

February 15, 2017

The Board of County Road Commissioners of Montcalm County held a regular meeting at its office located in Stanton, Michigan at 9:00 a.m. on February 15, 2017

Present: Commissioners Dale Linton, Robert Brundage and Michael Scott; also present: Mark Christensen, Managing Director, and Kim Alexander, Finance Director-Clerk.

The Pledge of Allegiance and a prayer were given.

Moved by Brundage, seconded by Scott, to approve the agenda as presented. Motion carried.

Moved by Scott, seconded by Brundage, to approve the minutes of the January 4, 2017 and January 27, 2017 meeting as presented. Motion carried.

Greg DeArmond of Home Township was present to ask permission to put a trail camera on one of the signs near his property. The board gave approval but warned that the road commission will not be responsible for damages to the camera. He also expressed concern about a culvert near his property on Vickeryville Road north of M46 that needs to be replaced. It is on the list to be replaced this spring/summer.

Moved by Brundage seconded by Scott to vote for Burt Thompson, of Antrim County, to represent the Northern Association of Road Commissions on the CRA Board. Also to approve all by-law changes recommended by the Association. Roll Call: Yes-Brundage, Scott, Linton. Motion carried.

Commissioner Scott offered the following resolution and moved for its adoption:

BE IT RESOLVED THAT the Board of County Road Commissioners of Montcalm County hereby approves Contract No. 17-5024 between the Road Commission for Montcalm County and the Michigan Department of Transportation for:

PART S – HRRR 59609; JOB #130957C; HRRR1759 (002); LL 0468

Preliminary engineering services for removing trees and other fixed objects from the clear zone along County Farm Road from the east city limits of Greenville easterly to the west village limits of Sheridan; and all together with necessary related work.

PART B – HSIP 59609; JOB #130958C, HSIP 1759 (003); LL 0469

Preliminary engineering services for removing trees and other fixed objects from the clear zone along Stanton Road from Highway M-66 easterly to Crystal Road, and all together with necessary work.

BE IT FURTHER RESOLVED THAT Dale Linton, Chairman, and Kim Alexander, Finance Director-Clerk, are hereby authorized to sign said contract.

Supported by Commissioner Brundage.

Motion carried. Roll call: Yes – Brundage, Scott and Linton.

The Employee Policy Manual was reviewed. Changes proposed by the attorney were discussed and action will be taken at the next meeting to give everyone time to go over the changes.

Moved by Scott seconded by Brundage to approve the 2017 All-Season Road route map for the county. Motion carried. Roll call: Yes – Brundage, Scott and Linton.

Commissioner Brundage offered the following resolution and moved for its adoption:

WHEREAS, the Montcalm County Road Commission, State of Michigan has met all the State and Federal requirements for participation in the Federal Property Assistance Program under Public Law 94-519;

WHEREAS, it is a requirement that a resolution be adopted by the governing body, specifically designating a coordinator of Surplus Property Donee and Custodian, to be responsible for the acceptance and accountability and authorized to sign for surplus property.

NOW THEREFORE, BE IT RESOLVED:

1. That the Governing Body for the Montcalm County Road Commission, the State of Michigan, hereby designates, Mark Christensen, who is the authorized coordinator as the person for accepting Federal Surplus Property, with the power and full authority to sign for such surplus Property.
2. The coordinator above is to be held responsible for the accountability and will maintain the necessary records for all surplus property obtained for public purposes until relieved from accountability by State and/or Federal authorities.
3. That money is available to pay service charges for surplus property obtained.
4. That the coordinator is further hereby authorized to direct payment of service charges for surplus property to complete all transactions.

Supported by Commissioner Scott.

Motion carried. Roll call: Yes – Brundage, Scott and Linton.

Moved by Scott seconded by Brundage to authorize the Manager, within the budget, to pursue the purchase of trucks through the Federal Surplus Assistance Program. Motion carried. Roll call: Yes – Brundage, Scott and Linton.

Moved by Brundage seconded by Scott to renew the bid extension of the road-side parks contract with Greenleaf for the 2017 season. Motion carried. Roll call: Yes – Brundage, Scott and Linton.

Moved by Scott seconded by Brundage to approve the purchase of truck equipment for 2018 off the state bid purchase program. Motion carried. Roll call: Yes – Brundage, Scott and Linton.

Moved by Scott seconded by Brundage to accept and file the following bids: Bituminous Cold Patch, Catch Basin Cleaning, Chloride, Emulsion, Gravel Resurfacing, HMA Skip Paving, Plastic Culverts, Metal Culverts, Trap Rock and Tree Cutting. Roll call: Yes-Brundage, Scott, Linton. Motion carried.

Moved by Brundage, seconded by Scott to approve the three-year Audit Engagement Contract with Susan D. Sanford, CPA PLCC, which covers years 2017-2019. Roll call: Yes-Brundage, Scott, Linton. Motion carried.

Commissioner Brundage offered the following resolution and moved for its adoption:

RESOLVED WHEREAS, the Montcalm County Road Commission 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 utilities 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 acts 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 the 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 GOVERNMENTAL 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 a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a 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 provided 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:

Engineer Technicians, Superintendent/Manager, County Engineer

Supported by Commissioner Scott.

Motion carried. Roll call: Yes – Brundage, Scott and Linton.

Moved by Scott, seconded by Brundage to accept the 2016 bid renewal for the 2017 season from Pavement Recycling Inc. for pavement pulverizing and cold milling. Motion carried. Roll call: Yes – Brundage, Scott and Linton.

Commissioner Brundage offered the following Resolution and moved for its adoption:

WHEREAS, Montcalm Community College Foundation submitted an Enhancement Grant Application to the Michigan Department of Transportation for funding assistance for the shoulder widening on Sidney Road from the existing Fred Meijer Heartland Trail crossing on Sidney Road (east of Derby Road) to the Montcalm County Career Center and Montcalm County ISD Building, and from the Montcalm County Career Center to the Montcalm Community College in Sidney, Michigan; and

WHEREAS, all required match funds have been committed to the Montcalm County Road Commission from various private entities and are available;

WHEREAS, all required right-of-way has been committed to the Montcalm County Road Commission from various entities and are available for use to construct and maintain the above listed trail project;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Road Commissioners of the County of Montcalm, supports the aforementioned enhancement project; and

FURTHERMORE, BE IT RESOLVED that the Board of County Road Commissioners of the County of Montcalm, hereby agrees to act as the agent of record and names Carol A. Smith, P.E. as the contract agent for the aforementioned enhancement project.

Supported by Commissioner Scott.

Motion carried. Roll call: Yes – Brundage, Scott and Linton.

Moved by Brundage seconded by Scott to accept Phoenix Refrigeration's bid in the amount of \$3,335.00, plus \$450 for electrical for replacing the heating system in the Howard City Garage office. Motion carried. Roll call: Yes – Brundage, Scott and Linton.

Manager's Report

- Seasonal weight restrictions will begin on Friday, February 17, 2017 at 6:00 a.m.
- The crew has been doing a lot of tree cutting, patching and trying to stay ahead of truck washing for the last few weeks.
- Working on the three and five year primary road plan with the Engineering Department.
- Next week Engineering will begin work on Township estimates for the 2017 season.
- Gave a report to the County's Economic Development Committee this week.
- In the process of putting together a sign policy that governs signs that are not required, will have more information in a future meeting.
- Attended the Pine Township Board meeting last night and will attend the Reynolds Township meeting on Thursday night.
- Still doing some research on cell phone towers in the right of way, not ready to make a recommendation yet. More information to come.
- Four employees will attend Miss Dig training next month and Al Roden will also be here for training in March.

Engineer's Report

- MDOT has reviewed my Federal Aid records from last year. I am in the process of correcting any deficiencies. They are fairly complete but I am waiting on MDOT for final acceptance of the projects.
- Mark and I have a meeting scheduled on March 2 with MDOT to discuss the record review process and the challenges we have with them every year.
- Mark, Pat Moeggenberg and I attended the County Engineer's workshop in Sault Saint Marie on the first week of February. There was good participation as many counties attended. There was good information as usual, as well as some not pertaining directly to us.
- The All Season route map has been updated and needs the board's review and approval
- Preliminary plans for the replacement of the Six Lakes Bridge over the Flat River in Belvidere Township are progressing. We anticipate a May bid letting with a July construction start date
- Bid openings for the 2017 construction season materials were held on February 13. Once the bids are approved by the board we will start estimating road projects and generate contracts with the goal of having them to the townships for their March meetings.

Clerk's Report

- Working on obtaining the information from Cogitate to implement electronic time keeping. Looking into the prices for needed hardware.
- Act 51 Report and the requested CAP Report are both submitted.
- Cash Flow Budgets are in your Dropbox.

Moved by seconded by, to approve the January 18, 2017, February 1, 2017 and February 15, 2017 bills totaling \$812,925.65 and Payroll #2, Payroll #3 and Payroll #4 totaling \$278,747.07. Roll call: Yes-Brundage, Scott, Linton. Motion carried.

Moved by Scott seconded by Brundage to meet in closed session under section 8(h) of the Open Meetings Act to discuss a legal memorandum which is exempt from disclosure under section 13(1)(g) of the Freedom of Information Act, which exempts from public disclosure information or records subject to the attorney-client privilege. Motion carried. Roll call: Yes – Brundage, Scott and Linton

The board returned to open session at 10:50 a.m. There being no further business the meeting adjourned at 10:50 a.m.

Chairman

Clerk