

## AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission  
From: Ken Hibl, City Manager  
Date: December 2, 2015  
Regarding: City Manager's Report

For the Agenda of December 7, 2015

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Lake Shamrock Improvement Board Meeting. The Board met on Monday, November 23<sup>rd</sup> and approved (*see copy of att'd resolution*) the conduct of a study of Lake Shamrock at an estimated cost of \$40K. The scope of the study will assess the parameters of the dredging needed to bring the lake back to its near-original condition, determine costs and permits required, conduct soil samplings to determine the presence of any materials requiring special care and need, and make recommendations in respect to the type of dredging to be completed, e.g., drag line, hydraulic, etc. The study is to be completed in 2016 and will be the basis for further actions that should be considered and/or taken by the Lake Board. The Board also approved a limited, one-year budget in the amount of \$14K for chemical applications for the lake for 2016 – thus resulting in a slight increase the 2016 assessment for lake owners (and the City). A verbal donation offer of \$10K was made by a local resident to offset the increase in assessment fees. But until we actually receive these pledged funds, we will presume that the \$54K costs for 2016 will be shouldered by the property owners and the City at the historical 50/50 contribution rate.

Abatement Action. Our City Attorney has filed a petition (*copy att'd*) with the circuit court related to a blighted situation at 203 East Fifth Street that we have unsuccessfully attempted to resolve with the building owner during the past year.

Approval to Use Landfill Escrow Funds. The MDEQ has approved our request to use escrow funds to reimburse ourselves for costs associated with the Hatton Township Landfill. We will only use the available amount exceeding \$200K (presently equates to approximately \$10K) as we would need to replenish the principle amount of \$200K if we used any portion of it. We are certainly appreciative of the approval of our request, but the amount we can use will only account for approximately ¼ of the funds we have expended from our General Fund.

Staff Off-Site Training. All of our department heads and their deputies will be attending off-site training on Thursday, December 10<sup>th</sup> from 8:30-3pm. The training will be facilitated by Mr. Lew Bender, a former CMU professor, an organizational guru, and an outstanding motivational speaker. The primary agenda topics include problematic behaviors; the impact of those behaviors on other employees and the organization; strategies for dealing with those behaviors, and development of strategies for the city staff as we move forward. Our friends @ MMCAA are providing us the site for this training at no cost to us.

Recreation Complex Offer for Assistance. We held a preliminary meeting with representatives of Operators Local Union 324 of Howell, Michigan regarding their potential offer to complete an extensive portion of the excavation work required for our new recreation complex. While they have not definitively approved their proposal, we walked away from that meeting with an extremely good feeling and with the potential that they will do work for us that could range anywhere from \$200K to \$450K in value. If the proposal is approved by the Union hierarchy,

they will provide the operators and the equipment; we would pay for staging and fuel costs and agree to provide appropriate public relations coverage. They routinely accomplish major projects like this in the southern part of the state (primarily the Detroit area). If they partner with us on this project, it will be the first of its magnitude and scope in our region. We have to submit a formal request to their management team outlining the scope of the work we wish to have them do for us. We are in the process of drafting that letter for Mayor Humphrey's signature.

Employee Christmas Bonus. We need the Commission's guidance regarding the annual employee Christmas stipend. Last year the Commission approved a 1% stipend for all employees (cost of approx. \$18K); in 2013, the Commission approved one extra day of paid vacation for the City's employees.

Master Plan Update. The Planning Commission will hold its first meeting with McKenna Associates on December 16<sup>th</sup> to commence the Master Plan update; the December 9<sup>th</sup> regularly scheduled Planning Commission meeting has been cancelled. We will conduct daytime sensing sessions with focus groups with the assistance of McKenna Associates on the same day we initiate the Master Plan update.

Attachments.

1. Lake Board Resolution.
2. Abatement Petition.
3. MDEQ Letter.

**RESOLUTION TO PROCEED WITH  
IMPROVEMENTS TO LAKE SHAMROCK**

At a special meeting of the Lake Shamrock Improvement Board held in the Pere Marquette District Library on the 23<sup>rd</sup> day of November, 2015, at 6:30 p.m., local time.

PRESENT: Coker, Humphrey, Parks, Strouse

ABSENT: Bonham

The following resolution was offered by member Parks and seconded by member Strouse.

WHEREAS, a public hearing was held on an improvement program for Lake Shamrock; and

WHEREAS, it is the desire of the Lake Shamrock Improvement Board to proceed with implementation of improvements to the lake as described in the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Lake Board hereby determines that the proposed improvements are practical and it confirms its intent to proceed with the improvements.
2. The Lake Board hereby approves the lake improvement plan and the estimate of costs for the improvements as shown on the attached Exhibit A.
3. This resolution shall be published in a newspaper of general circulation in Clare County. The petition or enabling resolutions shall not, thereafter, be subject to attack except in an action brought in a court of competent jurisdiction within 30 days after publication.

ADOPTED: AYES: All

NAYS: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN        )  
  ) ss  
COUNTY OF CLARE        )

I, David Coker, Acting Secretary of said Lake Shamrock Improvement Board, do hereby certify that this is a true and correct copy of a resolution adopted by the lake board at a meeting held on the 23<sup>rd</sup> day of November, 2015. Public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan 1976, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand, this 23<sup>rd</sup> day of November, 2015.

David Coker, Acting Secretary  
Lake Shamrock Improvement Board

## EXHIBIT A

### LAKE SHAMROCK IMPROVEMENT PROGRAM BUDGET 2016

<b>Improvement</b>	<b>Cost</b>
Lake Dredging Feasibility Study	\$40,000
Aquatic Herbicide Treatments	\$10,000
Aquatic Plant Control Administration/Inspections	\$4,000
<b>TOTAL</b>	<b>\$54,000</b>

With the City of Clare paying one-half the cost of the project, the special assessment levied against each lot in the Lake Shamrock Special Assessment District is approximately \$270.

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF CLARE

CITY OF CLARE,

Plaintiff,

vs.

File No. 15- -CH

DONALD L. LLOYD,

Defendant.

\_\_\_\_\_/

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

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COMPLAINT

NOW COMES the Plaintiff by and through its attorney Jaynie  
Smith Hoerauf of Jaynie Smith Hoerauf, P.C. and for Plaintiff's

Complaint states as follows:

1. Defendant is the owner of 203 East Fifth Street, Clare MI 48617.
2. Defendant's mailing address is P.O. Box 8, Clare MI 48617.
3. That Plaintiff is a Michigan municipal corporation having its offices located at 202 West Fifth East Street, Clare, Michigan, within Clare County, Michigan.
4. All transactions and occurrences forming the basis of this complaint occurred within the City of Clare, Clare County, State of Michigan.

COUNT I – ABATEMENT OF ZONING VIOLATION

5. Plaintiff realleges and incorporates Paragraphs 1 through 4 above as though set forth word for word herein.

6. Defendant is the owner of property located in the City of Clare, Clare County, Michigan, Parcel No. 051-058-013-00 and described as:

T17N R4W SEC 35 203 E FIFTH ST LOT 13 BLK 14 City of Clare, Clare County, Michigan. Parcel No. 051-058-013-00.

7. Defendant has maintained a home with an open and/or broken door, with the premises open to the elements, leaking and unsafe roof and foundation problems upon the parcel noted in Paragraph 6 in contravention of City of Clare's Zoning Ordinance, Chapter 20, Article V, Section 10-121 through 10-124.

8. These violations remain in effect on the parcel, despite Plaintiff's many, many contacts and attempts to obtain voluntary compliance with its zoning ordinance.

9. These zoning violations constitute a nuisance per se.

10. The nuisance per se located upon Defendant's property is injurious to the public health, safety and welfare.

WHEREFORE Plaintiff requests that this honorable court grant an order of abatement requiring the zoning violations, nuisance per se, to be abated in full by Defendant, and to grant Plaintiff its costs and attorney fees.





RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



DAN WYANT  
DIRECTOR

November 10, 2015

CERTIFIED MAIL – 7007 1490 0003 9691 8192  
RETURN RECEIPT REQUESTED

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

Dear Mr. Hibl:

SUBJECT: Approval for cost reimbursement from Contingency Fund;  
Consent Decree; File No 87-8108-CE (CD) Clare Sanitary Landfill;  
Facility ID No. 18000007

The Michigan Department of Environmental Quality (MDEQ), Remediation and Redevelopment Division (RRD), has reviewed your October 30, 2015, request to seek cost reimbursement from the Contingency Fund for the installation of a new groundwater monitoring well as the result of an unanticipated discovery of 1,4, dioxane contamination in the groundwater.

Pursuant to your request, I authorize you to cash in Certificate of Deposit ID 2610085520 to reimburse costs in the amount of \$10,500.00. The remaining funds shall be immediately re-deposited by the City of Clare into another MDEQ-approved Certificate of Deposit such that the Contingency Fund maintains a balance of at least \$200,000.00, as required by Paragraph 18.6 of the CD.

If you have questions regarding this matter, please contact Ms. Lisa Chadwick, Project Manager, RRD, at 989-894-6256; chadwickl@michigan.gov; or MDEQ, Saginaw Bay District Office, 401 Ketchum St., Suite B, Bay City, Michigan 48708; or you may contact me.

Sincerely,

Robert Wagner, Chief  
RRD  
517-284-5144

cc: Ms. Rhonda Klann, MDEQ  
Ms. Lisa Chadwick, MDEQ  
Ms. Cyndi Mollenhour, MDEQ  
Mr. Brian Yusten, MDEQ