

**CITY OF ST CLAIR, MICHIGAN  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, DECEMBER 21, 2020- 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, Clemens, Joachim & Downey; Timothy Raker, Police Chief; Warren Rothe, City Superintendent; Annette Sturdy, City Clerk.

AUDIENCE: There were 16 people in attendance.

**PUBLIC HEARING**

Hearing on Request to Establish Industrial Development District Under PA 198 of 1974, as Amended: 1811 S. Range- Mayor Cedar opened the public hearing at 7:03pm. Comments heard from Dan Casey, EDA, in support of the Industrial Development District. Hearing closed at 7:05pm.

**CONSENT AGENDA** – LaPorte moved, Kindsvater seconded, CARRIED, to approve Consent Agenda items A. and B. as presented.

- A. City Council Minutes of December 7, 2020 Regular meeting: Approved
- B. St. Clair Historical Commission Minutes of October 8, 2020 Meeting: Received

**ORDINANCES AND RESOLUTIONS**

Resolution (20-21) Establish Industrial Development District-Magna- **WHEREAS**, the City of St. Clair is desirous of encouraging new and existing industry in the City; and **WHEREAS**, Michigan Public Act 198, P.A. 1974, provides for the designation of an industrial development district for the purposes of allowing tax incentives to industry to build and operate facilities and purchase new machinery and equipment within the municipal boundaries; and **WHEREAS**, the City received a required dated December 04, 2020 from Magna Electric Vehicle Structures – Michigan for the establishment of an Industrial Development District for certain parcels described as: Lots 1 through 15 and the Storm Water Detention Area of the subdivision plat of St. Clair Industrial Park, as recorded in Liber 107 of Plats, Pages 7 through 10, St. Clair County Records. And A parcel of land being part of the Southwest 1/4 and the Northwest 1/4 of Section 19, Town 05 North, Range 17 East, City of St. Clair (as conditionally transferred per a Land Transfer Agreement pursuant to 1984 PA 425 and recorded under Liber 2068, Page 693, St. Clair County Records), St. Clair County, Michigan; said parcel is more particularly described as Commencing at the Southwest Corner of Section 19; thence North 02 degrees 57 minutes 35 seconds West, along the West line of Section 19, 1775.66 feet to the North line extended of the subdivision plat of St. Clair Industrial Park, as recorded in Liber 107 of Plats, Pages 7 through 10, St. Clair County Records; thence North 85 degrees 02 minutes 23 seconds East, along said North line extended 50.03 feet to Northwest Corner of said subdivision plat of St. Clair Industrial Park, and the easterly right-of-way for Range Road as conveyed in a Release of Right of Way document recorded under Liber 732, Page 473, St. Clair County Records, and the Point of Beginning of this parcel description; thence North 02 degrees 57 minutes 35 seconds West, along said easterly right-of-way for Range Road, 884.55 feet to the East and West 1/4 line of Section 19; thence, North 03 degrees 01 minutes 30 seconds West, along said easterly right-of-way for Range Road, 438.70 feet; thence North 84 degrees 46 minutes 31 seconds East, 1154.24 feet to the Westerly line of a strip of land conveyed to the CSX Railroad in a Warranty Deed recorded under Liber 3308, Page 326, St. Clair County Records; thence South 02 degrees

51 minutes 25 seconds East, along said Westerly line; 1228.62 feet to the Northeast Corner of said subdivision plat of St. Clair Industrial Park; thence along the North line of said subdivision plat of St. Clair Industrial Park the following three (3) course

1. South 85 degrees 02 minutes 23 seconds West, 559.64 feet
2. South 03 degrees 14 minutes 49 seconds East, 100.04 feet
3. South 85 degrees 02 minutes 23 seconds West, 592.19 feet to the Northwest Corner of said subdivision plat of St. Clair Industrial Park and returning to the Point of Beginning of this parcel description.

**WHEREAS**, a public hearing was duly called pursuant to said Act 198 to consider the establishment of said district; and **WHEREAS**, on December 21, 2020, after written notice to all necessary interested parties and publication of a general notice, the City of St. Clair held a public hearing and all residents and taxpayers of the City were afforded an opportunity to be heard thereon; and **WHEREAS**, the City of St. Clair deems it to be in the public interest of the City of St. Clair to establish the Industrial Development District as proposed; and **NOW, THEREFORE, BE IT RESOLVED**, that the City of St. Clair hereby establishes, pursuant to Act 198, Industrial Development District No. 14 in the City of St. Clair for the parcels of property herein described.

Kindsvater moved, Kuffa seconded, CARRIED, to adopt Resolution (20-21) as presented.

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

Nays: None

#### **RESOLUTION DECLARED ADOPTED**

Resolution (20-22) Annual Poverty Exemption Policy and Guidelines- **WHEREAS**, the adoption of guidelines for poverty exemptions is required of the City Council; and **WHEREAS**, the principal residence of persons, who the 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. 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, LaPorte seconded, CARRIED, to adopt Resolution (20-22) as presented.  
Ayes: Kindsvater, Kuffa, LaPorte, McCartney, Watt, Ellery, Cedar  
Nays: None

#### **RESOLUTION DECLARED ADOPTED**

Resolution (20-23) ECSD Consent Agreement- **A RESOLUTION AUTHORIZING ADMINISTRATION TO CONSENT TO RELIEF SOUGHT BY THE EAST CHINA SCHOOL DISTRICT IN ITS FIRST AMENDED COMPLAINT CONCERNING THE PLAT AMENDMENT ASSOCIATED WITH THE VACATION OF CERTAIN STREETS AND ALLEYS ON THE GEARING ELEMENTARY SCHOOL PROPERTY. 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 21<sup>st</sup> day of December, 2020 at 7:00 PM. **WHEREAS**, the East China School District (“ECSD”) has filed a First Amended Complaint to amend the plat that includes Gearing Elementary School, as reported by its Attorney T. Allen Francis at the time of the October 19, 2020 regular meeting; and, **WHEREAS**, the matter has been assigned to the Hon. Michael L. West and bears Case No. 20-1698-CH; and, **WHEREAS**, the City of St. Clair has been named as a Defendant pursuant to MCL Section 560.224a, as it must by law; and, **WHEREAS**, the ECSD has sought the City’s concurrence in a stipulation and proposed order entitled “Consent Agreement” that gives the City’s approval to the relief sought by the ECSD and relieves the City from any further response to the lawsuit; and, **WHEREAS**, City administration has previously consulted with the Attorney and the Engineer and has determined that the ECSD’s proposed vacation is in the best interest of the City; **NOW, THEREFORE**, it is hereby **RESOLVED** by the City Council of St. Clair, County of St. Clair, State of Michigan, to authorize City Superintendent Warren J. Rothe to execute the proposed Consent Agreement requested by the East China School District in connection with the above-referenced matter.

LaPorte moved, McCartney seconded, CARRIED, to adopt Resolution (20-23) as presented.  
Ayes: Kuffa, LaPorte, McCartney, Watt, Ellery, Kindsvater, Cedar  
Nays: None

#### **RESOLUTION DECLARED ADOPTED**

#### **REPORTS FROM ADMINISTRATION**

**City Superintendent** – The 2020 Reconstruction projects of Cass and 3<sup>rd</sup> street are complete and came in under budget by approximately \$36k. Several water plant employees passed certification tests and Thom Fountain has the highest score in the state on the exam.

**City Attorney-** None

**City Departments-** Chief Raker expressed sympathy for the passing to Chief Barnum. The SCPD is in compliance of current Executive Orders and the department earned additional certification. Tornado warning tower repair will begin in January 2021 and be completed by the Spring. Chief Raker presented Corporal Ennis with a Meritorious Award for exemplary service. Corporal Ennis commended previous Chief Barnum and expressed gratitude for the award.

**Authority, Board, Commission, Committee Chairman or Council Representative** –

Superintendent Rothe thanked Councilmember Ellery and Councilmember Watt for allowing him the opportunity to serve and for their years of elected service.

**UNFINISHED BUSINESS - None**

**NEW BUSINESS**

Charter Amendment Special meeting follow-up-

Cedar moved, McCartney seconded, CARRIED, to reconsider the 12/7/20 vote on Resolution (20-xx) Charter Amendments.

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

Nays: None

Resolution (20-24), CARRIED, to adopt Resolution (20-24) Charter Amendment- **A RESOLUTION APPROVING CHARTER AMENDMENT NO. 1 AND THE BALLOT LANGUAGE FOR CHARTER AMENDMENT NO. 1. WHEREAS,**

Section 21(1) of the Home Rule City Act, MCL Section 117.21(1), (“the statute”) authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election; and **WHEREAS**, the resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote for the city voters for or against each proposition; and **WHEREAS**, the statute requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption; shall be a fair and impartial statement of the purpose of the amendment; and shall not create prejudice for or against the proposed amendment; **The St. Clair City Council resolves that:** CHARTER AMENDMENT PROPOSAL NO. 1 1.The St. Clair City Charter shall be amended as follows:Section 2.01. - Composition, eligibility, election and terms. (b) *Eligibility*. Only registered voters of the city shall be eligible to be a candidate for and hold the office of councilmember. Effective at 12:00 p.m. January 1, 2023, Candidates shall be *bona fide* residents of their wards and must maintain their principal residence within their ward throughout their tenure in office. Elected councilmembers who are placed in a new ward as a result of the reapportionment described in Section 2.01(c) shall be allowed to conclude the term from the ward from which they were elected, and such an occurrence shall not constitute a forfeiture of office as that term is defined in Section 2.09(b)(1). 2.The current charter section being altered by this amendment provides as follows: Section 2.01. - Composition, eligibility, election and terms. (b) *Eligibility*. Only registered voters of the city shall be eligible to be a candidate for and hold the office of councilmember. 3.The ballot language of the proposed amendment shall be as follows: **Shall Section 2.01(b) of the St. Clair City Charter be amended to require that effective at 12:00 p.m. January 1, 2023 a ward representative to City Council be at all times a resident of the ward he or she represents, provided that, should any ward representative be placed in a new ward by the reapportionment process described in Section 2.01(c), said representative shall be allowed to finish his or her then-current term? Yes\_\_\_\_\_ No\_\_\_\_\_**

4. The City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL Section 117.21) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL Section 117.21). 5. The proposed amendment shall be submitted to the qualified electors of the City of St. Clair at the general election to be held in the City on November 2, 2021, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law. 6.The proposed charter amendment shall be published in full, together with the existing charter provision to be amended as required by law.

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

### RESOLUTION DECLARED ADOPTED

MERS Health Care Savings Program Participation Agreement-

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

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

Nays: None

MERS Defined Contribution Plan Adoption Agreement Addendum-

The original paperwork does not indicate several details such as part time or full time. This addendum updates those documents to add what is in the existing POLC agreement.

McCartney moved, Kuffa seconded, CARRIED, to approve addendums as presented.

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

Nays: None

Authorize creation of Woodland Estates Special Assessment Report-

McCartney moved, LaPorte seconded, CARRIED, to authorize creation of report.

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

Nays: None

Approve selection of Regular Council Meeting dates for 2021-

McCartney moved, LaPorte seconded, CARRIED, to approve dates as recommended.

Approve 2021 Boards, Commission and Authority appointments- Motion made and seconded, CARRIED, to approve Mayor Cedar recommendations for appointments of residents, and non-residents with waivers, to various city authorities, boards, and commissions as follows:

Board of Review - Reappoint Blake Eitniear, Ken Mattock, Judith Shaune and Jason Stoltz for one-year terms expiring December 31, 2021. Building Commission – Reappoint Delos Boulier, Richard Jefferson and Chad Muldermans for three-year terms expiring December 31, 2023. Cemetery Board of Trustees – Reappoint Betty Fryer and Nancy Germain for three- year terms expiring December 31, 2023. Downtown Development Authority- Reappoint Tim Burns for a one-year term expiring December 31, 2021, Lynn Grover and Al Johnson each for two-year terms expiring December 31, 2022, Bill Kauffman and Roy Klecha each for three-year terms expiring December 31, 2023 and Brian Neiman and Paul Wade each for four-year terms expiring December 31, 2024. Housing Commission – Appoint Steve Ellery for a five-year term expiring December 31, 2025. Library Board – Reappoint Ruth Bauer for a three-year term expiring December 31, 2023 and Kathy McConnell, Friends of the St. Clair Library Representative, for a one-year term expiring December 31, 2021. Planning Commission- Reappoint Matthew Griffor for a three-year term expiring December 31, 2023. Add Steve Grates for a three-year term expiring December 31, 2023. Planning Board of Appeals-Appoint Dave Hilgendorf for a three-year term expiring December 31, 2023 and reappoint Delos Boulier for a one-year term expiring December 31, 2021 and Chad Muldermans and Chris Fisher for three-year terms expiring December 31, 2023. Recreation Commission- Reappoint Dolores Toepel and appoint Douglas Vernier for three-year terms expiring December 31, 2023. I-69 International Trade Corridor --Michigan Development Corporation Board Members: Re-appoint Warren Rothe and Alternate, Butch Kindsvater for one-year terms to expire December 31, 2021. Southeast Michigan Council on Governments (SEMCOG): Re-appoint Warren Rothe and Mike LaPorte for one-year terms to expire December 31, 2021. Historical Commission – Reappoint Frederick Miller, 3549 S River Rd, East China and Timothy Backhurst, 275 Riverside Drive, Clinton Township, for three- year terms expiring December 31, 2023.

**CLAIMS AND ACCOUNTS** – December 10, 2020 & December 17, 2020

Check registers listing the bills for the period ending December 10, 2020 (check numbers 51502-51562) in the amount of \$168,637.37 and the period ending December 17, 2020 (check numbers 51563-51619 in the amount of \$173,020.79 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of December 10, 2020 & December 17, 2020 Claims and Accounts as presented.

**PUBLIC QUESTIONS AND COMMENTS** –Questions heard to clarify parliamentary procedure and for update on removal of metal structure located the west side of M-29. Comments heard complimenting Clerk Sturdy on election administration.

**MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS** – City hall will be closed December 24, 25, 31 and January 1. Mayor Cedar expressed sympathy to the Barnum family and gratitude to Councilmember Ellery and Councilmember Watt for their years of service. Council member Ellery thanked Mayor, Council and administration for the opportunity to serve together.

**ADJOURNMENT** at 7:40pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor