

Mason, Michigan

April 26, 2010

The Board of Ingham County Road Commissioners met for a regular meeting on Monday, April 26, 2010, at 6:00 p.m. in the Board Room of 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, and Norman L. Gear, Member.

Also Present: William M. Conklin, Managing Director, Robert H. Peterson, Director of Engineering, Tina M. Henry, Finance Director, James M. Benjamin, Director of Operations.

Absent: Thomas M. Mitchell, Member.

AGENDA ITEM #34 – LIMITED PUBLIC COMMENT.

Lynne Page, Chair of Okemos High School Traffic Safety Committee, 3912 Raleigh Drive, Okemos, Ms. Page read the following letter; "As you may know, on April 19, 2010, new 45 mph speed limit signs were installed on Jolly Road in front of Okemos High School, following your unanimous affirmation of Meridian Township's petition for a consistent, lower speed limit from Hagadorn Road to Okemos Road. As public servants, you may not always get to witness such tangible evidence of the importance of your work to the community. I am here today to express our sincere appreciation for your responsiveness on our behalf in this significant public safety initiative. Adults and students alike, both within our Township and across the region, commend your decisive action to reduce the posted speed limit in this important community corridor. As residents, we feel that our collective voice was heard. Without your intervention, Okemos High School would have retained the unwanted distinction of being the only Ingham County high school with driveway egress onto a 55 mph road. Thank you for recognizing the importance of this issue in regard to our community character, the safety of our students, and its direct impact on our businesses and neighborhoods. We commend you for considering all possible means available under the law in order to make this outcome possible, particularly Chair Joe Guenther's willingness to hear the speed limit petition. I am convinced that the 45 mph speed limit will reduce the number and severity of accidents on Jolly Road near Okemos High School in the future, and hope that it brings the Nevells family a small measure of comfort."

AGENDA ITEM #4 – LATE ITEMS/DELETIONS/CONSENT ITEMS.

Moved by Commissioner Rodgers and Supported by Commissioner Gear, that the following items be approved under consent:

- A. Agenda Item #5, April 12, 2010 Minutes.
- B. Agenda Item #6, Routine and Special Permits.
- C. Agenda Item #8A, Accounts Payable March 29, 2010 to April 11, 2010.

4 yes, 0 no. Motion carried unanimously.

Agenda Item #5 –Minutes.

Moved by Commissioner Rodgers and Supported by Commissioner Gear, that the minutes of the meeting of April 12, 2010 be approved as presented. 4 yes, 0 no. Motion carried unanimously.

Agenda Item #6 – Routine and Special Permits.

Moved by Commissioner Rodgers and Supported by Commissioner Gear, that routine permits be approved as follows:

10-0134	10-0136	10-0138	10-0139	10-0143	10-0144
10-0146	10-0147	10-0148	10-0149	10-0150	10-0137
10-0140	10-0141	10-0151	10-0152		

4 yes, 0 no. Motion carried unanimously.

Agenda Item #8A – Accounts Payable.

Moved by Commissioner Rodgers and Supported by Commissioner Gear, that the accounts payable for the two week period of March 29, 2010 to April 11, 2010, totaling \$575,315.65, be approved. 4 yes, 0 no. Motion carried unanimously.

Agenda Item #7, – Managing Director Reports.

Managing Director Conklin stated he submitted Meridian Township's Jolly Road speed limit petition to State Representative Mark Meadows for an Attorney General's opinion. Mr. Conklin stated correspondence has been sent to Meridian Township requesting local match sharing on the Mt. Hope Road project. Mr. Conklin stated he will be attending the Meridian Township Board of Trustees meeting on May 6, 2010 to discuss the matter in further detail.

Agenda Item #10A, – Set date for Alamo Heights Alley Abandonment.

Director of Engineering, Robert H. Peterson, stated a petition for abandonment of the Alamo Heights Alley has been submitted to the Ingham County Road Commission. Mr. Peterson stated based on his review the petition contains 9 of the 10 adjacent property owner's signatures, therefore a public hearing is required. The following dates were recommended to the Board; June 7, 2010, and June 21, 2010. The Board agreed to set a public hearing for June 7, 2010.

Agenda Item #10B, – Proposed Bridge Postings.

Director of Engineering, Robert H. Peterson, stated as a result of the 2009 biennial bridge inspections and load analyses, the bridge consultant has recommended that eight bridges be posted with weight restrictions that were not previously posted. Mr. Peterson stated all postings will follow Board Policy #BP-259.

RESOLUTION #041-10

Moved by Commissioner Rodgers and Supported by Commissioner Dravenstatt-Moceri. 4 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED, that upon recommendation of Robert H. Peterson, Director of Engineering, the Board authorizes to post the bridges as recommended by the bridge consultant following the content of Board Policy #BP-259.

Agenda Item #10C, – Local Bridge Program Application Priorities.

Director of Engineering, Robert H. Peterson stated local bridge applications are due June 1, 2010 for fiscal year 2013 funding. Mr. Peterson stated there is a new provision that allows a multiple structure application for preventative maintenance work. Mr. Peterson stated the new provision allows structures that require similar preventative maintenance work to be included together and count as one application. Mr. Peterson proposed that applications be re-submitted for the bridges that did not receive funding last year and add a multiple structure preventative maintenance application. Mr. Peterson recommended submitting applications for the following bridges: #1 Replace priority - the Van Atta Road bridge over the Red Cedar River located in Meridian Township; #2 Replace priority - the Noble Road bridge over the Doan Creek located in Leroy Township; #3 Replace priority - the Columbia Road bridge over the Grand River located in Leroy Township; #1 Rehabilitate priority - the Zimmer Road bridge over the Red Cedar River located in Williamstown Township; #1 Preventative Maintenance priority - the Gramer Road bridge over the Red Cedar River located in Leroy Township; the Holt Road bridge over Deer Creek located in Wheatfield Township; and the Webberville Road bridge over Deer Creek located in Leroy Township. Mr. Peterson stated he would propose to submit all five applications.

RESOLUTION APPROVING THE LOCAL BRIDGE PROGRAM APPLICATION PRIORITIES.

RESOLUTION #042-10

Moved by Commissioner Dravenstatt-Moceri and Supported by Commissioner Gear. 4 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED, that upon recommendation of Robert H. Peterson, Director of Engineering, the Board authorizes the approval of the Local Bridge Program Application Priorities as presented.

Agenda Item #10D, – Transfer of the old Ingham County Road Commission Onondaga Garage property to Onondaga Township.

Mark Emmert Vice President Dart Bank stated they have acquired two properties located at 5576 and 212 Oak Street located in Onondaga Township. Mr. Emmert stated during the due diligence process associated with the sale of the property they learned that the historic legal descriptions were incorrect. When plotted by Fred White Survey Company the legal descriptions did not correspond with the previous owners or contiguous property owners understanding of their property lines or the 1976 Sidwell Company aerial mapping of the East ½, of the Northeast ¼ of section 29, Town 1 North, Range 2 West. Mr. Emmert stated he had discussions with Onondaga Township representatives and the Ingham County Assessor's Office.

They commissioned Fred White to complete a survey of the property and adjacent effected properties and document the corrected legal descriptions.

Director of Engineering, Robert H. Peterson, stated back in October of 1993 the property adjacent to 5576 and 212 Oak Street was sold to the Village of Onondaga for \$12,000. Mr. Peterson stated the agreement was that the Ingham County Road Commission would receive \$1,000 per year for a period of 12 years. Mr. Peterson stated the property was paid for in November 2002 and transfer to the township was never done.

Commissioner Rodgers asked if anyone knew how the Ingham County Road Commission entered into a land contract with an incorrect legal description. Mr. Peterson replied that until recently nobody was aware that the property description was incorrect. Commissioner Rodgers asked if anything has been reviewed by legal counsel. Mr. Peterson stated this was not by our legal counsel, but that staff had reviewed the result of Dart Bank's Professional Surveyor's work and found it accurate.

RESOLUTION AUTHORIZING THE INGHAM COUNTY ROAD COMMISSION TO EXECUTE A WARRANTY DEED GRANTING PROPERTY OWNERSHIP TO ONONDAGA TOWNSHIP.

RESOLUTION #043-10

Moved by Commissioner Rodgers and Supported by Commissioner Dravenstatt-Moceri. 4 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED, that upon recommendation of Robert H. Peterson, Director of Engineering, the Board authorizes the Chair to sign a warranty deed granting property ownership to Onondaga Township.

RESOLUTION AUTHORIZING THE INGHAM COUNTY ROAD COMMISSION TO SIGN THE SATISFACTION OF LAND CONTRACT.

RESOLUTION #044-10

Moved by Commissioner Rodgers and Supported by Commissioner Gear. 4 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED, that upon recommendation of Robert H. Peterson, Director of Engineering, the Board authorizes the Chair to sign a satisfaction of land contract.

RESOLUTION AUTHORIZING THE INGHAM COUNTY ROAD COMMISSION TO EXECUTE A WARRANTY DEED GRANTING PROPERTY TO DART BANK.

RESOLUTION #045-10

Moved by Commissioner Rodgers and Supported by Commissioner Dravenstatt-Moceri. 4 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED, that upon recommendation of Robert H. Peterson, Director of Engineering, the Board authorizes the Chair to sign a warranty deed granting property to Dart Bank.

RESOLUTION AUTHORIZING THE INGHAM COUNTY ROAD COMMISSION TO EXECUTE A QUIT CLAIM DEED TO DART BANK.

RESOLUTION #046-10

Moved by Commissioner Rodgers and Supported by Commissioner Gear. 4 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED, that upon recommendation of Robert H. Peterson, Director of Engineering, the Board authorizes the Chair to sign a quit claim deed to dart bank.

Agenda Item #11, – AFSCME Local 1499 Request for consideration of four - ten hour day work week (4-10's) summer work schedule.

Robin Wilcox, AFSCME Local #1499 President, Western District Employee, stated AFSCME #1499 had a majority vote on the 4-10's and is requesting a vote by the Board on 4-10's for 2010. Mr. Wilcox stated he was told there was roughly \$150,000 worth of savings working 4-10's. Managing Director Conklin stated that savings was in reference to the Eastern District Garage closing for one year. Mr. Conklin stated going to the 4-10's work schedule for a period of 12 weeks is a savings of approximately \$25,000.

Kathy Doyle stated she does not agree with the 4-10's. Mrs. Doyle stated her husband, Thomas Doyle, did not like working 4-10's and spoke of how tired that type of schedule made him the night before the accident occurred.

Nathaniel Conner, Metro District Employee, stated more work gets done working the 4-10's. Chair Guenther stated two of the 3 unions did not support 4-10's. Chair Guenther stated that SCEIU had a split vote and they cannot and will not force them to work 4-10's without a majority vote. Chair Guenther stated the Board will not allow employees to work without supervision being present. Mr. Conner stated he believes 4-10's should be in the union's contract if it will save money.

Commissioner Rodgers stated she expected an evaluation of the program from the past years. Commissioner Rodgers stated all three unions must agree in order to pass the 4-10's. Commissioner Rodgers stated if AFCME is requesting the Board to do an official vote that her vote will be no.

Greg Barnett, Western District Employee, stated the two extra hours makes the difference of possibly keeping a road closed or being able to open it back up when it comes to various projects. Chair Guenther stated there are other factors involved with crews being in the field for ten hours. Mr. Barnett stated he cannot believe everyone cannot sit down and work something out. Chair Guenther stated all the unions must agree.

Managing Director Conklin stated there are many variables to consider when trying to perform a cost analysis of the 4-10's. Mr. Conklin stated there have not been two years without substantial changes to make a comparison. Mr. Conklin stated staff will attempt to normalize the labor and equipment time data on certain summer work functions for 2007 and 2008. Mr. Conklin stated staff will also evaluate fuel usage in order to see if 4-10's provides any measurable increase in efficiency.

Agenda Item #9 – Closed Session.

Moved by Commissioner Rodgers and Supported by Commissioner Dravenstatt-Moceri, that the Board enter closed session at 7:10 p.m. with its General Counsel, George Brookover to discuss pending litigation regarding the Cook & Thorburn County Drain. Roll call vote: Commissioner Guenther, yes, Commissioner Rodgers, yes, Commissioner Dravenstatt-Moceri, yes, Commissioner Gear, yes. 4 yes, 0 no. Motion carried unanimously.

The Board reconvened to open session at approximately 7:20 p.m.

Commissioner Rodgers made a motion to authorize the Board Chair and General Counsel, George Brookover, to execute the settlement agreement on the Cook & Thorburn County Drain litigation as presented.

Moved by Commissioner Rodgers and Supported by Commissioner Dravenstatt-Moceri. 4 yes, 0 no. Motion carried unanimously.

Agenda Item #12A – Request to post job vacant Finance & Benefits Clerk Position.

Managing Director Conklin stated due to the vacancy staff requests Board authorization to post this position. Mr. Conklin stated the OPEIU Contract requires posting the position internally and interviewing all OPEIU members who apply. Mr. Conklin stated the employer can then post the position externally if, in the employer's judgment, a qualified candidate is not found internally.

Commissioner Rodgers stated due to unresolved issues the request should not be granted. Commissioner Rodgers stated she cannot support granting the request at this time.

The Board tabled the request to post the vacant Finance and Benefits Clerk Position.

Agenda Item #12B – Request to extend temporary recall of Finance Clerk.

Commissioner Dravenstatt-Moceri made a motion to authorize an extension of the temporary recall of the former Finance Clerk, with a friendly amendment from Commissioner Rodgers, until June 30, 2010 at which time this may be extended. Supported by Commissioner Rodgers. 4 yes, 0 no. Resolution carried unanimously.

BE IT RESOLVED, that upon recommendation of William M. Conklin, Managing Director, the Board authorizes the extended temporary recall of the Finance Clerk until June 30, 2010.

Agenda Item #12C – Proposal for additional Audit Services.

Commissioner Gear made a motion to approve additional audit services. Supported by Commissioner Dravenstatt-Moceri. 4 yes, 0 no. Resolution carried unanimously.

No public comment was offered. The meeting adjourned at 7:40 p.m.

Joseph A. Guenther, Chair

David E. Francis, Deputy Board Secretary