

Van Buren County Board of Road Commissioners

Thursday, March 7, 2019

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 7th day of March, 2019 at 7:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session in the offices in Lawrence, Michigan.

PRESENT: Road Commissioners Askew, Boze, Burleson, Kinney, and Moffat
Engineer-Manager Lawrence B. Hummel, P.E.
Board Secretary-Finance Director Linnea Rader
Highway Engineer Barry Anttila
Operations Director Greg Brucks
Fleet and Facilities Superintendent Gary Rohacs
Administrative Assistant Jill Brien

GUESTS: Ryan Mcfanin, Deputy Van Buren County
Daniel J. Ruzick, Supervisor of Antwerp Township
Mike Chappell, County Commissioner
Greg Pardike, 50356 CR665, Paw Paw
Kurt Doroh, County Commissioner

Chairman Boze called the meeting to order at 7:00 PM. He reminded all Road Commissioners that they represent the Van Buren County Road Commission, not individual townships and, as such, must act in the best interest of the Van Buren County Road Commission.

Moffat requested that items be added to the Agenda as follows: 17A, Engineer-Manager's Time Reporting; 17B, Proposed Legal Services Agreement. Kinney requested that item 6 be revised to read as follows: Do Over Election of Officers. It was discussed that this matter was decided at the last regular meeting, and the vote resulted in a re-do of the annual meeting. Additional discussion regarding a legal opinion obtained which states that the Road Commission's December election is valid as it was noticed as it always has been noticed in the past, and because the Board approved the agenda noting a re-organization of the Board. Further discussion that the minutes of the March 7th meeting should be revised to reflect:

Because the election was held on December 20, 2018 **without proper notice per Board Rules**, it is Moffat's belief that, to be consistent with the Rules, the Board will need to "do over" the meeting, and notice the annual meeting "do over" on the first meeting in March.

Additional discussion was held. Motion by Kinney, seconded by Moffat to revise the Agenda as proposed by Moffat and Kinney by adding items 17A and 17B, and revising the wording of item 6.

AYES: 4
NAYS: 1 (Boze)
MOTION CARRIED.

Motion to approve the Agenda made by Moffat, seconded by Burleson.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Kinney, seconded by Moffat to approve the Minutes of the February 21, 2019 meeting, as revised.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Chairman opened the meeting to public comment. Antwerp Township Supervisor Daniel Ruzick relayed that a letter from Antwerp Township was sent to the Board of County Road Commissioners, which was published in the Courier-Leader. He stated that the

Road Commission's Letter to the Editor appeared in the newspaper today. Supervisor Ruzick stated he felt that he did not make accusations or allegations against the Road Commission as the Letter to the Editor so states. Hummel responded to Supervisor Ruzick's comments. Supervisor Ruzick also discussed that the Township has been waiting for a reply from the Road Commission regarding Silver Oaks Condominiums. Discussion that Resolutions were given to the Road Commission in October, and that the Developer had already paved before the Resolutions were passed by both Antwerp and Almena Townships. Further that the Road Commission has serious concerns regarding the paving that took place in the subdivision without notice to the Road Commission. We were only alerted when citizen complaints came in as the conditions that day were very wet and muddy.

Chairman Boze relinquished the Chair to Board Secretary Linnea Rader for the purpose of re-organizing the Board.

The Board Secretary called for nominations for the office of Chairman. Askew nominated Boze for the office of Chairman. The nomination was seconded by Burleson. Board Secretary asked if there were other nominations? Moffat nominated Kinney. Rader closed nominations for Chairman as there were no further nominations. Rader called for a roll call vote for the office of Chairman.

Boze - Boze.
Askew - Boze.
Kinney - Kinney.
Moffat - Kinney
Burleson - Boze.

Boze elected to the office of Chairperson for Board.

Board Secretary Rader called for nominations for the office of Vice-Chairman. Askew nominated Kinney for the office of Vice-Chairman. There being no further nominations Rader closed nominations. Rader asked the Members to vote affirmatively on Kinney for the office of Vice-Chairman.

AYES: 5
NAYS: 0
MOTION CARRIED.

Rader relinquished the Chair to Boze.

Moved by Askew and seconded by Kinney to appoint Hummel as Chief Fiscal Officer for the Van Buren County Road Commission.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Moffat, seconded by Burleson to appoint Jill Brien as Board Secretary. Rader provided information regarding the description/definition of Board Secretary according to Robert's Rules of Order. Jill accepted the nomination.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Boze and seconded by Askew to appoint Attorney Kelly Page as Board Attorney.

AYES: 4
NAYS: 1 (Moffat)
MOTION CARRIED.

Proposed Budget adjustment was reviewed by Rader. Details were reviewed regarding proposed Revenue increases due to Federal Aid on Red Arrow Highway project between 26th and 28th Streets, and decreases due to Congestion Mitigation and Air Quality (CMAQ) funding reduction. Proposed additional expenditures were reviewed including top course paving on CR376 in Bangor Township, culvert replacements on CR665 in Waverly Township, and on CR388 in Bloomingdale Township. Additional proposed Maintenance

expenditures were discussed including 10 additional miles of primary road sealcoat for a new total of 50 miles this season, primary road crackseal, additional tree removal work, drainage and de-berming (87 miles on primary roads). Proposed Capital Outlay adjustments reviewed as follows: Gradall purchase, and an additional roller for grader for a total of 3 rollers. Reserved budget items were also reviewed to be approved in the event additional funding was presented to the Road Commission. Motion by Askew, seconded by Burleson to approve the adjusted Budget presented as follows:

**Van Buren County Road Commission
2019 Operating Budget
March 7, 2019 Budget Adjustment**

Revenue

	\$43,530.00	\$43,465.00	Adjustment
AOF - January 1st, 2019	\$9,500,000.00	\$7,494,845.00	\$2,005,155.00
Michigan Transportation Fund (MTF)			
Engineering	\$10,000.00	\$10,000.00	\$ -
Primary	\$5,313,000.00	\$5,313,000.00	\$ -
Local	\$3,444,000.00	\$3,444,000.00	\$ -
Primary Urban	\$425,250.00	\$425,250.00	\$ -
Local Urban	\$177,450.00	\$177,450.00	\$ -
Total MTF	<u>\$9,369,700.00</u>	<u>\$9,369,700.00</u>	<u>\$ -</u>
Other State Revenue			
State Aid - Snow Funds	\$70,000.00	\$70,000.00	\$ -
State Aid - Economic Development	\$108,113.00	\$ -	\$108,113.00
State Aid - Bridges	\$ -	\$ -	\$ -
State Aid - Supplemental Road Funding	\$ -	\$ -	\$ -
State Aid - Other (Safety, Grants, etc)	\$ -	\$ -	\$ -
Total Other State Funding	<u>\$178,113.00</u>	<u>\$70,000.00</u>	<u>\$108,113.00</u>
Federal Funds			
Federal Aid - Secondary	\$ -	\$ -	\$ -
Federal Aid - Safety HRRR	\$ -	\$ -	\$ -
Federal Aid - Bridges	\$626,054.75	\$626,054.75	\$ -
Federal Aid - STP	\$826,887.00	\$260,000.00	\$566,887.00
Federal Aid - CMAQ/Other	\$126,000.00	\$226,000.00	(\$100,000.00)
Total Federal Aid	<u>\$1,578,941.75</u>	<u>\$1,112,054.75</u>	<u>\$466,887.00</u>
Property Taxes			
County Wide Millage	\$2,400,000.00	\$2,400,000.00	\$ -
County Appropriation	\$ -	\$ -	\$ -
Township Contributions	\$3,038,588.75	\$3,038,588.75	\$ -
Other Revenues (Interest, Gain on Equip, etc.)	\$180,000.00	\$180,000.00	\$ -
Total Revenue including AOF	<u><u>\$26,245,343.50</u></u>	<u><u>\$23,665,188.50</u></u>	<u><u>\$2,580,155.00</u></u>

Expenditure

	March 7, 2019	January 1, 2019	Adjustment
Heavy Maintenance			
Primary Roads	\$3,130,980.00	\$1,760,000.00	\$1,370,980.00
Primary Structures	\$319,455.00	\$319,455.00	\$ -
Local Roads	\$1,926,000.00	\$1,926,000.00	\$ -
Local Structures	\$668,550.00	\$668,550.00	\$ -
Total Heavy Maintenance	<u>\$6,044,985.00</u>	<u>\$4,674,005.00</u>	<u>\$1,370,980.00</u>

Maintenance

Primary Roads			
General Maintenance	\$750,000.00	\$650,000.00	\$100,000.00
Traffic Services	\$200,000.00	\$200,000.00	\$ -
Snow & Ice Control	\$700,000.00	\$700,000.00	\$ -
Special Maintenance Projects	\$2,215,000.00	\$1,675,000.00	\$540,000.00
Routine Structure Maintenance	\$5,000.00	\$5,000.00	\$ -
Local Roads			
General Maintenance	\$1,100,000.00	\$1,100,000.00	\$ -
Traffic Services	\$400,000.00	\$400,000.00	\$ -
Snow & Ice Control	\$1,100,000.00	\$1,100,000.00	\$ -
Special Maintenance Projects	\$2,500,000.00	\$2,500,000.00	\$ -
Routine Structure Maintenance	\$10,000.00	\$10,000.00	\$ -
Disaster Contingency	\$5,000.00	\$5,000.00	\$ -
Total Maintenance	\$8,985,000.00	\$8,345,000.00	\$640,000.00

Other Expenses

Administration	\$800,000.00	\$800,000.00	\$ -
Interest Expense	\$19,000.00	\$19,000.00	\$ -
Long-Term Debt Payments	\$395,000.00	\$395,000.00	\$ -
Net Capital Outlay	\$1,667,360.00	\$1,240,560.00	\$426,800.00
Net Equipment Expense	\$200,000.00	\$200,000.00	\$ -
Non-Road Improvement (Evergreen Bluff)	\$ -	\$ -	\$ -
Distributive Expense	\$2,700,000.00	\$2,700,000.00	\$ -
Adjustments to Fund Balance	\$ -	\$ -	\$ -
Total Other Expenses	\$5,781,360.00	\$5,354,560.00	\$426,800.00

Total Expenditures \$20,811,345.00 \$18,373,565.00 \$2,437,780.00

Operating Fund Balance \$5,433,998.50 \$5,291,623.50 \$142,375.00

Total Expenditures & Fund Balance \$26,245,343.50 \$23,665,188.50 \$2,580,155.00

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Finance Director's Update was provided by Rader:

- Additional limited utilization of GPS. Discussions were held regarding GPS program reporting capabilities. Rader will look into the different options that are available and will report back to the Board.
- Per Diem Travel Policy review update. Proposed revised Policy to be brought before Board at next regular meeting.

Motion by Askew, seconded by Kinney to approve the following Road Commission Vouchers:

Voucher #2081	\$120,229.05
Voucher #2082	\$300.45
Voucher #2083	\$296,311.76
Voucher #2084	\$2,712.62

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Hummel updated the Board on the award of bids, in the best interest of the Van Buren County Road Commission, as follows:

- 22A Gravel Resurfacing to as-read low bidders with the exception of Bangor Township as two contractors tied for low bid in Bangor. After contacting Bangor Township Supervisor Mike Sullins the bid was awarded to R. Smith and Son due to the Township's preference as well as availability of trucking to the Road Commission last season.

- Slag to Yellow Rose Transport for the 2019 season upon the furnishing of a Payment Bond. Board will evaluate Yellow Rose Transport's performance at the end of the 2019 season and will, based upon staff recommendations, make decisions regarding the 2020 and 2021 seasons accordingly.
- Antwerp Township paving projects to the as-read low bidding contractor, Michigan Paving & Materials Co. as follows:
 - 30th Street from 62nd Avenue to 60th Avenue.
 - 32nd Street from 66th Avenue to M-40.
 - 56th Avenue and 58th Avenue from CR653 to CR657.
 - Martha's Vineyard (Jewell's Drive) East of 30th Street.
 - Whispering Woods Subdivision (Deep Woods Drive) East of 30th Street.
 - Long Grove Subdivision South of Red Arrow Highway.
 - 63rd Avenue from Drape Road to CR652.
- 63rd Avenue between Drape Road and 26th Street, Antwerp Township awarded to the as-read low bidding contractor, Scott Pavlak Excavating. Supervisor Ruzick confirmed that this project was a 50/50 split between the Road Commission and the Township.
- 36th Avenue between 40th Street and 37.50th Street, Waverly Township awarded to the as-read low bidding contractor, Scott Pavlak Excavating.
- Liquid Dustlayer was awarded to both bidding contractors, Great Lakes Chloride and Southwestern Michigan Dust Control, as each township's discretion.

Hummel reviewed proposed Policy on Township Requested Winter Maintenance Operations developed based upon discussions from last meeting. The Board discussed liability concerns, changes in levels of service, expectations, etc. and took no action on proposed Policy as it was agreed that one was not necessary to not authorize any winter maintenance operations over and above the current Snow Plow Policy. Moffat requested a review of the list of non-certified roads plowed by the Road Commission under contract and would like the Pool's opinion on the Road Commission's "exposure" in this regard in the coming months.

Reviewed Road Commission's draft response to letter from Antwerp Township Board. Motion by Askew, seconded by Moffat to table discussions until the next regular meeting of the Board, and until such time as the Members can review.

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Rader reviewed proposed 2019 Sealcoat Pricing and Deberming Pricing as follows:

Sealcoat

Local Road ¾ of a mile or less	\$19,000
Local Road greater than ¾ of a mile	\$18,250
Local Road Continuous segment greater than 2 miles	\$17,500
Primary Road ¾ of a mile or less	\$24,500
Primary Road greater than ¾ of a mile	\$23,750
Primary Road Continuous segment greater than 2 miles	\$23,000

Fog Seal

Fog Seal per mile	\$5,200
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Deberming

Deberm per mile	\$2,100
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Motion by Moffat, seconded by Askew to adopt pricing schedule for the 2019 season.

AYES: 5
NAYS: 0
MOTION CARRIED.

Operations Director's Update by Greg Brucks:

- Staff continues winter operations.
- Tree removals on 50th Street in Arlington Township.
- Tree removals on CR380 East of the Village of Breedsville.
- Frost Laws to be imposed on Monday at 6 AM. Staff working to install signs.

Highway Engineer's Update by Barry Anttila:

- Four projects being advertised for March 21st bid letting as follows: culvert replacements on CR388, CR6655, and CR374, and drainage improvements on 50th Street, Arlington Township.
- Engineering staff are working to prepare project plans for Federal Aid job on Red Arrow Highway between 27th Street and 28th Street, and on CR653 from Red Arrow Highway North ½ mile.
- CR380 from CR681 to Breedsville, preparing plans to let for bid.
- Preventative maintenance projects on 11 bridge structures in 2019. Staff will begin tree work on several of these structures.
- Snow/winter weather is getting in the way of preparing township requested estimates.
- Working to prepare applications for Local Bridge Program. We are allowed five submittals, but Van Buren's structures are in good condition and do not rate for reconstruction. Will look to find options for preventative maintenance once again this year.
- M40 at 62nd Avenue and CR653, Antwerp Township is working to acquire property to re-align intersection at M40. Anttila still has not had a response from the MDOT as the property abuts MDOT's right-of-way.

Engineer-Manager's Update by Lawrence Hummel:

- Road Commission Vehicle Identification discussed. Staff will install a vinyl window sticker or cling on either side windows, or rear window as local/state rules allow.
- Geneva Township annual road meeting on Thursday, March 21st.
- Seasonal weight restrictions to be implemented on Monday, March 11th at 6:00 AM.
- Permit Department update, February 2019.
- Procedures for selling Road Commission units was discussed.
- Al Svilpe prefers not receiving calls meant for Kinney.
- Governor Whitmer's plans for road funding. Noted that 70% of funds collected through this proposed road funding tax will go directly to roads under the State's jurisdiction and not through the MTF formula. The office has further information if more details are wanted.
- Read email from Supervisor Ruzick to Account Clerk Adam Springsteen wherein Ruzick states he is confident changes will occur at VBCRC and new funding will be allocated for the upcoming year. Unsure what is meant by the statements.
- Service Request Monthly Activity by Township for month of February.
- Read phone message from Keeler Township resident. One of the Road Commission's drivers, Ernie New, requested a wellness check on an elderly resident as he had not seen any activity at her home. The resident's son called to express his gratitude for the Road Commission staff member looking out for his mother.

A handout was provided to the Board by Moffat. Motion to require that the Engineer-Manager provide regular printed time sheets including the task, where he was, and what was done, similar to a daily log. Concerns discussed regarding creating a log/time record for a salaried employee. Further discussions were held regarding Michigan Labor Laws and/or Federal Labor Laws. Motion was withdrawn pending receipt of a legal opinion. Further discussions were held wherein Hummel agreed to provide a copy of his calendar to the Board for the two (or three) weeks following the last board meeting to be given to them with the preliminary agenda. The Board will review this process over the coming weeks to see how it works, and will hold off on a legal opinion for the time being.

Moffat withdrew the Agenda item "Legal Services Agreement" because the proposed agreement had not yet been provided by Attorney Page.

Road Commissioner's Township Meeting Attendance Report

From February 21st to present:

Askew: Township Supervisors' meeting.

Boze: Keeler Township on 3/5. CR362 West of CR687 there is a "dip" in the road; perhaps a failing tube? Also attended Township Supervisors' meeting.

Burleson: Township Supervisors' meeting. Did not go to the New Commissioners' Workshop in Mt. Pleasant due to inclement weather.

Kinney: Township Supervisors' meeting.

Moffat: Attended Almena Township's meeting.

The Chairman recessed the Regular meeting at 9:55 PM to open a Regular meeting of the Board of Public Works. Motion by Kinney, seconded by Askew.

AYES: 5
NAYS: 0
MOTION CARRIED.

The regular Road Commission meeting was reconvened at 10:01 PM, with all members present. Motion by Askew, seconded by Moffat.

AYES: 5
NAYS: 0
MOTION CARRIED.

A motion was made by Askew and seconded by Burleson to adjourn the Call of the Chair at 10:01 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman