

CITY COUNCIL PROCEEDINGS

St. Louis, Michigan
January 3, 2023

The regular meeting of the Saint Louis City Council was called to order by Mayor Thomas L. Reed on Monday, January 3, 2023 at 6:00 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:

Keith Risdon – Public Services Director, Bobbie Marr – Finance Director, Mary Reed – Resident, Ralph Echinaw – St. Louis Sentinel, Michelle Worthy & one high school student

Member Upton led the Pledge of Allegiance.

City Council Minutes.

Moved by Collison, supported by Upton, to approve the minutes of the Regular Meeting held on December 20, 2022. 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 \$391,570.62. All ayes carried the motion.

Monthly Board Minutes.

City Council discussed the December, 2022 Monthly Board Minutes.

Moved by Kubin, supported by Collison, to receive the December, 2022 Monthly Board Minutes and place on file. All ayes carried the motion.

Audience Recognition.

There were no comments.

Consent Agenda.

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

- a. Payment to Crawford Const. for M-46 Water Main Upgrade.
- b. Payment to Michigan AgriBusiness Solutions for Biosolid Land Application.

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

New Business.

Resolution 2023-01 Annual State Trunkline Right of Way Permit.

City Manager Giles requested Council Members adopt Resolution 2023-01 for the Michigan Department of Transportation State Trunkline Right of Way Permit Application.

The following preamble and resolution were offered by Member Kubin, and supported by Member Upton:

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: Kubin, Upton, Collison, Leonard, 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 Collison, to appoint the following Board & Commission Members: All ayes carried the motion.

Sue Whitford	Board of Review Zoning Board of App Planning Commission
Mary Reed	Parks & Rec. Board of Review Library
Don Kelley	Board of Review
Bill Leonard	Housing Board of Review Cemetery ZBA Brd. Of Special Assess.
Tom Reed	Bldg. Code Brd. Of Appeals
Mary Peterman	DDA
George Kubin	DDA
Cheryl Lombard	Library
Dorothy Trgina	Parks & Rec.
Kristy Hardy	Parks & Rec.
Dan Doepker	Planning
Donna Kelley	Planning

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 2023.

Moved by Collison, supported by Upton, to designate the Gratiot County Herald and the Morning Sun as the City’s Official Newspapers for the Year 2023. All ayes carried the motion.

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 2023.

Moved by Upton, supported by Leonard, 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 2023. All ayes carried the motion.

Designation of City Attorneys.

Manager Giles requested members approve to designate Smith Boville PC; Plunkett & Cooney; Varnum LLP; Miller Canfield; and Keller, Thoma PC as City Attorneys for the term of two years (2023 & 2024) for the City of St. Louis.

Moved by Kubin, supported by Upton, to approve to designate Smith Boville PC; Plunkett & Cooney; Varnum LLP; Miller Canfield; and Keller, Thoma PC as City Attorneys for the term of two years (2023 & 2024) for the City of St. Louis. 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 that is owned by the City located in Section 4 of Arcada Township in the amount of \$10,000.00 for the 2023 growing season.

Discussion was held.

Moved by Leonard, supported by Collison, to approve the Cash Rent Contract between the City of St. Louis and Gadde Farms in the amount of \$10,000.00 for the 2023 growing season. All ayes carried the motion.

Power Purchase Commitment Authorization.

Manager Giles requested members approve the Power Purchase Commitment Authorization at the Contract Rate in Exhibit A, which is an amendment. Due to supply issues and other circumstances, the project will start two years later than originally expected and there is a three percent increase.

Discussion was held.

Moved by Kubin, supported by Upton, to approve the Power Purchase Commitment Authorization in the amounts shown on Exhibit A Contract Rate. All ayes carried the motion.

Repair to Pump #3 at the Union Street Pump Station.

Manager Giles requested members approve repairs to Pump #3 at the Union Street Pump Station by Jett Pump & Valve in the amount of \$29,821.01.

Discussion was held.

Moved by Leonard, supported by Upton, to approve repairs to Pump #3 at the Union Street Pump Station by Jett Pump & Valve in the amount of \$29,821.01.

Purchase F-350 Truck for Water Department.

Manager Giles requested members approve the purchase of a Ford F-350 Truck for the Water Department, which will replace the 2007 Truck, from Feldman Ford in the amount of \$83,095.00.

Discussion was held.

Moved by Collison, supported by Leonard, to approve the purchase of a F-350 Truck with a Knapheide box from Feldman Ford in the amount of \$83,095.00. All ayes carried the motion.

Set Public Hearing – Park Plan Adoption.

Manager Giles requested members set a Public Hearing for January 17, 2023 at 6:00 PM to consider adoption of the updated 5 – Year Parks & Recreation Plan.

Moved by Kubin, supported by Collison, to set a Public Hearing for January 17, 2023 at 6:00 PM to consider adoption of the updated Parks & Recreation Plan. All ayes carried the motion.

Mayor Reed called a recess at 6:29 p.m.

Cemetery Board of Trustees Meeting - Call to Order.

Mayor Reed called the Oak Grove Cemetery Board of Trustees Meeting to order on January 3, 2023 at 6:29 p.m.

Cemetery Board Minutes.

Moved by Trustee Kubin, supported by Trustee Collison, to approve the minutes of the regular meeting held on January 3, 2022. All ayes carried the motion.

Financials.

Moved by Trustee Collison, supported by Trustee Upton, to receive the Financial Reports through Fiscal Year ending June 30, 2022 and place on file. All ayes carried the motion.

Annual Report.

The Annual 2022 Oak Grove Cemetery Report was reviewed by the Board of Trustees.

Moved by Trustee Kubin, supported by Trustee Leonard, to receive the 2022 Annual Oak Grove Cemetery Report and place on file. All ayes carried the motion.

Public Comments.

There were no comments.

Adjournment.

Moved by Trustee Kubin, supported by Trustee Leonard, to adjourn the Oak Grove Cemetery Board of Trustees meeting at 6:32 p.m. All ayes carried the motion.

Mari Anne Ryder, City Clerk

Mayor Reed called the Council Meeting back in session at 6:32 p.m.

Other Business.

There was no other business.

City Manager Report.

Manager Giles informed members of the following:

1. On the evening of December 23rd a call was received to generate at 6:00 p.m. Within two hours the City has to have generators up and online each time a call is received. There was an issue with the closure on engine #7 that couldn't be resolved so the Electric Department

switched to Engines #8 and #9. They generated approximately two hours and will be working to resolve the issue with Engine #7.

2. The City Clerk position has been posted internally and remain posted for eight days.

City Clerk Report.

Nothing to report.

Police Chief Report.

Chief Ramereiz updated members on the 2016 Police Car repairs.

Chief Ramereiz introduced Kyle Eisenberger, who will begin attending the Police Academy. Members welcomed Kyle.

Chief also stated the recent graduate Jakin Clark started working two weeks ago and is doing well.

Council Comments.

Member Kubin asked if there is a testing schedule for the generators. Manager Giles stated they are tested each year in the summer.

Member Leonard stated there is a resident that is still having issues with her solid waste bin.

Mayor asked Chief Ramereiz on the status of the fire in Hemlock. Chief was unsure of what caused the fire.

Public Comments.

There were no comments.

Adjournment.

Moved by Leonard, supported by Upton, to adjourn at 6:42 p.m. All ayes carried the motion.

Mari Anne Ryder, City Clerk