

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 July 12, 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

Shawn Beckman - Project Manager

James Godzik - Permit/CADD Tech

Robert Genson - Equipment Superintendent

Lisa Kleeman - Finance Director/Clerk of the Board

James Kargol - Road Foreman

Guests Present:

Toni Drier – Emmet County Commissioner

Gordon Kruskie – Readmond Township

Dennis Keiser – Bear Creek Township

Bob Sandford – West Traverse Township

MINUTES: It was moved by Leroy Sumner, seconded by Larry Williams, to approve the open meeting minutes of July 2, 2018.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

ACCOUNTS PAYABLE: The List of Accounts Payable, Voucher No. 1827, checks numbering from No. 44479 to No. 44544, in the amount of \$614,510.81, 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

PAYROLL: Voucher No. 1828 for Payroll No. 14, checks numbering from No. 53237 to No. 53296 for regular payroll, in the amount of \$92,277.94, was presented for approval. It was moved by Leroy Sumner, seconded by Frank Zulski, to approve payroll for payment of the same.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

UNFINISHED BUSINESS:

- a. Discussion occurred regarding the approval of Policy No. 2018-048, Communication Services Provider Facility Permitting, to comply with the recently passed legislation amending the right-of-way statute, MCL 224.196 which took effect July 1, 2018. MCRCSIP has asked that our agency adopt this policy and pass a resolution to that effect. It was moved by Leroy Sumner, seconded by Larry Williams, to adopt the policy as attached. Questions arose about the legislation and policy stating the total amount that can be charged for permits per project. Gutowski will seek clarity regarding a project scope definition and discuss this at the meeting on July 26, 2018.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

PUBLIC COMMENT:

- a. Dennis Keiser, Bear Creek Township, recommended bids go out earlier next year for better prices on asphalt.
- b. Gordon Kruskie, Readmond Township, commented on the quick response for the dust control request in his township and commented people are happy with it.
- c. Bob Sandford, West Traverse Township, inquired on the schedule for dust control in his township. Specifically, the Nature Preserve needs it applied between 8 and 10 a.m. and notification of which day would be ideal. Beckman will inquire regarding these requests.

APPOINTMENTS:

- a. 8:15 a.m.: Public Hearing – Zaiger Road/Kegomic Reconstruction Project from M-119 to US-31 for 0.14 miles in Bear Creek Township. This Public Hearing was not held as bids were rejected.
- b. 8:20 a.m.: Public Hearing – Marion Drive Reconstruction Project from Lake Street then north for 0.28 miles in West Traverse Township. This Public Hearing was not held as bids were rejected.
- c. 8:25 a.m.: Public Hearing – Martinchek Road Reconstruction Project from Townline Road to Horton Bay Road for 1.00 miles in Resort Township. It was moved by Leroy Sumner, seconded by Larry Williams, 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. 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

- d. 8:30 a.m.: Public Hearing – “Communication Services Provider Facility Permitting Policy” fee schedule update. 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 and Harbor Light Newspaper. There were three calls for comment. Gutowski explained the reason for the policy is due to legislative changes that changed the rules for permitting and set fixed fees effective July 1, 2018. 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

NEW BUSINESS:

- a. It was moved by Leroy Sumner, seconded by Larry Williams, to sign the contracts with Spierling Trucking for the Reed Road Bridge Asphalt Project.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- b. It was moved by Frank Zulski, seconded by Leroy Sumner, to reject the bids for the Zaiger Road/Kegomic Drive Reconstruction Project due to the bid amounts being much higher than the

estimated costs and with the recommendation from Bear Creek Township. This project will be reconsidered in 2019.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- c. It was moved by Leroy Sumner, seconded by Frank Zulski, to reject the bids for the Warren Street Ultra-thin Asphalt Project due to the bid amounts being much higher than the estimated costs and with the recommendation from Little Traverse Township. This project will be reconsidered in 2019.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- d. It was moved by Leroy Sumner, seconded by Larry Williams, to reject the bids for the Marion Drive Reconstruction Project due to the bid amounts being much higher than the estimated costs and with the recommendation from West Traverse Township. This project will be reconsidered in 2019.

Ayes: Zulski, Williams, Sumner

Nays: None

Motion carried

- e. Contracts with Little Traverse Township for the Warren Street Ultra-thin Asphalt Project were not signed due to the rejection of all bids.
- f. Contracts with Bear Creek Township for the Zaiger Road/Kegomic Drive Reconstruction Project were not signed due to the rejection of all bids.
- g. Contracts with West Traverse Township for the Marion Drive Reconstruction Project were not signed due to the rejection of all bids.
- h. It was moved by Leroy Sumner, seconded by Larry Williams, to add Middle Road from N. Hughston Road to M-119 for 1.56 miles to the all-season road network.

Ayes: Zuluski, Williams, Sumner

Nays: None

Motion carried

- i. It was moved by Leroy Sumner, seconded by Larry Williams, to approve Brian Gutowski and Lisa Kleeman to execute the agreement with the Little Traverse Bay Band of Odawa Indians for the Pleasantview Road Project from Wild Cherry Lane to Tower Road for approximately 5.00 miles.

Ayes: Zuluski, Williams, Sumner

Nays: None

Motion carried

CORRESPONDENCE:

- a. An email from Tim Grimm regarding dead and dying trees in the road right-of-way generated much discussion on the policy and funding needs in the county for removing trees. Gutowski will respond to the email explaining there are many dead trees in the right-of-way and the agency responds on a case by case basis.

ENGINEER-MANAGER'S REPORT: Gutowski will be attending a meeting today with Bob Genson, Serenity Dankert - Ironwood Construction, and Jason Fate – OHM, regarding the outstanding final bill for the Levering Facility and the dispute on charges.

Gutowski also listed the following that will take place:

- July 16, 11:00 a.m. - OHM Pre-Design Meeting on the Wilderness Park Drive Project
- July 17, 8:00 a.m. - North Conway Road Pre-Construction Meeting with J & N Construction
- July 17-19 - MCRC SIP Annual Meeting in Mt. Pleasant with Leroy Sumner

SUPERVISOR'S REPORT: Beckman reported the crew is finishing up on Middle Road Bridge and then beginning Larks Lake Road project on Monday. Designs for the Pleasantview Road Project are being completed. Dust control, measuring quantities for projects and invoicing are also occurring.

PERMIT/CAD REPORT: Godzik reported Shawn Wannacott's mailbox on Pickerel Lake Road has been removed. Many permits are still being requested.

EQUIPMENT SUPERINTENDENT'S REPORT: Genson reported the Grader is back today with repair to the wire harnesses and brackets. The new Hot Patcher is being used and training will be forthcoming.

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COMMISSIONERS' REPORT: Commissioner Zulski inquired about driveway permits for Blissfest, Godzik and Toni Drier responded. There was discussion on driveway permits, camping, compliance and uniformity for permits. County Commissioner Drier believes the issues and questions are in the process of being resolved.

ROAD FOREMAN'S REPORT: Kargol discussed dust control and blading but rain is needed for the product to be more effective.

FINANCE DIRECTOR REPORT: None

PUBLIC COMMENT: None

Commissioner Zulski called for a five minute recess at 8:37 a.m.

Commissioner Zulski asked for a motion to go into closed session at 8:42 a.m. to discuss a Case Evaluation with Attorney Adam Tountas regarding the Chip Seal Failure Lawsuit. It was moved by Larry Williams, seconded by Leroy Sumner, to go into closed session.

Roll Call Vote:

Commissioner Zulski - Aye

Commissioner Sumner - Aye

Commissioner Williams - Aye

Nays: None

Motion carried

It was moved by Larry Williams, seconded by Leroy Sumner, to return to open session at 8:54 a.m.

Roll Call Vote:

Commissioner Zulski - Aye

Commissioner Sumner - Aye

Commissioner Williams - Aye

Nays: None

Motion carried

It was moved by Frank Zulski, seconded by Leroy Sumner, based upon the information provided during the closed session, to accept a \$500,000 settlement offered in Case Evaluation from Michigan Aggregate.

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Roll Call Vote:

Commissioner Zulski - Aye

Commissioner Sumner - Aye

Commissioner Williams - Aye

Nays: None

Motion carried

With no further business, Commissioner Zulski adjourned the meeting at 8:55 a.m.



Lisa Kleeman, Finance Director/Clerk of the Board



Date