

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, OCTOBER 21, 2019- 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, 48079.

PLEDGE OF ALLEGIANCE was recited.

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

ABSENT: None

ADMINISTRATION: James T. Downey, Kane, Clemons, Joachim & Downey; Trice Hawkins, Recreation Director; Timothy Raker, Police Chief; Warren Rothe, City Superintendent; Annette Sturdy, City Clerk.

AUDIENCE: There were 4 people in attendance.

AGENDA AMENDMENT: Councilmember Kuffa moved, Kindsvater seconded, CARRIED, to rearrange the agenda for New Business to be conducted after Consent Agenda.

CONSENT AGENDA – Kuffa moved, Kindsvater seconded, CARRIED, to approve Consent Agenda items A., B., C., D. and E. as presented.

- A. City Council Minutes of October 7, 2019 Regular & Closed meetings: Approved
- B. St. Clair Historical Commission Minutes of August 8, 2019 Meeting: Received
- C. Golf Commission Minutes of August 13, 2019 Meeting: Received
- D. Cemetery Board of Trustees Minutes of September 10, 2019 Meeting: Received
- E. Planning Commission Minutes of September 11 & October 9, 2019 Meetings: Received

NEW BUSINESS

Approve Special Use per Section 4.6.5.5. A – G request for 301 N. 6th Street- Attorney Downey summarized the previous action of the Planning Commission who approved the special use per the Adaptive Use Ordinance. The zoning does not change but it is granted basically an exception. McCartney moved, LaPorte seconded, CARRIED, to approve the special use per section 4.6.5.5 A-G as requested for 301 N. 6th Street.

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

Nays: None

Approve Preliminary Engineering Services Proposal: Bridge to Bay Gap completion between Carney & Riverside- Jim Bier, Trails Advisory Board, stated the proposal is for the engineering services to connect Carney and Riverside (M-29). The bid was \$5000. The funds will come from the General Fund/Contractual Services although there are other funding options the Advisory Board may pursue. The Recreation Commission unanimously endorses the expenditure. Total cost will be based on hourly rate to not exceed more than \$5000.

McCartney moved, Kindsvater seconded, CARRIED, to approve proposal as presented.

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

Nays: None

Appoint SEMCOG and I-69 International Trade Corridor representative-Mayor Cedar recommended Warren Rothe be appointed as the SEMCOG and I-69 International Trade Corridor Representative for a one year term expiring December 31, 2019.

Kindsvater moved, Kuffa seconded, CARRIED, to appoint as recommended.

ORDINANCES AND RESOLUTIONS

Resolution (19-22) Commercial Rehabilitation Exemption Certificate-SMDRP, LLC- CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN RESOLUTION TO APPROVE COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE APPLICATION FROM SMDRP, LLC LOCATED AT 301 N. SIXTH ST, ST. CLAIR, MI 48079 **WHEREAS**, the City Council of the City of St. Clair legally established the Commercial Rehabilitation District for 301 N. Sixth Street on March 4, 2019, after a public hearing held on March 4, 2019; and **WHEREAS**, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property previously exempt and currently in force under Public Act 210 of 2005 does not exceed 5% of the total taxable value of the City of St. Clair; and **WHEREAS**, a public hearing was held on the application as provided by section 4(2) of Public Act 210 of 2005 on September 3, 2019; and **WHEREAS**, SMDRP, LLC is not delinquent in any taxes related to the facility; and **WHEREAS**, the application is for commercial property as defined in section 2(a) of Public Act 210 of 2005; and **WHEREAS**, the applicant, SMDRP, LLC has provided answers to all required questions under the application instructions to the City of St. Clair; and **WHEREAS**, the City of St. Clair requires that rehabilitation of the facility shall be completed by March 30, 2020; and **WHEREAS**, the commencement of the rehabilitation of the facility did not occur more than six months prior to the filing of the application for exemption; and **WHEREAS**, the application relates to a rehabilitation program that when completed constitutes a qualified facility within the meaning of Public Act 210 of 2005 and that is situated within a Commercial Rehabilitation District established under Public Act 210 of 2005; and **WHEREAS**, completion of the qualified facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to increase commercial activity, create employment and increase the number of residents in the community in which the facility is situated; and **WHEREAS**, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(j) of Public Act 210 of 2005. **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of St. Clair: Be and hereby is granted a Commercial Rehabilitation Exemption for the real property, excluding land, located in Commercial Rehabilitation District 301 N. Sixth Street at 301 N. Sixth Street for a period of 10 years, beginning December 31, 2019, and ending December 30, 2029, pursuant to the provisions of PA 210 of 2005, as amended.

Kuffa moved, McCartney seconded, CARRIED, to adopt Resolution (19-22) as presented.

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

Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (19-23) Implementation of Local Pavement Warranty Program- CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM **WHEREAS**, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; **WHEREAS**, the City of St. Clair adopted the Michigan Local Agency Pavement Warranty Program on October 7, 2019; **WHEREAS**, the City of St. Clair agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds; **WHEREAS**, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project; **WHEREAS**, the City of St. Clair agrees to implement the Michigan Local

Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City of St. Clair's adopted Implementation Policy defines the City of St. Clair's intent of its pavement warranty program; **NOW THEREFORE BE IT RESOLVED**, the City of St. Clair hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

Kindsvater moved, Kuffa seconded, CARRIED, to adopt Resolution (19-23) as presented.

Ayes: Kuffa, LaPorte, McCartney, Watt, Ellery, Kindsvater, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (19-24) MDOT Street Administrator designation- CITY OF ST. CLAIR ST. CLAIR COUNTY, MICHIGAN RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR
WHEREAS, Section 13(9) of Act 51, Public Acts of 1951, provides that each incorporated city and village to which funds are returned under the provisions of this section, that "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities, and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body and shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act." **NOW, THEREFORE, BE IT RESOLVED** that the St. Clair City Council designates Warren Rothe, City Superintendent, as the single street administrator for the City of St. Clair in all transactions with the State Transportation Department as provided in Section 13 of the Act.

Kindsvater moved, Kuffa seconded, CARRIED, to adopt Resolution (19-24) as presented.

Ayes: LaPorte, McCartney, Watt, Ellery, Kindsvater, Kuffa, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Welcome to Superintendent Warren Rothe.

City Attorney- None

City Departments- Election November 5, 2019. Absentee Ballots are available. The ballot contains one proposal requesting a 20-year renewal of 1 mill for city-employee pension funding. Sample ballots are available. Chief Raker stated there is ongoing investigation into the St Mary's arson. In regards to recent requests for additional pedestrian crossing signs, Chief suggests to remove the signs at Clinton and S 10th and replace with 'Blind Man Crossing' signs. Per a conversation with MDOT, the right turning lane onto Clinton will be extended. Councilmember McCartney requested clarification on jaywalking laws. Pedestrians can legally cross anywhere on the street as long as they go in a straight line. Crosswalks offer more protection though because vehicles must stop for a pedestrian that is already crossing in the same lane.

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

UNFINISHED BUSINESS - None

CLAIMS AND ACCOUNTS – October 10 & October 17, 2019

Check registers listing the bills for the period ending October 10, 2019 (check numbers 48886 - 48944) in the amount of \$35,697.27 and the period ending October 17, 2019 (check numbers 48945-48974) in the amount of \$36,801.39 were presented for Council review.

LaPorte moved, Kindsvater seconded, CARRIED, to approve payments of October 10 and October

17, 2019 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – None

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Special meeting:
October 24 @5pm.

CLOSED SESSION- McCartney moved, Kuffa seconded, CARRIED, to grant request for closed session to Discuss Strategy and Negotiation Session Connected with the Negotiation of a Collective Bargaining Agreement with Employees Represented by the Police Officers Labor Council, POLC.

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

Nays: None

At 7:17pm, Council recessed into closed session and resumed regular session at 7:31pm.
No action was taken.

ADJOURNMENT at 7:32pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor