

Van Buren County Board of Road Commissioners

May 19, 2021 - Regular Meeting

BE IT REMEMBERED: That on the 19th day of May, 2021 at 5:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session in person and via teleconference pursuant to the local state of emergency declared by the Van Buren County Board of Commissioners on January 26, 2021 in an effort to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, as well as the Road Commissioners and Road Commission staff.

PRESENT:

Road Commissioners Askew, Boze, Burleson, Hackenberg and Kinney
Managing Director Dan Bishop
Highway Engineer Barry Anttila
Finance and Human Resources Director Linnea Rader
Operations Director Greg Brucks
Administrative Assistant-Board Secretary Jill Brien

GUESTS PRESENT:

County Commissioner Chappell
Baron Page, Southwest Michigan Dust Control

Chairman Burleson called the meeting to order at 5:00 PM with all Commissioners present in person.

Chairman Burleson requested that item 7(F), Meeting Format, be added to the Agenda.

Motion by Boze seconded by Askew to approve the Agenda, as amended.

AYES: 5

NAYS: 0

MOTION CARRIED.

The Chairman opened the meeting to first public comment. Baron Page, owner of Southwest Michigan Dust Control, introduced himself to the Board and those present. He stated that he believes that Road Commission staff are “against” his company and that they recommend 38% calcium chloride over the brine offered by his company. He feels that 50 years of service to the County should mean something, and that he would like the opportunity to answer questions when townships choose which dust control product to use, as opposed to the Road Commission making those recommendations. Discussion continued regarding brine versus 38% calcium chloride. Managing Director Bishop offered that decisions made by the Road Commission to utilize calcium chloride are based upon consistency of the product, customer satisfaction, and long-lasting results as the agency cannot base decisions on where a contractor has its place of business. Further discussions were held to clarify dust control applications, grading, timing, etc. Mr. Page thanked the Road Commissioners for their time and did then exit the meeting.

Consent Agenda

- Approval of Minutes of the May 5, 2021 regular meeting
- Acceptance of Staff Reports by Managing Director, as amended
- Acceptance of Road Commissioner Reports and Updates, as amended
- Acceptance of Voucher update by Managing Director:

Voucher #2200	\$127,659.65
Voucher #2201	\$382,638.19

- 2020 Audit - Overview of the Planned Scope and Timing of the Audit

Burleson provided discussion regarding the Village of Bloomingdale’s project on Kalamazoo Street/CR388.

Burleson brought concerns from Bloomingdale Communication regarding a large scale upcoming project to bring broadband to outlying areas in Van Buren County. Representatives of Bloomingdale Communications met with Road Commission staff earlier today and relayed to him their satisfaction regarding the results of the meeting.

Boze discussed concerns that were brought to him by Lawrence Township regarding driveway permits.

Boze questioned repairs to chip spreader, which were satisfactorily responded to by staff.

Motion by Boze, seconded by Hackenberg to accept and approve the items on the Consent Agenda.

AYES: 5
NAYS: 0
MOTION CARRIED.

Bishop discussed the proposed de-certification of segments of roadway that are non-existent and unable to be maintained by staff. He relayed that he has discussed the proposal to de-certify these segments with Paw Paw Township Supervisor Stull, and Columbia Township Supervisor Speicher.

Motion by Askew, seconded by Boze to adopt the following Resolutions:

RESOLUTION 2021-28

WHEREAS, 38th Street beginning at Paw Paw Road and continuing North for 0.77 mi. in Paw Paw Township appears on the Certification Maps of the Van Buren County Road Commission; however, the roadway:

1. Is not constructed to Road Commission standards;
2. Is not used, worked on, or maintained by public authorities;
3. Does not exist, and is not currently open to traffic.

NOW, THEREFORE, BE IT RESOLVED that 38th Street beginning at Paw Paw Road and continuing North for 0.77 mi. in Paw Paw Township, Van Buren County, Michigan is deleted for Act 51 Transportation funds, as recommended by Road Commission staff.

IT IS FURTHER RESOLVED that the Board of County Road Commissioners does not herein relinquish, or in any way abandon the public right of way on 38th Street in Paw Paw Township, as described above.

RESOLUTION 2021-29

WHEREAS, the following roadways in Plat of Grand Junction in Columbia Township appears on the Certification Maps of the Van Buren County Road Commission:

1. South Haven Street from St. Joseph Street East 297 feet;
2. "Kalamazoo Street" from CR388 (Main Street) North 660 feet;
3. Van Buren Street from the North right-of-way boundary of the Kal-Haven Trail and continuing North 240 feet;
4. Summit Street from CR215 West 660 feet.

WHEREAS, the four (4) roadway segments set forth above:

1. Are not constructed to Road Commission standards;
2. Are not used, worked on, or maintained by public authorities;
3. Do not exist, and are not currently open to traffic.

NOW, THEREFORE, BE IT RESOLVED that the four (4) roadway segments, as set forth herein, are deleted for Act 51 Transportation funds, as recommended by Road Commission staff.

IT IS FURTHER RESOLVED that the Board of County Road Commissioners does not herein relinquish, or in any way abandon the public right of way on the four (4) roadway

segments set forth herein.

AYES: 5
NAYS: 0
MOTION CARRIED.

Anttila provided information to the Board regarding bids that were publicly opened for base paving CR380 in Columbia Township. He recommended award to the low bidding contractor, Michigan Paving and Materials, in the amount of \$595,293.00. Motion by Burleson, seconded by Boze to award the bid to Michigan Paving & Materials, in the best interest of the Van Buren County Road Commission.

AYES: 5
NAYS: 0
MOTION CARRIED.

Anttila discussed the public bid opening for base crushing and shaping 18th Avenue in Pine Grove Township. He recommended award to the low bidding contractor, Krohn Excavating, in the amount of \$49,988.75. Motion by Hackenberg, seconded by Askew to award the bid to Krohn Excavating, in the best interest of the Van Buren County Road Commission and Pine Grove Township contingent upon approval of the project by Pine Grove Township.

AYES: 5
NAYS: 0
MOTION CARRIED.

Anttila provided discussion regarding the public bid opening for milling and paving 44th Avenue in Alma Township. He recommended award to the low bidding contractor, Michigan Paving & Materials, in the amount of \$208,916.00. Motion by Hackenberg, seconded by Boze to award to Michigan Paving & Materials, in the best interest of the Van Buren County Road Commission and Alma Township contingent upon approval of the project by Alma Township.

AYES: 5
NAYS: 0
MOTION CARRIED.

Anttila discussed the public bid opening for base paving CR374 in Lawrence/Paw Paw Townships. He recommended award to the low bidding contractor, Michigan Paving & Materials, in the amount of \$458,905.00. Motion by Boze, seconded by Kinney to award the bid to Michigan Paving & Materials, in the best interest of the Van Buren County Road Commission.

AYES: 5
NAYS: 0
MOTION CARRIED.

Bishop discussed the re-scheduling of Good Governance Training which had previously been scheduled for March 2020 at the beginning of the pandemic. He explained the benefits of the training and proposed dates offered by Susan Radwan of Leading Edge Mentoring. By general consensus, the Board selected June 28, 2021 at 9:00 AM. The training will be held in the Lawrence Storage-Maintenance Facility so as to allow for social distancing.

Bishop provided background information regarding the proposed Policy Regarding Encroachments Within the County Highway Right-of-Ways. This proposed Policy was drafted by the Self-Insurance Pool to back up procedures already in place and to provide Road Commission staff with more authority when they find it necessary to immediately remove encroachments that pose an imminent threat to public safety, or that interfere with the Road Commission's day-to-day maintenance activities. Motion by Boze, seconded by Hackenberg to adopt Policy 2021-02 as follows:

POLICY REGARDING ENCROACHMENTS WITHIN THE COUNTY
HIGHWAY RIGHT-OF-WAYS

Policy 2021-02

The Van Buren County Road Commission (VBCRC) has identified numerous encroachments emanating from private properties onto county highway right-of-ways. The VBCRC has legal authority to control public right-of-ways within its jurisdiction. Per MCL 221.20, the statutory width of a Michigan highway right-of-way is 66 feet (33 feet on either side of the center line of the road). Highway right-of-ways may be wider but are seldom narrower.

A paramount concern for the VBCRC is that its roadways are reasonably safe for public travel and suitable for public use. Accordingly, Michigan law prohibits the placement of any object within a county road right-of-way other than traffic control devices, public utilities, and authorized mailboxes that meet the standards of the VBCRC and the United States Postal Service. **Any non-approved objects, which can include things like fences, landscaping, and crops or other vegetation, located within a highway right-of-way are considered encroachments.** Therefore, the VBCRC will remove any encroachment that interferes with the VBCRC's duty to keep roadways reasonably safe for public travel and suitable for public use.

The VBCRC acknowledges that in many instances there is no intent to jeopardize public safety or interfere with the public's use of a highway. Nevertheless, encroachments on VBCRC right-of-ways can pose a hazard to the public because they hinder the VBCRC's ability to fulfill its statutory obligation to maintain and repair the right-of-ways so that they are reasonably safe for public travel and use. Such concerns include but are not limited to: performing proper maintenance of the roadways; ensuring proper road drainage; and permitting adequate space for the construction and maintenance of utilities located within the right-of-way. Furthermore, certain encroachments have the potential of causing structural damage to the roads, like crop roots or fencing that destabilize the roadbed. Per MCL 230.7, the VBCRC may recover treble damages equivalent to three times the amount of the injury caused to a public road. Although the VBCRC strives to resolve all encroachment issues amicably, the VBCRC will enforce the full effect of this statute if it becomes necessary to do so.

In accordance with the foregoing, please be advised that is the VBCRC policy to immediately remove any encroachments that pose an imminent threat to public safety. Moreover, any encroachments that interfere with the Road Commission's day-to-day maintenance activities may be destroyed by those activities. The Road Commission assumes no liability for any such losses. Finally, the VBCRC may order the person responsible for any encroachment to remove the encroachment per MCL 247.171, even if such encroachment is not immediately interfering with VBCRC operations. Upon such an order, the person notified will have 30 days to remove the encroachment. If the notified party fails to remove the encroachment within 30 days, the VBCRC will take additional enforcement actions, which could include removing the encroachment and billing the violating party for the time and expense in the removal. Any unpaid invoices for encroachment removal are assessed and levied as property taxes upon the adjacent parcel. In addition, the violating party could be ordered to pay a monetary fine for each day the encroachment remains beyond 30 days from the date of the letter.

AYES: 5
NAYS: 0
POLICY ADOPTED.

Rader discussed moving coverage from the Accident Fund for worker's compensation insurance to the County Road Association Self-Insurance Fund (CRASIF). She recommended joining CRASIF's membership as it shares similar goals for the Road Commission's employees. Motion by Askew, seconded by Kinney to adopt Resolution No. 2021-30, * Resolution for Application for Membership in the County Road Association Self-Insurance Fund, in the best interest of the Van Buren County Road Commission.

AYES: 5
NAYS: 0
MOTION CARRIED.

*A copy of the Resolution for Application for Membership in the CRASIF is on file at the Road Commission office and is available for inspection upon contacting the Road Commission.

Burleson brought discussion for consideration regarding the Meeting Format; specifically, the consent agenda. He would like to “drop” the consent agenda as he believes that it is more receptive for visitors, and also more productive and beneficial for the Board, to discuss and approve each item within the Consent Agenda individually. Motion by Boze, seconded by Burleson to delete the Consent Agenda.

AYES: 3
NAYS: 2
MOTION CARRIED.

Hackenberg requested whether it was feasible to go to one regular board meeting per month as opposed to two? It was the general consensus of the Board that Bishop kept them informed of all relevant matters. Discussion regarding vouchers and the Auditor’s approval of the process currently in place. Motion by Hackenberg, seconded by Askew to meet one time per month on the first Wednesday/Thursday of the month at 5:00 PM, unless otherwise noticed.

AYES: 4
NAYS: 1
MOTION CARRIED.

Bishop discussed the ability of Road Commissioners to purchase vision and dental insurance out-of-pocket. Costs were discussed and Rader provided details. Bishop believes that the decision should go to the County Commission for approval despite the fact that the Road Commissioner would be 100% responsible for payment of the vision and/or dental insurance coverage, if selected. Motion by Kinney, seconded by Askew to request that Bishop bring the issue to the County Commission for a decision.

AYES: 5
NAYS: 0
MOTION CARRIED.

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

Motion by Askew, seconded by Boze to adjourn the Call of the Chair at 6:26 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Jill Brien

Board Secretary

Doug Burleson

Board Chairman