

AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission
From: Ken Hibl, City Manager
Date: December 17, 2015
Regarding: City Manager's Report

For the Agenda of December 21, 2015

Planning Commission. The Planning Commission formally commenced the Master Plan Update process on Dec 16th. McKenna Associates held five focus group meetings attended by Clare residents and business owners/managers throughout the day on Wednesday. An overview of that information was shared with the Planning Commission at their scheduled meeting and will also be incorporated within the update process. The Planning Commission approved a schedule for completion of the Update with a tentative completion date of April 2016.

Annual Joint Meeting. The date of the annual City Commission/Planning Commission meeting has been set for Wednesday, January 13th. The time of the meeting will be determined by other business the Planning Commission has that evening; we will notify all concerned accordingly as soon as we can.

Abatement Action. Our City Attorney has forwarded a letter (*copy att'd*) to the owner of another frequently-blighted properties within the City. Jaynie has also filed a court action (*copy att'd*) on our behalf regarding another blighted structure in Clare.

MMDC Quarterly Board Meeting. The MMDC's next quarterly board meeting is scheduled for January 19th @ 8am (*see copy of att'd flyer*). The keynote breakfast speaker will be Mr. Dave Lorenz, the MEDC Travel Michigan (think Pure Michigan campaign) Vice President. We've reserved a number of seats for the breakfast for the City, to include seats for the City Commission. We have to inform MMDC nlt Jan 12th of the exact # of seats we will use and the names of the attendees. Please inform Diane whether you will/will not attend by that date to allow us to RSVP to MMDC.

Neighboring Community News. Great news for Farwell and our local community as they are the recipients of a \$60K USDA grant for their farmer's market. Harrison has been selected as the Region 5 nominee for the Governor's Rising Tide award. And Mr. Brian Smith, who has served as the Union Township Administrator for the past six years, has taken a new position. The Township has commenced the search process for a replacement. Roy Atkins, our most recent CMU intern, has been nominated to serve in the position on an interim basis pending the selection of a permanent replacement for Brian.

Update – Recreation Complex. Joy provided a background letter and Mayor Pat offered a letter of support (copies of letters att'd) to Operators Union Local 324 formally asking for their consideration in assisting with our new recreation complex. We were informed last evening by a representative of Operator's Union Local 324 that they have made the decision to proceed with the City's new recreation complex as one of their major projects for 2016. While we don't yet know the full scope their support (we will meet with them within the next two months to coordinate the details), this offer provides us tremendous leverage and an opportunity to

complete this entire community project years in advance of the original phased schedule and concurrently realize a tremendous savings.

City Office Holiday Hours. City offices will be closed on Dec 24th & 25th and on Dec 31st & Jan 1st for the holidays. I will be out of the office during the period Dec 23 – 29. I will be out of the state Dec 26-28; Steve will serve as the Acting CM during the period I am out of the state.

Internships. We will host another CMU intern commencing Jan 4th; we have been contacted by others who are similarly seeking internships with us, consequently, we continue to be quite selective. Our internships remain unpaid, and we continue to rotate them through all of our departments – they are required to work within our departments and are treated very similarly to our other employees, but without compensation. As a side bar, the MPA students at CMU have applied to the International City & County Manager’s Association to form an ICMA Student Chapter. They are required to have a Faculty Advisor and a serving ICMA local government manager to serve as the Chapter mentor; I’ve agreed to serve in that role for them.

Public Notice. A public hearing related to our application for national historic district designation for our downtown has been scheduled for January 15th in Lansing (*see copy of att’d letter*). This is the last required step before the application is forwarded to Washington, DC for consideration.

Attachments.

1. Atty Letter to LaLonde.
2. Court Filing; Clare vs Smith.
3. MMDC Flyer.
4. Letter of Support-Recreation Complex.
5. Historic Designation Notice.

JAYNIE SMITH HOERAUF, P.C.
ATTORNEY AT LAW

601 Beech Street / P.O. Box 67 / Clare, Michigan 48617
Phone (989) 386-3434 / Fax (989) 386-3636
E-mail / Jaynie@hoerauflaw.com

December 4, 2015

Mr. Steven LaLonde
11210 North Mission
Clare MI 48617

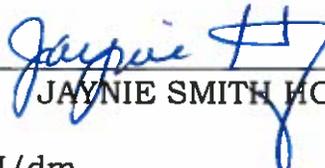
RE: Steve's Auto Trim & Glass

Dear Mr. LaLonde:

When we last spoke in the courthouse, I undertook to give you an outline of what needs to be accomplished in order to comply with the Clare City Codes. At this time, your property has a large number of disabled vehicles. By disabled, as an illustration, I am looking at a grey pickup with no hood sitting alongside the main road, a light blue vehicle with the tires either entirely flat or sunk into the ground, and so forth. These vehicles will need to either be removed from the premises or be stored inside. Likewise, it appears that you have possibly two pontoon boats and a motorhome on the premises, in addition to a semi-box or truck used for storage. All detritus around the buildings, disabled vehicles, and unlicensed vehicles will need to be removed in order to comply with the ordinance. Please bring the property into compliance within fourteen (14) days of the date of this letter. Thank you for your kind cooperation.

Sincerely,

JAYNIE SMITH HOERAUF, P.C.

BY 
JAYNIE SMITH HOERAUF

JSH/dm
Enclosure
C: Client

JAYNIE SMITH HOERAUF, P.C.

ATTORNEY AT LAW

601 Beech Street / P.O. Box 67 / Clare, Michigan 48617
Phone (989) 386-3434 / Fax (989) 386-3636
E-mail / Jaynie@hoerauflaw.com

LETTER OF TRANSMITTAL

TO: Clare County Circuit Court
225 West Main
Harrison MI 48625

RE: City of Clare v. Smith

FROM: Jaynie Smith Hoerauf

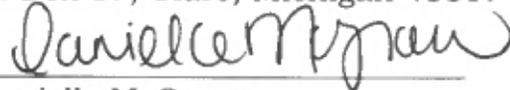
DATE: December 9, 2015

ENCLOSURE(S): Summons and Complaint, check for fee

INSTRUCTION(S): Please file, return true copies

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that the document(s) contained herein was (were) mailed by First Class Mail to the person(s) listed above, at the address(es) shown hereon, on said date. I further certify that the appropriate postage was placed on said mailings with the return address of JAYNIE SMITH HOERAUF, P.C., 601 Beech Street, P.O. Box 67, Clare, Michigan 48617-0067.



Danielle McGraw
Secretary

Enclosure
cc: Client

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE 55th	SUMMONS AND COMPLAINT	CASE NO. 15- -CH
--------------------------------------------------------------------------------------	------------------------------	-------------------------------------------------

Court address: 225 West Main, Harrison MI 48625
 Court telephone no.: 989-539-7131

Plaintiff's name(s), address(es) and telephone no(s).
 CITY OF CLARE
 202 West Fifth
 Clare MI 48617

v

Defendant's name(s), address(es), and telephone no(s).
 ALFRED M. SMITH, JR.
 725 FM 1959 Road, Apt. 202, Houston, TX 77034-5481

GLORIA R. SMITH
 161 W. Ludington Drive, Farwell, MI 48622

Plaintiff's attorney, bar no., address, and telephone no.
 JAYNIE SMITH HOERAUF P47885
 JAYNIE SMITH HOERAUF, P.C.
 601 Beech, Box 67
 Clare MI 48617 (989) 386-3434

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file an answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
--------	----------------------	-------------

*This summons is invalid unless served on or before its expiration date.
 This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

Family Division Cases

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
 - An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
 - A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village) Clare MI	Defendant(s) residence (include city, township, or village) Houston, TX / Farwell, MI
Place where action arose or business conducted Clare County, MI	

Date: 12/9/15

Jaynie Smith Hoerauf
 Signature of attorney/plaintiff JAYNIE SMITH HOERAUF

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF CLARE

CITY OF CLARE,

Plaintiff,

vs.

File No. 15-

-CH

ALFRED M. SMITH JR. and
GLORIA R. SMITH, husband and wife

Defendants.

_____/

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

_____ /

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. Upon information and belief, Defendant, Alfred M. Smith, Jr. resides at 725 FM 1959 Road, Apt. 202, Houston, TX 77034-5481.
2. Upon information and belief, Defendant, Gloria R. Smith, resides at 161 W. Ludington Drive, Farwell, MI 48622.
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 BLIGHT VIOLATION

5. Plaintiff realleges and incorporates Paragraphs 1 through 3 above as though set forth word for word herein.

6. Defendants are the owners of property located in the City of Clare, Clare County, Michigan, Parcel No. 051-075-004-00 and described as:

T17N, R4W, Section 34, 207 West Third Street, Lots 4 & 5, Block 31, except West 16 feet of Lot 4, City of Clare, Clare County, Michigan.

7. The structures upon the parcel are seriously dilapidated in that the roof is bad and covered with plastic, there is junk in the yard, there are windows boarded up, and the building is in very poor condition and not sanitary or fit for human habitation, which is in contravention of City of Clare's Code of Ordinances, Chapter 20, Article VI.

8. These violations remain in effect on the parcel, despite Plaintiff's attempts to obtain voluntary compliance with its City ordinances.

9. These blight violations constitute a nuisance per se.

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

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

I DECLARE THAT THE COMPLAINT INFORMATION ABOVE AND ATTACHED IS TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Dated: 12/9/15

CITY OF CLARE

WITNESSES
[Signature]
[Signature]

BY *[Signature]*
Ken Hibl
ITS: City Manager

STATE OF MICHIGAN)
)ss.
COUNTY OF CLARE)

Subscribed and sworn to before me a notary public this 9 day of December, 2015, by CITY OF CLARE, by Ken Hibl, its City Manager.

PREPARED BY:
[Signature]
JAYMIE SMITH HOERAUF
JAYMIE SMITH HOERAUF, P.C.
601 Beech, Box 67
Clare MI 48617

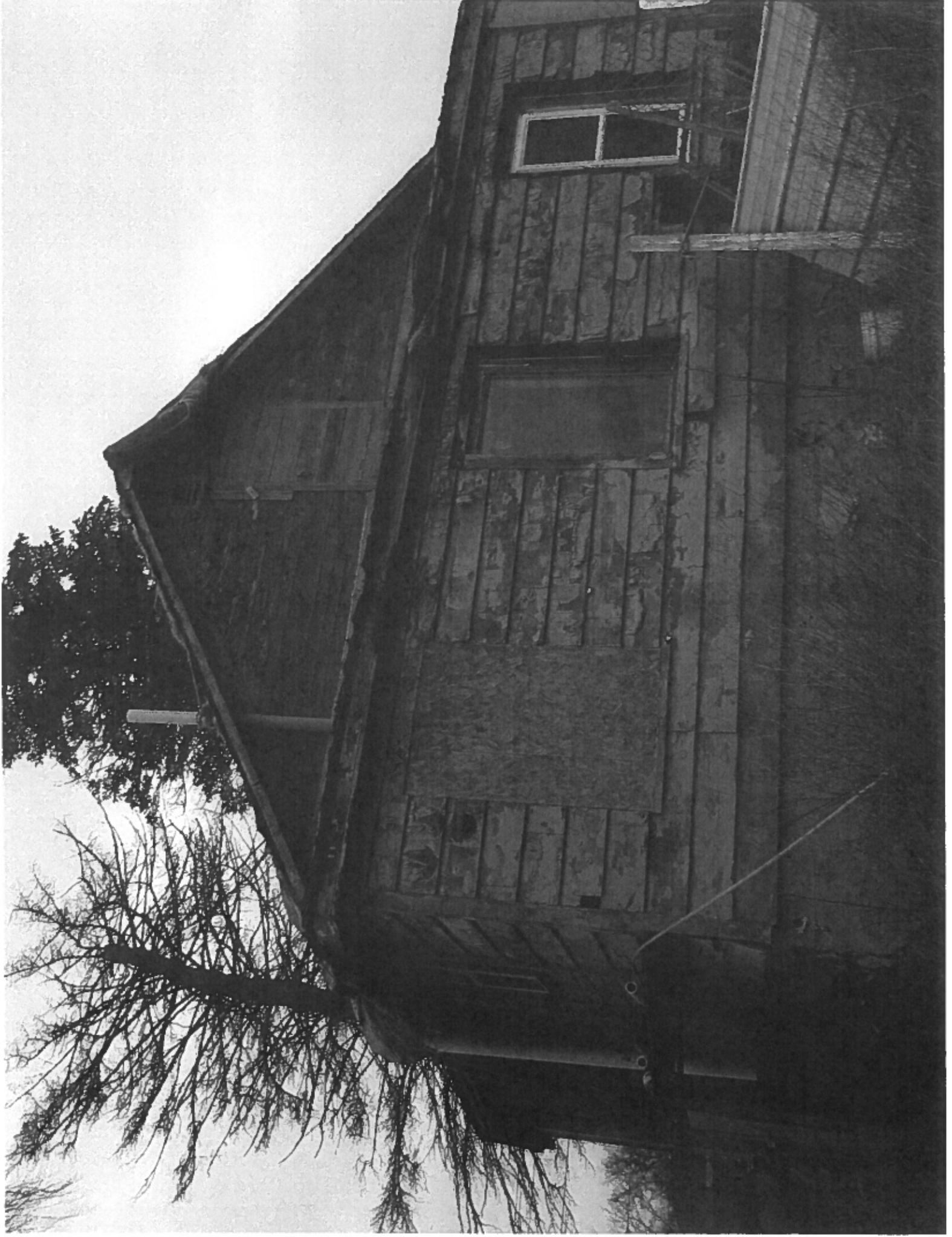
[Signature]
Sarah Schumacher
Notary Public
Clare County, MI
My Comm. Expires: 9-27-22
Acting in Clare County, MI

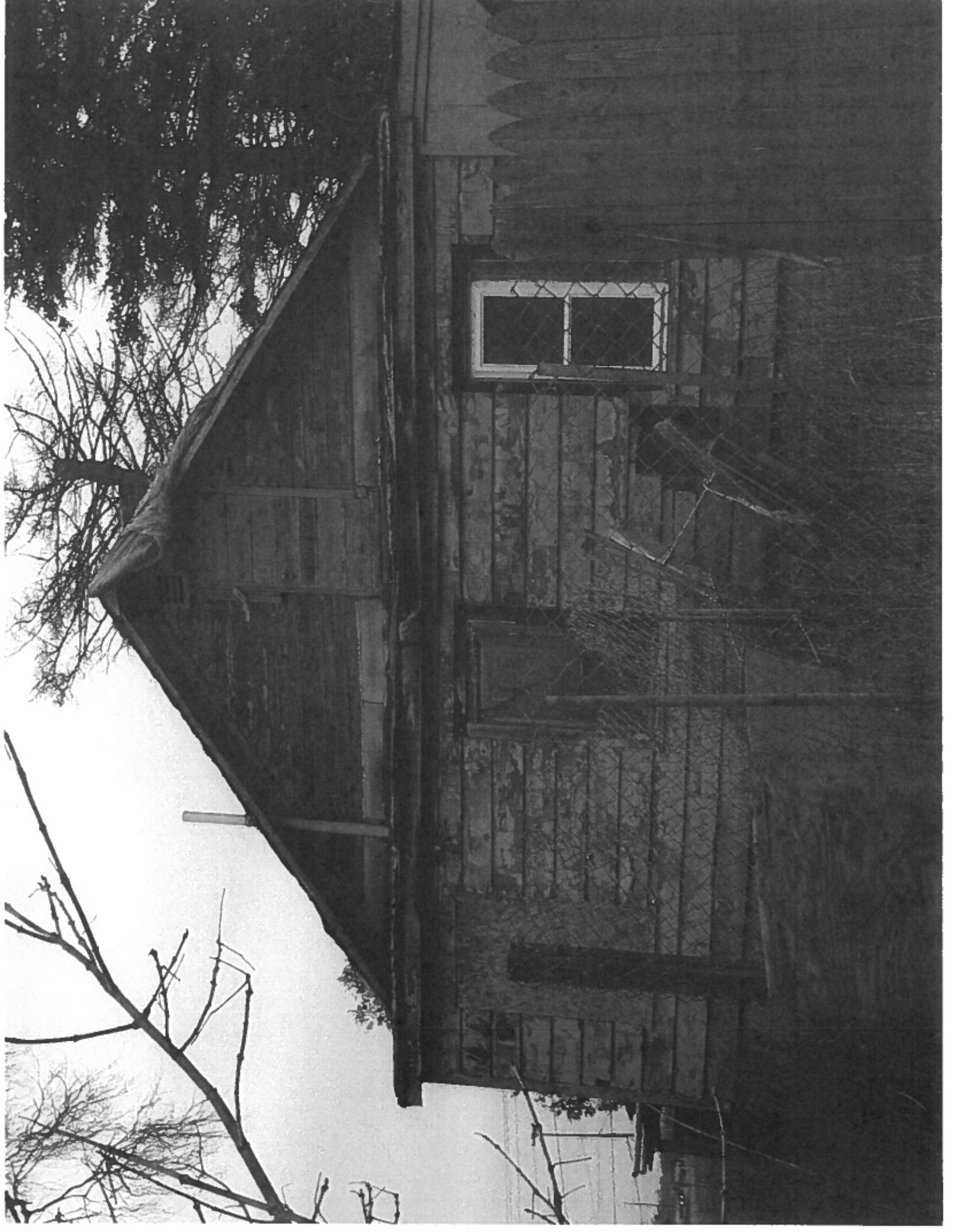
SARAH SCHUMACHER
Notary Public, State of Michigan, County of Clare
My commission expires 9/27/2022
Acting in the County of Clare

















— MIDDLE MICHIGAN —
DEVELOPMENT CORPORATION

Save the Date!

Tuesday, January 19, 2016

8:00 a.m. – 9:00 a.m.

Hotel Doherty

Middle Michigan Development Corporation

Cordially Invites You to Attend Breakfast

For the MMDC Quarterly Meeting

Special Guest Speaker:

Dave Lorenz, Vice President

Travel Michigan

MEDC

Due to the expected high attendance,

Please RSVP by January 12, 2016

Via E-mail to Teri Rau: trau@mmdc.org

MMDC Office Phone: (989) 772-2858

MMDC Office Fax: (989) 773-2115

December 7, 2015

Mr. Lee Graham, Trustee
Operator's Union Local 324
500 Hulet Drive
Bloomfield Township, Michigan 48502

Dear Mr. Graham,

Ms. Joy Simmer, the City of Clare Recreation Director, recently sent you a letter asking for your consideration in assisting with a construction project in Clare to develop a new recreation complex on presently vacant City property. On behalf of the Clare City Commission and the residents of Clare, I offer this letter assuring you of the City's wholehearted support of the project and ask for your favorable consideration of the request.

Clare is a relatively small (approx. 3,200 pop.), rural community with limited resources – thus the primary motivation for Joy's request. But what we lack in resources, we make up for with passionate community pride, ingenuity, imaginative solutions, great citizens and a history of strong partnerships and collaboration.

These attributes have allowed us to achieve major accomplishments in our community that otherwise would have been highly unlikely, to include a thriving business community; a vibrant downtown district with only one currently vacant storefront; a full industrial park with a second 60-acre park that was just completed and is already half-filled; and a just-completed \$5M infrastructure project that was achieved through a combination of grants, private-public partnership, and public funds.

It is our hope that we can form a partnership with your organization to achieve yet another community project of major significance and importance and one that will serve all the citizens of our region, not just those who live in Clare.

If you are amenable to entering into such a partnership with us, please be assured that we will do all we can to ensure that your organization and its members receive every possible measure of public credit and recognition and that you will receive our community's long-term, enduring gratitude.

Respectfully yours,

Pat Humphrey
Mayor



STATE OF MICHIGAN

RICK SNYDER
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

KEVIN ELSENHEIMER
EXECUTIVE DIRECTOR

December 11, 2015

Honorable Pat Humphrey
Mayor
City of Clare
202 W. Fifth St.
Clare, MI 48617-1490

Dear Mayor Humphrey:

We wish to inform you that Clare Downtown Historic District, Clare, Clare County, Michigan, will be considered for nomination to the National Register of Historic Places by the Michigan Historic Preservation Review Board at the meeting to be held on January 15, 2016, at 10:00 a.m., in the Board Room, 4th Floor, Michigan State Housing Development Authority, 735 East Michigan Avenue, Lansing, Michigan 48912-1474. Parking for the meeting is not available in MSHDA's parking lot but there is metered parking along Michigan Avenue or you may park at Stober's Bar at 812 E Michigan Avenue.

The area includes the property shown in the attached map.

The National Register of Historic Places is the federal government's official list of properties deemed worthy of preservation because of their importance in American history and culture. Listing in the National Register provides recognition and assists in preserving our national heritage.

Listing in the National Register provides the following benefits to historic properties:

- Recognition that a property is significant to the nation, the state, or the community.
- Consideration in the planning for federal or federally assisted projects.
- Eligibility for federal tax incentives and other preservation assistance.

Listing in the National Register does not interfere with a private property owner's rights to alter, manage, or dispose of property. Listing does not mean that limitations will be placed on the properties by the federal or state government. Public visitation rights are not required of owners. Neither the federal nor state government will attach restrictive covenants to the properties or seek to acquire them. Attached please find a notice that explains in greater detail the results of listing in the National Register.

You are invited to attend the review board meeting at which the nomination will be considered, or to comment in writing concerning this National Register nomination. All written correspondence should be mailed in time to be received prior to the date of the review board meeting.

Any comments and questions you may have concerning this nomination and the National Register program may be directed to Robert Christensen, National Register coordinator, by phone at 517/335-2719, by e-mail at christensenr@michigan.gov, or by mail at the above address.

Sincerely,

Brian D. Conway
State Historic Preservation Officer

State Historic Preservation Office

Michigan Library and Historical Center • 702 West Kalamazoo Street • P.O. Box 30740 Lansing, Michigan 48909-8240
michigan.gov/shpo • 517.373.1630 • FAX 517.335.0348 • TTY 800.382.4568



RESULTS OF LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

- **Eligibility for federal tax provisions:**

If a property is listed in the National Register, certain federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, and the Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15 and 20 percent investment tax credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides federal deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

- **Consideration in planning for federal, federally licensed, and federally assisted projects:**

Section 106 of the National Historic Preservation Act of 1966 requires that federal agencies allow for the Advisory Council on Historic Preservation to have an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

- **Consideration in issuing a surface coal mining permit:**

In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit where coal is located. For further information, please refer to 30 CFR 700 *et seq.*

- **Qualification for federal grants for historic preservation when funds are available:**

Presently, funding is unavailable.



RIGHTS OF OWNERS TO COMMENT AND/OR TO OBJECT TO LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing may submit to the State Historic Preservation Officer a *notarized* statement certifying that the party is the sole or partial owner of the private property and the party objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners objects, a property shall not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility of the property for listing in the National Register. If the property is determined eligible for listing, although not formally listed, Federal agencies will be required to allow for the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, the notarized objection must be submitted to the State Historic Preservation Officer at the address shown in the attached letter by the date of the review board meeting.

If you wish to comment on the nomination of the property to the National Register, please send your comments to the State Historic Preservation Officer before the review board considers this nomination. A copy of the nomination and information on the National Register and federal tax provisions are available from the State Historic Preservation Office, Michigan Historical Center, upon request.