

**CITY OF ST CLAIR, MICHIGAN  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, JANUARY 8, 2024- 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; Trice Hawkins, Recreation Director; Timothy Raker, Police Chief; Annette Sturdy, City Clerk.

**AUDIENCE:** There were 17 people in attendance.

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

- A. City Council Minutes of December 18, 2023 Regular Meeting: Approved
- B. St. Clair Historical Commission Annual Report: Received

**PRESENTATION**

Cargill-ReCreate Klecha Park- Trice Hawkins introduced Karen Foley and Mike Barnum, active community members of the ReCreate Klecha Park project. Lee Westrick, Sebastian Cournoyer, Matt Landschoot and members of Cargill presented the City of St. Clair with a \$300,000 donation towards the project, with specific interest in the Splashpad. For more information visit [www.stclairrec.com](http://www.stclairrec.com).

**ORDINANCES AND RESOLUTIONS**

Kuffa moved, Volz seconded, CARRIED, to return to the table Ordinance Adoption (2023-04) Cats.  
Ayes: Gottler, Kuffa, LaPorte, Paul, Volz, Watt, Cedar  
Nays: None

Volz moved, Kuffa seconded, CARRIED, to deny Ordinance Adoption (2023-04) Cats.  
Ayes: Kuffa, LaPorte, Paul, Volz, Watt, Gottler, Cedar  
Nays: None

Ordinance Introduction (2024-01) Cats-

**AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 10 “ANIMALS,” BY ADDING ARTICLE III “CATS.” THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT.** Chapter 10 of the City Code is hereby amended to read as follows: **ARTICLE III.—CATS Sec. 10-36. - Keeping or harboring cat, interpretation.** Any person allowing any cat habitually to remain, to be lodged, or to be fed at his house, store building, enclosure, or premises shall be considered as keeping or harboring the cat within the meaning of this article. **Sec. 10-37. - Running at-large prohibited.** It shall be unlawful for any person owning, possessing, keeping, or harboring any cat to allow or permit such cat to run at-large within the limits of the city. **Sec. 10-38. - Certain duties imposed on owner.** (a) It shall be unlawful for any person owning, possessing, keeping, or harboring a cat to knowingly, or through failure to exercise due care or control, permit the cat to defecate on public property or on private property without the

consent of the property owner or occupant thereof. (b) A person owning or having custody or control of a cat shall be responsible for the removal of any excrement eliminated by such cat on public property or private property of another without consent of the property owner or occupant thereof, and it shall be a violation of this section for the person owning or having custody or control of the cat to fail to remove or provide for the removal in a sanitary manner of such excrement before taking the cat from the immediate area where such excretion occurred. **Sec. 10-39. - Penalty for violations of article.** A violation of this article shall be a misdemeanor as set forth by §1-12(b) of the City Code; however, in the discretion of the investigating officer, a first offense under this article may be deemed a municipal civil infraction. **SECTION 2. SEVERABILITY.** This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect. **SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.** Any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed. **SECTION 4. RATIFICATION.** All other provisions of the code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed. **SECTION 5. PUBLICATION.** This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan. **SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect on May 1, 2024 and upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

Kuffa moved, Volz seconded, CARRIED, to introduce Ordinance (2024-01) as presented.

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

Nays: None

Ordinance Introduction (2024-02) Poolrooms- **AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 6 “AMUSEMENTS AND ENTERTAINMENTS,” ARTICLE IV “POOLROOMS,” SECTIONS 102 “DEFINITIONS” AND 103 “LICENSES FOR OPERATION OF POOLROOMS REQUIRED.” THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT.** Chapter 6, Article IV of the City Code is hereby amended to read as follows: **CHAPTER 6—AMUSEMENTS AND ENTERTAINMENTS ARTICLE IV.—POOLROOMS** Sec. 6-102. - Definitions. *Poolroom*, when used in this article, shall have the meaning of any place open to the public for playing pool or billiards, operated as the principal use of a business establishment. The use of pool or billiard tables as an accessory use to a business with a principal use of serving food or beverage is excepted from the definition of poolroom. Sec. 6-103. – Licenses for operation of poolrooms required. No person shall establish or operate a poolroom in the city unless a license has been issued and is conspicuously displayed at all times on the premises. No person shall operate or permit the operation of a poolroom unless a license has been issued under Chapter 18, “Businesses,” Articles I and II. Such license shall be conspicuous at all times on such premises. No person shall be granted a license to operate a poolroom unless he is at least twenty-one (21) years of age. No such license shall be granted except upon certification by the chief of police and the zoning administrator. **SECTION 2. SEVERABILITY.** This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect. **SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.** Any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed. **SECTION 4. RATIFICATION.** All other provisions of the code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed. **SECTION 5. PUBLICATION.** This Ordinance shall be published in accordance with the terms,

provisions, and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan. SECTION 6. EFFECTIVE DATE. This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

Volz moved, Kuffa seconded, CARRIED, to introduce Ordinance (2024-02) as presented.  
Ayes: Paul, Volz, Watt, Gottler, Kuffa, LaPorte, Cedar  
Nays: None

Resolution (24-01) Exemption Certificate revocation- A RESOLUTION REVOKING COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE NUMBER C2019-018 ISSUED TO SMDRP, LLC. 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 8th day of January, 2024 at 7:00 PM. **WHEREAS**, pursuant to P.A. 210 of 2005, as amended, after a duly noticed public hearing held on March 4, 2019, this City Council by resolution established the 301 North Sixth Street Commercial Rehabilitation District; and **WHEREAS**, the City of St. Clair approved a Commercial Rehabilitation application for SMDRP, LLC certificate number C2019-018 for property located at 301 North Sixth Street; and **WHEREAS**, SMDRP, LLC has both failed to proceed in good faith with the operation and the rehabilitation of the facility within the construction period allowed; **NOW, THEREFORE, BE IT RESOLVED BY** the City Council of City of St. Clair that the City Council hereby revokes Commercial Rehabilitation Exemption Certificate number C2019-018 for SMDRP, LLC for property located at 301 North Sixth Street.

Volz moved, Kuffa seconded, CARRIED, to adopt Resolution (24-01) as presented.  
Ayes: Volz, Watt, Gottler, Kuffa, LaPorte, Paul, Cedar  
Nays: None

### **RESOLUTION DECLARED ADOPTED**

### **REPORTS FROM ADMINISTRATION**

**City Superintendent** – Update provided on Clinton Ave bikepath mid-construction meeting. The project has paused for the winter. Another on-site meeting with the contractor is scheduled for Friday to go over retaining wall expectations. There will be another layer of asphalt placed when the project resumes. Councilmember Watt requested first phase of the project to be completed before starting the next one. Request heard to remove the light pole that is in the middle of the path.

**City Attorney**- None

**City Departments**- Chief Raker reported the Citizens Police Academy will be held Tuesdays 6p-9p beginning 2/9/24 for 10 weeks. St. Clair Chamber of Commerce requested a partial road closure on M29 (Vine to Jay) on 1/20/24 during Icy Bazaar Fireworks.

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

### **UNFINISHED BUSINESS** -None

### **NEW BUSINESS**

Approve award to Local Street project #1-7<sup>th</sup>, 8<sup>th</sup>, and portion of Pine

Kuffa moved, Paul seconded, CARRIED, to approve award to Astec Asphalt in the amount of \$358,606.88 and require a completion date of June 1, 2024.

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

Nays: None

Approve award to Local Street project #2-Palmer and Glendale

Kuffa moved, LaPorte seconded, CARRIED, to approve award to Astec Asphalt in the amount of \$200,537.15 and require a completion date of June 1, 2024.

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

Nays: Paul

Approve AEW Local Resurfacing Program proposal

Kuffa moved, Volz seconded, CARRIED, to approve recommendation to award Murray Underground Systems, Inc. in the amount of \$876,685.70 (\$796,987.00 plus 10% contingency) and require a completion date of mid-June.

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

Nays: None

Approve AEW Professional Services Proposal-Construction Observation & Inspection Services-

Kuffa moved, LaPorte seconded, CARRIED, to approve proposal for services for 7<sup>th</sup>, 8<sup>th</sup>, Pine, Palmer and Glendale road projects in the total amount of \$15,200.

Approve Council Representative appointments to Authorities, Boards & Commissions

Volz moved, Kuffa seconded, CARRIED, to approve Mayoral recommendations of Council Representative appointments to various city authorities, boards, and commissions as follows:

Board of Cemetery Trustees- Gottler, Downtown Development Authority-Paul, St. Clair Area Fire Authority-LaPorte, Golf Commission-Gottler, Harbor Commission-Kuffa, Historical Commission-Volz Library Commission-Volz, Planning Commission-LaPorte and Recreation Commission-Watt.

Approve Maner Costerisan Engagement letter for auditing purposes-

LaPorte moved, Volz seconded, CARRIED, to approve Maner Costerisan proposal for services in the amount of \$30,000 with the option for them to complete additional reports up to the amount of up to \$4000.

Approve Waste Management, WM, 5 year Contract-

Superintendent Bishop presented the contract as no change to the current rate and proposed rates for years 2 through 4. The proposed contract has a change to the recycling collection from weekly to biweekly and, within the next 2 years due to WM purchase of new equipment, states WM will provide specific 96-gallon containers.

Paul moved, LaPorte seconded, CARRIED, to table Waste Management 5-year contract as presented.

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

Nays: None

Approve special event permit application for ECSD Chili-Heart 5k Run/Walk

Council received a memorandum from East China Educational Foundation requesting that Council approve a special event permit for the Chili-Heart 5k Run/Walk event February 10<sup>th</sup>, 2024. The route includes segments of the bikepath & local roads. The applicant has complied with the necessary requirements of the Special Events Ordinance & issuance of the permit is respectfully recommended.

Kuffa moved, Volz seconded, CARRIED, to approve the special event permit as recommended.

**CLAIMS AND ACCOUNTS – December 21 & 27, 2023 and January 4, 2024**

Check register listing the bills for the period ending December 21, 2023 (check numbers 15262-58314) in the amount of \$231,640.94, for the period ending December 27, 2023 (check numbers 58315-58327) in the amount of \$149,461.61, for the period ending January 4, 2024 (check numbers 15328-58357) in the amount of \$100,206.11 and the most recent credit card register was presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of December 21 & 27, 2023, January 4, 2024 Claims and Accounts and accept the credit card register as presented.

**PUBLIC QUESTIONS AND COMMENTS –** Comments heard on the history of Clinton Ave bikepath and continued concern on the path, retaining wall, driveways and landscaping. Comment heard on Waste Management containers.

**MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS –** Special event: Icy Bazaar January 19-21, Fireworks 1/20/24.

**CLOSED SESSION** LaPorte moved, Kuffa seconded, CARRIED, to grant request for Closed

Session to Consider a Periodic Personnel Evaluation of City Superintendent and for the Purpose of Discussing a Confidential Attorney-Client Legal Opinion.

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

Nays: None

At 7:48pm, Council recessed into closed session and resumed regular session at 8:06pm.

No action was taken.

**ADJOURNMENT** at 8:07pm.

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayo