

**OFFICIAL PROCEEDINGS
OF THE
ALPENA COUNTY ROAD COMMISSION**

October 4, 2022

The Board of County Road Commissioners of the County of Alpena met in regular session on the above date. The meeting was called to order by the Chairman, Thomas Spaulding, at 3:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: Commissioners Spaulding, Lucas, and MacArthur.
Absent: None.

Staff present: Ryan Brege, Managing Director; Curt Gonyea, Superintendent; Julia Patterson, Finance Director/Board Secretary.

Others Present: Tim Gulden, Road Commission Attorney; County Engineer Rebecca Rivard of Huron Engineering and Surveying; Nathan Skibbe, Charter Township of Alpena Supervisor.

AGENDA

Moved by Lucas, seconded by MacArthur, to adopt the agenda as presented. Motion carried unanimously.

MINUTES

Moved by MacArthur, seconded by Lucas, to approve the minutes of the regular meeting of September 6, 2022. Motion carried unanimously.

COMMUNICATIONS

There were no communications.

CITIZENS APPEARING BEFORE THE BOARD/PUBLIC COMMENT

Jerry Kaschner, 3621 Werth Road, appeared before the Board to discuss the drainage problem on his property on Werth Road. Mr. Kaschner asked the Board for clarification regarding the Federal rules and regulations for ditching. Managing Director Ryan Brege handed out the Alpena County Road Commission's Policy #32 pertaining to roadside ditching.

Nathan Skibbe, Charter Township of Alpena Supervisor, attended the meeting to inform the Board that the Township will be approving the Long Lake Road project at the Township meeting later that day.

MANAGING DIRECTOR REPORT

Managing Director Ryan Brege reported the following:

- Advertising for at least two truck drivers.
- Oxcart online permitting service is active.
- Long Lake Road is complete and open to traffic.
- Spruce Road: Project is in the October 7th bid letting.
- Received notification that the Road Commission will be

receiving a \$100,000 safety grant for signing on Long Rapids Road, from Bagley Street to M-65. Will begin the RFP for design services soon.

- Herron Road is complete and open to traffic but found out that there is some cracking in the road. Investigation into the cause has been started and will contact a soil borings expert to help with the issue.

COUNTY ROAD REPORT

The Superintendent presented the Board with an update on the County Roads.

AUGUST FINANCIAL REPORT

The Finance Director presented the Cash/Cash Equivalents Financial Report for the month ended August 31, 2022.

BUDGET STATUS REPORT

The Finance Director reviewed the Budget Status with year-end projections Report for the month ended August 31, 2022.

Moved by Lucas, seconded by MacArthur, that all reports become part of the minutes. Motion carried unanimously.

PURCHASES

Moved by MacArthur, seconded by Lucas, to approve the following purchases in the amount of \$471,663.66:

9A. PURCHASES

Item	PO/Inv.	Date	Description	Amount
1	202209- B0013	9/7/2022	Bit-Mat Products of Michigan, 3,094.61 gallons of AE-90 at \$2.36 per gallon.	\$7,308.14
2	1045888	9/15/22	Compass Minerals, 992.83 tons of county salt at \$62.89 per ton.	\$62,439.08
3	1046472	9/16/22	Compass Minerals, 759.07 tons of county salt at \$62.89 per ton.	\$47,737.91
4	1046601	9/17/22	Compass Minerals, 50.45 tons of county salt at \$62.89 per ton.	\$3,172.80
5	22230004	10/1/22	County Road Association, annual road agency service dues.	\$11,468.69
6	46	10/3/22	Gary Oil Co., 2,800 gallons nolead gas at \$3.442 per gallon.	\$9,637.60
7	2022-10763	9/30/22	Jack Millikin, Inc., 650 tons of 2NS sand at %5.00 per ton.	\$3,250.00
8	282734678	9/28/22	Konica Minolta Business Solutions, new office copier.	\$5,436.87
9	2220	8/9/22	Ryan Brothers Inc., curb, and gutter/reinforced drive, and labor for concrete removal for MDOT's TWA project.	\$14,008.75
10	M000065928	9/20/22	Superior Turbo & Injection, new turbo for Truck #090.	\$2,900.00
11	654163	9/6/22	Team Elmer's, 456.38 tons 23A gravel at \$6.05 per ton and 48.67 tons limestone at \$15.15 per ton.	\$3,489.03
12	653982	9/7/22	Team Elmer's, 1,690.13 tons 23A gravel at \$6.05 per ton and 48.05 tons limestone at \$15.15 per ton.	\$10,962.69
13	654719	9/9/22	Team Elmer's, 466.09 tons 23A gravel at \$6.05 per ton	

			for county road projects.	\$2,819.85
14	861076	9/16/22	Team Elmer's, 13,303.61 tons 23A gravel at \$11.30 per ton for tailgate spread for Township Road projects.	\$150,330.80
15	861090	9/30/22	Team Elmer's, 7552.34 tons 23A gravel at \$11.30 per ton for tailgate spread for Township Road projects.	\$85,341.45
16	1300	9/1/22	Thunder Bay Tree Service, herbicide application for Green Township.	\$3,262.50
17	1301	9/1/22	Thunder Bay Tree Service, herbicide application for primary roads.	\$2,890.00
18	1304	9/1/22	Thunder Bay Tree Service, herbicide application for primary roads.	\$6,377.50
19	1306	9/2/22	Thunder Bay Tree Service, herbicide application for primary roads.	\$4,010.00
20	1324	9/16/22	Thunder Bay Tree Service, herbicide application for Long Rapids Township.	\$6,030.00
21	1325	9/16/22	Thunder Bay Tree Service, herbicide application for Sanborn Township.	\$8,045.00
22	1326	9/16/22	Thunder Bay Tree Service, herbicide application for Wilson Township.	\$4,010.00
23	1327	9/16/22	Thunder Bay Tree Service, herbicide application for Ossineke Township.	\$9,375.00
24	1334	9/13/22	Thunder Bay Tree Service, herbicide application for primary roads.	\$7,360.00
TOTAL PURCHASES				\$471,663.66

Motion carried unanimously.

CONTRACT PAYMENTS

Moved by Lucas, seconded by MacArthur, to approve the following contract payments in the amount of \$274,874.87

9B. CONTRACT PAYMENTS

Item	PO/Inv	Date	Description	Amount
1	Est. #3	9/28/22	Elmer's Crane and Dozer, Inc., Local Progress Payment #3 for Herron Road Reconstruction.	\$157,957.37
2	8300014014	9/22/22	Fahrner Asphalt Sealers LLC., 9.1 miles of overband crack fill on county roads.	\$31,658.35
3	5102	9/16/22	Huron Engineering and Surveying inc., density testing and layout services for Herron Road.	\$2,804.00
3	2588	9/23/22	L.S. Engineering, Inc., construction engineering services for Long Rapids Road Traffic Signal.	\$4,041.25
4	090522	9/5/22	Michigan Department of Transportation, contract payment #04 for Long Rapids Road Traffic Signal.	\$3,622.93
5	224053	9/29/22	PK Contracting, pavement markings for county roads	\$74,790.97
TOTAL CONTRACT PAYMENTS				\$274,874.87

Motion carried unanimously.

SEPTEMBER BILLS

Moved by MacArthur, seconded by Lucas, to approve the September 2022 bills in the amount of \$2,207,625.61. Motion carried unanimously.

QUOTE FOR NEW ARROW BOARD

Moved by Lucas, seconded by MacArthur, to receive the quote from K&K Systems for a new solar powered 15 lamp (LED) Arrow Board for \$5,680.29. Motion carried unanimously.

COMMISSIONERS COMMENTS

There were no comments.

TOWNSHIP ROAD AGREEMENTS

Moved by MacArthur, seconded by Lucas, to approve the following Road Agreements:

	<u>Township Share</u>	<u>ACRC Share</u>	<u>Total</u>
<u>CHARTER TOWNSHIP OF ALPENA:</u>			
<u>Surface Gravel:</u>			
Long Lake Rd @ Hamilton Rd 2.00 mi.	\$ 41,892	\$ 12,316	\$ 54,208
Guyotte Rd @ French Rd 0.42 mi.	\$ 5,176	\$ 5,176	\$ 10,352
Haken Rd @ Long Rapids Rd 1.22 mi.	\$ 16,534	\$ 16,534	\$ 33,068
Boilore Rd @ Truckey Rd. 0.91 mi.	\$ 12,320	\$ 12,320	\$ 24,640
Birch Rd @ US-23 0.25 mi.	\$ 3,640	\$ 3,640	\$ 7,280
<u>TOTAL CHARTER TOWNSHIP OF ALPENA:</u>	<u>\$ 79,562</u>	<u>\$ 49,986</u>	<u>\$ 129,548</u>

Motion carried unanimously.

SAFETY RECOGNITION

At the County Road Association Self-Insurance Pool annual meeting, the Alpena County Road Commission was recognized for having an excellent safety record with no losses for twelve months and received the "Goose Egg Award".

Moved by Lucas, seconded by MacArthur, to authorize Managing Director Ryan Brege up to \$2,800 to purchase logo outerwear for all employees for this achievement. Motion carried unanimously.

INCREASE BUDGET FOR USED SEMI-TRACTOR

In our 2022 Budget, \$40,000 was budgeted to purchase a used semi-tractor that pulls the water tanker and the low boy trailer. With the increasing cost of used equipment, extra money is needed to purchase this semi-tractor. Moved by MacArthur, seconded by Lucas, to authorize Managing Director Ryan Brege to increase the budgeted amount to \$55,000 to allow more flexibility in purchasing this piece of equipment. Motion carried unanimously.

CLOSED SESSION

Moved by Lucas, seconded by MacArthur, to go into closed session at 4:03 p.m. for the purpose of discussing re-opening the union contract and pending litigation. Motion carried unanimously.

ROLL CALL

Present: Commissioners Spaulding, Lucas, and MacArthur.
Absent: None.

Staff present: Ryan Brege, Managing Director; Curt Gonyea, Superintendent; Julia Patterson, Finance Director/Board Secretary.
Others Present: Tim Gulden, Road Commission Attorney.

OPEN SESSION

Moved by MacArthur, seconded by Lucas, to go back into open session at 4:49 p.m. Motion carried unanimously.

Present: Commissioners Spaulding, Lucas, and MacArthur.
Absent: None.

Staff present: Ryan Brege, Managing Director; Curt Gonyea, Superintendent; Julia Patterson, Finance Director/Board Secretary.
Others Present: Tim Gulden, Road Commission Attorney.

TURNBULL MILL RESOLUTION

Moved by MacArthur, seconded by Lucas, to authorize the resolution of the following settlement agreement and release of all claims relating to a portion of the Turnbull Mill Road and Gary Texley and Juliana Texley.

RESOLUTION TO AUTHORIZE THE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS RELATING TO A PORTION OF TURNBULL MILL ROAD, LOCATED IN ALPENA TOWNSHIP, ALPENA COUNTY, MICHIGAN

At a meeting of the Board of County Road Commissioners of the County of Alpena, Michigan, held in said County on October 4, 2022, at 3:00 p.m.

PRESENT: Commissioners Spaulding, Lucas, and MacArthur.

ABSENT: None.

WHEREAS, the Alpena County Road Commission (the "Commission") has received a draft Settlement Agreement and Release of All Claims (the "Agreement") proposing the full and final resolution of litigation relating to a portion of Turnbull Mill Road, located in Alpena Township, Alpena County, Michigan, which is the subject matter of *Gary Texley and Juliana Texley v Alpena County Road Commission*, Alpena County Circuit Court Case No. 21-1277-CH; and

WHEREAS, the Board of County Road Commissioners of the County of Alpena has reviewed the Agreement, and advice of counsel relating thereto, in closed session at an open meeting held October 4, 2022;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Road Commissioners of the County of Alpena (the "Board") as follows:

1. The Board determines that execution of the Agreement is advisable and in the best interest of the public.
2. The Board determines that the Agreement presents the most effective and efficient resolution of the ongoing litigation in *Gary Texley and Juliana Texley v Alpena County Road Commission*, Alpena County Circuit Court Case No. 21-1277-CH.

3. The Board determines that the Agreement is the most effective and efficient means of preserving public access to the shore of Lake Huron along Turnbull Mill Road, located in Alpena Township, Alpena County, Michigan.
4. The Board hereby authorizes and directs its Managing Director, Ryan Brege, to work with legal counsel to finalize and execute the Agreement on behalf of the Board. Minor, non-substantive revisions will not require additional Board approval. However, substantive changes to the principal terms of the Agreement will require additional Board approval.
5. The Board hereby authorizes and directs its Managing Director, Ryan Brege, to fulfill or cause to be fulfilled each of its obligations under the Agreement, as necessary, to fully and finally resolve the oncoming litigation in *Gary Texley and Juliana Texley v Alpena County Road Commission*, Alpena County Circuit Court Case No. 21-1277-CH.

Motion carried unanimously.

UNION CONTRACT UPDATES

Moved by Lucas, seconded by MacArthur, to authorize Managing Director Ryan Brege to offer the union a 4½% pay increase rather than the previously approved union contract pay increase of 3% and to increase the MERS Contribution Employer rate to 8½% from 7% beginning November 1, 2022. Motion carried unanimously.

Moved by MacArthur, seconded by Lucas, to extend the same pay increase of 4 ½% to the non-union staff beginning November 1, 2022. Motion carried unanimously.

NEXT MEETING DATE

The next regular meeting of the Alpena County Road Commissioners will be held on Tuesday, November 1, 2022, at 3:00 p.m. in the lower level of the Alpena County Road Commission.

There being no further business to come before the Board, the Chairman declared the meeting adjourned at 4:58 p.m.

Thomas Spaulding, Chairman

Julia G. Patterson,
Board Secretary