

October 28, 2020

The regular meeting of the Board of County Road Commissioners of Ogemaw County was called to order by Chairman Dan Winter 2:00 p.m. at 1250 S M-33 West Branch, Michigan.

Members present: Chairman Dan Winter, Commissioner Klint Marshall, Commissioner Van Sheltroun, Managing Director Pat Reinke, Board Clerk Brandy Curtis

Guests: Jim Allen, Mills Township Resident

Additions to the agenda: COVID-19 Update
Fairgrounds Equipment Request
MCRCSIP Vote Results
2021 Federal Aid Program

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

Past minutes of October 14, 2020, were reviewed. There being no additions or corrections, the minutes stand as submitted.

Motion by Sheltroun, supported by Marshall, to approve and pay payroll voucher #2101 and payable voucher #2102 in the total amount of \$224,662.76. Motion carried by the following roll call vote: Ayes: Sheltroun, Marshall, Winter. Nays: None. Motion carried.

Reinke updated the Board on the current total for the Stahlbush Road culvert project and informed the Board the project will come under estimated cost. Reinke reviewed Logan Township attorney correspondence with Board noting the inaccuracy of the following excerpt, "Townships are statutorily not allowed to spend public monies on public roads". Reinke reviewed documents provided by OCRC's attorney consisting of MCLS 247.670 and 1961 Michigan Attorney General LEXIS 75 legal opinion pertaining to township, levy, county road, highway and budget. A discussion was held on Logan Township's road millage and funding.

Reinke informed the Board The Dalton's had offered to extend their bid prices of 2020 to 2021 for vegetation control. Motion by Sheltroun, supported by Marshall, to accept the bid extension from The Dalton's for vegetation control. Motion carried by the following roll call votes: Marshall, Winter, Sheltroun. Nays: None. Motion carried.

Reinke informed the Board Michigan Paving & Materials Company had offered to extend their bid prices of 2020 to 2021 for asphalt emulsions and noted the bid extension referenced minimum 5,000 gallons and original bid stated 1,500 gallon minimum. Reinke will contact Michigan Paving & Materials Company on discrepancy.

Reinke reported on the revised COVID-19 Preparedness and Ready Plan and COVID-19 Daily Screening Protocol with Board. Reinke answered questions of the Board. The Board was in concurrence in selecting the Manager as the designated COVID-19 Coordinator for the Ogemaw County Road Commission. Reinke will provide and review the updated COVID-19 Preparedness and Response Plan with all employees.

Reinke updated the Board on the results of the MCRCSIP proposed bylaw changes.

Reinke informed the Board the Ogemaw County Fairgrounds requested use of the scraper/pan. Consensus of the Board was to verify that all other sources have been contacted prior to authorize use. Reinke will follow up.

Reinke informed the Board the 2021 federal aid funding has changed from Sage Lake Road to an overlay program.

There being no further business, meeting adjourned at 2:40 p.m.

Signed: _____

Dan Winter, Chairman

Countersigned: _____

Brandy Curtis, Board Clerk

From: Karen Maxwell <klm07122010@hotmail.com>
Sent: Thursday, October 15, 2020 10:08 AM
To: Pat Reinke <patreinke@ogemawcrc.org>
Subject: Fw: Logan Twp

Hi Pat,
Here is the letter sent by our attorney. Not sure if you received it yet due to the mail.
Thanks,
Karen Maxwell
Logan Twp., Supervisor

From: Robert Eppert <robjeppert@gmail.com>
Sent: Wednesday, October 7, 2020 10:28 AM
To: Karen Maxwell <klm07122010@hotmail.com>
Subject: Logan Twp

Robert J. Eppert
Attorney at Law
1144 W. Lake Street
P.O. Box 426
Tawas City, MI 48764
[\(989\)362-8675](tel:9893628675)

October 7, 2020

Ogemaw County Road Commission
Attention: Pat Reinke
1250 M-33
West Branch, MI 48661

Re: Logan Township

Dear Mr. Pat Reinke,

I have represented Logan Township for a number of years. They recently brought to my attention, an issue regarding requested financial contribution for the replacement of a culvert along and/or under Stahlbush Road. It is further my understanding that the Road Commission has exercised maintenance responsibilities as it relates to this road over the previous many years. The assumption of maintenance responsibilities, as well as the longevity of the existence of the road, and the fact that it is open for public travel, would make this road a public road and therefore, totally within the jurisdictional responsibility for repairs thereof by the Road Commission, as opposed to the Township. Townships are statutorily not allowed to spend public monies on public roads and therefore any remittance of township monies for not just the above referred to culvert, but any other road maintenance projects for public roads is unlawful. This has been the standing law in Michigan since the mid 1930's when the Road Commissions were created in the first place.

We hope you have an understanding of the Township's position in this matter, as the Road Commission and the Township are going to need to work as partners moving forward, trying to accomplish the best interests of the public, inclusive of that portion of the public that lives within Logan Township.

Sincerely yours,

Robert J. Eppert