

Van Buren County Board of Road Commissioners

Wednesday, September 18, 2019
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 18th day of September, 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 Boze, Burleson, Kinney, and Moffat
Finance Director Linnea Rader
Highway Engineer Barry Anttila
Operations Director Greg Brucks
Administrative Assistant-Board Secretary Jill Brien

GUESTS: Linda Norton, Columbia Township
Steven Rogusta, Breedsville Village
Mike Chappell, County Commissioner

ABSENT: Road Commissioner Askew (excused)

Chairman Boze called the meeting to order at 7:01 PM.

Linnea Rader requested the addition to the Agenda of item 8A, Bridge Preventative Maintenance Projects, MDOT, Coversheet Signature. Moffat requested the addition of item 11A, 2020 Budget Discussion, to the Agenda.

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

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

Motion by Kinney, seconded by Burleson to approve the Minutes of the September 4, 2019 meeting.

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

The Chairman opened the meeting to public comment. None was received.

Finance Director's Update:

- See-Click-Fix update. Soft launch next Wednesday. Public launch to be scheduled the first or second week in October.

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

Voucher #2113	\$349.00
Voucher #2114	\$122,128.42
Voucher #2115	\$505,709.90

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

Rader reviewed Asphalt Materials' letter offering to extend 2019 asphalt emulsions pricing through the 2020 construction season. Information was provided to the Board regarding the bid and extension history, as well as the working relationship built by Brucks with Asphalt Materials. Motion by Moffat, seconded by Kinney to approve Asphalt Materials' of Oregon, Ohio, offer to extend 2019 asphalt emulsions pricing through the 2020 construction season.

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

MDOT Coversheet presented by Anttila for bridge preventative maintenance work at ten locations throughout Van Buren County. Project will be let in 2019 with work to be accomplished in 2020. Motion by Kinney, seconded by Moffat to approve the Coversheet.

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

Rader provided an update for the Board on the award of the bid for Grader and Underbody Scraper Blades to all bidding vendors, with Truck & Trailer Specialties as primary supplier, and St. Regis Culvert as secondary supplier, in the best interest of the Van Buren County Road Commission.

Rader provided information to the Board regarding Road Commission staff feedback on "hard cap" versus the 80/20 provision in Public Act 152 of 2011. Feedback came from two meetings; one with Interim Managing Directors and all Administrative Staff, and another meeting with Interim Managing Directors and Union leadership, including the AFSCME, Local 2901, Union Representative. Administrative response was favorable for the hard cap, with several written requests for the hard cap having been received. Union leadership could not formally approve until taken before their membership, but individually they voiced support of the hard cap and the Health Savings Account (HSA). The Board asked many questions, which were all answered. Discussions were held regarding pros and cons of the 80/20 provision, insurance options, including self-insurance, and benefits of an HSA.

Discussions were placed on hold to open bids for Cold Patching Material at 7:30 PM as follows:

Ace-Saginaw Paving Co.	\$121.58/ton Delivered to Lawrence Yard
Unique Paving Materials	\$113.00/ton Delivered to Lawrence Yard
Lakeland Asphalt Corp.	\$98.50/ton Delivered to Lawrence Yard
	\$93.50/ton Picked up by Road Commission

Motion by Burluson, seconded by Kinney to authorize award of the bid by the Managing Directors upon review by staff, in the best interest of the Van Buren County Road Commission.

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

Discussion returned to hard cap versus 80/20 provision of the law. Motion by Burluson, seconded by Kinney to approve the hard cap provision of Public Act 152 of 2011.

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

Further discussions were held and it was the general consensus to let the record reflect that the Board strongly encourages the Road Commission staff to offer a Health Savings Account plan option. Rader and Brucks assured the Board that all staff initially choosing the high deductible plan option who do not utilize the Health Savings Account would have to meet individually with Rader to discuss potential consequences and confirm staff's understanding of the same.

Discussion initiated by Moffat regarding the 2020 budget development process and the strategy used to evaluate current capital equipment and replacement schedules, as well as the criteria used on the Primary Road System to develop the program. Rader discussed past practice and the manner in which budget development recommendations were made in previous years. Brucks discussed "outside the box" thinking that he hopes to utilize

moving forward. Staff is working on a list of road projects to present to the Board. In addition, Assistant Fleet and Facilities Superintendent Moffatt will continue to work on a proposed capital outlay program as he becomes more comfortable with duties in his new position as a program does not currently exist. Brucks discussed changes he would like to implement in future patching maintenance operations. PASER ratings were discussed, as well as changes from “re-active” road projects to “pro-active” road projects.

Operations Director’s Update:

- Permit Department, August update.

Boze discussed copies of correspondence he received regarding ceasing maintenance operations on uncertified roadways. Also discussed Hartford Township’s decision to sign the contract for Road Commission winter maintenance of “65th Street” East of 65th Street in Hartford Township.

A Service Request from a resident of Grand Junction was discussed. Future procedures were discussed regarding Commissioners being assigned and/or receiving copies of any Service Request.

Fleet & Facilities Superintendent’s Update by Brucks:

- Typical maintenance continues.
- Work on truck build-ups continues at Truck and Trailer.

Highway Engineer’s Update:

- CR376, Bangor Township, top course paving complete. Shoulders have been installed.
- CR380 from CR681 to Breedsville, trenching is complete. Re-shaping ditches.
- 50th Street, Arlington Township, contractor working on small touch-ups.
- 8th Avenue, South Haven Township, contractor work to begin on Monday.
- 14th Avenue, Columbia Township, CSX railroad crossing, plan revision submitted, railroad wants money for easement crossing. MDOT will address.
- Working on survey work for townships.
- Working on township estimates.

Interim Directors’ Update:

- Update regarding Managing Director’s hiring process. Advertising reviewed by Rader with the Board. Pay scale was also discussed.
- Update regarding upcoming trainings/conferences.
- Discussion regarding set time for regular Board meetings. Neighboring county road commission meeting times were discussed.

Motion by Moffat to henceforth schedule all regular meetings to begin at 5:00 PM effective on the October 10, 2019 meeting. Additional discussions were held regarding public comment if an earlier meeting time was set. Brucks discussed the purpose of Public Comment being a time for public input, and not necessarily a question and answer time. Brucks believes that some research should be accomplished so that we are not having discussions during Board meetings that should be taking place elsewhere. Discussion regarding reasons in favor of moving meetings to 5:00 PM. County board meetings were also discussed, and the opportunity twice during the meeting for public comment.

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

Motion by Moffat, seconded by Kinney to revise Policy No. 2012-01, Rules for Conducting Board Meetings, as follows:

**RULES FOR CONDUCTING MEETINGS OF THE
BOARD OF COUNTY ROAD COMMISSIONERS, AND ACTING IN THE CAPACITY
OF THE BOARD OF PUBLIC WORKS, AND THE
BOARD OF COUNTY PARK TRUSTEES FOR VAN BUREN COUNTY**

Policy No. 2012-01

I. Meetings.

The business which the Board of County Road Commissioners may perform in its capacity, and/or in the capacity of the Board of Public Works and the Board of County Park Trustees for Van Buren County (the "Board") shall be conducted at a public meeting held in compliance with the Michigan Open Meetings Act, Act No. 267 of the Public Acts of 1976.

Each respective Board may meet in a closed session only as set forth in Section 15.268, Closed Sessions; permissible purposes, of the Open Meetings Act, Act 267 of 1976.

A. Board of County Road Commissioners.

1. Except as otherwise required by law, regular meetings of the Board shall be held on the first and third Thursdays of each month at ~~7:00~~ **5:00** PM, or as otherwise noticed.
2. All regular meetings of the Board shall be held in the Board of County Road Commissioners' Room at 325 West James Street, Lawrence, MI, unless otherwise specified.
3. The Board shall hold an annual meeting on the first Thursday of January, or as otherwise noticed, to nominate and elect a Chairperson, Vice-Chairperson, Chief Fiscal Officer, Board Secretary, and Board Attorney.

B. The Board of County Road Commissioners, acting in its capacity as the County Board of Public Works under the provisions of Act 185 of the Public Acts of 1957, as amended.

1. Except as otherwise required by law, regular meetings of the Board of Public Works shall be held on the first Thursday of March, June, September and December at ~~7:00~~ **5:00** PM, or as otherwise noticed.
2. The Board shall hold an annual meeting on the first Thursday of March, or as otherwise noticed.

C. The Board of County Road Commissioners, acting in its capacity as the County Board of Park Trustees.

1. There is currently no county park/open space property being managed by Parks – only Buildings and Grounds Department.
2. The Board of Park Trustees shall meet as necessary, and as required by the Open Meetings Act.

II. Order of Business for Regular Meetings.

The order of business, unless otherwise approved, shall be as follows:

- A. Call to Order
- B. Additions/Deletions to the Agenda
- C. Approval of Agenda
- D. Approval of Minutes
- E. **(First)** Public Comment
- F. Budget Review and Finance Director's Update
- G. Items for Consideration/Discussion
- H. Staff Updates

- I. Legal Issues
- J. Commissioner Updates and Reports
- K. Executive Session
- L. (Second) Public Comment
- M. Adjournment

III. Rules for General Conduct and Procedure.

A. All meetings shall be conducted in accordance with Robert's Rules of Order; specifically as set forth in "Procedure in Small Boards", which state: In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects:

- Members may raise a hand instead of standing when seeking to obtain the floor, and may remain seated while making motions or speaking.
- Motions need not be seconded.
- There is no limit to the number of times a member can speak to a debatable question. *Appeals, however, are debatable under the regular rules – that is, each member (except the chair) can speak only once in debate on them, while the chair may speak twice.
- Informal discussion of a subject is permitted while no motion is pending.
- When a proposal is perfectly clear to all present, a vote can be taken without a motion's having been introduced. Unless agreed to by unanimous consent, however, all proposed actions must be approved by vote under the same rules as in larger meetings, except that a vote can be taken initially by a show of hands, which is often a better method in small meetings.
- The chairman need not rise while putting questions to a vote.
- If the chairman is a member, he may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions.**
- Allow all members to vote on any issue, even if a member was not present during the discussion of said issue at a previous meeting.

* However, motions to close or limit debate, including motions to limit the number of times a member can speak to a question, are in order even in meetings of a small board (but not in meetings of a committee) although occasions where they are necessary or appropriate may be rarer than in larger assemblies.

** Informal discussions may be initiated by the chairman himself, which, in effect, enables the chairman to submit his own proposals without formally making a motion (although he has the right to make a motion if he wishes).

B. Citizen Participation.

1. Any citizen may comment upon agenda items prior to the taking of a vote thereon, or during Public Comment.
2. Speakers other than Commissioners shall limit their presentation to three (3) minutes; or, if an individual is representing a group, to no more than five (5) minutes of speaking time.
3. Any Commissioner is authorized to require individuals to identify themselves if they wish to speak at a meeting.
4. These rules limiting the period of Public Comment may not be applied in a manner that denies a person the right to address the Board, such as by limiting all Public Comment to a half-hour period.

5. The Chairman is authorized to encourage groups to designate one or more individuals to speak on their behalf to avoid cumulative comment.
6. No one may be required to register or otherwise provide their name or other information, or otherwise fulfill a condition precedent to attend a public meeting.
7. No one may be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

AYES: 4
 NAYS: 0
 ABSENT: 1
 REVISED POLICY ADOPTED.

Interim Directors' Update continued:

- Next regular meeting is Thursday, October 10 at 5 PM.
- Road Commission seasonal employee accident discussed.

Legal Issues:

- "65th Street", Hartford Township, discussed by Brucks. A letter was received by the Road Commission from Attorney Kaufman which was read by Chairman Boze. Board requested that staff forward the letter to Attorney Page for a response.
- Permissive Use Agreements were discussed by Anttila for two locations; one in Keeler Township, and one in Arlington Township. Attorney Page has both of the DRAFT Agreements under his review currently. Board asked that property owners be encouraged by staff to seek all other available locations outside of the right of way. Staff should also require "as built" plans from property owners per Moffat as part of the Permit process.

Commissioner Updates and Reports:

- Boze, Hamilton Township on the 10th. Lawrence and Hartford Townships on the 12th. Snow Plow Road-*eo* today.
- Burleson, Pine Grove Township last Tuesday. Attended the Northern/Southern Joint Conference on the 12th.
- Kinney, Waverly Township on 5th. Northern/Southern Joint Conference on the 12th. Decatur Township on the 12th.
- Moffat, Attended Porter Township's board meeting. Also attended Northern/Southern Joint Conference.

Motion by Moffat, seconded by Kinney to approve Boze's request for a special per diem to attend the Snow Plow Road-*eo*.

AYES: 3
 NAYS: 0
 ABSTAIN: 1
 ABSENT: 1
 MOTION CARRIED.

Motion by Burleson, seconded by Moffat to adjourn the Call of the Chair at 8:55 PM.

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

Secretary

Chairman