

## Van Buren County Board of Road Commissioners

September 2, 2015

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 2<sup>nd</sup> day of September, 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: Attorney Kelly Page  
County Commissioner Hammond  
John Vargo  
Dixie Kovach  
Elaine and Bob May  
Steve and Jan Petersen

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

Motion by Ray, seconded by Svilpe to approve the Agenda, as amended.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Motion by Kinney, seconded by Askew to approve the Minutes of the August 19, 2015 meeting as presented by Board Secretary Pardike.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

The Chairman opened the meeting to public comment. Robert May, property owner on CR681, stated his concerns over the project work that is proposed to remove trees within the right-of-way (Thar Farm). Wants to know what options he may have regarding changing the proposed contract work as he feels that the trees do not need to be removed. He feels that the history and the value of the trees benefits not only their home, but also the county as a whole. Feels also that removing all of the maples would decrease their agricultural profit from maple syrup production. Commissioner Boze provided an explanation as to why trees are removed.

Steve Petersen, a resident on CR215, stated that he is concerned over the loss of rural character in the county due to road projects that have "expanded" and taken trees out and cleared back the right-of-way.

Jan Petersen, a resident on CR215, wants to know the justification for removal of trees in front of the May's home, and requested an explanation. Commissioner Boze provided a brief summary of why trees need to be removed in conjunction with road projects. Commissioner Svilpe provided comment on the work that occurs on a similar basis county-wide. Commissioner Ray also provided a comment as to the standards for federal projects. Ms. Petersen also indicated that the County-Wide Masterplan identified the need to preserve the agricultural nature of the county.

John Vargo, resident of Hartford Township, wants to know who / when is the CR687 approaches to I-94 bridge being paved? MDOT and City will need to deal with this; and the north side is the City of Hartford's and the south side is the responsibility of the Van Buren County Road Commission. Staff will review. Mr. Vargo questioned why is it that a property owner is able to use their backyard as a truck terminal? He felt that the Road Commission needs to put a stop to this. Engineer-Manager advised that staff has previously reviewed and found no violations to date.

## Legal Issues

Attorney Kelly Page provided the Board with some history regarding Ms. Dixie Kovach's questions raised in her letter read at a previous Board meeting. The opinion of counsel was such that the questions raised not in the venue of the Road Commission's responsibility; those are issues to be directed to the township, or through civil legal action amongst the involved property owners. Attorney Page responded to several Commissioner questions/comments. He mentioned that good words were given regarding the work done by the Road Commission for the Burnette Foods Economic Development Grant.

After a brief explanation of the MERS 457 Supplemental Retirement Program by Pardike and Hummel, it was recommended that the Board adopt the Resolution, as proposed. This is a voluntary program funded wholly by employee contributions with no employer contributions or costs to this Plan.

Motion by Svilpe, seconded by Ray to adopt the \*MERS Uniform 457 Supplemental Retirement Program Resolution and to authorize the Engineer-Manager and Board Secretary to execute the \*MERS 457 Participation Agreement.

AYES: 5  
NAYS: 0  
RESOLUTION ADOPTED.

\*A copy of the MERS Uniform 457 Supplemental Retirement Program Resolution and MERS 457 Participation Agreement are both on file at the Administrative Office of the Road Commission and is available for inspection upon calling (269) 674-3054.

Budget review by Board Secretary-Accountant Pardike. Bills total approximately \$700,000 in last two weeks; a large portion of which is sealcoat costs. MTF funds for September are approximately \$35,000 higher than last year and are currently at a pace to exceed 2004 MTF revenues. A lot of heavy maintenance activity has continued. Have received approximately 65% of anticipated funds. Received refund from the MCRCSIP of \$177,878 which is nearly the same as the 2014 refund (not yet included in the budget). Several line items will be watched closely as they are approaching 100% of budgeted expenditures. Pardike responded to several questions of the Board.

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

Voucher #1868	\$96,677.18
Voucher #1869	\$707,722.19

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Pardike provided the Board with a brief history of previous Resolutions passed by the Board relating to Public Act 152 of 2011, Publicly Funded Health Insurance Contribution Act. Motion by Ray, seconded by Svilpe to adopt the following Resolution:

### **RESOLUTION IMPOSING 80/20 HEALTH CARE RULE**

WHEREAS: Public Act 152 of 2011 sets a "hard cap" limiting the amount public employers can contribute towards the cost of employees' health care benefits; and,

WHEREAS: By a majority vote of its governing body, a local government can opt to comply with an alternate 80/20 provision in the law and cap its costs at 80%; and,

WHEREAS: By a two-thirds vote taken annually, a local government can exempt itself entirely from the law for the next year.

NOW, THEREFORE, BE IT RESOLVED: That the Board of County Road Commissioners of Van Buren County, by a majority vote, hereby opts to comply with the alternate 80/20 provision in the law and cap the Road Commission's costs at 80%, and its employees' costs at 20% for the year 2016.

IT IS FURTHER RESOLVED: That the above alternate provision shall apply to all Road Commission employees.

AYES: 5  
NAYS: 0  
RESOLUTION ADOPTED.

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

From August 19, 2015 to present:

Askew: Received call from constituent about potholes. Happy on service he received; timely action/solution to his request.

Boze: Complaints of water over road (or on it) on CR681 South of Territorial Road. CR687 (approximately 70<sup>th</sup> Avenue) someone cutting behind right-of-way near power lines. Staff has no knowledge and assumes that power company was clearing their right-of-way. Attended Township Supervisors' meeting.

Kinney: Attended Township Supervisors' meeting.

Ray: Attended Township Supervisors' meeting.

Svilpe: Attended Antwerp Township Board meeting, he called in the requests from that meeting. Attended Alma Township Board meeting, CR653 North of Paw Paw River, question on limits of the project. CR653 bridge status, requests for brush removal, township concerns of threes encroachment/overhanging, can they be "set back" or removed? Attended Porter Township on August 12; concerns over intersection signage on CR652 at 80<sup>th</sup> Avenue (already called in). Citizen concern over signage on CR652 at CR352 (already called in).

Svilpe requested special per diem for attendance at KATS Policy Committee Meeting. Motion by Askew, seconded by Kinney.

AYES: 4  
NAYS: 0  
ABSTAIN: 1 (Svilpe)  
MOTION CARRIED.

Highway Engineer Anttila reported on the following:

- 24<sup>th</sup> Street, Antwerp Township, paving and striping completed; restoration on Friday.
- Crescent Estates, Antwerp Township, curbs tomorrow, paving on Friday.
- 18<sup>th</sup> Avenue, Pine Grove Township, JL Milling is scheduled to come in the week of the 21<sup>st</sup> to take care of the pulverization of the roadway.
- CR388 over Butternut Creek, structure should be delivered the week of September 14<sup>th</sup>.

Engineer-Manager Update:

- Northern and Southern Joint Annual Meeting on September 15, 16 and 17 in Frankenmuth
- Countywide Snowplow Road-ee on September 14<sup>th</sup>. Staff and all municipalities invited to participate. Insurance Pool education sessions mandatory, equipment and health & wellness.

Adjourned meeting on Motion by Ray, seconded by Askew, to open a Regular Meeting of the Board of Public Works at 8:13 PM.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Motion by Kinney, seconded by Svilpe to reconvene the Regular Meeting of the Board of County Road Commissioners at 8:16 PM with all Board Members being present.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

Motion by Kinney, seconded by Askew to adjourn the Call of the Chair at 8:17 PM.

AYES: 5  
NAYS: 0  
MOTION CARRIED.

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Secretary

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Chairman