

CITY COUNCIL PROCEEDINGS

St. Louis, Michigan
January 8, 2024

The regular meeting of the Saint Louis City Council was called to order by Mayor Ralph R. Echtenaw on Monday, January 8, 2024 at 7:00 p.m. in the City Hall Council Chambers.

Council Members Present: Mayor Ralph R. Echtenaw, Fares E. Azzam, William R. Leonard, Kevin D. Palmer, Elizabeth A. Upton.

Council Members Absent: None

City Manager: Kurt Giles
City Clerk: Jamie Long
Police Chief: Richard Ramereiz

Others in Attendance:

Bobbie Marr – Finance Director, Jan Bunting, and Liddy Azzam.

Mayor Echtenaw led the Pledge of Allegiance.

Reappointment of Kevin Palmer to the City Council.

Mayor Echtenaw introduced the topic of reappointing Kevin Palmer to the City Council.

Discussion was held.

Moved by Leonard, supported by Upton, to reappoint Kevin Palmer to the City Council.

Ayes: Leonard, Upton, Azzam, Echtenaw
Nays: None

Palmer joined members at the Council Table.

Appointment of Mayor Pro Tem.

Moved by Azzam, supported by Upton, to appoint Council Member Leonard as Mayor Pro Tem.

Ayes: Azzam, Upton, Palmer, Echtenaw
Nays: None
Abstain: Leonard

Appointment to the Parks & Recreation Commission.

Mayor Echtenaw appointed Member Azzam to the Parks & Recreation Commission.

City Council Minutes.

Moved by Upton, supported by Leonard, to approve the minutes of the Regular Meeting held on December 19, 2023. All ayes carried the motion.

Claims & Accounts.

City Council discussed the Claims & Accounts.

Moved by Upton, supported by Palmer, to approve the Claims & Accounts in the amount of \$741,142.55. All ayes carried the motion.

Monthly Board Minutes.

City Council discussed the December, 2023 Monthly Board Minutes.

Moved by Leonard, supported by Palmer, to receive the December, 2023 Monthly Board Minutes and place on file. All ayes carried the motion.

Audience Recognition.

Jan Bunting introduced herself to the council and discussed the boards she is a member of. Jan let the council know of the need for paramedics in the area.

Consent Agenda.

Mayor Echtenaw requested approval/receipt of Consent Agenda items “a” through “c” as shown below:

- a. Payment to Berthiaume & Company for June 30, 2023 Audit.
- b. Payment to Etna Supply Company for Sensus Logic Annual Hosting Fee.
- c. Payment to GRP Engineering, Inc. for Interconnection Agreement Services.

Moved by Upton, supported by Leonard, to approve Consent Agenda items “a” through “c.” All ayes carried the motion.

New Business.

Appointment of City Boards and Commission Members.

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

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

<u>Name</u>	<u>Board</u>
Sue Whitford	Board of Review Board of Special Assessments
Mary Reed	Board of Review
Don Kelley	Board of Review
Bill Leonard	Board of Special Assessments
Dan Doepker	Building Code Board of Appeals
Randy Mead	Parks & Recreation
Craig Zeese	Parks & Recreation
Don Burch	Zoning Board of Appeals Building Code Board of Appeals
Bill Coty	DDA
Jerry Lewis	DDA
Dan Eilts	DDA
Dawn McKay	Housing
Robin Hart	Library
Sue Vibber	Library
Kevin Palmer	GAWA

Appointment of Diandra Messer to the Board of Review.

Manager Giles introduced the topic of appointing Diandra Messer to the Board of Review to fill the vacancy after a legal review determined the board should not contain more than one council member.

Discussion was held.

Moved by Azzam, supported by Palmer to appoint Diandra Messer to the Board of Review after a legal review determined the board should not contain more than once council member. 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 2024.

Moved by Azzam, supported by Leonard, to designate the Gratiot County Herald and the Morning Sun as the City's Official Newspapers for the Year 2024. 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, Isabella Bank of Breckenridge/Mt. Pleasant, Michigan CLASS and Huntington Bank as the Official Depositories for the year 2024.

Moved by Leonard, supported by Upton, to approve to designate St. Louis Commercial Bank, Mercantile Bank of Alma/Ithaca, US Bank Detroit, Isabella Bank of Breckenridge/Mt. Pleasant, Michigan CLASS and Huntington Bank as the Official Depositories for the year 2024. All ayes carried the motion.

Approve Additional Designated Attorneys.

Manager Giles requested Council Members to approve the designation of attorneys, Braun, Kendrick, Finkbiner PLC and Cummings, McClorey, Davis & Acho PLC, for the year 2024. These attorneys would be added in addition to Smith Boville PC, Plunkett & Cooney; Varnum LLP, Miller Canfield: Keller, Thomas PC, which were designated in 2023 for a term of two years.

Discussion was held.

Moved by Azzam, supported by Upton, to approve the designation of attorneys, Braun, Kendrick, Finkbiner PLC and Cummings, McClorey, Davis & Acho PLC, for the year 2024. These attorneys would be added in addition to Smith Boville PC, Plunkett & Cooney; Varnum LLP, Miller Canfield: Keller, Thomas PC, which were designated in 2023 for a term of two years. All ayes carried the motion.

Resolution 2024-01 Annual State Trunkline Right of Way Permit.

City Manager Giles requested Council Members adopt Resolution 2024-01 for the Michigan Department of Transportation State Trunkline Right of Way Permit Application.

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

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

Yeas: Upton, Leonard, Azzam, Palmer, Echtenaw

Nays: None

Resolution Declared Adopted this 8th day of January, 2024.

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 2024 growing season.

Discussion was held.

Moved by Azzam, 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 for the 2024 growing season. All ayes carried the motion.

Holiday Decoration Purchase Authorization.

Manager Giles requested authorization to purchase new holiday decorations with an amount not to exceed \$10,000.

Discussion was held.

Moved by Upton, supported by Azzam, to purchase new holiday decorations with an amount not to exceed \$10,000. All ayes carried the motion.

Conflict of Interest and Ethics Presentation.

Treasurer, Bobbie Marr gave a presentation to the council on Conflicts of Interest and Ethics.

City Manager Report.

Manager Giles informed members of another solar project opportunity, with more details to follow.

Manager Giles informed members of a damaged water main along Cheesman. As of 5pm it had been repaired.

Manager Giles reminded members of the Countywide Master Plan Public Input Session on January 17, 2024 at 5:30 p.m.

Manager Giles reminded members of the Pride Awards breakfast scheduled January 18, 2024 at 7:30 a.m.

City Clerk Report.

Nothing to report.

Police Chief Report.

Nothing to report.

Council Comments.

Member Leonard welcomed new members.

Member Azzam thanked all the City employees for everything they do.

Member Palmer thanked the council for reappointing him to the council.

Public Comments.

There were none.

Adjournment.

Moved by Leonard, supported by Upton, to adjourn at 7:43 p.m. All ayes carried the motion.

Cemetery Board of Trustees Meeting - Call to Order.

Mayor Echtenaw called the Oak Grove Cemetery Board of Trustees Meeting to order on January 8, 2024 at 7:44 p.m.

Cemetery Board Minutes.

Moved by Trustee Upton, supported by Trustee Leonard, to approve the minutes of the regular meeting held on January 3, 2023, the financial reports for fiscal year ending June 30, 2023, and the annual Oak Grove Cemetery reports. All ayes carried the motion.

Public Comments.

There were no comments.

Adjournment.

Moved by Trustee Leonard, supported by Trustee Azzam, to adjourn the Oak Grove Cemetery Board of Trustees meeting at 7:47 p.m. All ayes carried the motion.

Other Business.

There was no other business.

Jamie Long, City Clerk