

AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners
FROM: Diane Lyon, City Clerk
DATE: October 31, 2024
RE: *Communications

For the Agenda of November 4, 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 November 4, 2024.**

FOIA Requests & Responses: Langan Environmental.

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

- Request to Rezone Parcel ID 051-321-001-10, 506 W. 5th St.

Attachments. As noted above.

Diane Lyon

From: Jake Jordan <jjordan@langan.com>
Sent: Tuesday, October 22, 2024 11:45 AM
To: FOIA
Subject: FOIA Request - City of Clare

Hello,

Langan Engineering is conducting a Phase I Environmental Site Assessment (ESA) of the property located at 580 Industrial Drive, Isabella County, Clare, Michigan 48617. The property is also identified as Clare County parcel IDs 18-002-10-013-20, 18-002-20-015-00, and 18-002-30-016-00. In support of our Phase I ESA, Langan is requesting any information or copies of files regarding environmental conditions at the site, such as environmental reports, environmental permits, building permits, notices of violations, spill/discharge incidents, storage or disposal of hazardous substances, Underground Storage Tanks (USTs) or Aboveground Storage Tanks (ASTs), Leaking Underground Storage Tanks (LTANKs), asbestos abatement, PFAS production/storage, fire response, aqueous film-forming foam (AFFF) usage, biosolids applications, and any other environmental reports that your department may have.

Thank you,

Jake Jordan
COOP Student

LANGAN

Direct: 724.514.5100 x5063

[File Sharing Link](#)

Phone: 724.514.5100 Fax: 724.514.5101

2400 Ansys Drive

Suite 403

Canonsburg, PA 15317-9540

www.langan.com

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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

DENIAL OF REQUEST FOR PUBLIC RECORD

October 23, 2024

Jake Jordan
Langan Engineering
2400 Ansys Drive, Ste. 403
Canonsburg, PA 15317-9540

Phone: (724) 514-5100
Fax: (724) 514-5101
jjordan@langan.com

RE: FOIA 2024-094 – Property ID 18-002-30-016-00, 18-002-20-015-00, 18-002-10-013-00: any environmental reports, environmental permits, building permits, notices of violations, spill/discharge incidents, storage or disposal of hazardous substances, Underground Storage Tanks (USTs) or Above ground Storage Tanks (ASTs), Leaking Underground Storage Tanks (LTANKs), asbestos abatement, PFAS production/storage, fire response, aqueous film-forming foam (AFFF) usage, biosolids applications.

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.

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.

Diane M. Lyon, City Clerk & FOIA Coordinator

October 23, 2024
Denial Date





CITY OF CLARE

202 West Fifth Street | Clare, Michigan 48617-1490

Office 989.386.7541 | Fax 989.386.4508

www.cityofclare.org

CITY HALL

Ph 989.386.7541

Fx 989.386.4508

www.cityofclare.org

Manager x102

Assessor x103

Clerk x106

Treasurer x107

CITY OF CLARE PUBLIC NOTICE

The City of Clare Planning Commission will hold a public hearing on Wednesday, November 13, 2024, at 6:30 p.m. at Clare City Hall to receive public comment pertaining to a Request for Change in Zoning from commercial (C2) to residential (R2) for property commonly known as 506 W. Fifth Street, Clare, Michigan 48617. A copy of the Request for Change in Zoning application is available for review during regular business hours at the Clare City Clerk's Office, M-Th 7am-5:30pm, Clare City Hall, 202 W. Fifth Street, Clare MI 48617.

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

The City of Clare City Commission will hold a public hearing on Monday November 18, 2024, at 6:00 p.m. at Clare City Hall to receive public comment pertaining to the above Request for Change in Zoning. The City Commission will accept comments at the hearing or in writing if the written comments are received by the Clare City Clerk not later than 4:00 p.m. on the date of the hearing.

POLICE DEPT. NON-EMERGENCY

Ph 989.386.2121

Fx 989.386.0440

Diane Lyon
City Clerk

Publication Date: 10/25/24

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

