

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, APRIL 5, 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; Amy Hart, Accountant; Timothy Raker, Police Chief; Warren Rothe, City Superintendent; Annette Sturdy, City Clerk.

AUDIENCE: There were 11 people in attendance.

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

A. City Council Minutes of March 15, 2021 regular meeting: Approved

PUBLIC HEARING

Vacation of Christian B. Haas Drive-Mayor Cedar opened the hearing at 7:00pm. No comments heard from the public. Closed at 7:02pm.

PRESENTATION

2019--2020 Annual Audit Presentation-Maner Costerisan- Jordan Smith reviewed several details of revenues and expenses and stated the city's finances appeared healthy. Mr. Smith proposed material journal entries and noted the Golf Course deficit. The General fund balance was highlighted as positive with assigned and unassigned funds explained along with discussion on several other funds such as pension, sewer and water. The full audit is available to the public upon request.

ORDINANCES AND RESOLUTIONS

Ordinance Adoption (2021-02) Appendix B -St Clair Industrial Park Regulations- Kindsvater moved, LaPorte seconded, CARRIED, to adopt Ordinance (2021-02) as introduced.
Ayes: McCartney, Volz, Kindsvater, Klieman, Kuffa, LaPorte, Cedar
Nays: None

ORDINANCE DECLARED ADOPTED

Resolution (21-12) Local State of Emergency- **A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY FOR THE PURPOSE OF PERMITTING THE CITY COUNCIL AND OTHER PUBLIC BODIES OF THE CITY TO MEET BY ELECTRONIC AND TELEPHONIC MEANS. A RESOLUTION** of the City Council of the City of St. Clair adopted at a regular meeting of said Council held at the St. Clair City Council Chamber, located at 547 N. Carney Drive, St. Clair, Michigan, on the 5th day of April, 2021 at 7:00PM.**WHEREAS**, on March 19, 2021, the Michigan Department of Health and Human Services ("MDHHS"), by and through its Director Elizabeth Hertel, made the following findings:

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. COVID-19 spreads through close human contact, even from individuals who may be asymptomatic.

In recognition of the severe, widespread harm caused by epidemics, the Legislature has granted MDHHS specific authority, dating back a century, to address threats to the public health like

those posed by COVID-19. MCL 333.2253(1) provides that:

If the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to insure continuation of essential public health services and enforcement of health laws. Emergency procedures shall not be limited to this code. *See also In re Certified Questions from the United States District Court*, Docket No. 161492 (Viviano, J., concurring in part and dissenting in part, at 20) ("[T]he 1919 law passed in the wake of the influenza epidemic and Governor Sleeper's actions is still the law, albeit in slightly modified form."); *id.* (McCormack, C.J., concurring in part and dissenting in part, at 12). Enforcing Michigan's health laws, including preventing disease, prolonging life, and promoting public health, requires limitations on gatherings and the establishment of procedures to control the spread of COVID-19. This includes limiting the number, location, size, and type of gatherings, and requiring the use of mitigation measures at gatherings as a condition of hosting such gatherings.

On March 10, 2020, MDHHS identified the first two presumptive-positive cases of COVID-19 in Michigan. As of March 18, 2021, Michigan had seen 618,421 confirmed cases and 15,835 confirmed deaths attributable to COVID-19. Michigan was one of the states most heavily impacted by COVID-19 early in the pandemic, with new cases peaking at nearly 2,000 per day in late March. Strict preventative measures and the cooperation of Michiganders drove daily case numbers dramatically down to fewer than 200 confirmed cases per day in mid-June, greatly reducing the loss of life. Beginning in October, Michigan again experienced an exponential growth in cases. New cases peaked at nearly 10,000 cases per day in mid-November, followed by increases in COVID-19 hospitalizations and deaths.

On November 15, 2020, MDHHS issued an order enacting protections to slow the high and rapidly increasing rate of spread of COVID-19. Cases, hospitalizations, and deaths remained high through early December, threatening hospital and public health capacity. On December 7, 2020, December 18, 2020, and January 13, 2021, MDHHS issued orders sustaining those protections. These orders played a crucial role in slowing the spread in Michigan and had brought new cases down to about 1,500 per day. This decrease in cases prevented Michigan's healthcare system from being overwhelmed with a holiday surge. On January 22, 2021, considering the reduction in cases, MDHHS issued an order permitting indoor dining. And on February 4, 2021, in light of continued decreases in cases of COVID-19 in the state, MDHHS issued an order permitting contact sports to be played.

Cases dropped to under 1,000 per day in mid-February. However, these trends have shifted and cases are once again increasing. The State of Michigan had a seven-day average of 1,825 daily cases on March 11, nearly 90% higher than the number of cases in mid-February. Test positivity has also increased 86% since the mid-February trough. The statewide positivity was 6.5% as of March 16. While metrics remain below all-time highs, progress has stalled and epidemiologists are concerned that this portends another spike with the presence of more infectious variants in Michigan and the United States. A high number of cases creates significant pressure on our emergency and hospital systems. Improvements in healthcare capacity have reversed and hospitalizations are once again increasing. An average of 168 daily hospital admissions was seen in Michigan in the past week, with individuals under the age of 60 accounting for nearly 50% of all new admissions. As of March 17, 1,226 Michiganders were hospitalized with COVID-19, and 5.0% of all available inpatient beds were occupied by patients who had COVID-19. During this time, the state death rate was 1.3 deaths per million people and there were approximately 95 weekly deaths in Michigan attributable to COVID-19. This is a 90% decrease from the second peak, which reached 13.7 deaths per million on December 10, 2020. However, deaths trends have historically lagged four to six weeks following trend shifts in cases and hospitalizations.

Even where COVID-19 does not result in death, and where Michigan's emergency and hospital systems are not heavily burdened, the disease can cause great harm. Recent estimates suggest that one in ten persons who suffer from COVID-19 will experience long-term symptoms, referred to as "long COVID." These symptoms, including fatigue, shortness of breath, joint pain,

depression, and headache, can be disabling. They can last for months, and in some cases, arise unexpectedly in patients with few or no symptoms of COVID-19 at the time of diagnosis. COVID-19 has also been shown to damage the heart and kidneys. Furthermore, minority groups in Michigan have experienced a higher proportion of "long COVID." The best way to prevent these complications is to prevent transmission of COVID-19.

Since December 11, 2020, the Food and Drug Administration has granted emergency use authorization to three vaccines to prevent COVID-19, providing a path to end the pandemic. Michigan is now partaking in the largest mass vaccination effort in modern history and is presently working toward vaccinating at least 70% of Michigan residents 16 years of age and older as quickly as possible.

New and unexpected challenges continue to arise: in early December 2020, a variant of COVID-19 known as B.1.1.7 was detected in the United Kingdom. This variant is roughly 50 to 70 percent more infectious than the more common strain. On January 16, 2021, this variant was detected in Michigan. It is anticipated that the variant, if it becomes widespread in the state, will significantly increase the rate of new cases. Currently, Michigan is second in the nation with respect to the number of B.1.1.7 variants detected. To date, there are over 600 cases in Michigan. CDC modeling predicts B.1.1.7 could become the predominant variant by the end of March. At present, however, it appears that cases have plateaued. And on March 8, 2021, the first case of variant B.1.351 was detected in Michigan. A recent study suggests that B.1.351 may impair vaccine efficacy.

In the past four weeks, spread of COVID-19 has risen 105% amongst persons aged 10-19. As of March 11, local health departments had reported 162 new and ongoing outbreaks among K-12 schools, with 54 of those outbreaks reported in the week prior. Additionally, there are 135 identified outbreaks among minors participating in school and club sports. The social activities surrounding sports, such as team meals and parties, may be a major factor in this spread. To promote the continued safe operation of in-person schools, additional mitigation measures related to youth sports activities are warranted.

Considering the above, and upon the advice of scientific and medical experts, I have concluded pursuant to MCL 333.2253 that the COVID-19 pandemic continues to constitute an epidemic in Michigan. I have also, subject to the grant of authority in 2020 PA 238 (signed into law on October 22, 2020), herein defined the symptoms of COVID-19 based on the latest epidemiological evidence. I further conclude that control of the epidemic is necessary to protect the public health and that it is necessary to restrict gatherings and establish procedures to be followed during the epidemic to ensure the continuation of essential public health services and enforcement of health laws. As provided in MCL 333.2253, these emergency procedures are not limited to the Public Health Code; and **WHEREAS**, the Director of the MDHHS has concluded the COVID-19 pandemic continues to constitute an epidemic in Michigan and that the control of the pandemic requires restrictions on public gatherings; and on March 11, 2020, the World Health Organization declared the Coronavirus outbreak a pandemic; and **WHEREAS**, on March 26, 2021, the St. Clair County Health Department, by and through its Director Annette Mercatante, M.D., issued a Public Health Alert that stated "St. Clair County is experiencing a rapid and concerning acceleration of COVID-19 positive cases. Since Saturday, March 20th there have been 1,080 new cases which represent a positivity rate of 20.2%. This increase signals community spread and the recommendation that every business/agency allow employees to work remotely from home, if at all possible;" and **WHEREAS**, Dr. Mercatante has said that St. Clair County residents "must double down on our mitigation efforts;" and **WHEREAS**, the City Council desires to conduct the public business of the City of St. Clair in a manner so as not to place at risk members of the public, City staff, or members serving on public bodies of the City; **NOW, THEREFORE, IT IS RESOLVED, THAT** pursuant to the authority contained at Section 3 of the Home Rule Cities Act, MCL 117.3 (j), authorizing cities to provide for the public health and safety of persons; Section 3 of the Open Meetings Act, MCL 15.263(2), permitting public bodies to meet by electronic or telephonic means upon declaration of a local state of emergency or state of disaster, if meeting in person would place at risk the personal health or safety of members of the public or members of the public body; and Section 10(b) of the Emergency Management Act, permitting the Mayor to declare a local state of emergency; I, Bill Cedar, Jr., Mayor of the City of St. Clair, based on the findings made both by the Michigan Department of Health and Human Services

and the St. Clair County Health Department regarding the public health threat posed by the COVID-19 novel coronavirus and its variant strains declare a local state of emergency to permit the City Council and all other public bodies of the City to continue to meet by electronic and telephonic means after March 30, 2021 and respectfully request the City Commission affirm this action through August 31, 2021.

Kindsvater moved, Kuffa seconded, CARRIED, to adopt Resolution (21-12) as presented.
Ayes: Volz, Kindsvater, Klieman, Kuffa, LaPorte, Cedar
Nays: McCartney

RESOLUTION DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Waste Management yard waste pick up began 4/1/21. DPW is conducting hydrant flushing and catch basin cleaning as required. Woodland Estates special assessment project bid posted today. MML will present the job description and wage compensation study at a workshop on 4/19/21 at 6:15pm. MDOT is currently reviewing the Carney Dr. application. Consideration should be shared in Mid-May. Staff now includes a new Code Enforcement officer. There is no crack sealing schedule set yet but the materials have been ordered. Sidewalk replacement is ongoing

City Attorney- None

City Departments- Thank you to Councilmember McCartney, on behalf of the Cemetery Board of Trustees, for your representation on this Board and good luck to your future. A few of the projects the Board is especially proud of regarding Hillside Cemetery include the paving of Hillside Avenue, the yearly Headstone Monument repair project (going on the 4th year), 2019 Community Clean up and the new Columbarium unit coming this fall.

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

UNFINISHED BUSINESS

Approve 2021-2022 Sewer Lining Program proposal-Corby Energy Services, Inc- Ryan Kern, AEW, stated 4 bids were received and there were 2 parts of the bid. The first part were the identified segments, \$179,330, and the second part was unassigned, \$49,645, for as-needed sewer lines within this year and next. AEW recommends to award Corby energy services with the project. Discussion occurred on authorization of emergency repairs. There is currently a provision in the Code already in the case of a true emergency would allow immediate work. The approval is set up for a 2-year period. Scheduled work includes: Riverside Drive N of Brown near the St. Clair River, Carney Drive N of Vine Street, Vine St West of Carney Drive, Adams St W of S 10th, N. 3rd St between Mulberry St and Orchard St, Henry St between Clinton Ave and Fred Moore highway and Fred Moore Highway East of Carney Drive. At this point there is no additional work needed per the recent televising of the sewers.

Kindsvater moved, Kuffa seconded, CARRIED, to approve the first segment of the proposal in the amount of \$179,330.
Ayes: Kindsvater, Klieman, Kuffa, LaPorte, McCartney, Volz, Cedar
Nays: None

LaPorte moved, McCartney seconded, CARRIED, to approve the of \$49,645, with the contingency that the project it is for must come before council unless a true emergency.
Ayes: Klieman, LaPorte, McCartney, Kindsvater, Volz
Nays: Kuffa, Cedar

NEW BUSINESS

Approve Preliminary Site Plan: Woodland Estates Condominium Phases 3-5-
McCartney moved, LaPorte seconded, CARRIED, to approve preliminary site plan as recommended by Planning Commission.
Ayes: Kuffa, LaPorte, McCartney, Volz, Kindsvater, Klieman
Nays: None

CLAIMS AND ACCOUNTS – March 18, March 24 & April 1, 2021

Check registers listing the bills for the period ending March 18, 2021 (check numbers 52035-52079) in the amount of \$116,836.15 for the period ending March 24, 2021 (check numbers 52080-52107) in the amount of \$18,996.94 and for the period ending April 1, 2021 (check numbers 52108-52131) in the amount of \$38,357.44 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of March 18, March 24 and April 1, 2021 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – Questions asked for COVID infections/cases after winter events. Comments heard offering assistance to help fund Boatrace weekend events.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Special meetings: MML Wage Classification and Compensation Study presentation 4/19/21 @6:15pm and Council member Ward 2 candidate interviews 4/26/21 @6pm. A spaghetti dinner fundraiser for Knucklehead boat racing will be held Saturday, 4/10/21 @4pm-8pm Knights of Columbus to support the cost for them to race this season. BWORA will host races July 30-August 1. Mayor Cedar thanked McCartney for dedication and hard work and presented certificate of recognition. Councilmember McCartney expressed gratitude for time served and encouraged Council and administration to continue to work with MDOT on the road diet and reduce the speed limit within city limits and collaborate with ECSD and St Clair township to install a sidewalk on Cox road.

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

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

At 8:15pm, Council recessed into closed session and resumed regular session at 8:33pm.

Volz moved, LaPorte seconded, CARRIED, to adopt the attorney recommendation to the Dorothea Knight litigation.

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

ADJOURNMENT at 8:34pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor