

## Van Buren County Board of Road Commissioners

Thursday, February 21, 2019  
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 21<sup>st</sup> day of February, 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.  
Highway Engineer Barry Anttila  
Operations Director Greg Brucks  
Administrative Assistant Jill Brien

GUESTS: County Commissioner Kurt Doroh  
County Commissioner Mike Chappell  
Cathy Koestner, Kendall homeowner  
Attorney Kelly Page  
Bill VanTassel, Almena Township Supervisor

Chairman Boze called the meeting to order at 7:02 PM.

Moffat request items 16A (Review of Road Commission Vehicle Use Policy); 16B (Road Commission Identification on all Road Commission Vehicles); and 16C (Review Policy on Rules for Conducting Board Meetings).

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

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Moved by Askew, seconded by Kinney to approve the minutes of the February 7, 2019 meeting as presented.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Motion by Askew, seconded by Burleson to approve the following amendment to be made to the minutes of the June 6, 2018 meeting, Resolution 2018-14, as follows:

The Board of County Road Commissioners of Van Buren County desires to transfer a portion of Phoenix Road from approximately the North I-196 Highway Exit 20 Ramp, ~~West~~ **East** approximately 151.6' from the jurisdiction of the Van Buren County Road Commission to the jurisdiction of the City of South Haven . . .

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

The Chairman opened the meeting to public comment. County Commissioner Doroh introduced County Commissioner Mike Chappell who will be sharing the duty with Doroh of serving as the County Commission's liaison to the Road Board.

Cathy Koestner introduced herself to the Board. She lives in Pine Grove Township on the dead-end of 8<sup>th</sup> Avenue East of 26<sup>th</sup> Street. She is concerned because her road has become part of a snowmobile trail, but the road has no shoulder so the snowmobiles share the road with children and adults who walk and use the road even through the winter months. She counted 95 snowmobiles on one day and this is not what she was hoping to have when she moved to this property about eight years ago. Chairman Boze thanked her for her comments and explained that this matter is on the Board's agenda later this evening, and that she was welcome to stay.

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

Voucher #2079	\$148,442.24
Voucher #2080	\$231,864.93

Discussion held by Moffat regarding the payment being proposed to Attorney Kelly Page for legal services. It is Moffat's opinion that the Road Commission should have a legal services agreement with Attorney Page because he is paid a monthly retainer.

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

Motion by Moffat, seconded by Kinney to require that Attorney Page provide a legal services agreement to the Board for review and consideration.

AYES: 3  
NAYS: 2 (Askew, Boze)  
MOTION CARRIED.

The following Resolution was adopted upon a motion by Askew, seconded by Kinney:

**RESOLUTION**  
**2019-05**

WHEREAS: On January 28, 2019 Donald ("Don") Mortimer retired from his position at the Van Buren County Road Commission where he has worked as a dedicated member of the Road Commission staff since August 21, 2000 working as a Road Maintenance Employee; and,

WHEREAS: As a Road Maintenance Employee, Don was routinely in the field performing snow plowing, ice control, truck driving, pothole patching, tree trimming and removal, and a variety of tasks on a seasonal basis; and,

WHEREAS: Don often encountered adverse conditions while performing his duties, especially during the harsh winter months; and,

WHEREAS: Don performed his many duties with pride and dedication, and always in the best interest of the citizens of Van Buren County, and the Van Buren County Road Commission.

NOW THEREFORE BE IT RESOLVED: That the Board of County Road Commissioners of Van Buren County hereby publicly declares its gratitude to Donald Mortimer for his 18 years and 6 months of service to the citizens and motoring public in Van Buren County. Further, they wish Don and his wife, Christine, the very best in his retirement years.

AYES: 5  
NAYS: 0  
RESOLUTION ADOPTED.

The proposed Waste Disposal Policy was reviewed by the Engineer-Manager for the Board. The final draft includes input from Attorney Henn from the Liability Pool, and Attorney Page. The Policy, if adopted, will allow the Road Commission to become more efficient as an agency by reducing the cost of trucking materials such as trees or ditching dirt to pit locations, and instead providing them to the public. Agreements have also been drafted by the attorneys, which are signed by the relinquishing property owner, and the receiving property owner. Discussion ensued regarding Limited Liability Companies and/or renter-tenant situations and the fact that neither of these situations are acceptable parties for this Policy due to legal ramifications, which was confirmed by Attorney Kelly Page. Motion by Askew, seconded by Moffat to adopt the following Policy:

## WASTE DISPOSAL POLICY

Policy No: 2019-01

**Purpose:** The Board of County Road Commissioners recognizes that many road projects involve the collection of debris from the right-of-way, including, but not limited to tree and branch removals, ditching operations, and de-berming operations. As these materials and debris are collected from the road right-of-way, adjacent property owners are given the right of first refusal. In the instance that the adjacent property owner rejects the materials and debris, Road Commission staff must truck them to one of their gravel pits, which are located throughout the County. In some instances, this means traveling a considerable distance, depending upon the location of the project or maintenance operation. The result is that the Road Commission gravel pits are filling up with materials and debris that will eventually become a problem for future pit operations, and costing senseless dollars, while having passed county residences that would gladly have taken the material.

**Policy:** The Board of County Road Commissioners of Van Buren County believes that the best interest of the public will be served through the implementation of procedures permitting broad latitude in the disposal of right-of-way debris. The Board, therefore, authorizes the Road Commission Engineer-Manager, or his delegate, to develop Waste Disposal Procedures that will permit the Road Commission to dispose of right-of-way debris either by delivery to a Road Commission gravel pit or public waste collection facility, or by delivery to a local resident or residents who express the desire to receive such material. The procedures developed by the Engineer-Manager, or his delegate, shall include, among other things, procedures for local residents to authorize the removal and disposal of debris, as well procedures for local residents to request and authorize the receipt of such debris.

AYES: 5  
NAYS: 0  
POLICY ADOPTED

The following bids were open at 7:30 PM:

36<sup>th</sup> Avenue between 40<sup>th</sup> Street and 37.50<sup>th</sup> Street, Waverly Township, remove existing twin CMPs and install new structural plate pipe arch culvert with headwall and wingwall package:

Brenner Excavating	\$218,190.00
Riverworks Construction	\$240,580.00
USA Earthworks	\$209,100.00
Scott Pavlak Excavating	\$170,630.00
Quantum Construction	\$246,135.00

30<sup>th</sup> Street from 62<sup>nd</sup> Avenue to 60<sup>th</sup> Avenue, Antwerp Township, overlay with HMA, LVSP (1.5") and 2' gravel shoulders:

Michigan Paving & Materials	\$80,544.00
Rieth-Riley Construction	\$90,842.00

32<sup>nd</sup> Street from 66<sup>th</sup> Avenue to M-40, Antwerp Township, wedging and overlay with HMA, LVSP (1.5") and 2' gravel shoulders:

Michigan Paving & Materials	\$164,184.00
Rieth-Riley Construction	\$187,941.50

56<sup>th</sup> Avenue and 58<sup>th</sup> Avenue from CR653 to CR657, Antwerp Township, wedging and overlay with HMA, LVSP (1.5") and 2' gravel shoulders:

Michigan Paving & Materials	\$268,980.00
Rieth-Riley Construction	\$287,198.00

63<sup>rd</sup> Avenue from Drape Road to CR652, Antwerp Township, wedging and overlay with HMA, LVSP (1.5") and 2' gravel shoulders (after culvert replacement is complete):

Michigan Paving & Materials	\$173,110.00
Rieth-Riley Construction	\$187,058.00

63<sup>rd</sup> Avenue between Drape Road and 26<sup>th</sup> Street, Antwerp Township, remove existing twin CMPs and install new structural steel plate box culvert with headwall and wingwall package:

Brenner Excavating	\$190,382.50
USA Earthworks	\$182,911.60
Balkema Excavating	\$188,966.50
Scott Pavlak Excavating	\$157,575.00
Quantum Construction	\$186,057.50
Riverworks Construction	\$226,460.00

Whispering Woods Subdivision (Deep Woods Drive) East of 30<sup>th</sup> Street, Antwerp Township, wedging and overlay with HMA, LVSP (1.5") and 2' gravel shoulders:

Michigan Paving & Materials	\$37,058.00
Rieth-Riley Construction	\$48,544.50

Martha's Vineyard (Jewell's Drive) East of 30<sup>th</sup> Street, Antwerp Township, HMA overlay, 36A, (1.5") and 2' gravel shoulders:

Michigan Paving & Materials	\$60,619.00
Rieth-Riley Construction	\$74,636.55

Long Grove Subdivision South of Red Arrow Highway, Antwerp Township, wedging and overlay with HMA, 36A (1.5"):

Michigan Paving & Materials	\$146,505.00
Rieth-Riley Construction	\$166,106.00

Motion by Moffat, seconded by Kinney to authorize the Engineer-Manager to award, in the best interest of the Van Buren County Road Commission and the respective townships, upon review and tabulation by Engineering Staff.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Operations Director Update:

- On snow and ice operations.
- Tree clean-up from storm continues.
- Pothole patching county-wide.
- Toured new slag production facility at Burns Harbor, Indiana.

Highway Engineer's Update:

- Attended the Michigan County Engineer's Workshop.
- Working on plans for the Federal Aid project on a section of Red Arrow Highway from 26<sup>th</sup> Street to 28<sup>th</sup> Street (2019 project), and CR653 from Red Arrow Highway North ½ mi. (2020 project).
- Working to prepare bid documents for culvert projects on CR388, CR665, and CR374.
- Pavlak Excavating finished culvert installation in Hamilton Township on 56<sup>th</sup> Street. Will pave and place guardrail in the spring. Meanwhile the contractor will place temporary signage, then open to traffic.

Engineer-Manager's Update:

- Proposed that Department Heads prepare and submit reports, rather than attend Board meetings. The reports would be sent with the preliminary board package.
- Reviewed a request by Covert Township for an estimate for snow plowing costs for their local roads. The Township is investigating the option of paying the Road Commission costs to plow their local roads when the current Snow Plow Policy does not allow for regular winter maintenance operations. The Board and Staff discussed

several problems, such as liability for the bordering areas, the need for shop staff and supervisors, negative public perception, and cost. The Board would like to see a draft policy at the next regular meeting for consideration to decide whether or not to conduct such operations.

- Letter from Cathy Koestner was reviewed as previously discussed during Public Comment. Hummel provided input regarding the State approved trail that includes that portion of 8<sup>th</sup> Avenue East of 26<sup>th</sup> Street, Pine Grove Township, which is part of a network of State approved trails. If you remove this part of the State approved trail, you have to think about where you want them to go because it is a network. All snowmobiles must be operated according to Statute, which controls speed, lane of traffic, single-file, etc. The Statute does not address volume. If there are operators who are not following Statute, the Sheriff can be contacted for enforcement. After further discussion it was decided that the Road Commission will direct letters to the MDNR, and the snowmobile club, with a copy to the Sheriff requesting a signing plan and outlining what the Road Commission would hope to see. Ms. Koestner was requested to also direct letters to the MDNR, the snowmobile club, and the County Sheriff directly, as opposed to the Department, which she had previously sent.
- Local Agency Pavement Warranty Program required to be adopted by road agencies no later than September 18, 2019. In addition, a warranty on each project utilizing any state or federal funding that also includes \$2 million or more in paving-related components. Proposed resolutions will be brought at a later meeting.
- The Pool Cue's February 2019 edition contained an article regarding Fidelity Coverage being offered by the Pool at no additional cost to the Road Commission. This Fidelity Coverage is a simpler and cost-conscious substitute for public official bonds, which are required by Statute to be held by each board member, and are paid for by the county road fund. To take advantage, the County Commissioners should adopt a resolution. Hummel will prepare this for the County Commissioners' consideration at a future meeting.
- Van Buren County Road Commission's collaboration with the Public Works Academy was discussed. Governor Whitmer recently visited GRCC and provided positive publicity for the APWA and the Public Works Academy, of which Van Buren County Road Commission is a part, together with the Muskegon County Road Commission, Kent County Road Commission, the City of Grand Rapids, and more. Hummel discussed that, with time, this the Academy and its partners hope to see many graduates who are trained and able to enter the Public Works workforce, including the Van Buren County Road Commission.
- Roads+ is the one and only advocacy arm of CRA. Their goal is to promote better road and bridge policies in Michigan by endorsing and contributing to the campaigns of candidates for state office who understand road and bridge issues and will advocate judicious road policies. Hummel asked that Board please consider joining Roads+.
- Motion by Askew, seconded by Burleson to sign the Coversheet for work on 14<sup>th</sup> Avenue at the CSX Railroad. Lights and gates have been replaced, which were paid for directly by the Railroad. This current project is for approach work, to be paid for with State funds and MDOT Rail Safety Funds. Funding must run through the Road Commission as a Local Agency Program recipient.
- Will work on new staff hires as Don Mortimer's retirement has occurred, together with another employee who provided notice, and another staff member looking at a position elsewhere.

### **Road Commissioner's Township Meeting Attendance Report**

From February 7, 2019 to present:

Askew: Attended board meetings in Covert, Geneva and Bangor Townships. All three townships expressed appreciation for snow plowing operations. Dennis Reinhardt of South Haven Township provided pictures to Askew showing alleged grass damage by the wing plow at the road's edge.

Boze: Attended board meetings in Hamilton, Lawrence and Hartford Townships. Everyone expressed appreciation for snow plowing.

Burleson: Attended the Southwest District Council Meeting. Also attended Pine Grove Township's meeting and heard concerns regarding snowmobiles on 8<sup>th</sup> Avenue as Ms. Koestner described.

Kinney: Attended the Southwest District Council Meeting. Attended Decatur Township's board meeting and heard compliments regarding snow/ice removal operations. Also attended KATS Policy Meeting.

Moffat: Attended Almena Township. Board is anxious for a project on 30<sup>th</sup> Street short of reconstruction. Had a discussion with Anttila in this regard. Also heard compliments on snowplowing.

Supervisor VanTassel, Almena Township, also commented that he has heard nothing but positive comments regarding snowplowing operations.

Burleson thanked Ms. Koestner for coming to tonight's meeting. He stated that he hopes that the Board and staff were able to provide her with answers to her questions.

Hummel provided information to the Board in the event they were contacted by residents who stated they were coming to tonight's meeting, but were not in attendance.

Hummel provided discussion for the Board regarding one of the Road Commission's new tandem axle trucks that was driven through water/ice causing over \$46,000 in damage as the engine must be replaced, and it does not fall under warranty under the circumstances. These new units have fiberglass oil pans, which failed due to the ice impact.

Moffat lead a discussion regarding the Road Commission's current Use of Road Commission Vehicles Policy, 2006-01. Hummel and staff answered questions regarding use outside of Van Buren County by staff, IRS Guidelines, and staff currently utilizing assigned vehicles. Moffat requested further review of the Policy.

Moffat brought discussions regarding Road Commission Identification on all Road Commission vehicles; specifically magnetic signs. He requested that these appear on all units that are not already so identified.

Discussion also held regarding GPS, which is currently installed on many of the road maintenance fleet. The Board would like to see the cost of providing GPS on all Road Commission units at a future meeting.

The Rules for Conducting Board Meetings were reviewed by Moffat; specifically, that the Board hold an annual meeting on the first Thursday of January, or as otherwise noticed, to nominate and elect officers. 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. Motion by Moffat, seconded by Kinney.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Askew requested that the Per Diem Policy also be revised and a proposed draft brought to the next meeting as he believes that the per diem meal reimbursement is out-of-date and should be reviewed and compared.

The Board requested that a draft response to Antwerp Township's (undated) letter be brought to the next regular meeting of the Board for review prior to mailing to everyone on the Antwerp Township Board that signed the correspondence.

Supervisor Van Tassel read a written statement from a citizen of Almena Township:

"I request that the Van Buren County Road Commission Commissioners ask Mr. Hummel to tell them about his business, Fish Creek Engineering, LLC, Carson City, Michigan at which his website says he is available daily from 8-7."

The Chairman recessed the regular meeting at 9:58 PM to move to Executive Session for the purpose of considering a periodic personnel evaluation of Engineer-Manager Hummel at Hummel's request.

The regular Road Commission meeting was reconvened at 11:14 PM, with all members present.

In accordance with the Performance Based Award Program, motion by Kinney, seconded by Askew to grade the Engineer-Manager as "Meets Expectations" to receive an award of 2% of his annual wages.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Motion by Askew, seconded by Boze to adjourn the Call of the Chair at 11:16 PM.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

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Secretary

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Chairman