

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 20, 2023- 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

PRESENT: Mayor Cedar, Members Gottler, Kuffa, LaPorte, Paul, Volz, Watt

ABSENT: None

ADMINISTRATION: Quentin Bishop, City Superintendent; Delos Boulier, Building Inspector; Annette Sturdy, City Clerk.

AUDIENCE: There were 20 people in attendance.

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

A. City Council Minutes of February 6, 2023 Regular Meeting: Approved

ORDINANCES AND RESOLUTIONS

Resolution (23-06) Notice of Intent-Water Supply System Revenue Bonds- Tom Colis, Miller Canfield PLC, explained the purpose of the notice, type of bond, timeline for the bond issuance process and the decision to request not more than 3 million to cover the project cost in the event bids come in higher than expected. **NOTICE OF INTENT Resolution water SUPPLY system revenue bonds** Minutes of a regular meeting of the City Council of the City of St. Clair, County of St. Clair, State of Michigan, held on the 20th day of February, 2023, at 7:00 p.m., prevailing Eastern Time. Present: Members Cedar, Gottler, Kuffa, LaPorte, Paul, Volz, Watt Absent: None

The following preamble and resolution were offered by Member LaPorte and supported by Member Paul: WHEREAS, the City of St. Clair, County of St. Clair, State of Michigan (the "City"), has determined that it is necessary for the public health, safety and welfare of the City to acquire, construct, furnish and equip improvements to the City's water supply system (the "System"), including water treatment plant improvements, improvements to Shorewell pump station, pretreatment, filtration, chemical feed, flow meters, electrical and SCADA, water treatment plant building improvements and expansion and water mains in the City, and all related sites, structures, equipment, appurtenances and attachments thereto (the "Project"); and WHEREAS, the City has been advised by the Michigan Department of Environment, Great Lakes and Energy ("EGLE"), that financial assistance to accomplish the acquisition and construction of the Project is available through the Drinking Water State Revolving Fund ("DWSRF") Loan Program administered by EGLE and the Michigan Finance Authority (the "MFA"); and WHEREAS, the City has made application for participation in the DWSRF loan program; and WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"); and WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the bonds. NOW, THEREFORE, BE IT RESOLVED THAT: The City Clerk is hereby authorized and directed to publish a notice of intent to issue the bonds in the *Port Huron Times Daily*, a newspaper of general circulation in the City. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds, and the manner of

publication directed, is adequate notice to the electors and taxpayers of the City and users of the System, and is the method best calculated to give them notice of the City's intent to issue the bonds, the purpose of the bonds, the security for the bonds, the source of payment for the bonds and the right of referendum of the electors with respect thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) The City reasonably expects to reimburse itself with proceeds of the Bonds for the costs of acquiring and constructing the Project which were paid or will be paid from the water system fund and/or general fund of the City subsequent to sixty (60) days prior to today.

(b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$3,500,000.

(d) A reimbursement allocation of the capital expenditures described above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the related Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.

5. The City hereby confirms the retention of Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), as bond counsel in connection with the bonds. The City has been advised that Miller Canfield has represented the MFA in the past and may be representing the MFA presently in connection with various matters including the DWSRF loan program and the City consents to the representation of the MFA by Miller Canfield in connection with the DWSRF loan program that may be utilized by the City in connection with the bonds.

6. The City hereby confirms the retention of Bendzinski & Co. Municipal Finance Advisors as municipal advisor in connection with the bonds.

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

LaPorte moved, Paul seconded, CARRIED, to adopt Resolution (23-06) as presented.

Ayes: Gottler, Kuffa, LaPorte, Paul, Volz, Watt, Cedar

Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (23-07) Notice of Intent-DWSRF Capital Improvement Bonds-The city will have to fund approximately 5.7 million to close the gap between the grant, state loan and full cost of the project.

NOTICE OF INTENT Resolution water SUPPLY system capital improvement bonds Minutes of a regular meeting of the City Council of the City of St. Clair, County of St. Clair, State of Michigan, held on the 20th day of February, 2023, at 7:00 p.m., prevailing Eastern Time.

PRESENT: Members Cedar, Gottler, Kuffa, LaPorte, Paul, Volz, Watt ABSENT: None

The following preamble and resolution were offered by Member Volz and supported by Member Paul: WHEREAS, the City of St. Clair, County of St. Clair, State of Michigan (the "City") intends to issue general obligation capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed Seven Million Dollars (\$7,000,000) (the "Bonds"), for the purpose of paying part of the cost to acquire, construct, furnish and equip improvements to the City's water supply system (the "System"), including water treatment plant improvements, improvements to Shorewell pump station, pretreatment, filtration, chemical feed, flow meters, electrical and SCADA, water treatment plant building improvements and expansion and water mains in the City, and all related sites, structures, equipment, appurtenances and attachments thereto (the "Project"); and WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds. NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Port Huron Times Daily*, a newspaper of general circulation in the City.
2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.
3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds, and the manner of publication directed, is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City and the users of the water supply system of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the security for the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.
4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
 - (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for the costs of acquiring and constructing the Project which were paid or will be paid from the water system fund and/or general fund of the City subsequent to sixty (60) days prior to today.
 - (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$7,000,000.
 - (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Volz moved, Paul seconded, CARRIED, to adopt Resolution (23-07) as presented.
Ayes: Kuffa, LaPorte, Paul, Volz, Watt, Gottler, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – A contract audit is in process, several Community Foundation grants were awarded to the Recreation department including \$19k for beautification, \$6k for summer concert series and \$3k for the YAPS program. The LDFA meeting 2/14 was successful and the St. Clair LDFA was created.

City Attorney- None

City Departments- None

Authority, Board, Commission, Committee Chairman or Council Representative – Historical Commission Council representative Volz reported on upcoming events and the need for roof repair.

UNFINISHED BUSINESS -None

NEW BUSINESS

Approve Board of Review appointments-Mayor Cedar reported recommendations for appointments of Elizabeth Schwehofer and Thomas Jalosky to the Board of Review each with a term to expire December 31, 2023.

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

Approve purchase agreement of Industrial Park-

LaPorte moved, Kuffa seconded, CARRIED, to approve purchase agreement of the Industrial Park to the I-69 International Trade Corridor Local Development Finance Authority St. Clair #1 Development Area.

Ayes: LaPorte, Paul, Volz, Watt, Gottler, Kuffa, Cedar

Nays: None

CLAIMS AND ACCOUNTS – February 9 & February 16, 2023

Check register listing the bills for the period ending February 9, 2023 (check numbers 56245-56294) in the amount of \$223,271.26, for the period ending February 16, 2023 (check numbers 56295-56332) in the amount of \$277,643.75 & credit card registers was presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payment of February 9 & February 16, 2023 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – Comments and questions heard from residents on Oakwood Lane, Jackson, Hugo and Sinclair streets requesting timeline for road repair, support of a routine maintenance program and repair of roads in Meadows subdivision. Comments heard on history of road millage proposal. Request heard to require contractors to properly clean-up after utility work on Clinton Avenue.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Honor All President's on Presidents Day.

ADJOURNMENT at 7:55pm.

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor