

Mayor Greg Mapes called a regular meeting of the Alma City Commission to order at 6:00 p.m. in the Alma Municipal Building. A quorum of the Commission was present.

Roll Call

Present: Roger Allman, Andrew Bare, Roxann Harrington, Laurie Harrison, Greg Mapes, Michelle Pitts, and Daniel Wernick.

Absent: none.

Mayor Mapes led those present in a recitation of the Pledge of Allegiance to the United States of America.

2023-0065 Motion by Commissioner Bare, seconded by Commissioner Allman, to approve minutes of the February 28, 2023, regular meeting and closed session, as presented, and the March 8, 2023, special meeting, with corrections. Motion carried.

Yes: Allman, Bare, Harrington, Harrison, Mapes, Pitts, and Wernick.

No: none.

Requests for Purchase

2023-0066 Motion by Commissioner Allman, seconded by Commissioner Pitts, to adopt a resolution to approve a request for purchase of 200 tons of road salt at \$63.61 per ton for a total of \$12,722.00 from Detroit Salt Company.

Yes: Allman, Bare, Harrington, Harrison, Mapes, Pitts, and Wernick.

No: none.

Resolution declared adopted.

2023-0067 Motion by Vice-Mayor Harrington, seconded by Commissioner Wernick, to adopt a resolution to approve a request for purchase from Election Source for a tabulator, ballot bin, voter assist terminal and printer, duplexing printer, and associated maintenance and license costs, for a total cost of \$10,320.00, also to authorize the City Clerk to sign related agreement for maintenance and license fees.

Yes: Allman, Bare, Harrington, Harrison, Mapes, Pitts, and Wernick.

No: none.

Resolution declared adopted.

Resolutions

2023-0068 Motion by Commissioner Allman, seconded by Commissioner Pitts, to adopt the following Performance Resolution and authorize street closures and banner placement in conjunction with 2023 Special Community Events (Attachment A):

PERFORMANCE RESOLUTION FOR MUNICIPALITIES

RESOLVED WHEREAS, the City of Alma, hereinafter referred to as the "MUNICIPALITY," 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 MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* 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 MUNICIPALITY is performed by a contractor, the MUNICIPALITY 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 MUNICIPALITY. Failure of the MUNICIPALITY 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 MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY 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 MUNICIPALITY, 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 MUNICIPALITY.
4. The MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY 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 MUNICIPALITY.

Public Services Director
Public Services Administrative Assistant/Deputy Clerk
City Clerk