

Van Buren County Board of Road Commissioners

June 7, 2023 - Regular Meeting

BE IT REMEMBERED: That on the 7th day of June, 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, Burleson, Kinney and Nelson
Managing Director Bret Witkowski
Highway Engineer Barry Anttila
Finance and Human Resources Director Linnea Rader
Operations Director Greg Brucks
Administrative Assistant-Board Secretary Jill Brien

ABSENT:

Road Commissioner Boze (Excused)

GUESTS PRESENT:

County Commissioners Chappell and Doroh
Derek Hall, State of MI Department of Treasury
Attorney Jeffrey Holmstrom
David Ziebell
Larry Jarosz
Ronnie Denney
Jerry Borden
Ted Bobak
Joni L. Petersheim
Linda Norton, Village of Breedsville
Steven Rogusta, Village of Breedsville
Ivona Tylka-Suleja

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

Nelson advised that Agenda Item 4, Audit and Compliance Review FY2022, would be deferred until the Auditor arrives as he was held up in traffic.

Motion by Askew, seconded by Burleson to approve the Agenda.

YES: 5
NO: 0
ABSENT: 1
MOTION CARRIED.

Motion by Kinney to approve the Minutes of the May 3, 2023 Regular Meeting as presented by the Board Secretary Pro Tem.

YES: 5
NO: 0
ABSENT: 1
MOTION CARRIED.

The Chairman opened the meeting to first public comment. Ronnie Denney, 57471 CR376, Bangor, MI indicated that he has been in contact with the Road Commission on previous occasions about ditching, but staff has advised that the area does not need to be ditched.

Ted Bobak, 36399 CR681, advised that water has been flooding his property for over 40 years as it is not ditched properly. He also voiced concerns of dust and bumps on CR376 East of CR681 and asked when it will be paved?

Larry Jarosz, 57408 CR376 East, stated that this is the second time that this segment of CR376 East of CR681 has been taken down to gravel. He congratulated the Road Commission for tearing the whole segment up this time to make it more fair.

Joni Petersheim, 56395 CR376 advised the Board that there is a water problem east of his residence where he feels the ditch is “higher than the field” leaving a big puddle in the field. He asked that staff review his location for possible ditching.

Ivona Tylka-Suleja, 55710 CR376 East, indicated that she was not made aware that CR376 East of CR681 would not be re-paved when it was turned back to gravel. She stated that the road is very dusty and she wants more information about plans for this road segment as she believes she was told it would be paved some time ago.

Chair Nelson advised those present who voiced complaints that Road Commission staff would look at the issues brought, and would also review where this segment stands to see if it warrants a higher priority in the Asset Management Plan.

Chair Nelson introduced Agenda Item 9A, Request to Amend Plat to narrow Lake Court in Keeler Township. Attorney Jeff Holmstrom and Managing Director Bret Witkowski provided background history for the Board regarding the Circuit Court action by the property owners in the Woodlawn Park Addition to Sister Lakes Subdivision to amend the Plat to narrow an undeveloped road, Lake Court, from approximately 40 feet to approximately 30 feet due to a fence having been installed in the road right of way. The Van Buren County Road Commission was NOT a named party to this lawsuit, although it should have been. The Circuit Court case eventually was settled and an Order entered by the Judge amending the Plat to narrow Lake Court by 10 feet to eliminate the encroachment. It was at this point, however, that the parties realized the error in not having named the Road Commission as a party to the action. Recently the attorneys for the Plaintiff and the attorney for the Township have contacted the Road Commission requesting that the Board agree to this narrowing of Lake Court. This has been reviewed and approved by Attorney Bill Henn, as it is not a radical amendment to the Plat.

Motion by Burlison, seconded by Askew to adopt the following Resolution:

RESOLUTION 2023-14

WHEREAS, there is pending litigation in the 36th Judicial Circuit Court of Van Buren County wherein the Plaintiffs, Bradley Richards and Lynnel Kiely, brought an action against Keeler Township, et al., (Case No. 2019-068892-CZ and 2021-070-761-CZ) to amend the Plat of Woodlawn Park Addition to Sister Lakes subdivision specifically to narrow Lake Court, a public street, by approximately 10 feet; and,

WHEREAS, Lake Court ends at the shores of Crooked Lake; and,

WHEREAS, The amendment is being sought to accommodate encroachments that have been placed within the right-of-way by adjacent landowners; and,

WHEREAS, the Circuit Court case was almost concluded when the State objected to the Road Commission’s omission from the suit, and the Attorneys for the Plaintiff, Jeffrey Holmstrom, and the attorneys for the Defendant, Keeler Township, contacted the Van Buren County Road Commission to request consent to the amendment to the Plat.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of County Road Commissioners of Van Buren County approves the request to amend the Plat of Woodlawn Park Addition to Sister Lakes to narrow Lake Court 10.00 feet as set forth in the attached DRAFT Amended Plat of Lot 13 and the Vacated Part of Lake Court (Exhibit A).

IT IS FURTHER RESOLVED that the action taken by the Board of County Road Commissioners as set forth in this Resolution is not intended to alter or affect the private property rights created by the Plat.

IT IS FURTHER RESOLVED that any other encroachments will be resolved pursuant to statute; and,

IT IS FURTHER RESOLVED that the Board of County Road Commissioners acknowledges that it has taken into consideration its Policy 2019-02 when adopting this Resolution, and concluded that Lake Court will only be narrowed by 10 feet to eliminate the encroachment, which is not a radical amendment to the Plat.

Roll Call Vote: **Askew** - Yes; **Burlison** - Yes; **Kinney** - Yes; **Nelson** - Yes; **Boze** - Absent
RESOLUTION ADOPTED.

Chairman Nelson introduced Agenda Item #4, Audit and Compliance Review FY2022. Derek Hall introduced himself to the Board and those present and encouraged all to ask questions as they arose during his presentation. Derek outlined the Van Buren County Road Commission's Audit of FY2022 and provided a review of the balance sheets and budget, along with OPEB and Pension investments. Derek Hall exited the meeting following his presentation at 6:04 PM.

Department Updates:

Finance and HR Department - Linea Rader, Finance and HR Director, reported as follows:

- Shirt ordering will be available starting next week. Next week an email will be sent out with the ordering information and any instructions on how to select items. The website for ordering is as follows:
<https://www.looksharp.com/vbcrc.htm>

Each employee will be provided one sweatshirt. Two options exist, a fleece hooded pullover or a ½ zip pullover. Then administrative employees and commissioners will be provided with two other shirts.

The options for logo are only screen print. Our current logo is too detailed to be embroidered in a size that will fit on the left chest area. Per the printing company regarding the embroidery option: "it will not be clean and look good" ... it would "just look like a bunch of different colors of thread and not the shapes". With that feedback from Look Sharp, we will then offer an embroidery option that says "Van Buren County Road Commission" as it has in the past.

If, in the future, the Board would like to revisit the topic of redesigning the logo we would need to keep in mind the need for a simplistic logo with limited colors and detail. If the Board would like to have that conversation again, just let us know and give us the design details you're interested in.

- Options for online board packets have been investigated. The two options that were recommended and have been investigated are BoardBook and Board Effect. These options came from discussions with other Road agencies as well as the County Road Association (CRA).
 - o BoardBook's annual cost is \$4,000
 - o Board Effect's annual cost is \$6,500

Both options provide cloud-based subscriptions that Commissioners and Road Commission staff would log into to access agendas, board packet information, etc. Both are searchable and would have the capability to securely access Board information.

If the Board would like to proceed with the online board packets and go paperless, we would then need direction as to what type of device the Commissioners would like to utilize. In talking with other Road Commissions, options that are utilized regularly include:

- o Laptops (approx. \$600-800 for purchase and \$100 for set up per device). Not touch screen. Touch screen options would greatly increase the cost.
- o Surface Tablets (approx. \$700-1,000 for purchase and \$100 for set up per device). These are touch screen options.
- o iPads (approx. \$700-\$1500 for purchase and \$100-200 for set up per device). Touch screen option.

Devices would be housed at the Road Commission, with Road Commissioners accessing the software from their personal computers to see the agenda and board packet prior to meetings. The easiest to use and maintain option would be utilizing laptops. They would not be touch screen, but we could also purchase a mouse for each commissioner to make the process easier. The base cost for the lowest price options for both software and hardware would require an initial investment of at least \$8,500, and then an annual cost of \$4,000, plus device maintenance.

- I have been accepted into the MIC (Michigan Infrastructure Council) Asset Management Champions Program. The AM Champions program is designed to gain knowledge, skills and resources necessary to become an effective asset management champion for our organization. The program will run August through November 2023 and will require approximately 25 hours to complete.

- The preliminary examination for the case regarding Rene Rangel's death took place June 1, 2023 in the South Haven courthouse. No Road Commission staff was subpoenaed for this examination. Road Commission staff that attended did so utilizing their vacation/comp leave time. The judge overseeing the examination held the case over for trial.
- The Van Buren County Road Commission's 2022 Annual Report is nearing completion and will be distributed to Road Commissioners, County Commissioners, Townships, etc within the next two weeks.

Operations Department - Greg Brucks, Operations Director, reported as follows:

- Roadside mowing on primaries should have been completed last Friday. The Contractor will then continue with wide mowing in the southern half of the county with Hamilton Township on Monday. Regular mowing in the northern half of the county, should see Arlington completed last Thursday, continuing west to the lake, then the top row of townships.
- Dust control began last week with the townships electing 2 or 3 yearly applications. Townships electing a single application will be done sometime in the second half of June.
- De-berming continues in Bangor; moving to Geneva next.
- Cross pipe replacements (and associated road patches) are ongoing county wide.
- Hot mix asphalt patching and sealcoat prep is also ongoing across the county.
- And the last of our plow trucks ordered for 2022 should be here this week.
- Finally, with some aggravation...our 2023 sealcoat season kickoff date has been postponed. We are now looking at the potential to not begin until after the 4th of July holiday. One of our distributors needs a crucial computer module with a 30-day lead time. We did order two so there will be a spare on the shelf.
- Contract gravel resurfacing should begin next week pending availability of the contractor's trucking.
- Pipe started being delivered today.

Engineering Department - Barry Anttila, Highway Engineer, reported as follows:

- CR352 between CR687 and 60th Street in Keeler Township, top course paving begins June 6th. Shoulder work and restoration will follow.
- 26th Street from Red Arrow to the Village of Mattawan, Antwerp Township, crush and shape project begins June 9th.
- CR687 from 90th Avenue to CR342, Keeler Township, top course paving was completed June 5th. Shoulder work and restoration will follow.
- Bid opening for 30th Avenue pipe replacement in Covert Township is scheduled for Wednesday, June 7th.
- 26th Street from CR358 to 66th Avenue, Antwerp Township, shoulder work was completed June 2nd. Only pavement markings remain to be completed.
- Red Arrow Highway from the Village of Lawrence East to CR671 begins on Monday.

Managing Director Bret Witkowski reported as follows:

1. I have met with all the local supervisors throughout the county, except for Hamilton Township.
2. The advertisement for the bond has been published, and the deadline for a reply is June 5.
3. There are five options that I have proposed for you to consider on the Bangor and Lawrence facilities; I have also included some pros/cons for each option. If there are other options, please bring them up.
4. It is best to hold off on bidding for solar panels until a final choice is made on facilities.

5. Senator Peter's office approved and is submitting a VBCRC request for \$631,000 for the Red Arrow project; I have contacted the Pokagon Tribe to see if they would be willing to pay the other \$330,000 on the project.
6. The asset management plan will be approved at the state's next meeting **on June 5, 2023.**
7. I think we are close to setting standards for vehicle and equipment schedules. This is done quite a bit in other counties and communities; This will help VBCRC plan for funding and replacement of vehicles. We should be able to present this within the next couple of months.
8. We will continue to provide each commissioner with talking points if they want to use them or make copies of your meetings with your townships.
9. The award on your table is from being named one of the best places to work in the Tri-County area by Moody on the Market.
10. Also included is a thank you from the Village of Breedsville President, thanking the VBCRC for patching their road for the Memorial Day Parade and for having a VBCRC vehicle there.

A Voucher update was presented by Managing Director Bishop as follows:

Voucher #2309	\$1,040,971.96	Accounts Payable
Voucher #2310	\$163,694.55	Payroll
Voucher #2311	\$284,391.91	Accounts Payable
Voucher #2312	\$163,767.12	Payroll

Motion by Burleson, seconded Askew to approve the Vouchers totaling \$1,652,825.54.

YES: 4
 NO: 0
 ABSENT: 1
 MOTION CARRIED.

Managing Director Bret Witkowski outlined the various issues at the current Bangor facility, as well as the Lawrence Administrative office, and discussed the options before the Board today including: 1) moving forward with both proposed projects at Bangor and Lawrence; 2) moving forward with the proposed project at Bangor and not in Lawrence; 3) moving forward with a smaller project at Bangor and not in Lawrence; 4) not moving forward with either Bangor or Lawrence; and, 5) moving forward by only placing material at the new Bangor site and no improvements at Lawrence.

Advantages and considerations for each option were outlined by Witkowski. The Board asked various staff for their opinions, as well as members of the audience for their input. The resounding response was to discontinue the new Bangor Garage project and the Lawrence Admin remodel project in favor of maintain the current Road Commission facilities in the alternative. Additional discussion followed. Motion by Askew to discontinue the Bangor Garage project and the Lawrence Admin remodel project.

Roll call vote:

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

Motion by Askew, seconded by Burleson to authorize the Chairman and the CFO to sign the Attestation Page of Act 51 Report.

YES: 4
 NO: 0
 ABSENT: 1
 MOTION CARRIED.

Motion by Burleson and seconded by Askew to adopt the following Resolution:

RESOLUTION 2023-15

BE IT RESOLVED: That the Highway Engineer, Barry Anttila (BarryAnttila@vbrc.org), and the Finance and Human Resources Director, Linnea Rader (LinneaRader@vbrc.org), are hereby AUTHORIZED to execute M.D.O.T. Contract No. 23-5220; Control Section STL 80000; Job Number 206742CON for work as follows:

Hot mix asphalt crushing, shaping and paving along County Road 388 from 29th Street (CR653) to 26th Street, including trenching, machine grading, aggregate base, surface course and shoulders, drainage, concrete curb and gutter, guardrail, permanent signing and pavement markings; and all together with necessary related work.

YES: 4
NO: 0
ABSENT: 1
RESOLUTION ADOPTED.

Motion by Kinney, seconded by Askew to approve the proposed revisions to the FOIA Procedures and Guidelines (Policy 2015-02(A)) and Public Summary of FOIA Procedures and Guidelines, as presented.

YES: 4
NO: 0
ABSENT: 1
MOTION CARRIED.

Complete copies of both the FOIA Procedures and Guidelines, Policy 2015-02(A), and Public Summary of FOIA Procedures and Guidelines are on file at the Administrative Office of the Road Commission and are available for inspection by contacting the Road Commission at (269) 674-8011.

Motion by Askew to mark the MCRCSIP ballot for the Southern Board of Directors Representative for Timothy Elkins, and to mark the ballot for the At-Large Representative of the Board of Directors for Brett Laughlin.

YES: 4
NO: 0
ABSENT: 1
MOTION CARRIED.

Discussion led by Greg Brucks regarding a request by Arlington Township to reconsider the Board's Dust Control Policy. Arlington Township would like the option to request spot treatments due to heavy travel, or where residents have health problems, etc. The Township indicated that it would pay the extra grading costs. Discussion held regarding the number of applications allowed by EGLE, public perception complaints and the reasons behind the Board's adoption of Policy 2021-06. No action was taken.

Upon recommendation by Highway Engineer Anttila it was moved by Askew, and seconded by Burleson to award the bid for culvert installation work on 30th Avenue between 76th Street and 77.50th Street in Covert Township to the low bidding contractor, Krohn Excavating, in the amount of \$68,037.00, in the best interest of the Van Buren County Road Commission.

YES: 4
NO: 0
ABSENT: 1
MOTION CARRIED.

Commissioner Updates and Reports:

- W.C. Askew, Sr. - Attended Covert Township board meeting. Attended meeting on May 30th in Covert Township with Managing Director Witkowski and requested per diem for his attendance. Attended Bangor Township board meeting.

Attended Geneva Township board meeting; heard good remarks about Bret.
Attended South Haven Township board meeting. Attended Township Supervisors' meeting on May 25th.

Motion by Burleson to approve Commissioner Askew's per diem request for attendance at meeting on May 30th in Covert Township with Managing Director Witkowski.

YES: 4
NO: 0
ABSENT: 1
MOTION CARRIED.

- Doug Burleson - Attended Township Supervisors' meeting on May 25th. Attended Southwestern Council Meeting on May 8th.
- Greg Kinney - Attended Southwestern Council Meeting on May 8th. Attended Decatur Township board meeting on May 11th. Met with the Managing Director on May 18th. Attended the Township Supervisors' meeting on May 25th. Attended KATS Policy meeting on May 31st.
- Wayne Nelson - Attended Southwestern Council Meeting on May 8th. Attended awards ceremony for Moody on the Market's Best Places to Work in Southwest Michigan on May 24th together with Commissioner Boze, Managing Director Witkowski, and Board Secretary Brien. Attended Township Supervisors' meeting on May 25th.

The Chairman opened the meeting up to second public comment. County Commissioner Doroh shared the press release regarding the hiring of John Faul as County Administrator.

Managing Director Witkowski shared pictures with the Board and those present of signs recently ordered by the Road Commission announcing road projects and funding which will be placed on project sites for the public's knowledge and information.

Motion by Askew to adjourn the Call of the Chair at 7:16 PM.

YES: 4
NO: 0
ABSENT: 1
MOTION CARRIED.

Board Secretary

Board Chairman