

October 31, 2018

The Board of County Road Commissioners met at 9:00 a.m. for a regular meeting at 1250 S. M-33 West Branch, Michigan

Members present: Chairman Van Sheltroun, Commissioners Mark Williams and Dan Winter, Managing Director Pat Reinke and Board Clerk Brand Curtis

Guests: Bill Sperow, State/Construction Foreman; Gary Kaiser, County Foreman; Luke Wilkins, Shop Foreman; Jerry Weiss, Klacking Township Trustee; Steve and Pauline Johnson, Klacking Township Resident; Chad Beck, Gallagher Farms; Greg Alward, Alward Electric

Commissioner Sheltroun called the meeting to order at 9:00 a.m.

Past minutes for October 17, 2018, were reviewed. There being no corrections, the minutes stand as submitted.

Motion by Winter, supported by Williams, to approve and pay payroll voucher #1904 and payable voucher #1905 in the total amount of \$103,039.34. Motion carried by the following roll call vote: Ayes: Winter, Williams, Sheltroun. Nays: None. Motion carried.

A discussion was held on the 2018-2019 winter maintenance guidelines, on-call sheet, and white shoulder policy. There being no corrections, the 2018-2019 winter maintenance guidelines stand as read. Motion by Williams, supported by Winter. Motion carried by the following roll call vote: Ayes: Winter, Sheltroun, Williams. Nays: None. Motion carried.

RESOLUTION 2018-09  
Petition to Abandon Seasonal Road 94

Commissioner Williams moved the adoption of the following resolution:

WHEREAS, a petition pursuant to and in accordance with the provisions of Section 18, Chapter IV, Act No. 283 of the Public Acts of 1909, as amended, was submitted to this Board praying the abandonment of a road described as:

The portion of Seasonal Road 94 from the N ¼ corner of Section 11, T23N, R2E, Klacking Township, Ogemaw County, MI., to the west 264'

and WHEREAS, the petition contained all of the owners of record abutting the requested portion of the roadway to be abandoned.

and WHEREAS, the premises were viewed in accordance with said statute.

NOW, THEREFORE, BE IT RESOLVED, that it is in the best interest of the public that the above described County Road or portion thereof be absolutely abandoned and discontinued and that said road or portion thereof is hereby absolutely abandoned and discontinued reserving therein easements for public utilities and sewer purposes when required.

The motion was supported by Commissioner Winter and carried by the following vote: Ayes: Winter, Williams, Sheltroun. Nays: None. Motion carried.

RESOLUTION 2018-13  
Decertification of Seasonal Road 94-Klacking Township

Commissioner Williams moved the adoption of the following resolution, supported by Winter:

WHEREAS, in 1931, PA 130, the Township Road Relief Act, was passed, referred to as the McNitt Act, requiring Counties to establish a Road Commission that took over jurisdiction of 20% of the townships roads each year from 1932 through 1936.

WHEREAS, the roads taken over by the Road Commission were then certified with the State of Michigan and became the base for each Road Commission's network of roads.

WHEREAS, in the best interest of the public a portion of Seasonal Road 94 in Klacking Township has been absolutely abandoned and discontinued reserving therein easements for public utilities and sewer purposes when required.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners for the Ogemaw County Road Commission agree in the decertification of the portion of Seasonal Road 94 from the N ¼ corner of Section 11, T23N, R2E, Klacking Township, Ogemaw County, MI, to the west 264', for a total decertification of 0.05 mile.

Carried by the following vote: Ayes: Dan Winter, Van Sheltroun, Mark Williams Nays: None. Motion carried.

RESOLUTION 2018-12  
OGEMAW COUNTY ROAD COMMISSION  
SENATE BILL 396 OPPOSITION

Commissioner Winter moved the adoption of the following resolution, supported by Williams:

WHEREAS, Roads are the backbone to the social, cultural and economic stability of Ogemaw County and the State of Michigan; and

WHEREAS, Senate Bill (SB) 396 (S-5) passed and reported out of the Senate Transportation Committee on September 6, 2018 allows exemptions from seasonal weight restrictions (aka "frost laws") to the forest product industry during the spring thaw when roads are the most vulnerable to damage from heavy loads; and

WHEREAS, It is a fact in Ogemaw County and throughout the northern states that roads become soft in the spring and applying unrestricted 164,000-pound truck loading on soft roads, is fool hardiness that defies common sense and a law allowing such nonsense is poor public policy; and

WHEREAS, SB-396 also grants exemptions to the forest industry that will allow the hauling of forest products and transport of equipment on the public road system without obtaining proper permits from road authorities at all times of the year; and

WHEREAS, the provisions from SB 396 will result in damage to the public road system; and

WHEREAS, the provisions of SB 396 will negatively impact the traveling public accessing the road system, resulting in burdening road authorities with expensive reactive maintenance repairs and significantly increased taxpayer costs to maintain the public road system; and

WHEREAS, the provisions in SB 396 and subsequent impacts to the local road system will negatively impact the health, safety and welfare of Ogemaw County residents and the traveling public; and

WHEREAS, the Ogemaw County Road Commission and the other road commissions throughout the State of Michigan work closely with the logging industry to keep the economic vitality of the County and the State of Michigan moving by continuously monitoring road conditions and permitting the logging industry to move equipment and material on roads when the roads can structurally support such loading without negatively impacting the road system and traveling public;

THEREFORE, BE IT RESOLVED, that the Ogemaw County Road Commission hereby strongly opposes SB 396; and

BE IT FURTHER RESOLVED, that a vote hereon be taken by aye and nay and spread at large on the minutes of the Board.

Carried by the following vote: Ayes: Dan Winter, Van Sheltroun, Mark Williams Nays: None. Motion carried.

RESOLUTION 2018-11  
IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM

Motion by Williams, supported by Winter, to adopt the following resolution

WHEREAS, The Michigan Legislature created a requirement (MCL 247.662, 247.663) as part of the Transportation Funding Package of 2015 that requires each county road agency to adopt a Local Agency Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Ogemaw County Road Commission adopted the Michigan Local Agency pavement Warranty Program on October 31, 2018;

WHEREAS, The Ogemaw County Road Commission agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items and includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each county road agency to report annually on each project that includes \$2 million or more in paving-related items and includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the Ogemaw County Road Commission agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was proved by the Michigan Department of Transportation in 2018; and which the Ogemaw County Road Commission's adopted the Implementation Policy defines the Ogemaw County Road Commission's intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED; the Ogemaw County Road Commission hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

Motion carried by the following vote: Ayes: Dan Winter, Van Sheltroun, Mark Williams. Nays: None.

RESOLUTION 2018-10  
ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM

Motion by Williams, supported by Winter, to adopt the following resolution

WHEREAS, the Michigan Legislature (MCL 247.662, 247.663) requires each county road agency to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 83 county road agencies in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW THEREFORE BE IT RESOLVED, the Ogemaw County Road Commission hereby adopts the Michigan Local Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.662 and 247.663;

BE IT FURTHER RESOLVED, this resolution is made part of the minutes of the Ogemaw County Road Commission meeting on October 31, 2018.

Motion carried by the following vote: Ayes: Mark Williams, Dan Winter, and Van Sheltroun Nays: None

TRAFFIC CONTROL ORDER NO. 537-RO  
OGEMAW COUNTY

Motion by Winter, supported by Williams, to adopt the following traffic control order

WHEREAS, under the provisions of Chapter VI of Act No. 300, Public Acts of Michigan 1949, as amended. (Michigan Vehicle Code), this Board is authorized to place and maintain traffic control devices and traffic control signals on any highway under its jurisdiction for purpose of regulating, warning, or guiding traffic: and

WHEREAS, Mayhew Road and Seasonal Road 166 in Rose Township, are county roads under the jurisdiction of this board and, in the interest of public safety, it is deemed necessary to place and maintain certain traffic control devices and/or signals on said roads to regulate, warn, or guide traffic.

NOW, THEREFORE BE IT RESOLVED that all traffic on Seasonal Road 166 north bound shall stop before entering Mayhew Road.

BE IT FURTHER RESOLVED, that signs shall be erected to give notice of the regulation hereinbefore established; and

BE IT FURTHER RESOLVED, that Traffic Control Order 457-W.BR and any other Traffic Control Orders heretofore made with respect to the foregoing are hereby rescinded and superseded; and

BE IT FURTHER RESOLVED, that a certified copy hereof be filed with the County Clerk of the County of Ogemaw, Michigan.

Motion carried by the following roll call vote: Ayes: Williams, Winter, Sheltroun. Nays: None. Motion carried.

Reinke and Wilkins reviewed equipment estimates. Motion by Sheltroun, supported by Williams, to authorize the purchase of a tag trailer through Scientific. Motion carried by the following roll call vote: Ayes: Winter, Sheltroun, Williams. Nays: None. Motion carried.

Motion by Williams, supported by Winter, to authorize the purchase of F-250 pickup, F-450 dump truck, to include equipment, plow brackets, and new plow. Motion carried by the following roll call vote: Ayes: Williams, Winter, Sheltroun. Nays: None. Motion carried.

Reinke informed the Board he had received a request from Ray Brindley changing his 2019 retiree opt-out payment from \$557.10 a month to \$400.00. Motion by Winter, supported by Williams, to authorize \$400 a month to Ray Brindley for retiree health care opt out for the calendar year 2019. Motion carried by the following roll call vote: Ayes: Sheltroun, Winter, Williams. Nays: None. Motion carried.

A discussion was held on road obstructions caused by mud from Gallagher Farm's tractor on M-55. Chad Beck from Gallagher Farms approached the Board. The Board requested Reinke to set up a meeting this winter with local farmers and Farm Bureau to discuss road obstruction guidelines and frost laws. Reinke will follow up.

At 10:35 a.m., Chairman Sheltroun made a motion for a five-minute recess. Motion carried by All.

Reinke informed the Board Jake Rosebrugh has been promoted to district 2 foreman.

Next MTA is scheduled for November 8, 2018, Mills Township.

Greg Alward with Alward Electric discussed lighting options with the Board. Motion by Williams, supported by Winter, to approve Alward's quote for shop light upgrades. Motion carried by the following roll call vote: Ayes: Williams, Winter, Sheltroun. Nays: None. Motion carried.

At 11:15 a.m., Chairman Sheltroun made a motion for a five-minute recess. Motion carried by All.

Motion by Sheltroun, supported by Williams, to recess the board meeting at 11:20 a.m. to go into closed session for union negotiation strategy. Motion carried by the following roll call vote: Ayes: Williams, Winter, Sheltroun. Nays: None. Motion carried.

The Board returned to regular session at 12:20 p.m.

There being no further business, meeting adjourned at 12:20 a.m.

Signed: \_\_\_\_\_  
Van Sheltroun, Chairman

Countersigned: \_\_\_\_\_  
Brandy Curtis, Board Clerk