

February 27, 2020
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 Chairman Haslock.

Present - Gary Truxton, *LCRC Commissioner*
Richard Runnels, *LCRC Commissioner*
Jessica LaPointe, *LCRC Finance & HR Manager*
Leroy Williams, *LCRC Manager*
Shawn MacDougall, *LCRC Road Foreman*
Tom Smith, *LCRC Road Foreman*
Al Dailey, *LCRC Finance & HR Assistant*
Joan Runnels, *Lake County Resident*
Ron DenBraber, *Lake County Resident*

The following bills were presented and allowed for payment:

2/10	Payroll Voucher No. 4928 -----	\$ 64,410.91
2/10	Material Voucher No. 4929 -----	\$ 158,609.04
2/10	HRA Voucher No. 4930 -----	\$ 1,416.83

APPROVAL OF MINUTES:

Motion made by Truxton to approve the February 13, 2020 meeting minutes as read. Supported by Runnels. Yeas- Truxton and Runnels. Nays - 0. Motion carried. Nays - 0. Motion carried.

PUBLIC COMMENT:

Ron DenBraber commented on the great job the road commission has done this winter.

REPORTS FROM MANAGEMENT:

FINANCE & HR MANAGER:

There was an accident with one of our foreman's trucks and because there was a delay in reporting it to LaPointe the insurance company denied the claim. The Road Commission will have to pay the full cost for repairs.

Reminder: Spring Brine Meeting with the townships will be April 22, 2020.

Anthony with Casair has stated our high speed internet should be installed in three to four weeks.

LaPointe presented the "Township Local Cost Share" program. Board will table this until Haslock returns.

MANAGER:

Gleason's should be started around April 1, 2020.

Forest Service has a few jobs they would like the road commission to work on this year.

Cook's and Lutke are bonding a stretch of State Rd during a logging operation.

Frost Laws will go on March 2, 2020.

Sign Tech position was awarded.

The road commission has been approached regarding a road abandonment in Chase Township.

We have a retiree we would like to bring back to mow a couple days a week. Board agrees.

Yates Dial-a-Ride made a deal with the road commission during a Rural Task Force meeting November 18, 2016 regarding the forfeiture of Road Commission's STP funds to aid in the purchase of a wrecker for Dial-a-Ride, if they would in turn sell their old wrecker to the Road Commission for \$1.00. Dial-a-Ride's Director Vedra Grant has stated she is not willing to adhere to that agreement now that the new wrecker has been purchased. The Board would like to address the Dial-a-Ride Board at their next meeting.

ROAD FOREMAN:

MACDOUGALL -

Crews have been out cutting trees and taking care of limbs hanging in the road.

SMITH -

Crews have been plowing and doing tree work.

EQUIPMENT SUPERINTENDENT:

One bid from Upward Electric for the lights in the new pole building. Board agrees to go ahead with the bid.

One of our new hires has received his Master Mechanic Certification and he is

only 18 years old. We are very proud of him.

Been looking at long arm mowers that we budgeted for.

OLD BUSINESS:

The article that Williams and LaPointe met with Cathie Crew from the Star made it in to today's paper. Everyone is happy with how it turned out.

NEW BUSINESS:

Motion made by Truxton to adopt Michigan Department of Transportation Performance Resolution For Governmental Agencies. Supported by Runnels. Yeas- Truxton and Runnels. Nays - 0. Motion carried.

COMMISSIONERS PRIVILEGE:

Runnels - Everyone is doing a really good job on the roads.

Haslock - ABSENT

Truxton - Agrees with Runnels. Everything looks really good.

PUBLIC COMMENT:

None.

ADJOURNMENT:

Motion to adjourn made by Runnels. Supported by Truxton. Yeas- Truxton and Runnels. Nays - 0. Motion carried. 9:48 am

Next Meeting Date: March 26, 2020

Time: 9:00 am

Respectfully submitted by:



Jessica L. LaPointe - Secretary

Approved by:


Richard J. Haslock - Chairman


Gary A. Tuxton - Vice Chairman

Richard K. Runnels - Member

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

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

RESOLVED WHEREAS, the Lake County Road Commisison
(city, village, township, etc.)

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.

Title and/or Name:

Manager, Leroy Williams

Foreman, Shawn MacDougall

Foreman, Tom Smith

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

the Board of the Lake County Road Commission

(Name of Board, etc)

of the Lake County Road Commission

(Name of GOVERNMENTAL AGENCY)

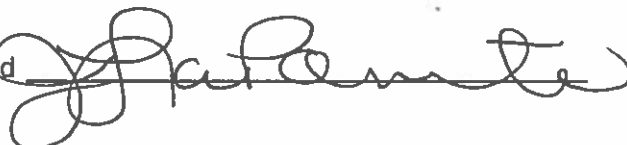
of Lake

(County)

at a regular scheduled Board meeting held on the 27 day

of February A.D. 2020.

Signed



Title Finance & HR Manager

