

Charter Township of Port Huron Board

Regular Meeting Held Jan 20, 2020 at 7:00 P.M.

3800 Lapeer Road, Port Huron, MI 48060

MINUTES

ROUTINE BUSINESS:

The pledge of allegiance stated.

Roll Call: Trustees Riehl, Reno, Livingston, Dudas, Treasurer Shonka, Clerk Davis, Supervisor Lewandowski

Special Guests: Mike Leuffgen (J&A Engineering), Attorney Goldenbogen, Chief Mainguy, Fire Personnel, Deputy from S.C.C. Sheriff Dept. Residents

APPROVAL OF MINUTES:

Motion by Livingston, supported by Dudas, to approve the Dec 16, 2019 Regular Board meeting minutes.

Vote: All in favor

Result: Motion Carried

PUBLIC COMMENTS:

No Public Comments

UNFINISHED BUSINESS:

No Unfinished Business

NEW AGENDA ITEMS:

A. Attorney's Report:

The prepared report was reviewed. No further discussion.

B. Engineer's Report:

DWRF Report and update on Griswold Pump Station which should be ready to bid in February.

C. Sheriff's Report:

The prepared report was reviewed. No further discussion.

D. Fire Chief's Report:

1. Motion by Riehl, supported by Reno to approve the hiring of 2 part-time firefighters: Douglas Moran and Justin Holsworth.

Roll Call Vote: Ayes: Riehl, Reno, Dudas, Livingston, Shonka, Davis, Lewandowski

Nays: None

Absent:

Result: Motion Carried

2. Motion by Reno, supported by Livingston to approve waivers on cost recovery accounts that are uncollectable due to time limits per the Cost Recovery Ordinance in the amount of \$6,349.50

Roll Call Vote: Ayes: Reno, Livingston, Riehl, Dudas, Shonka, Davis, Lewandowski

Nays: None

Absent:

Result: Motion Carried

E. Approve Performance Resolution for Government Agencies with the Michigan Department of Transportation:

Michigan Department of Transportation
2207B (12/16)

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

Page 1 of 2

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 Charter Township of Port Huron

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:

Supervisor,

Robert G. Lewandowski Jr.

Clerk,

Benita E. Davis

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the Township Board of the Charter Township of Port Huron of Saint Clair County at a Regular Board meeting held on the 20th day of January 2020

Signed: _____

Title: Township Clerk

Motion by Dudas, supported by Riehl to approve Performance Resolution for Government Agencies with the Michigan Department of Transportation.

Roll Call Vote: Ayes: Dudas, Reno, Riehl, Livingston, Shonka, Davis, Lewandowski

Nays: None

Absent:

Result: Motion Carried

F. Approve Resolution #2020-1-20A allowing Port Huron Township to maintain its utilities in the road Right-of-Ways with St Clair County Road Commission:

RESOLUTION #2020-01-20A

WHEREAS, the Township of Port Huron in the County of St. Clair, Michigan desires to make public improvements, namely, to construct, locate, or repair utilities such as water & sewer lines for emergency & maintenance type work. Which requires certain operations within and upon the right-of-way of county highways known as various roads throughout Port Huron Charter Township which are under the jurisdiction of the Board of County Road Commissioners; and

WHEREAS the Board of County Road Commissioners is willing to issue a permit, therefore, provided said Board is assured of indemnity and protection against all liability arising by reason of Michigan law;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Township of Port Huron, St. Clair County, Michigan that in consideration of the Board of County Road Commissioners granting a permit to the Township of Port Huron upon proper application therefore to construct and maintain its' facilities along and upon the right-of-way of certain highways of the Township of Port Huron shall save harmless and indemnify the Board of County Road Commissioners of The County of St. Clair and their successors against all liability which arises or might arise out of the actions or failure to act by the Township and those performing at the direction of the Township in the operation or maintenance of said Township facilities.

I hereby certify that the above is true and correct copy of a resolution adopted by the governing body of the Township of Port Huron, St. Clair County, Michigan at a meeting held on the 20th day of January, 2020. At a regular meeting of the Charter Township of Port Huron Board of Trustees held at 3800 Lapeer Road, Port Huron, Michigan on January 20, 2020 at 7:00 P.M., the foregoing preamble and resolution were offered by Livingston supported by Dudas
Roll Call Vote:

Nays: Livingston, Dudas, Reno, Riehl, Shonka, Davis, Lewandowski
Absent: None

Supervisor declared Resolution adopted.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Port Huron, County of St. Clair, Michigan at a regular meeting held on January 20, 2020, and that said meeting was conducted and public notice was given in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, and that the minutes were kept and will be or have been made available as required by said act.

Benita Davis, Township Clerk

G. Approve the purchase of a GPS for DPW:

Motion by Riehl, supported by Reno to approve the purchase of a Seiler GPS Locator for DPW in the amount of \$6,349.50.

Roll Call Vote: Ayes: Reno, Riehl, Livingston, Dudas, Shonka, Davis, Lewandowski
Nays: None
Absent:

Result: Motion Carried

H. Adopt Ordinance/Map Amendment #246

Ordinance/Map Amendment # 246

The Charter Township of Port Huron approved the adoption of the above said amendment to the Official Zoning Map of the Charter Township of Port Huron at a regular meeting of the Township Board on January 20, 2020, @ 7:00 pm at the Port Huron Township Hall, 3800 Lapeer Rd, Port Huron, Michigan 48060.

The properties located on the East side of N Range Rd, from South of the railroad tracks to Ravenswood Rd, and on the North and South sides of Dove Rd, between Range Rd and approximately Minnesota Rd, as noted on the enclosed map, that are currently zoned either B-3 General Commercial or L-1 Light Industrial, are to be rezoned to a dual zoning of B-3 General Business and I-Light Industrial.

Section 5. Effective Date and Severability. All ordinances or amendments in conflict herewith are hereby repealed, and this ordinance shall take immediate effect following its' adoption and publication in the local newspaper. Should any provision or part of the Ordinance within be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

The above Ordinance was offered for adoption by Township Board Member Trustee Riehl, and was seconded by Township Board Member Trustee Dudas , the vote being as follows:

YEAS: Riehl, Dudas, Livingston, Reno, Shonka, Davis, Lewandowski

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED:

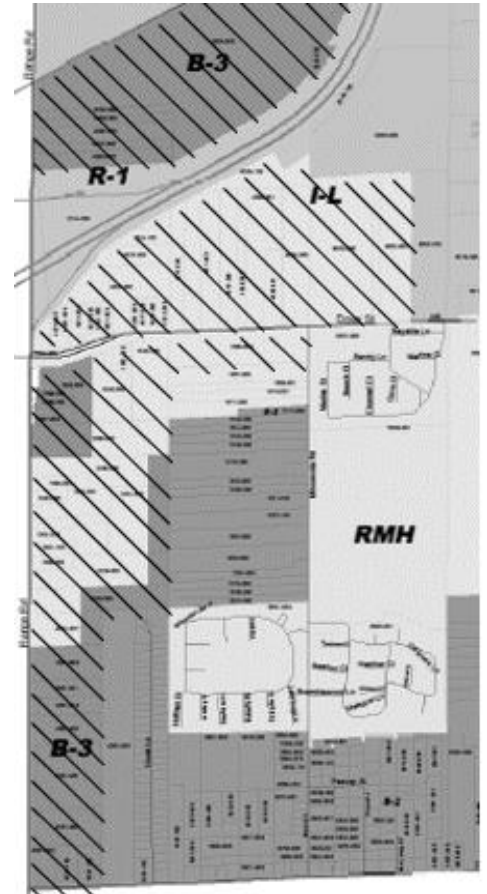
By: Benita Davis, Clerk
Charter Township of Port Huron

CERTIFICATION

I hereby declare that the above is a true copy of an Ordinance adopted by the Charter Township of Port Huron Board at a board meeting held on May 20th, 2019, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

Dated:

Benita Davis, Township Clerk
Charter Township of Port Huron



Motion by Riehl, supported by Dudas to Adopt Ordinance/Map Amendment #246.

Roll Call Vote: Ayes: Riehl, Dudas, Livingston, Reno, Shonka, Davis, Lewandowski

Nays: None

Absent:

Result: Motion Carried

I. Approve the Lot Split of Parcel 74-28-764-0111-000 also known as 3481 W. Water:

Motion by Reno supported by Livingston to Approve the Lot Split of Parcel 74-28-764-0111-000 also known as 3481 W. Water.

Vote: All in favor

Result: Motion Carried

APPROVAL OF BILLS:

Motion by Shonka, supported by Livingston to approve payment of pre-paid bills

Amount: \$2,178,477.72

Check #s: 47241-47332

Roll Call Vote: Ayes: Shonka, Livingston, Dudas, Reno, Riehl, Davis, Lewandowski

Nays: None

Absent:

Result: Motion Carried

Motion by Shonka, supported by Reno to approve payment of current bills.

Amount: \$2626,861.56

Check #s: 47333-47386

Roll Call Vote: Ayes: Shonka, Livingston, Dudas, Reno, Riehl, Davis, Lewandowski

Nays: None

Absent:

Result: Motion Carried

BOARD CORRESPONDENCE:

SEMCOG report given

Trustee Dudas discussed Museum Board Development

Feb 6th will be SEMCOG parks meeting

ADJOURNMENT:

Motion by Riehl supported by Livingston to adjourn at 7:55 p.m.

Vote: All in favor

Result: Motion Carried

Robert G. Lewandowski, Jr., Supervisor

Benita E. Davis, Clerk