

****APPROVED MINUTES****

Mason, Michigan
July 20, 2009

The Board of Ingham County Road Commissioners met for a regular meeting on Monday, July 20, 2009, at 6:00 P.M. in the Road Commission's Austin E. Cavanaugh Administration Building located at 301 N. Bush Street, Mason, Michigan.

Present: Joseph A. Guenther, Chair, Shirley M. Rodgers, Vice Chair, James G. Dravenstatt-Moceri, Member, Thomas M. Mitchell, Member, and Norman L. Gear, Member.

Also Present: William M. Conklin, Managing Director, Deborah L. Bellows, Secretary to the Board, James M. Benjamin, Director of Operations, Tina M. Henry, Director of Finance, Robert H. Peterson, Director of Engineering, and George M. Brookover, Legal Counsel.

AGENDA ITEM #3 – LIMITED PUBLIC COMMENT.

1. John Veenstra, Meridian Township resident and Board Trustee. Mr. Veenstra stated he wished to comment regarding the Kincaid issue. He suggested that reasonable people be reasonable and avoid any future legal costs regarding this matter. Mr. Veenstra stated that while he personally thinks it was a mistake for Mr. Kincaid to bring litigation against the Road Commission in the first place, he also believes it became necessary when no one would talk to him regarding the right of way issues. Mr. Veenstra indicated that Mr. Kincaid is not currently mowing the right of way in question and has received a letter from the Township instituting a fine of \$75 per day for every day it is not mowed. He said he thinks it would be in everyone's best interest to work out an agreement of some sort. Mr. Veenstra stated that Mr. Kincaid has offered to mow the right of way and give the Road Commission a temporary easement for the property located behind the curb in return for the Road Commission to agree to realign the road and move it four feet to the west at some point in the future when the Road Commission reconstructs Nakoma Drive. He said that while he understands the Judge awarded over \$9,000 in legal fees to the Road Commission, it is a legitimate public question that this all should have been worked out a long time ago without a lawsuit. Mr. Veenstra said the Judge's decision was wrong. He asked that the Board show some mercy for this property owner and reach an agreement for a much smaller lump sum payment to settle this. He asked that some relief be given Mr. Kincaid. Mr. Veenstra stated that he has taken this same position on the Township Board. He asked that the parties talk and work out their differences.

AGENDA ITEM #4 – LATE ITEMS.

Managing Director Conklin stated he wished to add as Agenda Item #11N, discussion of a communication received from the Eaton County Road Commission regarding the repayment of MTF monies which were overpaid to the Eaton County Road Commission and should have been paid to the Ingham County Road Commission.

AGENDA ITEM #4 – CONSENT ITEMS.

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri, that the following agenda items be approved under consent:

- A. Agenda Item #6, minutes of the meeting of June 22, 2009.
- B. Agenda Item #7A-D, routine and special permits.
- C. Agenda Item #9A-B, accounts payable.
- D. Agenda Item #10B, Cost Agreement for Signal Control with MDOT.
- E. Agenda Item #11B-H, various Local Road Agreements.
- F. Agenda Item #11I-J, pavement marking Agreements.

5 yes, 0 no. Motion carried unanimously.

Agenda Item #6 – Minutes.

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri, that the minutes of the meeting of June 22, 2009, be approved as presented. 5 yes, 0 no. Motion carried unanimously.

Agenda Item #7A-D – Routine and Special Permits.

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri, that the following routine and special permits be approved:

09-0156	09-0205	09-0252	09-0254	09-0255	09-0256
09-0257	09-0262	09-0263	09-0264	09-0265	09-0266
09-0267	09-0268	09-0269	09-0270	09-0271	09-0272
09-0276	09-0280	09-0281	09-0282	09-0283	09-0284
09-0285	09-0286	09-0287	09-0289	09-0291	09-0292
09-0293	09-0297	09-0298	09-0299	09-0300	09-0302
09-0251	09-0252	09-0253	09-0259	09-0260	09-0261
09-0277	09-0278	09-0279	09-0294	09-0295	09-0296
09-0301					

Permit #09-0273 applied for by Holt Hometown Festival Committee for the purpose of conducting the Holt Hometown Festival parade to be held on August 29, 2009, from 11:00 A.M. until 12:00 P.M. The event is sanctioned by Delhi Charter Township.

Permit #09-0274 applied for by Brenda Creemers for the purpose of closing a portion of Heartwood Drive for the purpose of holding the Heartwood Neighborhood Association block party to be held July 18, 2009, from 4:00 P.M. until 10:00 P.M. The event is sanctioned by Meridian Charter Township.

Permit #09-0275 applied for by the National MS Society, Michigan Chapter, for the purpose of conducting the National Multiple Sclerosis Society, Michigan Chapter, 2009 Bike MS: Great Lakes Breakaway Ride to be held July 11 and 12, 2009. The event is sanctioned by Williamstown Township.

Permit #09-0290 applied for by Make-A-Wish Foundation for the purpose of conducting the Wish-A-Mile Bicycle Tour to be held on July 26, 2009, from 6:00 A.M. to 4:30 P.M. There will be over 900 cyclists. The event is sanctioned by Meridian Charter Township.

5 yes, 0 no. Motion carried unanimously.

Agenda Item #9A-B – Accounts Payable.

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri, that the accounts payable be approved as follows: Accounts payable for the two week period of June 8-21, 2009, totaling \$113,583.79; and Accounts payable for the two week period of June 22-July 5, 2009, totaling \$308,877.57.

5 yes, 0 no. Motion carried unanimously.

Agenda Item #10B – Cost Agreement for Traffic Signal Control with MDOT.

RESOLUTION AUTHORIZING ENTERING A REVISED COST AGREEMENT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE TRAFFIC SIGNAL LOCATED AT THE INTERSECTION OF GRAND RIVER AVENUE AND PARK LAKE ROAD.

RESOLUTION #059-09

Moved by Commissioner Mitchell, Supported by Commissioner Dravenstatt-Moceri. 5 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED that upon recommendation of the Director of Engineering, the Board approves and authorizes the Chair and Secretary to sign, a Revised Cost Agreement for Traffic Signal Control maintenance with the Michigan Department of Transportation for the existing traffic signal located at Grand River Avenue and Park Lake Road in Meridian Charter Township. The Ingham County Road Commission's share of the annual maintenance cost is estimated at \$288. The remainder of the cost is covered by MDOT and the owner of the shopping center at this location, which has changed since first entering this Agreement.

Agenda Item #11B-H – Various Local Road Agreements.

RESOLUTION APPROVING VARIOUS TOWNSHIP AGREEMENTS FOR 2009 LOCAL ROAD WORK.

RESOLUTION #060-09

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri. 5 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED that upon recommendation of the Managing Director, the Board approves the following Agreements for 2009 local road work:

- A. Local Road Agreement with Aurelius Township for improvements on Eifert Road.
- B. Local Road Agreement with Bunker Hill Township for improvements on Haynes Road.

- C. Local Road Agreement with Delhi Charter Township for improvements on various roads.
- D. Joint Local Road Agreement with Leroy and Locke Townships for improvements on Allen Road.
- E. Local Road Agreement with Lansing Township for improvements on Catherine Street.
- F. Local Road Agreement with Meridian Township for improvements on various roads.
- G. Local Road Agreement with White Oak Township for improvements on Swan Road.

Agenda Item #11I-J – Pavement Marking Agreements.

RESOLUTION APPROVING AGREEMENTS WITH THE CITY OF WILLIAMSTON AND THE CITY OF MASON FOR 2009 PAVEMENT MARKING.

RESOLUTION #061-09

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri. 5 yes, 0 no. Resolution carried unanimously.

AGENDA ITEM #5 – NAKOMA DRIVE RIGHT OF WAY.

Before entering closed session to discuss pending litigation, i.e., Kincaid v Ingham County Road Commission, the Board allowed Vance Kincaid to address it to present a settlement offer.

Mr. Kincaid thanked the Board for allowing him to make this presentation and said he hoped this would put the matter to rest. Mr. Kincaid submitted a proposed Settlement Agreement, a proposed Letter of Understanding, a proposed Hold Harmless Statement, and a proposed Right of Way Easement which he asked the Board to consider regarding this matter.

Mr. Kincaid said he accepts the Court ruling on what the Road Commission owns. He said the documents he submitted do not include any property beyond what the Road Commission owns. He said there is no buffer there now as a result of the Court ruling. Mr. Kincaid reviewed the documents submitted. He said that, basically, he is offering to pay a lump sum payment to the Road Commission of \$2,000.00 within 30 days. He said the Letter of Understanding provides that in the future when Nakoma Drive is rebuilt, the Road Commission will realign the roadway and move it four feet to the west. Mr. Kincaid said he would hold the Road Commission harmless of any conveyance of fault. He said the Right of Way Easement is temporary until the road is realigned and it does not include any of the property that the Court ruled was owned by the Road Commission. In return for this, Mr. Kincaid said he will maintain the 300 foot portion from, and at, Mt. Hope. It is growing up with weeds and, as mentioned by Mr. Veenstra, he has received notice from the Township that daily fines will be levied if it is not maintained. Mr. Kincaid said he should not have to maintain it if he doesn't own it, but he is still paying taxes on all of the property, on property he can't use.

Mr. Kincaid thanked Mr. Veenstra for speaking on his behalf. He said he did not ask him to do so. Mr. Kincaid stated he has asked for an invoice indicating what he owes and he has never received one. He said the lawyers have told him he is not entitled to one.

Chair Guenther stated that the Board will need to confer with its legal counsel regarding this matter and with respect to the documents just submitted by Mr. Kincaid. He said that all of this happened before any of the Board members or the Managing Director were here. Chair Guenther stated the Board would be

going into closed session to discuss this with legal counsel and if Mr. Kincaid wanted to wait, the Board would inform him of its decision when they return to open session.

Moved by Commissioner Rodgers and Supported by Commissioner Gear that the Board enter closed session at 6:30 P.M. for the purpose of discussing pending litigation with its legal counsel. Roll call vote: Commissioner Guenther, yes, Commissioner Rodgers, yes, Commissioner Dravenstatt-Mocerri, yes, Commissioner Mitchell, yes, Commissioner Gear, yes. 5 yes, 0 no. Motion carried unanimously.

Moved by Commissioner Rodgers and Supported by Commissioner Mitchell that the Board return to open session at 7:10 P.M. Roll call vote: Commissioner Guenther, yes, Commissioner Rodgers, yes, Commissioner Dravenstatt-Mocerri, yes, Commissioner Mitchell, yes, Commissioner Gear, yes. 5 yes, 0 no. Motion carried unanimously.

Chair Guenther advised Mr. Kincaid and Mr. Veenstra that the Board has instructed its legal counsel to respond to Mr. Kincaid's Settlement Offer and he will be receiving a communication from Mr. Brookover soon. He also advised Mr. Kincaid that all matters pertaining to the litigation, including collection of attorney fees which were awarded by the Judge, shall be handled directly between Mr. Brookover and Mr. Kincaid.

AGENDA ITEM #8 – MANAGING DIRECTOR REPORTS.

A. Due to structural deterioration, the Willoughby Road bridge over the Sycamore Creek has been closed. This structure is located between College Road and Hagadorn Road in Alaiedon Township. Chair Guenther asked that in the future he be notified by phone of events of this magnitude. Although the Board members were sent an email regarding the bridge closure, he stated he is not always able to check his email on a daily basis. Managing Director Conklin stated the Road Commission has applied for State Critical Bridge funds for the replacement of this structure, but it has not yet been selected. However, the bridge being closed may move it up on the priority list. If funding were to be approved in 2009, the money would not actually be received until 2012.

B. The draft letter to Congressman Mike Rogers, regarding road funding issues was approved by the Board for submittal.

AGENDA ITEM #10A – REQUEST FOR ONE SEASONAL EMPLOYEE.

Director of Engineering Bob Peterson explained that the 2009 construction schedule is becoming clearer with each passing week. As expected back in April, the Engineering Department does not have the personnel to cover all of the existing programs and construction scheduled for the summer. Mr. Peterson said that at this time, he believes that two full-time people are needed for the remainder of July through the month of September to fill the needs of the department and the construction schedule.

Mr. Peterson indicated that due to the downturn in permitting work and the desire of OPEIU to keep work within its unit, David Francis, Weighmaster, has been re-assigned to help Doug Steffen on the survey crew starting July 8, 2009. Weighmaster Brenda Moyer will continue to perform her normal duties, but may also be re-assigned as needed to fill short term needs of the department.

Mr. Peterson said the second full-time person would be assigned to the Waverly Road project. He said he proposes using a seasonal employee to assist the existing staff for \$11 to \$15 per hour. He said if he can find the right individual, he or she could allow existing staff to perform the majority of the density testing required for the job. Otherwise, we would have to hire a consultant to perform all the testing work. Normal

consultant billing rates for testing work are \$48 to \$55 per hour for the technician and \$55 per day for equipment. Using the \$11 to \$15 per hour figures, the seasonal would cost from \$5,720 to \$7,800 for 13 weeks of employment. Using planning level estimates for testing, the Waverly Road project testing should cost \$35,000 to \$45,000.

Mr. Peterson continued that the majority of the Waverly Road underground work that would require materials and density testing is township watermain installation. The inspection and testing costs for the watermain work is to be paid for by the Township. Therefore, the majority of the seasonal person's wage could be paid for by the Township. The end result is little or no impact to our budget and an additional person to cover Engineering Department needs.

Mr. Peterson said that when this was discussed earlier, the Board suggested using operations' personnel to fill the expected Engineering Department gaps. Although it would be nice to utilize operations personnel to fill the gaps, the Operations Director and he have discussed the issue at length, and thought of a couple of practical difficulties with their usage: Those particular difficulties would be: 1) Operations needs all their employees to perform the local road matching program, cold plastic pavement marking, and routine work that is currently scheduled, especially in the Metro District; and, 2) we would need the same person assigned to Waverly Road for a couple of months so that the learning curve wouldn't be so steep. Equalizing overtime within the AFSCME unit could pose some real difficulties.

Therefore, Mr. Peterson requested he be authorized to seek and hire a seasonal employee for the Engineering Department to work as just described, and that a person be hired as soon as possible.

Commissioner Rodgers asked, given that the Waverly Road project started almost a month late, will 13 weeks be enough time? She stated she would not have a problem authorizing the person to stay through Thanksgiving. Mr. Peterson stated possibly, but he did not think it would need to be for this long. However, if additional time is needed, he would come back to the Board and request an extension.

Commissioner Dravenstatt-Moceri asked where he would get candidates for the position on this late notice? Mr. Peterson said he believes he can get qualified civil engineering techs from LCC. He said he has a contact there who has been very helpful in the past. Chair Guenther asked if it would be necessary to advertise for the position in order to get a qualified pool of applicants? Commissioner Rodgers stated she thought this process would take too long and although this goes against her philosophy regarding hiring practices and given the somewhat emergency type nature of the situation, she would be willing to allow Mr. Peterson to proceed as best he can without advertising to find qualified applicants for one seasonal position to start immediately. She said Mr. Peterson can fill the position at his discretion. Other Board members agreed.

Moved by Commissioner Mitchell and Supported by Commissioner Rodgers, that upon request and recommendation of the Director of Engineering, the Board authorizes the Director of Engineering to seek qualified applicants and to hire an individual for a seasonal engineering position to begin immediately. This person will be permanently assigned to inspect the Waverly Road project and will be funded as recommended in Mr. Peterson's memorandum dated July 6, 2009. 5 yes, 0 no. Motion carried unanimously.

AGENDA ITEM #10C – AWARD OF PROPOSAL #1560 FOR THE 2009 HOT IN PLACE RECYCLING PROGRAM.

Director of Engineering Bob Peterson reviewed and recommended award of Proposal #1560 for the 2009 Hot-In-Place Recycling program which will be utilized in Meridian Township for its local road improvement program for 2009. Mr. Peterson indicated that we sent proposals to seven contractors nation-wide that perform this type of work, however, only one bid was received. He said that this is primarily because the work utilizes very specialized equipment and no contractors in Michigan, that we know of, have this equipment or specialize in the work. The bid received was from a contractor in Illinois. Mr. Peterson stated this is a relatively new process for Michigan and explained how it works.

Chair Guenther asked the life of the pavement surface using this process? Managing Director Conklin stated about 7-10 years and the process is less expensive than resurfacing. Chair Guenther asked that the work being done with this process by tracked to see if it turns out to be a worthy operation for our road system. Commissioner Dravenstatt-Mocerri asked if there were any locations fairly close where this process has been used? Mr. Conklin stated in Taylor, Westland, Battle Creek, and Fenton. He said that he and Meridian Township Manager Gerald Richards have contacted those communities and are satisfied with the references received.

Board members asked to be notified when the work starts so that they can observe the process.

RESOLUTION AUTHORIZING AWARD OF PROPOSAL #1560 FOR THE 2009 HOT-IN-PLACE RECYCLING PROGRAM IN MERIDIAN TOWNSHIP.

RESOLUTION #062-09

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Mocerri. 5 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED that upon recommendation of the Director of Engineering, the Board authorizes award of Proposal #1560 for the 2009 Hot-In-Place Recycling program in Meridian Township to Gallagher Asphalt Corporation of Thornton, Illinois, for a contract price of \$411,895.48.

AGENDA ITEM #10D – AWARD OF PROPOSAL #1561 FOR THE 2009 LOCAL ROAD PAVING PROGRAM.

Director of Engineering Bob Peterson reviewed and recommended award of Proposal #1561 for the 2009 local road paving program. He stated that due to an error in the bid sheet for the Lansing Township Catherine Street project, this item was being pulled from this contract and would be re-bid. Therefore, the remainder of the proposal items are all recommended for award to the low bidder, Rieth Riley Construction of Mason.

RESOLUTION AUTHORIZING AWARD OF PROPOSAL #1561 FOR THE 2009 LOCAL ROAD PAVING PROGRAM.

RESOLUTION #063-09

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri. 5 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED that upon recommendation of the Director of Engineering, the Board authorizes award of Proposal #1561 for the 2009 Local Road Paving Program to the low bidder, Rieth Riley Construction Company, for its low bid prices in all categories except Item VI Catherine Street. The total contract amount for this work is \$881,340.11.

AGENDA ITEM #11A – REVISIONS TO THE POLICY ON THE USE AND ASSIGNMENT OF ROAD COMMISSION OWNED VEHICLES.

Managing Director Bill Conklin reviewed the proposed revisions to the policy on the use and assignment of Road Commission owned vehicles. At the request of the Chair, he stated this was drafted after Board member comments and concerns regarding the current policy.

RESOLUTION APPROVING A REVISED POLICY ON THE USE AND ASSIGNMENT OF ROAD COMMISSION OWNED VEHICLES.

RESOLUTION #064-09

Moved by Commissioner Mitchell and Supported by Commissioner Gear. 5 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED that the Board hereby approves a revised Policy on the use and assignment of Road Commission owned vehicles as follows:

It is necessary to amend the Ingham County Road Commission policy concerning the use of Road Commission owned vehicles in order to more clearly comply with federal statutes and to bring this official vehicle policy in line with the method by which this policy is now and has been enforced in the past.

Section 1: The responsibility to acquire, maintain and assign Ingham County Road Commission cars, pickup trucks and/or vans for use by road commission employees on official business is that of the Managing Director or his/her designee.

Section 2: The following personnel shall have the use of a permanently assigned vehicle for use in the discharge of their individual duties, in order to respond to emergency situations and in representing the Ingham County Road Commission in its relations with other jurisdictions and the public. Such vehicles will be allowed to be used for travel between a residence and the place of work, but not for personal travel.

Managing Director
Director of Operations
Director of Engineering
Metro District Supervisor
Eastern District Supervisor
Sign Shop Supervisor

Western District Supervisor
Western District Assistant Supervisor
Metro District Assistant Supervisor
Eastern District Assistant Supervisor
Fleet Manager

Section 3: Ingham County Road Commission owned vehicles will be assigned on a permanent basis to the following personnel, but such vehicles shall not be used in travel between a residence and the place of work or in other personal travel, except under conditions described in Section 7.

Construction Engineer
Permits/Development Supervisor
Weighmaster/Inspector (2)
Purchasing Agent
Surveyor
Design Engineer
Traffic Engineer

Section 4: Other Ingham County Road Commission owned vehicles may be assigned on a permanent basis upon the written request of an employee and justification for the request shall be submitted to the Managing Director by the Department head for endorsement and approval by the Managing Director or his/her designee.

Section 5: Ingham County Road Commission owned vehicles, including ones assigned to the staff listed in Sections 2 and 3, are for Road Commission business only. Personal use of the vehicle is prohibited unless otherwise approved by the Managing Director. Regular, frequent, and/or daily transport of individuals inside road commission owned vehicles who are not employees of the Ingham County Road Commission, with the exception of other governmental employees, or business related passengers, is strictly prohibited. Violations of this Section may result in discipline up to, and including, discharge.

Section 6: The Ingham County Road Commission will also acquire and attempt to maintain a sufficient number of vehicles in a pool for use on a trip basis by employees for official Ingham County Road Commission business. Such vehicle may be assigned for use upon approval by the Department head and the Managing Director.

At any time a pool vehicle may not be available for whatever reason and official employee travel is required, the employee shall be reimbursed for mileage at the current approved IRS rate if he/she drives his/her own personal vehicle. If a pool vehicle is available and the employee elects to drive his/her personal vehicle, mileage will be reimbursed at an amount not to exceed one-half (1/2) of the current approved IRS rate.

Section 7: Vehicles not permanently assigned for travel between a residence and the place of work may, with the approval of the Managing Director, be kept overnight or for a specific period of time at the residence of the employee to whom it is assigned when determined by the department head that such arrangement is absolutely necessary and would be advantageous to the Ingham County Road Commission.

Section 8: Any time the employee is in an Ingham County Road Commission owned vehicle, the employee is considered to be available. Commuting use will be considered income based on current IRS guidelines and will appear on the employee's annual W-2.

Section 9: The Managing Director shall have the authority to recall any vehicle for any reason deemed sufficient including, but not limited to, the following:

- (a) Failure to follow a preventive maintenance program as approved by the Ingham County Road Commission.
- (b) Violation of traffic laws.
- (c) Abuse and/or misuse of the vehicle assigned.
- (d) Unauthorized use of the assigned vehicle for personal purposes.
- (e) Permitting an unauthorized person to operate the assigned vehicle.
- (f) License suspension or revocation.

Section 10: All damage, accident, or theft involving Ingham County Road Commission owned vehicles must be promptly reported to the employee's immediate supervisor followed by a written incident/damage report.

Section 11: All trips with Ingham County Road Commission owned vehicles outside of Ingham County must be approved by the Managing Director or, in his absence, reported to the Secretary to the Board.

Section 12: Removing and/or dismantling safety equipment in any vehicle shall be grounds for discipline.

Section 13: In accordance with State Law, seat belts shall be used at all times when operating Ingham County Road Commission vehicles, including any passenger in the vehicle.

Section 14: Any special problem or question of interpretation regarding the foregoing shall be resolved and decided by the Board of Ingham County Road Commissioners.

Section 15: This policy shall take effect immediately.

Section 16: This revised policy concerning the use of Ingham County Road Commission owned vehicles supersedes the previous policies BP-139 adopted December 19, 1985, BP-143 adopted October 23, 1986, BP-232 adopted May 15, 1997, and BP-280 adopted January 12, 2006.

AGENDA ITEM #11K – CRASIF ANNUAL MEETING.

Managing Director Bill Conklin stated the annual meeting of CRASIF will be held on September 9, 2009, at Boyne Mountain Resort in Boyne Falls. This meeting is in conjunction with the Northern meeting, which is September 9-11. Mr. Conklin said if there is anyone attending the conference from Ingham CRC, the Board is required to appoint an officer delegate and alternate, for voting purposes, at the CRASIF meeting.

Moved by Commissioner Mitchell and Supported by Commissioner Gear, that the Board hereby appoints Shirley M. Rodgers and Tina M. Henry, as voting delegate and alternate, respectively, at the annual CRASIF meeting to be held September 9, 2009, at Boyne Mountain Resort in Boyne Falls. 5 yes, 0 no. Motion carried unanimously.

AGENDA ITEM #11L – CITY OF LANSING REQUEST FOR SIDEWALKS ON WAVERLY ROAD FROM GRAND RIVER BRIDGE TO LANSING ROAD.

Managing Director Conklin reviewed a communication received from Chad Gamble, Public Service Director for the City of Lansing, regarding possible sidewalk installation on Waverly Road between the bridge over the Grand River just north of Moores River Drive and Lansing Road. The City requests this be done in conjunction with the Road Commission's Waverly Road project in 2010. Mr. Conklin stated this will be a controversial project and will require cooperation of City of Lansing and Lansing Township officials, as well as residents who reside in both communities whose property this will affect. A meeting has been scheduled for Friday, July 31st, with community officials to kick-off dialogue on possibilities and funding options. Commissioners Rodgers and Dravenstatt-Moceri indicated they would attend the meeting.

AGENDA ITEM #11M – PROPOSED RESOLUTION REGARDING ROAD FUNDING.

Managing Director Conklin reviewed the resolution he had drafted regarding road funding issues.

RESOLUTION ASKING THE GOVERNOR AND STATE LEGISLATORS TO IMPROVE STATE ROAD FUNDING.

RESOLUTION #065-09

Moved by Commissioner Mitchell and Supported by Commissioner Dravenstatt-Moceri. 5 yes, 0 no. Resolution carried unanimously.

WHEREAS, State, County and Municipal roads are deteriorating at a record pace due to under funding for maintenance for the last 10 years; and

WHEREAS, the longer quality maintenance is deferred due to lack of funding, the more it will cost to bring our county and state road network back into quality condition; and

WHEREAS, our state and county are in the single worst economic downturn since the Great Depression and business development is less likely to occur if our road and highway infrastructure is failing; and

WHEREAS, investment in our road infrastructure will provide needed improvements and provide good paying jobs in our state and these wages will be spent in Ingham County and Michigan to further assist our economy; and

WHEREAS, the Ingham County Road Commission has seen its Michigan Transportation Fund (MTF) road maintenance revenue decline 10.5 percent over the last five years, per the table below:

2004 - \$13,930,256
2005 - \$13,157,391
2006 - \$13,043,693
2007 - \$12,936,411
2008 - \$12,466,354

and is projected by the Michigan Department of Transportation to decline another 4 to 5 percent if not amended in both 2009 and 2010; and

WHEREAS, the Ingham County Road Commission has seen its costs for critical road maintenance materials and fuel rise per the tables below:

Maintenance Asphalt

<u>Year</u>	<u>Price Per Ton</u>
2004	\$ 26.00
2005	\$ 27.00
2006	\$ 33.00
2007	\$ 38.75
2008	\$ 38.30
2009	\$ 44.00*

*a 69% increase over the 6 year period.

Road Salt

<u>Year</u>	<u>Price Per Ton</u>
2004	\$ 24.89
2005	\$ 25.31
2006	\$ 27.09
2007	\$ 32.04
2008	\$ 42.25*

*a 70% increase over the 5 year period.

Chip Sealing Oil

<u>Year</u>	<u>Price Per Gallon</u>
2004	\$.67
2005	\$.94
2006	\$ 1.10
2007	\$ 1.65

2008 \$ 1.65
 2009 \$ 1.82*
 *a 172% increase over the 6 year period.

Diesel Fuel

<u>Year</u>	<u>Average Unit Price Per Gallon (Weighted)</u>
2004	\$ 1.21
2005	\$ 1.74
2006	\$ 2.08
2007	\$ 2.16
2008	\$ 2.78*

*a 130% increase over the 5 year period.

WHEREAS, the Ingham County Road Commission has instituted all possible efficiencies to deal with the unsustainable crunching effect of declining revenue and increasing costs as displayed above, including reducing its work force through attrition from 106 employees in 2002, to 86 employees currently (2009 may decline even further), a 19 percent reduction in work force, and is currently under a hiring freeze; and

WHEREAS, the Ingham County Road Commission has also found it necessary to reduce services, including:

- No longer plowing residential roads on overtime (nights and weekends).
- No longer paving any length of primary road each year other than with limited federal aid funds (previously paved six miles of primary road per year).
- No longer chip sealing any roads other than with township match or federal aid programs (previously chip sealed approximately 120 miles of roads per year).
- Other services including patching, mowing and tree trimming are also gradually being reduced.

WHEREAS, the Ingham County Road Commission has recently had to close the Willoughby Road bridge over Sycamore Creek located between College Road and Hagadorn Road in Alaiedon Township due to deterioration of this 70 year old structure, beyond what routine maintenance can address, to a point where this bridge can no longer support traffic, and the Ingham County Road Commission has applied for, but has not received Local Bridge Program funding to replace this bridge due to there being so many more bridges needing replacement than can be funded under the current program; and

WHEREAS, the Ingham County Road Commission has four other bridges also currently awaiting Local Bridge Program funding for replacement, plus 13 other bridges (out of a total of 68 bridges) whose normal legal load limits have been reduced due to deterioration and, thus, will need major rehabilitation or replacement soon that cannot be funded under current conditions; and

WHEREAS, 45 percent of the Ingham County Road Commission's 434 miles of primary roads have a current PASER rating of 4 or below, indicating poor condition, and 78% of the Ingham County Road Commission's 820 miles of local roads have a poor rating, most of which cannot be addressed under the current funding conditions; and

WHEREAS, the state and other county road commissions in the state have either laid people off, reduced employment by attrition, shut down operations, or restructured maintenance schedules, such as snow removal, to weekdays; and

WHEREAS, When compared to other states, Michigan's state and local transportation funding has ranked 42nd or worse, for more than four decades (statistics derived from the County Road Association of Michigan); and

WHEREAS, The recent Federal Stimulus funds cannot be used for routine road maintenance such as patching potholes or snowplowing roads, nor for local road improvements; and, furthermore, the Stimulus plan is designed as a one-time shot-in-the arm and not a solution to fix Michigan's chronically under-funded and failing transportation system; and

WHEREAS, the Director of the Michigan Department of Transportation has testified before the House and Senate Transportation Committees of the Michigan Legislature that the proposed Stimulus package is not an answer to the highway and road funding of Michigan, and, in addition, numerous other voices across the state – many major newspapers, road industry trade associations, municipal and county associations, labor associations and chambers of commerce – have expressed that Michigan must invest more dollars into road maintenance.

WHEREAS, in November 2008, the Governor's Transportation Funding Task Force issued its recommendation to the Legislature that "In Michigan, we need to at least double our current investment in transportation", and further stated, "The one choice we cannot afford is to do nothing".

NOW, THEREFORE, BE IT RESOLVED, that the Board of Ingham County Road Commissioners, this 20th day of July, 2009, hereby requests that the Governor and the Michigan Legislature implement a plan to improve Michigan roads and highways; and

BE IT FURTHER RESOLVED, that this Resolution be forwarded to Michigan Governor Jennifer Granholm, each member of the Ingham County delegation of the State Legislature, to each member of the Ingham County Board of Commissioners, and each of the 83 county road commissions.

AGENDA ITEM #11N – CORRECTIONS TO MTF ERRORS WITH EATON COUNTY ROAD COMMISSION.

The Board discussed a communication received from Eaton County Road Commission Engineer Manager Blair Ballou, regarding the error in population calculations with the Michigan Transportation Fund (MTF) monies over the past several years. The error resulted in the Eaton County Road Commission receiving monies that should have been paid to the Ingham County Road Commission, totaling approximately \$192,000.00. The Eaton County Road Commission has requested reimbursement to the Ingham County Road Commission in three annual installments, one in 2009, one in 2010, and one in 2011. The Board agreed to the proposed pay back schedule and authorized Director of Finance Tina Henry to coordinate this with MDOT to make sure it agrees to handle the three annual fund transfers.

AGENDA ITEM #13 – COMMISSIONER COMMENTS.

A. Commissioner Mitchell asked how the funding dilemma turned out for the Williamston Road project? Managing Director Conklin stated that the glitches with the MDOT Small Urban Area funding got worked out and \$23,000.00 was received from that source. Commissioner Mitchell asked what the final course of asphalt was. Mr. Conklin said there is a three inch surface on the roadway. Commissioner Mitchell asked if Williamstown Township or the City of Williamstown ever responded to our cost sharing request? Mr. Conklin said no. Commissioner Mitchell asked that this be followed up on and see if we can get an official response, one way or the other, from these two agencies.

B. Commissioner Dravenstatt-Moceri stated that over the last several weeks he has had contact with both Mr. Conklin and Mr. Peterson regarding the Waverly Road project. The project was supposed to start on June 29th, and no actual construction has been started yet. He said he understands that much of the material needed for the project has not been certified by the contractor as being made in America, which is a requirement of this project. What the contractor has offered, has been rejected. Commissioner Dravenstatt-Moceri stated that while he knows that most of this has now been worked out, he cannot stress strongly enough to staff that they stay on top of this contractor throughout this project to make sure deadlines are met and project completion is on time. He stated when contracts are signed we need to make sure that projects run smoothly and there is little, to no, down time. Commissioner Dravenstatt-Moceri stated he is very concerned that with the late start on this project, it will not be completed by November. In the future, we need to make sure that scheduling times are met.

Managing Director Bill Conklin stated that we already do that to the extent we can based on the fact that the contractor really works for MDOT, not us, and that the actual project contract is between MDOT and the contractor. He said that certain steps are necessary to coerce the contractor into meeting deadlines and material requirements, but the contractor has the control over his schedule and how he meets it. There are steps in place to impose default on the contract, but doing this prematurely could result in work stoppage and associated costs. Mr. Conklin said that he felt the Engineering Department did a good job pushing the contractor, but there is only so much that we can do per the MDOT construction specifications.

Commissioner Mitchell said he agreed with Commissioner Dravenstatt-Moceri, and that this incident embarrassed County Commissioner Victor Celentino with his constituents and this is not acceptable. In the future, Commissioner Celentino must be kept accurately updated on the progress of this project. Commissioner Mitchell stated that Commissioner Celentino is counting on the Road Commission to make sure this project runs smoothly for the residents in this area and we need to make sure he has accurate information to give when he is questioned by residents and/or business owners.

Chair Guenther stated projects like this would be handled differently in the future. In the past, the Road Commission has conducted progress meetings for this type of project, which involve all parties concerned. Apparently, this did not happen with the Waverly Road project, at least not to the extent it should have. Aren't there normally weekly status meetings? Director of Engineering Bob Peterson said that conducting progress meetings, with this as well as other projects, was always part of the plan, but there was no reason to hold a progress meeting when no progress had been made and the project had not really even started yet.

No public comment was offered. The meeting adjourned at 8:50 P.M.

Joseph A. Guenther, Chair

Deborah L. Bellows, Board Secretary