

Van Buren County Board of Road Commissioners

Thursday, October 24, 2019
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 24th day of October, 2019 at 5:00 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: Kevin Kusmack, Supervisor of Decatur Township
Bill Van Tassel, Supervisor of Almena Township
Mike Chappell, County Commissioner
Ken Corke
Brian Dykstra
Linda Norton, Supervisor of Columbia Township
Steven Rogusta, Village of Breedsville

Chairman Boze called the meeting to order at 5:01 PM.

Chairman Boze requested that Item 9, Almena Township culverts, be moved to 5a.

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

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Kinney and seconded by Askew to approve the minutes of the October 10, 2019 meeting as presented by Board Secretary Brien.

AYES: 4
NAYS: 0
ABSTAIN: 1 (Moffat)
MOTION CARRIED.

The Chairman opened the meeting to public comment. Supervisor Kevin Kusmack questioned the Road Commission's decisions regarding the ceasing of maintenance upon roadways when the residents are paying property taxes, including the county-wide road millage. Brucks provided information to Kusmack and those present regarding the roadway being discussed as the Road Commission has no jurisdiction over the roadway, and it was, in fact, being plowed inadvertently by staff. Essentially, the Road Commission discovered its mistake, and corrected it.

Ken Corke, a resident of Saddle Lake in Grand Junction, Michigan asked that the Road Commission staff look into the obstructions placed around Silver Lake in the road right of way. Anttila provided an update for the Board, as well as pictures of encroachments to be addressed by contacting the property owners through correspondence. Crash reports were also discussed by Anttila.

There being no additional public comment to be heard, Public Comment was closed by the Chairman.

Supervisor Van Tassel introduced himself to the Board and those present. He explained the Engineer's Opinion of Costs that he had received for the replacement of two cross culverts on 30th Street. Van Tassel was advised by Anttila that the cross culverts did not qualify for 50/50 participation by the Board as set forth in the Road Commission's Township Partners Booklet, and he requested further clarification. Rader provided some history, and pointed out that while the Township Partners Booklet does not specifically state "failed culverts" are shared 50/50, or that the township pays 100% of the cost of the cross culvert for roads that are rebuilt, that has been past practice. Moffat stated that the

Road Commission's practices are contrary to policy. Moffat urged the Board to consider reviewing all Road Commission Policies by forming a Policy Committee and requested that the following appear as an agenda item at the next regular meeting of the Board, "Forming Policy Committee".

On behalf of Almena Township, Supervisor Van Tassel thanked the Road Commission staff for their assistance with traffic counts within the Township. The information is very valuable, and greatly appreciated.

Moffat confirmed, on behalf of the Road Commission, that there would not be a 50/50 cost share for the cross culvert replacements on 30th Street as they are not failing.

Finance Director's Update:

- Administrative office flooring replacement was reviewed as it is currently in the Budget for replacement yet some Board discussion at the last meeting made it unclear as to how staff was to proceed.

Motion by Kinney, seconded by Moffat to remove the flooring replacement from the 2019 Budget. Further discussions were held regarding other options for limited flooring replacement in circulation areas: hallways, lobby, and board room.

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

Motion by Moffat, seconded by Kinney to get a quote(s) for vinyl flooring in circulation areas for the Board to make a determination as to whether to seek bids.

AYES: 5
NAYS: 0
MOTION CARRIED.

- Rader requested that the Board review the 2020 draft budget discussion hand-out provided and let her know of any questions. Moffat asked questions regarding anticipated funds to be received.

Motion by Askew, seconded by Burlison to approve the following Vouchers:

Voucher #2120	\$122,106.83
Voucher #2121	\$479,683.31

AYES: 5
NAYS: 0
MOTION CARRIED.

Moffat provided discussion regarding request by Dykstra for driveway access through Woodland Preserve Subdivision, Almena Township. Moffat also received information from Almena Township regarding the land division and the problems created by eliminating the road frontage from the parcel. Motion by Moffat, seconded by Kinney to deny the driveway permit, as was recommended by counsel at the last regular meeting of the Board.

AYES: 5
NAYS: 0
MOTION CARRIED.

Brian Dykstra pointed out that he felt the Board's decision was not fair given that he was not given an opportunity for comment as he was told that he would be given. The Board allowed Mr. Dykstra to comment that he would prefer that the Road Commission temporarily hold off making a decision on his driveway permit application until such time as he can work through the bigger issue with the Township, which is that there is not appropriate frontage to make the property build-able. The Township has indicated that he may request a variance, and Mr. Dykstra would like to be able to come back to the Road Commission for a driveway permit if the variance is granted. The Board assured Mr. Dykstra that if new facts and initiatives are received that change the situation, the Board will reconsider his request for a driveway permit.

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

RESOLUTION 2019-22

BE IT RESOLVED: That the Highway Engineer, Barry J. Anttila, and the Finance and Human Resources Director, Linnea Rader, are hereby authorized to execute M.D.O.T. Contract No. 19-5501, Control Section MCS 80000, Job Number 133076CON; 133222CON:

Part A - MCS 80000; JOB #133076CON; STATE PARTICIPATION

Rehabilitation work for the structure #10759 which carries 48th Avenue over the Paw Paw River; rehabilitation work for the structure #10770 which carries 70th Street over the South Branch of the Black River; rehabilitation work for the structure #10773 which carries 70th Street over the Paw Paw River; rehabilitation work for the structure #10777 which carries 72nd Avenue over Brush Creek; rehabilitation work for the structure #10783 which carries 5th Avenue over Mentha Drain; rehabilitation work for the structure #10787 which carries 71 ½ Street over the South Branch of the Black River; including epoxy overlay, penetrating healer/sealer expansion joint device replacement, traverse joint resealing, deck waterproofing membrane, riprap, hot mix asphalt resurfacing, guardrail installation, and maintenance of traffic work; and all together with necessary related work.

Part B - MCS 80000; JOB #133222CON; STATE PARTICIPATION

Rehabilitation work for the structure #10737 which carries Red Arrow Highway over Pine Creek; rehabilitation work for the structure #10738 which carries Red Arrow Highway over Hog Creek; rehabilitation work for the structure #10741 which carries County Road 388 (Phoenix Highway) over the South Branch of the Black River; rehabilitation work for the structure #10755 which carries County Road 653 (Almena Drive) over the East Branch of the Paw Paw River; including epoxy overlay, penetrating healer/sealer expansion joint device replacement, traverse joint resealing, deck waterproofing membrane, riprap, hot mix asphalt resurfacing, guardrail installation; and all together with necessary related work.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

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

RESOLUTION 2019-23

WHEREAS, 36th Avenue from 46th Street West 1,035' in Arlington Township 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, 36th Avenue, as described above, was placed on the Certification Maps of Van Buren County in error, and the roadway was never officially recognized as a roadway by the Van Buren County Road Commission.

NOW, THEREFORE, IT IS RESOLVED that 36th Avenue from 46th Street West 1,035' in Arlington 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 does 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 36th Avenue, as described herein, to become landlocked.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

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

RESOLUTION 2019-24

WHEREAS, 46th Street from 38th Avenue North 0.52 mi. to 36th Avenue in Waverly Township 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, 46th Street, as described above, was placed on the Certification Maps of Van Buren County in error, and the roadway was never officially recognized as a roadway by the Van Buren County Road Commission.

NOW, THEREFORE, IT IS RESOLVED that 46th Street from 38th Avenue North 0.52 mi. to 36th Avenue in Waverly 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 does 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 46th Street, as described herein, to become landlocked.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

The Board reviewed Antwerp Township's letter dated October 4, 2019 requesting that the Board revisit the Township's request that the Board participate in the acquisition costs of land on 62nd Avenue at M-40. The Board reviewed correspondence, survey, emails, and other documents. The Board also reviewed correspondence from Supervisor Ruzick dated October 10, 2019 enclosing a quit claim deed granting ownership of the property located on 62nd Avenue at M-40 to the Van Buren County Road Commission. This letter was written in response to the Road Commission's request for an easement for right-of-way purposes for the "new" 62nd Avenue. Discussion was held with Attorney Page as to his recommendations in this regard. It was Attorney Page's opinion that the property could serve as a "clear vision" area, or further might be beneficial should round-about discussions proceed once again by the Michigan Department of Transportation. Motion by Moffat, seconded by Kinney to accept the Quit Claim Deed provided by Antwerp Township subject to approval by Attorney Page, and to pay the \$30.00 recording fee.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Advisory Committee reported on the opening of the Managing Director Application Packages earlier that evening. 11 Applications, and one proposal were received. Discussions were held regarding the Committee's recommendation and requests by candidates for applications to remain private. Motion by Moffat, seconded by Askew to adopt the recommendations of the Advisory Committee as follows:

That the Board schedule a Special Session on October 29, 2019 at 4:00 PM at which all application packages would be reviewed by the Board members; that each candidate's "minimum qualifications" would be provided to the Board, together with a candidate screening criteria form, to be completed by Board Secretary-Record Keeper Brien; and that the Board would then make the final decision at the Special Session on which candidates to interview, as well as make a decision regarding the non-conforming resume received via facsimile.

Attorney Page exited the meeting.

Operations Director's Update:

- Drainage issue, CR690, Keeler Township.
- Encroachments, Salisbury Drive, Alma Township.

Fleet & Facilities Superintendent's Update:

- Maintenance is status quo.
- Picking up one of the new plow trucks tomorrow. The rest will come over the coming weeks.
- Auction update. Probably will re-list in December with new reserves.
- Boat update.
- Storage of equipment at Fairgrounds.

Highway Engineer's Update:

- Discussion regarding contract snow plowing.
- CR653 from Red Arrow Highway to I94, Antwerp Township, Federal Aid project, grade inspection held.
- Working to get estimates to Antwerp Township.
- 14th Avenue railroad crossing work started today in Columbia Township. Crushing asphalt next Tuesday.
- 8th Avenue, South Haven Township, gravel is in place. Most of curb is poured. Base paving next Tuesday.
- 62nd Avenue at M-40, Antwerp Township, open to traffic.
- CR380 from CR681 to Village of Breedsville, Columbia Township, open to traffic.
- Provided factual information to Board regarding projects on CR380 from M43 East to the Village of Breedsville totaling \$2.5 million since 2013. Two bridges were also replaced totaling over \$1.6 million.
- Discussion regarding Federal Aid eligible routes and maps.
- Decatur Township has requested estimates.

Interim Directors' Update:

- Update regarding upcoming trainings/conferences.
- Southwestern District Council Meeting.
- Township Annual Meetings.

Commissioner Updates and Reports:

- Askew: No update.
- Boze: Attended Lawrence Township. Boze provided history of 54th Street North of CR215. Roadway is now a two-track. Property recently purchased north of improved section and the Township does not want to provide improvements. Discussion held regarding the property owner's decision to purchase when they were aware the roadway was unimproved. The Township would like the road built to standard as it is currently certified.

Motion by Moffat, seconded by Kinney to consider a Resolution at the next regular meeting of the Board to decertify 54th Street from approximately 0.07 mi. North of CR215 to approximately 0.72 mi. South of Red Arrow Highway (the unimproved section of 54th Street) upon consideration by counsel.

AYES: 5
NAYS: 0
MOTION CARRIED.

Boze then discussed a potential situation on Christy Lake where roads that were never certified were being maintained by mistake. Letters were sent by the Road Commission to the property owners that maintenance would cease. Boze requested that a Road Commission staff member attend the next meeting of Lawrence Township on November 14, 2019 at 7:00 PM to assist the Township in its understanding.

- Burleson: Reported that Brucks, Kinney and Burleson attended a meeting with Columbia Township on October 14th. At its Board meeting, Columbia Township approved a \$180,000 contribution for work on CR388 from railroad tracks to West Bloomingdale Township line, mill and double sealcoat. The following night Bloomingdale Township approved a contribution of \$100,000 over a two-year period on CR388 from the Village of Bloomingdale to the Columbia Township line. Additional work requested by Bloomingdale Township was also discussed.

- Kinney: Attended Paw Paw Township on October 10. Attended Arlington Township on October 14. Attended the Advisory Committee Meeting today.

Also, in follow up to Burleson's report regarding proposed work by Bloomingdale Township and Columbia Township on CR388, Kinney moved that at the next regular meeting the Board consider amending Policy 2011-01 to include primary road and/or local road system. The discussion will include a recommendation to put \$1M for 2020 as matching funds on a first come-first served basis where townships request work on primary roads and/or local roads we would match up to 50% for a trial period in 2020 to see if we could get more participation from townships to make our roads better. Motion was seconded by Moffat.

AYES: 5
NAYS: 0
MOTION CARRIED.

- Moffat: Antwerp Township on the 8th. Porter Township on the 9th. Almena Township on the 16th. Inquired about template for asset management. Also further discussion regarding Township Partners Booklet and a "definition" section.

The Chairman opened the meeting to Public Comment. Linda Norton provided discussion regarding MTF funds being used for maintenance, instead of being used to de-certify roadways.

Ken Corke asked to see pictures of Silver Lake Road, and "dated" some of the encroachments. He also pointed out trees in the road right of way he felt should be removed.

Motion by Askew, seconded by Moffat to adjourn the Call of the Chair at 7:08 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman