

The Menominee County Board of Road Commissioners held a regular meeting in their offices north of Stephenson on Tuesday, June 9, 2015.

Chair Kakuk called the meeting to order at 9:00 a.m. with the following persons present or absent:

Present: William Anderson, Anthony Kakuk, Joe Skrobiak, Darrell Moilanen and Lisa Savord. Also present were Jim Revall, Jerry Piche, Joe Linder, Jim Hoffman, Larry Barker, David Wesoloski, Chuck Behrend, John Nerat and Darlene Nerat.

Absent: None.

The Pledge of Allegiance was recited.

Public comments – None.

Public appearances – None.

Additions/corrections to minutes for 05/05/15 – There being no additions or corrections, Kakuk declared that the minutes will stand as written.

Financial Report –

	Receipts	Expenditures	Payables / Reserves	Balances
Balance, May 4, 2015				\$1,669,079.47
Receipts thru 05/31/15	123,666.15			
Expenditures thru 05/31/15		257,179.38		
Balance, May 31, 2015				\$1,535,566.24
Michigan Transportation Funds	306,886.63			
Receipts thru 06/08/15	31,428.93			
Expenditures thru 06/08/15		115,718.72		
State Maint. & Equip. Advances			134,296.00	
Balance, June 8, 2015	461,981.71	372,898.10	134,296.00	1,623,867.08
<u>Payables & Reserves</u>				
Payroll 06/18, and 07/02 (Est.)			133,000.00	
Soc. Sec. 06/18 and 07/02 (Est.)			10,174.50	
Reserve for workers compensation insurance			9,790.00	
Reserve for liability insurance			23,838.66	
Reserve for rental grader leases (Oct 2010)			65,053.62	
Reserve for Forest Funds			166,661.15	
Reserve RR X'ing closure funds for Nadeau Twp. projects			65,614.35	
Reserve for 2014 Federal Aid Match			1,418.92	
Reserve for 2015 Federal Aid Match			126,000.00	
Reserve for 2016 Federal Aid Match			279,000.00	
Reserve for Construction Engineering on CR358			63,845.81	
Reserve for Construction Engineering on River Drive project			525.50	
Reserve for Construction Engineering on Pach Rd. Bridge project			34,342.89	
Reserve for Construction Engineering on Vega Road project			9,047.50	
Reserve for Design Engineering for No. 5 Road & No. 10 Road bridges			57,560.00	
Reserve for Hannahville 2% funds- crack filling machine			30,000.00	
Reserve for Capital Outlay-Equipment (OH on 517-518 Eq. Charges)			21,032.00	
Reserve for Capital Outlay - Boiler replacement			0.00	(1,096,904.90)
				\$ 526,962.18

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

Vouchers # 15-0038, 15-0531 and 15-0040 – Skrobiak asked what the purchase of guardrail was used for. Moilanen replied that there had been accident on M-35 that had damaged the guardrail. The road commission replaced the damaged rail and was then reimbursed by MDOT. Moved by Anderson, seconded by Skrobiak that the vouchers be approved. Carried unanimously.

Open bids for pickup & removal of dead deer from state trunk line – Bids were opened and read aloud as follows:

M&M Trucking, Menominee \$52.50 per carcass

Moved by Anderson, seconded by Skrobiak to award to the low bidder, pending approval of the bid from MDOT. Carried unanimously.

Discuss payment of contracted 3-Way Road Funding projects - Moved by Anderson, seconded by Skrobiak to allow contracted work to begin on any 3-Way Road Funded projects prior to receiving payment from the townships for any amount above their 3-Way allocations. Carried unanimously.

Discuss graders – It was moved by Anderson, seconded by Skrobiak to have Moilanen go out to bids for the following 3 options:

1. Cost to purchase a grader outright with 5 year financing.
2. Cost to purchase a grader, with a trade in of existing equipment, with 5 year financing.
3. Cost to lease a grader under a 5 year lease.

Once the cost of each option is determined by the bids, the board will decide how many graders to lease or purchase. Carried unanimously.

Discuss 2015 CRASIF Board of Trustees election – Following discussion of the candidates, it was moved by Kakuk, seconded by Skrobiak to vote for the three incumbents – Ken Hulka, Mike Larrabee and Dale Linton. Carried unanimously.

Discuss 2015 MCRCSIP Board of Directors election – Following discussion of the candidates, it was moved by Anderson, seconded by Skrobiak to vote for Russ Gronevelt and Pete Stropich. Carried unanimously.

Discuss request for annual Engineering Reimbursement from MDOT – Moved by Anderson, seconded by Skrobiak to request the \$10,000 reimbursement from MDOT for engineering expenses. Carried unanimously.

Update on River Drive ride quality issues – Moilanen explained that he had received an email from Dan Kari of MDOT that stated MDOT does not accept heating & rolling as an option to correct ride quality issues in pavement. Another option MDOT does approve is Micro milling the worst areas. The road commission had previously wanted to have the portion of road from 38th Ave. to Sunset Drive milled and repaved. Kakuk noted that he had recently ridden on River Drive and that it was not too bad at this time. He asked if we could do nothing with the road for now, but have Barley issue a credit to the township in case future issues would arise. Moilanen advised that the job deadline had been extended to June 20, 2015 and action would need to be taken by that date or another extension would have to be filed. At this time there is approximately a \$50,000 payment hold back on the job.

Discuss/adopt updated FOIA Policy – Moved by Anderson, seconded by Skrobiak to adopt the following policy. Carried unanimously.

FREEDOM OF INFORMATION ACT POLICY

Menominee County Road Commission (MCRC) documents and records are available to the public for inspection and/or copying in accordance with the Freedom of Information Act (FOIA) upon receipt of a written request, which specifically describes the exact public record(s) desired, unless exempted from disclosure by Section 13 of the Act or other law. Compliance with FOIA does not require that MCRC create new public records, nor make a compilation, summary, or other reports of information in order to satisfy a request.

All FOIA requests must be made in writing. Requests made by facsimile copy or electronic mail are acceptable. A FOIA request received by facsimile copy, electronic mail, or by other electronic means, is deemed received the first business day following its transmission. Written requests will be forwarded to the FOIA Coordinator for response.

The Finance Director/Clerk is the designated FOIA Coordinator. The FOIA Coordinator has the authority to issue notices extending response time, or to deny requests, in whole or part, on behalf of MCRC.

Legal Counsel should review all denials and non-routine requests prior to response. The FOIA Coordinator will keep a copy of all written requests for public records, and all responses on file for not less than one year from the date of the response.

The FOIA Coordinator will respond in writing to a FOIA request within five (5) business days of receipt, utilizing the Notice of Freedom of Information Act Request Form, with one of the following actions:

1. Grant the request;
2. Deny the request;
3. Grant the request in part and deny the request in part;

4. Issue a notice extending for not more than ten (10) business days the period during which MCRC will respond to the request. The notice will include the date by which MCRC will respond to the request.

In the event of a denial of a FOIA request, in whole or in part, the Notice of FOIA Response Form will contain: an explanation of the basis under the Act or other statute that the public record, or portion of public record, is exempt from disclosure, if that is the reason for denying the request; certification that the record does not exist under the name provided by the requester or under another name reasonably known to MCRC, if that is the reason for denying the request; a description of a public record or information in a public record that is separated or deleted pursuant to Section 14 of the Act, if a separation or deletion is made; and a full explanation of the requesting party's right to appeal or request judicial review of the denial and to receive attorney's fees and damages in appropriate cases.

In the event of an appeal, the Menominee County Board of Road Commissioners will serve as the governing body responsible for hearing the appeal. Appeals should be submitted in writing addressed to the Chairperson of the Board of County Road Commissioners in care of the FOIA Coordinator. The Board will address the appeal at the next regularly scheduled meeting after the appeal is received and will respond to the appeal within ten (10) days after the Board meeting.

Upon receipt of a written request to review a public record, MCRC will make the record(s) reasonably available for supervised inspection unless the request is denied in whole or in part as provided in this policy. A mutually convenient time will be determined during MCRC's normal business hours, and the records will be made available within five (5) business days of receipt of the request, unless the time period for response has been extended as provided in this policy.

A MCRC employee, to ensure the integrity of the records, will supervise inspection of public records. Upon completion of the inspection, the employee will provide copies of inspected documents as requested according to the guidelines outlined in this policy. Records must remain in the office where they are being inspected, and no unauthorized alteration, defacement, mutilation, destruction or removal is permitted.

Fees will be assessed as allowed by law for the services performed by MCRC employees relating to the processing of FOIA requests as follows:

1. Labor costs directly associated with the necessary searching for, locating, and examining of MCRC records in conjunction with receiving and fulfilling a granted written request. Labor costs for this purpose shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down;
2. Labor costs, including necessary review, if any, directly associated with separating and deleting exempt information from nonexempt information. Labor costs for this purpose shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down;
3. The actual total incremental cost of necessary duplication, not including labor, calculated at the cost of 10 cents per sheet of paper;
4. The cost of labor directly associated with duplication. Labor costs for this purpose shall be estimated and charged in time increments of MCRC's choosing, with all partial time increments rounded down;
5. Actual mailing costs; and,
6. Any other fees or costs allowed by law.

In calculating the labor costs authorized by this policy, MCRC will not charge more than the hourly wage of the lowest paid MCRC employee capable of retrieving the information necessary to comply with the request. MCRC will also add the actual cost of fringe benefits, up to 50% of the applicable labor charge amount, to cover or partially cover fringe benefit costs, and will note the percentage multiplier used to account for benefits in a detailed itemization provided to the requesting party.

Should estimated fees exceed fifty (\$50) dollars, a good faith deposit of ½ of the total estimated fee will be required prior to the processing of the FOIA request. The FOIA Coordinator may grant waivers of the deposit and/or portion of the processing fees. A public record search and a copy of the public record will be without charge for the first twenty (\$20) dollars of the fee for each request by an eligible individual who submits an affidavit that they are then receiving public assistance or showing inability to pay because of indigence.

**Menominee County Road Commission
Notice of Freedom of Information Act Response**

1. Name & address of requester: _____

2. Manner in which request was submitted:

U.S. mail/personal delivery _____
Facsimile/e-mail _____
Other electronic means _____

3. Date written request received by MCRC (if received by facsimile, e-mail, or other electronic means, request will be deemed received on next business day): _____

4. Public records requested:

5. Written request: **Granted**
 Denied because (include section/subsection if exemption is claimed)

(See Section 9 for appeal rights.)

 Granted in part and **Denied** in part because (include section/subsection if exemption is claimed)

(See Section 9 for appeal rights.)

 Response period extended up to an additional 10 business days to _____

6. Fee incurred in responding to request:

Labor costs for search, location, and examination:

 x \$ hourly wage = \$ Multiplier for fringe benefits %

Labor costs for separation and deletion of exempt information from nonexempt information:

 x \$ hourly wage = \$ Multiplier for fringe benefits %

Labor costs for duplication:

 x \$ hourly wage = \$ Multiplier for fringe benefits %

of Pages x \$0.10 per page \$

Actual costs for postage \$

Other \$

Total Costs \$

 First \$20 of fee waived (Affidavit of Public Assistance or Indigency submitted or accepted). Please submit \$.

 Because estimated fee exceeds \$50, deposit of one-half the total amount due must be received by the MCRC prior to the MCRC's response. The deposit of \$ shall be payable by check or money order to the "Menominee County Road Commission." Remit to Menominee County Road Commission, FOIA Coordinator, PO Box 527, Stephenson, MI 49887, with a copy of this notice.

7. Upon receipt of fees where applicable, requested information will be:

 Mailed to (if different than Line 1): _____

 Emailed at requester's direction to _____

 Faxed at requester's direction to _____

 To be paid for and picked up in person at MCRC office.

 Estimated time frame in which MCRC will be able to provide the requested documents:

8. Date of Response:

Mailed _____

Emailed _____

Faxed _____

Personal delivery _____

9. Description of appeal rights due to denial of requested records.

a. Per Section 5(4)(d)(i) of FOIA, you may submit to the Chairperson of the County Board of Road Commissioners a written appeal that specifically states the word "appeal" and that identifies the reason(s) for the requested reversal of the denial. The appeal should be mailed to the Board Chairperson, care of the FOIA Coordinator, at the County Road Commission's address, Attention: FOIA Board Appeal. The Board will address the appeal at the next regularly scheduled meeting after the appeal is received and will respond to the appeal within ten (10) days after the Board meeting.

b. Alternately, you may seek judicial review of the denial under Section 10 of FOIA. Such review will be in the circuit court for Menominee County. If you prevail in your court action, FOIA Section 10(6) provides: "The court shall award reasonable attorneys' fees, costs, and disbursements." If you

or the County prevail in part, "...the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements." Section 10 also provides for payment of damages in certain cases.

Discuss property purchase transaction in Spalding Township – Moilanen explained that a Spalding township resident wanted to purchase a parcel of property that overlaps Murray Road. Moved by Kakuk, seconded by Skrobiak that the road commission will still claim their jurisdictional rights on Murray Road even if the property is purchased. Carried unanimously.

Discuss road closure request from MJ Electric – Moilanen advised he had received a request from MJ Electric to close a 236 foot section of N-1 Road for two weeks in June to facilitate their operations in the area. There would be an alternate route for traffic to use approximately 500 feet away. MJ Electric would post signs for the closure and they have indemnification paperwork on file with the road commission. Moved by Anderson, seconded by Skrobiak to allow the temporary closure. Carried unanimously.

Sign contract with Payne & Dolan, Inc. for South Pinewoods Loop paving – Three copies of the contract were signed and will be distributed.

Any other business – Skrobiak noted that O-1 Road off of G-18 to the south had water across the road and may need additional gravel. Moilanen will have the foreman check on this. Kakuk added that he had received a request to have Lance Lane graded. Moilanen will have the foreman look at this also.

Skrobiak asked when Holmes Township roads would be dust oiled. Moilanen replied that the crew was working on getting roads graded so they could be brined, and that Holmes was on the list.

Public Comment – Davis Wesoloski commented that the new FOIA changes were mostly concerned with the amount that could be charged to process the request, such as wages, etc.

Joe Linder stated that Don LeHay contacted him regarding a road name sign that he would like to have changed. Moilanen advised that the township should first contact central dispatch regarding the change, and then pass a resolution approving the change, sending a copy of the resolution to central dispatch for their records. The township could then order the sign and the road commission would install it.

Jerry Piche noted that while working on 4th Street in Nadeau Township, the road commission water truck was parked on the roadside refilling and they did not have their flashers on. He asked that in the future the operator turn the flashers on for better visibility and safety.

Joe Linder asked if the work on 4th Street was complete. Moilanen replied that it was and that once all items had been posted an invoice would be generated.

Jim Revall stated that per the estimate for No. 25 Road, Daggett Township could only afford to pay for the paving and asked if the road commission would pay for the dirt work that needed to be done. Moilanen replied that due to drainage issues, ditching and grade lifts would need to be completed prior to paving. The road commission would not pay for this so the best option would be for the township to use their money for the dirt work now and then wait to pave the road for a couple of years. Mr. Revall asked who would do the dirt work. Moilanen replied the road commission would. Moilanen asked that Daggett Township advise the road commission how they would like to proceed. Mr. Revall also asked when CR360 would be paved. Moilanen stated it is already listed on the TIP for when funding becomes available.

Joe Linder asked if pavement could be milled and then reused. Moilanen replied that it could be stored and used for fill. Mr. Linder asked about paving on G-18. Moilanen stated that some areas would need a grade lift first.

Larry Barker asked what year the CR553 Bridge over the Cedar River was built. Moilanen will check on this.

There being no further business, Kakuk declared the meeting adjourned at 9:56 a.m.