

Van Buren County Board of Road Commissioners

Wednesday, June 19, 2019
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 19th day of June, 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
Finance Director Linnea Rader
Highway Engineer Barry Anttila
Operations Director Greg Brucks
Fleet & Facilities Superintendent Gary Rohacs
Administrative Assistant-Board Secretary Jill Brien

GUESTS: James M. Marquardt, Attorney for Doug Clauson
Yemi Akinwale, City Manager, City of Hartford
Dan Staunton, DPW Superintendent, City of Hartford
Paul Kiry, South Haven Township
Linda Norton, Columbia Township
Steven Rogusta, Village of Breedsville
Lee Abernathy, Citizen
Derek Hall, Michigan Department of Treasury (arrived at 7:25 PM)
Attorney Kelly Page
County Commissioner Mike Chappell

Chairman Boze called the meeting to order at 7:00 PM.

No additions/deletions to the Agenda.

Motion by Askew, seconded by Moffat to approve the Agenda.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Kinney to approve the minutes of the June 5, 2019 meeting as presented by Board Secretary Brien.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Chairman opened the meeting to public comment. Yemi Akinwale, City of Hartford addressed the Board regarding damage to a sanitary structure manhole cover allegedly damaged by the Road Commission's mowing contractor. Mr. Akinwale and Dan Staunton provided information and photographs to the Board. The Board took the damage claim under advisement.

Public comment was closed by the Chairman.

The following bids were opened at 7:15 PM:

68th Street between 48th and CR376, Bangor Township, HMA overlay with 2' gravel shoulders:

Rieth Riley Construction	\$122,753.00
Michigan Paving & Materials	\$122,670.00

62nd Street between CR376 and 36th Avenue, Bangor Township, HMA overlay with 2' gravel shoulders:

Rieth Riley Construction	\$145,452.00
Michigan Paving & Materials	\$164,830.00

Motion by Askew, seconded by Moffat to authorize the award of the bid by the Interim Managing Directors, upon review and tabulation by Engineering staff, in the best interest of the Van Buren County Road Commission.

AYES: 5
NAYS: 0
MOTION CARRIED.

Rader provided a budget review for the Board.

Finance Director's Update:

- Staff update.
- 2019 Michigan County Road Investment Plan to be provided to the Board at a future meeting.

Audit review by Derek Hall, Michigan Department of Treasury. A variety of topics were discussed, including GASB, pension, expenses and revenues.

Rader provided the Annual Report FY2018 to the Board. Over the next two meetings it will be Rader's intent to review the Report in greater depth, but she recommends approval at tonight's meeting so that the Report can be distributed to the county and township officials. Rader reviewed high points of the Report with the Board, including the Act 51 Report and supplemental pages, including Public Works Annual Report. Motion by Askew, seconded by Burleson to approve the Annual Report FY2019.

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

Motion by Kinney, seconded by Moffat to approve the following Vouchers:

Voucher #2101	\$127,804.02
Voucher #2102	\$411,615.55

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Askew to open a Closed Session at 8:30 PM for the purpose of considering written material subject to the attorney-client privilege. Roll call vote:

Kinney: Aye
Askew: Aye
Moffat: Aye
Burleson: Aye
Boze: Aye
MOTION CARRIED.

Regular Meeting was reconvened at 8:45 PM with all Members present.

Motion by Moffat, seconded by Askew to approve the following Policy:

**POLICY ON THE ABANDONMENT OF ROAD ENDS
AT LAKES AND STREAMS**

Policy No. 2019-02

Public Act 283 of 1909 establishes the methods by which a road which has been adopted into the county road system may be relinquished or abandoned by the Board of County Road Commissioners of Van Buren County. Because Van Buren County is unique in its situation on the shores of Lake Michigan, as well as with regard to the many inland lakes, streams, rivers and other bodies of water, the County is a vacation destination for fisherman, families, kayackers, etc., as well as a recreation area for its many residents and the public at-large.

The Van Buren County Board of Commissioners, through its Public Works Committee, passed the attached Resolution requesting that the "lakes and streams which reach a road or highway be continued available to the public." This Resolution was discussed with the Board of County Road Commissioners at its meeting on June 16, 1983.

Therefore, it shall be the Policy of the Board of County Road Commissioners of Van Buren County to review all petitions and requests for relinquishment or abandonment in accordance with the Statute, and the Road Commission's Fee Schedule Policy (2007-02), taking into careful consideration the County Board's Resolution in its decision.

Roll call vote:

Askew: Aye
Moffat: Aye
Burlison: Aye
Boze: Aye
Kinney: Aye
POLICY ADOPTED.

Motion by Burlison, seconded by Moffat to adopt the following Resolution:

RESOLUTION FOR ABSOLUTE ABANDONMENT AND DISCONTINUANCE (2019-14)

WHEREAS, a Petition for Absolute Abandonment and Discontinuance of Roadway or Portion Thereof having been received, which is properly signed and submitted by all of the owners of record and occupants of land abutting the subject roadway herein sought to be absolutely abandoned and discontinued; namely, East Court, as located within the Plat of North Lake Park, Pine Grove Township, Van Buren County, Michigan, and located between lots 49 and 50 of said Plat. (See Exhibit A); and,

WHEREAS, said East Court has not been maintained by the Road Commission as a public highway, nor are public funds expended on the roadway; and,

WHEREAS, there have been no objections to the Petition presented to the Road Commission by the general public; and,

WHEREAS, the Board has ascertained that said East Court is not suitable as access to North Lake for the public due to the terrain. Further, the Board has ascertained that the Road Commission does not require said East Court for drainage purposes, or otherwise, nor is an easement required to be reserved for public utility purposes within said right-of-way.

NOW, THEREFORE, BE IT RESOLVED that 124' of East Court located between Lake Shore Drive and the shores of North Lake in the North Lake Park Subdivision in Pine Grove Township, Van Buren County, Michigan be absolutely abandoned and discontinued as a public roadway.

BE IT FURTHER RESOLVED that copies of this Resolution shall be filed with the Office of the Register of Deeds for the County of Van Buren, State of Michigan, that a copy be served on the Clerk of the Township of Pine Grove, and that a copy of this Resolution be published once each week for three (3) successive weeks in the *Kalamazoo Gazette*, a newspaper of general circulation in the County.

Roll call vote:

Moffat: Aye
Burlison: Aye
Boze: Aye
Kinney: Aye
Askew: Aye
RESOLUTION ADOPTED.

Discussion brought by Rader regarding MCRCSIP Board of Directors' At-Large Ballot. Motion by Burlison to cast vote for Geoff Moffat for the At-Large position on the MCRCSIP Board of Directors, seconded by Kinney. Roll call vote:

Burleson: Aye
Boze: Aye
Kinney: Aye
Askew: Nay
Moffat: Aye
MOTION CARRIED.

Motion by Kinney, seconded by Moffat to open a Closed Session of the Board at 8:52 PM for the purpose of considering the lease of real property. Roll call vote:

Boze: Aye
Kinney: Aye
Askew: Aye
Moffat: Aye
Burleson: Aye
MOTION CARRIED.

Motion by Moffat, seconded by Askew to reconvene the Regular Meeting of the Board at 9:05 PM with all Members present.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Moffat, seconded by Askew to engage the legal services of Attorney Kelly Page to negotiate the terms of the Lease with American Tower under Attorney Page's current legal services agreement.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Boze, seconded by Askew to adopt the following Resolution:

RESOLUTION 2019-15

WHEREAS: On July 1, 2019, Primo Flores will retire from his position as a Heavy Equipment Operator for the Van Buren County Road Commission; and,

WHEREAS: Primo began his employment with the Van Buren County Road Commission on June 30, 1986. He remained a dedicated employee for 33 years working as a Mechanic, a Truck Driver, and a Heavy Equipment Operator, performing his many duties efficiently, and competently.

WHEREAS: Primo has been a committed member of the Road Commission team throughout the seasons, including clearing snow and ice accumulations, often in hazardous driving conditions, and working extended hours so that the motoring public could travel safely throughout Van Buren County; and,

WHEREAS: Primo has always taken great pride in being part of the Van Buren County Road Commission's team of road professionals.

NOW, THEREFORE, BE IT RESOLVED: That the Board of County Road Commissioners hereby recognizes the dedication of Primo Flores, and wishes him the very best in his retirement years.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

Discussion regarding proposed Stipulation for Dismissal of Defendant Board of Road Commissioners of Van Buren County from the civil action entitled People of the State of Michigan v The Board of Road Commissioners of Van Buren County; Geoff Moffatt [Moffat], Douglas Burleson, and Gregory H. Kinney. Motion by Kinney to approve Attorney Wendy Hardt's Stipulation for Dismissal of Defendant Board of Road Commissioners of Van Buren County as presented. Second by Askew.

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

Operations Director's Update:

Maintenance Report:

- Contractors out on roadside mowing. Should be complete county wide by the 29th.
- Ditching.
- De-berming is ongoing in Hartford Township.
- Sealcoat is going well.
- Contract Gravel started in Pine Grove Township; Bloomingdale next week.

Equipment Update:

- Gary and his staff are keeping up with service and repairs.
- Two new technicians are now on board.
- Purchased a boom mower at a price under that which was approved in the budget.
- Two chassis built this week; one next week. Should be delivered mid-July, then to Truck & Trailer for build up.

Permit Department Update provided in Board packets.

Highway Engineer's Update:

- 36th Avenue, Waverly Township, pipe has been assembled on site except headwall-wingwalls. Frontier moved one line, but could not locate the second line. Representatives have stated if the Road Commission's contractor hits or cuts the line that it will not be on the Contractor to pay.
- Traffic count work continues across the county.
- Culvert inventory continues.
- 26th Street, Antwerp Township, pipe materials will be delivered the week of the 24th. Contractor will move from 36th Avenue in Waverly, to CR388 in Columbia, then to 26th Street.
- MDOT road rating is being conducted this week in the south half of the county.
- Sister Lakes Brewing Company's anniversary party road closure permit application in Keeler Township.

Interim Directors' Update:

- Managing Director Job description and advertisement was reviewed by the Board.
- Long term Interim Directors Team reviewed with the Board by Anttila, Brucks and Rader. Questions were asked and answered. Team asked that the Board consider this approach as a permanent management team.

Motion by Kinney to schedule a Special Meeting on July 10th from 5:30-6:30 PM to consider the new leadership style versus the traditional leadership style. Motion was seconded by Askew.

AYES: 5
NAYS: 0
MOTION CARRIED.

- Update regarding upcoming staff trainings/conferences.
- Van Buren County Road Commission Staff Professional Organization Affiliations.
- See-Click-Fix platform discussed by Interim Directors, Brucks and Rader. Many questions were asked and answered regarding the platform.

Motion by Moffat to authorize the Managing Directors to contract for implementation of the See-Click-Fix software.

AYES: 5
NAYS: 0
MOTION CARRIED.

- Update regarding phone switch from Frontier to Bloomingdale Communications. Also working on a phone tree for some direct calls.
- Letter from Geneva Township dated May 25, 2019.

Legal update was provided by Attorney Kelly Page as follows:

- Keeler Township/Sister Lakes Brewing Company road closure request.
- Cornelius Farms lawsuit, Defendant has been served. Attorney Page requested copies of the photographs, as well as listing of any out-of-pocket costs, including manpower and expenses, that should be added to complaint.

Commissioner Updates and Reports:

Askew: Attended meetings in Covert Township, Geneva Township, Bangor Township and South Haven Township.

Boze: Attended meetings in Hamilton Township, Lawrence Township, and Hartford Township.

Burleson: Met with Dickie Stone, Bloomingdale Township Supervisor.

Discussion held regarding the City of Hartford's request for damages regarding the sanitary structure manhole cover. Board's consensus was that there was no responsibility on the part of the Road Commission. Brucks will work with staff to send an encroachment letter to the City.

Kinney: Attended the Asset Management Conference at the ISD, and Decatur Township Board Meeting.

Moffat: Attended Antwerp Township's board meeting. Met with Supervisor Van Tassel from Almena Township. Attended Porter Township's board meeting, and the Transportation Asset Management Conference on the 12th at the ISD.

Motion by Kinney, seconded by Askew for a special per diem for the Active Shooter Training earlier this evening, and a special per diem for those who attended the Asset Management Conference at the ISD on the 12th. Motion seconded by Askew.

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Motion by Boze to adjourn the Call of the Chair at 10:55 PM.

AYES: 5
 NAYS: 0
 MOTION CARRIED.

 Secretary

 Chairman