

Van Buren County Board of Road Commissioners

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

BE IT REMEMBERED: That on the 21st day of March, 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.
Finance Director Linnea Rader
Highway Engineer Barry Anttila
Operations Director Greg Brucks
Administrative Assistant-Board Secretary Jill Brien

GUESTS: County Commissioner Kurt Doroh
County Commissioner Don Hanson
Elliott Elrod, Columbia Township
Dave Reva, Columbia Township
Daniel Ruzick, Antwerp Township

Chairman Boze called the meeting to order at 7:03 PM.

No additions/deletions to the Agenda.

Motion by Askew to approve the Agenda.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Kinney and seconded by Burleson to approve the minutes of the March 7, 2019 meeting as presented by Board Secretary Brien.

AYES: 5
NAYS: 0
MOTION CARRIED.

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

Finance Director's Update:

- Meeting Binders
- Review of Pension Valuation. 5/3 Bank scheduled to attend April 18th meeting of the Board to present details on investment review.
- Pension Valuation for Governmental Accounting Standards Board (GASB).
- Other Post Employment Benefit Plan (OPEB) Valuation
- Retiree Health Care Plan

Break from Finance Director's Update to go to bid openings.

The following bids were opened at 7:30 PM:

CR374 between 48th Street and Red Arrow Highway, Lawrence Township, pipe arch installation

Quantum Construction	\$59,717.35
Krohn Excavating	\$25,767.00
Brad Thomas Excavating	\$36,433.05
Scott Pavlak Excavating	\$39,089.00

CR665 between 34th Avenue and 38th Avenue, Waverly Township, concrete culvert installation

Krohn Excavating	\$35,352.00
Quantum Construction	\$85,525.60
Brad Thomas	\$64,034.55
Scott Pavlak Excavating	\$67,803.00

CR388 between 12th Avenue and 14th Avenue, Bloomingdale Township, concrete culvert installation

Quantum Construction	\$142,895.65
Krohn Excavating	\$93,463.00
Brad Thomas Excavating	\$110,988.00
Scott Pavlak Excavating	\$138,599.00

50th Street between 24th Avenue and 28th Avenue, Arlington Township, clearing and drainage improvements

Krohn Excavating	\$119,694.00
Brad Thomas Excavating	\$131,055.00

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

AYES: 5
NAYS: 0
MOTION CARRIED.

Finance Director's Update continued.

- Staffing Update.
- Commissioner Moffat Requests: (1) Equipment sales from 2016-2018; (2) Non-Motorized Improvements; and, (3) Strategic Plan goal update.
- GPS Update.

Discussion regarding Engineer-Manager tracking his daily trips via a written log. No action taken due to lack of support.

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

Voucher #2085	\$122,008.85
Voucher #2086	\$744,864.85

AYES: 5
NAYS: 0
MOTION CARRIED.

It was discussed that the draft response letter to Antwerp Township was being finalized. Supervisor Ruzick indicated that waiting until after the April 4, 2019 meeting of the Board would not create a hardship. Motion by Moffat, seconded by Kinney to table the Board's review of the draft letter until the next regular meeting of the Board on April 4th.

AYES: 5
NAYS: 0
MOTION CARRIED.

Finance Director Rader reviewed the proposed gravel spreading cost of \$1.80/ton, previously \$1.10/ton. The updated cost covers a grader, as well as a roller for better compaction. Motion by Moffat, seconded by Askew to approve the gravel spreading cost of \$1.80/ton.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Board reviewed proposed revisions to the Policy on Employee Reimbursement Rates, Including Per Diem Travel Rates and Mobile/Cell Phone Use. Discussion provided as to how proposed rates were arrived at. Motion by Askew to adopt the revised Policy as follows:

Policy No. 2008-02

PER DIEM TRAVEL REIMBURSEMENT RATE

Breakfast	\$13.00
Lunch	\$14.00
Dinner	\$23.00
Mileage	0.58¢ (2019)*

*Mileage rate will vary from year to year based upon the Internal Revenue Service Federal Standard Mileage Rate.

Actual expenses must be recorded and turned in to the Accounting Department with supporting receipts.

The above rates are the maximum amounts that will be allowed for reimbursement based on General Services Administration (GSA) 2019 per diem "standard" rates for Michigan. These rates can be modified to the destination city rate as requested by the employee. Lodging expenses will be considered on an individual case basis, to be booked at either the Government Rate, training rate, or otherwise lowest rate available.

CELL PHONE/MOBILE PHONE REIMBURSEMENT RATE

A. Employee Provided Cell Phone and Service Plan

An authorized employee who provides his or her own cell phone and their personal service plan for the performance of their job in lieu of a Road Commission supplied phone and plan shall receive reimbursement from the Road Commission as follows:

Authorized Administrative Personnel - \$60.00 per month
Authorized Union Seasonal Crew Leader/Foreman - \$40.00 per month

Authorized employees shall be reimbursed no less than annually. Personal plans must be in effect for more than 16 days in any month to qualify for reimbursement.

In order to receive the allowance, the authorized employee is required to make the personally owned device available for business use as required by their Department or Supervisor. The employee must maintain active cell phone service and agree to carry the cell phone with them and keep it charged and in operational condition. Inappropriate or unlawful use of the cell phone and its services and features is prohibited, and misuse will result in immediate cancellation of the cell phone allowance. In addition, cell phone users must be aware of all laws regarding the use of phones while driving a motor vehicle.

B. Road Commission Provided Cell Phone and Service Plan

An authorized employee who wishes to utilize a Road Commission supplied cell phone and service plan shall reimburse the Road Commission by payroll deduction as follows:

Smartphone \$16.00 per month

In order to receive the allowance, the authorized employee is required to maintain the Road Commission provided device in an operational condition available for the business of the Road Commission. The employee must agree to carry the cell phone with them and keep it charged and in operational condition. Inappropriate or unlawful use of the cell phone and its services and features is prohibited, and misuse will result in immediate cancellation of the cell phone allowance. In addition, cell phone users must be aware of all laws regarding the use of phones while driving a motor vehicle.

Personal use of a Road Commission supplied cell phone and service plan shall be permitted. At the request of the supervisor, or at employee's separation, the employee must return the Road Commission supplied equipment.

AYES: 5
NAYS: 0
AMENDED POLICY ADOPTED.

Rader provided discussion regarding the Van Buren County Road Commission's retiree health coverage and the Corrective Action Plan the State of Michigan is requiring. Rader reviewed the progress that has been made by the Road Commission to greatly reduce the liability short-fall, including Policy changes, as well as changes to the Union Contract that have greatly reduced the health care coverage for employees who retire from the Road Commission, and put caps on Road Commission contributions. All of these changes now allow for the Road Commission to contribute annually to the Other Post Employment Benefits (OPEB) (retiree health coverage) and make substantial progress in building the trust fund. Motion by Askew to accept the Corrective Action Plan and authorize Lawrence Hummel to execute on behalf of the Van Buren County Road Commission.

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

Moffat's vote was due to the short notice provided by the State of Michigan for review.

Motion made by Moffat, seconded by Askew to continue the dedicated annual contribution to the OPEB trust of \$320,000 annually, and to continue health insurance premiums for current benefits through FY 2023.

AYES: 5
NAYS: 0
MOTION CARRIED.

Discussion regarding Silver Oaks Condominiums plat. Engineer-Manager discussed potential problems that may exist due to the manner in which the roads were base paved by the developer's contractor. He would not recommend that the Board accept the plat until additional testing reports are received so that if repairs are necessary they can be accomplished by the developer's contractor, and not at the expense of the Road Commission or the Townships. A meeting is currently scheduled for tomorrow with the developer.

Engineer-Manager discussed a series of structure failures on the North side of Ackley Lake in Hillside Subdivision, Paw Paw Township. The Road Commission currently pays 100% of the cost to replace a cross-pipe located under a local road that is under 36". The cost to replace cross-pipes 36" or over located under a local road is split 50/50 by the Road Commission and the Township. The cost estimate to replace this particular series of pipes, which are all under 36", and multiple manholes, all within the county road right of way, is approximately \$65,000. Paw Paw Township requested the Board's consideration in cost-sharing. The Board requested that Hummel provide them with an estimate of the cost to replace the pipe under the road only, and to bring that to the next regular meeting for consideration. Motion by Askew to table the Township's request until the next regular meeting of the Board.

AYES: 5
NAYS: 0
MOTION CARRIED.

Operations Director's Update:

Maintenance Report:

- Hopefully snow and ice control are done for the season.
- Possibility of beginning deberming operations next week on our primary sealcoat roads.
- Boom mowing started in Bloomingdale and Arlington Townships.
- 50th Street trees are done in Arlington Township.
- Working on tree removals on CR380 in Columbia Township East of Breedsville.
- Plan to begin tree removals on Red Arrow Highway next week between 26th and 28th Street.
- Slag for sealcoat is inbound.
- Shawna is still trying to schedule road tours.

Equipment Update:

- Met with AIS regarding specifications for gradall.
- Reviewed Handy Hitch Packer Roller in Kalamazoo.
- Loader is 2-3 weeks out.
- Removing wing plows and spinners from trucks.
- Graders are ready to go.
- Brooms are ready to go.
- Sealcoat equipment to be calibrated.
- Gathering information to bring to board for tandem and possibly triple axle cab and chassis trucks. If we want to receive the units in 2020 we will have to order soon; otherwise, they will not be received until 2021.

Highway Engineer's Update:

- Met with Geneva Township today for annual road meeting.
- All estimates went to Decatur Township for their board meeting.
- Red Arrow Highway between 26th and 28th Street, property owner letters have gone out and staff is meeting with some property owners regarding scope of project.
- CR352 West of CR681, tree work started last week. Still working to get signed agreement.
- Attended Bridge Conference on Tuesday and Wednesday of this week.
- At CRA of Michigan Highway Conference last week.

Engineer-Manager's Update:

- Calendar update. Discussion regarding an interest in more information/detail to be provided on the calendar. General consensus was to require that more specific details be provided, such as beginning and ending appointment times, in order to monitor Contract more effectively.
- Cass County Road Commission sealcoat to be performed by Van Buren County Road Commission equipment and staff. Cass CRC to provide sealcoat materials.
- Update regarding street sign requests made by Kinney previously.
- Update regarding Antwerp Township projects on 56th Avenue and 58th Avenue (paving), and 63rd Avenue (paving), both of which were let for bid by the Road Commission, awarded to the lowest responsible bidding contractor, and then rescinded or put on hold by the Township. Engineer-Manager discussed that as a result, Road Commission procedures are being revised and staff will not make an award of any project until such time as a signed program sheet has been received by the Road Commission despite the fact that it is likely to cause scheduling delays.
- Reviewed request by Moffat for 2019 Primary Road Projects. 2019 Primary Road Project List was reviewed with Board along with Communication Guidelines from County Commission, and Road Commission.
- CRA legislative priorities.

Motion by Askew, seconded by Moffat to recess the Regular Meeting at 10:07 PM to open a Closed Session for the purpose of considering the lease of real property. Roll Call vote:

Burleson - Aye
Moffat - Aye
Boze - Aye
Kinney - Aye
Askew - Aye

MOTION CARRIED.

Motion by Askew, seconded by Moffat to reconvene the Regular Meeting at 10:24 PM with all Members present.

AYES: 5
NAYS: 0
MOTION CARRIED.

Legal Issues

Attorney Kelly Page legal services agreement was discussed. Motion by Askew to approve. Discussion held regarding potential conflicts of interest. Roll call vote to approve legal services agreement:

Boze - Aye
Kinney - Nay
Askew - Aye
Moffat - Nay
Burlison - Aye

MOTION CARRIED.

Motion by Kinney to rescind the previous vote due to potential conflicts of interest by Attorney Kelly Page. Roll call vote:

Askew - Nay
Moffat - Aye
Burlison - Nay
Kinney - Aye
Boze - Nay

MOTION DECLINED.

Legal opinion reviewed per Board's discussion at last regular meeting. Salaried management is not entitled to overtime per: Fair Labor Standards Act.

Commissioner Updates and Reports:

- W.C. Askew, Sr., CRA of Michigan Commissioner's Conference and CRA of Michigan Highway Conference.
- Rick Boze, Hamilton Township on the 12th. Supervisor to contact staff regarding culvert on CR352 by Falkner's driveway. March 11th attended CRA of Michigan Commissioner's Conference. Attended Lawrence Township and Hartford Township on March 14th.
- Doug Burlison, CRA of Michigan Highway Conference on the 13th.
- Greg Kinney, CRA of Michigan Highway Conference on the 13th. Decatur Township on the 14th.

Discussion regarding the election of Chairman at last meeting wherein it was misunderstood that the position of Chairman was a two-year term. Clarification provided that the position is a one-year term, and that it has been past practice to elect the Chairman two years in a row.

- Geoff Moffat, CRA of Michigan Commissioner's Conference and CRA of Michigan Highway Conference. Antwerp Township on the 12th.

Motion made by Kinney to request special per diem for attendance at CRA Highway Conference and/or CRA Commissioners' Conference, and for the Expectations Workshop held this evening.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Askew to adjourn the Call of the Chair at 10:46 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman