 48906 4754

**PLEASE RETURN THE CHECKED DOCUMENTS BELOW TO CONSUMERS ENERGY IN THE ENVELOPE PROVIDED**

**TO EXPEDITE SERVICE, RETURN VIA EMAIL TO:**  
[POBoxCEServiceRequest@cmsenergy.com](mailto:POBoxCEServiceRequest@cmsenergy.com)

<input type="checkbox"/>	AGREEMENT FOR INSTALLATION (Please return all pages of contracts) (Form 93, Form 94 and Form 95 2 Page Document Each) (Form 861, Form 862 and Form 230 4 Page Document Each)
--------------------------	--

<input checked="" type="checkbox"/>	PAYMENT WITH INVOICE STUB (BOTTOM STUB IS REQUIRED FOR PROCESSING)
-------------------------------------	---

<input type="checkbox"/>	REQUEST FOR ELEVATED CUSTOMER DELIVERY PRESSURE
--------------------------	---

<input checked="" type="checkbox"/>	STANDARD LIGHTING CONTRACT (MUST BE CERTIFIED BY CLERK)
-------------------------------------	--

<input type="checkbox"/>	SIGNED CUSTOMER ATTACHMENT PROGRAM (CAP) CONTRACT (PLEASE ENSURE TO CHECK PAYMENT OPTION ON CONTRACT)
--------------------------	--

<input checked="" type="checkbox"/>	GO READY FORM (FORM 1250) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: <a href="mailto:POBoxCEServiceRequest@cmsenergy.com">POBoxCEServiceRequest@cmsenergy.com</a>
-------------------------------------	--

<input type="checkbox"/>	SITE READY PHOTO(S) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: <a href="mailto:POBoxCEServiceRequest@cmsenergy.com">POBoxCEServiceRequest@cmsenergy.com</a>
--------------------------	--

<input type="checkbox"/>	OTHER:
--------------------------	--------

**NOTIFICATION REFERENCE NUMBERS**

ELECTRIC SERVICE NOTIFICATION:	
GAS SERVICE NOTIFICATION:	
ELECTRIC OH DISTRIBUTION NOTIFICATION:	
ELECTRIC UG DISTRIBUTION NOTIFICATION:	
GAS MAIN NOTIFICATION:	
STREETLIGHT NOTIFICATION:	1067575608



AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING  
CONTRACT(COMPANY-OWNED) FORM 547

Contract Number: 103034179624

Consumers Energy Company is authorized as of \_\_\_\_\_ by the City of CLARE CITY, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of CLARE CITY, dated 10/31/2018.

Lighting Type: General Unmetered Light Emitting Diode Lighting Rate GU-LED

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 10/31/2018 shall remain in full force and effect.

Notification Number(s): 1067575608

Comments: 115635681

City of CLARE CITY

By: \_\_\_\_\_

(Signature)

\_\_\_\_\_

(Printed)

Its: \_\_\_\_\_

(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of CLARE CITY, dated 10/31/2018, in accordance with the Authorization for Change in Standard Lighting Contract dated \_\_\_\_\_,

heretofore submitted to and considered by this    commission    council    board; and

RESOLVED, further, that the \_\_\_\_\_    be and are authorized to execute such authorization for change on the behalf of the City.

STATE OF MICHIGAN  
COUNTY OF CLARE

I, \_\_\_\_\_, clerk of the City of CLARE CITY do hereby certify that the foregoing resolution was duly adopted by the

commission    council    board of said municipality, at the meeting held on \_\_\_\_\_.

Dated:

\_\_\_\_\_

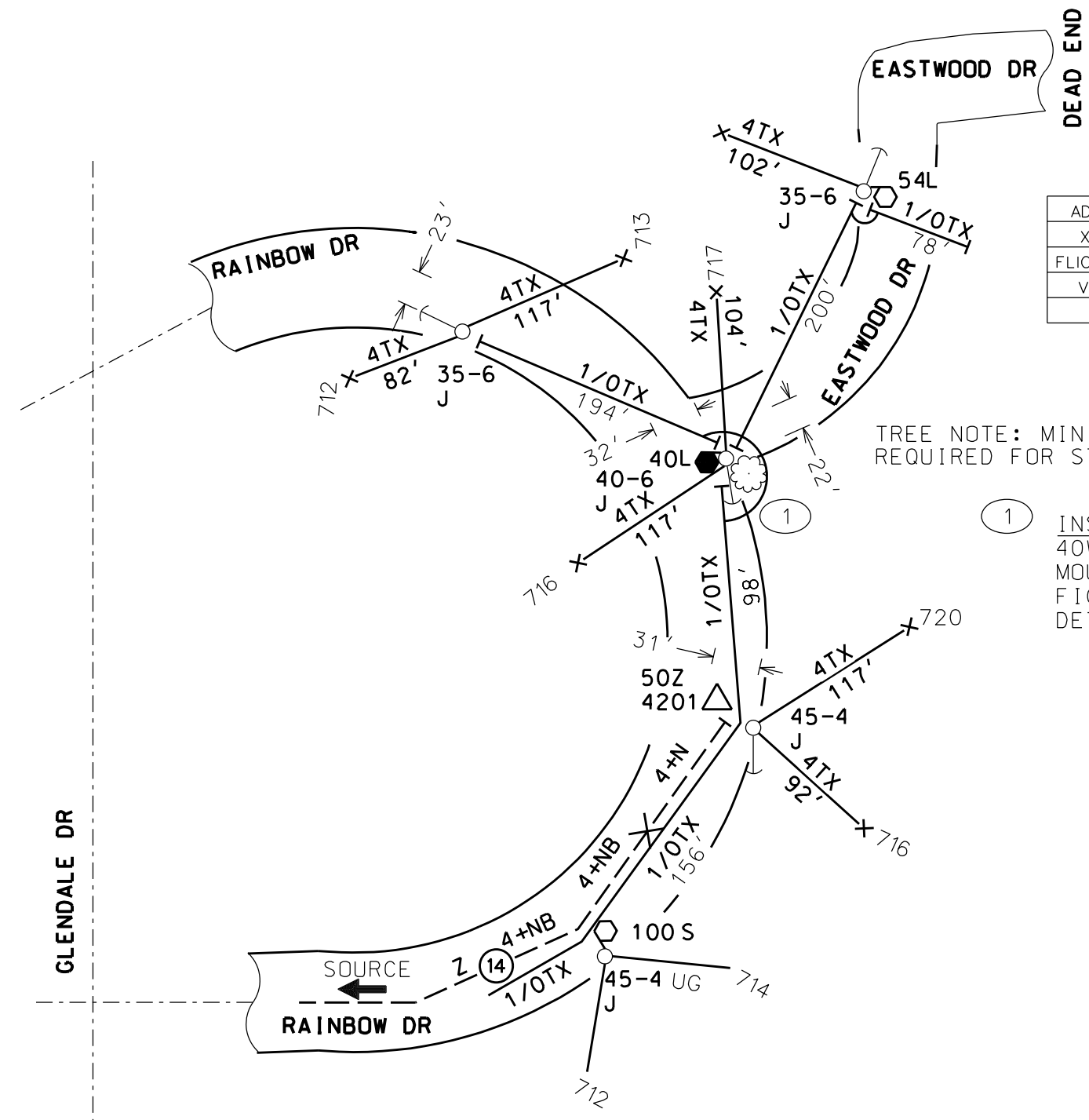
\_\_\_\_\_

Municipal Customer Type: City



GENERAL UNMETERED LIGHT EMITTING DIODE LIGHTING RATE GU-LED

- (1) 40 watt LED Cobrahead NA to Install at location 1;



PROPOSED VOLTAGE DROP

ADDED LOAD	1 KVA
XFMR LOAD	49.78
FLICKER LOAD	0
VOLT DROP	4.48
FLICKER	

TREE NOTE: MINIMAL TREE TRIMMING REQUIRED FOR STREETLIGHT PLACEMENT

- ① INSTALL 40W LED, 12' BRACKET MOUNT BRACKET AT 36'6" FIGURE 42-103-1 DETAIL B

SUBSTATION CLARE	WD NO. 1443	METER ORDER NUMBER	METER NUMBER	READ	METER LOCATION
CIRCUIT CLARE	CKT NO. 02	TLM NUMBER 1704354201	# OF RODS	OHMS	N Rainbow and Eastwood Dr ECNC STL
		CE STAKING REQ'D <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ORDER TYPE ECNC	MAT. TYPE STL	NOTIFICATION NUMBER 1067575608
		FORESTRY REQ'D <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DESIGN NUMBER 11535681	ORDER NUMBER	

JOB PURPOSE:  
THIRD PARTY REQUESTED 40W LED STREETLIGHT INSTALL

UPSTREAM SECTIONALIZING DEVICE:  
0258-65A  
LOCATION:  
FIFTH E/JEFFERSON  
E+SO

CONSUMERS ENERGY CONTACTS

DEPARTMENT	NAME	NUMBER
COORDINATOR	G. POLETTI	810-241-8179
DESIGNER	E. BAUMANN	517-285-4629



**CITY OF CLARE**  
**202 W 5TH ST**  
**CLARE MI 48617-1490**

**Amount Due: \$100.00**  
**Please pay by: July 31, 2023**

Invoice Number	9325206831
PO Number	
PO Date	
Bill Date	07/17/23

**Account: 3000 2120 5855**

▶ N RAINBOW AND EASTWOOD DR CLARE - STREETLIGHTING - NOTIFICATION NUMBER (s): - - - - -  
1067575608 -

### NONENERGY INVOICE

DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
Electric Streetlights-CIAC	1.0 EA	\$100.00	\$100.00

**TOTAL DUE: \$100.00**

**See Page 2 for Payment Options.**

Consumers Energy is regulated by the Michigan Public Service Commission, Lansing, Michigan

**INVOICE QUESTIONS - Contact:** Gabriel Poletti -810-760-3485 -

Fold, detach and mail this stub with your check made payable to Consumers Energy. Please write your account number on your check.



CONSUMERS ENERGY  
CEM Support Ctr - Lansing RM 122  
530 W Willow St  
Lansing, MI 48906-4754

PREPAYMENT REQUEST

**Account: 3000 2120 5855**

**Amount Due: \$100.00**  
**Please pay by: July 31, 2023**  
**Enclosed:**

# GO-READY Checklist Natural Gas & Electric Request



Thank you for contacting Consumers Energy for your energy needs. This form is required to schedule your service installation, retirement, or alteration. Consumers Energy will contact you one to two days before our scheduled arrival. If it is deemed that any of the requirements are not met upon our arrival, Consumers Energy reserves the right to reschedule your job.

Please return completed Checklist either (1) by E-mail: [poboxceservicerequest@cmsenergy.com](mailto:poboxceservicerequest@cmsenergy.com) (preferred) or (2) by Fax: 517-374-2424.

*If neither option is available, you can mail a completed application to Consumers Energy Service Request, Rm. 122, 530 W Willow St, Lansing MI 48906-4754*

Notification #: 1067575608

Service Address: N RAINBOW AND EASTWOOD DR, CLARE

**Please check all requirements on the checklist below before returning this document. Providing accurate information upon completion when submitting your form helps assure construction execution upon crew arrival.**

	<u>YES</u>	<u>N/A</u>
1. Has your payment been submitted to Consumers Energy?	<input type="checkbox"/>	<input type="checkbox"/>
2. Has your gas meter location been clearly marked, and/or your electric meter socket properly installed at the agreed upon location (service installation or alteration)?	<input type="checkbox"/>	<input type="checkbox"/>
3. Has your electric meter been inspected and approved by the local city/township inspector?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the site at rough grade?	<input type="checkbox"/>	<input type="checkbox"/>
5. Is a 12' wide path clear of debris and construction equipment?	<input type="checkbox"/>	<input type="checkbox"/>
6. Site Ready Photo. Include photo with Checklist.	<input type="checkbox"/>	

**Making Consumers Energy aware of any customer-owned, underground facilities present, by clearly identifying and indicating the facility location reduces the risk of damages. Locate or expose any privately owned underground facilities or buried obstructions including, but not limited to:**

	<u>YES</u>	<u>N/A</u>		<u>YES</u>	<u>N/A</u>
Septic tank (Existing or future)	<input type="checkbox"/>	<input type="checkbox"/>	Underground yard lighting	<input type="checkbox"/>	<input type="checkbox"/>
Drain field (Existing or future)	<input type="checkbox"/>	<input type="checkbox"/>	Sprinkler systems	<input type="checkbox"/>	<input type="checkbox"/>
Well (Existing or future)	<input type="checkbox"/>	<input type="checkbox"/>	Electronic dog fences	<input type="checkbox"/>	<input type="checkbox"/>

Other: \_\_\_\_\_

These facilities must be marked with stakes, spray paint, or flags. Consumers Energy and/or its agents will not be held responsible for damage that occurs to customer-owned underground facilities that are not properly located and marked before service installation.

After services are installed, excavation will be backfilled. Final restoration is your responsibility.

Thank you for your partnership!

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION 2023-059**

**A RESOLUTION OF THE CLARE CITY COMMISSION AUTHORIZING A CHANGE TO THE STANDARD LIGHTING AGREEMENT WITH CONSUMERS ENERGY.**

**WHEREAS**, the City enjoys a Standard Lighting Agreement with Consumers Energy; and

**WHEREAS**, a provision of said Agreement obligates the City to provide specific authorization for any and all changes to said Agreement; and

**WHEREAS**, the City desires the installation of a streetlight at the corner of Rainbow Drive and Eastwood Drive to illuminate the roadway for the safety of vehicular and pedestrian traffic.

**NOW THEREFORE BE IT RESOLVED THAT**, the Clare City Commission hereby authorizes a change to Standard Lighting Agreement 103034179624 with Consumers Energy, thereby allowing the installation of a Steet Light at the corner of Rainbow Drive and Eastwood Drive, said changes further identified by Consumers Energy Notification Number 1067575608.

**BE IT FURTHER RESOLVED THAT** the Clare City Commission authorizes its Director of Public Works to execute any and all documents related to said authorization on behalf of the City of Clare and authorizes the City Treasurer/Finance Director to make any and all necessary budget amendments.

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

The Resolution was introduced by Commissioner \_\_\_\_ supported by Commissioner \_\_\_\_.  
The Resolution declared adopted by the following roll call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

**Resolution approved for adoption on this 7<sup>th</sup> day of August, 2023.**

---

**Diane Lyon, City Clerk**

## AGENDA REPORT

TO: Mayor Pat Humphrey and the Clare City Commission  
FROM: Jeremy Howard, City Manager  
DATE: August 3, 2023  
RE: City Manager Contract Renewal

For the Agenda of August 7, 2023

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Background. The current 3-year employment agreement between myself as the City Manager and the City of Clare began on August 24, 2020 and will expire on August 24, 2023. Over the last several weeks, I began discussions with the Mayor and Mayor Pro Tem to negotiate an updated contract for the future. The three of us talked and met multiple times to discuss the specific items of the contract and a new contract (*att'd*) was drafted based on those discussions.

Clare is an amazing community, and I am excited to continue working with the City Commission and city staff and to continue serving the City of Clare and its residents and business owners. I ask that the City Commission favorably consider approval of the contract as drafted and reviewed by the Mayor and Mayor Pro Tem.

Issues & Questions Specified. Should the City Commission approve the contractual employment agreement with its City Manager?

Alternatives.

1. Approve the proposed contract.
2. Approve a modified version of the proposed contract.
3. Do not approve the contract.
4. Set aside the decision regarding this matter to a later date.

Financial Impact. Costs associated with the contract are outlined in thereof.

Recommendation. I ask for the City Commission's favorable consideration and approval of the proposed contract as well as authorizing the City Treasurer to make any and all necessary budget amendments by adoption of Resolution 2023-060 (*copy attached*).

Attachments.

1. Proposed Contract.
2. Resolution 2023-060.

**EMPLOYMENT AGREEMENT  
CITY OF CLARE  
AND  
JEREMY HOWARD**

This agreement is made effective the 1<sup>st</sup> day of July, 2023, by and between the CITY OF CLARE, (“City”) a Michigan municipal corporation, the Employer, and Jeremy Howard, the Employee. The parties agree as follows:

RECITALS

- A. The City desires to employ Jeremy Howard to serve as City Manager of the City of Clare, as provided by City Charter; and
- B. It is the desire of the City Commission of the City of Clare to provide certain benefits, maintain established conditions of employment, and to set working conditions of the Employee; and
- C. The Employee desires to become an employee of the City Commission for the City of Clare, as City Manager.

IT IS AGREED:

1. Employment status.

Pursuant to the Charter of the City of Clare, the City Manager serves at the pleasure of the City Commission. The City Manager is an at-will Employee, and may be discharged at any time, with or without cause. See Charter Section 3.8.

2. Duties.

The Charter sets forth the functions and duties of the City Manager. The Employee shall perform duties as specified in the City Charter, the laws of the State of Michigan, and as designated by the City Commission from time to time.

3. Term and Termination.

The term of this contract shall be five (5) years, commencing upon the effective date above. The employment relationship created by this agreement, may be terminated, with or without cause, and with or without notice, at any time, at the option of the City Commission or the Employee. No individual City Commissioner, the City Manager, no City Employee or Administrator, other than by act of the City Commission itself, has any authority to enter into, modify, or make an agreement for employment for any specified period of time, or to make any agreement contrary to the terms of this Agreement.

4. Suspension.

The Employer may, within its sole discretion, suspend the Employee with full pay and benefits at any time during the term of this Agreement.

5. Severance Pay.

If the Employer elects to terminate the Employee prior to the end of this Contract or decides not to renew the contract at the end of the term, for reason(s) other than founded felony-offense misconduct or for documented, proven and repetitive failure to meet established and mutually agreed-upon performance standards and objectives, the Employer shall compensate the Employee one half (six months) of his annual salary at the time of termination plus an additional two (2) months’ salary for each full or partial year of service to the City calculated from original hire date, as well as continue existing life insurance, healthcare insurance coverage (or opt out dollars if opting out), and retirement contributions for the same total time period at City expense, and compensate the Employee for all accrued and unused Paid Time Off.

## 6. Disability.

If the Employee is permanently disabled or is otherwise unable to perform his duties due to a non-work-related sickness, accident, injury, or mental incapacity for a period of eight (8) weeks beyond any accrued Paid Time Off, the Employer shall have the option to terminate this Agreement, subject to the severance pay requirements set forth in paragraph 5.

## 7. Salary.

The Employee's salary for the stipulated contract period shall be paid in equal installments on a bi-weekly basis.

- (a) In the first year of this contract, the Employee shall be paid a \$104,000 salary.
- (b) In the second, third, fourth, and fifth years of this contract, the Employee's salary shall be increased by the percentage increase negotiated in the Teamsters Supervisors Employment Contract plus an additional 2%, each year.

## 8. Performance evaluation.

The City Commission shall review and evaluate the performance of the Employee upon the anniversary of signing this Contract. Thereafter, the City Commission shall review and evaluate the performance of the Employee on an annual basis. The review and evaluation shall be in accordance with specific criteria and standards developed jointly by the Employer and Employee. At any time, the City Commission may decide to provide special or additional evaluations, in its sole discretion. The Employee may request, an additional or special evaluation, up to once every six months.

At the conclusion of the evaluation the Mayor shall provide the Employee with a signed written summary of the findings of the City Commission's evaluation, and provide an adequate opportunity for the Employee to discuss his evaluation with the City Commission. The Employee may request that any proceedings under this Section eight (8), be held in closed session in accordance with the Open Meetings Act. Annual evaluations shall be retained in the Employer's personnel files, in accordance with the City's file retention schedule.

Each year, in conjunction with the approval of the City's operating budget, the City Commission and the Employee shall define such goals and performance objectives, as are necessary for the proper operation of the City. The City Commission shall establish a relative priority among the stated performance objectives and goals. Said goals and objectives shall be reduced to writing. The established objectives and goals shall be generally attainable within prescribed time periods, annual operating and capital budgets, appropriations, and resources provided.

## 9. Hours of Work.

It is recognized that the Employee must devote a great deal of time outside of normal office hours to accomplish the business of the Employer. To that end, the Employee shall be allowed to take time off as he deems appropriate during normal office hours.

## 10. Automobile.

The Employer shall provide an automobile, to be used in the day-to-day business of the City. If the Employee utilizes his personal automobile, reimbursement for mileage shall be paid by the Employer at the rate established by the Internal Revenue Service.

## 11. Paid Time Off.

- (a) For each year of Employment, the Employee will earn (288) hours of Paid Time Off. Paid Time Off may be used for illness (formerly sick leave), or vacation, or personal days, at the discretion of the Employee. The Employee will be credited with 288 hours Paid Time Off at the beginning of the fiscal year.



At the option of the City, the Paid Time Off may be credited to the Employee on a prorated basis, weekly, biweekly, or monthly in accordance with the schedule established by the City, in accordance with procedures in place for its union bargaining units.

For any year during which separation occurs during the fiscal year, where the employee has already used leave advanced at the beginning of the fiscal year, the Employer shall be entitled to a credit for leave advanced and not accrued under the prorated period of the year worked. For any year during which separation occurs during the fiscal year, where the employee has worked only a partial year, the PTO due that employee shall be prorated according to the time worked and the Employee will be compensated for all accrued and unused Paid Time Off.

Paid Time Off shall not be carried over from one fiscal year to the next. Paid Time Off shall be used, purchased by the Employer in accordance with the terms of this Agreement, or lost at the end of the fiscal year. The Employer shall compensate the Employee for up to 160 hours of unused Paid Time Off, by purchasing said Paid Time Off from the Employee at the end of the fiscal year.

- (b) Funeral Leave. The Employee shall be granted up to three (3) days of Funeral Leave to attend a funeral of a member of his immediate family. One (1) day of Funeral Leave shall be granted to attend the funeral of a close relative. An additional two (2) days of funeral leave may be taken at any time during the year following the funeral for the purpose of fulfilling their duties as executor. Funeral Leave is not eligible to be carried over from one fiscal year to the next, and is not eligible for purchase by the City.
- (c) Holidays. The Employee shall receive the paid holidays that are provided to the City's union bargaining units.

#### 12. Disability, Health, and Life Insurance.

- (a) The employee is provided healthcare coverage through employment of another family member, and expects to exercise the "opt-out" provision under the terms of the Teamsters Union Supervisor's Labor Contract.
- (b) When no opt-out is in place, the Employer will provide hospital, surgical, prescription, and comprehensive medical insurance coverage for the Employee and his eligible dependents in an amount that is equal to that provided to the City's union bargaining units.
- (c) The Employer shall provide dental and vision insurance coverage to the Employee and his eligible dependents equal to that provided to the City's union bargaining units.
- (d) The Employer shall provide a term life, accidental death and dismemberment, and short-term disability policy paid by the City with the principal sum consistent with that afforded other full-time City employees under the terms of the Teamsters Union Supervisor's Labor Contract.

#### 13. Retirement.

The Employee shall be entitled to participate in the City's MERS defined benefit B-3 retirement plan for eligible Division 1 employees. If the employee chooses to participate, his employee contribution to the plan will be at the same rate as the City's Teamsters Supervisory Union which currently is 4% of reportable wages. The Employer shall also make a monthly contribution to the retirement plan in an amount equal to the actuarially determined funding requirement.

#### 14. Dues and Subscriptions.

The Employer agrees to pay for professional dues and subscriptions of the Employee in an amount approved and appropriated in the City's annual operating budget.

15. Professional Development.

The Employer agrees to pay for the professional development expenses in an amount approved and appropriated by the City, in the City's annual operating budget. These expenses include registration fees, course attendance fees, and other fees related to the Employee's attendance at professional seminars, meetings, and institutes – to include travel, lodging and subsistence.

16. Outside employment

The Employee agrees that he will not accept any outside long-term (more than one week in duration) employment without the express permission of the City Commission.

17. Bonding.

The Employer shall bear the full costs of all fidelity bonds or other bonds required of the Employee under any law or ordinance or required in fulfilling the Employer's expressed or implied conditions of Employment.

18. Miscellaneous.

- (a) The text herein constitutes the entire Agreement between the parties.
- (b) This Agreement shall be binding on and inure to the benefit of their heirs, executors, and assigns.
- (c) The effective date of this Agreement is July 1, 2023.
- (d) If any provision of this Agreement is held to be unconstitutional, invalid, unenforceable, or void, the remainder of the Agreement shall be deemed severable; shall not be affected, and shall remain in force and in effect.

City of Clare

Employee

By: \_\_\_\_\_  
Patrick Humphrey, Mayor

By: \_\_\_\_\_  
Jeremy Howard, City Manager

Date: \_\_\_\_\_, 2023

Date: \_\_\_\_\_, 2023

**RESOLUTION 2023-060**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING THE EMPLOYMENT CONTRACT OF THE CLARE CITY MANAGER.**

**WHEREAS**, the City of Clare and Jeremy Howard, the appointed Clare City Manager, enjoy a current contractual agreement outlining the terms, conditions, and stipulations of employment of said individual; and

**WHEREAS**, said contractual agreement was initially approved on the 24<sup>th</sup> day of August 2020; and

**WHEREAS**, said contract stipulates the end date of said current employment agreement shall expire on August 24, 2023; and

**WHEREAS**, both said parties of said contractual agreement have negotiated and mutually agreed to another contract effective July 1, 2023 through June 30, 2028.

**NOW THEREFORE BE IT RESOLVED THAT** the Clare City Commission hereby approves an employment contract referenced herein between Jeremy Howard, the Clare City Manager, and the City of Clare.

**BE IT FURTHER RESOLVED THAT** that the City Commission authorizes the Mayor to sign said contract and authorizes the City Treasurer to make any and all necessary budget amendments.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar 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 7<sup>th</sup> day of August, 2023.

---

Diane Lyon, City Clerk

## AGENDA REPORT

TO: Mayor Pat Humphrey & City Commissioners  
FROM: Jeremy Howard, City Manager  
DATE: August 3, 2023  
RE: Comprehensive Reappraisal of Industrial Properties

For the Agenda of August 7, 2023

---

Background. The city contracted for assessing services with Michigan Assessing Coalition (MAC), LLC three months ago (in May of this year) for onsite services for four hours per week, and thus far, we are very happy with the services they have provided. Prior to contracting with MAC, the City experienced a turnover in Assessing staff over the past few years and experienced a severe dampening of assessing services during the COVID Pandemic. The State of Michigan recommends that 20% of a governmental unit be reviewed each year. The review of city parcels has fallen behind at no fault of MAC.

The city has also experienced a tremendous amount of growth with new construction, renovation, and rehabilitation in all sectors of the city, including industrial, commercial, and residential properties. As such, MAC will have difficulty catching up with a review of assessed values through the regular annual review process, thus the city will continue to lose tax dollars. Over the past several years private development within both the North and South Industrial Parks has increased to the point that all lots have now been sold and businesses are newly operational or nearly ready to become fully operational. Through a review of some parcels with the new Assessor, it was found that several properties (especially industrial properties and the Industrial Parks) have not been updated or correctly assessed for several years.

Due to this fact, MAC has proposed an additional day and an additional employee be temporarily added to ensure that new and updated assessments can be done and completed in time for them to be added to the role for next year. Any incorrect/missed assessments can also be looked at for the previous 2 years. Based on some of the preliminary observations the Assessor and Treasurer feel that they have found that the increase in taxes from the assessing updates and corrections will more than pay for the cost of the proposed additional 6-month contract. These new tax revenues will then continue for the future by adding the correct tax assessment revenue for the parcels to the general fund.

Issues & Questions Specified. Should the City Commission approve the proposed contractual agreement with Michigan Assessing Coalition, Inc.?

Alternatives.

1. Approve the contractual agreement.
2. Do not approve the contractual agreement.
3. Defer this matter to a subsequently scheduled City Commission meeting.

Financial Impact. The cost to the City is \$14,250 and is a one-time cost for the project.

Recommendation. I recommend that the City Commission approve the service agreement with MAC, Inc., authorize the City Manager to sign all necessary and related documents, and authorize the Treasurer/Finance Director to apply any and all necessary budget amendments by adoption of Resolution 2023-061 (*copy att'd*).

Attachments.

1. Professional Services Agreement.
2. Resolution 2023-061.

PROPOSAL FOR PROFESSIONAL SERVICES

CITY OF CLARE, MICHIGAN

1. Michigan Assessing Coalition, Inc. (hereafter referred to as MAC, Inc) agrees to provide a comprehensive reappraisal of the industrial property in the City of Clare.
2. MAC, Inc has the knowledge and experience to deliver these services in accordance with State of Michigan laws and State Tax Commission Rules.
3. MAC, Inc has experience with BSA software as well as accepted mass appraisal techniques.
4. MAC, Inc has extensive experience with Michigan Tax Tribunal procedures as well as extensive experience with individual valuation procedures and best practices.
5. MAC, Inc agrees to perform the following reappraisal functions:
  - a. Complete site visits to all industrial property.
    - i. Obtain building plans whenever possible.
    - ii. Field measure all buildings.
    - iii. Perform interior inspections when possible.
    - iv. Update all record cards with sketches and photos.
    - v. Develop a meaningful land value table for uniform application.
    - vi. Develop meaningful and up to date economic conditions factors.
    - vii. Review results with the county and city manager.
6. MAC, Inc. shall maintain records and processes according to best practices as reviewed by the State of Michigan in their audit of local municipalities.
7. MAC, Inc shall maintain liability insurance, both property and professional.
8. MAC, Inc. will complete this project for the 2024 assessment roll and make applicable corrections to the 2023 and 2022 assessment rolls as allowed by 211.53b (omitted property).
9. The City agrees to pay MAC, Inc the following:
  - a. \$14,250 for the total project, payable at completion of the project.

Respectfully Submitted

Accepted



Sharon Frischman, MMAO, AI-GRS  
Executive Director  
Michigan Assessing Coalition, Inc.

Jeremy Howard  
City Manager  
City of Clare

[SharonF@macinc-group.org](mailto:SharonF@macinc-group.org)

517 940-2823

**RESOLUTION 2023-061**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING THE COMPREHENSIVE INDUSTRIAL PROPERTY APPRAISAL AGREEMENT FOR PROFESSIONAL SERVICES WITH MICHIGAN ASSESSING COALITION, INC. (MAC, INC.)**

**WHEREAS**, it has been determined that the City has experienced a turnover in Assessing staff for the past several years and experienced a severe dampening of assessing services during the COVID Pandemic; and

**WHEREAS**, it has been determined that the City has had a tremendous amount of growth with new construction, renovation, and rehabilitation in all sectors of the city, including industrial, commercial, and residential properties; and

**WHEREAS**, it is believed that some properties (especially industrial properties and including the Industrial Parks) have not been updated or correctly assessed for several years; and

**WHEREAS**, the city's contracted Assessing firm has provided a professional services agreement to the City of Clare for the comprehensive review, updating, and appraisal of all industrial property in the City of Clare; and

**WHEREAS**, the City Staff has reviewed said agreement and determined it meets the City's requirements; and

**WHEREAS**, the City desires to enter into an additional one-time agreement with MAC, Inc. for expanded Assessing Services as outlined herein for the City of Clare; and

**WHEREAS**, the cost for said services is reasonable and prudent; and

**WHEREAS**, said services provided by MAC, Inc. are deemed necessary to assess and collect the correct tax assessment revenue for said parcels.

**NOW THEREFORE BE IT RESOLVED THAT** the City Commission of the City of Clare hereby approves an agreement between the City of Clare and MAC, Inc.

**BE IT FURTHER RESOLVED THAT** the Mayor and City Commission of the City of Clare hereby formally authorizes the City Manager to sign all necessary and related documents and authorizes the Treasurer/Finance Director to apply all necessary budget amendments as needed.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar 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 7<sup>th</sup> day of August, 2023.**

---

**Diane Lyon, City Clerk**

## AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission  
FROM: Jeremy Howard, City Manager  
DATE: August 3, 2023  
RE: Annexation of City-Owned Property – Vernon Township

For the Agenda of August 7, 2023

---

*Background.* During some recent updates being completed by the State Boundary Commission, the City discovered that two parcels of land (18-002-20-015-00 & 18-002-30-016-00) that have long been owned by the City in what is now referred to as Industrial Park #3, were never officially annexed into the City. Further research was completed by the City Clerk and City Attorney to verify this issue (*see att'd memo from City Attorney and Deed of Purchase*). Public Act 279 of 1909 (MCL 117.9(8)) allows that the City may annex owned, vacant property that is adjacent to the City's current boundaries by simple resolution. The City Commission is asked to approve the annexation of this property at this time.

*Issues & Questions Specified.* Should the City Commission approve the annexation of this owned property and concurrently amend the boundaries of the City of Clare?

*Alternatives.*

1. Approve the resolution.
2. Deny the resolution.
3. Set the matter aside for consideration and deliberation at a future meeting.

*Financial Impact.* There is no immediate fiscal impact to the City, as the property is owned by the City (thus it is not taxable). These two parcels are part of the larger property for IP3 that is being marketed for future development.

*Recommendations.* I recommend that the City Commission approve the annexation of this vacant property by adoption of Resolution 2023-062.

*Attachments.*

1. Memo from City Attorney.
2. Deed of Purchased Parcels.
3. Resolution 2023-062.

Memo

To: Clerk D. Lyon, City of Clare

From: Jaynie Hoerauf

August 2, 2023

Re: Vernon Township/Clare parcels

---

Question: Our maps reflect that Parcel 18-002-20-015-00 and 18-002-20-016-00 are inside the city boundaries, but the Boundary Commission does not. Are they annexed?

Short Answer: Not annexed, yet.

When I pull the tax record up on Isabella County GIS, the tax map/descriptions are completely unhelpful. SW ¼ lying west of US-27. The freeway? Or business route?

Backtracking, I find that the City acquired these two parcels from Alma Tice in 2003. See deed. That gives us defensible legal description.

I find nothing reflecting that the two parcels were ever annexed, though. Most of Vernon Township properties came into the City via a “mass annexation” in 1990. These Section 2 parcels are not in that list.

When I check the print-out that Assessor gave me a few years ago, I see them on the City’s tax roll, and that the parcel numbers shifted:

15-002-30-002-00 became 18-002-30-016-00

15-002-40-02-00 became 180002-20-015-00

The only notation about this is “Parcel added by Assessor for 2009, Jurisdiction being researched.” So, they jumped onto the City tax roll, probably all by themselves.

I suspect that they were never annexed. Because they are both city owed and vacant, we can use the Resolution method that we have used before. I enclose, also the necessary resolution. The Attachment would be the Attachment for the deed from Alma Tice.



00610

20030000610  
Filed for Record in  
ISABELLA COUNTY, MI  
SHARON A BROWN  
01-10-2003 03:20:18 pm.  
WARR DEED 11.00  
Liber 1132 Page 702 - 703



MICHIGAN REAL ESTATE TRANSFER TAX  
DEPT of TREASURY \$ 670.80  
ISABELLA COUNTY, MI  
20030000610 10 JAN 2003 \$ 85.80 C  
00019302 \$ 385.00 S

20030000610  
HUGHES & HOERAUF PC  
601 BEECH  
POBOX 67  
CLARE, MI 48617

**WARRANTY DEED**

**THE GRANTORS:** ALMA M. TICE VAN AELST, Trustee of the Alma M. Tice VanAelst Revocable Living Trust u/a/d 7/20/99, of 2220 South Grass Lake, Lake MI 48632;

**CONVEYS AND WARRANTS TO:** CITY OF CLARE, a Michigan municipal corporation, of 202 West Fifth, Clare MI 48617;

the following described premises situated in the Township of Vernon, County of Isabella, and State of Michigan:

See attached Exhibit "A".

Excepting and reserving unto Grantor one-half of all oil, gas and mineral rights.

The Grantor grants to the Grantee the right to make all divisions of the above-described property under Section 108 of the Land Division Act, Act No. 591 of the Public Acts of 1996, as amended, the above information provided by Grantor. Any split or division of land must be approved by the township and county officials and failure to comply may result in criminal or civil sanctions pursuant to Public Act 591 of 1996.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

for the sum of Seventy-eight Thousand and no/100ths (\$78,000.00) Dollars;

Subject to easements and building and use restrictions of record and further subject to reservations of record.

Dated this 7<sup>th</sup> day of January, 2003.

Signed by:

*Alma M. Tice Van Aelst*

ALMA M. TICE VAN AELST, Trustee  
of the Alma M. Tice Van Aelst Revocable  
Living Trust u/a/d 7/20/99

STATE OF MICHIGAN )  
                                  )ss.  
COUNTY OF CLARE )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of January, 2003, by ALMA M. TICE VAN AELST, Trustee of the Alma M. Van Aelst Revocable Living Trust u/a/d 7/20/99.

*Suzanne L. Sunday*  
Suzanne L. Sunday, Notary Public  
Clare Co., MI My Commission Expires: 6/29/05

**PREPARED BY:**  
**RICHARD W. HUGHES**  
**HUGHES & HOERAUF, P.C.**  
**601 Beech, P.O. Box 67**  
**Clare, MI 48617**  
**Phone: (989) 386-3434**

EXHIBIT "A"

18-002-  
20-015-00

Part of the Southeast One-quarter of Section 2, T16N, R4W, Vernon Township, Isabella County, State of Michigan, described as: Beginning S 00°34'58" E, along the North-South One-quarter line, 2619.74 feet from the North One-quarter Corner of said Section 2; thence continuing S 00°34'58" E, along said North-South One-quarter line, 1617.82 feet to the Westerly right-of-way line of U.S. 127; thence along said Westerly right-of-way line of U.S. 127 on the following two courses: N 21°56'21" E, 704.26 feet; thence 1030.48 feet along a 11,356.13 foot radius curve to the left, having a long chord bearing of N 19°20'22" E, 1030.13 feet to the East-West One-quarter line; thence S 89°18'22" W, along said East-West One-quarter line, 620.77 feet back to the place of beginning. This property is subject to an easement for the installation and maintenance of public utilities. Containing 12.1 acres and being subject to restrictions, reservations, easements, rights-of-way, zoning, governmental regulations, and matters visible, if any, upon or affecting said lands.

18-002-30-  
016-00

Part of the Southeast Quarter of the Southwest Quarter of Section 2, T16N, R4W, Vernon Township, Isabella County, State of Michigan, described as: Beginning S 00°34'58" E, along the North-South One-quarter line, 3939.72 feet from the North One-quarter Corner of said Section 2; thence continuing S 00°34'58" E, along said North-South One-quarter line, 297.84 feet to the Westerly right-of-way line of U.S. 127 access route; thence S 21°56'21" W, along said Westerly right-of-way line of U.S. 127 access route, 361.45 feet to the Easterly right-of-way line of U.S. 127 B.R.; thence 703.68 feet, along said Easterly right-of-way line of U.S. 127 B.R., on a 2649.48 foot Radius Curve to the left, having a Long Chord Bearing of N 26°39'03" W, 701.62 feet to the South One-eighth line; thence N 89°13'37" E, along said South One-eighth line, 446.77 feet back to the place of beginning. This property is subject to an easement for the installation and maintenance of public utilities. Containing 3.5 acres and being subject to restrictions, reservations, easements, rights-of-way, zoning, governmental regulations, and matters visible, if any, upon or affecting said lands.

STATE OF MICHIGAN  
COUNTY OF ISABELLA  
I HEREBY CERTIFY that there are no tax liens or  
taxes held by the state or individuals on the lands  
described in the within instrument, and that all  
taxes are paid as shown by the records of this  
office for five years.

*Steven W. Piekens*  
Treasurer of Isabella County

**RESOLUTION 2023-062**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING THE COMPREHENSIVE INDUSTRIAL PROPERTY APPRAISAL AGREEMENT FOR PROFESSIONAL SERVICES WITH MICHIGAN ASSESSING COALITION, INC. (MAC, INC.)**

At a meeting of the City of Clare City Commission held on August 7, 2023, a resolution was passed approving this resolution as set forth; and

**WHEREAS**, the following two parcels of land is owned by the City of Clare, described as upon Attachment A; and

**WHEREAS**, the street address of this property has no street address, and lies between the US-127 freeway, the US-127 northbound off-ramp, and south of Industrial Drive, Clare, Michigan, said property now located within the Township of Vernon, Clare County, State of Michigan; and

**WHEREAS**, the property is vacant property with no one residing thereon; and

**WHEREAS**, the territory to be annexed is adjacent to the City; and

**WHEREAS**, the territory may be annexed to the City by resolution of the City Commission pursuant to pursuant to MCL 117.9(8), P.A. 1909, No. 279 as amended from time to time; and

**WHEREAS**, the City Charter reserves all such powers to the City; and

**WHEREAS**, annexation will allow the City to administer lands consistent with all aspects of local governance.

**BE IT THEREFORE RESOLVED THAT** pursuant to the powers vested in the City of Clare by the Home Rule Cities Act and its Charter, both as referenced above, the City of Clare hereby has annexed and does include within its boundaries the lands specifically described in paragraphs above.

The Clerk of the City of Clare is hereby directed to file this resolution with the Office of the Great Seal of the State of Michigan as required by Law.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar 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 7<sup>th</sup> day of August, 2023.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Diane Lyon, City Clerk

SEAL

**To: Mayor Pat Humphrey and the Clare City Commission**  
**From: Shannon M. Sirpilla**  
**Treasurer / Finance Director**  
**Date: August 1, 2023**  
**Reference: Treasurer's Report for August 7, 2023**

**Perpetual Care Synopsis:** This is a follow up to the City of Clare transferring its Perpetual Care funds out of the Consolidated Account and into its own Money Market Account with Mercantile Bank in May 2023.

Below you'll see a five-year period of interest earned by calendar year between January 2018 and June 2023.

Calendar Year Interest Earned History - Consolidated / Perpetual Care					
<u>Chemical Bank</u> <u>2018</u>	<u>Chemical Bank</u> <u>2019</u>	<u>Chemical Bank</u> <u>2020</u>	<u>TCF</u> <u>2021</u>	<u>Huntington</u> <u>2022</u>	<u>Huntington/Mercantile</u> <u>2023</u>
\$2,393.46	\$4,143.76	\$2,374.96	\$83.65	\$28.09	\$1,016.38

This next section shows that we began to incur banking fees in 2021 when Chemical Bank merged with TCF. Between 2021 and in 2022 TCF then merged with Huntington Bank. With all the outstanding checks and automatic withdrawals pending processing, we were finally able to close out all bank accounts with Huntington Bank by the end of our fiscal year June 2023.

Calendar Year Fee's Charged History - All Accounts					<i>Huntington Accounts Closed June 2023</i>	
<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	
\$0.00	\$0.00	\$0.00	\$2,576.07	\$3,034.13	\$733.75	

January 2023 - June 2023 Account FEE's - Perpetual Care Account					
<u>Huntington</u> <u>Jan-23</u>	<u>Huntington</u> <u>Feb-23</u>	<u>Huntington/Mercantile</u> <u>Mar-23</u>	<u>Mercantile Conso</u> <u>Apr-23</u>	<u>Separate Mercantile Account</u> <u>May-23</u>	<u>Jun-23</u>
\$204.95	\$222.27	\$189.51	\$0	\$0	\$0

Below represents the interest earned in 2023 timeline in which the Perpetual Care account was separated out from the Consolidated account into its own Money Market account at Mercantile Bank in May of 2023.

January 2023 - June 2023 Interest					
<u>Huntington</u> <u>Jan-23</u>	<u>Huntington</u> <u>Feb-23</u>	<u>Huntington/Mercantile</u> <u>Mar-23</u>	<u>Mercantile Conso</u> <u>Apr-23</u>	<u>Separate Mercantile Account</u> <u>May-23</u>	<u>Jun-23</u>
\$2.19	\$23.10	\$59.64	\$81.47	\$162.38	\$687.60

## CITY MANAGER REPORT

TO: Mayor Pat Humphrey & Clare City Commission  
FROM: Jeremy Howard, City Manager  
DATE: August 3, 2023  
RE: City Manager's Report

For the Agenda of August 7, 2023

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Lake Shamrock Dredging and Dam Project. Mechanical dredging by the City is continuing and making good progress moving East in the lake towards Shamrock Park. Savin Lake Services, who is working on the hydraulic dredging, reported to the City that they have submitted the revised permit to EGLE for hydraulic dredging. I have also reached out to the contacts at EGLE and asked them to support and expedite the permit, if at all possible, for this important project. Engineering work for the Dam has begun as well with crews out on the lake surveying and gathering data for the design work.

Michigan Municipal Executives Summer Conference. I recently attended the MME Summer Workshop. It was an excellent time of networking and relationship building and they had many informative sessions. Some of the session's topics included items like officer-involved shootings, CDL law updates, election, and legislative updates, ethics in local government, updates and changes from the Michigan Department of Treasury, and managing generational differences in the workplace. Thank you to the Commission for prioritizing continuing education and learning for city staff. It truly is so important.

Street Reconstruction Project. Malley Construction has begun work on this year's primary street project. They are making good progress already on the street demo portion of the project. As a reminder, the proposed street work includes the removal and replacement of the asphalt as well as the road base (replaced with new sand and gravel), new curb and gutter, and approaches on North Rainbow Drive from Glendale to Eastwood.

Music and Art in the Alley 2023. Once again, this year Art Alley in Downtown Clare is the place to be for Art and Music. Be sure to come join the fun Saturday, August 5<sup>th</sup> from 2 p.m. to 8 p.m. for a celebration of music, art, and community. The craft show will be on 4<sup>th</sup> Street from 2-8pm. Music starts in the Art Alley at 3:30 p.m. with Doc & Dean. Following is Mama Song & The Boogie Child at 5 p.m. and lastly, Jamie on Keys at 6:30 p.m. The event flyer (*att'd*) is attached to this report and you can follow the event on Facebook for more details and current information at <https://www.facebook.com/events/806078330976556>.

North Light Movie Nights 2023. North Light Movie nights are continuing this summer and the next three are in the City of Clare at various locations. I have included a flyer (*att'd*) with more information on the dates and times and what movies will be showing. This is a great community event and hopefully, you will have a chance to check them out. I have also included some details below on the events from their website (<https://www.northlightmovienight.com>).

North Light Movie Night is an exciting, free outdoor movie series that celebrates family-friendly entertainment under the stars. We believe in the power of community, and in supporting local businesses. Every movie night experience is unique, as we change venues for each event to give our audience a wide variety of experiences in the area.

Our mission is to bring people together for a night of entertainment and fun. We strive to make every movie night a memorable one. This series is an ideal way to spend time with family and friends, while also supporting the local businesses sponsoring. We invite you to join us and explore the wonderful community we live in.

Please pack either a chair or a blanket to sit on. Since the locations do change, and so will the terrain. Please check the schedule page for dates and exact locations. Movie selections for each week will be posted on the event Facebook page. Just click the button below to be taken directly to the page for updates.

Be aware that these will be outdoor events, so please prepare for all weather conditions. In the event of a cancellation, the Facebook page will be updated along with an alternate date for the showing.

We can't wait to see you there!

*City Department Tours.* Last meeting's tour of the Airport and its facilities was very informative. We will be heading to the Fire Department following our meeting on August 21<sup>st</sup> for our next tour and information session. I hope you are enjoying this new item and finding the tours entertaining and educational.

*Attachments:*

1. Music and Art in the Alley 2023 Flyer.
2. North Light Movie Nights 2023 Flyer.





# Music and Art in the Alley

**SATURDAY, AUGUST 5TH, 2023**  
**2PM-8PM**

4th Steet west of McEwan Street, Clare

Craft Show on 4th Street from 2-8pm

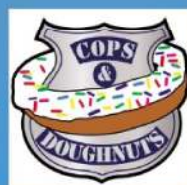
Musicians playing in the Art Alley

3:30-4:30pm - Doc & Dean

5:00-6:00pm - Mama Song & The Boogie Child

6:30-7:30pm - Jamie on Keys

## Sponsors



For more information contact the Clare Area Chamber of Commerce at (989) 386-2442 or email us at [events@claremichigan.com](mailto:events@claremichigan.com)



# 2023 Series Schedule

31<sup>Mon</sup>  
Jul Movie in the Park / Farwell

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[Learn more](#)

07<sup>Mon</sup>  
Aug Huntington Bank Movie Night / Clare

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[Learn more](#)

14<sup>Mon</sup>  
Aug ACE is the Place for a Movie Under The Stars / Clare

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[RSVP](#)

15<sup>Fri</sup>  
Sep Gold Night Out / Clare

[Learn more](#)



## AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners  
FROM: Diane Lyon, City Clerk  
DATE: August 3, 2023  
RE: \*Communications

For the Agenda of August 7, 2023

**\*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 August 7, 2023.**

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FOIA Requests & Responses: The most recent FOIA requests and responses are attached for information. Multiple requests for GOP fight at the Doherty, Attorney Cy Winer, Ray McCall, and PZR Sims & Alves.

Site Plans, Special Use Permits, Variance Requests & Public Notices:  
°Bishop Automotive Site Plan-1,687sf addition & façade improvement.

Attachments. As noted above.

**Diane Lyon**

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**Subject:** FW: PZR Ref #'s 1-6

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**From:** Sims, Alexandra <[Alexandra.Sims@pzs.com](mailto:Alexandra.Sims@pzs.com)>

**Sent:** Thursday, July 13, 2023 4:30 PM

**To:** Jim Chapman <[JChapman@cityofclare.gov](mailto:JChapman@cityofclare.gov)>

**Subject:** PZR Ref #'s 1-6

Good afternoon,

I hope this email finds you well. I am reaching out to verify how we can submit a request for copies of any open or unresolved fire code violations on file for a property we are doing research on. If you do not do fire inspections or provide copies, please advise.

Thank you,

Mrs. Alex Sims

Information Specialist

P: (405)546-4397 | F: (405)563-7882 | Learn about [LightBox](#) & [PZR](#)

1300 S. Meridian Ave., Suite 400 OKC, OK 73108

**LIGHTBOX** | PZR

## Diane Lyon

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**Subject:** FW: New submission from Request for Examination or Copy of Records (FOIA)

**From:** [dlyon@cityofclare.gov](mailto:dlyon@cityofclare.gov) <[dlyon@cityofclare.gov](mailto:dlyon@cityofclare.gov)>

**Sent:** Thursday, July 13, 2023 4:26 PM

**To:** Diane Lyon <[DLyon@cityofclare.gov](mailto:DLyon@cityofclare.gov)>

**Subject:** New submission from Request for Examination or Copy of Records (FOIA)

### Requestor Information

**Name**

Helena Alves

**Date of Birth**

07/13/2023

**Street Address**

1300 S Meridian Ave Suite 400

**City**

OKC

**State**

OK

**Zip Code**

73108

**Daytime Phone:**

(405) 546-4353

**Email**

[helena.alves@pzs.com](mailto:helena.alves@pzs.com)

### Request Information

**Date/Time of Incident:**

N/A

**CPD Comp #:**

N/A

**Type of Incident:**

N/A

**Location of Incident:**

N/A

I am requesting the following record(s):

Please provide copies of any open or unresolved zoning and fire code violations on file, as well as copies of variances/special use permits and the final approved site plan on file for the property located at 200 aka 202 North McEwan Street, parcel # 051-081-014-00. Please do not exceed \$20 in fees without prior approval. thank you. (our ref # 167346-2)

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

Copying



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

July 18, 2023

Alexandra Sims and Helena Alves  
1300 S. Meridian Ave, Ste. 400  
OKC PL 73108

P: (405)-546-4397 and (405) 546-4353

E: [Alexandra.sims@pzs.com](mailto:Alexandra.sims@pzs.com) & [Helena.alves@pzs.com](mailto:Helena.alves@pzs.com)

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

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated July 13, 2023, and received July 17, 2023, for the following records is acknowledged: Unresolved or open fire code and zoning violations, building code violations, certificates of occupancy, and site plans on parcel 051-081-014-00 at 202 North McEwan Street, Clare.

Your request for information is hereby Granted in Part. A copy of the fee schedule and all available records are attached.

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.
- (3) Pursuant to MCL 15.234(14) the fee must be received by Monday, July 3, 2023, otherwise this request will be considered abandoned, and the City of Clare will not be required to fulfill the request. Under Section 10a of the Freedom of Information Act, you have the right to appeal the fee to the head of the public body.

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

Diane Lyon, FOIA Coordinator

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



**Diane Lyon**

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**From:** Ray McCall <cell62008@yahoo.com>  
**Sent:** Wednesday, July 19, 2023 5:57 PM  
**To:** Diane Lyon  
**Subject:** Re: QVF Data

Dear Clerk Lyon,

I would like Precinct 1's QVF. For the following dates:

- 1. Precinct 1 QVF as of today, 7/12/2023**
- 2. Precinct 1 as of 11/1/2022**
- 3. Precinct 1 as of 11/8/2022**
- 4. Precinct 1 as of 12/1/2022**
- 5. Precinct 1 as of 05/02/2023**

To include all non redactable and FOIAable info. To include but, not limited to Voter ID, County name, Jurisdiction Code, Jurisdiction name, Ward/Precinct, First/Middle/Last name, Suffix, Status type, YOB, RegDate, Gender, Address, School Code, Village Code, etc.

I hope that helps. Again Thank you for your time.

Sincerely,

Ray Rolla McCall, Esq

Delegate Wise Township, Isabella County, Michigan  
9729 E Henrick rd  
Clare, MI 48617

(989) 572- 8159

On Tuesday, July 18, 2023 at 01:40:35 PM EDT, Diane Lyon <dlyon@cityofclare.gov> wrote:

Hello Mr. McCall,

I do need clarification on your request. What specifically are you asking for when you say "Local QVF"? Are you asking for a precinct list? Additionally, information is missing from your request. Per MCL 15.233A a request from a person, other than an individual who qualifies as indigent under section 4(2)(a), must include the requesting person's complete name,

address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address.

And for future reference please submit all FOIA requests to [FOIA@cityofdae.gov](mailto:FOIA@cityofdae.gov) so that someone can respond timely to your request in the event I am out of the office.

Thank you,

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@cityofdae.gov](mailto:dlyon@cityofdae.gov)

City Hall office hours Monday - Thursday 7:00am-5:30pm

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From Ray McCall <[cel62008@yahoo.com](mailto:cel62008@yahoo.com)>  
Sent: Thursday, July 13, 2023 2:13 PM  
To: Diane Lyon <[DLyon@cityofdae.gov](mailto:DLyon@cityofdae.gov)>  
Cc: Claissa Filhart <[cookiefil@yahoo.com](mailto:cookiefil@yahoo.com)>  
Subject: Fw: QMF Data

July 13, 2023

TO: Clare Police Department

RE: July 8 assault complaint at Doherty Hotel

Dear Chief Saad,

Pursuant to the Michigan Freedom of Information Act, I am seeking a copy of an investigation report related to an assault that occurred July 8, 2023, at Doherty Hotel, 604 N. McEwan St., allegedly involving James Chapman, Mark DeYoung, and potentially others.

If any portions of this request cannot be met, I ask the reasons be provided thusly.

If you determine that some of the requested information is exempt from disclosure, please detail what is being withheld and cite the exemption under FOIA.

Since The Saginaw News is a newspaper of general circulation, I assume that there will be a waiver of the normal fees charged, as information sought will primarily be of benefit to the general public. If there will be a charge connected with providing this information, please notify me prior to incurring the charge. If fees to comply with this request exceed \$30, please contact me at 989-313-2220.

As provided under FOIA, I would anticipate my request being filled within five working days of receipt of this letter.

Sincerely,

Cole Waterman

The Saginaw News/The Bay City Times

814 Center Ave. Apt. B

Bay City, MI 48708

989-313-2220

July 13, 2023



**Diane Lyon**

---

**Subject:** FW: FOIA Request

**From:** Terry Camp <[tcamp@abc12.com](mailto:tcamp@abc12.com)>  
**Date:** July 19, 2023 at 10:52:24 AM EDT  
**To:** Dave Saad <[DSaad@cityofclare.gov](mailto:DSaad@cityofclare.gov)>  
**Subject:** FOIA Request

Hi Chief,

This is Terry Camp at ABC 12 News in Saginaw. I just wanted to get my FOIA request in on that Clare GOP caper.

Through the Freedom of Information Act, I would like to request the Clare Police Department's report on the incident that occurred at the Doherty Hotel involving members of the state GOP on July 8th at around 2:pm.

I would like the report and also any surveillance video of the incident as well.

Thanks so much,  
Terry Camp  
ABC 12 News Saginaw  
3121 Davenport Suite A  
Saginaw, Michigan  
48603



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

August 1, 2023

RE: **FOIA Request: Police Report 23-000411 & Video**

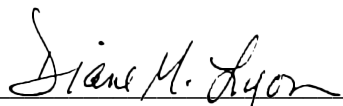
Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), for the following records is acknowledged: **GOP fight at the Doherty Hotel on Saturday, July 8, 2023.** Your request is hereby: **Granted in part.**

1. All non-exempt information is being provided at this time.
2. Under exemption MCL 15.243 Sec. 13 (1)(i) Video and names of witnesses who have not yet submitted their statements are exempt from disclosure at this time.
3. Some of the witness information and medical report(s) have been redacted under exemption MCL 15.243 Sec. 13 (1)(iii)

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

  
\_\_\_\_\_  
Diane Lyon, Freedom of Information Coordinator

August 1 2023  
Date



## Diane Lyon

---

**From:** dlyon@cityofclare.gov  
**Sent:** Friday, July 21, 2023 1:59 PM  
**To:** Diane Lyon  
**Subject:** New submission from Request for Examination or Copy of Records (FOIA)

### Requestor Information

**Name**

Morgan Shier

**Date of Birth**

09/24/1981

**Street Address**

13919 S West Bayshore Drive, Suite G-02

**City**

Traverse City

**State**

MI

**Zip Code**

49684

**Daytime Phone:**

(231) 421-6577

**Email**

[mshier@phelpslegal.com](mailto:mshier@phelpslegal.com)

### Request Information

**Date/Time of Incident:**

Spring of 2023

**CPD Comp #:**

unknown

**Type of Incident:**

Assault/Disturbing the peace

**Location of Incident:**

Farwell Elementary School

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

I am seeking all police reports involving Betty Jean Keathly, f/k/a Betty Jean Wagner from January of 2022 to current. I am requesting the complete police report, including witness statements, photographs, dispatch records and any other documents gathered with the police report. Specifically, I am seeking a report from an incident that occurred at Farwell Elementary School in 2023. I would also like any other reports related to Betty Jean Keathly.

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

Copying



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

July 24, 2023

## DENIAL OF REQUEST FOR PUBLIC RECORD

Morgan Shier  
13919 S West Bayshore Dr, Ste G-02  
Traverse City MI 49684

Tel: (231) 421-6577  
mshier@phelpslegal.com

RE: **FOIA Request #2023-047 via email dated 7/21/2023 and received on 7/24/23 for: all police reports involving Betty Jean Keathly, f/k/a Betty Jean Wagner from January of 2022 to current. I am requesting the complete police report, including witness statements, photographs, dispatch records and any other documents gathered with the police report. Specifically, I am seeking a report from an incident that occurred at Farwell Elementary School in 2023. I would also like any other reports related to Betty Jean Keathly.**

X Your request as described is denied because it does not exist under information. The named address does not exist within the City of Clare's jurisdiction. Check with Clare County.


**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

July 24, 2023  
Date Denial Approved

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





# Law Office of Cy Weiner

ATTORNEYS AT LAW

MICHIGAN OFFICE:  
3000 TOWN CENTER, SUITE 2222  
SOUTHFIELD, MI 48075-1311  
PHONE (248) 351-2200

ILLINOIS OFFICE:  
332 S. MICHIGAN AVE., SUITE 900  
CHICAGO, IL 60604  
PHONE (312) 332-2668

\*Cy Weiner  
Robert Lipnik  
Carlene Reynolds  
Nicholas Marchenia

Of Counsel:  
Elissa Ray, R.N.J.D.  
Ashraf Al-Awamleh

\*Also Member of Illinois Bar

July 28, 2023

**VIA CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED**

City of Clare Police Department  
Attn: Freedom of Information Unit  
Clare Public Safety Building  
207 W. Fifth Street  
Clare, MI 48617

**RE: REQUEST UNDER THE FREEDOM OF INFORMATION ACT**  
**Client: Charles Jonathan Kinzel**  
**Date of Incident: July 7, 2020**  
**Location: N. McEwan Street, Clare, MI**  
**Traffic Crash Report Incident #20-247**  
**Our File No: 170169**

Dear Sir/Madam:

Please be advised that we are attorneys for the above-named clients relating to personal injuries and losses suffered on the above-date. Under the **Michigan Freedom of Information Act § 15.231 et seq.**, I am requesting an opportunity to inspect or obtain copies of the following public records:

1. Complete unredacted copy of any and all audio/video recordings of the incident, including but not limited to any surveillance, traffic cameras, dash cameras, police body cameras, and 911 call records;
2. Complete unredacted copy of the investigation into incident, including investigation report(s), any and all statements obtained, any and all records generated, and any and all citations/tickets issued;
3. Complete unredacted copy of the investigation of driver, Deborah Susan Jared (listed on traffic crash report as Deborah Susan Jaren), including but not limited to citations issued, arrest records, and field sobriety tests; and





# Law Office of Cy Weiner

ATTORNEYS AT LAW

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4. Any and all other materials related to the incident.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$200. This information is not being sought for commercial purposes.

The Michigan Freedom of Information Act requires a response to this request within five days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request and for your attention to this matter.

Sincerely,

LAW OFFICE OF CY WEINER, PLC

Nicholas M. Marchenia

NMM/bnc



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

August 3, 2023

Law Offices of Cy Weiner  
3000 Town Center, Ste. 2222  
Southfield MI 48075-1311

(248) 351-2200

RE: **FOIA Request #2023-049**

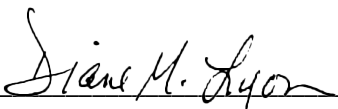
Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated July 28, 2023, and received in this office on July 31, 2023, for the following records is acknowledged and is hereby granted in part.

1. **Complete unredacted copy of any and all audio/video recordings of the incident, including but not limited to any surveillance, traffic cameras, dash cameras, police body cameras, and 911 call records.** Video footage does not exist – It has been purged from our system in accordance with the city's retention schedule.
2. **Complete unredacted copy of the investigation into incident, including investigation report(s), and any and all statements obtained, any and all records generated, and any and all citations/tickets issued.** All non-exempt information is being provided at this time. Personal information (birthdates, phone numbers, and addresses) are redacted from the police report under the provisions of **MCL 15.243 Section 13.1(a) & (b)(iii)**.
3. **Complete unredacted copy of the investigation of driver, Deborah Susan Jared (listed on traffic crash report as Deborah Susan Jaren), including but not limited to citations issued, arrest records, and field sobriety tests.** All non-exempt information is being provided at this time. Personal information (birthdates, phone numbers, and addresses) are redacted from the police report under the provisions of **MCL 15.243 Section 13.1(a) & (b)(iii)**.
4. **Any and all other materials related to the incident.** All non-exempt information is being provided at this time. Personal information (birthdates, phone numbers, and addresses) are redacted from the police report under the provisions of **MCL 15.243 Section 13.1(a) & (b)(iii)**.

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 the reversal of the denial. Your appeal should be sent to the City of Clare – City Manager, 202 West Fifth Street, Clare, MI 48617-1490.

  
Diane Lyon, Freedom of Information Coordinator

August 3, 2023  
Date







# SITE PLAN APPLICATION

202 West 5<sup>th</sup> Street, Clare Michigan 48617  
 (989) 386-7541 phone (989) 386-4508 fax  
[www.cityofclare.gov](http://www.cityofclare.gov)

<b>Project Name:</b> Bishop GMC - Clare		
<b>Owner's Name:</b> Bishop Automotive, Inc.		
<b>Address:</b> 821 E. 5th St.		
<b>City:</b> Clare	<b>State:</b> MI	<b>Zip:</b> 48617
<b>Phone:</b> 989 424-5386	<b>Email:</b> shaneg@bishopautomi.com	
<b>Developer's Name:</b> FED Corporation		
<b>Address:</b> 777 W. Cedar Ave.		
<b>City:</b> Gladwin	<b>State:</b> MI	<b>Zip:</b> 48624
<b>Phone:</b> 989-324-9834	<b>Mobile:</b> 989-324-9834	
<b>Engineer/Architect/Surveyor:</b> Seidel Architects		
<b>Address:</b> 115 S Arcade St.		
<b>City:</b> Gladwin	<b>State:</b> MI	<b>Zip:</b> 48624
<b>Phone:</b> 989-709-5595	<b>Email:</b> todd@seidellarchitect.com	
<b>PLEASE PROVIDE 1 ORIGINAL BLUE-PRINT SIZE SITE PLAN THAT MEETS OR EXCEEDS THE REQUIREMENTS OUTLINED IN OF CHAPTER 52, SECTION 415(g) OF THE CITY ORDINANCES AS WELL AS 15 COPIES NO LARGER THAN LEDGER SIZE (11" X 17")</b>		
<b>Site Plan Fee:</b> \$ 200.00	<b>Received on:</b> / /	<b>By:</b>
<b>Subject Parcel</b>		
<b>ARE THERE ANY OPTIONS ON THIS PROPERTY OR ANY LIENS AGAINST THE PARCEL?</b> <u>No</u>		
<b>IF YES, PLEASE EXPLAIN:</b> _____		
<b>Property Address:</b> 821 E. Fifth St., Clare MI 48617		
<b>Tax ID #</b> 051-240-053-00		
<b>Project Type:</b> Multi-Family <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Other <input type="checkbox"/>		
<b>BRIEF PROJECT DESCRIPTION:</b> Additions and renovations to the guest experience spaces of the facility. New exterior facade upgrades at south - east and west showroom and service areas		
<b># of Structures:</b> 1	<b>Total Units:</b> 1	<b>Total Offices:</b> 8
<b>Total Square Feet:</b> 1,687 of additions	<b>Total Parking Spaces:</b> Unchanged	
<b>Total Employees:</b> Unchanged	<b>Recreation Facilities:</b> NA	
<b>Total Floor Area:</b> 8,548 Addn/Reno	<b>Acreeage of Parcel:</b> 2 - 3 Acres Approx	

**OTHER RELATED PERTINENT INFORMATION:** \_\_\_\_\_

**Land Use:** Commercial **Zoning Classification:** C-1

**Existing Structures:**

**IF YOU NEED ASSISTANCE, THE FOLLOWING INFORMATION MAY BE OBTAINED FROM THE CITY CLERK'S OFFICE.**

**Adjoining Parcel(s) (North) Tax ID Number:** 051-240-046-10, 051-240-045-00, 051-240-044-50, 051-240-043-50

**Land Use:** Residential & vacant properties **Zoning Classification:** R-1

**Existing Structures:** 2 Residences on two of the parcels

**Adjoining Parcel(s) (South) Tax ID Number:** 051-035-405-08, 051-035-405-09, 18-170-00-001-10, 18-170-00-002-20, 18-002-20-003-00

**Land Use:** Commercial & vacant **Zoning Classification:** C-1 & C-2

**Existing Structures:** Trailer Park, rental home, commercial business, vacant property

**Adjoining Parcel(s) (East) Tax ID Number:** 051-035-405-37, 051-240-042-00, 051-240-041-50, 051-240-040-50, 051-240-039-50, 051-240-038-50, 051-240-037-50

**Land Use:** Residential & vacant **Zoning Classification:** R-1

**Existing Structures:** 1 Residence. Remaining parcels are vacant.

**Adjoining Parcel(s) (West) Tax ID Number:** 051-240-050-00, 051-240-049-01, 051-240-048-00

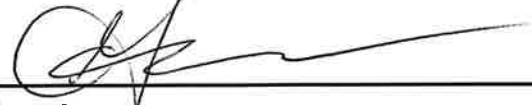
**Land Use:** Residential **Zoning Classification:** R-1

**Existing Structures:** Home on each parcel.

**Project Completion Schedule:**

**Development Phases:**

**I AM THE OWNER OF THE PROPERTY OR OFFICIALLY ACTING ON THE OWNER'S BEHALF.**

  
\_\_\_\_\_  
**Signature**

7-19-23  
\_\_\_\_\_  
**Date**

**I HEREBY CERTIFY THAT THE SITE PLAN REQUEST WAS ACTED ON BY THE CLARE CITY PLANNING COMMISSION ON \_\_\_\_\_.**

**THE SITE PLAN WAS APPROVED \_\_\_\_\_ NOT APPROVED \_\_\_\_\_**

**WITH THE FOLLOWING CONDITIONS (IF ANY):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Certified By:**

\_\_\_\_\_  
**Date**





# Clare County GIS

## Bishop Automotive Site Plan



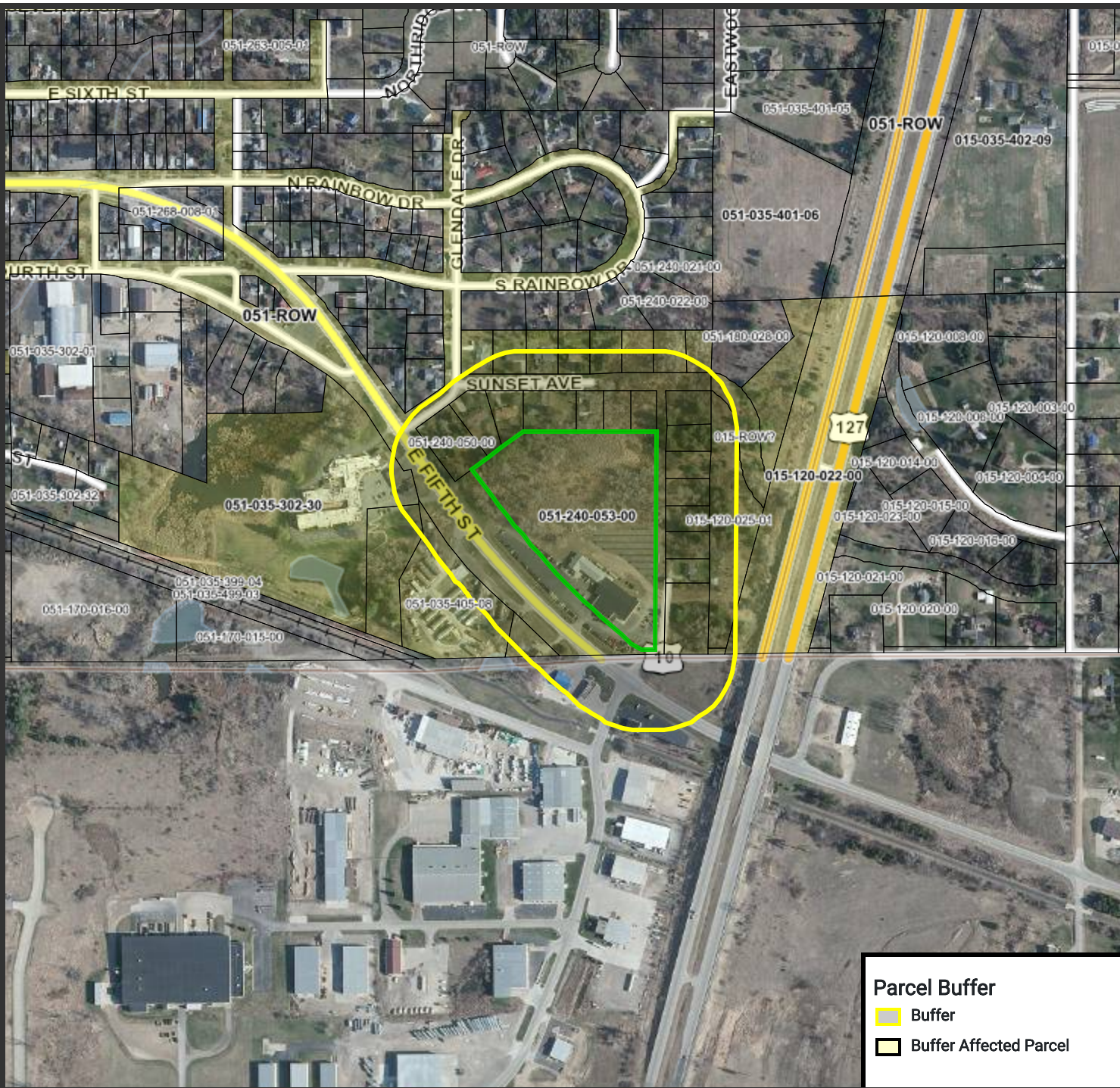
Map Publication:  
07/19/2023 10:14 AM



**Disclaimer:** This map does not represent a survey or legal document and is provided on an "as is" basis. Clare County expresses no warranty for the information displayed on this map document.

### Parcel Buffer

-  Buffer
-  Buffer Affected Parcel



Drawing Sheet Index	
Sheet No.	Sheet Content
TS	Title Sheet
D1	Existing Floor Plan - Demolition
D2	Exterior Elevations - Demolition
A1	First Floor Plan - Renovations
A2	Mezzanine Plan - Renovations
A3	Roof Plan - Renovations
A4.1	Exterior Elevations - Renovations
A4.2	Proposed Entry Tower
A5.1	Building Sections
A5.2	Building Sections
A7.1	Room and Door Finish Schedule
A7.2	Finish Schedule
A7.3	Door Elevations
A7.4	Window Elevations
A8.1	Interior Elevations
A8.2	Interior Elevations
A9	Furniture Plan

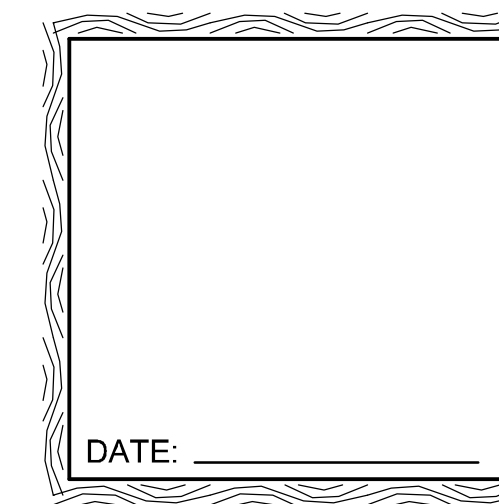


[www.seidellarchitect.com](http://www.seidellarchitect.com)

114 North Court Avenue, Suite 201  
 Post Office Box 2189  
 Gaylord, Michigan 49734

Office (989) 731-0372  
 Fax (989) 731-6932

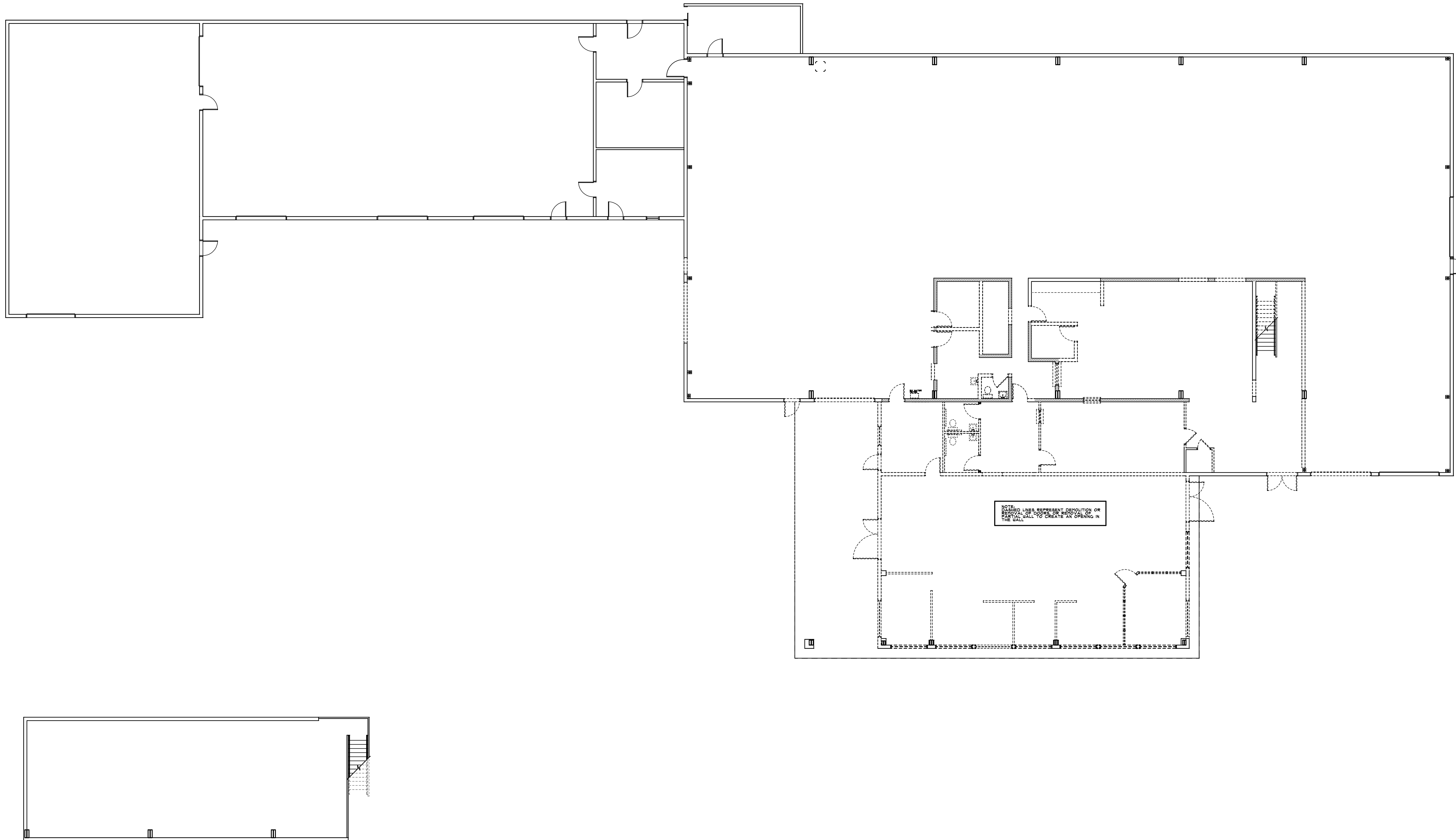
**Bishop GMC**  
 Sales and Showroom Renovations  
 821 East 5th Street Clare, Michigan 48617



Documents provided and prepared  
 under the direct supervision of  
 Todd L. Seidell, Architect.  
 License #1301043749

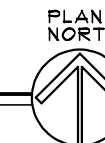
**EXISTING MEZZANINE PLAN - DEMOLITION**

SCALE: 3/32" = 1'-0"



**EXISTING FLOOR PLAN - DEMOLITION**

SCALE: 3/32" = 1'-0"

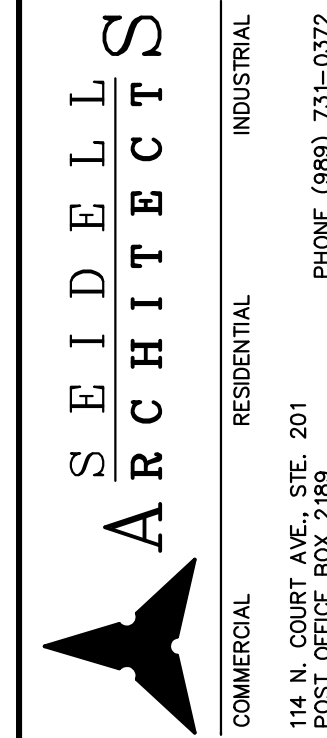


**D**

SHEET

PROJECT NO.  
21-172

PROJECT  
**BISHOP BUICK GMC OF CLARE**  
**SALES & BODY SHOP REMODELING**  
821 E. 5TH ST.  
CLARE, MICHIGAN 48617



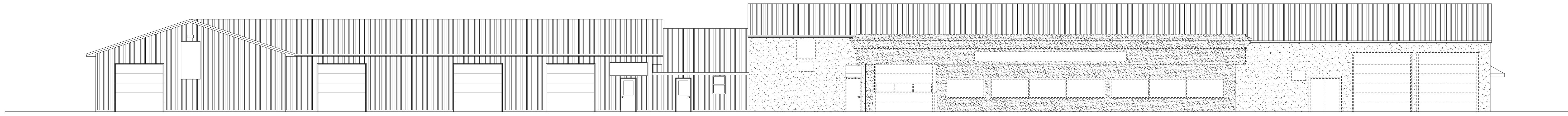
COMMERCIAL  
114 N. COURT AVE., STE. 201  
GAYLORD, MICHIGAN 49734  
PHONE (888) 731-0372  
FAX (888) 731-6932

RESIDENTIAL  
INDUSTRIAL

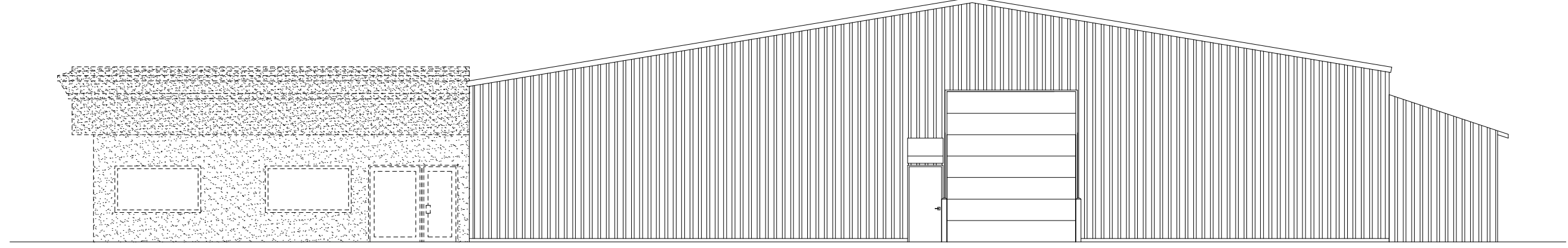
DRAWN BY	T.I.L.S.	ISSUED	DATE
CHECKED	T.I.L.S.	OWNER REVIEW	11/3/2022
APPROVED BY	T.I.L.S.	REVIEW	3/14/23
DATE	11/3/2022	REVIEW	3/21/23
PRINT DATE		REVIEW	4/24/23

ISSUED	DATE
ISSUED	DATE

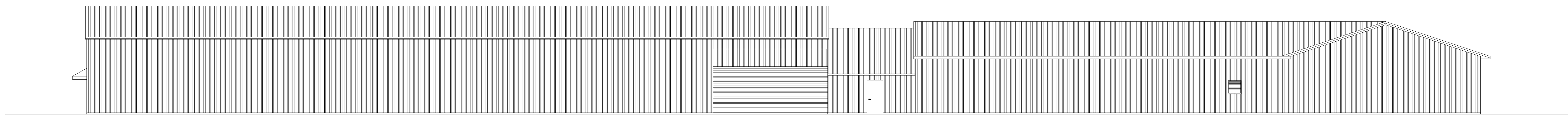




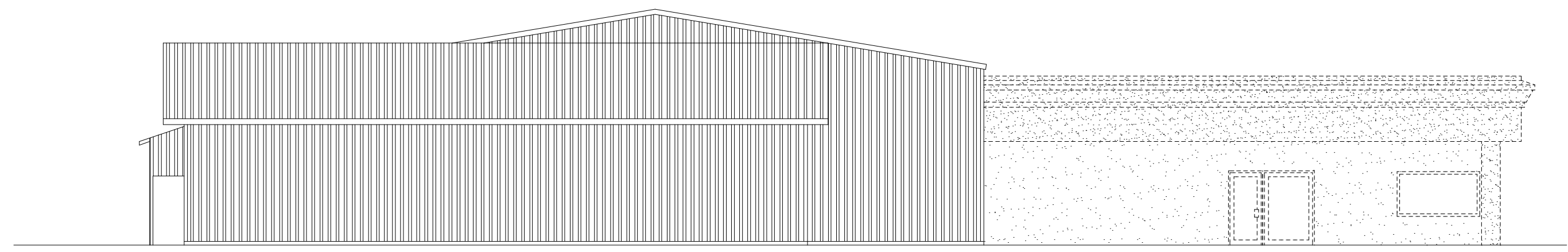
EXTERIOR ELEVATION 1  
SCALE: 3/32" = 1'-0"



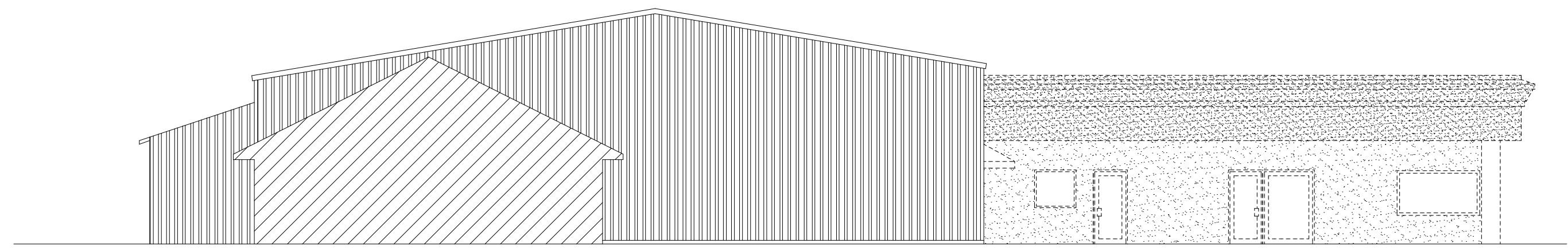
EXTERIOR ELEVATION 2  
SCALE: 3/32" = 1'-0"



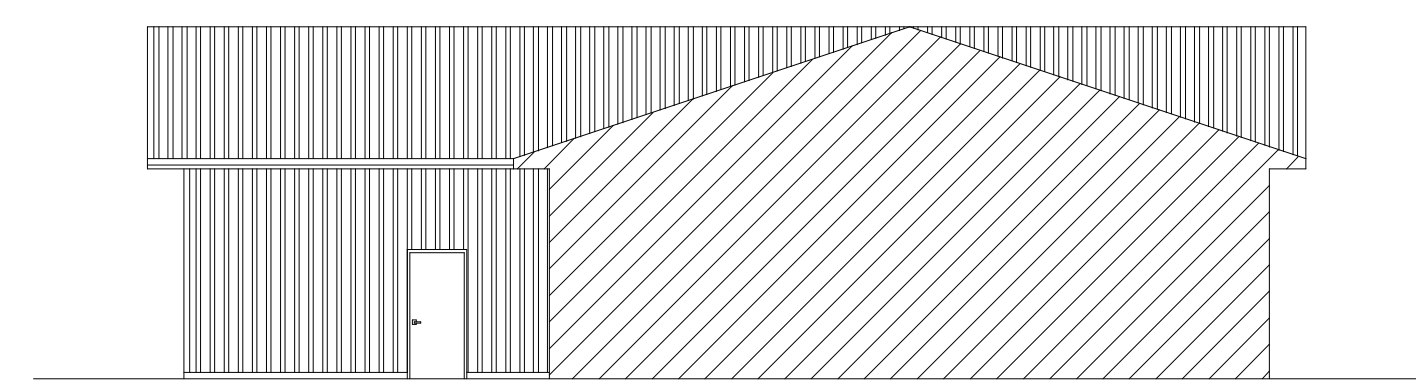
EXTERIOR ELEVATION 3  
SCALE: 3/32" = 1'-0"



EXTERIOR ELEVATION 4  
SCALE: 3/32" = 1'-0"



EXTERIOR ELEVATION 5  
SCALE: 3/32" = 1'-0"



EXTERIOR ELEVATION 6  
SCALE: 3/32" = 1'-0"

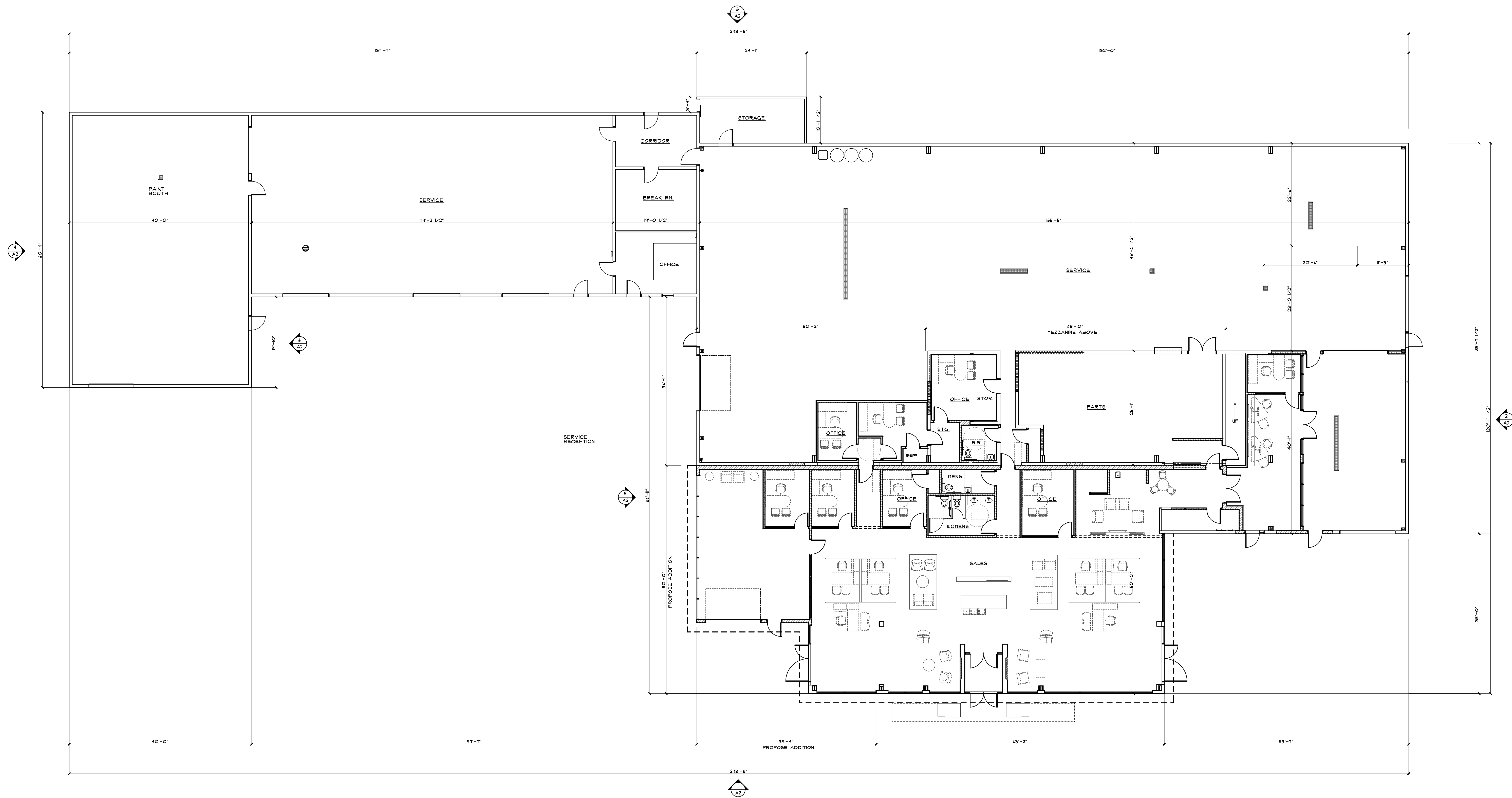
ISSUED	DATE
ISSUED	DATE
ISSUED	DATE
ISSUED	DATE
ISSUED	DATE
ISSUED	DATE

DRAWN BY	T.L.S.	ISSUED	DATE
CHECKED	T.L.S.	OWNER REVIEW	11/3/2022
APPROVED BY	T.L.S.	REVIEW	3/16/23
DATE	11/3/2022	REVIEW	3/21/23
PRINT DATE		REVIEW	4/24/23

**SEIDELLS ARCHITECTS**  
 COMMERCIAL RESIDENTIAL INDUSTRIAL  
 114 N. COURT AVE., STE. 201  
 CLARE, MICHIGAN 49734  
 PHONE (989) 731-6332  
 FAX (989) 731-6332

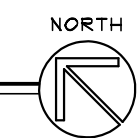
PROJECT: BISHOP BUICK GMC OF CLARE  
 SALES & BODY SHOP REMODELING  
 821 E. 5TH ST., CLARE, MICHIGAN 49734

PROJECT NO. 21-172  
 SHEET D2



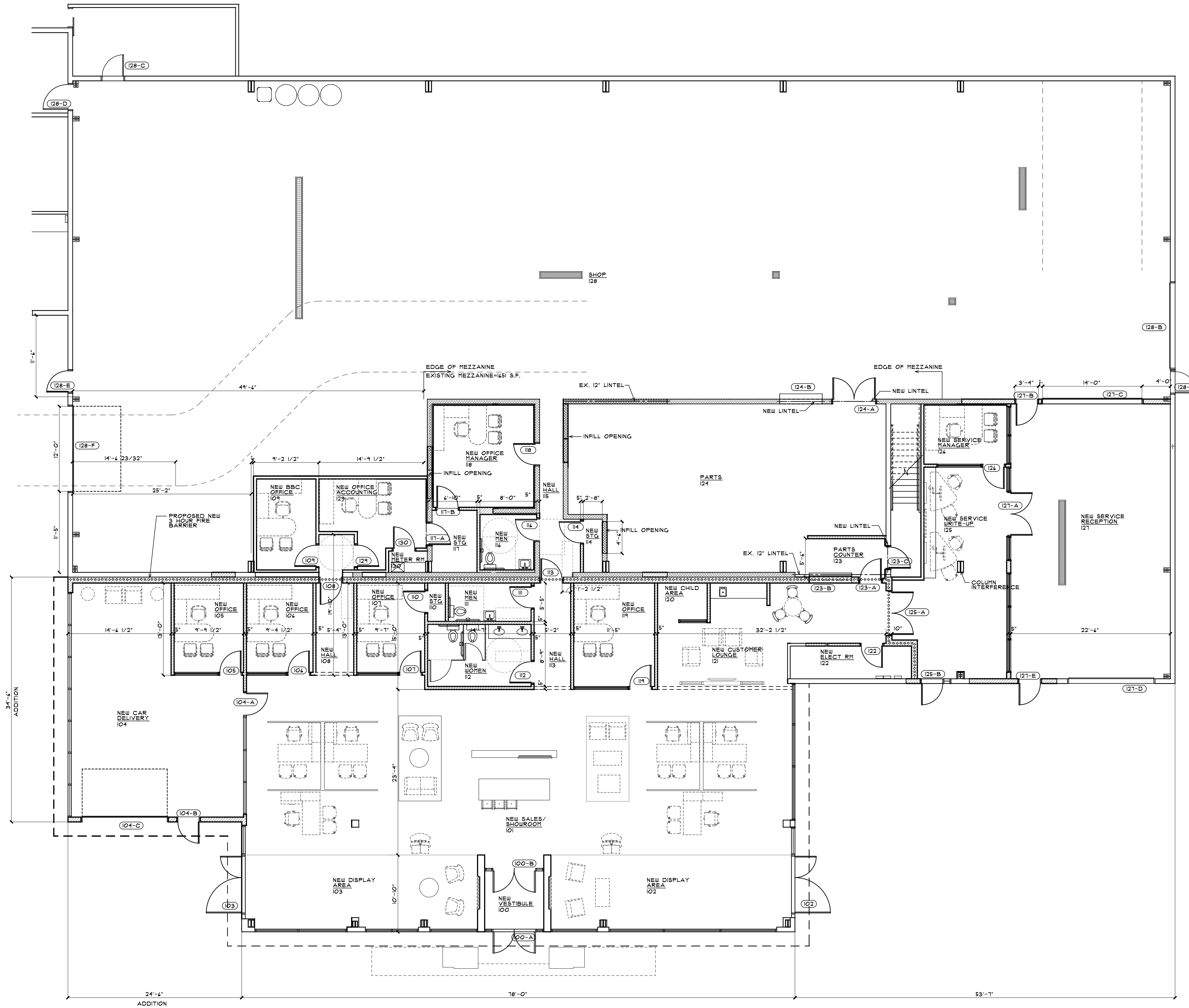
**FLOOR PLAN**

SCALE: 3/32" = 1'-0"



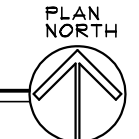
PARTS/  
STORAGE

PROJECT <b>BISHOP BUICK GMC OF CLARE</b>	PROJECT NO. 21-172	SHEET <b>AI</b>	<b>SEIDELLS ARCHITECTS</b>		ISSUED DATE
			COMMERCIAL RESIDENTIAL INDUSTRIAL	PHONE (888) 731-0372 POST OFFICE BOX 2188 GATLORD, MICHIGAN 49734	
<b>SALES &amp; BODY SHOP REMODELING</b>	821 E. 5TH ST. CLARE, MICHIGAN 48617	DATE	DESIGN BY	T.L.S.	ISSUED
			CHECKED	T.L.S.	OWNER REVIEW
			APPROVED BY	T.L.S.	REVIEW
			DATE	11/3/2022	REVIEW
		PRINT DATE		REVIEW	4/24/23



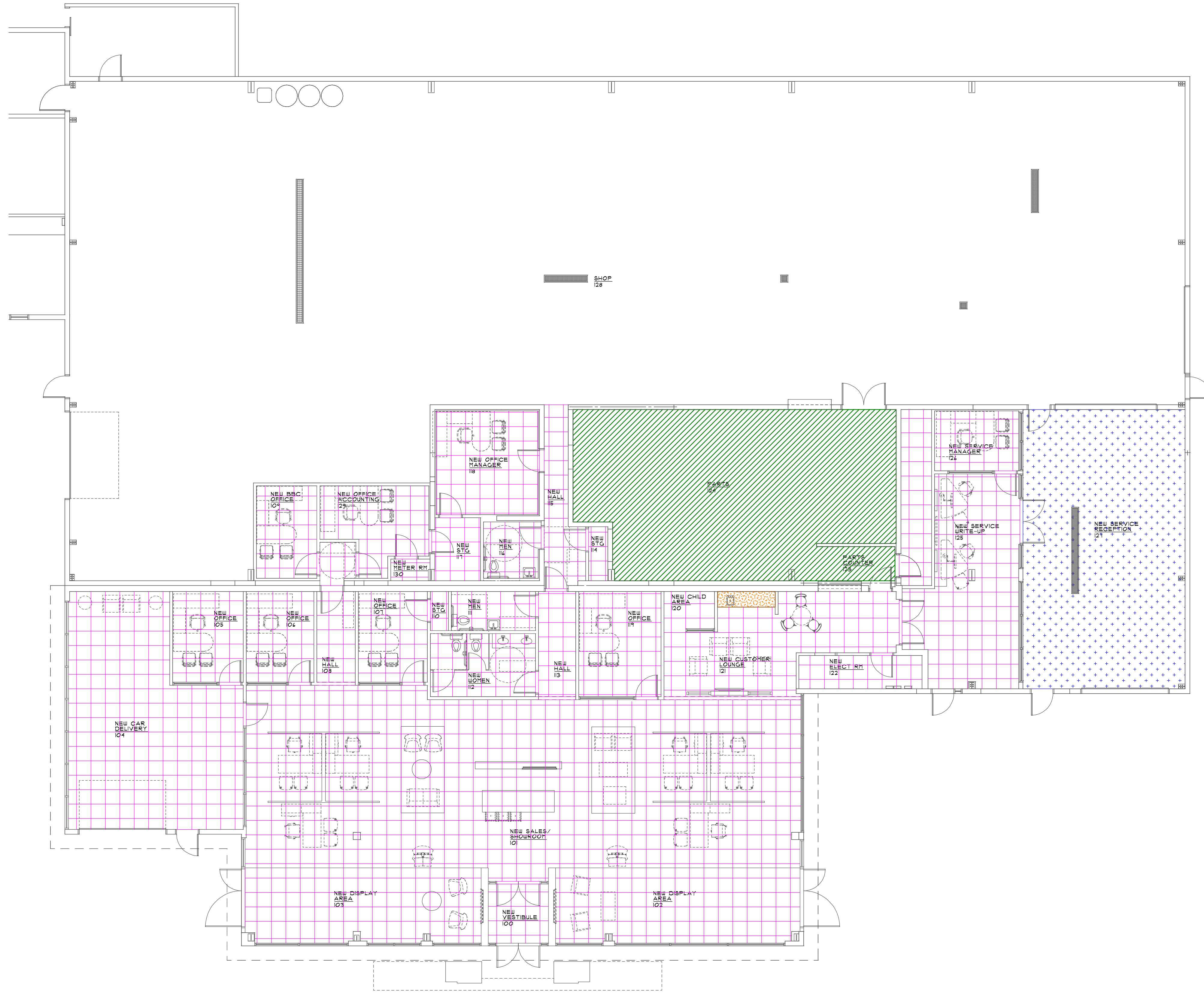
FLOOR PLAN - ALTERATIONS

SCALE: 1/8" = 1'-0"



PROJECT <b>BISHOP BUICK GMC OF CLARE</b> <b>SALES &amp; BODY SHOP REMODELING</b> 821 E. 5TH ST. CLARE, MICHIGAN 48617	PROJECT NO. 21-172	SHEET <b>ALL</b>	ISSUED	DATE	DATE
			OWNER REVIEW	11/3/2022	5/3/23
SEIDELLS ARCHITECTS COMMERCIAL RESIDENTIAL INDUSTRIAL 114 N. COBBLE AVE. STE. 201 POST OFFICE BOX 2898 GAYLORD, MICHIGAN 49734 PHONE (888) 731-0372 FAX (888) 731-6932	DRAWN BY CHECKED APPROVED BY DATE PRINT DATE	T.L.S. T.L.S. T.L.S. 11/3/2022	OWNER REVIEW	11/3/2022	5/3/23
			REVIEW	3/14/23	
			REVIEW	3/21/23	
			REVIEW	4/24/23	





**REFLECTED CEILING PLAN LEGEND:**  
REFER TO ROOM FINISH SCHEDULE FOR CEILING HEIGHT

	SUSPENDED GYPSUM BOARD CEILING ON METAL STUD OR GRID AND TEE FRAMING LOCATED BELOW ROOF TRUSS AND GYPSUM BOARD BUILDING LID PROVIDED BY GYPSUM BOARD CONTRACTOR
	2X2 SUSPENDED ACOUSTIC CEILING
	CONCRETE CEILING AT THE BOTTOM OF THE MEZZANINE - PAINTED
	PAINT EXPOSED STEEL, REFRESH EXISTING INSULATION FACING
	NO HATCH PATTERN INDICATES EXPOSED STEEL AND INSULATION FACING MATERIAL. OWNER IS REFRESHING SPACE

**REFLECTED CEILING PLAN**  
SCALE: 1/8" = 1'-0"  
NORTH

PROJECT		BISHOP BUICK GMC OF CLARE		PROJECT NO.		21-172	
PROJECT		SALES & BODY SHOP REMODELING		SHEET		A4	
PROJECT ADDRESS		114 N. CADET AVE., STE. 201 POST OFFICE BOX 289 GAYLORD, MICHIGAN 49734		PROJECT NO.		21-172	
INDUSTRIAL		INDUSTRIAL		DATE		11/3/2022	
RESIDENTIAL		RESIDENTIAL		ISSUED		11/3/2022	
COMMERCIAL		COMMERCIAL		OWNER REVIEW		11/3/2022	
PHONE (989) 731-0372		PHONE (989) 731-0372		REVIEW		3/14/23	
FAX (989) 731-0332		FAX (989) 731-0332		REVIEW		3/21/23	
				REVIEW		4/24/23	

ROOM FINISH SCHEDULE										
ROOM NAME	FLOOR	BASE	WALLS				MATERIAL	CEILING FINISH	HEIGHT	REMARKS
			NORTH	SOUTH	EAST	WEST				
100 VESTIBULE	T2	TILE	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	12'-0"	
101 SALES SHOWROOM	T2	TILE	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	12'-0"	
102 DISPLAY	GT1	TILE	PT1	PT4	PT1	PT1	ACT1	WHITE, FINE TEXTURE	12'-0"	
103 DISPLAY	GT1	TILE	PT4	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	12'-0"	
104 NEW CAR DELIVERY	T2	TILE	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	12'-0"	
105 OFFICE	CPT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
106 OFFICE	CPT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
107 OFFICE	CPT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
108 HALL	CPT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
108 BBC OFFICE	CPT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
109 STORAGE	VT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
111 TOILET ROOM	T2	TILE	PT1	PT3	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
112 TOILET ROOM	T2	TILE	PT1	PT3	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
113 HALL	CPT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
114 STORAGE	VT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
115 HALL	T2	TILE	PT1	PT1	OPEN	OPEN	ACT1	WHITE, FINE TEXTURE	10'-0"	
116 TOILET ROOM	EXPI	---	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	8'-0"	
117 STORAGE	VT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
118 OFFICE MANAGER	CPT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
119 OFFICE	CPT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
120 CHILDREN AREA	T2	TILE	PT1	PT1	OPEN	PT1	ACT1	WHITE, FINE TEXTURE	10'-0"	
121 CUSTOMER LOUNGE	T2	TILE	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	10'-0"	
122 ELECTRICAL	VT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
123 PARTS/CASHIER COUNTER	EXPI	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
124 PARTS	CFI	---	PT1	PT1	PT1	PT1	CD-1	PT1	9'-4"	
125 SERVICE WRITE-UP	T2	TILE	PT4	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	12'-0"	
126 SERVICE MANAGER	EXPI	VINYL	PT4	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	8'-0"	
127 SERVICE RECEPTION	EXPI	VINYL	PT1	PT1	PT1	PT1	EXPOSED STEEL	PT1	18'-0"	
128 SHOP	EXPI	VINYL	PT1	PT1	PT1	PT1	EXPOSED STEEL	PT1	18'-0"	
129 OFFICE	CPT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
130 METER ROOM	VT1	VINYL	PT1	PT1	PT1	PT1	ACT1	WHITE, FINE TEXTURE	9'-0"	
200 MEZZANINE	CFI	---	PT1	PT1	PT1	PT1	EXPOSED STEEL	PT1		

DOOR SCHEDULE							
DOOR NO.	DOOR SIZE	DOOR	FRAME	LABEL	HARDWARE	REMARKS	
100-A VESTIBULE	(2) 3'-0"x8'-0"	A	9				
100-B VESTIBULE	(2) 3'-0"x8'-0"	B	4				
102 DISPLAY	(1) 3'-0"x8'-0" (1) 5'-0"x8'-0"	C	1				
103 DISPLAY	(1) 3'-0"x8'-0" (1) 5'-0"x8'-0"	C	2				
104-A NEW CAR DELIVERY	3'-0"x1'-0"	I	10				
104-B NEW CAR DELIVERY	3'-0"x1'-0"	D	8				
104-C NEW CAR DELIVERY	12'-0"x2'-0"	N	---				
105 OFFICE	3'-0"x1'-0"	J	5				
106 OFFICE	3'-0"x1'-0"	J	5				
107 OFFICE	3'-0"x1'-0"	J	5				
108 OFFICE	3'-0"x1'-0"	J	5				
109 STORAGE	3'-0"x1'-0"	H	5				
110 STORAGE	3'-0"x1'-0"	H	5				
111 TOILET ROOM	3'-0"x1'-0"	G	5				
112 TOILET ROOM	3'-0"x1'-0"	G	5				
113 HALL	3'-0"x1'-0"	I	10				
114 STORAGE	3'-0"x1'-0"	H	5				
116 TOILET ROOM	3'-0"x1'-0"	G	11				
117-A STORAGE	3'-0"x1'-0"	G	5				
117-B STORAGE	3'-0"x1'-0"						
118 OFFICE MANAGER	3'-0"x1'-0"	J	5				
119 OFFICE	3'-0"x1'-0"	J	5				
122 ELECTRICAL	3'-0"x1'-0"	H	11				
123-A PARTS	3'-0"x1'-0"	F	4				
123-B PARTS/CASHIER COUNTER	4'-0"x						
123-C PARTS/CASHIER	3'-0"x1'-0"						
124-A PARTS	(2) 3'-0"x1'-0"	K	4				
124-B PARTS/CASHIER COUNTER	4'-0"x						
125-A SERVICE WRITE-UP	(2) 3'-0"x1'-0"	L	7				
125-B SERVICE WRITE-UP	3'-0"x1'-0"	D	8				
126 SALES MANAGER	3'-0"x1'-0"	J	5				
127-A SERVICE WRITE-UP	(2) 3'-0"x1'-0"	L	7				
127-B SERVICE RECEPTION	3'-0"x1'-0"	K	4				
127-C SERVICE RECEPTION	14'-0"x2'-0"	N	---				
127-D SERVICE RECEPTION	12'-0"x1'-0"	O	---				
127-E SERVICE RECEPTION	3'-0"x1'-0"	D	3				
128-A SHOP	3'-0"x1'-0"	E	3				
128-B SHOP	12'-0"x2'-0"	N	---				
128-C SHOP	3'-0"x1'-0"	F	4				
128-D SHOP	3'-0"x1'-0"	K	4				
128-E SHOP	3'-0"x1'-0"	K	4				
128-F SHOP	12'-0"x2'-0"	N	---				
129 OFFICE	3'-0"x1'-0"						
130 METER ROOM	3'-0"x1'-0"						

PROJECT <b>BISHOP BUICK GMC OF CLARE</b> <b>SALES &amp; BODY SHOP REMODELING</b>	PROJECT NO. 21-172	SHEET <b>A1.1</b>	ISSUED	DATE
			ISSUED	DATE
SEIDELL ARCHITECTS COMMERCIAL RESIDENTIAL INDUSTRIAL 114 N. COURT AVE. STE. 201 POST OFFICE BOX 2189 CALUMET, MICHIGAN 49724 PHONE (889) 731-0372 FAX (889) 731-6932	CLARE, MICHIGAN 49717	OWNER REVIEW	11/9/2022	11/9/2022
			REVIEW	3/16/23
		REVIEW	4/24/23	

CLARE 600 PROPERTY HOLDINGS LLC  
3450 OAKTON ST  
SKOKIE, IL 60076

RIDGEVIEW MHC LLC  
PO BOX 1526  
NOVI, MI 48376

RICHARD V & VICKIE CAREY  
705 FOREST AVE  
CLARE, MI 48617

GREG M & KAREY L WENTWORTH  
402 GLENDALE DR  
CLARE, MI 48617

CHASE FIELD  
705 SUNSET AVE  
CLARE, MI 48617

CHRISTOPHER J & AUDREY L FEDEWA  
508 N RAINBOW  
CLARE, MI 48617

DAN R GOTTLEBER  
711 SUNSET AVE  
CLARE, MI 48617

BLAINE TANNER  
16436 MAIN ISLAND DR  
BARRYTON, MI 49305

KEVIN & DANIELLE RICHARDS  
603 SCHOOLCREST AVE  
CLARE, MI 48617

BARBARA BECK  
708 SUNSET AVE  
CLARE, MI 48617

STEVEN E & BEVERLY L SWANSON  
3916 WINDY HEIGHTS DR  
OKEMOS, MI 48864

SAMUEL & JUDITH BRANKEL  
650 SUNSET AVE  
CLARE, MI 48617

MELVIN L & KRYSZYNA JOHNS  
602 SUNSET AVE  
CLARE, MI 48617

BISHOP CLARE PROPERTIES LLC  
400 MACKINAW AVE  
CHEBOYGAN, MI 49721

MMDDK LLC  
C/O STEVE PACYNSKI  
500 WOODWARD AVE STE 3500  
DETROIT MI 48226

SHANE & VICTORIA GAMEZ  
2111 GREENWOOD RD  
PRESCOTT MI 48756

RI CS4 LLC  
GPM INVESTMENTS LLC  
1410 COMMONWEALTH DR STE 202  
WILMINGTON NC 48403



# CITY OF CLARE

202 West Fifth Street | Clare, Michigan 48617-1490  
Office 989.386.7541 | Fax 989.386.4508  
[www.cityofclare.org](http://www.cityofclare.org)

## CITY HALL

Ph 989.386.7541  
Fx 989.386.4508  
[www.cityofclare.org](http://www.cityofclare.org)  
Manager x102  
Assessor x103  
Clerk x106  
Treasurer x107

## DEPARTMENT OF PUBLIC WORKS

Ph 989.386.2182 or  
989.386.7541 x202  
Fx 989.386.4508

## UTILITY BILLING

Ph 989.386.7541 x201

## W/WWT PLANT

Ph 989.386.2321  
Fx 989.386.2387

## POLICE DEPT. NON-EMERGENCY

Ph 989.386.2121  
Fx 989.386.0440

## FIRE DEPT. NON-EMERGENCY

Ph 989.386.2151  
Fx 989.386.3020

## PARKS & RECREATION

Ph 989.386.7541 x213  
Fx 989.386.4508

## AIRPORT

Ph 989.386.0445  
Fx 989.386.4508

July 19, 2023

Shane Gentle  
Bishop Automotive  
821 E. Fifth St.  
Clare MI 48617

Dear Mr. Gentle:

The attached public notice is being sent to you because you have submitted a Site Plan Application for the proposed development of a 1,687sf addition and façade improvement to your existing facility at 821 East Fifth Street in Clare, Michigan. Property owners within 300 feet of the location have been notified and the public hearing notice will appear in the Clare County Review on Friday, July 21, 2023.

Please contact me if you have any questions or comments.

Sincerely,

Diane Lyon  
Clare City Clerk

Enclosure

cc: FED Corp.



July 19, 2023

**CITY HALL**

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Ph 989.386.2151  
Fx 989.386.3020

**PARKS &  
RECREATION**

Ph 989.386.7541 x213  
Fx 989.386.4508

**AIRPORT**

Ph 989.386.0445  
Fx 989.386.4508

Dear Property Owner:

In compliance with the Michigan Zoning Enabling Act, Act 110 of 2006, the attached public notice is being sent to you because you own property within 300' of Bishop Automotive which has submitted a Site Plan Application for a proposed 1,687sf addition and façade improvement to their facility located at 821 East Fifth Street in Clare, Michigan. The enclosed notice of public hearing will appear in the Clare County Review on Friday, July 21, 2023.

Please contact me if you have any questions or comments.

Sincerely,

Diane Lyon  
Clare City Clerk

Enclosure





**CITY HALL**

Ph 989.386.7541

Fx 989.386.4508

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

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RECREATION**

Ph 989.386.7541 x213

Fx 989.386.4508

**AIRPORT**

Ph 989.386.0445

Fx 989.386.4508

**CITY OF CLARE  
PUBLIC NOTICE**

The City of Clare Planning Commission will hold a public hearing on Wednesday, August 9, 2023, at 6:30 p.m., at Clare City Hall, 202 W. Fifth St., Clare, Michigan, to receive public comment pertaining to a site plan application submitted by Bishop Automotive, to build a 1,687 sq. ft. addition and complete a façade improvement at their existing facility located at 821 E. Fifth St., Clare Michigan. The Planning Commission will accept comments at the hearing or in writing if the written comments are received by the City Clerk no later than 4:00 p.m. on the hearing date. A copy of the site plan application is available for review at Clare City Hall. *The City of Clare is an equal opportunity provider and employer.*

**Diane Lyon**  
Clare City Clerk





**PAYABLES REPORT FOR COMMISSIONERS**

EXP CHECK RUN DATES 08/08/2023 - 08/21/2023 BOTH JOURNALIZED AND UNJOURNALIZED OPEN BANK CODE: CONSO

VENDOR	INVOICE #	DESCRIPTION	Posting Date	Check Run	AMOUNT
AARON STROUSE	08/01/2023 RE	REIMBURSE: CRITICAL INCIDENT	08/08/2023	08/08/2023	60.00
ACE HARDWARE	99152/1	UPS SHIPPING - WWTP	08/08/2023	08/08/2023	12.75
ACE HARDWARE	98968/1	28" SPRAY WAND; SCREEN FUNNEL	08/08/2023	08/08/2023	23.54
ACE HARDWARE	98995/1	BLEACH; UPS SHIPPING - WWTP	08/08/2023	08/08/2023	19.53
ACE HARDWARE	99020/1	COPPER TUBING; BALL VALVE; CC	08/08/2023	08/08/2023	24.21
ACE HARDWARE	99076/1	NAPHTHA SOLVENT (2 GAL) - DPW	08/08/2023	08/08/2023	32.38
ACE HARDWARE	99078/1	STEP DRILL BIT - WWTP	08/08/2023	08/08/2023	53.99
AMAZON CAPITAL SERVICES	141V-33VW-JQL	WATER PUMP - WWTP	08/08/2023	08/08/2023	11.98
AMAZON CAPITAL SERVICES	17Y9-MT3G-KQR	2 TOILET PAPER HOLDERS - CITY	08/08/2023	08/08/2023	33.38
AMAZON CAPITAL SERVICES	1HT9-LD1C-49M	CREDIT: LAPTOP SLEEVE RETURN	08/08/2023	08/08/2023	-21.74
AMAZON CAPITAL SERVICES	14P7-44PH-F7X	LAPTOP BACKPACK - I.T	08/08/2023	08/08/2023	47.99
AMAZON CAPITAL SERVICES	1R1J-X4C3-1RK	DIGITAL CAMERA & GEAR - PD	08/08/2023	08/08/2023	1,025.38
AMAZON CAPITAL SERVICES	1C6W-X77H-CLY	DIGITAL CAMERA LENS - PD	08/08/2023	08/08/2023	276.95
AMAZON CAPITAL SERVICES	1PRN-4L7L-TX6	WATER FILTER HOUSING; 3 SD CA	08/08/2023	08/08/2023	184.50
AMAZON CAPITAL SERVICES	1JW3-6XVD-LGF	SD CARD READER; FLASH MEMORY	08/08/2023	08/08/2023	26.56
AMAZON CAPITAL SERVICES	1MR-4-F4DY-VL	CHUCK KEY - WWTP	08/08/2023	08/08/2023	7.99
AMAZON CAPITAL SERVICES	1HYN-96MQ-X4H	3-PORT USB HUB (2) - I.T.	08/08/2023	08/08/2023	33.98
AMAZON CAPITAL SERVICES	19WF-NFT7-NYL	2 LAPTOPS, LAPTOP SLEEVES, WI	08/08/2023	08/08/2023	1,414.24
AMAZON CAPITAL SERVICES	1NVT-MHLY-6MN	CREDIT MEMO: GOV ACCESS TV (I	06/30/2023	08/08/2023	-316.85
AMAZON CAPITAL SERVICES	11JG-XG77-77G	CREDIT MEMO: TV PROTECT PLAN	06/30/2023	08/08/2023	-39.99
AMAZON CAPITAL SERVICES	1P9V-CPRQ-13R	12 PICTURE FRAMES (8X10) - PL	08/08/2023	08/08/2023	39.08
ANDREWS HOOPER & PAVLIH	194733	AUDIT SERVICES: FY 2021/2022	06/30/2023	08/08/2023	4,990.00
AT&T MOBILITY	287302987429X	FIRSTNET MOBILE (06/12/23-07/08/08/2023	08/08/2023	08/08/2023	51.22
AWOL, INC	JULY 2023	JANITORIAL SERVICES: JULY 2020	08/08/2023	08/08/2023	3,441.67
BS & A SOFTWARE	148319	ANNUAL SERVICE/SUPPORT FEE (C	08/08/2023	08/08/2023	1,698.00
CAPITAL EQUIPMENT	339446	CHAINSAW - DPW	08/08/2023	08/08/2023	551.99
CAPITAL EQUIPMENT	338745	SPACER; TIRE BEARING KIT; SLE	08/08/2023	08/08/2023	142.48
CLARE AUTOMOTIVE SUPPLY	100531041972	TIE ROD - CPD #46-K9	08/08/2023	08/08/2023	62.19
CLARE AUTOMOTIVE SUPPLY	100531041974	6PC SCRAPER DISP - DPW SHOP	08/08/2023	08/08/2023	11.65
CLARE AUTOMOTIVE SUPPLY	100531042066	2 FUEL FILTERS; 1 OIL FILTER	08/08/2023	08/08/2023	124.31
CLARE AUTOMOTIVE SUPPLY	100531042681	BRAKE WIRE - LK SHAMROCK BARG	08/08/2023	08/08/2023	32.20
CLARE COUNTY REVIEW	63387	NOTICES: SUMMER TAXES; WWTP C	06/30/2023	08/08/2023	143.50
CLARE COUNTY TREASURER	07282023	2023 SUMMER DEFERMENT ADS - T	08/08/2023	08/08/2023	24.64
CLARE HARDWARE	441850	4 AIR FILTERS - FIRE DEPT	08/08/2023	08/08/2023	11.96
CLARE HARDWARE	441782	4" FLEXIBLE PIP CAP (2) - SEW	08/08/2023	08/08/2023	15.98
CLARE HARDWARE	441833	NUTS, BOLTS, FASTENERS - PARK	08/08/2023	08/08/2023	3.72
CLARE HARDWARE	441841	TUBULAR BULBS; DEODORIZERS -	08/08/2023	08/08/2023	81.91
CLARE HARDWARE	441842	3" PAINT BRUSH - PETTIT PARK	08/08/2023	08/08/2023	12.49
CLARE HARDWARE	441906	TAKE ONE BOX - PETTIT PARK	08/08/2023	08/08/2023	21.49
CLARE HARDWARE	441918	FASTENERS FOR WATER METER (20	08/08/2023	08/08/2023	1.75





**PAYABLES REPORT FOR COMMISSIONERS**

EXP CHECK RUN DATES 08/08/2023 - 08/21/2023 BOTH JOURNALIZED AND UNJOURNALIZED OPEN BANK CODE: CONSO

VENDOR	INVOICE #	DESCRIPTION	Posting Date	Check Run	AMOUNT
CLARE HARDWARE	441947	EXTERIOR PAINT (1GAL) - CITY	08/08/2023	08/08/2023	44.99
CLARE HARDWARE	441964	PUNCH; CHISEL; SCREWDRIVER -	08/08/2023	08/08/2023	24.97
CLARE HARDWARE	441965	PAINT & PAINTING SUPPLIES -	08/08/2023	08/08/2023	82.46
CLARE HARDWARE	441972	PAINT TRAY LINERS - SHAMROCK	08/08/2023	08/08/2023	8.99
CLARE HARDWARE	441986	RETURN: INV 441841 (TUBULAR F	08/08/2023	08/08/2023	-71.92
CLARE HARDWARE	442006	CONCRETE SEALANT; PAINT COVER	08/08/2023	08/08/2023	19.47
CLARE HARDWARE	442028	6 FIP COUPLINGS (1/2") - SEWE	08/08/2023	08/08/2023	11.94
CLARE HARDWARE	442057	CLAMP; ELBOW & TEE - SEWER	08/08/2023	08/08/2023	27.38
CLARE HARDWARE	442080	2 TAKE ONE BOXES - PARKS/REC	08/08/2023	08/08/2023	42.98
CLARE HARDWARE	442089	WASP & HORNET SPRAY (2CANS) -	08/08/2023	08/08/2023	11.98
CLARE HARDWARE	441849	2 AIR FILTERS - PD	08/08/2023	08/08/2023	33.98
CLARE PUBLIC SCHOOLS	07242023	SOCC CLARE VARISTY SOCCER: 2023 SC	08/08/2023	08/08/2023	963.00
CONSUMERS ENERGY	205724491093	303 PINECREST ST (06/15/23-07	08/08/2023	08/08/2023	311.24
CONSUMERS ENERGY	202520881730	10242 S CLARE AVE (06/21/23-0	08/14/2023	08/14/2023	30.34
CONSUMERS ENERGY	202520881762	202 W FOURTH (06/21/23-07/20	08/14/2023	08/14/2023	84.82
CONSUMERS ENERGY	202520881767	207 W 5TH ST (06/21/23-07/20	08/14/2023	08/14/2023	1,072.43
CONSUMERS ENERGY	202520881768	601 W 5TH ST (06/21/23-07/20	08/14/2023	08/14/2023	29.57
CONSUMERS ENERGY	202520881769	416 W 5TH ST (06/21/23-07/20	08/14/2023	08/14/2023	41.06
CONSUMERS ENERGY	203143815165	1532 N MCEWAN ST (06/21/23-07	08/14/2023	08/14/2023	273.62
CONSUMERS ENERGY	203143815309	610 W WHEATON AVE #1 (06/21/2	08/14/2023	08/14/2023	28.81
CONSUMERS ENERGY	203321796587	813 INDUSTRIAL DR (06/21/23-0	08/14/2023	08/14/2023	28.81
CONSUMERS ENERGY	203321796591	405 MAPLE ST (06/21/23-07/20	08/14/2023	08/14/2023	341.43
CONSUMERS ENERGY	203321796593	510 N MCEWAN ST (06/21/23-07	08/14/2023	08/14/2023	51.91
CONSUMERS ENERGY	203321796602	507 S MCEWAN ST (06/21/23-07	08/14/2023	08/14/2023	32.02
CONSUMERS ENERGY	203588780010	696 POINT DR (06/21/23-07/20	08/14/2023	08/14/2023	40.75
CONSUMERS ENERGY	203588780013	700 SCHOOLCREST AVE (06/21/23	08/14/2023	08/14/2023	31.40
CONSUMERS ENERGY	203588780014	820 SCHOOLCREST AVE (06/21/23	08/14/2023	08/14/2023	214.42
CONSUMERS ENERGY	203588780015	604 SCHOOLCREST AVE (06/21/23	08/14/2023	08/14/2023	31.71
CONSUMERS ENERGY	203588780016	500 SCHOOLCREST AVE (06/21/23	08/14/2023	08/14/2023	28.81
CONSUMERS ENERGY	203677783880	820 CEDAR ST (06/21/23-07/20	08/14/2023	08/14/2023	36.30
CONSUMERS ENERGY	203944734532	221 WILCOX PKWY (06/21/23-07	08/14/2023	08/14/2023	326.58
CONSUMERS ENERGY	203944734534	332 WITBECK DR (06/21/23-07/2	08/14/2023	08/14/2023	38.74
CONSUMERS ENERGY	204033722031	3333 DUNLOP RD (06/21/23-07/2	08/14/2023	08/14/2023	440.25
CONSUMERS ENERGY	205724498927	203 W 4TH (06/21/23-07/20/23)	08/14/2023	08/14/2023	213.80
CONSUMERS ENERGY	206169365870	500 BEECH ST (06/21/23-07/20	08/14/2023	08/14/2023	27.42
CONSUMERS ENERGY	206436158975	1603 N MCEWAN ST (06/21/23-07	08/14/2023	08/14/2023	69.66
CONSUMERS ENERGY	206436158976	1525 N MCEWAN ST (06/21/23-07	08/14/2023	08/14/2023	317.85
CONSUMERS ENERGY	206436158977	305 W STATE ST (06/21/23-07/2	08/14/2023	08/14/2023	32.18
CONSUMERS ENERGY	204923626974	401 HOLLEY ST (06/21/23-07/20	08/14/2023	08/14/2023	761.01





**PAYABLES REPORT FOR COMMISSIONERS**

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VENDOR	INVOICE #	DESCRIPTION	Posting Date	Check Run	AMOUNT
CONSUMERS ENERGY	202253923247	231 WILCOX PKWY (06/21/23-07/08/15/2023	08/15/2023	08/15/2023	53.75
CONSUMERS ENERGY	205724504360	202 W. 5TH ST (06/21/23-07/20/2023	08/17/2023	08/17/2023	1,171.35
DOG WASTE DEPOT	559917	4,000 DOG WASTE BAGS - PARKS/08/08/2023	08/08/2023	08/08/2023	153.47
DORNBOS SIGN & SAFETY I	INV70887	20 CAP BRACKETS - STREET SIGN/08/08/2023	08/08/2023	08/08/2023	162.76
DTE ENERGY	08172023 3680	207 W 5TH ST (06/24/23-07/25/08/17/2023	08/17/2023	08/17/2023	75.63
DTE ENERGY	08172023 3692	202 W 5TH ST (06/24/23-07/25/08/17/2023	08/17/2023	08/17/2023	52.98
DTE ENERGY	08172023 1145	1532 N MCEWAN (06/24/23-07/25/08/17/2023	08/17/2023	08/17/2023	50.06
DTE ENERGY	08172023 1158	11175 S EBERHART AVE (06/24/208/17/2023	08/17/2023	08/17/2023	107.78
DTE ENERGY	08172023 1171	305 MAPLE (06/24/23-07/25/23)08/17/2023	08/17/2023	08/17/2023	50.06
DTE ENERGY	08172023 1184	305 MAPLE ST APT FP (06/24/2308/17/2023	08/17/2023	08/17/2023	50.06
DTE ENERGY	08172023 1199	1551 MCEWAN (06/24/23-07/25/208/17/2023	08/17/2023	08/17/2023	58.48
DTE ENERGY	08172023 2413	4715 COLONVILLE RD (06/24/23-08/17/2023	08/17/2023	08/17/2023	56.16
DTE ENERGY	08172023 2429	201 W 4TH ST (06/24/23-07/25/08/17/2023	08/17/2023	08/17/2023	50.06
DTE ENERGY	08172023 6605	307 MAPLE ST (06/24/23-07/25/08/17/2023	08/17/2023	08/17/2023	82.50
FIRE ENGINEERING	2023 RENEWAL	2023 SUBSCRIPTION - FIRE DEPT/08/08/2023	08/08/2023	08/08/2023	44.95
FIREHOUSE	1104091971 20	ANNUAL SUBSCRIPTION - FIRE DE/08/08/2023	08/08/2023	08/08/2023	38.75
FIRST NATIONAL BANK OF	7936 08192023	SIMMER: SUPPLIES, COMPLEX RAF/08/08/2023	08/08/2023	08/08/2023	980.06
FIRST NATIONAL BANK OF	8077 08192023	SIRPILLA: MICROSOFT 365; MAMC/08/08/2023	08/08/2023	08/08/2023	126.50
FIRST NATIONAL BANK OF	3680 08192023	HOWARD: DDA MUSIC (DYNAMIC ME/08/08/2023	08/08/2023	08/08/2023	32.95
FIRST NATIONAL BANK OF	8738 08192023	CLARK: OFFICE SUPPLIES (STAPL/08/08/2023	08/08/2023	08/08/2023	12.28
FIRST NATIONAL BANK OF	7548 08192023	SAAD: TRANSUNION; DUFFLE BAG;/08/08/2023	08/08/2023	08/08/2023	1,344.30
FIRST NATIONAL BANK OF	2814 08192023	CHAPMAN: PAGER SUBSCRIPTION (08/08/2023	08/08/2023	08/08/2023	26.86
FOUR SEASONS EXTERMINA	408741	MONTHLY PEST CONTROL SERVICE 08/08/2023	08/08/2023	08/08/2023	125.00
GALLS, LLC	025126331	NAME PLATE ATTACHMENT - PD (C/08/08/2023	08/08/2023	08/08/2023	16.34
GARY L TODD	08082023-GT	AIRPORT MANAGER SERVICES 08/08/2023	08/08/2023	08/08/2023	1,325.50
GILBOE'S LOCK & SAFE SI	116562	5 LOCKS & KEYS - WWTP 08/08/2023	08/08/2023	08/08/2023	40.00
GOURDIE-FRASER, INC.	2225309	SERVICES: 04/23/23-07/22/23 -08/08/2023	08/08/2023	08/08/2023	7,262.50
HACH COMPANY	13678591	LAB SUPPLIES - WWTP 08/08/2023	08/08/2023	08/08/2023	170.98
HACH COMPANY	13677751	LAB SUPPLIES - WWTP 08/08/2023	08/08/2023	08/08/2023	185.10
HAMILTON ELECTRIC CO II	0061027	WEG MOTOR - WWTP 06/30/2023	08/08/2023	08/08/2023	1,052.00
HERSHBERGER'S HARDWARE	75961	2 TREATED BOARDS (2X10X8) - F08/08/2023	08/08/2023	08/08/2023	32.98
HOERAUF AND NEVILL, P.(	53039	JULY 2023 PROFESSIONAL SERVIC/08/08/2023	08/08/2023	08/08/2023	1,803.75
IDEXX DISTRIBUTION CORI	3133581286	LAB SUPPLIES - WWTP 08/08/2023	08/08/2023	08/08/2023	2,460.95
IIMC	07062023 SS	ANNUAL MEMBERSHIP FEE: S. SCH/08/08/2023	08/08/2023	08/08/2023	125.00
IIMC	07062023 DL	ANNUAL MEMBERSHIP FEE: D. LYC/08/08/2023	08/08/2023	08/08/2023	185.00
ISABELLA BANK	09012023	PAYMENT: 2018 FREIGHTLINER DU/08/08/2023	08/08/2023	08/08/2023	12,678.75
JENNIFER KINBERG	08312023 MILE	MILEAGE REIMBURSE: 7/31/23 EI/08/08/2023	08/08/2023	08/08/2023	18.88
JOHNSON DOOR & CENTRAL	43224	GARAGE DOOR REPAIR - DPW GARA/08/08/2023	08/08/2023	08/08/2023	238.20
JOY SIMMER	07242023 MILE	MILEAGE REIMBURSE: 07/05/23-C/08/08/2023	08/08/2023	08/08/2023	19.75
KIESLER'S POLICE SUPPL	IN219992	AMMUNITION - PD 08/08/2023	08/08/2023	08/08/2023	1,328.94



**PAYABLES REPORT FOR COMMISSIONERS**

EXP CHECK RUN DATES 08/08/2023 - 08/21/2023 BOTH JOURNALIZED AND UNJOURNALIZED OPEN BANK CODE: CONSO

VENDOR	INVOICE #	DESCRIPTION	Posting Date	Check Run	AMOUNT
KIESLER'S POLICE SUPPLY	IN220050	AMMUNITION - PD	08/08/2023	08/08/2023	518.00
MACQUEEN EMERGENCY	P02186	ANNUAL PREVENTATIVE MAINTENANCE	08/08/2023	08/08/2023	765.00
MAMC	07202023	11/28/23 MAMC MASTERS ACADEMY	08/08/2023	08/08/2023	175.00
MAURER'S TEXTILE RENTAL	2734167	YODER UNIFORMS - DPW	08/08/2023	08/08/2023	33.85
MAURER'S TEXTILE RENTAL	2737143	YODER UNIFORMS - DPW	08/08/2023	08/08/2023	33.85
MICHIGAN ASSESSING COALITION	1005	ASSESSING SERVICES: JULY 2023	08/08/2023	08/08/2023	2,917.00
MICHIGAN CONFERENCE OF MUNICIPALITIES	09012023	HEALTH INSURANCE: SEPT 2023	08/08/2023	08/08/2023	51,639.35
MICHIGAN PIPE & VALVE	M006461	EXPANDED RANGE COUPLER - EMERGENCY	08/08/2023	08/08/2023	600.00
MICHIGAN STATE FIRE MARSHAL	08012023	FIREFIGHTER MEMORIAL APPLICATION	08/08/2023	08/08/2023	100.00
MILLER'S GENERAL REPAIR	23220	GENERATOR - DPW & LK SHAMROCK	08/08/2023	08/08/2023	1,085.00
NATIONAL INSURANCE SERVICES	1571109	AUGUST/23 LIFE/ACC/STD INSURANCE	08/08/2023	08/08/2023	2,390.94
NEMETH, JANET	PAYMENT OVER	UB refund for account: JOHN-C	08/08/2023	08/08/2023	54.48
ON DUTY GEAR	31012	ID TAG - PD	08/08/2023	08/08/2023	26.00
PAT HUMPHREY	08082023-PH	ELECTRONIC COMMUNICATION SERVICES	08/08/2023	08/08/2023	25.00
PUBLIC AGENCY TRAINING	268494	SEMINAR: MANAGING PROPERTY/EVALUATION	08/08/2023	08/08/2023	350.00
RAYMOND BEACHY ROOFING	07182023 ROOF	AIRPORT & PD ROOFS (RES 2023-	08/08/2023	08/08/2023	22,359.66
REIMOLD PRINTING CORPORATION	71126	2,500 WINDOW ENVELOPES (#10)	08/08/2023	08/08/2023	462.83
ROBERT BONHAM	08082023-RB	ELECTRONIC COMMUNICATION SERVICES	08/08/2023	08/08/2023	25.00
SEITER BROTHERS LUMBER	101698	50 STAKES (2X2-24") - DPW (N.	08/08/2023	08/08/2023	50.00
SHERWIN WILLIAMS CO	5746-7	PAINT: CROSSWALKS & PARKING SIGN	08/08/2023	08/08/2023	668.26
SHERWIN WILLIAMS CO	5747-5	PAINT STRAINERS: STREETS & DRIVE	08/08/2023	08/08/2023	11.86
SHERWIN WILLIAMS CO	5779-8	MANIFOLD FILTER; PAINT THINNER	08/08/2023	08/08/2023	72.03
SHRED EXPERTS LLC	138551	07/18/23 SERVICES - CITY HALL	08/08/2023	08/08/2023	702.30
SMITH, MICHAEL JAMES	DEPOSIT OVER	UB refund for account: PRAR-C	08/08/2023	08/08/2023	38.63
STITCHES FOR BRITCHES	1578	CITY LOGO ON 6 SHIRTS - DPW (	08/08/2023	08/08/2023	61.50
STITCHES FOR BRITCHES	1572	UNIFORM SHIRTS/PATCHES - PD (	08/08/2023	08/08/2023	6.00
TRACE ANALYTICAL LABORATORY	3070385	QUARTERLY WASTEWATER ANALYSIS	08/08/2023	08/08/2023	327.00
TRACE ANALYTICAL LABORATORY	3070446	SAMPLE TESTING: AIR STRIPPER	08/08/2023	08/08/2023	208.00
TRACE ANALYTICAL LABORATORY	3070708	DW PFAS TESTING 7/6/23 - WWTP	08/08/2023	08/08/2023	412.00
TRACE ANALYTICAL LABORATORY	3070954	10 EPA 200.8 TOTAL METAL TEST	08/08/2023	08/08/2023	312.00
USA BLUE BOOK	INV00087089	15 COMBINATION LOCKS - WWTP	08/08/2023	08/08/2023	408.85
USA BLUE BOOK	INV00076594	LAB SUPPLIES - WWTP	08/08/2023	08/08/2023	206.00
USA BLUE BOOK	INV00079297	LAB SUPPLIES - WWTP	08/08/2023	08/08/2023	359.16
USA BLUE BOOK	INV00080498	CIRCULAR CHART PAPER - WWTP	08/08/2023	08/08/2023	85.53
VESCO OIL CORPORATION	5406401-01	OIL (3 PAILS) - WWTP	08/08/2023	08/08/2023	463.15
WALT KEITH JR	07172023 PK R	REFUND PAVILION DEPOSIT: PETI	08/08/2023	08/08/2023	50.00
WINN TELECOM	08012023	AUG 2023 TELEPHONE & COMMUNICATION	08/08/2023	08/08/2023	2,725.03
WITBECK'S FAMILY FOODS	00564568	EVENT SUPPLIES (STUFFED ANIMALS)	08/08/2023	08/08/2023	28.07
WITBECK'S FAMILY FOODS	00037334	EVENT SUPPLIES (WONDERS OF WASH	08/08/2023	08/08/2023	39.44



**PAYABLES REPORT FOR COMMISSIONERS**

EXP CHECK RUN DATES 08/08/2023 - 08/21/2023 BOTH JOURNALIZED AND UNJOURNALIZED OPEN BANK CODE: CONSO

VENDOR	INVOICE #	DESCRIPTION	Posting Date	Check Run	AMOUNT
WITBECK'S FAMILY FOODS	00332274	CUPS (WONDERS OF WATER EVENT)	08/08/2023	08/08/2023	4.09
WITBECK'S FAMILY FOODS	00342730	POPCICLES (WONDERS OF WATER E	08/08/2023	08/08/2023	7.49
WITBECK'S FAMILY FOODS	00302234	KITCHEN SUPPLIES - CITY HALL	08/08/2023	08/08/2023	33.64
				Sub Total:	145,202.52



PAYABLES REPORT FOR COMMISSIONERS

⌘ RUN DATES 07/19/2023 - 08/07/2023 BOTH JOURNALIZED AND UNJOURNALIZED PAID BANK CODE: CONSO - CHECK TYPE: PAI

VENDOR	VENDOR ID	INVOICE #	DESCRIPTION	POSTING DATE	AMOUNT
BERGER CHEVROLET INC	7249	2022-042	2023 CHEVY TAHOE - PD (RES 2)	08/02/2023	40,283.50
PITNEY BOWES INC	1177	3317483628	LEASE PMT: FOLDING MACHINE (	06/30/2023	343.35
PITNEY BOWES INC	1177	1023253960	2 POSTAGE INK CARTRIDGES	06/30/2023	182.58
					40,809.43

OPEN INVOICE TOTAL: \_\_\_\_\_

Grand Total: \_\_\_\_\_

COMMISSION APPROVAL:

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## AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners  
FROM: Diane Lyon, City Clerk  
DATE: August 3, 2023  
RE: \*Professional & Education Training Opportunities

For the Agenda of August 7, 2023

**\*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 August 7, 2023.**

Commissioners are encouraged to attend educational and training events. Please submit the attached Professional Development Training Request to the City Clerk if you are interested in attending any educational or training event(s).

1. Michigan Municipal League Upcoming Events. The MML also provides many opportunities for training and professional development to include a vast selection of webinars available for viewing. The current offerings are attached for review & consideration.
2. American Planning Association-Michigan Chapter. The Michigan APA likewise offers training sessions and onsite workshops for city officials. If you are interested in having the City host an onsite workshop, please contact the City Clerk. The most current opportunities for professional development are attached for your consideration.

Attachments: as outlined above.

Clearly another way of life.



CITY OF CLARE  
Professional Development Training Request

Today's Date: \_\_\_\_\_

Your Name & Title: \_\_\_\_\_

Name of Training Event: \_\_\_\_\_

Location of Training Event: \_\_\_\_\_

Date(s) & Times of Training Event: \_\_\_\_\_

If you are required to sign up for break-out sessions, which break-out sessions & times would you like to attend:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you have and special food requirements (if the event is serving food)?

\_\_\_\_\_

Will you need a city vehicle to attend this event?  
(If the answer is no, a mileage reimbursement form will be provided)

Yes

No

Will you need overnight accommodations?

Yes

No

Do you have special needs regarding accommodations? \_\_\_\_\_

Please return this completed form to:

Diane Lyon, City Clerk  
202 W. Fifth St.  
Clare, MI 48617  
dlyon@cityofclare.gov

Or you may email the form to:

[Capital Conference Registration Policies](#)

For **Human Resources-related trainings and seminars**, League members can attend programs hosted by the American Society of Employers (ASE) at the ASE member rate. Visit [www.aseonline.org](http://www.aseonline.org) for a calendar of their events.

DATE	EVENT	LOCATION
<b>2023</b>		
Jul 24	<b>LEAGUE EVENT:</b> <a href="#">Live with the League</a>	Virtual
Jul 24-27	<a href="#">MME Summer Workshop</a>	Frankenmuth
Aug 9-11	<a href="#">MAM Summer Workshop</a>	Northville
Aug 14	<b>LEAGUE EVENT:</b> <a href="#">Live with the League</a>	Virtual
Aug 28	<b>LEAGUE EVENT:</b> <a href="#">Live with the League</a>	Virtual

Oct 20	<del>MAMA Municipal Law Program &amp; Annual Meeting</del>	Lansing
Oct 9	<b>LEAGUE EVENT:</b> <a href="#">Live with the League</a>	Virtual
Oct 18-20	<b>LEAGUE EVENT:</b> <a href="#">Convention</a>	Traverse City
Oct 23	<b>LEAGUE EVENT:</b> <a href="#">Live with the League</a>	Virtual
Nov 13	<b>LEAGUE EVENT:</b> <a href="#">Live with the League</a>	Virtual
Nov 16-17	MAM Mayors and Presidents Institute	Frankenmuth
Nov 27	<b>LEAGUE EVENT:</b> <a href="#">Live with the League</a>	Virtual
Dec 11	<b>LEAGUE EVENT:</b> <a href="#">Live with the League</a>	Virtual
<b>2024</b>		
Jan 29-Feb 1	MME Winter Institute	Lansing
Mar 12	MAMA Advanced Institute	Lansing
Mar 12-13	<b>LEAGUE EVENT:</b> CapCon	Lansing



Sep 28	MAMA Fall Law Program	Lansing
Nov 16-17	MAM Presidents Institute	
Nov 30	<b>LEAGUE EVENT:</b> Newly Elected Officials Academy	Lansing
Dec 13	<b>LEAGUE EVENT:</b> Newly Elected Officials Academy	Virtual

## **2025**

Sept 15-19	<b>LEAGUE EVENT:</b> Convention	Grand Rapids
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## **Contact**

info@mml.org

734.662.3246

1675 Green Road,  
Ann Arbor MI 48105

### Capitol Office

208 N. Capitol Ave.,  
1st Floor Lansing, MI 48933

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**Diane Lyon**

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**Subject:** FW: Convention 2023 Is Ready for You

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:** Michigan Municipal League <[events@mml.org](mailto:events@mml.org)>  
**Sent:** Monday, July 24, 2023 11:01 AM  
**To:** Diane Lyon <[DLyon@cityofclare.gov](mailto:DLyon@cityofclare.gov)>  
**Subject:** Convention 2023 Is Ready for You



**Convention 2023 Has It All\***

**\*But only if you're there**

Registration is open for the biggest chance all year to network and connect with local government peers, share ideas and success, and discover how to adapt game-changing innovations for your community. There is often more than one path toward achieving a goal—come learn from speakers, in breakouts, at workshops, and during mobile tours if there's a new path to success you've never considered.

**Register Today!**

## **General Sessions**

### **From Conflict to Conversation**

Speaker Matt Lehrman animates the principle that where people work together courageously, their potential is unlimited.

### **Reconnecting to Our Sense of Place**

How do we utilize the changes that took place during 2020 to bring positive improvements and more love to our communities?

### **Embracing Regional Character in**

### **the Mitten State: TED Talk Style**

Local business leaders will discuss investing in small communities, addressing human and social needs, and how Northern Michigan has



branded itself as a tourist destination through agribusiness.

## **Breakouts include**

**Rural Community Perspectives and Priorities with Michigan's Office of Rural Development**

**Michigan as a Receiver**

**Place for Climate Migration**

**Movin' on Up: Retrofits for Existing Buildings**

**State Revolving Loan Fund 101**

**Investing for Community Well-Being**

**and Local Wealth Building**

**Telling Our Stories: Michigan**

**Communities Should Learn to Brag**



## Workshops

Council-Manager Relations

Human Trafficking

ART-ificial Intelligence and Your Community

Empowering Your Community to Act on Justice40

*Walking While Black: L.O.V.E. is the Answer*, a film by A.J. Ali



## Five mobile tours this year!

Be sure to pre-register.

Downtown Traverse City Walking

Tour (Future Planning on Foot)

A downtown walking tour with the Downtown Development Authority to hear how they're planning downtown changes based on the future Michigan faces.



## **Meaningful Experiences**

### **for All on Our Great Lakes**

Get an exclusive look at this inclusive transformation happening at the Discovery Center & Pier—an old coal dock gets a second life as a one-of-a-kind barrier-free recreational amenity and community resource.

## **Immerse Yourself in the Botanic**

### **Garden at Historic Barns Park**

Come and learn how the garden aids environmental preservation, recreation, and education.

## **History and Innovation at the**

### **Grand Traverse Commons**

Learn about the rich history and redevelopment of the Traverse City State Hospital, with a tour of this new economic center, a glimpse into a building not yet redeveloped, and a walk through the 1883 underground steam tunnels.

## **Commongrounds Co-op Tour**

Take the inside tour of Commongrounds, a four-story cooperatively owned, community-financed mixed-use development that went from pilot program to full capacity.

# Register now and save \$200

early bird pricing ends September 15.

Be an Early Bird

Learn More



Michigan Municipal League | 1675 Green Road, Ann Arbor, MI 48105

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

[Constant Contact Data Notice](#)

Sent by [events@mml.org](mailto:events@mml.org)



# Event Calendar

- APA Events
- MAP Events
- Emerging Planning Professional
- MAP Network & Learn
- On Site Workshops
- Other Events
- Partner Events

## August 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1	2	3	4	5
6	7	8 ● <a href="#">National Brownfields Training ...</a>	9 ● <a href="#">National Brownfields Training ...</a>	10 ● <a href="#">National Brownfields Training ...</a>	11 ● <a href="#">National Brownfields Training ...</a>	12
13	14	15	16	17 ● <a href="#">Creekside Neighborhood Kayak T ...</a>	18	19
20	21	22	23	24 ● <a href="#">2023 Summer Gathering: A Partn ...</a>	25	26
27	28	29	30	31	1	2

## Quick Links

[Planning Michigan Conference Registration](#)

[Thank you Corporate Members](#)

[Donate to MAP](#)

[Contact MAP Staff](#)

## Upcoming Events

Tue Aug 8, 2023  
[National Brownfields Training Conference](#)  
 Category: Other Events

Thu Aug 17, 2023  
[Creekside Neighborhood Kayak Tour](#)  
 Category: MAP Network & Learn

Thu Aug 24, 2023  
[2023 Summer Gathering: A Partner Event!](#)  
 Category: MAP Network & Learn

Thu Sep 14, 2023  
[Oakland County Virtual Training Series](#)  
 Category: Other Events

[View Full Calendar](#)