

The Menominee County Board of Road Commissioners held a regular meeting in their offices north of Stephenson on Tuesday, November 12, 2019.

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

Present: Kenneth Bower, Anthony Kakuk, Kenneth Kline, Darrell Cass, Darrell Moilanen, and Lisa Savord. Also present were Dana Dziedzic, Charlene Peterson, Jeffrey Budish, Dale Burie, Lea Jane Burie, William Boerner, Tom Boerner, Mike Foley, Larry Barker, Charles Schmidt, Tony Baciak, Jr., and Chantae Lessard.

Absent: None

The Pledge of Allegiance was recited.

Public comments – Charles Schmidt requested that the road commission withhold Meyer Township’s railroad crossing closure funds due to an issue he alleges exists with federal aid grants the township has applied for in the past. Moilanen explained that the railroad closure funds were actually road commission funds that the road commission has agreed to use for projects within Meyer Township, and that they are not in any way related to any other federal grants the township may have pursued. Mr. Schmidt stated that Meyer Township feels they can use the funds for whatever they wish. Moilanen replied that the railroad closure funds have to be used per ACT 51 guidelines and only with approval from the road commission.

Jeffrey Budish asked if Bone Yard Road was open to the public, as Aquila Resources has a cable across the road that is blocking access to state lands. Cass stated that a letter had been sent to the township showing the alignment of the road. Moilanen added that to the road commission’s knowledge, the only portion of Shakey Creek Trail, also referred to in the past by MCRC as Bone Yard Road, that is gated is the part that was abandoned several years prior at the request of William Boerner. Charlene Peterson stated that the portion of the road that was abandoned was in Holmes Township, but the road that was now being questioned is in Lake Township off of River Road. Moilanen replied that the road in question was not part of the county system, that it belonged to the DNR so the issue should be brought to them. Dale Burie asked if the road commission had any easement or ROW for this part of the road. Cass replied no as it was not the road commission’s road. Mr. Burie asked if he could have a signed document stating this. William Boerner stated that he wanted the Aquila Resources representatives in attendance to respond to this issue. Moilanen advised that this meeting was for road commission business only and not to be used as a debate for or against the mine, and that any comments must be addressed to the road commission board only and not to other meeting attendees.

Public appearances – None.

Additions/corrections to minutes for 10/08/19 – Moved by Kline, seconded by Bower that the minutes will stand as written. Carried unanimously.

Financial Report –

	Receipts	Expenditures	Payables / Reserves	Balances
Balance, October 7, 2019				\$3,955,809.07
Receipts thru 10/31/19	397,710.40			
Expenditures thru 10/31/19		1,141,149.57		
Balance, October 31, 2019				\$3,212,369.90
Michigan Transportation Funds	490,878.14			
Receipts thru 11/11/19	0.00			
Expenditures thru 11/11/19		0.00		
Set aside for purchase of graders in 2020			1,200,000.00	
State Maint. & Equip. Advances			146,143.00	
Balance, November 11, 2019	888,588.54	1,141,149.57	1,346,143.00	2,357,105.04
<u>Payables & Reserves</u>				
Payroll 11/14 and 11/28 (Est.)			175,000.00	
Soc. Sec. 11/14 and 11/28 (Est.)			13,387.50	
Reserve for workers compensation insurance			25,729.08	
Reserve for liability insurance			73,242.75	

Reserve for rental grader leases - John Deere (Oct 2015)		38,167.00	
Reserve for rental grader leases - Cat Financial (Dec 2015)		172,626.82	
Reserve for Forest Funds		161,010.93	
Reserve RR X'ing closure funds for Meyer Twp. projects		199,788.35	
Reserve for Federal Aid Match for CR360 project		12,000.00	
Reserve for Federal Aid Match for CR400 project		14,340.16	
Reserve for Federal Aid Match for C-1 Bridge		29,016.91	
Reserve for Construction Engineering for CR360		2,146.63	
Reserve for Construction Engineering for C-1 Bridge		14,780.74	
Reserve for Construction Engineering for CR400		5,600.24	
Reserv for Design Engineering for No. 29 Road Bridge		57,610.00	
Reserve for LaBelle Road pavement inspection/testing/staking		4,470.88	
Reserve for LaBelle Road paving project		0.00	
Reserve for crushing 45,000 tons of 23A limestone		217,800.00	
Reserve for Cutting edges for Underbodies		25,535.88	
Reserve for electrical wiring at Powers & Menominee		7,000.00	
Reserve for garage doors & openers at Powers		0.00	
Reserve for salt shed roof replacements at Stephenson		0.00	
Reserve for roof repairs on Stephenson cold storage		4,211.00	
Reserve for 3 Heavy Duty Tandem Dump Trucks		336,504.00	(1,589,968.87)
			\$ 767,136.17

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

Vouchers # 20-0002, 20-0004, 20-0006 and 20-1031 – Moved by Bower, seconded by Kline that the vouchers be approved and ordered paid. Carried unanimously.

Open bids for M-35 at Bis Creek Soil Densification with High Density Polyurethane – Bids were opened and read aloud as follows:

Uretek USA, Inc., Tomball, TX \$33,000.00

Moved by Kakuk, seconded by Kline to award the bid to Uretek, pending approval from MDOT. Carried unanimously.

Permission to bid fabrication of box culvert for CR348 project – Cass advised that this project was set for next year. The road commission will bid the culvert and have it built so it can be provided to the project contractor for installation. Moved by Kline, seconded by Kakuk to go out for bids for the box culvert. Carried unanimously.

Permission to sign contract with Michigan Department of Treasury for financial audit for fiscal years ending 9/30/19, 9/30/20 and 9/30/21 – Cass explained that typically a one- year contract was offered, but that this contract provided the opportunity to hold last year’s price for the next 3 years. Moved by Bower, seconded by Kakuk to have the contract signed. Carried unanimously.

Discuss attorney’s opinion regarding conveyance of tower/property deed to county – Cass advised that Attorney William Henn’s recommendation was that the property be transferred with a Quit Claim Deed and noted that the attorney would draft the document upon request. Moved by Kline, seconded by Bower to have a letter sent to the county administrator offering to transfer the property to Menominee County for \$1, by Quit Claim Deed and advising that should the county prefer a Warranty Deed, then they would pay for all costs associated with the document. Carried unanimously.

Discuss/adopt 800MHz radio policy – Moved by Bower, seconded by Kline to adopt the following policy. Carried unanimously.

I. PURPOSE:

The purpose of this policy is to assure a uniform standard for the responsibilities, operating procedure, and distribution of Menominee County Road Commission owned 800 mghz radio equipment. **Radio equipment shall mean - 800 mghz portable radio, radio charger, attachments, accessories, and all future equipment purchased for the radio.**

II. MANAGEMENT RESPONSIBILITIES:

- A. Provide training for each employee
- B. Supply radio equipment at no cost to each employee
- C. Understand that radios are field equipment
- D. Understand normal wear and tear of radio equipment
- E. Each Supervisor shall effectively enforce compliance of this policy

III. EMPLOYEE RESPONSIBILITIES:

- A. Employees shall comply with this policy
- B. Employees shall communicate in a professional manner; no profanity or obscene language will be tolerated
- C. Condition of the radio equipment
- D. Whereabouts of the equipment at all times

- E. Proper charging of the battery at all times
- F. Having possession of a fully charged radio in the "on" position and tuned to appropriate channel during working hours
- G. Proper operation
- H. Compliance with FCC rules and regulations
- I. Employees shall consult with his/her supervisor or other management personnel whenever there is a question regarding this or any other policy

IV. POLICY:

The policy of this board is to provide each employee with the most dependable method of communication available at the time of this policy. Radio communication is a necessity for the safety of the employees as well as the safety of the motoring public. Radio communication is also a requirement for the day to day operation of the Menominee County Road Commission.

V. Exception:

There are no exceptions to this policy.

Any other business – Cass noted that the road commission had been approved for a Hannahville 2% grant in the amount of \$19,904 for the purchase of a stainless-steel v-box spreader, and asked for permission to go out to bid for this piece of equipment. Moved Bower, seconded by Kline to approve going out to bid for the spreader. Carried unanimously.

Cass advised that the Great Lakes Council was again running Public Service ads on TV6 for the upcoming year and were asking for the member counties to participate in the cost of the ads. Moved by Kakuk, seconded by Kline not to participate in the cost of the ads since many county residents are not able to receive programming from TV6. Carried unanimously.

Cass stated that one of the fuel pumps at the Stephenson shop is inoperable and the second one operates, but is extremely slow. Cass asked for permission to go out for quotes/bids to replace them, and if under \$15,000 to award. Moved by Kakuk, seconded by Bower to go out for bids/quotes and award if under \$15,000, for a new fuel dispensing system for the Stephenson shop. Carried unanimously.

Kline thanked the employees for the great job done on No. 10 Lane. He also noted that he had received a request from a resident for improvements on Elmwood Road east of US 41, stating it was getting in poor shape.

Kakuk advised that there were still problems with manure running into the ditch and culvert on Belgiumtown Raod by the DeBacker Farm and overtopping the road. Moilanen replied that the ditch and pipe had been cleaned out about 2 weeks prior and that the problem was likely due to DeBacker's manure holding tank overflowing. Bower asked if someone could ask DeBacker to fix the problem. Moilanen responded that it would be an issue for the Farm Bureau to deal with. The road commission has already ditched and put in a new culvert. Kakuk will talk to Mr. DeBacker to see if they can possibly pump the tank out more often to prevent it from overflowing.

Kakuk asked if the gate across the alley in Hermansville had been removed. Moilanen responded that the resident has until November 14th to remove it.

Kakuk asked if the pile of electronics that the resident on Badish Road has in the right of way could become a liability issue. Moilanen stated that if we take action to push it out of the right of way it could become a hazardous material situation, and noted that they keep advertising to take more so they would likely fill the area back in. Kakuk also advised that Daggett Township Supervisor, Jim Revall, had asked if the road commission could send the resident a letter requesting that they remove the pile. Moilanen replied that the road commission would need a way to enforce the request. Cass asked if the cost to remove the pile could be assessed against the resident's property tax if they were unwilling to pay for it.

Public Comment – Chantae Lessard from Aquila presented the board with a document to put on file in response to the document that was presented to the board on 10/08/19 by Dale Burie from the Coalition to Save the Menominee River.

Tom Boerner stated that the road commission has a thankless job and wanted to let them know that they were appreciated and also apologized for the mine debate earlier in the meeting.

Dale Burie asked if the fuel vendor would be willing to provide new fuel pumps. Savord replied that each load of fuel was put out to bid, so there were several vendors that deliver here.

There being no further business, Kakuk declared the meeting adjourned at 9:42 a.m.