

AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners
FROM: Diane Lyon, City Clerk
DATE: August 1, 2024
RE: *Communications

For the Agenda of August 5, 2024

***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 this 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 5, 2024.**

FOIA Requests & Responses: Kara Douma, Douma Research; Dungan & Kirkpatrick; Jason MacDonald for Waist Deep Dumpsters; Emily Johnson; and Rachel Schwartzkopf.

Clare County Mobile Food Distribution: The Greater Lansing Food Bank will hold the monthly Clare County Free Drive-Thru Mobile Food Distribution on August 3, 2024, at the Clare County Fairgrounds starting at 9:00 am.

Michigan Public Service Commission Notice of Hearing: The MPSC will hold a public hearing on August 13, 2024, @ 9:00 am for the approval of the Reconciliation of DTE's Energy Waste Reduction Plan Expenses for the Plan Year 2023.

August 6, 2024 State Primary Election: The State Prime will be held on August 6. Polls (located in the Pere Marquette District Library lower level) open at 7 am and will remain open until 8 pm to allow qualified electors of the City to cast their vote in person.

Attachments. As noted above.

Diane Lyon

From: Kara Douma <karadouma@doumaresearch.com>
Sent: Wednesday, July 10, 2024 11:23 AM
To: Diane Lyon
Cc: Jeremy Howard
Subject: Re: Various Board Members and Minutes

Kara Douma
5407 Lampen Drive
East Lansing, MI 48823

July 10, 2024

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

Dear Ms. Lyon:

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:

All minutes for the Economic Development Corporation, Industrial Development Corporation, Local Development Finance Authority, and the Zoning Board of Appeals

- Any minutes for the Local Development Finance Authority that are not currently included on the City of Clare website.
- Minutes for the Economic Development Corporation, Industrial Development Corporation, and Zoning Board of Appeals from 2012 to 2022.

I would assume the minutes for these public bodies are held somewhere readily available to the public. If they are, please inform me where, and I will seek the information myself, saving you time, given your upcoming primary election.

If there are any fees for searching or copying these records, please let me know if the cost will exceed \$50. However, 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 under the law.

Thank you for considering my request.



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

July 17, 2024

Kara Douma
5407 Lampen Drive
East Lansing MI 48823

Phone (517) 896-5077
karadouma@doumaresearch.com

RE: **FOIA Request #2024-056**

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated July 10, 2024, for the following records is acknowledged and is hereby granted in part:

All minutes for the Economic Development Corporation, Industrial Development Corporation, Local Development Finance Authority, and the Zoning Board of Appeals

- **Any minutes for the Local Development Finance Authority that are not currently included on the City of Clare website. (Per email clarification on 7/16/24, only minutes after the year 2000).**
- **Minutes for the Economic Development Corporation, Industrial Development Corporation, and Zoning Board of Appeals from 2012 to 2022.**

The Industrial Development Corporation is an autonomous body. I do not have any meeting minutes.

To process your request, the City of Clare has provided an estimate of fees (attached) to provide the information. The City estimates a FOIA processing fee of \$73.93 to search for, retrieve, review, separate, examine material, and prepare records for mailing.

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 in the amount of \$36.96 in order to complete your request. Pursuant to MCL 15.234(14) this deposit must be received within 45 days of the date of this letter (by the end of business on Monday, September 1, 2024), 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. The City of Clare estimates a processing time of 60 business days after receipt of payment.

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

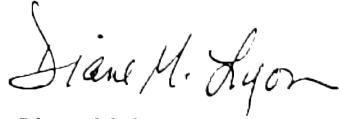
If your FOIA request has been denied in whole or in part, you may do one of the following at your option:
(1) Commence an action in the circuit court to compel disclosure of the public records or information within 180 days after the governmental unit's final determination to deny your request. If the 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.

The City of Clare is an Equal Opportunity Provider and Employer



- (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.

Sincerely,



Diane M. Lyon
Clare City Clerk & FOIA Coordinator

LAW OFFICES
DUNGAN & KIRKPATRICK, PLLC
503 SOUTH JACKSON STREET
JACKSON, MICHIGAN 49203

MICHAEL DUNGAN
ANDREW KIRKPATRICK
SHELLEY DUNGAN

TEL: 517-783-3500
FAX: 517-783-3501

KELLIE WOODS, LEGAL ASSISTANT

Sent Via E-Mail and First Class Mail

July 24, 2024

Clare City Police Department
207 W. 5th Street
Clare, Michigan 48617

Dear Sir/Madam:

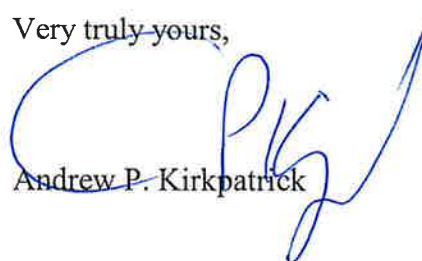
I have been retained to represent Joseph and Jessica Ousley regarding a motor vehicle/motorcycle hit and run OWI accident. My clients, Joseph and Jessica Ousley were the victims of this accident that occurred in your jurisdiction. Pursuant to the Michigan Freedom of Information Act, I am requesting a copy of the following:

Any and all police reports, accident reports, videos, photographs, or any other documents involving the hit and run motor vehicle accident that occurred on or about July 18, 2024 involving my clients, Joseph Richard Ousley and Jessica Lynn Ousley.

Please remit a copy of said report to the my email, andrew@jxnlaw.com. If there are any costs associated with this request, please advise and payment will be made immediately.

Thank you for your prompt attention to this matter and please let me know if you have any questions or concerns with this request.

Very truly yours,



Andrew P. Kirkpatrick

kw

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

FREEDOM OF INFORMATION ACT
NOTICE OF 10-DAY EXTENSION

July 30, 2024

Andrew P. Kirkpatrick
503 South Jackson Street
Jackson MI 49203

RE: FOIA# 2024-062. Any and all incident reports/records/videos related to a vehicle/motorcycle hit and run OWI accident that occurred on or about July 18, 2024, involving Joseph Richard Ousley and Jessica Lynn Ousley.

We are in receipt of your request for the records noted above. The police are still working on collecting evidence, and videos must be reviewed for redaction. The records requested will be released to you as soon as possible. an additional ten (10) business days will be required in order to provide a response.

This public body shall, therefore, on or before: August 15, 2024.

- (1) Grant the request;
- (2) Issue a written notice denying the request; or
- (3) Grant the request in part and issue a written notice denying the request in part.

Respectfully,

A handwritten signature in black ink that reads "Diane M. Lyon".

Diane M. Lyon
Clare City Clerk & Freedom of Information Coordinator

The City of Clare is an Equal Opportunity Provider and Employer





July 16, 2024

Waist Deep Dumpsters Inc.
750 Industrial Dr.
Clare, MI 48617

Diane Lyon-FOIA Coordinator
City of Clare
202 W. Fifth St.
Clare, MI 48617

Ms. Lyon,

Please accept this letter as an official request for information and records under the Freedom of Information Act (FOIA). I understand there may be a reasonable pre-established fee for this request based on the extent of the request and the format in which the information is requested.

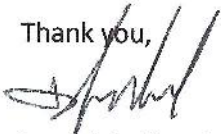
I am requesting copies of the following information:

1. Copies of any and all communication from, to, or between Clare City elected officials, Clare City employees, Clare City contractors, The State of Michigan, the Michigan Department of Energy and Great Lakes EGLE), or any other party, that pertains to Waist Deep Dumpsters and/or Marvin Heintz. Please include communication through email, text (if applicable) or other means of recorded communication.
2. Copies of any minutes of Clare City Council or subcommittee meetings where Waist Deep Inc. and/or Marvin Heintz were discussed. Please include any meeting minutes where Waist Deep Inc. and/or Marvin Heintz were included in a consent agenda or other grouping of materials not openly discussed at the meeting.
3. Copies of any permits issued to the City of Clare, Savin Lake Services, or other entities involved with the dredging operation at Shamrock Lake that pertain to the dredging of Shamrock Lake. .
4. Copies of any notices of non-renewal, cancellation, violation, or any other notification from regulatory bodies pertaining to the dredging operation at Shamrock Lake.
5. Copies of any standards, stipulations, or guidelines included in any permit communication pertaining to the loading, transportation, or dumping of the dredged solids from Shamrock Lake..
6. Copies of any agreements with entities involved in the dredging operation at Shamrock Lake.
7. Copies of all account payable records or communication pertaining to Waist Deep Dumpsters and/or Marvin Heintz for the time period of May 1, 2021 through July 16, 2024. Please include records of the approvals authorizing the payments. Please include only those records not already included in the email sent by Luke Potter on July 10, 2024.

8. Copies of payroll records for hours paid to employees operating dredging equipment from May 1, 2021 through July 16, 2024.
9. Copies of any and all communication from, to, or between Clare City elected officials, Clare City employees, Clare City contractors, The State of Michigan, the Michigan Department of Energy and Great Lakes EGLE), and any other party that pertains to the 2 Dump Sites. Please include communication through email, text (if applicable) or other means of recorded communication.
10. Copies of any agreements pertaining to both dump sites, all dredging materials loading locations, or transportation of dredged materials.
11. Copies of any Grant Awards relative to the dredging of Shamrock Lake received by the City of Clare, Savin Lake Services, or any other group involved in the dredging of Shamrock Lake. Please include the accounts receivable records for funds received.
12. Copies of the special assessment language enacted and/or approved by the voters, through which the City of Clare is assessing the households located in the assessment district for Shamrock Lake.
13. Copies of any records recording the receipt of tax revenue through the special assessment for the dredging of Shamrock Lake.

I am requesting this information in electronic format if possible, but will also accept hard copies if it is necessary or more cost effective. If the total cost for the fulfillment of this FOIA request appears as though it will exceed \$50.00 please contact me prior to fulfillment. Email correspondence regarding this request and the denial and/or fulfillment can be directed to dr.j@heintzpropane.com. You may also call me at (989) 445-0255. I have included Gary Popovits in this communication and after reviewing the information provided through this request you should expect to receive additional correspondence from his office.

Thank you,



Jason MacDonald
Waist Deep Dumpsters Inc.

CC: Marvin Heintz
Waist Deep Dumpsters Inc.

Gary Popovits
Pezzetti, Vermetten & Popovits, P.C.

Diane Lyon

From: Jason MacDonald <dr.j@heintzpropane.com>
Sent: Thursday, July 25, 2024 7:26 AM
To: Diane Lyon
Cc: Jeremy Howard; marvin heintz; Gary Popovits; Luke Potter; Jaynie Hoerauf; Heather Nevill; Jennifer Kinberg; Laurie Jackson
Subject: Re: FOIA Request for Copies of Records-Waist Deep Dumpsters

Good morning Diane,

Please exclude communications such as utility bills, his airport property lease, Little League, site plan for Mr. Heintz's property in the south industrial park, tax bills, etc. on item #1.

The clarifying answer above applies to item #7 as well.

Thanks for reaching out. Please let me know if you require anything further.

Jason

On Wed, Jul 24, 2024 at 9:36 AM Diane Lyon <DLyon@cityofclare.gov> wrote:

Good morning Jason

I do need to get clarification on some of the information that you've requested.

Can you please provide clarification on the requested information for the following numbered items on the request.

#1. Any and all communication from, to, or between the Clare City elected officials, Clare City employees, Clare City Contractors, The State of Michigan, EGLE, or any other party that pertains to Wist Deep Dumpsters and/or Marvin Heintz. [Is this request just for records related to the Lake Shamrock Dredging project and hauling of spoils or does it also include communications such as utility bills, his airport property lease, Little League, site plan for Mr. Heintz's property in the south industrial park, tax bills, etc.?](#)

#7. Copies of all account payable records or communication pertaining to Waist Deep Dumpsters and/or Marvin Heintz for the time period of May 1, 2021 through July 16, 2024. Please include records of the approvals authorizing the payments. Please include only those records not already included in the email sent by Luke Potter on July 10, 2024.

[When you say copies of all communication pertaining to Waist Deep Dumpsters and/or Marvin Heintz, are you asking for all accounts payable communications or all communications? If it's all communications, does your clarifying answer to question 1 apply to this also?](#)

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

City Hall office hours Monday -Thursday 7:00am-5:30pm

From: Jason MacDonald <dr.j@heintzpropane.com>

Sent: Wednesday, July 17, 2024 8:34 AM

To: Diane Lyon <DLyon@cityofclare.gov>

Cc: Jeremy Howard <JHoward@cityofclare.gov>; Marvin Heintz <marvin@heintzpropane.com>; Gary Popovits <GPopovits@mich-legal.com>; Luke Potter <LPotter@cityofclare.gov>

Subject: FOIA Request for Copies of Records-Waist Deep Dumpsters

Ms. Lyon,

Please see the attached Freedom of Information Act request for copies of records. If you require any clarification as to the scope of any of the individual requests do not hesitate to reach out to me. I will also deliver a hard copy of this request to your office today.

Thank you,

Jason MacDonald

From: Emily Johnson <eljohnson9613@gmail.com>

Sent: Thursday, July 18, 2024 4:40 AM

To: Diane Lyon <DLyon@cityofclare.gov>

Subject: FOIA-Michigan Public Records Request

To Whom It May Concern:

Pursuant to the Michigan's Freedom of Information Act (MCL 15.231 et seq), I hereby request the following records:

Records sufficient to show your agency's relationship with Lexipol (formerly known as Praetorian Digital), which may include agreements and/or contracts for products/services.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filed electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Emily Johnson

从 Windows 版邮件发送

Laurie Jackson

From: Diane Lyon
Sent: Thursday, July 18, 2024 10:28 AM
To: 'Emily Johnson'
Cc: Laurie Jackson; Jennifer Kinberg
Subject: RE: FOIA-Michigan Public Records Request
Attachments: 07.01.19 FOIA Procedures and Guidelines.pdf; 07.01.19 FOIA Summary of Procedures and Guidelines.pdf

Good morning Ms. Johnson,

Your request does not satisfy the requirements of PA 442 of 1976 (FOIA) Section 15.233 and is therefore denied. I have attached the City's FOIA Procedures and Guidelines and Summary of same. Additionally, please send all FOIA requests for FOIA@cityofclare.gov so that all of the staff receive the request and can respond in the event I am out of office.

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
City Hall office hours Monday -Thursday 7:00am-5:30pm

From: Emily Johnson <eljohnson9613@gmail.com>
Sent: Thursday, July 18, 2024 4:40 AM
To: Diane Lyon <DLyon@cityofclare.gov>
Subject: FOIA-Michigan Public Records Request

To Whom It May Concern:

Pursuant to the Michigan's Freedom of Information Act (MCL 15.231 et seq), I hereby request the following records:

Records sufficient to show your agency's relationship with Lexipol (formerly known as Praetorian Digital), which may include agreements and/or contracts for products/services.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filed electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Emily Johnson

从 Windows 版[邮件](#)发送

Diane Lyon

From: FOIA@cityofclare.gov
Sent: Friday, July 19, 2024 3:52 PM
To: FOIA
Subject: New submission from Request for Examination or Copy of Records (FOIA)

Requestor Information

Name

Rachael Schwartzkopf

Date of Birth

07/05/1990

Street Address

8695 North Whiteville Road

City

Clare

State

Michigan

Zip Code

48617

Daytime Phone:

(810) 310-2060

Email

rachaeldoyle09@gmail.com

Request Information

Date/Time of Incident:

06/09/2016 and 03/28/2016

Type of Incident:

Harassment and Domestic Assault

Location of Incident:

Buccilli's Pizza Clare, MI 48617 and 206 Mary Street APT H Clare, MI 48617

I am requesting the following record(s):

Police Reports on Roger Lee Ballinger DOB

Report would have been made around 06/09/2016 for Harassment
Buccilli's Pizza address is 1541 North McEwan Street Clare, MI 48617
Owner's Name: Shari Buccilli

Report was made 03/28/2016 for Domestic Assault
206 Mary Street Apt H Clare, MI 48617

Rachael Ellen Doyle

I am requesting the above record(s) for:

Copying

Please check this box if you wish to receive a "True Copy" of the requested record(s):

Check Here

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 23, 2024

Rachel Schwartzkopf
8695 N. Whiteville Rd.
Clare MI 48617

RE: **FOIA Request #2024-061**

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated July 19, 2024 for the following records is acknowledged and is hereby granted in part: **Police Reports on Roger Lee Ballinger DOB**

Report would have been made around 06/09/2016 for Harassment Buccilli's Pizza address is 1541 North McEwan Street Clare, MI 48617 Owner's Name: Shari Buccilli
Report was made 03/28/2016 for Domestic Assault 206 Mary Street Apt H Clare, MI 48617 Rachael Ellen Doyle

Personal information that is exempt under MCL 15.243 Section 13.1(a) & (b)(iii) has been redacted.

The City of Clare's FOIA Procedures and Guidelines and Summary are available for review on our website at 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.

Sincerely,

A handwritten signature in black ink that reads "Diane M. Lyon".

Diane M. Lyon
Clare City Clerk & FOIA Coordinator

The City of Clare is an Equal Opportunity Provider and Employer

