

Regular Session of the Board of County Road Commissioners for the County of St. Joseph, State of Michigan, was held with Polycom access at 5:45 p.m.

The Vice Chairman Chupp of the board called the meeting to order and the pledge of allegiance to the American Flag was given.

Present: Vice Chairman Rodney Chupp, Commissioner Vince Mifsud, Commissioner David Miars, Commissioner Jack Coleman, and Clerk Julie Mayuiers

Absent: Chairman Eric Shafer  
Staff Members Present: John Lindsey, Managing Director  
Garrett Myland, Assistant Manager & Engineer  
Don Preston, Safety and Engineering Tech

Visitors: Robert Tomlinson, Three Rivers Commercial News  
John Nelson, 68241 Edgewater Beach, White Pigeon, 269-599-3483  
Ted & Lori Crocker, Corey Lake Marina, 59549 County Line Road,

Motion by Commissioner Mifsud seconded by Commissioner Miars to approve consent the agenda and minutes of May 18, 2022, Work Session. Motion carried.

Public Comments:

John Nelson – His neighbors tore a house down last July and water from the rain last night created a huge swamp. They put up silt fence but nothing to encapsulate the water. Road commission water came down the hill and flowed into his house. An inlet needs to be created to solve this from happening going forward. He has pictures and would appreciate the road commission coming and looking at the situation. He will probably have black mold in his house now due to the water. Something needs to be done, he's not putting up with this any longer. He has many years of experience as an Engineer with many different types of Engineering degrees. Somebody screwed up when allowing this house to be built. He is on vacation all week and would like to meet with someone at his house.

He demoed the previous house and their permits have now expired. Nothing is being done, understands they are trying to get new permits. He's looking for someone to come and take a look at this. This is the perfect opportunity to put in an inlet with a sump pump with a point of source discharge. He doesn't want contaminants going down to the lake. The road changed when it was repaved and the lip went away. He was there when it was repaved so he recalls seeing the change.

Vince Mifsud said his understanding of flat surfaces across the road, the township only requires homeowners to contain their own flat water. There are numerous garages on the hill, there are 4-5 houses you just look at the roofs, the township needs to take some responsibility.

John Nelson said ultimately the issue will be resolved when a new garage and the driveway are finished. Everything came to a halt last year with the suppliers and shortages, etc.

Vince Mifsud continued that even grass is draining on the road.

John Lindsey said we had over 5" of rain in the county last night which is 50 year rain event and our guys have been out all day on trees and washouts, etc.

Vince Mifsud said personally thinking this is the 3<sup>rd</sup> or 4<sup>th</sup> summer in a row we get these downpours. Last summer he put thousands of dollars in his driveway and everything ran down the hill of his driveway.

John Nelson said it is his neighbors property causing problem.

John Lindsey said we can't just put a berm on the road.

Rodney Chupp said he was sorry for the water in Mr. Nelson's house. The water is considered flood water and wouldn't be covered by home-owners insurance. It would only be covered if he had flood insurance. Rod thanked Mr. Nelson for coming in and explaining things and appreciated his personable demeanor.

Ted & Lori Crocker – Ted apologized for his outburst on the phone this morning. He's had issues the last 12 years he has lived there. He still has a flooded basement and this is their home, their business and their livelihood. He has major damage to his house and business and these are all road commission issues. He has 18" ditches, a truck load of gravel in this boat launch, flooded basement, 3' trench at the seawall and the water is in danger of damaging his drywall. Even pushed water under his seawall and going to cost thousands of dollars to fix things. He has discussed this with an environmental attorney and a local attorney. He uses his personal bobcat to weekly repair damages. The water is not their water.

John Lindsey said the water has been coming off the road for the last 100 years.

Jack Coleman said he went out there this morning and has pictures showing the damages and would like to see if we can't do a more permanent solution.

John Lindsey said everybody turns to the road commission for solutions. Somebody paved your drive several years ago to solve this issue and it needs repaired.

Ted Crocker said the landowners on the road are willing to just pay to pave the road. Nobody is willing to do anything until the road is fixed though. Ted is doing renovations to the building now. The road commission dug out the ditch and found a raceway, the rip rap just gave the water more speed. The rest of the residents will be joining this. Mailboxes moved top of hill, garage and landscapers won't drive down the hill.

He disagrees with the counties water coming down their driveway onto their property...why is this any different than any other.

Rodney Chupp said the water is coming off the land.

Ted said rip rap and logs come down the hill into the lake. This pushes a tremendous amount of water.

Rodney Chupp said he will go take a look at it.

Garrett Myland said they need a catch basin to help solve the problem and an easement and then pump it out every once in a while.

Terra Draper said the dock is still in at Fish Lake. The neighbor wants to buy a pontoon but no place to put it in. What has the road commission done since the last meeting?

John Lindsey said there is something in the court system right now and they are trying to serve someone else papers regarding a similar issue. He has reached out to attorney Cliff Bloom but gotten no response.

Terra said she is not giving up, she will come to every meeting. Now there are 6 others on the lake with similar situations.

Rodney Chupp said he also spoke with an attorney friend regarding riparian rights in Michigan.

Melissa & Tom Benigno said people know the rules, maybe they need to get people out there with picks to clear out and plant hosta's. If 5" of rain catches Fish Lake, they will be gone. They have picked rocks and slurry from the drain project. People need to stop disturbing the banks. He's talked with Steve Wolf and Jeff Wenzel.

Terra Draper asked if when they do find the people and serve them, does the road commission make the law or ordinance or do we tell the township? She said she has a document saying they can't have a dock anymore.

Vince Mifsud said the judge will make the ruling.

Rodney Chupp said we are expecting a ruling from the judge. We want to come up with a good policy on what we think can be done. Who's policing heavy traffic going over bridges?

Motion by Commissioner Miars seconded by Commissioner Mifsud to approve the agenda and consent agenda of June 15 Work Session. Motion carried.

#### **CERTIFIED MOTION**

Motion by Commissioner Mifsud seconded by Commissioner Coleman to accept and award the bid to Contech Engineered Solutions, LLC for the Shimmel Road at Sherman Mill Creek culvert project in the amount of \$98,500.00 (Ninety eight thousand five hundred and 00/00 dollars).

Roll Call Vote: Ayes: Miars, Mifsud, Coleman, Chupp      Nays: None  
Absent: Shafer      Abstained: None      Motion carried.

I, Julie A. Mayuiers, Clerk of the Board of County Road Commission of the County of St. Joseph, State of Michigan, hereby certify that the above is a true and correct copy as recorded in the minutes of the meeting of July 6, 2022.

*Julie A. Mayuiers*

Julie A. Mayuiers  
**Clerk of the Board**

#### **CERTIFIED RESOLUTION**

**WHEREAS**, there was a Notice of Funding Opportunity for the Department of Transportations' 2022 Bridge Investment Program Grant

**WHEREAS**, the St. Joseph County Road Commission will commit local funding match for the following bridges if accepted by the 2022 Bridge Investment Program Grant Opportunity.

**NOW, THEREFORE BE IT RESOLVED**, that the St. Joseph County Road Commission submit the necessary documentation to have the following bridges applied for

1. Farrand Road over the St. Joseph River (SN 10324) replacement at a Twenty (20) percent match of the estimated \$7,145,000
2. Constantine Road over the St. Joseph River (SN 10358) replacement at a Ten (10) percent match of the estimated \$5,800,000

**MOTION** by Commissioner Miars seconded by Commissioner Coleman that the above bridges have applications submitted for the **2022 Bridge Investment Program Grant**

**Ayes: Mifsud, Coleman, Miars, Chupp**

**Nays: None**

**Absent: Shafer**

**Abstained: None**

**Motion Carried**

I, Julie A. Mayuiers, Clerk of the Board of County Road Commissioners of the County of St. Joseph, State of Michigan, hereby certify that the above is a true and correct copy as recorded in the minutes of the meeting of July 6, 2022.

*Julie A. Mayuiers*

Julie A. Mayuiers  
Clerk of the Board

Motion by Commissioner Mifsud seconded by Commissioner Miars to accept and award the bid to Seiler Geospatial for the Trimble R12l in the amount not to exceed \$68,797.59 (Sixty eight thousand seven hundred ninety seven and 59/00 dollars) by

Roll Call Vote: Ayes: Miars, Coleman, Mifsud, Chupp

Nays: None

Absent: Shafer

Abstained: None

Motion carried.

I, Julie A. Mayuiers, Clerk of the Board of County Road Commission of the County of St. Joseph, State of Michigan, hereby certify that the above is a true and correct copy as recorded in the minutes of the meeting of July 6, 2022.

*Julie A. Mayuiers*

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Clerk of the Board

2<sup>nd</sup> Quarter Safety Drawing was held and the winners were: Glen Borntreger, Jon Roggelien, Don Preston & Julie Mayuiers

Commissioners Comments:

David Miars – Good presentation by Garrett Myland on Lutz Road Project. Thanks for the presentation on Mintdale this morning also. Jack and he have been going through the policies and are going to try and bring one policy to each meeting to present.

Jack Coleman – told everyone to have a good trip to the MCRCSIP Conference.

Vince Mifsud – thanked John Nelson for coming personally.

Rodney Chupp – Garrett and Don gave Rodney the name of Mike Perkins at MDOT in Marshall to contact about taking down a tree at M-86 and Nottawa Road where a recent accident happened. Mike was really nice and helpful. He said we was taking it back to his superiors. We have this nice Commissioners Code of Conduct and Julie will get that hung up here in the conference room. Thanked everyone for their work and good presentation. We need solutions for our water issues.

Meeting adjourned at 7:30 pm.

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Rodney D. Chupp, Vice Chairman

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Julie A. Mayuiers, Clerk of the Board

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