

MAY 1, 2007

The Board of County Road Commissioners for Montcalm County held a meeting at its office located in Stanton, Michigan at 3:00 p.m. on May 1, 2007.

Present: Commissioners Dale Linton, Robert Brundage and Donald McCracken; Randy Stearns, Managing Director; Mark Christensen, Superintendent; Bob Buckowing, County Highway Engineer; and Karen Swan, Finance Director-Clerk.

Moved by Brundage, seconded by McCracken, to approve the minutes of April 18, 2007 as presented. Motion carried.

Moved by Brundage, seconded by McCracken, to approve the agenda as presented. Motion carried.

Ten residents from Spring Grove Road in Sidney Township came before the Board to discuss the status of the lawsuit brought by some of the residents to determine whether the road should be private or public. The Road Commission has maintained this road for over 40 years and learned several years ago when the suit was filed that the road is actually shown as a private road on the plat and the plat was never amended to make it a public road—everything started when some of the residents requested the township board to pave the road. Ed Housler, spokesman for the residents, stated that it was his understanding that several years ago when the lawsuit first started, the Board advised the residents that it would continue to maintain the road until the Circuit Court made a determination—of course, no one figured it would be four years later and due to various circumstances there still would not be a determination. Because both the Township and the Road Commission have stated that they will not spend any more money on legal fees in this regard, and the Road Commission has stated that it will decide today whether or not to continue maintaining what is essentially a private road, the residents recently held a meeting at the township hall to decide where to go from here, because they not interested in spending any more money on legal fees either. According to Mr. Housler their goals are to define who among the residents want the road paved, whether or not they want the road to remain private or be changed to public, and how do they move forward. One result of the meeting was that the residents decided they could pave the road at their expense through a special assessment. A decision was made to circulate a petition and take it to the township to see if they would be willing to set up a special assessment district, and anyone opposing the improvement could voice their objections at that time. The petition is being circulated and they are anticipating that a majority of the residents are in favor of paving the road from the end of the existing pavement east to the end of the road. The residents are asking that the Road Commission continue to maintain the road while things are being worked out. Dale Linton stated that the Road Commission had agreed to continue maintaining the road until the lawsuit was settled; however, everyone figured it would take a few months and not four years; furthermore, the Road Commission is not supposed to knowingly maintain private roads unless at least 51 percent of the property owners petition their township board for a special assessment district so the residents can pay for the maintenance through the township. The special assessment would be for a five-year period and must be renewed before the end of the five-year period in order to continue road maintenance. Mr. Housler stated that the residents need to know what the maintenance cost would be, and Karen Swan stated she would e-mail the information to Mr. Housler. Mark Christensen stated that if the road remains private the residents could contract the paving and the maintenance themselves through private contractors rather than through the Road Commission. Mark also stated that if the residents decide to pave the road he hopes the township board would agree to overlay the existing pavement from Derby Road east at the same time. Mr. Housler stated that the residents would be holding another meeting at the township hall on Saturday, May 19th; Commissioner Linton stated that he would attend the meeting and be available for questions. The Board members then discussed a cutoff date for maintenance and stated that they would give the residents some time to get things settled before the Road Commission discontinues maintaining Spring Grove Road.

Moved by McCracken, seconded by Brundage, to continue the maintenance of Spring Grove Road, located east of Derby Road in Section 10 of Sidney Township, through July 31, 2007. Motion carried. Roll call: Yes-McCracken, Brundage, Linton.

Bob Moleski of Trufant came before the Board to ask its permission to place a permanent encroachment, a gate, across the right-of-way on Watt Street in Trufant. Mr. Moleski's young daughter is hearing impaired and because his property is located at a dead end, people driving recreational vehicles, e.g. snowmobiles and quads, sometimes come up the street from a nearby public boat landing and then turn around on his property, so he is concerned about his daughter's safety when she is playing outside. Mr. Moleski owns the property on both sides of the right-of-way and he would install the gate at his property line thereby not blocking access to anyone else's property. The Board stated it did not have an objection as long as Mr. Moleski applies for a permit and the County Highway Engineer looks at the location and spells out the particulars on the permit.

Moved by McCracken, seconded by Brundage, to allow Bob Moleski to install a gate across the platted right-of-way on Watt Street in Trufant in accordance with the County Highway Engineer's instructions. Motion carried. Roll call: Yes-McCracken, Brundage, Linton.

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Moved by Brundage, seconded by McCracken, to approve and adopt Policy No. 2007-02, Flexible Benefit Plan, as follows:

The Road Commission for Montcalm County, a Michigan governmental unit, hereby establishes, retroactively, the Road Commission's Flexible Benefits Plan (Plan), as set forth in this document.

The Road Commission is adopting this cafeteria plan to provide a means for cash compensation as follows:

1. To those employees who are covered under their spouse's health insurance plan and choose not to participate in the Road Commission's health care plan.
2. To those employees enrolled in the Road Commission's flexible health insurance plan and in which the Road Commission deposits funds in employees' health savings accounts to cover their deductibles.

This Plan is intended to meet the requirements of Section 125 of the Code as a cafeteria plan comprised of cash compensations.

The Road Commission may amend this Plan, retroactively or otherwise if necessary or advisable, for the purpose of conforming the Plan to the Code or to any other present or future laws and applicable regulations. The Road Commission also reserves the right to amend this Plan prospectively at any time and from time to time to change any of the terms, conditions, benefits or requirements. The Road Commission reserves the right to terminate this Plan at any time.

The Board names the Finance Director as administrator of the Plan and notifies all employees of the Road Commission that a procedure for participation in the Plan has been adopted by the Board of Road Commissioners and may be obtained from the administrator of the Plan.

Motion carried. Roll call: Yes-McCracken, Brundage, Linton.

Moved by Brundage, seconded by McCracken, to approve the following township contracts. Motion carried.

Ferris Township

- One application of chloride on local roads at 1,650 gpm - \$9,572.
- Two applications of chloride on local roads at 1,000 gpm - \$11,603.
- Machine wedge where needed on Willard Road, Douglas Road and Pine Grove Road - \$14,000.
- Place a 250# mat on Newcomb Road west of Crystal Road from end of existing pavement west 300 feet - \$4,697.

Home Township

- One application of chloride on local roads at 1,650 gpm - \$7,285.
- Two applications of chloride on local roads at 1,250 gpm - \$11,038.
- Paint centerline and edge lines on 13 miles of local paved roads - \$7,475.
- Salt stabilize Tamarack Road from Deja Road to Vickeryville Road - \$3,649.
- Gravel Deaner Road from Cedar Lake Road to Vickeryville Road - \$11,327.
- Gravel Deaner Road from Deja Road to Cedar Lake Road - \$11,327.

Manager's Report

- Reviewed correspondence from the Michigan DEQ. They are requiring the installation of two more monitoring wells at the Hattie Drake brine well in Crystal Township by June 1, 2007.
- Received, signed and sent back the Memorandum of Understanding with the Michigan Department of Transportation for the sale of the Road Commission's 2007 Federal Aid funds.
- We are pulling berms on gravel roads; as usual we are getting a lot of calls but this had to be done for drainage purposes.
- The contractor will be starting the centerline painting shortly; we are doing the primary roads on the west side of the county this year—west of M91.

Clerk's Report

- The MTF check is down again. May MTF is down \$22,786 or 4.9 percent compared to May 2006.
- Gave the Board a report of what was discussed with Ron Wohlford, CPA, the Finance Director at Wexford CRC, regarding trunkline accounting, suggestions for purchasing and use of new equipment on state trunklines, Other Post Employment Benefits (OPEB) and requirements for funding of same, long-term debt versus total fund balance, sale of property and buildings and how MDOT participates in proceeds, and pros and cons of commissioners negotiating labor agreements.

Superintendent's Report

- Met with Solid Waste Committee to go over the proposal to improve the east intersection of Cannonsville Road at Federal Road. The committee felt the cost was too high and asked that the project be scaled down. Delivered the new proposal to John Berchtold this afternoon.

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- Have been working with township people reviewing township contracts and discussing wedging on local roads. Requests for township contracts should be winding down now that they're getting into the May meeting cycle and contracts are due by the end of this month.

Engineer's Report

- Reviewed list of bridges that Scott Civil Engineering is suggesting we submit for Critical Bridge Funds. Submissions are due by June 1st.
- The plans for the Sloan Road Bridge have been submitted to the state; the engineer's estimated cost is \$491,205.
- The paperwork for the bridge on Federal Road isn't completed yet.
- The Building Department is looking at revising their private road ordinance; reviewed changes recommended by Bob Buckowing. Per Bob, Tom Mayan is also reviewing the proposed changes.

Moved by McCracken, seconded by Brundage, to approve the following bridges, per recommendation by Scott Civil Engineering Company, for submission to the Michigan Department of Transportation for future Critical Bridge funding: 1) Derby Road over Dickerson Creek (#7511)—current estimated cost of \$447,845 plus design and construction engineering costs of \$120,912; 2) Fenwick Road over Dickerson Creek (#7451)—current estimated cost of \$381,440 plus design and construction engineering costs of \$103,200; and Reed Road over Handy Creek (#7519)—current estimated cost of \$532,475 plus design and construction engineering costs of \$144,000. Motion carried. Roll call: Yes-McCracken, Brundage, Linton.

Discussed current Local Road Policy and the need to review and revise the policy before the October township meetings.

Moved by Brundage, seconded by McCracken, to approve the 5/1/07 bills totaling \$73,135.33 plus Payroll #9 totaling \$74,506.96. Motion carried. Roll call: Yes-McCracken, Brundage, Linton.

There being no further discussion, the meeting adjourned at 5:45 p.m.

Chairman

Clerk