

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 19, 2018- 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.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Cedar, Members Ellery, Kindsvater, Klieman, Kuffa, LaPorte, McCartney
ABSENT: None
ADMINISTRATION: Mike Booth, City Superintendent; Trice Hawkins, Recreation Director; Timothy Raker, Police Chief; Annette Sturdy, City Clerk.
AUDIENCE: There were 27 people in attendance.
Mayor Cedar recommended adding Item 5A) Presentations. No objections.

CONSENT AGENDA – Carried to approve Consent Agenda item A. as presented.

A. City Council Minutes of February 5, 2018 Special and Regular Meetings: Approved

PUBLIC HEARING

Parks and Recreation Master Plan-Mayor Cedar opened the public hearing at 7:01pm to receive public comment on the proposed updates to the City of St. Clair Parks and Recreation Master Plan. The purpose of the plan is to guide recreation planning and development efforts of the Recreation Department over the next 5 years. It was approved by the Recreation Commission at their regular monthly meeting on January 15, 2018. The Master Plan draft was noticed, as required, as available for a 30-day review. No written comments received within the 30-day period. No public comments were heard for or against the proposed plan during the public hearing. Hearing closed at 7:02pm

PRESENTATION

Chief Raker recognized the efforts of Officer Colin Ellul with a life-saving award. Thank you Officer Ellul for your commitment to public safety.

ORDINANCES AND RESOLUTIONS

Ordinance Introduction (2018-01) Fire Prevention Code (Chapter 30, Article III)- AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 30 “FIRE PREVENTION AND PROTECTION,” ARTICLE III “FIRE PREVENTION CODE,” SECTION 61 “CODE ADOPTED; PURPOSE; COPIES ON FILE;” SECTION 63 “AMENDMENTS” AND TO ADD SECTION 64 “CONFLICT WITH OTHER LAWS.” THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT. Chapter 30, Article III, Sections 61, 63, and 64 of the City Code are hereby amended to read as follows: **Section 30-61. Code adopted; purpose; copies on file.** The City of St. Clair, in order to regulate and govern the safe guarding of life and property from fire or explosion hazards, adopts The International Fire Code, 2015 edition, as published by the International Code Council, including appendix B, D, E, F and G of said International Fire Code. The purpose and intent of this code is to prescribe minimum requirements consistent with nationally recognized standards for providing a reasonable level of safety to life and property and for protection from the hazards of fire, explosion, or dangerous conditions arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property related to the occupancy of buildings and premises. This code shall also provide for the issuance of certain permits and collection of delineated fees. All matters within the intent of

this code and not covered by this code shall comply with the referenced standards listed in the International Fire Code, 2015 edition, as published by the International Code Council (including Appendix Chapters B, D, E, F, and G). At least three (3) copies of this Code have been and are now filed in the City Clerk's office except as otherwise specifically stated herein, the provisions of such Code are hereby adopted and incorporated by reference as though fully set out at length herein, and the provisions thereof shall be controlling within the City of St. Clair.

Section 30-63. Amendments. The following chapters, sections and subsections of the International Fire Code adopted in this article are hereby amended or deleted as set forth in this section, and additional chapters, sections and subsections are added as indicated. The following chapter and section numbers refer to like number of chapters and sections of the International **Fire Code**: *Section 108.01. Appeals.* The Appeals Board shall be the existing Building Commission of the City of St. Clair. *Article 79* shall be amended by adding a new section reading as follows: *Section 7901.1.3. State flammable liquid laws.* Pursuant to the provisions of section 3(k) of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.3(k), MSA 5.2073(k)), as amended, the state **fire** safety board, rules for Storage and Transportation of Flammable and Combustible Liquids 1992, as amended, as prescribed and authorized in Act No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.), as amended, are hereby adopted by reference by the city for the purpose of providing rules for the preservation of **fire** and protection of persons and property in the transportation, storage, handling, offering for sale, sale and use of flammable liquids. Copies of such regulations are on file in the office of the city clerk, available for public use and inspections at all times. Where any section or part of Article 79 of the International **Fire Code** is in conflict with the State **Fire** Safety Board, rules for Storage and Transportation of Flammable and Combustible Liquids 1992, it is intended that the State **Fire** Safety Board, rules for Storage and Transportation of Flammable and Combustible Liquids 1992, shall prevail. *Section 1102.1.1. Open burning.* Where any section of [or] part of Section 1102 of the Uniform **Fire Code** is in conflict with City of St. Clair **Code** of Ordinance [Chapter 30](#) Article IV Open Burning, it is intended that the City of St. Clair **Code** of Ordinance [Chapter 30](#) Article IV Open Burning, shall prevail. *Section 503.2* is hereby amended to read as follows: *Section 503.2.2. Fire lanes.* The marking of **fire** lanes on private property, devoted to public use, shall be approved by the chief of the bureau of **fire** prevention and the chief of police. *Section 503* is hereby amended to include the following: Parking of motor vehicles or otherwise obstructing **fire** lanes shall be prohibited at all times. Members of the police department are hereby authorized to remove motor vehicles and/or vehicles in the designated **fire** lanes. *Appendix VI-C, Section 2.4* is hereby amended as follows: (a) Any person convicted of a violation of any provision of this **Code** or any rule, regulation or order adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500.00 and cost of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment, in the discretion of the court. Each act of violation, and every day upon which any such violations shall occur shall constitute a separate offense. (b) The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this **Code**, whether or not such penalty is reenacted in the amendatory ordinance. (c) The penalty set out in this section shall be in addition to the abatement of the violating condition, any injunctive relief, or revocation or [of] any permit or license. (d) This section shall not apply to the failure of officers and employees of the city to perform municipal duties required by this **Code**.

Section 30-64. Conflict with Other Laws.

Should any provision of the City Code or State law require a permit or license covering the same operations, business, activity or material for which the Fire Code requires a permit, such City Code provision or State law shall prevail and it shall be necessary to obtain the permit as required by the Fire Code.

LaPorte moved, McCartney seconded, CARRIED, to introduce Ordinance (2018-01) Fire Code.

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

Resolution (18-03) Parks and Recreation Master Plan- **RESOLUTION ADOPTING THE CITY OF ST. CLAIR PARKS AND RECREATION MASTER PLAN**

WHEREAS, the City of St. Clair has undertaken the update of its five-year recreation plan which describes the community's physical and social characteristics, existing parks and recreation facilities, and the desired actions to be taken to improve the parks and recreation facilities during the period between 2018 and 2022; and

WHEREAS, the City of St. Clair Recreation Commission reviewed the *City of St. Clair Parks and Recreation Master Plan* during the course of several public meetings; and

WHEREAS, the *Parks and Recreation Master Plan's* goals and objectives were developed in response to needs and deficiencies identified by public input from a survey and work sessions; and

WHEREAS, the *Park and Recreation Master Plan* has been made available for public review in the manner required by law and all comments from the public have been considered by the City of St. Clair Recreation Commission; and

WHEREAS, the plan was recommended for Council's adoption by the City of St. Clair Recreation Commission; and

WHEREAS, the plan was developed for the benefit of the entire community and a public hearing was held on February 19, 2018 to provide another opportunity for citizens to express opinions, ask questions, and discuss all aspects of the Master Plan; and

NOW, THEREFORE, BE IT RESOLVED that the St. Clair City Council hereby adopts the *City of St. Clair Parks and Recreation Master Plan*.

Peter Klomparens, St. Clair County Metropolitan Planning Commission, stated the submitted plan meets the requirements of the MDNR and maintains City eligibility for State Grant Funding. The steps taken to develop the draft and gain public input on the plan were followed completely and are in compliance. Trice Hawkins, Recreation Director, specified local outreach of a leader survey for commissions and council and an online community survey.

McCartney moved, Kindsvater seconded, CARRIED, to adopt Resolution (18-03) Parks and Recreation Master Plan as presented

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

RESOLUTION DECLARED ADOPTED

Resolution (18-04) Nominating Petitions- **A RESOLUTION TO AMEND CHARTER SECTION 9.05(A)(1) CONCERNING NOMINATING PETITION DEADLINES SO THAT IT COMPLIES WITH PUBLIC ACT 276 OF 2012 REQUIRING SAID PETITIONS TO BE FILED FIFTEEN TUESDAYS BEFORE THE AUGUST PRIMARY DATE. WHEREAS**, the City of St. Clair currently conducts regular and primary elections for city offices and ballot issues in even-numbered years by operation of Public Act 523 of 2012; and **WHEREAS**, state election law, Public Act 116 of 1954, has changed nominating petition deadlines by operation of Public Act 276 of 2012; and **WHEREAS**, City Charter Section 9.05(a)(1), which concerns nominating petition deadlines, is now in conflict with the mandate of Public Act 276 of 2012; and **WHEREAS**, the Home Rule City Act, MCL 117.3b(3), allows the St. Clair City Council to resolve this conflict by adopting a resolution consistent with the state election law; **NOW, THEREFORE, BE IT RESOLVED** that City of St. Clair RESOLVES to amend the language of Charter Section 9.05(1)(a) to read as follows: **Section 9.05.—Candidates.** a. Nomination. (1) *Petition requirements.* Nominating petitions for elective offices to be filed at the even-year general election shall be filed with the office of the city clerk by 4:00 p.m. on the fifteenth Tuesday prior to the even-year primary election. The form of nominating petitions shall be substantially as that designated by the Michigan Election Law for the nomination of nonpartisan judicial officers except they shall be signed by not less than fifteen (15) registered electors of the city.

McCartney moved, Ellery seconded, CARRIED, to adopt Resolution (18-04) Nominating Petition Deadlines as presented.

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

RESOLUTION DECLARED ADOPTED.

Resolution (18-05) Support of MDOT M-29 Road Rehabilitation Project - A RESOLUTION TO SUPPORT THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) M-29 ROAD PROJECT.

WHEREAS, The Michigan Department of Transportation (MDOT) will provide documentation and land configuration diagrams for M-29 within the city limits of the City of St. Clair in preparation for a road project; and

WHEREAS, MDOT will provide a traffic engineering study of the M-29 Corridor; and

WHEREAS, the study will conclude with options that may include a 4 lane to 3 lane conversion, bike lanes or parking options; and

WHEREAS, the options will be presented to the City Council of the City of St. Clair for discussion and approval; and

NOW, THEREFOR BE IT RESOLVED that the City of St. Clair City Council is formally supporting the Michigan Department of Transportation and is dedicated to the road project of M-29;

Kuffa moved, Kindsvater seconded, CARRIED, to adopt Resolution (18-05) Support of MDOT Road project as presented.

Ayes: Kindsvater, Klieman, Kuffa, LaPorte, McCartney, Cedar
Nays: Ellery

RESOLUTION DECLARED ADOPTED.

Resolution (18-06) Establish HSA in MERS Division 20 plan (SCPD)- **WHEREAS**, the Municipal Employees Retirement Act authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 72; MCL 38.1536(2)(a)).

WHEREAS, the Board has authorized MERS' establishment of the health care savings program ("HCSP" or "Program"), which a participating municipality or court, or another eligible public employer that constitutes a "municipality" under MERS Plan Document Section 2; MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees. **WHEREAS**, MERS has been determined by the Internal Revenue Service to be a tax qualified "governmental plan" and trust under section 401(a) of the Internal Revenue Code of 1986, and all trust assets within MERS reserves are therefore exempt from taxation under Code section 501(a) (IRS Letter of Favorable Determination dated October 8, 2016). **WHEREAS**, the Board has established a governmental trust (the "Trust Fund") to hold the assets of the HCSP, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator. **WHEREAS**, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 et seq. ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries. **WHEREAS**, a separate MERS health care trust fund created under PA 149 also constitutes a governmental trust established by an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the PA 149 trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code. **WHEREAS**, the Board acts as investment fiduciary for the pooled assets of each MERS participating municipality as defined by the MERS 401(a) Plan Document, on whose behalf MERS performs all plan administration and investment functions, and such participating municipalities and courts have full membership, representation and voting rights at the Annual Meeting as provided under Plan Section 78; MCL 38.1545. **WHEREAS**, the Board also acts as investment fiduciary for those participating employers who are non-MERS participating municipalities and courts that have adopted the MERS Health Care Savings Program, Retiree Health Funding Vehicle, or Investment Service Program, and such entities are not accorded membership, representation or voting rights provided to MERS

participating municipalities and courts at the Annual meeting under Plan Document Section Document 78; MCL 38.1545. WHEREAS, adoption of this Uniform Resolution and the HCSP Participation Agreement (the "Uniform Resolution") by each Eligible Employer is necessary and required in order that the benefits available under the MERS HCSP may be extended to the Eligible Employer's employees. • It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this HCSP Resolution that Section 43 of the MERS Plan Document shall not apply to this Uniform Resolution Adopting MERS HCSP, the Participation Agreement, the HCSP Plan Document, the Trust Agreement, and their administration or interpretation. • In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS HCSP is made or occurs, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty to administer (or to have administered) the Trust Fund, or to continue administration. WHEREAS, concurrent with this HCSP Uniform Resolution, and as a continuing obligation, this governing body has completed, approved, and submitted to MERS documents necessary for participation in and implementation of the HCSP. This obligation applies to any documents deemed necessary to the operation of the Trust Fund by MERS. NOW, THEREFORE, BE IT RESOLVED that the governing body adopts (or readopts) the MERS HCSP as provided below. SECTION 1. HCSP PARTICIPATION EFFECTIVE May 1, 2016, (to be known as the ADOPTION DATE) the MERS HCSP is hereby adopted by the City of St. Clair (A) CONTRIBUTIONS shall be as allowed and specified in the MERS Health Care Savings Program Participation Agreement. Basic Employer Contributions, Mandatory Salary Reduction Contributions, Mandatory Leave Conversion Contributions, and Post-Tax Employee Contributions, shall be remitted pursuant to MERS by the Eligible Employer, and credited to the Eligible Employer's separate fund within the MERS Trust Fund. (B) INVESTMENT of funds accumulated and held in the Health Care Savings Program Trust Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to the Public Employee Retirement System Investment Act ("PERSIA"), 1965 PA 314, as provided by MERS Plan Document Section 76; MCL 38.1539, and PA 149. (C) THE ELIGIBLE EMPLOYER shall abide by the terms of the HCSP, including the HCSP Plan Document, HCSP Trust Agreement, all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS. SECTION 2. IMPLEMENTATION DIRECTIONS FOR MERS (A) The governing body of this Eligible Employer desires that all assets placed in its MERS HCSP Trust Fund (as a sub-fund within all pooled HCSP trust funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under PERSIA, pursuant to PA 149, all applicable provisions of the Internal Revenue Code and other relevant law. (B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS HCSP Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all HCSP funds held in trust for all Eligible Employers. (C) All monies in the MERS HCSP Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of "Eligible Employees" who shall constitute "qualified persons" who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.(D) The Eligible Employer will fund on a defined contribution, individual account, basis its MERS HCSP Trust sub-fund to provide funds for health care benefits for "Eligible Employees" who shall constitute "qualified persons" under the Internal Revenue Code. Participation in and any coverage under HCSP shall not constitute nor be construed to constitute an "accrued financial benefit" under Article 9 Section 24 of the Michigan Constitution of 1963. (E) The Eligible Employer designates and incorporates as "Eligible Employees" who shall constitute "qualified persons" under this HCSP Resolution those who are "Eligible Employees as defined in the HCSP Participation Agreement under this HCSP. (F) The Eligible Employer may designate employer contacts who shall receive necessary reports, notices, etc. and shall act on behalf of the Eligible Employer. SECTION 3. EFFECTIVENESS OF THIS HCSP UNIFORM RESOLUTION This Resolution shall have no legal effect until an executed copy of this adopting Resolution is filed with MERS, and MERS determines

that all necessary requirements under MERS Plan Document Section 72, PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall execute this Resolution, and return a copy to the Eligible Employer's designated primary contact. In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action may be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 86 of the MERS Plan Document shall apply to this Resolution and all acts performed under MERS' authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

McCartney moved, LaPorte seconded, CARRIED, to adopt Resolution (18-06) Establish HSA in MERS Division 20 plan (SCPD) as presented.

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

RESOLUTION DECLARED ADOPTED.

REPORTS FROM ADMINISTRATION

City Superintendent – Sidewalks are to be clear within 24 hours of snow accumulation. Chief Raker reiterated a snow emergency requires cars off the street and a snow emergency is automatic if the forecast states 4 inches of snow or more. Several media outlets, which include local radio and news stations and local electronic signs, are used to announce a snow emergency. It remains in effect until your road is cleared from curb to curb.

City Attorney- None

City Departments – There are over 200 businesses located in town. This year's Polar Plunge raised over \$32000 for Special Olympics and broke their fundraising record. Administration will review current water main break notification practices.

Authority, Board, Commission, Committee Chairman or Council Representative – St. Clair Historical Commission Annual Report-Bob Freehan, Chairman, presented the museum's annual report. Several points of pride include presentations with a combined total of over 500 in attendance for one or more of the 13 programs, receipt of over 700 new St. Clair related artifact or photo donations and having 20 active volunteers who totaled over 3400 volunteer hours this past year.

UNFINISHED BUSINESS - None

NEW BUSINESS

Approve proposal from Preferred Construction for Historical Commission Museum project- The St. Clair Historical museum was gifted the paneling from the N. Riverside Belle Reve mansion from the Port Huron Museum. The commission wants to display it appropriately which requires a complete redo of several rooms. Bob Freehan provided a brief history of the importance of the paneling. It originated in England then was shipped across the ocean to the St. Clair location. The mansion was torn down in 1964 but the paneling was salvaged and kept in SC4 and later, the Port Huron museum. The project totals \$40,400. The museum has raised \$22000 towards the project and will continue to request donations and submit grants. However, there are Historical Museum funds available if need be.

Kuffa moved, McCartney seconded, CARRIED, to accept proposal from Preferred Construction.

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

Approve proposal from Boddy Construction for Palmer Park Replacement Project-Eleven sealed bids were received. Steve Pangori, AEW, stated the recommended motion is to approve the lowest bidder of Boddy Construction and waiving the irregularity of bidder not acknowledging addendum 2 or 3 and contingent on the DNR approval of the proposal. The bid is higher than the grant amount of \$225,000 and city match. The Recreation millage will make up the difference between the grant and the bid price.

Ellery moved, LaPorte seconded, CARRIED, to approve proposal from Boddy Construction.

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

Approve Special event permit for the St. Clair Little League Parade- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for St. Clair Little League to conduct their annual opening day parade on Saturday, May 5, 2018. 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 Special event permit for Pedal Across Lower Michigan Bicycle Parade- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for Pedal Across Lower Michigan, PALM, to conduct a bike parade from Riverview Plaza to St. Clair High School on Friday, June 29, 2018 as they end their ride across the state. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

McCartney moved, Ellery seconded, CARRIED, to approve the special event permit as recommended.

CLAIMS AND ACCOUNTS – February 9 & February 16, 2018

Check registers listing the bills for the period ending February 9, 2018 (check numbers 45073-45112) in the amount of \$212,604.42 and February 16, 2018 (check numbers 45113-45167) in the amount of \$181,242.64 were presented for Council review.

LaPorte moved, Ellery seconded, CARRIED (Nay-Klieman), to approve payments of February 9 and February 16, 2018 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – None

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – None

ADJOURNMENT at 7:55pm.

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor