

AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission
From: Ken Hibl, City Manager
Date: January 28, 2016
Regarding: City Manager's Report

For the Agenda of February 1, 2016

Planning Commission Meeting. The next-scheduled Planning Commission meeting is scheduled for Wednesday, February 10th. The two primary agenda topics include a request for an amendment to the approved WalMart site plan to change elevation/façade colors of a portion of the proposed project and continuation of the City's Master Plan update with the assistance of McKenna Associates.

Proposed Street Millage. Ballot language for the May election must be approved and submitted to the local county clerks by February 9th. We discussed the possibility of including a street millage proposal for our electorate to consider at this election. But due to the current prohibition imposed by the state's new Public Act 269 that precludes us to use any type of governmental forum to educate voters regarding the various ballot proposals for 60 days preceding a scheduled election, we've deferred this matter to the August election (or later if need be) to allow the state legislature an opportunity to amend or repeal PA 269 and/or to await the outcome of the federal lawsuit filed against the State of Michigan this week to determine whether the law is constitutional.

Water Quality Article - Lead. Due to the public health concerns being raised as a result of recent issues being highlighted with the public drinking water in Flint, I asked Dale Clark, our Water Superintendent, to write a short article to assure our water customers that we do not have similar issues here in Clare; the article is attached. We have offered this piece to our local media in the event they desire to include it in one of their upcoming weekly editions. The article will also be included in our newsletter, aired on our public access channel, and posted to our website.

Temporary Surge – Part-Time Police Coverage. Due to the current public environment and general less-than-positive attitude toward law enforcement in general in our nation, safety of our officers is of critical concern to me. Consequently, I have approved (30-day trial period) the temporary increase of part-time officers to allow us to have back-up coverage for our duty vehicle on weekends.

Michigan Annual Local Government Manager's Conference. I will be attending the annual statewide municipal manager's conference Feb 2-5; this year's conference is being held in Port Huron.

Marketing & Advertising for Sale of Fire Vehicles. I've given Chief Chapman the authority to expand his use of professional marketing and advertising agencies to assist us in selling our currently excess fire vehicles. I've restricted him to expending more than \$1,000 in these efforts without my prior approval.

Blight. We are currently focusing on two primary blight issues (207 W. Third Street and Steve's Auto & Glass). We've referred both of these matters to our City Attorney for action; correspondence related to both cases is attached. Jaynie is concurrently working on a blight case on an East Fifth Street residence that we've referred to her.

Human Resources Training for Supervisors. We've asked Jaynie to arrange an afternoon of HR training for our department heads and their deputies. We've also invited Harrison and PMDL to join us for this training opportunity; they've accepted the offer and concurrently offered to share in the cost of the training. The training will be provided by Mr. Lou Rabaut, an attorney specializing in human resources matters that we have used for all our HR matters for the past 18 years; to date we have never been successfully sued for any matter that Lou has provided us counsel. He will provide us a three-hour block of instruction to be held at the PMDL in late February/early March. The primary topics of discussion will include the top 10 reasons employers are sued, hiring practices, promotions & demotions, performance reviews, union contract issues, attendance & leave, pay practices, and discipline & discharge.

State of the Community Presentation. Mayor ProTem Jean and I will be participating in MidMichigan Community College's first-ever State of the Community event (*see copy of att'd flyer*) on Feb 9th. The event is primarily intended to inform our local community members of activities and actions in our local area. MPT Jean & will be making a ten-minute presentation for the event. We welcome and encourage everyone to attend.

Results of MDEQ Water System Survey. MDEQ conducted a survey of our water system in December; the results are outlined in the attached letter. A copy of the complete report is available in the City Clerk's Office or at our Water Superintendent's Office. The report indicates Dale and the members of his Department should be complemented on the job they are doing. But it also indicates we need to implement a more aggressive capital schedule to facilitate needed improvements in our distribution and iron removal systems – both of which require funding, of course.

Attachments.

1. Water Quality Article.
2. Blight Enforcement Documents.
3. State of the Community Flyer.
4. MDEQ Letter.

Lead In Drinking Water

With lead levels in Flint's water supply receiving national attention, this is a good time to talk about the water supply in the City of Clare. Before you read any further, I want to assure you that Clare's water supply is safe and does not have the lead issues that Flint is presently dealing with. Over the years the uses for lead have been numerous. For example, lead has been used in paint, gasoline, batteries, fishing equipment, and as a protective shield when receiving x-rays; the list goes on and on. The history of using lead in the water industry goes back to the Roman Empire. The Romans used lead for water pipes and as a material in their cooking pots and pans. In more recent years lead was used in solder to join copper pipes together and used for service lines that would carry water from the water mains in to your home. Manufacturers also used lead for the manufacturing of plumbing fixtures. We now know the pitfalls and dangers of lead. Lead is a toxin that causes both immediate and long term health problems, especially in children. So what are we doing to fix the problem? The city adds polyphosphates to our water for corrosion control. Polyphosphates line the water mains in our distribution system and within the pipes of our homes. This stops the lead from leaching into the water. Spring and fall hydrant flushing also helps prevent lead from leaching into our water. In 2014, the Reduction of Lead in Drinking Water Act was implemented. This Act specifies that materials used in the distribution of water may not contain more than .25% lead. You will be relieved to know that 100% of our water samples that were tested for lead this past June (2015) were all under the maximum contaminate level of 15 parts per billion. For more information, or if you have any questions please call or email Dale Clark, Director of Water Treatment for the City of Clare, at (989) 386-2321 or dclark@cityofclare.org.

Ken Hibl

From: Jaynie Hoerauf [jaynie@hoerauflaw.com]
Sent: Wednesday, January 27, 2016 10:06 AM
To: sgreg386@gmail.com
Subject: RE: Case#15-900586ch

Good Morning Mr. Smith,

Thank you for your proposal. I am sorry to report that I view your proposal as only a starting point. At this time, the taxes for the parcel are outstanding, and delinquent, in the tax forfeiture process. The County Treasurer's records as of January 2016 show:

Tax redemption for 2013 taxes of \$ 1,265.86
Delinquent taxes for 2014 of \$1,033.49
Unpaid taxes for 2015 of # 385.29 for winter and \$322.50 for summer.
The total unpaid taxes are \$3,007.14.

Given that the taxes remain unpaid and the property is in within the tax forfeiture process, my assessment is that it is unlikely that you will expend the sums necessary to bring the home into compliance with city codes, even given six or seven months to do so.

Demolition and building improvements both require City permits. The City is amenable to a proposal with closer deadlines.

- Demonstrate an intention to continue ownership of the parcel by paying the 2013 and 2014 taxes.
- Either hire a contractor for demolition, and provide us with a copy of the signed contract, and the contractor pulls the appropriate permit.
- Or, if you are going to demolish the home yourself, obtain the proper permit from the City and undertake to have the home demolished within 30 days.
- Or, if you are going to fix the home to bring it into acceptable condition, provide the proper plans to the City Building Department, obtain the proper permits, and commit to having the work substantially completed within 60 days.

If you desire to contest the City's action you will be required to appear in the court and timely file appropriate documents.

Thank you,

Jaynie Hoerauf

From: sgreg386@gmail.com [<mailto:sgreg386@gmail.com>]
Sent: Tuesday, January 26, 2016 6:20 PM
To: Jaynie Hoerauf <jaynie@hoerauflaw.com>
Subject: Case#15-900586ch

Hi, my name is Alfred Smith Jr.

My son and I will be in Michigan in June or July of this year we plan on putting a roof and siding on house depending on the damage and pricing if cost is to high we will demolished house we really wanna keep it but we was not able to come back last year due to my health and my son had two surgeries neck and shoulder we will pay taxes before deadline please allow us this time we will have it up to codes we truly apologize for the delay thank you and god bless

Sincerely
Alfred Smith jr

ccsf

WILSON LAW

21002 Mack Avenue, Grosse Pointe Woods, MI 48236
(313) 886-5600 - Fax (313) 886-5604

GARY M. WILSON
Also admitted in Massachusetts

Fax Transmittal

TO: JAYNIE SMITH HOERAUF, ESQ.
FROM: GARY M. WILSON, ESQ.
FAX NO: #989-386-3636
RE: CITY OF CLARE vs. STEVE'S AUTO TRIM & GLASS, ETAL
CASE NO. 11-9370-CH
DATE: JANUARY 26, 2016

This fax contains 5 pages (including cover page)

If you do not receive all pages or have any problems with receiving this fax, please call (313) 886-5600 and ask for Julie Block or Gary M. Wilson.

ORIGINAL: NOT TO FOLLOW: XXX TO FOLLOW: _____

MESSAGE: Please see attached.

The information contained in this facsimile message is privileged or confidential information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is neither allowed nor intended. If you have received this communication in error, please notify us immediately by telephone at the above listed number, and return the original message to us at the above listed address via the US Postal Service. Thank you.



January 26, 2016

Via: Facsimile – #989-772-7337

Clerk of the Court
Isabella County Circuit Court
300 North Main Street, #67
Mt. Pleasant, MI 48858

Attn: Jody

Re: *City of Clare vs. Steve's Auto Trim & Glass, etal*
Case No. 11-9370-CH

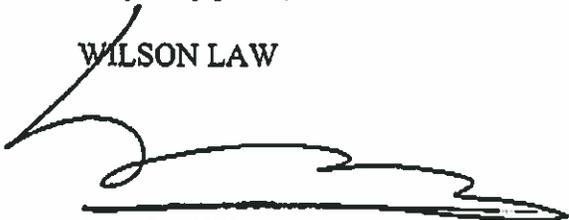
Dear Jody:

Pursuant to my assistant, Julie Block's conversation with you today, please find attached Mr. Wilson's Appearance on behalf of the Defendants and a Stipulation and Order to Adjourn Plaintiff's Motion to Enforce Judgment scheduled for Friday, January 29, 2016 at 2:15 p.m. to Friday, February 26, 2016 at 2:15 p.m. for the reason that Mr. Wilson was just retained by the Defendants and has requested additional time to review the file. I would ask that once the Order has been entered that you please fax or mail a true copy to our office. ✓ NOTED

Thank you for your anticipated cooperation. If you should have any questions, please feel free to contact our office. Thank you.

Very truly yours,

WILSON LAW



Gary M. Wilson

GMW/jab
Enclosures
cc: Jaynie Smith Hoerauf, Esq. (Via Fax)

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ISABELLA

CITY OF CLARE,

Plaintiff,

CASE NO. 11-9370-CH

vs.

STEVE'S AUTO TRIM & GLASS,
AUDIE W. WINSETT, STEVEN H.
LALONDE,

Defendants.

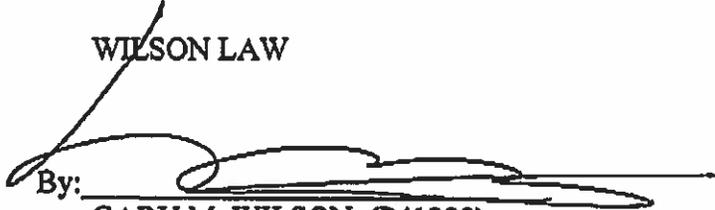
JAYNIE SMITH HOERAUF (P47885)
Attorney for Plaintiff
Jaynie Smith Hoerauf, P.C.
601 Beech, P.O. Box 67
Clare, MI 48617
(989) 386-3434

GARY M. WILSON (P41288)
Attorney for Defendants
WILSON LAW
21002 Mack Avenue
Grosse Pointe Woods, MI 48236
(313) 886-5600

APPEARANCE

PLEASE TAKE NOTICE that GARY M. WILSON hereby enters his Appearance on behalf of the above-named Defendants, STEVE'S AUTO TRIM & GLASS, AUDIE W. WINSETT, STEVEN H. LALONDE.

WILSON LAW

By: 

GARY M. WILSON (P41288)
Attorney for Defendants
21002 Mack Avenue
Grosse Pointe Woods, MI 48236
(313) 886-5600

Dated: January 26, 2016

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ISABELLA

CITY OF CLARE,

Plaintiff,

CASE NO. 11-9370-CH

vs.

STEVE'S AUTO TRIM & GLASS,
AUDIE W. WINSETT, STEVEN H.
LALONDE,

Defendants.

JAYNIE SMITH HOERAUF (P47885)
 Attorney for Plaintiff
 Jaynie Smith Hoerauf, P.C.
 601 Beech, P.O. Box 67
 Clare, MI 48617
 (989) 386-3434

GARY M. WILSON (P41288)
 Attorney for Defendants
 WILSON LAW
 21002 Mack Avenue
 Grosse Pointe Woods, MI 48236
 (313) 886-5600

**STIPULATION TO ADJOURN PLAINTIFF'S
MOTION TO ENFORCE JUDGMENT**

IT IS HEREBY STIPULATED by and between the parties hereto, through their respective counsel, that Plaintiff's Motion to Enforce Judgment scheduled for Friday, January 29, 2016 at 2:15 p.m. be adjourned to Friday, February 26, 2016 at 2:15 p.m. for the reason that attorney, Gary M. Wilson, has just been retained by the Defendants and is reviewing the case history and discovery.

JSH / w/ permission by GMLW

JAYNIE SMITH HOERAUF (P47885)
 Attorney for Plaintiff
 Jaynie Smith Hoerauf, P.C.
 601 Beech, P.O. Box 67
 Clare, MI 48617



GARY M. WILSON (P41288)
 Attorney for Defendants
 WILSON LAW
 21002 Mack Avenue
 Grosse Pointe Woods, MI 48236

**ORDER ADJOURNING PLAINTIFF'S
MOTION TO ENFORCE JUDGMENT**

At a session of said Court held in the City of Mt.
Pleasant, County of Isabella, State of Michigan,

On: _____.

PRESENT: HON. _____
TRIAL COURT JUDGE

UPON reading and filing the foregoing Stipulation and the Court being otherwise fully
advised in the premises;

IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff's Motion to Enforce
Judgment scheduled for Friday, January 29, 2016 at 2:15 p.m. be adjourned to Friday, February
26, 2016 at 2:15 p.m. for the reason that attorney, Gary M. Wilson, has just been retained by the
Defendants and is reviewing the case history and discovery.

TRIAL COURT JUDGE



Mid Michigan
Community College

State of the Community Event

We invite you to attend our first State of the Community event, which will bring community leaders together for a night of information sharing. Join us for an opportunity to learn more about your community - and those around you.

February 9, 2016
6:00 p.m.

Mid Michigan Community College
Cafeteria - Harrison Campus



Invited to participate:

- City of Clare
- City of Beaverton
- Village of Farwell
- City of Gladwin
- City of Harrison
- Gladwin County EDC
- Middle Michigan Development Corporation

For more information, contact Tonya Clayton at (989) 386-6601 or tmclayton@midmich.edu.



Mid Michigan
Community College



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAGINAW BAY DISTRICT OFFICE



KEITH CREAGH
DIRECTOR

January 20, 2016

Mr. Ken Hibl, Manager
City of Clare
202 West Fifth Street
Clare, Michigan 48617-1490

WSSN: 1420

Dear Mr. Hibl:

SUBJECT: City of Clare - Water System Sanitary Survey

This letter will confirm my visit with Mr. Dale Clark on December 15, 2015, and subsequent conversations review and discussion of the water supply facilities serving the City of Clare (City). The purpose of this meeting was to evaluate the water system with respect to the requirements of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399). In addition, the enclosed Water System Review form was updated to gather information on the City water supply system.

The City has proactively performed routine maintenance of the water system including the wells, iron removal plant and air strippers. The City also has installed a new fluoride feed system which should result in more accurate dosing of the water supply. Another improvement to the system the City made was switching from chlorine gas to sodium hypochlorite.

The following table summarizes our findings from our survey of the water system:

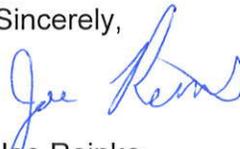
Survey Element	Findings
Source	No deficiencies/recommendations
Treatment	No deficiencies/recommendations
Distribution System	Recommendations made
Finished Water Storage	Recommendations made
Pumps	No deficiencies/recommendations
Monitoring & Reporting	No deficiencies/recommendations
Management & Operations	Recommendations made
Operator Compliance	No deficiencies/recommendations
Security	No deficiencies/recommendations
Financial	No deficiencies/recommendations
Other	-

It is hoped that the following recommendations will prove useful in enhancing the operation and maintenance of your water supply.

1. Planning should begin now for the replacement of the iron removal filters. The life expectancy of the filter tank is 30-35 years, the City's tanks are currently 52 years old. Filter No. 4 has been experiencing cracking that has needed repaired which is a sign of excessive corrosion in that area of the tank. The condition of the rest of the tank, especially the welded seams is currently unknown. With the failure at tank No. 4 it is an indication that the filter tank is reaching the end of its useable life.
2. We understand that operational constraints make it difficult to perform valve maintenance, but a routine valve maintenance program should be implemented to ensure that valves operate properly when needed. Inoperable valves can result in unnecessary service interruptions and wasted water during water main installation, repair, and maintenance activities. As a result of inoperable valves, larger portions of the distribution system must be depressurized for repairs. Without pressure, these portions of the distribution system are more susceptible to ground water infiltration and backflow from cross connections. It is recommended that valve locations be documented and basic valve information be recorded. Also, valves should be operated periodically to determine their condition.
3. The number of annual cross connection inspections being performed is not sufficient to meet the minimum frequency requirements. Additional inspections need to be performed to meet the cross connection inspection requirements.
4. The City should also begin considering the replacement of old, undersized watermains. It is our understanding that over one-half of the City's watermains are cast-iron and approximately 8 miles of 4-inch watermain exists in the system. Undersized, cast iron watermains are subject to increased breakage, low pressures, and poorer water quality. It is likely that replacement of these watermains would assist in reducing the amount of lost water.

If you have any questions, or desire to discuss the contents of this letter, feel free to contact me at 989-894-6261; or email to reinkej1@michigan.gov.

Sincerely,



Joe Reinke
District Engineer
Office of Drinking Water and Municipal Assistance
Saginaw Bay District Office

Enclosure

cc: Central Michigan District Health Department, Clare County
cc/enc: Mr. Dale Clark, City of Clare