

**CITY OF ST CLAIR, MICHIGAN  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, DECEMBER 17, 2018- 7:00 P.M.**

**Meeting Called to Order** at 7:00pm by Mayor Cedar, Pine Shores Golf Course, 515 Fred Moore Highway, St. Clair, Michigan.

**PLEDGE OF ALLEGIANCE**

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

ABSENT: Member LaPorte (excused)

ADMINISTRATION: Michael E. Booth, City Superintendent; James T. Downey, Kane, Clemons, Joachim & Downey; Lynne Houston, Assessor; Annette Sturdy, City Clerk.

AUDIENCE: There were 10 people in attendance.

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

- A. City Council Minutes of December 3, 2018 Regular and Closed Meetings: Approve

**ORDINANCES AND RESOLUTIONS**

Resolution 18-21 Approve Annual Poverty Exemption Policy and Guidelines- **A RESOLUTION FOR THE ANNUAL ADOPTION OF GUIDELINES FOR POVERTY EXEMPTIONS 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.

Kindsvater moved, Ellery seconded, CARRIED, to approve Resolution (18-21) as presented.

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

Nays: None

#### **RESOLUTION DECLARED ADOPTED.**

#### Resolution 18-22 Establishing the Assessing Department's Property Exemption Policy/Procedures

#### **& Application- A RESOLUTION ESTABLISHING ASSESSING DEPARTMENT PROPERTY EXEMPTION POLICY/ PROCEDURES AND APPLICATION WHEREAS,**

The Michigan Constitution of 1963 (as amended) and the General Property Tax Act (PA 206 of 1893, as amended) set forth that all real and personal property located within the State of Michigan is subject to ad valorem property taxation, unless expressly exempt; and **WHEREAS**, Real and personal property exemptions are identified and authorized within specific sections and subsections of Section 211.7 and Section 211.9 of the Michigan Compiled Laws. Further, Michigan Courts have set that the burden of proof of exemption entitlement rest with the claimant/ applicant. A claimant/ applicant's 501 (c)(3) status is not a determining factor for exemption (American Concrete Institute vs. State Tax Commission, 12 Mich App595,163 NW2d 508 (1968)); and **WHEREAS**, In order for an exemption of ad valorem property to be approved and added to the assessment roll, the following procedures will be followed:A completed "Ad Valorem Property Tax Exemption Application" must be filed with the City's assessing office. (Filed on or before December 31<sup>st</sup> if there has been a new Exemption or transferred parcel). ALL attachments/ documents must be submitted with the application. Copy of instrument by which property was acquired (proof of ownership), Copy of Articles of Incorporation, Copy of By-Laws, Copy of any pamphlet, other information, or literature describing the functions of the organization, Copy of previous year Income Tax Filings including 990 forms (charitable exemption applications) and Copies of all leases including sub-leases in effect at the subject property during the previous calendar year. A file will be created for the review and approval process.An inspection will be completed and approved/ denied by the City Assessor.If necessary, the City's attorney will be asked to review the file and give an opinion. The official notification of the taxable status will be the annual assessment change notice.Taxpayers may appeal the assessor's determination at the March Board of Review. **WHEREAS**, If during an audit of the exempted properties by the City Assessor, the City Assessor finds that the claimant/applicant is not following all of the above procedures, or has lost their tax exempt status due to other reasons, then the exemption will be removed on December 31<sup>st</sup> for the following assessment year.

**NOW THEREFORE, BE IT RESOLVED;** The City of St. Clair City Council authorizes and approves Resolution No.18-22- establishing the Assessing Department's Property Exemption Policy/Procedures and applications.

McCartney moved, Kindsvater seconded, CARRIED, to approve Resolution (18-22) as presented.  
Ayes: McCartney, Ellery, Kindsvater, Klieman, Kuffa, Cedar  
Nays: None

**RESOLUTION DECLARED ADOPTED.**

**REPORTS FROM ADMINISTRATION**

**City Superintendent** – City hall will be closed December 25, 26, 31 & January 1 during the holiday season. Garbage day will be delayed to Friday both weeks.

**City Attorney**- None

**City Departments** – As part of administrative housekeeping, Mayor and council will be receiving several documents for review and approval next year.

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

**UNFINISHED BUSINESS**

Approve Library Board By-Laws-The defect in language was discovered and corrected.

Ellery moved, Kuffa seconded, CARRIED, to approve Library Board by-laws as now presented.

**NEW BUSINESS**

Accept Bids for Lawn Maintenance 2019-2020-McCartney moved, Ellery seconded, CARRIED, to award the contract to the lowest bidder, D & E Landscaping.

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

Nays: None

Schedule public hearing for city street vacation-Seventh and Mulberry- The East China School District is in process of selling the ECEC building on 6<sup>th</sup> Street. The streets that make up the block the building is on have never been vacated. The title company to complete the purchase is in pause until that formality is complete. The vacation will be 7<sup>th</sup> between Orchard and Thornapple and Mulberry between 6<sup>th</sup> and 8<sup>th</sup> and again between 8<sup>th</sup> and 9<sup>th</sup>.

McCartney moved, Kindsvater seconded, CARRIED, to set the public hearing for January 7, 2019 @7pm. Clerk will notice appropriately.

Approve lease: Schmude Oil

McCartney moved, Kindsvater seconded, CARRIED, to remove item from agenda.

**CLAIMS AND ACCOUNTS** –December 7, 2018 & December 14, 2018

Check registers listing the bills for the period ending December 7, 2018 (check numbers 47015 - >47039) in the amount of \$41,022.95 and December 14, 2018 (check numbers 47040-47100) in the amount of \$368.633.20 were presented for Council review.

Kindsvater moved, Kuffa seconded, CARRIED, (Nay-Klieman) to approve payments of December 7 & December 14, 2018 Claims and Accounts as presented.

**PUBLIC QUESTIONS AND COMMENTS** – J. Rosenstrater, 609 S. 8<sup>th</sup> Street, expressed ongoing parking concerns & home occupation distinction at 602 S 8<sup>th</sup>. Mayor Cedar stated there will be another inspection.

**MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS** – Thank you to Councilmember Klieman for your 4 years of service.

**ADJOURNMENT** at 7:19pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor