

September 17, 2009

The regular meeting of the Board of Cass County Road Commissioners was called to order by Acting Chairman Powers at 9:00 A.M. and the Pledge of Allegiance to the flag was said in unison.

Board Members Present: Commissioner Powers, Commissioner Celie, Commissioner Poehlman, and Commissioner Bowser.

Absent: Chairman Krempec.

CCRC Staff Present: Louie Csokasy, Joe Bellina, Rick Janssen and Grace Chester.

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**INTRODUCTION OF VISITORS**

Public Present: Barbara Dempsey (Ontwa Twp.), Norma Lerner (Press), Pete Fournier (Porter Twp.) and County Commissioner Gordon Bickel.

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**APPROVE AGENDA**

Commissioner Poehlman moved to approve the agenda as presented. Commissioner Celie seconded and the motion was carried.

**PUBLIC COMMENTS**

The following questions were asked by County Commissioner Bickel:

1. Status of work on the Mason Street project.

Chief Engineer Bellina reviewed the reason the work was being done and gave details of the project.

2. Relayed resident concerns about leaving Harvey and Teasdale Lake Street uncovered for the upcoming winter and asked if the road commission had plans to blacktop the roads before then.

Manager Csokasy said that he had talked to the Porter Township Supervisor and a Trustee about Harvey Street, telling them that the road commission wishes to leave the road gravel. Several matters need to be determined including where the ground water is coming from and since they are local roads, if they are asphalted, then it will require participation from the township. Csokasy noted that he has not had a conversation with them regarding Teasdale Lake Street but Chief Engineer Bellina said that the answer would probably be the same.

3. Bickel asked why Bair Lake Street and Born Street condition issues had not been corrected and why the Newberg Township Supervisor's call about the issues did not receive a response? Noted that Pete Fournier had taken pictures of the area and those were shown to the Board.

Csokasy said that he will look into the request from Newberg Supervisor Norton and see how communication failed and get in touch with him.

4. Bickel read excerpts from a letter he sent to the CCRC about how projects were selected for stimulus funding and why townships in his district were not selected.

Manager Csokasy explained again how roads were chosen for the stimulus money and noted that the stimulus money was not divided up by township but by condition of roads and local roads could not be submitted. Chief Engineer Bellina said that he would meet with Bickel after the meeting to explain further.

## **APPROVAL OF MINUTES**

Commissioner Poehlman moved to approve the minutes of 9-03-09. Commissioner Celie seconded and the motion was carried.

## **SPECIAL MEETINGS & MILEAGE**

Powers                      9/9-11, 2009                      Northern Rd. Commission Mtg.                      3 days                      500 miles

## **COMMITTEE REPORTS**

### **FINANCE COMMITTEE**

Per Bowser, the payables were reviewed and approved for payment and the committee will be available if there are any questions. The committee went over the road commission cash position with the Manager and said that it does appear to be better than last year. Great deal of discussion about the budget. Per Celie, there were several large payments this time.

### **POLICY COMMITTEE**

Committee Chairman Powers said that the committee met after the last Board meeting and went over existing policies and sorted and categorized each existing policy by type. The committee will continue to work on the project.

### **COMMISSIONER'S COMMENT**

Powers commented on an article in the Dowagiac paper about construction of a dog run at Lawless Park for \$9 million. Powers expressed concern that this will give the public the wrong impression and asked where the funding will come from. Csokasy explained this figure was from the Lawless Master Plan recommendations and the dog park is a part of that and there is no funding approved yet.

### **MANAGER'S UPDATE**

Projects: All federal chip and seal projects have been completed and 22 miles were done. 64 out of a total of 79 projects are finished and work is continuing on the last 15. All township work is done outside of Penn and Ontwa and the asphalt season is winding down and will end in October when the federal projects are completed.

Chip Seal Projects: Many citizen complaint calls were received regarding the over graveling and Csokasy noted that even after explanation of the reasoning, the citizens of Cass County do not "appreciate" this process.

Townships: The Manager continues to meet and work with the townships regarding development of local three year road plans and has attended Ontwa and LaGrange Township Board meetings with the Calvin Township Planning Commission meeting tonight.

Finances: The financial status is pretty good but many bills have been received for the chip and seal projects and although the state has been billed for the work, there is a two-week lag time for payment. The cash position depends on when the money is received and if received before the end of this fiscal year, and the cash position will be neutral.

Operations: Csokasy explained that the chip and seal projects require mobilization of the entire work force and when everyone is working on those projects, other work cannot be done, including completion of service requests.

Brush Removal: (Outside the White Line Project) In the next two weeks, a trial study will be done of three brush removal machines to see which one is the best and most efficient. The machines being tested are a tracked skid steer with brush hog attachment, a boom mower and the CCRC Kershaw machine.

Drainage: The Indian Lake Road culvert has been set and per Road Superintendent Janssen, plans are to cover it soon.

Comments: Commission Bowser said that he has received a lot of calls complaining about the chip and seal and asked if there were plans to sweep off the excess stone on the cross roads and intersections. Janssen said that he would go out and check those portions of the Roads. Bellina said that they will be swept and he has been driving around the county looking over the chip and seal and he had not seen that problem.

Material: There was discussion on the new type of stone being used and compared price and performance. Bellina noted that the new product was used on the stimulus projects not the local township projects.

Pokagon Band Meeting: Csokasy said that he will discuss a meeting with the Pokagon Band and projects on Sink Road and Sink Road Bridge under new business.

### **ENGINEER'S UPDATE**

Chief Engineer Bellina said that he has spent a lot of time assisting in the billing process for the federal & stimulus projects and has provided information to accounting to close out the year end books.

Townships: He plans to attend the Calvin Township meeting with Manager Csokasy to discuss the development of their three-year road plan next week and Howard Township has asked that their road plan be moved up.

Mason Street: Gave a brief update on the project and said that placement of the structure is scheduled for the week of October 11 which will require the road to be closed for two days for completion of the job.

Redfield Street: Bellina said that the project was originally planned to have been started by now or early next week but due to two days of rain, the water level has risen and the start has been delayed. The amended plans are to start the diversion on September 28.

### **NEW BUSINESS**

#### **POKAGON BAND**

Csokasy said that he and Bellina meet with the Pokagon Band and told about the 24<sup>th</sup> Annual Pow Wow celebration. The road commission assisted the tribe by setting up traffic counters to let them know how many attended.

At the meeting, the tribe said that they thought that funding to do two miles of resurfacing on Sink Road would be approved through the Bureau of Indian Affairs. Csokasy said that the project would be done through Pokagon Township. Also, being considered is the Sink Road Bridge over the Dowagiac River. Csokasy said that the project was submitted for funds through the Critical Bridge Program but was not selected. The tribe asked if the BOIA would fund 80% of the project (estimated to be \$960,000.) to replace the bridge and asked if the road commission could put up the other 20% (estimated to be \$200,000.) If approved, this would be a project planned for 2011 or 2012.

Csokasy said that he does not need a formal Board action at this time. During Board discussion, it was asked if the township would be to share in cost and Csokasy said that he thought they may be willing to contribute 5-10% of the 20% not paid by the BOIA.

It was asked if the road commission could do any of the work on the project to offset the costs but Csokasy said that issue had already been discussed and the answer was no. Poehlman said that if we can afford it, any time that you can get a return of \$.80 on the dollar that is a good deal. Bowser asked about when a decision would be received from the BOIA and Csokasy said that is unknown at this time.

Manager Csokasy noted that if critical bridge funding had been approved, the CCRC would still have been responsible for 20% of the project costs.

After discussion, the Board concurred that Csokasy should go forward dependent upon the stability of the road commission cash flow is stable.

**EASEMENT AGREEMENT: CCRC & RONALD & MARY ALMS (TWIN LAKE HILL)**

Before presentation of the easement agreement, Bellina told the Board that the site was on Big Twin Lake and the road is undeveloped with a small portion of the house and deck extending into the road.

This EASEMENT AGREEMENT (the Easement) is effective as of September 17, 2009 by and between the CASS COUNTY ROAD COMMISSION, 340 North O'Keefe Street, Cassopolis, Michigan 49031 (Grantor) and RONALD C. ALMS AND MARY LYNN ALMS, P.O. Box 161, Maple Park, Illinois 60151 (Grantee), on the terms and conditions stated below:

1. Background. Grantee is the owner of the following parcel of real property; Lot 20, block 20, Twin Lake Hill according to the plat recorded at Liber 1, Page 163 Cass County records, Wayne Township, Cass County Michigan (hereafter Lot 20).  
  
A land survey performed by Stephenson Land Survey #09159C, revised August 3, 2009 (the survey), a copy of which is attached hereto, identified as Exhibit "A", and incorporated by reference, demonstrates that the wooden deck attached to the house, the garage, and the garage eaves (collectively referred to as "the existing improvements" constructed upon Lot 20 encroach onto the public road right of way commonly known as Lake Shore Drive which is maintained by and the jurisdiction of Grantor.
2. Grant of Easement. Grantor grants unto Grantee, their heirs, and assigns, the right to have "the existing improvements" remain and continue in the existing location as shown on the attached survey.
3. Termination of Easement. In the event that the "existing improvements" which encroach onto the public right of way commonly known as Lake View Drive is destroyed or removed subsequent to the effective date of this agreement, then the Grantee agrees to reconstruct and relocate the improvements within the boundary lines of Lot 20 in order to remove the encroachment. Upon reconstruction of the improvements, this shall terminate and be of no further force and effect.
4. Indemnification, Insurance, and Waiver. Grantee agrees to indemnify and hold Grantor harmless against any claims, demands, causes of action, or judgements for injuries to persons or property which arise from or relate to the use of the easement as set forth in paragraph 2, Grant of Easement. Grantee shall obtain liability insurance in a reasonable amounts against damage to persons and property occurring on or within the easement and to name Grantor as an additional insured party. Grantee waives any right of recovery it has or may subsequently have against Grantor for any loss or damage arising out of use of the easement area.
5. Benefit of Heirs and Assigns. This easement shall be appurtenant in nature for the benefit of Lot 20 as described in paragraph 1; it is the intention of Grantor and Grantee that the grant of easement shall benefit the Grantee, their heirs, and assigns.
6. Exhibits. The following exhibits are attached to and are a part of this agreement.:  
Exhibit A: Stephenson Land Survey land survey # 09159C showing the location of the encroachments.
7. Effective date. This Easement Agreement is effective as of the date first stated above.

GRANTOR  
Cass County Road Commission

Commissioner Bowser moved to approve the easement agreement and authorized Acting Chairman Powers to sign. Commissioner Pohlman seconded and the motion was carried.

**MEETINGS**

MI CO. RD. SUPERINTENDENTS SEMINAR, 9-30/10-02, SAULT STE. MARIE

Manager Csokasy said that he had studied the agenda and recommended that Gary Rohacs and Rick Janssen attend. Commissioner Poehlman moved to authorize Rohacs and Janssen to attend this seminar. Commission Celie seconded and the motion was carried. Bowser asked Janssen to give the Board an overview of the meeting highlights when he returns.

**TOWNSHIP CONTRACT**

**MILTON**

|          |                                    |        |       |           |
|----------|------------------------------------|--------|-------|-----------|
| 09-07-15 | Surges Rd. (Worrell to Alice Ln)   | .18 MI | Twp.  | 29,278.40 |
|          | Asphalt paving, tree removal et al |        | CCRC  | 19,519.00 |
|          |                                    |        | Total | 48,797.40 |

Poehlman moved to approve the contract and Celie seconded and the motion was carried.

**PERMITS**

**Driveway**

|               |               |              |                   |
|---------------|---------------|--------------|-------------------|
| 09-01-03-9335 | Day Lake Rd.  | Calvin       | Harold Spross     |
| 09-03-36-9338 | N Shore Drive | Jefferson    | Brian Watson      |
| 09-13-27-9340 | California    | Silver Creek | Tom Lillie/Chorba |

**Utilities**

|               |               |              |       |
|---------------|---------------|--------------|-------|
| 09-09-09-9336 | Roy Drive     | Ontwa        | Semco |
| 09-13-05-9337 | Cable Parkway | Silver Creek | Semco |

**COMMENTS**

Powers gave an update on the RUSH PAC, CRAM and CRASIF committee meetings he attended at the Northern Michigan Association meeting .

**FY 2009 BUDGET AMENDMENT**

The Manager distributed a copy of the proposed FY 2009 budget amendments to the Commissioners.

**MOTION**

After discussion, Commissioner Celie moved to approve the FY 2009 budget amendments as presented. Commissioner Poehlman moved to second and the motion was carried.

At 9:55 A.M., Acting Chairman Powers declared a five minute recess.

**BUDGET HEARING**

The Board went back in session at 10:00 A.M. and Powers declared that the budget hearing was in session.

Manager Csokasy distributed copies of the proposed budget and work sheet to the Board and went on to explain the background and financial assumptions that were made in the formation of this proposed budget .

**MOTION**

After discussion, Commissioner Poehlman moved to approve the FY 2010 budget as presented. Commissioner Celie seconded and the motion was carried by a unanimous roll call vote with all Commissioners voting yes and Krempec-absent.

Acting Chairman Powers presented the following resolution:

**MTF RESOLUTION**

TRANSFER OF MICHIGAN TRANSPORTATION FUNDS

WHEREAS...Act 51 of 1951 as amended, provides for the transfer of Michigan Transportation Funds from one road system to the other,

NOW THEREFORE BE IT RESOLVED...that 15% of the Michigan Transportation Funds received for the FY 2010 for Primary Road System may be transferred to the Local Road System.  
An additional 15% may be transferred if required.

Commissioner Poehlman moved to adopt the resolution as presented. Commissioner Celie seconded and the motion was carried by unanimous roll call vote with all Commissioners present voting yes and Commissioner Krempec-absent.

The resolution was adopted 9-17-09 and signed by each Commissioner.

Acting Chairman Powers presented the following resolution:

**FY 2010 BUDGET RESOLUTION**

WHEREAS...a budget is required by local units of government in accordance with Michigan Public Act 261 of 1978, and

WHEREAS...the proposed FY 2010 budget has been prepared and presented to the Cass County Road Commissioners at the budget hearing, held in their offices on September 17, 2009 and

WHEREAS...the Board hereby appoints Louis Csokasy as their chief financial officer, and authorizes him to make necessary changes in the budget not to exceed 10% of the total budgeted figures in the budget year without Board approval, to make investments, and

WHEREAS...the proposed budget meets with the approval of the Board,

NOW THEREFORE BE IT RESOLVED...that said budget is adopted for the FY 2010.

Commissioner Poehlman moved to adopt the resolution as presented. Commissioner Celie seconded and the motion was carried by a unanimous roll call vote with all Commissioners present voting yes and Commissioner Krempec-absent.

The resolution was adopted 9-17-09 and signed by each Commissioner.

**ADJOURNMENT**

At 10:40 A.M., Commissioner Bowser moved to adjourn the meeting. Commissioner Celie seconded and the motion was carried.

CLERK Grace A. Chester

CHAIRMAN Leroy R. Krempec

Approved by Board action 10-01-09