

Board of Road Commissioners Meeting
County Services Building
May 11, 2022

The Regular Meeting of the Oceana County Board of Road Commissioners was called to order by Chairman Myers at the County Services Building at 10:00 AM on Wednesday, May 11, 2022.

The Pledge of Allegiance was recited by all.

Members present: Myers, Gowell, Forbes, Blohm, Spitler.

Staff present: Timmer, Griffin, Holmes, Terryn.

Visitors: Dave Leonard, Colfax Township Supervisor; Roger Schmidt, Grant Township Supervisor; Garry McKeen, Parks and Recreation Commission, and Denis Koch, Elbridge Township resident.

TOTAL: 4 visitors.

AGENDA

Motion by Forbes and supported by Gowell to approve the following Agenda items for discussion.

1. MDOT 2207B Performance Resolution for Municipalities
2. Crumb Rubber Chip Seal
3. Approve Wedging Estimates

Roll call vote: Forbes – yes; Gowell – yes; Blohm – yes; Spitler – yes; Myers – yes.
Motion carried.

CITIZEN'S PARTICIPATION

Garry McKeen spoke briefly about two (2) upcoming events sponsored by the Oceana Conservation District.

****Scrap Tire Collection will be held Saturday, June 18, 2022 from 9:00 AM until noon at the Oceana County Road Commission Hart Office.**

****Household Hazardous Waste Collection will be held Saturday, August 20, 2022 from 9:00 AM until 1:00 PM at the Hart Department of Public Works.**

Dave Leonard gave a brief update on the proposed road improvements to Ruth Drive. There will be a special assessment meeting on May 24, 2022 and then a special meeting for the Board

will be scheduled at a later date to decide on the road work. As of right now Colfax Township has \$20,000.00 to contribute to this project if it moves forward.

APPROVAL OF MINUTES

Motion by Gowell and supported by Forbes to approve the Minutes of the April 27, 2022 Regular Board Meeting.

Roll call vote: Gowell – yes; Forbes – yes; Blohm – yes; Spitler – yes; Myers – yes.
Motion carried.

APPROVAL OF VOUCHERS

The Revenues & Expenditures Report and Cash Flow Statement were given to the Board members to review.

Motion by Forbes and supported by Gowell to approve the following Vouchers as presented.

Voucher No. 72246 (Accounts Payable)	\$ 290,366.91
Voucher No. 72247 (Payroll)	<u>\$ 76,460.99</u>
	\$ 366,827.90

Roll call vote: Forbes – yes; Gowell – yes; Blohm – yes; Spitler – yes; Myers – yes.
Motion carried.

RESOLUTION NO. 1 – MDOT 2207B PERFORMANCE RESOLUTION FOR MUNICIPALITIES

Motion by Forbes and supported by Gowell to authorize Managing Director, Mark Timmer to sign the MDOT 2207B Performance Resolution for Municipalities.

Roll call vote: Forbes – yes; Gowell – yes; Blohm – yes; Spitler – yes; Myers – yes.
Motion carried.

This resolution in an integral part of these Board Minutes.

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 Oceana 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:

Mark Timmer

Managing Director

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

the Board of Road Commissioners

(Name of Board, etc.)

of the Oceana County Road Commission of

(Name of MUNICIPALITY)

(County)

at a regularly scheduled Board meeting held on the 11 day

of May A.D. 2022.



Mark Timmer
May 12 2022 10:39 AM

Signed

Managing Director

Title

Mark Timmer

Print Signed Name

RESOLUTION NO. 2 – CRUMB RUBBER CHIP SEAL

Motion by Gowell and supported by Spitler to have Managing Director Mark Timmer sign the Grant Agreement between the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (State), and the Oceana County Road Commission to provide funding in exchange for work to be performed for the 2022 Rubber Modified Chip Seal Project (449846-CV0048082-2022). The State is authorized to provide grant assistance pursuant to Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Legislative appropriation of Funds for Grant assistance is set for in PA No, 0087 of 2021.

Roll call vote: Gowell – yes; Spitler – yes; Forbes – yes; Blohm – yes; Myers – yes.
Motion carried.

RESOLUTION NO. 3 – APPROVE WEDGING ESTIMATES

Motion by Forbes and supported by Gowell to accept all bids submitted by Rieth-Riley for the 2022 wedging projects.

144 th (148 th to Pierce to 144 th , Fillmore to Fox)	\$146,355.40
Hawley (Bridge to Hesperia Village limits)	\$ 21,037.50
176 th (Jackson to Madison)	\$ 44,142.42
Garfield (Maple Island to 172 nd)	\$ 75,400.82

Roll call vote: Forbes – yes; Gowell – yes; Blohm – yes; Spitler – yes; Myers – yes.
Motion carried.

STAFF REPORTS

The State crew has been doing patching, shoulder work, roadside and Adopt-A-Highway cleanup.

The M-20 crew has patched various roads with the hot box, brush and tree trimming, graded gravel roads, pulled berm in various townships, and finished tree cutting and trimming on Stony Lake Road.

The Hart crew has patched various roads, brush and tree trimming, graded gravel roads, pulled berm in various townships, and began removing the concrete from Water Road (next to the Road Commission Hart Office).

Traffic Services has worked on asset management, Miss Digs, sign installation and repair, permits, Road Soft, staked roads for paving, and supervised the sign crew with State and County work.

Mark Timmer has reviewed bills and finances with the Finance/HR Director and Clerk, worked on township road estimates, finalized the chip seal list (between chip sealing and crumb rubber chip sealing we will be doing 60+ road miles in 2022). The Masons have finished the block work in preparation for installation of windows at the Hart Office. Mark met with Fleis Vandenbrink to program and plan 2023 road work. Road Maintenance Coordinator, Jeff Balkema and Mark Timmer met with Pavement Solutions to look at the crumb rubber chip seal roads. Asphalt Paving (API) has paved 28th Avenue in Benona Township, and 80th Avenue in Grant Township. Wedging will begin on Stony Lake Road, from the curves to near 52nd Avenue, in Claybanks and Benona Townships, and also on Loop Road, from 192nd Avenue to the Village of Hesperia, in Newfield Township.

Chairman Myers asked if there was any further business to come before the Board. There being none, the Meeting was adjourned at 10:22 AM.

Respectfully submitted,

LORI L. HOLMES
Finance/HR Director

WILLIAM MYERS
Chairman

MAY 25, 2022
DATE