

**LAPEER COUNTY ROAD COMMISSION
REGULAR BOARD MEETING
Wednesday, October 8, 2008
8:11 a.m.**

Present: Mr. Dale Duckert, Chairman; Mr. Douglas Hodge, Vice Chairman; Mr. Joseph Suma, Member

In Attendance: Mr. Erick Pearson, Managing Director; Mr. Ryan Doyle, Assistant Engineer; Ms. Tami Erickson, Chief Financial Officer; Ms. Linette Daily, Secretary to the Board; Mr. William Meinz, County Highway Engineer

Mr. Dale Duckert, Chairman, called the meeting to order at 8:00 a.m.

Approve Agenda:

100808-170

Motion by Mr. Suma, seconded by Mr. Hodge to approve the agenda. Roll Call: Duckert, aye; Hodge, aye; Suma, aye. Three ayes. Motion carried.

Consent Agenda:

100808-171

Motion by Mr. Suma, seconded by Mr. Hodge to approve the Consent Agenda consisting of the following,

Approve Minutes For: Committee of the Whole 09/22/08
 Finance Meeting 09/24/08
 Regular Meeting 09/24/08

Approve Payment of Bills: \$626,941.26

Approve Projects:

504 008 803708 Elba Township-Ditching, Hunt Road West of Lake Inn Drives Estimated Cost: \$4,491.76

Roll Call: Duckert, aye; Hodge, aye, Suma, aye. Three ayes. Motion carried.

Committee Reports:

Finance Committee Report:

Mr. Hodge reported that the Finance Committee met at 8:00 a.m. and approved the payment of bills in the amount of \$626,941.26. It was reported that the MTF was down again.

Manager's Report:

Mr. Pearson explained that the 2009 contract for the services of the Weighmaster had been delivered from the Sheriff Department. It was stated that this service is a good investment and helps control the damage by the heavy haulers.

100808-172

Motion by Mr. Hodge, seconded by Mr. Suma to approve the 2009 Weighmaster Contract with the Sheriff Department. Roll Call: Duckert, aye; Suma, aye; Hodge, aye. Three ayes. Motion carried.

Mr. Hodge stated that he would like to echo the comment about the good investment of the weighmaster services. Mr. Meinz stated that he would also like to thank Deputy Smith for assisting the Engineering Department when they need his services.

Mr. Pearson stated that the box tube was being set on Fish Lake Road today. Mr. Pearson also explained to the Board that the Lapeer and North Branch salt barns were full and we were just waiting on the 3500 ton for Imlay City.

Engineer's Report:

Mr. Mainz gave an update on the approved safety projects, the Rural Task Force Meeting and the speed study that was conducted on Imlay City Road, west of the city. Mr. Mainz also stated that there are a lot of signs creeping up into the right of way once again during this political season.

Mr. Doyle stated that he had met with the State Police regarding his No Parking requests. Mr. Doyle also stated that he had updated an additional four policies for the Board to review at the next Committee of the Whole.

Public Time:

Mr. Richard Clemens, Indian Road

Mr. Clemens stated that he was issued a permit to place a fence in the right of way on June 25, 2008. Mr. Clemens stated that he has personally spoken with Consumers Energy, AT&T, and DTE regarding the placement of the fence and they do not have a problem with it. Mr. Clemens stated the Public Act which gives the Road Commission the authority to place items in the right of way, and requested clarification why this fence was now not allowed. Mr. Clemens stated that the Engineer had from June 25, 2008 to September 20, 2008 to say something regarding the placement of the fence, but didn't. Mr. Clemens stated that he also spoke with the District Foreman, Mr. Jostock, about the placement and if there would be a problem with maintaining the road. Mr. Clemens explained that Mr. Jostock stated he was only concerned with roadside mowing. Mr. Clemens then stated that he told Mr. Jostock that the mowing will be easier mowing in a straight line along the fence, versus mowing around the trees.

Mr. Mainz stated that the high tensile wire on the five inch posts pose a safety danger to the motoring public if they are hit. Mr. Clemens stated that at the time of the improvement of Indian Road, it was decided to place curb instead of tree removal, so the existing trees pose more of a danger than the fence. Mr. Mainz stated that the placement of the 6" straight back curb was before he was County Highway Engineer and is not the current standard.

Lengthy discussion ensued. Mr. Mainz stated that the permit allows him to request to have the fence removed at any time. Mr. Clemens asked why the permit was even issued, and Mr. Mainz responded that he trusted Mr. Clemens to place the right type of fence. Mr. Clemens then stated that he told Mr. Mainz at the time what he was doing, and Mr. Mainz stated that he didn't know what type of posts were being used. Mr. Mainz stated he now has a problem with the fence, and Mr. Clemens has an issue with replacing it at his expense. Mr. Clemens stated that Mr. Mainz told him that he would have to remove it if any road work was done on that road and it was in the way, and this is not road work.

Mr. Clemens stated that he went through the right procedures, and now there is a problem. Mr. Clemens stated that he has roughly \$3500 into installing the fence and doesn't think he should have to eat the cost. Mr. Hodge stated that the Road Commission made an error in issuing the permit for the fence, but there is definitely a safety issue.

Mr. Pearson stated he received a complaint from a resident regarding the placement of the fence and the road being blocked while the fence was being placed. That is how this issue has come to this point. Mr. Pearson then stated that he would like to take a look at the cost to fix the problem and asked Mr. Clemens to present the Road Commission with his cost for the fence post and cost for installation. Discussion was then held regarding the removal of the fence posts. Mr. Clemens stated that he could probably remove the posts for a cost less than it would probably cost for the Lapeer County Road Commission crew to do the work, but was also concerned about the cost of replacing the posts.

It was decided that the Road Commission would remove the posts as soon as possible, proceed with research on cost recovery, and make a decision at the next Regular Meeting.

100808-173

Motion by Mr. Hodge, seconded by Mr. Suma to adjourn the meeting at 8:58 a.m.

Roll Call: Suma, aye; Hodge, aye; Duckert, aye. Three ayes. Motion Carried.

Dale Duckert, Chairman

Linette Daily, Board Secretary