

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, MAY 15, 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 was recited.

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

ABSENT: None

ADMINISTRATION: Quentin Bishop, City Superintendent; James T. Downey, Kane, Clemons, Joachim and Downey; Donovan Ennis, Detective Corporal; Timothy Raker, Police Chief; Annette Sturdy, City Clerk.

AUDIENCE: There were 15 people in attendance.

AGENDA AMENDMENT- Cedar moved, Kuffa seconded, CARRIED, to add New Business items C) Approve award for 4th and 5th street road repair to T.G. Priehs and D) Approve award for Industrial park road repair to James P. Contracting and E) Approve Development Agreement.

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

- A. City Council Minutes of May 1, 2023 Regular Meeting: Approved
- B. City Council, Planning Commission, ZBA Minutes of April 12, 2023 Joint meeting: Received
- C. Cemetery Board of Trustees Minutes of April 4, 2023 Meeting: Received
- D. Golf Commission Minutes of April 18, 2023 Meeting: Received

PUBLIC HEARING

Industrial Facility Exemption Certification Application- Mayor Cedar opened the hearing at 7:01pm. Dan Casey, EDA, stated the project will create 669 new jobs, retain 304 existing jobs, explained the required Development Agreement, yearly reporting requirements and his support of the request. Brooke Scott, Magna Governmental Affairs, thanked Council for their consideration. Questions asked by H. Wendt, 2001 Jackson Street and B.Klieman, 1374 S. Riverside. No other comments heard of support or opposition. Hearing closed at 7:27pm.

ORDINANCES AND RESOLUTIONS

Resolution (23-14) Industrial Facility Exemption Certificate-Magna Electric Vehicle Structures-Michigan, Inc – **RESOLUTION APPROVING AN APPLICATION FROM MAGNA ELECTRIC VEHICLE STRUCTURES-MICHIGAN, 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 Magna Electric Vehicle Structures-Michigan, Inc., 1811 Range Rd., 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 May 15, 2023; 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, 2035 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 Magna Electric Vehicle Structures, Inc-Michigan, Inc., 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.

Paul moved, Kuffa seconded, CARRIED, to approve Resolution (23-14) as presented with a 12-year term.

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

Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (23-15) Notice of Intent-Water Supply System Revenue Bonds- SUPPLEMENTAL 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 15th day of May, 2023, at 7:00 p.m., prevailing Eastern Time. The following preamble and resolution were offered by Member: LaPorte and supported by Member Volz: 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 was previously advised by the Michigan Department of Environment, Great Lakes and Energy ("EGLE"), that financial assistance for a portion of the Project 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, by resolution adopted on February 20, 2023, the City Council authorized the publication of a notice of intent to issue revenue bonds for the Project in the principal amount of not to exceed \$3,500,000 (the "Prior Notice"), and such Prior Notice was thereafter published in *The Times-Herald*, on February 26, 2023; and WHEREAS, the City has been advised by EGLE that it may be in a position to provide financial assistance for all of the Project through the DWSRF loan program, therefore it is necessary for the City to authorize publication of a supplemental notice of intent to issue revenue bonds for the remainder of the Project pursuant to the provisions of Act 94, Public Acts of Michigan, 1933, as amended, in the additional principal amount of not to exceed Seven Million Dollars (\$7,000,000) (the "Additional Bonds"), which notice shall provide additional and supplemental borrowing authority for the Project and shall be in addition to the borrowing authorization under the Prior Notice; and WHEREAS, the total amount of bonds to be issued to finance the acquisition and construction of the Project shall not exceed Ten Million Five Hundred Thousand Dollars (\$10,500,000). NOW, THEREFORE, BE IT RESOLVED THAT: 1. The City Clerk is authorized and directed to publish a notice of intent to issue the Additional Bonds in *The Times-Herald*, 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 the Additional 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 Additional Bonds, the purpose of the Additional Bonds, the security for the Additional Bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their legal rights of referendum, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed. 4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

LaPorte moved, Volz seconded, CARRIED, to adopt Resolution (23-15) as presented.

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

Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (23-16) Local Government Approval-Riverbank Theatre-

Kuffa moved, Paul seconded, CARRIED, to adopt Resolution (23-16) recommending the application from Riverbank Theatre to the MLCC as presented.

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

Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (23-17) Local Government Approval-Hamlin Pub- recommending the application from Hamlin Pub to the MLCC as presented.

Volz moved, Paul seconded, CARRIED, to adopt Resolution (23-17) as presented.

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

Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (23-18) Non-profit recognition for charitable gaming license-St. Clair Garden Club-LaPorte moved, Kuffa seconded, CARRIED, to approve Resolution (23-18) to recognize St. Clair Garden Club as a non-profit organization as presented.
Ayes: Kuffa, LaPorte, Paul, Volz, Watt, Gottler, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (23-19) Schedule public hearing for special assessment-Christian B Haas Drive-
A RESOLUTION DETERMINING THE NECESSITY OF THE IMPROVEMENT BY SPECIAL ASSESSMENT OF CHRISTIAN B. HAAS DRIVE; SCHEDULING THE MATTER FOR PUBLIC HEARING; AND INSTRUCTING THE CITY CLERK TO PROVIDE PUBLIC NOTICE CONSISTENT WITH THE ORDINANCE'S REQUIREMENTS. 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 15th day of May, 2023 at 7:00 P.M. WHEREAS, the City Superintendent has presented a report to City Council pursuant to Section 46-5 of the City Code recommending the improvement by special assessment of Christian B. Haas Drive; and WHEREAS, the City Council has determined that there is a need for the improvement of Christian B. Haas Drive; and WHEREAS, the City Council has determined that the of the cost of said improvement, minus the City contribution, shall be paid by special assessment; that all properties adjacent to and abutting Christian B. Haas Drive shall benefit from the improvement; and that each property owner shall be assessed according to their frontage; and WHEREAS, the City Council has determined that the City shall contribute \$100,000 to the project; **NOW, THEREFORE, it is hereby RESOLVED** by the City Council of St. Clair, County of St. Clair, State of Michigan, as follows: 1. That a public hearing on this proposed improvement by special assessment shall be scheduled for Monday, June 5, 2023 at 7:00 P.M. at City Hall as part of City Council's regular meeting. 2. That the City Superintendent's report; any supporting documentation on which it relied; and any other information concerning this matter shall be placed on file at the office of the City Clerk where it may be examined by members of the public. 3. That the City Clerk shall publish notice of the public hearing on the proposed acquisition and improvement in a newspaper published or circulated within the City and shall provide written notice by first-class mail to each owner or person with an interest in the property to be assessed as shown by the latest general tax assessment roll of the City. 4. That the notice of publication referenced in Paragraph 3 shall be made at least seven (7) full days before June 5, 2023, and the notices of first-class mailing in Paragraph 3 shall be made at least ten (10) days before June 5, 2023.
Paul moved, Kuffa seconded, CARRIED, to approve Resolution (23-19) and schedule public hearing for Monday, June 5 @ 7pm.

RESOLUTION DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – EGLE application for water treatment plant improvement funding was successfully submitted.

City Attorney- None

City Departments- Report heard from Clerk to thank SCFD and SCPD for a safe and fun 2023 Senior Cruise. Be a Tourist in Your Own Town May 20th. Hillside Cemetery Tour at 11:00am, Freighter Walk Dedication at 1:00pm. Report heard from Corporal Ennis & Chief Raker on results from the trial run with radar speed signs and also thanked Magna for sponsorship of Safety Town.

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

UNFINISHED BUSINESS -None

NEW BUSINESS

Approve purchase of radar speed signs-

Volz moved, Kuffa seconded, CARRIED, to approve purchase of 2 radar speed signs in the amount of \$5500.

Approve special event for St. Clair Chamber of Commerce “Rockin’ in the Plaza & Throttle Down weekend”--Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit from St. Clair Chamber of Commerce for live music Thursday-Sunday May through September in the Riverview Plaza Courtyard and acoustic performers in Rotary Park. A variance of the noise ordinance for an extension and a variance on the temporary sign permit to allow for additional promotion and size of banners and restricted parking spots for Throttle Down weekends are included in the approval. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended. LaPorte moved, Volz seconded, CARRIED, to approve special event, approve variance to temporary sign permit and extend the noise ordinance.

Approve award for 4th and 5th street to T. G. Priehs-
Kuffa moved, LaPorte seconded, CARRIED, to approve bid from TG Priehs in the amount of \$393,587.81 for 4th and 5th streets resurfacing project.
Ayes: Paul, Volz, Watt, Gottler, Kuffa, LaPorte, Cedar
Nays: None

Approve award for Industrial Park roads to James P. Contracting
Kuffa moved, Paul seconded, CARRIED, to approve bid from James P Contracting in the amount of \$332,650.70 for Christian B Haas and Jordan Creek Drive resurfacing project.
Ayes: Volz, Watt, Gottler, Kuffa, LaPorte, Paul, Cedar
Nays: None

Approve Development Agreement-Magna-
Kuffa moved, Paul seconded, CARRIED, to approve agreement as presented including a 12 yr term.
Ayes: Gottler, Kuffa, LaPorte, Paul, Volz, Watt, Cedar
Nays: None

CLAIMS AND ACCOUNTS – May 4 & May 11, 2023

Check register listing the bills for the period ending May 4, 2023 (check numbers 56731- 56770) in the amount of \$45,301.33 and for the period ending May 11, 2023 (check numbers 56771-56823) in the amount of \$237,432.90 were presented for Council review.
LaPorte moved, Kuffa seconded, CARRIED, to approve payments of May 4 & May 11, 2023 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS –

B. Klieman, 1374 S. Riverside, inquired about the middle school status including the Facility Tax Exemption.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Special events: Be a Tourist in Your own Town 5/20/23; Marbleye Fishing Tournament 5/19-5/21; Memorial Day parade Monday, May 29 @1pm.

ADJOURNMENT at 8:07pm.

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor