

June 9, 2022  
Baldwin, Michigan 49304

Regular meeting of the Board of County Road Commissioners of the County of Lake was called to order at 9:00 a.m. by Chair Truxton.

Present - Gary Truxton, *LCRC Commissioner*  
Richard Haslock, *LCRC Commissioner*  
Joan Runnels, *LCRC Commissioner*  
Leroy Williams, *LCRC Manager*  
Jessica LaPointe, *LCRC Finance & HR Manager*  
Tom Smith, *LCRC Road Foreman*  
Al Dailey, *LCRC Finance & HR Assistant*

The following bills were presented and allowed for payment:

6/9	Payroll Voucher No. 5101-----	\$ 85,120.74
6/9	Material Voucher No. 5102-----	\$ 124,025.07
6/9	Material Voucher No. 5103-----	\$ 445.94
6/9	Material Voucher No. 5101a-----	\$ 17,000.00

#### APPROVAL OF MINUTES:

Motion made by Runnels to approve the May 26, 2022 meeting minutes as read. Supported by Haslock. Yeas- Truxton, Haslock and Runnels. Nays - 0. Motion carried.

#### PUBLIC COMMENT:

None.

#### REPORTS FROM MANAGEMENT:

#### FINANCE & HR MANAGER:

CRASIF refund.

Rising fuel cost; 35% higher than last year.

Brine cost; MCRC vs. Layline Energy

Form 5572 - OPEB and Pension

MANAGER:

32<sup>nd</sup> and 40<sup>th</sup> Street are paved, working on shoulder gravel.

CDL Clearinghouse update.

Parades this summer.

Mailing from Northland Securities.

Kids Safety Day - June 14<sup>th</sup> at courthouse.

Pending litigation update.

CRASIF and MCRCSIP election forms.

ROAD FOREMAN:

MACDOUGALL -

ABSENT

SMITH -

Crews are brining.

Mowers are out, preparing for chip sealing next week.

4 summer kids; allows for 3 patching crews

EQUIPMENT SUPERINTENDENT:

ABSENT.

OLD BUSINESS:

DMC was here and installed the new equipment.

Motion made by Runnels proceed with the cleaning of the tanks located at Chase Facility. Supported by Haslock. Yeas- Truxton, Haslock and Runnels. Nays - 0. Motion carried.

NEW BUSINESS:

Truxton - approached by Bob Sanders regarding Wolf Lake Drain. Sanders was concerned that the public has a lot of questions, and the road commission should be present at the Peacock Township meeting to answer them.

Truxton - Residents on 64<sup>th</sup> Street, west of Hawkins would like the road commission to address the shoulder washing out and washing their drives out.

Resolution offered by Haslock authorizing Williams, Connie Houk, Smith and VanDyke to apply for permits with MDOT. Supported by Runnels. Roll call vote. Yeas - Truxton, Haslock and Runnels. Nays - 0. Motion carried.  
Resolution Attached.

Motion made by Truxton to go in to closed session for personnel evaluation at 9:49. Supported by Runnels. Yeas- Truxton, Haslock and Runnels. Nays - 0. Motion carried.

Motion made by Truxton to go into open session at 10:21. Supported by Haslock. Yeas- Truxton, Haslock and Runnels. Nays - 0. Motion carried.

COMMISSIONERS PRIVILIGE:

Haslock - Everything is going well. Brine seems to be going well, too.

Truxton - None.

Runnels - None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

Motion to adjourn made by Runnels. Supported by Haslock. Yeas- Truxton, Haslock and Runnels. Nays - 0. Motion carried. 10:35 am

*Next Meeting Date: June 23, 2022*

*Time: 9:00 am*

Respectfully submitted by:




---

Jessica L. LaPointe - Secretary

Approved by:

---

Gary A. Truxton - Chairman



---

Richard J. Haslock - Vice Chairman



---

Joan Runnels - Member

## PERFORMANCE RESOLUTION FOR MUNICIPALITIES

*This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".*

RESOLVED WHEREAS, the LAKE COUNTY ROAD COMMISSION

(County, City, Village, Township, etc.)

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 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 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 acts 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 the 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 a PERMIT issued by the DEPARTMENT.

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

LEROY WILLIAMS, MANAGER

CONNIE HOUK, CONSULTING ENGINEER

TOM SMITH, ROAD FOREMAN

WILLIAM VANDYKE, ENGINEER TECHNICIAN


I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the BOARD OF COUNTY ROAD COMMISSION OF THE COUNTY OF LAKE  
*(Name of Board, etc.)*

of the LAKE COUNTY ROAD COMMISSION of LAKE COUNTY  
*(Name of MUNICIPALITY) (County)*

at a REGULAR BOARD MEETING meeting held on the 9 day

of JUNE A.D. 2022.

  
*Signed*

FINANCE & HR MANAGER, BOARD SECRETARY

*Title*

JESSICA LAPOINTE

*Print Signed Name*