

AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners
FROM: Diane Lyon, City Clerk
DATE: January 16, 2025
RE: *Communications

For the Agenda of January 20, 2025

***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 January 20, 2025.**

FOIA Requests & Responses: The Warren Group; Michigan Consulting & Environmental; Bulldog Investigation

Consumers Energy Hearing: The MPSC will hold a public hearing on January 21, 2025, to consider the approval of a power purchase contract between Consumers Energy Company and Midland Cogeneration Venture Limited Partnership.

Attachments. As noted above.



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

January 6, 2025

Christina Doucette
The Warren Group
2 Corporate Way, Ste 250
Peabody, MA 01960

P: 617-896-5379
E: cdoucette@thewarrengroup.com

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

Your request for public record(s) under the Michigan Freedom of Information Act (“FOIA”), dated December 21, 2024, for the following records is acknowledged: **Winter 2024 Tax Roll in the BSA format. A fee schedule is attached for your records.**

Your request for information is hereby **Granted.**

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.

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

Diane M. Lyon
FOIA Coordinator & City Clerk

The City of Clare is an Equal Opportunity Provider and Employer



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



202 West Fifth Street, Clare, Michigan 48617
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FREEDOM OF INFORMATION ACT
NOTICE OF 10-DAY EXTENSION

January 7, 2025

Tonia Hack, Michigan Environmental
2748 Garfield Rd.
Traverse City MI 49686
(734) 845-4238
thack@michenv.com

RE: FOIA# 2024-111. review current and historical records for properties located at 520, 635, and 720 Industrial Drive, Clare (Parcel IDs: 18-002-10-012-09, 18-170-00-011-20, 18-170-00-015-10, & 18-170-00-008-12), including:

- Assessor records (current/historical field cards, permits, inspections)
- Building, Zoning, Code Department records (building, electric, mechanical, plumbing permits, inspections, utility connection permits, building plans)
- Fire Department records (inspections, hazardous material inventories, fire or other incident reports)
- Department of Public Work records (utility connection permits, utility main distribution maps)

We are in receipt of your request for the records noted above. Due to the extent of your request and the span across multiple departments, an additional ten (10) business days will be required in order to provide a response.

This public body shall, therefore, on or before: January 23, 2025.

- (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

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

January 13, 2025

Tonia Hack
Michigan Consulting & Environmental
2748 Garfield Rd.
Traverse City MI 49686

Phone: 734-845-4238
thack@michiganenv.com

RE: FOIA Request #2024-111

Your request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), dated December 26, 2024, and received in this office on December 30, 2024, is hereby granted in part: **A copy of current and historical records for properties located at 520, 635, and 720 Industrial Drive (Parcel IDs: 18-002-10-012-09, 18-170-00-011-20, 18-170-00-015-10 & 18-170-00-008-12) including: Assessor Records (current/historical field cards, permits, inspections) Building, Zoning, Code Department records (building, electrical, mechanical, plumbing, utility connection permits, building plans) Fire Department Records (inspections, hazardous materials inventories, fire, or other incident reports) Department of Public Works (utility connection permits, utility main distribution map) But primarily all construction/addition permits, utility connection permits, site plans, as-built drawings, depicting private & public utility lines.**

Pursuant to MCL 15.234 and the City of Clare's FOIA policy, a public body may charge a fee for the labor associated with fulfilling a Freedom of Information Act request when failure to do so will result in unreasonably high costs to the public body that are excessive and beyond the normal or usual amount for those services compared to the public body's usual FOIA requests. Because only the police department staff has access to police records from the database, it will be necessary for that department to search for and retrieve the requested records.

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 \$277.95 to search for, retrieve, review, separate, examine material, and redact (if necessary) the requested records.

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 \$138.98 in order to complete your request. Pursuant to MCL 15.234(14) this deposit must be received within 45 days of the receipt of this notice (by the end of business on Monday, March 3, 2025), 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.

The City of Clare is an Equal Opportunity Provider and Employer

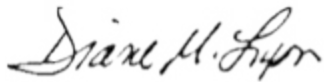


If your FOIA request has been denied in whole or in part, you may do one of the following at your option:

- (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,



Diane M. Lyon
Clare City Clerk & FOIA Coordinator

Laurie Jackson

Subject: FW: New submission from Request for Examination or Copy of Records (FOIA)

From: FOIA@cityofclare.gov <FOIA@cityofclare.gov>
Sent: Monday, January 13, 2025 11:18 AM
To: FOIA <FOIA@cityofclare.gov>
Subject: New submission from Request for Examination or Copy of Records (FOIA)

Requestor Information

Name

Holly Garratt

Birth Year

1,971

Street Address

PO Box 67

City

Alpena

State

MI

Zip Code

49707

Daytime Phone:

(517) 614-1945

Email

hgarratt@bulldoginv.com

Request Information

Date/Time of Incident:

Unknown

Type of Incident:

Domestic

Location of Incident:

Clare, MI

I am requesting the following record(s):

We are looking for any and all records involving Alyssa Stuhr with a DOB of 03/31/ and a We have information that Justin Cadwallader had Alyssa Stuhr arrested or at least lodged in jail. We do not know the location or date of this incident.

I am requesting the above record(s) for:



where the north begins at the crossroads of RT 10 and 127.

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www.cityofclare.org
phone: (989) 386-7541 fax: (989) 386-4508

January 13, 2025

DENIAL OF REQUEST FOR PUBLIC RECORD

Holly Garratt
PO Box 67
Alpena, MI 49707

Tel: (517) 614-1945
hgarratt@bulldoginv.com

RE: FOIA Request #2025-001 via email dated 01/13/2025. Alyssa Stuhr arrest records.

X Your request as described is denied because it does not exist.

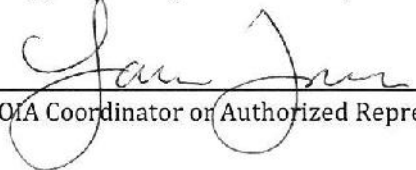
NOTICE: This correspondence constitutes a certification that the public records, as indicated, do not exist. You have the right to appeal this denial to the City Manager in writing that specifically states the word "APPEAL" and indicates the reason or reasons for reversal of the denial, or seek judicial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

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- (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

January 13, 2025
Date Denial Approved

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PRESORTED
FIRST CLASS MAIL
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CONSUMERS ENERGY CO

ONE ENERGY PLAZA
JACKSON MI 49202

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TR 1

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING

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

CASE NO. U-21827

- Consumers Energy Company requests Michigan Public Service Commission for approval of a power purchase contract between Consumers Energy Company and Midland Cogeneration Venture Limited Partnership.
- 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, 800-477-5050, 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: <https://mi-psc.my.site.com/s/>.
- A pre-hearing will be held:

DATE/TIME: Tuesday, January 21, 2025 at 9:00 AM

BEFORE: Administrative Law Judge Lesley C. Fairrow

LOCATION: Video/Teleconferencing

PARTICIPATION: Any interested person may participate. Persons needing any assistance to participate or who are seeking access to the video/teleconference should contact the Administrative Law Judge's secretary at (517) 284-8130 or by email at LARA-MOHR-PSC@michigan.gov in advance of the hearing.

*****AUTO**ALL FOR AADC 480
Clerk, City of CLARE
202 W 5th St
Clare MI 48617-1457


The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's (Consumers Energy) December 16, 2024 application requesting the Commission to: 1) grant approval of the agreement between Consumers Energy Company and Midland Cogeneration Venture Limited Partnership for the purchase of Zonal Resource Credits in Planning Years 2025 and 2026, as proposed by Consumers Energy; 2) approve the recovery by Consumers Energy Company of all payments under the agreement for the purposes of Section 6j of 1982 PA 304, MCL 460.6j, and all other applicable law; and 3) grant Consumers Energy such other and further relief as may be lawful and appropriate.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: 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. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: 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 January 14, 2025. (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, 1 Energy Plaza Dr., 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 for participating in the hearing.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of their wish to make a statement of position. Mich Admin Code, R 792.10413 (Rule 413).

Any person wishing to file a public comment may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. **U-21827**. Statements may be emailed to: 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 becomes public information, thus available on the Michigan Public Service 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 Executive Secretary 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.

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.; and Parts 1 & 4 of the Administrative Hearing Rules of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106(2), (3), (4), (5), (6), and (7); R 792.10121; and R 792.10401 through R 792.10448.

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

2414-E