

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

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**2010 CHARLEVOIX COUNTY ROAD COMMISSION MINUTES  
PLEASE SCROLL DOWN TO VIEW PREVIOUS DATES**

**DECEMBER 30, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff, Ron Reinhardt and Shirlene Tripp, CCRC manager Patrick Harmon and CCRC clerk Shelley Kondrat attended, along with future Road Commissioner Russell MaGee. CCRC staff engineer Mr. Vanek, CCRC road foreman Randy Thompson, CCRC retirees Larry Handwerk & Melvyn Thayer, and Emmet County Road Commission Commissioner Leroy Sumner & Engineer-Manager Brian Gutowski attended the plaque presentations.

Commissioner Saunders moved to accept December 13, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Ogden moved to approve the Fiscal Year January 1 through December 31, 2010 Recommended Year-end Budget proposed by the Clerk as follows, seconded by Commissioner Saunders.

<b>Presented 12/30/10</b>		<b>2010 BUDGET SUMMARY (PROPOSED FINAL)</b>			Page    of	
<b>Shelley Kondrat, Clerk</b>					1     3	
Name of Governmental Unit		Name of Fund	Fund No.	Budget Year Ending		
Charlevoix County Road Commission		Road Fund	201	Date: 12-31-10		
<b>FISCAL YEAR JANUARY 1 THROUGH DECEMBER 31, 2010</b>						
<b>REVENUES (AND OTHER SOURCES)</b>						
DEPARTMENT OR CLASSIFICATION		AMOUNT				
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET		
2	TRANSPORTATION	2,979,432.86	2,798,200.04	2,915,137.30		
2	FEDERAL & STATE REVENUE	974,122.22	368,931.30	368,931.30		
	ECONOMIC DEVELOPMENT FUND	0.00	0.00	0.00		
2	TRUNKLINE MAINTENANCE-PRIMARY	401,923.09	400,900.00	345,900.00		
2	COUNTY RAISED REVENUE	2,801,950.61	1,361,501.57	2,451,860.09		
2	OTHER RAISED REVENUE	0.00	1,043,636.28	0.00		
2	INTEREST EARNED	6,753.76	4,230.00	4,285.00		
2	SALVAGE SALES	1,713.04	5,176.02	5,176.02		
2	EQUIPMENT RETIREMENTS	11,809.26	0.00	0.00		
2	GAIN/LOSS-EQUIPMENT DISPOSALS	132,175.74	11,116.56	11,116.56		

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2	PERMIT FEES	15,133.50	20,000.00	20,149.50
2	OTHER	159.99	4,458.60	4,651.40
TOTAL REVENUES		7,325,174.07	6,018,150.37	6,127,207.17
TOTAL OTHER SOURCES		0.00	0.00	0.00
TOTAL REVENUES AND OTHER SOURCES		7,325,174.07	6,018,150.37	6,127,207.17

<b>EXPENDITURES (AND OTHER USES)</b>		AMOUNT		
DEPARTMENT OR CLASSIFICATION				
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
3	HEAVY MAINTENANCE	3,972,214.89	2,916,606.11	2,987,280.81
3	REGULAR MAINTENANCE	2,602,326.94	2,125,000.00	2,245,965.96
3	TRUNKLINE MAINTENANCE-PRIMARY	401,859.32	400,900.00	414,242.46
3	ADMINISTRATIVE EXPENSE (NET)	427,412.87	386,700.00	435,222.18
3	EQUIPMENT EXPENSE (NET)	142,853.08	297,389.00	264,637.53
3	CAPITAL OUTLAY (NET)	168,978.14	-256,429.26	-236,924.46
3	DISTRIBUTIVE EXPENSE	0.00	0.00	0.00
3	OTHER	0.00	0.00	0.00
TOTAL EXPENDITURES		7,715,645.24	5,870,165.85	6,110,424.48
OTHER USES		0.00	0.00	0.00
AMOUNTS NEEDED FOR CONTINGENCIES		0.00	0.00	0.00
TOTAL EXPENDITURES AND OTHER USES		7,715,645.24	5,870,165.85	6,110,424.48

CURRENT ESTIMATED OPERATING SURPLUS (DEFICIT)	16,782.69
ACCUMULATED AVAILABLE UNAPPROPRIATED SURPLUS (DEFICIT) FROM PRIOR YEARS	0.00
PROJECTED SURPLUS AT END OF BUDGET YEAR	16,782.69

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Saunders moved to approve and implement the Fiscal Year January 1 to September 30, 2011 Beginning Budget listed below as recommended by the Clerk, seconded by Commissioner Ogden.

<b>Presented 12/30/10</b> <b>Shelley Kondrat, Clerk</b>	<b>2011 RECOMMENDED BEGINNING BUDGET</b>			Page of 1    3
Name of Governmental Unit Charlevoix County Road Commission	Name of Fund Road Fund	Fund No. 201	Budget Year Ending Date: 09-30-11	

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<b>FISCAL YEAR JANUARY 1 THROUGH SEPTEMBER 30, 2011</b>				
<b>REVENUES (AND OTHER SOURCES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ESTIMATED PRIOR YEAR (12-31-10)	PREVIOUSLY APPROVED	RECOMMENDED 09-30-11 BUDGET
2	TRANSPORTATION	2,908,738.12	0.00	2,835,000.00
2	FEDERAL & STATE REVENUE	368,931.30	0.00	0.00
	ECONOMIC DEVELOPMENT FUND	0.00	0.00	0.00
2	TRUNKLINE MAINTENANCE-PRIMARY	356,348.96	0.00	390,000.00
2	COUNTY RAISED REVENUE	2,451,860.09	0.00	225,000.00
2	OTHER RAISED REVENUE	0.00	0.00	1,700,000.00
2	INTEREST EARNED	4,230.00	0.00	4,230.00
2	SALVAGE SALES	5,176.02	0.00	1,500.00
2	EQUIPMENT RETIREMENTS	0.00	0.00	179,937.39
2	GAIN/LOSS-EQUIPMENT DISPOSALS	11,116.56	0.00	125,000.00
2	PERMIT FEES	20,000.00	0.00	20,000.00
2	OTHER	4,651.40	0.00	200.00
TOTAL REVENUES		6,131,052.45	0.00	5,480,867.39
TOTAL OTHER SOURCES		0.00	0.00	0.00
TOTAL REVENUES AND OTHER SOURCES		6,131,052.45	0.00	5,480,867.39

<b>EXPENDITURES (AND OTHER USES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ESTIMATED PRIOR YEAR (12-31-10)	PREVIOUSLY APPROVED	RECOMMENDED 09-30-11 BUDGET
3	HEAVY MAINTENANCE	2,987,280.81	0.00	1,925,000.00
3	REGULAR MAINTENANCE	2,258,949.48	0.00	1,750,000.00
3	TRUNKLINE MAINTENANCE-PRIMARY	422,079.96	0.00	394,500.00
3	ADMINISTRATIVE EXPENSE (NET)	436,830.00	0.00	252,830.00
3	EQUIPMENT EXPENSE (NET)	180,000.00	0.00	295,000.00
3	CAPITAL OUTLAY (NET)	-236,924.46	0.00	74,902.00
3	DISTRIBUTIVE EXPENSE	0.00	0.00	960,000.00
3	OTHER	0.00	0.00	0.00

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TOTAL EXPENDITURES	6,048,215.79	0.00	5,652,232.00
OTHER USES	0.00	0.00	0.00
AMOUNTS NEEDED FOR CONTINGENCIES	0.00	0.00	0.00
TOTAL EXPENDITURES AND OTHER USES	6,048,215.79	0.00	5,652,232.00

CURRENT ESTIMATED OPERATING SURPLUS (DEFICIT)	-171,364.61
ACCUMULATED AVAILABLE UNAPPROPRIATED SURPLUS (DEFICIT) FROM PRIOR YEARS	0.00
PROJECTED SURPLUS AT END OF BUDGET YEAR	-171,364.61

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

The above 2011 budget is calculated on a 12-month fiscal year.

Mrs. Kondrat will refigure 2011 beginning budget for January 10, 2011 meeting due to the 2011 fiscal year being changed from January 1, 2011 through September 30, 2011 to comply with Charlevoix County Board October 1 through September 30 fiscal years.

Commissioner Ogden moved to approve up to 30% fund transfer from the Primary Road Fund to the Local Road Fund, and to transfer funds from the County Road Fund to the Local Road Fund as necessary for the fiscal year ending December 31, 2010, seconded by Commissioner Saunders.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Commissioner Saunders moved to comply with Public Act 2 of 1968 as amended, seconded by Commissioner Ogden.

1. Patrick Harmon, Manager, is designated Chief Administrative Officer, and Shelley Kondrat, Clerk, is designated Financial Officer.
2. Any change to an established budget must have Board approval.

MOTION APPROVED by roll call vote:

➤ Roll Call VOTE: Ayes – Ogden, Saunders, Way Nays – 0 Motion carried.

Commissioner Ogden moved to transfer \$7,652 from the Equipment Fund to the General Fund to pay for two 2010 Monroe Tailgate Spreaders (equipment #'s 336C & 363C @ \$3,826 each), seconded by Commissioner Saunders.

➤ Roll Call VOTE: Ayes – Saunders, Ogden, Way Nays – 0 Motion carried.

Commissioner Ogden moved to approve the County Road Association of Michigan (CRAM) Board of Directors proposed amendment to the Constitution and Bylaws as follows, seconded by Commissioner Saunders.

**AMEND SECTION 2, ARTICLE IV, AS FOLLOWS:**

Section 2. The Board of this Association shall consist of sixteen (16) elected members whose representation, election and terms shall be as hereinafter provided, and the most recent eligible Past President of the Association who may or may not also be a director by virtue of an elected term, who if not elected shall be an ex officio member with full voting rights. The sixteen (16) elected directors shall be elected as follows: four (4) members,

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one (1) from each of the sectional associations as identified in Article VII of this constitution and bylaws, elected (or reelected) by their respective sectional associations for a term of one (1) year; and twelve (12) members, three (3) from each of the sectional associations elected (or reelected) for a staggered three-year term. The four (4) to be elected each year for staggered terms shall be nominated and elected (or reelected) by a majority vote of the members of the Association THEIR RESPECTIVE SECTIONAL ASSOCIATION voting by sealed letter ballot.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Mr. Harmon:

- Informed all present the 37<sup>th</sup> District Association realized their bylaws were outdated, so the managers of the Association rewrote the bylaws and are proposing to rename the Association the “Straights Area Council” because some of the original counties now belong to other Associations. Mr. Harmon gave each Board member a copy to review and will present requested changes at the Associations February 2011 Meeting.
- Presented retirement and appreciation plaques to Larry Handwerk, Shirley Roloff and Wayne Saunders. All present thanked Commissioner Saunders, Commissioner Roloff and Larry Handwerk for their years of dedicated service and being a constructive part of CCRC.
- The Michigan Supreme Court ruled in a 4-3 decision that Beach Drive front lot property owners (Charlevoix Township) have riparian rights. This action reverses the previous Trial Court and the Appellate Court decisions. This news was just posted early this morning.

Recessed at 10:08 AM; resumed at 10:20 AM.

Recessed at 10:30 AM for retirees (Wayne Saunders, Shirley Roloff & Evelyn Davis) cake; resumed at 10:50 AM.

Commissioner Saunders moved to pay Michigan Cat \$134,722 for Wheel Loader #161, quick attach forks #161A and bucket #161B, seconded by Commissioner Ogden.

➤ Roll Call VOTE:       Ayes – Ogden, Saunders, Way       Nays – 0       Motion carried.

Commissioner Ogden moved to pay bills totaling \$138,671.44, seconded by Commissioner Saunders.

➤ Roll Call VOTE:       Ayes – Saunders, Ogden, Way       Nays – 0       Motion carried.

Chairman Way adjourned at 10:55 AM.

**DECEMBER 13, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioner Ogden, County Commissioner Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with future Road Commissioner Russell Magee and Petoskey News-Review reporter Dave Hopkins. (Commissioner Saunders was absent).

Commissioner Ogden moved to accept November 22, 2010 regular meeting minutes as presented, seconded by Chairman Way.

➤ VOTE:           Ayes – 2                           Nays – 0                           Absent - 1                           Motion carried.

Mr. Harmon explained Melrose Township has passed an ordinance addressing future encroachments and docks at road endings at lakes within their township. He then presented Second Street road ending at Walloon Lake final judgment (a platted, uncertified, paper street within the Village of Walloon Lake). Melrose Township officials have signed the Stipulated Final Judgment; CCRC Board must authorize CCRC Attorney Joel Wurster to sign.

Commissioner Ogden moved to authorize CCRC Attorney Joel Wurster to sign Second Street Stipulated Final Judgment, case #10-0108-23-CH, seconded by Chairman Way.

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➤ VOTE:           Ayes – 2                   Nays – 0                   Absent - 1                   Motion carried.

Mr. Harmon:

- Presented City of Charlevoix manager Rob Straebel request to add Carpenter Street (from US31 to State Street), State Street (from Carpenter Street to Clinton Street), and Clinton Street (from State Street to US31) to the National Functional Classification Map so these roads would qualify for Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A legacy for Users (SAFETEA-LU). The Board supports the request, which will be discussed at the 7:00 PM Thursday, December 16, 2010 Local Task Force Meeting.
- Explained Michigan Employees Retirement System (MERS) now offers a Health Care Savings Program (HCSP), which would be 100% employee funded. HCSP becomes available for tax-free medical expense reimbursements upon separation of employment, regardless of age (for participant, spouse and legal dependents). Employee quarterly statements show gains/losses; administrative fees are determined at the first business day of each month and deducted. Employees can start and stop contributions at any time. The presentation was for information only; the Board suggested keeping the current program with Korthase Agency, since the MERS system offered no advantage.
- Presented current CRAM 37<sup>th</sup> District Council members list; the Board supports the same member appointments for 2011.

Commissioner Ogden moved to transfer \$134,722 from the Equipment Fund to the General Fund for the 2010 Caterpillar 938H Wheel Loader (equipment #161), the 3-yard bucket attachment (equipment #161A), and the quick attach forks (equipment #161B) purchased from Michigan Caterpillar, seconded by Chairman Way.

➤ VOTE:           Ayes – 2                   Nays – 0                   Absent - 1                   Motion carried.

Commissioner Ogden presented proposed letter to Governor-elect Rick Snyder requesting reappointment of Kirk Steudle as MDOT Director. The letter explains Mr. Steudle has worked well with the counties to ensure a coordinated road system.

Commissioner Ogden moved to pay bills totaling \$62,157.41, seconded by Chairman Way.

➤ Roll Call VOTE:           Ayes – Ogden, Way                   Nays – 0                   Absent – Saunders                   Motion carried.

Chairman Way adjourned at 9:54 AM.

**NOVEMBER 22, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with Boyne Valley Township resident Russell Magee, Boyne City resident Lynn Murray and Petoskey News-Review reporter David Hopkins.

Commissioner Saunders moved to accept November 8, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

➤ VOTE:           Ayes – 3                   Nays – 0                   Motion carried.

Commissioner Ogden moved to accept and implement Fiscal Year January 1 to December 31, 2010 Budget Amendment 5 as presented by the clerk, seconded by Commissioner Saunders.

Presented 11/22/10 Shelley Kondrat, Clerk	<b>2010 BUDGET SUMMARY (AMENDMENT 5)</b>	Page    of 1    3
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Name of Governmental Unit		Name of Fund	Fund No.	Budget Year Ending
Charlevoix County Road Commission		Road Fund	201	Date: 12-31-10
<b>FISCAL YEAR JANUARY 1 TO DECEMBER 31, 2010</b>				
<b>REVENUES (AND OTHER SOURCES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
2	TRANSPORTATION	2,979,432.86	2,919,332.78	2,798,200.04
2	FEDERAL & STATE REVENUE	974,122.22	368,976.50	368,931.30
	ECONOMIC DEVELOPMENT FUND	0.00	0.00	0.00
2	TRUNKLINE MAINTENANCE-PRIMARY	401,923.09	400,000.00	400,900.00
2	COUNTY RAISED REVENUE	2,801,950.61	2,414,152.11	2,405,137.85
2	OTHER RAISED REVENUE	0.00	0.00	0.00
2	INTEREST EARNED	6,753.76	4,215.00	4,230.00
2	SALVAGE SALES	1,713.04	3,138.43	5,176.02
2	EQUIPMENT RETIREMENTS	11,809.26	0.00	0.00
2	GAIN/LOSS-EQUIPMENT DISPOSALS	132,175.74	1,116.56	11,116.56
2	PERMIT FEES	15,133.50	20,000.00	20,000.00
2	OTHER	159.99	4,458.60	4,571.71
TOTAL REVENUES		7,325,174.07	6,135,389.98	6,018,263.48
TOTAL OTHER SOURCES		0.00	0.00	0.00
TOTAL REVENUES AND OTHER SOURCES		7,325,174.07	6,135,389.98	6,018,263.48

<b>EXPENDITURES (AND OTHER USES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
3	HEAVY MAINTENANCE	3,972,214.89	2,920,718.42	2,916,606.11
3	REGULAR MAINTENANCE	2,602,326.94	2,065,000.00	2,125,000.00
3	TRUNKLINE MAINTENANCE-PRIMARY	401,859.32	402,719.14	400,900.00
3	ADMINISTRATIVE EXPENSE (NET)	427,412.87	411,700.00	386,700.00
3	EQUIPMENT EXPENSE (NET)	142,853.08	297,389.00	297,389.00
3	CAPITAL OUTLAY (NET)	168,978.14	-396,876.26	-256,429.26

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3	DISTRIBUTIVE EXPENSE	0.00	0.00	0.00
3	OTHER	0.00	0.00	0.00
TOTAL EXPENDITURES		7,715,645.24	5,700,650.30	5,870,165.85
OTHER USES		0.00	0.00	0.00
AMOUNTS NEEDED FOR CONTINGENCIES		0.00	0.00	0.00
TOTAL EXPENDITURES AND OTHER USES		7,715,645.24	5,700,650.30	5,870,165.85

CURRENT ESTIMATED OPERATING SURPLUS (DEFICIT)	148,097.63
ACCUMULATED AVAILABLE UNAPPROPRIATED SURPLUS (DEFICIT) FROM PRIOR YEARS	0.00
PROJECTED SURPLUS AT END OF BUDGET YEAR	148,097.63

➤ VOTE:           Ayes – 3           Nays – 0           Motion carried.

The three Board members signed the 2010/2011 winter maintenance agreement between CCRC and the Grand Traverse Band of Ottawa and Chippewa Indians.

Commissioner Ogden moved to change regular 9:00 AM December 27, 2010 meeting to 9:00 AM December 30, 2010 to allow year-end financial preparation, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3           Nays – 0           Motion carried.

Mr. Harmon presented November 12, 2010 Steering Committee Meeting minutes. The committee recommends the following for 2011 countywide road millage projects:

1. Springbrook Road (Melrose Township has offered to contribute approximately \$250,000 toward the project).
2. Camp Ten Road (Hudson Township).

Steering committee chairman John Vrondran will attend the 5:00 PM Wednesday, November 24, 2010 County Board meeting to recommend these projects for the 2011 construction season. The Steering Committee will meet in 2011 after Mr. Vanek has the estimates and bid documents prepared for an early 2011 bid letting. Commissioner Roloff remarked the original countywide road millage road project list is being completed quicker than anticipated.

Commissioner Ogden moved to transfer \$9,036 from the Insurance Fund to the General Fund to pay CRASIF invoice #CRA0003023 dated November 1, 2010, seconded by Commissioner Saunders.

➤ Roll Call VOTE:   Ayes – Ogden, Saunders, Way   Nays – 0   Motion carried.

Mr. Hopkins requested Beach Drive update; Mr. Harmon hasn't heard yet, but the verdict will be posted on the Supreme Court web page soon after a decision is rendered.

Recessed at 9:45 AM; resumed at 9:55 AM.

The Local Task Force Meeting is scheduled for 7:00 PM Thursday, December 16, 2010.

Chairman Way presented City of Boyne City manager Mike Cain letter inviting the County Board and CCRC Board, manager & staff engineer to attend an open forum meeting with the city managers, village president, & township



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supervisors. The meeting will be held at 6:00 PM on either Wednesday, January 19, 2011 or Monday, January 31, 2011; Mr. Harmon will keep the Board informed.

Commissioner Saunders moved to pay bills totaling \$162,671.14, seconded by Commissioner Ogden.

➤ Roll Call VOTE:       Ayes – Saunders, Ogden, Way       Nays – 0       Motion carried.

Chairman Way adjourned at 10:05 AM.

**NOVEMBER 8, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended.

Commissioner Saunders moved to accept October 25, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

➤ VOTE:               Ayes – 3               Nays – 0               Motion carried.

Commissioner Saunders moved to accept 2010 Annual Township meeting minutes as follows, seconded by Commissioner Ogden.

**AS PRESENTED:**

Chandler Township  
Evangeline Township  
Eveline Township

Hayes Township  
Marion Township  
Melrose Township

Norwood Township  
Wilson Township

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**AS CORRECTED:**

Hudson Township: Page 1, line 13: change "bleeding" to "flooding"

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Mrs. Kondrat explained the Michigan Employee Retirement System (MERS) makes it mandatory for member road commissions to be 80% funded before adopting MERS program "E" benefits for retirees. CCRC is currently 73.4% funded, which disallows improving retiree employee benefits.

Mr. Vanek presented \$9,934 proposal prepared by Northwest Design Group (NDG) engineer Lucas Porath to conduct Charlevoix County 2010 Biennial Bridge Inspections. Additional federal regulations include generating and maintaining bridge/culvert files for each bridge/culvert, performing QA/QC inspection checks, calculating load ratings, preparing the Bridge/Culvert Safety Inspection Reports, creating a Scour Action Plan (for Iron Bridge Road over Sturgeon River only), etc.

Commissioner Ogden moved to authorize the Manager to sign Northwest Design Group (NDG) \$9,934 proposal to conduct Charlevoix County 2010 Biennial Bridge Inspections in compliance with Federal Regulations, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Saunders moved to accept proposed changes to Policy #03-1 entitled "HIPPA Compliance" as follows, seconded by Commissioner Ogden.

Page 2 of 7, III. Minimum Necessary Standard, (b), (a), change "The Clerk Shelley Kondrat and/or Manager Patrick Harmon" to "The Clerk Shelley Kondrat, Manager Patrick Harmon and/or Administrative Assistant Ina Heaton"

Page 5 of 7, 4. Adequate Separation Between the Employer (Plan Sponsor) and the Plan, (a): add "Administrative Assistant Ina Heaton" below "Manager Patrick Harmon"

➤ Roll Call VOTE:       Ayes – Saunders, Ogden, Way       Nays – 0                           Motion carried.

Mr. Harmon:

- Will attend Wednesday's Managers meeting in St. Ignace.
- Said CCRC labor attorney Michael Kluck will be here Thursday to discuss two grievances.
- Is attempting to schedule a November 12, 2010 Road Steering Committee meeting to discuss 2011 millage funded road projects. If chosen, Melrose Township will contribute \$250,000 toward Springvale Road improvements; Chandler Township will also cost share in this project. There is also enough money to complete Camp Ten Road, which would decrease the road millage project list by two.
- Said Sackrider Construction LLC was low quote on Bergmann Road/Boyne City-East Jordan Road intersection berm removal at \$690; and Great Lakes Energy charges to move the pole and overhead wires was \$200. He feels this is a low price to increase visibility.
- Said Pleasant Valley Road culvert placement low quote was \$3,963 by Team Elmer's. The work is complete and looks great.

Mr. Vanek inspected and approved Iron Ore Creek culvert rehabilitation project on Beaver Island last week.

Commissioner Ogden requested last weeks Behling Road (primary and local) traffic counts after Mr. Vanek downloads the information.

Commissioner Ogden moved to pay bills totaling \$40,778.82, seconded by Commissioner Saunders.

➤ Roll Call VOTE:       Ayes – Saunders, Ogden, Way       Nays – 0                           Motion carried.

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Recessed at 10:00 AM; resumed at 10:30 AM.

**PUBLIC HEARING – INDIAN POINT RD. CONVERSION TO ALL-SEASON STATUS  
(ST. JAMES TOWNSHIP, BEAVER ISLAND)**

10:30 AM: Public hearing to determine converting recently upgraded Indian Point Road (St. James Township, Beaver Island) from seasonal to all-season status. Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended. There was no public comment.

Mr. Harmon & Mr. Vanek inspected and recommended approving seasonal road upgrade to all-season road.

Commissioner Saunders moved to convert recently upgraded Indian Point Road (Donegal Bay Road south 630-feet, St. James Township, Beaver Island) to all-season road status, seconded by Commissioner Ogden.

➤ VOTE: Ayes – 3                      Nays – 0                      Motion carried.

Public hearing adjourned at 10:35 AM.

\_\_\_\_\_  
Doug Way, Chairman

\_\_\_\_\_  
Shelley Kondrat, Clerk

Chairman Way adjourned the regular meeting at 10:36 AM.

**OCTOBER 23, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with Eveline Township supervisor John Vrondran and Petoskey News-Review reporter David Hopkins.

Commissioner Saunders moved to accept October 8, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

➤ VOTE:                      Ayes – 3                      Nays – 0                      Motion carried.

Commissioner Ogden moved to rescind the following October 8, 2010 regular Board meeting motion, seconded by Commissioner Saunders:

Page 2, lines 21-23:                      “Commissioner Saunders moved to change 9:00 AM Monday, November 15, 2010 regular Board meeting to 9:00 AM Friday, November 12, 2010 to allow full Board and manager attendance, seconded by Commissioner Ogden.”

➤ VOTE:                      Ayes – 3                      Nays – 0                      Motion carried.

Commissioner Saunders moved to accept and implement Fiscal Year January 1 to December 31, 2010 Budget Amendment 4 as presented by the clerk, seconded by Commissioner Ogden.

Presented 09/13/10 Shelley Kondrat, Clerk	<b>2010 BUDGET SUMMARY (AMENDMENT 4)</b>	Page    of 1     3
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**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

Name of Governmental Unit Charlevoix County Road Commission		Name of Fund Road Fund	Fund No. 201	Budget Year Ending Date: 12-31-10
<b>FISCAL YEAR JANUARY 1 TO DECEMBER 31, 2010</b>				
<b>REVENUES (AND OTHER SOURCES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
2	TRANSPORTATION	2,979,432.86	2,885,000.00	2,919,332.78
2	FEDERAL & STATE REVENUE	974,122.22	368,976.50	368,976.50
	ECONOMIC DEVELOPMENT FUND	0.00	0.00	0.00
2	TRUNKLINE MAINTENANCE-PRIMARY	401,923.09	400,000.00	400,000.00
2	COUNTY RAISED REVENUE	2,801,950.61	2,391,474.53	2,414,152.11
2	OTHER RAISED REVENUE	0.00	0.00	0.00
2	INTEREST EARNED	6,753.76	7,000.00	4,215.00
2	SALVAGE SALES	1,713.04	5,000.00	3,138.43
2	EQUIPMENT RETIREMENTS	11,809.26	64,874.86	0.00
2	GAIN/LOSS-EQUIPMENT DISPOSALS	132,175.74	10,000.00	1,116.56
2	PERMIT FEES	15,133.50	21,339.00	20,000.00
2	OTHER	159.99	113.11	4,458.60
TOTAL REVENUES		7,325,174.07	6,153,778.00	6,135,389.98
TOTAL OTHER SOURCES		0.00	0.00	0.00
TOTAL REVENUES AND OTHER SOURCES		7,325,174.07	6,153,778.00	6,135,389.98

<b>EXPENDITURES (AND OTHER USES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
3	HEAVY MAINTENANCE	3,972,214.89	2,760,451.03	2,920,718.42
3	REGULAR MAINTENANCE	2,602,326.94	2,410,000.00	2,065,000.00
3	TRUNKLINE MAINTENANCE-PRIMARY	401,859.32	400,000.00	402,719.14
3	ADMINISTRATIVE EXPENSE (NET)	427,412.87	411,700.00	411,700.00
3	EQUIPMENT EXPENSE (NET)	142,853.08	297,389.00	297,389.00
3	CAPITAL OUTLAY (NET)	168,978.14	-226,389.00	-396,876.26
3	DISTRIBUTIVE EXPENSE	0.00	0.00	0.00
3	OTHER	0.00	0.00	0.00
TOTAL EXPENDITURES		7,715,645.24	6,052,846.65	5,700,650.30
OTHER USES		0.00	0.00	0.00
AMOUNTS NEEDED FOR CONTINGENCIES		0.00	0.00	0.00
TOTAL EXPENDITURES AND OTHER USES		7,715,645.24	6,052,846.65	5,700,650.30

CURRENT ESTIMATED OPERATING SURPLUS (DEFICIT)	434,739.68
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**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

ACCUMULATED AVAILABLE UNAPPROPRIATED SURPLUS (DEFICIT) FROM PRIOR YEARS	0.00
PROJECTED SURPLUS AT END OF BUDGET YEAR	434,739.68

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

The Board signed the following agreement:

**ROAD IMPROVEMENT MILLAGE  
DISTRIBUTION AGREEMENT**

This is an agreement, dated October 25, 2010 between the Charlevoix County Road Commission, 1251 Boyne Avenue, Boyne City, Michigan 49712; the City of Boyne City, 319 North Lake Street, Boyne City, MI 49712; The City of Charlevoix, 210 State Street, Charlevoix, Michigan 49720; the City of East Jordan, 201 Main Street, East Jordan, Michigan 49727 and the Village of Boyne Falls, 2290 Railroad Street, Boyne Falls, Michigan 49713; all Michigan Municipal Corporations.

WHEREAS, A 15 year County of Charlevoix road improvement millage proposal was submitted to and approved by the electors on November 4, 2008; and

WHEREAS, The millage was first levied on the December 2009 Winter Tax bills; and

WHEREAS, Subsection (2) of MCL 224.20b (PA 283 of 1909) allows the governing bodies of cities and villages and the board of the county road commissioners to agree on the allocation and distribution of the revenues derived from the tax levy; and

WHEREAS, the parties first mentioned above would like to memorialize such an agreement as detailed below;

NOW THEREFORE; pursuant to MCL 224.20b(2) the parties agree as follows:

- 1) That all revenues levied and collected within the City of Boyne City, the City of Charlevoix, the City of East Jordan and the Village of Boyne Falls pursuant to the November 4, 2008 road improvement millage proposal shall be returned to the Treasurer of the municipality from which they came within fifteen (15) business days from the date of its submittal to the Charlevoix County Treasurer.
- 2) That all funds returned to the municipalities shall be used for the purpose of paying the cost of rebuilding and repaving existing roads in those municipalities.
- 3) That this agreement and its terms shall be retroactive and effective on all revenues levied and collected under the November 4, 2008 road improvement millage proposal.
- 4) That this agreement shall continue in full force and effect for as long as revenues are being collected under the November 4, 2008 road improvement millage proposal.
- 5) That this agreement shall be governed by and interpreted in accordance with the laws of the State of Michigan.
- 6) That this agreement shall be binding upon the respective successors and assigns of each of the parties.
- 7) Any notice related to this agreement shall be in writing and delivered to the other parties of this agreement by either first class mail or personal delivery to the other four parties at the addresses first indicated above.
- 8) The invalidation by court decision or statute of any provision of this agreement shall not affect the validity of the remaining provisions, which shall continue in effect.

IN WITNESS WHEREOF, the parties have caused this Road Improvement Millage Distribution Agreement to be executed the day and year first written above, as authorized by their respective governing bodies.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

Witnesses:

Charlevoix County Road Commission

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
By: \_\_\_\_\_  
By: \_\_\_\_\_

City of Boyne City

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
By: \_\_\_\_\_

City of Charlevoix

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
By: \_\_\_\_\_

City of East Jordan

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
By: \_\_\_\_\_

Village of Boyne Falls

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
By: \_\_\_\_\_

Commissioner Reinhardt received several complaint calls because a CCRC tractor/mower traveling down Boyne City-East Jordan Road/Fall Park Road had 20-plus cars behind it and did not pull over to let other vehicles pass (he was not mowing at the time). Mr. Reinhardt will get the date so Mr. Harmon can speak to the driver.

Commissioner Roloff:

- Inquired how last weeks annual township meetings went. Mr. Harmon said five townships have come and there are four more this week. Most townships are content.
- Asked how the meeting went with Mr. Harmon, Mr. Vanek and Beaver Island townships representatives. Mr. Harmon and Mr. Vanek drove several gravel roads and found them all smooth and drivable. But at the meeting, Peaine Township supervisor John (Jack) Gallagher said East Side Road surface from Welke Road to Kings Highway intersection is rough. Mr. Harmon told him clay should be added each year to this section of road, but Peaine Township hasn't made clay available for the last two years; if the township has clay available in 2011 when the mainland crew is on Beaver Island, it will be worked into the roadway. St. James Township was content with their roads.
- The township airport paving grant has not yet reached the stage of compliance and acceptance.
- Asked if Highridge Court (Port of St. James Association, Peaine Township, Beaver Island) encroachments were removed. Mr. Harmon checked last spring and the majority was removed at that time; he has received no further complaints so assumes it is.
- Asked if Beaver Island truck driver applications were taken. Mr. Harmon said yes; interviews are complete and he is awaiting paperwork.

Mr. Harmon presented the following Attorney General opinion:

STATE OF MICHIGAN  
MIKE COX, ATTORNEY GENERAL

HIGHWAYS:

Use of rights-of-way for pedestrian  
Pathways

EASEMENTS:

PEDESTRIAN PATHWAYS:

A pedestrian and bicycle pathway may be established within the right-of-way of a county road built on an easement granted for highway purposes, without first obtaining the consent of each owner of property abutting the highway.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

Opinion No. 7251

October 21, 2010

Honorable Jason Allen  
State Senator  
The Capitol  
Lansing, MI 48909-7536

You have asked whether a county road commission must obtain consent from the abutting property owners before establishing a pedestrian and bicycle pathway within the right-of-way of a county road built on an easement granted for highway purposes.

The “use of an easement must be strictly confined to the purposes for which it was granted or reserved.” *Delaney v Pond*, 350 Mich 685, 687; 86 NW2d 816 (1957). Determining the purposes to which an easement may be put begins with a review of the text of the instrument conveying that easement. *Little v Kin*, 468 Mich 699, 700; 664 NW2d 749 (2003). Your question refers to an easement granted for “highway purposes,” a common description of the purposes for which property is acquired or dedicated for use as a highway.

The general scope of such an easement has long been settled law. In *People v Eaton*, 100 Mich 208, 211; 59 NW 145 (1894), the Michigan Supreme Court addressed whether the statutory authority of a telegraph company to install telegraph poles along a public highway placed “an additional servitude upon the land of the adjacent proprietor,” so as to constitute an unconstitutional taking of private property without just compensation. The Court explained that highway easements are intended to give the general public the largest practicable benefit, and that, absent a restriction, the use of a highway is not restricted to any particular mode of use but is open to all suitable methods of public use:

Public highways are under legislative control. They are for the use of the public in general, for passage and traffic, without distinction. The restrictions upon their use are only such as are calculated to secure to the general public the largest practicable benefit from the enjoyment of the easement. *When the highway is not restricted in its dedication to some particular mode of use, it is open to all suitable methods.* It has been settled in this State that *lands taken or granted for public highways are so taken or granted for all the purposes for which they may be used for the benefit of the public, for the passing and repassing of travelers thereon, and for the transportation of passengers by stage coach, omnibus, or street cars propelled by horses, steam, or electricity, and that the laying of tracks for such street cars is not an additional servitude upon the lands of adjacent proprietors.* [*Eaton*, 100 Mich at 211; citations omitted; emphasis added.]

The Court added that the uses to which highway easements may be put evolve over time, in recognition of technological developments and the changing needs of the public:

When these lands were taken or granted for public highways, they were not taken or granted for such uses only as might then be expected to be made of them, by the common methods of travel then known, or for the transmission of intelligence by the only methods then in use, but for such methods as the improvement of the country, or the discoveries of future times, might demand. [*Eaton*, 100 Mich at 212-213.]

The Legislature has specifically authorized constitutionally dedicated transportation funds to be used for “nonmotorized transportation.” MCL 247.660k(2). In fact, the Legislature recently amended the law to encourage the use of highway rights-of-way by pedestrians and bicyclists. 2010 PA 134 and 135 amended the Michigan Planning Enabling Act, 2008 PA 33, MCL 125.3801 *et seq*, and 1951 PA 51, MCL 247.651 *et seq*, to require planning for such use:

(2) A master plan shall also include those of the following subjects that reasonably can be considered as pertinent to the future development of the planning jurisdiction:

\* \* \*

(b) The general location, character, and extent of all of the following:

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

(i) *All components of a transportation system and their interconnectivity* including streets and bridges, public transit, *bicycle facilities, pedestrian ways*, freight facilities and routes, port facilities, railroad facilities, and airports, to provide for the safe and efficient movement of people and goods in a manner that is appropriate to the context of the community and, as applicable, considers *all legal users of the public right-of-way*. [MCL 125.3833(2); emphasis added.]

Similarly, MCL 247.660p(1), which requires the development of a “complete streets” model for use by cities and counties, sets forth the following definitions:

(a) “Complete streets” means *roadways planned, designed, and constructed to provide appropriate access to all legal users* in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, *foot, or bicycle*.

(b) “Complete streets policy” means a document that provides guidance for the planning, design, and construction of roadways or an interconnected network of transportation facilities being constructed or reconstructed and designated for a transportation purpose that promotes complete streets . . . . [MCL 247.660p(1)(a) and (b); emphasis added.]

Various other statutes recognize that highways may be used by pedestrians and bicyclists. For example, under the Governmental Tort Liability Act, MCL 691.1401 *et seq.*, “[h]ighway’ means a public highway, road or street that is open for public travel and includes bridges, sidewalks, trailways, crosswalks, and culverts on the highway.” MCL 691.1401(e). Section 60 of the Michigan Vehicle Code, MCL 257.1 *et seq.*, defines “[s]idewalk” to mean, “that portion of a street between the curb lines, or the lateral lines of roadway, and the adjacent property lines intended for the use of pedestrians.” MCL 257.60. Section 655 of the Code requires that: “Where sidewalks are provided, a pedestrian shall not walk upon the main traveled portion of the highway.” MCL 257.665. With regard to bicyclists using sidewalks, section 660c(1) provides: “An individual operating a bicycle upon a sidewalk or a pedestrian crosswalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.” MCL 257.660c(1). Section 656(3) recognizes that paths may be set aside for bicycle use: “The regulations applicable to bicycles under sections 656 to 662 shall apply when a bicycle is operated upon a highway or upon a path set aside for the exclusive use of bicycles, subject to those exceptions stated in sections 656 to 662.” MCL 257.656(3).

This Attorney General has opined that nonmotorized facilities that are “reasonably appurtenant” to the portion of a highway designed for motorized vehicles can enhance highway safety by separating the motorized vehicles from bicyclists, hikers, cross-country skiers, and other pedestrians. See OAG, 1979-1980, No 5723, p 837 (June 19, 1980). And in *In re Petition of Carson*, 362 Mich 409, 412; 107 NW2d 902 (1961), the Michigan Supreme Court ruled that a footpath was a contemplated use of a roadway, quoting and adopting the following definition of “highway” from a decision of the Georgia Supreme Court, “[a] highway is a public way open and free to any one who has occasion to pass along it on foot or with any kind of vehicle.”<sup>2</sup>

In light of these statutory provisions and precedents, a path for use by pedestrians and bicyclists is a proper use of an easement granted for highway purposes.<sup>3</sup> Because it is a proper use within the scope of an easement granted for highway purposes, a county road commission need not obtain the consent of property owners abutting the easement before establishing a pedestrian and bicycle pathway within the right-of-way.

It is my opinion, therefore, that a pedestrian and bicycle pathway may be established within the right-of-way of a county road built on an easement granted for highway purposes, without first obtaining the consent of each owner of property abutting the highway.

MIKE COX  
Attorney General

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<sup>1</sup> The description “highway purposes,” is generally used to describe the property acquired for use as a highway, whether the property is acquired by voluntary conveyance (*Church v State Highway Dep’t*, 254 Mich 666; 236 NW 900 (1931)), dedication (*DeFlyer v Oceana County Rd Comm’rs*, 374 Mich 397, 402; 132 NW2d 92 (1965)), statutory user (*Eager v*



**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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*State Hwy Comm'r*, 376 Mich 148, 155; 136NW2d 16 (1965)), or condemnation (*State Highway Comm'r v Eilender*, 373 Mich 46; 127 NW2d 890 (1964)).

<sup>2</sup> *Schlesinger v City of Atlanta*, 161 Ga 148, 159; 129 SE 861 (1925); *Eyde v Eaton County Drain Comm'r*, 427 Mich 271, 283; 398 NW2d 297 (1986) (“A highway easement is in the public and cannot be limited by individual perceptions of what the scope of that easement should be”).

<sup>3</sup> Among the other proper uses of highway rights of way are: snowmobiling (MCL 324.82119); parking (*Cleveland v Detroit*, 324 Mich 527, 536; 37 NW2d 625 (1949)); and, above-and below-ground public utilities (Const 1963, art 7, § 29; MCL 247.183; OAG, 1979-1980, No 5746, p 892 (July 25, 1980); *Eyde*, 427 Mich at 286.

Mr. Harmon:

- Is, with property owner approval, improving sight distance at Boyne City-East Jordan Road intersecting Bergmann Road. Great Lakes Energy is relocating their utility pole today, contractor will remove dirt pile, and CCRC will remove concrete pad and seed & mulch. There is a fence that will be taken down and replaced after project completion.
- Will have contractor do Pleasant Valley Road ditch work and culvert placement near the Boyne City limits to correct drainage problem. MISS DIG has marked the area and it is extensive. Hopefully weather will hold to replace blacktop; if not, it will be restored next spring. CCRC will seed & mulch after project completion.
- Has been asked to join the Superintendents Association of Michigan (SAM) Board to represent the 37<sup>th</sup> District Road Commission Association; The Board approved.

Mr. Vanek:

- Said he, Mr. Harmon and Conservation Resource Alliance (CRA) representative Nate Winkler conducted Iron Ore Creek culvert rehabilitation final inspection last week. Other than a few restoration and clean-up issues, the project was completed professionally.
- Reported all other 2010 road projects are complete.

Commissioner Ogden moved to pay bills totaling \$121,924.10, seconded by Commissioner Saunders.

➤ Roll Call VOTE:      Ayes – Ogden, Saunders, Way      Nays – 0      Motion carried.

Chairman Way adjourned at 10:12 AM.

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Doug Way, Chairman

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Shelley Kondrat, Clerk

**OCTOBER 8, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with City of Boyne City resident Lynn Murray and Petoskey News-Review reporter David Hopkins.

Commissioner Saunders moved to accept September 27, 2010 regular meeting minutes as corrected, seconded by Commissioner Ogden.

Page 2, line 66: change “Ste. Saint Marie” to “Sault Ste. Marie”

➤ VOTE:      Ayes – 3      Nays – 0      Motion carried.

Commissioner Ogden moved to set 10:30 AM Monday, November 8, 2010 Public Hearing to determine converting recently upgraded Indian Point Road (St. James Township, Beaver Island) to all-season status, seconded by Commissioner Saunders.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Saunders moved to change 9:00 AM Monday, November 15, 2010 regular Board meeting to 9:00 AM Friday, November 12, 2010 to allow full Board and manager attendance, seconded by Commissioner Ogden.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Mr. Harmon presented maps for US Bicycle Route 35 (a national route) and the anticipated path through Charlevoix County and the city of Charlevoix. Enhancement Funds will finance this project, CCRC need only give permission for rights-of-way usage within its jurisdiction by passing the proposed resolution (see below).

**SUPPORT RESOLUTION  
US BIKE ROUTE 35 IN A COMMUNITY**

Commissioner Ogden moved to adopt the following RESOLUTION, supported by Commissioner Saunders.

WHEREAS bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists; and

WHEREAS the American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor along the western shore of the lower peninsula of Michigan connecting to Sault Ste. Marie to be developed as United States Bicycle Route 35 (USBR 35), and

WHEREAS a coalition of planning organizations, the League of Michigan Bicyclists, the Michigan Trails and Greenways Alliance, and the Adventure Cycling Association, with the cooperation of the Michigan Department of Transportation (MDOT) and other stakeholders, have proposed a specific route to be designated as USBR 35, a map of which is herein incorporated into this resolution by reference, and

WHEREAS the proposed route for USBR 35 comes through Charlevoix County and can therefore provide a benefit to our residents and businesses, and

WHEREAS we have investigated the proposed route and found it to be a suitable route, and desire that the route be designated so that it can be mapped and signed, thereby promoting bicycle tourism in our area,

THEREFORE BE IT RESOLVED that the Charlevoix County Road Commission hereby expresses its approval and support for the development of USBR 35, and requests that the appropriate officials see to it that the route is officially designated by AASHTO as soon as this can be achieved, and authorizes the posting of signs within the Charlevoix County right-of-way identifying the route through the community once the official designation has been made.

Resolution adopted by the following voice vote:

AYES – Saunders, Ogden, Way  
NAYS – None

I certify this is a true Resolution copy adopted at the October 8, 2010 Charlevoix County Road Commission Board regular meeting.

---

Shelley Kondrat, Clerk

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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**TRUE COPY**

Mr. Harmon attended October 5, 2010 Beach Drive Supreme Court hearing with CCRC attorney Joel Wurster, County Road Association of Michigan (CRAM) director John Niemela & attorney Mike Levine, and Charlevoix Township attorney Harry Golski. Mr. Harmon complimented Mr. Wurster's presentation and arguments. The seven Supreme Court judges will review the case and give a final judgment in approximately 2-3 months.

Commissioner Saunders moved to accept the Cooperative Agreement Between The Conservation Resource Alliance (CRA) and Charlevoix County Road Commission (CCRC) for the North (East) Branch of the Boyne River and Springbrook Road Timber Bridge Project (not to exceed \$18,200 for design engineering), and to authorize the manager to sign said agreement, seconded by Commissioner Ogden.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Reinhardt was told Iron Bridge Road (Hudson Township) is flooding again. Mr. Harmon viewed on-site and said it is flooded about 3" over the roadway. He has left property owner Robert Lee, Jr. (who works out of town Monday-Friday) a message requesting Mr. Lee trap more beavers so the dam won't be reconstructed.

Commissioner Saunders attended October 7, 2010 Asset Management program and said Charlevoix County Road Commission was mentioned positively several times for road improvements funded by the countywide road millage and individual township road millages. Mr. Harmon said Charlevoix County residents can be thanked due to voted millages, which combined with township monies almost match our total annual Michigan Transportation Funds (MTF).

Mr. Harmon:

- Said CCRC will demo sweepers next week (1 Superior, 1 Rosco and 1 Broyce brand). Drivers will document pros and cons and prepare summary for Board review. Mr. Harmon restated the necessity for a sweeper; CCRC received another motorcycle accident lawsuit last week due to loose stone on pavement.
- Visited Beaver Island yesterday to conduct Beaver Island truck driver interviews and to meet with Peaine and St. James Township representatives.

Recessed at 10:20 AM; resumed at 10:28 AM.

Mr. Vanek:

- Visited Beaver Island yesterday as well to conduct Iron Ore Creek culvert replacement project final inspection; he complimented the workmanship.
- Said Klooster Road project is complete.

Mrs. Kondrat provided township meeting information, discussed the financial statement, and explained CPA Fred Gardner will conduct inventory count in mid-October.

Commissioner Ogden moved to pay bills totaling \$32,569.47, seconded by Commissioner Saunders.

➤ Roll Call VOTE:       Ayes – Ogden, Saunders, Way       Nays – 0       Motion carried.

Chairman Way adjourned at 10:48 AM.

**SEPTEMBER 27, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioner Saunders, County Commissioner Shirley Roloff, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek, CCRC shop foreman Mick Luchenbill and CCRC clerk Shelley Kondrat attended, along with Boyne City manager Mike Cain, East Jordan City manager Bob Anderson, Petoskey News Review reporter David Hopkins and Charlevoix County News reporter B.J. Conley-Hetler. Commissioner Ogden was absent (excused medical).

Commissioner Saunders moved to accept September 13, 2010 regular meeting minutes as presented, seconded by Chairman Way.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD**  
**NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Chairman Way, Commissioner Saunders and Mr. Harmon will attend tonight's MTA meeting.

Mr. Cain discussed the proposed Road Improvement Millage Distribution Agreement. County treasurer Marilyn Cousineau as well as the cities of East Jordan & Boyne City and the village of Boyne Falls approved, and he sent a copy to the City of Charlevoix manager for review. Mr. Harmon said CCRC attorney Joel Wurster approved it; but requested a third signature line added under Charlevoix County Road Commission so all three Commissioners can sign the agreement. The Road Commission will discuss the agreement at their 9:00 AM Friday, October 8, 2010 meeting when the full Board is present.

Mr. Harmon said gravel processing at St. Mary's Cement Plant will be next spring, though bids will be accepted with annual bid openings in February 2011.

Commissioner Roloff said the County Board will be holding an ORV Ordinance public hearing and requested Mr. Harmon attend; she will let him know the date in advance.

Mr. Cain introduced new East Jordan City manager Bob Anderson. Mr. Anderson requested snowmobile travel on county roads information; Mrs. Kondrat will email Charlevoix County Road Commission's policy to Mr. Anderson and Mr. Cain. Mr. Anderson has received mixed messages about snowmobile travel on state highways; Mr. Harmon recommended he talk with MDOT Traverse City TSC manager Risé Rasch, P.E. (2084 US-31 South, Ste. B, Traverse City, MI 49684; toll free # 888.457.6368).

Mr. Harmon explained St. James Township unwillingness to pay for Indian Point Road upgrade detour/traffic control totaling \$500. After discussion, the Board made the following motion:

Commissioner Saunders moved to support St. James Township September 21, 2010 Special Board meeting motion to reduce R. Gillespie Enterprises, Inc. invoice #0946 by \$500 for Indian Point Road upgrade (project #A489.013-006, St. James Township) due to contractor noncompliance with Charlevoix County Road Commission (CCRC) specifications by failing to submit detour route signage plan to CCRC staff engineer James Vanek, and by failing to comply with detour and traffic control; namely:

Specification Page 2 of 9 entitled "PROJECT DESCRIPTION", which in part states:

"During construction, traffic shall be detoured. Detour signage and barricades shall be included and paid for in Traffic Control" pay item."

Specification Page 7 of 9 entitled "TRAFFIC CONTROL", which states:

The contractor shall furnish and install detour route signage during Indian Point Road construction. Detour route signage plan shall be submitted to the Engineer for approval prior to construction. The Contractor shall provide and maintain signs, barricades, warning lights, and other traffic control devised in accordance with the 2005 Michigan Manual of Uniform Traffic Control Devices (MMUTCD).

, seconded by Chairman Way.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Mr. Harmon will be gone this Wednesday through Friday to the Superintendent's Meeting with the three foremen in **Sault Ste. ~~Saint~~ Marie**.

Mr. Harmon will attend October 5, 2010 Beach Drive Supreme Court hearing with Mr. Wurster and the County Road Association of Michigan (CRAM) attorney Michael Levine. Following the hearing, two or three of the seven Supreme Court Justices will deliberate and make a recommendation. All seven will make the final decision (which cannot be contested) within approximately two to three months. Mr. Harmon feels positive CCRC will prevail.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

Recessed at 10:10 AM; resumed at 10:30 AM.

10:30 AM-open bids for ice control sand delivered to CCRC Ironton & Beaver Island garages and used vehicle/equipment sales:

**Descriptions for various used vehicle/equipment (the Road Commission offered for sale on a bid basis – see bids below descriptions):**

- ITEM #1:** Equipment # 100: 1996 Pontiac Bonneville.  
Minimum bid: \$ 200.00
- ITEM #2:** Equipment # 018: 1978 Ford L-9000 single axle dump truck.  
Minimum bid: \$2,500.00
- ITEM #3:** Equipment # 026: 1989 International S2500 tandem axle truck.  
Minimum bid: \$4,000.00
- ITEM #4:** Equipment # 013: 1990 GMC 2500 4X4 extended cab short box pickup truck.  
Minimum bid: \$ 500.00
- ITEM #5:** Equipment # 317: Approximately 1991 Swenson UNI-VEE 12' frame mount sander w/cab shield.  
Minimum bid: \$ 500.00
- ITEM #6:** Equipment un-numbered: Approximately 1996 Gallion Model 502F 10-12 yard dump body with hoist.  
Minimum bid: \$ 150.00

<b>BIDDER---</b>	Warren Solgot	Lena Risteau	James Matts	Bryan Kubesh	Greg Toupin	Joseph LaCombe
<b>ITEM #1</b>	\$426.50	\$362.00	No Bid	\$201.00	No Bid	No Bid
<b>ITEM #2</b>	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
<b>ITEM #3</b>	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
<b>ITEM #4</b>	\$627.50	No Bid	\$550.00	\$651.00	\$525.00	No Bid
<b>ITEM #5</b>	\$675.00	No Bid	No Bid	No Bid	No Bid	No Bid
<b>ITEM #6</b>	\$325.50	No Bid	No Bid	\$201.00	No Bid	\$580.00

Mr. Luchenbill suggested rejecting all bids on item # 6 due to clerical errors on the bid documents. The box is actually off equipment #052 and is a 2000 Krysteel dump body.

Commissioner Saunders moved the reject all bids on item number 6, and to allow the manager and shop foreman to sell item numbers 1-5 in the best interest of the Charlevoix County Road Commission, seconded by Chairman Way.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

**250 cubic yards ice control sand to CCRC Beaver Island garage: NO BIDS RECEIVED.**

The Board directed the manager and staff engineer to obtain quotes for the same.

**1,620 tons ice control sand to CCRC Ironton garage:**

<u>CONTRACTOR:</u>	<u>PER TON:</u>	<u>TOTAL BID:</u>
Team Elmers	\$3.95	\$6,399.00
Rieth-Riley Construction	\$4.81	\$7,792.20

Commissioner Saunders moved to award 1,620 tons ice control sand delivered to CCRC Ironton garage to low bidder Team Elmers for total \$6,399 (\$3.95 per ton), seconded by Chairman Way.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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- VOTE: Ayes – 2      Nays – 0      Absent – 1      Motion carried.

Mr. Vanek said Iron Ore Creek culvert replacement will be the only incomplete 2010 project after North Shore Drive and Klooster Road paving is complete this week.

Commissioner Saunders requested an update for the upcoming annual township meetings. Mrs. Kondrat said the first three days are full (nine townships). Melrose Township may attend, but Bay Township will not, and Boyne Valley, Peaine and St. James Townships haven't responded to the invitation. She will prepare packets and disburse them shortly.

Mr. Harmon said a public hearing is required due to upgrading Indian Point Road from seasonal to all-season status.

Chairman Way informed all present the Charlevoix County Transportation Authority will charge county employees conducting county business to pay full charge when crossing the Ironton Ferry; CCRC employees working on the ferry are exempt.

Commissioner Saunders moved to pay bills totaling \$125,748.31, seconded by Chairman Way.

- Roll call VOTE:      Ayes – Saunders, Way      Nays – 0      Absent – Ogden      Motion carried.

Chairman Way adjourned at 11:20 AM.

**SEPTEMBER 13, 2010**

Chairman Way opened the meeting at 9 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff, Ron Reinhardt, Shirlene Tripp and Chris Christensen, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with Bay Township resident Jim Ledahl, Merit Network representative Eric Grandstaff and Petoskey News Review reporter David Hopkins

Commissioner Saunders moved to accept August 23, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

- VOTE:      Ayes – 3      Nays – 0      Motion carried.

Mr. Ledahl asked if Boyne City-Charlevoix Road reconstruction will continue in 2011. Mr. Harmon said no, as of today an estimated \$1 million in federal funds are allocated for 2012 Boyne City-Charlevoix Road Phase II reconstruction (from Sumner Road west to [approximately] Stephens Road). Mr. Harmon added in 2012 Boyne City-Charlevoix Road Phase III reconstruction may be proposed from the Argonne Supper Club (near Raspberry Lane) westerly, funded by the countywide road millage. Phases II and III will not finish Boyne City-Charlevoix Road in its entirety, there will be a gap in the middle until further funds are allocated. Mr. Harmon said President Obama may propose another stimulus package, which includes infrastructure.

Mr. Ledahl said he supports the proposed bike path and asked what side of Boyne City-Charlevoix Road it would run along. Mr. Harmon explained the non-motorized trail within the 99-foot right-of-way is proposed to run mainly along the south side, though the Road Commission does not make this decision.

Commissioner Tripp complimented Townline Road project. She asked if Burgess Road project was completed; Mr. Vanek said yes. The township hopes to pave it next year.

Commissioner Ogden moved to accept and implement Fiscal Year January 1 to December 31, 2010 Budget Amendment 3 as presented by the clerk, seconded by Commissioner Saunders.

Presented 09/13/10 Shelley Kondrat, Clerk	<b>2010 BUDGET SUMMARY (AMENDMENT 2)</b>	Page 1 of 3
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**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

Name of Governmental Unit Charlevoix County Road Commission		Name of Fund Road Fund	Fund No. 201	Budget Year Ending Date: 12-31-10
<b>FISCAL YEAR JANUARY 1 TO DECEMBER 31, 2010</b>				
<b>REVENUES (AND OTHER SOURCES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
2	TRANSPORTATION	2,979,432.86	3,203,750.00	2,885,000.00
2	FEDERAL & STATE REVENUE	974,122.22	368,976.50	368,976.50
	ECONOMIC DEVELOPMENT FUND	0.00	0.00	0.00
2	TRUNKLINE MAINTENANCE-PRIMARY	401,923.09	400,000.00	400,000.00
2	COUNTY RAISED REVENUE	2,801,950.61	2,367,773.88	2,391,474.53
2	OTHER RAISED REVENUE	0.00	0.00	0.00
2	INTEREST EARNED	6,753.76	7,000.00	7,000.00
2	SALVAGE SALES	1,713.04	5,000.00	5,000.00
2	EQUIPMENT RETIREMENTS	11,809.26	64,874.86	64,874.86
2	GAIN/LOSS-EQUIPMENT DISPOSALS	132,175.74	10,000.00	10,000.00
2	PERMIT FEES	15,133.50	21,339.00	21,339.00
2	OTHER	159.99	113.11	113.11
<b>TOTAL REVENUES</b>		<b>7,325,174.07</b>	<b>6,448,827.35</b>	<b>6,153,778.00</b>
<b>TOTAL OTHER SOURCES</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL REVENUES AND OTHER SOURCES</b>		<b>7,325,174.07</b>	<b>6,448,827.35</b>	<b>6,153,778.00</b>

<b>EXPENDITURES (AND OTHER USES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
3	HEAVY MAINTENANCE	3,972,214.89	2,903,046.38	2,760,451.03
3	REGULAR MAINTENANCE	2,602,326.94	2,410,000.00	2,410,000.00
3	TRUNKLINE MAINTENANCE-PRIMARY	401,859.32	400,000.00	400,000.00
3	ADMINISTRATIVE EXPENSE (NET)	427,412.87	411,700.00	411,700.00
3	EQUIPMENT EXPENSE (NET)	142,853.08	297,389.00	297,389.00
3	CAPITAL OUTLAY (NET)	168,978.14	-226,389.00	-226,693.38
3	DISTRIBUTIVE EXPENSE	0.00	0.00	0.00
3	OTHER	0.00	0.00	0.00
<b>TOTAL EXPENDITURES</b>		<b>7,715,645.24</b>	<b>6,195,442.00</b>	<b>6,052,846.65</b>
<b>OTHER USES</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>AMOUNTS NEEDED FOR CONTINGENCIES</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL EXPENDITURES AND OTHER USES</b>		<b>7,715,645.24</b>	<b>6,195,442.00</b>	<b>6,052,846.65</b>

CURRENT ESTIMATED OPERATING SURPLUS (DEFICIT)	100,931.35
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ACCUMULATED AVAILABLE UNAPPROPRIATED SURPLUS (DEFICIT) FROM PRIOR YEARS	0.00
PROJECTED SURPLUS AT END OF BUDGET YEAR	100,931.35

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Reinhardt complimented Peninsula Road and Dutchman’s Bay Road projects.

Commissioner Roloff (Recycling Committee chairperson) complimented CCRC employee Josh LaCombe for his help with September 11, 2010 hazardous waste collection at CCRC Boyne City garage. She explained he went above and beyond the call of duty by helping anywhere he could.

Commissioner Christensen and Merit Network representative Eric Grandstaff presented the idea of placing conduit in road rights-of-way (for future use) during reconstruction projects. Mr. Harmon said if this is done, the conduit would have to be placed in the far side of ditches. Commissioner Ogden added Merit Network would have to supply specifications and inspection/overview. Mr. Grandstaff said Merit Network construction engineer would do this.

Commissioner Ogden asked Commissioner Christensen if City of Boyne City attorney has drafted an agreement for road millage distribution. Commissioner Christensen has not heard, but will investigate.

Commissioner Saunders moved to open bids to furnish and deliver 250 cubic yards of Ice Control Sand to CCRC Beaver Island garage at 10:30 AM Monday, September 27, 2010, seconded by Commissioner Ogden.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Ogden moved to open bids to furnish and deliver 1,620 tons of Ice Control Sand to CCRC Ironton garage at 10:30 AM Monday, September 27, 2010, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Mr. Harmon:

- Will attend Beach Drive Supreme Court hearing in Lansing with CCRC attorney Joel Wurster in early October 5, 6, or 7, 2010.
- Presented county map marked with CCRC owned property; CCRC also owns a 40 acre parcel in Antrim County (Duff Pit on US131 South) which is not listed on said map.

Mr. Vanek presented updated construction status list. He explained North Shore Drive project (Melrose Township) will be paved next week, and Indian Point Drive project (St. James Township) is complete. Klooster Road project (Marion Township) and Iron Ore Creek culvert (Peaine) replacement will begin soon.

Commissioner Ogden requested Peninsula Road update. Mr. Vanek attended MDOT final inspection meeting; the incorrect line painting will be redone in the spring.

Commissioner Saunders announced his December 31, 2010 retirement from the Charlevoix County Road Commission Board.

Commissioner Ogden moved to pay bills totaling \$75,863.01, seconded by Commissioner Saunders.

➤ Roll Call VOTE:       Ayes – Saunders, Ogden, Way       Nays – 0       Motion carried.

Chairman Way adjourned at 10:25 AM.

**AUGUST 23, 2010**

Chairman Way opened the meeting at 9:00 AM.



**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with Petoskey News-Review reporter Dave Hopkins.

Commissioner Saunders moved to accept August 9, 2010 regular meeting minutes as corrected, seconded by Commissioner Ogden.

Page 4, line 96: change "audit it complete" to "audit is complete"

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Ogden moved to award Klooster Road wedge and overlay bid (project #A489.009-025, Marion Township; engineers estimate \$180,000) to low bidder Rieth-Riley Construction Co. for \$148,027.65, seconded by Commissioner Saunders (October 8, 2010 completion date).

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Ogden moved to change the 9:00 AM Monday, October 11, 2010 regular meeting to 9:00 AM Friday, October 8, 2010 to observe Columbus Day, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Ogden moved to set the 2010 Annual Township meetings for October 18<sup>th</sup>, 19<sup>th</sup>, 26<sup>th</sup> & 27<sup>h</sup>, 2010 (alternate date October 28, 2010) at 6PM, 7PM & 8PM, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Saunders moved to accept Gardner, Provenzano, Schauman and Thomas, C.P.A. letter of understanding to conduct audits for the years 2010, 2011 and 2012 for fees not to exceed \$9,025, \$9,300 and \$9,610 respectively, seconded by Commissioner Ogden.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Saunders moved to open used vehicle/equipment bids at 10:30 AM September 27, 2010, seconded by Commissioner Ogden.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Recessed at 10:15 AM; resumed at 10:25 AM.

Commissioner Roloff reported the next household hazardous waste pick-up is September 11, 2010 at CCRC Boyne City garage. Unused medicines, etc. will be accepted; 4 tires free per person, then \$1 per additional tire; refrigerators can be dropped at Jim Slough's salvage yard by the East Jordan High School.

Mr. Harmon reported the state has approved CCRC 2010 county road certification map.

Mr. Harmon presented the U.S. Department of Transportation (USDOT) Complete streets information, a joint endeavor involving the USDOT, the U.S. Department of Housing and Urban Development (HUD), and the U.S. Environmental Protection Agency (EPA), which is mandatory for state highways where appropriate (excluding where bicycle and pedestrian use are not permitted), but does not affect county road projects at this time (it reads, in part: "Ensuring that roads provide safe mobility for all travelers, not just motor vehicles, is at the heart of a new approach to envisioning and building surface transportation facilities known as "complete streets"). Mr. Harmon read the following excerpt: "Several Federal laws and Federal Highway Administration (FHWA) regulations pertaining to transportation planning and project development support the concept of complete streets. A current Federal statute, United States Code, Title 23, Chapter 2, Section 217 (23 USC 217), mandates that "bicycle transportation facilities and pedestrian walkways shall be considered,

# CHARLEVOIX COUNTY ROAD COMMISSION BOARD

## NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM

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where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted. To elaborate on that requirement, FHWA developed bicycle and pedestrian guidance (available at [www.fhwa.dot.gov/environment/bikeped/bp-guid.htm](http://www.fhwa.dot.gov/environment/bikeped/bp-guid.htm)) that further explains how and when FHWA requires or encourages accommodation of pedestrians and bicyclists in Federal-aid highway projects." To put it briefly, 5-foot shoulders will be mandatory when new construction or reconstruction is done. And the funding available for this requirement is very limited.

From the County Road Association of Michigan (CRAM) August 20, 2010 Legislative Update:

"Now that the Governor has enacted "complete streets" legislation, Public Act 135 of 2010 (HB 6151) which amends Act 51, and Public Act 134 of 2010 (HB 6152) which amends the Michigan Planning Enabling Act, road agencies will see changes in the planning process.

### **Act 51 Sec. 10k revisions will now:**

\*Require Act 51 agencies to notify one another when their five-year non-motorized programs are finalized. Having or not having a complete streets policy does not matter.

\*Require Act 51 road agencies to consult with one another when planning a non-motorized project affecting a transportation facility that belongs to the other. Transportation facility means bike paths, sidewalks, trails or bus routes, including those that contribute to complete streets as defined in the new Section 10p of this act.

### **Act 51 Sec. 10p (new):**

\* Requires the State Transportation Commission (STC), within two years, to adopt a complete streets policy for MDOT, and to develop model complete streets policies for use by others.

\* Requires state and local agencies to consult and agree on how to address complete streets policies before submitting the Five-Year Program unless neither party has a complete streets policy. Projects included in an approved multi-year capital plan approved before June 1, 2010 are also exempt.

\* Allows MDOT to provide technical assistance and coordination to local agencies in the development and implementation of their policies.

\* Requires MDOT to share expertise in non-motorized and multi-modal planning in the development of projects within municipal boundaries.

\* Allows agencies to enter into agreements with one another to provide maintenance for projects constructed to implement a complete streets policy.

\* Creates a Complete Streets Advisory Council within MDOT, appointed by the governor, to advise the STC and local agencies in the implementation of Complete Streets.

"Complete streets policy" means a document that provides guidance for the planning, design, and construction of roadways or an interconnected network of transportation facilities being constructed or reconstructed and designated for a transportation purpose that promotes complete streets and meets all of the following requirements:

-- Is sensitive to the local context and recognizes that needs vary according to urban, suburban, and rural settings;

-- Considers the functional class of the roadway and project costs and allows for appropriate exemptions; and

-- Considers the varying mobility needs of all legal users of the roadway, of all ages and abilities.

"Complete streets" means roadways planned, designed, and constructed to provide appropriate access to all legal users in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, foot, or bicycle.

Amendments to the Michigan Planning Enabling Act:

\* Modifies the definition of "streets" to specifically include public ways intended for use by bicycles, pedestrians, and other legal users, in addition to motor vehicles.

\* Expands the elements that may be included in a master plan to encompass all components of a transportation system and their inter-connectivity including streets and bridges, public transit, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities and routes that move people and goods.

\* Specifies that transportation improvements identified in a plan are appropriate to the context of the community and considers all legal users of the public right of way.

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\* If a master plan is or includes a master street plan or one element of the transportation system and their inter-connectivity, the means for implementing transportation elements of the master plan in cooperation with applicable county road commission or MDOT.”

Mr. Vanek visited Beaver Island with Chairman Way on Monday, August 2, 2010 and reported: 1) a few more trees required removal on the Indian Point Road project, and additional sand was necessary (a \$1,300 increase, well below the 10% allocation), and 2) several large, dead pine trees along Donegal Bay Road required removal; Gillespie Enterprises completed for \$3,200.

Chairman Way received compliments on CCRC Beaver Island leadman Doug Gillespie.

Commissioner Ogden:

- Requested Peninsula Road (South Arm Township) line painting update; Mr. Vanek will ask at the September 8, 2010 final inspection with MDOT resident engineer Judy Browning.
- Requested Peninsula Road and Reich Road intersection drainage update; Mr. Harmon said the property owner has agreed to sign the grading easement and the project will be done after Labor Day.
- Asked if the millage allocation agreement is in place; Mr. Harmon hasn't received the proposed document Boyne City manager Michael Cain offered to prepare.
- Recommends CCRC explore the option of abandonment as a means to satisfy the people who would prefer a bike path separated from the roadway; but if we consider abandonment of the additional Boyne City-Charlevoix Road right-of-way (beyond the normal 66-feet) the consideration should be limited to the area recently constructed – not the unimproved section beyond Sumner Road, due to future needs for drainage outlets or other extensive lateral work as yet unknown. Furthermore if a party or parties request abandonment the requester should attempt to get uniform agreement for the full 2 ¾-mile section so that a simple inexpensive description could process the request. If requests are of a peacemeal nature of individual lots, the Road Commission would require a legal description of each lot (which means an expensive and generally unnecessary survey, if not done en bloc).

Commissioner Saunders moved to pay bills totaling \$518,399.14, seconded by Commissioner Ogden.

➤ Roll Call VOTE:       Ayes – Ogden, Saunders, Way       Nays – 0       Motion carried.

Mr. Harmon explained CCRC needs a street sweeper. He presented brochures from AIS, offering the Broce Broom brand, “The \* Leader” model (\$45,000-\$50,000) and from Michigan Cat offering the Lee Boy brand, “Challenger V” model (\$30,000-\$35,000). Michigan Cat will bring a demo in late August/early September.

Chairman Way adjourned at 11:20 AM.

**AUGUST 9, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioner Shirley Roloff, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with City of Boyne City resident Lynn Murray, Bay Township residents Bob Taylor & Roger Conaway, Melrose Township resident Karen Colburn, Hudson Township resident Dave Korthase, Rieth-Riley Construction Company representative Mark Wagner and Payne & Dolan, Inc. representative Gery Hartman.

Commissioner Saunders moved to accept July 26, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

➤ VOTE:               Ayes – 3               Nays – 0               Motion carried.

Mr. Conaway said the sheriff agrees with him that, rather than Boyne City-Charlevoix Road, a non-motorized trail from Boyne City to Charlevoix should follow lower traffic volume Ferry Road (already has wider, paved shoulders from Boyne City to Whiting County Park). The Ironton Ferry would be an added attraction to this non-motorized trail, and hopefully the

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state would pave M66 shoulders wider. Mr. Conaway feels cities should also develop non-motorized green belts for bicycles to reach county non-motorized trails.

Mr. Conaway added bicyclists riding our county roadways are raising havoc. Mr. Taylor agrees and has talked with the sheriff about bicyclists riding three, four, and five abreast on county roads; Mr. Harmon said the law states only two can ride abreast. The sheriff told Mr. Taylor to call 911 when he sees this, which he recently did. Though the deputies were busy with an accident, he will continue to notify 911 in the future because he would like problematic bicyclists to receive citations. Mr. Taylor would like the sheriff or under sheriff invited to the next steering committee meeting to discuss ordinances regarding bicyclists traveling on county roads, and maybe area chambers of commerce will fund route pamphlets to distribute.

Commissioner Ogden informed Mrs. Colburn he recently drove Springvale Road through Springbrook Subdivision and understands her concerns at Hillview Drive intersection. Mrs. Colburn in turn said she drove Camp Ten Road and understands the need for reconstruction.

Commissioner Saunders moved to transfer \$9,035 from the Insurance Fund to the General Fund to pay the County Road Association Self-Insurance Fund 2<sup>nd</sup> Premium Statement; invoice # CRA0002432 dated 8/1/2010, seconded by Commissioner Ogden.

➤ Roll Call VOTE:       Ayes – Saunders, Ogden, Way       Nays – 0       Motion carried.

Commissioner Ogden moved to accept and implement Fiscal Year January 1 to December 31, 2010 Budget Amendment 2 as presented by the clerk, seconded by Commissioner Saunders.

<b>Presented 08/09/10 Shelley Kondrat, Clerk</b>		<b>2010 BUDGET SUMMARY (AMENDMENT 2)</b>			Page 1 of 3
Name of Governmental Unit Charlevoix County Road Commission		Name of Fund Road Fund	Fund No. 201	Budget Year Ending Date: 12-31-10	
<b>FISCAL YEAR JANUARY 1 TO DECEMBER 31, 2010</b>					
<b>REVENUES (AND OTHER SOURCES)</b>					
DEPARTMENT OR CLASSIFICATION		AMOUNT			
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET	
2	TRANSPORTATION	2,979,432.86	3,203,750.00	3,203,750.00	
2	FEDERAL & STATE REVENUE	974,122.22	360,794.50	368,976.50	
	ECONOMIC DEVELOPMENT FUND	0.00	0.00	0.00	
2	TRUNKLINE MAINTENANCE-PRIMARY	401,923.09	400,000.00	400,000.00	
2	COUNTY RAISED REVENUE	2,801,950.61	1,660,500.00	2,367,773.88	
2	OTHER RAISED REVENUE	0.00	0.00	0.00	
2	INTEREST EARNED	6,753.76	7,000.00	7,000.00	
2	SALVAGE SALES	1,713.04	5,000.00	5,000.00	
2	EQUIPMENT RETIREMENTS	11,809.26	0.00	64,874.86	
2	GAIN/LOSS-EQUIPMENT DISPOSALS	132,175.74	0.00	10,000.00	
2	PERMIT FEES	15,133.50	21,339.00	21,339.00	
2	OTHER	159.99	0.00	113.11	
<b>TOTAL REVENUES</b>		<b>7,325,174.07</b>	<b>5,658,383.50</b>	<b>6,448,827.35</b>	
<b>TOTAL OTHER SOURCES</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

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TOTAL REVENUES AND OTHER SOURCES	7,325,174.07	5,658,383.50	6,448,827.35
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<b>EXPENDITURES (AND OTHER USES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
3	HEAVY MAINTENANCE	3,972,214.89	2,064,500.00	2,903,046.38
3	REGULAR MAINTENANCE	2,602,326.94	2,410,000.00	2,410,000.00
3	TRUNKLINE MAINTENANCE-PRIMARY	401,859.32	400,000.00	400,000.00
3	ADMINISTRATIVE EXPENSE (NET)	427,412.87	281,700.00	411,700.00
3	EQUIPMENT EXPENSE (NET)	142,853.08	17,389.00	297,389.00
3	CAPITAL OUTLAY (NET)	168,978.14	26,090.00	-226,693.38
3	DISTRIBUTIVE EXPENSE	0.00	925,000.00	0.00
3	OTHER	0.00	0.00	0.00
TOTAL EXPENDITURES		7,715,645.24	6,124,679.00	6,195,442.00
OTHER USES		0.00	0.00	0.00
AMOUNTS NEEDED FOR CONTINGENCIES		0.00	0.00	0.00
TOTAL EXPENDITURES AND OTHER USES		7,715,645.24	6,124,679.00	6,195,442.00

CURRENT ESTIMATED OPERATING SURPLUS (DEFICIT)	253,385.35
ACCUMULATED AVAILABLE UNAPPROPRIATED SURPLUS (DEFICIT) FROM PRIOR YEARS	0.00
PROJECTED SURPLUS AT END OF BUDGET YEAR	253,385.35

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Mr. Harmon:

- Attended a County Road Association Self-Insurance Fund (CRASIF) special meeting with loss control consultant Barry “Buz” Haltenhoff last week at Roscommon County Road Commission. CRASIF is concerned with the new pollution devices that need power through the E.C.M. for approximately 10-minutes after the key is turned off, so drivers cannot turn off their disconnect switches right away. CRASIF is currently studying methods to control the electronic control module which would allow drivers to turn on their master disconnect switches when they turn off the key.
- Presented MDOT March 1, 2010 “Section 394 Report-Analysis of Transportation Funding Distribution Formula”. He pointed out highlighted portion on page 3, which reads: “the real problem lies not with how the revenue is distributed, but with how much revenue is available for distribution. Changing the distribution formula would redistribute revenue to a handful of largely urbanized jurisdictions at the expense of all others. Doing so would certainly undermine the service and condition of transportation assets in most of the state.” All present discussed how electric and hybrid cars will affect future fuel tax income, and how it will affect road commission funding. Mr. Harmon said there is discussion of adding another .02¢ on the gas tax, which would generate additional funds. He added the distribution formula works, there just needs to be more money to distribute. Commissioner Saunders said twenty counties have passed one mil for road millages to care for their road problems. Mr. Harmon stated this is not for routine maintenance (i.e. snow plowing, patching, blading). Mr. Conaway noted all the grant money given for ridiculous studies; these funds should be put to better use.
- Was reading the latest County Board minutes regarding committee reports and the section about Merit (broad band). Mr. Harmon did explain currently utility companies directional bore 5-feet to 6-feet down when placing conduit in the far portion of rights-of-way so CCRC doesn’t dig it up when performing ditch work. Also, utility companies usually use different conduit one from another and from project to project, so the expense and placement of conduit under roadways during reconstruction would, in most cases, be for naught. County Commissioner Christenson will be invited to attend August 23, 2010 CCRC Board meeting to discuss this.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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- Talked with St. Mary's Cement Company representative Bill Scheich and he said CCRC could have limestone gravel (CEMEX) processed in their pit, but not stored there. Mr. Harmon said manufacturing would cost approximately \$3-\$4 per ton, but is awaiting quote to haul gravel to another location. Commissioner Roloff asked if Afton stone is available at the Wynkoop Pit in Norwood Township; Mr. Harmon said the pit is currently closed and awaiting state and township authorization, but past limestone gravel purchased from there was excellent. Mr. Harmon added Reith-Riley Construction, Inc. will haul Afton stone from their pit to CCRC Boyne City garage for \$10 a ton.

Mr. Vanek:

- Presented current "Construction Status Report".
- Reported Loomis Road, Sanderson Road north, Dutchman's Bay Road, Miles Road, Hull Street and Curtis Lane projects are complete.
- Stated Peninsula Road project is complete, though the line painting is incorrect. MDOT engineer Judy Browning will conduct final, on-site inspection soon; Mr. Vanek will discuss removing paint at that time.
- Said Boyne City-Charlevoix Road final costs were \$23,000 under contractor's bid, mainly due to original shoulder gravel being used in the base.

Mrs. Kondrat reported MDOT is conducting their 2009 audit; she will report if 5% decrease on equipment costs from the Schedule C rate had any affect when audit ~~is~~ complete.

Commissioner Ogden requested Beach Drive update; Mr. Harmon said the County Road Association of Michigan (CRAM) has submitted a brief on CCRC's behalf, but a court date has not been scheduled.

Chairman Way reported the Ironton Ferry vehicle count is down to 20,000 from 2009 count at this time of 23,000. The dollar figure is down about 6%; \$106,000 in 2009 compared to \$99,000 in 2010. Eveline Township requested free passes for all of their residents, which the Charlevoix County Transportation Board (the Board) denied. Charlevoix Shore Estates residents requested free passes as well because "they pay their taxes". The Board sent them a denial letter as well, explaining the ferry receives nothing from taxation; it is funded by users.

Mr. Korthase thanked the Board for donating the old Ironton Ferry Kahlenberg engine to the Fly Wheelers; it is well cared for, runs good, and is a great attraction for the club.

Recessed at 10:15 AM; resumed at 10:30 AM.

10:30 AM bid openings:

**Klooster Road** wedge and overlay, Marion Township (project #A489.009-025; engineers estimate \$180,000):

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Rieth-Riley Construction Co.	\$148,027.65
Payne & Dolan, Inc.	\$159,578.40
Team Elmer's	\$184,417.85

Commissioner Ogden moved to pay bills totaling \$90,873.27, seconded by Commissioner Way.

➤ Roll Call VOTE:      Ayes – Ogden, Saunders, Way      Nays – 0      Motion carried.

Commissioner Roloff reminded Mr. Harmon the next Household Hazardous Waste Pick-up is September 11, 2010 at CCRC Boyne City garage.

Chairman Way adjourned at 10:40 AM.

**JULY 26, 2010**

Chairman Way opened the meeting at 9:00 AM.

# CHARLEVOIX COUNTY ROAD COMMISSION BOARD NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM

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Chairman Way, Commissioners Ogden and Saunders, County Commissioner Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with City of Boyne City resident Lynn Murray and Petoskey News Review reporter David Hopkins.

Commissioner Saunders moved to accept July 12, 2010 regular meeting minutes as corrected, seconded by Commissioner Ogden.

Page 1, line 3: change "Commissioner Ogden" to "Commissioners Saunders and Ogden"  
Page 2, line 74: change "(from 2007; new estimate is approximately \$185,000)" to "(the 2007 estimate of \$185,000 is still reasonably appropriate)"  
Page 2, line 94: add "power" before "broom"

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Chairman Way moved to delegate Commissioner Ogden as voting delegate and Chairman Way as alternate voting delegate at the September 9, 2010 Northern Association of Road Commissions (NARC) Annual Business meeting, seconded by Commissioner Saunders.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Commissioner Ogden moved to authorize the manager to sign the "Cooperative Agreement between the Conservation Resource Alliance and the Charlevoix County Road Commission" to improve the South End Road and Iron Ore Creek Crossing Site on Beaver Island, seconded by Commissioner Saunders.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Commissioner Saunders moved to award the following project bids, seconded by Commissioner Ogden.

1. Kuzmik Road Afton stone application, Boyne Valley & Hudson Townships (project # 076.3-002.28 and # 076.3-008.12 respectively) to low bidder Poquette for \$23,629.32 and \$47,974.68 respectively, totaling \$71,604).
2. Burgess Road subgrade undercut, Hayes Township (project #A459.007-005) to low bidder Tri-County Excavating for \$109,780.20.
3. Maple Grove Road Afton stone application, Hayes Township (project # 076.3-007.8) to low bidder Poquette Leasing for \$10,598.40.
4. North Shore Drive reconstruction, Melrose Township (project #A489.010-017) to low bidder Rieth-Riley Construction Co., Inc. for \$194,507.50.
5. South End Road crossing Iron Ore Creek culvert replacement, Peaine Township (project # A490.012.001) to low bidder Gillespie Enterprises for \$27,182.
6. Indian Point Road reconstruction, St. James Township (project #A489.013-006) to low bidder Gillespie Enterprises for \$18,239.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Commissioner Ogden moved to award Townline Road reconstruction, Hayes Township (project #A489.007-029) to Rieth-Riley Construction Co., Inc., second bidder, at Hayes Township request for \$114,067, seconded by Commissioner Saunders.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Commissioner Ogden moved to transfer \$30,000 from the Preventive Maintenance Fund to the General Fund to pay for DuraPatcher Road Repair Machine materials (29A and HRFS-2) purchased through June 30, 2010, seconded by Commissioner Saunders.

➤ Roll Call VOTE: Ayes – Ogden, Saunders, Way Nays – 0 Motion carried.

# CHARLEVOIX COUNTY ROAD COMMISSION BOARD NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM

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Commissioner Saunders moved to transfer \$78,233.25 from the Construction Fund to the General Fund for contract engineering for the Peninsula Road and Boyne City-Charlevoix Road projects, seconded by Commissioner Ogden.

➤ Roll Call VOTE: Ayes – Saunders, Ogden, Way Nays – 0 Motion carried.

Commissioner Reinhardt complimented Peninsula Road and Dutchman's Bay Road reconstruction projects.

Mr. Vanek reported:

- Sanderson Road north paving is done; shoulder work will be completed this week.
- Loomis Road will be paved tomorrow, followed by shoulder work on Wednesday.
- Peninsula Road line painting is incorrect. He met with Payne & Dolan, Inc., Northwest Design Group engineer Lucas Porath and the line painting contractor last Friday. He will ask MDOT engineer Judy Browning if the incorrect lines can be repainted black, followed by corrected line painting. If this isn't allowed, the lines will have to be sandblasted or ground off, affecting pavement longevity, and possibly creating "dips" for water to sit in.

Commissioner Ogden moved to open Klooster Road overlay bids (Marion Township) at 10:30AM August 9, 2010, seconded by Commissioner Saunders.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Commissioner Ogden moved to pay bills totaling \$144,280.81, seconded by Commissioner Saunders.

➤ Roll Call VOTE: Ayes – Ogden, Saunders, Way Nays – 0 Motion carried.

Chairman Way adjourned at 9:52 AM.

## JULY 12, 2010

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Saunders and Ogden, County Commissioners Shirley Roloff and Ron Reinhardt, Patrick Harmon, James Vanek and Shelley Kondrat attended, along with Michigan Caterpillar representative Chris Overmire, Jim Wojan Excavating representative Karen Wojan and Bay Township residents Bob Taylor & Roger Conaway.

Commissioner Saunders moved to approve June 28, 2010 meeting minutes as corrected, seconded by Commissioner Ogden.

- Page 2, line 52: change "Conway" to "Conaway"
- Page 5, line 213: add "(sic)" after "rite"
- Page 8, line 350: change "full-tie" to "full-time"
- Page 8, line 356: change "day or work" to "day of work"
- Page 8, line 365: change "date" to "day"

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Mr. Taylor:

- Requested if the monument boxes placed during Boyne City-Charlevoix Road 2010 reconstruction mark the centerline. Mr. Harmon said the monument boxes, funded by State remonumentation money received annually by Charlevoix County, represent a section line corner. Mr. Taylor and Mr. Conaway are concerned the centerlines are incorrect and feel a survey should be done. Mr. Harmon explained Charlevoix County surveyor Larry Fiendt hired Advanced Geomatics to locate (using the GPS) and place monument boxes to preserve the section line corners that were marked with iron stakes during original road surveys in the 1950's. Commissioner Ogden added road surveys were required in the 1800's in order for Michigan to join the union, and the current markings are very close.
- Has talked with attorney regarding the Road Commission abandoning the 16 ½-foot right-of-way for highway purposes only, which is a Road Commission easement along Boyne City-Charlevoix Road for road purposes only.



# CHARLEVOIX COUNTY ROAD COMMISSION BOARD NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM

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Commissioner Ogden said property owners would have to request said abandonment. Mr. Taylor noted the only downfall would be if the road ever required a third lane addition.

- Suggested widening any future road reconstruction to accommodate joggers and bicyclists.

Mr. Conaway read line 28 of CCRC June 28, 2010 Board minutes as follows:

c) "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private person from the United States government.

He feels the County Board should have a Boyne City-Charlevoix Road survey done so everyone knows the original location because "a private person should be able to own the patent on their lands. I own the patent on my land to the centerline of the Boyne City-Charlevoix Road. Private ownership of property is what the constitution said." He noted the new pavement widens then narrows, widens then narrows. Mr. Vanek explained the inside curves are paved wider than the 28-foot width for preservation. Mr. Harmon added Northwest Design Company did prepare an estimate for 34-foot width the full length of the 2010 project, but the grant was rejected. The outside curves and outside supers aren't as wide.

Commissioner Ogden moved to purchase (1) 2010 Caterpillar 140M model Work-Ready Tandem Axle Motor Grader from Michigan Caterpillar for \$104,902 (\$229,902 total bid less \$125,000 trade-in allowance) for acceptance and payment in the year 2011, seconded by Commissioner Saunders.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Commissioner Saunders moved to purchase (1) 2010 Caterpillar 938H model Work-Ready Wheel Loader from Michigan Caterpillar for \$134,722 (\$144,722 total bid less \$10,000 trade-in allowance), seconded by Commissioner Ogden.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Mr. Vanek requested the Board award Miles Road project contingent upon South Arm Township Board July 14, 2010 approval.

Commissioner Saunders moved to award Miles Road subgrade undercut bid (project #A489.014-009, South Arm Township) to low bidder MDC Contracting, LLC for \$33,900, contingent upon South Arm Township Wednesday, July 14, 2010 Board approval, seconded by Commissioner Ogden.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Commissioner Ogden will present Heritage Heights estimate (~~from 2007; now estimate is approximately \$185,000~~ the 2007 estimate of \$185,000 is still reasonably appropriate) to South Arm Township at their July 14, 2010 Board meeting.

Commissioner Reinhardt asked if new Great Lakes Energy conduit along Deer Lake Road will interfere with future reconstruction; Mr. Harmon instructed them to place it in the outer portion of the 33-foot right-of-way.

Mr. Harmon:

- Said CCRC attorney Joel Wurster responded to a new lawsuit regarding a private dock at Second Street lake end in Walloon Lake, Melrose Township and received the Supreme Court brief for Beach Drive lawsuit; he feels judgment will be no docks allowed, as was decision for Fourth Street in Walloon Lake a few years ago.
- Said Charlevoix County State Parks manager Sue Topham called him. The Michigan Department of Natural Resources (DNR) told her they probably will propose Fisherman's Island Road abandonment (.72 mile in Charlevoix Township), from Bells Bay Road into the park. There are issues with the public parking along this section of roadway and walking into the park; there is also a problem with vandalism. In Mr. Harmon's 25 years with CCRC, there has been no winter maintenance and very little summer maintenance on this roadway.
- Feels purchasing a power broom to sweep paved roadways would be beneficial to CCRC. Gravel on pavement is a great liability; especially to motorcyclists (CCRC has two pending lawsuits with motorcyclists: Slashing Road in Chandler Township and Advance Road in Eveline Township). He requested a budgetary figure from a vendor, but hasn't received the estimate to date.

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Mr. Vanek:

- Reported Boyne City-Charlevoix Road reconstruction will be completed today, cost was under bid. Excess road millage funds will be spent on Peninsula Road project (almost complete), which ran over bid. The overage cost was only \$20,000, a small amount for the two projects totaling \$1.5 million.
- Said Dutchman's Bay Road, Snyder Road and Horton Bay Road projects are complete.
- Contractor is conducting Loomis Road project, this should be done this week.
- Contractor began Hull Street Afton stone project this morning; completion should be tomorrow.

10:30 AM bid openings:

**Indian Point Road** reconstruction, St. James Township (project #A489.013-006; engineers estimate \$10,520):

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Gillespie Enterprises	\$18,239
Jim Wojan Excavating	\$23,091

**South End Road crossing Iron Ore Creek** culvert replacement, Peaine Township (project #A490.012.001; engineers estimate \$19,000):

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Gillespie Enterprises	\$27,182
Jim Wojan Excavating	\$34,340

Commissioner Way talked with St. Mary's Cement Plant regarding rock donation for CCRC to have manufactured into road gravel. In prior years CCRC contractor has crushed on-site, but St. Mary's insurance carrier said this is no longer allowed. The donated rock would have to be hauled off-site, which is very costly, and to crush and stockpile per a local contractor would be \$3.00 per ton (\$120,000 total for 40,000 tons). From the same contractor, Mr. Harmon received a quote to deliver already manufactured 23A Afton Stone to CCRC Boyne City garage for \$10/ton and to CCRC Ironton garage for \$11.60/ton.

Commissioner Saunders moved to pay bills totaling \$26,399.18, seconded by Commissioner Ogden.

- Roll call VOTE:           Ayes – Ogden, Saunders, Way           Nays – 0           Motion carried.

Chairman Way adjourned at 11:00 AM.

**JUNE 28, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, and CCRC clerk Shelley Kondrat attended, along with City of Boyne City manager Mike Cain, Charlevoix City manager Rob Straebel, City of East Jordan interim manager Denny Jason, Charlevoix County Equalization director Betsy Mason, Bay Township residents Bob Taylor and Roger Conaway, Charlevoix County News reporter B.J. Conley, AIS representative Daniel Novak, Grand Equipment Company representative Terry Meyers, MDC Contracting LLC representative Vince Carpenter, J&N Construction Company representative Ken Payton, Poquette Leasing Company representative Jerry Gravedoni, JDE Equipment representative Vaughn West, Alta Equipment representative Gary Piper, Michigan Cat representative Chris Overmire and Rieth-Riley Construction Company representative Mark Wagner.

Commissioner Saunders moved to accept June 14, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

- VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

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Mr. Conaway read from the "Corner Recordation Act (excerpt)", Act 74 of 1970:

Sec. 2. As used in this act:

(b) "Property controlling corner" for a property means a public land survey corner or any property corner which does not lie on a property line of the property in question but which controls the location of 1 or more of the property corners of the property in question.

(c) "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private person from the United States government.

Mr. Conaway feels there should be a full-length survey done on the Boyne City-Charlevoix Road (mainly due to the proposed non-motorized trail [trail], separate from the roadway but still within the 99-foot limits of the Boyne City-Charlevoix Road right-of-way). Mr. Harmon said it would cost \$50,000 to obtain a legal description, and surveyor John Ferguson informed him the right-of-way would be based on the existing centerline regardless. Commissioner Ogden said the 16 ½-foot right-of-way on either side of the 66-foot right-of-way is restricted to "highway purposes only". These 16 ½-foot right-of-way sections could possibly be abandoned by the Road Commission, reverting the property to the landowners and extinguishing the restriction. The abandonment issue would initially require an attorney's advice.

Commissioner Roloff said the steering committee hasn't decided if they will recommend moving forward with the trail. If the decision is made to move forward, the first agenda item is to talk to the affected property owners directly; and nobody would be forced to have a trail across their property. Mr. Taylor recently spent 2 hours with an attorney, who said there are 104 miles of trails being looked at in Charlevoix County. He noted bicyclists ride all over roads (3 and 4 abreast, in the driving lane, etc.) causing a huge liability to the county and to drivers. Mr. Harmon restated bicyclists want momentum and will continue to ride the roadways even if trails are constructed because, by law, there will be a stop sign at every driveway and every road crossing the trail.

Mr. ~~Conway~~ Conaway and Mr. Taylor were under the impression the newly reconstructed Boyne City-Charlevoix Road portion would be 32-feet wide to accommodate bicyclists. Commissioner Ogden said the road millage only funds road improvements, not extra wide shoulders that would be construed as a bike path. The extra width discussed before reconstruction had to be paid by another source, which there was none.

Mr. Cain referenced his June 25, 2010 letter to the Charlevoix County Road Commission, mainly pertaining to State law MCL 224.20b (2). Mr. Harmon presented copies of the "Public Highways and Private Roads (excerpt)", Act 283 of 1909.

224.20b Tax levy for highway, road, and street purposes; submission to electorate; allocation and use of revenues.

Sec. 20b.

(2) Unless otherwise agreed by the governing bodies of the cities and villages and the board of county road commissioners the revenues derived from the tax levy authorized by this section shall be allocated and distributed by the county treasurer as follows:

(a) To the county road fund:

(i) A percentage of the total revenues equal to the proportion that the state equalized valuation of the unincorporated area of the county bears to the total state equalized value of the county.

(ii) A percentage of the remainder of the revenues equal to the proportion that the county primary road mileage within cities and villages bears to the total of the city and village major street mileage in the county plus the county primary road mileage within cities and villages in the county. The mileages to be used are the most recent mileages as certified by the state highway commission.

(b) The remaining revenues shall be distributed to the cities and villages in the proportion that the state equalized valuation of each bears to the total state equalized valuation of the incorporated areas of the county.

Charlevoix County cities, village and road commission were unaware that this distribution would treat the cities unfairly by returning less funds than generated. All entities feel millage money should be returned dollar for dollar to the respective entity.

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Mr. Conaway requested what type of remonumentation product the county surveyor or his designee use; Mr. Harmon said the Road Commission purchases cast-iron specified monument boxes from the East Jordan Iron Works and supplies them to the surveyors.

Commissioner Ogden moved to change Indian Point Road upgrade project (St. James Township) and South End Rd. crossing Iron Ore Creek culvert replacement project (Peaine Township) and bid openings from 10:30 AM Monday, June 28, 2010 to 10:30 AM Monday, July 12, 2010, seconded by Commissioner Saunders. (The change reflects the fact that inclement flying weather prohibited Road Commission attendance at the mandatory on-site project review meeting).

➤ VOTE:                   Ayes – 3                                   Nays – 0                                   Motion carried.

Commissioner Ogden moved to borrow \$100,000 from the Preventive Maintenance Fund and transfer it to supplement the General Fund, seconded by Commissioner Saunders.

➤ Roll Call VOTE:           Ayes –Saunders, Ogden, Way           Nays – 0                                   Motion carried.

10:30 AM bid openings:

**Burgess Road** subgrade undercut, Hayes Township (project #A459.007-005; engineers estimate \$178,000):

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Tri-County Excavating	\$109,720.20 (actually \$109,780.20 when tabulations done)
MDC Contracting	\$126,778.20
Rieth-Riley Construction Co.	\$138,033.75
Team Elmer's	\$143,047.25
J&N Construction	\$159,809.75
Cordes Excavating, Inc.	\$165,948.00

**Townline Road** reconstruction, Hayes Township (project #A489.007-029; engineers estimate \$123,000):

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Payne & Dolan, Inc.	\$113,749.50
Rieth-Riley Construction Co.	\$114,067.00

**Maple Grove Road** Afton stone application, Hayes Township (project #076.3-007.8; engineers estimate \$15,000):

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Poquette	\$10,598.40
Rieth-Riley Construction Co.	\$11,616.00

**Kuzmik Road** Afton stone application, Boyne Valley Township and Hudson Township (project 076.3-002.28 and # 076.3-008.12 respectively; engineers estimate \$82,000):

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Poquette	\$71,604.00
Rieth-Riley Construction Co.	\$76,500.00

**2010 Work-Ready Tandem Axle Motor Grader:**

<u>BIDDER:</u>	<u>DESCRIPTION:</u>	<u>BID:</u>	<u>TRADE-IN:</u>	<u>TOTAL:</u>
Michigan Cat: (Guaranteed buy-back: \$125,000)	CAT 140M (2010)	\$229,902	(\$125,000)	\$104,902
Alta Equipment Company (Guaranteed buy-back: \$ 97,575)	Volvo G930 Grader (2010)	\$203,511	(\$ 95,000)	\$108,511

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(Take 2% off combined net cost if grader and loader purchased)

Alta Equipment Company (Guaranteed buy-back: \$116,935) (Take 2% off combined net cost if grader and loader purchased)	Volvo G940 Grader (2010)	\$224,374	(\$ 95,000)	\$129,374
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JDE Equipment Company: (Guaranteed buy-back: -NONE-)	John Deere 770G (2011)	\$236,370	-NONE-	\$236,370
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AIS Construction Equip.: NO BID AT THIS TIME

Northern Michigan Equipment Co.: NO BID AT THIS TIME

**2010 Work-Ready Wheel Loader:**

<b><u>BIDDER:</u></b>	<b><u>DESCRIPTION:</u></b>	<b><u>BID:</u></b>	<b><u>TRADE-IN:</u></b>	<b><u>TOTAL:</u></b>
Alta Equipment Company (Guaranteed buy-back: \$58,955) (Take 2% off combined net cost if grader and loader purchased)	Demo Volvo L70F (1,100 miles-long boom with auto lube)	\$136,523	(\$14,500)	\$122,023
AIS Construction Equipment: (Guaranteed buy-back: \$48,000)	Kamatsu WA250-6 (2010)	\$148,753	(\$20,000)	\$128,753
Michigan Caterpillar: (Guaranteed buy-back: \$65,000)	Caterpillar 938H (2010)	\$144,722	(\$10,000)	\$134,722
Alta Equipment Company (Guaranteed buy-back: \$71,975) (Take 2% off combined net cost if grader and loader purchased)	Volvo L70F (2010)	\$153,855	(\$14,500)	\$139,355
Grand Equipment (Guaranteed buy-back: \$53,000)	Kawasaki 70ZV-2	\$158,784	(\$15,000)	\$143,784
AIS Construction Equipment: (Guaranteed buy-back: \$60,000)	Kamatsu WA320-6 (2010)	\$168,106	(\$20,000)	\$148,106
Alta Equipment Company (Guaranteed buy-back: \$81,700) (Take 2% off combined net cost if grader and loader purchased)	Volvo L90F (2010)	\$168,060	(\$14,500)	\$153,560
JDE Equipment Company (Guaranteed buy-back: -NONE-)	John Deere 624K (2010)	\$193,552	(\$15,000)	\$178,552
Northern Michigan Equipment Co.:	NO BID AT THIS TIME			

Recessed at 11:10 AM; resumed at 11:35 AM.

Commissioner Ogden moved to accept the Resolution below for "Joint Transfer Agreement Concerning MERS assets and liabilities for all current and past employees of the Charlevoix County Road Commission participating in the County of Charlevoix County MERS plan (Division # 11) to the separate and independent MERS program of the Charlevoix County Road Commission" effective August 1, 2010 as follows, seconded by Commissioner Saunders.

**RESOLUTION FOR MERS JOINT TRANSFER AGREEMENT BETWEEN THE  
COUNTY OF CHARLEVOIX AND THE CHARLEVOIX COUNTY ROAD COMMISSION**

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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**TRUE COPY**

**JOINT TRANSFER AGREEMENT CONCERNING MERS ASSETS AND LIABILITIES FOR ALL CURRENT AND PAST EMPLOYEES OF THE CHARLEVOIX COUNTY ROAD COMMISSION PARTICIPATING IN THE COUNTY OF CHARLEVOIX MERS PLAN (DIVISION # 11) TO THE SEPARATE AND INDEPENDENT MERS PROGRAM OF THE CHARLEVOIX COUNTY ROAD COMMISSION.**

The COUNTY OF CHARLEVOIX ("CHARLEVOIX CO.") and the CHARLEVOIX COUNTY ROAD COMM. ("CHARLEVOIX CRC"), which is a MERS participating municipality in its own rite (*sic*), mutually agree to the transfer of all active CHARLEVOIX CRC employees, along with the deferred vested members, retirees and beneficiaries, now covered in the CHARLEVOIX CO. MERS Plan Division # 11, and the transfer from the CHARLEVOIX CO. of actuarial accrued liabilities and certain assets to the CHARLEVOIX CRC MERS plan, and the CHARLEVOIX CRC acceptance of such liabilities and related assets.

By virtue of the CHARLEVOIX CO. being a participating municipality in the Municipal Employees' Retirement System of Michigan, the employees (and former employees with accrued MERS benefits) of the CHARLEVOIX ROAD COMMISSIONERS have been covered members under the CHARLEVOIX CO. MERS Plan (currently in Division # 11) with those benefits identified in Section 2 below.

The CHARLEVOIX CO. and the CHARLEVOIX CRC have mutually agreed that the CHARLEVOIX ROAD COMMISSIONERS shall separate from the CHARLEVOIX CO. MERS plan, and all active CHARLEVOIX ROAD COMMISSIONERS employees, deferred vested members, retirants, and beneficiaries shall continue their participation in MERS with the CHARLEVOIX CRC as a MERS participating municipality.

The CHARLEVOIX CRC will provide the MERS benefit coverage for employees previously covered under the CHARLEVOIX CO. MERS program (including all prior service), as identified in Section 2 below.

1. Pursuant to this agreement and Section 53(4) of the MERS Plan Document as revised, there shall be transfer from CHARLEVOIX CO. Division # 11 of all actuarial accrued benefit liabilities for the MERS-covered CHARLEVOIX ROAD COMMISSIONERS employees, deferred vested members, retirants and beneficiaries, and market value assets equal to 108.4% of the actuarial accrued liabilities transferred, as set forth in the December 31, 2009, Annual Actuarial Valuation for CHARLEVOIX CO.

2. The MERS benefits in effect for the CHARLEVOIX CRC employees in CHARLEVOIX CO. Division # 11 are:

**C-1 Old, 10 year vesting, FAC-5, 4% member contribution; Reciprocal Retirement Act, 1961 PA 88, in effect (adopted October 13, 1965)**

3. Following the transfer, the CHARLEVOIX CRC shall be exclusively responsible for the funding of all MERS benefits for all CHARLEVOIX CRC employees, deferred vested members, retirants and beneficiaries, and the CHARLEVOIX CO. shall not be.

4. After formal acceptance by Resolutions of the CHARLEVOIX CO. and the CHARLEVOIX CRC, this Joint Request shall become effective upon its filing with MERS.

Resolution adopted by the following vote:

AYES:           Ogden, Saunders, Way  
NAYS:           None

I certify this to be a true **RESOLUTION** copy made and adopted at the Charlevoix County Road Commission June 28, 2010 regular Board meeting.

\_\_\_\_\_  
Shelley Kondrat, Clerk

Commissioner Ogden moved to adopt the following Resolution, seconded by Commissioner Saunders.

**RESOLUTION FOR ADOPTING MUNICIPAL EMPLOYEES'**

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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**RETIREMENT SYSTEM OF MICHIGAN DEFINED BENEFIT PROGRAMS  
(OTHER THAN DB COMPONENT OF HYBRID PROGRAM)**


The Road Commissioner Board of the Charlevoix County Road Commission whose fiscal year is (month and day) January 1 to December 31, desires to make available to its eligible employees (as defined below) benefits provided by the Municipal Employees' Retirement System of Michigan (**MERS**), as authorized by 1996 PA 220. Benefits available are those provided under the Plan Document of 1996.

**IT IS RESOLVED** that pursuant to the Initial Actuarial Valuation dated \_\_\_\_\_, 20\_\_, by MERS' actuary, MERS benefits stated in Section 1 below are to be provided to the following employee division (e.g., general, police and fire, DPW, union, non-union): Road Commissioners. (Separate resolutions are required for each division).

**Please note: If no Initial Valuation has been done by MERS' actuary on the specific benefit program (or combination of programs) selected below; or the Initial Valuation is more than one (1) year old at the time MERS' coverage becomes effective as provided under Section 4 of this Resolution; then, per Retirement Board requirements, this Resolution will not be implemented until a current actuarial valuation is done by MERS' actuary and necessary supporting contribution rates certified.**

1. Benefit programs/formulae (e.g., B-2 / DROP+ / F55 / V-8 / FAC 3 / E-2) selected are: **C-1 Old, FAC-5, V-10**  
(If other than standard MERS' retirement benefits, supporting collective bargaining agreement to accompany this Resolution)
2. The required employee contribution is 4 %. (May be any percentage in hundredths of a percent, not to exceed ten [10] percent, unless higher rate is established by collective bargaining agreement accompanying this Resolution.)
- 3.1 Prior service credit with this municipality/court rendered previously by each covered employee in the division is subject to and shall be credited as proved under Section 2C(3) of the MERS Plan Document and Restated Initial Actuarial Valuation and Supplemental Valuation Procedure (Form 06) (as approved by the Retirement Board), whose respective terms are incorporated by reference.

**Choose only one:**

- 
- A.      All prior service from date of hire.
  - B.      Portion of prior service (actual service up to      years); or      %.
  - C.      Prior service proportional to assets transferred.
  - D.      No prior service (if D selected, go to Section 4).

- 3.2 The Initial Valuation discloses the actuarial reduction in the employer's future contribution rate that will occur where assets of a preceding qualified plan (whether defined benefit or defined contribution plan) and/or other source are transferred to MERS.
- 3.3 In all asset transfers, the employer shall furnish MERS with all necessary and specific information required by MERS on the allocation of employer and employee contributions and investment earnings, along with taxable and nontaxable status on the employee contribution portion.
4. The effective date of this Resolution for making deductions for the employee contributions specified above, and for the payment of necessary employer contributions to MERS, as required in the Plan Document, shall be the same date that MERS' coverage begins, which is August 1, 2010.
5. For municipalities, Plan Section 41 requires adoption by affirmative vote of a majority of the governing body; for courts, see Plan Section 41A. A complete copy of the fully executed collective bargaining agreement (if applicable),

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and certified copy of the complete official minutes or other official authorizing action for the open meeting at which this resolution was adopted must be forwarded to MERS with this resolution.

Resolution adopted by the following vote:

AYES:           Saunders, Ogden, Way  
NAYS:           None

I certify this to be a true **RESOLUTION** copy made and adopted at the Charlevoix County Road Commission June 28, 2010 regular Board meeting.

\_\_\_\_\_  
Shelley Kondrat, Clerk

Commissioner Saunders moved to adopt the following Resolution, seconded by Commissioner Ogden.

**RESOLUTION FOR DEFINING A DAY OF WORK OR  
HOURS PER MONTH FOR MERS RETIREMENT PURPOSES**


**Note:** To adopt the part-time to ~~full-time~~ full-time employee service credit program under Plan Document Section 4(6), the governing body must adopt the Uniform Resolution Defining Hours Per Month For Part-Time Employees and Service Credit Conversion Upon Promotion to Full-Time Status.

In accordance with Section 3(1) of the MERS Plan Document, as the Road Commission Board  
(Governing Body)  
of the Charlevoix County Road Commission, does hereby certify that a day ~~of~~ of work, or the  
(Municipality)

number of hours of work in a month, for Road Commissioners \_\_\_\_\_ for retirement purposes, shall consist  
of one of the following to be effective as of August 1, 2010.  
(Indicate all employees or division name and number) (Date)

**(Please complete either A or B)**

A. \_\_\_\_ A ~~date~~ day shall consist of \_\_\_\_\_ hours.  
(Ten [10] days a month of such work days equals one month of credited service.)

 B. \_\_\_\_ A month shall consist of \_\_\_\_ 4 \_\_\_\_ hours.  
(Each month of such work hours equals one month of credited service.)

Resolution adopted by the following vote:

AYES:           Ogden, Saunders, Way  
NAYS:           None

I certify this to be a true **RESOLUTION** copy made and adopted at the Charlevoix County Road Commission June 28, 2010 regular Board meeting.

\_\_\_\_\_  
Shelley Kondrat, Clerk

Commissioner Saunders moved to pay bills totaling \$123,111.99, seconded by Commissioner Ogden.



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➤ Roll Call VOTE: Ayes –Saunders, Ogden, Way Nays – 0 Motion carried.

Chairman Way adjourned at 11:45 AM.

**JUNE 14, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon and CCRC clerk Shelley Kondrat attended, along with Bay Township resident Roger Conaway, Melrose Township resident Karen Colburn and road committee chair Errol Lee, Rieth-Riley Construction Co., Inc. representative Mark Wagner, Hilltop, Inc. representative Rob Moblo and Payne & Dolan, Inc. representative Gery Hartman. James Vanek was absent (excused vacation).

Commissioner Saunders moved to accept May 24, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

➤ VOTE: Ayes – 3 Nays – 0 Motion carried.

Mr. Conaway:

- Is concerned the proposed non-motorized trail (the trail), separate from the roadway but still within the 99-foot limits of the Boyne City-Charlevoix Road right-of-way will encroach onto his and others properties more than they are comfortable with. He requested the steering committee investigate the trail to consider these encroachments. Commissioner Roloff explained the steering committee has re-started the process and, if the trail is approved, no property will be encroached upon without property owner permission. Commissioner Ogden noted the Road Commission Board only supports a trail within the 66-foot right-of-way because the additional 33-foot right-of-way was acquired for highway purposes only (per deed language on all properties).

Mr. Conaway is also concerned driveways crossing the trail would be dangerous. Commissioner Way noted that, as on the US31 trail, avid bicyclists will probably continue to ride the road edge and, typically, only low-key bicyclists, families, walkers, joggers, etc. will use the trail. Commissioner Ogden feels vehicles and bicycles will learn to travel safely when Boyne City-Charlevoix Road 28-foot reconstruction section is striped.

Mr. Conaway noted the County Board rejected widening Boyne City-Charlevoix Road with 5-foot shoulders for the trail; Commissioner Reinhardt explained the cost was around \$300,000. Mr. Harmon said there is a bill introduced in Lansing which would add "Complete Streets" to Act51 (this requires ALL road reconstruction to accommodate bikers, walkers, etc.). (Note: the next steering committee will meet at 7:00 PM June 21, 2010 at Whiting Park; Commissioner Roloff will email questions to Mr. Harmon before the meeting).

Mr. Conaway asked if there was an alternative chemical to chloride; Commissioner Ogden said CMA has the same effect, plus benefits plant growth and doesn't cause rust, but it costs \$600 per ton (1990s costs) compared to \$59 per ton (today's cost for road salt).

Commissioner Ogden moved to accept and implement Fiscal Year January 1 to December 31, 2010 Budget Amendment 1 as presented by the clerk, seconded by Commissioner Saunders.

<b>Presented 06/14/10 Shelley Kondrat, Clerk</b>	<b>2010 BUDGET SUMMARY (AMENDMENT 1)</b>			Page 1 of 3
Name of Governmental Unit Charlevoix County Road Commission	Name of Fund Road Fund	Fund No. 201	Budget Year Ending Date: 12-31-10	
<b>FISCAL YEAR JANUARY 1 TO DECEMBER 31, 2010</b>				

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<b>REVENUES (AND OTHER SOURCES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
2	TRANSPORTATION	3,365,160.15	3,203,750.00	3,203,750.00
2	FEDERAL & STATE REVENUE	979,536.35	340,911.00	360,794.50
	ECONOMIC DEVELOPMENT FUND	0.00	0.00	0.00
2	TRUNKLINE MAINTENANCE-PRIMARY	390,000.00	400,000.00	400,000.00
2	COUNTY RAISED REVENUE	2,431,460.45	800,000.00	1,660,500.00
2	OTHER RAISED REVENUE	354,595.16	0.00	0.00
2	INTEREST EARNED	6,800.00	7,000.00	7,000.00
2	SALVAGE SALES	1,713.04	2,000.00	5,000.00
2	EQUIPMENT RETIREMENTS	14,171.10	0.00	0.00
2	GAIN/LOSS-EQUIPMENT DISPOSALS	1,713.04	0.00	0.00
2	PERMIT FEES	15,033.50	21,339.00	21,339.00
2	OTHER	159.99	0.00	0.00
<b>TOTAL REVENUES</b>		<b>7,688,443.64</b>	<b>4,775,000.00</b>	<b>5,658,383.50</b>
<b>TOTAL OTHER SOURCES</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL REVENUES AND OTHER SOURCES</b>		<b>7,688,443.64</b>	<b>4,775,000.00</b>	<b>5,658,383.50</b>

<b>EXPENDITURES (AND OTHER USES)</b>				
DEPARTMENT OR CLASSIFICATION		AMOUNT		
Page No.	ACCOUNT DESCRIPTION	ACTUAL PRIOR YEAR (12-31-09)	PREVIOUSLY APPROVED	RECOMMENDED 12-31-10 BUDGET
3	HEAVY MAINTENANCE	4,410,656.19	2,240,911.00	2,064,500.00
3	REGULAR MAINTENANCE	2,406,000.00	2,410,000.00	2,410,000.00
3	TRUNKLINE MAINTENANCE-PRIMARY	390,000.00	400,000.00	400,000.00
3	ADMINISTRATIVE EXPENSE (NET)	281,700.00	281,700.00	281,700.00
3	EQUIPMENT EXPENSE (NET)	5,000.00	17,389.00	17,389.00
3	CAPITAL OUTLAY (NET)	146,876.22	-400,000.00	26,090.00
3	DISTRIBUTIVE EXPENSE	0.00	925,000.00	925,000.00
3	OTHER	0.00	0.00	0.00
<b>TOTAL EXPENDITURES</b>		<b>7,640,232.41</b>	<b>5,875,000.00</b>	<b>6,124,679.00</b>
<b>OTHER USES</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>AMOUNTS NEEDED FOR CONTINGENCIES</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL EXPENDITURES AND OTHER USES</b>		<b>7,640,232.41</b>	<b>5,875,000.00</b>	<b>6,124,679.00</b>

CURRENT ESTIMATED OPERATING SURPLUS (DEFICIT)	-466,295.50
ACCUMULATED AVAILABLE UNAPPROPRIATED SURPLUS (DEFICIT) FROM PRIOR YEARS	0.00
<b>PROJECTED SURPLUS AT END OF BUDGET YEAR</b>	<b>-466,295.50</b>

➤ VOTE:           Ayes – 3                      Nays – 0                      Motion carried.

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Mr. Harmon presented Hudson Township May 19, 2010 letter rejecting CCRC's request to cost share 50/50 in the agreement between the Road Commission and Robert E. Lee to eliminate water flooding over Iron Bridge Road caused by a beaver dam on Mr. Lee's property. Somebody alerted DNRE representative Jeff Silagy last week about the fence placed across the bridge. He met with Mr. Harmon and Mr. Vanek last week and explained a permit was required to place the fence. Mr. Harmon argued CCRC has many fences across culverts and the DNRE never required a permit. In fact, Mr. Harmon corresponded in writing with the DNR about this specific project and the DNR didn't want to be involved with this situation. Mr. Silagy may send a letter with his decision regarding the fence. Mr. Harmon said if the DNRE requires fence removal, the beavers will re-build their dam and Iron Bridge Road will re-flood.

Commissioner Ogden moved to award Beechwoods Dr. & Mercer Road Paving projects (Charlevoix Township) to low bidder Payne & Dolan, Inc. for \$39,970 contingent upon written township authorization to proceed, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Saunders moved to open the following bids at 10:30 AM Monday, June 28, 2010, seconded by Commissioner Ogden.

- a. Burgess Road subgrade undercut project (Hayes Township).
- b. Townline Road reconstruction project (Hayes Township).
- c. Maple Grove Road Afton stone project (Hayes Township).
- d. Kuzmik Road Afton stone project (Hudson Township).
- e. South End Rd. crossing Iron Ore Creek culvert replacement project (Peaine Township).
- f. Indian Point Road upgrade project (St. James Township).

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Ogden moved to open bids for a new 2010 work-ready tandem drive motor grader and a new 2010 work-ready wheel loader at 10:30 AM Monday, June 28, 2010, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Roloff:

- Said when CCRC is able to send a permanent grader to Beaver Island, there will be a building to park it in year-round.
- Stated the County Board feels port-a-potties should be required during road projects; Mr. Harmon said this will be in bid documents for projects over 1 ½ miles long.
- Requested countywide road millage allocation update. Mr. Harmon talked with County Road Association of Michigan (CRAM) director John Niemela, who said Charlevoix County treasurer Marilyn Cousineau used the correct distribution formula, she just didn't have the correct primary road mileage for the Village of Boyne Falls and the Cities of Boyne City, Charlevoix and East Jordan. Mr. Harmon will give primary road mileage for each entity to Mrs. Cousineau for recalculation. Some entities may receive more funds while others may owe the county.
- Said the Hudson Township fire department has purchased a new \$800 pump and will have a demonstration later this year. Commissioner Reinhardt noted Wilson Township plans to purchase three stainless steel water tanks within the next 3 years.
- Said the Hazardous Waste Pick-up on June 12<sup>th</sup> at the CCRC Ironton garage serviced a record number of cars. She praised CCRC employee John Fratrack for assisting. Commissioner Roloff noted plastic plant containers will be collected June 26<sup>th</sup> at several Charlevoix County locations, and the next Hazardous Waste Pick-up is September 11<sup>th</sup> at the CCRC Boyne City garage.

Mr. Harmon:

- Said there were many washouts from last Friday nights storm; several employees worked Saturday and used a lot of gravel, which is almost depleted; there is only about 8,000 cyd of CEMEX gravel remaining. Commissioner Way will inquire if St. Mary's Cement Plant will donate material for manufacturing; Mrs. Kondrat suggested using Preventive Maintenance funds for gravel purchase.

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- Presented before and after pictures of a blind corner on Magee Road in Chandler Township where the crew removed brush, greatly improving visibility. Mr. Harmon is working with property owners near Penfold Road and Magee Road intersection to remove dying maple trees. Commissioner Reinhardt said visibility at M32 and Pearsall Road intersection has greatly improved since tree and brush removal.
- Reported the DuraPatcher has been used a lot already this year; he will order another tank of emulsion soon.

Recessed at 10:23 AM; resumed at 10:30 AM.

10:30 AM: Bids opened for the following:

**North Shore Drive** paving project, Melrose Township (project #A489.010-017); engineers estimate: \$204,918.75).

<u>Contractor</u>	<u>Bid Amount</u>
Rieth-Riley Construction Co., Inc.	\$194,507.50
Payne & Dolan, Inc.	\$196,455.00
Team Elmer's	\$202,610.00
MDC Contracting, LLC	\$205,851.00

**Miles Road** subgrade undercut project, South Arm Township (project #A489.014-009; no engineers estimate).

<u>Contractor</u>	<u>Bid Amount</u>
MDC Contracting, LLC	\$ 33,900.00
Team Elmer's	\$ 35,533.00 (actually \$35,507 when tabulations done)
Tri-County Excavating	\$ 36,623.50
Hilltop, Inc.	\$ 42,033.00
Rieth-Riley Construction Co., Inc.	\$ 50,264.60

Mrs. Kondrat:

- Will prepare bid tabulations and forward to bidders.
- Noted the general fund balance is \$85,000, and there is another payroll in June as well as June 28, 2010 bills.

Mr. Conaway:

- Said new Sho-Sho-Nie Beach Road spillway, built during current Boyne City-Charlevoix Road reconstruction, isn't working. Commissioner Ogden viewed on-site and agrees there is a drainage problem; Mr. Harmon will view and notify contractor to resolve this.
- Asked if recycled tires could be used in asphalt mix; Commissioner Ogden said they can, but in tests, the product doesn't hold up through a winter. Mr. Conaway asked what material is used in Arizona and New Mexico that withstands such high heat; Mr. Harmon said they use a different type of asphalt; Commissioner Ogden said the chloride and salt used in Michigan, as well as the cold weather damages asphalt much more than high temperatures.

Mrs. Colburn said the rain last Friday night caused huge ruts in Hillview (Melrose Township) and washed 4-inches to 5-inches of gravel across Springvale Road. She and her husband own several lots on Hillview and would be willing to allow spillways to drain water off the roadway. Mr. Harmon said ditches and driveway culverts could be eliminated, but the cost would be approximately \$180,000.

Commissioner Ogden moved to pay bills totaling \$132,245.45, seconded by Commissioner Saunders.

➤ Roll Call VOTE:      Ayes – Ogden, Saunders, Way      Nays – 0      Motion carried.

Chairman Way adjourned at 11:08 AM.

**MAY 24, 2010**

Chairman Way opened the meeting at 9:00 AM.

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Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with County Road Steering Committee Vice-Chairman Ken Allen, Bay Township residents Bob Taylor & Roger Conaway, CCRC Auditor Fred Gardner, Payne & Dolan, Inc. representative Gary Hartman and Reith-Riley Construction, Inc. representative Mark Wagner.

Commissioner Ogden moved to accept May 10, 2010 regular meeting minutes as presented, seconded by Commissioner Saunders.

➤ VOTE:                      Ayes – 3                      Nays – 0                      Motion carried.

Mr. Allen commended the progress on Boyne City-Charlevoix Road reconstruction project.

Mr. Conaway is very upset because he believes the contracted employees on the Boyne City-Charlevoix Road reconstruction project are defecating on his property (his dog has found five different places); this is a misdemeanor. Mr. Conaway feels there should be Port-a-Johns on reconstruction project locations. He read the following excerpt from Michigan Public Act 358:

PART 184  
SANITARIANS

**333.18401 Definitions; principles of construction.**

Sec. 18401. (1) As used in this part:

(a) "Environmental health" means an area of activity dealing with the protection of human health through the management, control, and prevention of environmental factors that may adversely affect the health of individuals. Environmental health is concerned with the existence of substances, condition, or facilities in quantities, of characteristics, and under conditions, circumstances, or duration that are or can be injurious to human health.

(b) "Registered sanitarian" means a sanitarian registered in accordance with this article.

(c) "Sanitarian" means an individual who has specialized education and experience in the physical, biological, and sanitary sciences as applied to the educational, investigational, and technical duties in the field of environmental health.

**333.1291 Obstruction of person enforcing health law.**

Sec. 1291. A person shall not willfully oppose or obstruct a department representative, health officer, or any other person charged with enforcement of a health law in the performance of that person's legal duty to enforce that law.

Chairman Way and Mr. Harmon will meet Mr. Conaway on-site today.

Recessed at 9:10 AM (for Mr. Vanek to call the contractor), resumed at 9:15 AM.

During the break, Mr. Vanek called Payne & Dolan, Inc. representative Gary Hartman who informed him there are three foremen trucks on the job to drive employees into town. He will talk with employees this morning and assures this won't reoccur (if it is his employees). (NOTE: When Mr. Hartman attended today's 10:30 AM bid opening he said he has ordered a Port-a-John for this project). Commissioner Ogden asked if it would be practical for CCRC to require Port-a-Johns in future bid specifications; Mr. Hartman said it would be.

Mr. Conway noticed Boyne City-Charlevoix Road remonumentation was done two weeks ago, but was told there was no road survey from Northwest Design Group (NDG) engineer Lucas Porath. Mr. Harmon explained there are construction drawings from the 1950's showing 99-foot right-of-way when the road was paved. The additional 33-foot right-of-way from property owners (for highway purposes only) was obtained from the early 1950's to 1958. Mr. Harmon said the point of tangent (PT) and point of intersection (PI) were where they should be, and the completed project centerline will be exactly where it has been.

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Mr. Conaway is concerned because property owners are still paying taxes on this 16.5-foot right-of-way; he wants township assessors to correct this. Commissioner Ogden has a copy of the law stating property owners do not pay taxes on right-of-way; he will send a copy to Mr. Conaway.

Mr. Taylor requested the County Board make sure restrooms are placed at intervals if the proposed non-motorized trail (trail), separate from the roadway but still within the 99-foot limits of the Boyne City-Charlevoix Road right-of-way becomes a reality. He also feels the proposed trail should not interfere with personal property (even though it may be road right-of-way); he feels this would cause lawsuits, which the County Board and Road Commission cannot afford. He asked if CCRC should fund a Boyne City-Charlevoix Road survey; Mr. Harmon said no, the reconstruction is well within the right-of-way.

Mr. Vanek:

- Said due to a grassroots effort by Beaver Island property owners, a \$19,000 grant was obtained to replace three existing, failing culverts at a single location on South End Road crossing Iron Ore Creek (Peaine Township), with one culvert.

Commissioner Ogden moved to open North Shore Drive wedge and overlay, Melrose Township (project #A489.010-017) and Miles Road subgrade undercut, South Arm Township (project #A489.014-009) bids at 10:30 AM June 14, 2010, seconded by Commissioner Saunders.

➤ VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

Commissioner Saunders moved to award the following project bids, seconded by Commissioner Ogden.

1. Horton Bay North Road wedge and overlay, Bay Township (project #A459.001-003) to low bidder Rieth-Riley Construction Co., Inc. for \$141,096.00.
2. Camp Sherwood road end drainage project, Bay Township (project # A489.001-026) to low bidder Team Elmer's for \$1,758.75.
3. Curtis Lane Afton stone application, Bay Township (project # A489.001-027) to low bidder Rieth-Riley Construction, Inc. for \$10,410.00.
4. Loomis Road wedge and overlay, Eveline Township (project #A489.006-039) to low bidder MDC Contracting for \$201,553.50.

➤ VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

Commissioner Roloff requested Mr. Harmon and Mr. Vanek to attend the next bike path meeting at 7:00 PM Friday, June 25, 2010 at Whiting County Park; she will supply questions in advance.

Regarding Boyne City-Charlevoix Road placement, Commissioner Reinhardt noted surveys could vary from surveyor to surveyor, though the Global Positioning System (GPS) is very accurate.

Commissioner Saunders moved to allow Boyne City-Charlevoix Road closure September 6, 2010 for "Horton Bay Bridge Walk" from 9:00 PM to 10:00 PM (Sheriff Schneider has approved closure and will provide necessary manpower and traffic control), seconded by Commissioner Ogden.

➤ VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

Commissioner Ogden moved to allow Waller Road closure from US31 to Old Orchard Road on June 26, 2010 for "Good Boy Marathon" from 7:00 AM to 11:00 AM (Sheriff Schneider has approved closure and will provide necessary manpower and traffic control), seconded by Commissioner Saunders.

➤ VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

Mr. Harmon has received and approved the permit to allow snowmobiles on county roads for the 2010-2011 winter season.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

Recessed at 10:12 AM; resumed at 10:30 AM.

10:30 AM: Bids opened for the following:

**Beechwoods Drive and Mercer Road** wedge and overlay, Charlevoix Township (project #A489.004-006 and #A489.004-007 respectively; no engineers estimate).

<u>Contractor</u>	<u>Bid Amount</u>
Payne & Dolan, Inc.	\$39,970.00
Rieth-Riley Construction Co., Inc.	\$45,955.84

Mr. Vanek will fax tabulated bids to contractors tomorrow.

Fred Gardner, CPA, presented Charlevoix CRC 2009 Audited Financial Statements. The Road Commission will present to the County Board at their 9:30 AM June 9, 2010 meeting.

Commissioner Ogden moved to delegate Commissioner Saunders as voting delegate and Commissioner Ogden as alternate voting delegate at the July 22, 2010 Michigan County Road Commission Self-Insurance Pool's (MCRCSIP) Annual Business meeting, seconded by Chairman Way.

➤ VOTE:                      Ayes – 3                      Nays – 0                      Motion carried.

Commissioner Ogden moved to transfer \$12,318.75 from the Buildings and Grounds Fund to the General Fund for CCRC Boyne City and Ironton garage electrical lighting updates by Alpine Electric Corporation, seconded by Commissioner Saunders.

➤ Roll Call VOTE:              Ayes – Saunders, Way, Ogden              Nays – 0                      Motion carried.

Commissioner Saunders moved to pay bills totaling \$132,946.89, seconded by Commissioner Ogden.

➤ Roll Call VOTE:              Ayes – Ogden, Saunders, Way              Nays – 0                      Motion carried.

Chairman Way adjourned at 11:45 AM.

**MAY 10, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with Petoskey News-Review reporter Steve Zucker, Eveline Township supervisor John Vron dran, Tri-County representative Paula Sackrider, Payne & Dolan, Inc. representative Gary Hartmann, MDC representative Vince Carpenter and Rieth-Riley Construction Co., Inc. representative Mark Wagner.

Commissioner Saunders moved to accept April 26, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

➤ VOTE:                      Ayes – 3                      Nays – 0                      Motion carried.

Mr. Harmon:

- Presented Michigan Compiled Laws Annotated (MCLA) 224.20b, (i), (ii) (b) and (3), explaining countywide road millage distribution.
- Said the May 1, 2010 Michigan "No Smoking Law" was questioned at the April 15, 2010 safety meeting. CCRC attorney Michael Kluck informed Mr. Harmon public buildings are completely off limits, but not the equipment or outdoor areas. Smoking will still be allowed in CCRC equipment as long as smokers continue to be courteous. Mr. Harmon will meet with crew to explain.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

- Presented City of Boyne City request to close Lake Shore Drive in sections 32 & 33, Eveline Township, from 7:00 AM to 8:30 AM during the July 4, 2010 Independence Day Walk/Run benefit event.

Commissioner Ogden moved to accept the City of Boyne City permit application and to authorize closing Lake Shore Drive (City of Boyne City limits to Advance) July 4, 2010 from 7 AM to approximately 8:30 AM, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Mr. Harmon said Charlevoix County surveyor (also Advanced Geomatics surveyor) Larry Feindt is sub-contracted by Payne & Dolan, Inc. for the Boyne City-Charlevoix Road project. Mr. Feindt discovered four additional qualifying property control corners requiring preservation in compliance with the provisions of Michigan Public Act 74 of 1970, as amended. CCRC can supply the monument boxes and Mr. Feindt can get information from original plans, which Mr. Vanek will supply via CD-Rom. This should lower the \$2,000 estimated cost greatly. Mr. Feindt entered at 9:45 AM and reaffirmed everything Mr. Harmon just explained.

Commissioner Ogden moved to open Mercer Road and Beachwoods Drive wedge and overlay project bids (Charlevoix Township) at 10:30 AM May 24, 2010, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Mr. Vanek:

- Said Boyne City-Charlevoix Road reconstruction began May 3, 2010. Intersections have been widened with curbs being poured today, and crush and shape will begin next week. This project is currently on schedule, with lane closure only during working hours. After this meeting, Commissioner Ogden, Mr. Harmon and Mr. Vanek will view curb radii on-site.
- Peninsula Road reconstruction won't begin until it's officially awarded (per MDOT resident engineer Judy Browning).

Commissioner Saunders moved to pay bills totaling \$132,259.68, seconded by Commissioner Ogden.

➤ Roll Call VOTE: Ayes – Ogden, Saunders, Way                           Nays – 0                           Motion carried.

Recessed at 10:10 AM; resumed at 10:30 AM.

10:30 AM bid openings:

**Loomis Road** wedge and overlay, Eveline Township (project #A489.006-039; engineers estimate \$250,000):

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
MDC Contracting	\$201,553.50
Rieth-Riley Construction Co., Inc.	\$204,959.00
Team Elmer's	\$208,736.00
Tri-County Excavating	\$208,817.00
Payne & Dolan, Inc.	\$213,646.60

**Peninsula Road** culvert replacement, Eveline Township (project #A460.014-001; no engineers estimate):

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Tri-County Excavating	\$ 41,350.00
Team Elmer's	\$ 42,019.50

Commissioner Ogden moved to award Peninsula Road culvert replacement project to low bidder Tri-County Excavating for \$41,350, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.



**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

Chairman Way adjourned at 10:35 AM.

**APRIL 26, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioner Ogden, County Commissioner Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with County Commissioner Shirlene Tripp, Super M Excavating representative Mario Suarez, MDC Contracting representative Vince Carpenter and Poquette Leasing representative Jerry Gravedoni. Commissioner Saunders was absent.

Commissioner Ogden moved to accept April 14, 2010 regular meeting minutes as corrected, seconded by Chairman Way.

Page 1, header (title): change "9:00 AM" to "1:00 PM"

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Mr. Vanek hasn't received South Arm Township Dutchman Bay Road project contract, but talked to clerk Anita Stephens; Commissioner Ogden attended South Arm Township meeting where their Board approved it.

Commissioner Ogden moved to award Dutchman's Bay Road wedge and overlay, South Arm Township (project #A489.014-008) to low bidder Rieth-Riley Construction for \$111,031, seconded by Chairman Way.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Mr. Vanek received Wilson Township written approval for the following:

Commissioner Ogden moved to award the following Wilson Township projects to low bidder Poquette Leasing for: Cosier Road 23A Aggregate (project #076.3-015.18) for \$16,100 and Hull Street Afton stone (project #076.3-015.19) for \$30,020, seconded by Chairman Way.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Mr. Harmon presented April 16, 2010 Payne and Dolan, Inc. letter proposing to substitute the 4E1 lower layer asphalt on the 2010 Boyne City-Charlevoix Road project with a 4E1 that contains 5% recycled asphalt shingles. The letter in part states, "Shingles have been an accepted asphalt aggregate for at least three to five years in various states across the country." After discussion, the Board would like to see how the modified asphalt mix performs in other parts of the state before allowing asphalt shingles in our pavement design.

Mr. Vanek explained Peninsula Road culvert replacement project is bid separate from the 2010 paving project because culvert material cannot be specified when using federal funds, and Mr. Vanek and Mr. Harmon want a longer-lasting concrete culvert in this swampy area.

Commissioner Ogden moved to open Loomis Road reconstruction bids, Eveline Township (project #A489.006-039) at 10:30 AM Monday, May10, 2010, seconded by Chairman Way.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Commissioner Ogden moved to open Peninsula Road culvert replacement project bids, South Arm Township (project #A460.014-001) at 10:30 AM Monday, May10, 2010, seconded by Chairman Way.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Commissioner Reinhardt requested Iron Bridge Road flooding update; Mr. Harmon said Mr. Lee is in the process of trapping beavers, then will remove dam(s) and call CCRC to place posts and woven wire fencing across the stream.

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
NOVEMBER 8, 2010 REGULAR MEETING MINUTES ~ 9:00 AM**

**TRUE COPY**

Mr. Harmon and South Arm Township supervisor Bob Christensen met on Bailey Road last week. Mr. Christensen agrees irreparable seal coat section should be temporarily reverted to gravel.

Mr. Harmon said proposed lighting upgrades are complete at CCRC Boyne City and Ironton garages, but there are two or three additional lights required at Ironton and ten or twelve additional lights required at Boyne City and two in Mrs. Kondrats office; the Board approved.

Mrs. Kondrat said CPA Fred Gardner was in last week to conduct CCRCs annual audit; all went well. He will present the financial statements at May 24, 2010 regular Board meeting.

Commissioner Ogden attended South Arm Township meeting, where their Board questioned seasonal Reich Road drainage problems. Commissioner Ogden met on-site with Mr. Harmon and Mr. Vanek to obtain a solution, which is in CCRC April 23, 2010 letter to South Arm Township Board.

Chairman Way asked if 2010 Boyne City-Charlevoix Road project would require a detour; Mr. Vanek said no, but there will be daily lane closures. The proposed start date is May 3, 2010, with a July 30, 2010 completion date.

Mr. Harmon, CCRC shop foreman Mick Luchenbill and Antrim CRC shop foreman viewed two used shoulder spreader machines at Leelanau CRC last week. Antrim CRC had first option to purchase these machines, which they did for \$7,500. Leelanau CRC replaced theirs with a new machine for \$132,000. Mr. Harmon will continue to look for a used shoulder spreader machine because it places material symmetrically (width and depth) on road shoulders, and is more efficient by not wasting material.

Mr. Harmon, Commissioner Saunders, and CCRC road & shop foremen will attend CRASIF and MCRCSIP May 3, 2010 All-Day Safety Meeting in Mackinaw City.

Mr. Harmon said grader and operator will work on Beaver Island starting April 27, 2010 for three to four weeks.

Commissioner Ogden moved to pay bills totaling \$95,022.90, seconded by Chairman Way.

➤ Roll call VOTE:      Ayes – Ogden, Way      Nays – 0      Absent – Saunders      Motion carried.

Recessed at 10:15 AM; resumed at 10:30 AM.

10:30 AM: Open bids for the following:

Camp Sherwood road end drainage project, Bay Township (project # A489.001-026; engineers estimate not requested by township).

<u>Contractor</u>	<u>Bid Amount</u>
Team Elmer's	\$ 1,758.75
Super M Excavating	\$ 2,187.50
Tri-County Excavating	\$ 3,325.00
Rieth-Riley Construction, Inc.	\$ 3,351.32
Heeres Excavating	\$ 3,675.00
MDC Contracting	\$ 4,278.75
Gibson Excavating	\$ 6,700.00

Curtis Lane Afton stone application, Bay Township (project # A489.001-027; engineers estimate not requested by township).

<u>Contractor</u>	<u>Bid Amount</u>
Rieth-Riley Construction, Inc.	\$10,410.00
Poquette Leasing Co., Inc.	\$10,494.05

Mr. Vanek presented Marion Township email request (received during 10:15 AM recess) to pave seasonal Wickersham Road and Klooster Road portions. Mr. Vanek said paving the current width would not upgrade either road from seasonal

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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designation; year around maintenance requires CCRC specified construction. Commissioner Ogden added paving is required to be 3-inches deep per CCRC specifications, whether seasonal, local or primary county road, and asked if the base under the proposed pavement is adequate to meet year around maintenance standards. Mr. Harmon said there is no discrepancy with right-of-way and room to build a 22' wide roadway, but he and Mr. Vanek will conduct on-site inspection this week, which will include determining base adequacy.

Chairman Way adjourned at 10:45 AM.

**APRIL 14, 2010**

Chairman Way opened the meeting at 1:08 PM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioner Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with Eveline Township supervisor John Vrondran and Petoskey News-Review reporter Steve Zucker.

Commissioner Saunders moved to accept March 22, 2010 regular meeting minutes as presented, seconded by Commissioner Ogden.

➤ VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

Commissioner Ogden moved to transfer \$11,306 from the insurance fund to the general fund and pay for 2009 CRASIF 4<sup>th</sup> quarter premium statement, seconded by Commissioner Saunders.

➤ Roll Call VOTE:       Ayes – Ogden, Saunders, Way       Nays – 0                   Motion carried.

Commissioner Saunders moved to transfer \$124,269 from the Insurance Fund to the General Fund for 2010-2011 Renewal Invoice #3841, and to authorize the Manager and Clerk to pay Michigan County Road Commission Self Insurance Pool (MCRCSIP) after transfer is complete, seconded by Commissioner Ogden.

➤ Roll Call VOTE:       Ayes – Saunders, Ogden, Way       Nays – 0                   Motion carried.

Mr. Vanek presented 10:30 AM Monday, March 22, 2010 and 10:30 AM Monday, April 12, 2010 bid opening tabulations for:

**Horton Bay North Road** wedge and overlay, Bay Township (project #A459.001-003; engineers estimate \$124,180):

<u>Contractor</u>	<u>Bid Amount</u>
Rieth-Riley Construction Co., Inc.	\$141,096.00
Payne & Dolan, Inc.	\$150,765.40

Mr. Vanek said engineers estimate was low due to township originally requesting 24-foot pavement width, and then changed it to 28-foot pavement width for bid.

**Marshall Road** Drainage Improvements, Eveline & Wilson Townships (project #A489.006-038 & A489.015-023 respectively, engineers estimate \$300,500), along with Boyne City.

<u>Contractor</u>	<u>Bid Amount</u>
Team Elmers	\$214,057.50
Tri-County Excavating	\$225,080.00
Rieth-Riley Construction Co., Inc.	\$228,804.92
MDC Contracting	\$232,058.00

Mr. Vanek met with Eveline Township supervisor John Vrondran, Wilson Township supervisor Todd Sorensen and Boyne City manager Mike Cain to discuss Marshall Road drainage improvements and bid tabulations. Wilson Township may not

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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**TRUE COPY**

participate due to higher priority projects; the project may be postponed. However, negotiations between the municipalities continue.

**Sanderson Road** wedge and overlay, Eveline Township (project #A489.006-036, engineers estimate \$52,000).

<u>Contractor</u>	<u>Bid Amount</u>
Payne & Dolan, Inc.	\$45,976.50
Rieth-Riley Construction Co., Inc.	\$46,707.00

**Snyder Road** wedge and overlay, Eveline Township (project #A489.006-037, engineers estimate \$82,000).

<u>Contractor</u>	<u>Bid Amount</u>
Rieth-Riley Construction Co., Inc.	\$71,448.80
Payne & Dolan, Inc.	\$74,903.10

Mr. Vrondran explained Eveline Township Board held a special meeting to award Sanderson Road and Snyder Road project bids (letters regarding this already received by CCRC). The Board also chose to extend Snyder Road project to include Reich Road intersection clean up (approximately \$7,000 additional).

**Dutchman's Bay Road** wedge and overlay, South Arm Township (project #A489.014-008, engineers estimate \$125,375).

<u>Contractor</u>	<u>Bid Amount</u>
Rieth-Riley Construction Co., Inc.	\$111,031.00
Payne & Dolan, Inc.	\$118,576.00

**Peninsula Road** wedge and overlay American Recovery and Reinvestment Act # ARRA 1015 (003), South Arm Township (project #A459.014-014, engineers estimate \$551,467).

<u>Contractor</u>	<u>Bid Amount</u>
Payne & Dolan, Inc.	\$497,563.40
Rieth-Riley Construction Co., Inc.	\$516,930.90

(The Peninsula Road project bids were opened in Lansing and are included here for information only).

**Cosier Road** 23A Aggregate, Wilson Township (project #076.3-015-18, engineers estimate \$20,000).

<u>Contractor</u>	<u>Bid Amount</u>
Poquette Leasing	\$16,100.00
Rieth-Riley Construction Co., Inc.	\$16,700.00

**Hull Street** Afton Stone application, Wilson Township (project #076.3-015-19, engineers estimate \$26,000).

<u>Contractor</u>	<u>Bid Amount</u>
Poquette Leasing	\$30,020.00
Rieth-Riley Construction Co., Inc.	\$30,640.00

Mr. Vanek said engineers estimate was low due to bituminous driveways requiring more material to meet specifications.

Commissioner Ogden moved to award Sanderson Road wedge and overlay, Eveline Township (project #A489.006-036) to low bidder Payne & Dolan, Inc. for \$45,976.50 and Snyder Road wedge and overlay, Eveline Township (project #A489.006-037) to low bidder Rieth-Riley Construction Co., Inc. for \$71,448.80, seconded by Commissioner Saunders.

➤ VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

All present reviewed and discussed petition to revert Carson Road chip seal portion to gravel (section line of South Arm and Wilson Townships). Mr. Harmon recommended not granting the request at this time, the Board agreed and directed

**CHARLEVOIX COUNTY ROAD COMMISSION BOARD  
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Mr. Harmon to send a letter to George Werner (original petition circulator) and copy of the letter to both township supervisors.

Commissioner Saunders moved to set 10:30 AM April 26, 2010 bid opening for Camp Sherwood Road end drainage project #A489.001-026 and Curtis Lane Afton Stone application project #A489.001-027 (Bay Township), seconded by Commissioner Ogden.

➤ VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

Commissioner Reinhardt:

- Attended April 13, 2010 Chandler Township meeting. The township board asked if gravel in ditches can be pulled back into the roadway; Mr. Harmon said CCRC began this, and will continue after roadways dry up (from 2" rain received last week), though it cannot all be restored.
- Said Petoskey News-Review article regarding the 2012 Federal Funding to reconstruct a portion of the Boyne City-Charlevoix Road was good, and asked if part of the countywide road millage would be used to extend the project. Mr. Harmon said the Steering Committee (which prioritizes millage road list projects) recommended Camp Ten Road project in 2011, then a portion of Boyne City-Charlevoix Road in 2012.
- Was at the Gaylord DNR office last week and obtained the name and phone number of the DNR person who decided not to pursue Iron Bridge Road (Hudson Township) drainage problems due to beaver dams. Mr. Harmon presented April 9, 2010 proposal from property owner Robert Lee (A&E Technologies) to remove beaver dam(s) and beavers if CCRC places posts and woven wire fencing across the stream. He requested \$850 to remove the dam (which is at least 4-foot high) and \$30 per beaver. Mr. Harmon recommended accepting this proposal, which will drain stream water that is flooding Iron Bridge Road. He added "Thru Traffic Only" signs should be placed on both road ends because it is not a two lane road and two vehicles cannot pass; Commissioner Ogden suggested "Thru Traffic, No Stopping" signs; Mr. Vanek suggested "No Stopping, Standing or Parking" signs. Mr. Harmon said the last recommended sign requires a State Police Traffic Control Order.

Commissioner Ogden moved to authorize the manager to pay \$425 in advance to A & E Technologies for Robert Lee to begin work on removing the beaver dam on Iron Bridge Road, per Mr. Lee's April 9, 2010 letter of agreement, seconded by Commissioner Saunders.

➤ VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

Commissioner Ogden moved to authorize the Chairman to sign the "Consent to Entry of Judgment" for Glenwood Beach Drive, Evangeline Township (#33 Circuit Court for the County of Charlevoix File No. 10-0948-22-CZ), seconded by Commissioner Saunders.

➤ VOTE:                   Ayes – 3                   Nays – 0                   Motion carried.

Mr. Harmon:

- Presented Beaver Island \$14.75 per cubic yard gravel quote from R. Gillespie Enterprises, Inc. owner Richie Gillespie. And though Mr. Harmon told the Beaver Island crew to use gravel sparingly in 2010, more will be required. The Board authorized the manager to use his best judgment in purchasing Beaver Island gravel.
- Presented pictures of Bailey Road (South Arm Township) and proposed saw cutting pavement on both ends of rutted area where clay is pushing up through old seal coat. He also requested the same on a section of Anderson Road (Wilson Township). Removed material will be crushed to gravel in the future and reapplied in the township from which it came.
- Said the electrical contractor began replacing Boyne City garage lighting today, but more lighting is necessary to illuminate the catwalk areas. The Board approved his request.
- Presented county map prepared by Charlevoix County GIS Department with CCRC owned properties flagged-out in red (some are solely right-of-way). He will contact the Antrim County Register of Deeds to obtain a legal description of CCRC's Duff Pit located just outside the county line.
- Plans to order first portion of 2009-10 season late salt near the end of April. Commissioner Saunders asked why CCRC must receive 70% of its order; Mr. Harmon explained our agreement with the salt company requires at least 70% of CCRCs late salt order to be taken.

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Mr. Vanek:

- Said there are pre-construction meetings with Payne & Dolan, Inc. for Peninsula Road project (South Arm Township) and Boyne City-Charlevoix Road project (Evangeline and Bay Townships) at 9AM Friday, April 16, 2010.
- Met with MDOT regarding M32 reconstruction beginning near downtown East Jordan and extending to Airport Drive, which will include replacing twin culverts with a box culvert, raising the grade between 3-feet and 5-feet in the low area near Rogers Road, and install edge drains to accommodate natural springs near Industrial Park Drive.
- Said St. James Township Board requested estimate to improve seasonal Indian Point Drive (approximately 600-feet) to year-round maintenance. Mr. Vanek and Mr. Harmon conducted on-site review. 40-feet total of tree/brush removal is required, followed by 6-inch gravel addition (approximately 100 cyd.); ditches aren't required. CCRC will prepare bid packet and will open bids later this spring upon St. James Township Boards request.

Commissioner Ogden asked if CCRC plans to purchase equipment in 2010; Mr. Harmon said CCRC shop foreman is currently preparing loader specifications (estimated cost is \$180,000-\$200,000). Also grader #079 at CCRC Ironton garage is due for replacement under the buy-back program in 2011.

Commissioner Ogden moved to pay bills totaling \$64,880.37, seconded by Commissioner Saunders.

➤ Roll Call VOTE:       Ayes – Ogden, Saunders, Way       Nays – 0       Motion carried.

Chairman Way adjourned at 2:55 PM.

**March 22, 2010**

Vice-Chairman Ogden opened the meeting at 9:00 AM.

Vice-Chairman Ogden, Commissioner Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with County Commissioner Shirlene Tripp, Otsego County Road Commission Vice-Chairman Jack Deming, Melrose Township and Springbrook Hills Subdivision resident Karen Colburn, Eveline Township supervisor John Vrondran, Petoskey News-Review reporter Steve Zucker, Rieth-Riley Construction Company, Inc. representative Mark Wagner, Payne & Dolan, Inc. representative Roger Perttu and MDC Contracting LLC representative Vince Carpenter. Chairman Way was absent (excused vacation).

Commissioner Saunders moved to accept March 8, 2010 regular meeting minutes as presented, seconded by Vice-Chairman Ogden.

➤ VOTE:               Ayes – 2       Nays – 0       Absent – 1       Motion carried.

Mrs. Colburn requested update on Springvale Road reconstruction project; Mr. Harmon said Melrose Township plans to reconstruct a portion in 2011 using township road millage. As for the countywide road millage, the Steering Committee prioritizes projects. Mrs. Colburn explained Springvale Road is the only paved roadway into their subdivision. Mrs. Colburn invited the manager and commissioners to attend the Springbrook Hills Subdivision meeting March 23, 2010 at 7:00 PM. Mr. Harmon has a prior commitment; Commissioner Reinhardt and Vice-Chairman Ogden will attend. Mrs. Colburn asked who funded other recent county road projects. Mr. Harmon said, for many years, all road projects have been funded by federal, state or township money (due to funding shortfalls, the Road Commission has only been able to pay for project engineering).

Mr. Deming complimented updated road name signs along Charlevoix County's Thumb Lake Road.

Mr. Harmon presented 2010 Boyne City-Charlevoix Road reconstruction project bid tabulations (Evangeline Township & Bay Township and project numbers A459.005-008 & A459.001-004 respectively). Payne & Dolan, Inc. was low bidder at \$874,394.06 (approximately \$200,000 under the \$1,069,087.05 engineer's estimate). Mr. Harmon recommends any excess countywide road millage funds should be earmarked toward the 2010 Peninsula Road project, though others feel the Boyne City-Charlevoix Road project should be extended. Mr. Harmon and Steering Committee chairman John Vrondran will present bid tabulations to the County Board at their 7:00 PM March 24, 2010 meeting.

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Vice-Chairman Ogden moved to award the Boyne City-Charlevoix Road reconstruction project to low bidder Payne & Dolan, Inc. for \$874,394.06, contingent upon Charlevoix County Board acceptance and approval due to the project being funded by the countywide road millage, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

To answer a past question from John Haggard regarding placing concrete on the Boyne City-Charlevoix Road, Vice-Chairman Ogden said the cost increase would be \$805,000 (almost doubling project costs). Commissioner Reinhart added he was recently on a week-long trip to Washington DC, and the concrete roads were in terrible condition.

Commissioner Saunders moved to open Horton Bay North Road wedge and overlay bids (Bay Township-project #A459.001-003), Dutchman's Bay Road wedge and overlay bids (South Arm Township-project #A489.014-008), Cosier Road 23A Aggregate addition bids (Wilson Township-project #076.3-015-18) and Hull Street Afton stone addition bids (Wilson Township-project #076.3-015.19) at 10:30 AM Monday, April 12, 2010, seconded by Vice-Chairman Ogden.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Commissioner Saunders moved to authorize the Manager and Vice-Chairman to sign MDOT Control Section ARL 15029, Job Number 107126, Project ARRA 1015(003), Federal Item No. JJ 4037, CFDA No. 20.205 (Highway Research Planning & Construction), Contract No. 10-5176 for Peninsula Road reconstruction project, South Arm Township (from Advance Road northerly to Reich Road), seconded by Vice-Chairman Ogden.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Mr. Harmon:

- Will investigate the feasibility of using 2010 Boyne City-Charlevoix Road project contractor to crush and add approximately 2-inches of gravel to one small, paved section of Anderson Road & one small, paved section of Bailey Road.
- Said the next Safety Meeting is at 8:00 AM Thursday, March 25, 2010.
- Reminded all present the Annual Safety Meeting is 8:00 AM Wednesday, April 14, 2010 at St. Matthew's Catholic Church in Boyne City. St. Mary's Cement representative Sharon Brown will update quarry and mine training, the Michigan County Road Commission Self Insurance Pool (MCRCSIP) will participate, Michigan State Police Detective Shelley Izzard will present a program about methamphetamine lab recognition & identifying the highly toxic waste they generate, and Cardio-Pulmonary Resuscitation instruction. Boyne City Housing Commission and Otsego CRC employees are invited.
- Said Alpine Electric energy update for Great Lakes Energy will begin at CCRC Ironton garage soon. Unfortunately, Consumers Energy has expended all their program money. Alpine Electric will re-submit CCRC Boyne City garage under the large program funds. If it is denied, the Board will reconsider replacing the lighting anyway.

Mr. Deming commended the Charlevoix County Board:

- For recognizing road commission financial stress by putting the successful 1-mil road millage on the ballot.
- For assisting the Road Commission financially by purchasing equipment, and just this year assisted with increased salt expense.

All present discussed MDOT allotted Fed-D and STP funds (approximately \$475 million) possibly becoming available to local governmental units if MDOT cannot obtain the required 20% local match. If so, Mr. Harmon feels there will be a very short window in which to receive these funds, so CCRC should have projects ready for bid. This would also include securing two years road millage, possibly requiring a loan from the County Board. He explained this \$3 million local match could procure \$12-\$14 million in the Fed-D and STP funds, and all countywide millage road projects are eligible for these funds.

Commissioner Ogden pointed out Legislature didn't resolve decreasing road commission day-to-day operation expense problems. Commissioner Reinhardt added the State of Michigan only gets \$0.92 for each dollar it pays to the federal government. This lesser return has been in place to many states for 40-plus years to supplement poorer states, including Wyoming, Alaska, Montana and Idaho.

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Commissioner Saunders moved to pay bills totaling \$107,352.64, seconded by Vice-Chairman Ogden.

➤ Roll call VOTE: Ayes – Ogden, Saunders Nays – 0 Absent – WayMotion carried.

Recessed at 10:15 AM, resumed at 10:30 AM.

10:30 AM: Bids opened for the following:

Snyder Road wedge and overlay, Eveline Township (project #A489.006-037; engineers estimate \$81,300).

<u>Contractor</u>	<u>Bid Amount</u>
Rieth-Riley Construction Co., Inc.	\$71,448.80
Payne & Dolan, Inc.	\$74,903.10

Sanderson Road wedge and overlay, Eveline Township (project #A489.006-036; engineers estimate \$52,000).

<u>Contractor</u>	<u>Bid Amount</u>
Payne & Dolan, Inc.	\$45,976.50
Rieth-Riley Construction Co., Inc.	\$46,707.00

Marshall Road reconstruction, Eveline Township and Wilson Township (project #A489.006-038 and #A489.015-023 respectively; engineers estimate \$300,500).

<u>Contractor</u>	<u>Bid Amount</u>
Team Elmers	\$214,057.50
Tri-County Excavating	\$225,080.00
Rieth-Riley Construction Co., Inc.	\$228,804.92
MDC Contracting, Inc.	\$232,058.00

Vice-Chairman Ogden adjourned at 10:38 AM.

**March 8, 2010**

Vice-Chairman Ogden opened the meeting at 9:00 AM.

Vice-Chairman Ogden, Commissioner Saunders, County Commissioners Shirley Roloff and Shirlene Tripp, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with Petoskey News-Review reporter Steve Zucker. Chairman Way was absent (excused vacation).

Commissioner Saunders moved to accept February 22, 2010 regular meeting minutes as presented, seconded by Vice-Chairman Ogden.

➤ VOTE: Ayes – 2 Nays – 0 Absent – 1 Motion carried.

Mr. Harmon presented Northwest Design Group (NDG) 2010 Boyne City-Charlevoix Road reconstruction project engineering \$49,000 proposal. Mr. Vanek performs many engineering requirements, which will reduce NDG expenses. A CCRC hourly employee may be enlisted to help Mr. Vanek inspect future construction jobs.

Mr. Vanek presented 2010 annual material bid tabulations. Mr. Harmon explained most bids were less than in 2009, though gravel and pavement marking stayed the same and emulsion for the Dura Patcher increased. Mr. Harmon said RKA Petroleum Companies was the diesel fuel low bidder, but he will investigate if this company can deliver fuel a day or two after requested.

Commissioner Saunders moved to accept all 2010 Annual Material bids and that the manager, or his designee, be authorized to purchase from the 2010 bidders list any necessary items; all purchases must be in the Road Commissions best financial interest, seconded by Vice-Chairman Ogden.



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➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Commissioner Saunders moved to set 10:30 AM March 22, 2010 bid opening for the following 2010 projects, seconded by Vice-Chairman Ogden:

- a.) Sanderson Road wedge & overlay, Eveline Township. (Job No. A489.006-036)
- b.) Snyder Road wedge & overlay, Eveline Township (Job No. A489.006-037)
- c.) Marshall Road reconstruction, Eveline and Wilson Townships. (Job No's. A489.006-038 and A489.015-023)

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Mr. Harmon presented:

- Consumers Energy Small Business Solutions Program Participation Agreement to update CCRC Boyne City garage lighting system, totaling a little over \$10,000 less \$5,000 from Consumer's Energy incentive plan. Payback is estimated to be 8 months.
- Alpine Electric proposal (for Great Lakes Energy) to update CCRC Ironton garage lighting system for \$1,240 less \$560 from Great Lakes Energy incentive plan. Payback is estimated to be 1 year and 5 months.

Vice-Chairman Ogden moved to authorize the manager to proceed with proposed electrical improvements in CCRC Boyne City garage by Consumers Energy and CCRC Ironton garage by Great Lakes Energy, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 2           Nays – 0           Absent – 1           Motion carried.

Mr. Harmon will meet with Robert Lee April 1<sup>st</sup> to resolve Iron Bridge Road flooding due to beaver dam(s) on Mr. Lee's property. Mr. Lee would like a fence across the river on his property, then he will trap the beavers at \$30 each (paid for by CCRC). Mr. Harmon said CCRC will provide the manpower to place the fence, but feels Hudson Township should fund the materials.

Mrs. Kondrat presented updated financial statement, noting January 2010 MTF was down 4.22%. There are three payrolls in April, plus 70% of county back-up salt must be purchased (Mr. Harmon suggested deliveries in late April and late May).

Commissioner Ogden:

- Said Michigan Legislature may increase the gas tax by \$0.04; but the estimated \$330,000 increase for CCRC per year wouldn't solve disintegrating road problems.
- Feels Boyne City-East Jordan Road 1 ½-Inch overlay should be added to the priority road list after all projects are completed in the 61-Miles of millage improvements. Mr. Harmon agreed, and said Barnard Road should be added as well. Mr. Harmon added Boyne City-Charlevoix Road reconstruction (including storm sewer work through Horton Bay) should be done with 2012 federal funds, and then (with Road Steering Committee approval) the next countywide road millage portion should start near US31 and head east.

Commissioner Saunders moved to pay bills totaling \$51,733.50, seconded by Vice-Chairman Ogden.

➤ Roll call VOTE:   Ayes – Saunders, Ogden           Nays – 0           Absent – Way           Motion carried.

Chairman Way adjourned at 9:55 AM.

**February 22, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioner Ogden, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended. Commissioner Saunders was absent (excused vacation).

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Commissioner Ogden moved to accept February 8, 2010 regular meeting minutes as presented, seconded by Chairman Way.

- VOTE: Ayes – 2      Nays – 0      Absent – 1      Motion carried.

Mr. Harmon presented 2010 MDOT Certification Map with changes (see motion below).

Commissioner Ogden moved to approve 2010 Certification Map as presented (.02 mile Pincherry Road addition, Bay Township, and changed the spelling of Predmore Road to Premore Road, South Arm Township), seconded (and subsequently signed) by Chairman Way.

- VOTE: Ayes – 2      Nays – 0      Absent – 1      Motion carried.

Mr. Harmon:

- Will attend tonight's Michigan Township Association (MTA) meeting at 7:00 PM in the Boyne City Hall auditorium to discuss 2010 Boyne City-Charlevoix Road and Peninsula Road reconstruction projects.
- Will attend the Norwood Township meeting tonight at the Charlevoix Public Library, following the MTA Meeting.
- Presented Boyne City-Charlevoix Road reconstruction project plans; page numbers will be added. Bid opening is March 17<sup>th</sup>, with a May 3<sup>rd</sup> beginning date and a July 30, 2010 completion date. The contractor will maintain traffic; there will be no detours.
- Presented CCRC Boyne City garage (Consumers Energy) and CCRC Ironton garage (Alpine Electric) energy audit quotes partially funded by the federal government. The energy audits are programs designed to reduce electricity use through more efficient lighting fixtures, thereby saving the Road Commission money by lowering electricity costs without sacrificing lighting quality. Chairman Way approves these recommendations, but requested Mr. Harmon present information at March 8, 2010 CCRC Board meeting for Commissioner Saunders, and County Commissioners Shirley Roloff & Ron Reinhardt input.

Commissioner Ogden:

- Requested 2-way radio, tower and repeater update. Mr. Harmon said tower and repeater are complete, and a few radios will be replaced with the rest being reprogrammed when required.
- Asked about potential difficulties in preparing an estimate for Indian Point Road tree removal and gravel addition (Beaver Island). Mr. Vanek and Mr. Harmon stated there have been similar small projects on the island, whereby cost comparisons would provide accurate information for the requested estimate.
- Asked if CCRC countywide millage road projects are eligible if MDOT federal funds become available to County Road Commissions; Mr. Harmon said all roads in the millage proposal qualify for federal funds.

Commissioner Ogden moved to pay bills totaling \$115,925.58, seconded by Chairman Way.

- Roll call VOTE: Ayes – Ogden, Way      Nays – 0      Absent – Saunders      Motion carried.

Chairman Way adjourned at 9:55 AM.

**February 8, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioner Ogden, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended, along with Petoskey News-Review reporter Steve Zucker. Commissioner Saunders was absent (excused vacation).

Commissioner Ogden moved to approve January 25, 2010 meeting minutes as presented, seconded by Chairman Way.

- VOTE:              Ayes – 2              Nays – 0              Absent – 1              Motion carried.

Mr. Harmon said, regarding Beach Drive (Charlevoix Township), the Michigan Supreme Court order (SC: 139617; COA: 284547; Charlevoix CC: 07-061121-CH) states in part, "On order of the Court, the application for leave to appeal the June

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23, 2009 judgment of the Court of Appeals is considered, and it is GRANTED". Mr. Harmon feels the appeal will be scheduled in late summer, early fall of 2010. Attorney Joel Wurster will continue to represent CCRC.

Chairman Way requested Iron Bridge Road beaver problem update. Mr. Harmon said resident has not responded to CCRC attorney letter. Commissioner Ogden feels the court could order removal of beaver dam(s) because it is creating a nuisance by flooding the roadway.

Commissioner Roloff:

- Asked when CCRC plans to build a new Beaver Island garage since the land has already been donated. Mr. Harmon said CCRC doesn't have the funds, and his request for American Recovery and Reinvestment Act (ARRA) stimulus funds to build a new garage wasn't selected. Mr. Harmon added the current garage sits on four small lots each worth \$20,000 to \$30,000, which (if sold) isn't enough to build a new facility either.
- Asked when next County Road Steering Committee (CRSC) meeting is; Mr. Harmon will schedule after next week when Northwest Design Group (NDG) completes Boyne City-Charlevoix Road project plans (2.75 miles from Nelson Road to Sumner Road estimated at around \$1 million).
- Feels CRSC should prioritize future road projects to pacify taxpayers; Commissioner Reinhardt noted the next project should be in another part of the county.
- Asked if there have been any more complaints on Camp 3 Road logging operation (Beaver Island); Mr. Harmon said no.

Mr. Harmon:

- Visited Beaver Island last week and Highridge Court property owner has pole barn built, is adding a lean-to, and will have all encroachments removed by spring 2010.
- Said St. James Township may request upgrading Indian Point Road to year-round maintained standards. A portion will only require tree trimming and maybe gravel addition; the remainder (one car width wide) will involve extensive tree removal, ditching, and gravel addition. Mr. Harmon explained this is within a platted subdivision; he and Mr. Vanek will view road in spring after snow has melted and prepare estimate.

Mrs. Kondrat presented 2008-2009 Michigan Transportation Fund (MTF) income comparison, which is down 2.14%; 2007-2008 MTF was down 4.08% (down 6.22% over 2 years).

Commissioner Ogden:

- Reminded Mr. Vanek to schedule Dutchman's Bay Road project bid letting soon after Peninsula Road bids are opened.
- Attended Melrose Township meeting in mid-January 2010; they are establishing a 5-person "Road End Ordinance Committee" to review and recommend an ordinance directed toward controlling activity on roads that end at Walloon Lake.

Commissioner Ogden moved to pay bills totaling \$55,415.65, seconded by Chairman Way.

➤ Roll call VOTE:    Ayes – Ogden, Way    Nays – 0    Absent – Saunders    Motion carried.

Chairman Way adjourned at 10:10 AM.

**JANUARY 25, 2010**

Chairman Way opened the meeting at 9:00 AM.

Chairman Way, Commissioners Ogden and Saunders, County Commissioners Shirley Roloff and Ron Reinhardt, CCRC manager Patrick Harmon and CCRC staff engineer James Vanek attended, along with Eveline Township supervisor (and County Road Steering Committee Chairman) John Vron dran.

Commissioner Saunders moved to accept January 11, 2010 regular meeting minutes as corrected, seconded by Commissioner Ogden.

Page 2, line 62: change "All present" to "The Board"

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Page 2, line 76: change Commission” to “Committee”

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

All present discussed CCRC Attorney Joel Wurster proposed letter to Robert E. and Janet L. Lee regarding beaver dam on their property causing Iron Bridge Road flooding (Hudson Township). All present also reviewed January 8, 2010 Department of Natural Resources (Department) letter stating, in part, “the Department has no authority to go onto private land and take beaver that are being a nuisance to another person or interest.” Commissioner Ogden questioned if Iron Bridge Road should be signed to caution drivers; Mr. Harmon will discuss with Mr. Wurster and send letter to Robert and Janet Lee this week.

Commissioner Reinhardt has been questioned why the Road Commission works on “nice winter days”. Mr. Harmon said per union contract, employees work five 8-hour days (Monday-Friday), and there are many road maintenance needs to complete (i.e. tree trimming).

Commissioner Roloff:

- Dead batteries can be recycled by taking them to Kelly Martin, Charlevoix Conservation District.
- Parks and Recreation Committee is forming a committee to work directly with Boyne City-Charlevoix Road property owners regarding the proposed non-motorized trail, and requested a Road Commission representative serve on the committee.

Mr. Harmon:

- Presented Glenwood Drive (Evangeline Township) draft abandonment resolution and supporting documents for Board review. The proposed abandonment (which also requires Circuit Court approval because it is within a platted subdivision) will be placed on February 8, 2010 CCRC Board meeting agenda.
- Reported Michigan County Road Commission Self-Insurance Pool (MCRCSIP) senior loss control specialist Mike Schultz conducted January 21, 2010 garage inspection. Boyne City and Ironton garages have a few non-functioning GFI outlets; Rob’s Electric (Petoskey) will repair on Wednesday. There are also two lights in the shop area operating warmer than normal. Mr. Schultz informed Mr. Harmon a road commission east of here recently had an electrical fire due to an overloaded electrical circuit. There was little damage because employees were there to recognize the danger, and contact the fire department in a timely manner.
- Said Payne & Dolan, Inc. (P&D) representative Gary Hartmann will meet with Mr. Harmon and Mr. Vanek tomorrow to discuss asphalt mixes that incorporate 3-5% asphalt shingles. Wisconsin Department of Transportation has been using this mix for four years; MDOT has not approved the mix to-date. At this time, Commissioner Ogden is reluctant to spend public funds on this product due to uncertainties on finished product. Mr. Harmon and Mr. Vanek will also discuss 2009 P&D issues (i.e. final grading; timely shoulder placement).
- Said CCRC will clean ditch from his Pleasant Valley Road residence (west side of road) to the city limits and install a cross culvert to Boyne City’s retention basin on the opposite side of the road to help minimize storm water from entering the Boyne City Limits.

Commissioner Ogden moved to pay bills totaling \$107,665.90, seconded by Commissioner Saunders.

➤ Roll Call VOTE :    Ayes – Ogden, Saunders, Way           Nays – 0                           Motion carried.

Chairman Way adjourned at 10:35 AM.

**JANUARY 11, 2010**

Commissioners Ogden, Saunders and Way, County Commissioner Ron Reinhardt, CCRC manager Patrick Harmon, CCRC staff engineer James Vanek and CCRC clerk Shelley Kondrat attended.

Road Commission Clerk Shelley Kondrat opened the meeting at 9:00 AM and requested 2010 Chairman nominations.

Commissioner Ogden nominated Commissioner Way for 2010 Chairman.

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Commissioner Saunders moved to close nominations and cast a unanimous ballot for Commissioner Way for 2010 Chairman, seconded by Commissioner Ogden.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Chairman Way opened the floor for 2010 Vice-Chairman nominations.

Commissioner Saunders nominated Commissioner Ogden for 2010 Vice-Chairman.

Commissioner Saunders moved to close nominations and cast a unanimous ballot for Commissioner Ogden for 2010 Vice-Chairman, seconded by Chairman Way.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Chairman Way thanked all road commission employees for the sympathy card recognizing his brother Dawson Ways passing.

Commissioner Saunders moved to accept December 30, 2009 regular meeting minutes as corrected, seconded by Commissioner Ogden.

Page 1, line 3: change “Commissioners Shirley Roloff &” to “Commissioner”

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

The Board hereby notes the Board follows Roberts Rules of Order.

Commissioner Ogden moved to open 2010 Annual Material Bids at 11:00 AM February 26, 2010 for March 8, 2010 Board review, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Ogden moved to excuse Commissioner Saunders from the February 8<sup>th</sup> and 22<sup>nd</sup>, 2010 meetings while he is in Florida, seconded by Chairman Way.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Ogden moved to excuse Chairman Way from the March 8<sup>th</sup> and 22<sup>nd</sup>, 2010 meetings while he is in Florida, seconded by Commissioner Saunders.

➤ VOTE:           Ayes – 3                           Nays – 0                           Motion carried.

Commissioner Reinhardt:

- Requested Iron Bridge Road update (crossing the Sturgeon River); Hudson Township officials are concerned flooding will damage the bridge they invested so much money into. Mr. Harmon sent a letter to the DNR but has not received a reply. The case may go to Circuit Court if the DNR chooses not to become involved and property owner Robert Lee refuses to allow beaver dam removal on his property.

Mr. Harmon:

- Displayed a plaque from the Charlevoix County Road Commission to be presented to Michigan State Police Lt. Rod Bloss who is retiring January 29, 2010 after 35 years on the force; he has been an asset to the Charlevoix County Road Commission.
- ~~All present~~ **The Board** signed the 3-year “Agreement Between the Board of County Road Commissioners of Charlevoix County and Teamsters State, County and Municipal Workers – Local Union No. 214” (expires December 31, 2013).
- Chairman Way and Mr. Harmon signed the “Engineering Letter of Understanding Between the Board of County Road Commissioners of Charlevoix County and Teamsters State, County and Municipal Workers – Local Union No. 214”.

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- Said the County Board will hold an ORV Ordinance meeting at 7PM Thursday, January 28, 2010 at the Hudson Township Hall.
- Attended January 7, 2010 Rural Task Force Meeting, where MDOT representative Susan Richardson said there may be more American Recovery and Reinvestment Act (ARRA) stimulus funds circulated (requires no matching funds). If so, project soil borings and plans must be completed and a GI scheduled within 90 days. Mr. Harmon feels Northwest Design Group (NDG) engineers could complete a wedge and overlay project (at an unspecified location) in this time period; he will schedule a County Road Steering ~~Commission~~ **Committee** meeting to review appropriate road choices.

Commissioner Ogden inquired if Peninsula Road culverts were added into plans; Mr. Vanek called NDG engineer Lucas Porath last Friday but hasn't heard back.

Commissioner Saunders moved to pay bills totaling \$44,492.49, seconded by Commissioner Ogden.

➤ Roll Call VOTE:      Ayes – Saunders, Ogden, Way      Nays – 0      Motion carried.

Chairman Way adjourned at 10:10 AM.