

**CITY OF ST CLAIR, MICHIGAN
REGULAR COUNCIL MEETING MINUTES
MONDAY, JANUARY 22, 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; Timothy Raker, Police Chief; Annette Sturdy, City Clerk.

AUDIENCE: There were 6 people in attendance.

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

- A. City Council Minutes of January 8, 2024 Special, Regular & Closed meetings: Approved
- B. St. Clair Housing Commission Minutes of December 12, 2023: Received

PRESENTATION

Water Treatment Plant Improvement Project updates-Fishbeck- Mark Parsley, Senior Water Engineer, provided updates on the Water Treatment Plant Improvement projects. The summary included history of the projects, DWSRF funding, the bidding process and results of one bidder, Weiss, the necessity of a revision of the scope of the project, EGLE capacity, locations of the current and planned infrastructure and overall construction project status. Weiss is expected to mobilize in March 2024 with a completion date of May 2025. The City is actively pursuing additional DWSRF funding. Along with the Water Treatment Plant improvements are additional water system improvements in the industrial park property area. These include a booster pump station, elevated storage tank and water main looping. That estimated construction will begin June 2024 and all 3 components complete by Fall 2025.

ORDINANCES AND RESOLUTIONS

Ordinance Adoption (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.

Volz moved, Kuffa seconded, CARRIED, to adopt Ordinance (2024-01) Cats as presented.
Ayes: Gottler, Kuffa, LaPorte, Paul, Volz, Watt, Cedar
Nays: None

ORDINANCE ADOPTED

Ordinance Adoption (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.

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

ORDINANCE ADOPTED

Ordinance Introduction (2024-03) International Property Maintenance Code, IMPC, update-
AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 14 "BUIDINGS AND BUILDING REGULATIONS," ARTICLE IX "PROPERTY MAINTENANCE CODE," SECTION 241 "CODE ADOPTED; PURPOSE; COPIES ON FILE" TO REFLECT A NEW ADDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE. THE CITY OF ST. CLAIR ORDAINS: SECTION 1. AMENDMENT. Sec. 14-241. - Code adopted; purpose; copies on file. The International Property Maintenance Code, 2024 Edition, is adopted by reference as the property maintenance code in the city. The purpose of this code is to regulate and govern the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of St. Clair, providing for the issuance of permits and collection of fees therefore. A complete copy of such code is available for public use and inspection at the office of the city clerk. The regulations set forth in the adopted code shall apply to all property, structures and buildings in the city. **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 upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

Kuffa moved, Paul seconded, CARRIED, to introduce Ordinance (2024-03) as presented.
Ayes: LaPorte, Paul, Volz, Watt, Gottler, Kuffa, Cedar
Nays: None

Resolution (24-02) Approve Poverty Exemption Policy and guidelines-

A RESOLUTION FOR THE ANNUAL ADOPTION OF GUIDELINES FOR POVERTY EXEMPTIONS

WHEREAS, the adoption of guidelines for poverty exemptions is required of the City Council; and WHEREAS, the principal residence of persons, who the Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or part from taxation under Public Act 390 of 1994 (MCL 211.7u); and WHEREAS, pursuant to PA 390 of 1994, the City of St. Clair, St. Clair County, adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year; To be eligible, a person shall do all the following on an annual basis:

1. Be an owner of and occupy as a principal residence the property for which an exemption is requested.
2. File a claim with the Assessor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year or a signed State Tax Commission Form

4988, *Poverty Exemption Affidavit*.

3. Produce a valid driver's license or other form of identification if requested.

4. Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.

5. Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.

6. The application for an exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

7. The Board of Review shall follow the guidelines of the local assessing unit in granting or denying an exemption.

8. Persons applying for a hardship exemption will be encouraged to meet in person with the Board of Review in order to answer any questions relative to their application. Applicants or their authorized agents may have to answer questions regarding such subjects as financial affairs, health and/or the status of people living in their home at a meeting that is open to the public.

9. A person who files for a hardship exemption is not prohibited from also filing an appeal on the assessment and/or taxable value.

10. The applicant must also meet the Asset Guidelines in accordance with PA 253 of 2020 as adopted by the City of St Clair (which are attached).

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Assessor and the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption,

Kuffa moved, LaPorte seconded, CARRIED, to adopt Resolution (24-02) as presented.

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

Nays: None

RESOLUTION DECLARED ADOPTED

REPORTS FROM ADMINISTRATION

City Superintendent – Reports provided on the Cox sidewalk TAP grant application, road preservation options, 2024 Maintenance plan including the crack sealing schedule and acknowledgement of Senior Van driver exceptional customer service and Clerk MMC designation.

City Attorney- None

City Departments- Report provided by City Clerk on 2/27/24 Election early voting schedule.

Authority, Board, Commission, Committee Chairman or Council Representative – Councilmember Watt discussed Clinton Ave. sidewalk completion schedule.

UNFINISHED BUSINESS -None

NEW BUSINESS

Approve AEW Professional Services Proposal-Construction Observation & Inspection Services- Oakwood, Jackson and Hugo-

Volz moved, Kuffa seconded, CARRIED, to approve proposal for services in the amount of \$91,653.50

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

Nays: None

Approve Waste Management multi-year Contract- Superintendent Bishop addressed concerns on the contract including recycling schedule, size of containers, bulk item and extra bag pickup.

Volz moved, Kuffa seconded, CARRIED, to approve the contract as presented.

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

Nays: None

Approve purchase of Dodge Durango for SCPD-

Kuffa moved, Volz seconded, CARRIED, to approve purchase of a 2023 Dodge Durango in the amount of \$42,000 plus upfitting in the amount of \$10,000 that is expected to be covered by a private donation.

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

Nays: None

Approve special event permit application for St. Clair Chamber of Commerce Rockin' in the Plaza summer concerts- Council received a memorandum from Chief Raker requesting that Council approve a special event permit for St. Clair Chamber of Commerce to conduct Rockin' in the Plaza summer concerts May (Memorial Day weekend) through September (Labor Day weekend). 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 – January 11 & 18, 2024

Check register listing the bills for the period ending January 11, 2024 (check numbers 58358-58406) in the amount of \$586,337.92 and for the period ending January 18, 2024 (check numbers 58407-58444) in the amount of \$115,277.62 was presented for Council review.

LaPorte moved, Kuffa seconded, CARRIED, to approve payments of January 11 & January 18, 2024 Claims and Accounts as presented.

PUBLIC QUESTIONS AND COMMENTS – None

MAYOR AND COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS – Thank you St. Clair Chamber for the Icy Bazaar and fireworks show.

CLOSED SESSION Kuffa moved, Paul seconded, CARRIED, to grant request for Closed Session for the Purpose of Discussing a Confidential Attorney-Client Legal Opinion and to Consider a Periodic Personnel Evaluation of City Superintendent.

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

Nays: None

At 7:49pm, Council recessed into closed session and resumed regular session at 8:21pm.

Kuffa moved, Paul seconded, CARRIED, to approve amendments to City Superintendent employment agreement.

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

Nays: Watt, with clarification of support to compensation and vacation but not severance.

ADJOURNMENT at 8:24pm.

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor