

MINUTES
EMMET COUNTY ROAD COMMISSION
HARBOR SPRINGS, MICHIGAN

The Emmet County Board of Road Commissioners met in regular session at the office in Harbor Springs, September 20, 2019. The meeting was called to order by Chairman Zulski at 8:00 a.m.

Commissioners Present:

Frank Zulski - Chairman Robert Notestine - Vice Chairman Larry Williams - Member

Staff Present:

Brian Gutowski - Engineer-Manager	John Gray - South End Road Foreman
Robert Genson - Equipment Superintendent	Shawn Beckman - Project Manager
Tori Thompson - Administrative Assistant	James Godzik – Permit/CAAD Technician

Guests Present:

James Kargo – Emmet County Commissioner	Alice Conrad – Springvale Township
Gordon & Edith Kruskie – Readmond Township	Cindy Baiardi – West Traverse Township
Bill Dohm – Little Traverse Township	Dennis Keiser – Bear Creek Township
Toni Drier – Emmet County Commissioner	Mary Zulski

MINUTES: It was moved by Larry Williams, seconded by Robert Notestine, to approve the regular session minutes of September 5, 2019.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

ACCOUNTS PAYABLE: The List of Accounts Payable, Voucher No. 1937, checks numbering 45976 through 46035, in the amount of \$696,914.09, was presented for approval. It was moved by Robert Notestine, seconded by Larry Williams, to approve accounts payable for payment of the same.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

PAYROLL: Voucher No. 1938 for Payroll No. 19, checks numbering 55110 through 55167, for regular payroll in the amount of \$97,871.48, was presented for approval. It was moved by Larry Williams, seconded by Robert Notestine, to approve payroll for payment of the same.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

UNFINISHED BUSINESS: None

PUBLIC COMMENT:

- a. Bill Dohm, Little Traverse Township Supervisor, requested during the January Township Meeting for a safety engineering study at the corner of Pleasantview and Hathaway Roads. He is now having residents ask for a speed study in this same area. He is requesting a safety engineering study be conducted at this corner due to an infant fatality that recently occurred.

- b. Dennis Keiser, Bear Creek Township Supervisor, inquired what MDOT is doing at the Lears Road and US 31 intersection as it looks like they are installing cameras. Zulski asked Gutowski to check with MDOT on this.

APPOINTMENTS:

- a. 8:15 a.m.: Public Hearing - Proposed Cedar Valley Road Reconstruction Project from Atkins Road to Greenwood Road for .50 miles in Bear Creek Township Township. It was moved by Larry Williams, seconded by Robert Notestine, to begin the public hearing.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

The public hearing was posted in the Petoskey News Review and no written comments were received. There were three calls for comment. Receiving no additional comments, it was moved by Robert Notestine, seconded by Frank Zulski, to end the public hearing.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

NEW BUSINESS:

- a. It was moved by Frank Zulski, seconded by Robert Notestine, to sign the contract for the Pointe Drive Ultra-thin Asphalt Project with Rieth-Riley.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

- b. Bids were reviewed for the Cedar Valley Road Reconstruction Project. The decision to award the bid was postponed until the next meeting.

- c. Signing the contracts with Bear Creek Township for the Cedar Valley Road Reconstruction Project was discussed. The decision to sign the contract was postponed until the next meeting.
- d. Emmet County Road Commission recently learned of property under its ownership on M 68 in Littlefield Township. Godzik discussed how the property was discovered as well as potential problems that may arise when trying to split and sell the property. We will work with the adjoining property owner and Flynn's Excavating when deciding to sell this property. Godzik will determine the location of the property irons and lines as well as the value so the best options to proceed can be determined. He will also find out when the building in our ROW was built on our deeded property. It was discussed that the size of the parcel is too small to build on or be of use to the road commission but the next step will be an appraisal. Toni Drier, Emmet County Commissioner, suggested a county wide search through GIS be conducted to determine if there are more parcels that the road commission is unaware of.
- e. It was moved by Frank Zuluski, seconded by Robert Notestine, to move the next board meeting from Friday, October 4 to Monday, October 7, due to the MERS Annual Conference.

Ayes: Notestine, Williams, Zuluski

Nays: None

Motion carried

CORRESPONDENCE: None

ENGINEER-MANAGER'S REPORT: Gutowski reported the following:

- Beach Drive received substantial damage during a recent storm involving a strong south wind and 5 to 7 foot waves. Road Foreman John Gray reported he received a call from Bill Dohm, Little Traverse Township Supervisor, about water on the road. As he inspected the location, he determined there was significant and extensive damage with 6 to 8 inches of sand, gravel, cement and stone covering the whole road. The erosion is so bad it is right to the edge of the blacktop. There is not really much we can do at this point, anything we put in there is going to wash out. We lost a couple feet of pavement in several sections. Much of the cedar hedges are blown out and the water is right up to the base of the road.
- Gutowski discussed conversation he had with Bill Dohm, Arden Bawkey, Emmet County Drain Commissioner, and the Wequetonsing Association and learned a property owner received approval from the Army Corp of Engineers to remove the rip rap protection on Beach Drive in 2015. In 2018, they had someone come in and remove the stone, but due

to the rising water levels, that is the area that blew out. On Monday morning, the water was right up to the edge of the road and Lake Michigan is really high right now.

Whenever there is a south wind the water is going to blow through this area.

- Gutowski has had discussion with Bill Henn, the attorney for our insurance pool and deals with right-of-way issues. His legal opinion is we have the right to close the road until repairs are made. The repair that needs to be made is the protection needs to be put back in. The question is who is going to do the repair.
- Wequetonsing Association and Wequetonsing Land Owner's Association are involved. We will set up meeting with both within the next week or so because they want the road back open. Gutowski told them what the terms would be to fix the issue and get the road back open. He also has talked with the Department of Environment, Great Lakes and Energy and the Army Corp of Engineer and they are willing to give a permit to put the rock back in. According to the prior permit, Harbor Springs Excavating did the work and the material was taken to Sackrider's pit, which most likely is no longer there. Godzik commented that the concrete that had been on the shore earlier contained rebar and the property owner wanted it removed. He discussed the new permit would allow stone or rock to be placed back in the area. He then went on to discuss the right-of-way in this area is only 23 feet. We have right-of-way from paved edge to paved edge, everything outside of that is out of our right-of-way.
- Dohm commented it doesn't make any difference who is going to pay for it, it needs to get done. We can't leave this road like this through the winter. We need to figure how to do it and get it done as there are tens of millions of dollars of homes in that area. Wequetonsing Association should not be involved in this as it is not in their area. The damage is done on the other end which is all private property and the association doesn't own any property in that area. The lady was adamant we pull the rip rap out of her pristine environment because it was broken concrete with re-rod sticking out of it. Dohm told her they would not pull it out and the property owner went to the Army Corp of Engineers to pull out up to 70 cubic yards of material and put in up to 70 cubic yards back in and she put in about 5 cubic yards of material. He talked with Tom Gallagher about replacing it with rock like they use in Petoskey along the shoreline, but if we do that we basically bowed down to her demands because that is what she wanted to begin with. We can't sit here and argue whose going to fix it. We have to design something to fix it and get on with it and argue about who is going to pay for it later as we have to keep this road open. Furthermore, we should go down there with our equipment as one of the comments from one of the property owners is my tax bill was \$40,000 and I don't expect to look at a gravel pit. The damage is all on the road not on private property. We can't sit here and argue about how we are going to do this we have to figure out how to do this and get it done.
- Zulski, we cannot do anything out of our right-of-way. Dohm said if worse comes to worse, condemn the property on the other side of the road and get on with it. Godzik

and Dohm went on to discuss land ownership and membership in the Wequetonsing Association and Wequetonsing Land Owner's Association and who may be involved and responsibilities.

- Zulski inquired on the limit for emergency spending and Gutowski stated the limit is \$50,000 which would only start the process. They went on to discuss the right-of-way, repairs on private property, and consent.
- Dohm commented the Army Corp of Engineer indicated they would allow the rock be replaced based upon the existing permit standards that have not been fulfilled. He climbed all over them because they allowed this to begin with after tax payers put the material in there and then allowed a private citizen to take it out exposing our road. He spoke with Tom Gallagher about what it would cost to replace the stone and it wasn't a significant amount. He talked with him about how much he took out, how much he put back in and what it would take to do this.
- Gutowski stated the DEGLE permit is still good but we have to apply for an Army Corp permit. A portion of the pavement would have to be cut out and replaced as well as the shoulders. He stated he would like one board member at the meeting next week. Dohm offered Little Traverse Township Hall for the meeting. Dohm stated the road needs to be cleaned up but Gutowski stated the attorney said to keep it closed to the public until the rip rap is put in. Dohm stated this is a well groomed area and these people pay a lot of money that goes into roads elsewhere.
- It was moved by Frank Zulski, seconded by Larry Williams, to authorize Gutowski to take the necessary action to make the repairs as quickly as possible and expedite things instead of waiting for the next meeting to make a decision. Notestine questioned if things are taken care of will it lesson our bargaining position with people being willing to participate in the cost. Dohm stated he doesn't think it is their responsibility as they are really good to deal with and are generous in a big way and if the road commission doesn't show good effort, good faith and taking care of the problem that is our responsibility, the road commissions and the townships, he doesn't think we should do that as we have to do it anyway. Gutowski stated he talked with Shirley and they may be willing to help out financially. He asked Gray to make arrangements and clean it up on Monday. Jim Kargol, Emmet County Commissioner, commented it has been an issue in the past with water and gravel coming onto the road. He suggests when you put the material back in there, keep that in mind when fixing any issues that this has been a bad section of road in the past.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

- Cherry Lane update in Resort Township was given where the property owner discovered after he purchased the house that there was a spring under his house. He redirected water to run from his home to the shoulder of the road on Cherry Lane. This caused flooding on Indian Garden Road for other property owners and this saturated their lawn. The property owners contacted us and Gutowski involved Arden Bawkey and DEGLE, and DEGLE wasn't willing to do anything but tell us we could sue. Gutowski then involved our insurance pool attorney Bill Henn. A letter was sent to the property owner stating he has 30 days to fix the issue or we will sue them as this has to be cleaned up before the winter. Gutowski would like to set up a meeting with the property owner, Resort Township and ECRC.
- Job Fair at North Central Michigan College, Friday, October 18 from 9:30-1:30 pm. Zulski is willing to spend most of the time there and Notestine will also participate. If we are not able to have equipment there we could have large pictures of our equipment and work being done so they can get a visual idea of what we do.
- Mike Reeves - Resort Township salt shed location for 2.5 acres exchange with work on Camp Petosega. Still in the works, but he would like us to put a formal offer in writing. Dennis Keiser commented on the time schedule to complete this work and still fulfill our commitments.
- Northern Regional Bridge Council Meeting next week in Gaylord for MDOT bridge funding
- MCRCSIP Meeting in Mt. Pleasant, September 24
- Meeting regarding Beach Drive at Little Traverse Township Hall, September 25
- MERS Conference October 2-4 in Traverse City

SUPERVISOR'S REPORT: Beckman reported the following:

- Two BIA projects
- State Road six miles has started Wednesday
- Pleasantview Road is almost done. Striping is done with work occurring on the snowmobile crossing today
- Clayton Road has been paved but restorations still need to be done
- Finishing up punch lists on a few different projects
- Stutsmanville Road project will resume on Monday for more tree cutting
- Atkins Road has been pushed back to starting next Wednesday
- Working on breakdowns and getting invoices out
- Carry- over work from the lockouts last year has pushed a few projects' start dates back

PERMIT/CAD REPORT: Godzik will make phone calls and send emails to get the meeting set up for September 25.

EQUIPMENT SUPERINTENDENT'S REPORT: Genson reported getting trucks switched over for winter. The first new truck is being built at Truck and Trailer Specialties; the second truck is not in yet. Zulski was speaking with Charlevoix County Road Commission and they were told it takes 24 to 28 months to get a new truck.

COMMISSIONERS' REPORT: Commissioner Notestine stated he hopes the crew gets a little bit of a break between now and winter. Notestine overheard people commenting that roads are much better in Emmet County than Isabella County as far as winter maintenance is concerned and would like that relayed to the crew. Zulski stated a lot of that credit goes to the Townships for being willing to work with the roads the past 15 years.

Commissioner Zulski stated the new pavement on State Road is a little bit greasy and the shoulder drop is significant. He is hoping they will complete the shoulders rapidly. He also discussed the financial situation and stated we really need to tighten up in areas and do not want to pull money from accounts for anything other than their intended use. Zulski asked how using a grader to plow snow worked out as a backup necessity and Gray stated it worked great. Gutowski suggested a Finance Meeting/Work Session after the November 1 Board Meeting. He also will begin the process for setting up the Annual Township Meetings.

ROAD FOREMAN'S REPORT: Gray reported getting maintenance issues fixed now that wedging and sealcoat projects have been completed. Mitchell Road Berry Creek dip has been repaired, Crooked River culvert is paved and Wildwood will be paved today.

FINANCE DIRECTOR REPORT: None

PUBLIC COMMENT:

- a. Gordon Kruskie, Readmond Township Supervisor, commented on a discussion with Arden Bawkey and the drainage issue on M119. They plan to set up a meeting and he requested someone from the Road Commission is present to help answer questions.
- b. Jim Kargol, Emmet County Commissioner, inquired on the Cedar Valley Road Project and the intended width. Gutowski answered it will be 28 feet wide. Kargol also commented on larger trucks running on Greenwood and he is hoping they will use Cedar Valley instead. Godzik stated they are sure to permit Cedar Valley to Atkins to McDougal.

With no further business, Commissioner Zulski adjourned the meeting at 9:01 a.m.



Lisa Kleeman, Finance Director-Clerk of the Board

10-7-19

Date