

June 16, 2011

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

Board Members Present: Commissioner Poehlman, Commissioner Bowser, Commissioner Celie, Commissioner Fournier & Commissioner Krempec.

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

INTRODUCTION OF VISITORS

Harry Shafer, Barbara Dempsey, County Commissioner Roseann Marchetti, Norma Lerner, Phyllis Campbell, Vaughn Seltzer and Wayne Muha

AGENDA

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

PUBLIC COMMENT

Newberg Township: Resident Phyllis Campbell expressed concerns for the condition of the south end of Main Street in the Village of Jones. She said the ruts were large and hard to avoid with a vehicle and asked the correct procedure to get this road repaired.

Poehlman explained that it is a local road and the road commission does maintenance on the road but if the condition needs more extensive work such as re paving, it would be up to the township to decide and participate in the cost. He recommended that she and her neighbors attend the next township meeting. Csokasy said the road commission annually provides their road recommendation list to the township but its' Board decides what roads are done.

Csokasy said that Newberg historically does about a ½ a mile of roads and this year did Patterson Hill Rd. He told Campbell that he had driven down that section of road and did notice the condition but he will look at it again.

Road Cleanup: Wayne Muha was commended by Manager Csokasy for his volunteer efforts of picking up discarded items along the roadside in Wayne Township. Muha said he began doing this in 1999 and using does a pickup in the spring and once again in the fall. Most recently, he has been working along Rudy Road and provided photos to the Commissioners of some of the items he has picked up. He reported that in 2010, he picked up eight sofas and fifty-five tires and so far in 2011, seven couches. From one site, he was able to obtain identity information and that person was cited.

Commissioner Poehlman said that a similar problem in Howard Township was lessened by establishing a neighborhood watch program. The Board thanked Mr. Muha and Chairman Krempec said he would like to encourage similar volunteer efforts in other townships.

Marchetti: Issued invitation to tonight's county board meeting and noted the CCRC Bridge/Culvert funding request will be discussed.

CORRECTION TO MINUTES

Poehlman noted for the record that the Frugal 5 meeting on May 23, 2011 was in Hillsdale County not Berrien County as recorded in the minutes. The Clerk will make the correction.

APPROVE AMENDED MINUTES

Poehlman moved to approve the minutes of 5-16-11 as amended. Celie seconded and the motion was carried.

SPECIAL MEETINGS & MILEAGE

Krempec	5-23-11	Frugal 5-Hillsdale	4 hrs	32 miles
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	6-13-11	CCRC Safety Mtg.	4 hrs	32 miles	
Meetings & Mileage continued					6-16-11
Fournier	5-23-11	Frugal 5-Hillsdale	4 hrs	10 miles (Jones)	
	6-09-11	Co Parks Board	4 hrs	32 miles	
Poehlman	5-23-11	Frugal 5-Hillsdale	4 hrs	12 miles	

PUBLIC CORRESPONDENCE

The Chairman reviewed an article from the Cassopolis Vigilant/Argus about the condition of Cass County bridges and culverts and the funding request by CCRC to the County Board of Commissioners.

REPORTS

COUNTY PARKS BOARD (Fournier)

Lawless Building: Approved for full amount of \$150,000 by 15-0 vote and will now be handled by the Cass County Building Authority.

Director: Scott Wyman will be moved into his new office at the County Building by July 1, 2011

Earth Day: Event was attended by 250 people.

Russ Forest: Bird watching event was popular and thirty-seven different species were identified.

Equestrians: Horse fee has been instituted and will be on a volunteer basis at Russ Forest.

Lawless: The recent mountain bike event made \$300.

Committee: The Parks Commission has formed an Ad Hoc Committee to handle marketing and Fournier was appointed Chairperson. The committee will concentrate on a core number of events eliminating the less popular ones and will target key groups: Special Events, Recreation Opportunities and General Parks.

Budget: Remains in line despite difficult financial times for all parks and recreation facilities.

Staff: Suzann Flowers has resigned the part time position with the parks and that position will not be filled.

CCRC SAFETY COMMITTEE (Krempec)

Pit: Looking into lighting at the pit. Janssen is doing some research and will report back.

Safety Films: The most recent safety films had to be returned and Safety Chairperson Lance Stevenson is trying to locate others. During the summer months, workers are being reminded to take precautions to avoid overheating and preventative measures for poison ivy.

Weather Program: There was discussion on why the old weather system had been discontinued and some committee members thought something similar is needed. Bellina said the old system was expensive and gave no more weather information than can now be accessed through the internet. Employees have radios and can be notified when Foremen become aware of impending weather dangers.

Vehicles: Further discussion of smoking in vehicles. Clerk pulled existing Smoking Policy and Krempec will review it. Leaving lunch debris in the vehicles which becomes smelling is another maintenance area that will be addressed.

Medical: Krempec said there have been no personal injuries and the one employee on leave is due to elective surgery.

FINANCE COMMITTEE

Celie said the committee reviewed the current financial forecasts and said the MTF this month is in line with last years and slightly over budget. Cash balance continues to decline and is showing approximately ½ million dollars Finance Committee continued 6-16-11

less than last year. Celie said part of this is due to the property that was sold last year but at the end of the year, he thinks the cash will even out. Concerns continue about the decrease in cash and the committee is working with Manager Csokasy. Celie said that project costs tend to be charged and paid before the revenue comes in.

Work continues on the final forecast and the 2012 budget. Bowser expressed the same cash flow concerns and noted the Committee reviewed and the current payable checks and approved them for payment.

MANAGER'S UPDATE

Union: Contract negotiations are continuing. The current contract which rolled over last time will expire the end of June. Recent sessions concentrated on contract language and Csokasy said progress has been made in that area. When those items are finalized, negotiations will move to financial and benefit issues.

Brush Crew: Most of the brush work on the primary roads in District 3 should be concluded in about a week.

Bridge/Culvert Funding Request: CCRC request for the county to establish a county bridge/culvert fund is on the agenda for tonight's meeting.

Financials: Cash on hand at June 1 was \$1,150,143 up approximately \$100,000 from May but still behind last year. "Worry Sheets" were updated and a year end cash problem is still anticipated. MTF was \$401,589 which is good compared to last year. Large decreases of MTF funds due to high gas costs have not materialized yet.

Operations: The main shaft on the crusher went out and now damage and repair cost determinations are being made.

Production: Approximately 18,000 tons of 36A has been completed for the federal projects. Paving has been done every day that weather permits and three of the federal projects have been completed. Approval of the mix design has not been returned from MDOT which is holding up work.

Projects: Fourteen local road projects have been completed and work will begin in Howard Township next week.

Mowing: Roadside mowing is scheduled to begin next week.

Service Requests: Increased reporting of potholes this year and the issue will be analyzed to determine a more specific reason.

ENGINEER'S UPDATE

Safety Grants: Working on submissions for next year for replacement of guardrails, LED enhanced stop signs for 8 to 10 intersections and optical speed bars.

Bike Path: Contract approved by Silvercreek Township for bike path signs. Bellina said the contract may be expanded.

MDOT: Waiting for approval of the 36A mix design. Percentage has been lowered from 7% to 6 1/2% which per Bellina does not sound like a lot but will result in a significant cost reduction. Four federal paving projects are to be presented for Board approval today and work continues on the Redfield and Wilbur Hill projects.

Encroachment: Wayne Township (north side of Indian Lake)

Resident Seltzer was present and Chief Engineer Bellina described to the Board a deck built that did not appear to meet the road right of way requirements. After initial discussions, Seltzer provided the engineering department with copies of a court case from March 10, 1986 which set the road right of way to 22'. Four property owners were involved and it was noted that the road commission did not appeal the decision. In December of 1986, the Michigan Supreme Court ruled that the R-O-W by use was 66' wide, but this was after the local decision. Bellina said that due to this court decision, Mr. Seltzer's deck does not encroach into the road. Seltzer said that he had moved the

deck back some already. Concern for possible damage from snow plows this winter was expressed.

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M-60 & Daily Intersection: Poehlman said that he has had a concern for a long time regarding the number and severity of accidents at this location and after talks with MDOT, Paul South of the Coloma Office has begun to study the accident reports. He said there was an average of one accident every two weeks: although most were not major, some were very severe. South acknowledged that something has to be done and will look for funding. .

RECESS

Chairman Krempec declared a ten minute recess to allow the Commissioners to review the sales documentation. The Chairman declared the meeting back in session at 10:30 A.M.

OLD BUSINESS

FOX ST PROPOSED PROPERTY SALE

The sale was previously discussed at the 4-21-11 CCRC meeting. The Board wanted to make sure that all legalities were adhered to, that the sale was adequately advertised, and concern taken so there would be no land locked properties.

Csokasy said the criteria set by the Board was followed. Advertising for the land auction was done in a local paper on two occasions. One call was received from a potential bidder and five unsuccessful attempts to contact that person were made. Five people attended the auction with two being adjoining property owners. The bid was increased in \$2,000 increments and the successful bidder was Ed Reed of McKenzie-Reed Farms at \$ 78,740. Csokasy said this results in a per acre price of \$1,760; The Shurte St. pit was sold at \$1,600 per acre. Csokasy also said that since the purchaser owns adjoining property, access was not an issue.

RESOLUTION TO SELL REAL ESTATE

WHEREAS, the Board of Road Commissioners for the County of Cass is authorized by MCL 224.9 to sell real estate; and

WHEREAS, the Board of Road Commissioners for the County of Cass desires to convey by Warranty Deed to MCKENZIE-REED FARMS, LLC (Edward & Kelly Reed, husband and wife), the following premises situated in the Township of Penn, County of Cass, State of Michigan described as:

Property # 14-100-020-012-03. Section 20, T 6 S, R 14 W, Penn Township, Cass County, Michigan.
45 acres of vacant land.

for the sum of seventy-eight thousand, seven hundred & forty dollars (\$78,740.00).*****

NOW THEREFORE BE IT RESOLVED that the Board of Road Commissioners for the County of Cass authorizes Manager Louis R. Csokasy, to execute and deliver a Warranty Deed for the above described property to Edward & Kelly Reed, McKenzie-Reed Farms.

MOTION

Commissioner Poehlman moved to approve the sale of the property. Commissioner Celie seconded and after discussion, the resolution was approved by unanimous roll call vote.

NEW BUSINESS

TITLE SHEET: WILBUR HILL RD JOB # 113358A

Bellina described this project which is from Matthews St. north the Dowagiac City limits. He said the CCRC will do some of the surface work and then a contractor will be hired for the remainder.

MOTION

Poehlman moved to approve and sign the title sheet. Celie seconded and the motion was carried by unanimous roll

call vote.

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CONTRACTS & RESOLUTIONS

Chairman Krempec presented the following resolutions and contracts to be signed.

RESOLUTION-ROBINSON RD.

WHEREAS...the Board of County Road Commissioners for the County of Cass, Michigan desires their Chairman, Leroy Krempec, to sign a negotiated contract with the Michigan Department of Transportation (MDOT) for the following:

MDOT Contract Number 11-5356
Control Section STL 14027
Job Number 113104
Project: STP 1114(021)
Federal Item No. RR 7696
CFDA No. 20.205 (Highway Research Planning & Construction)

Hot mix asphalt paving with shoulder work along Robinson Road from Mt. Zion Street northerly 1 mile; and all together with necessary related work.

NOW THEREFORE BE IT RESOLVED...that Chairman Krempec is hereby authorized to sign the negotiated contract and Clerk Grace Chester is authorized to attest by also signing the negotiated contract.

MOTION

Poehlman moved to approve the resolution. Celie seconded and the motion was carried by a unanimous roll call vote.

RESOLUTION-INDIAN LAKE RD.

WHEREAS...the Board of County Road Commissioners for the County of Cass, Michigan desires their Chairman, Leroy Krempec, to sign a negotiated contract with the Michigan Department of Transportation (MDOT) for the following:

MDOT Contract Number 11-5357
Control Section STL 14027
Job Number 105952
Project: STP 1114(019)
Federal Item No. RR 7693
CFDA No. 20.205 (Highway Research Planning & Construction)

Hot mix asphalt paving with shoulder work along Indian Lake Road from School Street southerly 1 mile; and all together with necessary related work.

NOW THEREFORE BE IT RESOLVED...that Chairman Krempec is hereby authorized to sign the negotiated contract and Clerk Grace Chester is authorized to attest by also signing the negotiated contract.

MOTION

Poehlman moved to approve the resolution. Celie seconded and the motion was carried by a unanimous roll call vote.

RESOLUTION-O'KEEFE RD.

WHEREAS...the Board of County Road Commissioners for the County of Cass, Michigan desires their Chairman, Leroy Krempec, to sign a negotiated contract with the Michigan Department of Transportation (MDOT) for the

following:

O'Keefe Rd. resolution continued

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MDOT Contract Number 11-5358
Control Section EDDF 14555
Job Number 113102
Project: STP 1114(022)
Federal Item No. EE 0463
CFDA No. 20.205 (Highway Research Planning & Construction)

Hot mix asphalt paving with shoulder work along O'Keefe Road from north village limit of Cassopolis to Fox Street; and all together with necessary related work.

NOW THEREFORE BE IT RESOLVED...that Chairman Krempec is hereby authorized to sign the negotiated contract and Clerk Grace Chester is authorized to attest by also signing the negotiated contract.

MOTION

Poehlman moved to approve the resolution. Celie seconded and the motion was carried by a unanimous roll call vote.

RESOLUTION-MARCELLUS HWY.

WHEREAS...the Board of County Road Commissioners for the County of Cass, Michigan desires their Chairman, Leroy Krempec, to sign a negotiated contract with the Michigan Department of Transportation (MDOT) for the following:

MDOT Contract Number 11-5359
Control Section EDDF 14555
Job Number 110349
Project: STP 1114(020)
Federal Item No. EE 0462
CFDA No. 20.205 (Highway Research Planning & Construction)

Hot mix asphalt paving with shoulder work along Marcellus Highway from Hathaway Road to Lawrence Road; and all together with necessary related work.

NOW THEREFORE BE IT RESOLVED...that Chairman Krempec is hereby authorized to sign the negotiated contract and Clerk Grace Chester is authorized to attest by also signing the negotiated contract.

MOTION

Poehlman moved to approve the resolution. Celie seconded and the motion was carried by a unanimous roll call vote.

POLICY REVISION: MAILBOX REPLACEMENT

Krempec presented Policy # 11-02 which amends the mailbox replacement policy # 09-02A which adds Item #04. "New mailboxes, posts, and \$20 checks will not be given out after May 1st for the prior winter."

MOTION

Poehlman moved to adopt the Mailbox Replacement Policy as presented. Celie seconded and the motion was carried.

ENGINEERING REIMBURSEMENT

Commissioner Poehlman moved to approve application for the annual MDOT \$10,000 engineering reimbursement. Commissioner Celie seconded and the motion was carried. (July 1, 2010-June 30, 2011).

PERMITS

REQUEST TO WAIVE PERMIT FEE # 2011-15-15-1346 TWIN LKS IMPROVEMENT ASSOC
Poehlman moved to waive the permit for this annual parade. Celie seconded and the motion was carried.

Driveway

11-05-17-1325	Lake St	Marcellus	Loretto Coogan
11-09-15-1334	Cherry St	Ontwa	Justin Buckley/Hoffman Const
11-13-22-1335	Middle Crossing	Silver Creek	Cherry Ke Inc
11-10-32-1338	Diamond Shores	Penn	Harry Shaffer
11-04-01-1342	Dutch Settlement	LaGrange	Richard Ivens
11-14-11-1343	Hathaway	Volinia	Pike Lumber
11-01-04-1349	Calvin Center	Calvin	Lake Region Conf/Vaughn Exc
11-01-03-1351	Jeffries	Calvin	DL Miller Const
11-02-07-1353	White St	Howard	Jerry Wagley

Utility

11-04-18-1336	Beeson	LaGrange	Frontier
11-02-15-1340	Barron Lake	Howard	AT&T
11-16-28-1344	Teasdale Lk St	Porter	Midwest Energy
11-14-18-1345	Fosdick St	Volinia	Midwest Energy
11-02-24-1347	Conrad Rd	Howard	Midwest Energy
11-07-19-1348	Ironwood Rd	Milton	AT&T
11-11-01-1352	Wilbur Hill	Pokagon	Frontier
11-04-36-1328	Spencer Rd	LaGrange	Semco

ROW

11-17-09-1288	Hilltop –Bore	Porter	Bob Kuhns/Selge Const
11-16-07-1329	Brownsville –ROW	Porter	Camp Fire USA
11-01-06-1330	Calvin Center-ROW	Calvin	Camp Fire USA
11-16-06-1331	Walnut St-ROW	Porter	Camp Fire USA
11-10-32-1339	Diamond Shores – Bore	Penn	Harry Shaffer

OTHER/COMMISSIONERS COMMENTS

Baldwin Lake Launch Site: After Manager Csokasy provided an update on the boat launch site, he said his recommendation would be to abandon the road. When that process is completed, the first ownership right would be offered to the DNR and if they have no interest, Porter Township would be the next in line. Csokasy said the road commission focus was to get it patched. The township wants no parking signs installed and he and Chief Engineer Bellina are looking into this request.

Patterson Hill Rd: Fournier reported that this recently paved road in Newberg Township has been damaged by a farmer's equipment. Fournier said the township is not happy about the situation. There was brief discussion on possible solutions.

Bond Refinancing: Fournier said that Porter Township is refinancing a loan because they can get a lower rate and asked if the CCRC Finance Committee is considering that action. Poehlman said the person who handled the financing application for our building bond would notify us if that would be a good move to make.

Weighmaster: Discussion on using the Sheriff's Department to provide a person to serve in the weighmaster's position. St Joseph County is looking into doing this. Cass County has not had anyone serving in that position for three years and Csokasy would also recommend that process for Cass County. Csokasy noted this action would require passage of countywide ordinance.

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Asphalt Sale: Fournier said he was at the pit today as trucks from South Bend were being loaded, he asked if there could be a problem by selling to them. Manager Csokasy said there was a thorough evaluation and no law was found prohibiting this sale. CCRC sells asphalt to other governmental entities regularly. An offer to sell to a private contractor was previously declined. Csokasy also said the City of South Bend anticipates it will need 500-600 ton of asphalt per day. Bellina said these orders will be arranged around CCRC functions and needs.

Employee Retirement: It was noted that Mike Routley plans to retire. Csokasy said that four of the seven temporary employees hired last summer were made permanent to cover retirements.

CLOSED SESSION-1 (11:05 A.M.)

Fournier moved to go into closed session for the purpose of discussing union negotiations (Board, Manager, Clerk & B. Janssen). Bowser seconded and the motion was carried by unanimous roll call vote. Chairman Krempec told the audience that no further road commission business would be handled after the closed session.

RETURNED TO OPEN SESSION

CLOSED SESSION-2 (11:55 A.M.)

Bowser moved to go into closed session for the purpose of employee performance evaluation at the request of the employee (Brenda Janssen) and to include Csokasy, Janssen and Chester. Celie seconded and the motion was carried by unanimous roll call vote.

RETURNED TO OPEN SESSION

ADJOURNMENT

Chairman Krempec declared the meeting adjourned at 12:15 P.M.

**7-7-11 Minutes amended to correct property sale price of \$74,791.00 by Board action.