

SEPTEMBER 12, 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 September 12, 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 August 15, 2007 as presented. Motion carried.

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

Steve Simon and George Burhance came before the Board to again discuss Mr. Burhance's request to abandon Division Avenue, an unimproved right-of-way located in Sunny Side Terrace Plat in Section 9 of Montcalm Township. Mr. Simon and Mr. Burhance are the only property owners who have property abutting the right-of-way. A public hearing was held on July 3, 2007, at which time Mr. Simon stated he was not completely in favor of the abandonment request. At that time the Board asked Mr. Simon and Mr. Burhance if they would take some time to discuss the issue to see if something could be worked out and asked them to come back to the board in September to see if this could be worked out. Mr. Simon stated he no longer objected to the abandonment request as long as Mr. Burhance agrees that he doesn't have to remove the stone retaining wall that is located on the north end of the right-of-way and mostly on Mr. Simon's side. Mr. Burhance stated he had no objection to leaving the stone wall. Karen Swan explained that the Road Commission cannot abandon right-of-way in a plat; however, the Board can relinquish jurisdiction to the township, which in turn can abandon the right-of-way and that it would then be up to Circuit Court to amend the plat.

The following resolution was offered by Commissioner Brundage, and seconded by Commissioner McCracken:

WHEREAS, the Road Commission for Montcalm County has received a request to discontinue and abandon Division Avenue, an unimproved public right-of-way, described as follows: A 24-foot wide by 140-foot long strip of land located between Lots 48, 49, 70 and 71 in Sunny Side Terrace Plat, which is located in Section 9, T10N, R8W, Montcalm Township, Montcalm County, Michigan; and

WHEREAS, the abutting property owners are in agreement to abandon said right-of-way; and

WHEREAS, an on-site review of said right-of-way was done by the Superintendent; and

WHEREAS, the Board of County Road Commissioners of Montcalm County held a public hearing on July 3, 2007;

NOW, THEREFORE, BE IT RESOLVED that it is determined by the Board of County Road Commissioners that it is in the best interest of the public that jurisdiction of the above-described platted road right-of-way be relinquished to Montcalm Township; and

BE IT FURTHER RESOLVED that a copy of this resolution be published in a newspaper printed and circulated in this county, once each week for three successive weeks, a copy forwarded to the Montcalm County Register of Deeds, the Montcalm Township Board, and the Michigan Department of Transportation and a copy of same be placed on file.

YEAS: McCracken, Brundage, Linton.

NAYS: None

RESOLUTION DECLARED ADOPTED.

Jerry Stone of Strait Tow Boulevard at Crystal Lake came before the Board to discuss a seawall that has been built in the road right-of-way at the east end of the unimproved right-of-way for Thelma Drive east of Strait Tow Boulevard. Mr. Stone stated that he would like to go on record that it is a public access to Crystal Lake and that access cannot be impeded, whether it be by a seawall, a dock, a boat hoist, etc. Mr. Stone stated that the seawall was constructed by some of the back lot owners and should be removed so that the public can access the lake. Mr. Stone stated that in the past the right-of-way has been used by boat owners to launch and remove their boats. The Board directed the Manager or Finance Director to contact legal counsel to determine what the law states.

Jim Schulte, property owner, and Greg Ray, contractor for Mr. Schulte, came before the Board to request a variance to allow encroachment in the road right-of-way of the west end of a concrete block retaining wall that is being built, and nearing completion, on the south side of North Shore Drive at Crystal Lake. Mr. Schulte and Mr. Ray stated that they obtained a permit from the county's Building Department but were not aware that they were building in the road right-of-way and needed permission from the Road Commission. After reviewing the owner's plans and pictures taken by the County

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Highway Engineer, the Board stated that it did not have an objection to the retaining wall but that the contractor would have to tie the concrete cap running parallel to the edge of the road into the road in such a way as to provide proper drainage away from the road.

Moved by McCracken, seconded by Brundage, to approve the request by Jim Schulte to allow the encroachment of the concrete block retaining wall on the south side of the public road right-of-way on North Shore Drive (Colby Road) in Section 7 of Crystal Township contingent upon the contractor providing proper drainage for water coming off the road and the retaining wall cap. Motion carried. Roll call: Yes-McCracken, Brundage, Linton.

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

Eureka Township

- Paint centerline and edge lines on 8.95 miles of various local roads - \$5,471.

Moved by Brundage, seconded by McCracken, to approve changes, as presented, to the Local Road Policy. Motion carried. Roll call: Yes-McCracken, Brundage, Linton.

Manager's Report

- Received a call from Patrick Schuster, former Winfield Township supervisor, regarding the 4-H fairgrounds to be built north of Peck Road behind the Road Commission's garage in Montcalm Township. If the fair board would pay for it, would the Road Commission be willing to build the roads in the fairgrounds? The Board stated it would like some more information and also needs to know if it can legally work for the fair board.
- The paving on Fenwick Road between Crystal Road and Mt. Hope Road has been completed. The first course of asphalt has been put down on Bailey Road from Coral Road to Briggs Road; the second course will be done next year when we receive the 2008 Federal Aid funds.
- We had a bridge failure on Grow Road south of Snows Lake Road in Fairplain Township. LS Engineering and Krenn Bridge both looked at it and made recommendations for repairs. Repairs were made and yesterday a base course of pavement was put down and the second course will be done today.
- The residents along the private part of Spring Grove Road have asked if the Road Commission would reconsider the price that was quoted for winter maintenance. The Board stated that it would not consider changing the price and that the residents are free to hire a private contractor to do the work.

Superintendent's Report

- Township work is pretty wrapped up; just a few small paving projects that can be done after October 1st. We have one township to chloride tomorrow and possibly one more in October.
- Attended an MDOT meeting in Grand Rapids today; it was time well spent. The main topic of discussion was winter maintenance of state trunklines between counties and how best to accomplish a smooth transition between counties.

Engineer's Report

- The contractor has poured the south abutment on the Blackmer Road Bridge; the north one will be done next week. Things are pretty much on schedule; no complaints.
- The County's Private Road Ordinance has some new wording that I question. The County would like the Road Commission to review plans inspect private roads during construction. The Board stated that the Road Commission has no jurisdiction over private roads, and that we do not have the manpower to provide these services. Suggested that the County require developers of private roads to provide written certification by a licensed engineer that the road is built to the Road Commission's standards if that is what the county is requiring.

Clerk's Report

- I am working on the 2008 budget and need to know what the Board's thoughts are regarding salaried wages?

Moved by McCracken, seconded by Brundage, to freeze the wages for all salaried employees based on their 2007 wage rates for the coming fiscal year, which starts October 1, 2007. Motion carried. Roll call: Yes-McCracken, Brundage, Linton.

Moved by McCracken, seconded by Brundage, to approve the 9/12/07 bills totaling \$975,920.07 and Payroll #19 totaling \$72,621.48. Motion carried. Roll call: Yes-McCracken, Brundage, Linton.

There being no further business the meeting adjourned at 5:38 p.m.

Chairman

Clerk