

May 1, 2019

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 Dan Winter, Commissioner Van Sheltroun, Managing Director Pat Reinke and Board Clerk Brandy Curtis

Absent: Commissioner Clint Marshall

Guests: State/Construction Foreman Bill Sperow; Mills Twp Resident Jim Allen

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

Additions or Corrections to the Agenda: Ogemaw Road, Rose Township  
PA 202 of 2017 Waiver-Pension Report

Motion to approve additions to the agenda by Sheltroun, supported by Winter. Motion carried.

Past minutes for April 17, 2019, were reviewed. There being no corrections, the minutes stand as submitted.

Motion by Sheltroun, supported by Winter, to approve and pay payroll voucher #1930 and payable voucher #1931 in the total amount of \$216,561.51. Motion carried by the following roll call vote: Ayes: Winter, Sheltroun. Nays: None. Motion carried.

Bids for State Road design engineering and surveying were reviewed. Motion by Sheltroun, supported by Winter, to award preliminary engineering and survey to low bidder, May and Associates, at a bid of \$6,900. Motion carried by the following roll call vote: Ayes: Winter, Sheltroun. Nays: None. Motion carried.

A discussion was held on CRA Contribution and Bylaws ballot proposals. The Board showed no support towards the ballot proposals.

Chairman Winter recessed the regular meeting at 9:15 a.m. to hold a public hearing for uniform permit fees and collection rates for wireless communication and uniform definition.

Motion by Sheltroun, supported by Winter, to open public hearing for uniform permit fees and collection rates for wireless communication and uniform definition. Motion carried by the following roll call vote: Ayes: Winter, Sheltroun. Nays: None. Motion carried.

Reinke reviewed CRA's permit application and rates. Reinke answered questions of the Board.

The meeting was opened to public comment.

Motion by Sheltroun, supported by Winter, to close the public hearing and return to regular session at 9:25 a.m. Motion carried by the following roll call vote: Ayes: Winter, Sheltroun. Nays: None. Motion carried.

#### **Resolution 2019-02**

##### **RESOLUTION TO ADOPT UNIFORM PERMIT FEES AND COLLOCATION RATES FOR THE SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT**

WHEREAS, the Michigan Legislature (MCL 460.1301 ET SEQ) has authorized wireless service providers and wireless infrastructure providers to access the public right-of-way and enabled the ability to attach to poles and structures in the public right-of-way to enhance their networks and provide next generation services;

WHEREAS, the Michigan County Road Agencies are statutorily authorized to assess permit fees and recurrent annual rates to wireless providers for access to the public right-of-way (MCL 460.1301 et seq;

NOW THEREFORE BE IT RESOLVED, the Ogemaw County Road Commission hereby adopts the following uniform definitions to clarify the MCL 460.1301 et seq;

- a. Permit fees for the wireless providers under the statute. MCL 460.1315(0).
  - i. New small cell wireless facilities the permit fee will be \$200 for each stand-alone small cell facility; and
  - ii. New small cell wireless facilities and new pole the permit fee of \$300 for each pole or support structure
- b. Collocation Rates on utility poles under the statute. MCL 460.1313(3).
  - i. The recurrent rate shall be \$20 per year per utility pole; and \$20 per year per wireless structure in the ROW on which a wireless facility is co-located; and
  - ii. The recurrent rate shall be \$125 per year per pole; and \$125 per year per wireless support structure provided the utility pole or wireless support structure was erected by or on behalf of the wireless provider on or after March 12, 2019.
  - iii. Collocation recurrent rates on utility poles or wireless support structures are in addition to and distinct from the wireless providers permit fees.
- c. Collocated antennas on road agency poles MCL 460.1319
  - i. The road agency recurrent rate shall be \$30 per facility per year for each authority pole that is being used to support the wireless provider facility; and
  - ii. Collocation recurrent rates on road agency poles are in addition to and distinct from the wireless providers permit fees.

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of Ogemaw County Road Commission meeting on May 1, 2019. The foregoing resolution was

adopted by Commissioner Sheltroun, supported by Chairman Winter and carried by the following roll call vote: Ayes: Sheltroun, Winter. Nays: None. Motion carried.

**Resolution 2019-03**  
**RESOLUTION TO ADOPT UNIFORM DEFINITION FOR THE SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT**

WHEREAS, the Michigan Legislature (MCL 460.1301 ET SEQ) has authorized wireless service providers and wireless infrastructure providers to access the public right-of-way and enabled the ability to attach to poles and structures in the public right-of-way to enhance their networks and provide next generation services;

WHEREAS, the Michigan County Road Agencies are statutorily authorized to administer and regulate access to the public right-of-way utilizing the practice of permits (MCL 224.19b);

WHEREAS, the Michigan Legislature deferred the authority to the Michigan County Road Agencies to determine when a wireless facility or wireless support structure "materially impacts" traffic safety, clear vision, drainage, pedestrian facilities or other public utilities; WHEREAS, the Michigan Legislature deferred the authority to the Michigan County Road Agencies to determine when maintenance practices by the wireless providers while performing "routine maintenance of a small cell wireless facility, utility pole or wireless support structure" MCL 460.1015(5) unreasonably affects traffic patterns or obstructs vehicular or pedestrian traffic in the ROW;

NOW THEREFORE BE IT RESOLVED, the Ogemaw County Road Commission hereby adopts the following uniform definitions to clarify the MCL 460.1301 et seq;

- a. The road commission shall in its sole discretion determine whether the placement of any pole, facility or other unprotected hazard impacts a clear vision zone or traffic control device based on: the posted speed, street alignment, proximity to curves, driveways, traffic control devices and pedestrian traffic.
- b. The road commission shall in its sole discretion determine whether the placement of any pole or facility impacts traffic safety based on: distance from the traveled portion of the road, the posted speed, street alignment, proximity to curves, driveways, traffic control devices and pedestrian traffic.
- c. The road commission shall, in its sole discretion, determine whether the placement of any pole or facility impacts the drainage system or the ability of the Road Commission to maintain the drainage system based on: the proximity to the drainage system, additional work and/or costs necessitated by placement of the pole or facility in relation to the drainage system, the potential for damage to the drainage system from maintenance or repairs to any pole or facility.
- d. The road commission shall in its sole discretion determine whether the placement of any pole or facility impacts the pedestrian access or movement; to assure that proposed facilities are in compliance with the Americans with Disabilities Act Of 1990, Public Law 101-336, or federal, state, or local standards.
- e. The road commission shall in its sole discretion determine whether the placement of any pole or facility impacts the maintenance or full unobstructed use of public utility infrastructure as it was originally designed.
- f. Routine maintenance includes routine work that does not unreasonably affect traffic patterns or obstruct vehicular or pedestrian traffic in the ROW, such as but not limited to: the travel lanes, the road shoulders, drainage systems, non-motorized facilities, traffic control devices or involve any excavation in the road right-of-way. The Agency should require notification in advance of routine maintenance on the initial CRA 100 SC permit, to assure the road agency is notified in advance to determine if the work involves impacts to any of the items listed above.

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of Ogemaw County Road Commission meeting on May 1, 2019. The foregoing resolution was adopted by Chairman Winter, supported by Commissioner Sheltroun, and carried by the following roll call vote: Ayes: Winter, Sheltroun. Nays: None. Motion carried.

Reinke informed the Board of notice received from State of Michigan Department of Treasury regarding preliminary review of underfunded pension plan as of fiscal year 2018. Consensus of the Board was to submit a lump sum payment prior to fiscal year end 2019 in efforts to work towards achieving 60% funded rate.

Reinke informed the Board, Russ Oyster, Rose Township Supervisor, has a private road maintenance agreement for Ogemaw Road for Board review. Reinke will contact Mr. Oyster and follow up with the Board.

Brine is scheduled to begin May 9<sup>th</sup>.

A discussion was held on Birch Drive, Cranberry Lake culvert, and equipment maintenance.

The next MTA meeting is scheduled for May 9, 2019, Richland Township. Sheltroun will attend.

There being no further business, meeting adjourned at 9:45 a.m.

Signed: \_\_\_\_\_  
Dan Winter, Chairman

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