

REGULAR MEETING OF THE CHEBOYGAN COUNTY ROAD COMMISSION JULY 17, 2014

Chairman D. Brandt called the Regular Meeting to order at 8:00 A.M.

Clerk D. Stempky took roll call and a Quorum was present.

Pledge of Allegiance was recited.

PRESENT: D. Brandt, D. Brown, C. O'Connor, J. Johnson, K. Paquet, Managing Director M. Roper and Clerk D. Stempky

VISITORS: S. Redmond, J. Moore, F. Cribb, C. Veneros, B. Foster, G. Bunker, G. Archambo, K. Hahn, K. Swanson, C. Casucci and J. Vance.

MOTION by K. Paquet seconded by D. Brown to approve minutes of last regular meeting of 7/2/14 as mailed. 5 Yeas **CARRIED**

MOTION by D. Brown seconded by K. Paquet to approve for payment current payroll voucher #14-26-\$65,650.54 and accounts payable voucher #14-27-\$208,667.76. 5 Yeas **CARRIED**

MOTION by D. Brown seconded by J. Johnson to approve agenda as presented. 5 Yeas **CARRIED**

K. Swanson, resident of Indian River asked if there were answers to questions she had from last meeting and whether there are any new answers to the reverse parking issue. D. Brandt commented he contacted MDOT and has been given the specifications for reverse parking and noted they approve and allow reverse parking. She discussed the Marina Park development and whether we have looked at and approved the plans to date. Board commented they have not signed off on anything. Managing Director Roper commented S. Straits Hwy is a Primary County Road and the only reason MDOT is involved is due to the funding sources being used for the project.

J. Vance, resident of Eagles Nest Area, stated she was accused of stopping the Eagles Nest Road special assessment and noted she was not the problem but the Township Board was and how they went around trying to pass a special assessment that was being assessed on 137 property owners by parcels but only 17 of the front property owners had a vote and say in the matter. She stated residents were not in favor on how the assessment was taking place and with some further explanation may have passed. She noted the residents are aware the road needs to be reconstructed but are not in favor of the handling of the situation.

The MERS annual meeting is being held September 24-26, 2014, D. Stempky is attending and needs to be appointed as Officer Delegate.

MOTION by K. Paquet seconded by D. Brown to approve D. Stempky as the officer voting delegate for the 2014 Annual MERS Meeting. 5 Yeas **CARRIED**

Managing Director Roper presented Comparable Market Analysis of the 40 Acre parcel CCRC owns on Richardson Road, Board had asked for an appraisal to place on the market. Originally purchased for \$80,000 and appraisal was \$51,000. Board asked to place Richardson Road property on the market for \$75,000. Johnson noted as offers come in each one can be evaluated on an individual basis.

Financing for the Tandem Trucks and Fit out have been researched, CNB will use for financing Clerk D. Stempky stated the interest rate is 3% and no penalty for early payments, would recommend the 3 year financing option. Stempky also noted Bond Council is required due to it being a tax exempt financing and cost of council will be rolled into the financing.

MOTION J. Johnson seconded by K. Paquet seconded by C. O'Connor to authorize Management to proceed with financing for Trucks with CNB, 3% interest and 3 Year term and work with Legal Council to proceed. 5 Years **CARRIED**

Managing Director presented the installation of Black River Road culvert at Stewart Creek bids. Stated bids came in higher than anticipated and have talked with Foreman to perform in house. Will close the road during construction. UAW center has a drive access that they stated emergency vehicles could use if needed during the construction.

MOTION by J. Johnson seconded by K. Paquet to accept all bids for Black River Road culvert at Stewart Creek. 5 Years **CARRIED**

Managing Director Roper stated the E/W Resort Road public access has been discussed on numerous occasions and getting closer to a resolution, Road Commission Attorney has reviewed and the issues legal council was not comfortable with have been resolved. Managing Director stated the residents are having a meeting August 2nd and would like to bring to closure and requesting the Board to pass a resolution to allow the Chairman of the Board to sign documents when they have been completed. Have come to an agreement the Road Commission will retain 45 feet of public ROW access to Burt Lake on E/W Resort Road, the obstacles that are currently in the ROW will now be located out of the ROW, still allows access to lake and avoids litigation. We will be able to maintain the ROW as any other county road. Managing Director read aloud the resolution he is requesting the Board to adopt.

Motion by Commissioner K. Paquet seconded by D. Brown to approve the following resolution regarding East West Resort Road and to authorize the Board Chairman and Clerk to sign documents regarding the East West Resort Road Agreement as follows:

Whereas, the Cheboygan County Road Commission (CCRC) has determined that within the area from the intersection of Resort Road and E/W Resort Road East to the water's edge of Burt Lake any assumed right of way outside a 45 foot width is not required for a public road or highway, and

Whereas, the CCRC has further determined that it is in the best interest of the public to guarantee public access to the waters of Burt Lake at E/W Resort Road.

Now therefore, the Commission hereby resolves pursuant to MCL 224.9 that after consultation with counsel for the Board, and the making of such revisions if any as may be recommended by counsel, the Board Chairman is authorized to enter into on behalf of the CCRC the East West Resort Road Agreement, and the conveyances provided for in such Agreement, by which the land outside the 45 foot presumed right of way is conveyed and the land within an area 45 feet in width along the East West ¼ line of Section 8, Tuscarora Township, Cheboygan County east from the intersection of Resort Road and East West Resort Road east to the water's edge is established as a public road right of way subject to the limitation that the public road right of way established in this Agreement shall provide public access to the waters of Burt Lake, but no right to make any improvements beyond the water's edge including, but not limited, to installation of dock or a ramp of any type. **5 Yeas CARRIED**

Managing Director stated a closed session is requested to discuss ongoing litigation of the LUPU case, to be held after regular business.

MOTION by J. Johnson seconded by D. Brown to receive and file the following correspondence: Township Meeting Minutes of Ellis 6/10/14, Benton 6/3/14, Munro 6/10/14, Koehler 6/9/14, Mullett

7/8/14, Burt 6/5/14, Tuscarora 6/3/14 and 6/30/14; Eric Schmaltz Ref. McMichael Road; Priority Roads Investment Program Project List; Emmet CRC Letter to State Reps and Senator Ref. Funding; Association of County Road Superintendents of Michigan; Agreement Burt Township Feather Lane; Northern/Southern Michigan County Road Joint Conference; 17th Annual Northern RUSH PAC golf outing; Ellis Township Gravel Request; Wilmot Township Estimate; Cheboygan County Budget Timeline and Straits Area Council Agenda and Minutes. 5 Years **CARRIED**

Superintendents Seminar will be attended by two Foremen, of whom the Managing Director chooses.

Northern/Southern Conference will be attended by Roper and Paquet.

Gil Archambo, Fantastic job to Cheboygan and Tower Garages for spreading gravel on their Township Roads

Paquet asked if the Road Commission has an emergency management plan when a disaster or major event occurs, Manger will look into what other Road Commissions may have in place.

Managing Director reviews will be compiled by D. Brown and K. Paquet, summarized and presented at the next regular meeting.

Recess at 9:10 A.M. before closed session is held to discuss current litigation.

Return to regular session at 9:20 A.M.

MOTION by J. Johnson seconded by D. Brown to go into closed session at 9:20 A.M. to discuss LUPU litigation. Roll call: Brandt-yes, O'Connor-yes, Johnson-yes, Paquet-yes and Brown-yes **CARRIED**

Return to open session at 9:35 A.M.

Chairman adjourned regular meeting being no further business to come before the Board at 9:35 A.M.



David F. Brandt, Chairman



Dana S. Stempky, Clerk