

Regular Session of the Board of County Road Commissioners for the County of St. Joseph, State of Michigan, was held in the Board Room at the St. Joseph County Road Commission, 20914 M-86, Centreville, Michigan at 8:00 a.m.

The pledge of allegiance to the American Flag was given.

Present: Chairman Dave Allen, Vice-Chairman Rick Anderson, Commissioner Eric Shafer, Commissioner John Bippus, Commissioner Rodney Chupp, Clerk Julie Mayuiers

Staff Members Present: Chris Minger, Managing Director
Michel Harris, Director of Operations
John Lindsey, Director of Fleets & Facilities

Guests: Elena Meadows, Sturgis Journal
Sam May, Three Rivers Commercial News

Motion by Commissioner Bippus supported by Vice Chairman Anderson to approve the agenda as presented. Motion carried.

Motion by Commissioner Shafer supported by Commissioner Bippus to approve the minutes of the May 16 Board Meeting and June 6 Work Session. Motion carried.

Motion by Commissioner Bippus supported by Commissioner Shafer to approve the May Payroll vouchers in the amount of \$154,322.97.

Roll Call Vote taken: Ayes: Anderson, Bippus, Chupp, Shafer, Allen
Nays: None Absent: None Abstained: None Motion carried.

Motion by Commissioner Bippus supported by Vice Chairman Anderson to approve the May A/P vouchers in the amount of \$769,411.33.

Roll Call Vote taken: Ayes: Bippus, Chupp, Shafer, Anderson, Allen
Nays: None Absent: None Abstained: None Motion carried.

CERTIFIED RESOLUTION

Motion by Commissioner Shafer supported by Commissioner Bippus that this Performance Resolution for Governmental Agencies is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility and "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 St. Joseph 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. 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.
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 before 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.

Name and/or Title

Chris J. Minger, Managing Director
Garrett Myland, Director of Engineering

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the St. Joseph County Road Commission Board of Directors in St. Joseph County, Michigan at a Board Meeting held on the 20th of June 2018.

Signed: *Julie A. Mayuiers*

Title: Director of Administration & HR
Clerk of Board

A roll call vote was taken:

Aye votes cast: Chupp, Shafer, Anderson, Bippus, Allen
Nay votes cast: None Absent: None Abstained: None Motion carried

I, Julie A. Mayuiers, Clerk of the Board of County Road Commission of the County of St. Joseph, State of Michigan, hereby certify that the above is a true and correct copy as recorded in the minutes of the meeting of June 20, 2018.

Julie A. Mayuiers

Julie A. Mayuiers
Clerk of the Board

CERTIFIED RESOLUTION

Motion by Vice Chairman Anderson supported by Commissioner Shafer to approve the Engineering Reimbursement to the St. Joseph County Road Commission for Garrett Myland, P.E. as being a licensed professional engineer retained by the St. Joseph County Road Commission.

A roll call vote was taken:

Aye Votes Cast: Shafer, Anderson, Bippus, Chupp, Allen
Nayes: None Absent: None Abstained: None Motion carried.

I, Julie A. Mayuiers, Clerk of the Board of County Road Commission of the County of St. Joseph, State of Michigan, hereby certify that the above is a true and correct copy as recorded in the minutes of the meeting of June 20, 2018.

Julie A. Mayuiers

Julie A. Mayuiers

Clerk of the Board

MOTION

Motion by Commissioner Bippus supported by Vice-Chairman Anderson to accept the Financial Audit Report and the 2017 ACT 51 Report as presented by Mark Kettner of Rehmann Robson and Chairman David H. Allen is authorized to sign.

Roll Call Vote: Ayes: Anderson, Bippus, Chupp, Shafer, Allen

Nayes: None Absent: None Abstained: None Motion carried

I, Julie A. Mayuiers, Clerk of the Board of County Road Commission of the County of St. Joseph, State of Michigan, hereby certify that the above is a true and correct copy as recorded in the minutes of the meeting of June 20, 2018.

Julie A. Mayuiers

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Clerk of the Board

COMMISSIONER'S COMMENTS

Chupp: The staff has been here a long time and gone through changes and change is tough. Looking forward to seeing the future plan and how we can do better. The new distributor trucks are working great.

Shafer: Thanks to the management staff for all they do and to the crew for going out and getting their job done also.

Bippus: Thanks to Commissioner Anderson for going out annually on the chip seal projects and he looks forward to hearing his reports. Nice to have someone with insurance experience on board verifying our coverages are appropriate.

Anderson: Everything is going well with chip seal, spent the first day out there with the crew. Spoke with several employees out there on that project and they like the changes the management has made. They are worried about the hiring of a new manager and hope no new changes are made. Spoke with Bruce Jones out there and he asked where we were getting all the money for what we've done and explained that by consolidating facilities we were able to accomplish all these efficiencies.

Allen: John Bippus has taken a lot of heat lately, but he knows what he does and why he is taking pictures throughout the county and knows he brings a lot to the road commission board table.

Motion by Commissioner Shafer supported by Vice Chairman Anderson to adjourn at 9:40 a.m.
Motion carried.

David H. Allen, Chairman

Julie Mayuiers, Clerk of the Board
