

Van Buren County Board of Road Commissioners

January 9, 2020

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 9th day of January, 2020 at 4:00 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
Finance Director Linnea Rader
Highway Engineer Barry Anttila
Operations Director Greg Brucks
Fleet & Facilities Superintendent Gary Rohacs
Administrative Assistant-Board Secretary Jill Brien

GUESTS: Attorney Kelly Page
County Commissioner Mike Chappell
Brian Dykstra
Steven Rogusta, Village of Breedsville
Shilah Carozza, Treeworks, Inc.
Kyle Hohler, K&H Tree Service
Jay Clark, JC Trees
Jared Clark, JC Trees
Daniel Bishop
Linda Norton, Columbia Township
Dan Faulkner, Village of Lawrence

Chairman Boze called the meeting to order at 4:00 PM.

Boze requested that agenda item 22, Legal Issues, be moved to 3A.

Motion by Moffat, seconded by Burleson to approve the Agenda, as revised.

AYES: 5
NAYS: 0
MOTION CARRIED.

Attorney Page updated the Board regarding the history of the property on 44th Avenue currently owned by Brian Dykstra. The Land Division Act was reviewed as it relates to the property, which was effective prior to the current owners' purchase. A variance was issued by the Township to formally divide out the parent tract so as to meet the requirements of the Land Division Act. It is Attorney Page's opinion that it may be difficult for the property owner to obtain an easement from the adjoining property owner on 44th Avenue. The other option he has, if the Board permits, would, be through Hemingway Street located in the Plat of the Woodland Preserve Subdivision. Attorney Page advised that, if the permit on Hemingway were granted by the Road Commission, a cul-de-sac should be built according to the opinion of David M. Jirousek, Almema Township Zoning Administrator, and also so that the dead-end can be properly maintained by road crews. It is Anttila's recommendation that the cost to do so should be part of the driveway permit, as it is still not as costly for this option as opposed to obtaining an easement to 44th Avenue. Mr. Dykstra offered information to the Board that it was his intent to build his home only on this parcel, and not to further divide. Motion by Moffat to request that Engineering staff work with the property owner and Almema Township to the resolution of building a cul-de-sac pursuant to Van Buren County Road Commission specifications as a condition of Mr. Dykstra's driveway permit, and that if additional homes are built on his current parcel that the driveways and/or cul-de-sac be re-built to new Road Commission standards/requirements. Motion was seconded by Burleson.

AYES: 5
NAYS: 0
MOTION CARRIED.

Re-organization of Road Commission Board:

Discussion by Kinney regarding noted vote abstention by nominated Commissioner for the office of Chairman and Vice-Chairman as Robert's Rules of Order allows the nominated Commissioner to vote for himself, and nothing in our Board Rules states otherwise. Motion by Kinney to strike that the nominated Commissioner must abstain from voting for himself. Motion was seconded by Moffat.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Moffat, seconded by Askew to appoint Board Secretary Brien to act as Chairperson of the meeting for the purpose of reorganizing the Board.

AYES: 5
NAYS: 0
MOTION CARRIED.

Brien asked for nominations for the office of Chairman. Moffat nominated Kinney for the office of Chairman for the calendar year 2020, which was seconded by Burleson. The nomination for the office of Chairman was accepted by Kinney. There being no further nominations, it was moved by Boze that nominations for the office of Chairman be closed, and that a unanimous ballot be cast for Kinney.

Roll call vote:

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

Brien asked for nominations for the office of Vice-Chairman. Moffat nominated Burleson to serve as Vice-Chairperson, which nomination was accepted by Burleson. There being no further nominations, it was moved by Boze that nominations for the office Vice-Chairman be closed, and that a unanimous ballot be cast for Burleson. Motion was seconded by Moffat.

Roll call vote:

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

Brien relinquished the Chair to the Kinney.

Kinney requested nominations for the appointment of Chief Fiscal Officer for the Van Buren County Road Commission. Nomination by Burleson for Rader to serve as Interim Chief Fiscal Officer for the Van Buren County Road Commission, which was seconded by Boze.

AYES: 5
NAYS: 0
MOTION CARRIED.

Kinney requested nominations for the appointment of Board Secretary for the Van Buren County Road Commission. Boze nominated Brien to serve as Board Secretary, which was seconded by Moffat. The nomination was accepted by Brien. Chairman Kinney called for a vote.

AYES: 5
NAYS: 0
MOTION CARRIED.

Kinney advised that the next order of business is the appointment of a Board Attorney for the Van Buren County Road Commission. Boze nominated Attorney Kelly Page, which nomination was seconded by Askew. Kinney called for discussion. Moffat stated his appreciation relating to the work that Attorney Page has provided to the Road Commission over the years, but that he would prefer to go with a larger firm with multiple disciplines as the Board's general counsel. Kinney asked for any additional nominations for the appointment of a Board Attorney. Moffat nominated the County's counsel, Miller Canfield, to serve as Board Attorney, with the exception of the Board's labor attorney services. Discussion was put on hold to move to bid openings at 4:34 PM.

The following bids were open for work on CR653 from Red Arrow Highway to I-94, Antwerp Township, tree removals. (Note: the order set forth is not necessarily the order in which the bids were opened).

Tree Tech, LLC	\$42,750.00
Tree Works	\$77,590.00
Brad Thomas Excavating	\$59,116.00
K&H Tree Service	\$55,820.00
Chop	\$74,950.00
JC & Sons	\$46,841.00

The following bids were open for work on CR374 from Red Arrow Highway to 45th Street, Lawrence/Paw Paw Township, clearing. (Note: the order set forth is not necessarily the order in which the bids were opened).

Tree Tech, LLC	\$48,795.00
Tree Works	\$255,817.50
Brad Thomas Excavating	\$86,021.00

Motion by Boze, seconded by Moffat to authorize the award of the bid by the Interim Managing Directors, upon review and tabulation by Engineering staff, in the best interest of the Van Buren County Road Commission.

AYES: 5
NAYS: 0
MOTION CARRIED.

Kinney reminded the Board that there are currently two nominations for Board Attorney presently. Brien provided input regarding Attorney Page's services, the fast turn-around time, the knowledge that he has specifically regarding the Van Buren County Road Commission, and the working relationship that he has with various Townships within the County, which assists the Road Commission tremendously. Rader further explained the investment the Road Commission currently has in its labor counsel, Varnum Law. Discussion regarding whether the Board could vote on a change in labor counsel at this time as it was not placed on the Board's agenda. Kinney called a Roll Call vote in favor of Page or Miller Canfield:

Boze: Page
Askew: Page
Moffat: Miller Canfield
Burlison: Miller Canfield
Kinney: Miller Canfield

MILLER CANFIELD SELECTED AS THE BOARD ATTORNEY.

General discussion regarding process to consider the Board's labor counsel. Dan Bishop arrived and provided input. Kinney discussed his conversation with Leigh Schultz at Miller Canfield and their costs and scope/capabilities. Motion by Askew, seconded by Boze to request a legal services proposal from Miller Canfield to be provided to the Board.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Boze, seconded by Moffat to approve the minutes of the December 19, 2019 Special Session as presented by Board Secretary Brien.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Boze, seconded by Moffat to approve the minutes of the December 19, 2019 Regular Meeting as presented by Board Secretary Brien.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Boze, seconded by Moffat to approve the minutes of the December 30, 2019 Special Session 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:

Rader asked if there were any questions regarding the Update that was provided in the Board's preliminary packet, and no questions were received.

Motion by Boze, seconded by Askew to approve the following Vouchers:

REVISED Voucher #2129	\$325,390.86 (\$326,200.86)
Voucher #2131	\$118,261.64
Voucher #2132	\$42,216.57

Kinney moved that the payment in Voucher #2132 to Attorney Kelly Page be deleted. Discussion held regarding services rendered during the month of January. Kinney withdrew his Motion as a point of order.

Moffat requested that Brien share with the Board a summary of the Good Governance training that she attended by Sue Radwan, Leading Edge Mentoring hosted by the County Road Association, which Brien then provided. Moffat offered that after his review of the materials that he was provided he was very much in favor of scheduling the training. Motion by Boze to contact Sue Radwan to tentatively schedule the training after February 3rd, to get pricing, and also to invite other Road Commissions to attend the training to alleviate a portion of the costs. Motion was seconded by Moffat.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Board reviewed the letter prepared to the Antwerp Township Board. Discussion held regarding the addition of an attachment to the letter to include the dollars generated through the millage over the past five years, funds allocated to Antwerp Township, millage funds used by the Road Commission as matching funds to leverage Federal and State Aid, and road projects accomplished by the Road Commission as a direct result of the millage currently in place. Motion by Moffat, seconded by Boze to approve the letter to include the attachment, as discussed.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Board considered the following Resolution:

RESOLUTION NO. 2020-01

WHEREAS: Public Act 51 of 1951, as amended, provides that the Michigan Department of Transportation shall jointly, with the Board of County Road Commissioners, ascertain and fix the total mileage of County Primary Roads and the total mileage of County Local Roads in each county of the state which have been taken over as County Primary and County Local Roads; and,

WHEREAS: In complying with the provisions of said Act, the Michigan Department of Transportation has requested that this Board certify the mileage and location of such roads required by said Act to be fixed and ascertained.

NOW, THEREFORE, BE IT RESOLVED: That the Board of County Road Commissioners of the County of Van Buren, Michigan, does hereby certify that all of the roads on which lengths have been entered along the road bands of the attached township and enlarged section maps are normally open to automobile traffic during the months of May through October, and are under the jurisdiction of the Van Buren County Road Commission as follows:

Township	Sheet Numbers	Township	Sheet Numbers
Pine Grove	80-1, 1A, 1B, 1C, 1D, 1E, 1F, 1G	Antwerp	80-11, 11B, 11C, 11D, 11E, 11F, 11G, 11H, 11J, 11K, 11L, 11M, 11N, 11P, 11Q, 11R, 11S, 11T, 11U, 11V, 11W, 11X, 11Y, 11Z, 11AA, 11BB, 11CC, 11DD, 11EE, 11FF, 11GG, 11HH, 11JJ, 11KK, 11LL, 11MM, 11NN, 11PP, 11QQ, 11RR, 11SS, 11TT, 11UU, 11VV, 11WW
Bloomingtondale	80-2, 2A, 2B, 2C, 2D, 2E, 2F	Paw Paw	80-12, 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12J, 12K, 12L, 12M, 12N, 12P
Columbia	80-3, 3B, 3C, 3D, 3E, 3F, 3G, 3H	Lawrence	80-13, 13A, 13B, 13C, 13D
Geneva	80-4, 4A, 4B, 4C, 4E, 4F	Hartford	80-14, 14A, 14B, 14C
South Haven	80-5, 5A, 5B, 5C	Porter	80-15, 15A(1-7), 15B(1-2), 15C(1-4), 15D, 15E, 15F
Almena	80-6, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6J, 6K, 6L, 6M, 6N, 6P	Decatur	80-16, 16A
Waverly	80-7, 7A, 7B, 7C, 7D, 7E, 7F, 7G	Hamilton	80-17, 17A
Arlington	80-8, 8A, 8B, 8C, 8D, 8E	Keeler	80-18, 18A, 18B(1-11), 18C(1-5), 18D, 18E, 18F
Bangor	80-9, 9A, 9B, 9C	Urban	South Haven, Almena, Waverly, Antwerp, Paw Paw, Hartford
Covert	80-10, 10A, 10B		

IT IS FURTHER RESOLVED: That Barry Anttila, Highway Engineer, is hereby authorized to electronically sign the Cover Sheet to digitally submit the certification package to the Michigan Department of Transportation.

Kinney requested to review a copy of the Certification Book, which was provided by Rader. There being no further discussion, it was moved by Boze, seconded by Moffat to approve the Resolution, as presented.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

Motion by Burleson, seconded by Boze to authorize signature of the Contributed Services Agreement for KATS Match by one of the Interim Managing Directors on behalf of the Board.

AYES: 5
NAYS: 0
MOTION CARRIED.

Rader provided an update for the Board regarding the Freedom of Information Act (FOIA) request served on the Road Commission by several Townships in Van Buren County. Brien discussed her concerns regarding the pending response to the FOIA given that Attorney Page is no longer the Board Attorney. Motion by Moffat, seconded by Boze to extend Attorney Kelly Page as the Board's Attorney through January 31st to finish existing business, if he will agree to do so.

AYES: 5
NAYS: 0
MOTION CARRIED.

Discussions held by Kinney regarding the FOIA Coordinator, currently the Interim Managing Director Team, due to the termination of the Engineer-Manager. Motion by Boze, seconded by Moffat to bring the current Policy, and Public Summary to the Policy Committee meeting on January 22nd to review suggested revisions/amendments to be brought back to the Board at a future meeting.

AYES: 5
NAYS: 0
MOTION CARRIED.

Discussion held by Brucks regarding a proposed Private Road Maintenance Contracts Policy similar to that adopted by the Road Commission of Kalamazoo County. It is Brucks' hope to cease all maintenance under a signed Program Sheet for work on road segments that are not certified by the Van Buren County Road Commission on May 1, 2020. It is Brucks' opinion that maintaining these uncertified roads/stubs is time consuming, the roadways in many instances are not big enough for our equipment, and that staff time is lost dealing with complaints, fixing mailboxes, and dealing with yard damage when we have no obligation to maintain them. He feels that we are taking time away from those roadways that the Road Commission has a duty to maintain. Brucks will intend to hand deliver correspondence to any affected township so that they are aware, and a discussion can be held, should the Board decide to adopt such Policy. Staff will bring a proposed Policy to the Policy Committee at its January 22nd meeting.

Motion by Boze, seconded by Moffat to authorize Greg Brucks and Gary Rohacs as the Van Buren County Road Commission's duly authorized representatives, and also to authorize that either Greg Brucks or Gary Rohacs execute the Agreement on behalf of the Board.

AYES: 5
NAYS: 0
MOTION CARRIED.

The County-wide Road Millage renewal was discussed by Rader with regard to the Public Information Meetings scheduled for January 27th at 6:00 PM and February 27th at 6:00 PM at the Van Buren Conference Center. Commissioner handouts were provided for discussion with their District townships. Kinney asked questions regarding millage distributions, which were answered by Rader.

Operations Director's Update:

Attended Porter Township's board meeting and relayed discussions with Gravel Lake Association attendees regarding bicycle/walking path. The Road Commission is expecting to receive a Resolution from Porter Township to conduct a speed/traffic study in the future.

Fleet & Facilities Superintendent's Update:

- Five trucks are at Truck & Trailer waiting for items to be delivered at the beginning of February. Slight delay due to early arrival at Truck & Trailer. We should see the units the first of April.
- Continuing to get things ready for spring - sweepers, etc.
- Discussions regarding plow truck inventory.

Highway Engineer's Update:

- Summary of bids to be opened at next regular meeting.
- Attended KATS Technical Committee meeting today.
- Working on variety of surveys.
- Permit Department update, December 2019

Interim Directors' Update:

- Update regarding the hiring process of the Managing Director. Pre-employment drug test was negative. Start date has been finalized. When acceptance of offer of employment has been received from Dan Bishop staff can send formal letters of rejection to interviewees.
- Update regarding upcoming trainings/conferences.
- Policy Committee meeting; January 22nd at 4 PM.
- Southwest Council Meeting; February 10, 2020.

Commissioner Updates and Reports:

Rader requested that Commissioners please provide updates/reports to the Board Secretary on the Monday prior to a Board meeting so that they can go out with the Preliminary Agenda. Reports can be emailed, faxed or hand delivered. This should assist to streamline future Board meetings.

Askew: Attended South Haven Township's board meeting. Deerlick issue discussed.
Boze: Attended Keeler Township's board meeting on Tuesday. Various issues discussed.
Burleson: No meetings.
Kinney: 12/30 Special Session of the Board. Discussions regarding payroll and direct deposit.
Moffat: No meetings.

The Chairman opened the meeting to Public Comment. Dan Bishop thanked everyone for the job opportunity. It is his intent that his first day here will be February 3rd and he would like the opportunity to meet with each of the Commissioners individually to discuss priorities and help to give him direction.

Motion by Boze, seconded by Moffat to adjourn the Call of the Chair at 6:15 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman