

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, MARCH 1, 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, LaPorte, McCartney, Volz

ABSENT: Member Kuffa (excused)

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

AUDIENCE: There were 14 people in attendance.

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

- A. City Council Minutes of February 15, 2021 Regular & Closed meetings: Approved
- B. Zoning Board of Appeals Minutes of September 16, 2020 meeting: Received

PUBLIC HEARING

Woodland Estates Private Road Acquisition and Special Assessment- Mayor Cedar opened the hearing at 7:01pm. A 60/40 split is proposed to fund the road repairs with the resident portion funded as a special assessment. No public comment heard. Hearing closed at 7:03pm

ORDINANCES AND RESOLUTIONS

Resolution (21-08) Acceptance and Improvement by Special Assessment-Woodland Estates

A RESOLUTION APPROVING THE ACCEPTANCE AND IMPROVEMENT BY SPECIAL ASSESSMENT OF PRIVATE ROADS WITHIN THE WOODLAND ESTATES CONDOMINIUM DEVELOPMENT CONSISTENT WITH THE RECOMMENDATIONS OF THE CITY SUPERINTENDENT AS TO PLANS, SPECIFICATIONS, SPECIAL ASSESSMENT DISTRICT, AND COST ESTIMATES; AND DIRECTING THE ASSESSOR TO PREPARE AND REPORT A SPECIAL ASSESSMENT ROLL IN ACCORDANCE WITH SAME FOR CONFIRMATION BY CITY COUNCIL AS REQUIRED BY CODE SECTION 46-

12.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 1st day of March, 2021 at 7:00 PM. **WHEREAS**, the City Superintendent has previously presented a report to City Council pursuant to Section 46-5 of the City Code recommending the investigation of the acquisition and improvement by special assessment of private roads within the Woodland Estates Condominium Development; and **WHEREAS**, the City Council has previously determined that, if accepted as public roads, there is a need for their improvement; to wit, pulverize and reshape existing asphalt base material and place a new asphalt cross section with a two percent (2%) cross-slope for all roads; adjust all drainage structures to final elevations; remove and replace deteriorated concrete curb and gutter; and improve sidewalk ramps to meet current ADA guidelines; and **WHEREAS**, the City Council has previously determined that sixty percent (60%) of the cost of said improvement shall be paid by special assessment; that all properties within the Woodland Estates Condominium Development shall benefit from the improvement by having the roads completed, drains repaired, and

roads maintained by the City; and that each property owner shall be assessed an equal portion on a per parcel basis; and **WHEREAS**, the City Council has previously determined that the City shall contribute forty percent (40%) to the project should it decide to accept the private roads; and **WHEREAS**, the City Superintendent's report and the supporting documentation on which it relied was previously placed on file at the office of the City Clerk for examination by members of the public; and **WHEREAS**, a duly-noticed public hearing has been conducted on these issues;

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 heretofore private roads of the Woodland Estates Condominium Development are hereby accepted as public roads.
2. That the roads of the Woodland Estates Condominium Development require improvement by special assessment as authorized by Chapter 46 of the City Code of Ordinances.
3. That the required improvements consist of pulverizing and reshaping existing asphalt base material and placing a new asphalt cross section with a two percent (2%) cross-slope for all roads; adjusting all drainage structures to final elevations; removing and replacing deteriorated concrete curb and gutter; and improve sidewalk ramps to meet current ADA guidelines;
4. That all properties within the Woodland Estates Condominium Development shall benefit from the improvement by having the roads completed, drains repaired, and roads maintained by the City; and that each property owner shall be assessed an equal portion of the total cost on a per parcel basis.
5. That the total cost of the project is estimated to be \$210,548.48 and shall be split 60%-40%, with the private property owners bearing 60% of the cost via special assessment and the City bearing 40% of the cost.
6. That the length of the special assessment shall be for 15 years on the winter tax bills of those properties included on the special assessment roll.
7. That the City Assessor shall prepare a special assessment roll in accordance with this Resolution and shall report such special assessment roll to City Council for confirmation once completed.

McCartney moved, LaPorte seconded, CARRIED, to adopt Resolution (21-08) as presented.

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

Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (21-09) Authorize Installment Purchase Agreement-VAC truck- **RESOLUTION AUTHORIZING INSTALLMENT PURCHASE AGREEMENT WHEREAS**, the City of St. Clair, County of St. Clair, State of Michigan (the "City") determines it to be necessary for the public health, safety and welfare of the City and its residents to acquire a combination sewer cleaner with vacuum system vehicle (the "Equipment") in an amount of Four Hundred Twenty-Five Thousand Twenty-Seven and 55/100 Dollars (\$425,027.55); and **WHEREAS**, under the provisions of Act 99, Public Acts of Michigan, 1933, as amended ("Act 99"), the City is authorized to enter into any contracts or agreements for the purchase of the Equipment to be paid for in installments over a period of not to exceed the useful life of the Equipment acquired as determined by resolution of the City; and **WHEREAS**, it is necessary for the City to arrange for the financing of the Equipment; and **WHEREAS**, an Installment Purchase Agreement (the "Agreement") between the City, Fredrickson Supply, Grand Rapids, Michigan (the "Vendor") and Northstar Bank, St. Clair, Michigan (the "Bank"), for the installment purchase of the Equipment has been prepared; and **WHEREAS**, the outstanding balance of all purchases by the City under Act 99, exclusive of interest, shall not exceed one and one quarter percent (1-1/4%) of the taxable value of the real and personal property in the City at the date of such contract or agreement; and **WHEREAS**, the purchase of the Equipment pursuant to an installment purchase agreement will not result in the outstanding balance of all such purchases in excess of the limitation contained within Act 99 as set forth above; and **WHEREAS**, the Agreement is to be assigned

to the Bank; and **WHEREAS**, it is necessary to approve the Agreement and authorize the Mayor, City Superintendent and City Clerk to execute the Agreement and authorize City officials to execute certain other documentation relative thereto.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Approval of Agreement; Agreement Terms. The Agreement is hereby approved substantially in the form attached hereto at Exhibit A. The City shall incur the debt described in the Agreement through execution of the Agreement by the officers authorized below which debt shall consist of the Financed Price of \$350,027.55 which shall be payable in five (5) annual installment payments of principal due on March 15 of each year commencing March 15, 2022, with interest thereon first payable March 15, 2022 and annually each March 15 thereafter through the final date of payment of the Agreement, at a rate of 2.85% per annum; provided that the Mayor, City Superintendent and City Clerk are each hereby authorized to adjust the payment dates and final details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing are each authorized to make determinations regarding the principal and interest payment dates.
2. Execution and Delivery of Agreement. The Mayor, City Superintendent and City Clerk are each hereby authorized and directed to execute the Agreement and deliver it to the Vendor, substantially in the form attached hereto with such additions, changes and modifications as shall be approved by the City's Bond Counsel.
3. Useful Life of Equipment. The useful life of the Equipment is hereby determined to be not less than five (5) years.
4. Authorization of Officers. The Mayor, City Superintendent and City Clerk are each hereby directed and authorized to execute such additional documentation and open such accounts as shall be necessary to effectuate the closing of the Agreement and the assignment thereof to the Bank within the parameters set forth in this resolution.
5. Assignment of Agreement. The assignment of the Agreement by the Vendor to the Bank is hereby approved.
6. Security; Limited Tax Pledge. The City hereby agrees to include in its budget for each year, commencing with the current fiscal year, a sum which will be sufficient to pay the principal of and the interest on the Agreement coming due before the next fiscal year. In addition, the City hereby pledges to levy ad valorem taxes on all taxable property in the City each year in an amount necessary to make its debt service payments under the Agreement, subject to applicable constitutional, statutory and charter tax rate limitations.
7. Tax Covenant. The City covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest component of the payments due under the agreement from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable.
8. Qualified Tax-Exempt Obligation. The City hereby designates the Agreement as a "qualified tax-exempt obligation" for purposes of deduction of interest expense by financial institutions pursuant to the Code.
9. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded to the extent of such conflict.

LaPorte moved, McCartney seconded, CARRIED, to adopt Resolution (21-09) as presented.

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

RESOLUTION DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Bids for 2 upcoming projects will soon be presented to Council. DTE is

scheduling a city-wide inventory of street lights to consider conversion to LEDs.

City Attorney- None

City Departments- Chief Raker shared an email from a resident complimenting Officers for going above and beyond expectations.

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

UNFINISHED BUSINESS – None

NEW BUSINESS

Approve engineering and construction services proposal for Woodland Estates street improvements-
The total project cost is estimated to be \$258,565.00.

McCartney moved, Volz seconded, CARRIED, to approve the engineering and construction service proposal by AEW for Woodland Estates Street improvements as presented.

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

Nays: None

Approve proposal for 2021 DWRP Project Plan Submittal-

McCartney moved, Kindsvater seconded, CARRIED, to approve the 2021 DWRP project plan proposal by Fishbeck in the amount of \$39,200.

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

Nays: None

Review Transportation Assessment Management Plan Report- Ryan Kern, AEW, presented the findings of a city-wide street assessment and 6-year comprehensive road improvement plan. The plans intention is to equally allocate improvements by ward and address both total reconstruct and maintenance. The presentation included road ratings using the PASER rating systems, pavement surface type and road type. The average city-wide road rating is 3.789. Having an asset management plan allows funds to be allocated in different ways. Potential funding options for road maintenance were reviewed including bonds, federal aid, TEDF Cat A funds, TEDF Cat B funds and special assessment districts. Once the plan is finalized there will be a Resolution considered by Council.

Approve Special Event permit application for St. Clair Little League Opening Day Parade-

Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit from the St. Clair Little League to hold their annual Opening Day Parade on May 1, 2021. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Kindsvater moved, McCartney seconded, CARRIED, to approve special event application as presented.

Approve Special Event permit application for St. Clair Chamber of Commerce Beer & Wine Fest-

Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit from the St. Clair Chamber of Commerce to hold the St. Clair Beer and Wine Fest on June 12, 2021. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Kindsvater moved, McCartney seconded, CARRIED, to approve special event application as presented.

Approve Special Event permit application for St. Clair Art Association Art Fair-

Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit from the St. Clair Art Association to hold their 50th annual St. Clair Art Fair on August 28 & 29, 2021. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Kindsvater moved, McCartney seconded, CARRIED, to approve special event application as presented.

Approve Special Event permit application for Whistles on the Water- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit from the Downtown Development Authority to hold the Whistles on the Water event Saturday, September 25, 2021. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended. Kindsvater moved, McCartney seconded, CARRIED, to approve special event application as presented.

CLAIMS AND ACCOUNTS – February 18 & February 25, 2021

Check registers listing the bills for the period ending February 18, 2021 (check numbers 51899-51926) in the amount of \$112,685.74 and for the period ending February 25, 2021 (check numbers 51927-51967) in the amount of \$120,458.89 were presented for Council review. LaPorte moved, Kindsvater seconded, CARRIED, to approve payment of February 18 & February 25, 2021 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – None

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – None

CLOSED SESSION - McCartney moved, Kindsvater seconded, CARRIED, to grant request for Closed Session to Confer with Legal Counsel for the Purpose of Discussing Pending Litigation.

Ayes: Volz, McCartney, Klieman, LaPorte, McCartney, Cedar
Nays: None

At 7:41pm, Council recessed into closed session and resumed regular session at 7:57pm. No action was taken.

ADJOURNMENT at 7:58pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor