

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN
HELD ON MONDAY, DECEMBER 3, 2018 A.D.
IN THE COUNCIL CHAMBERS OF
THE PETER ROTTEVEEL MUNICIPAL BUILDING
14100 CIVIC PARK DRIVE, RIVERVIEW, MICHIGAN 48193-7689

The meeting was called to order at 7:30 p.m.

Presiding: Mayor Pro Tem James Trombley

Present: Councilmembers Blanchette, Coffey, Towle, Elmer Trombley, Workman

Excused: Mayor Swift (Ill)

Also Present: City Manager Drysdale, City Clerk Hutchison, Police Chief Rosebohm, Fire Chief Lammers, Finance/Purchasing Director McMahon, Information and Technology Director Harper, Parks and Recreation Director Dickman, Department of Public Works Director Webb, Interim Golf Course Operations Manager Kettler Carlisle Wortman Community Development Director Scurto, Charles E. Raines Company City Engineer Sabak, Cornerstone Environmental Group Project Manager Bowyer, Attorney Pentiuik

The **Pledge of Allegiance** was led by Councilmember Blanchette.

The **Invocation** was given by Councilmember Elmer Trombley.

AWARDS AND PRESENTATIONS AND PROCLAMATIONS:

None.

MINUTES:

Motion by Councilmember Blanchette, seconded by Councilmember Coffey, that the **Minutes** of the Regular Meeting of **November 19, 2018**, and the condensed version for publication, be **Approved**.
Carried unanimously.

PUBLIC HEARINGS:

None.

PUBLIC COMMENTS:

At this time, the Mayor Pro Tem asked if anyone wished to address the City Council.

ORGANIZATIONAL BUSINESS:

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, that Mr. **Raymond Lemons** appointment to the City **Planning Commission** to fill an **unexpired term** to **July 31, 2019**, vacated by Mr. Eric Martin, be Approved.
Carried unanimously.

CONSENT AGENDA:

Motion by Councilmember Elmer Trombley, seconded by Councilmember Workman, that the Consent Agenda be Approved as follows:

- Approve **Request to Travel** for Councilmember **Elmer Trombley** to attend the 2019 Michigan Municipal League **Capitol Conference** in Lansing, Michigan, over the period of March 19-20, 2019.

Carried unanimously.

RESOLUTIONS:

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, that the Performance Resolution No. 18-24 for Government Bodies for **Wayne County Annual Pavement Restoration** Permit, Annual Maintenance Work in **Right-of-Ways** Permit, and **Special Events Permit**, be Adopted.

RESOLUTION NO. 18-24
RESOLUTION AUTHORIZING EXECUTION OF WAYNE COUNTY PERMITS
ANNUAL PAVEMENT RESTORATION
ANNUAL MAINTENANCE WORK IN RIGHT-OF-WAYS
SPECIAL EVENTS

At the Regular Meeting of the Riverview City Council on 3rd day of December, 2018, the following resolution was offered:

WHEREAS, the City of Riverview, (hereinafter the "Community") periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the "County") for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247,651 et seq.} the County permits and regulates such activities noted above and related temporary road closures;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the "Permit"), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community 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 County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community's authorized representative.

BE IT FURTHER RESOLVED that the following individuals are authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Services Engineering Division Permit Office for

necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

Jeff Webb – Director of the Department of Public Works

Ron Tabor – Supervisor of the Department of Public Works

AYES: Mayor Pro Tem James Trombley, Councilmembers Blanchette, Coffey, Towle, Elmer Trombley, Workman

NAYS: None.

EXCUSED: Mayor Swift

ADOPTED this 3rd day of December, 2018.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Riverview, County of Wayne, Michigan, on this 3rd day of December, 2018.

Cynthia M. Hutchison, CMC
City Clerk

Motion by Councilmember Coffey, seconded by Councilmember Elmer Trombley, that Resolution 18-25, Performance and Performance and Indemnification Commitment for Government Bodies for State of Michigan (MDOT) Annual Permit for **Work on State Highways**, be Adopted.
Carried unanimously.

Michigan Department Of Transportation
2207B (11/16)

RESOLUTION NO. 18-25
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 CITY OF RIVERVIEW

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
Supervisor of Public works

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the City Council of the City of Riverview of Wayne County, at a Regular meeting held on the 3rd day of December, A.D. 2018.

Cynthia M. Hutchison, CMC, City Clerk

ADMINISTRATION:

None.

ORDINANCES:

None.

OTHER BUSINESS:

None.

CLOSED SESSION:

None.

ADJOURNMENT:

Motion by Councilmember Elmer Trombley, seconded by Councilmember Coffey, that the Meeting be Adjourned.

Carried unanimously.

Meeting Adjourned at 7:40 p.m.

James Trombley, Mayor Pro Tem

Cynthia M. Hutchison, City Clerk