

MINUTES  
EMMET COUNTY ROAD COMMISSION  
HARBOR SPRINGS, MICHIGAN

The Emmet County Board of Road Commissioners met in regular session at the offices in Harbor Springs on May 3, 2018. The Chairman, Frank Zulski, called the meeting to order at 8:00 a.m.

Commissioners Present: Frank Zulski-Chairman, Leroy Sumner-Vice Chairman, Larry Williams-Member

Staff Present: Brian Gutowski-Engineer-Manager, Bob Genson-Equipment Superintendent, Shawn Beckman-Project Manager, James Godzik-Permit/CADD Tech, James Kargol-Road Foreman, Ed Zmikly-Road Foreman, and Lisa Kleeman-Finance Director/Clerk of the Board.

Guests Present:

Caroline Keson – LTBB	Gordon & Edith Kruskie – Readmond Township
John Baker – West Traverse Township	Lauren Dey - LTBB
Bill Dohm – Little Traverse Township	Robert Verschaeve – Gosling Czubak
Karla Buckmaster – Bear Creek Township	DJ Shook-GT Bay of Ottawa/Chippewa Indians
Fred & Betty Keck – Bear Creek Township	Mark Drier- McKinley Township
Alice Morrow – Bear Creek Township	Betty Readmond – McKinley Township
Leonard Readmond – McKinley Township	Lee Keck – Emmet County Road Commission
Dennis Keiser – Bear Creek Township	Gary Litzner-Emmet County Road Commission
Robert Rogier – Pleasantview Township	Lyle Spierling – McKinley Township
John Cannon – Reed Road Property	Kris Derz – LTBB
Daugherty Johnson – LTBB	Chris Pierce – CRA
Andy Roush – Atkins Road	Ethan Swiger – Atkins Road

MINUTES: It was moved by Leroy Sumner, seconded by Larry Williams, to approve the open and closed meeting minutes of April 20, 2018 and special meeting minutes of April 26, 2018. Commissioner Zulski noted one change that was needed in the closed meeting minutes.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

ACCOUNTS PAYABLE: The List of Accounts Payable, Voucher No. 1817, checks numbering from No. 44251 to No. 44283, in the amount of \$260,999.79, was presented for approval. It was moved by Larry Williams, seconded by Leroy Sumner, to approve accounts payable for payment of the same.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

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PAYROLL: Voucher No. 1818 for Payroll No.9, checks numbering from No. 52939 to No. 52995 for regular payroll, in the amount of \$90,599.25 was presented for approval. It was moved by Leroy Sumner, seconded by Larry Williams, to approve payroll for payment of the same.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

UNFINISHED BUSINESS:

- a. Discussed approval of Valley Road Ultra-thin and Scheirschmidt Road Asphalt Overlay projects in Pleasantview Township. Low bid for Valley Road was Rieth-Riley in the amount of \$48,450.80 and low bid for Scheirschmidt Road was Spierling Trucking in the amount of \$21,210.00. Upon Supervisor Rogier's agreement, it was moved by Leroy Sumner, seconded by Larry Williams to award the bids as stated above.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- b. Discussed signing the contracts with Pleasantview Township for the Valley Road Ultra-thin and Scheirschmidt Road Overlay projects. It was moved by Larry Williams, seconded by Leroy Sumner, to sign the contracts.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

PUBLIC COMMENT: None

APPOINTMENTS:

- a. 8:15 a.m. Public Hearing Re: Atkins Road from Maplewood Road then west for .83 miles reconstruction project in Bear Creek Township. It was moved by Larry Williams, seconded by Leroy Sumner, to begin the public hearing.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

Gutowski announced there have been no comments received prior to the public hearing and it was advertised in the Petoskey News Review. There were three calls for comment. Andy Roush has a business on that section of Atkins Road and inquired about improving sight lines near his winery's entrance. Beckman responded regarding lowering and raising the road and the effect on driveways and neighboring driveways. He suggested there will be some improvements to site distance. Mr. Roush would be willing to reshape his driveway, help move his neighbor's garden, and do what he can as he is concerned there will be a death in this area. Ethan Swiger, a neighbor directly across from Mr. Roush, asked what could be done to his driveway to accommodate safe changes to the site distance. Dennis Keiser, Township Supervisor, stated the plan was to lower both hills but the changes to driveways would have been drastic and getting grading easements too difficult. Commissioner Williams asked about potential for a second look and Gutowski affirmed this is possible and stated that when the bid is awarded some changes could be negotiated with the contractor. Mr. Roush and Swiger are willing to meet to work on negotiated changes and Mr. Roush offered access to fill dirt if needed. Receiving no additional comments, it was moved by Leroy Sumner, seconded by Larry Williams, to end the public hearing.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- b. 8:20 a.m. Public Hearing Re: Maplewood Road from Atkins Road then west for .15 miles reconstruction project in Bear Creek Township. It was moved by Larry Williams, seconded by Leroy Sumner, to begin the public hearing.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

Gutowski announced there have been no comments received prior to the public hearing and it was advertised in the Petoskey News Review. There were three calls for comment. Fred and Betty Keck expressed many questions and comments regarding moving the seasonal sign, placement of the turnaround and location of the current road. Gutowski, Beckman, Godzik and Kargol addressed the questions. Dennis Keiser asked for the proposed centerline of road to be marked and Gutowski agreed it could be done. Keiser is concerned the roads will line up and work correctly with drainage if we don't do Maplewood project. Gutowski and Beckman addressed layout of proposed projects, drainage and options. Mr. Keck also inquired about the dip by the culvert off Atkins and Beckman responded. Zulski said they would take the comments

under consideration. Receiving no additional comments, it was moved by Larry Williams, seconded by Leroy Sumner, to end the public hearing.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- c. At 8:45 a.m. there was a brief recess to set up a power point regarding Reed Road over Van Creek. Gutowski presented current pictures of the water flow at Reed Road over Van Creek showing the undersized culverts are holding back a lot of water. He discussed the purpose of the grant is to place proper sized culverts to allow Van Creek to establish it's natural shape, lower the upper edge and cut its own channel downstream. He also gave a history on roads where this process has worked before.

DJ Shook, with Grand Traverse Band of Ottawa and Chippewa Indians, in a partnership role out of the USDA Natural Resources Conservation Service office, provides conservation technical assistance for farm bill program applicants. The Little Traverse Bay Band of Odawa Indians applied for a funding program to address multiple natural resource concerns with the Van Creek crossing of Reed Road affecting water quality and fish passage, and a timber bridge would address those concerns.

Caroline Keson, Water Quality Specialist with the Little Traverse Bay Band of Odawa Indians, has done the engineering on this project. She presented different options, one of which include taking the road out which would be the best option for fish and she also discussed a timber bridge. She described what will happen if we do not fix this and lose the road because of a culvert failure. She discussed funding and announced the tribe has also applied for a grant for two crossings downstream on the bike trail. When presenting the options, the goal is to balance costs, resources and transportation concerns.

DJ Shook, through a request from the tribe to NRCS, assessed the downstream flooding hazard if we leave the existing culverts or place a timber bridge. He provided very detailed information on flood flows based on existing conditions and proposed flow based on a 100 year flood event. He said water is going to go over the road with a 100 year event with the scenario assuming the road will hold but most likely the road will wash out. Commissioner Williams asked where beaver dams come into this. Mr. Shook answered the dams could affect the watershed. Zulski asked whose responsibility is it to deal with the beaver dams. Shook stated the dams will have an independent affect and the DNR can give permits to deal with nuisance beaver and it is not the responsibility of the Road Commission to deal with dams on private land but Williams stated

we get to deal with effects. There were also questions about sediment that will come through the crossing and other effects on the Village of Van.

Gutowski discussed water levels and issues that major flooding events could cause if we don't lower the water on the west side of the road. He stated all the studies indicate there is less of a chance of a flood if we place the timber structure and there are problems with the way it is now. Mark Drier, Township Supervisor, stated several comments about flooding the Village of Van, not having banks if the creek cuts in the wrong place and what will happen on the east side. He also stated at the township meeting earlier this year they discussed wanting a box culvert and not a timber bridge. Zulski said concrete box culverts retain frost, back up the water and impede flow. He has looked this issue and the water will still flow where it needs to. Zulski said we need to ask the DNR to open the two culverts at the railroad. He also stated according to engineering and rationale it should not change, the water should go where it needs to and won't back up.

Drier inquired about placing the timber structure before knowing about funding for the railroad culverts. Ms. Keson has addressed the proposal and the tribe is committed to replacing the culverts at the bike trail. Gutowski stated the expiration date of funding for the timber structure is September 2019. Drier said we can't open one opening without doing the other. Zulski said we are responsible for a blow out on the road now and we need to lower the water on the west side. Drier asked more questions about water flow and ditching.

Shook stated the bike trail culverts have a larger hydraulic opening than Van Creek now and the analysis shows with a 100 year event the water will still flow under the bike trail. He also stated replacing undersize road stream crossings is very common throughout the state and it is not a real claim that the water will be backed up or it creates more water. When hydraulic pressure builds up, it causes downstream scour, erodes stream banks, and prevents fish migration up stream. Nothing changes about the volume of water, just velocity. There is not a natural crossing currently and sediment continues to be flushed downstream. We are not creating more water.

There was more discussion on working with the drain commissioner on beaver dam hazards, water levels, using the current culverts as a dam, responsibility for flooding and liability. Zulski said the Road Commission is liable when we are notified of hazard and we have to take proper action. All engineering studies show we are facing a pretty severe liability if we do not take action on this. We are trying to eliminate a future hazard to Van now that we have the studies. We cannot say it won't happen in a 100 year event. We can't give 100% assurance, but can give assurance the information given to him will make the situation better. He has to go with the engineer's recommendations.

Zulski stated there will be a public hearing on this topic. There were also concerns about releasing the water too quickly and Zulski said the project would wait until the driest part of the summer. Zulski also expressed concern of the beaver dams holding the water higher and backing it up through the bridge. Timing of the beaver dam removal is also an issue. Shook agreed the beaver dam is the primary hydraulic effect controlling the water, channel and back water.

Drier asked about funding for this project and what can be done to better Reed Road. Zulski discussed using Afton stone for better drainage and safety. Gutowski mentioned the use of Forest Funds as the tribe has already contributed as well as CRA. Zulski said there will be an opportunity to discuss options and funding. We have been advised what can happen and that's worse than dealing with what can happen if we do it, we are trying to act in the best interest.

Drier's final statement was that he agrees with Zulski's comments but he also advised on behalf of taxpayers, if we affect harm on Van if the project goes wrong, who will take responsibility? Gutowski said the same amount of water will go through if we do this, but the big caveat is the beaver dams. Zulski said the flow pattern should not change. There has to be a public hearing on this. It was moved by Zulski to proceed with plans, it was seconded by Williams.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

NEW BUSINESS:

- a. Setting up a Defined Benefit Plan Surplus Division for all three MERS DB Divisions was discussed. It was moved by Leroy Sumner, seconded by Larry Williams, to approve setting up the surplus divisions.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- b. Discussion occurred regarding signing the contract with Carp Lake Township for asphalt wedging on various roads in the amount up to \$60,000. It was moved by Larry Williams, seconded by Leroy Sumner, to sign the contract.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- c. Bids were reviewed for the Woodland Road Bridge supply for the Maple River Timber Bridge project in Maple River Township. The lowest bid was Krenn Timber Bridge, Inc. in the amount of \$303,778.72. It was moved by Frank Zulski, seconded by Larry Williams, to award the bid to Krenn Timber Bridge, Inc.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

Gutowski stated the Conservation Resource Alliance bid for dam removal was awarded to Elmer's Crane & Dozer for \$1,404,000 and the project is to begin in July. Part of the bid award is for them to remove the culvert and complete the bridge piers and abutments. It was moved by Leroy Sumner, seconded by Larry Williams, to approve the award.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- d. Bids were reviewed for the Lake Grove Ultra-thin Asphalt project in Resort Township. The lowest bid was Payne & Dolan in the amount of \$283,805.00 which was considerably higher than the project estimate of \$198,000. Gutowski spoke with Supervisor Wheaton who requested the decision be postponed until the next meeting on 5/17/18. He also informed the Board for the reason in increased prices. Zulski asked that future bid tabulations have the project estimate listed.
- e. Discussion occurred regarding signing the contract with Resort Township for the Lake Grove Ultra-thin Asphalt project. This item was postponed until the next meeting.

CORRESPONDENCE: None

ENGINEER-MANAGER'S REPORT: Gutowski reported that at the next meeting he will have bid information on the Atkins Road and Maplewood Road Reconstruction projects. He also listed the following:

May 14 - Annual report to Emmet County Board of Commissioners at 6:00 p.m. There will be a different process this year and he and Kleeman will attend to answer any questions they may have.

May 17 - Petoskey Regional Transportation Meeting at 1:00 p.m. at Bear Creek Township Hall. He will attend with Commissioner Sumner.

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SUPERVISOR'S REPORT: Beckman reported the Middle Road Bridge deck is removed, detour is working, and material deliveries are occurring. There has been a gas line conflict and we are meeting with DTE today and they will probably shift the line to the west.

PERMIT/CAD REPORT: None

EQUIPMENT SUPERINTENDENT'S REPORT: Genson reported he has negotiated just under a \$17,000 trade-in on each hot patcher with Falcon and we should receive our new ones in about 45 days. He gave an update on his conference with Monroe and they have agreed to help with replacing about \$4,000 worth of equipment.

COMMISSIONERS' REPORT: Commissioner Zulski discussed the road damage done from the previous winter and asked Gutowski to look at primary routes that blew out and prioritize the ones with highest danger. Gutowski stated he has decided to wedge Cecil Bay Road from Gill Road to Oliver Road along with Larks Lake Road hills and curves. Zulski stated putting additional equipment purchases on hold until later in the year and more wedging has been completed. Beckman discussed his meeting with Rieth-Riley and wedging on State Road and Robinson Road. He suggested having them hit some centerline blow outs even though we may run over in quantities. Zulski and Gutowski agreed we need to do it right, having Beckman and Godzik monitor asphalt quantities. Zulski asked the Board be kept apprised of MTF funding and the budget in order to make more decisions for wedging as the year progresses.

ROAD FOREMAN'S REPORT: None

FINANCE DIRECTOR REPORT: None

PUBLIC COMMENT: None

Commissioner Zulski called for a five minute recess at 9:45 a.m.

Commissioner Zulski asked for a motion to go into closed session at 9:50 a.m. to discuss Teamsters Local 214 contract negotiations. It was moved by Leroy Sumner, seconded by Larry Williams, to go into closed session.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

It was moved by Larry Williams, seconded by Leroy Sumner, to return to open session at 10:11 a.m.



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Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

With no further business, Commissioner Zulski adjourned the meeting at 10:11 a.m.



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Lisa Kleeman – Finance Director/Clerk of the Board



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Date