

Van Buren County Board of Road Commissioners

April 2, 2015

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 2nd day of April, 2015 at 7:00 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, Kinney, Ray, and Svilpe
Engineer-Manager Lawrence B. Hummel, P.E.
Accountant Gregory M. Pardike
Highway Engineer Barry Anttila

GUESTS: County Commissioner Hammond
John Vargo
Dixie Kovach

Chairman Boze called the meeting to order at 7:00 PM.

A Public Hearing on Reasonable Permit Requirements, including a Schedule of Fees was open at 7:00 PM and closed at 7:07 PM.

6(A) was added as an agenda item, Permit Policy and Fee Schedule Policy approval.

Motion by Svilpe, seconded by Ray to approve the revised Agenda.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Kinney and seconded by Askew to approve the minutes of the March 19, 2015 meeting as presented by Board Secretary Pardike.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Chairman opened the meeting to public comment. John Vargo questioned why the Board continues to put up weight restriction/frost law signs if they are not going to take action to enforce.

Motion by Ray, seconded by Svilpe to approve the Permit Policy and Fee Schedule Policy as follows:

PERMIT POLICY Policy No. 2015-01

1. Permits Required:

It is the policy of the Board of County Road Commissioners of Van Buren County that permits be required prior to the following activities taking place within the County Road Right-of-Way. In the case of extraordinary emergencies and/or routine and unobtrusive work, the permits may be obtained after-the-fact without additional fees at the discretion of the Engineer-Manager, or his or her designee.

A. To move mobile, manufactured or modular homes, or overweight and/or oversize loads on county roads. Maximum legal size and load requirements are set forth in the Michigan Vehicle Code.

B. To construct, operate, maintain, use, remove, park, load and/or unload within the County Road Right-of-Way. MCL224.19b.

C. To regulate driveways, including changes to an existing driveway. MCL 247.321, *et seq.*

D. To regulate Parades, banners or special events within the County Road Right-of-Way. MCL 247.321, *et seq.*

2. Engineer-Manager's Authority:

The Engineer-Manager, or his authorized designee, shall have the authority to:

A. Prepare all applications for permits, including: mobile, manufactured or modular homes, oversize or overweight vehicles and loads, and any and all activities within the County Road right-of-way.

B. Approve and/or reject any request for permits, as set forth herein.

C. Prepare any and all orders, correspondence or other documentation relating to applications for permits, issued permits, and the rejection or approval of permits as set forth herein.

D. Review all applications for permits using his or her professional experience and judgment to apply principles of public safety so as to promote the safe and efficient flow of traffic along roadways. The review may take into account, among other features, sight distance, intersection traffic, road characteristics, and traffic volume.

3. Insurance:

Insurance is required for certain permitted activities to assure that any action brought as a result of the permittee's activities in the public road right-of-way will be defended by and paid for by permittee's insurance carrier and will not result in action or settlement against the Board.

In addition, for certain permits the following language must appear in the "Additional Insured" area of the Insurance Certificate, without any changes or deviations from this specific language:

"The Board of County Commissioners of Van Buren County, The Board of County Road Commissioners of Van Buren County (a/k/a the Van Buren County Road Commission) and their officers and employees for claims arising out of, under, or by reason of operations covered by the permit issued to the permittee, as their interests may appear."

Insurance as set forth herein shall be in effect for a period of not less than the term of any permit and shall provide evidence that it cannot be canceled without ten (10) days advance written notice by certified mail with return receipt requested to the Road Commission.

The Board of County Road Commissioners of Van Buren County reserves the right to condition a moving permit application for any hauling activity on the furnishing of a performance bond.

For good cause shown, these requirements may be waived at the discretion of the Engineer-Manager of the Road Commission, or his or her designee.

4. Indemnification and Hold Harmless:

Permit Applicants shall indemnify, defend and hold harmless the Board of County Road Commissioners of the County of Van Buren (a/k/a the Van Buren County Road Commission) and its agents, employees or servants from any liability, including all claims and losses, and all related costs and expenses (including reasonable attorneys' fees and costs of investigation, litigation, settlement, judgments, interest and penalties), accruing or resulting to any person or entity as a result of the permitted activity. For good cause shown, this requirement may be waived at the discretion of the Engineer-Manager, or his or her designee.

5. Agency:

No agent, employee or servant of the Permit Applicant shall be deemed to be an employee, agent or servant of the Board of County Road Commissioners of the County of Van Buren (a/k/a the Van Buren County Road Commission) for any reason. The Permit Applicant is solely and entirely responsible for its acts and the acts of its agents, employees and servants during the performance of the activities authorized by this permit.

The specific language is subject to change as the Board estimates its exposure to risk and resultant claims.

6. **After-the-Fact:**

In the event of a failure to obtain any appropriate permit, the Van Buren County Road Commission shall have the right to halt such activity until such time that adequate compliance is made, including, but not limited to:

- Obtain the necessary permit(s)
- Pay all associated permit fees
- Pay a \$100 penalty fee

In addition, if any work has occurred that is not according to specification, the Van Buren County Road Commission may require the work to be (a) removed; (b) restore the area to its previous condition; and/or (c) work with the individual(s), group or organization to find an acceptable alternative.

FEE SCHEDULE POLICY

Policy No: 2007-02
Effective April 1, 2007
Amended Effective 01/31/10; 09/19/12; 04/02/15

DRIVEWAYS and PLATS

	<u>Permit Fees</u>	<u>Other Fees</u>
Farm Field Driveway/Access Permit (Use Residential or other than Commercial Driveway Permit Application)	\$25.00	N/A
Residential or other than Commercial Driveway/Access Permit (Single Family Only)	Free	N/A
Residential or other than Commercial Driveway Improvement/Change of Use Permit (Single Family Only)	Free	N/A
Commercial or other than Residential Driveway/Access Permit	\$150.00	Plus Expenses
Commercial or other than Residential Driveway Improvement/Change of Use Permit	\$150.00	Plus Expenses
Temporary Construction Driveway Permit	\$100.00	Plus Expenses
Private Road Approach	\$150.00	Plus Expenses
Plats, including preliminary and final inspections (new certification)	\$300.00	Plus Expenses
Plats, certification of existing	\$250.00	Plus Expenses

UTILITIES

	<u>Permit Fees</u>	<u>Other Fees</u>
Aerial Cable/Overhead Installation/Removal (Single Site Right-of-Way Permit)	\$50.00 - 300' or less \$100.00 - More than 300'	
Utility Poles and Anchor Installation/Removal (Single Site Right-of-Way Permit)	\$50.00	
Buried Cable, Conduit, Gas Main, Fiber, etc. (installation/removal) (Single Site Right-of-Way Permit)	\$50.00 - 300' or less \$100.00 - More than 300'	
Oil, Gas, Fuel Pipeline (installation/removal) (Single Site Right-of-Way Permit)	\$50.00 - 300' or less \$100.00 - More than 300'	

Water or Sewer Main (installation/removal) (Single Site Right-of-Way Permit)	\$50.00 - 300' or less \$100.00 - More than 300'	
Utility Services and Maintenance, Annual (Annual Right-of-Way Permit)	\$100.00	
Roadway Crossing (per crossing) Bore/Jack (Single Site Right-of-Way Permit)	\$75.00	Plus expenses
Open Cut (Single Site Right-of-Way Permit)	\$100.00-Gravel \$200.00-Asphalt \$250.00-Concrete	Plus expenses
Lateral Hookups (Single Site Right-of- Way Permit)	\$75.00	
Soil Boring (Single Site Right-of-Way Permit)	\$100.00/Job Min. \$10/additional over 10 bores	
Seismic Testing (Single Site Right-of- Way Permit)	\$100.00	
Public Utility Permit, Seasonal Permit (Per Truck)	\$100.00	

TRANSPORTATION

	Permit Fees	Other Fees
Annual Mobile, Manufactured or Modular Home Transportation Permit	\$100.00	
Moving Log (Completed when Annual Mobile, Manufactured or Modular Home Transportation Permit in place)	Free	
Single Move Mobile, Manufactured or Modular Home Transportation Permit	\$50.00	
Annual Permit to Move Overweight/Oversize Vehicles/Loads	\$100.00	
Moving Log (Completed when Annual Permit to Move Overweight/Oversize Vehicles/Loads in place)	Free	
Single Permit to Move Overweight/Oversize Vehicles/Loads	\$50.00	
Super Move (House, Structure, etc.) (Use Single Permit to Move Overweight/Oversize Vehicles/Loads)	\$150.00	Plus costs
Agricultural Commodities, Seasonal Permit	\$50.00	
Logging Operations (Single Site Right-of- Way Permit)	\$100.00 per site	\$500.00 Bond (minimum)

MAINTENANCE

	<u>Permit Fees</u>	<u>Other Fees</u>
Surveyor Permit for Working in the Right- of-Way (Annual)	\$100.00	
Tree Removal/Trimming Permit, Annual (Annual Permit to Work in the Right-of- Way)	\$100.00	
Site Notifications (When Annual Permit to Work in the Right-of-Way is in place)	Free	
Sign Installation (Single Site Right-of- Way Permit)	\$50.00	

General Permit to Work in the Right-of-Way, Single Site (including, but not limited to ditching, storm water discharge, install well, install sidewalk or pathway, etc.) (Single Site Right-of-Way Permit)	\$50.00	Plus expenses
General Permit to Work in the Right-of-Way, Annual (including, but not limited to dust control contractors, monitor well, maintain sidewalk or pathway, etc.) (Annual Permit to Work in the Right-of-Way)	\$100.00	

MISCELLANEOUS

	<u>Permit Fees</u>	<u>Other Fees</u>
Parade, Banner or Special Event Permit	Free	
Abandonment of Public Road	\$350.00	Plus costs
After-the-Fact Permit	Necessary Permit Fee	\$100.00 Penalty Fee
Emergency Permits	Necessary Permit Fee	No Additional “Emergency” Fee
Contractors Working in the Right-of-Way for the VBCRC (paving, trees, hauling, moving, construction, etc.)	Necessary Permit Fee	

DUPLICATION FEES

	<u>Fee</u>	<u>Other Fees</u>
Copying Fees: 8.5" x 11"	\$0.25	First 4 copies free
8.5" x 14"	\$0.25	First 4 copies free
11" x 17"	\$0.50	First 4 copies free
Compact Disc (CD)	\$10.00	
Research of Records/Files		Labor and actual costs up to amount allowed by law. (FOIA)
Maps, color (tourist)	Free	
Color prints (8.5" x 11", 8.5" x 14")	\$5.00 per page (plain paper)	
Plotter Prints, Plotter Scans	\$10.00, 8.5" x 11	
	Permit Fees	Other Fees
	\$15.00, 11" x 17"	
	\$20.00, 17" x 22"	
	\$30.00, 24" x 36"	
	\$40.00, 34" x 44"	
Fax Charges	\$0.25 per page	

General Permit Information

1. Check or money orders are to be made payable to the VAN BUREN COUNTY ROAD COMMISSION.
2. Payment is required PRIOR to any field review by staff and/or consultant, and prior to work commencing. Issuance of the permit is pending payment of any and all fees incurred during the review process.
3. Expenses may include, but not be limited to labor, materials, fringes, overhead, consultant and/or contractor fees for services, publication costs, recording fees, performance bonds, etc.
4. The permit fee shall be waived when the proposed work is determined to be in the best interest of the Van Buren County Road Commission as determined by the Engineer-Manager.
5. When permit review time exceeds the ordinary review time due to numerous revisions, or unusual circumstances not through the fault of the Van Buren County Road Commission, the permit fee may

be increased by an amount appropriate to the time spent in review, inspection, or issuance, as determined by the Engineer-Manager.

6. In the event of a failure to obtain any appropriate permit, the Van Buren County Road Commission shall have the right to halt such activity until such time that adequate compliance is made, including, but not limited to:

- Obtain the necessary permit(s)
- Pay all associated permit fees
- Pay a \$100 penalty fee

In addition, if any work has occurred that is not according to specification, the Van Buren County Road Commission may require the work to be (a) removed; (b) restore the area to its previous condition; and/or (c) work with them to find an acceptable alternative.

7. This Fee Schedule is for reference only, and is subject to change.

AYES: 5

NAYS: 0

POLICIES (Permit and Fee Schedule) ADOPTED.

Commissioner Kinney initiated a discussion of why fee schedule references "FOIA"; why can't fees/costs be spelled out? Staff responded that with the significant changes recently approved to the Freedom of Information Act this would eliminate the need to revise the Fee Schedule Policy each time the law is changed.

The Board Secretary-Accountant provided a budget review. MTF receipts are up 2.5-3.5% for the year. The auditor will be on site April 7th.

Moved by Ray, seconded by Svilpe to approve the following Road Commission Vouchers:

Voucher #1844	\$74,920.49
Voucher #1845	\$97,430.43
Voucher #1846	\$348,911.53

AYES: 5

NAYS: 0

MOTION CARRIED.

The following bids were received at 7:30 PM for heavy maintenance on Blue Star Highway in South Haven Township:

Rieth-Riley Construction Company	\$627,557.30
Michigan Paving & Materials	\$635,214.60

Motion by Ray, seconded by Svilpe to authorize Engineer-Manager to award bid upon review and tabulation by staff, in the best interest of the Van Buren County Road Commission.

AYES: 5

NAYS: 0

MOTION CARRIED.

Road Commissioners signed the Cover Page for the bridge replacement project on CR380 over the Cedar Creek in Geneva Township.

Motion by Ray, seconded by Svilpe to approve the following Resolution:

RESOLUTION

BE IT RESOLVED: That the Engineer-Manager of the Van Buren County Road Commission, Lawrence B. Hummel, P.E., and the Board Secretary-Accountant of the Van Buren County Road Commission, Gregory M. Pardike, are hereby authorized to execute the M.D.O.T. Contract No. 15-5059; Control Section HSIP 80609; Job Number 119602A:

Reconstruction work at the intersection of County Road 388 and County Road 687; including right-turn lane, hot mix asphalt paving, machine grading, trenching, aggregate base, drainage improvement, concrete curb and gutter, cold milling, permanent sign, and pavement marking work; and all together with necessary related work.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

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

RESOLUTION IN SUPPORT OF TEDA GRANT APPLICATION

WHEREAS, Burnette Foods, Inc., 87171 CR687, Keeler Township, Hartford, Michigan is expanding its processing and packaging operations to include a building expansion and new processing and packaging equipment lines; and,

WHEREAS, due to this economic expansion, it is necessary that CR687 from CR352 (Territorial Road) South approximately 4,500 feet be upgraded to an All Season Standard, with work to include crush/shape, re-pave, tree removals and drainage corrections; and,

WHEREAS, the total estimated cost of the upgrades to CR687 to an All Season Standard as described above total \$615,000.00; and,

WHEREAS, the Van Buren County Road Commission is seeking Category A Grant Funds for the Project through a MDOT Transportation Economic Development Grant Application TEDA 1252 requesting as follows:

1. Grant funds of approximately \$430,479.00, which is approximately 70% of the cost of the project.
2. Local Match funds of \$184,500.00, which is approximately 30% of the cost of the project to be shared between the Van Buren County Road Commission together with Keeler Township as follows:
 - A. Keeler Township Primary Road Millage Funds (\$27,304.00) plus up to an additional \$40,000.00 of Township Funds.
 - B. Van Buren County Road Commission Funds \$117,196.00.

NOW, THEREFORE, the Board of County Road Commissioners of Van Buren County hereby supports this Grant Application, together with the financial support as indicated herein.

AYES: 5
NAYS: 0
RESOLUTION ADOPTED.

Pardike reviewed a Resolution from PNC Bank with the Board. Motion by Svilpe, seconded by Kinney to adopt the *Resolution and Authorization for Depository Accounts and Treasury Management Services.

AYES: 5
NAYS: 0
MOTION CARRIED.

*A copy of the Resolution is on file at the Road Commission Offices and is available for inspection upon contacting the Administrative Office at 269-674-8011.

Road Commissioner's Township Meeting Attendance Report

From March 19, 2014 to present:

Askew: No report.

Boze: No report.

Kinney: No report.

Ray: Had questions regarding CR653 and what plans are regarding the segment from 22nd Avenue to M43.

Svilpe: No report.

Highway Engineer Barry Anttila reported on the following:

- CR215 over White Creek, culvert is installed. Still closed while waiting for restoration and “buttoning up” surface with gravel. Paving later this year.
- 24th Avenue bridge over the Black River, contractor will be off site this coming week.
- Working on township estimates.
- 62nd Street over Hog Creek, bids opened. Waiting for final MDEQ approval.
- CR354 from 29th Street to 72nd Avenue, tree removal/clearing.
- Blue Star Highway Bridges, starting in the next week.

Engineer-Manager Update(s):

- 53 Service Requests from 3/19 to present.
- Frost Laws to be lifted Monday, April 6th.
- Working to get Duty Roster to Township Road Liaisons.
- Working to finalize time line for Jack Conklin.
- Review locations around the county for possible crush and shape due to failures in the surface with this years “hard breakup”.

Legal Issues:

Reams v. Van Buren County Road Commission and South Haven Township, final settlement agreement draft is being reviewed. Court date is scheduled for the coming weeks.

A motion was made by Svilpe and seconded by Ray to adjourn the Call of the Chair at 7:51 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman