

## AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission  
FROM: Ken Hibl, City Manager  
DATE: April 10, 2019  
RE: Resolution to Initiate Special Assessment Proceedings for Lake Shamrock  
(Weed Control)

For the Agenda of April 15, 2019

---

Background. Through the Lake Shamrock Board, the City has contracted with Progressive AE of Grand Rapids, Michigan to oversee weed control and maintenance of Lake Shamrock for the past two decades. The City has traditionally and historically shared (50/50 basis) the annual costs of the weed control program with the lakefront property owners through a special assessment process. The assessment period for the annual weed control program has expired. Without the continuation of the weed control program, the environmental health of the lake and ability to use this recreation asset will deteriorate to an even lower, more substandard level than it is today.

Progressive AE has offered the City a proposed weed control budget (*copy att'd*) to continue the weed control program for the next five-year period commencing in 2019. As the Lake Board has been abolished, the responsibility and authority to initiate special assessment proceedings to continue the weed control program for Lake Shamrock now rests with the City Commission.

As outlined in the attached City Attorney memo, the first step in that process is for the City Commission to adopt a resolution directing its city manager to prepare a report and facilitating notice of a public hearing to provide the City Commission a formal means a means to hear comment related to the proposed special assessment project. The City Commission is asked to adopt the initiating resolution.

Issues & Questions Specified. Should the City Commission adopt a resolution to initiate special assessment proceedings for weed control for Lake Shamrock.

Alternatives.

1. Adopt the initiating resolution.
2. Do not adopt the initiating resolution.
3. Set aside decision regarding this matter to a later date.

Financial Impact. The proposed weed control budget is \$30K annually for the next five-year period. If the City Commission takes all the required sequential steps to create special assessment district and shares the costs with the lakefront property owners at the traditional 50/50 ratio, the cost to the City will be \$15K - the remainder to be borne by the property owners.

Recommendation. I recommend that the City Commission adopt Resolution 2019-044 (*copy att'd*) to initiate special assessment proceedings for weed control at Lake Shamrock.

Attachments.

1. Proposed Weed Control Budget.
2. City Attorney Opinion.
3. Resolution 2019-044.



March 22, 2019

Mr. Ken Hibl  
City of Clare  
202 West Fifth Street  
Clare, MI 48617

Re: Lake Shamrock  
2019 - 2023 Nuisance Aquatic Plant Control Budget

Dear Ken:

Per our discussion, it appears the best way to move forward on the Lake Shamrock plant control project would be to establish a five-year special assessment district through the City of Clare. Below is a proposed budget for a five-year program.

**LAKE SHAMROCK  
PROPOSED NUISANCE PLANT CONTROL BUDGET  
2019 - 2023**

Aquatic Plant Control (Aquatic Herbicide Treatments)	\$23,000
Aquatic Plant Control Oversight and Coordination	\$7,000
<b>TOTAL</b>	<b>\$30,000</b>

Please feel free to call if you have questions or require additional detail.

Sincerely,

Anthony Groves, MS  
Water Resources Practice Leader

AFG/afg  
\\dms1\Projects\_2\01100100\Water Resources\Budgets\Shamrock Plant Control Budget 2019 - 2023.docx

## SHAMROCK LAKE SPECIAL ASSESSMENT DISTRICT

### Special Assessment Checklist:

The steps are Initiation, Report of City Manager, Determination of Necessity,

#### Initiation

Proceedings initiated by action of the City Commission. Resolution required.<sup>1</sup> RESOLUTION TO INITIATE SPECIAL ASSESSMENT PROCEEDINGS. No public hearing necessary, can be adopted at a regular meeting, resolution gives City Manager duty to report.

Add Attachment A to the resolution which will be a list of the properties expected to be in the preliminary special assessment district.

#### Report of City Manager

City Commission refers the question to the City Manager and directs him to prepare a report, which includes plans, profiles, specifications and detailed estimates of the cost, and estimate of the life of the improvement, a description of the assessment districts. <sup>2</sup>

---

#### Having received the City Manager's Report:

Should the Commission decide to move forward, it will adopt Resolution No 2, to set a hearing on the necessity of the project.

Notice of Public Hearing must go out.

The Notice requirements are attached to this checklist:

- Publication and mailing

Notice goes to:

- 1) Each owner of or party in interest in property to be assessed whose name appears on the last local tax assessment records

---

<sup>1</sup> See Attachment 1

<sup>2</sup> Form 2

Notice by mail:

- 1) Mailed notice addressed to that owner or party at the address shown on the last ad valorem tax record, that has been reviewed by the Board of Review, as supplemented by any subsequent changes to the tax roll.

Time:

- 1) At least 10 days before the hearing.

#### Determination of Necessity

Hold a public hearing determine necessity and then adopt resolution no. 2 directing the preparation of the special assessment roll. Then the notice is given as set forth above concerning the City Manager's report and a second public hearing is held at which the objections to the special assessment roll are heard and then the special assessment roll is confirmed.

**ATTACHMENT B  
NOTICE OF PUBLIC HEARING  
CITY OF CLARE, CLARE COUNTY, STATE OF MICHIGAN**

**TO: ALL RECORD OWNERS OF, AND PARTIES IN INTEREST IN, LAND IN THE CITY OF CLARE, STATE OF MICHIGAN, SHOWN ON THE ATTACHMENT, WHICH IS THE PROPOSED SPECIAL ASSESSMENT DISTRICT, AS BELOW:**

**NOTICE IS HEREBY GIVEN** that the City Commission of the City of Clare, Clare County, State of Michigan, (the “City”), at a meeting thereof on April 15, 2019, upon the Commission’s own initiative and not upon property owner petition, has resolved to improve Lake Shamrock by providing for maintenance (weed control) of Lake Shamrock for a five-year period.

**NOTICE IS FURTHER GIVEN** that the City Commission will meet beginning at 6pm Eastern Time on Monday, May 6, 2019 at Room A (basement) of the Pere Marquette District Library, 185 East Fourth Street, Clare, Michigan, and during such meeting will conduct a public hearing to hear objections to the plan for providing maintenance (weed control) for Lake Shamrock, to this public improvement, and to the special assessment district tentatively designated by the City of Clare City Commission against which the cost of dredging is to be assessed, which district consists of all lands as described on Attachment A.

**PLEASE TAKE FURTHER NOTICE THAT** preliminary plans describing the project and a preliminary estimate of the cost prepared by the City are on file with the City Clerk at 202 West Fifth Street, Clare, Michigan, for public examination during regular business hours and will be available for inspection at the public hearing.

**PLEASE TAKE FURTHER NOTICE THAT** the owner or any person having an interest in property that is specially assessed may file a written appeal with the Michigan Tax Tribunal within 30 days after confirmation of the special assessment roll. However, appearance, and protest at the public hearing on the special assessment roll are required in order to appeal the special assessment to the Michigan Tax Tribunal. The owner or other party in interest or his or her agent may (1) appear in person at the hearing to protest the special assessment, or (2) file his or her appearance or protest by letter before the close of the hearing. The Board shall maintain a record of parties who appear to protest at the hearing. If the hearing is terminated or adjourned for the day before a party is given the opportunity to be heard, a party whose appearance was recorded shall be considered to have protested the special assessment in person. Written letter appearances or protest may be mailed to:

City of Clare  
202 West Fifth Street  
Clare MI 48617

Mailed written protests must be received by 9:00 a.m. on the date of the hearing. Written protests submitted at the hearing will be accepted through the conclusion of the hearing on May 6, 2019.

Dated: CITY OF CLARE

By: \_\_\_\_\_  
Diane Lyon, City Clerk

PROOF OF MAILING

On the date below I sent by first class mail a copy of the foregoing Notice of Public Hearing  
to:

I declare that the statements above are true to the best of my information, knowledge and  
belief.

Dated: \_\_\_\_\_  
DIANE LYON, City Clerk

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF CLARE     )

Subscribed and sworn to before me a notary public this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by  
Diane Lyon, City Clerk.

\_\_\_\_\_  
Notary Public  
Clare Co., MI  
My Commission Expires:  
Acting in Clare Co., MI

**RESOLUTION 2019-044**

**A RESOLUTION OF THE CLARE CITY COMMISSION DECLARING THE CITY COMMISSION'S OWN INITIATION OF SPECIAL ASSESSMENT PROCEEDINGS TO PROVIDE MAINTENANCE (WEED CONTROL) OF SHAMROCK LAKE UPON LANDS DESCRIBED HEREIN.**

**WHEREAS**, the City Commission (the "Commission") of the City of Clare, Clare County, State of Michigan, has resolved on its own initiative, to provide a maintenance project (weed control) of Shamrock Lake and improvements to the City of Clare; and

**WHEREAS**, the City Commission desires to initiate Special Assessment proceedings in accordance with the Chapter 11 of the City Charter and Chapter 38 of the City Code of Ordinances, and the Home Rule Cities Act 279 of 1909; and

**WHEREAS**, the lands that may be affected by the proposed action of the City Commission are described in Attachment A to this Resolution.

**NOW THEREFORE BE IT RESOLVED** that the Clare City Manager is hereby directed to prepare a report, which shall include the necessary plans, profiles, specifications, and detailed cost estimates, the life of the improvements, a description of the assessment district(s) proposed to be created, and other such pertinent information as will permit the Commission to decide the cost, extent, and necessity of the improvement proposed, and what part or portion thereof shall be paid by special assessments upon the property especially benefited, and what part, if any, should be paid by the City at large.

**BE IT FURTHER RESOLVED** that the Commission shall not determine to proceed with the making of this improvement until the City Manager's Report specified in this Resolution has been filed, nor until a public hearing has been held by the Commission for the purpose of hearing objections to making of the public improvement.

**BE IT FURTHER RESOLVED** that the Commission shall meet at 6:00 pm on Monday, May 6, 2019 in Room A (basement) of the Pere Marquette District Library Building, 185 East Fourth Street, Clare, Michigan, and during such meeting shall conduct a public hearing to hear objections to the report of the City Manager to the plans, profiles, specifications, detailed cost estimates, the life of the improvements, and a description of the special assessment district, as required by Act 451 of 1994. The form of Notice attached hereto as Attachment B is hereby approved as and for the form of notice for such hearing. The Clare City Clerk shall cause notice of such hearing in the form approved to be given as follows:

1. This resolution shall be published once in a newspaper of general circulation in the City of Clare. At the close of the special assessment proceedings and after the resolution approving the special assessment, the sufficiency of the special assessment shall not be subject to attack, nor shall the sufficiency of the special assessment be subject to attack except in an action brought in the Michigan Tax Tribunal within thirty (30) days after publication.

2. To each record owner of, or party in interest in, land in the District whose name appears on the last City tax assessment records in the special assessment district (as defined below), by first-class mail addressed to such owner or part at such address, at least ten (10) days before the date of the hearing, provided, however, that if a record owner's name does not appear in the last City tax assessment records, such notice shall be given by first-class mail addressed to the record owner at the address shown by the records of the Clare County Register of Deeds within the time provided herein.
3. To each person (if any) whose name and address has been filed with the Secretary of State of the State of Michigan as a person upon whom may be serviced notice of any proceedings under Act 451 of 1994, Public Act 279 of 1909, Public Act 162 of 1962, by registered mail addressed to such person at such address, or personally within five days after the first publication of notice pursuant to paragraph 2 (above) of this paragraph.

As used in paragraph 2 (above), the term "last City tax assessment records" means the last assessment roll of ad valorem tax purposes which was reviewed by the City Board of Review, as supplemented by an subsequent changes in the names or addresses of the owners or parties listed on such roll.

**ALL PREVIOUS RESOLUTIONS, OR PARTS OF PREVIOUS RESOLUTIONS, OF THE CITY THAT ARE INCONSISTENT WITH THIS RESOLUTION ARE HEREBY RESCINDED.**

**The Resolution was introduced by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_. The Resolution declared adopted by the following roll call vote:**

**YEAS:**

**NAYS:**

**ABSENT:**

Resolution approved for adoption on this 15<sup>th</sup> day of April 2019.

---

Diane Lyon, Clare City Clerk

## CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Clare, Clare County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the City Commission at a meeting held on April 15, 2019, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted , and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267), Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

---

Diane Lyon, City Clerk