

## AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission  
FROM: Jeremy Howard, City Manager  
DATE: April 29, 2021  
RE: Little Tobacco River Intercounty Drain Landowner Agreement

For the Agenda of May 3, 2021

---

Background. As work continues on the Little Tobacco River Intercounty Drain, the contractor doing much of the work, Fisher Contracting, has requested use of some city property for storage of some material and supplies during the work being done this Summer and Fall. They are using other locations, not owned by the city, throughout the town as well.

As recommended by the County Drain Office a Landowner Agreement has been prepared to facilitate the use and restoration of the City property that is being requested to be utilized for the storage. This property is located on the dead end of East 1<sup>st</sup> street. DPW Director Luke Potter has prepared a memo (*att'd*), reviewed the request, and met with Fisher Contracting to discuss the use and the expectations and is comfortable with the agreement.

The City Commission is being asked to approve the proposed Landowner Agreement for use by Fisher Contracting in conjunction with their work on the Little Tobacco River Intercounty Drain during the approximate timeframe of April 2021 to October 2021.

Issues & Questions Specified. Should the City Commission approve the proposed Landowner Agreement for use by Fisher Contracting in conjunction with their work on the Little Tobacco River Intercounty Drain?

Alternatives.

1. Approve the proposed Landowner Agreement for use by Fisher Contracting in conjunction with their work on the Little Tobacco River Intercounty Drain.
2. Do not approve the proposed Landowner Agreement for use by Fisher Contracting in conjunction with their work on the Little Tobacco River Intercounty Drain.
3. Set aside decision regarding this matter to a later date.

Financial Impact. There is no financial impact to the city.

Recommendation. I recommend that the City Commission approve the proposed Landowner Agreement for use by Fisher Contracting in conjunction with their work on the Little Tobacco River Intercounty Drain by adoption of Resolution 2021-032 (*copy att'd*).

Attachments.

1. Memo from DPW Director Luke Potter.
2. Landowner Agreement.
3. Resolution 2021-032.

# Memo

**Date:** 4/28/2021  
**To:** Jeremy Howard, City Manager  
**From:** Luke Potter, DPW Director  
**RE:** **Little Tobacco River Intercounty Drain**

---

Attached is the proposed Agreement for the Little Tobacco River Intercounty Drain project to use the end of East 1<sup>st</sup> Street as a dump site for this project. This will be for stockpiling materials removed from the Little Tobacco Drain project. This may include fill, concrete, and spoils. The concrete is to be removed upon project completion. Duration of entire project to be approximately April, 2021 to October, 2021.

There will be no monetary compensation for the use of this site.

Luke Potter

A handwritten signature in black ink that reads "Luke Potter". The signature is written in a cursive style with a large initial "L".

DPW Director

LANDOWNER AGREEMENT FORM

Project Name: Little Tobacco Drain

Date: 4/21/21

Landowner's Name: - City of Clare - Michigan  
- Clare DPW

Parcel No. E 1st St Dump Site

I am the owner of property at the address listed above. I hereby give permission to the Little Tobacco River Intercounty Drain Drainage Board; and employees, agents, and vendors of the Little Tobacco River Intercounty Drain Drainage District to enter my property for the following purpose:

4-29-21

RP

Stockpile materials removed from the Little Tobacco Drain Project. This may include fill, concrete, spoils. The concrete will be removed upon project completion.

This activity will take place on the following location:

The City of Clare property located on the dead end of E 1st Street.

Spoils existing after project completion will adhere to project specifications. The staging area on 1st street will be restored to prior project conditions.

My property can be utilized as described above until the following date:

Throughout the entire project duration approx April 2021 to October 2021

RP

4-29-21

LITTLE TOBACCO RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT

LANDOWNER

By: [Signature] - Fisher Contract  
(Authorized Signature)

By: \_\_\_\_\_

Date: 4/21/21

Date: \_\_\_\_\_

\*Renters cannot authorize.

**RESOLUTION 2021-032**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING THE PROPOSED LANDOWNER AGREEMENT FOR USE OF CITY PROPERTY BY FISHER CONTRACTING IN RELATION TO THEIR WORK ON THE LITTLE TOBACCO RIVER INTERCOUNTY DRAIN PROJECT.**

**WHEREAS**, the county drain commission has commenced work on the Little Tobacco River Intercounty Drain; and

**WHEREAS**, the contractor, Fisher Contracting, requires areas throughout the city for staging and storing of material; and

**WHEREAS**, Fisher Contracting has requested the use of city property for such use at the dead end of East 1<sup>st</sup> Street; and

**WHEREAS**, the City Staff has reviewed said Landowner Agreement and determined that it meets all requirements of the city and recommends approval of the agreement; and

**WHEREAS**, the Clare City Commission has reviewed and considered the recommendations of its staff and deemed same to be reasonable and prudent.

**NOW THEREFORE BE IT RESOLVED THAT** the Mayor and City Commission of the City of Clare, hereby approve the proposed Landowner Agreement for use by Fisher Contracting in conjunction with their work on the Little Tobacco River Intercounty Drain during the approximate timeframe of April 2021 to October 2021.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME 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 3<sup>rd</sup> day of May, 2021.

---

Diane Lyon, City Clerk