

CLARE COUNTY ROAD COMMISSION

Minutes of the regular meeting of the Board of County Road Commissioners of Clare County, Michigan, hereinafter referred to as the Board, held at its office at 3900 East Mannsiding Road, Harrison, Michigan on March 20, 2013.

The meeting was called to order at 9:00 a.m. by Chairman Richard Haynak with Commissioners Eddy Garver and Michael Duggan in attendance. Staff present was Ronald Bushong, Manager and John Krchmar, Road Maintenance Supervisor.

Pledge of Allegiance.

Guest present was Jim Anderson, CPA.

The minutes of the March 5, 2013 regular Board meeting were read and approved as read.

The fund balance report was presented and discussed and bills were reviewed. On a motion by Commissioner Duggan, seconded by Commissioner Haynak and carried unanimously, it was moved to approve for payment payroll ending 03/03/2013 (checks 49738-49764), check for FICA, CD investment and AP checks 65271 thru 65308 totaling \$212,823.23.

On a motion by Commissioner Duggan, seconded by Commissioner Garver and carried unanimously, it was moved to enter into an intergovernmental agreement for the exchange of services with the City of Harrison.

On a motion by Commission Duggan, seconded by Commission Garver and carried unanimously, it was moved to adopt the Soil Erosion Sediment Control Procedures for the Clare County Road Commission, December 2012 Revision.

Commissioner Duggan proposed the following resolution and moved for its' adoption.

WHEREAS, Act 51, PA of 1951, as amended, provides that the State Highway Commission shall, jointly with the Board of County Road Commissioners, ascertain and fix the total mileage of County Primary roads and the total mileage of County Local roads in each county of the State which have been taken over as County Primary and County Local roads and are open and in actual use for public travel between May and October each year, and

WHEREAS, in complying with the provisions of said Act, the State Highway Commission has requested this Board to certify the mileage and locations of such roads required by said Act to be fixed and ascertained;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Road Commissioners of the County of Clare, Michigan, does hereby certify that all of the roads on which lengths have been entered along the road bands of the attached township and enlarged maps, No. 1 and 1-1 thru 1-8; 2 and 2-1 thru 2-9; 3 and 3-1 thru 3-9; 4; 5 and 5-1 thru 5-7; 6 and 6-1 thru 6-7; 7 and 7-1 thru 7-2; 8; 9 and 9-1 thru 9-2; 10 and 10-1 thru 10-2; 11 and 11-1 thru 11-18; 12 and 12-1 thru 12-4; 13 and 13-1 thru 13-2; 14 and 14-1 thru 14-4; 15 and 15-1 thru 15-5; 16 and 16 -1 thru 16-7; and the totals shown on accompanying mileage sheets are under the jurisdiction of the Clare County Road Commission and normally open to vehicular traffic between May thru October.

Resolution seconded by Commissioner Garver and carried unanimously.

Commissioner Duggan proposed the following resolution and moved for its' adoption.

WHEREAS, the Clare County Road Commission, pursuant to Act 51 of the Public Acts of 1951, as amended, being MCL 247.651 *et seq.*, ("Act 51") annually certifies certain primary and local roads to the State Transportation Department as constituting the county primary road system and the county local road system, respectively; and,

WHEREAS, Section 3 of Act 51 allows the Clare County Road Commission to include roads in and delete roads from the county road systems by selection of the Clare County Road Commission and with the approval of the State Highway Commissioner; and,

WHEREAS, the Board of County Road Commissioners for Clare County, Michigan (the "Board"), has in the past, and continues to include roads and parts of roads in and delete roads and parts of roads from the county road system pursuant to Act 51, as depicted on its annual certification maps to the State Transportation Department; and,

WHEREAS, Section 18 of Act 283 of the Public Acts of 1909, being MCL 224.18, as amended ("Act 283"), provides a method for relinquishing jurisdiction of, or absolutely abandoning and discontinuing, a road or part of a road in the county road system; and,

WHEREAS, it appears from a review of the minutes and records of the Board that when the Board has, over the years, intended to relinquish jurisdiction of, or absolutely abandon or discontinue a road and parts of roads in the county road system, it has proceeded in accordance with the method proscribed in Act 283; and,

WHEREAS, the Board desires to clarify its intentions with respect to such matters and to assert on behalf of the Board and the Clare County Road Commission its position in regards to roads or parts of roads that have been deleted from an Act 51 certification to the State Transportation Department,

NOW, THEREFORE, BE IT RESOLVED that the Board continue its historical practice of only relinquishing jurisdiction of, or absolutely abandoning and discontinuing, a road or part of a road in the county road system by means of the procedure established in Act 283, as amended.

NOW, THEREFORE, BE IT FURTHER RESOLVED that based on this historical practice, roads or parts of roads that have been deleted from the Clare County Road Commission's annual Act 51 certification to the State Transportation Department, but which the Board has not relinquished jurisdiction of or absolutely abandoned and discontinued in substantial compliance with Act 283, are deleted from the county road system only for the purposes of Act 51 and no other purpose; that such roads or parts of roads are otherwise still under the jurisdiction and control of the Clare County Road Commission; and the deletion of such roads or parts of roads from the annual Act 51 certification to the State Transportation Department shall not, alone, be considered evidence of intent on the part of the Board or the Clare County Road Commission to have abandoned such road or parts of roads so deleted.

NOW, THEREFORE, BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict herewith be and the same hereby are rescinded to the extent of the conflict.

Resolution seconded by Commissioner Garver and carried unanimously.

Manager Ron Bushong discussed the CRASIF refund in the amount of \$24,867.06

It was the consensus of the board to take sealed bids for one tandem blade truck to replace truck #66.

At 9:30 a.m., James M. Anderson, CPA, met with the board to present the audited financial report for fiscal year 2012. On a motion by Commissioner Haynak, seconded by Commissioner Garver and carried unanimously it was moved to accept the 2012 audit report.

It was the consensus of the board to purchase three GMC pickups through MiDeal State Purchasing.

Finance Director Kim Kimmel gave updates on investments.

Manager Ron Bushong gave updates on the Mullet Rd./Townline Creek Crossing and on the Engineer-Tech position.

Road Maintenance Supervisor, John Krchmar, gave an update on road work and equipment.

There being no further business to come before the Board, the meeting was adjourned at 11:07 a.m.

Kimberly Kimmel, Finance Director

Richard F. Haynak, Chair