

# Van Buren County Board of Road Commissioners

November 21, 2019

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 21<sup>st</sup> day of November, 2019 at 5:00 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  
Administrative Assistant-Board Secretary Jill Brien

GUESTS: Steven Rogusta, Village of Breedsville  
Dan Faulkner, Village of Lawrence

Chairman Boze called the meeting to order at 5:00 PM.

Kinney requested that, because at its November 6, 2019 meeting the Board postponed a decision on a revised Policy on Requests for Improvements on Certified Road System until January 2020, Item 9, Policy on Requests for Improvements on Certified Road System, be approved as an item on tonight's Agenda. Motion seconded by Moffat.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Motion by Moffat, seconded by Burleson to approve the Agenda, as presented and as requested by Kinney.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Moved by Kinney and seconded by Moffat to approve the following minutes: November 6, 2019 Special Session; November 7, 2019 Special Session; November 7, 2019 Regular Meeting; and, November 12, 2019 Special Session.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

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

Budget Review and Finance Director's Update:

- 2019 Budget Adjustments were discussed by Rader. Revenues, including MTF funds, and snow funds, were reviewed. A final budget adjustment is expected to be presented to the Board at its last meeting in December. Other revenue details, including work on 14<sup>th</sup> Avenue at the railroad crossing, interest, gains, etc. were reviewed. Expenditures were also reviewed and discussed, as well as capital gains and potential carry-overs to 2020.

Motion by Moffat, seconded by Askew to approve the 2019 Budget Adjustment as follows:

2019 Operating Budget November 21, 2019 Budget Adjustment			
Revenue	Nov. 21 2019	October, 2019	Adjustment
<b>AOF - January 1st, 2019</b>	\$ 9,859,842.85	\$ 9,859,842.85	\$-
<b>Michigan Transportation Fund (MTF)</b>			
Engineering	\$10,000.00	\$ 10,000.00	\$-
Primary	\$5,528,050.00	\$ 5,366,000.00	\$162,050.00
Local	\$3,583,035.00	\$ 3,478,000.00	\$105,035.00

Primary Urban	\$442,470.00	\$ 429,500.00	\$12,970.00
Local Urban	\$184,612.85	\$ 179,200.00	\$5,412.85
<b>Total MTF</b>	<b>\$9,748,167.85</b>	<b>\$ 9,462,700.00</b>	<b>\$285,467.85</b>
<b>Other State Revenue</b>			
State Aid - Snow Funds	\$84,000.00	\$ 70,000.00	\$14,000.00
State Aid - Economic Development	\$64,000.00	\$ 64,000.00	\$-
State Aid - Bridges	\$-	\$ -	\$-
State Aid - Supplemental Road Funding	\$-	\$ -	\$-
State Aid - Other (Safety, Grants, etc)	\$12,910.00	\$ -	\$12,910.00
<b>Total Other State Funding</b>	<b>\$160,910.00</b>	<b>\$ 134,000.00</b>	<b>\$26,910.00</b>
<b>Federal Funds</b>			
Federal Aid - Secondary	\$-	\$ -	\$-
Federal Aid - Safety HRRR	\$-	\$ -	\$-
Federal Aid - Bridges	\$-	\$ -	\$-
Federal Aid - STP	\$683,200.00	\$ 567,000.00	\$116,200.00
Federal Aid - CMAQ/Other	\$124,000.00	\$ 124,000.00	\$-
<b>Total Federal Aid</b>	<b>\$807,200.00</b>	<b>\$ 691,000.00</b>	<b>\$116,200.00</b>
<b>Property Taxes</b>			
County Wide Millage	\$2,600,000.00	\$ 2,600,000.00	\$-
<b>County Appropriation</b>	<b>\$-</b>	<b>\$ -</b>	<b>\$-</b>
<b>Township Contributions</b>	<b>\$4,050,000.00</b>	<b>\$ 4,500,000.00</b>	<b>\$(450,000.00)</b>
<b>Other Revenues (Interest, Gain on Equip, etc.)</b>	<b>\$280,200.00</b>	<b>\$ 225,000.00</b>	<b>\$55,200.00</b>
<b>Total Revenue including AOF</b>	<b>\$27,506,320.70</b>	<b>\$ 27,472,542.85</b>	<b>\$33,777.85</b>

#### Expenditure

	Nov. 21, 2019	October, 2019	Adjustment
<b>Heavy Maintenance</b>			
Primary Roads	\$1,678,000.00	\$2,365,000.00	\$(687,000.00)
Primary Structures	\$25,000.00	\$15,000.00	\$10,000.00
Local Roads	\$2,421,000.00	\$2,821,000.00	\$(400,000.00)
Local Structures	\$450,000.00	\$473,000.00	\$(23,000.00)
<b>Total Heavy Maintenance</b>	<b>\$4,574,000.00</b>	<b>\$5,674,000.00</b>	<b>\$(1,100,000.00)</b>
<b>Maintenance</b>			
Primary Roads			
General Maintenance	\$850,000.00	\$850,000.00	\$-
Traffic Services	\$100,000.00	\$100,000.00	\$-
Snow & Ice Control	\$750,000.00	\$750,000.00	\$-
Special Maintenance Projects	\$1,700,000.00	\$2,365,000.00	\$(665,000.00)
Routine Structure Maintenance	\$5,000.00	\$5,000.00	\$-
Local Roads			
General Maintenance	\$1,300,000.00	\$1,300,000.00	\$-
Traffic Services	\$200,000.00	\$200,000.00	\$-
Snow & Ice Control	\$1,200,000.00	\$1,200,000.00	\$-
Special Maintenance Projects	\$2,900,000.00	\$3,200,000.00	\$(300,000.00)
Routine Structure Maintenance	\$15,000.00	\$10,000.00	\$5,000.00
Disaster Contingency	\$5,000.00	\$5,000.00	\$-
<b>Total Maintenance</b>	<b>\$9,025,000.00</b>	<b>\$9,985,000.00</b>	<b>\$(960,000.00)</b>
<b>Other Expenses</b>			
Administration	\$850,000.00	\$850,000.00	\$-
Interest Expense	\$19,000.00	\$19,000.00	\$-

Long-Term Debt Payments	\$395,000.00	\$395,000.00	\$-
Net Capital Outlay	\$1,620,700.00	\$1,620,700.00	\$-
Net Equipment Expense	\$200,000.00	\$200,000.00	\$-
Non-Road Improvement (Evergreen Bluff)	\$-	\$ -	\$-
Distributive Expense	\$2,850,000.00	\$2,850,000.00	\$-
Adjustments to Fund Balance	\$-	\$ -	\$-
<b>Total Other Expenses</b>	<u>\$5,934,700.00</u>	<u>\$5,934,700.00</u>	<u>\$-</u>
<b>Total Expenditures</b>	\$19,533,700.00	\$21,593,700.00	\$(2,060,000.00)
<b>Operating Fund Balance</b>	\$7,972,620.70	\$5,878,842.85	\$2,093,777.85
<b>Total Expenditures &amp; Fund Balance</b>	<u>\$27,506,320.70</u>	<u>\$27,472,542.85</u>	<u>\$33,777.85</u>

AYES: 5  
NAYS: 0  
MOTION CARRIED.

- The 2020 draft Budget was discussed by Rader with the Board. Proposed revenues were reviewed, and questions were asked and answered specifically with regard to a more precise estimate of MTF funds expected in 2020. Proposed expenditures were discussed, as well, by Rader. Questions were raised and answered, as well as details provided by Rader. Proposed heavy maintenance projects, carry over projects, and optional projects were reviewed. Sealcoat, crackseal and other special maintenance ideas were discussed. Capital expenditures were reviewed, especially with an eye towards a cab and chassis purchase program.
- Budget Hearing will be held at the last meeting in December.
- Rader reviewed a Board hand-out regarding the non-union wage scale discussion. Union base rates, plus competency program, was reviewed, together with Midwest CPI and Social Security cost of living adjustments (COLA), as well as other Road Commission COLA adjustments for 2020. The Board reviewed a variety of proposed scenarios provided by Rader.

Motion by Kinney, seconded by Boze to provide a 2.5% COLA to all non-union staff effective for the first payroll in January 2020. It was the consensus of the Board that this cost of living adjustment would help the employees to recover because, since 2015, the average annual cost of living adjustment for Road Commission staff has been approximately .9% less than the Social Security general benefits increases based on increases in the cost of living.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Rader provided information to the Board regarding the Non-Union's annual performance grade, and any award which is to be based on their grade received. The four Managers are in the process of conducting staff performance evaluations. That information will be brought back to the Board for informational purposes. Board performance evaluations of the four Managers was also discussed. The Board requested that Managers perform a self-evaluation to be brought back to a future meeting.

Kinney provided discussion regarding his recommendation for two specific staff to receive a "major" increase based his on observations of their daily activities. He discussed that this would also allow other board members to also make their own recommendations based on their observations of other staff. Rader provided information regarding the two staff members proposed by Kinney to assist in Board discussions. Brien provided feedback. Recommendations were made based upon observable skills demonstrated, including communication with elected officials. Motion by Kinney, seconded by Burleson for a 5% pay increase for Brien effective December 1<sup>st</sup>.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Discussion regarding Kinney's recommendation that Brucks receive a "major" increase. Rader provided information to the Board and answered questions. Pay grades and steps were discussed. Motion by Kinney, seconded by Moffat to accelerate Brucks to a Step 4 pay grade effective December 1<sup>st</sup>.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

No additional special considerations for other personnel were made.

Boze brought discussions regarding a stipend for the four Managing Directors for the duties that they have accepted over the past seven months over and above their normal duties. Discussions held regarding their current meeting stipend. Boze requested that the Members give this topic thoughtful consideration, and be prepared to act at the next meeting.

- Administrative office flooring was discussed by Rader. She reminded the Board that they requested only the vinyl flooring in the high traffic areas be let for bid; however, benefits to replace all flooring at the same time were discussed, especially given the upcoming new budget year.

Motion by Moffat, seconded by Kinney to let administrative vinyl flooring and carpet for bid, with an alternate for vinyl flooring only.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Boardroom chairs were discussed and a final decision was made regarding the type of chairs desired.

Motion by Burleson, seconded by Kinney to approve the Vouchers before the Board. Discussion by Moffat regarding Prein & Newhof invoice.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Discussion by Rader regarding Michigan Pavement Markings' offer to extend contract pricing for the 2020 season. History of bid letting, and bid extensions was provided. Anttila provided positive feedback to the Board regarding the contractor's work. Motion by Moffat, seconded by Askew to accept the November 18, 2019 proposal by Shannon Nielsen, President of Michigan Pavement Markings' offer to renew pavement marking contract for the 2020 season honoring the same unit prices from the 2019 season.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Kinney provided proposed revisions to Policy 2011-01, Policy on Requests for Improvements on Primary Road System. The amendment would allow for improvements on the "certified road system" using 50% of increased MTF funds received, subject to budget constraint developments, on a first come, first served basis. Funds would not initially become available until 2021 as the 2020 increased MTF funds would not be known until year end. Demands on the primary system were discussed by Brucks as, in his opinion, putting dollars into the primary system provides the most benefit to the motoring public. Kinney offered an amendment to the proposed revised Policy to keep the focus on the Primary Road System, but to add "Section F" specifically with regard to the matching funds to be made available by the Road Commission as discussed previously. Motion by Kinney to approve amendments to Policy 2011-01 as follows:

**POLICY ON REQUESTS FOR IMPROVEMENTS  
ON PRIMARY ROAD SYSTEM**

**Policy No. 2011-01**

- I. The Van Buren County Road Commission will consider a request from a township and/or a municipality for improvements to be made on the Primary Road System, the Board of County Road Commissioners must be in receipt of a Resolution from the requesting governing Board stating:
  - A.1: The name of the Primary Road, the point of beginning, the point of ending and a brief description of the requested improvement project it wishes to be funded.
  - B.2: Amount of funding the township/municipality proposes to support the improvement project, including any millage funds and/or township/municipality funds.
  - C.3: The year, or years, in which the township/municipality would financially support this improvement project.
  
- II. The Board of County Road Commissioners will, upon receipt of such Resolution, consider the township/municipality's request using the following as a guideline:
  - A. Asset Management. Board decisions based on Road Commission staff recommendations made through data collection utilizing the PASER rating system and not necessarily fixing the "worst roads first".
  - B. Road Commission budget constraints, **subject to new MTF funding as set forth below in Paragraph III (A), (B), and (C).**
  - C. By date in which township's/municipality's Resolution is received by the Board of County Road Commissioners of Van Buren County.
  - D. By percentage of project cost share from the township/municipality.
  - E. Any other such mitigating circumstances that may arise.
  
- III. **Notwithstanding Paragraph II (B) above, the Board of County Road Commissioners of Van Buren County will commit to budget the following MTF matching funds for noted requested Primary Road improvements, *subject to actual budget constraint developments*:**
  - A. **For the Road Commission 2021 budget year, 50% of the increased MTF funds received for the 2020 budget year;**
  - B. **For the 2022 noted budget year, 50% of the increased MTF funds received for the 2021 budget year;**
  - C. **For the 2023 budget year, 50% of the increased MTF funds received for the 2022 budget year.**

Motion was seconded by Moffat.

AYES: 4  
 NAYS: 1 (Askew)  
 AMENDED POLICY ADOPTED.

Discussion by Anttila regarding work accomplished to date in Silver Oaks Site Condominiums. The Agreement, previously discussed with the Board, has been approved by Antwerp and Almena Townships, as well as Powell Custom Homes. The Agreement has also been approved by Attorney Kelly Page on behalf of the Road Commission. Anttila answered questions regarding inspections and reviews. Motion by Moffat to approve Resolution 2019-26, Certifying Roadways contained within Silver Oaks Site Condominium, pending receipt of proof of payment by Powell Custom Homes to Antwerp Township and to Almena Township as set forth in the Agreement, and pending receipt of a Letter of Credit on behalf of Powell Custom Homes to the Van Buren County Road Commission, and any other requirements as may be deemed necessary. Motion seconded by Kinney.

**RESOLUTION CERTIFYING ROADWAYS CONTAINED  
 WITHIN SILVER OAKS SITE CONDOMINIUM**

At a regular meeting of the Board of County Road Commissioners for the County of Van Buren, Michigan, held in the offices of the Board, 325 West James Street, Lawrence, Michigan, on Thursday, November 21, 2019 it was moved by Commissioner Moffat and seconded by Commissioner Kinney to adopt the following Resolution:

WHEREAS, Silver Oaks Boulevard, Silver Oaks West, Prairie View Avenue, and 48<sup>th</sup> Avenue/Vargas Drive all lie within Silver Oaks Site Condominium situated in the Townships of Almena and Antwerp, County of Van Buren, State of Michigan; and,

WHEREAS, these roadways meet current Road Commission standards for right-of-way; and,

WHEREAS, it is in the best interest of the residents of the Site Condominium of Silver Oaks, as well as the motoring public and the Van Buren County Road Commission, to certify all roadways lying within said Site Condominium as follows:

**Property Description in Almena Township, Van Buren County, Michigan:**

Beginning at the South Quarter Corner of Section 35, Town 2 South, Range 13 West; thence S 89 degrees 47' 54" W, along the South Section line, 59.12 feet to the North Quarter Corner of Section 2, Town 3 South, Range 13 West; thence South 89 degrees 46' 43" W, along the South Line of Section 35, Town 2 South, Range 13 West, 1252.17 feet to the West Eighth Line of Section 35; thence North 00 degrees 00' 30" W, along said line, 33.00 feet; thence North 89 degrees 46' 43" E, parallel with the South Section Line, 235.78 feet; thence North 00 Degrees 00' 30" W, parallel with the West Eighth line, 741.69 feet; thence South 89 degrees 46' 43" W, parallel with the South Section Line, 235.78 feet to the West Eighth Line; thence North 00 degrees 00' 30" W, along said line, 66.00 feet; thence North 89 degrees 46' 43" E, parallel with the South Section Line 214.50 feet; thence North 00 degrees 00' 30" W, parallel with the West Eighth Line 812.41 feet to the North line of the South 50 acres of the East half of the Southwest Quarter of Section 35; thence North 89 degrees 57' 32" E, along said line, 1099.55 feet to the North and South Quarter Line; thence South 00 Degrees 05' 16" W, along said line, 1649.67 feet to the point of beginning. Containing 41.76 acres, more or less. Subject to that portion along the west side thereof as being used for highway purposes. Also subject to any easements and restrictions of record.

**Property Description in Antwerp Township:**

Beginning at the North Quarter Corner of Fractional Section 2, Town 3 South, Range 13 West; thence South 00 Degrees 19' 49" E, along the North and South Quarter Line of said Section and along the West Line of the Plat of Brownstone as recorded in Liber 8 of Plats, Page 160, Van Buren County Records, 1455.26 feet to the Northeast Corner of Lot 12 in the Plat of Silver Oaks, as recorded in Liber 8 of Plats, Page 165, Van Buren County Records; thence South 89 Degrees 41' 27" W, along the North Line of the Plat of Silver Oaks, 643.20 feet; thence North 00 Degrees 50' 54" W 132.48 feet (Recorded as 132.00 feet); thence South 89 Degrees 18' 28" W 330.00 feet; thence North 00 Degrees 50' 54" W (Recorded as North 0 Degrees 31' 00" W) 580.00 feet; thence South 89 Degrees 38' 11" W 77.78 feet; thence North 00 Degrees 21' 54" W 508.07 feet; thence South 89 Degrees 38' 11" W 220.00 feet; thence North 00 Degrees 21' 54" W 205.69 feet; thence South 89 Degrees 46' 43" W 236.25 feet to the West Eighth Line of said Section; thence North 00 Degrees 50' 54" W, along said Line, 33.00 feet to the North Line of Fractional Section 2; thence North 89 Degrees 46' 43" E, along said North Section Line, 1316.41 feet to the point of beginning. Containing 33.33 acres, more or less. Subject to that portion along the West side thereof as being used for highway purposes. Also subject to any easements and restrictions of record.

NOW, THEREFORE, BE IT RESOLVED that the following roadways are hereby certified as a county local roads:

**Almena Township:** Silver Oaks Boulevard (0.29 mi.); Silver Oaks West (0.15 mi.); Vargas Drive (0.20 mi.); and, Prairie View Avenue (0.19 mi.).

**Antwerp Township:** Silver Oaks Boulevard (0.28 mi.); Silver Oaks West (0.30 mi.); Vargas Drive (0.05 mi.).

IT IS FURTHER RESOLVED that a copy of this Resolution shall be recorded in the office of the Register of Deeds for the County of Van Buren.

IT IS FURTHER RESOLVED that a copy of this Resolution be published once each week for three (3) successive weeks in the *Kalamazoo Gazette*, a newspaper printed and circulated in the County, and the Affidavit of Publication shall be filed with the Clerk of Van Buren County, the Clerk of Almena Township, and the Clerk of Antwerp Township.

AYES: 5

NAYS: 0

RESOLUTION APPROVED.

#### Managing Director Hiring Process Update:

- Update regarding reference checks made by Boze and Kinney. Calls were made to business reference checks listed by second round candidates Bishop and Russell. Both candidates received favorable responses from references provided.
- Background checks for both second round candidates have been submitted to D and K Security. Bishop's responses have been received and were reviewed by the Board.
- Second-round interview schedule reviewed.
- Position Summary prepared by Rader was given to each of the second-round candidates.

Brien will contact Dr. Lewis Bender to schedule a conference call with the Board at a Special Session to review the results of the DiSC Screenings of Bishop and Russell.

#### Operations Director's Update:

- RME hiring update by Brucks. Interviews were held on Monday and Tuesday and employment offers were made to five Road Maintenance Employees. Very pleased with the pool of candidates that were interviewed.
- Discussed the Board/Public's general concerns regarding what is considered to be a "high turn-over rate". The report paints a much better picture regarding staff departure numbers, and reasons for leaving, such as retirements, advancements, etc.
- A proposed agreement for work on uncertified roads under township special assessment district has been sent to Attorney Henn for review and approval.
- Discussions also held regarding the Road Commission providing notice to residents that it will no longer provide maintenance on uncertified roads it had worked on previously by mistake.

#### Fleet & Facilities Superintendent's Update:

Moffat requested information on the last auction, which were answered by Brucks.

#### Highway Engineer's Update:

- 14<sup>th</sup> Avenue railroad crossing, Columbia Township, project is complete.
- 8<sup>th</sup> Avenue, South Haven Township, permanent signs are being installed tomorrow.
- Bridge on 32<sup>nd</sup> Street, Almena Township, will be patched tomorrow.
- Right-of-way acquisition on Red Arrow Highway at CR681, report received from Gail Morton, Senior Right of Way Agent at Michiana Land Services was reviewed by Anttila. Discussions regarding good faith offers, project timing and proposed project focus. Anttila will contact Gail for further property owner discussions. Anttila will bring prints and plans back to Board for further review.

#### Interim Directors' Update:

- Update regarding upcoming trainings/conferences.
- Millage ballot update.

Dan Faulkner, Village of Lawrence, commented regarding deduct meter, which will need to be replaced at the Road Commission in order to continue receiving deduction for water not going to into the sanitary sewer. Discussion regarding cost of the meter, and installation. Faulkner will get a price estimate for the radio read meter for the Board's consideration.

Motion by Moffat, seconded by Burleson to recess the Regular Meeting at 7:58 PM to open a Closed Session for the purpose of reviewing attorneys opinion regarding settlement strategy. Roll call vote:

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

Motion by Moffat, seconded by Kinney to reconvene the Regular Meeting at 8:03 PM with all Members present.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Motion by Moffat to approve the settlement recommendation by Attorney Simmons with respect to the pending legal matter.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Commissioner Updates and Reports:

- Askew: Attended Covert, Geneva and Bangor Township board meetings on the 12<sup>th</sup>. Attended South Haven Township board meeting on the 13<sup>th</sup>.
- Boze: Attended the Southwest Council meeting on the 11<sup>th</sup>. Attended the Board's Special Session on the 12<sup>th</sup>. Also attended Hamilton Township's board meeting on the 12<sup>th</sup>. Attended Lawrence and Hartford Township board meetings on the 14<sup>th</sup>. Also met to call references today with Kinney.
- Burleson: Attended the Board's Special Session on the 12<sup>th</sup>. Attended Bloomingdale Township's board meeting last night.
- Kinney: Attended Southwest Council meeting on the 11<sup>th</sup>. Attended the Board's Special Session on the 12<sup>th</sup>. Attended Decatur Township's board meeting on the 14<sup>th</sup>. Attended the KATS Policy meeting on the 20<sup>th</sup>. Also met to call references today.
- Moffat: Attended the Board's Special Sessions on October 29<sup>th</sup>, November 6<sup>th</sup>, and November 7<sup>th</sup>. Attended the Southwest Council meeting on November 11<sup>th</sup>. Attended the Board's Special Session on the 12<sup>th</sup>. Attended Almena Township's board meeting on the 12<sup>th</sup>.

Motion by Askew, seconded by Moffat to approve Boze and Kinney's request for Special Per Diem for reference calls made today on second-round interview candidates.

AYES: 3  
NAYS: 0  
ABSTAIN: 2  
MOTION CARRIED.

The Chairman opened the meeting to Public Comment. Steven Rogusta commented regarding the amount of snowfall during last week's winter storm.

Kinney thanked Rader for her hard work pulling together the information he requested for tonight's meeting.

Motion by Moffat, seconded by Burleson to adjourn the Call of the Chair at 8:18 PM.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

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Secretary

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Chairman