

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

Present: Mayor Hoppough; Councilpersons Lehman, Cunliffe, Warner, Moss Schuleit and Scoby; City Manager Bosanic; Public Services Director Pollock; City Engineer Hinken; and Clerk-Treasurer Rasmussen.

Absent: None.

Councilperson Moss MOVED: The Consent Agenda be approved as presented and add Item D to New Business. Councilperson Schuleit seconded. Unanimously adopted.

The Consent Agenda consisted of the following:

1. Approval of minutes for the organizational City Council meeting held January 3, 2017 and the regular City Council meeting held January 3, 2017.
2. Approval of payroll reports for regular pay period December 30, 2016 in the amount of \$151,169.51 and special payroll report for pay period ending December 31, 2016 in the amount of \$24,074.79. Approval of accounts payable report for pay period ending January 10, 2017 in the amount of \$175,545.79.
3. Approval of minutes for the regular Planning Commission meeting held December 8, 2016.
4. Approval of minutes for the regular Downtown Development Authority meeting held December 13, 2016.
5. Approval of the Mayoral reappointment of Dan Eagles to the Compensation Commission for a five year term ending December 31, 2021.
6. Approval of the Mayoral reappointment of Debra Huch to the Downtown Development Authority for a four year term ending December 31, 2020.
7. Approval of the Mayoral reappointment for Jeff Marshall to the Historic District Commission for a three year term ending December 31, 2019.
8. Approval of the Mayoral reappointment of Nancy Wilson and Michael Ball to the Transit L.A.C. Board for two year terms ending December 31, 2018.
9. Approval of the Mayoral reappointment of Greg VanderMark to the Planning Commission for a three year term ending December 31, 2019.
10. Approval of the Mayoral reappointment of Jon Alysworth to the Greenville Area Community Center Board for a four year term ending December 31, 2020.

Council recognized Matt Nielsen for achieving the S-4 and D-4 state water certifications.

Council considered the approval of an MDOT Annual Permit Performance Resolution for Government Bodies

Councilperson Lehman RESOLVED: To approve the Annual Permit Performance Resolution for Government Bodies to the MDOT as presented.

WHEREAS, the City of Greenville 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:

City Engineer
Assistant City Engineer
Public Services Director

Councilperson Cunliffe seconded. Unanimously adopted.

Council considered a Traffic Control Order to establish “no parking at any time” signs on Bower Street.

Councilperson Moss MOVED: To approve Traffic Control Order No. 2017-01 establishing “No Parking At Any Time” signs on the south 160 feet of the east side of South Bower Street as presented. Councilperson Lehman seconded. Unanimously adopted.

Council considered a resolution of intent to apply for State formula operating assistance for fiscal year 2018 under Act 51.

Councilperson Moss MOVED: To approve the proposed Resolution of Intent to apply for state formula operating assistance for fiscal year 2018 under Act 51 as presented.

WHEREAS, pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for the City of Greenville (hereby known as THE APPLICANT) established under

Name of Applicant (legal organization name)

Act 51 to provide a local transportation program for the state fiscal year of 2018 and, therefore, apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for the governing body, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the performance indicators have been reviewed and approved by the governing body.

WHEREAS, THE APPLICATION, has reviewed and approved the proposed balance (surplus) budget, and funding sources of estimated federal funds \$61,476, estimated state funds \$126,084, estimated local funds \$84,994, estimated fare box \$56,375, estimated other funds \$12,000, with total estimated expenses of \$337,737.

NOW THEREFORE, be it resolved that THE APPLICANT hereby makes its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

HEREBY, appoints George M. Bosanic as the Transportation Coordinator, for all public transportation matters, who is authorized to provide such information as

deemed necessary by the State Transportation Commission or department for its administration of Act 51 for 2018.

Councilperson Schuleit seconded. Unanimously adopted.

Councilperson Moss MOVED: The meeting be adjourned. Councilperson Cunliffe seconded. Unanimously adopted.

Meeting adjourned at 8:03 p.m.

John M. Hoppough
Mayor

Norice Rasmussen
Clerk-Treasurer