

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, JULY 17, 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 (arrived 7:02pm) Paul, Watt

ABSENT: Member Volz (excused)

ADMINISTRATION: Quentin Bishop, City Superintendent; Donovan Ennis, Sergeant; Timothy Raker, Police Chief; Annette Sturdy, City Clerk.

AUDIENCE: There were 21 people in attendance.

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

- A. City Council Minutes of July 3, 2023 Regular Meeting: Approved
- B. Cemetery Board of Trustees Minutes of June 6, 2023 Meeting: Received
- C. Golf Commission Minutes of June 13, 2023 Meeting: Received
- D. Planning Commission Minutes of June 14, 2023 Meeting: Received

PUBLIC HEARING

Christian B. Haas Drive (CBH) Special Assessment roll- Mayor Cedar opened the public hearing at 7:02pm. Justin Sears, St. Clair County Equalization, was present to represent the Assessor. No comments heard, or written, received by the public. Closed at 7:03pm

ORDINANCES AND RESOLUTIONS

Ordinance Adoption (2023-01) Zoning Purpose- **AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND APPENDIX B OF THE CITY'S CODE OF ORDINANCES "ZONING," ARTICLE 1 "TITLE, PURPOSE, CONSTRUCTION, RULES APPLYING TO TEXT AND ENABLING AUTHORITY" BY REVISING SECTIONS 1.2 "PURPOSE," 1.3 "CONSTRUCTION," AND 1.6 "ENABLING AUTHORITY." THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT.** Appendix B, Article 1, Sections 1.2, 1.3, and 1.6 of the City Code of Ordinances is hereby amended to read as follows: **APPENDIX B.—ZONING ARTICLE 1.— TITLE, PURPOSE, CONSTRUCTION, RULES APPLYING TO TEXT AND ENABLING AUTHORITY. SECTION 1.2— PURPOSE.** The purpose of this Ordinance is to regulate the development and use of land; to provide for the adoption of zoning ordinances; to prescribe the powers and duties of certain City officials; to provide for the assessment and collection of fees; and to prescribe penalties and provide remedies pursuant to the authority set forth in Section 1.6. It seeks to promote the public health, safety, and general welfare of the City; protecting the character and stability of neighborhoods; to encourage the use of lands in accordance with their character, relationships, and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision of water supply and sewage disposal, education, recreation, and other public improvements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties, and with reasonable consideration to the character of each district, its peculiar suitability for particular uses, the

conservation of natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within the Master Plan adopted by the City's Planning Commission and endorsed by the City Council. The zoning districts and regulations established herein have been constructed in accordance with a general plan for the physical development of the City and its surrounding land area. The City's Master Plan provides thoroughly considered objectives for the sound and orderly development of the City. **SECTION 1.3—CONSTRUCTION.** This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. In interpreting and applying its provisions, this Ordinance's requirements shall establish a minimum basis for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and shall resolve any conflicts with private restrictions placed on property. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

Kuffa moved, Gottler seconded, CARRIED, to adopt Ordinance (2023-01) as presented.
Ayes: Gottler, Kuffa, LaPorte, Paul, Watt, Cedar
Nays: None

ORDINANCE ADOPTED

Ordinance Introduction and Adoption (2023-02) DWRSF Authorization of Bonds- AN EMERGENCY ORDINANCE OF THE CITY OF ST. CLAIR TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF THE ADDITIONS AND IMPROVEMENTS TO THE WATER SUPPLY SYSTEM OF THE CITY; TO PROVIDE FOR THE ISSUANCE AND SALE OF JUNIOR LIEN REVENUE BONDS TO PAY THE COST THEREOF; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF SYSTEM REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; TO ESTABLISH SEPARATE SERIES OF BONDS OF SENIOR AND SUBORDINATE STATUS WITH RESPECT TO THE NET REVENUES OF THE SYSTEM; TO PRESCRIBE THE FORM OF THE BONDS; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM. THE CITY OF ST. CLAIR ORDAINS: SECTION 1. ENACTING CLAUSE. The following emergency ordinance is adopted under Section 5.10(a) of the City Charter to provide for the acquisition, construction, installation, furnishing, equipping, and financing of additions and improvements to the City's water supply system... **SECTION 27. APPROVAL OF BOND DETAILS.** The Authorized Officers are each hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 7a(1)(c) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of Series 2023 Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Series 2023 Bonds shall not exceed one and seven-eighths percent (1.875%) per annum, and the Series 2023 Bonds shall mature in not more than thirty (30) annual installments. **SECTION 28. SAVINGS CLAUSE.** All ordinances, resolutions or orders, or part thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

LaPorte moved, Paul seconded, CARRIED, to introduce and adopt Ordinance (2023-02) as presented.
Ayes: Kuffa, LaPorte, Paul, Watt, Gottler, Cedar
Nays: None

ORDINANCE ADOPTED

Resolution (23-27) CBH Authorization of Special Assessment - A RESOLUTION CONFIRMING THE ACCURACY OF THE SPECIAL ASSESSMENT ROLL; CONFIRMING THAT THE SPECIAL ASSESSEMENTS MADE ARE IN PROPORTION TO THE BENEFITS RECEIVED BY THE PROPERTY OWNERS; AND DIRECTING THE CLERK TO ATTACH

A CERTIFIED COPY OF THIS RESOLUTION TO HER WARRANT COMMANDING THE ASSESSOR TO SPREAD AND THE TREASURER TO COLLECT THE VARIOUS SUMS AND AMOUNTS APPEARING ON THE SPECIAL ASSESSMENT ROLL. 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 17th day of July, 2023 at 7:00 PM.

WHEREAS, the City Council of the City of St. Clair has heretofore determined the necessity of making certain public improvements within the City of St. Clair on Christina B. Haas Drive and part of Jordan Creek Drive, consisting of milling and repaving the roads; and **WHEREAS**, at the direction of the City Council, the Assessor has prepared, submitted, and reported a Special Assessment Roll wherein the Assessor has included all lots and parcels of land within the area designated benefitting from the public improvement; and has assessed to each lot or parcel of land within the Special Assessment District an equal portion of the total cost of the project on a per parcel basis; and **WHEREAS**, the City Council has determined that seventy percent (70%) of the total cost of the project, plus all other costs relating to the financing thereof, shall be defrayed and paid for by way of Special Assessment to be spread over and assessed against the properties within the Special Assessment District, and that the remaining cost of said public improvement shall be paid by the City at large; and **WHEREAS**, the City Council has estimated that the seventy percent (70%) total cost of the public improvement to be borne by property owners within the Special Assessment District was \$232,650.70, plus all other costs relating to financing thereof; and **WHEREAS**, the City Council has estimated that the thirty percent (30%) total cost of the public improvement to be borne by the City is \$100,000; and **WHEREAS**, the City Council has previously approved the special assessment roll and the properties contained therein, consisting of the following seven (7) parcels: 74-07-295-0001-000, 74-07-295-0002-000, 74-07-295-0005-000, 74-07-295-0006-000, 74-07-295-0007-000, 74-07-295-0008-000, 74-07-057-0020-000; and **WHEREAS**, the City Council conducted a public hearing July 17, 2023 at 7:00 p.m. on any objections to the special assessment roll it previously approved and certified as accurate; and **WHEREAS**, the City Council and the Assessor have resolved any such objections made to the special assessment roll; and **WHEREAS**, the City Council has determined that the special assessments made therein are in proportion to the benefits received by the property owners; **NOW, THEREFORE**, it is hereby **RESOLVED** by the City Council of St. Clair, County of St. Clair, State of Michigan, as follows:

1. That the City of St. Clair City Council confirms the completeness and accuracy of the special assessment roll prepared by the Assessor;
2. That the City of St. Clair City Council is satisfied that the assessments set forth in said Special Assessment Roll are in proportion to the benefits received and derived by the properties specially assessed therein as a result of the public improvements proposed.
3. That the City of St. Clair City Council hereby adopts the special assessment roll for the public improvement to be completed pursuant to it.
4. That the Special Assessments confirmed herein may be paid in annual installments, between one and 5 years, with the first installment being assessed on the 2023 County (winter) tax bill.
5. That the full amount of all or any deferred installments with interest accrued, May be paid in advance of the due dates thereof.
6. That deferred installments shall be collected without penalty until sixty (60) days after the due date thereof, at which time such installments shall be considered as delinquent and penalties on said installments shall be collected as are provided by law to be collected on delinquent general city taxes.
7. That the Special Assessments and all interests, penalties and charges thereon from the date of confirmation of the Special Assessment Roll shall become a debt to the City of St. Clair from the persons to whom they are assessed and, until paid, such Special Assessments shall be and remain a lien upon the property assessed, of the same character and effect as the lien created by the general law for state, county and

- city taxes and the lands upon which delinquent city taxes constitute a lien.
9. That the City Treasurer shall notify by mail each property owner within the Special Assessment District that said Special Assessment Roll has been confirmed by the City Council and filed in the Office of the City Clerk; and the Treasurer shall state to each property owner the amount of the special assessment and the terms of payments; however, the failure on the part of the Treasurer to give such notice or of such property owners to receive such notice shall not invalidate the special assessment thereunder and shall not excuse the payment of interest or penalties.
 9. That all prior Resolutions and parts of Resolutions of the City Council, insofar as they conflict with this Resolution be, and hereby are, rescinded by the City of St. Clair City Council.
 10. That the City of St. Clair City Council directs the City Clerk to attach a certified copy of this Resolution to her warrant commanding the Assessor to spread and the Treasurer to collect the various sums and amounts appearing on the special special assessment roll as herein approved.

Kuffa moved, Paul seconded, CARRIED, to adopt Resolution (23-27) as presented.
 Ayes: LaPorte, Paul, Watt, Gottler, Kuffa, Cedar
 Nays: None

RESOLUTION DECLARED ADOPTED

Kuffa moved, Paul seconded, CARRIED, to approve J. P Contracting proposal in the amount of \$332,650.70.
 Ayes: Paul, Watt, Gottler, Kuffa, LaPorte, Cedar
 Nays: None

Resolution (23-28) Award of Water Treatment Plant improvement contract – A RESOLUTION TO TENTATIVELY AWARD A CONSTRUCTION CONTRACT FOR WATER SYSTEM IMPROVEMENTS WHEREAS, the City of St. Clair wishes to construct improvements to its existing water treatment (Water Treatment Plant) and distribution system (Water Main); and **WHEREAS**, the water system improvements project formally adopted on June 20th, 2022 will be funded through the state of Michigan’s Drinking Water State Revolving Fund (DWSRF) program; and **WHEREAS**, the City of St. Clair has sought and received construction bids for the proposed Water Treatment Plant and water main project and has received a low bid in the amount of \$19,789,000 from Weiss Construction Co. LLC.; and **WHEREAS**, the City of St. Clair has reviewed the bid price and negotiated a modified project scope reduction in the amount of \$17,039,000 with Weiss Construction Co. LLC.; and **WHEREAS**, the engineer, Fishbeck has recommended awarding the contract to the low bidder. **NOW THEREFORE BE IT RESOLVED**, that the City of St. Clair tentatively awards the contract for construction of the proposed Water Treatment Plant and Water Main project in the negotiated amount of \$17,039,000 to Weiss Construction Co. LLC, contingent upon successful financial arrangements with the DWSRF.

Kuffa moved, LaPorte seconded, CARRIED, to adopt Resolution (23-28) as presented.
 Ayes: Watt, Gottler, Kuffa, LaPorte, Paul, Cedar
 Nays: None

RESOLUTION DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Reported on budget timeline. Complimented fireworks show.

City Attorney- None

City Departments- Chief Raker announced the promotion of Corporal Ennis to Sergeant. Recognized two young men for their bravery and help in assisting a women in need. Reiterated penalty for vandalizing life rings.

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

UNFINISHED BUSINESS -None

NEW BUSINESS

Approve proposal from Fishbeck for engineering services, sole source bid LDFA-
City Council needs to acknowledge the LDFA is going to award the proposal to Fishbeck.
LaPorte moved, Kuffa seconded, CARRIED, to acknowledge and approve proposal.
Ayes: Watt, Gottler, Kuffa, LaPorte, Paul, Cedar
Nays: None

Schedule budget workshop

LaPorte moved, Kuffa seconded, CARRIED, to schedule budget workshop for 6:00pm Monday, August 7, 2023.

Approve Boards and Commission Appointment-Mayor Cedar made the recommendation to appoint Bill Klieman to the Cemetery Board of Trustees to fulfill a partial term that will expire December 31, 2024.

LaPorte moved, Kuffa seconded, CARRIED, to approve appointment as recommended.

CLAIMS AND ACCOUNTS – July 6, July 7 & July 13, 2023

Check register listing the bills for the period ending July 6, 2023 (check numbers 57167-57203) in the amount of \$185,126.36, for the period ending July 7, 2023 (check numbers 57204-57205) in the amount of \$900 and for the period ending July 13, 2023 (check numbers 57206-57273) in the amount of \$408,879.66 were presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of July 6, July 7 & July 13, 2023 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – Comments heard from T. Biscarner requested attention on Adams street and inquired on status of Gearing and Eddy property Question heard from B. Klieman, on sidewalk repair and city-wide and cemetery crack sealing schedule

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Congratulations to the St. Clair Little League Major Girls 12u Softball team for State Champions!

Special events: Kids Bike Parade 7/18/23 and BWORA July 28-30. Mardi Gras party at the Boat Harbor. Thank you to the Fireworks committee.

ADJOURNMENT at 7:46pm.

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor