

GRAND VALLEY METRO COUNCIL
Board Meeting

October 7, 2004
8:30 a.m.
Kent County Building

MINUTES

1. Call to Order

The meeting was called to order at 8:30 a.m. by Chairman Jim Buck.

Members Present

Cindy Bartman	City of East Grand Rapids
Dale Bergman	Sparta Township
Jim Buck	City of Grandville
Daryl Delabbio	Kent County
Mike DeVries	Grand Rapids Township
Tom Fehsenfeld	At-Large Member
Sandy Frost Parrish	Cascade Township
George Heartwell	City of Grand Rapids
Don Hilton	Gaines Township
Dennis Hoemke	Algoma Township
Ron Howell	Village of Middleville
Kurt Kimball	City of Grand Rapids
Pauline Luben	City of Hudsonville
Mick McGraw	At-Large Member
James McIntyre	Courtland Township
Jim Miedema	Jamestown Township
Cy Moore	Treasurer
David Morren	Kent County
Deborah Nier	City of Wayland
Steven Patrick	City of Coopersville
Bob Rinck	Ottawa County
Bonnie Shupe	Cannon Township
Rob VerHeulen	City of Walker
Ted Vonk	Kent County
Al Vanderberg	Ottawa County
Michael Young	City of Rockford

Members Absent

Jim Beelen	Allendale Township
George Bosanic	City of Greenville
Bryan Chodkowski	Village of Sparta
Bev Drake	ACSET Council
Dave Groenleer	Plainfield Township

Bryan Harrison
Doyle Hayes
Cindy Heinbeck
Jim Holtvluwer
Jerry Homminga
Robert May
Rick Root
Larry Silvernail
Tom Wiczorek
Bill Wiersma

Caledonia Township
At-Large Member
Alpine Township
Georgetown Township
Cedar Springs
City of Hastings
City of Kentwood
Byron Township
City of Ionia
Tallmadge Township

Others Present:

Leon Branderhorst
Andy Bowman
Anna Christensen
Jim Fetzer
Abed Itani
Gayle McCrath
Don Stypula

Grand Valley Metro Council
Grand Valley Metro Council
Grand Valley Metro Council
ITP
Grand Valley Metro Council
Grand Valley Metro Council
Grand Valley Metro Council

2. Approval of Minutes dated September, 2004

MOTION – To Approve the Minutes of the September, 2004 GVMC Board Meeting. MOVE – VerHeulen. SUPPORT – Vanderberg. MOTION CARRIED.

3. Financial Report

Cy Moore gave the financial report. Mr. Moore stated GVMC has \$578,000 in checking and savings and \$323,000 in receivables mostly from MDOT. A \$15,000 deficit is still projected for the 2003-2004 fiscal year as is a \$680,000 fund balance at year end.

The auditors have begun their work and should have the final audited financial statement by January or February at the latest.

REGIS is on budget to date and should end up with a fund balance of \$350,000.

4. Report From Nominating Committee

Kurt Kimball reported that the nominations for GVMC officers and the Executive Committee for 2004-2005 were included in the agenda packet.

MOTION to approve the nominations for GVMC officers and Executive Committee for 2004-2005. MOVE – Kimball. SUPPORT – Young. MOTION CARRIED.

5. Committee Members and Meeting Dates

Chairman Buck reported that the committee member listings and meeting dates were included in the agenda packet. If anyone would like to be added to a committee, please notify either Jim Buck or Gayle McCrath.

6. Civics Institute Presentation

Chairman Buck stated he would like to move the presentation by the Civics Institute up in the meeting to this point.

Michael Young gave a presentation on the Local Government Curriculum created by the Civics Institute. The curriculum is the culmination of seven years of work and would not have happened without the work of Al Vanderberg. GVMC donated \$5,000 to create an in-service DVD to instruct teachers how to use the program. The program augments current curriculums by focusing around the social studies area of the MEAP test. The curriculum is free and downloadable from the web.

7. Transportation – Title VI Policy

Anna Christensen explained the proposed Title VI policy. It is a formal written policy that lists steps taken to ensure nondiscriminatory practices for entities that receive federal funding. It has been approved by Mika Meyers and has been given preliminary approval from MDOT. It will be forwarded on to MDOT after it is formally approved by GVMC.

MOTION – To approve the proposed GVMC Title VI Policy. MOVE – Moore. SUPPORT – Kimball. MOTION CARRIED.

George Heartwell questioned whether other groups such as those representing the disabled, the Racial Justice Institute, etc. were consulted on the policy.

Ms. Christensen said those groups could certainly be included in the public involvement of the program. The actual wording of the policy came mainly from boiler plate samples that MDOT had provided.

8. REGIS

- a. **Appointment of Cathy VanderMeulen as REGIS Board member for City of Walker.**

MOVE – to appoint Cathy VanderMeulen as REGIS Board Member for the City of Walker. MOVE – Rob VerHeulen. SUPPORT – Al Vanderberg. MOTION CARRIED.

- b. **Arch 9 Migration** – Don Stypula stated the Arch 9 migration was moving along. They had some technical difficulties and were in daily contact with each and every REGIS member on their questions. The public internet site is to be back up by next Thursday. After that, training will begin both at GVMC and on site at

members' locations.

- c. **New REGIS Operational Model** - Don Stypula reported on the federated operating model being considered for REGIS. He stated that several entities have taken GIS to the next step and beyond. Some members of Regis are happy with the current model and want things to remain the same. He stated he needed to respect the needs of Grand Rapids, Kent County and Kentwood, as well as the others.

Mr. Stypula reviewed the three committees that have been created to move the process forward: Policy Advisory; Technical Advisory; and User Advisory. These committees will begin meeting this month and plan on having final recommendation for approval in December.

9. Study from Citizens Research Council

Don Stypula reported on a survey on local government finance the Citizen's Research Council will be doing. The study will include shared services and local government consolidation. It will involve extensive interviews with local jurisdictions across the state. Currently funding has been secured by the Mott Foundation which will fund sampling in the Detroit area. Where the sampling takes place will be largely determined by the funding sources.

10. Legislative Update

Don Stypula gave the legislative update which included the following written report:

State lawmakers have completed action on the FY '05 state budget and the House has recessed for campaigning until after the November election. The Senate – not encumbered by the election cycle – has been moving legislation through the Committee process in preparation for a spirited “lame duck” legislative session that begins after the election.

TRUCK LENGTHS AND WEIGHTS

The lame duck zaniness has started early this year as lawmakers have placed into position for a final vote a bill that increases the allowable weights and lengths of trucks traveling our highways and local streets. At the urging of the trucking industry, aggregate carriers and the Michigan Road Builders Association, the Senate Transportation Committee reported to the full Senate **House Bill 4358**, sponsored by Rep. Gene DeRossett (R-Manchester), that increases allowable truck lengths on Michigan roads from 59 to 65 feet, decreases fines and penalties for overweight trucks and guts the ability of local governments to designate which roads these behemoth trucks can travel. Supporters convinced both the House and Senate Transportation Committees that this is good public policy for our state.

Specifically, **HB 4358** will allow these lengthened 65 foot trucks to travel on ANY (yes, any) Michigan highway, road, or local street without respect to prior limitations placed on these roads by the local governments. In addition, any fine for operating an overweight truck will effectively be lowered to \$250, which renders the penalty virtually meaningless to most large trucking companies.

The bill was strongly opposed by local government groups. They are rallying local officials to contact Senate Transportation Committee Chair Jud Gilbert (R-Algonac) at 517-373-7708 as well as your own State Senator and urge them to vote "NO" on **HB 4358**.

RECALL LEGISLATION

Despite the daily efforts of MTA, working in consort with GVMC and other groups to get this legislation moving through the Senate, the recall legislation will be delayed lame duck, if it is considered at all. We need our own Senate Majority Leader Ken Sikkema, chair of the Senate Government Operations Committee, to conduct a public hearing and report House-passed **HB 4638** to the Senate floor. Budget negotiations and other issues stalled consideration of this legislation. The recall legislation awaiting Committee action prohibits recalls of local officials during the first and fourth years of a four-year term. While not ideal, we believe – as do MTA, MML and MAC – that this is a good start. Hopefully, we can get a hearing in the near future and entice many of our West Michigan officials to travel to Lansing and testify in support of HB 4638. I'm urging you to make personal contact with Senator Sikkema and ask him to schedule a committee meeting to consider the merits of HB 4638.

CONGRESSIONAL REAUTHORIZATION OF TEA-21

Quite frankly, this critical issue has become so convoluted and developments are occurring so quickly, that I cannot convey an accurate picture via written words. GVMC's veteran Transportation Director Abed Itani and I will bring you a verbal update and try to paint an accurate picture on where this issue is going.

APPEALS COURT RULING: GRASS BERM NOT PART OF ROAD

I spotted this item in this morning's Gongwer News Service from Lansing. I present it here as it was written . . .

The grassy berms between sidewalks and streets are not part of a highway, the Court of Appeals ruled in 2-1 decision preventing a lawsuit from going forward.

The court ruled (*Mitchell v. City of Detroit*, [COA Docket No. 247074](#)) that the city of Detroit could not be sued over construction in the grassy berm area that created a hazard resulting in injury to a boy.

The city had excavated an area between the street and sidewalk and filled it in with sand. The boy was riding his bike in the street and turned to enter the sidewalk, but when he crossed unprotected sandy area, he fell and sunk chin-deep into the sand before being rescued.

Judges Patrick Meter and Kathleen Jansen, in a published opinion, ruled that while sidewalks and streets are included in the definition of "highway" under the so-called highway exception that allows governments to be sued for problems related to highways, the grassy area in between is not. The ruling overturned a Wayne Circuit Court decision blocking the city's attempt to dismiss the case.

"The highway exception to governmental immunity does not apply here because the plain language of (the law) does not support the conclusion that berms are included within the definition of the term 'highway,'" the court wrote.

But Judge Jessica Cooper in a dissent questioned the logic of exempting berms from the immunity exception.

"The grassy area between the sidewalk and the street, referred to as a berm in this case, has long been considered a natural route of travel," she wrote. "It would be illogical to find that a city has a duty to repair and maintain a city-controlled sidewalk and a city-controlled street, but not a small strip of city-controlled land falling in between."

GVMC LEGISLATIVE COMMITTEE

We will have a GVMC Legislative Committee next Wednesday, October 13, at GVMC headquarters. We have plenty of potential issues to discuss. I'll try and corral the good folks from MTA, MAC and MML to join us – if only by phone – to give us the latest.

11. Public Comment

Chris Mayhew introduced himself to the Council. Mr. Mayhew is the representative from Grand Valley State University's Senate. As such, he represents 16,000 students and will act as its representative to the Metro Council.

12. Other

Tom Fehsenfeld stated that he was impressed with the list of Executive Committee members for this next year, however he suggested the Council look into the need for an Executive Committee. He stated that many organizations are doing away with Executive Committees in an effort to streamline and do away with redundant meetings.

David Morren reported that he was disappointed with the Metro Council's representation in Lansing over the county revenue sharing issue. He stated that he felt the Council's representation was non-existent, and now the State had divided the local government revenue sharing coalition. He said next they would come after the cities and townships, and they wouldn't have the support of the counties.

13. Adjourn – 10:00 a.m.

Motion to Adjourn – MOVE – Hilton. SUPPORT – VONK. MOTION CARRIED.