

CITY COUNCIL PROCEEDINGS

St. Louis, Michigan
January 6, 2020

In the absence of the Mayor and there being no Mayor Pro Tem appointed yet, the regular meeting of the Saint Louis City Council was called to order by the Clerk of the Council, Mari Anne Ryder on Monday, January 6, 2020 at 7:00 p.m. in the City Hall Council Chambers.

Council Members Present: Roger L. Collison, George T. Kubin, Bill Leonard, Thomas L. Reed

Council Members Absent: Mayor James C. Kelly (excused)
City Manager: Kurt Giles
City Clerk: Mari Anne Ryder
Police Chief: Richard Ramereiz

Others in Attendance:

Keith Risdon – Public Services Director, Mark Abbott – DPW Superintendent, Ralph Echtenaw – St. Louis Sentinel, Emma Selmon – Gratiot County Herald

The floor was opened for nominations for the appointment of Mayor Pro Tem.

Motion by Collison, supported by Reed to appoint George Kubin as Mayor Pro Tem. All ayes carried the motion.

Member Reed led the Pledge of Allegiance to the Flag.

City Council Minutes.

Moved by Reed, supported by Leonard, to approve the minutes of the Regular Meeting held on December 17, 2019. All ayes carried the motion.

Claims & Accounts.

City Council discussed the Claims & Accounts.

Moved by Collison, supported by Reed, to approve the Claims & Accounts in the amount of \$492,027.48. All ayes carried the motion.

Monthly Board Minutes.

City Council discussed the December, 2019 Monthly Board Minutes.

Moved by Reed, supported by Leonard, to receive the December, 2019 Monthly Board Minutes and place on file. All ayes carried the motion.

Audience Recognition.

There were no comments.

Consent Agenda.

Mayor Pro Tem Kubin requested approval/receipt of Consent Agenda items “a” through “e” as shown below:

- a. Payment to Berger Chevrolet for Pickup Truck.
- b. Payment to Fishbeck for Professional Services – Well 12.
- c. Payment to Spicer for Load Rate Study.
- d. Payment to Spicer for Professional Services – Water Network GIS.
- e. Payment to NutriGro for Biosolids Land Application.

Moved by Reed, supported by Collison, to approve Consent Agenda items “a” through “e.” All ayes carried the motion.

New Business.

Resolution 2019-01 Annual State Trunkline Right of Way Permit.

City Manager Giles requested Council Members adopt Resolution 2020-01 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 Leonard:

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, Leonard, Collison, Kubin

Nays: None

Resolution Declared Adopted this 7th day of January, 2020.

Appointment of City Board and Commission Members.

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

Sue Whitford	Board of Review	1-Cemetery Committee
	Board of Spec. Asses.	2-Bld. Code of Appeals
Bill Leonard	Board of Spec. Asses.	
	Zoning Board of Appeals	
Don Kelley	Board of Review	
Tom Reed	Board of Review	
	Planning Commission	
Bill Coty	DDA Board	
Jerry Lewis	DDA Board	
Thomas Wright	Housing Commission	
Mary Reed	Library Board	
Michelle Kelly	Library Board	
Melissa Allen	Parks & Rec.	

Amanda Kelly
Ron Salladay
Dan Doepker

Parks & Rec.
Parks & Rec.
Planning Commission

All ayes carried the motion.

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 2020.

Moved by Collison, supported by Leonard, to designate the Gratiot County Herald and the Morning Sun as the City's Official Newspapers for the Year 2020. All ayes carried the motion.

Approve Designation of Official Depositories for City Funds.

City Manager Giles requested City Council Members designate St. Louis Chemical Bank & Trust, 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 Collison, to designate St. Louis Chemical Bank & Trust, 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 2020. All ayes carried the motion.

Designation of City Attorneys.

Manager Giles requested members approve to designate Fortino Plaxton Costanzo PC; Smith Boville PC; Plunkett & Cooney; Varnum LLP; Miller Canfield; and Keller, Thoma PC as City Attorneys for the term of two years (2020 & 2021) for the City of St. Louis.

Moved by Leonard, supported by Reed, to approve to designate Fortino Plaxton Costanzo PC; Smith Boville PC; Plunkett & Cooney; Varnum LLP; Miller Canfield; and Keller, Thoma PC as City Attorneys for the term of two years (2020 & 2021) for the City of St. Louis. All ayes carried the motion.

Appointment by Mayor to Parks & Recreation Commission.

Manager Giles stated that according to City Charter the Mayor is to appoint a Council Member to the Parks and Recreation Commission. Melissa Allen served in this position and is no longer a Council Member.

Discussion was held.

Mayor Pro Tem Kubin appointed Tom Reed to the Parks & Recreation Commission.

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

Manager Giles requested Council Members re-appoint Melissa Allen to the GAWA Board of Trustees for a term of two years (2020/2021).

Moved by Reed, supported by Leonard, to re-appoint Melissa Allen to the GAWA Board of Trustees for a term of two years. All ayes carried the motion.

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 2020 growing season.

Discussion was held.

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

Request for Proclamations.

Manager Giles stated a request from the Daughters of the American Revolution was received asking that the Mayor Proclaim February 1st through February 29th as African American History Month in the City of St. Louis and the month of March as Women’s History Month subject to receiving the correct wording for the “Now, Therefore” Section.

Mayor Pro Tem Kubin so Proclaimed.

City Manager Report.

Manager Giles informed members of the following:

1. The drillers have begun test borings at the Luce Road site for Well 12.
2. The Insitu thermo treatment project is going along smoothly
3. The Complete Count Committee is meeting Wednesday at noon at City Hall.

City Clerk Report.

None.

Police Chief Report.

None.

Council Comments.

Council Member Leonard stated it is an honor and a pleasure to take his seat.

Member Reed inquired on the Maple Street Project.

Member Collison inquired on Hazel Street Gas Main Project.

Mayor Pro Tem Kubin welcomed new members Collison and Leonard and stated he was pleased to be serving with them.

Mayor Pro Tem Kubin stated there is a Downtown meeting Wednesday at 6 p.m. and the Goal Setting Meeting is Wednesday January 15th at 8:00 a.m. so if the new members wanted anything added to the Agenda, let the City Manager know.

Public Comments.

There were no comments.

Adjournment.

Moved by Reed, supported by Leonard, to adjourn at 7:30 p.m. All ayes carried the motion.

Mari Anne Ryder, City Clerk

Cemetery Board of Trustees Meeting – Call to Order.

Mayor Pro Tem Kubin called the Oak Grove Cemetery Board of Trustees Meeting to order at 7:30 p.m.

Cemetery Board Minutes.

Moved by Trustee Kubin, supported by Trustee Reed, to approve the minutes of the regular meeting held on Wednesday, January 2, 2019. All ayes carried the motion.

Financials.

Moved by Trustee Collison, supported by Trustee Leonard, to receive the Financial Reports through Fiscal Year ending June 30, 2019 and place on file. All ayes carried the motion.

Annual Report.

The Annual 2019 Oak Grove Cemetery Report was reviewed by the Board of Trustees.

Moved by Trustee Reed, supported by Trustee Collison, to receive the 2019 Annual Oak Grove Cemetery Report and place on file. All ayes carried the motion.

Other Business.

None.

Public Comments.

There were no comments.

Adjournment.

Moved by Trustee Leonard, supported by Trustee Collison, to adjourn the Oak Grove Cemetery Board of Trustees meeting at 7:35 p.m. All ayes carried the motion.

Mari Anne Ryder, City Clerk