

December 17, 2014

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 December 17, 2014.

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

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 November 19, 2014 meeting as presented. Motion carried.

Moved by Scott seconded by Brundage to approve the Longevity/Comp Time Plan for salaried employee's retro-active to December 1, 2014. Roll call: Yes – Brundage, Scott and Linton. Motion carried.

Moved by Brundage seconded by Scott to authorize Dale Linton to sign the December 31, 2014 Road Certification title page. Roll call: Yes – Brundage, Scott and 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 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. 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 its 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.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises wither 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.
4. 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.

5. 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.
6. 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 issuance of a PERMIT.
7. 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.

Patrick Denton, Engineering Technician

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

Moved by Scott seconded by Brundage to accept the bid renewal for Michigan Pavement Markings for the 2015 season. Roll call: Yes – Brundage, Scott and Linton. Motion carried.

Moved by Scott seconded by Brundage to accept the bid renewal for Hi-Tec Building Services for janitorial services and grounds maintenance at the Morley Rest Area. Roll call: Yes – Brundage, Scott and Linton. Motion carried.

The first meeting in 2015 will be held on January 7th at 9:00 a.m. The remaining regular meeting schedule will be adopted at that meeting.

Manager's Report

- Gravel Roads continue to be a challenge and will continue grading as weather permits
- Shop is moving along well and in good shape
- Attended Miss Dig training last week with Andy and Ron
- Three of the four pick-ups are in and bed liners are being installed
- Truck #347 was sold to Mecosta County yesterday for \$24,000.00
- One of the three float trucks is 2/3 done at Truck and Trailer. They are still struggling to get components from their supplier.
- Met with Bob Marston last week regarding an MCC connector trail
- Meeting with Eureka Township on Monday to discuss spring road work
- Howard City buildings are wrapping up. Waiting for some electrical work and gas hook-up

Engineer's Report

- Met with the Rural Task Force. The 5 year plan in in your Dropbox. We will send to the County Board of Commissioners
- 2015 Stanton Road mill and fill has been advertised with a January letting
- Preliminary work is being done on some of next year's projects

Clerk's Report

- Year to date budget reports are in your Dropbox. Please look them over and let me know if you have any questions.
- Year-end is finished and we are waiting on the final financials from Sue.
- Working on updating the Credit Card Policy as requested by Sue. Will have a draft copy in your Dropbox for the next meeting.

Moved by Brundage seconded by Scott, to approve the December 17, 2014 bills totaling \$706,218.32 and Payrolls #24 and #25 totaling \$187,006.04. Roll call: Yes-Brundage, Scott, Linton. Motion carried.

Moved by Brundage seconded by Scott to enter closed session as requested by Mark Christensen and permitted under Section 8 of the Open Meetings Act for a periodic personnel evaluation. Roll call: Yes-Brundage, Scott, Linton. Motion carried.

The Board returned to open session at 10:35 a.m.

There being no further business the meeting adjourned at 10:36 a.m.

Chairman

Clerk