

## Van Buren County Board of Road Commissioners

Thursday, November 15, 2018  
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 15<sup>th</sup> day of November, 2018 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, Burleson, Kinney, and Svilpe  
Engineer-Manager Lawrence B. Hummel, P.E.  
Board Secretary-Finance Director Linnea Rader  
Operations Director Greg Brucks  
Administrative Assistant Jill Brien

GUESTS: Richard Freestone, County Commissioner  
Attorney Kelly Page

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

No additions/deletions to the Agenda.

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

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Moved by Askew and seconded by Boze to approve the minutes of the November 1, 2018 meeting as presented by Board Secretary Rader.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

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

Board Secretary-Finance Director Rader update:

- Review of the operating budgets and operating fund.
- Township Annual Meeting attendance discussed. Staff will send an email to all townships in follow up to the Annual Meeting to include a deadline regarding feedback on draft Failed Road Policy. Board requested that all Township feedback be received by December 20<sup>th</sup> so that the draft could be brought back to the table at the meeting that evening.
- Rader asked the Board if they wanted to be involved in the Strategic Plan process? The consensus was to schedule a workshop before the second meeting in January (yet to be scheduled).
- Discussion regarding Christmas decoration contest on Facebook.
- Discussed new inventory program being implemented. The invoice for purchase of the program is in today's voucher.
- Commissioners Boze and Burleson questioned several invoices in today's voucher.

Moved by Boze, seconded by Kinney to approve the following Road Commission Vouchers:

Voucher #2061	\$111,002.76
Voucher #2062	\$24,582.30
Voucher #2063	\$230,844.67

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Discussion led by Rader surrounding draft tuition reimbursement policy. Board members discussed concerns, and several possible revisions. After much discussion, the draft policy was tabled for six months to be reviewed again at that time. Motion by Svilpe, seconded by Burleson.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Hummel reviewed the draft sign policy with the Board, and asked if there were any additional comments, questions or concerns. Several questions were raised and answered. Motion by Boze, seconded by Askew to adopt the sign policy as follows:

**SIGN POLICY**  
Policy No: 2018-05

I. Purpose and Background

The purpose of this Policy is to establish uniformity in the installation and maintenance of signs. This Policy recognizes that the Michigan Manual on Uniform Traffic Control Devices (MMUTCD) is the standard for all traffic control devices on all public roads in Michigan and, therefore, all traffic control devices on the roadway/street system/public right-of-way shall conform to its standards and specifications as outlined in Section 257.608 of the Michigan Vehicle Code (MVC). This Policy describes typical applications and procedures related to placement of signs on roadways/streets for the safety of the users.

Enactment of the Highway Advertising Act of 1972 and its subsequent amendments have placed severe restrictions on billboard advertising, thus increasing the demand to place additional directional information signs within road right-of-way. In order to respond to all sign requests in a fair and consistent manner, we recognize the need to establish signing guidelines that will address aspects of roadway/street signing while maintaining a safe and logical sequence of informational displays along roadways/streets.

Although the aforementioned MMUTCD contains standards for design and application of traffic control devices, it does not contain specific criteria on the following subjects for all signs: (1) allowable sign messages, (2) qualifications which allow placement of signs for various facilities and/or activities, or (3) priority or ranking of the various sign groups on the basis of roadway/street user needs which, in turn, should determine the selection process for sign installations.

It is in the best interest of the public and the Van Buren County Road Commission (VBCRC) to prevent the excessive use of traffic signs on the roadway/street system. Traffic sign effectiveness can be severely diminished by improper or over use. Regulatory and warning signs are installed when warranted for safety. An appropriate use of traffic signs improves the effectiveness of signs and reduces maintenance costs. It is a goal of the VBCRC to limit the use of traffic signs to those that:

1. Fulfill a need;
2. Command attention;
3. Convey a clear, simple meaning;
4. Command respect from road users; and,
5. Give adequate time for proper response.

Eliminating unnecessary signage improves traffic safety for all users, reduces sign clutter/pollution, standardizes implementation, and lowers maintenance costs.

It is not the intent of this Policy to arbitrarily delete or eliminate specific traffic signs but, rather, in the best interest of all roadway/street users, to establish criteria to install and maintain traffic signs in the public right-of-way. It is understood that many traffic signs have been installed over the years throughout the road/street network which are either obsolete or have very limited influence on the road users.

II. Signing Priorities

Basic concepts of traffic engineering recognize that the primary functions of traffic control signs are to warn, regulate, and guide users. Sign spacing and the amount of information displayed have an impact on the user's ability to read and respond to sign messages in an expected, predictable manner.

Accordingly, the primary function of traffic control signs is to enable users to react promptly, naturally, and safely to the traffic and design conditions encountered, to inform on the regulations and use of roads and streets and to warn of unexpected roadway/street

conditions which require extra care in driving.

Secondary functions of traffic control signs are to advise users of various services normally required to complete an extended journey (emergency services, motorist services, public transportation), and of supplemental services, such as guidance to major destinations, recreational facilities, places of interest, and attractions.

### III. Non-Conforming Signs

Signs already installed which are not in compliance with these guidelines or provisions contained in the MMUTCD shall be removed when they are damaged, in need of maintenance, or if the intended purpose is no longer present in the engineering judgment of the Engineer, or designee. The affected person or agency will be notified, if possible, of the intent at least thirty (30) days prior to sign removal. If any non-conforming sign is a safety hazard, it shall be removed immediately.

### IV. Unauthorized Signs

All signs installed without the approval of the VBCRC's representative, as per policies, guidelines, and Section 257.610 of the MVC will be considered unauthorized and, therefore, shall be removed immediately without prior notice.

### V. Temporary Signs

Signs of various types, such as political candidate, open house, garage sale, or real estate signs are sometimes placed within the public right-of-way. These types of signs are temporary, but are still encroachments and *may* be a safety hazard to users and, therefore, may be removed at the discretion of the VBCRC without notification.

### VI. Special Event Signing

The VBCRC shall not provide, or install, any special event signing unless authorized in the engineering judgment of the Engineer.

### VII. Policy Implementation

Upon the adoption of this Policy, implementation shall occur as signs are replaced or requested. Signs may also be removed, or replaced, under the following conditions:

- Signs have reached the end of their service life;
- Retro reflectivity requirements not met;
- Damage;
- Maintenance and/or when identified within a construction project;
- Or when in conflict and/or pose a safety concern, in the engineering judgment of the Engineer.

### VIII. Missing and Damaged Signs

The VBCRC, or requesting entity, may seek recovery of damages for their signs damaged by users. Typically a recent crash report must be issued stating that VBCRC property (i.e., a road sign) was damaged in the crash. The at-fault user's insurance company will then be contacted and a bill for sign replacement cost and installation will be issued. If the at-fault user has no insurance, then a bill will be sent directly to that user.

### IX. Review and Modification of Policy

This Policy shall incorporate by reference the most current revisions of the MMUTD, MVC, AASHTO, guidelines, manuals, and other traffic related policies. Review and modifications to the Policy, including supplements, may be adopted, as necessary.

AYES: 5  
NAYS: 0  
POLICY ADOPTED.

Engineer-Manager reviewed the draft employment contract that contained redline revisions from Attorney Luis Avila, Attorney Kelly Page, and the Pool's attorney, Bill Henn, per the Board's request at the last regular meeting. Questions were raised and discussions were

held by and between members of the Board, Attorney Page, and Commissioner Freestone. Motion by Kinney, seconded by Askew to request that a final review, and legal opinion, of the “black and white” contract be provided by Attorney Avila and Attorney Page.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Motion to table the employment contract until the next regular meeting of the Board by Svilpe, seconded by Boze.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Discussion provided by Hummel regarding proposed resolution to defend, indemnify and hold harmless the County Highway Engineer-Manager for professional liability. The Resolution was recommended by the Pool’s attorney, Bill Henn. Kinney felt that the adoption might potentially put the Road Commission’s assets at risk. Motion by Askew, seconded by Burleson to adopt the Resolution:

**RESOLUTION TO DEFEND, INDEMNIFY AND HOLD HARMLESS  
THE COUNTY HIGHWAY ENGINEER FOR  
PROFESSIONAL LIABILITY**

**RESOLUTION 2018-21**

WHEREAS, pursuant to MCL 224.10, et seq., the Board of County Road Commissioners of the County of Van Buren County employs a County Highway Engineer-Manager; and,

WHEREAS, pursuant to MCL 224.10(2) and MCL 224.19(3), the County Highway Engineer-Manager fulfills and performs statutory obligations at the pleasure of the Board, which may include: preparation and review of surveys; preparation and review of plans and specifications for roads, bridges, and culverts; supervision over construction and implementation of said plans and specifications; and other engineering duties as appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Board shall defend, indemnify, and hold harmless, to the fullest extent permitted by law, the county highway engineer for and against any claim or liability arising from his or her acts or omissions as a professional engineer, and occurring within the course of his or her employment, and within the scope of his or her authority, while acting on behalf of the Board.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution shall not require the Board to indemnify or hold harmless the county highway engineer for and against any act or omission constituting gross negligence or an intentional tort.

AYES: 4  
NAYS: 1 (Kinney)  
RESOLUTION ADOPTED.

Revisions to the Purchasing Policy were discussed by Rader, which include updates to the titles of authorized purchasers. Motion by Askew, seconded by Boze to adopt the revised Policy as follows:

**Van Buren County Road Commission  
Purchasing Policy  
Policy 2017-02**

**Purpose:** To ensure staff follows the procedures to procure goods and services in compliance with recommendations set forth in the Michigan Department of Treasury’s Uniform Accounting Procedures Manual for County Road Commissions.

**Policy:** All purchasing functions shall comply with good purchasing practices, applicable local ordinances, state and federal laws, and procedures as set forth.

1. All requests for prices and/or services, and all purchases shall be made without regard to race, religion, color, national origin, ancestry, sex, age, disability and in accordance with this policy.
2. Purchases shall adhere to the Ethical Standards and Standards of Conduct Policy (2005-01).
3. All qualified bidders shall be afforded equal opportunities to quote and shall be compared on equal terms.
4. **Purchases over \$500**, require a purchase order to be completed at time of purchase/quote.
5. **Purchases greater than \$500 but less than \$2,500**, must be approved by an Authorized Purchaser as set forth below, or their designee. Prices in the form of telephone/email quotations, catalogue comparisons and other similar means may be obtained as is practical. Exceptions may be approved for sole source items, vendors that require diagnosis for repair and authorized vendors/dealers for manufacturer specific work.
6. **Purchases greater than \$2,500 and less than \$15,000**, must be approved by an Authorized Purchaser as set forth below, or their designee. Price quotes are to be obtained from two or more sources. Verbal quotes may be obtained provided all pertinent information is properly documented. Proper documentation includes: item description; date and time of quotation; company name; quoted unit and extended price; and name of authorized purchaser providing the quotation. Exceptions may be approved for sole source items, vendors that require diagnosis for repair and authorized vendors/dealers for manufacturer specific work.
7. **Purchases over \$15,000** require a formal invitation for Bid or Request for Proposal (RFP) be issued. All bids or RFP's must be advertised as required by law. The Van Buren County Road Commission follows all procedures for competitive sealed bidding.
8. **In the event of an emergency**; Noncompetitive procurement may only be used in the event of a public emergency such that the urgency will not permit a delay beyond the time needed to employ one or the other procurement methods, such as to protect the health and welfare of the public. In the event of an emergency, supplies, services or construction may be purchased up to \$50,000 by an Authorized Purchaser as set forth below, or their designee. The Engineer-Manager shall keep the Board of County Road Commissioners informed to the extent of the emergency purchases necessary.
9. Nothing in this policy shall prevent the use of competitive sealed bidding in procurements under the Van Buren County Road Commission limits if deemed appropriate.
10. All requests for payment must be processed by the Finance Director (or designee) and are subject to review by the Engineer-Manager prior to review and approval by the Board of County Road Commissioners.
11. Purchasers have the responsibility to ensure that all goods, services or construction purchased are properly inspected and conform to the purchase order, contract and/or specifications. Any decision concerning an attempt to cancel a contract or an attempt to resolve a dispute regarding defective products or unacceptable services shall be made by the Purchasing Officer, Engineer-Manager or Finance Director. The Engineer-Manager will determine if the decision needs to be approved by the Board.

The following people (or their designee) are considered authorized purchasers as outlined in this policy:

Purchasing Officer	Parts, Road Materials, Equipment Repairs, Services
Highway Engineer	Road Materials, Road Projects, Services
Operations Director	Road Materials, Road Maintenance Services
Fleet & Facilities Superintendent	Parts, Equipment, Equipment Repairs, Services
Sign Maintenance Employee	Signs, Traffic Counters, Services
Safety Coordinator	Safety Supplies, Training, Services
Finance Director	All
Engineer-Manager	All

Employees who have been assigned purchasing duties have the following responsibilities:

- Comply with and enforce the purchasing policy and purchasing procedures.
- Determine the most efficient and economical means of securing goods and services without sacrificing necessary control and good purchasing practice.
- Verify that vendor invoices reflect the County's sales tax exemption.
- Where applicable, purchase recycled materials and products.
- Assist in the development of standardized specifications for commodities and services.

- Prepare and process purchase requisitions and related documents as necessary.
- Follow inventory procedures and property control measures.
- Dispose of surplus property after obtaining necessary approvals.
- Generate and maintain all files necessary to evidence compliance with the Road Commission's purchasing requirements.
- Obtain Safety Data Sheets (SDS) for necessary items.

**Enforcement:** Failure to comply with this policy/procedure may result in Disciplinary action.

AYES: 5  
 NAYS: 0  
 POLICY ADOPTED.

Discussion held by Hummel regarding proposed decertification of a portion of South Maple Street, Covert Township. Possible error in certification was discovered by the Michigan Department of Transportation through review of statewide GIS where it appeared that section of South Maple Street was not open to traffic. Hummel reviewed the location and found MDOT to be correct and recommended the following Resolution be passed by the Board. Motion by Boze, seconded by Svilpe to adopt as follows:

### **RESOLUTION 2018-22**

WHEREAS, South Maple Street between S. West Street and M140, Section 15, Covert Township, Van Buren County, Michigan (660 ft.), appears on the Certification Maps of the Van Buren County Road Commission; however, the roadway:

1. Was never constructed to Road Commission standards;
2. Has not been used, worked on or maintained by public authorities;
3. Does not exist and is not currently open to traffic.

WHEREAS, South Maple Street between S. West Street and M140, Covert Township, Van Buren County, Michigan was placed on the Certification Map of Van Buren County in error, and the roadway was never officially recognized as a roadway under the jurisdiction of the Van Buren County Road Commission.

NOW, THEREFORE, IT IS RESOLVED that South Maple Street between S. West Street and M140 (approx. 660 ft.), Covert Township, Van Buren County, Michigan is hereby removed from certification by the Board of County Road Commissioners of Van Buren County, and is absolutely abandoned as a public road.

BE IT FURTHER RESOLVED that copies of this Resolution shall be filed with the Office of the Register of Deeds for the County of Van Buren, State of Michigan, that a copy be served on the Clerk of the Township of Covert, and that a copy of this Resolution be published once each week for three (3) successive weeks in the *Courier-Leader*, a newspaper printed and circulated in the County.

AYES: 5  
 NAYS: 0  
 RESOLUTION ADOPTED.

### **Road Commissioner's Township Meeting Attendance Report**

From November 1<sup>st</sup> to present:

Askew: Covert Township; Geneva Township; Bangor Township; South Haven Township; Township Annual Meeting on 11/8.

Boze: Lawrence Township and Hartford Township on 11/8. Township Annual Meeting on 11/8. Keeler Township on 11/12. Hamilton Township on 11/13.

Burleson: Township Annual Meeting on 11/12.

Kinney: Decatur Township on 11/8. Township Annual Meeting on 11/8. Southwest Council Meeting on 11/12. Township Annual Meeting on 11/12.

Svilpe: Antwerp Township on 11/13. Annual Township Meeting on 11/12.

#### Operations Director Report by Brucks:

- Plowing today and last weekend.
- Working on a tree job outside Lawton.
- De-berming on CR365 South of Lawrence to CR681; CR681 between Red Arrow and Bangor. CR681 from Red Arrow to CR352 tomorrow.

Brucks led discussion regarding rough draft disposal policy for ditching spoils de-berming dirt, trees and other materials not wanted by homeowners on project locations. Brucks relayed that disposal of these materials is expensive due to trucking costs. In addition, they are filling up Road Commission pits with materials that residents want. Brucks believes that a signed agreement between the resident and the Road Commission on a requested basis, solely at the discretion of the Road Commission, and based entirely on efficiency of trucking and time savings, as a way around these problems. Questions were raised about rules regulating the Road Commission “giving” materials away, and Hummel provided history. Other questions asked related to logistics. Kinney requested a legal opinion as to the disposal policy, and hold harmless agreement.

#### Anttila’s Construction Update provided by Hummel:

- CR687 restoration is finishing up today.
- CR665 and CR687, the final walk through on both projects is scheduled for tomorrow.
- 16<sup>th</sup> Avenue West of 73<sup>rd</sup> Street; culvert replacement complete, except asphalt patch paving, which is scheduled for tomorrow.
- Pavement marking program is complete county-wide.
- 63<sup>rd</sup> Avenue, Antwerp, and 56<sup>th</sup> Street, Hamilton, DEQ permit applications have been approved.
- 56<sup>th</sup> Street, Hamilton, culvert replacement will be advertised in tomorrow’s paper.
- Working on final estimate for 63<sup>rd</sup> Avenue, Antwerp Township.

#### Engineer-Manager’s Update:

- Discussion regarding the culvert replacements in Covert Township: 34<sup>th</sup> Avenue between 70<sup>th</sup> and 72<sup>nd</sup> Streets; and 48<sup>th</sup> Avenue between 70<sup>th</sup> and 72<sup>nd</sup> Streets. Covert Township’s water system is installed throughout the entire township, and is owned by the Township. A township water main had to be moved on the 48<sup>th</sup> Avenue project at an additional cost of approximately \$19,000. The cost to move the water main on the 34<sup>th</sup> Avenue project is between \$30,000-\$38,000. The Road Commission cost shares with the township on large culvert replacements over 36" at 50/50. The Road Commission is caught in the middle as there is no policy on these large pipe replacements other than a 50/50 cost share on pipe. It is Hummel’s plan to conduct a survey prior to the next cross-pipe replacement in any township that owns its water and/or sewer system, such as Keeler, Porter, Covert, Antwerp, etc. If the water/sewer is found to be less than 18" from location of cross-pipe, we will defer to the owner due to improper installation. The Road Commission will participate 50/50 assuming the water main is installed correctly. Boze stated a policy should be created to protect the Road Commission.
- Superintendent’s Association of Michigan (SAM) Quarterly Meeting hosted by VBCRC on November 28, 2018 beginning at 10:00 AM, and including lunch.
- County-Wide Millage results; discussion.
- Union Negotiations continue. Meetings scheduled 11/21 and 11/28.
- Road Commissioner interviews.

A motion was made by Boze and seconded by Svilpe to adjourn the Call of the Chair at 9:18 PM.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

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Secretary

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Chairman