

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 20, 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: James T. Downey, Kane, Clemons, Joachim & Downey; Warren Rothe, City Superintendent; Annette Sturdy, City Clerk.

AUDIENCE: There were 9 people in attendance.

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

- A. City Council Minutes of September 7, 2021 Regular Meeting: Approved
- B. Zoning Board of Appeals Minutes of July 21, 2021 Meeting: Received
- C. Housing Commission resignation: Accepted with Regrets

RECOGNITION

Special Recognition of Eagle Scout Project and Award-Emma Zobl- Mayor Cedar presented Ms. Zobl with a certificate to honor her completion of her Eagle Scout project and earning her Eagle Scout Award as the first female Eagle Scout in the Blue Water Area.

ORDINANCES AND RESOLUTIONS

Ordinance Adoption (2021-6) Sewer Ordinance- CITY OF ST. CLAIR, MICHIGAN ORDINANCE NO. 2021-06 SEWER USE AND PRETREATMENT PUBLIC NOTICE is hereby given that Ordinance No. 2021-06 was adopted by the City Council of the City of St. Clair on September 20, 2021 (the "Ordinance"). The Ordinance will take effect on the date of publication in this newspaper. A summary of the Ordinance for publication is set forth below.

The City of St. Clair, a Michigan public corporation established pursuant to the Michigan Home Rule City Act (Act 279, Public Acts of Michigan, 1909, as amended) (the "City"), owns the City of St. Clair Wastewater Treatment Plant ("WWTP"), a wastewater treatment plant that serves the residents and businesses of the City and St. Clair Township through sewer collection systems owned by the City and the Township (the "Collection Systems"). The WWTP and the Collection Systems are collectively referred to as the "POTW."

The City is the designated "Control Authority" for the POTW as provided by the City's National Pollutant Discharge Elimination System ("NPDES") permit and other applicable state and federal pretreatment laws and regulations. As the Control Authority, the City is required to have in place a state-approved sewer use ordinance, implement and enforce a system-wide industrial pretreatment program ("IPP"), independently assess and assure compliance by all persons discharging to the sewer system with applicable laws and regulations, and take other actions as required by those laws and regulations. Ordinance Summary The Ordinance provides the City and the City with the necessary authority and regulatory mechanisms to accomplish the following primary purposes, policies, and objectives in accordance with applicable laws and regulations:

The Ordinance repeals in its entirety existing Article III ("Sewer Service") of Chapter 62

Commented [GD1]: You will need to adjust this if adopted as an emergency ordinance. You should consult with your City Attorney regarding the City's ability to adopt the SUO as an emergency ordinance. See separate document I sent you regarding adopting ordinances as emergency ordinances. I am not expressing an opinion as to whether or not it is appropriate under your charter to proceed on an emergency basis with this ordinance. That's a call for your City Attorney to make.

("Utilities") of the City's Code of Ordinances; and adopts a new Article III ("Sewer Use and Pretreatment") of Chapter 62 ("Utilities") of the City's Code of Ordinances.

The Ordinance designates, empowers, and authorizes the City Superintendent to act as the City's principal agent and representative for purposes of administering and enforcing the industrial pretreatment program requirements established by the Ordinance with respect to users or premises that discharge wastewater to the POTW.

The Ordinance sets forth uniform requirements for direct and indirect contributors into the POTW and enables City and the City to comply with all applicable state and federal pretreatment laws and regulations including: the Federal Water Pollution Control Act (also known as the "Clean Water Act"), as amended, 33 USC 1251, et seq.; the General Pretreatment Regulations (40 CFR part 403); Part 31 of Act 451 of the Public Acts of Michigan of 1994, MCLA §§ 324.3101 et seq., as amended ("Water Resources Protection"); and the Michigan industrial pretreatment rules, Michigan Administrative Code, R 323.2301 et seq., as amended.

The Ordinance prohibits the discharge of pollutants into the POTW that do not meet applicable standards and requirements; that would interfere with the operation of the POTW; that would pass through the POTW into the receiving waters or the atmosphere, the environment, or otherwise be incompatible with the POTW; that would inhibit or disrupt the POTW's processing, use, or disposal of sludge; that would cause health or safety problems for POTW workers; or that would result in a violation of the City's NPDES permit or of other applicable laws and regulations.

The Ordinance is intended to improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW, as required by law.

The Ordinance regulates the discharge of wastewater and/or pollutants to the POTW and provides the authority to enforce the requirements of the Ordinance through the issuance of permits and through other means as provided by the Ordinance.

The Ordinance authorizes and requires all inspection, monitoring, reporting and enforcement activities as necessary to ensure compliance with applicable pretreatment standards and requirements and other applicable laws and regulations. The Ordinance provides for the establishment of rates and charges for the installation of, connection to, and use of the POTW for the purpose of recovering the cost of construction, reconstruction, maintenance, repair, operation, depreciation, and replacement of the POTW; providing for such other expenditures and funds for the system as required by the Ordinance; and providing a reasonable rate of return of the City's investment in the POTW. The Ordinance applies to all persons, whether within the City or outside the City, that discharge into the POTW. The Ordinance also applies to any person owning, using, constructing, or maintaining any private system or facility intended or used for the disposal of sewage or wastewater within the City and provides authority to require connection to available public sewers.

The Ordinance makes it unlawful for any person to discharge any wastewater or pollutant to the POTW or to any storm sewer or natural outlet within the City or in any area under the jurisdiction of the City, except in accordance with the provisions of the Ordinance and other applicable laws and regulations. If any user discharges or proposes to discharge wastewaters or pollutants that are prohibited or limited by the Ordinance, the POTW may take any action as provided by the Ordinance or other applicable laws or regulations to assure and require compliance with the provisions of the Ordinance.

The publication of this notice and summary of the Ordinance is intended to meet the requirements for publication as authorized under the provisions of Section 117.3 of the Michigan Codified Laws. No further publication of the Ordinance is required or contemplated. A true and complete copy of the Ordinance can be inspected or obtained at the office of the City Clerk, City of St. Clair, 547 N. Carney Drive St. Clair MI 48079.

Kindsvater moved, Kuffa seconded, CARRIED, to adopt Ordinance (2021-6) as presented.

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

Nays: Klieman

ORDINANCE DECLARED ADOPTED

Resolution (21-29) 2021-2022 Fee Schedule amendment- A RESOLUTION AMENDING THE 2021-2022 FEE SCHEDULE WHEREAS, the St. Clair City Council has established fees for services for all departments of the City; and **WHEREAS**, the St. Clair City Council has incorporated as part of the 2022 Fiscal Year Budget a Fee Schedule which shall set the various fees of the City for the fiscal year beginning October 1, 2021 and ending September 30, 2022; and **WHEREAS**, the St. Clair City Council desires to amend the fee schedule to reflect increases in the cost of providing existing services and to implement new fees required by the City's Sewer Use Ordinance. **NOW, THEREFORE, BE IT RESOLVED**, that the following changes be made to the 2022 Fiscal Year Fee Schedule:

1. The following fee is amended as follows:

Fee	Previous Amount	New Amount
NSF-Check Fee	\$35.00 first offense \$45.00 each additional offense	\$45.00 first offense \$65.00 each additional offense

2. The following fee is added to the "Office Services" section of the Fee Schedule

Canadian Check Processing Fee	\$15.00
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3. A new section of fees, entitled "Industrial Pretreatment Fees" is added as follows:

Industrial Pretreatment Fees	
<u>Nondomestic User Discharge Permit</u>	
Initial Permit	\$2,500.00 + Additional Costs
Permit Quarterly Compliance Fee	\$500.00 + Additional Costs
Permit Renewal	\$1,250.00 + Additional Costs
<u>Pollutant Surcharge Rates</u>	<u>\$/Pound (lb.)</u>
BOD ₅ greater than 155 mg/L	\$0.10
TSS greater than 99 mg/L	\$0.13
Ammonia-N greater than 25 mg/L	\$0.15
Total-P greater than 3.4 mg/L	\$4.66

Kindsvater moved, LaPorte seconded, CARRIED, to adopt Resolution (21-29) as presented.
Ayes: Klieman, Kuffa, LaPorte, Paul, Volz, Kindsvater, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

Resolution (21-30) 2020-2021 Budget Adjustments- RESOLUTION AMENDING 2020-21 ANNUAL BUDGET BE IT RESOLVED, that the revised list of expenditures for the 2020-2021 budget, attached as "Exhibit A" to this Resolution, be approved effective immediately.

LaPorte moved, Kindsvater seconded, CARRIED, to adopt Resolution (21-30) as presented.
Ayes: Kuffa, LaPorte, Paul, Volz, Kindsvater, Klieman, Cedar
Nays: None

RESOLUTION DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Congratulations to Ms. Zobl.

City Attorney- None

City Departments- None

Authority, Board, Commission, Committee Chairman or Council Representative – Golf Commissioners are working on a new maintenance project.

UNFINISHED BUSINESS - None

NEW BUSINESS

Approve MERS Defined Contribution Plan Adoption Agreement Addendum-

LaPorte moved, Kindsvater seconded, CARRIED, to approve the agreement addendum as presented.

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

Nays: None

Approve Special event permit for St. Clair High School Homecoming Parade- Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for St. Clair High School student council to conduct their Homecoming parade Sunday, September 26, 2021 @5pm. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Kuffa moved, Paul seconded, CARRIED, to approve special event as recommended.

Approve Special event permit for Santa Lighted Parade-Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for Santa Parade Committee to conduct their annual Santa Lighted Parade Friday, November 19, 2021 @6pm. 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 application as recommended.

Approve Special event permit for Charity Block Party-Council received a memorandum from Police Chief Raker requesting that Council approve a special event permit for Christopher LeTarte to hold a Charity Block Party on Saturday, November 20, 2021 5pm-12am. The event time outside of the 11pm noise ordinance is requested as part of the approval. The applicant has complied with the necessary requirements of the Special Events Ordinance and issuance of the permit is respectfully recommended.

Kindsvater moved, Paul seconded, CARRIED, to approve special event application as recommended.

CLAIMS AND ACCOUNTS – September 9 & September 16, 2021

Check registers listing the bills & ACH payments for the period ending September 9, 2021 (check numbers 53050-53098) in the amount of \$194,785.72 and for the period ending September 16, 2021 (check numbers 53099-53157) in the amount of \$714,011.04 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of September 9 & September 16, 2021 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – Comments heard requesting an update on M29 road diet change suggestions, on an announcement for Whistles on the Water 9/25/21 which includes live broadcasting on 1620am with Historical Commission members and a resident request for a city-owned alley vacation behind 709 Robinson.

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Special events: St. Mary's Fall Festival 9/24-9/26, Whistles on the Water 9/25/21 9am-4pm, Chalk the Walk 9/25/21 10am-4pm.

ADJOURNMENT at 7:29pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor