

REGULAR MEETING MINUTES

GOGEBIC COUNTY ROAD COMMISSION

TUESDAY, OCTOBER 28, 2025, 10:01AM | *Meeting called to order by* Barry Bolich

This meeting was held at the Gogebic County Road Commission office

In Attendance

Barry Bolich	James Estola	John Matonich	Dennis Skinner	John Zorich
Garth Stengard	Patti Hagstrom	3 Public Attendees		

Excused

Phil Strong

Pledge of Allegiance

Approval of Agenda

Motion to approve the agenda was made by Estola, 2nd by Skinner; all in favor, none opposed.

Approval of Meeting Minutes

Motion to approve the minutes was made by Matonich, 2nd by Zorich; all in favor, none opposed.

- Finance Meeting of Tuesday, October 14, 2025
- Regular Meeting of Tuesday, October 14, 2025

Public Comment

None

Manager Report

This report was presented, discussed and will be made part of the recorded minutes. No action was taken.

Engineer Report

This report was presented, discussed and will be made part of the recorded minutes. No action was taken.

- a) Public Hearing on ROW Permit Policy & Fee Schedule ~ Motion to rescind his 2nd motion was made by Zorich with Skinner then recinding his 1st motion from the August 26, 2025 regular meeting to adopt the Resolution to Adopt Reasonable Policy Regarding Fees Pursuant to MCL 224.19b; with a roll call taken: Ayes ~ Skinner, Zorich, Matonich, Estola & Bolich, Nays ~ None.

Motion to open the public hearing was made by Skinner, 2nd by Zorich; roll call: Ayes ~ Zorich, Skinner, Matonich, Estola & Bolich, Nays ~ none. There was no public comment.

Motion to close the public hearing was made by Skinner, 2nd by Zorich; roll call: Ayes ~ Zorich, Skinner, Matonich, Estola & Bolich, Nays ~ none.

Motion to adopt the following resolution, policy & fee schedule was made by Skinner, 2nd by Zorich; roll call: Ayes ~ Zorich, Skinner, Matonich, Estola & Bolich, Nays ~ none.

Resolution to Adopt Reasonable Policy Regarding Fees Pursuant to MCL 224.19b

WHEREAS, the Board of County Road Commissioners for the County of Gogebic (the "Board" or "Road Commission") is a body corporate created by MCL 224.9 to formulate policy and to perform those official duties imposed by law or delegated by the Gogebic County Board of Commissioners; and

WHEREAS, a person, partnership, association, corporation, or governmental entity shall not construct, operate, maintain, or remove a facility or perform any other work within the right-of-way of a county road, except sidewalk installation and repair, without first obtaining a permit from the county road commission having jurisdiction over the road and from the township, city, or village in which the county road is located when a permit is required by ordinance of the township, city, or village, under the authority conferred by section 29 of article VII of the state constitution of 1963; and

WHEREAS, MCL 224.19b(1) requires any person, partnership, association, corporation or governmental entity to obtain a permit from the Road Commission (and the applicable township, city or village if required by those entities) before constructing, operating, maintaining or removing any facility or performing any work within a county highway right-of-way; and

WHEREAS, pursuant to MCL 224.19b(2), the Road Commission has discretion to adopt reasonable permit requirements and a schedule of fees sufficient to cover the necessary and actual costs for the issuance of the permit and for review of the proposed activity, inspection and related expenses; and

WHEREAS, the Road Commission may adopt a schedule of civil fines that can be imposed on a provider that performs work in a right-of-way without obtaining a permit as required under this section or that fails to maintain a security bond, right-of-way bond, or irrevocable letter of credit as required under this section during construction work within the right-of-way; and

WHEREAS, the Road Commission deems it in the public health, welfare, safety and best interest to adopt a policy such as the one attached hereto and entitled "Telecommunication and Video Service Provider Policy and Fees" (Exhibit A) reflecting the actual and necessary costs directly related to issuance of permits to Providers as defined under MCL 224.19b(13) to the extent recoverable under the law.

Telecommunication and Video Service Provider Right-of-Way Permit Policy and Fee Schedule

1. This Policy applies to the following pursuant to MCL 224.19b:
 - 1.1. Telecommunications Providers. Pursuant to MCL 224.19b(13)(b)(i), a “Telecommunication Provider” means a person that for compensation provides 1 or more “Telecommunication Services.” “Telecommunication Services” include regulated and unregulated services offered to customers for the transmission of 2-way interactive communication and associated usage. A telecommunication service is not a public utility service. Telecommunication provider does not include a provider of commercial mobile service as defined in section 332(d)(1) of the telecommunications act of 1996, 47 USC 332.
 - 1.2. Video Service Providers. Pursuant to MCL 224.19b(13)(b)(ii), a “Video Service Provider” means a person authorized to provide “Video Service,” including video programming, cable services, IPTV, or OVS provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a Commercial Mobile Service Provider defined in 47 USC 332(d) or provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet.
 - 1.3. The term “Provider” refers to either a Telecommunications Provider or a Video Service Provider.
2. Schedule of Fees.
 - 2.1. Project Permit Fee and Requirements. The project permit fee for a Provider shall be \$200.00 per permit or \$1,000.00 total for all permits per project. After the work authorized in the permit has been completed, the permit holder may request an itemized list of cost incurred by the Road Commission related to issuance of the permit.
 - 2.1.1. For purposes of this Policy and Fee Schedule, “Project” is defined as work on one (1) road per year.
 - 2.2. Annual Routine Maintenance/Repair Permit. A Provider shall obtain a yearly permit for performing routine maintenance or repair work in the right-of-way, as defined in the permit. The annual permit fee shall be \$200.00. The annual permit fee provided in this subsection is a separate and distinct charge from the Project Permit Fee.
 - 2.2.1. For purposes of this Policy and Fee Schedule, “routine maintenance or repair work” is defined as provided under MCL 247.660c(n).
 - 2.3. Permits for Non-Routine Work. A Provider shall obtain a separate permit for all non-routine work in the right-of-way associated with its facilities. The fee for a non-routine work permit shall be \$200.00 per permit or \$1,000.00 total for all permits per project. After the work authorized in the permit has been completed, the permit holder may request an itemized list of cost incurred by the Road Commission related to issuance of the permit.
 - 2.4. Additional Necessary & Actual Inspection Costs. In addition to the above schedule of fees, the Provider shall pay for any and all additional necessary and actual costs for any inspections required for any permit related to work in a right-of-way by that Provider.

2.5. Other Provider Permit Requirements. The Provider must submit detailed engineering plans related to the proposed work in the right-of-way as a precondition to issuance of a permit. Issuance is subject to plan inspection and approval by the Road Commission.

3. Bond. A Provider must provide a security bond or right-of-way bond to secure the performance of the conditions of all permits issued that authorize the provider to construct, operate, maintain, or remove a facility or perform any other work anywhere within the right-of-way, as designated in the permits, of any road under the jurisdiction of the county road commission. The bond must be provided as a precondition to issuance of the permit. As permitted by MCL 224.19b(9), the Provider may, instead of providing a bond, obtain and provide an irrevocable letter of credit issued by a state or federally regulated financial institution licensed to do business in this state to secure the performance of the conditions of all permits issued that authorize the provider to construct, operate, maintain, or remove a facility or perform any other work anywhere within the right-of-way, as designated in the permits, of any road under the jurisdiction of the county road commission.

3.1. The security bond, right-of-way bond, or letter of credit shall be in the amount of \$20,000.00.

3.2. Additional Bond. If a claim is made against the security bond, right-of-way bond, or letter of credit for any reason, the Provider must, within seven [7] calendar days, provide the road commission with another security bond or right-of-way bond in order to continue work in the county. A bond required under this subsection must be from a state or federally regulated entity licensed to do business in this state.

3.3. Fines. A provider that performs work in a right-of-way without obtaining a permit as required under this section or that fails to maintain a security bond, right-of-way bond, or irrevocable letter of credit as required under this section during construction work within the right-of-way is responsible for a civil fine of not more than \$5,000.00 per violation. This fine may be waived if the Provider demonstrates that the work was required on an emergency basis to restore services impacting public safety.

- A. Insurance Requirement. Applicant must provide proof of general liability insurance in amounts not less than \$1 million per occurrence and general aggregate, proof of automobile liability in amounts not less than \$1 million combined single limit for each accident, bodily injury per accident, and property damage per accident, and in an amount not less than \$500,000 for bodily injury per person that apply to all claims, demands, suits, or causes of action arising in connection with or as a direct result of the provider's use and occupancy of a right-a-way under the jurisdiction of the road commission.

4. Alternate Agreements. Notwithstanding the foregoing, to address circumstances or concerns beyond those accounted for in this Policy and Fee Schedule, the road commission may execute a written agreement with the applicant regarding right-of-way access that includes permits, terms, and conditions that are different than the requirements outlined above, including, but not limited to, the amount of permit fees, terms of insurance, the size or number of security bonds or right-of-way bonds, or other valuable consideration.

b) Xcel Energy Easement Request ~ This item will be tabled.

New Business

c) Union Contract ~ Motion to accept the proposed 3-year contract was made by Skinner, 2nd by Zorich;
roll call: Ayes ~ Zorich, Skinner, Matonich, Estola & Bolich, Nays ~ none.

Public Comment

None

Adjourn

Motion to adjourn was made at 10:15AM by Matonich, 2nd by Estola; all in favor, none opposed.

BOARD OF COUNTY ROAD COMMISSIONERS

SECRETARY

CHAIR