

Van Buren County Board of Road Commissioners

Thursday, January 17, 2019
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 17th day of January, 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.
Board Secretary-Finance Director Linnea Rader
Highway Engineer Barry Anttila
Operations Director Greg Brucks
Administrative Assistant Jill Brien

GUESTS: County Commissioner Kurt Doroh

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

Request to Chairman Boze to add item #19(a) to the Agenda: Road Commissioner Discussion.

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

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Kinney and seconded by Burleson to approve the minutes of the January 3, 2019 meeting as presented by Board Secretary Rader.

AYES: 5
NAYS: 0
MOTION CARRIED.

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

Board Secretary-Finance Director Rader provided an update as follows:

- Handout "Ups and downs in the MTF" article from the CRA of MI reviewed with Board and those present.
- Pension files transferred from Tim Tornga of Mika Meyers, who recently retired, to John Arendshorst of Varnum Law.
- Review of operating budgets and operating fund; reviewed year-end process.

Engineer-Manager Hummel updated the Board regarding a discussion held with Gayle Cummings of the MCRCSIP. The Pool is getting closer to being able to provide the Public Official's Bond, which Road Commissioners are required to hold by Statute. Currently the Bonds are provided by McKenzie Insurance. The cost through the Pool should be substantially less, as indicated by Gayle Cummings.

Moved by Askew to approve the following Road Commission Vouchers:

Voucher #2074	\$126,756.19
Voucher #2075	\$129,539.97

AYES: 5
NAYS: 0
MOTION CARRIED.

Discussion regarding equipment rental rates by Finance Director Rader. Motion by Burleson, seconded by Kinney to adopt the following Resolution:

RESOLUTION 2019-03

WHEREAS: The provisions of the rules and regulations of the Michigan Department of Treasury requires that the Van Buren County Board of Road Commissioners and the Michigan Department of Transportation annually determine uniform equipment rental rates, referred to as "Schedule C", representing charges to be made by the Road Commission for the use of County Road Commission equipment against force account construction and maintenance projects; and,

WHEREAS: The Michigan Department of Treasury has provided that individual County Road Commissions may adjust the published rates in "Schedule C" to reflect either the increase or decrease in equipment costs in their particular county; and,

WHEREAS: In the opinion of the Van Buren County Board of Road Commissioners, the rental rates as set forth in "Schedule C" are insufficient to meet actual equipment expense.

NOW, THEREFORE BE IT RESOLVED: That the equipment rental rate charged by the Board of County Road Commissioners of the County of Van Buren, Michigan, for the equipment owned by said Road Commission shall be set at 110% of the published rates as shown on "Schedule C" for the year 2019.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

CRA Board of Directors Ballot read by Engineer-Manager Hummel. Motion by Moffat, seconded by Kinney to mark the Official Ballot for the candidate Bradley S. Lamberg, PE, Barry County Road Commission.

AYES: 5
NAYS: 0
MOTION CARRIED.

Hummel reviewed the history of bids, extensions and awards for emulsified asphalt to Asphalt Materials. Hummel also advised the Board that he spoke with staff at the Cass County Road Commission whereat bids had recently been opened for emulsified asphalt – CM90, and BM90 (which is a similar product) – and pricing at Cass was \$2.55 / \$2.61 per gallon. Hummel recommended approving Asphalt Materials' extension of \$2.55 / \$1.50 per gallon through the 2019 construction season. Motion by Askew, seconded by Moffat.

AYES: 5
NAYS: 0
MOTION CARRIED.

Proposed amendments to Rules for Conducting Meetings of the Board were discussed by Engineer-Manager. Questions were asked and responded to by Rader and Hummel. Motion by Burleson, seconded by Moffat to adopt the revised Policy 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 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 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. Public Comment
- F. Budget Review and Finance Director's Update
- G. Items for Consideration/Discussion
- H. ~~Commissioner Attendance Update and Reports~~
- ~~H.~~ I. Staff Updates
- ~~J.~~ I. Legal Issues
- J. Commissioner Updates and Reports**
- K. Executive Session
- L. 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.

Road Commissioner's Township Meeting Attendance Report

From January 3rd to present:

Askew: January 8th, Covert Township. January 8th, Geneva Township. Township board members had questions regarding winter maintenance operations. Hummel provided information to the Board regarding blading operations, sand/salt for ice control, etc. Bangor Township, January 8th; pothole complaint called in to office previously. South Haven Township, January 9th, Township had questions regarding trees in the road right of way. Hummel confirmed that the Road Commission will remove dead trees that fall in the right of way, but that trees located in the road right of way are the responsibility of the property owner for removal.

Boze: Hamilton Township on January 8th; nothing pressing. Keeler Township on January 8th; sign leaning on CR687 at Territorial Road. Lawrence Township, January 10th; meeting well attended because a discussion was held regarding allowing ORVs on the road, which was passed. Hartford Township, January 10th, nothing pressing.

The Road Commissioners' Attendance Report was put on hold to move to bid openings at **7:30 PM** for Slag as follows:

Contractor	Material	2019 Season Price Per Ton	2020 Season Price Per Ton	2021 Season Price Per Ton
Verplank	25A Blast Furnace Slag	\$35.00	\$36.00	\$37.00
	1/4"-FA-2 Trap Rock	\$50.00	\$52.00	\$55.00
	Alternate: 34CS Trap Rock	\$44.00	\$46.00	\$49.00
R. Smith & Sons	Alternate: 3/8" Pea Stone	\$17.00	\$17.50	\$18.50
Yellow Rose Transport	25A Blast Furnace Slag	\$20.98	\$21.48	\$21.98
	29A Slag	\$35.25	\$40.25	\$42.25
	34C Slag	\$38.25	\$40.25	\$42.25
	1/4"-FA-2 Trap Rock	\$45.75	\$47.75	\$49.75
	Alternate: 34CS Trap Rock	\$40.00	\$42.00	\$44.00
Ken Smith, Inc.	25A Blast Furnace Slag	\$21.95	\$22.95	\$23.95
Beemsterboer	25A Blast Furnace Slag	\$28.95	\$29.95	\$30.95

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

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Road Commissioners' Attendance Report continued as follows:

Burleson: No report.

Kinney: Decatur Township on January 10th, Lake Street project is to be added to the township's 2019 road plan. Paw Paw Township; discussion with Supervisor regarding alleged Road Commission requirement that townships pay 50% of work on primary roads. Hummel explained his conversation with Supervisor Stull, and further explained that there is no such requirement. Supervisor Stull also voiced his complaint about the pulverization of CR374 in Paw Paw/Lawrence Townships, and Paw Paw Township's desire not to see any additional Primary roads in the township turned back to gravel.

Moffat: No meetings.

Motion by Kinney, seconded by Askew to request a special per diem for all Road Commissioners for their attendance at the Strategic Planning Session held this evening at 5:00 PM at the Road Commission's Storage-Maintenance Facility, Lawrence.

AYES: 5
NAYS: 0
MOTION CARRIED.

Operations Director Update:

- Chasing snow - mostly ice control.
- Started and finished trees on CR374, Lawrence Township, and 36th Avenue, Waverly Township (for future culvert projects).
- 50th Street, Arlington Township, tree work started today.
- Potholes county wide.

Highway Engineer Barry Anttila reported on the following:

- February 21st regular meeting of the Board will have "many" bid openings.
- Working to schedule grade inspections with MDOT on Federal Aid projects.
- 47.50th Street, Columbia Township, opened to traffic today.
- South Haven Township, bridge work on I-196, contractor wants to use 73rd Street as a hauling route for the project. Working on an agreement with the contractor and South Haven Township.
- 80th Avenue, Porter Township, Greg hand delivered project estimate to Township Supervisor. No signature block; just for review.
- 56th Avenue, Hamilton Township, pipe may be delivered next week. Relayed information to Township Supervisor.

Engineer-Manager Update:

- Cell Tower Lease with American Tower. Hummel explained current lease and terms, and recent extension offer from American Tower for an extension. Working with Peter Schmidt at Varnum Law to prepare for negotiations.
- Southwestern District Council meeting on Monday, February 11, 2019 at 10:00 AM, GVSU, Ottawa CRC hosting.
- Township Supervisors' meeting on February 28, 2019 at 7:00 PM, Van Buren Conference Center. Supervisor Whaley is looking for speakers.
- Spoke with Attorneys Page and Stewart regarding several revisions recommended to the Waste Disposal Agreement. Further discussion ensued regarding logistics, etc. Close to finalizing documents for Board review/approval; perhaps at next regular meeting.
- Federal Aid programming meetings have been held with several more to come. Breedsville Village was not happy with results even though they have not been in attendance at the meetings for many years until just recently, and yet still currently have one Federal Aid project taking place this year in Breedsville. Causing more tension was a Breedsville project that was on the illustrative list (i.e., without funding) for the previous call for projects, which had expired. Hummel went on to state that representatives of the Village and Columbia Township have presented the situation very differently to their council, and to other local officials calling him a "thief" and Rader a "liar". Hummel explained the manner that voting for Federal Aid within the Task Force takes place, and that all project applications for funding far exceeded the funding that was available, leaving the group to vote as to which projects would be funded.
- Reminded Commissioners to schedule a date to meet and discuss the self-evaluation he previously provided to the Commissioners. A discussion ensued regarding the format of the self-evaluation provided by Hummel, and whether it was sufficient for the Commissioners to conduct their annual review as required by the Contract. Other formats for the self-evaluation were discussed by the Commissioners, including a format that had been previously provided. Upon further discussion, the evaluation that had been previously provided was preferred over the

current self-evaluation form. Hummel will complete his self-evaluation utilizing the requested new format, and will provide it to the Board as soon as possible. Motion by Moffat, to hold the scheduling of a meeting in abeyance until February 21, 2019 when the Board will go into closed session for the purpose of considering a periodic personnel evaluation as requested by Hummel.

AYES: 5
NAYS: 0
MOTION CARRIED.

Legal Issues:

Hummel provided the following update/discussion:

- Spoke with Attorney Henn on 61st Street, Geneva Township, south of Baseline Road. Township requested abandonment of the segment. Attorney Henn is researching the issue further.
- 22nd Avenue, Columbia Township, east of CR215, explained legal issues surrounding what was thought by adjacent property owner to be 22nd Avenue, and what appears to be private property. Attorney Henn is going back to the State archives to attempt to locate a map that goes along with the certification description from the mid-1930's.
- Received an email from Paw Paw Schools Superintendent that their Board passed a Resolution requesting the Road Commission install a speed zone at the High School in accordance with Statute (20 mph reduction before and after school).

Road Commissioner Discussion:

Askew asked what, if anything, we have heard from the Governor's office regarding her promise to "fix the roads". A discussion ensued regarding roads, condition, and road funding.

Burleson questioned if the Road Commission would revise its budget to include more road building because of the lack of snow this winter. Rader and Hummel discussed winter maintenance operations this season, which have included more ice control than snow removal. Also, it is still too early to make a call as there is still more winter yet to come.

Boze thought it might be helpful for the Board to be notified if staff works overtime for winter maintenance, and to provide the overtime information to them regarding costs so the information could be conveyed to the townships and residents.

Burleson asked about Road Commission response to calls from dispatch for icy road conditions. Hummel responded that Road Commission staff cannot respond to each icy intersection call that is received after hours as it would require another shift of staff, which the Road Commission is not able to provide. Traffic needs to slow down and drive according to conditions.

Additional brief discussions were held.

Motion by Moffat, seconded by Askew to adjourn the Call of the Chair at 9:35 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman