

**CITY OF ST CLAIR, MICHIGAN  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, JANUARY 15, 2018- 7:00 P.M.**

**Meeting Called to Order** at 7:00pm by Mayor Cedar in the Council Chambers of the Municipal Building, 547 N. Carney Drive, St. Clair, Michigan.

**PLEDGE OF ALLEGIANCE** led by Scouts Brian and Brent Cadreau.

PRESENT: Mayor Cedar, Members Ellery, Kindsvater, Klieman, Kuffa, LaPorte, McCartney

ABSENT: None

ADMINISTRATION: Mike Booth, City Superintendent; James T. Downey, Kane, Clemons, Joachim & Downey; Trice Hawkins, Recreation Director; Lynne Houston, Assessor; Timothy Raker, Police Chief; Annette Sturdy, City Clerk.

AUDIENCE: There were 12 people in attendance.

**CONSENT AGENDA** – LaPorte moved, Kuffa seconded, CARRIED, to approve Consent Agenda item A. as presented.

A. City Council Minutes of January 3, 2018 Regular and Closed Meetings: Approved

**ORDINANCES AND RESOLUTIONS**

Resolution (18-01) Approve Annual Poverty Exemption Policy and Guidelines- **RESOLUTION NO.**

**18-01 CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN**

**RESOLUTION APPROVING POVERTY EXEMPTION GUIDELINES AND POLICY**

**WHEREAS**, the adoption of guidelines for poverty exemptions is required of the City Council; and **WHEREAS**, the principal residence of persons, who the Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

**WHEREAS**, pursuant to PA 390 of 1994, the City of St. Clair, St. Clair County, adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

1. Be an owner of and occupy as a principal residence the property for which an exemption is requested.
2. File a claim with the Assessor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year or a signed State Tax Commission Form 4988, *Poverty Exemption Affidavit*.
3. File a claim reporting that the combined assets of all persons do not exceed the current guidelines. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
4. Produce a valid driver's license or other form of identification if requested.
5. Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
6. Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.

7. The application for an exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

8. The Board of Review shall follow the guidelines of the local assessing unit in granting or denying an exemption unless there is substantial and compelling reasons why there should be a deviation from the guidelines and the substantial and compelling reasons are communicated in writing to the claimant. Any deviation from the guidelines shall require an unanimous vote of the Board of Review and the City Assessor.

9. Persons applying for a hardship exemption will be encouraged to meet in person with the Board of Review in order to answer any questions relative to their application. Applicants or their authorized agents may have to answer questions regarding such subjects as financial affairs, health and/or the status of people living in their home at a meeting that is open to the public.

10. A person who files for a hardship exemption is not prohibited from also filing an appeal on the assessment and/or taxable value.

11. The applicant must also meet the Asset Guidelines in accordance with PA 390 of 1994 as previously adopted by the City of St. Clair Council.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Assessor and the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these reasons are communicated in writing to the claimant.

McCartney moved, Kindsvater seconded, CARRIED, to approve Resolution (18-01) annual poverty exemption guidelines and polices as presented.

Ayes: Kindsvater, Klieman, Kuffa, LaPorte, McCartney, Ellery, Cedar

Nays: None

#### **RESOLUTION DECLARED ADOPTED**

Resolution (18-02) Waive Penalties on Property Transfer Affidavits for Real Property (non Industrial/Commercial)- CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN

**RESOLUTION WAIVING PENALTIES ON PROPERTY TRANSFER AFFIDAVITS FOR REAL PROPERTY CLASSIFIED OTHER THAN INDUSTRIAL REAL OR COMMERCIAL REAL**

**WHEREAS**, Public Act No. 415 or 1994 requires that a Property Transfer Affidavit be filed whenever real estate or some types of personal property are transferred; and

**WHEREAS**, the Property Transfer Affidavit must be filed with the City of St. Clair Assessor within forty-five (45) days of a transfer of the ownership of the property; and

**WHEREAS**, the penalty, for real property classified other than industrial real or commercial real, of Five (\$5.00) Dollars per day up to a maximum of Two Hundred (\$200.00) Dollars for each separate failure to file a Property Transfer Affidavit, shall be levied and collected unless the City of St. Clair City Council adopts a Resolution waiving the penalty and levy.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of St. Clair does, hereby, waive the penalty (as listed above) provided for in Public Act 415 or 1994 and shall not levy and collect said penalty.

Ellery moved, Kindsvater seconded, CARRIED, to approve Resolution (18-02) to waive penalties on Property Transfer Affidavits for Real Property (non-Industrial/Commercial) as presented.

Ayes: Klieman, Kuffa, LaPorte, McCartney, Ellery, Kindsvater, Cedar

Nays: None

#### **RESOLUTION DECLARED ADOPTED**

Resolution (18-03) Waive Penalties on Property Transfer Affidavits for Real Property

Industrial/Commercial)- RESOLUTION WAIVING PENALTIES ON PROPERTY TRANSFER AFFIDAVITS FOR PROPERTY CLASSIFIED INDUSTRIAL REAL OR COMMERCIAL REAL

Kuffa moved, Kindsvater seconded, to approve Resolution (18-03) as presented.

Kuffa withdrew motion, Kindsvater withdrew his support to approve Resolution (18-03) as presented.  
Kuffa moved, McCartney seconded, CARRIED, to table adoption of Resolution (18-03) as presented.  
Ayes: Kuffa, LaPorte, McCartney, Ellery, Kindsvater, Klieman, Cedar  
Nays: None

## REPORTS FROM ADMINISTRATION

**City Superintendent** – There is continued progress on the St. Clair Inn property with the recent installation of footings for 3 new cottages that are located at the south end of the property.

**City Attorney**-Noted awareness of commercial business interest at the St. Clair Boat Harbor. There is no action required at this time.

**City Departments** – The Parks and Recreation-Michigan Natural Resources Trust Fund Grant: Palmer Park Boardwalk Bid Schedule has been announced. The recommended proposal is expected to come before Council at the 2/19/18 meeting.

**Authority, Board, Commission, Committee Chairman or Council Representative** - None

**UNFINISHED BUSINESS** -None

## NEW BUSINESS

Parks and Recreation Master Plan Notice of review and Public Hearing Request –The proposed plan will be available as of January 17 for the required 30-day review. A public hearing is also required. Please submit comments in writing to the Recreation Department.

McCartney moved, Kindsvater seconded, CARRIED, to schedule the required public hearing on February 19, 2018 at 7:00pm.

St. Clair County Foreclosed properties- Council received information from the St Clair County Treasurer with an offer, at no cost to the city, of 4 foreclosed properties (descriptions attached and made part of these minutes). It is the assessor's recommendation for the city to accept all 4 properties as listed. If the city accepts the properties, the assessor offered to contact the adjacent property owners to see if they have any interest in a lot combine, also at no cost to the property owners. The City Treasurer will notify the County of Council's action. The deadline to accept the properties is January 31<sup>st</sup>.

McCartney moved, Ellery seconded, CARRIED, to accept all 4 properties as listed.

Ayes: LaPorte, McCartney, Ellery, Kindsvater, Klieman, Kuffa, Cedar

Nays: None

Approve special events permit for National MS Society, MS Walk – Council received a memorandum from Police Chief Raker requesting council approve a special event permit for the National MS Society annual MS walk on Saturday, May 12, 2018. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Kindsvater moved, Kuffa seconded, CARRIED, to approve special event permit as recommended.

Approve special events permit for St. Clair Art Association's 47<sup>th</sup> annual Art Fair- Council received a memorandum from Police Chief Raker requesting council approve a special event permit of the St Clair Art Association to conduct the 47th annual art fair in the Riverview Plaza area and Palmer Park on Saturday, June 23, 2018 to Sunday, June 24, 2018 and the Artful Dodger 5k on Saturday, June 23, 2018. The applicant has complied with necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Kuffa moved, Kindsvater seconded, CARRIED, to approve special event permit as recommended.

Approve special events permit for St. Clair Art Association Pop-Up Gala Fundraiser-Council received a memorandum from Police Chief Raker requesting council approve a special event permit from the St. Clair Art Association to host a Pop-Up Gala that will feature local art, entertainment and refreshments. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended. Ellery moved, Kuffa seconded, CARRIED, to approve special event permit as recommended.

Approve appointments of 2018 Boards and Commission members- Mayor Cedar reported recommendation for appointment of Dan Siebel to the Zoning Board of Appeals for a 3 year term to expire December 31, 2020. McCartney moved, LaPorte seconded, CARRIED, to approve appointment as recommended.

**CLAIMS AND ACCOUNTS** – January 5 and January 12, 2018

Check registers listing the bills for the period ending January 5, 2018 (check numbers 44871-44906) in the amount of \$91,589.88 and January 12, 2018 (check numbers 44907 -44957) in the amount of \$177,614.76 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of January 5 & January 12, 2018 Claims and Accounts as presented.

**PUBLIC QUESTIONS AND COMMENTS** – Steve Path, Marysville, member of the St. Clair Art Association Board, requested attendance at the 47<sup>th</sup> annual Art Fair, noted it is considered one the best in the state and encouraged participation in the Artful Dodger 5k fundraiser.

**MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS** – Sympathy extended to the Eisen and Westrick families. Congratulations to Paul Dingeman, St. John River District Hospital's Community Leader of the Year. Chief Raker clarified vehicles leaving the driveway of the Voyageur must observe the spotlight.

**ADJOURNMENT** at 7:32pm.

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor