

**BOARD OF COUNTY ROAD COMMISSIONERS
GOGEBIC COUNTY ~ BESSEMER MICHIGAN**

**REGULAR MEETING
MONDAY, AUGUST 8, 2016**

The regular meeting of the Board of County Road Commissioners was held in its offices in the Courthouse Annex, City of Bessemer, on the above date.

Present: Don Bennetts, Chairman
Rob Drier, Commissioner
Roy D'Antonio, Commissioner
Patricia Hagstrom, Secretary

Marti Wegner, Vice-Chair
Dan Siirila, Commissioner
Darren Pionk, Engineer/Manager

Also Present: Numerous Public Attendees

- I. **Call to Order** ~ Chairman Bennetts called the meeting to order at 5:00 pm.
- II. **Pledge of Allegiance**
- III. **Approval of Agenda** ~ A motion was made by Siirila, 2nd by D'Antonio, with all in favor to approve the agenda with the following addition: NB. c. John Turkal, Bessemer Planning and Zoning Commission Chairman. Additions to the agenda was discussed and it is felt that there should be some limits on adding items to the agenda during the meetings. Patti Hagstrom thinks there is a deadline of noon on the Thursday prior to the regular meeting for requests/items to be placed on the agenda. This will be researched.
- IV. **Approval of Meeting Minutes** ~ A motion was made by Siirila, 2nd by D'Antonio, with all in favor to approve the following minutes:
 - Special Meeting of Tuesday, July 19, 2016
 - Township Meeting of Monday, July 25, 2016
 - Finance Meeting of Monday, July 25, 2016
 - Regular Meeting of Monday, July 25, 2016
 - Special Meeting of Monday, August 1, 2016

Public Comment ~ On Agenda Items Only ~ 5 minute limit ~ Leah Gramitt; a City of Ironwood resident stated that the spring on Lake Road is her main source of drinking water. She has done some research and feels the Western Upper Peninsula Health Department findings are inconclusive and would like the Board to consider extending any decision on closing the spring until additional testing and options are considered. She added that the residents in the Little Girls Point area use this spring as their main source of water. She states that the article in the *Ironwood Daily Globe* doesn't state that the water is unsafe to drink it states it is questionable. John Turkal stated that samples can be taken on a daily basis. Jim Mattson, a Lake Road resident, stated that he has never gotten sick from drinking the water from the spring. He added that the cast and hardware are still intact and that the edge of the roadway is in need of repair due to washouts. He suggested a co-op project with the township be considered to move the water spout up the hill closer to the cast. He stated that years ago, the Gogebic County Road Commission and Ironwood Township shared resources to fix the spring. Brian Stella, a City of Ironwood resident, he stated that his son has a cabin in the LGP area and in the letter from Lynne Madison with WUPHD suggested individuals drill wells on their properties. His son's well tested high in iron bacteria, he drilled a 2nd well for thousands of dollars and that water test came back with the same high level of

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iron bacteria. He feels the WUPHD should not base their judgement on one bad test result and that more studying should be done. Another LGP resident stated that when she moved to the area about 18 years ago, a well was drilled on her property, was tested and the water test came back with high volumes of salt and she depends on the spring for a primary water source. Sue & Jake Flynn, City of Ironwood residents, stated they use the spring for their main source of drinking water and have never gotten sick and this water is very important. Mrs. Flynn commented on the suggestion from the WUPHD to buy bottled water stating that tests have been done on bottled water and the results show that some of the plastic used can be harmful. Tammy Peterson, a LGP property owner, stated her family has used the spring for many years and no one has ever gotten sick. She added that there are people that use this spring as a dedicated water source. She is in support of any kind of delay in the closure of the spring.

V. Old Business

- a. 2016 Flood Update ~ Darren began with an update. He is in discussion with the Federal Highway Department and the Michigan Department of Transportation in regards to funding. The FHWA has been provided with the DDIR forms, these are the assessment forms needed for approval for each of the damaged sites. A conference call was held this morning with FHWA and MDOT to discuss options and what can be done to move forward. It is possible that notification will be given by Thursday on some of the permanent repairs (emergency repairs) so the construction schedule may be sped up. Other options discussed are materials only bid for the CONSPAN structure. The big issue that is being worked on now is obtaining right-of-way clearance. Clearance needs to be granted in the ROW along the sites before any funding is given and bids can be called for. Chairman Wegner asked how many pieces of property we are looking at. Darren advised that there are 24 parcels. Contact has been made with the majority of the property owners. Most are willing to work with the GCRC to do what is needed to get repairs done. The process of preparing the easement documents and obtaining the quick claim deeds needed is time consuming. A fair market study has been done which will be paid to the property owners if they wish. The property owners do have the option to donate however it is the property owners' option. Obtaining signatures, recording the documents and submitting the information to FHWA showing that easements are secure is part of the process. The progress schedule presented to the Board shows an approximate completion date of September 5, 2016 to obtain the easements. The first design package for work to be done from Oman's Creek west to Lower Powers Road (Phase I) has been submitted to MDOT today. Phase II is scheduled to be completed and submitted on Wednesday of this week. Darren is pushing MDOT to give review comments on these packages by next week. Darren added that the schedule is very tight but GCRC is moving forward. Discussion took place on the State Infrastructure Bank Loan application. Darren advised the Board that he feels confident the funding will come through however it may be lagging behind when the construction starts. The SIB loan is through MDOT for the construction work. If funding is granted from the Emergency Relief Fund for 80% to 100%, MDOT would grant an interest free loan. The remaining 20% to 0% match amount of the loan can be on a 20 year repayment schedule at a low interest rate. Commissioner D'Antonio added that the ROW issue scares him due to dealing with families and/or trusts and how this could hold progress up. Preparing the easements takes time. Darren has the sites set up individually so if ROW is not obtained at one location and ROW is obtained in another location the work would be done at the cleared ROW location. If no ROW is obtained the site will be prepped for winter and rescheduled for 2017. Darren added that the sites have been designed for minimum construction footprints as possible. The majority of the sites that have steep slopes, where box culverts are to be installed, will

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have guardrail. Commissioner Siirila questioned the process of obtaining the ROW clearance and funding. Darren explained that ROW clearance needs to be obtained prior to construction at each individual site, the funding can be given prior to the ROW clearance, but the actual funding obligation will not be given until the site has ROW clearance. Wegner questioned how much money will be applied for on the SIB loan. Darren stated that the culvert fabrication and installation is approximately 2.8 million, the emergency \$400,000 that has been spent so far and the 20% GCRC match he is estimating approximately 4 million dollars. 1.4 million has been set aside for the road portion of paving and is not included in the loan amount. D'Antonio stated that the loan needs to be applied for as soon as possible. Wegner wants to make sure that the money needed is not under estimated. D'Antonio asked about the amount GCRC would have to contribute. Darren stated that there may be state appropriation monies available through the Transportation Committee. He added there are additional engineering and inspection costs that could be paid for but GCRC will still have to match 20%. Receiving the loan will allow GCRC to move forward with the repairs when the designs are approved and clarified that the funding may not be obligated until 2017 leaving GCRC in a bind. As the funding is obligated it would be paid toward the SIB loan. The ER program funding, as in the past, doesn't come through until usually 3 years after repairs begin as the repairs need to be 100% completed. D'Antonio asked about using the GCRC fund balance if needed. Wegner would prefer not to use the fund balance because of the possibility of having another event. Darren added that the funding that is being applied for is only for Lake Road which is a federal eligible road. Brace Road, Partridge Road, and others that are not eligible for any funding and are in need of repairs amount to about a half a million dollars. The overall big picture needs to be considered. A motion was made by Wegner, 2nd by D'Antonio, with a roll call taken: Ayes ~ D'Antonio, Wegner, Drier, Siirila & Bennetts; to apply for the SIB loan for the amount based on the engineers estimates (approximately 4-5 million). Darren will know the cost tomorrow but will not know the true dollar amount until the bids are let out. Average unit pricing is used in the engineer's estimates. Things to consider are the availability of contractors available to do the work and the time it takes to fabricate the materials to get the repairs done in the short time that is available before winter hits. Darren added that there are some sites that the culverts are still intact, functioning and have one side of the roadway washed away. These sites are not considered replacement value and there are about 6 sites. There are many steps to be taken to obtain funding. D'Antonio suggested that the progress schedule shared with the Board should be made available to the public. Darren stated that it is very preliminary and is subject to change. Darren has a deadline set of November 18, 2016 to get as many repairs done before winter. D'Antonio asked about the bridge past the Hallberg's residence. Darren stated that this site will have a CONSPAN structure installed. D'Antonio asked about the temporary bridge. Darren said that the bridge is on hold and the bridge could be here in 4 days if needed. Money was set aside through the FHWA for the rental of the temporary bridge which costs \$100,000 to rent through the month of June. The use of the rental bridge is plan B if the funding doesn't come through.

- b. Truck Financing ~ With the work that has been needed to move forward with the repairs from the flood, Darren stated he hasn't had time to obtain information. He has meetings set up with some of the local banks this week and will put together a bid package and send the packages out to bidders later this week. Darren stated that Scott Cebolski, Shop Foreman, went to look at the trucks today. Mr. Cebolski stated that the trucks are in along with all of the equipment. D'Antonio asked about the lighting on the trucks for safety. Mr. Cebolski stated that the trucks have the appropriate lighting including the light bars.
- c. Vacation & Sick Leave Usage Update ~ No update was available. A motion was made by Siirila, 2nd by Wegner, with all in favor to table this item.

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- d. Cutting Edge Bid Tabs ~ 5 bids were received and only 2 submitted complete bids for all of the items needed. H&L Mesabi's bid was \$36,102 and D.A. MacPherson's bid was \$37,100.08. A motion was made by Wegner, 2nd by Drier, with a roll call taken: Ayes ~ Drier, Wegner, D'Antonio, Siirila & Bennetts; to award the bid to H&L Mesabi.

VII. New Business

- a. MDOT 2014 Audit Results ~ Patti Hagstrom explained the results stating that the adjustment amount of \$18,968 due to MDOT is a result of an adjustment to the audit to cost on equipment usage. She explained that in the past few years, GCRC has been tracking true GCRC equipment costs instead of using the Schedule C rates provided by MDOT. A motion was made by D'Antonio, 2nd by Siirila, with all in favor accept the results and pay MDOT the adjustment amount.
- b. Wester UP Health Department Letter ~ Darren opened by stating that the letter and tests are from the health department not the road commission and the reason GCRC was notified is because the road commission holds the deed to the land that the spigot is located on. As an engineer, he feels he needs to state that the water not be used for drinking water. The public needs to be protected. The options given at the public comment section at the beginning of the meeting poses the question if the road commission is jumping the gun in capping the spring. He feels the site should be secured so no one drinks the water until further investigations can be done. His recommendation is to close the spring off at this time. Siirila stated that he will be representing the Ironwood Township residents in January on the Gogebic County Board and has dealt with the health department. While he was a member of the forestry board he had dealings with the health department and has a bad taste in his mouth from the experience. He drank that water during the flood event and understands that 1 individual did get sick. He believes another sign should be put up because the sign put up this past Thursday has been removed. He feels that it should be tested in a month and feels if it is shut down it will not be re-opened. He suggested having someplace else test the water besides the health department. Wegner stated that the report noted that the discharge pipe is damaged and asked if this could contribute to the contaminants. Darren has not inspected the pipe. Darren stated that we are the road commission and are not in supplying the public with water bussiness. He understands that the spring has been there for years but road matters are the GCRC's main function. He questioned who would pay for the testing as the road commissions funding is for roads. Darren feels this should be discussed with Ironwood Township and putting a sign up would do just about as good as the one that was there, someone will remove it. His recommendation is to place snow fence around the spring. One person was possibly affected by the water; however the public needs to be aware and protected. Siirila feels the deed should be handed over to someone else or Ironwood Township. He feels that people are still drinking the water. Leah Gramitt stated that she saw nothing in the report that identifies any harmful bacteria in the water. D'Antonio doesn't think it should be closed and asked if there was a chance it would clean itself, and could we get a well driller to see if the pipe could be replaced. Darren again said road money would be being used. He feels the road commission would be opening itself up by trying to improve or take care of the spring. He says the spring should be the issue of Ironwood Township or the Gogebic County Board. D'Antonio suggested that in the meantime that something should be worked out with Ironwood Township. Darren stated that it should be fenced off until the road commission can determine what the best course of action is. D'Antonio said the road commission should get it tested once a week. Again, Darren asked should the road commission pay for the tests using road funds. Sharon Hallberg stated that she was at the Ironwood Township offices and they plan on testing the water frequently. She stated that a similar issue was brought up in

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Ashland, Wisconsin and the public donated funds to test and keep that spring open. Darren suggested that snow fence should be placed until a plan can be discussed. The liability to the road commission would be if it is known that someone got sick from drinking the water, that person could sue the road commission. John Turkal stated that he has a problem with the report as it doesn't specify the amount of coliform detected. A question was brought up asking if the crock is located in the road commission deeded ROW. Darren stated that the ROW along the roadway is 233' on each side. A public member said that with that amount of ROW, the crock is located in the road commission ROW. A motion was made by Siirila, 2nd by Wegner, with a roll call taken: Ayes ~ Wegner, Siirila, D'Antonio, Drier & Bennetts; to erect signs at the spring location indicating the water should not be used for drinking water and contact should be made with Ironwood Township to monitor the testing. D'Antonio suggested that Ironwood Township and the Gogebic County Board should be contacted to possibly take over the spring.

- c. Gravel from Forestry Pit (Lake Road) ~ Darren has talked with Greg Ryskey at the Gogebic County Forestry and the forestry department is looking at crushing gravel at the Lake Road Pit. The forestry department asked if the road commission would be interested in having gravel crushed in this pit for the Lake Road repairs. Darren came across an agreement between the road commission and forestry department that specifies a timber/gravel exchange agreement. Darren suggests that 5,000 yards of gravel be produced for the road commission. A motion was made by Siirila, 2nd by D'Antonio, with a roll call taken: Ayes ~ D'Antonio, Siirila, Drier, Wegner & Bennetts; to have 5,000 yards of gravel produced with the road commission paying for the crushing.
- d. John Turkal Bessemer Planning and Zoning Commission Chairman ~ Mr. Turkal stated that the Bessemer Planning and Zoning Commission would like to change the zoning on the Marchalek Road property owned by the road commission to country estate. He would like the Board to think about this. He also discussed the Bessemer High School addition that would close Iron Street. His concern is with parking and routing the traffic from the road commission, sheriff's department, health department and courthouse. If this street is closed, he feels approximately 50% of the parking areas now would be eliminated. He would like to know from the road commission if this is going to be a problem and feels the GCRC Board should let him know as soon possible. He stated that a public hearing on the school addition will probably not happen until October or November. Mr. Turkal added that he feels the road commission employees have done a wonderful job through the recent weather event. Darren requested to see the site plans for the school addition and Mr. Turkal will contact him when the plans are available to be reviewed.

- VI. **Public Comment** ~ Sharon Hallberg stated that she really appreciated the report given by Darren and that he has really been on the ball. She asked about the liability to the Lake Road/Little Girls Point residents for fire and ambulance services. Ironwood Township and Saxon Wisconsin have a reciprocity agreement for these services and with the bridge not being placed on the west end of Lake Road response time is increased. When an emergency occurs in the LGP area Saxon is notified and response time is quick. She feels that the Acrow bridge should be ordered and paid for by the \$250,000 that is in a CD held by the road commission. She knows the bridge is temporary but feels it is something that needs to be addressed. Many things could happen in the LGP area, such as the rain that is predicted for Thursday. She feels the temporary bridge is a priority. Darren had a discussion with FHWA and MDOT and he stressed his concern for EMS services from Saxon. The response time from Saxon is approximately 5 minutes versus 15 to 20 minutes, possibly longer due to the road condition of Lake Road, from Ironwood Township. Darren stated that FHWA and MDOT are looking at having this location as a stand-alone project to replace the structure as

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soon as possible. The bid would be an emergency bid. If this location is taken care of now with the temporary bridge and FHWA and MDOT inspect the location and grant funding the road commission would be responsible for 100% of the rental of the temporary bridge. Darren stated he has to work through some of the processes in regards to securing the funding first. The temporary bridge is on standby if it is needed. Mrs. Hallberg asked when an answer is expected on the funding. Darren says hopefully by the end of the week or the beginning of next week. Darren added that it will take about 3 weeks to construct the CONSPAN structure. D'Antonio asked that if the funding comes through for this location would the temporary bridge be placed at the location. Darren stated no and said permanent repairs would begin to replace the structure. Access is available from the west end from Saxon and from the east end from Lake Road. A public attendee asked if the repairs are going to be done by a contractor. Darren stated contractors would be making the repairs. The attendee asked if it was going to be 1 contractor, numerous contractors and sub-contractors. Darren stated it could be either way. Darren is planning on having 2 contractors for each end of Lake Road working simultaneously as these repairs cannot get done in a timely manner with 1 contractor. The west side work will have access through Saxon and the east side will have access through Lake Road. An attendee stated that the CONSPAN would need to be installed prior to work being done near the Patterson and Maki residences. Darren stated yes this is correct. The attendee clarified that it takes 3 weeks to construct the CONSPAN and asked if the ROW has been cleared at this location to install the structure. Darren stated that ROW clearances are being worked on. The attendee added that there is one resident along Lake Road who is not in favor of giving ROW clearance and said that this could hold up repairs. Darren said the road commission is working on many different parts to get the repairs done and said it is a logistic nightmare. The attendee stated that it is August 8, 2016 and come December 15, 2016 the ground will be frozen near the LGP area due to the lack of snow and it is his understanding that some of this work, if any, may not get started until 2017. Darren said that the road commission, FHWA, MDOT and others are working around the clock to get things taken care of as fast as everyone involved can get them done. The attendee added that time is running out. The attendee asked about the funding that Wisconsin is receiving. Darren stated that Wisconsin is different as WISDOT maintains a majority of the roadways. Wisconsin also has FEMA funding to help with the repairs. Mr. Maki, a Lake Road resident, commented on the access through Powers Road and doesn't feel it is going to work due to the condition of the road. He added that the forestry department has done nothing to Powers Road. Mr. Patterson, a Lake Road resident, stated that near Mr. Maki's residence the crossing is narrowing. He added that at site #18 there is a culvert that is completely blocked and would like to have someone look into it. He also, stated that there is a lot damage being done to the crossings from the traffic. Darren added that the road commission is on watch for the predicted rain on Thursday and Lake Road will be inspected. Mr. Patterson extended his assistance if needed. Mrs. Hallberg again says that the LGP residents are scared and asked that if the temporary bridge was installed would it jeopardize the funding. Darren stated that all the proper steps need to be taken in a specific way to obtain funding. For example if culverts are purchased prior to funding being allocated, the culverts costs will not be reimbursed. Mrs. Hallberg asked how long it is going to take to install the CONSPAN structure. Darren stated it will take till the end of October. Mrs. Hallberg feels that if installing the temporary bridge will not jeopardize the funding that it should be installed for the \$100,000 rental as the liability of 1 house fire or 1 ambulance call that will be a 45 minute response is something the Board should look into. Darren asked for a couple of days to work with FHWA and MDOT to get the site approved. A special meeting will be called if needed. Darren explained that placing the temporary bridge at the location may slow the process down as in the eyes of FHWA and MDOT they could say that

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there is access at this location and think they don't have to rush on getting funding fast tracked. Siirila feels that the road commission should be purchasing the pipes and box culverts needed to make the repairs prior to the funding being allocated. He feels the road commission has the money and that the road commission would be purchasing the culverts anyway. He feels that if MDOT refuses the road commission the money, the road commission would have to purchase the culverts regardless. Darren stated that FHWA and MDOT are not going to refuse the road commission the funding. It is a matter of obtaining the ROW clearances. Siirila feels if the items are ordered tomorrow, the road commission would be a week ahead. D'Antonio stated that the road commission would not get reimbursed for the culverts purchased prior to funding being allocated. D'Antonio added that the culverts may not be the right design for a specific location. Siirila felt that the culverts should be ordered as the time-span to make the repairs is running out. Siirila asked if MDOT checks to see if items are ordered prior to funding. Darren stated yes as records need to be kept as in bills of sale, bills of lading on when a structure is fabricated, shop drawings, etc. and the road commission would not get reimbursed. D'Antonio asked how much the box culverts cost. Darren said out of the 2.8 million, 1.2 million is just for the culverts. Darren added that FHWA and MDOT are reviewing the sites right now.

Adjourn ~ A motion was made by Siirila, 2nd by Drier, with all in favor to adjourn at 6:53 pm.

BOARD OF COUNTY ROAD COMMISSIONERS

Secretary

Chairman