

**CITY OF ST. CLAIR, MICHIGAN  
SPECIAL COUNCIL MEETING MINUTES  
THURSDAY, OCTOBER 24, 2019 - 5:00 P.M.**

Mayor Cedar convened the Special Meeting of the City Council to order in the Council Chamber of the Municipal Building, 547 N Carney Drive at 5:00pm for a special meeting.

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

ABSENT: Member Watt (excused)

ADMINISTRATION: James T. Downey, Kane, Clemons, Joachim & Downey; Warren Rothe, City Superintendent, Annette Sturdy, City Clerk

AUDIENCE: There were 3 people in attendance

Public Hearing for Pine Street Vacation-Mayor Cedar opened the hearing at 5:00pm. No comments heard for or against the vacation of Pine Street. Public hearing closed at 5:02pm

Approve Resolution for Vacation of Pine Street- **RESOLUTION (19-25) CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN RESOLUTION TO VACATE PINE STREET EAST OF S. FIFTH STREET TO THE PINE RIVER** A RESOLUTION of the City Council of the City of St.

Clair adopted at a regular meeting of said Council held at City Hall located at 547 N. Carney Drive, St. Clair, Michigan, on the 24th day of October, 2019 at 5:00 PM. **WHEREAS**, the City of St. Clair has received a request to vacate Pine Street east of S. Fifth Street to the Pine River, which is located in the City of St. Clair, County of St. Clair, State of Michigan; and, **WHEREAS**, pursuant to Act No. 288 of the Public Acts of 196, as amended, being the Subdivision Control Act of 1967, the City of St. Clair is empowered to vacate by resolution or ordinance streets, alleys, or rights-of-way; and, **WHEREAS**, the City Council of the City of St. Clair held a Public Hearing on October 7, 2019 concerning the request to vacate Pine Street east of S. Fifth Street to the Pine River; and, **WHEREAS**, the adjacent property owners have been notified of the said request and proposal and have been afforded an opportunity to comment upon and to be heard relative to such request; and, **WHEREAS**, the City Council of the City of St. Clair determines it is in the best interest of the City to vacate Pine Street east of S. Fifth Street and the Pine River; **NOW, THEREFORE**, it is hereby RESOLVED by the City Council of St. Clair, County of St. Clair, State of Michigan, as follows:

1. That the St. Clair City Council hereby vacates Pine Street east of S. Fifth Street and the Pine River, legally described as property within the City of St. Clair, County of St. Clair, State of Michigan, to wit: Pine Street east of S. Fifth Street.
2. That the St. Clair City Council does hereby reserve and retain a full width easement in the subject street, alley, right-of-way and/or other public places for public utility purposes and municipal purposes within the street, alley, right-of-way and/or other public land vacated pursuant to this Resolution, said easement being reserved and retained by the City of St. Clair, County of St. Clair, St. of Michigan.
3. That all existing easements and utility uses and rights within the area vacated shall remain for the use and enjoyment of the owners of said easements and utility uses and rights. The same shall not be diminished or otherwise affected by this Resolution.
4. That the City Clerk shall record a certified copy of this Resolution at the Clair County Register of Deeds within thirty (30) days after its adoption, and that this Resolution shall not have force or effect until so recorded with the St. Clair County Register of Deeds.
5. That the City Clerk shall send a certified copy of this Resolution to the

Treasurer of the State of Michigan within thirty (30) days after its adoption.  
Kindsvater moved, McCartney seconded, CARRIED, to adopt Resolution (19-25) as presented.

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

### RESOLUTION DECLARED ADOPTED

Approve Resolution for Single Lot assessment- **RESOLUTION NO 19-26 CITY OF ST. CLAIR COUNTY OF ST. CLAIR, MICHIGAN RESOLUTION TO CHARGE AND COLLECT PINE STREET PARKING LOT CONSTRUCTION EXPENSES AS SINGLE LOT ASSESSMENTS ON THE WINTER TAX BILLS OF PARTICIPATING PROPERTY OWNERS** A RESOLUTION of the City Council of the City of St. Clair adopted at a regular meeting of said Council held at City Hall located at 547 N. Carney Drive, St. Clair, Michigan, on the 24th day of October, 2019 at 5:00 PM. **WHEREAS**, the City of St. Clair has solicited a bid of Sixty-one Thousand Two Hundred Forty-nine and 54/100 Dollars (\$61,249.54) to construct public parking spaces on vacant land that is a part of both Pine Street and S. Fifth Street; and, **WHEREAS**, the City has been awarded a grant from the St. Clair Community Foundation to mitigate construction costs in the amount of Twenty Thousand Dollars (\$20,000.00); and, **WHEREAS**, six (6) local land owners with business interests in proximity to the proposed parking lot have volunteered to further defray the construction costs associated with the project by contributing a *pro rata* charge of Four Thousand Three Hundred Seven and 42/100 Dollars (4,307.42), to be repaid over a period of eight (8) years; and, **WHEREAS**, the City must charge the participating local businesses a mid-term applicable federal interest rate of two and 89/100 percent (2.89%) for this repayment schedule; and, **WHEREAS**, the total interest payment will be Five Hundred Seventy-eight and 78/100 Dollars (\$578.78); the total re-payment from participating businesses, including interest, will be Four Thousand Eight Hundred Eighty-six and 20/100 Dollars (\$4,886.20); and the annual reimbursement to the City will be Six Hundred Ten and 78/100 Dollars (\$610.78); and, **WHEREAS**, each of the six (6) local land owners have executed individual, written agreements with the City entitled "Public Parking Construction and Assessment Agreements," with the parties stipulating to this construction cost being assessed against their real property on the terms set forth herein; and, **WHEREAS**, the City has the authority under Code Section 46-28 to assess this stipulated expense against the real property of the participating businesses;**NOW, THEREFORE**, it is hereby **RESOLVED** by the City Council of St. Clair, County of St. Clair, State of Michigan, as follows:

1. That the St. Clair City Council, acknowledging receipt of the duly executed Public Parking Construction and Assessment Agreements of the participating business owners, invokes its authority pursuant to City Code Section 46-28 to collect and charge the aforementioned stipulated costs of construction, plus interest, in the amount of be Four Thousand Eight Hundred Eighty-six and 20/100 Dollars (\$4,886.20) over an eight (8) year period, with annual reimbursement to the City in the amount of Six Hundred Ten and 78/100 Dollars (\$610.78) on the winter tax bills of the following described properties located within City of St. Clair, County of St. Clair, State of Michigan, to wit:
  - A. LOTS 176 & 177 MAP OF ST CLAIR  
Tax ID No.: 74-07-049-0083-000
  - B. LOT 22 ST CLAIR URBAN RENEWAL REPLAT NO 1  
Tax ID No.: 74-07-700-0021-000
  - C. N 1/2 OF LOT 166 MAP OF ST CLAIR  
Tax ID No.: 74-07-049-0051-000
  - D. LOT 116 EXC E 25.5' MAP OF ST CLAIR  
Tax ID No.: 74-07-049-0022-000
  - E. LOTS 140, 141, 142 143 & 167 AND S 1/2 OF LOT 166 INCLUDING VAC W'LY 10' OF 4TH ST ADJ MAP OF ST CLAIR  
Tax ID No.: 74-07-049-0047-001
  - F. LOT 168 MAP OF ST CLAIR  
Tax ID No.: 74-07-049-0072-000

2. That the City Clerk shall provide a certified copy of this Resolution to the City Assessor within thirty (30) days after its adoption, so that the Assessor might give effect to the agreements of the parties herein.
3. That the City Clerk shall send a certified copy of this Resolution to the participating business owners within thirty (30) days after its adoption.

McCartney moved, Ellery seconded, CARRIED (LaPorte abstained), to adopt Resolution (19-26) as presented.

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

Nays: None

### **RESOLUTION DECLARED ADOPTED**

The assessment will be indicated on their winter tax bill. There is an option to pay in full to avoid the penalty. The parking lot will be maintained by the City. There is no private ownership for any of the businesses.

Approve proposal for 5th Street additional road/sewer repair -Administration recommended to accept the \$12,500 quote, with a competitive bid waiver, from Inland to double line approximately 160' of sewer.

Kuffa moved, LaPorte seconded, CARRIED, to waive the competitive bid process and accept the proposal as recommended.

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

Nays: None

Public Comment-Request heard for additional stone to pothole on 2<sup>nd</sup> street.

Adjourned 5:09pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor