

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Diane Lyon, City Clerk
DATE: August 31, 2016
RE: *Communications

For the Agenda of September 6, 2016

***Note: This is a Consent Agenda item and is considered as 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 which 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 September 6, 2016.**

The following major items of correspondence were either received by or transmitted by the City since the last regularly scheduled City Commission meeting:

Bureau of Elections. The most recent newsletter is attached for your reading pleasure.

Clare County Hazard Mitigation Plan. Under Resolution 16-15, the Clare County Board of Commissioners has adopted a Hazard Mitigation Plan.

Charter Communications Notice. Charter Communications has announced the addition of a channel (Ovation Network) in their channel lineup offerings.

Isabella County Drain Commission Notices. We received notice that the Board of Determination would meet on August 23, 2016, regarding the maintenance and improvement of the McDonald Creek Drain and have received notice of their Order of Necessity.

Federal Communications Commission. The FCC has notified us of a new Section 106 filing. Section 106 requires compliance with the FCC's rules for environmental review as they relate to building a new tower or collocating an antenna on an existing structure to ensure that licensees and registrants take appropriate measures to protect environmental and historic resources, and that the agency meets its obligations under the National Environmental Policy Act (NEPA) to consider the potential environmental impact of its actions, as well as under other environmental statutes such as the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA).

Letter of Support. The City issued a letter of support to the East Michigan Council of Governments for the 2017 East Central Michigan Prosperity Initiative.

Federal Court Ruling-Straight Ticket Voting. The Federal Courts have ruled on the attempt to block straight ticket voting.

Response to Trip & Fall and Graffiti Complaint. We provided the attached response to a complaint received.

Attachments. As outlined above.

From: Michigan Bureau of Elections [MISOS@public.govdelivery.com]
Sent: Friday, August 19, 2016 4:21 PM
To: clare-ci@miqvf.org
Subject: News Update - Straight Ticket Voting Update, New eLearning Assignment, and More

Having trouble viewing this email? [View it as a Web page.](#)



August 19, 2016

Straight Ticket Voting Update

You may be aware of a court decision issued earlier this week regarding straight ticket voting. Please be advised that this case is continuing through the appeals phase and that no final decision has yet been issued. Once a final ruling is given, the Bureau of Elections will be in contact via email to provide information regarding ballot layout and design consistent with the final court order.

The court opinion that was issued on August 17 by the U.S. Sixth Circuit Court of Appeals in Cincinnati refused to stay a lower court's decision that the elimination of straight ticket voting is unconstitutional. A refusal to stay a court order means that the appellate court has declined to postpone or suspend the original order from taking effect. However, the August 17 decision has also been appealed – meaning that the litigation continues without a final resolution in place.

New eLearning Assignment - Military and Overseas Voters

A new assignment has been created for all election officials in the eLearning Center. This course, titled, Military and Overseas Voters - Voter Registration & Absent Voter Procedures covers the special voter registration and absent voter procedure for military and overseas voters. As the 45 day delivery requirement for the Presidential election nears, it is imperative that all election officials fully understand which voters are covered and the special provisions afforded to these voters. It is our obligation as election officials to



IN THIS ISSUE

- Straight Ticket Voting
- New eLearning Assignment
- Mobile Branch Office - College Tour
- EAC Tech Time
- Polling Place Accessibility Checks
- National Voter Registration Day

EAC Tech Time

The Elections Assistance Commission (EAC) continues



to put out great resources for election officials to prepare for the Presidential Election.

The latest effort are a group of videos related to Technology and tools election officials are using and sharing with others. Visit the [EAC Tech Time page](#) for videos on:

- Election Inspector Recruitment
- Data Analytics Tools
- Data Visualization

Many more topics are coming soon!

Polling Place Accessibility Checks

ensure all military and overseas voters are given the best chance to receive a ballot and be able to return it in time to be counted.

This is required to be completed by Thursday, September 15, 2016. The course will be assigned to you on Monday and can be found in your [eLearning Center](#) transcript or in the featured content box.

Mobile Branch Office - College Tour



The Secretary of State's ExpressSOS Voter Registration Drive is coming to a college campus near you very soon! The mobile branch office will be visiting college and university campuses around the state in September and October prior to the Close of Registration to help register college students to vote.

If you have a university or college in your jurisdiction, help spread the word! If a college student is registering for the first time in Michigan, it is beneficial for them to register in person if they plan on voting an absentee ballot in November. Remember, a first time applicant who registers by mail, must vote in person at their very first election. Those voters will be coded MVIP in QVF/EMP.

The current schedule is:

- September 7th - Wayne State
- September 8th - UofM - Dearborn
- September 12th - Central Michigan
- September 14th - Ferris State
- September 15th - Davenport - GR
- September 19th - Michigan Tech
- September 21st - Northern Michigan
- September 22nd - Lake Superior State
- September 26th - Grand Rapids CC
- September 27th - Grand Valley State
- September 28th - Western Michigan
- October 3rd - Oakland University
- October 4th - Saginaw Valley State
- October 5th - UofM - Flint



The US [Government Accountability Office](#) has indicated to the Bureau of Elections that they will be randomly assessing Michigan polling locations for accessibility this November. Ensure your polling places are accessible for the Presidential election! Many tools are available to you for polling place evaluation in the [eLearning Center](#) - Browse by Subject Polling Place Accessibility.

National Voter Registration Day



This year's National Voter Registration Day is scheduled for September 27th. Events are scheduled around the country to encourage citizens to register to vote. Consider hosting your own voter registration event. For more information, visit the [National Voter Registration Day](#) website.

Helpful Links



- October 6th - Oakland CC - Southfield
- October 7th - Michigan State
- October 10th - Eastern Michigan
- October 11th - UofM - Ann Arbor

Questions? Please contact the Bureau of Elections at 1-800-292-5973 or elections@michigan.gov.

The Bureau of Elections News Update will always be sent to MERIT email accounts. If other election administrations that do not have MERIT email access would like to receive this newsletter as well use the Subscribe link below to have it sent directly to another email account.

It is recommended that you add misos@govsubscriptions.michigan.gov and MISOS@public.govdelivery.com to your safe senders list, as well as your @miqvf.org email address if you have MERIT email forwarded to another email account.



Questions?
[Contact Us](#)

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This email was sent to clare-ci@miqvf.org using GovDelivery, on behalf of: Michigan Secretary of State · 430 W. Allegan Street · Lansing, MI 48918 · 1-888-767-6424



CLARE COUNTY BOARD OF COMMISSIONERS

225 West Main Street, P.O. Box 438 Harrison, MI 48625
Ph: (989) 539-7436 Fax (989) 539-2588

District 1: DALE MAJEWSKI District 2: SAMANTHA PITCHFORD District 3: LEONARD STROUSE
District 4: JACK KLEINHARDT District 5: DONALD K DAVID District 6: KAREN LIPOVSKY District 7: JAMES GELIOS

Hazard Mitigation Plan Adoption Resolution#16-15

WHEREAS, Clare County, Michigan has experienced disasters that have damaged commercial, residential, and public properties, displaced citizens and businesses, closed streets and bridges, and presented general public health and safety concerns; and

WHEREAS, Clare County has prepared a *Hazard Mitigation Plan* that outlines the County's options to reduce overall damage and impact from natural hazards; and

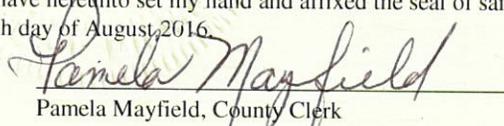
WHEREAS, the *Hazard Mitigation Plan* has been reviewed by County residents, business owners, and federal state, and local agencies, and has been revised to reflect their concerns;

NOW, THEREFORE, BE IT RESOLVED THAT

1. The *Clare County Hazard Mitigation Plan* is hereby adopted as an official plan of Clare County, Michigan.
2. The Clare County Hazard Mitigation Advisory Committee was established as a county advisory body. The Clare County Hazard Mitigation Advisory Committee shall function as the Hazard Mitigation Committee.
3. The Hazard Mitigation Committee is charged with supervising the implementation of the Plan's recommendations within the funding limitations as provided by the Clare County Board of Commissioners or other sources.
4. The Hazard Mitigation Committee shall give priority attention to action items recommended by the *Hazard Mitigation Plan* as high priority. :
5. The Hazard Mitigation Committee's facilitator shall convene the Hazard Mitigation Committee at least once per year. The Committee shall monitor implementation of the plan and shall submit a written progress report to the County Board of Commissioners in accordance with the following format:
 - a. A review of the original plan.
 - b. A review of any disasters or emergencies that occurred during the previous calendar year.
 - c. A review of the actions taken, including what was accomplished during the previous year.
 - d. A discussion of any implementation problems.Recommendations for new projects or revised action items. Such recommendations shall be subject to approval by the County Board of Commissioners.

I, Pamela Mayfield, Clerk of said County of Clare and Clerk of the Circuit Court thereof, the same being a Court of Record, do hereby certify that the above Resolution #16-15 was adopted by the Clare County Board of Commissioners at their regular meeting held on August 17, 2016 as appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Harrison, this 17th day of August, 2016.


Pamela Mayfield, County Clerk



August 26, 2016



T2 P1 247 *****AUTO**3-DIGIT 486
City of Clare
202 W. Fifth Street
Clare, MI 48617-1490

Dear Franchise Official:

This letter is to inform you of a new channel addition to our line-up taking effect on or after September 27, 2016.

The new channel, Ovation Network, is devoted to the arts featuring programming on visual arts, theater, opera, music and dance. Ovation Network will be available on Charter Digital Tier 1: channel 134 and in High Definition (HD) on channel 827.

Charter Communications customers in your community are already receiving information regarding this new addition.

If you have any questions related to this change, please do not hesitate to contact me at (906) 558-7866 or via email at Joan.Movrich@Charter.com.

Sincerely,

Joan Movrich
Franchise Administrator, State Government Affairs, Michigan
Charter Communications

ISABELLA COUNTY DRAIN COMMISSIONER

MCDONALD CREEK DRAIN

NOTICE OF MEETING OF BOARD OF DETERMINATION

DATE: August 23, 2016
TIME: 10:00 a.m.
LOCATION: 200 N. Main St., Mt. Pleasant, MI, Room 320
QUESTIONS: (989) 317-4072

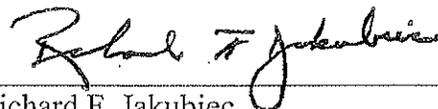
A Board of Determination will meet at the above date, time and location to hear all interested persons, receive evidence and determine whether the maintenance and improvement, as set forth in the petition, dated March 27, 2014, is necessary and conducive to the public health, convenience or welfare, and whether said maintenance and improvement is necessary for the protection of the public health in the following municipalities: Vernon, Wise Township, pursuant to Chapter 8 of Public Act 40 of 1956, as amended.

[A presentation will be made to the Board of Determination outlining a brief history of the Drainage District, and describing the roles, responsibilities and decisions made by a Board of Determination. The presentation is to provide background for landowners and municipalities in the drainage district and to facilitate the dissemination of information and the receipt of testimony of landowners in the Drainage District. The Board of Determination will make decisions at the end of the meeting.]

Proceedings conducted at this public meeting will be subject to the provisions of the Michigan Open Meetings Act. Information regarding this meeting may be obtained from the Isabella County Drain Commissioner's Office located at 200 N. Main St., Mt. Pleasant, MI 48858.

Persons with disabilities needing accommodations for effective participation in the meeting should contact the Drain Commissioner at the number listed above or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the meeting to request mobility, visual, hearing or other assistance.

Anyone aggrieved by the decisions of the Board of Determination may seek judicial review pursuant to MCL 280.72(3) and MCL 280.72a.



Richard F. Jakubiec
Isabella County Drain Commissioner



ISABELLA COUNTY DRAIN COMMISSIONER

Richard F. Jakubiec
200 North Main, Mt. Pleasant, MI 48858

Phone (989) 772-0911 Ext. 247

Fax (989) 779-8785

rjakubiec@isabellacounty.org

August 23, 2016

Loren Cole, Vernon Twp. Clerk
10877 N Lincoln Rd
Clare, MI 48617

Doris Methner, Wise Twp. Clerk
7160 N Wise Rd
Clare, MI 48617

Diane Lyon, City of Clare Clerk
202 W Fifth St
Clare, MI 48617

David Mestelle, MDOT Office of the Rail
425 W Ottawa
Lansing, MI 48909

James Davis PE, MDOT Drainage Coordinator
425 W Ottawa
Lansing, MI 48909

The Board of Determination for the **McDonald Creek Drain** met on August 23, 2016, and deemed necessary for the work on the drain petition requested.

This letter is to inform you that Isabella County and Vernon, Wise Townships will be liable for a percent of the cost of the work on the McDonald Creek Drain. The cost will be by reason of benefits at large for public health.

Please find enclosed, a copy of the Order of Necessity signed by the Board of Determination for the drain. Should you have any questions, please contact me.

Very truly yours,

Richard F. Jakubiec, Isabella County Drain Commissioner
Enclosure

ISABELLA COUNTY DRAIN COMMISSIONER

ORDER OF NECESSITY

MCDONALD CREEK DRAIN

WHEREAS, a meeting was held by the Board of Determination on August 23, 2016, at 200 N. Main St., Mt. Pleasant, MI; and

WHEREAS, said Board of Determination received evidence and heard testimony regarding the petition, dated March 27, 2014, for maintenance and improvement of the drain and after receiving evidence and hearing testimony made its determination whether the proposed drain project is necessary and conducive to public health, convenience, or welfare pursuant to Chapter 8 of Public Act 40 of 1956, as amended.

NOW, THEREFORE, IT IS HEREBY ORDERED AND DETERMINED that the proposed drain project as set forth in the petition is necessary and conducive to public health, convenience, or welfare.

IT IS HEREBY FURTHER ORDERED AND DETERMINED that the proposed drain project as set forth in the petition is necessary for the protection of the public health in the following municipalities:

Vernon, ~~Wise~~ Township

and that [A PORTION] / ALL] of the cost thereof, except that which may be apportioned for benefits to highways, shall be apportioned to the municipalities at large.

DATED:

BOARD OF DETERMINATION

Bob Thompson

Frank Cuyler

[Signature]



**Federal Communications Commission
Washington, DC 20554**

Informational Notice of Section 106 Filings

Date: 08/17/2016
Reference Number: 923819

Commission Members
Clare County Planning Commission
202 W Fifth Street
Clare, MI 48617

The following new Section 106 filing has been submitted:

FILE NUMBER: 0007370942
TCNS Number: 140653
Purpose: Collocation Submission Packet
Notification Date: 7AM EST 08/10/2016
Applicant: AT&T Mobility , LLC
Consultant: EnviroBusiness, Inc. d/b/a EBI Consulting (EBI #6116002157)
Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No
Site Name: Clare WI / 10124491 / TRAVMI6068
Site Address: 200 West Fourth Street
Detailed Description of Project: Collocate telecommunications antennas modification on water tank with support equipment at grade resulting in ground disturbance. Please see Attachment 4 of this filing for project design details. (6116002157)
Site Coordinates: 43-49-08.8 N, 084-46-15.2 W
City: Clare
County: CLARE
State: MI
Lead SHPO/THPO: Michigan Historical Center

Consultant Contact Information:

Name: Holly Crismon
Title: Architectural Historian
PO Box:
Address: 6876 Susquehanna Trail South
City: York
State: PA
Zip: 17403
Phone: (225) 316-7900
Fax:
Email: agreen@ebiconsulting.com

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.



CITY OF CLARE

202 West Fifth Street | Clare, Michigan 48617-1490

Office 989.386.7541 | Fax 989.386.4508

www.cityofclare.org

August 30, 2016

CITY HALL

Ph 989.386.7541
Fx 989.386.4508
www.cityofclare.org
Manager x102
Assessor x103
Clerk x106
Treasurer x107

East Michigan Council of Governments
Attention: Sue Fortune, Executive Director
3144 Davenport Avenue, Suite 200
Saginaw, MI 48602

RE: Letter of Support and Commitment for the 2017 East Central Michigan Prosperity Region 5 (EMC PR-5) Initiative

DEPARTMENT OF PUBLIC WORKS

Ph 989.386.2182 or
989.386.7541 x202
Fx 989.386.4508

Dear Ms. Fortune,

Please accept this on behalf of the City of Clare outlining its continued unequivocal, total support for the Region 5 Regional Prosperity Plan Initiative. Over the past three years, this initiative has shown the potential benefits for better aligning our strategies and priorities in the areas of economic and community development, adult and higher education, workforce development, transportation and placemaking across our eight-county region.

UTILITY BILLING

Ph 989.386.7541 x201

W/WWT PLANT

Ph 989.386.2321
Fx 989.386.2387

As a local government unit located in the eight-county ECM PR-5 region, we are committed to continuing our participation in this planning initiative and to working as a partner in implementing the strategies and projects outlined in the East Central Michigan Prosperity Region 5 Five-Year Regional Prosperity Plan (Economic Development strategy blueprint), which advances our collective goals and objectives in these areas.

POLICE DEPT. NON-EMERGENCY

Ph 989.386.2121
Fx 989.386.0440

We wholeheartedly support the East Michigan Council of Governments (EMCOG) 2017 application to the State of Michigan for continued funding of this important project. We strongly believe in and have witnessed the great results that regional collaboration and partnerships can achieve. We are absolutely committed to working together to respond to opportunities and address needs that are unique to our region. Thank you for your leadership in this initiative.

FIRE DEPT. NON-EMERGENCY

Ph 989.386.2151
Fx 989.386.3020

PARKS & RECREATION

Ph 989.386.7541 x213
Fx 989.386.4508

Respectfully Yours,

Ken Hibel
City Manager

AIRPORT

Ph 989.386.0445
Fx 989.386.4508



Subject: FW: Federal Court Shoots Down State Attempt To Block Straight-Ticket In Nov.

Federal Court Shoots Down State Attempt To Block Straight-Ticket In Nov.

It seems the straight-ticket voting oval will be on the ballot this November.

After a preliminary injunction in federal district court halted enactment of the law, which would have eliminated the practice, Secretary of State Ruth **JOHNSON**, who is the subject of a suit arguing the law disproportionately impacts black voters, filed an emergency motion for stay in federal appeals court.

That motion was denied Wednesday morning in by a three-judge appellate panel.

The panel said District Judge Gershwin **DRAIN** had not abused his discretion by granting his injunction, which had been found in favor of the AFL-CIO and a number of other groups serving as plaintiffs in the suit (See "[Straight-Ticket Voting Ban Halted By Judge](#)," 7/21/16).

"This case does not involve the potential disruption of complicated election-administration procedures on the eve of Election Day; rather, denying the Secretary's request for a stay here will merely require Michigan to use the same straight-party procedure that it has used since 1891," Judge Karen **MOORE** wrote in the order. "We find that the Secretary has not met her burden to demonstrate that a stay pending appeal of the district court's order is warranted."

But that doesn't mean straight-ticket is here to stay.

Judge Ronald **GILMAN**, in a concurring opinion, said he wanted to "allay the unwarranted intimations by the Secretary and the amici supporting her that, by denying the stay, we are establishing a permanent constitutional entitlement to straight-party voting."

Attorney General Bill **SCHUETTE** vowed to continue to fight the order by asking the entire 6th Circuit Court to review the decision.

"Michigan is no different than the 40 other states that have eliminated straight ticket voting," he said in a statement. "We will continue to defend the laws of the State of Michigan and plan to file an emergency appeal to the 6th Circuit for an en banc review by the full court."

Clearly, though, this an argument the appellate panel disagreed with.

"Comparing the isolated voting practice of one state with the isolated voting practice of another state is not always an apples-to-apples comparison," Moore wrote. "This law presents a strong example."

A lead attorney for the plaintiffs, Mary Ellen **GUREWITZ**, said she was confident Schuette's latest appeal wouldn't be granted.

"The sixth circuit rarely grants en banc review. Very rarely. I think there is no reason why they would grant it here," she said.

The Democratic leaders of the House and Senate released statements lauding the decision. Brandon **DILLON**, Michigan Democratic Party chair, took the opportunity to place blame for straight-ticket elimination on Schuette, despite the move stemming from the legislature.

"We now have four separate federal judges that have ruled against the Secretary of State and Bill Schuette in their attempt to create confusion, chaos, and long lines at polling places in November," he said in a release. "Schuette's hypocritical decision to further appeal this case demonstrates that he will stop at nothing to waste taxpayer dollars, as long as it pleases big GOP donors like Ron **WEISER** and furthers his standing with a narrow base of Republican primary voters."

Gurewitz expressed frustration that the state would continue to fight the injunction, instead of waiting for the trial after the November election, and said Johnson had an obligation to not leave local clerks hanging.

"For the state to continue to try to keep putting county clerks and local clerks on edge and not knowing what to expect is really putting a terrible burden on them," Gurewitz said. "She has responsibility to these local clerks, which I don't think she's exercising in any responsible way by pursuing this further. We were hoping she'd at least drop it for now."

Gurewitz said she thought Schuette's intent to appeal further "could be a matter of ego."

"If one reads the decision, you don't have to be too astute to figure out the attorney general's office was criticized," she said.

Senate Majority Leader Alan **MEEKHOF** (R-West Olive), House Speaker Kevin **COTTER** (R-Mt. Pleasant) and Sen. Marty **KNOLLENBERG** (R-Troy), the bill's sponsor, had jointly submitted a brief in support of the state.

MIRS 8/17/16

Diane Lyon

From: Ken Hibl
Sent: Thursday, August 18, 2016 5:06 PM
To: argeyer334@yahoo.com
Cc: Pam O'Laughlin; Diane Lyon; Alan Jessup; Pat Humphrey; Jim Allen
Subject: Trip & Fall Complaint

Happy Thursday, Allyson. And thank you for sharing your concerns with us regarding the tree grate and graffiti on West Fourth Street in Clare. On behalf of the City, please accept our apologies for the fall your mother took and for any inconvenience or consternation caused by the fall.

Please know that we take great pride in the appearance of our entire community and place special emphasis on ensuring we provide a walkable, pedestrian-friendly, safe environment for all of our residents and guests – and we are particularly proud of our historic downtown, thus we take your expressed concern very seriously.

I walked the area you reference in your email this afternoon. I found the tree grate we removed and after considerable searching, I also found the offensive graffiti.

A portion of the grate was removed due to tree roots displacing it and causing a very serious trip hazard. We thought we eliminated the hazard by adding gravel and sand to the area where we removed the grate, but over time the sand and gravel has settled, thereby creating a slight (approx. ¼”) lip that could cause someone to trip – which it apparently did with your mother. We will do our best to eliminate the potential hazard – or at least mark the point that caused your mother to trip if we cannot provide a suitable “fix”. Thank you for bringing the matter to our attention.

The building with the graffiti is presently being renovated, thus the windows have likely not been washed by the property owner for considerable time – which unfortunately created a canvas for finger-painting in the resultant dirt. It's very difficult to see unless viewed from a specific angle or the light is just right. I regret you had to find it, but again thank you for informing us of its presence. We will ask permission of the property owner to allow us to hose down the windows to remove the dirt and grime and ask that he take care of doing so through the remainder of his renovation project.

Thank you again for informing us of this incident. Kindly inform us if we can be of further assistance in this matter.

Best Wishes, Ken

Ken Hibl
Clare City Manager