

Van Buren County Board of Road Commissioners

Wednesday, August 7, 2019
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 7th day of August, 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 (arrived late), 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: Attorney Kelly Page
County Commissioner Don Hanson
County Commissioner Kurt Doroh
County Commissioner Mike Chappell
Alan Loveridge
Steven Rogusta, Village of Breedsville
Linda Norton, Columbia Township Supervisor

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

Kinney requested that the following items be deleted from the Agenda: 11(C) Employment advertisement; 11(D) Where to advertise; 11(F) Commissioner Kinney's Motion to Appoint Special Committee; 11(G) Interview process and questions-both of Commissioner Kinney's faxes dated 7-30-19.

Boze requested that Agenda item 17 be moved to 4(A).

Motion by Kinney, seconded by Moffat to approve the revised Agenda.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

Motion by Burleson, seconded by Moffat to approve the Minutes of the July 24, 2019 meeting as presented by the Board Secretary.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

Legal Issues

Commissioner Askew arrived during Legal Issues.

Attorney Page discussed his legal opinion regarding the decertification of 78th Street in Covert Township from 38th Avenue North to 34th Avenue. The Resolution, as drafted by Road Commission staff, is the appropriate manner in which to decertify a roadway without an abandonment. It is Attorney Page's legal opinion that the Board of County Road Commissioners should adopt the Resolution as it is currently drafted.

Attorney Page referenced the proposed Easement requested by Indiana Michigan Power (AEP). It is appropriate, in Attorney Page's opinion, to enter into the Easement. AEP is bumping up service capability and capacity and requires new Easements in order to place bigger poles. There are no changes to the original Easement.

Motion by Moffat, seconded by Burleson to take from the table the Resolution Decertifying a Portion of 78th Street in Covert Township.

AYES: 5
NAYS: 0
MOTION CARRIED.

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

RESOLUTION DECERTIFYING A PORTION OF 78TH STREET, COVERT TOWNSHIP
Resolution No. 2019-18

WHEREAS, 78th Street from 38th Avenue North 1.00 mi. to 34th Avenue in Covert Township, Van Buren County, Michigan appears on the Certification Maps of the Van Buren County Road Commission; however, the roadway:

1. Was never constructed to Road Commission standards;
2. Is not used, worked on or maintained by public authorities;
3. Does not exist, and is not currently open to traffic.

WHEREAS, 78th Street, as described above, was placed on the Certification Maps of Van Buren County in error, and the roadways were never officially recognized as roadways by the Van Buren County Road Commission.

NOW, THEREFORE, IT IS RESOLVED that 78th Street from 38th Avenue North 1.00 mi. to 34th Avenue in Covert Township, Van Buren County, Michigan is hereby removed from certification by the Board of County Road Commissioners of Van Buren County.

IT IS FURTHER RESOLVED that the Board of County Road Commissioners shall not herein relinquish, or in any way abandon or vacate the public right of way so as to cause any of the adjacent property owner's on the decertified section of 78th Street as described herein to become landlocked.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

Motion by Burleson, seconded by Moffat to authorize Highway Engineer Barry Anttila to execute the Easement (or Easements) granting Right of Way to Indiana Michigan Power Company (AEP) over two parcels in Lawrence Township.

AYES: 5
NAYS: 0
MOTION CARRIED.

Discussion regarding the lawsuit against Cornelius Farms. They have admitted liability and responsibility. Attorney Page will wait to receive further information from Road Commission staff in order to join additional damage claims simultaneously.

The Chairman opened the meeting to public comment. Alan Loveridge, 23965 - 88th Avenue, Porter Township, addressed the Board regarding dust control applied on 88th Avenue between CR652 and 23rd Street. Mr. Loveridge brought concerns regarding the cost of the dust control given the low volume of traffic and small number of residents. He believes that the funds would be best utilized elsewhere. Commissioners and staff provided information regarding the benefits of dust control outside of reducing dust. In addition, the township pays for the cost of the dust control application. Gravel roads can be skipped at the request of a township. Commissioner Moffat will bring this matter to the attention of Porter Township at their next meeting.

Finance Director's Update:

- Cash Summary/Investment Report.
- Hiring update provided. Offer for employment accepted for the front desk position.

Kelly Ely will begin employment on Monday. Christian Moffatt was offered and accepted the position of Assistant Fleet & Facilities. That was a promotion from within the organization.

- Michigan's 2018 Roads and Bridges Annual Report.
- 2019 Pavement Condition Report for Van Buren County (Federal Aid eligible roads only).

Motion by Moffat, seconded by Kinney to provide a copy of the 2019 Pavement Condition Report for Van Buren County to the County Commissioners of Van Buren County.

AYES: 5
NAYS: 0
MOTION CARRIED.

- MDOT's 2020-2024 Five-Year Transportation Program is available on MDOT's website.
- Notice of change of Supervisors' meeting from August 22nd to August 29, 2019 at 7:00 PM.
- See-Click-Fix update.

Summary of today's Vouchers to be paid was reviewed with the Board by Finance Director. Motion by Askew, seconded by Moffat to approve the following Vouchers:

Voucher #2107	\$131,038.34
Voucher #2108	\$1,350,937.30

AYES: 5
NAYS: 0
MOTION CARRIED.

Update on the award of bid to realign the intersection of 62nd Avenue at M-40, Antwerp Township, to the as-read low bidding contractor, Brad Thomas Excavating, in the best interest of the Van Buren County Road Commission and Antwerp Township.

Discussion provided by Rader regarding the Legislative requirement that each local road agency adopt a pavement warranty program that was approved by the Michigan Department of Transportation in 2018. Motion by Burleson, seconded by Moffat to adopt the following Resolution:

RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM
2019-19

WHEREAS, the Michigan Legislature (MCL 247.662, 247.663) requires each local road agency to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by local road agencies in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW, THEREFORE, BE IT RESOLVED the Board of County Road Commissioners of Van Buren County hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance with the requirements of MCL 247.662, 247.663;

BE IT FURTHER RESOLVED, this Resolution is made a part of the minutes of the Board of County Road Commissioners of Van Buren County's meeting on August 7, 2019.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

Motion by Kinney, seconded by Burleson to adopt the following Resolution:

RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM
2019-20

WHEREAS, the Michigan Legislature created a requirement (MCL 247.662, 247.663) as part of the Transportation Funding Package of 2015 that requires each local road agency to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; and

WHEREAS, the Board of County Road Commissioners of Van Buren County adopted the Michigan Local Agency Pavement Warranty Program on August 7, 2019; and,

WHEREAS, the Board of County Road Commissioners of Van Buren County agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds; and,

WHEREAS, the Local Agency Pavement Warranty Program law requires each local road agency to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project; and,

WHEREAS, the Board of County Road Commissioners of Van Buren County agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018 in accordance with the requirements of MCL 247.662 and 247.663.

NOW, THEREFORE, BE IT RESOLVED that the Van Buren County Road Commission hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

Moffat addressed the Board regarding his Agenda item 10, Request for Proposals-Actuaries for OPEB and Pension. Motion by Moffat to indefinitely postpone seeking Requests for Proposals based upon further review, and discussions with Finance Director Rader. Motion seconded by Kinney.

AYES: 5
NAYS: 0
MOTION CARRIED.

Rader provided information to the Board regarding Lewis G. Bender's proposal, which has been reviewed and comments and clarification provided by Attorney Luis Avila to ensure the Open Meetings Act is complied with throughout the process of hiring a Managing Director. Ideas regarding the candidate selection process were also discussed so as to be in compliance with the Open Meetings Act. No decision was made in regard to either of these items pending further review by the Board.

Proposal was reviewed and read by Rader regarding three of the current four Directors interest in the Managing Director position. The three candidates are willing to serve to test the criteria and interview process which is developed by the Board. The advantages of this were referenced by Rader. If after going through this process with the three candidates the Board would still like to see what other candidates exist from outside the organization they can move forward with the process to advertise.

Rader provided a table of potential locations to advertise for employment, including print, radio, and the internet, together with the costs associated thereto. General consensus was to have staff prepare their recommendations for advertising and bring back to the Board at the next meeting for further review and discussion.

Criteria for candidate selection was briefly discussed, and a proposed form to be utilized in

the selection process. Further review will take place at a future meeting.

Attorney Avila's opinion letter was briefly reviewed by the Board. Motion by Kinney, seconded by Moffat to postpone further discussion until the next meeting of the Board.

AYES: 5
NAYS: 0
MOTION CARRIED.

Rader reviewed the interview process and potential interview questions brought by Kinney, Attorney Avila, and the Management Team. The general consensus was to have staff narrow the questions down and bring them to the Board at a future meeting.

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

RESOLUTION 2019-21

BE IT RESOLVED: That the Highway Engineer, Barry J. Anttila, and the Finance and Human Resources Director of the Van Buren County Road Commission, Linnea Rader, are hereby authorized to execute M.D.O.T. Contract No. 19-5394, Control Section STL 80555; CM 80000; Job Number 129837CON; 206204A:

Part A - STL 80555; Job #129837CON; 1900(929); Federal and State Participation: Hot mix asphalt cold milling and resurfacing, trenching, and widening work to accommodate a 3-lane section along Red Arrow Highway from 28th Street easterly for approximately 350 feet; including paved shoulder, fabric installation, minor drainage improvement, tree removal, and trimming work; and all together with necessary related work.

Part B - STL 80555; Job #129837CON; 1900(929); No Federal or State Participation: Hot mix asphalt cold milling and resurfacing, trenching, and widening work to accommodate a 3-lane section along Red Arrow Highway from the east end of Part A easterly to 26th Street; including paved shoulder, fabric installation, minor drainage improvement, tree removal, and trimming work; and all together with necessary related work.

Part C - CM 80000; Job #206204A; 1900(859); Federal Participation Only: Shoulder construction work for the Meadow Oak Trail along Red Arrow Highway from 26th Street easterly to 28th Street; and all together with necessary related work.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

Operations Director's Update:

- Ackley Lake is still moving along slowly. Another meeting is scheduled with Paw Paw Township and the Lake Association on September 7th.
- Three Mile Lake, water has gone down slightly. Permits have been submitted to EGLE by the Drain Commission. The Drain Commission still hopes to begin construction of the drainage district yet this year.
- Porter Township, 93rd Avenue, trapping beavers outside the right of way; still waiting for letter from the attorney.
- Salisbury Drive, Almena Township, letters have been finalized and will go out next week.
- City of Hartford, manhole cover, pictures reviewed and discussed with the Board. Manhole cover is still too high, and there are large mounds of dirt on site. Will have a conversation with the City Manager that this fix is unacceptable.
- Situation on Rose Lane in Almena Township was discussed. The Road Commission currently maintains this private road under contract with the Township. It is Brucks' recommendation that we cease all maintenance until we have been shown that appropriate common access easements are in place as the Road Commission may be subject to litigation under the current contract. Brucks will ask that the Township

provide notification to the residents so that they may find alternative options for the coming winter and beyond.

- Interlocal Agency Agreement discussions will have to be postponed as we have not yet heard from the Pool's attorney in this regard.
- Service Request Monthly Activity report for the month of July 2019.

Fleet and Facilities Superintendent's Update:

- Last week and most of this past week his technicians have been in class with Ferris State here at the Road Commission earning competencies. The instructor indicated that all five technicians did very well on their tests.
- The five cab and chassis have arrived at Truck and Trailer. We hope to see them delivered mid to late October.

Rader discussed direction needed from Board regarding smaller pieces of equipment/units to be sold. In the past the Board has requested that they be offered first to Road Commission staff prior to putting in the auction. Discussion was held among staff and Board. General consensus was to send all equipment/units directly to auction.

Highway Engineer's Update:

- Evergreen Bluff, guardrail was installed today.
- 50th Street, Arlington Township, contractor is working on site.
- 63rd Avenue, Antwerp Township, headwalls and wingwalls have been installed. Contractor may be wrapping up as soon as next week, with paving to take place at the end of the month.
- CR380 from CR681 to Breedsville, Frontier just moved on site to relocate utilities. Within two weeks contractor's work should commence.
- Silver Oaks Condominiums, met with Contractors yesterday. We are in the process of drafting an Agreement to be sent to Kelly Page for review prior to signature by the Developer and the Townships.
- Two summer engineering interns are here only one more week. They have both done a nice job.

Interim Directors' Update:

- Update regarding upcoming trainings/conferences by Rader.
- Fall training day and truck Road-eo was discussed. The general consensus was that it was a good idea to host the training and Road-eo and extend invitations to all Cities/Villages to participate.

Commissioner Updates and Reports:

Askew: No meetings.

Boze: Attended Keeler Township's board meeting yesterday.

Burleson: No meetings.

Kinney: No meetings.

Moffat: No meetings.

Motion by Moffat, seconded by Askew to adjourn the Call of the Chair at 9:03 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman