

MINUTES OF THE SPECIAL MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON MONDAY, APRIL 12, 2010

Mayor Hall presided and called the meeting to order at 10 a.m.

ROLL CALL: PRESENT – Council Members Darrin Darga, Gary Nowak, and Mayor Beach Hall.

ABSENT – Council Members Debra Greene and Thomas Sobeck.

OTHER CITY PERSONNEL PRESENT – City Mgr. Mark Slown, City Atty. Michael Vogler, and Clerk/Treasurer Theresa Heinzl.

The purpose of the special meeting was to consider approval of a resolution regarding the Erie Street Lift Station as required by USDA.

Atty. Vogler was asked to address the agenda item. Vogler spoke with Blake Smith of the USDA-RD. The City has the easement from the Michigan Department of Transportation for the Erie Street Lift Station. However, a resolution is required by USDA in order to obtain a right-of-way certificate approval as part of the closing on the USDA-RD loans.

RESOLUTION NO. 2010-37

At a special meeting of the City Council of the City of Rogers City, Presque Isle County, Michigan, held on the 12th day of April, 2010, the following resolution was offered by Council Member Nowak and seconded by Council Member Darga:

WHEREAS, the City of Rogers City has constructed a wastewater collection and disposal system pursuant to various contracts and permits, and

WHEREAS, a lift station has been constructed within the right-of-way of M-68 Highway as authorized by a permit issued to the City of Rogers City by the Michigan Department of Transportation, and

WHEREAS, the Michigan Department of Transportation permit obligated the City of Rogers City to faithfully fulfill all permit requirements and to indemnify and save harmless the Michigan Department of Transportation from claims of every kind arising out of operations authorized by such permits as are issued, and

WHEREAS, the City of Rogers City wishes to affirm its obligations and undertakings of the permit and to include within its obligations and undertakings the United States Department of Agriculture – Rural Development, and

BE IT RESOLVED, that the obligations of the City of Rogers City required by the permit and the undertakings therein are hereby affirmed, and

BE IT FURTHER RESOLVED, that the City of Rogers City accepts all responsibility for, and will indemnify and hold harmless the United States Department of Agriculture – Rural Development, from any loss, damage, expense, or liability that may result from construction, renovation, operation, maintenance, relocation or replacement of the lift station or removal of the lift station from the right-of-way of M-68 Highway.

ROLL CALL: Ayes – Darga, Nowak, and Hall.

Nays – None.

Absent – Greene and Sobeck.

The motion was approved.

ADJOURNMENT:

The meeting was declared adjourned at 10:04 a.m. by Mayor Hall.

BEACH HALL, MAYOR

THERESA A. HEINZEL, CITY CLERK/
TREASURER