

# CITY COUNCIL PROCEEDINGS

St. Louis, Michigan  
January 3, 2022

The regular meeting of the Saint Louis City Council was called to order by Mayor Thomas L. Reed on Monday, January 3, 2022 at 7:00 p.m. in the City Hall Council Chambers.

Council Members Present: Mayor Thomas L. Reed, Roger L. Collison, George T. Kubin, William R. Leonard, Elizabeth A. Upton

Council Members Absent: None

City Manager: Kurt Giles  
City Clerk: Mari Anne Ryder  
Police Chief: Richard Ramereiz

Others in Attendance:

None.

## **Appointment of Mayor Pro Tem.**

Moved by Kubin, supported by Upton, to appoint Council Member Roger Collison as Mayor Pro Tem. All ayes carried the motion.

Mayor Reed led the Pledge of Allegiance.

## **City Council Minutes.**

Moved by Leonard, supported by Kubin, to approve the minutes of the Regular Meeting held on December 21, 2021. All ayes carried the motion.

## **Claims & Accounts.**

City Council discussed the Claims & Accounts.

Moved by Kubin, supported by Leonard, to approve the Claims & Accounts in the amount of \$316,426.28. All ayes carried the motion.

## **Monthly Board Minutes.**

City Council discussed the December, 2021 Monthly Board Minutes.

Moved by Collison, supported by Leonard, to receive the December, 2021 Monthly Board Minutes and place on file. All ayes carried the motion.

**Audience Recognition.**

There were none.

**Consent Agenda.**

Mayor Reed requested approval/receipt of Consent Agenda items “a” and “b” as shown below:

- a. Correspondence from EGLE – receive.
- b. Payment to Spicer Group for Professional Services – Main Street Bridge Design.

Moved by Kubin, supported by Leonard, to approve Consent Agenda items “a” and “b.” All ayes carried the motion.

**New Business.**

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

City Manager Giles requested Council Members adopt Resolution 2022-01 for the Michigan Department of Transportation State Trunkline Right of Way Permit Application.

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

**RESOLVED WHEREAS**, the City of St. Louis hereinafter referred to as the “MUNICIPALITY,” 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 MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution 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 MUNICIPALITY is performed by a contractor, the MUNICIPALITY 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

MUNICIPALITY. Failure of the MUNICIPALITY 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 MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY 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 MUNICIPALITY, 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 MUNICIPALITY.
4. The MUNICIPALITY 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 MUNICIPALITY, 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 MUNICIPALITY'S facilities according to the PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by PERMIT, when the MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY.

Title and/or Name:

Kurt Giles, City Manager

Keith W. Risdon, PE, Public Services Director

Ayes: Leonard, Collison, Kubin, Upton, Reed

Nays: None

Resolution Declared Adopted.

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

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

Moved by Kubin, supported by Leonard, to appoint the following Board & Commission Members: All ayes carried the motion.

Sue Whitford	Board of Review Zoning Board of App	1-Cemetery Committee 1-Bldg Code Board of Appeals
Tom Reed	Parks & Rec. ZBA	
Don Kelley	Board of Review	
Mary Reed	Board of Review	
Kevin Taylor	Housing	
Sean Kelly	Planning Commission	
Amanda Kelly	Parks & Recreation	
Dan Doepker	Bld. Code Board of App.	
Kevin Palmer	Planning Commission	
Corey Bailey	DDA	
Scott Morrow	DDA	
Holly Harris Bill Leonard	Library Board of Review	

Robin Hart  
Cemetery  
Bldg. Code Board of Appeals  
Zoning Board of Appeals

Don Burch  
Planning Commission  
Bldg. Code of Appeals

**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 2022.

Moved by Kubin, supported by Leonard, to designate the Gratiot County Herald and the Morning Sun as the City’s Official Newspapers for the Year 2022. All ayes carried the motion.

**Approve Designation of Official Depositories.**

Manager Giles requested members designate St. Louis Commercial Bank, Mercantile Bank of Alma/Ithaca, US Bank of Detroit, First of America Bank of Detroit, Isabella Bank of Breckenridge/Mt. Pleasant, Michigan CLASS and Huntington Bank as the Official Depositories for the year 2022.

Moved by Kubin, supported by Collison, to approve to designate St. Louis Commercial Bank, Mercantile Bank of Alma/Ithaca, US Bank of Detroit, First of America Bank of Detroit, Isabella Bank of Breckenridge/Mt. Pleasant, Michigan CLASS and Huntington Bank as the Official Depositories for the year 2022. All ayes carried the motion.

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

Manager Giles requested Council Members re-appoint Bill Leonard to the GAWA Board of Trustees for a term of two years (2022/2023).

Moved by Kubin, supported by Upton, to re-appoint Bill Leonard to the GAWA Board of Trustees for a term of two years. All ayes carried the motion. Member Leonard abstained.

**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 that is owned by the City located in Section 4 of Arcada Township in the amount of \$10,000.00 for the 2022 growing season.

Discussion was held.

Moved by Collison, supported by Upton, to approve the Cash Rent Contract between the City of St. Louis and Gadde Farms in the amount of \$10,000.00. All ayes carried the motion.

**City Manager Report.**

Manager Giles updated members on the progress of cleanup of the former Velsicol site.

Manager Giles informed members Calvin Martyn has accepted the position as DPW Supervisor.

**City Clerk Report.**

Nothing to report.

**Police Chief Report.**

Nothing to report.

**Council Comments.**

Members welcomed new City Council Member Liz Upton.

Member Leonard stated he was pleased to see Public Works out plowing Sunday.

**Public Comments.**

There were none.

**Closed Session to Discuss Property Purchase.**

Motion by Collison, supported by Leonard, to go into closed session to discuss a property purchase at 7:29 p.m.

Roll Call:

Ayes: Collison, Leonard, Kubin, Upton, Reed

Nays: None

Motion carried.

**Return to Open Session.**

Council returned to open session at 7:56 p.m.

**Property Purchase.**

Moved by Kubin, supported by Upton to authorize the City Manager to enter into a Purchase Agreement to buy property located at 110 West Jackson Road in the amount of \$34,900.00. All ayes carried the motion.

**Adjournment.**

Moved by Leonard, supported by Upton, to adjourn at 7:57 p.m. All ayes carried the motion.

Mari Anne Ryder, City Clerk

**Cemetery Board of Trustees Meeting - Call to Order.**

Mayor Reed called the Oak Grove Cemetery Board of Trustees Meeting to order on January 3, 2022 at 7:58 p.m.

**Cemetery Board Minutes.**

Moved by Trustee Kubin, supported by Trustee Leonard, to approve the minutes of the regular meeting held on Tuesday, January 5, 2021. All ayes carried the motion.

**Financials.**

Moved by Trustee Kubin, supported by Trustee Collison, to receive the Financial Reports through Fiscal Year ending June 30, 2021 and place on file. All ayes carried the motion.

**Annual Report.**

The Annual 2021 Oak Grove Cemetery Report was reviewed by the Board of Trustees.

Moved by Trustee Kubin, supported by Trustee Leonard, to receive the 2021 Annual Oak Grove Cemetery Report and place on file. All ayes carried the motion.

**Other Business.**

None.

**Public Comments.**

There were none.

**Adjournment.**

Moved by Trustee Leonard, supported by Trustee Collison, to adjourn the Oak Grove Cemetery Board of Trustees meeting at 8:01 p.m. All ayes carried the motion.

Mari Anne Ryder, City Clerk