

Van Buren County Board of Road Commissioners
Wednesday, August 22, 2018
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 22nd day of August, 2018 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 Svilpe
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: Attorney Kelly Page

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

No additions/deletions to the Agenda.

Motion by Boze, seconded by Kinney to approve the Agenda.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Boze and seconded by Svilpe to approve the minutes of the August 22, 2018 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 a review as follows:

- Reviewed new Budget spreadsheet which she feels is more clear and user friendly. Expenditures, township contributions, bridge work, and culvert replacements were reviewed. In addition, the Maintenance Budget and Capital Outlays were reviewed.
- Rader lead a discussion regarding the next budget adjustment, which will take the Road Commission's Fund Balance to a very low point. Culvert replacements throughout the County have hit both the townships and the Road Commission very hard.
- Road salt prices have practically doubled from \$44/ton in 2017, to \$77/ton in 2018.
- This Voucher is a new payable report prepared by Shawna with more description to help provide more insight and information.
- Secretary-Receptionist position was offered to Marla Salmon. Her tentative start date is September 10.
- Accounting Clerk-Payroll position was offered to Adam Springsteen. His tentative start date is September 4.
- Mechanic-Welder position was offered to Christian Moffit. His tentative start date is in mid-September.

Rader reported that a budget adjustment would be presented at the next meeting.

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

Voucher #2048	\$119,161.23
Voucher #2049	\$580,770.30

AYES: 5
NAYS: 0
MOTION CARRIED.

Discussion regarding county-wide road millage on November, 2018 ballot. Engineer-Manager noted minor changes by County Commission to required ballot language regarding distribution of revenue. Discussions regarding education, responding to opposition statement in newspapers, and a fluid construction plan.

The following bids were opened at 7:30 PM:

47½ Street over Melvin Creek, Columbia Township; remove existing twin 10' x 7' pipe arches and place new 20'1" x 6'6" Structural plate box culvert, HL-93 standards, 49.5' long:

Brad Thomas Excavating	\$153,118.00
Scott Pavlak Excavating	\$156,777.50

Underbody Blades:

Contractor	3/4" x 8" x 6' single bevel, curved (each or per ft.)		Manufacturer
	Each	Per Ft.	
St. Regis Culvert	\$104.10	\$17.35	Valley
Wear Parts & Equipment Co.	\$121.91	\$20.3183	Black Cat
Michigan CAT	\$98.57		Caterpillar
Truck & Trailer	\$115.87		Esco
Winter Equipment	\$118.67	\$19.75	Black Cat
Shults Equipment	\$113.95		Bucyrus

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

AYES: 5
NAYS: 0
MOTION CARRIED.

Engineer-Manager advised that the County Commission’s Guidelines for Road Commissioner Effective Communications were sent to the County Administrator’s office with the revisions as requested by the Board. The Administrative Affairs Committee will review the revised draft on September 11, 2018 at 2:00 PM. Hummel and Svilpe will plan to attend.

Engineer-Manager discussed the revision made to the Exhibit to the Van Buren County Road Commission Guidelines for Attendance/Communication by Kinney. Kinney questioned the revised Communication Flow Chart contained in the Guidelines, specifically with regard to the removal of the Traffic Services staff. Hummel advised that the position was eliminated in the restructuring, and signs, signals and pavement marking are now being handled by operations staff, and engineering staff.

Update by Engineer-Manager on the award of bids, in the best interest of the Van Buren County Road Commission and Geneva Township, as follows:

- 22nd Avenue from 68th Street to 69th Street, Geneva Township, to Krohn Excavating
- 59th Street from 4th Avenue North to CR388, Geneva Township, to Rieth-Riley Construction Company

Hummel presented and reviewed a proposed Anti-Nepotism Policy which addresses a variety of issues, including some that have been experienced by the Road Commission. The Board will review to take action at the next regular meeting.

Kinney provided discussion regarding his request for a written legal opinion on replacement of missing street name signs. Hummel advised that the Road Commission is not legally required to install street name signs. Attorney Page provided discussion regarding the

Michigan Manual of Uniform Traffic Control Devices (MMUTCD), which has been adopted by the Van Buren County Road Commission, uses a lot of “shoulds” and “suggested”, which really come down to demands versus dollars; and, demands versus better roads. Attorney Page stated that the Manual gives the County Engineer the sole authority to “decide to place”, but no legal “requirement” to place a street name sign. Kinney stated that he does not agree with this premise. Discussion also held regarding Kinney’s statement that the Road Commission is not in compliance with State law when charging townships to replace missing street name signs. Attorney Page stated that a lot of staff time has been spent gathering information and preparing to respond to the various questions brought by Kinney, and the Board should decide how to proceed. Kinney made a motion to seek a legal opinion from Attorney Kelly Page, and for an opinion from MCRCSP and the CRA of Michigan on replacing missing street name signs. Chairman Svilpe called for a roll call vote:

Kinney	Aye
Burleson	Nay
Askew	Aye
Boze	Aye
Svilpe	Nay

AYES: 3
NAYS: 2
MOTION CARRIED.

Kinney asked if the Board wanted to consider all requests for a legal opinion, and the general consensus was that it did not require a Board vote.

Road Commissioner's Township Meeting Attendance Report

From August 8th to present:

Askew: Went to Covert Township, Geneva Township and Bangor Township board meetings. He reported to all three Boards that he would be providing updates relating to action taken by the Board of County Road Commissioners, and to contact the Road Commission with Service Requests. Bangor Township brought an issue up regarding Trustee Houdek’s road, and an issue on CR687 at the Decker residence (dip in the road).

Boze: Went to Lawrence Township, Hartford Township, Hamilton Township and Keeler Township. Reported that county-wide road millage proposal is on the November ballot.

Burleson: No meetings.

Kinney: Attended Decatur Township, and the Southwest District Council meeting. Attended Arlington Township where issue was discussed regarding an electric fence installed in the county road right of way.

Svilpe: Received several calls from Randy Guminski regarding gravel in intersections. The issues were addressed to Mr. Guminski’s satisfaction.

Kinney provided background regarding his request for a Traffic Sign Policy and a Traffic Safety Supervisor. Hummel and Rader discussed that a Traffic Sign Policy is on the “checklist” as one is required for accreditation through the American Public Works Association; however, they did not envision the policy stating anything more than has been discussed, i.e., sound engineering judgment, as per the MMUTCD. Regarding a Traffic Safety Supervisor, a new staff member would cost the Road Commission approximately \$80,000/yr. for wages, including benefits. The Road Commission would also need another Sign Truck (last purchased in 2006 at a cost of approximately \$190,000.00). Hummel provided a history of the various positions held and various titles through the years with duties in the area of traffic safety. Currently traffic safety matters are handled by both Operations, and Engineering. Kinney asked if townships have paid to have street name signs replaced, and Hummel responded that they do, and Kinney replied “that’s illegal” according to a handout he then provided to the Board and those present.

Kinney then provided a handout to the Board and those present, “Who is Responsible for Michigan’s Roads”, from Tuscarora Township, which states, “A township has no legal obligation to maintain or repair county roads.” Hummel stated that the Road Commission’s website had been updated to state that “In Van Buren County, the Townships are

responsible for funding road construction projects . . .”. This is because while the townships do not have any “legal obligation” to pay for road construction projects, the Road Commission does not receive enough funding to do so either. It is the Road Commission’s legal responsibility to maintain the roads in its jurisdiction in a manner that is deemed reasonably safe for travel. The townships know and understand that any improvements to their local road system beyond normal routine maintenance must be funded by the township. If the township does not consider it to be a priority, then the work will not be accomplished. The Township is not “required” to fund road work that it does not want to accomplish.

Operations Director Greg Brucks reported as follows:

- Slag delivery has improved slightly. We will have enough slag to sealcoat tomorrow, and for the next several days. Cannot promise to complete all programmed miles of sealcoat this season due to lack of materials/delayed slag deliveries.
- Roadside mowing continues.
- Ditching and boom mowing continues.
- The first of September the Brush Spray and Invasive Species Spray contractors will move in to Van Buren County.

Highway Engineer Barry Anttila reported on the following:

- 24th Street, Almena Township, the culvert is installed, and the road is open to all traffic. Paving still to be completed.
- CR376, Bangor Township, grading tomorrow, base paving next week.
- 26th Avenue, Bangor Township, waiting for DEQ Permit, then will let for bid.
- 34th Avenue, Covert Township, both culvert replacements are waiting for materials.
- 48th Avenue, Covert Township, the City of South Haven moved the water mains. The culvert replacement should happen quickly.
- 75th Street, Covert Township, out for 20 day Public Notice. Krohn Excavating to complete project.
- 77 ½ Street, Covert Township, the culvert is installed. Awaiting patch paving.
- CR380, Geneva Township, project has been staked. Krohn Excavating work is being held up due to project in the Village of Lawrence.
- CR665 and CR687 Federal Aid projects, both have been awarded. Pre-Construction meetings to be scheduled.
- Engineering Staff is assisting with county-wide road rating, and assisting with culvert inventory.
- Engineering Staff is working on pavement marking maps to provide to contractor.
- Two more culverts have failed; one on 16th Avenue in South Haven Township west of 73rd Street, and one in Hamilton Township on 56th Street between CR360 and CR352. Will need DEQ Permits for both projects.
- Also on 82nd Street in Covert Township, three large diameter pipes have failed and are on the list for survey work.
- Have found locations for all pipe arches mentioned in July meeting that were being purchased by the Road Commission from a supplier for a considerable savings.
- Two students in the Engineering Department will be completing their seasonal work tomorrow. They have been a tremendous help to Staff.

Kinney asked about a report by Arlington Township regarding a project to take place on 50th Street being limited to \$100,000.00 in township funds. Rader stated that the Township allocated millage funds for the cost of the project over the township’s \$100,000.00.

Kinney addressed the Board and provided information regarding his request for a written legal opinion on county road funding relating to information presented on the Road Commission’s website. Motion by Kinney to request a written legal opinion on county road funding.

AYES: 1
NAYS: 4
MOTION DEFEATED.

Burleson asked about the status of the de-berming machine, and asked when work might commence? Brucks stated that staff was attempting to finish sealcoat first.

Burleson asked if it was possible to get a board meeting packet in advance of the scheduled meeting so as to be able to look at voucher payments, prepare for agenda items, etc. Jill will work to get a preliminary agenda out to the Commissioners via email on Monday for Wednesday board meetings, or on Tuesday for Thursday board meetings.

Motion by Boze, seconded by Askew to adjourn the Call of the Chair at 9:13 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman