

## **Washtenaw County Board of Road Commissioners**

555 North Zeeb Road, Ann Arbor, MI 48103

### **Virtual Board Meeting Minutes of December 15, 2020**

- Board Present: Road Commissioners Douglas Fuller, Barbara Fuller, Rod Green, Gloria Llamas, Jo Ann McCollum
- Staff Present: S. Siddall, M. MacDonell, J. Harmon, D. Ackerman, C. Ryan, C. Quinter, E. Kizer, N. Peterson, C. Brochue, M. McCulloch, T. Fehrle, K. Harris, J. Mann
- Others Present: D. Troyka, legal counsel; County Commissioner Ruth Ann Jamnick, District 5; County Commissioner Sue Shink, District 2; J. Nevaux, C. Swenson.

The meeting was called to order at 1:00 p.m. by Douglas Fuller, Chair.

#### **Roll Call of Attendance**

Doug Fuller, Chair – remote from Scio Township, Washtenaw County, Michigan  
Barb Fuller, Vice Chair – remote from Sharon Township, Washtenaw County, Michigan  
Rod Green, Member – remote from Superior Township, Washtenaw County, Michigan  
Gloria Llamas, Member – remote from Pittsfield Township, Washtenaw County, Michigan  
Jo Ann McCollum, Member – remote from Ypsilanti Township, Washtenaw County, Michigan  
Sheryl Siddall, Managing Director  
Matt MacDonell, Director of Engineering/County Highway Engineer  
Jim Harmon, Director of Operations  
Dan Ackerman, Director of Finance & IT

#### **MOMENT OF SILENCE**

It is our standard practice to begin our board meetings with the pledge of allegiance. Since we are hosting this meeting virtually today, instead we will start this meeting with a moment of silence to honor all those helping to battle the coronavirus and for those who have been killed by this terrible disease.

## **ELECTION OF OFFICERS**

RC20-347 D. Fuller moved, J. McCollum seconded that Barb Fuller be elected as Chair of the Board for 2021 and 2022 and Rod Green be elected as Vice-Chair of the Board for 2021 and 2022.

Roll Call Vote:

YEAS: B. Fuller, R. Green, J. McCollum, G. Llamas, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

## **APPROVAL OF AGENDA**

RC20-348 B. Fuller moved, R. Green seconded to approve the agenda as presented.

Roll Call Vote:

YEAS: B. Fuller, R. Green, J. McCollum, G. Llamas, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

## **ACCEPTANCE OF MINUTES**

RC20-349 J. McCollum moved, G. Llamas seconded to approve the Board Meeting Minutes of December 1, 2020 as presented.

Roll Call Vote:

YEAS: B. Fuller, R. Green, J. McCollum, G. Llamas, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

RC20-350 B. Fuller moved, R. Green seconded to approve the Closed Session Minutes of December 1, 2020 as presented.

Roll Call Vote:

YEAS: B. Fuller, R. Green, J. McCollum, G. Llamas, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

## **RETIREMENT RESOLUTION OF PUBLIC SERVICE – TIMOTHY R. FEHRLE**

Commissioner Doug Fuller read the Retirement Resolution for Timothy R. Fehrle and the Board and staff congratulated Tim on his retirement.

WHEREAS, Timothy R. Fehrle has served as a valuable, full-time employee of the Washtenaw County Road Commission starting on January 6, 1997 through December 30, 2020, when he has elected to retire to enjoy time with his family and friends; and

WHEREAS Timothy R. Fehrle has provided 24 years of knowledge and experience as a heavy truck driver, heavy equipment operator, group leader and foreman, which has greatly benefited the road commission, the citizens of Washtenaw County and the traveling public; and

WHEREAS, in having provided 24 years of faithful and valuable service to the Washtenaw County Road Commission, his experience and knowledge will be greatly missed.

NOW THEREFORE BE IT RESOLVED that we, the Washtenaw County Board of County Road Commissioners, thank, acknowledge and commend Timothy R. Fehrle for his dedicated service, and wish him continued good health, happiness and success in all his future endeavors.

## **PUBLIC COMMENT**

No public comment.

## **WRITTEN COMMUNICATIONS**

Traffic Signal Installation

- Intersection of Ellsworth Road and Lohr Road in Pittsfield Township

MDOT Safety Project Funding Awards

- Dexter-Pinckney Road – Approved for federal funding in the 2022 fiscal year.
- Pleasant Lake Road – Approved for federal funding in the 2022 fiscal year.

## **COMMISSIONER AND STAFF FOLLOW-UP TO PUBLIC COMMENT**

No public comment.

## **CONSENT AGENDA**

The items approved on the Consent Agenda are as follows:

RC20-351 R. Green moved, J. McCollum seconded the approval of the Consent Agenda for December 15, 2020 as presented.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

## **Retirement Resolution of Public Service – Timothy R. Fehrle**

RC20-352 R. Green moved, J. McCollum seconded

WHEREAS, Timothy R. Fehrle has served as a valuable, full-time employee of the Washtenaw County Road Commission starting on January 6, 1997 through December 30, 2020, when he has elected to retire to enjoy time with his family and friends; and

WHEREAS Timothy R. Fehrle has provided 24 years of knowledge and experience as a heavy truck driver, heavy equipment operator, group leader and foreman, which has greatly benefited the road commission, the citizens of Washtenaw County and the traveling public; and

WHEREAS, in having provided 24 years of faithful and valuable service to the Washtenaw County Road Commission, his experience and knowledge will be greatly missed.

NOW THEREFORE BE IT RESOLVED that we, the Washtenaw County Board of County Road Commissioners, thank, acknowledge and commend Timothy R. Fehrle for his dedicated service, and wish him continued good health, happiness and success in all his future endeavors.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**2021 Capital Equipment Purchase – Wood Chipper**

RC20-353 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Operations and the concurrence of the Managing Director, the Board hereby approves the purchase from Bandit Industries, Inc., 6750 Millbrook Road, Remus, Michigan, 49340 of a new 2021 Brush Bandit Intimidator 15XP wood chipper for the total cost of \$46,826.00 through the State of Michigan MIDEal purchasing program.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**2021 Capital Equipment Purchase – Hamm H10i Compactor**

RC20-354 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Operations and the concurrence of the Managing Director, the Board hereby approves the purchase from AIS Construction Equipment, 3600 North Grand River Avenue, Lansing, Michigan, 48906 through the State of Michigan MIDEAL purchasing program of one (1) new Hamm H10i Compactor with Smooth Drum for the total cost of \$132,913.40.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**2020 Seasonal Requirements 22A Road Gravel Bid Extension**

RC20-355 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Operations, and the concurrence of the Managing Director, the Board approves the option of extending the bid for 22A gravel as submitted by Osburn Industries, Inc. 5850 Pardee Road, Taylor, MI 48180.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**2021 Capital Equipment Purchase– One New Holland T6.145 Electro Command T4B Cab 4WD Boom Mower Tractor**

RC20-356 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Operations and the concurrence of the Managing Director, the Board hereby approves the purchase from Burnips Equipment Co, 18612 Northland Dr, Big Rapids, Michigan, 49307 through the Sourcewell contracts of one (1) New Holland T6.145 Tractor with Alamo Samurai boom mower attachment for the total cost of \$148,443.05.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**2021 Capital Equipment Purchase – Motor Graders**

RC20-357 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Operations and the concurrence of the Managing Director, the Board hereby approves the purchase from Michigan CAT of two (2) new 2021 Caterpillar 140 15A AWD motor graders for the net cost after trade-in of \$441,774.00 through the State of Michigan MIDeal purchasing program.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**2021 Capital Equipment Purchase – Wheel Loaders**

RC20-358 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Operations and the concurrence of the Managing Director, the Board hereby approves the purchase from Michigan CAT, 24800 Novi Road, Novi, Michigan, 48375 through the State of Michigan MIDEAL purchasing program of a 2021 Caterpillar 950M HL Wheel Loader for the net cost after trade-in of \$464,052.00 through the State of Michigan MIDeal purchasing program.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**2021 Capital Equipment Purchase – Tar Distributor**

RC20-359 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Operations and the concurrence of the Managing Director, the Board hereby approves the purchase from AIS Construction Equipment, 3600 North Grand River Avenue, Lansing, Michigan, 48906 through the State of Michigan MIDEAL purchasing program of a new factory ordered Etnyre 4,000 Gallon Centennial Distributor for the total cost of \$156,491.00.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**2021 Capital Equipment Purchase – Western Star 4700 Set-Back Front Axle Chassis**

RC20-360 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Operations and the concurrence of the Managing Director, the Board hereby approves the purchase D&K Truck Company, 3020 Snow Road, Lansing, Michigan, 48917 through the State of Michigan MIDEAL purchasing program for a new model year 2022 Western Star 4700SB heavy truck cab and chassis for the total cost of \$135,828.00.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**Local Matching Program**

RC20-361 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Operations and the concurrence of the Managing Director, the Board hereby approves the 2021 Local Matching Program.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**Torrey Avenue Traffic Calming Project – Pittsfield Township Agreement**

RC20-362 R. Green moved, J. McCollum seconded that upon the final approval from the Pittsfield Township Board of Trustees with the recommendation of the County Highway Engineer and the concurrence of the Managing Director, the Board hereby approves and authorizes the Chair and Managing Director to sign the Pittsfield Township agreement for the design and administration of the construction of five (5) speed humps on Torrey Avenue between Washtenaw Avenue and Packard Road at the estimated cost of \$39,628.00.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**Municipal Separate Storm Sewer System (MS4) Illicit Discharge Elimination Plan - Memorandum of Understanding**

RC20-363 R. Green moved, J. McCollum seconded that upon the recommendation of the Director of Engineering/ County Highway Engineer and the concurrence of the Managing Director, the Board hereby approves the Memorandum of Understanding with the Huron River Watershed Council for the Municipal Separate Storm Sewer System (MS4) Illicit Discharge Elimination Plan (IDEP) and authorizes the Chair and the Managing Director to sign the MOU.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**Payroll & Bills for December 9, 2020**

RC20-364 R. Green moved, J. McCollum seconded the Board hereby approves Voucher #10432 totaling \$292,113.50 for payroll of December 9, 2020, and Voucher #10433 totaling \$2,107,635.05 in payment of bills for December 9, 2020.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.



## **ACTION ITEM**

### **2021 Board Meeting Schedule**

RC20-365 B. Fuller moved, J. McCollum seconded the Board hereby adopts the 2021 Board Meeting Schedule (attached hereto and made part of these minutes), which will take place on the first and third Tuesday of each month at 1 p.m.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

### **2021 Working Session Schedule**

RC20-366 R. Green moved, B. Fuller seconded the Board hereby approves the 2021 Working Session Schedule (attached hereto and made part of these minutes) to be held at approximately 9 a.m. on the third Tuesday of each month.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

### **2021 & 2022 Road Commission Appointments to MTA, WATS and WCPARC**

RC20-367 D. Fuller moved, B. Fuller seconded the Board hereby appoints Commissioner Rodrick Green to serve as Road Commission representative to the Michigan Township Association, Commissioner Douglas Fuller to serve as Road Commission representative on the Policy Committee of the Washtenaw Area Transportation Study, and Commissioner Jo Ann McCollum to serve as Road Commission representative on the Washtenaw County Parks & Recreation Commission. These appointments are for the calendar years 2021 and 2022.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**Eight Mile Road at Currie Road, Parcel 13 – ROW Acquisition**

Sheryl Siddall, Managing Director, stated that there is a roundabout to be constructed at 8 Mile Road & Currie Road. This is a joint project with Road Commission for Oakland County taking the lead on this project. The project costs are being split equally between the two road commissions.

RC20-368 B. Fuller moved, G. Llamas seconded that upon the recommendation of the County Highway Engineer/Director of Engineering and concurrence of the Managing Director, the Board hereby approves the acquisition of a 0.045 acre or 1,971 square foot public road easement and a 0.042 acre or 1,843 square foot grading permit, both more particularly described in Exhibit A, from the title owners Walter D. Graham and Cecelia E. Graham, upon a parcel of property commonly known as 9889 Currie Road, Salem Township, Michigan, with a corresponding tax parcel number of A-01-03-100-024, in the amount of Forty Nine Thousand Thirty-Three (\$49,033.00) Dollars, reimbursable 50% by the Board of County Road Commissioners for the County of Oakland.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**MCRCSIP Amicus Brief**

RC20-369 B. Fuller moved, G. Llamas seconded

WHEREAS, the Washtenaw County Board of County Road Commissioners has a unique and particularized interest in the outcome of a case presently pending before the Michigan Supreme Court, Ingham County, et. al v Michigan County Road Commission Self-Insurance Pool, Supreme Court Docket No. 160186, and

WHEREAS, the Michigan Supreme Court has specifically invited an amicus brief from Michigan's Boards of County Road Commissioners.

THEREFORE, BE IT RESOLVED, that the Washtenaw County Board of County Road Commissioners hereby agrees to join in the amicus brief to be prepared by Henn Lesperance PLC.

Roll Call Vote:

YEAS: B. Fuller, R. Green, G. Llamas, J. McCollum, D. Fuller  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Motion Carried.

## **REPORTS**

### **COUNTY COMMISSIONER REPORTS**

#### **County Commissioner Sue Shink**

County Commissioner Shink reported that at the last Board of Commissioners meeting for the year, the BOC voted unanimously asking the County Administrator to send a letter to the Governor asking the EPA to take jurisdiction of the Gelman matter. The Board of Commissioners also passed a resolution honoring the retirement of County Commissioner Ruth Ann Jamnick. Commissioner Shink wished everyone very Happy Holidays.

#### **County Commissioner Ruth Ann Jamnick**

County Commissioner Jamnick thanked everyone for their well wishes for her retirement. Commissioner Jamnick stated that she has had a wonderful career as a County Commissioner. The Board and staff thanked Ruth Ann Jamnick for her dedicated service to Washtenaw County.

### **ROAD COMMISSIONER REPORTS**

#### **Commissioner Doug Fuller**

No report.

#### **Commissioner Barb Fuller**

12/03/20 SEMCOG Executive Committee adopted the Legislative Policy Platform as recommended by the Platform Committee

#### **Executive Committee approves 2021-2022 platform**

*[Moving Forward Together: 2021-2022 SEMCOG Legislative Policy Platform](#)*

12/09/20 Rural Digital Opportunity Fund (RDOF) Awards announced. These funds will support operations but not construction/capital expenditures. Commissioner Fuller provided to the Board & Staff a MAP of Washtenaw County Awarded Areas

#### **Commissioner Rod Green**

12/4 Attended the virtual SEMCOG Executive Committee meeting.

12/8 Attended the CRA Legal Issues Symposium

**Commissioner Jo Ann McCollum**

- 12/8 Attended the Washtenaw Parks & Recreation Meeting – the 2020 Connecting Communities project awards were discussed and how to help more communities to become involved to apply for these types of awards.

The Mary Lou Parks & Recreation Center is no longer being used as an overflow shelter, it is no longer needed. Janice Anschutz is not reapplying for the Washtenaw County Parks & Recreation Board. She has served for the Parks and Recreation for 34 years.

**Commissioner Gloria Llamas**

No report.

**MANAGING DIRECTOR'S REPORT**

**Sheryl Siddall, Managing Director**

- COVID-19 Vaccine distribution – Sheryl stated there was some more exciting news regarding the COVID vaccine that will be distributed soon to provide some hope that we are hopefully coming to the end of this pandemic. Sheryl reported that the Road Commission is included under the front-line workers category eligible to receive the COVID vaccine in Phase 1B in our County. This would include staff who perform winter maintenance functions. Sheryl clarified that we are not mandating staff have this vaccine, it is voluntary. Sheryl provided thanks to both County Commissioners and commended the County Health Department in supporting our organization through this pandemic.
- Sheryl spoke with Gayle Cummings from MCRCSIP – there is further legislation moving through the system regarding the Open Meetings Act to continue government meetings remotely through March 31, 2021. The current provision for remote meetings expires at the end of December 2020.

**ENGINEERING REPORT – Matt MacDonell, Director of Engineering**

- Miller Road – this project is not finished. Miller Road will remain closed until the spring 2021 construction season. The delays were caused by DTE Gas which caused the Road Commission not being able to get all the road work accomplished on Miller Road. The asphalt plants are now closed, so no paving is able to be done after Thanksgiving.
- Engineering is working on 2021 projects.

**OPERATIONS REPORT – Jim Harmon, Director of Operations**

- Willow Road Culvert Replacements – the district crew with Tim Fehrle identified two failing culverts on Willow Road that needed to be replaced between Macon Road and Roehm Road, and another culvert between Case Road and US-12.
- Operations is continuing non-winter road maintenance with no extreme winter weather setting in yet.

**FINANCE & IT REPORT – Dan Ackerman, Director of Finance & IT**

- Dan stated that Tim Fehrle was utilizing at this Board Meeting a new web cam that Chris Quinter, IT Manager, purchased for all the foremen.
- The Finance Department is entering a very busy time of year and preparing for the yearly audit.
- Finance is sending out receivables for the end of the year with a quick turnaround time.
- Budget – the winter weather has been mild, winter expenditures are trending well.

**CLOSED SESSION**

RC20-370 B. Fuller moved, J. McCollum seconded to enter Closed Session at approximately 2:22 p.m. to discuss:

Textile Road Paving and Pathway Project:

1. Legal update – WCRC v Lirones/Berger, Case No. 19-1019-CC
2. Legal update – WCRC v Shankle, Case No. 19-1020-CC
3. Legal update – WCRC v Nevaux, Case No. 19-1018-CC

Roll Call Vote:

YEAS: B. Fuller, R. Green, J. McCollum, G. Llamas, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

RC20-371 R. Green moved, G. Llamas seconded to exit Closed Session at approximately 2:48 p.m.

Roll Call Vote:

YEAS: B. Fuller, R. Green, J. McCollum, G. Llamas. D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**WCRC v Lirones/Berger, Case No. 19-1019-CC**

RC20-372 B. Fuller moved, J. McCollum seconded that upon the recommendation of the County Highway Engineer/Director of Engineering and concurrence of the Managing Director, and upon the recommendation of counsel, the Board hereby approves settlement of the lawsuit Board of Road Commissioners for Washtenaw County v Christina L. Lirones & Mr. Stephen W. Berger, Case No. 19-1019-CC, for \$55,000.00 inclusive of all claims for just compensation, costs, fees, and interest.

Roll Call Vote:

YEAS: B. Fuller, R. Green, J. McCollum, G. Llamas. D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**WCRC v Nevaux, Case No. 19-1018-CC**

RC20-373 B. Fuller moved, R. Green seconded that upon the recommendation of the County Highway Engineer/Director of Engineering and concurrence of the Managing Director, and upon the recommendation of counsel, the Board hereby authorizes settlement of the lawsuit Board of Road Commissioners for Washtenaw County v Kevin C. Nevaux and Janet L. Nevaux, Case No. 19-1018-CC, for \$27,500.00 inclusive of all claims for just compensation, costs, fees, and interest.

Roll Call Vote:

YEAS: B. Fuller, R. Green, J. McCollum, G. Llamas. D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

**ADJOURNMENT**

RC20-374 B. Fuller moved, R. Green seconded to adjourn the December 15, 2020 meeting at 2:52 p.m.

Roll Call Vote:

YEAS: B. Fuller, R. Green, J. McCollum, G. Llamas, D. Fuller

NAYS: None

ABSENT: None

ABSTAIN: None

Motion Carried.

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Douglas E. Fuller, Chair

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Sheryl Soderholm Siddall, Deputy Clerk

Minutes Approved: \_\_\_\_\_