

## Van Buren County Board of Road Commissioners

September 2, 2020

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 2<sup>nd</sup> day of September, 2020 at 5:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session via teleconference pursuant to the Governor's Executive Order in an effort to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents.

### PRESENT VIA TELECONFERENCE:

Road Commissioners Askew (arrived at 5:07 PM), Boze, Burleson, Kinney, and Moffat  
Managing Director Dan Bishop  
Finance Director Linnea Rader  
Highway Engineer Barry Anttila  
Operations Director Greg Brucks  
Administrative Assistant-Board Secretary Jill Brien

### GUESTS PRESENT VIA TELECONFERENCE:

County Commissioner Mike Chappell  
Attorney Ron Ryan  
Jacob Pasternac

Chairman Kinney called the meeting to order at 5:00 PM. Roll call:

Askew: ABSENT  
Boze: PRESENT  
Burleson: PRESENT  
Moffat: PRESENT  
Kinney: PRESENT

Chairman Kinney read the Special Rules for Remote Meeting: All participating Road Commissioners can vote by phone; all votes must be roll call with Chairman always voting last. All people should identify themselves before they speak.

No additions or deletions to the Agenda.

Motion by Boze seconded by Moffat to approve the Agenda.

Roll call vote:

Askew: ABSENT  
Boze: AYE  
Burleson: AYE  
Moffat: AYE  
Kinney: AYE  
MOTION CARRIED.

Derek Hall, Michigan Department of Treasury, reviewed the Van Buren County Road Commission's regular financial audit, including pension, OPEB, etc. Next Hall reviewed the Road Commission's Performance/Compliance Audit, including a history of this audit and the findings based upon procedures performed. Questions were asked by the Board, which were responded to by Hall and Rader. Kinney asked Hall if he could provide a Performance Audit based upon Plante Moran standards, to which Hall responded that he would have to confer with his Manager as he did not have the authority to respond. Kinney and Moffat withdrew their request due to lack of interest from Board Members. Hall provided additional information to complete his audit presentation. Additional questions were asked by the Board.

Motion by Boze, seconded by Moffat to approve the Minutes of the August 5, 2020 meeting as presented by the Board Secretary.

Roll call vote:

Askew: AYE  
Boze: AYE  
Burlison: AYE  
Moffat: AYE  
Kinney: AYE  
MOTION CARRIED.

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

Managing Director Bishop provided Staff reports as follows:

- 1) We spent a great deal of time investigating employee issues. We have taken corrective action to stop unproductive behavior.
- 2) We participated in a ZOOM meeting with the CRA.
- 3) We met with Wightman to discuss a Feasibility study for current and future RC buildings. We discussed as a priority first servicing our communities and second, storage and protection of our equipment. They will have a proposal to us shortly for RC review.
- 4) I attended a video meeting with the Van Buren County Parks Committee. I volunteered to participate in the update of the County Parks Master Plan.
- 5) Joel and I held a meeting with the residents on Geneva Street in "Irvington" which is in Geneva Township. Geneva Street south was developed but never certified. Geneva Street north was certified but never developed. We discussed the certification process with the residents and the Township Supervisor. I believe the Township is pursuing the certification.
- 6) We investigated a culvert complaint on 388 east of 68<sup>th</sup> Street. The complaint was the pipe is too short. It appears debris has built up under the guard rails and is preventing the run off from following the designed path. We will get this cleaned up so the water can flow properly.
- 7) I fielded a complaint from a neighbor to our Bangor facility. He said vegetation will not grow on his property next to the wall we installed at the back of the property. He has cleaned up that area next to the wall. I will continue to meet with the resident to determine what his plans are for that area.
- 8) Our sealcoat program should wrap up the second week of September.
- 9) Our paving programs should wrap up the end of October.
- 10) Storm tree work and deberming will start in earnest again now that sealcoat is completed for the season.
- 11) We are preparing next years projects for RC review. We will complete those projects in progress. Priority will be given to those roads that have high traffic counts and are first in good condition, improving Fair condition roads and then others.
- 12) We have made some personnel changes. Bob Drake has made a lateral move to be our new Buildings and Grounds Group Leader. He will be responsible for the proper maintenance of our facilities including organizing our six gravel pits. He will create and manage our preventative maintenance programs to ensure maximum efficiency of our assets as well as protect our taxpayer's investment in these assets. Chris Serdel has accepted the position of Surface Maintenance Group Leader.
- 13) We are advertising for Road Maintenance Employees to fill a couple of positions. We also are preparing an apprenticeship program so we can start recruiting and training the next generation of Road Maintenance Employee. We are developing our in house training program to ensure new employees learning curve is more manageable than in the past.
- 14) The truck that was driven into the swamp has been deemed a total loss. We do not have a dollar figure for the value from the insurance company yet.
- 15) Due to COVID, many schools are creating different class schedules which is creating a hardship for some of our employees. We are changing some schedules to accommodate our employees but still ensuring our work gets done in a timely fashion. One of the accommodations will be extending our 4-10 work schedule into October so employees do not have to arrange day care on Fridays. Since the Governors emergency orders change, we are monitoring them and will change our schedule as required.
- 16) Our new and improved annual report has been distributed. The Road Commission and County Commission will receive paper copies. Township officials and all others will receive electronic copies.
- 17) All our facilities are now set up for Fiber internet connections.
- 18) New Radio and GPS installation is scheduled for Mid-September.
- 19) We've reviewed expenditures for professional services hired by the Road Commission. (see attached). We are reviewing our professional services on a multi year basis to determine what is an "average". Our next step is to review what we pay with the services received and what other options we may employ.
- 20) Asset Management Report. Our current working document is included for your review.
- 21) Red Arrow Highway from Paw Paw Village limits East to CR657 is complete.

22) CR388 is scheduled to begin on 9/11.

Bishop updated the Board regarding the following Vouchers and provided information relating to certain vendor payments.

Voucher #2162	\$1,552,391.78
Voucher #2163	\$140,682.15
Voucher #2164	\$144,564.56
Voucher #2165	\$921,730.32

Attorney Ron Ryan and Bangor Township resident, Jacob Pasternac, presented information to the Board regarding Mr. Pasternac's request to lease the road right-of-way easement in order to place rocks as a safety measure for campers at the Nature's Resort Campground on 44<sup>th</sup> Avenue. Slides were shown and a presentation was given by Mr. Pasternac in support of this proposed lease. Managing Director Bishop provided the following Agenda Statement to the Board:

**Right Investments recently purchased the Yore Place Campground on 44<sup>th</sup> Avenue in Bangor Township. The campground is on the south side of 44<sup>th</sup> Avenue and the lake is on the north side of 44<sup>th</sup>. It is a very "curvy" road.**

**Right Investments placed large rocks approximately 3 feet off the edge of the road. On June 2, our highway engineer sent an order and notice for encroachment removal pursuant to MCL 247.171 et seq. to remove the rocks for traffic safety and the safety of our plow drivers. After some discussion back and forth, Right Investments finally removed the encroachment from the Right Of Way. They are now requesting a "variance" to place the rocks back within our Right of Way.**

**Our risk carrier recommends we not allow encroachments in our Right of Way. As we find old encroachments, we require property owners to remove them. Some fences were built in our right of way and as accidents or snow damage knock them down, we require the fences to be reconstructed outside the ROW. Mailboxes that are not breakaway are required to be brought into compliance as we discover them. As a side note, for any project that receives federal funding, all trees must be removed from ROW line to ROW line.**

Additional discussions were provided by Mr. Pasternac, and Board Members asked questions, which were responded to by Mr. Pasternac. With regard to concerns raised regarding motorists parking in the road right-of-way and causing "vision obstructions", Bishop responded that Mr. Pasternac contact the Sheriff's Department. Brucks provided information regarding the duty and obligations of the Van Buren County Road Commission to protect the motoring public. Motion by Boze, seconded by Moffat to deny the request to lease the road right-of-way from the Van Buren County Road Commission to place rocks at Nature's Resort Campground (formerly known as Yore Place Campground) on 44<sup>th</sup> Avenue.

Roll call vote:

Askew: AYE  
Boze: AYE  
Burleson: AYE  
Moffat: AYE  
Kinney: AYE  
MOTION CARRIED.

Bishop provided discussion for the Board regarding a proposed Resolution of local financial assurance for the project on Red Arrow Highway from 70<sup>th</sup> Street to the Hartford City Limits. Motion by Moffat, seconded by Boze to adopt the following Resolution:

#### **RESOLUTION 2020-36**

WHEREAS: A *sealcoat* project was approved for funding in 2021 in the Paw Paw Lake-Hartford Small Urban Area (JN 208966) on Red Arrow Highway from 70<sup>th</sup> Street to the Hartford City Limits (the "Project"); and,

WHEREAS: The Project called for participation from the Van Buren County Road Commission in the amount of 20% of the project costs, with the remaining 80% of the project costs from federal funds; and,

WHEREAS: Due to the current condition of Red Arrow Highway from 70<sup>th</sup> Street to the Hartford City Limits, the Van Buren County Road Commission desired to change the scope of the project to a *mill and fill* with a cost estimate that is higher than that which estimated to complete the sealcoat project by adding local funds to cover the additional costs.

WHEREAS: Because of the change in the scope of the project, and the fact that no additional federal funds are being added to the Project, the Van Buren County Road Commission's participation is now more than that which was originally approved and, therefore, requires the Board of County Road Commissioners of Van Buren County's local financial assurance of the project match.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Road Commissioners of Van Buren County hereby approves the change in the scope of the Project.

IT IS FURTHER RESOLVED that the Board of County Road Commissioners of Van Buren County hereby certifies its support of the local share of the Project's cost that are required to complete the Project due to the change in the Project's scope.

Roll call vote:

Askew: AYE  
Boze: AYE  
Burlson: AYE  
Moffat: AYE  
Kinney: AYE

RESOLUTION ADOPTED.

Motion by Boze, seconded by Askew to recess the Regular Meeting at 6:36 PM to open a Regular Meeting of the Board of Public Works.

Roll call vote:

Askew: AYE  
Boze: AYE  
Burlson: AYE  
Moffat: AYE  
Kinney: AYE

MOTION CARRIED.

Motion by Burlson, seconded by Moffat to reconvene the Regular Meeting at 6:46 PM with all Members present.

Roll call vote:

Askew: AYE  
Boze: AYE  
Burlson: AYE  
Moffat: AYE  
Kinney: AYE

MOTION CARRIED.

Road Commissioner Updates and Reports:

W.C. Askew, Sr. Covert Township, no issues. Geneva Township, concern about CR384 federal bridge project. Bangor Township, concern about grading 24990 - 60 ½ Street.

Rick Boze Attended Keeler Township meeting last night. Concern regarding low hanging limb at 66505 North Street.

Doug Burluson No meetings. Made contact with Columbia Township Supervisor and Bloomingdale Township Supervisor; no issues.

Greg Kinney Remote attended Southwest District Council meeting on August 10<sup>th</sup>. Remote attended KATS Policy Committee meeting on 8/26/20. Contacted Arlington, Decatur and Waverly townships; no issues. Contacted Paw Paw Township and discussed Supervisor's concern regarding political signs in the right-of-way. Stull's concerns have been addressed by Operations Director Brucks.

Geoff Moffatt On 8/19 met with portions of Almena Township's board. Porter and Antwerp are both meeting remotely but spoke with both supervisors and there were no issues to be reported.

Chairman Kinney opened the meeting to Second Public Comment. None was received.

Board Secretary brought a housekeeping issue regarding the Chairman's signature of official minutes, which have not been signed since February due to the pandemic. Chairman Kinney authorized Vice-Chairman Burluson to sign the approved minutes going back to March 5, and also moving forward, until Kinney begins personally attending Board meetings.

Motion by Boze, seconded by Moffat to adjourn the Call of the Chair at 6:58 PM.

Roll call vote:

Askew: AYE

Boze: AYE

Burluson: AYE

Moffat: AYE

Kinney: AYE

MOTION CARRIED.

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Board Secretary

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Board Vice-Chairman