

**DRAFT - SUBJECT TO BOARD APPROVAL**

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, October 18, 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  
Lisa Kleeman - Finance Director/Clerk of the Board      James Godzik – Permit/CADD Technician

Guests Present:

James Kargol– Emmet Count Commissioner      Alice Conrad – Springvale Township  
Gordon & Edith Kruskie – Readmond Township      John Baker – West Traverse Township  
Bill Dohm – Little Traverse Township      Dennis Keiser – Bear Creek Township  
Toni Drier – Emmet County Commissioner      Mary & Asher Zulski  
Marilyn Williams      Robert Rogier – Pleasantview Township  
George Smolak - Legs Inn of Cross Village      Joel Frye - Carp Lake Township  
Sue and Eric Conley

MINUTES: It was moved by Robert Notestine, seconded by Larry Williams, to approve the regular session minutes of October 7, 2019.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

ACCOUNTS PAYABLE: The List of Accounts Payable, Voucher No. 19341 checks numbering 46090 through 46145, in the amount of \$974,954.31, was presented for approval. It was moved by Frank Zulski, seconded by Larry Williams, to approve accounts payable for payment of the same.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

PAYROLL: Voucher No. 1942 for Payroll No. 21, checks numbering 55227 through 55283, for regular payroll in the amount of \$95,453.65, 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:

- a. Gutowski and Godzik gave an update on the M-68 property. Mike Flynn has offered \$5,500 for the parcel. Attorney Joel Wurster has concerns with wording on the deed because the property is platted so his suggestion is to keep the property as is.

PUBLIC COMMENT:

- a. George Smolak, Owner of Legs Inn Restaurant in Cross Village, looking for cooperation in repairing Lake Shore Drive "Main Street" from the Post Office to the Catholic Church. This is a very important street and it has been neglected for almost 60 years. He gave a detailed history of the importance of this street to the area and his business as well as working with the township. He further discussed proposed costs, the road commission's financial reports and their ability to contribute to this request as well as the importance of this business to the area. Commissioner Zulski said this could be discussed at the annual township meeting in January but unfortunately funds are not available at this time. Zulski listed various reasons why the agency could not contribute the full cost of the project and he is not optimistic any new funding is coming anytime soon. Gutowski discussed the project as a complete reconstruction for that 6 tenths of a mile as there is a drainage issue. Zulski further explained how funding for the township is determined and they decide where the local money goes. The road commission does not dictate which roads get repaired with the township millage money. Commissioner Notestine thanked Mr. Smolak for coming in and asked him to contact his state representative and the Governor on the need for more funding. Smolak asked the road commission to work out something with Cross Village to get something done on this portion of road before next May. Gordon Kruskie, Readmond Township Supervisor, stated it is good to see Mr. Smolak at the meeting and if it wasn't for Smolaks, Cross Village wouldn't be there.
- b. Joel Frye, Sommers Road in Carp Lake Township, plans to place a fence on his property but there are issues with the right of way. The road has to be moved over so the fence corner can be put in. Gutowski explained the "Highway by User" law and discussed the center of the road is where it currently is at. There were several more comments on how the road got where it is, surveying issues, how the law applies, and available options. Zulski asked if was acceptable if Godzik comes out and marks the right of way so Mr. Frye knows where to place the corner of the fence. Notestine asked if there is anything we can do to make sure we don't encroach on his property anymore and

Godzik suggested measuring and placing markers for a guideline. Toni Drier, Emmet County Commissioner, questioned what if it is the road commission grading it and making the road move over further, how do the citizens correct that? Gutowski stated the road can only be moved when a reconstruction is done. Zulski stated that if Carp Lake Township decides to place gravel the correction could be made at that time. Frye stated that it has to stop somewhere as it is an encroachment. Zulski will ask the Road Foreman to place sticks for winter plowing to keep the road where it should be. Frye also asked for the sharp curve signs to be moved in also and Godzik replied he will talk to the sign man.

- c. Robert Rogier, Pleasantview Township Supervisor, requested he would like to make an application for forest funds for Welsheimer and Stutsmanville Roads. Gutowski responded the funds were already allocated for the year and this could be discussed at the township meetings in January.
- d. George Smolak, Legs Inn of Cross Village, inquired on plans for the completion of State Road. Gutowski stated the plan is for Rieth-Riley to pave to Johnson Hill this year plus next year BIA plans to do the rest of State Road to Cross Village. He also stated that Levering Road will also get worked on in 2021 and 2022. Smolak also asked for the 45 MPH speed signs on State Road to be removed.

APPOINTMENTS: None

NEW BUSINESS:

- a. Bids were reviewed for Ice Control Liquid Brine. It was moved by Frank Zulski, seconded by Larry Williams, to accept all the bids and for them to be used in best interest of the road commission.

Ayes: Notestine, Williams, Zulski

Nays: None

Motion carried

CORRESPONDENCE: None

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

- Beach Drive was discussed at length regarding the damage that occurred in September, repairs completed, right of way, responsible parties and funding agreement
- Winter Operations Conference update on new CDL federal regulations starting in 2020
- October 21, Monday, 11:00 a.m. Meeting with Dennis Keiser, Bear Creek Township and Amanda Swiss, LTBOI, regarding the Howard Road and Lears Road Intersection
- Manager's Meeting, October 22, Tuesday-Funding situation with state will be discussed
- October 23, Wednesday, MCRC SIP Contract Workshop in Mt. Pleasant

- October 25, Friday, meeting with school and bus superintendents regarding winter emergencies and school cancellation process
- October 28, Monday, Winter Training for the crew
- November 1, Friday, work session with the Board to discuss budget and planning

**SUPERVISOR'S REPORT:** Beckman reported the following:

- Atkins Road is paved in Bear Creek Twp but there are few problems involving a 100 foot long full width section of the road that failed. Dennis Keiser, Bear Creek Township Supervisor, expressed his comments on what happened with this project, beginning with the project was supposed to be done in August but the Rieth-Riley strike caused it to be done in October and the rainy season. Keiser went on to describe heavy rain and a partially paved road creating drainage issues and completing paving while the road was wet. Beckman addressed water issues on a different section of road than Keiser was referring to and stated he agrees the rainy season is difficult as well as the schedule for paving from the contractors is erratic and not dependable. James Kargol, Emmet County Commissioner, also commented on this stretch of road from issues he dealt with in the past concerning drainage issues and his suggestion for a correct fix by undercutting the clay. Kargol also commented on Rieth-Riley's performance the past two years and suggested looking at the bids that come in second and taking them as a safer bet. There was conversation on changing the contract to have language to address the paving schedule as well as project changes to insure a better result. Keiser commented we are getting stuck with a patched road when we are paying full price. Zulski asked Gutowski to check into MDOT and other contracts for language to protect these issues and deal with paving specifics. Beckman also would like language included that would protect the finished grade from rainy weather or a long delay before paving. Zulski discussed project planning, reducing number of projects, availability of paving contractors, accepting different bids other than the low bid, and prioritizing our projects.

**PERMIT/CAD REPORT:** Godzik reported DTE is working on Country Club Road's main line and the damage Roese's Construction caused and he will be setting up a meeting with them to get the road repaired including ditches, culverts, and HMA damage.

**EQUIPMENT SUPERINTENDENT'S REPORT:** Genson reported getting trucks ready for winter.

**COMMISSIONERS' REPORT:** Commissioner Notestine went to the Atkins Road project while paving to see how the project was going overall and our guy was still there at 6:00 p.m. Do we need to give him more teeth to deal with paving issues?

Commissioner Zuluski expressed his thanks to Tori Thompson for leading the job fair efforts and a personal thank you to each person working there. He also discussed the changes to the CDL process and the road commission's plans to assist with this.

ROAD FOREMAN'S REPORT: Gray reported getting ready for winter and Beach Drive should be done today.

FINANCE DIRECTOR REPORT: Kleeman discussed participation at the Career Fair at North Central Michigan College scheduled for Friday, October 18 from 9:00 a.m. to 2:00 p.m. A team consisting of Tori Thompson, Terry Weeter and Tony Shaler along with John Gray and Robert Genson will be representing truck driver and mechanic positions. Over 700 ninth graders from Emmet County are expected to attend.

PUBLIC COMMENT:

- a. George Smolak, Legs Inn of Cross Village, also had comments on water levels and M119.

With no further business, Commissioner Zuluski recessed the meeting at 9:05 a.m.

Commissioner Zuluski reopened the meeting at 9:17 a.m. with the following in attendance:

Bill Dohm, Little Traverse Township Supervisor, Sue & Eric Conley, Beach Drive, Frank Zuluski, Larry Williams, Robert Notestine, Brian Gutowski, James Godzik, John Gray and Lisa Kleeman

Damage to Beach Drive that occurred during September 2019 was discussed with regards to responsible parties, extent of damage that was incurred and why, contractor bid to repair the damage as well as road commission repairs, township involvement, invoiced costs and reason for allocation to involved parties, and the permit process and allowances for future right of way plans in this area.

Commissioner Zuluski adjourned the meeting at 9:40 a.m.

**DRAFT**

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Lisa Kleeman, Finance Director-Clerk of the Board

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Date