

## AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners  
FROM: Diane Lyon, City Clerk  
DATE: November 2, 2023  
RE: \*Communications

For the Agenda of November 6, 2023.

**\*Note: This is a Consent Agenda item and is considered routine by the City Commission. As such, this matter shall be automatically enacted by one motion with all other Consent Agenda items unless a Commissioner or citizen requests this item be individually discussed, in which event it shall be removed from the Consent Agenda and considered and acted upon in its designated sequence on the approved Clare City Commission agenda November 6, 2023.**

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FOIA Requests & Responses: The most recent FOIA requests and responses are attached for information. Melissa Esterling; PM Environmental; Gruel, Mills, Nims & Plyman; Chris Murphy.

Letter Opposing HB4965: A letter opposing video service providers' using the city's ROW without paying franchise fees which help pay for ROW maintenance, and help pay for public services such as police and fire.

Consumers Energy Hearing: The MPSC will hold a public hearing for CE's electric customers regarding revisions to its current Voluntary Green Pricing programs and an amendment to its Renewable Energy Plan.

Site Plans, Special Use Permits, Variance Requests & Public Notices:  
Notices for job openings.

Attachments. As noted above.

## Diane Lyon

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**From:** FOIA@cityofclare.gov  
**Sent:** Thursday, October 12, 2023 1:38 PM  
**To:** FOIA  
**Subject:** New submission from Request for Examination or Copy of Records (FOIA)

### Requestor Information

**Name**

Melissa Esterling

**Date of Birth****Street Address**

Stafford St

**City**

Ravenna

**State**

MI

**Zip Code**

49451

**Daytime Phone:****Email**

### Request Information

**Date/Time of Incident:**

7/3/2023 at Approximately 10:30 pm

**CPD Comp #:**

Unknown

**Type of Incident:**

Text to 911 about Dad driving drunk with kids in the car

**Location of Incident:**

Unknown

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

I am looking for 911 text transcripts from Morgan Johnston on 7/3/23 between 10:30 pm and 11:30 pm. She ended up telling police not to come out of fear of parental retaliation/negative consequences.

Texter - Morgan Johnston DOB - Date of incident 7/3/23 between 10:30 pm and 11:30 pm.

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

Inspection



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

October 12, 2023

## DENIAL OF REQUEST FOR PUBLIC RECORD

Melissa Esterling  
Stafford St  
Ravenna MI 49451

RE: **FOIA Request #2023-094 via email dated 10/12/2023 for: text transcripts from Morgan Johnston (DOB ) on 7/3/23 between 10:30 pm and 11:30 pm.**

X Your request as described is denied because it does not exist under information. Central Dispatch is located at the Clare County Sheriff's Department, not in the City of Clare.

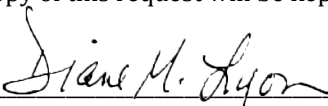
**NOTICE:** This correspondence constitutes a certification that the public records, as indicated, do not exist. You have the right to appeal this denial to the City Manager in writing that specifically states the word "APPEAL" and indicates the reason or reasons for reversal of the denial, or seek judicial 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

October 12, 2023  
Date Denial Approved

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





**GRUEL MILLS**  
ATTORNEYS & COUNSELORS

RECEIVED

OCT 12 2023

SCOTT R. MELTON  
THOMAS R. BEHM  
J. PAUL JANES  
WILLIAM M. AZKOUL  
BENJAMIN W. MILLS  
THOMAS J. WORSFOLD  
LAURA B. DANIELSON  
MELISSA B. HEINZ

99 MONROE AVENUE NW, SUITE 800  
GRAND RAPIDS, MICHIGAN 49503  
TELEPHONE 616/235-5500  
FACSIMILE 616/235-5550  
[www.gmnp.com](http://www.gmnp.com)

GRANT J. GRUEL  
1932 - 2004

PARALEGALS  
CAROL L. KOLENDA  
MINDY L. BROWN  
BEN C. BAWTINHEIMER, R.N.

OF COUNSEL  
WILLIAM F. MILLS  
NORMAN H. PYLMAN

[alguest@gmnp.com](mailto:alguest@gmnp.com)

October 9, 2023

Clare Fire Department  
207 W 5<sup>th</sup> Street  
Clare, MI 48617

RE: Jesse Sanderson (DOB )  
Date of accident: 3/30/23 09:01  
Our file no: 10685.15538

Dear records custodian:

I am requesting a copy of the following public records under the Michigan Freedom of Information Act, MCL 15.231:

- official incident report(s), narratives, subsequent investigations/reports, daily or dispatch logs, officer notes, reconstruction data, diagrams, measurements, any and all photographs, and other tangible thing or electronically stored information gathered as part of Clare Fire Department's investigation of the above referenced motor vehicle/semitruck accident that occurred E Pere Marquette Road and N Isabella Road;
- any 911 call, dispatch call, engine/ambulance videotape, or other video recording or audio recording concerning this matter; and
- any and all EMT run sheets, treatment records for medical care and transport.

I appreciate your retrieval of these documents and this firm will be responsible for payment of any and all reasonable fees incurred in producing the information. If prepayment is required, please contact me at the above referenced number so that I may forward on to you a draft to cover such expenses.

Very truly yours,

GRUEL MILLS NIMS & PYLMAN PLLC

Amanda Guest  
Legal Assistant to J. Paul Janes



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

October 17, 2023

Amanda Guest  
Gruel Mills Nims & Pylman, PLLC  
99 Monroe Avenue NW, Suite 800  
Grand Rapids, MI 49503

Phone: 616-235-5500  
Fax: 616-235-5550  
Email: [alguest@gmnp.com](mailto:alguest@gmnp.com)

RE: **Freedom of Information Act (“FOIA”) Request Response to FOIA #2023-093**

Your request for public record(s) under the Michigan Freedom of Information Act (“FOIA”), dated October 9, 2023, and received in this office on October 12, 2023, for the following records is acknowledged: **Fire report from incident on 3/30/23 of motor vehicle/semitruck accident that occurred E Pere Marquette Road and N Isabella Road** is hereby: **Granted in part:**

1. All non-exempt information is being provided to you at this time. Some information is redacted under the provisions of **MCL 15.243 Section 13 Exemption (a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual’s privacy.**

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

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

Jennifer Kinberg  
Assistant to City Clerk & Freedom of Information Coordinator

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





**Corporate Headquarters**  
Lansing, Michigan  
3340 Ranger Road, Lansing, MI 48906  
f: 877.884.6775  
t: 517.321.3331

**Michigan Locations**  
Berkley      Bay City  
Grand Rapids      Lansing  
Oak Park

October 12, 2023

City of Clare  
202 W Fifth St  
Clare, MI 48617

Dear Records Coordinator,

Please accept this request to receive copies of information in your files relative to the following sites:

**220-230 Mary Street (PID: 051-400-018-01)**

Assessing Department Information

- Historical and current property record cards

Building Department Information

- A diagram of the building layout, or of the property
- Any files/diagrams regarding UST or other storage tanks on the property.
- Any permits that have been issued for the property, including utility tap dates

If you could please let me know if you have information available to copy, I would appreciate it. **Please send a cost estimate prior to reproducing any material.** If you prefer, we come in and review information, please let me know. My phone number is 616-222-1777, or I can be reached by email at [lindsey.sorensen@pmenv.com](mailto:lindsey.sorensen@pmenv.com), or by fax at 877-884-6775.

Sincerely,  
**PM Environmental, Inc.,**

Lindsey Sorensen  
Staff Consultant  
2034 84<sup>th</sup> Street SW  
Byron Center, MI 49315



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

October 12, 2023

Lindsey Sorenson  
1300 S. Meridian Ave, Ste. 400  
OKC PL 73108

P: (616) 222-1777  
E: lindsey.sorensen@pmenv.com

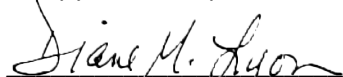
RE: **Freedom of Information Act ("FOIA") Request Response**

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated October 12, 2023, for the following records is acknowledged and granted in part: **220-230 Mary Street, Property ID 051-400-018-01-Historical and current property record cards from Assessing; diagram of the building layout, or of the property, files/diagrams regarding UST or other storage tanks on the property, and permits that have been issued for the property, including utility tap dates.**

Pursuant to MCL 15.234(8) a public body may require a 50% good-faith deposit if the entire fee estimate exceeds \$50.00. Accordingly, the City of Clare requires a deposit as outlined in the attached fee schedule in order to complete your request. Pursuant to MCL 15.234(14) this deposit must be received 45 days from the date of this letter (November 27, 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. Upon receipt of the deposit, we will begin locating and compiling the requested information. The City of Clare estimates a processing time of 20 business days after receipt of payment.

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) 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).
- (4) 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:** FOIA@cityofclare.gov  
**Sent:** Tuesday, October 31, 2023 2:25 PM  
**To:** FOIA  
**Subject:** New submission from Request for Examination or Copy of Records (FOIA)

### Requestor Information

**Name**

Chris Murphy

**Date of Birth**

06/06/1971

**Street Address**

7505 Metro Blvd. S Suite 300

**City**

Edina

**State**

MN

**Zip Code**

55439

**Daytime Phone:**

(952) 715-0144

**Email**

[christopher.murphy@gza.com](mailto:christopher.murphy@gza.com)

### Request Information

**Date/Time of Incident:**

NA

**CPD Comp #:**

NA

**Type of Incident:**

NA

**Location of Incident:**

595-605 Industrial Drive Clare, MI

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

We are looking to see if the property has any fire or building code violations, last inspection from both departments, how often the property is inspected by both departments, any open building permits, is the fire department aware of any registered tanks, spills of hazardous chemicals or materials or any other conditions that may affect the environment at the subject property? If so,

what are the contents of the tank, were the chemicals/materials, what quantity was spilled and what was the approximate date and what are the conditions? Get a copy of the certificate of occupancy?

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

Copying



## 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

To: State Senator Roger Hauck

From: The City of Clare

Date: October 23, 2023

Re: **Opposition to HB4965**

Dear Senator Hauck,

I am providing this letter of opposition to HB4965, which is before the Michigan State Senate.

Currently, the City of Clare collects Cable Television Franchise Fees of approximately \$48,256 annually. Passing this bill will have a direct negative impact on local Video Service franchising revenue in the City of Clare. This revenue is necessary for us to operate and deliver public services in our community like police, fire, parks, and right-of-way maintenance. A portion of these fees are used to support our local Public, Educational, and Government (PEG) access station programming. I am aware of your record of support for transparency in local government and PEG programming provides an avenue for that transparency.

With the decline and eventual retirement of traditional Cable Television services, these constitutionally mandated franchise fees decrease to ZERO. All future paid subscription video services (YouTube TV, HULU, Netflix, AT&T Direct TV, ESPN+, etc.) will still be delivered through our Public Rights of Way at NO COST to these multibillion-dollar companies.

If enacted, HB4965 will negatively impact the bottom line of every municipality in the State. Exempting paid subscription streaming services (YouTube TV, HULU, Netflix, AT&T Direct TV, ESPN+, etc.) from paying Public Right of Way (ROW) franchise fees will have a devastating effect on this city and every municipality in the State.

Please do not give away these legal and Constitutionally Mandated Right-of-way fees to multibillion-dollar corporations.

Thank you for your time and consideration.

Diane M. (Schmidt) Lyon  
Clare City Clerk

### 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



STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING

FOR THE **ELECTRIC** CUSTOMERS OF CONSUMERS ENERGY  
COMPANY

CASE NO. U-21374

- Consumers Energy Company requests Michigan Public Service Commission for approval of revisions to its current Voluntary Green Pricing programs and an amendment to its Renewable Energy Plan.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, 517-788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company or on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets).
- A pre-hearing will be held:

**DATE/TIME:** **Tuesday, November 14, 2023 at 9:00 AM**

**BEFORE:** Administrative Law Judge James M. Varchetti

**LOCATION:** **Video/Teleconferencing**

**PARTICIPATION:** Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) in advance of the hearing

**Consumers Energy**

*Count on Us*<sup>®</sup>

ONE ENERGY PLAZA  
JACKSON MI 49202

PRESORTED  
FIRST CLASS MAIL  
US POSTAGE PAID  
CONSUMERS ENERGY CO

88  
TR 1

\*\*\*\*\*AUTO\*\*ALL FOR AADC 480

Clerk, City of CLARE  
202 W 5th St  
Clare MI 48617-1457



Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's (Consumers Energy) September 22, application requesting the Commission to: 1) Determine that Consumers Energy's Renewable Energy (RE) Plan is reasonable and prudent, and that it meets all applicable requirements of Act 295, as amended by Act 342; 2) approve proposed modifications to the RE Plan; 3) approve the Renewable Energy Program as a Voluntary Green Pricing program; 4) approve the proposed revisions to the Solar Gardens Program; 5) approve the proposed revisions to the Renewable Energy Credit Program; 6) approve the new Green Giving Program; 7) approve the shift of up to \$40 million from the Green Generation Program account to the RE Plan regulatory liability account to support the development of future renewable resources; 8) approve Consumers Energy's regulatory accounting adjustments and use of regulatory liabilities to account for (a) contributions to the Green Giving Program and (b) up to \$20 million of the Green Generation Program account surplus to be designated for income-qualified subscriptions to the Green Giving Program and to Solar Gardens in environmental justice communities; and grant Consumers Energy such other and further relief as the Commission finds just and reasonable.

Documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](https://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by November 7, 2023. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

The prehearing is scheduled to be held ~~remotely~~ by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

Any person wishing to participate without intervention under Mich Admin Code, R 10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and shall include reference Case No. U-21374. Statements may be emailed to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter

shall be posted on the Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6j et seq.; 2008 PA 295, MCL 460.1001 et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

**THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT, OR AMEND PROPOSALS MADE BY CONSUMERS ENERGY.**

2312-E

## **PART-TIME OFFICE ASSISTANT/ASST. DEPUTY CLERK**

The City of Clare is seeking applicants to fill a part-time clerical/finance/elections assistant position within the city clerk's department. This position offers an hourly wage of \$16.26 per hour. The regular work schedule will be twenty-five to thirty-two hours per week Monday through Thursday and occasional weekend work and evening work during the election season. Must be knowledgeable in Microsoft Office applications and accounting practices for processing accounts payable, accounts receivable, and payroll. Knowledge of BS&A software applications, municipal operations, and assistance in election administration is a plus. Please submit an online application at [www.cityofclare.gov](http://www.cityofclare.gov), as well as letter of interest, resume, and three current professional references to [dlyon@cityofclare.gov](mailto:dlyon@cityofclare.gov) or by mail to City Clerk, City of Clare, 202 W. Fifth Street, Clare, Michigan 48617. Applications will be accepted until 5:00 p.m. on Wednesday, November 8, 2023. A job description including the required and desired qualifications is available on the city's website [www.cityofclare.gov](http://www.cityofclare.gov). The City of Clare is an equal opportunity provider and employer.

Diane Lyon  
Clare City Clerk



Position Available  
City Treasurer/Finance Director  
for the City of Clare, Michigan

The City of Clare is accepting resumes for the position of City Treasurer/Finance Director. The City of Clare is seeking a detail-oriented professional who will bring technical competence and financial acumen to the City Treasurer/Finance Director's office. Candidates should be a person of exceptional character and integrity – someone who possesses the highest ethical standards and understands that they will be entrusted with the public's funds. The City Treasurer/Finance Director serves as an administrative officer for the city. A detailed job description is available on the city's website at [www.cityofclare.gov](http://www.cityofclare.gov).

Candidates are required to send a letter of interest, a current resume listing qualifications, and provide a minimum of three, current, professional references to the City Manager at [jhoward@cityofclare.gov](mailto:jhoward@cityofclare.gov). This job posting will remain open until the position has been filled. The City of Clare is an equal-opportunity employer and provider. Applicants must possess a valid driver's license and are subject to a background check.

