

# MINUTES OF THE BOARD OF COUNTY ROAD COMMISSIONERS - MONROE, MICHIGAN

June 26, 2023

1 At a Regular Meeting of the Board of County Road Commissioners at their offices located at the Monroe County Road Commission (MCRC) 840 S. Telegraph Road, Monroe, Michigan, the meeting was called to order by Chairman Stewart at 5:30pm

2 **ROLL CALL** by the Deputy Clerk as follows:

<u>William Kipf</u>	<u>Present</u>
<u>James Jacobs</u>	<u>Present</u>
<u>Danny Minton</u>	<u>Present</u>
<u>Jack Thayer</u>	<u>Present</u>
<u>Greg Stewart</u>	<u>Present</u>

A quorum being present, the Board proceeded to transact business.

3 The **PLEDGE OF ALLEGIANCE** was lead by Chairman Stewart.

4 **AN OPENING MOMENT OF SILENCE OR PRAYER** was lead by Chairman Stewart.

5 **REGULAR MEETING AGENDA APPROVAL**

Moved by Commissioner: Minton Supported by Commissioner: Thayer  
to approve the agenda as presented.

**Vote:** Ayes: 5 Nays 0 Excused: 0 Motion Carried

6 **PRESENTATION**

6.1 Karst Conversancy Presentation - By: Ned Birkey and Mark Whitney

Mr. Ned Birkey spoke about Karst from an educational perspective. A copy of the report utilized for Whiteford Township's master plan was included in the Board packet. Whiteford Township. A number of Karst related report references were listed and various facts regarding Karst features in Monroe County disclosed.

Mr. Birkey and Mr. Whitney came in front of the Board approximately three years ago on August 10, 2020. At that time, it was requested that the Board consider donating a property owned by the MCRC for the past 61 years (located on Samaria Road) to the Michigan Karst Conversancy. This property has been referred to as Little Sink. Mr. Birkey stated he has never been on the property. Adjacent to Little Sink is Big Sink; in reference, it is located a half mile north of exit 5 on US-23 on the East side. When heading north and looking towards the East, it is a wooded area with an eight acre sink hole lake. This sink hole fills and empties with water approximately a dozen times per year. East of this is the property called Little Sink, which the County of Monroe gave to the Road Commission in the sixties.

Mr. Birkey stated they are back in front of the Board to see if they can finish the donation. Mr. Birkey reported back in 2020, the Board made a motion to approve donating the property to the Michigan Karst Conversancy subject to a title search for a clear title. Mr. Birkey reported they are pursuing this property to create a Karst preserve and educational center. Mr. Birkey stated 99.99% of all parcels with Karst geographical features are on private property. The parcel owned by the MCRC is one of the very few on public property which is why the request has come to the Road Commission.

Mr. Birkey stated the hazards of Karst geographical areas are not going to go away. Various groundwater contamination examples were given. The relevance is that there is not enough dirt/sand to filter contamination out of the ground before the water reaches bedrock in Karst areas. The emphasis on educational needs in Monroe County is due to its metropolitan status including railroad, interstate, airports, and 13,000 miles of surface water drainage points.

Mr. Birkey reported his role in the project would be to resurrect a local committee to improve the property with the hope that the conservancy would have funds for liability insurance and to get the project started. The idea is to get the property to a point that people could learn about Karst and prevent a contamination incident which would reflect on ground or surface water.

Mr. Whitney emphasized that the Karst Conservancy is an established organization with many partnerships. Mr. Whitney stated they have man power which is utilized to clean up preserves. The conservancy sets up educational and historical displays along with displays showing the geology of the land. Mr. Whitney stated they do have liability insurance on other preserves and they should be able to include this preserve as well. Preserves up north are kept open to the public with a few rules such as no open fires or ORV's on sensitive areas. Preserves are kept friendly to the public.

Commissioner Thayer reported he did not recall the Board taking action to approve the donation of the property. His recollection was that a title search needed to be completed however the MCRC would not fund it. This would be the first step before the Board made the decision to move forward. Commissioner Thayer stated he thought there was some investigation into the site which determined it was not truly a Karst site. Mr. Birkey stated he had never been to the site and he had promised previous Managing Director, Randy Pierce, that he would not visit the site. This promise was out of concern of contamination and or junk on the site. Mr. Birkey stated if there was, the conservancy had agreed to remove those types of items.

Commissioner Minton stated he was present at the original meeting which was very informative. Commissioner Minton reported he did not recall a motion being made at that time to donate the property. There were good feelings to look into donating the property to the organization. Mr. Birkey apologized if he did not hear the Board correctly. Commissioner Minton asked for clarification if the property is not a sink hole. Mr. Birkey stated he does not know. His understanding is that it is an old abandoned quarry. Mr. Whitney reported he found a reference to the property in a 1910 state geologist report which mentioned Cummins Quarry. Mr. Whitney believed that report sited it as a Karst property. Mr. Birkey stated there are two other quarry's in Whiteford Township which water can be seen coming and going. Mr. Birkey is unsure if Little Sink does the same. There is a cut in Bedrock which goes from Big Sink all the way to Lake Erie and water has been observed disappearing in the cut of the rock.

Commissioner Stewart stated he was not at the original meeting however what he was told was that there was no motion and tasks needed to be completed by Mr. Birkey and Mr. Whitney in order to move forward. Commissioner Stewart stated he recalls a title search was the main item which needed to be completed. Commissioner Stewart reported he would like to know why the County donated the parcel to the Road Commission. Mr. Leach stated we can look into records and see what is found. Commissioner Stewart stated he did believe a valuation was completed on the property. Commissioner Stewart stated his issue is the liability.

Commissioner Stewart asked if it was known why Mr. Pierce would not have wanted them on the property. Mr. Birkey stated he was unsure what might be in the Quarry, however if he found something there then there would be a question of who was responsible to clean it up. So, the personal promise was made that he would not walk the property. If there was something hazardous, the conservancy agreed to assume the liability to clean it up and the Road Commission would not be held liable for any claims.

Commissioner Stewart stated in total, he is looking at the balance between liability and risk versus any value it might have. The idea of being able to have access to the property and having it cleaned up is of value.

Commissioner Kipf stated he completed the market analysis on the property. The value of the property lies in the question on if it is buildable or not. If the property is not buildable without extreme engineering because of the soil conditions, then the value decreases. This has always been the main question.

Commissioner Stewart stated our current standing is that first, a title search must be completed. Mr. Whitney stated he does not know what all is involved in a title search. If it is just going over records or accessing something, the conservancy could do that. Commissioner Kipf stated a legal title search should be completed by one of the title companies. It may be possible that a individual who is community oriented might be of assistance. Mr. Birkey stated the conservancy would pay the bill. Mr. Whitney stated this has not been a discussion with his Board yet, but the issue in general has been discussed with support. The next conservancy Board meeting will be on July 8, 2023 at which time the title search will be discussed.

Commissioner Minton asked, with the property building abilities unknown, if the Board decided to transfer ownership to the Karst Conservancy, is there a way to ensure the property could not be sold for profit.

Mr. Costello reported the owner can put a deed restriction on the parcel which ties the buyers hands. Commissioner Stewart asked if there would be any objections to a title restriction. Mr. Whitney responded they would not. The current preserves have been held by the conservancy since the late 80's and early 90's. There is no interest in changing ownership.

Commissioner Thayer asked what the conservatory's view would be if the property was determined not to be a sink hole. Mr. Whitney stated he had assumed all along that it was a sink hole, however this would prompt questions. Other conservancy properties have distinct sink holes and caves. Commissioner Thayer asked if before any money is spent, how is it determined that it is a sink hole or is not a sink hole. Mr. Whitney stated he supposed dye testing. Current properties have features which show where water emerges. Commissioner Thayer asked if that was something the conservancy would be willing to do to determine if it is a sink hole. Mr. Whitney stated he is sure that they could.

Mr. Birkey stated they have dye traced Big Sink several times and homeowners within two miles with wells, had devices provided to them which detected positive results. One positive result was detected towards little sink. It is known that the entire area is Karst geology, the only question is this specific site. Since it is an old quarry, they are assuming that it was a Karst quarry. Mr. Birkey stated he is unsure what exactly they would find on the property. Care would have to be taken as they would not want people walking where they could fall.

Commissioner Thayer asked if it is not a sink hole, if they have no reason to want the property. Mr. Whitney stated if there are some Karst features and not a sink hole, there would still be potential. Mr. Whitney reported that caught him off guard because he assumed all along it was a sink hole. Mr. Birkey stated there are other sink holes in the county which the Drain Commission has filled in along drains; these have opened back up years later. Plum Creek in Ida received a grant to fill in the sink hole. It was not filled in properly and it opened back up. It is possible that sink holes close and open back up years later.

Mr. Birkey stated if Little Sink has been filled in, it does not mean that it will not open back up. Just because it isn't a sink hole today does not mean that it has not been one in the past.

Commissioner Jacobs stated, in regards to the structural stability of the soils, with geological testing and survey work could be considered to determine if it is buildable or not. Who is responsible for that cost is a question.

Commissioner Stewart stated he felt that would be something we are responsible for. Commissioner Stewart stated the donation is a good possibility however the items mentioned need to be completed. Mr. Birkey stated, with Mr. Whitney's approval, they could begin the title search and bring the results back to the Board in another meeting.

**7 PUBLIC COMMENT**

Al VanWashenova - Frenchtown Township Supervisor

Mr. VanWashenova asked what the ultimate end goal is for the Karst properties. Commissioner Stewart responded the bottom line is to utilize the property for educational awareness regarding Karst properties. Mr. Whitney reported other Karst properties have displays which explain the geographical features. The ultimate goal is a preserve that educates the public.

**8 CONSENT AGENDA (with immediate effect)**

8.1 Approval of Minutes: Regular Meeting - June 12, 2023

8.2 Journal Entries

Entry No.	Date	Description			Transfer Amount
429	6/15/2023	Vendor Checks	80741	-	80771 \$ 144,491.30
440	6/21/2023	Payroll Checks	66776	-	66794 \$ 367,198.72
		Advices	35634	-	35728
		2nd Qtr. 2023 Cafeteria Plan	66795	-	66817

8.3 Approve the resolution to impose a three (3) ton weight restriction on the Benore Road culvert at the Rabideau Drain.

8.4 Approve the mowing contract with Unrestricted Outdoor Services for local road mowing in Milan Township in the amount of \$10,725.00, and authorize the Managing Director to sign on behalf of the

Moved by Commissioner: Minton Supported by Commissioner: Kipf  
to approve the consent agenda as presented.

Vote: Ayes: 5 Nays: 0 Excused: 0 Motion Carried

**9 UNFINISHED BUSINESS - None**

**10 NEW BUSINESS - None**

**11 REPORT OF OFFICERS**

David Leach (Interim Managing Director/Superintendent of Maintenance) -

Mr. Leach reported on the roundabout project in Bedford Township. Discussions are ongoing regarding several properties in the roundabout vicinity. Mr. Leach stated he would like to ensure everything needed is set in stone before the Board is presented with final needs for the project to progress. Mr. Leach reported all other projects are progressing as expected. Mr. Leach wished everyone a happy and safe 4th of July holiday.

Jim Morgan (Assistant Superintendent of Maintenance) -

Mr. Morgan reported there are approximately two days remaining in Ash township for the chloride/brine program. Crews will be heading to Milan Township next. Mr. Morgan reported citizen complaints regarding dust have decreased as the rain helped to suppress the dust.

Kim LaRocca (Director of Finance) -

Ms. LaRocca reported that the Finance Department remains in training mode and is working to get everyone up to speed. Mr. Leach reported Ms. LaRocca has begun working with Mr. Masserant training on the budget. Commissioner Jacobs commented that he ran into Mr. Masserant at a township meeting and he is very enthusiastic to work with MCRC staff.

Matthew Snell (Director of Engineering/County Highway Engineer) -

Mr. Snell reported the first two Federal Aid paving projects are scheduled to begin tomorrow in Dundee Township. Additionally, our contractor will begin bridge deck sealing the week after the 4th of July holiday. Commissioner Thayer referenced a article he read from CRA and asked if there was any use of Ultra High Performance Concrete by the MCRC. Commissioner Thayer reported it is supposed to be much more durable and his thoughts was for the use of culverts as discussed at the last meeting. Mr. Snell reported his understanding is that Ultra, High Performance Concrete is more for joint applications. The cost is also substantially higher at approximately ten times that of normal concrete. Commissioner Thayer asked Mr. Snell's impression when he visited the Karst site just over a year ago. Mr. Snell stated there was some debris and a county drain that ran across the back of the property. It was also visible that some excavation had taken place. Mr. Snell reported pictures of the visit are available and can be sent to the Board for review. Commissioner Thayer reported he would like to go out to the site to see what it is all about. Mr. Snell responded that we could arrange for a site visit.

Camden Regis (Director of Human Resources) -

Ms. Regis reported one temporary and one permanent employee will be starting next week. At this point we are fully staffed in the maintenance department; however, there will be a few more retirements at the end of this year. Additionally, we are still in search of a staff engineer. Commissioner Thayer applauded the idea of parking equipment at the fair this year. Commissioner Minton added that he ran into someone from MCOP who raved about the paint-a-plow program and asked that the plows and/or pictures were somehow incorporated into the truck display this year.

Philip Costello (Legal Counsel) -

Mr. Costello reported on documents which were uncovered in 2020 when the Karst property discussions began. There is a question of if the Road Commission is interested in the donation of assets when we are not getting a measurable value for it. The engineering department located old deeds for the parcel which show how it was transferred. The oldest deed was from someone who used the property as a quarry. The biggest question is what is the value versus liability is. Commissioner Kipf stated if there is something on the site that is a liability which we do not currently know about, then we sell the property and something surfaced, we would have a liability there too. Mr. Costello reported he does not know that the Karst group could absolve us from that type of liability. Commissioner Stewart commented that his concern is greater for the liability portion because the conservancy is talking about bringing people onto the property. Commissioner Jacobs commented that an environmental phase 1 and 2 testing would be worth while. The Downriver Consortium may have funding. If a liability is found it could be mitigated. Mr. Leach stated he would hate to spend our funding on this parcel if we are going to consider donating it. Commissioner Jacobs stated the testing would show contamination and would be both a protection and a risk. Mr. Costello reported if the parcel is a Karst property, whatever is on the property can migrate elsewhere which is an entirely different discussion.

**12 PUBLIC COMMENT - None**

Mark Bogi - Milan Township Supervisor

Mr. Bogi introduced the new Milan Township Clerk Stephanie Kozar and thanked the Road Commission for all the work completed and for getting things done.

**13 COMMISSIONERS COMMENT**

Commissioner Jacobs (Member) -

Commissioner Jacobs reported seeing other road agencies that recently had road related accidents. Commissioner Jacobs encouraged our staff to be careful and observant on the road.

Commissioner Kipf (Member) - Nothing to report.

Commissioner Thayer (Member) - Nothing to report.

Commissioner Minton (Vice Chairman) - Nothing to report.

Commissioner Stewart (Chairman) - Nothing to report.

**14 CLOSED SESSION**

14.1 To discuss with the public body's attorney, Andrew A. Cascini, a memorandum of advice as permitted under section 8(h) of the Open Meetings Act under the statutory basis of section 13(1)(g) of the Freedom of Information Act, exemption from public disclosure information or records subject to attorney-client privilege.

Moved by Commissioner: Minton Supported by Commissioner: Jacobs  
to enter into closed session at 6:30 PM

**Roll Call Vote as Follows:**

William Kipf	<u>Yes</u>
James Jacobs	<u>Yes</u>
Danny Minton	<u>Yes</u>
Jack Thayer	<u>Yes</u>
Greg Stewart	<u>Yes</u>

**Vote:** Ayes: 5 Nays: 0 Excused: \_\_\_\_\_ Motion Carried

Moved by Commissioner: Kipf Supported by Commissioner: Minton  
to reconvene the regular open meeting at 7:53 PM

**Roll Call Vote as Follows:**

William Kipf	<u>Yes</u>
James Jacobs	<u>Yes</u>
Danny Minton	<u>Yes</u>
Jack Thayer	<u>Yes</u>
Greg Stewart	<u>Yes</u>

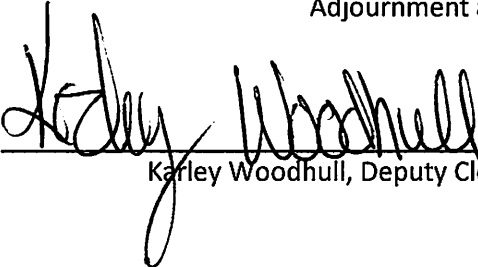
Motion Carried

**Vote:** Ayes: 5 Nays: 0 Excused: 0 Motion Carried

**15 ADJOURNMENT**

Chairman Stewart adjourned the meeting with no further objection.

Adjournment at: 7:54 PM

  
\_\_\_\_\_  
Karley Woodhull, Deputy Clerk

Monday, July 10, 2023

\_\_\_\_\_  
Date