

**BIG RAPIDS CHARTER TOWNSHIP BOARD
REGULAR MEETING TUESDAY, MARCH 1, 2016
APPROVED**

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Stanek, Currie, Fountain, Jensen, Hamelund, Zimmerman present. Toogood absent. All lead in the Pledge of Allegiance.

PUBLIC COMMENT: Ormand Hook running for State Representative. Bill Schriver – junk ordinance. Chris Vodry -light on the front of the building. Bob Maguire – library. Anna Loree – library.

ADDITIONS TO AGENDA: Stanek under new business MDOT Resolution. A motion to accept the agenda as changed was made by Hamelund. Seconded by Currie. Motion carried unanimously.

APPROVAL OF FEBRUARY MINUTES: A motion to approve with correction the February 2016 minutes was made by Currie. Seconded by Zimmerman. Motion carried.

APPROVAL OF TREASURERS REPORT AND REVENUE & EXPENDITURE REPORT: January Treasurers Report and Revenue & Expenditure Report accepted as printed.

ACCOUNTS PAYABLE AND PAYROLL: A motion to approve the payment of bills presented in the amount of \$68,908.45 and payroll in the amount of \$18,819.21 was made by Zimmerman. Seconded by Currie. Motion carried on roll call vote.

MONTHLY REPORTS:

1. **Building Department:** Written
 2. **Fire Department:** Written
 3. **Sewer Department:** Written
 4. **Water Department:** Written
 5. **Cemetery Committee:** Written
 6. **Fire Committee:** Written
 7. **Planning Commission:**
 8. **Supervisor:** Written
- Approved as printed

UNFINISHED BUSINESS:

1. **Library resolution on ballot language:** A motion to approve Resolution 2016-02 after removing the second WHEREAS paragraph, providing attorney approval was made by Zimmerman. Seconded by Currie. Motion carried on a roll call vote.

**RESOLUTION 2016-02 TO APPROVE BALLOT PROPOSAL
FOR NEW ADDITIONAL MILLAGE FOR LIBRARY SERVICES**

WHEREAS, the Township receives library services for its residents in part from the Big Rapids Public Library and the Walton Erickson Public Library (collectively, the “Libraries”);

WHEREAS, the Township Board of the Township desires to hold a special election on August 2, 2016 in conjunction with the State primary election, and to submit a ballot proposal to the Township electors at such special election, to authorize a new additional millage in the amount of 0.20 mill for six years for library services;

WHEREAS, pursuant to Sections 24f and 34d of the General Property Tax Act, Act 206 of the Public Acts of Michigan of 1893, as amended, the Township Board may request approval to increase the Township tax rate limitation, to provide for the above-stated millage levy for library services; and

WHEREAS, Section 358a of Act 116 of the Public Acts of Michigan of 1954, as amended (the "Michigan Election Law"), authorizes the Township Board to call a special election to be held in the Township for the purpose of submitting a ballot proposal to the electors of the Township.

NOW, THEREFORE, BE IT HEREBY RESOLVED, AS FOLLOWS:

1. The question of whether to impose and levy a tax in the amount of 0.20 mill for Township library services for a period of six years, from 2016 through 2021, both inclusive, shall be submitted to the qualified electors of the Township at a special election to be held Tuesday, August 2, 2016, and in conjunction with the State primary election, pursuant to the provisions of the General Property Tax Act and the Michigan Election Law. This is a request for new additional millage.

2. The ballot proposal to be submitted to the electors shall be in the form attached hereto as Exhibit A, and in such form the proposal is certified to the County Clerk.

3. The Township Clerk is hereby authorized and directed to follow all procedures and provide all notices required by the Michigan Election Law for the August 2, 2016 primary election.

4. The Township Clerk is hereby authorized and directed to make the necessary arrangements to deliver a certified copy of this Resolution to the Mecosta County Clerk as soon as possible, but in no event later than 4:00 p.m. on May 10, 2016, and to take other steps which are necessary and useful in scheduling the election.

5. The Township Clerk is hereby authorized and directed to file, within five days after the election, a certified copy of the official declaration of the election results with the County Treasurer.

6. All resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: 6 NAYS: 0 ABSENT: 1

RESOLUTION DECLARED ADOPTED.

Rene Fountain, Clerk
Charter Township of Big RapidsSTATE OF
MICHIGAN)

2. **Motion to hire Grounds and Maintenance Supervisor:** A motion to hire Kelly Cushway starting March 15, 2016 as the Grounds and Maintenance Supervisor was made by Jensen. Seconded by Zimmerman. Motion carried unanimously on a roll call vote.
3. **Motion to accept Sidewalk Construction Contract:** A motion to accept the bid from Steve Jones Construction in the amount of \$347,950.53 for the Sidewalk Construction Contract was made by Currie. Seconded by Jensen. Motion carried unanimously on a roll call vote.
4. **Motion to adopt Consumers Ordinance:** A motion to adopt Ordinance #25 as printed and published was made by Hamelund. Seconded by Currie. Motion carried unanimously on a roll call vote.
5. **Request from Little League:** Chad Root requested the board alter the existing field at Highbanks Park into 2 full size little league fields. The board suggested Mr. Root consider a site on 18 Mile Road in the Industrial Park and requested Mr. Root present drawings to the Planning Commission for their approval and provide an estimate to the board for the cost of the project along with any grants that would help finance the project.

NEW BUSINESS:

1. **Road work bids for 2016 work:** No Action.
2. **Computer for Treasurer:** A motion to purchase the Quad-Core Intel i5 processor for the treasurer as presented was made by Jensen. Seconded by Zimmerman. Motion passed unanimously on a roll call vote.
3. **MDOT Resolution:** A motion to approve Resolution 2016-03 was made by Zimmerman. Seconded by Currie. Motion passed unanimously on a roll call vote.

MDOT Resolution #2016-03

Michigan Department
Of Transportation
2207B (10/14)

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance 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" or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, The Big Rapids Charter Township

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 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 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. 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 its 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.

3. 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.

4. The GOVERNMENTAL AGENCY It 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.

5. With respect to any activities authorized by 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.

6. 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.

7. 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 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.

Bill Stanek - Township Supervisor

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the Big Rapids Charter Township Board of the Big Rapids Charter Township of Mecosta County at a meeting held on the 1st day of March A.D. 2016.

Ayes: 6 Nays: 0 Abstain: 0

Rene Fountain, Clerk

Bill Stanek, Supervisor

PUBLIC COMMENT: Chris Vodry – sidewalk, liability concerns with Little League using Highbanks park being near the river, committee against the Library millage. Bob Maguire – Roads, Sidewalk. Scott Morningstar – Sidewalk. Joe Bentley – Sidewalk.

ADJOURNMENT: 8:06 p.m.

Clerk

Supervisor