

The regular meeting of the Greenville City Council was called to order by Mayor Snow, in the Council Chambers, in the Municipal Complex, located at 415 S. Lafayette Street, Greenville, MI 48838 at 7:30 p.m.

Present: Mayor Snow; Councilpersons Hoppough, Lehman, Cunliffe, Schuleit, Moss and Scoby; City Manager Bosanic; Assistant City Manager VanWyangarden; and Clerk-Treasurer Hool.

Absent: None

Councilperson Hoppough MOVED: The Consent Agenda be approved as presented. Councilperson Moss supported. Unanimously adopted.

The Consent Agenda consisted of the following:

1. Approval of minutes for the regular City Council meeting held December 6, 2011.
2. Approval of payroll report for pay period ending November 27, 2011 in the amount of \$130,973.42. Approval of accounts payable reports for period ending December 9, 2011 in the amount of \$190,389.02.
3. Approval of minutes for the regular Planning Commission meeting held October 13, 2011. Approval of minutes for the regular DDA meeting held November 8, 2011.

Council received a presentation from the auditors.

Councilperson Lehman MOVED: To accept the report as presented. Councilperson Hoppough supported. Unanimously adopted.

Council considered the approval of a Performance Resolution from MDOT in connection with the Annual Permit.

Councilperson Lehman RESOLVED: WHEREAS, the City of Greenville periodically applies to the Michigan Department of Transportation for permits 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 Michigan Department of Transportation granting such permit, the City of Greenville 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. Any work performed for the City of Greenville will be solely as for the City of Greenville and not as a contractor or agent of MDOT. The Michigan Department of Transportation shall not be subject to any obligations or liabilities by vendors and contractors of the City of Greenville, or their subcontractors or any other person not a party to the permit without its specific prior written consent and notwithstanding the issuance of the permit. Any claims against the State of Michigan, the Michigan Transportation Commission, MDOT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for MDOT and all officers, agents, and employees thereof will be the sole responsibility of the City of Greenville.
3. The City of Greenville 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, MDOT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for MDOT 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, MDOT, 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.
4. The City of Greenville will, by its own volition and/or request by MDOT, 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 City of Greenville's facilities according to a permit issued by MDOT.
5. With respect to any activities authorized by permit, when the City of Greenville 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, MDOT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for MDOT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
6. The incorporation by MDOT of this resolution as part of a permit does not prevent MDOT 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 City of Greenville or MDOT with no less than thirty (30) days prior written

notice to the other party. It will not be cancelled or otherwise terminated by the City of Greenville 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 MDOT for the necessary permit to work within State Highway Right of Way on behalf of the City of Greenville:

Douglas W. Hinken
Edward Harrisingh
Michael Chesher

City Engineer
Assistant City Engineer
Public Services Director

Councilperson Moss supported. Unanimously adopted.


Council considered accepting a grant from the Greenville Area Community Foundation.

Councilperson Hoppough MOVED: To accept the grant award from the Greenville Area Community Foundation for removal/replacement of carpet and floor covering at the Greenville Area Community Center in the amount of \$5,028 as presented. Councilperson Moss supported. Unanimously adopted.

Councilperson Moss MOVED: The meeting be adjourned. Councilperson Hoppough supported. Unanimously adopted.

Meeting adjourned at 8:18 p.m.

Kenneth E. Snow
Mayor


Bradley S. Hool
Clerk-Treasurer