

MINUTES
EMMET COUNTY ROAD COMMISSION
HARBOR SPRINGS, MICHIGAN

The Emmet County Board of Road Commissioners met in regular session at their offices in Harbor Springs on August 8, 2008. The Chairman, Frank Zulski, called the meeting to order at 8:00 a.m.

Commissioners Present: Frank Zulski, Leroy Sumner, and Richard Bidstrup

Staff Present: Brian Gutowski – Engineer-Manager, Brent Shank – Operations Engineer, Judy Fouch – Clerk

Guests: Bill Dohm – Little Traverse Township; Dennis Keiser – Bear Creek Township; Bob Sandford – West Traverse Township; Bill Wiechmann – Pleasantview Township; Joe O’Neill – Benchmark Engineering; Eric Blesi – Harbor Point Golf Course; Troy Bosker – Northern Excavating; Gordon Kruskie, Edith Kruskie – Island View Road; Sid Baker, Beverly Baker – Baker’s Acres; Byron Mesner – Terpening Road; David Bedells - Attorney

MINUTES: It was moved by Sumner, seconded by Bidstrup to approve the minutes of the regular meeting of July 25, 2008.

Ayes: Bidstrup, Sumner, Zulski

Nays: None

Motion carried

ACCOUNTS PAYABLE: The List of Accounts Payable, Voucher No. 0831, checks numbering from No. 29083 to No. 29131, in the amount of \$350,831.21 was presented for approval. It was moved by Sumner, seconded by Bidstrup to approve accounts payable for payment of the same.

Ayes: Bidstrup, Sumner, Zulski

Nays: None

Motion carried

PAYROLL: Voucher No. 0832 for Payroll No. 16, checks numbering from No. 38513 to No. 38571, in the amount of \$69,434.49 was presented for approval. It was moved by Sumner, seconded by Bidstrup to approve payroll for payment of the same.

Ayes: Bidstrup, Sumner, Zulski

Nays: None

Motion carried

EQUIPMENT LOAN: It was moved by Sumner, seconded by Bidstrup to approve Disbursement Request #2 for Equipment #263 and #390, as it relates to the Lease Purchase Facility dated 5/29/08 for Invoice #268, for a total amount of \$124,839.00.

Ayes: Bidstrup, Sumner, Zulski

Nays: None

Motion carried

UNFINISHED BUSINESS:

- a. A meeting will be held with the County Transportation Committee on the ORV legislation on August 11, 2008 at 11:00 a.m. at the County Building. Les Atchison recommended that a meeting be held with the township supervisors so that road exclusions can be discussed ahead of time. Since the Road Commission can exempt 30% of the roads open to ORV use, Mr. Bidstrup suggested that staff recommend those roads that can be exempt for safety reasons, then let the townships decide.
- b. A resolution was adopted at the last meeting commending Tim Burke for saving the life of an accident victim while he was on duty. Mr. Burke informed Mr. Sumner that Jack Alexander, a seasonal employee, was with him at the time and also provided assistance at the scene. It was moved by Sumner, seconded by Bidstrup to adopt the following resolution recognizing Jack Alexander for his assistance at the accident on Mitchell Road and Hopper Road:

RESOLUTION

WHEREAS, Jack Alexander provided assistance at a serious accident on Mitchell Road and Hopper Road while performing work for the Emmet County Road Commission; and

WHEREAS, the effort made by Jack Alexander at the accident scene extended above and beyond the call of duty;

THEREFORE BE IT RESOLVED that the Board of Emmet County Road Commissioners recognize and commend Jack Alexander for his contributory actions.

Ayes: Bidstrup, Sumner, Zulski

Nays: None

Motion carried

ENGINEER-MANAGER'S REPORT: A report was received from the Transportation Funding Task Force which indicated that \$12 billion is needed for road improvements in the state. It was announced at a recent 37th Road Commissions Meeting that the tentative agreement on the state contract was changed by the corporate headquarters at MDOT. Now MDOT is requesting that a six month extension be adopted, however the CRAM Negotiating Committee recommends that an extension not be signed since the agreement was negotiated between both parties in good faith. It was the consensus of the Board to follow the recommendation of the Negotiating Committee. Mr. Gutowski stated that it is possible that the counties will have no contract with the state as of October 1. The demonstration project for the enzyme product to be used on Van Road will begin on August 10th, with representatives from other agencies present to observe.

Upcoming meetings include the CRAM Public Relations Workshops to be held on September 17th at the Ingham County Road Commission and on September 25th at the Delta County Road Commission, a Manager's Meeting on August 13th in St. Ignace, and a Petoskey Area Transportation Committee Meeting on August 20th at North Central Michigan College. Numerous bids will be reviewed at the next meeting including the reconstruction of Hathaway Road and Middle Road, a ¾ ton pickup truck, and the generator. A public hearing is also scheduled for the proposed improvements to Middle Road. Mr. Gutowski mentioned that October 28th marks the 100th anniversary of the Road Commission.

PUBLIC COMMENT: Gordon Kruskie commented about the paving on Van Road. Byron Mesner of Terpening Road requested permission to replant trees in the road right-of-way that were removed from his property. Mr. Gutowski stated that typically is not allowed unless it is along the edge of the road right-of-way. Mr. Shank will meet with him to look at the site.

Sid Baker was present regarding the one year extension of the commercial driveway requirements at Baker's Acres Subdivision. The concrete curbs were installed, but the entrance was not paved. Mr. Baker asked for an extension last year since he had not sold the lots to help pay for the improvements, and he indicated that nothing has changed. It was moved by Sumner, seconded by Bidstrup to grant another extension of the permit requirements with the stipulation that it be reconsidered upon a change in activity.

Ayes: Bidstrup, Sumner, Zulski

Nays: None

Motion carried

Mr. Baker inquired about improvements on Miller Road, and Mr. Gutowski informed him that there are no plans to improve the primary road at this time due to the lack of funding. Mr. Zulski mentioned that some primary road improvements have been done by the townships. Bill Dohm suggested that staff talk to the Tribe to see if any of the primary roads in need of improvement are on their route and whether they would consider funding any improvements.

OPERATIONS ENGINEER'S REPORT: None.

CLERK'S REPORT: An MDOT letter was received confirming the cost adjustment for the 2006 audit.

APPOINTMENTS:

- a. Joe O'Neil of Benchmark Engineering and Eric Blesi of Harbor Point Golf Course were present to request that the commercial driveway requirements for concrete curb be waived. Mr. Blesi stated that the golf course maintenance building is being reconstructed, and that they are relocating their maintenance drive from M-119 to Lake Road. Mr. Bidstrup felt that each case should be considered individually since they are all different. Mr. Shank suggested that the permit stipulate that the curb requirements be met if there is a change in use. It was moved by Zulski, seconded by Sumner to approve the request to waive the concrete curb requirements with the stipulation that the driveway be upgraded if there is a change in use.

Ayes: Bidstrup, Sumner, Zulski

Nays: None

Motion carried

- b. Troy Bosker of Northern Excavating applied for a commercial driveway permit for Franklin Street after a letter was received from the Road Commission about the need for a permit. They have requested permission to waive the concrete curb requirements. Bob Sandford stated that the matter will be reviewed by the township, who is concerned about vehicle parking and damage to Franklin Street. Mr. Zulski indicated that the Road Commission would like the township concerns to be satisfied on the permit. It was moved by Bidstrup to approve the request to waive the curb requirements conditional on township action. The motion died for lack of support. No action was taken pending township review.

Attorney David Bedells was present to provide an update on the Reisinger File. A hearing on the case is scheduled for August 11th. The Board previously authorized Mr. Bedells to execute a Consent Judgment since the Road Commission did not wish to exercise jurisdiction over that section of Headlands Road. Mr. Bedells commented that since the County of Emmet now owns the property, they have pursued the litigation once held by Reisinger. He stated that Kathy Abbott has suggested that the Road Commission stipulate that the County substitute for the Plaintiff and the Consent Judgment be set aside to allow litigation to be pursued, with the assurance that the Road Commission will not be named. Mr. Bedells felt that once the County steps in as the Plaintiff, the case will be dismissed. It was moved by Sumner, seconded by Bidstrup to authorize Attorney Bedells to execute the stipulation to set aside the Consent Judgment on the Headlands Road matter, with the understanding that the litigation will be dismissed.

Ayes: Bidstrup, Sumner, Zulski

Nays: None

Motion carried

COMMISSIONERS' REPORTS: Mr. Zulski inquired about seal coating on Van Road. He then referred to roads where lane line painting was covered up by seal coating, and recommended that the process be better coordinated to prevent it in the future. He then commented on MDOT's unsuccessful attempt to obtain additional money from the state for winter overruns.

Dennis Keiser referred to storm water runoff that is being directed into the county ditch at the new Brewbaker Furniture development on Anderson Road. He felt that it would likely cause a washout on the road in the future, and asked what recourse could be taken since there is no longer a County Stormwater Ordinance. The matter was discussed with Attorney David Bedells. It was decided to send a letter to both Brubaker Furniture and Walgreens Drug Store regarding anticipated washouts from storm water runoff, and recommendations for addressing it at their new developments. Copies of the letters will be sent to the Township Supervisor.

Bill Wiechmann inquired about culvert replacement during road improvements, noting that eight culverts were removed at a site where only two were bad. It was noted that new culverts are installed for maintenance reasons since they have a better service life.

ADJOURNMENT: There being no further business, Chairman Zulski adjourned the meeting at 9:17 a.m.

Clerk of the Board – Judy Fouch

Date