

# CITY COUNCIL PROCEEDINGS

St. Louis, Michigan

January 5, 2021

The regular meeting of the Saint Louis City Council was called to order by Mayor James Kelly on Tuesday, January 5, 2021 at 6:00 p.m. via Conference Call. Public participation was made available by conference call or in-person at City Hall.

Council Members Present: Via Conference Call Mayor James C. Kelly, Roger L. Collison, George T. Kubin, William R. Leonard, Thomas L. Reed (all members called-in from within the City of St. Louis).

Council Members Absent: None

City Manager: Kurt Giles – City Hall Council Chambers  
City Clerk: Mari Anne Ryder – via Conference Call  
Police Chief: Richard Ramereiz – City Hall Council Chambers

Others in Attendance Via Conference Call:

Keith Risdon – Public Services Director, Mark Abbott – Public Works Superintendent, Bobbi Marr – Finance Director, Ralph Echtenaw – St. Louis Sentinel

## **City Council Minutes.**

Moved by Reed, supported by Collison, to approve the minutes of the Regular Meeting held on December 15, 2020.

Roll call vote:

Ayes: Reed, Collison, Kubin, Leonard, Kelly

Nays: None

Motion carried.

## **Claims & Accounts.**

City Council discussed the Claims & Accounts.

Moved by Reed, supported by Leonard, to approve the Claims & Accounts in the amount of \$369,144.07.

Roll call vote:

Ayes: Reed, Leonard, Collison, Kelly

Nays: None

Abstain: Kubin

Motion carried.

## **Monthly Board Minutes.**

City Council discussed the December, 2020 Monthly Board Minutes.

Moved by Kubin, supported by Reed, to receive the December, 2020 Monthly Board Minutes and place on file.

Roll call vote:

Ayes: Kubin, Reed, Collison, Leonard, Kelly

Nays: None

Motion carried.

## **Audience Recognition.**

There were no comments.

## **Consent Agenda.**

Mayor Kelly requested approval/receipt of Consent Agenda items "a" through "d" as shown below:

- a. Payment to Weekes Forest Products for Electric Poles.
- b. Payment to Fishbeck for Professional Services – Well 12.
- c. Payment to Berthiaume & Company for 2019-2020 Audit.
- d. Correspondence from EGLE (receive).

Moved by Kubin, supported by Leonard, to approve Consent Agenda items "a" through "d."

Roll call vote:

Ayes: Kubin, Leonard, Collison, Reed, Kelly

Nays: None.

Motion carried.

## **New Business.**

### **Resolution 2021-01 Annual State Trunkline Right of Way Permit.**

City Manager Giles requested Council Members adopt Resolution 2021-01 for the Michigan Department of Transportation State Trunkline Right of Way Permit Application.

The following preamble and resolution were offered by Member Reed, and supported by Member Collison:

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way" or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way."

**RESOLVED WHEREAS**, the City of St. Louis

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

**NOW THEREFORE**, in consideration of the DEPARTMENT granting such PERMIT, the

GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful act of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to

indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to DEPARTMENT.

3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENT AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The GOVERNMENTAL AGENCY, will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to the PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

**BE IT FURTHER RESOLVED**, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Name:

Kurt Giles  
Keith Risdon

Title:

City Manager  
Utilities Director

Ayes: Reed, Collison, Kubin, Leonard, Kelly  
Nays: None

Resolution Declared Adopted this 5<sup>th</sup> day of January, 2021.

### **Appointment of City Board and Commission Members.**

Manager Giles requested members appoint the following Board & Commission Members:

Moved by Collison, supported by Leonard, to appoint the following Board & Commission Members:

Vacancies

Sue Whitford	Board of Review Board of Spec. Asses. Planning Commission	1-Cemetery Committee 3-Bldg Code Board of Appeals 1-Board of Review 1-Planning Commission
Terry Root	Board of Review	2-Zoning Board of Appeals 1-Library
Don Kelley	Board of Review	
Tom Reed	Board of Review	
Mary Reed	Cemetery Committee Parks Commission	
Thomas Wright	Housing	
Dana Saurman	DDA Board	
Brandon Flegel	DDA Board	
Steve Near	DDA Board	
Don Burch	Housing Commission	
Teresa Jewell	Library Board	
Dorothy Trgina	Parks & Rec.	
Kristy Hardy	Parks & Rec.	
Donna Kelley	Planning Commission	

Roll call vote:

Ayes: Collison, Leonard, Kubin, Reed, Kelly

Nays: None.

Motion carried.

**Approve Designation of City Official Newspapers.**

City Manager Giles requested City Council Members designate the Gratiot County Herald and the Morning Sun as the City's Official Newspapers for the Year 2021.

Moved by Kubin, supported by Collison, to designate the Gratiot County Herald and the Morning Sun as the City's Official Newspapers for the Year 2021.

Roll call vote:

Ayes: Kubin, Collison, Leonard, Reed, Kelly

Nays: None

Motion carried.

**Approve Designation of Official Depositories for City Funds.**

City Manager Giles requested City Council Members designate TCF Bank, St. Louis Commercial Bank, Mercantile

Bank of Alma/Ithaca, US Bank of Detroit, First of America Bank of Detroit, Isabella Bank & Trust of Breckenridge, Michigan CLASS and Huntington Banks as Official Depositories for City Funds for the Year 2020.

Moved by Reed, supported by Leonard, to designate TCF Bank, St. Louis Commercial Bank, Mercantile Bank of Alma/Ithaca, US Bank of Detroit, First of America Bank of Detroit, Isabella Bank & Trust of Breckenridge, Michigan CLASS and Huntington Bank as Official Depositories for City Funds for the Year 2021.

Roll call vote:

Ayes: Reed, Leonard, Collison, Kubin, Kelly

Nays: None

Motion carried.

### **Cash Rent Contract.**

Manager Giles requested approval of the Cash Rent Contract between the City of St. Louis and Gadde Farms, which allows Gadde Farms to rent the 75 tillable acres owned by the City that is located in Section 4 of Arcada Township in the amount of \$9,260.00 for the 2021 growing season.

Discussion was held.

Moved by Collison, supported by Leonard, to approve the Cash Rent Contract between the City of St. Louis and Gadde Farms in the amount of \$9,260.00.

Roll call vote:

Ayes: Collison, Leonard, Kubin, Reed, Kelly

Nays: None.

Motion carried.

### **Re-appointment to Gratiot Area Water Authority (GAWA) Board.**

Manager Giles requested Council Members re-appoint Tom Reed to the GAWA Board of Trustees for a term of two years (2021/2022).

Moved by Leonard, supported by Collison, to re-appoint Tom Reed to the GAWA Board of Trustees for a term of two years.

Roll call vote:

Ayes: Leonard, Collison, Kubin, Reed, Kelly

Nays: None

Motion carried.

### **Appointment of Board of Review Member.**

Manager Giles requested members appoint Mary Reed to the Board of Review for the year 2021.

Member Leonard stated he thinks Mary will be a great Board of Review Member.

Moved by Collison, supported by Leonard, to appoint Mary Reed to the Board of Review.

Roll call vote:

Ayes: Collison, Leonard, Kubin, Reed, Kelly

Nays: None

Motion carried.

**City Manager Report.**

Nothing to report.

**City Clerk Report.**

Nothing to report.

**Police Chief Report.**

Nothing to report.

**Council Comments.**

Member Kubin stated DPW staff did a great job with snow removal. Mayor Kelly agreed.

**Public Comments.**

Ralph Echtenaw asked about Cemetery vandalism. Chief Ramereiz stated the incident is still being investigated.

**Adjournment.**

Moved by Reed, supported by Kubin, to adjourn at 6:31 p.m.

Roll Call:

Ayes: Reed, Kubin, Collison, Leonard, Kelly

Nays: None

Motion carried.

Mari Anne Ryder, City Clerk