

Van Buren County Board of Road Commissioners

February 2, 2023 - Regular Meeting

BE IT REMEMBERED: That on the 2nd day of February, 2023 at 5:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session at the Road Commission Administrative Office in Lawrence, Michigan.

PRESENT:

Road Commissioners Askew, Boze, Burleson, Kinney and Nelson
Finance and Human Resources Director Linnea Rader
Operations Director Greg Brucks
Administrative Assistant-Board Secretary Jill Brien

ABSENT:

None

GUESTS PRESENT:

Mike Chappell, County Commissioner
Kurt Doroh, County Commissioner
Bret Witkowski (Remote)
Catherine Kaufman, Bauckham Thall
Wayne Rendell
A.J. Walker

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

Burleson requested item 8(F) be added to the Agenda, Change March Regular Meeting Date.

Boze requested item 8(G) be added to the Agenda, Uniform Request.

Motion by Boze to approve the amended Agenda.

YES: 5
NO: 0
MOTION CARRIED.

Motion by Askew to approve the Minutes of the January 12, 2023 Regular Meeting as presented by the Board Secretary.

YES: 5
NO: 0
MOTION CARRIED.

The Chairman opened the meeting to first public comment. Catherine Kaufman, 470 West Centre Avenue, Portage, MI 49024 shared that she represents Wayne and Marilyn Rendell regarding their property on 45th Avenue West of Blue Star Highway. Her clients would like a street sign installed on Blue Star Highway at 45th Avenue to clarify that it is a public road, but that has led to some issues among the neighbors where someone may attempt to shut off access to the owners of property beyond the 600' public road, including her clients. Attorney Kaufman provided handouts to the Board including correspondence between herself and Managing Director Bishop.

Wayne Rendell, 45187 Blue Star Highway, Coloma, Michigan provided a brief history of 45th Avenue to the Board along with a handout. Mr. Rendell owns property located on the abandon portion of 45th Avenue West of Blue Star Highway and he accesses his property through the 600' of 45th Avenue that was not abandoned. Mr. Rendell outlined that at one time the Road Commission inadvertently maintained the 600' of 45th Avenue West of Blue Star Highway, but discovered their mistake and so they now no longer maintain it. He believes that the Road Commission should continue maintaining that 600' portion of 45th Avenue.

A.J. Walker, 44788 Blue Star Highway owns property adjacent to the Rendells. Mr. Walker discovered post-purchase that the Rendells owned an easement on his property which was not found by the title company and led to a lot of confusion in the early days of his ownership. Mr. Walker stated that he has no interest in stopping someone from accessing

their own property, but that his primary concern is the safety and security of his family. He requested that before the Board takes any action that they review the correspondence from his attorney. In addition, he asked that the Board respect his desire to protect his family and not spend public resources for residents to access their property entrance.

Commissioner Doroh advised that the City of Bangor has installed two LED signs on the underpass of the railroad over Arlington Street.

Finance and HR Director Rader presented the Staff Report as follows:

1. We received a letter from Attorney Catherine Kaufman on behalf of Wayne and Marilyn Rendell regarding 45th Avenue west of Blue Star Highway. We abandoned part of this platted road from 600 feet west of Blue Star Highway in 1993. The road was never certified (MDOT Act 51) and we never received money for road maintenance. We did maintain this road up until five years ago when the previous administration discovered we never certified it. The property owners would like us to continue maintenance of this road. We gave the Township a very rough estimate to bring this road up to standards. They do not wish to invest this kind of money in a road that serves two houses.
2. Keeler Township has been “negotiating” a revised plat adjustment and recently informed us that they are close to resolving a property dispute and since the road was platted, we have to sign off. This was the first we heard about it. Our Attorney is contacting the Township Attorney to see what resolution is proposed.
3. We received a FOIA from an attorney regarding a commercial driveway permit we issued five years ago. It is located in Columbia Township. There is a cell tower located on the property.
4. A resident has filed a claim in small claims court for fog seal on his truck. All our signage was up when he went through the work zone. He was instructed to stay off the wet fog seal. He approached the job foreman on the site and said he followed the pilot vehicle. The foreman put his hand down on the road and came up with a clean hand and told him he can't have driven on the dry side and showed him his clean hand. The resident claims he spent \$819 to have his truck cleaned. His brother said he did it himself. Our insurance carrier informed him since we had barricades up and the proper signage and flagmen we have governmental immunity.

Operations Director Brucks shared the Road Commission's Invasive Species Survey and Treatment map which for the first time since treatments began shows a significant absence of phragmites and knotweed compared to 2021. Brucks feels that this has been a very positive relationship with the Van Buren Conservation District.

A Voucher update was presented by Finance and HR Director Rader as follows:

Voucher #2292	\$254,461.75	Payroll
Voucher #2293	\$241,653.69	Accounts Payable
Voucher #2294	\$166,710.35	Payroll

Motion by Boze, seconded by Askew to approve the Vouchers totaling \$662,825.79.

YES: 5
NO: 0
MOTION CARRIED.

Chair Nelson provided background information and details for the Board and those present regarding the proposed Employment Agreement between the Board and Bret E. Witkowski, including base salary and details relating to Mr. Witkowski's transition to employment with the Road Commission. Motion by Boze, seconded by Burleson to approve the Employment Agreement between the Board of County Road Commissioners of Van Buren County and Bret E. Witkowski as presented by the Chair of the Board.

Bret Witkowski stated for the record that he was in agreement with the proposed Employment Agreement and that he intended to execute the same. He further stated that the process was simple and everyone was great to work with.

Role call vote:

Askew: Yes
Boze: Yes
Burleson: Yes
Kinney: Yes
Nelson: Yes
MOTION CARRIED.

The public bid opening for motor fuels was discussed by Brucks, including a discussion regarding fuel price trends for 2023. Motion by Boze to approve all bidders as suppliers of Motor Fuels for the 2023-24 season, with Fleming Brothers Oil as primary supplier for Lawrence, Bloomingdale and Bangor Garages No Lead Gasoline at .08 mark up over rack price; and for Lawrence, Bloomingdale and Bangor Garages Premium Diesel at .08 mark up over rack price, in the best interest of the Van Buren County Road Commission.

YES: 5
NO: 0
MOTION CARRIED.

Brucks provided information for the Board and those present regarding the public bid opening for Emulsified Asphalt-Asphalt Materials. Upon recommendation by Brucks, a motion was made by Boze to award the contract for Emulsified Asphalt/Asphalt Materials for the 2023 season to all bidding contractors with Michigan Paving and Materials being the primary supplier for CRS-2M chip seal emulsion and CQSEA bituminous fog seal, and AMS SP portable asphalt patching machine emulsion, in the best interest of the Van Buren County Road Commission.

YES: 5
NO: 0
MOTION CARRIED.

Brucks discussed the public bid opening for clearing and restoration on CR689 from 8th Avenue to CR388 in South Haven Township. The low bidding contractor, J&S Tree Removal, did not provide unit prices for restoration or traffic control. Staff was in contact with a representative of J&S Tree Removal regarding this error and they stated that their bid would have to be revised to include this pricing. As changes are not allowed in the sealed bidding process, at staff's recommendation there was a motion by Boze, seconded by Askew to award the contract to the second low bidding contractor, Brad Thomas Excavating, at the cost of \$69,158.26, in the best interest of the Van Buren County Road Commission.

YES: 5
NO: 0
MOTION CARRIED.

Motion by Kinney to mark the ballot for election of a person to serve a three year term on the CRA Board of Directors as follows: Dori Hawkins-Freelain, Monroe

YES: 5
NO: 0
MOTION CARRIED.

Motion by Kinney, seconded by Boze to adopt the following Resolution:

RESOLUTION 2023-02

WHEREAS: On February 28, 2023 Dan Bishop will retire from his position as the Managing Director of the Van Buren County Road Commission; and,

WHEREAS: Dan joined the Road Commission in July of 2014 as a seasonal staff member doing everything from traffic counts and maintenance work on the Kal-Haven Trail, to winter road maintenance making him "seasonal" from winter into spring, and summer into fall. Dan's seasonal status ended in July of 2017 when he was hired as a RME II Traffic Services Employee where he worked until November 9, 2017 when he resigned from the Road Commission to serve as the Manager of the Village of Lawton, Michigan; and,

WHEREAS: On February 3, 2020 Dan began his second career at the Van Buren County Road Commission when he was selected by the Board of County Road Commissioners as the Managing Director; and,

WHEREAS: As the Managing Director of the Van Buren County Road Commission, Dan always strived to build a positive work culture by ensuring all staff felt valued, encouraging employee recognition and supporting the Managers to reach their full potential; and,

WHEREAS: Dan sought to make the greatest impact on the public road system in Van Buren County through transportation planning, asset management, and financial decisions made in the best interest of the Van Buren County Road Commission.

NOW, THEREFORE, BE IT RESOLVED: That the Board of County Road Commissioners wish to recognize the dedication of Daniel F. Bishop, and wish him and his wife, Diane, the very best in their retirement years.

Roll Call Vote:

Askew: Yes
Boze: Yes
Burluson: Yes
Kinney: Yes
Nelson: Yes

MOTION CARRIED.

Rader provided information to the Board regarding the proposed Request to the County to issue bonds for the new Bangor Garage and the Lawrence Administration remodel. No action is required by our Board at tonight's meeting. The discussion is to give the Board the information necessary to begin thinking about their decision to be made at its next regular meeting.

Motion by Burluson to reschedule the March 2nd Regular Meeting to March 9, 2023 at 5:00 PM so that the new Managing Director will have begun his full-time employment with the Road Commission.

YES: 5
NO: 0
MOTION CARRIED.

Chair Nelson requested that the Resolution Requesting the County to Issue Bonds (Bangor Garage; Lawrence Admin Remodel) be placed on the March 9, 2023 Regular Meeting Agenda.

Boze discussed the Union's foregoing of the purchase of sweatshirts through Union dues in favor of donating those funds to an employee who had a house fire and lost most everything but the clothes on their back. Motion by Boze to purchase a Road Commission sweatshirt/pullover/zip-up for all Road Commission employees and Board Members.

YES: 5
NO: 0
MOTION CARRIED.

Rader provided discussion for the Board regarding a Resolution received from Geneva Township monetarily supporting work on CR384. Upon discussion the Board postponed a decision until their March 9th Regular Meeting and requested that staff contact Geneva Township in the interim to provide additional details regarding the Road Commission's current Transportation Asset Management Plan.

Commissioner Updates and Reports:

- W.C. Askew, Sr. - No meetings.
- Rick Boze - January 12, attended Lawrence Township, and Hartford Township.
- Doug Burluson - January 18, attended Bloomingdale Township.
- Greg Kinney - No report.
- Wayne Nelson - No meetings. Worked with Bret Witkowski during the last period to negotiate Employment Agreement.

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

Motion by Kinney to adjourn the Call of the Chair at 6:14 PM.

YES: 5
NO: 0
MOTION CARRIED.

Board Secretary

Board Chairman