

OFFICIAL MINUTES OF MAYVILLE VILLAGE COUNCIL MEETING July 18, 2017

The Village Council of Mayville, Michigan held a Regular Meeting at the Mayville District Public Library Community Room on July 18, 2017. The meeting was called to order at 7:00 p.m. by Barbara Valentine, Village President, with the following officers and Trustees present: Susan Atkinson, William Barkowska, Steve Charette, Roxann Hiiter and Sue Marlow.

Absent – None

Employees Present – Terry Blackmer, Tony Coln, Gary Fini, Lisa Haubenstricker, and Mike Glasgow.

Guests – 7

Invocation – Pastor Terry Blackmer did the invocation.

Pledge of Allegiance

Communications – None

Public Comments – None

Consent Agenda – Moved by Charette, supported by Marlow that the following item contained in the consent agenda be approved and adopted: a) Approval of Minutes, June 20, 2017. Yes 6 No 0. Moved by Charette, supported by Atkinson to approve and adopt b) Approval of Bills, July 18, 2017. Yes 6 No 0. Motion Carried.

Performance Resolution for Governmental Agencies – Moved by Marlow, supported by Barkowska to approve the Performance Resolution for Governmental Agencies. Yes 6 No 0. Motion Carried.

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 Village of Mayville

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:

DIRECTOR OF PUBLIC WORKS
CLERK
VILLAGE PRESIDENT

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

The VILLAGE COUNCIL of the VILLAGE OF MAYVILLE of TUSCOLA COUNTY at a REGULAR meeting held on the 18TH day of JULY 2017.

Signed _____ Title _____

MML Workers Compensation Fund – Moved by Marlow, supported by Barkowska to authorize the Village Clerk to cast the ballot for the Annual Election for the Board of Trustees of the Michigan Municipal League Workers Compensation Funds. Yes 6 No 0. Motion Carried.

Special Land Use Regulations (SLUR) – Moved by Barkowska, supported by Charette to code the existing properties on current village maps. Yes 6 No 0. Motion Carried.

President Updates – President Valentine gave the council an update on the technology package thru the SAW Grant.

Department Reports

DPW - The DPW Activity Report for July 2017 was presented to the council by Director of Public Works Mike Glasgow.

Police Department Report – The June 2017 report was presented to the council by Police Chief Coln.

Fire Department Report – No report. Assistant Fire Chief Terry Blackmer gave an update and answered council questions.

Zoning Report – No Report.

Planning Commission – Judy Chesney reviewed Planning Commission minutes and stated that they discussed becoming a city, variance hearing fees, rezone cost, Section 22 Special Land Use Regulations, zoning issues, fees for planning, members for zoning board of appeals and master plan questions.

Public Comments – None

Adjournment - Moved by Charette, supported by Atkinson to adjourn at 8:32 p.m. Yes 6 No 0.
Motion Carried.

Barbara Valentine
Village President

Lisa Haubenstricker
Village Clerk