

**REGULAR MEETING**

The regular meeting of the Board of County Road Commissioners of Iron County was held on Tuesday, November 12, 2019 at 8:30 a.m. in the Road Commission office at 800 W. Franklin Street, Iron River, Michigan.

Chairman Germic led the Pledge of Allegiance and opened the meeting.

Present for the roll call were Chairman Dan Germic, Vice-Chairman Ernest Schmidt, Commissioners Chuck Battan, Sue Clisch and Ron Frailing along with Superintendent/Manager Douglas C. Tomasoski and the Finance Director/Clerk Lisa M. Powell.

**ADDITIONS TO THE AGENDA**

Under new business 10(d) MERS information, 10(e) PSA request

**MINUTES TO BE APPROVED**

The following minutes were presented:

Audit and Regular minutes of October 15, 2019.

A motion by Commissioner Schmidt, support by Frailing to accept the minutes from October 15, 2019 for the audit and regular meeting.

Ayes: All  
Nays: None  
Motion carried

**DISBURSEMENTS TO BE APPROVED**

The disbursements to be approved included:

a. Payrolls of:	\$ 94,952.57
b. Prepaid Claims of:	204,976.68
c. Accounts Payables of:	1,173,122.87
	-
Total:	\$ 1,473,052.12

It was motioned by Battan supported by Schmidt to approve the Audit Committee Report dated October 31, 2019 covering the disbursements.

Roll call vote: Ayes- Clisch, Schmidt, Frailing, Battan and Germic  
Nays: None  
Motion carried.

**SUPERINTENDENT'S REPORT**

The Superintendent presented his report. The CR 424 projects were covered, local road project lists are coming in for a January letting, Rainbow Trail will be a December or January bid letting. Stanley Creek culvert will be bid separately. Great Lakes Council talked about the Legislative Priorities. The report was accepted by Schmidt and supported by Clisch.

Ayes: All  
Nays: None  
Motion carried

**DELEGATIONS**

- Mansfield Twp-Dick Dryjanski mentioned Stream Road and the beaver at St. Mary's Lake Road.
- Mastodon-Frank Siewiork-working with Alpha

**COMMITTEE REPORTS**

Nothing

**OLD BUSINESS**

**NEW BUSINESS**

**RAINBOW TRAIL RESOLUTION FOR MDOT CONTRACT**

The resolution for authorizing signatures on the MDOT contract for Rainbow Trail Road was read and the motion to sign was called for by Schmidt with support by Clisch.

Ayes-all

Nays: None

Motion carried.

**MDOT PERFORMANCE RESOLUTION**

The performance resolution was authorized by Frailing with support by Battan.

Roll call vote: Ayes- Battan, Frailing, Schmidt, Clisch and Germic

Nays: None

Motion carried.

**SET BUDGET HEARING**

The budget hearing was set for following the December meeting. Commissioners are asked to bring their goals and objective to the hearing. Commissioner Schmidt would like to see rollers for the graders, and some discussion on crack filling. Draft will be worked on.

**MERS**

Lisa M. Powell, Finance Director presented the Board with some information on our current investment income for the first three quarters of the year. Historical information and the chart listing comparative amounts from 2004 to 2018 from the MERS annual valuation were presented.

**PSA**

The letter from Marquette County Road Commission asking for the annual contribution toward the PSA for the year was reviewed. A motion by Clisch with a maximum amount of \$1,200 was supported by Battan.

Roll call vote: Ayes-Clisch, Schmidt, Frailing, Battan and Germic

Nays: None

Motion carried.

**PUBLIC COMMENT**

Task Force dates will be announced.

**ATTORNEY'S REPORT**

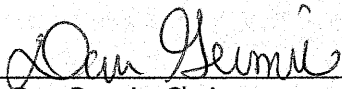
Nothing to report

**COMMISSIONERS' COMMENTS**

Nothing

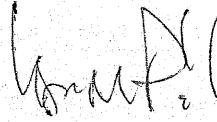
At 9:14 a.m. with no further business to come before the Board, it was motioned by Schmidt supported by Frailing, to adjourn the regular meeting.

Ayes: All  
Nays: None  
Motion carried.



---

Dan Germic, Chairman



---

Lisa M. Powell, Clerk

# Board of County Road Commissioners

Of

## IRON COUNTY

800 W. Franklin Street

IRON RIVER, MI 49935-1047

Telephone: (906) 265-6686

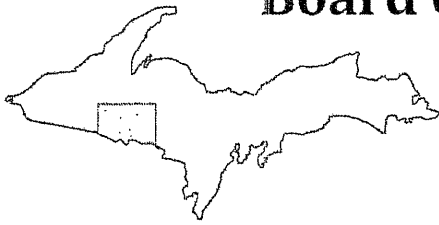
FAX: (906) 265-6680

[www.ironcountyroads.com](http://www.ironcountyroads.com)

[info@ironcountyroads.com](mailto:info@ironcountyroads.com)

Douglas C. Tomasoski, P.E.  
Superintendent/Manager

Lisa M. Powell, CPA  
Finance Director/Clerk



Dan Germic, Chairman  
Ernest Schmidt, Vice Chairman  
Charles Battan, Member  
Sue Clisch, Member  
Ron Frailing, Member  
November 12, 2019

Michigan Department of Transportation  
Development Services Division, 2<sup>nd</sup> Floor  
P. O. Box 30050  
Lansing, MI 48909  
Attn: Kathy J. Fulton

Commissioner Schmidt offered the following resolution which was supported by Commissioner Clisch and duly adopted:

**WHEREAS**, the BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF IRON, STATE OF MICHIGAN has received the following Michigan Department of Transportation contract:

Control Section	STL 36000
Job Number	206998CON
Project	1901(196)
CFDA No	20.205
Contract No.	19-5520
Location	Rainbow Trail from Carney Dam thence west 1.53

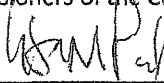
And **WHEREAS**, the BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF IRON, STATE OF MICHIGAN desires to contract with the Michigan Department of Transportation for:

Hot mix asphalt resurfacing work along Rainbow Trail from Carney Dam Road westerly for approximately 1.53 miles: and all together with necessary related work.

**THEREFORE BE IT RESOLVED**, that the BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF IRON, STATE OF MICHIGAN hereby authorizes Chairman Dan Germic and Superintendent/Manager Douglas C. Tomasoski to sign the above referenced contract.

All Ayes  
Nays – None  
Motion carried

I hereby certify that the foregoing is a true and correct copy of a resolution offered and duly adopted by the Board of County Road Commissioners of the County of Iron at a regular meeting held this 12th day of November 2019.

Signed: 

Lisa M. Powell, CPA  
Finance Director/Clerk

**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 Board of County Road Commissioners of the County of Iron  
(city, village, township, etc.)

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: \_\_\_\_\_  
 \_\_\_\_\_  
 Civil Engineering Technician  
 \_\_\_\_\_  
 Superintendent/Manager/Engineer  
 \_\_\_\_\_  
 Foreman  
 \_\_\_\_\_  
 Finance Director / Clerk  
 \_\_\_\_\_

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by  
 the \_\_\_\_\_ Board of County Road Commissioners of the County of Iron  
 (Name of Board, etc)  
 of the \_\_\_\_\_ Iron County Road Commission \_\_\_\_\_ of \_\_\_\_\_ Iron  
 (Name of GOVERNMENTAL AGENCY) (County)  
 at a \_\_\_\_\_ regular monthly \_\_\_\_\_ meeting held on the \_\_\_\_\_ 12th \_\_\_\_\_ day  
 of \_\_\_\_\_ November \_\_\_\_\_ A.D. \_\_\_\_\_ 2019 \_\_\_\_\_.

Signed \_\_\_\_\_  \_\_\_\_\_ Title \_\_\_\_\_ Finance Director / Clerk \_\_\_\_\_