

The Menominee County Board of Road Commissioners held a special meeting in their offices north of Stephenson on Thursday, May 19, 2011. Chair Betzinger called the meeting to order at 9:00 a.m. with the following persons present or absent:

PRESENT: William Anderson, Roger Betzinger, Anthony Kakuk, Darrell Moilanen. Also present were Jim Revall, Tim Martin, Lloyd Rivard, Mark Jasper, John Nerat and Darlene Nerat.

ABSENT: None

The Pledge of Allegiance was recited.

Public comments – None.

Public Appearances – None.

Discuss cost to repair damage to K-1 Road – Moilanen thanked the parties for coming in to discuss the damage on K-1 Road. He stated that on Friday, April 15, 2011 he received a call stating that hauling operations were damaging K-1 Road. It was surmised that liquid manure was being hauled from the Rivard farm by Tim Martin of Martin Custom Harvesting, L.L.C. Moilanen visited the site, took photos and estimated the cost to repair the pavement damage was approximately \$15,000. Moilanen indicated that the Road Commission Board's first objective is to prevent this type of damage from occurring in the future and secondly to see if the parties present are willing to pay partial restitution.

Lloyd Rivard asked if anyone was breaking any laws by hauling. Moilanen responded that to his knowledge no laws were broken. However, Moilanen stated that by law the Road Commission has the option of pursuing civil litigation for any roads that are damaged. Lloyd Rivard asked if the damage may have been caused by the methods utilized in the construction of the road. Moilanen responded no. Moilanen feels that the damage was caused by hauling operations during one of the wettest spring breakup periods and the fact that portions of K-1 Road are in low lying areas.

Mr. Rivard inquired about the possibility of closing the road to facilitate hauling operations down the center of the roadway. Mr. Rivard stated that Oconto County has this program in place during spring weight restrictions. Moilanen will do some follow up. A discussion ensued regarding what caused the rutting on CR 358.

Moilanen inquired as to whether Mr. Martin has ever had the tanker with a full load weighed. Mr. Martin responded no. Mr. Martin indicated that he would be willing to have it weighed for informational purposes. A discussion ensued about weights, loads, tire sizes and number of loads hauled in a day.

The group discussed when and where the liquid manure was hauled and the DEQ regulations for farming operations and various field locations. A discussion ensued regarding the road conditions before and after hauling operations on K-1 Road. Mr. Martin stated a total of 23 loads were hauled to the field utilizing K-1 Road. Moilanen inquired as to the maximum speed that can be hauled by Martin Custom Harvesting, L.L.C.'s equipment. Mr. Martin responded that the maximum speed is 24 mph for the tractor and 18 – 20 mph with the manure spreader loaded and attached.

Mr. Martin indicated that his operations hauled for three days during the entire 2011 spring break up period. Mr. Martin stated that Commissioner Kakuk has a problem with the size of the units being utilized. Commissioner Kakuk responded yes. In addition, Commissioner Kakuk has concerns of Custom Harvesting, L.L.C. hauling when the roads are bleeding during the spring weight restriction period.

A discussion ensued regarding which farm operations require the most loads to be transported from the farm to the field.

In a final recap with regards to K-1 Road and what action could be taken by the Road Commission Board, Moilanen summarized that the Board and Daggett Township could decide to do nothing, repair damaged areas or pursue civil litigation. Moilanen thanked the parties for coming to the

meeting. Tim Martin and Lloyd Rivard left the meeting at 9:33 a.m..

The Board and Jim Revall discussed the future impact of liquid manure hauling in Daggett Township. Commissioner Kakuk suggested that farmers place warning signs when hauling on county roads due to their width and size. Moilanen indicated that he didn't know if the Road Commission could be more stringent than State law. The Road Commission Board will wait to hear back from Daggett Township regarding their input on K-1 Road.

Other Business – Moilanen provided an update for the Cole abandonment. He stated that he received a letter from the DNR stating that they have no interest in assuming jurisdiction after the abandonment. Also, Moilanen stated that he received easements from the landowners on the road. He requested permission to have Attorney Grant Selsor review the easements. Moved by Kakuk, seconded by Betzinger to grant permission for Moilanen to hire Grant Selsor to review the easements. Carried unanimously.

Moilanen requested permission to get quotes/bids for dewatering Old US-2 over Wilson Creek so that Road Commission forces could set the structure tentatively the week of June 20, 2011. Moved by Kakuk, seconded by Anderson to grant permission to obtain bids/quotes for dewatering. Carried unanimously.

Public Comments – Darlene Nerat asked the location for Old US-2 at Wilson Creek and for updates on No. 9 and No. 7 Road projects. Moilanen provided the information. Jim Revall asked about the three-way road program, if there would be enough gravel for roads. Moilanen is evaluating Road Commission inventories. Mark Jasper provided an update on the three-way road funding program.

There being no further business, Betzinger declared the meeting adjourned at 10:35 a.m.

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Road Commission Engineer/Manager

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Road Commission Chair