

The regular meeting of the Midland County Road Commission was called to order by Chairman Atton on Thursday, March 3, 2022, at 9:00 a.m. at the Midland County Road Commission office.

Present: Mike Atton, Chairman  
Jim Hyatt, Vice Chairman  
Bruce Clark, Commission Member  
Jon Myers, Managing Director  
Art Buck, Superintendent  
Brenda Gordert, Finance Director/Clerk  
Ben Mead, Facilities Manager  
Donna Lowe, Finance Director  
Jeff Brown, Construction Technician  
Ashley Hiles, GIS Technician  
Absent: Russ Inman, Design Engineer

Public Present: Jeanette Snyder, Midland County Board of Commissioners; Maria Sandow, Larkin Township Supervisor; Al Sandow, Larkin Township; Dan Mieske, Hope Township.

**The Pledge of Allegiance was said**

**Additions to Agenda:**

None

**Approval of Minutes:**

Moved by Commissioner Hyatt and seconded by Commissioner Clark to approve the minutes of the February 17, 2022, meeting.

Roll Call.

Yeas: Commissioners Clark, Atton, Hyatt

Nays: None

Motion Carried

**Public Comment:**

None

**Approval of Open Accounts:**

The pre-pay for March 3, 2022, was discussed.

Moved by Commissioner Hyatt and seconded by Commissioner Clark to approve payment for the payroll and open accounts for March 3, 2022, in the amount of \$377,824.27.

Roll Call.

Yeas: Commissioners Clark, Hyatt, Atton

Nays: None

Motion Carried

**Correspondence and Items of Information:**

The RTF (Regional Task Force) meeting will be held at 10:00 am, March 3, 2022 which includes Clare, Gladwin, Isabella and Midland Counties. This program involves Federal Funds from the Rural Surface Transportation Program (STP-R), State-D Funds and Highway Infrastructure Program (HIP) COVID Relief Funds.

The County Road Association Legislative Priorities for 2022 was received. It will be voted upon at the annual meeting next week in Lansing.

**Permit listing was reviewed**

**Unfinished Business:**

None

**New Business:**

An agreement was received regarding the Iron Belle Trail Fund for the Smith's Crossing Bridge Renovation project and discussion ensued. The Road Commission will oversee the project and funding will flow through the Road Commission.

Moved by Commissioner Clark and seconded by Commissioner Hyatt to approve agreement and authorize Jon Myers, Managing Director to sign agreement.

Roll Call.

Yeas: Commissioners Hyatt, Atton, Clark

Nays: None

Motion Carried

Jon presented the final draft of the Brush Control policy and discussion ensued:

NUMBER: **100**  
SECTION: **100.XX**  
SUBJECT: **BRUSH CONTROL**

BRUSH

It is the policy of this Board to control and remove brush in an integrated approach using hand cutting, mechanical devices and herbicides; and to complete the work annually on roadsides on a rotating basis. For the purposes of this policy, brush is defined as woody plant growth such as volunteer trees, low hanging limbs, shrubs and stump growth.

Brush control and removal by the Midland County Road Commission (MCRC), either by mechanical means or hand cutting, will be limited by the physical and cost constraints of available equipment, personnel, and funds for this purpose. Priority will be by road system, with the primary roads having the highest priority. Within the road system classifications, the hazard exposure created by the brush will be used as the primary factor in establishing site or area priority. Maintaining clear vision at driveway access points will be the responsibility of the individual property owner.

Due to the extensive number of miles of road under MCRC jurisdiction, brush control will also be accomplished by the application of herbicides. The herbicides used will be those approved by the appropriate state and federal agencies for this purpose. Only individuals properly licensed by the State of Michigan and supervised by MCRC personnel will apply herbicides. These individuals must strictly adhere to the MCRC's bid document requirements and specifications. The application of herbicides will be accomplished using appropriate equipment and will be applied in a timely fashion with the intent of inhibiting, or significantly retarding, woody plant growth and chemically pruning to provide horizontal and vertical clear zones. Herbicides will be handled and applied in accordance with the regulations and specifications listed on the product label, the applicable regulations of the State of Michigan, the MCRC's bid documents, and this policy. Roadside areas that are aesthetically desirable due to the presence of wildflowers and non-noxious native plants may be exempted from the application of brush control herbicides at the MCRC's discretion.

CUTTING

Brush cutting shall be performed by the MCRC with appropriate brush cutting equipment and/or a brush cutting crews. Tree branches and brush may be cut out to the right-of-way or to at least 12 feet off the edge of the shoulder. Cutting width will be determined based on individual site conditions and any seasonal restrictions as determined by state law. The height of cutting may vary but shall be limited to approximately 20 feet high. Debris from the brush cutter and/or wood chipper may remain in the road right-of-way after cutting activities.

In all directions of an intersection, additional tree branches and brush may be cut to help provide sight distance. Brush shall be cut out to the right-of-way line provided it meets the size requirements listed above. In some scenarios to provide additional sight vision, tree branches and brush may also be cut beyond the right-of-way as permitted by the landowner.

BRUSH SPRAYING

Brush spraying locations shall be as determined by the MCRC. Crop areas, residential frontage (mowed from the residence to the road) and non-invasive ornamental vegetation shall not be sprayed without permission from the landowner. Residential subdivisions and seasonal roads will not be sprayed. Any spot locations in these areas that require treatment will be handled by other means.

Property owners have the option to have their property omitted from the MCRC brush spray program. An application for a "No Spray Permit" must be obtained from the Road Commission and be returned, in person or by certified mail to the Road Commission by the deadline stated on the application. Invasive species will still be sprayed in these areas.

As a condition of approval of a "No Spray Permit" application, the requesting property owner must agree to properly clear the road right-of-way abutting the subject property of undesirable weed growth, brush and low hanging limbs. In exercising this option, the property owner will have to place signs on his/her property as a visual indication to the brush control applicators that he/she is taking responsibility for the control of brush for his/her own road frontage. This area will then be omitted from the brush spray program, but only if the area is clear of weeds, brush and low hanging limbs at the time of inspection by the Contractor and/or Road Commission personnel.

Moved by Commissioner Hyatt and seconded by Commissioner Clark to approve Brush Control Policy as presented.

Roll Call:

Yeas: Commissioners Atton, Hyatt, Clark

Nays: None

Motion Carried

Ben presented bids for the stockroom cabinets and shelving and discussion ensued:

Morrison Industrial – Russo Brand - \$104,098.95

Stanley Black & Decker – Lista Brand - \$117,808.46

GMK – Vidmar Brand - \$136,321.16

Morrison Industrial are manufactured in Canada and come with lifetime warranty on drawers.

Drawer capacity is 400 pounds.

Stanley Black & Decker are manufactured in the USA and come with lifetime full product warranty.

Drawers and shelving hold 440 pounds and are equipped with safety latches on all drawers.

GMK is owned by Stanley Black & Decker and would be a mix of Vidmar cabinets and Lista storage walls and shelving.

Moved by Commissioner Clark and seconded by Commissioner Hyatt to accept the Stanley Black & Decker bid in the amount of \$117,808.46.

Roll Call:

Yeas: Commissioners Hyatt, Clark, Atton

Nays: None

Motion Carried

Art presented bid results for road materials for 2022 construction season and discussion ensued.

Full listing of bids received is inserted in minute book.

Moved by Commissioner Hyatt and seconded by Commissioner Clark to approve all bids and authorize staff to award in the best interest of the Road Commission.

Roll Call:

Yeas: Commissioners Clark, Hyatt, Atton

Nays: None

Motion Carried

Maria Sandow, Larkin Township Supervisor, stated Larkin Township is digitalizing their records and came across two old ledgers from early 1900's when the Township was in charge of the roads.

She contacted the MTA (Michigan Township Association) and the State of Michigan and was instructed to turn the records over to the Road Commission as the Road Commission now owns the roads and the records.

Moved by Commissioner Clark and seconded by Commissioner Hyatt to accept road records from Larkin Township.

Roll Call:

Yeas: Commissioners Clark, Hyatt, Atton

Nays: None

Motion Carried

Ben presented bids for purchase of a hydraulic excavator from the State of Michigan MiDeal program and Sourcewell Contract Pricing.

State of Michigan MiDeal – John Deere 250PLC Hydraulic Excavator \$299,086.00

Sourcewell Contract Pricing – Komatsu PC240LC-11 Hydraulic Excavator \$306,789.00  
After demos on both machines the Komatsu machine was preferred by employees and has 60 day delivery.

The John Deere machine is not available for delivery until 2023.

Discussion was also held on the trade-in of current 2015 John Deere excavator. The last couple years we have had to rent an excavator during the busy construction season and keeping the trade-in would save money.

Moved by Commissioner Clark and seconded by Commissioner Hyatt to approve bid from Sourcewell Contract Pricing for the Komatsu Hydraulic Excavator and keep the old machine.

Roll Call:

Yeas: Commissioners Atton, Clark Hyatt,

Nays: None

Motion Carried

Ben presented bids for purchase of a motor grader from the State of Michigan MiDeal program.

John Deere 670GP Motor Grader - \$326,284.00 – 4-wheel drive

John Deere 672GP Motor Grader - \$360,762.00 – 6-wheel drive

Delivery date on new machine would be July and trade in value on our 2008 Komatsu GD675 is \$65,000. Discussion was held on the advantages of 6-wheel drive. Commissioner Hyatt stated 6-wheel drive is a positive, it keeps the machines straight while setting grade and has the ability to cut grader ditches.

Moved by Commissioner Atton and seconded by Commissioner Clark to approve bid from MiDeal State of Michigan for the John Deere 672GP 6-wheel drive motor grader.

Roll Call:

Yeas: Commissioners Hyatt, Atton, Clark

Nays: None

Motion Carried

A contract was received from MDOT for the purpose of amending the State Maintenance Contract No 2021-0373 dated September 9, 2021.

Moved by Commissioners Hyatt and second by Commissioner Clark to offer the following resolution:

WHEREAS, This Amendatory Contract is made and entered into this date of October 1, 2021 between the Michigan Department of Transportation (MDOT) and the Board of County Road Commissioners of the County of Midland, Michigan, a public body corporate (BOARD), for the purpose of amending Contract No. 2021-0373 (CONTRACT), dated September 9, 2021.

WHEREAS, The CONTRACT provides for MDOT and the BOARD to mutually agree to work together to improve maintenance activities on the state trunkline system; and

WHEREAS, The parties desire to amend the CONTRACT to update Appendix G of the CONTRACT:

WHEREAS, The parties agree that the CONTRACT be and that the same is amended as follows:

1. In order to update Appendix G of the CONTRACT, dated April 20, 2012, it is replaced with Revised Appendix G, dated October 26, 2020, attached hereto and made a part hereof, and all references in the CONTRACT to Appendix G will be construed to mean Revised Appendix G, dated October 6, 2020.
2. All other provisions of the CONTRACT, except as herein amended, remain in full force and effect as originally set forth.
3. The BOARD waives any and all claims it has or may have against MDOT that arise out of the need to amend the CONTRACT.
4. This Amendatory Contract will become binding on the parties and of full force and effect upon signing by the duly authorized representatives of the

BOARD and MDOT and upon adoption of a resolution approving said Amendatory Contract and authorizing the signatures(s) thereto of the respective representative(s) of the BOARD, a certified copy of which resolution will be sent to MDOT with this Amendatory Contract

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the work and desires to set forth this understanding in the form of a written contract.

THEREFORE BE IT RESOLVED, that the Board of County Road Commissioners, County of Midland, approves contract amendment and authorizes Jon Myers, Managing Director to sign Contract 2021-0373/A1

Roll Call.

Yeas: Commissioners Hyatt, Atton, Clark

Nays: None

Resolution Adopted.

**Staff Reports:**

Ben stated there are a couple pieces of equipment down for repairs in the shop but nothing major. He stated everything is going well.

Art stated he ordered more backup salt and has taken the minimum amount for the year and will not take anymore.

He stated the Governor signed an executive order to wage war on potholes. After speaking with our MDOT representative we will patrol on the weekends for potholes on the state trunklines. He stated frost laws will be in effect on Saturday morning at 6:00 am.

Ashley stated she is working with our guardrail contractor and MDOT using the GIS mapping system to create a new work order system. She will be able to pinpoint guardrail damages and attach photos and information. It will also work as an invoicing system and create more transparency.

Jon stated the union contract negotiations are going well.

He stated he is working on a presentation for the CRA Conference next week in Lansing.

He is meeting with Great Lakes Engineering tomorrow to discuss the local agency bridge program for this year.

Jeff stated he will be starting some survey work as soon as the weather allows.

He stated he compiled the bids for the materials.

He is also working on the site plan review for the new Dollar General at 7 Mile and M20.

Brenda stated Ashley is doing a great job on the facebook page with her posting of "Second of Every Day". She is taking photos and gathering information to post. It is very interesting and allows the public to see what we are doing.

Commissioner Snyder stated the Emergency Management Department has a LEPC (Local Emergency Planning Committee). It is an emergency team for chemical or hazard material release. They have quick meetings at the Law Enforcement Center and would like a Road Commission contact person to join the group. Art will be the contact person to attend.

Meeting was adjourned by Commissioner Atton at 9:38 a.m. until Thursday, March 3, 2022.

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Brenda Gordert, Finance Director

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Mike Atton, Chairman