

The Menominee County Board of Road Commissioners held a PUBLIC HEARING in their offices north of Stephenson on Tuesday, November 10, 2009.

Chair Anderson called the meeting to order at 8:45 a.m. with the following persons present or absent:

PRESENT: William Anderson, Roger Betzinger, Mary Maas, Darrell Moilanen and Lisa Savord. Also present were Annette Bettiga, Dean Bettiga, Mary Sievert, Darlene Nerat, John Nerat, Dale Axtell, Tom Thiry, Joe Skrobiak, and Richard Frisque.

ABSENT: None.

The Pledge of Allegiance was recited.

Anderson turned the meeting over to Moilanen who explained that a valid abandonment petition had been received and the purpose of the hearing was to hear interested parties for or against the abandonment of that part of Tower [No. 30.75] Road which lies from the centerline of Hwy. US-41, thence approximately 1,024 feet in a Westerly direction to the Centerline of Old US-41, through the Southwest quarter of Section 31, T.37N.-R.26W and through the Southeast quarter of Section 36, T.37N.-R.27W., Nadeau Township, Menominee County, Michigan.

Richard Frisque stated he was concerned that once the road was abandoned it would then become property of the property owners and that those owners could then have the right to close the road off. Moilanen replied that if the abandonment was approved the road would revert back to the property owners with the exception of a 10 foot easement for utilities. Mr. Frisque stated he would then be opposed to the abandonment as petitioned.

Annette Bettiga stated that when they purchased their property they were under the impression that the road to their house was a private driveway and not a county road. Her concerns include motorists traveling the road at high speeds which present a safety issue for her children and animals as her daughter has almost been hit twice, with their home being just a few feet from the road the county road easement includes portions of the home, the snowplow runs within 2 feet of the house and may hit their outside basement door and damage the homes foundation. She stated that the problem is not with any of the neighboring land owners and that they would still give them access to the road, but they would like to be able to post a "private drive" sign to keep the general public from using the road.

Tom Thiry suggested that Ms. Bettiga call the police and ask that they watch for speeders on the road to help slow down traffic. Mr. Thiry also asked if the landowners would be responsible for any injuries to the general public once the road was abandoned. Moilanen stated that they would be and that, once abandoned, the road commission would no longer have any jurisdiction or liability for the road. Mr. Thiry also stated his concern that any of the current or future landowners could put up a fence or gate off their portion of the road if they did not agree to allow access to other landowners. Mr. Thiry stated he was against the abandonment as petitioned.

Ms. Bettiga stated that she had called law enforcement about the problem with speeders and was told they could not enforce a speed limit on the road. Moilanen explained that gravel roads generally did not have enforceable speed limits and that even if warning signs were posted, such as "slow – curve"; that tickets can't be issued for violation of warning signs. He also stated that it was difficult to change the habits of local drivers just by putting up new warning signs.

Mrs. Kraniak joined the meeting at 8:57 a.m.

Dean Bettiga asked if a legal easement could be drafted to give access to all landowners. Moilanen stated that this would have to be done as an agreement with all landowners involved, and usually takes place prior to submitting an abandonment petition.

Robert Becker joined the meeting at 8:59 a.m.

Mrs. Kraniak stated that if the road were abandoned they would have to use US41 for their farm equipment traffic.

Mr. Frisque suggested that a turnaround for the snowplow be made at the top of the hill and that the road only be abandoned from US41 to the top of the hill just past the Bettiga Home. Moilanen stated that the county certification maps show the county road to be 560 feet from Old US41, but that the road has been maintained by the county all the way through. He also noted that the abandonment petition being considered was for the entire road and that a new petition would have to be submitted if the description were to be changed.

Betzinger asked if the Bettiga's could build a road on the south side of their property as a replacement for the current road. They stated there wasn't enough room on the south side for the road.

Moilanen called three times for any further comments about the proposed Abandonment of Tower Road. There being none, the hearing was closed at 9:10 a.m.

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Road Commission Finance Director/Clerk                      Chair

The Menominee County Board of Road Commissioners held a regular meeting in their offices north of Stephenson on Tuesday, September 15, 2009 immediately following the Public Hearing.

Additions to agenda - None.

Public comments – Robert Becker stated he was appearing as spokesperson for several residents on Pinewoods Loop. He stated the residents were concerned about the condition of the road and when the construction and paving would be complete. The road commission has equipment in the area, but no work appeared to be getting done and the road was not being graded or dust oiled. Moilanen stated that the road had been pulverized in August and that construction was planned to start right away but MDOT asked that our forces be moved to the state trunk line to perform some newly budgeted work. The expected construction date is now moved to next spring and it would then be up to the township to decide when paving would take place. Moilanen suggested that Mr. Becker approach the township officials in regards to the paving. Mr. Becker asked if ARRA funds could be used for this project. Moilanen stated that the ARRA funds were already obligated to other projects.

Public appearances – None.

Additions/corrections to minutes for 10/13/09 and 10/26/09 - There being no additions or corrections, Anderson declared that the minutes will stand as recorded.

Financial Report –

	Receipts	Expenditures	Payables/ Reserves	Balances
Balance, October 12, 2009				\$1,340,784.55
Receipts thru 10/31/09	183,794.34			
Expenditures thru 10/31/09		189,488.07		
Balance, October 31, 2009				\$1,335,090.82
Michigan Transportation Funds	269,392.62			
Receipts thru 11/9/09	50,495.46			
Expenditures thru 11/9/09		144,710.74		
State Maint. & Equip. Advances			99,418.00	
Balance, November 9, 2009	503,682.42	334,198.81	99,418.00	\$1,410,850.16

Payables & Reserves

Payroll 11/12, 11/25 (Est.)	120,000.00	
Soc. Sec. 11/12, 11/25 (Est.)	9,180.00	
Reserve for workers compensation insurance	6,756.00	
Reserve for liability insurance	121,500.00	
Reserve for rental grader lease	77,584.09	
Reserve 4% set-aside for township allocations (2004/2005)	323.45	
Reserve 4% set-aside for township allocations (2005/2006)	36,040.50	
Reserve 4% set-aside for township allocations (2006/2007)	64,232.82	
Reserve Hannahville 2% Funds-Wilson Creek Bridge	46,347.08	
Reserve Hannahville 2% Funds-Town Line Rd to Vincent Ln Const.	19,348.91	
Reserve Hannahville 2% Funds-Town Line Rd to Vincent Ln Pave	26,092.51	
Reserve Federal Aid Buy-Out [CR 338 Project]	239,638.59	
Reserve for driveway deposits	3,582.30	
Reserve for Design Engineering for Local Bridges	6,637.12	
Reserve for CR 557 Bridge over Big Cedar River	1,159.41	
Reserve for Bridge Inspections, Scour & Plans of Action	133,544.00	
Reserve for Design of F-4 Bridge over Big Cedar River	25,712.50	
Reserve for Forest Funds	0.00	
Reserve for equipment	0.00	\$ (937,679.28)
		\$ 473,170.88

There being no questions or comments, Anderson declared the financial report accepted as read.

Vouchers # 10-0003, 10-0005 and 10-1031 – Moved by Betzinger, seconded by Maas that the vouchers be approved and ordered paid. Carried unanimously.

Robert Becker left the meeting at 9:37 a.m.

Act on proposed abandonment of Tower Road – Due to the hardship to local farmers and the concerns presented by residents on Tower Road, it was moved by Betzinger, seconded by Maas to take no action on the abandonment to allow the landowners time to come to an agreement. Carried unanimously.

Annette and Dean Bettiga, Mary Sievert, Tom Thiry, Richard Frisque and Mrs. Kraniak left the meeting at 9:45 a.m.

Act on Greg Arnold property issue – Moilanen stated that the deed to this piece of property is owned by the County of Menominee, not the road commission. Moilanen recommends sending a letter to the county administrator, copying Mr. Arnold, explaining that the county board would need to take action to deed the land to Mr. Arnold. Moved by Betzinger, seconded by Maas to send the letter. Carried unanimously.

Permission to send employees to MDOT Prevailing Wage Compliance Seminar – Moved by Maas, seconded by Betzinger to send Savord, Eric Husbye and Steve Schlenvogt to the training on Dec 3, 2009 in Escanaba. Carried unanimously.

Update on request from MDOT for drainage easement – Moilanen recommended talking with MDOT about changing the easement to 20 feet at the edge of the property.

Set compensation rate for purchase of ice control sand – Moilanen stated that the current rate is .50/cyd for sand below water and .75/cyd for sand above ground. Moved by Betzinger, seconded by Maas to allow Moilanen to pay up to \$1.00/cyd for sand. Carried unanimously.

Discuss 2010 regular meeting schedule – Moved by Betzinger, seconded by Maas to hold all regular meetings at 9 a.m. on a Tuesday each month. Carried unanimously.

Set date for meeting to award bid for grader lease – Moved by Anderson, seconded by Maas to hold a Special Meeting on Tuesday, November 24, 2009 at 9:00 a.m. for the purpose of awarding the bid. Carried unanimously.

Discuss using temps for winter operations as needed – Moilanen stated that 2 retirees had expressed interest in the temporary positions and that he would be meeting with them later in the day to address any questions they may have. If the 2 retirees agree to the position it would not be necessary to advertise for bids from outside contractors.

Discuss attendance at the SMRC annual conference – No one from MCRC will be attending this conference.

Discuss winter operations – Moilanen discussed the prior year's practices and said they had worked well. Moved by Betzinger, seconded by Maas to not make any changes for this year. Carried unanimously.

Any other business – Betzinger asked if the equipment list for the insurance had been updated since the surplus sale. Savord stated it has.

Betzinger asked for clarification on the use of wing plows. Moilanen explained the MDOT regulations regarding this.

Moilanen stated that the plow on truck #325 that was sold in the surplus sale was too heavy for the truck. He recommended replacing that plow with one that fit the truck. Moved by Betzinger, seconded by Maas to replace the plow prior to the buyer picking up the truck. Carried unanimously.

Public Comment – Joe Skrobiak stated that a good job had been done with grading.

Darlene Nerat stated that a good job had been done on the shoulders on CR 577.

Dale Axtell asked if the crew had moved back to Menominee yet. Moilanen stated that they had.

John Nerat expressed concern about the road commission holding their regular meetings in the morning, stating that most people could not attend at that time. Moilanen explained that the road commission had morning meetings for many years and that it worked well. Most residents' issues needed to be addressed by the township boards. If the township board has an issue for the road commission the supervisor usually calls to discuss and if a meeting is necessary the road commission can go to the township's meeting.

Dale Axtell asked if Moilanen had received a letter from Ken Goffin regarding No. 14 Road. Moilanen stated he had not. He had received a call from a resident regarding sewer lines being installed. He stated that it is a township road and they would make the decisions for that road.

There being no further business, Anderson declared the meeting adjourned at 10:15 a.m.

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Road Commission Finance Director/Clerk

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Chair