

AFFIDAVIT OF PUBLICATION

LSJ MEDIA

300 S. Washington Square, Suite 300, Lansing, MI 48933

State of Michigan, County of Macomb) s:

MICHIGAN REHABILITATION SERVICE

320 S WALNUT ST
LANSING, MI 48933

IN THE MATTER OF:

Being duly sworn, says that he/she is authorized by the publisher of Lansing State Journal, to swear that a certain notice, a copy of which is annexed here to, was published in following editions dated:

1. Published in the English language for the dissemination of general and/or legal news, and
2. Has a bonfide list of paying customers or has been published at least once a week in the same community without interruption for at least 2 years, and
3. Has been established, published and circulated at least once a week without interruption for at least one (1) year in the community where the publication is to occur.

Lansing State Journal, 09/17/23



TYNA SMITH

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18th DAY OF September, 2023



GINA HUFF
Notary Public State of Michigan
County of Livingston
My commission expires March 9, 2029

Acting in the County of Macomb

0005823845, LSJ-0000002404

LSJ-LSJ-Lansing State Journal

Department of Labor and Economic Opportunity
Michigan Rehabilitation Services (MRS)
Administrative Rules for the State of Michigan Public Vocational Rehabilitation Program

NOTICE OF PUBLIC HEARING
Wednesday, October 18, 2023
1:00 PM
1048 Pierpont Street, Suite 6, Conference Room A
Lansing, MI 48913

Michigan Rehabilitation Services (MRS), an agency of the Department of Labor and Economic Opportunity, will hold a public hearing to receive public comments on proposed changes to administrative rules. Changes include amending R 395.51, R 395.53, R 395.54, R 395.76, and R 395.79 and rescinding R 395.83 of the Michigan Administrative Code.

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(By authority conferred on the director of the department of labor and economic opportunity by sections 2a and 2b of the proprietary schools act, 1943 PA 148, MCL 395.102a and 395.102b, and sections 3, 4, and 6 of the rehabilitation act of 1964, 1964 PA 232, MCL 395.83, 395.84, and 395.86; Executive Reorganization Order Nos. 1999-1, 2003-1, 2012-5, and 2019-3, MCL 408.40, 445.2011, 445.2033, and 125.1998; and in accord with the workforce innovation and opportunity act, Public Law 113-128.)

The proposed rules will be published in the 10/15/2023 issue of the Michigan Register and will take effect immediately after filing with the Secretary of State.

To submit a public comment or request a copy of the proposed rules, contact Tyler Gross at GrossT@michigan.gov or mail comments to "Michigan Rehabilitation Services, 1F, 320 S. Walnut St., Lansing, MI 48933". TTY users may dial 711 and provide the relay operator with the toll-free number: 1-800-605-6722. All comments must be received by MRS prior to 5pm EST on 10/18/2023. Public comment can also be made in-person at the time of the public hearing.

To view the text of the Proposed Rules, Request for Rulemaking, Regulatory Impact Statement, and Notice of Public Hearing, please visit: <https://ars.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=148>

LSJ-5823845 9/17/2023

The Mining Journal

Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of: **MARQUETTE**

In the matter of: Notice of Public Hearing
Department of Labor and Economic Opportunity
Michigan Rehabilitation Services
Administrative Rules for the State of Michigan
Public Vocational Rehabilitation Program
October 18, 2023

Size: 3 x 6

State of **MICHIGAN**, County of Marquette ss.

ANN TROUTMAN

~~being duly sworn~~, says that she is

PUBLISHER

of **THE MINING JOURNAL**

a newspaper published and circulated in
said county and otherwise qualified
according to Supreme Court Rule; that
annexed hereto is a printed copy of a
notice which was published in said
newspaper on the following date, or
dates, to-wit

September 30, 2023



ANN TROUTMAN

Subscribed and sworn to before me this 11th day of October, 2023.



HOLLY GASMAN

Notary Public for MARQUETTE County, Michigan
Acting in the County of Marquette
My commission expires: May 25, 2025

Region

Houghton OKs settlement with Walmart over suit Council approves deal this week

By Houghton Daily Mining Gazette staff
HOUGHTON — Houghton's battle with Walmart over taxes is nearing an end.

The Houghton City Council Wednesday approved a settlement agreement with Walmart regarding the city's civil suit in U.S. District Court.

The settlement lays out the terms of a new service agreement with Walmart that will replace the development agreement it made with the city upon expanding to a Supercenter in 2004.

"Based on discussions with our attorneys and assessor and working together with them on this for more than a year, it's my recommendation the council approve this service agreement to settle the matter," City Manager Eric Waara said.

In 2018, Walmart sought to lower its tax valuation through the Michigan Tax Tribunal, making the "dark store" argument that its value should be based on that of the empty building, based on the likely difficulty of finding another buyer if the store closed.

The case was put on hold after the Father's Day Flood, but picked up again this year. The two sides eventually reached an agreement in June prior to a scheduled hearing.

Earlier this year, the city also sued Walmart in federal court alleging it had violated the terms of the 2004 development agreement.

In that agreement, the city agreed to transfer property, conduct capital and public service improvements, and also provide environmental services, such as environmental monitoring in perpetuity. In exchange, Walmart agreed to a property tax increase of at least \$1.95 million, which brought it to more than \$4.5 million in 2005.

The amount Walmart

sought was below that amount. The settlement on the Tax Tribunal case reached in June retroactively adjusted the 2018 taxable value to \$2,354,975 — slightly more than half what it had been.

Under the new service agreement, Houghton will continue to provide environmental monitoring service, as required under the Department of Environmental Quality permit for construction around the Huron Creek wetlands. The city also agreed to continue providing municipal bus service to and from Walmart.

The new agreement also includes an annual \$40,000 service fee Walmart will pay to Houghton for the services it provides. That fee will also be applied retroactively to each year since 2018, when Walmart began trying to lower its property taxes.

The fee is not a property tax, but will go back to the city's Tax Increment Finance Authority district on advice of the city's attorney, Waara said.

Future property tax agreements with Walmart are also regulated by the agreement. It will not contest true cash, assessed or taxable values in a year where its taxable value does not increase by more than 4%.

If it does, Walmart can take a dollar-for-dollar credit against the annual service fee for every dollar above 4%, or file an appeal with the Tax Tribunal.

The agreement also lays out procedures for the two sides to resolve disputes about the taxable value, including a meeting between the two sides and arbitration.

Similar procedure will be in place if Walmart's tax liability exceeds 4%.

After the council's approval Wednesday, the city's attorneys will file to dismiss the court case.



A corroded H-pile, part of the structural foundation for the Lakeshore Drive parking deck, sits in the Houghton City Council chambers Wednesday night. Houghton City Manager Eric Waara presented the piece as a visual example of the decay observed in a U.P. Engineers & Architects report on the deck. (Houghton Daily Mining Gazette photo)

Report notes Lakeshore Drive deck condition before demolition

By Houghton Daily Mining Gazette staff
HOUGHTON —

The thinned-out, pockmarked H-pile beam would look unexceptional in a junkyard. At its spot near the Houghton City Council dais Wednesday night, it looked out of place.

In the spot it had been for the previous 45 years, helping keep up the Lakeshore Drive parking deck, it was many similar pieces being corroded by the elements and nearing the end of their useful life — and by extension, the deck's.

U.P. Engineers & Architects compiled a report with observations and findings from demolition of the deck. It is available on the city's website.

UPEA's nine-page report found the condition of the deck observed during its demolition supported the council's decision to tear it down.

"While one cannot speculate if a catastrophic failure was imminent, the past documented safety hazards and structural deterioration

witnessed during demolition provided clear evidence that failure was eventual without extensive rehabilitation of the deck structure," the report said.

The deck was on "borrowed time," Houghton City Manager Eric Waara said Wednesday. According to the report, decks in comparable northern climates typically have a service life of 40 to 50 years. But the deck's expected service life had been considerably shorter.

The main culprit: deicing chemicals, particularly salt. Testing in 1999 found chloride had gotten up to 3 inches inside the decks, which in most places were only 5 inches thick.

Though the city stopped using salt, the existing chloride continued penetrating the deck over the next 24 years, the report said.

The salts and moisture from the freeze-thaw cycle went through the concrete to the steel undergirding it.

About 50% of the post tensioning strands, which

kept the concrete together, had lost all or most of their tension by the time the deck came down, the report said.

Many subsurface columns and steel connection plates had also corroded, the report said. Those include the H-pile unearthed during the demolition.

Crews had to stabilize the deck before tearing it down. To stop the frame from swaying, they welded large beams in place to brace the frame.

Other parts of the deck also saw damage. At the parapet walls, water infiltration had made it possible to remove the bricks by hand. In the wait tower, parts of the stair pan were so corroded they fell off.

Waara had asked one of the project supervisors

when it would have been easier to take the deck down, he said Wednesday. The answer: "Ten years ago."

"It was time, and I guess this is a bit of validation for all the discussion and the debate that took place at the Planning Commission, the subcommittee, in this chamber about why we needed to take it down," Waara said. "I know a lot of people didn't want to take it down. I didn't want to have to take it down. But I also didn't want us to end up on the front page of every newspaper in the Midwest because 'Small Michigan town suffers (insert disaster here)'. And that's the reason why right there."

The full report can be found at cityofhoughton.com/lakeshore-drive-redevelopment.

PUBLIC HEARING - CITY OF NEGAUNEE DOWNTOWN DEVELOPMENT ORDINANCE AMENDMENT 30.05

There will be a Public Hearing on Thursday October 12, 2023 at 6:30 p.m. at the Negaunee Senior Center, 410 Jackson St, Negaunee, Michigan to secure citizen input regarding an amendment to Ordinance 30.05 Downtown Development Authority. To view please visit our website at: www.cityofnegaunee.com.

PUBLIC HEARING - CITY OF NEGAUNEE 2024 CITY BUDGET

There will be a Public Hearing on Thursday October 12, 2023 at 6:30 p.m. at the Negaunee Senior Center, 410 Jackson St, Negaunee, Michigan to secure citizen input regarding the 2024 City Budget. To view the 2024 proposed City Budget please visit our website at: www.cityofnegaunee.com.

FORSYTH TOWNSHIP ZONING BOARD OF APPEALS NOTICE OF A PUBLIC MEETING

PLEASE BE NOTIFIED THAT there will be a public hearing of the Forsyth Township Zoning Board of Appeals on October 18, 2023, at 7:00 P.M., at the Gwinn Clubhouse, 165 N. Maple Street, Forsyth Township, Marquette County, Michigan.

13-23 Jeffrey Noble, Parcel Number 52-05-056-029-10, 900 Bilsky Lake Lane, Gwinn MI, is requesting a variance to construct a 10 X 16 Shed closer to the rear lot line than the ordinance allows on a nonconforming lot in the Lake Residential Zoning District.

14-23 Nick Graham, Parcel Number 52-05-308-010-00, 154 Elm Street, Gwinn, MI, is requesting a Class "A" Nonconforming Designation for an existing home which is closer to the front lot line than the Ordinance Allows. And for a nonconforming lot of record.

Anyone wishing to give testimony will be given an opportunity to be heard. Written testimony will be accepted at the Forsyth Township Office during regular business hours or by mail (P.O. Box 1360, Gwinn) until the date of the hearing.

This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act), MCLA 41.72a (2) (3) and the Americans with Disabilities Act (ADA).

The Forsyth Township Board will provide necessary reasonable auxiliary aids, and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting or public hearing upon 10 days' notice to the Township Board.

Maurene Hakes
Zoning Administrator

Vivid fall colors draw many to region

By Escanaba Daily Press staff

ESCANABA — In addition to being surrounded by three Great Lakes, the Upper Peninsula is graced with thick forests of various species of trees, whose seasonal changes make for displays that draw visitors in search of beautiful autumn color tours.

While particular locations — like Tahquamenon Falls, Lake of the Clouds, Fayette, Pictured Rocks, and the other usual suspects — of course become destinations for many, some of the most appreciated landscapes are viewed through windshields as drivers and passengers gape at the foliage along county roads.

"With (Lakes) Superior, Michigan, and Huron — that causes majestic overlooks in contrast to rocks and water and all sorts of things. But they really also like to cruise in and out of, you know, roads and even some of the highways," said Tom Nemacheck, executive director of the Upper Peninsula Travel and Recreation Association. "A lot of it is centered around the vistas around the Great Lakes. ... The other way to look at the inland road situation is the vistas around waterfalls and inland lakes ... It's, again, more up close and personal than some of the, you know, vast distances."

Federal Forest Highway 13, U.S. 141, and Upper Pine Creek Road were among favorite routes cited by residents of the central and western U.P. Black River National Scenic Byway, which takes travelers past

a handful of the U.P.'s 300 waterfalls, is also said to boast gorgeous scenes.

As visitors and residents "venture out into every nook and cranny, looking for that particular look," (Nemacheck's words), the entire U.P. experiences a boom that

may be seen as another peak of the tourist season that is no longer limited to summer.

"Usually a little bit of a lull around Labor Day, and then it seems to pick back up again," reported John Gaudette, who, along with his wife Beverly ("Bev"),

owned the Woodlands Motel in Iron Mountain for a few months shy of 40 years.

"Towards the last few — I would say even the last five to 10.... years, we always experienced a little spike, and it was the fall color tour season," said Bev.

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AFFIDAVIT OF PUBLICATION
2125 Butterfield Dr, Suite 102N • Troy MI 48084

MI DEPT OF LABOR & ECONOMIC MRS
320 S WALNUT ST

LANSING, MI 48933
Attention: Tyler Gross

STATE OF MICHIGAN,
COUNTY OF OAKLAND

The undersigned Andy Slater, being duly sworn the he/she is the principal clerk of Oakland Press, theoaklandpress.com, theoaklandpress.com2, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

MI DEPT OF LABOR & ECONOMIC MRS

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VICKI ARSENAULT
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF OAKLAND
 My Commission Expires May 11, 2026
 Acting in the County of _____

Sworn to the subscribed before me this 22 Sept, 2023

Vicki Arsenault
Notary Public, State of Michigan
Acting in Oakland County

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Michigan Rehabilitation Services (MRS)
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