**CITY OF ST CLAIR, MICHIGAN**

**REGULAR COUNCIL MEETING MINUTES**

**MONDAY, FEBRUARY 15, 2021‑ 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 Kindsvater, Klieman, Kuffa, LaPorte, McCartney, Volz

ABSENT: None

ADMINISTRATION: James T. Downey, Kane, Clemons, Joachim & Downey; Trice Hawkins,

Recreation Director; Warren Rothe, City Superintendent; Annette Sturdy, City Clerk.

AUDIENCE: There were 11 people in attendance.

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

1. City Council Minutes of February 1, 2021 Regular and Closed Meetings: Approved
2. City Council Minutes of February 10, 2021 Special Meeting: Approved

**ORDINANCES AND RESOLUTIONS**

Ordinance Adoption (2021-01) Dangerous Buildings-

McCartney moved, Volz seconded, CARRIED, to adopt Ordinance (2021-01) as presented.

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

Nays: None

**ORDINANCE ADOPTED**

Resolution (21-05) Approve Poverty exemptions 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 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, Kuffa seconded, CARRIED, to adopt Resolution (21-05) as presented.

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

Nays: None

**RESOLUTION DECLARED ADOPTED**

Resolution (21-06) Transportation Economic Development Fund Cat. A program-Carney Drive-

**A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR THE RESURFACING OF CARNEY DRIVE FROM RANGE ROAD TO FRED MOORE HIGHWAY FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY A PROGRAM.**A Resolution adopted at a regular meeting of the City Council of the City of St. Clair, St. Clair County, Michigan, held at the St. Clair City Hall, 547 North Carney Drive, St. Clair, Michigan on Monday, February 15, 2021 at 7:00pm. **WHEREAS,** the City of St. Clair is applying for $1,080,272.00 in funding through MDOT from the Transportation Economic Development Category A Program to improve Carney Drive by completing an asphalt milling and resurfacing project from Range Road to Fred Moore Highway. **WHEREAS**, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining this infrastructure project. **NOW, THEREFORE, BE IT RESOLVED THAT**, the City has authorized Warren Rothe, City Superintendent, to act as agent on behalf of the City to request Transportation Economic Development Fund Category A Program funding, to act as the applicant’s agent during the project development, and to sign a project agreement upon receipt of a funding award. **BE IT FURTHER RESOLVED THAT**, the City attests to the existence of, and commits to, providing at least 25% of total cost toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns. **BE IT FURTHER RESOLVED THAT**, the City commits to owning operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category A Program funding.

Kuffa moved, McCartney seconded, to adopt Resolution (21-06) as presented as a 20% minimum match.

Kuffa moved, McCartney seconded, CARRIED, to amend previous motion by changing the minimum match from 20% to a 25% and adopt the Resolution as otherwise presented.

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

Nays: None

**RESOLUTION DECLARED ADOPTED**

Resolution (21-07) Commitment for Clinton Avenue Bikeway-TAP Project- **A RESOLUTION TO COMMIT FUNDS FOR THE CLINTON AVENUE BIKEWAY – TRANSPORTATION ALTERNATIVES PROGRAM (TAP) PROJECT.**A Resolution of the City Council of the City of St. Clair, St. Clair County, Michigan, held at the St. Clair City Hall, 547 North Carney Drive, St. Clair, Michigan on Monday, February 15, 2021 at 7:00pm. **WHEREAS,** the City of St. Clair has initiated a project to install a new bikeway along the north side of Clinton Avenue from Carney Drive to Riverside Avenue; **WHEREAS**, the City of St. Clair submitted an application to the Michigan Department of Transportation’s Transportation Alternatives Program Committee (hereinafter “MDOT TAP Committee) for the Clinton Avenue Bikeway Project; **WHEREAS,** the MDOT TAP Committee has given a conditional commitment to the City of St. Clair TAP Project; **NOW, THEREFORE, BE IT RESOLVED THAT**: The City of St. Clair will certify that the financing will be secured, available and committed for use in constructing this project. This financing will include $402,704.00 from the St. Clair Community Foundation. Any remaining funds to provide the matching and non-participating funds will be incorporated from the 2021-2022 Fiscal Year City budget. The City of St. Clair commits to owning, operating and funding/implementing a maintenance plan/program over the design life of the facility constructed with TAP funds. The City of St. Clair authorizes Warren Rothe, City Superintendent, to act as the local agency’s designated representative during development and define a project agreement upon receipt of a funding award.

Kuffa moved, McCartney seconded, CARRIED, to adopt Resolution (21-07) as presented.

Discussion included comments from Jeff Bohm, Chairman St. Clair County Board of Commissioners; member of Blue Means Green initiative and Randy Maiers, President & CEO Community Foundation of St. Clair County, spoke on the economic impact in the Community particularly the downtown. Public comment included concerns of safety, the slope of 3 specific driveways, opinions on section of stamped concrete and a request to table to vote until the slope of the driveway is addressed. Stephen Pangori, AEW, stated individual conversation will continue to address all concerns. Trice Hawkins, Recreation Director, shared letters of support from the Metropolitan Planning Commission, Community Foundation of St. Clair County, Friends of the St. Clair River and a resident initiated petition of support. Ms. Hawkins stated the project is supported by the Master Plan, Trails way study, St. Clair Recreation Commission, Planning Commission, Chief of Police and Recreation Director.

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

Nays: Klieman **RESOLUTION DECLARED ADOPTED**

**REPORTS FROM ADMINISTRATION**

**City Superintendent** – The public hearing to consider action on Woodland Estates roads will be March 1, 2021 @7pm. A Snow Emergency is currently in effect. No parking on City Streets until 6pm tomorrow. ECSD is closed tomorrow due to the Weather Advisory. Six-year road plan will be forthcoming. Chief Raker will be requested to look into continued parking violations on S. Palmer Street.

**City Attorney**- None

**City Departments**- None

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

**UNFINISHED BUSINESS –** None

**NEW BUSINESS**

Approve 2021 Boards, Commissions and Authorities-Mayor Cedar recommended appointments of Mike Meredith to a 3-year term expiring December 31, 2023 and reappointments of James Harkins and Kelly Klemmer both for a 3-year terms, expiring December 31, 2023.

McCartney moved, Kuffa seconded, CARRIED, to approve appointments as recommended.

**CLAIMS AND ACCOUNTS** – February 4 & February 11, 2021

Check registers listing the bills for the period ending February 4, 2021 (ACH/check numbers 51812-51845) in the amount of $103,290 and for the period ending February 11, 2021 (check numbers 51846-51898) in the amount of $237,889 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payment of February 4, 2021 & February 11, 2021 Claims and Accounts as presented.

**PUBLIC QUESTIONS AND COMMENTS** – None

**MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS** – Snow emergency in effect. ECSD closed tomorrow.

**CLOSED SESSION –** McCartney moved, Kuffa seconded, CARRIED, to grant request for Closed Session Discuss Strategy Connected with the Negotiation of a Collective Bargaining Agreement with Employees Represented by AFSCME.

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

Nays: None

At 7:54pm, Council recessed into closed session and resumed regular session at 8:32pm.

No action was taken.

Cedar moved, McCartney seconded, CARRIED, to follow the Attorney’s recommendation to direct Labor Counsel and City Superintendent to enter a letter of understanding

Ayes: Klieman, Kuffa, LaPorte, McCartney, Volz, Cedar

Nays: Kindsvater

**ADJOURNMENT** at 8:34pm

Annette Sturdy, City Clerk Bill Cedar, Jr., Mayor