

The regular meeting of the Board of Calhoun County Road Commissioners was held on Wednesday, June 15, 2011 at 5:31 p.m. in their office located at 13300 Fifteen Mile Road, Marshall, Michigan.

**PRESENT:** Commissioner Scott Brown, Chairman  
Commissioner Eric Johnson, Member  
Commissioner Christopher Vreeland, Member  
Commissioner Eric Tobin, Member– entered at 5:39 p.m.

**ABSENT:** Commissioner Hugh Coward, Vice Chairman - excused

**ALSO PRESENT:** Kevin Henning, Managing Director  
Mary Jo Crumpton, Board Clerk  
General Public

Chairman Scott Brown called the regular meeting of the Board of Calhoun County Road Commissioners to order at 5:31 p.m. and led the Pledge of Allegiance.

**Motion made by Commissioner Vreeland and supported by Commissioner Johnson to approve the Claims Payable Listing ending June 10, 2011 for \$623,535.69. Roll call vote: Vreeland-Yes; Johnson-Yes; Brown-Yes. Motion carried.**

**Motion made by Commissioner Vreeland and supported by Commissioner Johnson to approve the June 1, 2011 regular meeting minutes. Voice vote: Motion carried.**

#### **COMMUNICATIONS AND RESOLUTIONS**

Mrs. Crumpton read the communications as follows:

- a) Received correspondence from Battle Creek Area Transportation Study (BCATS) regarding the FY2012 Local Funding Resolution

#### **MANAGING DIRECTOR'S REPORT**

***Shafer Redi Mix, Inc. Bond #24897922:*** Mr. Henning noted that he provided information and pictures to the Board at their last meeting regarding a road bond that Shafer Redi Mix, Inc. provided in order to operate above the weight restrictions during the frost law season. Mr. Henning commented that it is a judgment call when it comes to measuring the extent of damages caused by haulers during frost law season, when the stretch of road is open to all for travel. The road was in bad condition to begin with and after reviewing the before and after photographs of the road again, Mr. Henning is recommending that we not cash the bond.

Commissioner Vreeland asked if there was any way to cash a portion of the bond, since the law provides for statutory damages when it is difficult to determine the actual damages. This would apply to every bond we took, as we know that damage will be incurred but do not know how much.

Mr. Henning stated that staff reviewed and acknowledged the damages, but could not determine how or who caused it. Commissioner Brown mentioned that the before and after photos were not taken at the same angle or point of origin, so it is difficult to compare. Mr. Henning agreed and stated it is somewhat of an "apples to oranges" comparison. He stated that in the future, he would be recommending that we no longer permit full loads that are divisible during frost law season. Discussion continued.

***Addressing:*** Mr. Henning reported on the address and road name change from Capital Avenue, SW to 4 1/2 Mile Road that was appealed by the Southside Veterinary Clinic. Recently, Judge Sindt granted their order for superintending control and ruled the process "undone". Therefore, the address changes never existed and all affected property owners will go back to their old number and road name. Mr. Henning added that all address changes have been put on hold until the address ordinance is modified by County Corporation Counsel. Discussion continued.

**Potholes:** Mr. Henning stated that we have over 700 open service requests for potholes right now, as crews have been assigned to storm cleanup since May 29th. At the end of April, we had few open pothole service requests.

Mr. Henning commented that with the 7 ½ inches of rain in May, it washed out the cold patch and we were unable to use hot mix in the rain. We are working overtime on Friday on potholes. Storm clean up will be suspended until Monday. To date, we are approximately 40% complete and have over 2,200 hours and over \$150,000 in storm related costs. He noted that costs could easily reach over \$500,000. These are transportation dollars that are being used to clean up storm debris. Our tree removal policy has been that if your tree falls, we put it in your front yard and you clean it up. That's what we do. So the 2200 hours cleaning up right-of-ways is time and money that we are not putting into the road system.

The Solid Waste Committee has agreed to allocate funding for brush chipping for debris hauled to the Compost Center. We've had over 600 runs to the Compost Center already with our trucks and the aid we've received from the City of Coldwater through a mutual aid agreement with the City of Battle Creek. Discussion continued on the equipment involved with the clean-up effort and Mr. Henning reported that we lost the transmission in one of our loaders during the storm. We also lost all the windows out of a loader in Battle Creek, as well as a garage door. Michigan Cat's estimate on repairs to the loader transmission is approximately \$38,000 and Mr. Henning is recommending that we do not incur this cost, as it has over 12,000 hours in usage.

Commissioner Brown asked if \$38,000 would buy one at auction. Mr. Henning responded that there isn't much out there in heavy equipment right now. We are renting a loader for \$7,000 per month, for the month of June, and will be reassessing. We may send out a bid for loaders to see where they come in at. There are many financing options available. Discussion continued.

Commissioner Tobin inquired about the latest on the storm damages and any funding for reimbursement. Mr. Henning replied that there has been no determination yet and tomorrow is the deadline to submit estimates to the State. They will then determine whether to submit it to FEMA. If submitted to FEMA, they would conduct a preliminary damage assessment of the impacted areas. If it is determined that we've met our monetary disaster relief amount, there could be some assistance.

Chairman Brown asked if the City of Battle Creek and the Road Commission are bearing the entire burden of the storm, aside from the equipment and assistance from MDOT and the City of Coldwater. Mr. Henning replied yes. Chairman Brown asked if Calhoun County has committed resources to storm clean-up. Mr. Henning replied that the Sheriff's Department provided 6 inmates for 3 days to run rakes in the City of Marshall. He added that there has been discussion with the County Administrator at Unified Command, that this really is not a transportation issue. If we want to clean up residents' right-of-way, like the City of Battle Creek does and receives tax money to do so, there needs to be funding provided to the Road Commission for this purpose.

Commissioner Tobin asked if using road funding for debris clean-up is allowed. Mr. Henning responded that while it is legal to spend road funding in the right-of-way, it is not how we should be spending our funds, given the decrease in funding levels already. We deviated from our normal policy on roadside clean up due to public outcry and it has cost us.

Mr. Henning stated that the storm cleanup in rural areas has largely been done by volunteers and property owners. Discussion took place on right-of-way permits, legal ramifications, insurance requirements, liability issues, etc.

#### **SUPERVISOR AND PUBLIC OFFICIAL COMMENTS**

County Commissioner Haadsma noted that a meeting may be scheduled to regroup on storm protocol to include the Road Commission, County Board, Representatives, Senators, etc.

**CITIZEN TIME**

Mr. Joe Bramble, Convis Township resident, thanked the Road Commission for patching the potholes on Old 27.

Mr. Lane Landis, Homer Township resident, commented that the rural area residents take care of themselves.

**COMMISSIONER TIME**

Commissioner Vreeland commented that he is looking forward to the meeting to clarify storm protocol.

**RECESS FOR CLOSED SESSION**

**Motion made by Commissioner Tobin and supported by Commissioner Vreeland to recess for Closed Session to discuss the Managing Director's Employment Contract. Roll call vote: Tobin-Yes; Vreeland-Yes; Johnson-Yes; Brown-Yes. Motion carried.**

The June 15, 2011 Regular meeting of the Board of Calhoun County Road Commissioners was reconvened at 7:35 p.m.

**REPORT/ACTION FROM CLOSED SESSION**

Chairman Brown reported that Mr. Henning received a glowing review by the Board and they are very pleased with his performance.

**ANNOUNCEMENTS**

The next regular meeting of the Board of Calhoun County Road Commissioners will be held on Wednesday, July 6, 2011 at 5:30 p.m.

There being no additional business before the Board, Chairman Brown adjourned the meeting at 7:35 p.m.

Submitted by:

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Mary Jo Crumpton, Board Clerk

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Scott A. Brown, Chairman