

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, APRIL 18, 2022- 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, Paul, Volz

ABSENT: None

ADMINISTRATION: James T. Downey, Kane, Clemons, Joachim & Downey; Amy Hart, Accountant; Timothy Raker, Police Chief; Annette Sturdy, City Clerk/Interim City Superintendent.

AUDIENCE: There were 28 people in attendance.

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

- A. City Council Minutes of April 4, 2022 Regular Meeting: Approved
- B. Cemetery Board of Trustees Minutes of April 5, 2022 Meeting: Received
- C. Planning Commission Minutes of January 12 & March 30, 2022 Meetings: Received

PUBLIC HEARING

Industrial Facilities Tax Exemption Certificate Application-Cargill Incorporated-Opened at 7:01pm. Bruce Seymore, EDA and Sebastian Cournoyer, Cargill, explained the tax exemption process, including notifying all taxing authorities, and shared the history of Cargill, products and local and worldwide impact. Construction timeline is 3-years. No other comments heard from the audience. Closed at 7:16pm.

PRESENTATION

E-bike donation to the St. Clair Police Department-St. Clair Chamber of Commerce, Alpine Cycle, Wellington Financial, War Water Brewery, Murphy Inn and Magna International presented 2 Ebikes to the St. Clair Police Department.

PROCLAMATION

Proclamation Designating April 29, 2022 as Arbor Day- Mayor Cedar proclaimed April 29, 2022 as Arbor Day. In 2022, Arbor Day celebrates its 150th anniversary and the City of St. Clair's 24th anniversary as Tree City USA designation.

ORDINANCES AND RESOLUTIONS

Resolution (22-07) Industrial Facilities Tax Exemption Certificate-Cargill, Inc- **RESOLUTION APPROVING AN APPLICATION FROM CARGILL INC. FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE IN ACCORDANCE WITH ACT 198 OF THE 1974 PUBLIC ACTS OF MICHIGAN, AS AMENDED** WHEREAS, the City Council of the City of St. Clair has, heretofore, by Resolution, adopted at a Regular Meeting thereof, established an Industrial Development District, pursuant to the provisions of 1974 PA 198, as amended, consisting of lands in the City of St. Clair, County of St. Clair, Michigan; and WHEREAS, the City Council has received an application from Cargill, Incorporated, 916 S. Riverside Avenue, St. Clair, Michigan 48079, an owner or lessee of a facility within said District for an Industrial Facilities Exemption Certificate; and WHEREAS, before acting upon the application, the City Council of St. Clair afforded the said applicant, the Assessor and

a representative of the affected taxing units, an opportunity to be heard at a hearing held pursuant to said notice, on April 18, 2022; and WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of St. Clair, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted. **NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED:** (1) It is hereby found and determined by the City Council of the City of St. Clair that the granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates previously granted and currently in force, shall not have the effect of substantially impeding the operation of the local governmental unit of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the local governmental unit in which the facility is located; and, (2) It is further hereby found and determined by the City Council of the City of St. Clair that the applicant complies with all of the following requirements: a. The proposed facility shall be located within an industrial development district or industrial development district which was duly established in the City of St. Clair, and which district was established upon a request filed or by the City of St. Clair's own initiative taken before the commencement of the restoration, replacement or construction of the facility. b. The commencement of the restoration or replacement of the facility occurred not earlier than six (6) months before the filing of the application for the Industrial Facilities Exemption Certificate. c. The application relates to a construction, restoration, or replacement program which, when completed, constitutes a new or replacement facility within the meaning of 1974 PA 198, and which shall be situated within an industrial development district duly established pursuant to 1974 PA 198, as amended, by the City of St. Clair, a local governmental unit eligible under said Act to establish such a District. d. Completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, retain employment, prevent a loss of employment or produce energy in the City of St. Clair. e. Completion of the facility does not have the effect of transferring employment from one or more local governmental units of the State to the local governmental unit in which the facility is located. f. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productive capacity, but rather is primarily for the purpose and will primarily have the effect of restoration, replacement, or updating the technology of obsolete industrial property. g. The replacement, when completed, will be located on the same premises or contiguous premises as the obsolete industrial property. This application does not relate to a "speculative building" as defined in the Act. (3) Unless earlier revoked as provided in Section 15 of Act 198 of the 1974 Public Acts, as amended, the Industrial Facilities Exemption Certificates approved herein shall remain in force and effective for twelve (12) years on real property, conditioned upon the facilities' continuation in operation throughout each period, otherwise of no force or effect, commencing with its effective date and ending not later than December 31, 2037 on real property, which period of time is not more than twelve (12) years after completion of the facility with respect to the real property component of said facility, and otherwise is in compliance with Section 16 of 1974 PA 198, as amended. (4) The City Council of the City of St. Clair does hereby approve the application for an Industrial Facilities Exemption Certificate filed by Cargill, Incorporated, as aforesaid, subject to the payment of seven hundred and fifty dollars (\$750) incurred by the City in the processing costs hereof, and hereby requires the applicant to annually submit to the city a summary of improvements, job creation and wage information. (5) The Clerk of the City of St. Clair is hereby directed to forward such application and a certified copy of this Resolution to the State Tax Commission for the State of Michigan.

LaPorte moved, Kindsvater seconded, CARRIED, to adopt Resolution (22-07) as presented.
Ayes: Volz, Kindsvater, Klieman, Kuffa, LaPorte, Paul, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (22-08) Pine Shores Loan- **A RESOLUTION AUTHORIZING AN INTERFUND LOAN FROM THE GENERAL FUND TO THE PINE SHORES FUND** WHEREAS, the City Council, with the support of the Golf Commission, desires to install drainage improvements at Pine Shores Golf Course. WHEREAS, the City of St. Clair has received a \$15,000 grant from the Community Foundation of St. Clair County for the desired improvements; and WHEREAS, the City Council has

determined it would be expedient and a savings to the City to borrow the remaining funds needed for the project from the General Fund. Such funds are estimated not to exceed \$85,000. NOW, THEREFORE, BE IT RESOLVED, that City Council authorizes the following: 1. \$85,000 shall be borrowed from the General Fund (101) by the Pine Shores Fund (584). 2. The Pine Shores Fund (584) shall be responsible for paying the annual principal and interest on the loan according to the attached amortization schedule (Exhibit A). 3. Interest on the loan shall be 2.5%, compounded annually. 4. In the event that the full loan amount of \$85,000 is not required to complete the project, unspent funds shall be immediately returned to the General Fund (101) without interest, and the amortization scheduled shall be updated to reflect the new principal amount.

Kuffa moved, Paul seconded, CARRIED, to adopt Resolution (22-08) as presented.
Ayes: Kindsvater, Klieman, Kuffa, LaPorte, Paul, Volz, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Special joint meeting with Planning Commission and ZBA 4/13/22 went well. Update provided that current projects remain on task and communication going well. RESA will be on-site 4/25 & 4/26 with internet & phones intermittently down. Election 5/3/22. Polls open 7am-8pm. New polling location for Ward 2 is at City Hall. Reported on Superintendent search. Affidavits of Identity and Nominating Petitions for local candidates due by 4pm 4/19/22.

City Attorney- None

City Departments- None

Authority, Board, Commission, Committee Chairman or Council Representative – Historical Commission Council Representative Volz updated the museum painting and door project. The Community Foundation awarded \$15k to fund the new door.

UNFINISHED BUSINESS – None

NEW BUSINESS –

Approve Special event permit: 70th anniversary SCLL Opening Day parade- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for the St. Clair Little League Opening Day Parade to be held Saturday, May 7, 2022. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Kindsvater moved, Kuffa seconded, CARRIED, to approve the special event permit as recommended.

Approve Conditional Rezoning-R1-A to C2 (1426 Oakland Avenue)-

LaPorte moved, Paul seconded, CARRIED, to approve the Conditional Rezoning of R1-A to C2 1426 Oakland Avenue with the following conditions: all site plan review and variance procedures as outlined in the zoning ordinance must be followed, the use will remain as indoor retail use plus a 20'x48' greenhouse, business hours will be from 9a-5p Monday-Saturday, deliveries will only happen during business hours, no outdoor sales in the front yard with the exception of bagged soil sales located near the dumpster, opaque screening on the southside of property, gas powered equipment limited to deliveries, property maintenance and as permitted by R1 zoning, parking lot be resurfaced within the 2023 construction season and screening on the North and West side of property installed.

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

Approve Conditional Rezoning-R1-R3 (200 N. Carney Drive)-

Kindsvater moved, Kuffa seconded, CARRIED, to approve Conditional Rezoning from R1-R3 with the following conditions: all site plan review and variance procedures as outlined in the zoning ordinance must be followed, approvals are obtained from any County, State, Federal and utility requirements, approvals are obtained from the State of Michigan approvals for operating an assisted living facility, site and construction access agreement with the East China School District is obtained, the existing playground will be relocated, lot splits are approved by the City of St. Clair and St. Clair County, easements from the City of St. Clair, utilities, East China school district and any other entity to permit development will be obtained and Hampton Manor use will be a one-story assisted living facility with 70 beds and two six-unit apartment buildings not exceeding two-stories.

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

Discussion on Building Department fee waivers- Discussion occurred. No action taken.

CLAIMS AND ACCOUNTS – April 7 & April 14, 2022

Check registers listing the bills for the period ending April 7, 2022 (check numbers 54259-54318) in the amount of \$107,633.59 and for the period ending April 14, 2022 (check numbers 15139-54357) in the amount of \$221,385.13 were presented for Council review.

LaPorte moved, Kindsvater seconded, CARRIED, to approve payments of April 7 and April 14, 2022 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – Comments heard complimenting City Administration and Police Department.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Special meeting for City Superintendent interviews set for Thursday, May 5th 6:00pm.

ADJOURNMENT at 8:12pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor