

## Van Buren County Board of Road Commissioners

Thursday, October 10, 2019  
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 10<sup>th</sup> day of October, 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, and Kinney  
Finance Director Linnea Rader  
Highway Engineer Barry Anttila  
Operations Director Greg Brucks  
Fleet & Facilities Superintendent Gary Rohacs  
Administrative Assistant-Board Secretary Jill Brien

GUESTS: County Commissioner Kurt Doroh  
County Commissioner Mike Chappell  
Hank and Lori Johnson, Homeowners  
Linda Norton, Columbia Township  
Steven Rogusta, Village of Breedsville  
Brian Dykstra, Self/Homeowner  
Attorney Kelly Page

ABSENT: Road Commissioner Moffat (Excused)

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

No additions/deletions to the Agenda.

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

AYES: 4  
NAYS: 0  
ABSENT: 1  
MOTION CARRIED.

Motion by Kinney, seconded by Burleson to approve the minutes of the September 18, 2019 meeting as presented by Board Secretary Brien.

AYES: 4  
NAYS: 0  
ABSENT: 1  
MOTION CARRIED.

The Chairman opened the meeting to public comment. Hank Johnson introduced himself and his wife, Lori Johnson. They reside at 95221 CR690 in Keeler Township. Mr. Johnson described a storm drain pipe on his property that has collapsed causing water to run down the side of the pipe down their property and then into the lake. He previously spoke with Operations Director Brucks about the situation and came here to let the Board know what they are facing to see if there is anything that can be done to help them with their situation. Mr. Johnson shared his knowledge of the history of the drainage in the area. They have been experiencing sink holes throughout the last three years, which Mr. Johnson has filled; however, they just wash out again after a rain episode. They are now very concerned about their home. Chairman Boze indicated that Brucks is working on the matter, and will fill the Board in once his investigation is complete so that the Board can address.

Finance Director Rader provided discussions as follows:

- Fund Balance discussion.
- Current Budget review.
- Review of Cash Summary.
- Remarkable Changes in 2019. Rader defined and reviewed a list of strides made by the Van Buren County Road Commission in 2019 towards being more "remarkable". Kinney suggested that such a listing be provided quarterly.

- 2019 proposed Budget adjustments were discussed by Rader including adjustments to revenues and expenditures with a proposed Operating Fund Balance of \$5.8M. Proposed revisions to Heavy Maintenance projects, Capital Expenditures and reserved budget items were also reviewed and discussed.

Motion by Askew, seconded by Burleson to approve the Revised 2019 Budget presented as follows:

Revenue	October 10, 2019	March 7, 2019	Adjustment
<b>AOF - January 1st, 2019</b>	\$ 9,859,842.85	\$ 9,500,000.00	\$ 359,842.85
<b>Michigan Transportation Fund (MTF)</b>			
Engineering	\$ 10,000.00	\$ 10,000.00	\$ -
Primary	\$ 5,366,000.00	\$ 5,313,000.00	\$ 53,000.00
Local	\$ 3,478,000.00	\$ 3,444,000.00	\$ 34,000.00
Primary Urban	\$ 429,500.00	\$ 425,250.00	\$ 4,250.00
Local Urban	\$ 179,200.00	\$ 177,450.00	\$ 1,750.00
<b>Total MTF</b>	<b>\$ 9,462,700.00</b>	<b>\$ 9,369,700.00</b>	<b>\$ 93,000.00</b>
<b>Other State Revenue</b>			
State Aid - Snow Funds	\$ 70,000.00	\$ 70,000.00	\$ -
State Aid - Economic Development	\$ 64,000.00	\$ 108,113.00	\$ (44,113.00)
State Aid - Bridges	\$ -	\$ -	\$ -
State Aid - Supplemental Road Funding	\$ -	\$ -	\$ -
State Aid - Other (Safety, Grants, etc)	\$ -	\$ -	\$ -
<b>Total Other State Funding</b>	<b>\$ 134,000.00</b>	<b>\$ 178,113.00</b>	<b>\$ (44,113.00)</b>
<b>Federal Funds</b>			
Federal Aid - Secondary	\$ -	\$ -	\$ -
Federal Aid - Safety HRRR	\$ -	\$ -	\$ -
Federal Aid - Bridges	\$ -	\$ 626,054.75	\$ (626,054.75)
Federal Aid - STP	\$ 567,000.00	\$ 826,887.00	\$ (259,887.00)
Federal Aid - CMAQ/Other	\$ 124,000.00	\$ 126,000.00	\$ (2,000.00)
<b>Total Federal Aid</b>	<b>\$ 691,000.00</b>	<b>\$ 1,578,941.75</b>	<b>\$ (887,941.75)</b>
<b>Property Taxes</b>			
County Wide Millage	\$ 2,600,000.00	\$ 2,400,000.00	\$ 200,000.00
<b>County Appropriation</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Township Contributions</b>	<b>\$ 4,500,000.00</b>	<b>\$ 3,038,588.75</b>	<b>\$ 1,461,411.25</b>
<b>Other Revenues (Interest, Gain on Equip, etc.)</b>	<b>\$ 225,000.00</b>	<b>\$ 180,000.00</b>	<b>\$ 45,000.00</b>
<b>Total Revenue including AOF</b>	<b>\$ 27,472,542.85</b>	<b>\$ 26,245,343.50</b>	<b>\$ 1,227,199.35</b>
<b>Expenditure</b>			
<b>Heavy Maintenance</b>			
Primary Roads	\$ 2,365,000.00	\$ 3,130,980.00	\$ (765,980.00)
Primary Structures	\$ 15,000.00	\$ 319,455.00	\$ (304,455.00)
Local Roads	\$ 2,821,000.00	\$ 1,926,000.00	\$ 895,000.00
Local Structures	\$ 473,000.00	\$ 668,550.00	\$ (195,550.00)
<b>Total Heavy Maintenance</b>	<b>\$ 5,674,000.00</b>	<b>\$ 6,044,985.00</b>	<b>\$ (370,985.00)</b>
<b>Maintenance</b>			
Primary Roads			
General Maintenance	\$ 850,000.00	\$ 750,000.00	\$ 100,000.00
Traffic Services	\$ 100,000.00	\$ 200,000.00	\$ (100,000.00)
Snow & Ice Control	\$ 750,000.00	\$ 700,000.00	\$ 50,000.00
Special Maintenance Projects	\$ 2,365,000.00	\$ 2,215,000.00	\$ 150,000.00

Routine Structure Maintenance	\$ 5,000.00	\$ 5,000.00	\$ -
Local Roads			\$ -
General Maintenance	\$ 1,300,000.00	\$ 1,100,000.00	\$ 200,000.00
Traffic Services	\$ 200,000.00	\$ 400,000.00	\$ (200,000.00)
Snow & Ice Control	\$ 1,200,000.00	\$ 1,100,000.00	\$ 100,000.00
Special Maintenance Projects	\$ 3,200,000.00	\$ 2,500,000.00	\$ 700,000.00
Routine Structure Maintenance	\$ 10,000.00	\$ 10,000.00	\$ -
Disaster Contingency	\$ 5,000.00	\$ 5,000.00	\$ -
<b>Total Maintenance</b>	<b>\$ 9,985,000.00</b>	<b>\$ 8,985,000.00</b>	<b>\$ 1,000,000.00</b>
<b>Other Expenses</b>			
Administration	\$ 850,000.00	\$ 800,000.00	\$ 50,000.00
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	\$ 1,667,360.00	\$ (46,660.00)
Net Equipment Expense	\$ 200,000.00	\$ 200,000.00	\$ -
Non-Road Improvement (Evergreen Bluff)	\$ -	\$ -	\$ -
Distributive Expense	\$ 2,850,000.00	\$ 2,700,000.00	\$ 150,000.00
Adjustments to Fund Balance	\$ -	\$ -	\$ -
<b>Total Other Expenses</b>	<b>\$ 5,934,700.00</b>	<b>\$ 5,781,360.00</b>	<b>\$ 153,340.00</b>
<b>Total Expenditures</b>	<b>\$ 21,593,700.00</b>	<b>\$ 20,811,345.00</b>	<b>\$ 782,355.00</b>
<b>Operating Fund Balance</b>	<b>\$ 5,878,842.85</b>	<b>\$ 5,433,998.50</b>	<b>\$ 444,844.35</b>
<b>Total Expenditures &amp; Fund Balance</b>	<b>\$ 27,472,542.85</b>	<b>\$ 26,245,343.50</b>	<b>\$ 1,227,199.35</b>

AYES: 4  
 NAYS: 0  
 ABSENT: 1  
 MOTION CARRIED.

- Creating a Remarkable 2020. Rader discussed the ideas presented by the Interim Directors to modify the way the Van Buren County Road Commission approaches road repairs so as to create a “remarkable” 2020. Many proposed projects and new procedures were reviewed and discussed.

### Legal Update

Attorney Kelly Page discussed the proposed Permissive Use Agreements for two separate property owners; one for installation of a well in the road right of way on CR690, Keeler Township (Cassara), and one for installation of a sewage disposal system in the road right of way on Baylor Road in Arlington Township (Hill). These proposed Agreements have been reviewed and revised by Attorney Page and are ready for signature by the property owner(s), with the exception that the Cassara Agreement must state whether Mr. Cassara owns the property as a single man, or his wife must be added as a signer if he is a married man. Attorney Page described that these Agreements are revokable by the Road Commission at the property owner’s expense.

Attorney Page also discussed an issue that he had been asked by Anttila to review whereby a property owner has requested ingress and egress to a parcel of property outside a platted subdivision (Woodland Preserve Preserve) through a street located within the plat. An easement has been retained by the Road Commission at the proposed location for a turn-around for snow removal. It was Attorney Page’s opinion that this would be inconsistent with the intent of the subdivision and the property use. Further that he does not believe that it is advisable for the Road Commission to accommodate the township zoning so that it impacts the subdivision more than it was intended to be used for the property owners. Also, the property owners who sold the parcel that is now landlocked also own the parcel to the south that has access through 44<sup>th</sup> Avenue, so it would be logical for the property owner who is landlocked to get an easement from the parcel to the south to access the property through 44<sup>th</sup> Avenue as it was originally one parcel. It would be Attorney Page’s further recommendation to install a guardrail at the turn-around as the termination of the easement is accomplished by the extending of Hemingway as a public street. Anttila also provided information to assist the Board in its understanding. Attorney Page’s expressed concern regarding future driveway applications at this same location. The Applicant also owns another parcel within the subdivision that would allow them to

access this parcel outside the plat. The property owner addressed the Board and provided details of his proposed purchase and intentions regarding the parcels. He stated that he has no intention of making roads or dividing up the lot for other houses. Motion by Kinney, seconded by Burleson to postpone a decision on this matter until October 24, 2019.

AYES: 4  
NAYS: 0  
ABSENT: 1  
MOTION CARRIED.

Rader reviewed the 2020 preliminary draft Budget with the Board and those present. Funding does not exist for most of the projects that staff would like to accomplish. The Primary Road project included in the proposed budget is top course paving on CR380 from CR681 to the Village of Breedsville, Columbia Township. There is room in the budget for one of two other primary road drainage projects: CR380 from the Village of Breedsville East to the Bloomingdale Township line, Columbia Township, or CR374 from Red Arrow Highway to 45<sup>th</sup> Street, Lawrence Township. Both of these sections of primary road were turned back to gravel in 2017. Commissioners discussed extraordinary action that may be needed, such as borrowing funds to accomplish road work, and balancing between purchasing trucks and fixing roads. Committed projects were reviewed by Rader, including Federal and State Aid projects. The Board and staff also discussed millage options and the need for more funding.

Finance Director's Update:

- Administrative Office flooring was discussed, which is currently in the 2019 budget.
- Replacement of boardroom chairs was discussed. General consensus was to review the cost.
- Phone tree.
- Hiring update. We have posted for three full-time staff, and two seasonal staff. We are accepting applications through October 25<sup>th</sup>.
- See-Click-Fix, "slow launch" beginning next week.

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

Voucher #2116	\$119,880.98
Voucher #2117	\$111,393.29
Voucher #2118	\$117,943.79
Voucher #2119	\$611,734.27

AYES: 4  
NAYS: 0  
ABSENT: 1  
MOTION CARRIED.

Commissioner Kinney reviewed a portion of the 2019 Michigan County Road Investment Plan - 83 County Overview, prepared by Larry Brown for the CRA of Michigan. He wanted to point out Van Buren County has the least number of "good" rated Federal Aid eligible roads, and the most "worst" rated Federal Aid eligible roads of the Southwestern Road Commissions. He wanted to know who is responsible for applying for Federal Aid at the Road Commission. Discussions were held regarding the process for applying for Federal Aid through annual call for project meetings held through the Kalamazoo Area Transportation Study, Rural Task Force, Sub-Task Force, Small Urban Task Forces, and Congestion Mitigation and Air Quality Task Force all handled through the Road Commission's Engineering Department. Kinney asked why Van Buren was in the "basement" in comparison to other counties. Staff provided reasoning, including the miles of paved primary roads in comparison to the population, and the possibility of a "false" comparison due to, for instance, sealcoat, which automatically provides an "8" road rating after sealcoating.

Board held a side discussion regarding:

- Staffing issues and the possibility of holding off hiring road staff and the turn-over rate.
- Administrative Office flooring which is currently in the 2019 budget. Concern was raised over the cost of the flooring versus putting the dollars into the road network.

- CRA Membership dues were discussed, and what the dues accomplish for the 80 plus counties in Michigan.

The County Commission's Guidelines for Effective Communications were reviewed by Rader with the Board. The Guidelines call for review by the Board of County Road Commissioners as to the effectiveness of the Guidelines a minimum of once a year. Discussion was held regarding the filing of requests for service and/or complaints directly with the Road Commission, and the new See-Click-Fix application. Motion by Askew, seconded by Burleson to approve the draft letter to the County Commission to be signed by Linnea Rader, Finance Director.

AYES: 4  
 NAYS: 0  
 ABSENT: 1  
 MOTION CARRIED.

Operations Director's Update:

- Permit Department Monthly Activity, September 2019.
- Service Request Monthly Activity by Township, September 2019.
- Update on the award of Cold Patching Mix bid to all bidders, with Lakeland Asphalt as primary supplier, in the best interest of the Van Buren County Road Commission.
- Salisbury Drive, Almena Township, drainage encroachments. Staff issued two encroachment letters. Both property owners have been in contact with the Road Commission and one of the property owners will be sending sketches of proposed fixes for review by the Road Commission.
- "65<sup>th</sup> Street", Hartford Township, Attorney Page's response to Attorney Kaufman's letter was reviewed.

Fleet and Facilities Superintendent's Update:

- Staff to begin getting units ready for winter.
- Routine maintenance is ongoing.
- Went to Truck & Trailer on Tuesday. Should see three of the five trucks by the end of the month.
- Auction is the 15<sup>th</sup>.

Highway Engineer's Update:

- 8<sup>th</sup> Avenue, South Haven Township, most drainage and ditching work is complete.
- 62<sup>nd</sup> Avenue at M40, Antwerp Township, pouring concrete curbs on Saturday.
- CR380 from CR681 to Village of Breedsville, Columbia Township, base paved yesterday. Shoulders yet to be installed.
- Fine tuning bidding specifications for CR374 tree work, Lawrence Township.
- 14<sup>th</sup> Avenue at CSX Railroad, still waiting for right of way permit from railroad.
- Silver Oaks Subdivision, may have a Resolution for our next meeting to consider accepting streets/avenues into certification.
- Two Permissive Use Agreements reviewed as finalized and provided earlier by Attorney Page were discussed in greater detail.

Motion by Burleson, seconded by Askew to approve the Permissive Use Agreement by and between the Van Buren County Road Commission and Gregory and Judith Hill on Baylor Road, Scott Lake.

AYES: 4  
 NAYS: 0  
 ABSENT: 1  
 MOTION CARRIED.

Motion by Askew, seconded by Burleson to approve the Permissive Use Agreement by and between the Van Buren County Road Commission and Louis Cassara on CR690, Keeler Township with the exception that if Mr. Cassara is a married man, that his wife be added to the Agreement as required for the recording of the Agreement by the Register of Deeds.

AYES: 4  
NAYS: 0  
ABSENT: 1  
MOTION CARRIED.

- Second round of pavement marking to begin in the next week or so.

#### Interim Directors' Update:

- Discussion regarding resumes received for Managing Director, and the possibility of extending date to receive beyond October 24<sup>th</sup>. The general consensus was to wait until the 24<sup>th</sup> to review those resumes that have been received before making a final determination.
- The Advisory Committee and record keeper Brien will review the resumes received for Managing Director on October 24<sup>th</sup> at 4:00 PM.
- Upcoming staff trainings/conferences were reviewed.
- Discussion regarding Interim Directors' stipend. Clarification was provided by the Board in that requests for a stipend outside regular Road Commission Board meetings should be requested by Interim Director(s) at a Board Meeting for consideration by the Board.

The Chairman led a discussion regarding consideration of compensation for each of the four Interim Directors for the additional time, and the additional work they are accomplishing beyond their regular duties. Discussion was held regarding the work that is being accomplished, current compensation, work hours, etc. Kinney requested that a fact sheet be presented outlining the additional responsibilities to back up consideration for additional pay. Askew provided "kudos" to the Interim Directors as since the former Engineer-Manager was terminated, the operations have been running smoothly. Burlison stated that he believes the Interim Directors are doing the same job they were before the Engineer-Manager's termination.

- CRA of Michigan 2019 Public Relations Workshop.
- APWA/PWX Conference attended by Rader. She provided an update, as requested, regarding registration fees, which were paid by the Road Commission, and hotel expenses, which were shared by APWA and the Road Commission.

#### Commissioner Updates and Reports:

- Askew - Attended Covert, Geneva and Bangor Township board meetings. Discussed issues on 34<sup>th</sup> Avenue, and CR681 in Bangor Township.
- Boze - Attended Hamilton and Keeler Township board meetings. Hamilton requested a report on the culvert survey. Staff will work on providing this information as the report the system runs is not user friendly.
- Burlison - Attended Pine Grove Township board meeting.
- Kinney - Attended KATS on 25<sup>th</sup>.
  - Would like to discuss at the next meeting whether the Road Commission can come up with a four-year capital improvement plan, and a five-year road improvement plan?
  - Commissioner Kinney reviewed questions he had regarding information he identified on the Road Commission's website. He requested updates to information posted on the Weighmaster-Frost Laws page regarding unrestricted roads and restricted roads during Frost Laws. Staff will work to provide these updates to the website.

The Chairman opened the meeting to Public Comment. Linda Norton asked that a meeting be scheduled with at least two of the board members, and Barry and/or Greg to discuss CR380 as she is receiving many complaints about the projects that are taking place. Ms. Norton stated that if Columbia Township needs to put some funding into the projects to get them paved quicker, she would like to have that discussion. Estimated pricing for completing the remainder of CR380 in Columbia Township was discussed. Steven Rogusta suggested bartering with contractors to knock the prices down when bids are received.

Motion by Askew to adjourn the Call of the Chair at 8:28 PM.

AYES: 4

NAYS: 0  
ABSENT: 1  
MOTION CARRIED.

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Secretary

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Chairman