

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
TUESDAY, JULY 6, 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, Paul, Volz

ABSENT: None

ADMINISTRATION: Bob Bieth, DPW Supervisor; Delos Boulier, Building Inspector; James T. Downey, Kane, Clemons, Joachim & Downey; Amy Hart, City Accountant; Timothy Raker, Police Chief; Warren Rothe, City Superintendent; Annette Sturdy, City Clerk.

AUDIENCE: There were 14 people in attendance.

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

- A. City Council Minutes of June 21, 2021 Regular & Closed Meetings: Approved
- B. Golf Commission Minutes of May 11, 2021 Meeting: Received

ORDINANCES AND RESOLUTIONS

Ordinance Adoption (2021-05) Zoning-Day Care/Group homes-

Kindsvater moved, Volz seconded, CARRIED, to adopt Ordinance (2021-05) as presented.

Ayes: Kuffa, LaPorte, Paul, Volz, Kindsvater, Klieman, Cedar

Nays: None

ORDINANCE DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Trash pick-up will occur 7/8/21. Additional portable bathrooms will be added for future city events. SCPD Officer Young is wished a speedy recovery from a recent accident. An adjustment to correct overbilling of ready to serve sewer charges for those with 5/8' meters is being prepared.

City Attorney- The Ward residency question on Resolution (20-24) will appear as approved on the November 2021 ballot. Resolution (21-23), to be considered today, has been revised to eliminate that language and only pertains to the proposed annual budget timeline.

City Departments- There will be no August election held in St. Clair.

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

UNFINISHED BUSINESS

Resolution (21-23) Charter amendments-Annual budget- A RESOLUTION APPROVING CHARTER AMENDMENTS NO. 2 AND NO. 3 AND THE BALLOT LANGUAGE FOR CHARTER AMENDMENTS NO. 2 AND NO. 3.

WHEREAS, Section 21(1) of the Home Rule City Act, MCL Section 117.21(1), (“the statute”) authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a

regular or special election; and **WHEREAS**, the resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote for the city voters for or against each proposition; and **WHEREAS**, the statute requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption; shall be a fair and impartial statement of the purpose of the amendment; and shall not create prejudice for or against the proposed amendment; The St. Clair City Council resolves that: **CHARTER AMENDMENT PROPOSAL NO. 2 (NOTE: ADOPTION OF PROPOSAL NO. 2 IS CONDITIONED UPON ADOPTION AT THIS ELECTION OF PROPOSAL NO. 3)**

4. The St. Clair City Charter shall be amended as follows:
Section 6.02. – The budget procedure.

On or before the first day of June, all city officers and department heads shall submit to the city superintendent an estimate of the expenditure requirements for the next fiscal year of the department or activities under their control. Such estimates shall be submitted on forms and in a manner prescribed by the city superintendent to govern the preparation, submission and the administration of the annual budget. The superintendent shall prepare a complete, itemized, balanced budget document containing the proposal for the next fiscal year, together with a five-year capital program, and shall submit it with a proposed appropriation resolution to the city council on or before the first Monday in August.

5. The current charter section being altered by this amendment provides as follows:
Section 6.02. – The budget procedure.

On or before the first day of March, all city officers and department heads shall submit to the city superintendent an estimate of the expenditure requirements for the next fiscal year of the department or activities under their control. Such estimates shall be submitted on forms and in a manner prescribed by the city superintendent to govern the preparation, submission and the administration of the annual budget. The superintendent shall prepare a complete, itemized, balanced budget document containing the proposal for the next fiscal year, together with a five-year capital program, and shall submit it with a proposed appropriation resolution to the city council on or before the first Monday in May.

6. The ballot language of the proposed amendment shall be as follows:

Shall Section 6.02 of the St. Clair City Charter be amended to require that effective on January 1, 2022, the date for all city officers and department heads to submit a proposed budget to the city superintendent be changed from March 1 to June 1, and the date for the city superintendent's completion of a budget for city council approval be changed from the first Monday in May to the first Monday in August? Yes _____ No _____

CHARTER AMENDMENT PROPOSAL NO. 3

(NOTE: ADOPTION OF PROPOSAL NO. 3 IS CONDITIONED UPON ADOPTION AT THIS ELECTION OF PROPOSAL NO. 2)

7. The St. Clair City Charter shall be amended as follows:
Section 6.05. – Adoption of the budget.

Not later than the thirtieth day of September the council shall, by resolution, adopt a balanced budget for the next fiscal year, shall appropriate from the funds of the city the sums necessary to finance the budget, and shall provide for the levy of an amount necessary to be raised by taxes upon real and personal property for municipal purposes. An appropriation shall be deemed an authorization by the council to make expenditures and to incur obligations for specific purposes set forth therein. An appropriation shall limit the amount which may be spent for such specific purposes, and may specify the period of time during which such amount may be expended.

8. The current charter section being altered by this amendment provides as follows:
Section 6.05. – Adoption of the budget.

Not later than the fifteenth day of June the council shall, by resolution, adopt a balanced budget for the next fiscal year, shall appropriate from the funds of the city the sums necessary to finance the budget, and shall provide for the levy of an amount necessary to be raised by taxes upon real

and personal property for municipal purposes. An appropriation shall be deemed an authorization by the council to make expenditures and to incur obligations for specific purposes set forth therein. An appropriation shall limit the amount which may be spent for such specific purposes, and may specify the period of time during which such amount may be expended.

9. The ballot language of the proposed amendment shall be as follows:

Shall Section 6.05 of the St. Clair City Charter be amended to require that effective on January 1, 2022, the date for adoption of a balanced budget for the next fiscal year by city council be changed from June 15 to September 30? Yes_____ No_____

10. The City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL Section 117.21) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL Section 117.21).

11. The proposed amendment shall be submitted to the qualified electors of the City of St. Clair at the general election to be held in the City on November 2, 2021, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

12. The proposed charter amendment shall be published in full, together with the existing charter provision to be amended as required by law.

LaPorte moved, Volz seconded, CARRIED, to adopt Resolution (21-23) as presented.

Ayes: LaPorte, Paul, Volz, Kindsvater, Klieman, Kuffa, Cedar

Nays: None

RESOLUTION DECLARED ADOPTED

Approve Proposal for Professional Services-Fred W Moore Highway Reconstruction-

Paul moved, Kuffa seconded, CARRIED, to approve proposal in the amount of \$558,822 and to request a quote to add an additional approx. 20 feet onto the project.

Ayes: Paul, Volz, Kindsvater, Klieman, Kuffa, LaPorte, Cedar

Nays: None

NEW BUSINESS

Approve special event permit for Community Block Party and Safety Town- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for the St. Clair Police Department, partnering with St. Clair Recreation Department and sponsored by the St. Clair Police Foundation to host the Community Block Party and Safety Town on August 4, 2021 from 4pm-8pm. 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 special event permit as presented.

Approve purchase of Spartan Leaf Pro Plus-

LaPorte moved, Kuffa seconded, CARRIED, to waive the competitive bid process and approve purchase of the equipment in the amount of \$90,115.00.

Ayes: Volz, Kindsvater, Klieman, Kuffa, LaPorte, Paul, Cedar

Nays: None

Approve FY 2021 Sidewalk Additional Work-

Kindsvater moved, Kuffa seconded, CARRIED, to waive the competitive bid process and approve the bid in the total amount of \$20,852.00 (deleting 715 Violet) from DELS contracting for sidewalk repairs.

Ayes: Kindsvater, Klieman, Kuffa, LaPorte, Paul, Volz, Cedar

Nays: None

CLAIMS AND ACCOUNTS – June 24 & July 1, 2021

Check registers listing the bills for the period ending June 24, 2021 (check numbers 52568-52611)

in the amount of \$132,102.79 and for the period ending July 1, 2021 (check numbers 52612-52658) in the amount of \$98,199.13 and were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of June 24 and July 1, 2021 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – Questions & concerns heard on the handling of the assessor survey, disputing of property taxes, clarification of the Ward residency ballot language and status of the metal structure on the West side of M-29.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Special events: Summer Concert-Elvis 7/9/21, Classic Car show 7/10/21 & Offshore Power Boat races 7/30-8/1. Thank you SCPD, SCFD and DPW for a job well done on the 4th of July Fireworks event.

CLOSED SESSION – Kindsvater moved, Kuffa seconded, CARRIED, to grant request for Closed Session To Discuss Strategy Connected with the Negotiation of a Collective Bargaining Agreement with Employees Represented by the Police Officers Labor Council, POLC, and to Confer with Legal Counsel for the purpose of Confidential Attorney-Client Communication Concerning a Legal Opinion from Counsel.

Ayes: Klieman, Kuffa, LaPorte, Paul, Volz, Kindsvater, Cedar

Nays: None

At 8:03pm, Council recessed into closed session and resumed regular session at 8:30pm.

Kindsvater moved, Kuffa seconded, CARRIED, to ratify the proposed agreement between the City of St. Clair and the Police Officers Labor Council, POLC, union.

Ayes: Kuffa, LaPorte, Paul, Volz, Kindsvater, Klieman, Cedar

Nay: None

ADJOURNMENT at 8:33pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor