

## M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
January 8, 2004

### CALL TO ORDER

The meeting was called to order by Paul Baade, Board of Commissioners Chairman, at 3:30 p.m.

### ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

### Staff

Present: John Warner, Deputy Director of Public Works; Dave Kendrick, Director of Public Works; Robert Ribbens, Environmental Planner; James Borushko, County Administrator; Jack Niemiec, Director of Finance & Management Services; Jan Koens, County Treasurer; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

### Others

Present: Commissioner Baade; Commissioner Waters; Commissioner Buzzell; P. Don Aley, Muskegon Charter Township Supervisor; David Fisher, Muskegon Charter Township Sewer/Water Superintendent; Jerry Bartoszek, City of Norton Shores; News Media.

### BPW-04-001 - ELECTION OF OFFICERS

Chairman Baade opened nominations for Chair of the Public Works Board.

Moved by Mr. Gill, supported by Mr. Hulka, to nominate Louis McMurray for Chair of the Public Works Board.

There being no other nominations, nominations were closed.

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Roll call: Ayes - Bennett; Derezinski; Engle; Gill; Hulka;  
Scolnik; Snider; Wisniewski.

Nays - None.

Abstain - McMurray.

Motion carried

Commissioner Scolnik stated he believes Commissioner McMurray is the best choice for Chair.

Chairman McMurray assumed the Chair.

Chairman McMurray opened nominations for Vice Chair of the Public Works Board.

Moved by Mr. Scolnik, supported by Mr. Snider, to nominate Marvin Engle for Vice Chair of the Public Works Board.

There being no other nominations, nominations were closed.

Roll call: Ayes - Derezinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Bennett; McMurray.

Nays - None.

Motion carried

Moved by Mr. Snider, supported by Mr. Bennett, to appoint Martin Hulka, Drain Commissioner, Secretary of the Public Works Board.

Motion carried

Moved by Mr. Snider, supported by Mr. Engle, to appoint David Kendrick, Director of Public Works, as Deputy Secretary of the Public Works Board.

Motion carried

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BPW-04-002 - APPROVAL OF MINUTES

Moved by Mr. Derezinski, supported by Mr. Snider, to approve the minutes of the meetings held December 11 and December 18, 2003.

Motion carried

BPW-04-003 - ACCOUNTS PAYABLE

Moved by Mr. Gill, supported by Mr. Engle, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Muskegon Charter Township Watermain Extension Fund 4640
4. Northside Water Fund 5910

Roll call: Ayes - Engle; Gill; Hulka; Scolnik; Snider;  
Wisniewski; Bennett; Derezinski; McMurray.

Nays - None.

Motion carried

BPW-04-004 - SOLID WASTE - LOAN FROM SOLID WASTE FOR LOCAL MATCH FOR PARK GRANT

Moved by Mr. Snider, supported by Mr. Wisniewski, that the Board of Public Works approve the loan of approximately \$191,000 to the parks as grant match from the Solid Waste fund balance with a pay back being made as shown in the attached schedule, loan being contingent upon Muskegon County Board of Commissioners acceptance of DNR grant. Solid Waste loan to be paid back by parks at 1.00% interest over a period of seven years.

Moved by Mr. Scolnik, supported by Mr. Snider, to amend the motion to set the interest rate annually at prevailing rate as stated by the County Treasurer.

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Roll call: Ayes - Hulka; Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; Engle.

Nays - Gill; McMurray.

Motion to amend carried

Roll call: Ayes - Hulka; Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; Engle; Gill; McMurray.

Nays - None.

Motion as amended carried

BPW-04-005 - SOLID WASTE - CONTRACT CHANGE ORDER #4

Moved by Mr. Derezinski, supported by Mr. Engle, to approve Contract Change Order #4 to the construction contract for the Solid Waste cells #4 & #5 in the amount of \$21,676.80 bringing the total and final construction contract cost to \$4,511,563.55.

Roll call: Ayes - Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; Engle; Gill; Hulka; McMurray.

Nays - None.

Motion carried

BPW-04-006 - SOLID WASTE - INSTALLATION OF THE REQUIRED 17  
METHANE MONITORING WELLS AND UPDATE OF GAS CONTROL & MONITORING  
PLAN

Moved by Mr. Wisniewski, supported by Mr. Gill, to approve the installation of the required 17 methane monitoring wells and the update of the Gas Control and Monitoring Plan in accordance with the attached proposal by ERM for a total estimated cost of \$9,979.11, costs to be paid from solid waste fund 5710-0526.

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Roll call: Ayes - Snider; Wisniewski; Bennett; Derezinski; Engle;  
Gill; Hulka; Scolnik; McMurray.

Nays - None.

Motion carried

BPW-04-007 - WASTEWATER - NORTHERN INTERCEPTOR CONTRACT #3 CHANGE  
ORDER #4

Moved by Mr. Bennett, supported by Mr. Engle, to approve Change  
Order #4 for Northern Interceptor Contract #3 for a \$97,261.30  
decrease in the contract amount to \$2,477,718.88.

Roll call: Ayes - Wisniewski; Bennett; Derezinski; Engle; Gill;  
Hulka; Scolnik; Snider; McMurray.

Nays - None.

Motion carried

BPW-04-008 - WASTEWATER - FRUITLAND TOWNSHIP BUY-IN DOWN PAYMENT

Moved by Mr. Wisniewski, supported by Mr. Engle, to authorize  
Fruitland Township to become a Local Unit participant in the  
Wastewater System, subject to finalization of an appropriate  
"Amended Service Agreement", addressing issues including, but not  
necessarily limited to "buy-in", and to authorize County staff  
acceptance of amount about \$51,107.35 as a down payment towards  
such "buy-in" obligation.

Moved by Mr. Snider, supported by Mr. Engle, to suspend the rules  
and allow audience participation.

Motion carried

Mr. David Fisher, Vice Chair, Wastewater Management Committee,  
addressed the Board of Public Works. He stated that the  
Wastewater Management Committee supports admitting Fruitland  
Township as a member of the Wastewater System.

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Roll call: Ayes - Bennett; Derezinski; Engle; Gill; Hulka;  
Scolnik; Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-009 - PUBLIC WORKS MONTHLY REPORT

Moved by Mr. Derezinski, supported by Mr. Hulka, that the Public Works Monthly Report be received and placed on file.

Motion carried

BPW-04-010 - OLD BUSINESS

Moved by Mr. Snider, supported by Mr. Engle, to re-classify Position No. X26802, Deputy Director of Public Works, to "Deputy Director of Public Works/Wastewater".

Moved by Mr. Snider, supported by Mr. Wisniewski, to amend the motion to replace the "slash" with "for" (Deputy Director of Public Works for Wastewater).

Motion to amend carried

Roll call: Ayes - Derezinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Bennett; McMurray.

Nays - None.

Motion as amended carried

BPW-04-011 - NEW BUSINESS

There was no new business.

BPW-04-012 - AUDIENCE PARTICIPATION

There was no audience participation.

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BPW-04-013 - ADJOURN

Moved by Mr. Wisniewski, supported by Mr. Engle, to adjourn the meeting at 4:10 p.m.

Motion carried

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
February 12, 2004

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:30 p.m.

ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Staff

Present: David Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; Robert Ribbens, Environmental Planner; Fred DeHudy, Solid Waste Manager; James Borushko, County Administrator; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: Greg Boughton, Fruitland Township Supervisor; Scott Hladki, Dalton Township Supervisor; Bob Whiteman, Egelston Township Supervisor; P. Don Aley, Muskegon Charter Township Supervisor; Roland Crummel, Laketon Township Supervisor; Jim Nielsen, Muskegon Charter Township Clerk; David Fisher, Sewer/Water Superintendent, Muskegon Charter Township; News Media.

BPW-04-014 - APPROVAL OF MINUTES

Moved by Mr. Derezinski, supported by Mr. Engle, to approve the minutes of the meeting held January 8, 2004.

Motion carried

BPW-04-015 - ACCOUNTS PAYABLE

Moved by Mr. Engle, supported by Mr. Snider, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Gypsy Moth Fund 1010
3. Parks Fund 2080
4. Muskegon Charter Township Watermain Extension Fund 4640
5. Solid Waste Fund 5710
6. Northside Water Fund 5910

Roll call: Ayes - Bennett; Derezinski; Engle; Gill; Hulka;  
Scolnik; Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-016 - MEMORANDUM OF UNDERSTANDING - WEST MICHIGAN  
SUSTAINABLE BUSINESS FORUM

Moved by Mr. Wisniewski, supported by Mr. Snider, that the Muskegon County Board of Public Works approve the Memorandum of Understanding between the West Michigan Sustainable Business Forum (WMSBF) and the County of Muskegon with recommendation that same be forwarded to the Muskegon County Board of Commissioners for final action.

Motion carried

BPW-04-017 - SOLID WASTE - PURCHASE OF COMPACTOR

Moved by Mr. Engle, supported by Mr. Snider, to authorize the purchase of one Caterpillar 826G compactor from Michigan Caterpillar for a cost of \$499,000 with a trade in value of \$33,000 for the existing 1987 826 compactor, the cost of which to be paid from solid waste reserve funds.

Roll call: Ayes - Derezinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Bennett; McMurray.

Nays - None.

Motion carried

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BPW-04-018 - WASTEWATER BID UP TO 500 ACRES OF ALFALFA FOR SALE

Moved by Mr. Derezinski, supported by Mr. Engle, to authorize staff to bid up to 500 acres of alfalfa for sale.

Motion carried

BPW-04-019 - WASTEWATER - BID CLEANUP OF WHITEHALL PLANT STORAGE LAGOON

Moved by Mr. Snider, supported by Mr. Engle, to authorize staff to advertise for bids the cleanup of the Whitehall Plant storage lagoon.

Motion carried

BPW-04-020 - WASTEWATER - ACCEPT LOW TRACTOR BID

Moved by Mr. Derezinski, supported by Mr. Engle, to accept the low tractor bid with trade-in from RFB 04-1329 for \$115,889 from Finnersmans Farm and Garden and reject all of the surplus tractor sale quotes from RFP 1330.

Roll call: Ayes - Engle; Gill; Hulka; Scolnik; Snider;  
Wisniewski; Bennett; Derezinski; McMurray.

Nays - None.

Motion carried

BPW-04-021 - INFORMATION ITEMS

Moved by Mr. Hulka, supported by Mr. Snider, that the Public Works Monthly Operating Report for January 2004 be received and placed on file.

Motion carried

Moved by Mr. Snider, supported by Mr. Engle, that the Muskegon Municipal Wastewater Management Committee Minutes - December 17, 2003 and January 21, 2004 (draft) be received and placed on file.

Motion carried

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BPW-04-022 - UPDATE ON THE NEGOTIATIONS BETWEEN MUSKEGON COUNTY  
AND MUSKEGON CHARTER TOWNSHIP - WATER SYSTEM

Steve Corwin, Corporate Counsel, distributed an outline regarding the negotiations between Muskegon County and Muskegon Charter Township on the water system.

Mr. Corwin summarized the outline. As of this date, an agreement has not been reached.

Moved by Mr. Engle, supported by Mr. Gill, to direct staff to finalize agreements with Michigan Adventure and MEDC for the extension of water to Whitehall and Riley Thompson Roads at their earliest opportunity.

Roll call: Ayes - Gill; Hulka; Scolnik; Wisniewski; Bennett;  
Derezinski; Engle; McMurray.

Nays - Snider

Motion carried

BPW-04-023 - OLD BUSINESS

John Warner, Deputy Director of Public Works, stated that the County has obtained the license to use cells #4 & #5 at the County Landfill.

Commissioner Snider stated that he hopes that there will be intergovernmental cooperation that will accomplish goals that will benefit the entire county. He stated that the county must continue to try to work in that regard.

BPW-04-024 - NEW BUSINESS

There was no new business.

BPW-04-025 - AUDIENCE PARTICIPATION

Lawrence Dikeman, 1504 Bluebird Road, Grand Haven, MI 49417, addressed the Board of Public Works stating he is opposed to the proposed Nugent Sand discharge into Lake Michigan.

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Karen Bednarek, 3302 Arlington Avenue, Muskegon, MI 49441, addressed the Board of Public Works stating she is opposed to the proposed Nugent Sand discharge into Lake Michigan.

P. Don Aley, Muskegon Charter Township Supervisor, addressed the Board of Public Works. Mr. Aley stated he wanted to speak on the agenda item "Update on the negotiations between Muskegon County and Muskegon Charter Township - water system". Mr. Aley stated he truly regrets the failure of negotiations on the water system. He stated that the Township will bond on their own for their water system improvements, however, he requested that the County reconsider and bond the Muskegon Charter Township's project because it is the right thing to do because it will benefit the county as a whole.

Charles Frye, 3085 Idlewild, Muskegon, MI 49441, addressed the Board of Public Works stating he is opposed to the proposed Nugent Sand discharge into Lake Michigan.

Greg DeWeerd, 2286 Lawnel Avenue, Muskegon, MI 49441, addressed the Board of Public Works stating he is opposed to the proposed Nugent Sand discharge into Lake Michigan.

Darlene DeHudy, 4356 Lake Harbor Road, Muskegon, MI 49441, addressed the Board of Public Works. She is the Vice President of Save of Shoreline Group and they are opposed to the proposed Nugent Sand discharge into Lake Michigan.

Jerry Bakke, 1872 Walnut Street, Muskegon, MI 49441, addressed the Board of Public Works stating he is opposed to the proposed Nugent Sand discharge into Lake Michigan.

Roland Crummel, Laketon Township Supervisor, addressed the Board of Public Works. Mr. Crummel stated that the Northside Water contract with the County has a hold harmless clause that holds the County harmless for virtually anything that happens. The County is not at risk. The communities assume the risk based on service area. Mr. Crummel also stated he hopes there can be cooperation between the County and the communities.

Former Commissioner Nancy Frye addressed the Board of Public Works stating she is opposed to the proposed Nugent Sand discharge into Lake Michigan.

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Chairman McMurray stated that the proposed Nugent Sand discharge into Lake Michigan issue has been referred to staff for recommendation.

BPW-04-026 - ADJOURN

Moved by Mr. Engle, supported by Mr. Wisniewski, to adjourn the meeting at 4:55 p.m.

Motion carried

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
March 11, 2004

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:33 p.m.

ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Staff

Present: Dave Kendrick, Director of Public Works; Robert Ribbens, Environmental Planner; James Borushko, County Administrator; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: P. Don Aley, Muskegon Charter Township Supervisor; Don Studaven, Blue Lake Township Supervisor; Robert Whiteman, Egelston Township Supervisor; Jim Nielsen, Muskegon Charter Township Clerk; Carol Ream, Muskegon Charter Township Treasurer; Commissioner Buzzell; Commissioner Baade; Commissioner Waters; Scott Hladki, Dalton Township Supervisor; Rol Crummel, Laketon Township Supervisor; Camille Jourdan Mark, Michigan's Adventure.

BPW-04-027 - APPROVAL OF MINUTES

Moved by Mr. Wisniewski, supported by Mr. Hulka, to approve the minutes of the meeting held on February 12, 2004.

Motion carried

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BPW-04-028 - ACCOUNTS PAYABLE

Moved by Mr. Gill, supported by Mr. Derezinski, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Northside Water Fund 5910

Roll call: Ayes - Bennett; Derezinski; Engle; Gill; Hulka;  
Scolnik; Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-029 - ADDITION TO AGENDA

Moved by Mr. Snider, supported by Mr. Bennett, the addition to the agenda to consider the Resolution RE Bond Indebtedness for the Northside Water System which was approved by the Northside Water Operations Advisory Committee.

Corporate Counsel stated that a recommendation has not been prepared yet and has not been brought to the Public Works Board because he believes preliminarily that what is being asked in the resolution is inconsistent with the charge given to staff at the last meeting to finalize the Michigan's Adventure project. Essentially the resolution being referred to, among other things, is asking the Board of Public Works get out of the Northside Water System business.

Corporate Counsel stated that if the Board is out of the Northside Water System, they are no longer in a position to finish the Michigan's Adventure project.

Commissioner Snider stated that this is an advisory resolution from an advisory committee that has an impact as far as the Northside Water System is concerned. Commissioner Snider stated that the members of the Northside Water System Committee are in favor of extending water to Michigan's Adventure and there has to be cooperation between the Townships and County for the expansion of the Northside Water System.

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Roll call: Ayes - Bennett; Snider.

Nays - Derezinski; Engle; Gill; Hulka; Scolnik;  
Wisniewski; McMurray.

Motion defeated

BPW-04-030 - INFORMATION ITEM - MICHIGAN'S ADVENTURE

Commissioner Wisniewski introduced Camille Jourdan Mark, Vice President and Manager of Michigan's Adventure.

Ms. Mark stated that there is great opportunity for growth and that is what their goal is. To accomplish this growth and development, water is very necessary. They have been working with the County and MEDC to go forward with the grant and are committed to job creation and future growth and development.

Ms. Mark answered questions from the Board of Public Works.

Corporate Counsel stated that there have been concentrated efforts to finalize this project and there have been several meetings. There is an agreement between Fruitland, Dalton, Muskegon County and Michigan's Adventure regarding water instead of both water and sewer that was put in each Commissioner's box.

Corporate Counsel stated there has been good participation in the meetings regarding the tax issue. He also stated that staff is within 10 days to two weeks of finalizing the grant amendment and execution of the agreement with Fruitland, Dalton, Muskegon County and Michigan's Adventure. One potential problem is that one or more townships may attempt to legally block the project or slow it down. Corporate Counsel is hopeful that the resistance can be overcome.

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BPW-04-031 - NORTHSIDE WATER - ADOPT PERFORMANCE AND  
INDEMNIFICATION RESOLUTION FROM THE MUSKEGON COUNTY ROAD  
COMMISSION

Moved by Mr. Bennett, supported by Mr. Snider, to adopt the Performance and Indemnification Resolution from the Muskegon County Road Commission for the Northside Water System allowing for routine operation and maintenance activities within road right-of-way and authorize the Public Works Director and Deputy Director of Public Works as applicants for the associated permits.

Motion carried

BPW-04-032 - MUSKEGON CHARTER TOWNSHIP - BALANCING CHANGE ORDER -  
WALKER ROAD UTILITY PROJECT

Moved by Mr. Engle, supported by Mr. Wisniewski, that a balancing change order (CCO #4 from Johnson & Anderson) be approved for the Muskegon Township Walker Road Utility Project for the purpose of balancing all quantities with the final contract amount from the Muskegon County Road Commission, contingent upon approval of Muskegon Charter Township.

Roll call: Ayes - Derezinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Bennett; McMurray.

Nays - None.

Motion carried

BPW-04-033 - WASTEWATER - CHANGE TITLE OF GRAIN CENTER FOREMAN TO  
GRAIN CENTER OPERATOR

Moved by Mr. Engle, supported by Mr. Hulka, to change the title of Position No. N36001, Grain Center Foreman, to "Grain Center Operator".

Roll call: Ayes - Engle; Gill; Hulka; Scolnik; Snider;  
Wisniewski; Bennett; Derezinski; McMurray.

Nays - None.

Motion carried

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BPW-04-034 - WASTEWATER - PROVIDE ASSISTANCE TO MR. JACK LORENZ  
FOR THE PERFORMANCE OF WATER SUPPLY TESTS

Moved by Mr. Snider, supported by Mr. Wisniewski, to provide assistance, not to exceed \$3,000, to Mr. Jack Lorenz for the performance of water supply tests on the property adjacent to the Whitehall Site of the Muskegon County Wastewater Facility as required by the Muskegon County Health Department pursuant to well permitting requirements.

Motion carried

BPW-04-035 - WASTEWATER BIDS - AGRICULTURAL CHEMICALS

Moved by Mr. Gill, supported by Mr. Engle, to approve the bids from RFB 04-1339 for Dual II at \$77.00 per gallon or \$24,255.00, Roundup Original for \$30.50 per gallon or \$26,230.00, Buctril at \$47.00 per gallon or \$7,520.00 and Dimethoate at \$31.00 per gallon or \$7,130.00 to Daylight Enterprises; Poast Plus at \$38.11 per gallon or \$857.48, Eptam at \$24.69 per gallon or \$2,345.55, Pursuit at \$8.42 per ounce or \$13,943.52, Beacon at \$21.40 per ounce or \$8,132.00, Permit at \$11.65 per ounce or \$6,990.00, and Callisto at \$418.30 per gallon or \$2,509.80 to Wilbur Ellis; and potash fertilizer at \$149.00 per ton or \$20,115.00 to Helena Chemical.

Roll call: Ayes - Gill; Hulka; Scolnik; Snider; Wisniewski;  
Bennett; Derezinski; Engle; McMurray.

Nays - None.

Motion carried

BPW-04-036 - WASTEWATER - ACCEPT ALFALFA BIDS

Moved by Mr. Wisniewski, supported by Mr. Engle, to accept the alfalfa bids received for RFB 04-1338.

Roll call: Ayes - Hulka; Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; Engle; Gill; McMurray.

Nays - None.

Motion carried

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March 11, 2004  
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BPW-04-037 - PUBLIC WORKS - RECOGNIZE HILT'S LANDING AS PUBLIC  
ACCESS PRESERVE

Moved by Mr. Wisniewski, supported by Mr. Gill, that the Board of Public Works requests that the Muskegon County Board of Commissioners recognize Hilt's Landing as a Public Access Preserve and maintain a policy for use of Hilt's Landing in keeping with the goal of providing preservation activities and recreational/improvement activities that promote preservation, resolve not to restrict pedestrian access to water, and stipulate that any forestry proceeds from property shall be reserved and used for survey and capital improvements to Hilt's Landing.

Moved by Mr. Wisniewski, supported by Mr. Snider, to suspend the rules and allow audience participation on this issue.

Motion carried

Mr. Dennis Babcock, Whitehall Township Supervisor, addressed the Board of Public Works regarding Hilt's Landing. Mr. Babcock distributed a letter from the Hilt Foundation and a letter from the Hilt's Landing Committee. Mr. Babcock stated that the Hilt's Landing Committee is not in favor of timbering to do a survey so they contacted Mr. Hilt and he agreed to have the Hilt Foundation pay for a survey.

Moved by Mr. Wisniewski to amend the motion to invite public comment on the proposals from the forester on Hilt's Landing.

Robert Cutler, 590 Glenwood, addressed the Board of Public Works regarding Hilt's Landing. Mr. Cutler is concerned about the wording "Revenues from forest management have been viewed as desirable." that is on the motion sheet, however, is not in the motion.

Commissioner Buzzell addressed the Board of Public Works regarding the forestry report for Hilt's Landing. He stated that Hilt's Landing would benefit from a forestry management program.

Mr. Donald Studevan, Blue Lake Township Supervisor, addressed the Board of Public Works. He does not think enough lumber could be taken out of Hilt's Landing to make it profitable.

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Denny Worst, Forester, addressed the Board of Public Works. He wrote a report on Hilt's Landing in 1988. Mr. Worst stated cutting timber is not the thing to do if you want a natural park.

Commissioner Paul Baade addressed the Board of Public Works and responded to Mr. Worst's comments.

Jeff Auch, Executive Director of Muskegon Conservation District, addressed the Board of Public Works. Mr. Auch distributed a letter from Rebecca Bieneman. Mr. Auch invited both Ms. Bieneman and Mr. Worst to look at Hilt's Landing.

Mr. Donald Studaven addressed the Board of Public Works stating that there should be a survey done on Hilt's Landing before anything can be done on the property.

Ms. Janell Beard, Fruitland Township Clerk, addressed the Board of Public Works. Ms. Beard commented on a survey for Hilt's Landing and preservation of the natural forest.

Following the comments, Mr. Wisniewski withdrew his amendment.

Roll call: Ayes - Scolnik; Snider, Wisniewski; Bennett;  
Derezinski; Engle; Gill; Hulka; McMurray.

Nays - None.

Motion carried

BPW-04-038 - OLD BUSINESS

Moved by Mr. Engle, supported by Mr. Wisniewski, to direct County Wastewater to accept out-of-county septage commencing June 1, 2004, and direct staff to finalize plans for review and submission back to the Wastewater Management Committee for informed input and thereafter to Public Works for formal approval prior to the date June 1, 2004.

Motion carried

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BPW-04-039 - NEW BUSINESS

Commissioner Derezinski questioned motions being brought to the Board of Public Works without being put on the agenda.

BPW-04-040 - AUDIENCE PARTICIPATION

Mr. Roland Crummel, Laketon Township Supervisor, addressed the Board of Public Works. He stated that accepting out-of-county septage is a good idea. Mr. Crummel had concerns about why it took so long to complete the rate study of the Northside Water System. Mr. Crummel entertained the Board to reconsider acting on the Resolution RE Bond Indebtedness that was approved by the Northside Water Operations Advisory Committee.

Chairman McMurray stated that he will ask staff to review the issue of paying off the debt with due diligence as quickly as they can as time is of the essence.

Commissioner Snider stated he hopes this will be the case. He was surprised that the rate study took a year to complete. Commissioner Snider stated information from the groups that are trying to promote economic development of the county seem to get hung up in staff and do not get communicated to all the board members. Commissioner Snider stated that open debate would be beneficial and when a committee makes a recommendation to the Board, that it should be communicated to the Board and placed on the agenda. Issues such as the septage issue, should be placed on the agenda so there is sufficient notice and the Board has the ability to debate it and come to a conclusion.

Drain Commissioner Hulka stated that there are different meetings with staff that can be attended on these matters.

Commissioner Bennett stated he feels everyone is trying to do the right thing and the problem is communication. The county has to take the lead as the top form of government in the county with input from all the other governmental entities in the county.

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BPW-04-041 - ADJOURN

Moved by Mr. Wisniewski, supported by Mr. Engle, to adjourn the meeting at 4:56 p.m.

Motion carried

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

M I N U T E S

Board of Public Works  
Special Meeting  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
March 25, 2004

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:31 p.m.

ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Excused: Bill Gill.

Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; James Borushko, County Administrator; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: Commissioner Baade; Commissioner Buzzell; Commissioner Waters; News Media.

BPW-04-042 - SAPPI FINE PAPER - IMPLEMENT PLAN OF ACTION

Moved by Mr. Derezinski, supported by Mr. Engle, to direct County staff to implement a plan of action concerning Sappi Fine Papers that address the following four points: 1) County elected officials and County staff along with Sappi staff meet during the next two weeks with State of Michigan officials to complete fiscal requirements necessary for a Board of Public Works vote; 2) County staff prepare a final summary of the importance of Sappi Fine Papers to this community and the State of Michigan regarding revenues and costs to the wastewater system, employment of local citizens and tax base impact; 3) County staff be directed to complete negotiations with all parties and present a

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BPW-04-042 - SAPPI FINE PAPER - IMPLEMENT PLAN OF ACTION CONT'D

final recommendation on Sappi's request to the Board of Public Works by April 15, 2004, and to Wastewater Management Committee for informed input prior to such date; and 4) the Board of Public Works request the full support of the Muskegon County Board of Commissioners for this recommended plan of action concerning Sappi Fine Papers.

Commissioner Snider wanted to make certain that from a staff standpoint that they are sensitive to business needs in the community.

James Borushko, County Administrator, stated this issue has been taken very seriously by the County. Staff is going to Lansing tomorrow and next Tuesday to meet on the Sappi issue.

There will be a special Board of Public Works meeting on April 15, 2004, to take action on the Sappi issue.

Motion carried

BPW-04-043 - WASTEWATER - JACKSON-MERKEY PERFORM CLEANING AND CONSTRUCTION WORK AT THE WASTEWATER EAST GATE STRUCTURE

Moved by Mr. Derezinski, supported by Mr. Hulka, to waive the bid procedure and hire Jackson-Merkey Contractors to work with staff and perform the cleaning and construction work at the Wastewater east gate structure.

Roll call: Ayes - Bennett; Derezinski; Engle; Hulka; Scolnik;  
Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

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BPW-04-044 - RECESS

The meeting recessed to the call of the Chair at 3:43 p.m.

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Reconvened Meeting  
Muskegon County, Michigan  
April 8, 2004

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:31 p.m.

ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Excused: Bill Gill; Martin Hulka.

Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; James Borushko, County Administrator; Sam Wendling, Community Development Director; Thoa Du, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: Commissioner Baade; Commissioner Buzzell; Attorney Dave Bossenbroek; News Media.

BPW-04-045 - APPROVAL OF MINUTES

Moved by Mr. Snider, supported by Mr. Engle, to approve the minutes of the meetings held March 11 and March 25, 2004.

Motion carried

Board of Public Works  
Reconvened Meeting  
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BPW-04-046 - ACCOUNTS PAYABLE

Moved by Mr. Derezinski, supported by Mr. Engle, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Muskegon Charter Township Watermain Extension Fund 4640
4. Solid Waste Fund 5710
5. Northside Water Fund 5910

Roll call: Ayes - Bennett; Derezinski; Engle; Scolnik; Snider;  
Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-047 - SOLID WASTE - SOLID WASTE FUNDS BE USED FOR SCRAP  
TIRE RECYCLING PROGRAM FOR 2004

Moved by Mr. Snider, supported by Mr. Engle, that a maximum of \$10,000 be appropriated from solid waste funds to be used for the scrap tire recycling program for 2004.

Roll call: Ayes - Derezinski; Engle; Scolnik; Snider; Wisniewski;  
Bennett; McMurray.

Nays - None.

Motion carried

BPW-04-048 - PUBLIC WORKS - "WIND ENERGY FARM" - THREE-YEAR LEASE  
AGREEMENT WITH ENERGY CONVERSION, LLC

Moved by Mr. Bennett, supported by Mr. Snider, to authorize the Chair of Public Works Board to execute a three-year lease agreement with Energy Conversion, LLC to install, monitor and maintain a meteorological tower at the Wastewater site to collect data to ascertain if a wind energy farm would be viable at the Wastewater site.

Board of Public Works  
Reconvened Meeting  
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BPW-04-048 - PUBLIC WORKS - "WIND ENERGY FARM" - THREE-YEAR LEASE  
AGREEMENT WITH ENERGY CONVERSION, LLC, CONT'D

Mr. Sam Wendling, Community Development Director, gave a brief summary of the project.

Moved by Mr. Bennett, supported by Mr. Snider, to suspend the rules and allow audience participation.

Motion carried

Mr. Kurt Guter, Energy Conversion, explained the project and answered questions from the Board of Public Works.

Roll call: Ayes - Engle; Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; McMurray.

Nays - None.

Motion carried

BPW-04-049 - SOLID WASTE FREE DISPOSAL - ANNUAL CLEANUP

Moved by Mr. Engle, supported by Mr. Snider, that the annual waiver of tipping fees for municipalities be approved based on the previously approved procedure and all communities be notified annually of the practice to assist in annual "clean up days".

Roll call: Ayes - Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; Engle; McMurray.

Nays - None.

Motion carried

Board of Public Works  
Reconvened Meeting  
April 8, 2004  
Page Four

BPW-04-050 - FRUITPORT VILLAGE SEWER

Moved by Mr. Wisniewski, supported by Mr. Engle, to approve acceptance of the Village of Fruitport as a Local Unit served by the Muskegon County Wastewater Management System, subject to finalization of buy-in costs, and finalization of Amended Service Agreement, which would set forth full duties and responsibilities of parties to each other, which final Agreement and costs would be subject to final approval by Board of Public Works.

Roll call: Ayes - Snider; Wisniewski; Bennett;  
Derezinski; Engle; Scolnik; McMurray.

Nays - None.

Motion carried

BPW-04-051 - WASTEWATER - CHANGE ORDER #8 FOR CONTRACT #1 -  
NORTHERN INTERCEPTOR PROJECT

Moved by Mr. Derezinski, supported by Mr. Snider, to approve Change Order #8 for Northern Interceptor Contract #1 for a \$63,721 decrease in the contract amount to \$2,116,311.

Motion carried

BPW-04-052 - WASTEWATER - BIDDING THE SALE OF 1988 BAKER DISC  
PLOW

Moved by Mr. Snider, supported by Mr. Engle, to approve bidding the sale of the 1988 Baker Disc Plow.

Motion carried

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BPW-04-053 - BIDDING THE WASTEWATER ADMINISTRATION BUILDING HVAC SYSTEM UPGRADE

Moved by Mr. Derezinski, supported by Mr. Snider, to approve bidding the Wastewater Administration Building HVAC system upgrade per the plan proposed by Engineering Dimensions, Inc.

Motion carried

BPW-04-054 - WASTEWATER - AWARD WHITEHALL STORAGE LAGOON SLUDGE REMOVAL AND HAULING WORK

Moved by Mr. Engle, supported by Mr. Snider, to award the Whitehall Storage Lagoon sludge removal and hauling work to low bid Natural Systems for the unit prices bid in RFB 04-1340 and also move to award the disposal portion of this project to Ottawa County Farms at the RFQ 04-1343 price of \$11.00 per ton.

Roll call: Ayes - Wisniewski; Bennett; Derezinski; Engle;  
Scolnik; Snider; McMurray.

Nays - None.

Motion carried

BPW-04-055 - NEGOTIATE SETTLEMENT - COUNTY V GULF INSURANCE CO. ET AL

Moved by Mr. Engle, supported by Mr. Derezinski, to authorize Corporate Counsel to negotiate a settlement for the County's claims in Case No. 03-42396, County v Gulf Insurance Co., et al., for a minimum of \$25,000.

Roll call: Ayes - Bennett; Derezinski; Engle; Scolnik; Snider;  
Wisniewski; McMurray.

Nays - None.

Motion carried

Board of Public Works  
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BPW-04-056 - INFORMATION - PUBLIC WORKS MONTHLY OPERATING REPORT,  
MARCH 2004

Moved by Mr. Engle, supported by Mr. Snider, that the Public Works Operating Report for March 2004, be received and placed on file.

Motion carried

BPW-04-057 - OLD BUSINESS

There was no old business.

BPW-04-058 - NEW BUSINESS

Mr. Kendrick, Director of Public Works, introduced Mr. Mark Eisenbark who is a candidate for the position of Deputy Director of Public Works for Wastewater.

BPW-04-059 - AUDIENCE PARTICIPATION

There was no audience participation.

BPW-04-060 - RECESS

The meeting recessed to the call of the Chair.

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Louis McMurray, Chairman

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Marvin Engle, Vice Chairman



## M I N U T E S

Board of Public Works  
Reconvened Meeting  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
April 15, 2004

### CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:52 p.m.

### ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Excused: Bill Gill.

### Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; James Borushko, County Administrator; Paul Roy, Public Facilities Director; Sam Wendling, Community Development Director; Jack Niemiec, Director of Finance & Management Services; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

### Others

Present: Steve Warmington, Mayor, City of Muskegon; Rol Crummel, Laketon Township Supervisor; P. Don Aley, Muskegon Charter Township Supervisor; Bryan Mazade, Manager, City of Muskegon; Connie Smith, Fruitport Charter Township Supervisor; Pat Jordan, Muskegon Charter Township Deputy Supervisor; State Representative Dave Farhat; Scott Hladki, Dalton Township Supervisor; Dave Fisher, Muskegon Charter Township; Commissioner Waters; Commissioner Buzzell; Jim Donaldson, State MEDC; Bill Lievense; Carole Carter, Muskegon Charter Township Trustee; News Media.

Board of Public Works  
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BPW-04-061 - "FIRST AMENDMENT TO 1998 AMENDED SERVICE AGREEMENT"  
AND WORK WITH MICHIGAN MEDC IN OBTAINING OFFICIAL DESIGNATION OF  
METRO WASTEWATER SITE AS A STATE OF MICHIGAN "SELECTSITE"

Moved by Mr. Wisniewski, supported by Mr. Engle, to direct that Corporate Counsel prepare a "First Amendment to 1998 Amended Service Agreement", working in collaboration with Michael Ortega, attorney for Municipal Wastewater Management Committee, incorporating elements as set forth in attached term sheet, for ultimate review and approval by County and Local Units served by County Wastewater System; and further, direct staff to work cooperatively with Michigan MEDC in obtaining official designation of Metro Wastewater site as a State of Michigan "Selectsite".

James Borushko, County Administrator, summarized the Sappi Fine Paper issue. Staff was directed by the Board to come back with a plan that meets criteria of contract obligations, legal status as well as common sense and a vision for the future. Mr. Borushko stated that there was a very important meeting with the Wastewater Management Committee and several members of the Public Works Board regarding the issue of job retention. Mr. Borushko also stated that Sappi Fine Paper has announced they want to stay in Muskegon.

Steve Corwin, Corporate Counsel, summarized the "Term Sheet" for the Sappi Fine Paper issue (copy attached).

Moved by Mr. Snider, supported by Mr. Hulka, to suspend the rules and allow audience participation.

Motion carried

Paul Roy, Public Facilities Director, introduced Mr. Jim Donaldson, Vice President, MEDC.

Mr. Jim Donaldson, MEDC, addressed the Board of Public Works. Mr. Donaldson expressed MEDC support of the County's efforts to retain Sappi and the efforts MEDC will make in partnership with the County to attract industry and users for the Wastewater System. MEDC has talked about providing a \$50,000 planning grant to the County for planning, engineering and site analytical work at the Wastewater Site.

Board of Public Works  
Reconvened Meeting  
April 15, 2004  
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Mr. Bill Lievense, Public Affairs Counsel for Sappi Fine Paper and Dave Blythe, Operations Manager, for Sappi Fine Paper, addressed the Board of Public Works. Mr. Lievense thanked Mr. Borushko and Mr. Corwin for their efforts regarding Sappi's requests and requested Board approval of the motion.

Mr. Steve Keglovitz, 4187 S. Quarterline, president of local 1015, addressed the Board of Public Works. Mr. Keglovitz thanked all the people who have worked on a solution to the Sappi issue and that the union supports the County's efforts to keep Sappi in Muskegon.

Mr. Rol Crummel, Laketon Township Supervisor and Chair of the Wastewater Management Committee, addressed the Board of Public Works. Mr. Crummel stated this is no small task for the County to do. It is a complicated system based on complicated contracts and complicated federal regulations as to what can be done with the rates. The Wastewater Management Committee insists that any efforts meet the current contracts and that any state and federal regulations are followed in dealing with the rates. Mr. Crummel stated the County efforts so far have been outstanding.

Mayor Steve Warmington, City of Muskegon, 933 Terrace, addressed the Board of Public Works. Mayor Warmington stated that he is impressed with the way Sappi is handling this situation. On behalf of the City, Mayor Warmington thanked the Wastewater Management Committee and the County staff for their efforts regarding Sappi.

State Representative Dave Farhat, 3461 Whispering Woods, addressed the Board of Public Works. He stated that the action today is a step in the right direction.

Chairman McMurray read into the record a letter from Connie Smith, Secretary of the Wastewater Management Committee supporting continued efforts of Muskegon County and the City of Muskegon to retain Sappi in the community (copy attached).

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Roll call: Ayes - Bennett; Derezinski; Engle; Hulka; Scolnik;  
Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-062 - ADJOURN

Moved by Mr. Derezinski, supported by Mr. Engle, to adjourn the meeting at 4:35 p.m.

Motion carried

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

## MINUTES

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
May 13, 2004

### CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:30 p.m.

### ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

### Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; James Borushko, County Administrator; Gary DeKock, Wastewater Lab Supervisor; Jack Niemiec, Director of Finance & Management Services; Sam Wendling, Community Development Director; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

### Others

Present: Attorney Dave Bossenbroek; Greg Boughton, Fruitland Township Supervisor; Janell Beard, Fruitland Township Clerk; Don Studaven, Blue Lake Township Supervisor; Robert Whiteman, Egelston Township Supervisor; Commissioner Baade; Carole Carter, Muskegon Charter Township Trustee; Jim Nielsen, Muskegon Charter Township Clerk; Jerry Bartoszek, City of Norton Shores; P. Don Aley, Muskegon Charter Township Supervisor; Rol Crummel, Laketon Township Supervisor; Scott Hladki, Dalton Township Supervisor; Pat Jordan, Muskegon Charter Township Deputy Supervisor; Dave Fisher, Muskegon Charter Township; Mike Thompson, Egelston Township Trustee; Gerald Luttrull, Egelston Township Trustee; Commissioner Buzzell; Bob Chandonnet, Nugent Sand; Bob Schulz, Westshore Consulting; News Media.

Board of Public Works  
May 13, 2004  
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BPW-04-063 - APPROVAL OF MINUTES

Moved by Mr. Gill, supported by Mr. Snider, to approve the minutes of the meetings held April 8 and April 15, 2004.

Motion carried

BPW-04-064 - ACCOUNTS PAYABLE

Moved by Mr. Derezinski, supported by Mr. Engle, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Muskegon Charter Township Watermain Extension Fund 4640
4. Northside Water Fund 5910

Commissioner Bennett questioned if the signs purchased by the Parks could be purchased from the Muskegon County Road Commission.

Mr. Kendrick stated that the Wastewater purchases their signs from the Road Commission and in the future, quotes will be requested from the Road Commission for signs at the Parks.

Mr. Scolnik inquired about the \$210 payment to Don Rypma for replacing oil cooler lines and fittings. Mr. Warner stated that this is for one of the Parks trucks.

Roll call: Ayes - Derezinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Bennett; McMurray.

Nays - None.

Motion carried

BPW-04-065 - MUSKEGON CHARTER TOWNSHIP - LAKETON INDUSTRIAL PARK PROJECT - BID CONSTRUCTION OF LAKETON AVENUE WATERMAIN

Moved by Mr. Bennett, supported by Mr. Snider, to approve bidding the construction of the Laketon Avenue watermain portion of the Laketon Industrial Park project for Muskegon Township, contingent upon the approval of Muskegon Charter Township.

Board of Public Works  
May 13, 2004  
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Drain Commissioner Hulka asked if this is money left over from the loan from the County.

Mr. Warner stated that it is not. It is an EDA grant and the match money is paid by Muskegon Charter Township and is already on deposit with the County.

Drain Commissioner Hulka asked what relationship this project has to the other project and if the other project is bonded and if it is designed and going out for bids, the overall project that will feed the Industrial Park.

Mr. Warner stated that this project is one of the main feeds for the Industrial Park and it was always intended to be one of the parts of the Industrial Park project. EDA is allowing it to be bid separately. This line is going down Laketon Avenue from Dangl to the Industrial Park Entrance.

Roll call: Ayes - Engle; Gill; Hulka; Scolnik; Snider;  
Wisniewski; Bennett; Derezinski; McMurray.

Nays - None.

Motion carried

BPW-04-066 - WASTEWATER - QUOTE SUPPLY AND DELIVERY OF ANHYDROUS AMMONIA FERTILIZER FOR FARM

Moved by Mr. Gill, supported by Mr. Wisniewski, to grant permission to quote the supply and delivery of anhydrous ammonia fertilizer for the farm for the summer of 2004.

Roll call: Ayes - Gill; Hulka; Scolnik; Snider; Wisniewski;  
Bennett; Derezinski; Engle; McMurray.

Nays - None.

Motion carried

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BPW-04-067 - WASTEWATER - BID TWO GRAIN WAGONS

Moved by Mr. Gill, supported by Mr. Hulka, to grant permission to bid two grain wagons.

Motion carried

BPW-04-068 - BID ONE FOUR WHEEL DRIVE TRACTOR

Moved by Mr. Gill, supported by Mr. Hulka, to grant permission to bid one four wheel drive tractor.

Motion carried

BPW-04-069 - MDA MARKETING STUDY

Moved by Mr. Wisniewski, supported by Mr. Snider, to accept the USDA offered RBEG grant for \$30,000, authorize staff to submit the application for the MEDC \$50,000 match grant, and fund any remaining balance from the Wastewater O & M Fund; all to be used for the MDA Marketing Study.

Roll call: Ayes - Hulka; Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; Engle; Gill; McMurray.

Nays - None.

Motion carried

BPW-04-070 - PUBLIC HEARING REGARDING PROJECT PLAN FOR TREATMENT AND COLLECTION IMPROVEMENTS

Moved by Mr. Gill, supported by Mr. Engle, to grant permission for staff to hold a public hearing at 3:30 p.m. on June 10, 2004, regarding the Project Plan for treatment and collection improvements to the wastewater system.

Motion carried

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BPW-04-071 - ACCEPT OUT-OF-COUNTY HAULED WASTE - ENGAGE PREIN & NEWHOF TO DESIGN NEW HAULED WASTE RECEIVING STATION

Moved by Mr. Engle, supported by Mr. Wisniewski to accept out-of-county hauled waste at the Metro wastewater system site per the attached policies and procedures June 1, 2004, and to engage Prein-Newhof to design a new hauled waste receiving station per their March 29, 2004, proposal at a cost not to exceed \$69,250.

Roll call: Ayes - Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; Engle; Hulka; McMurray.

Nays - Gill.

Motion carried

BPW-04-072 - INFORMATIONAL ITEMS

Public Works Monthly Operating Report - April, 2004

Moved by Mr. Scolnik, supported by Mr. Derezinski, that the Public Works Monthly Operating Report - April, 2004, be received and placed on file.

Motion carried

Michigan Adventure

James Borushko, County Administrator, gave a verbal presentation of the handout that was put in the Commissioners' boxes before the meeting.

Mr. Borushko stated that the County would be the risk taker regarding job creation for the grant from MEDC and that the County of Muskegon did not ask Fruitland and Dalton to participate in that risk.

The County is under a request from the State to move forward with this project.

The County has negotiated a connection fee of \$400,000 with Michigan Adventure which has raised some controversy in the community.

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Included in the financing package is an additional \$2,000,000 from reserves and/or rate adjustments or other means for a total of \$4,900,000. This would set the stage for future expansion of the system.

Mr. Borushko stated that clearly the Board has stated that it is their wish to extend water to serve Dalton and Fruitland Townships.

The current effort by the County is to persuade Dalton and Fruitland Townships to support the County's plan on "Uniformity Model".

The proposition is that new and old customers pay the same.

The County rationales are as follows:

1. Growth is good for jobs, community wealth and tax base.
2. New customers help pay cost for existing.
3. New cannot afford added surcharge.
4. Uniformity is the legal foundation on which the Northside System was built.
5. Any other proposition puts the County in a position of favoring old over new.
6. Dalton and Fruitland are new and neither they nor their customers can afford a surcharge.

Mr. Borushko stated that it seems to be a recurring theme where Muskegon Township asks for the County's assistance in bonding.

Mr. Borushko gave a summary of Muskegon Township's staff position on County Uniformity Model (copy attached).

Mr. Borushko stated it seems the only Township coming to the Board for assistance is Muskegon Township. He stated that Dalton and Fruitland Townships also need water and sewer.

Mr. Borushko stated that in his contact with the State, if the County loses the MEDC grant, nobody will get it.

Moved by Mr. Engle, supported by Mr. Hulka, that be it resolved, that no bonds shall be approved in support of Eastside Muskegon Township projects until Michigan Adventure and Sappi proposals have been resolved to this boards satisfaction.

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Commissioner Snider stated that he is absolutely and categorically opposed to that motion. It is a last minute motion without sufficient discussion and does not think it should be brought on for a vote. There are many issues involved in all of this and to have to tie all of this together only further delays economic expansion in this community.

Commissioner Snider stated it takes cooperation to get water to Michigan Adventure. It takes cooperation between the various governmental units and he doesn't believe that cooperation has been demonstrated by anyone at this point. The only way to get water to Michigan Adventure is a long term plan which is good for the economic viability of this community, is to have the participation of those entities that have franchise rights, and those are the townships and municipalities who participate. The townships have franchise rights. To his knowledge the only way to go through a township is to put a sewer in. In order to go into a township, the township has to give their approval.

The fact that there are differences, should not preclude getting together in order to accomplish water to Michigan Adventure and economic long term growth in this community which is essential. In his view after talking to bond counsel, we are behind the times because we don't cooperate.

Commissioner Bennett stated that he didn't know this motion was going to be presented. He doesn't think that making a motion tying one project to another is going to get closer to a solution to the Michigan Adventure project. It doesn't need to be complicated by tying it into a proposal on another project. Commissioner Bennett stated that it is owed to the communities that the elected official serve to get this project done.

Commissioner Scolnik stated that he is troubled by the motion as he considers it last minute. He stated that the motion is detrimental to the progress because it throws another road block in the way.

Moved by Mr. Scolnik to table the motion.

Motion died for lack of support.

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Drain Commissioner Hulka stated that Muskegon Township wants to put sewer down the center of a road dividing Muskegon and Egelston Townships without an agreement with Egelston Township. He stated that he contacted staff to work with the townships on an agreement and hasn't seen one to date.

Commissioner Engle stated that he is very discouraged with the situation. He stated that what the attempt is in the community, is to destroy the rights and duties of county government.

Commissioner Derezinski stated he has never seen an agreement in writing that would guarantee a price or guarantee a gallonage for any expansion to the east. Commissioner Derezinski is concerned about the burden placed on the tax payers of Muskegon Township. He stated that he cannot support anything until the County has made some assurances that all its citizens are treated equally.

Commissioner Wisniewski shared the concern about all citizens in the county being dealt with fairly. That is why he has a problem with the group being formed that wants to control the water running north. He stated that when a project crosses different township boundaries, that is the time for the county to be in control.

Roll call: Ayes - Wisniewski; Engle; Gill; Hulka; McMurray.

Nays - Snider; Bennett; Derezinski; Scolnik.

Motion carried

Sappi

Mr. Borushko stated that there has been a positive response from the Wastewater Management Committee with three of the five issues. The County intends to meet with the State for their support and input on this issue. Hopefully there will be more detail for the June 10, 2004, meeting.

Moved by Mr. Gill, supported by Mr. Engle, to receive the verbal report.

Motion carried

Commissioner Gill was excused from the meeting.

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Nugent Sand

A report was included in the agenda package.

Dave Kendrick, Director of Public Works, gave a brief summary of the report. He stated that Wastewater wanted to do water sampling but Nugent Sand denied their request, therefore Wastewater has environmental concerns about Nugent Sand's discharge to Lake Michigan.

Moved by Mr. Snider, supported by Mr. Bennett, to suspend the rules and allow Mr. Chandonnet to address the Board of Public Works.

Motion carried

Mr. Bob Chandonnet, owner of Nugent Sand, addressed the Board of Public Works. Mr. Chandonnet explained the operations at Nugent Sand and answered questions from the Board.

Moved by Martin Hulka, supported by James Derezinski, for staff to prepare a letter for the Chair of the Public Works Board to sign and forward to the MDEQ Director Steve Chester indicating that the Muskegon County Board of Public Works is opposed to any direct water discharge by Nugent Sand into the waters of Lake Michigan due to the environmental concerns.

Commissioner Snider stated he is opposed to the motion because this matter is currently pending appeal from an administrative law judge and is in effect in the legal process. He stated he sees nothing to be served by a resolution such as this and it makes no sense to take a position on generally speculative concerns and does not want to interfere with any legal, due process. He stated he is categorically opposed to the motion.

Roll call: Ayes - Wisniewski; Bennett; Derezinski; Engle; Hulka; Scolnik; McMurray.

Nays - Snider.

Motion carried

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BPW-04-073 - OLD BUSINESS

Commissioner Snider specifically requested the resolution from the Northside Water System Operations Advisory Committee regarding paying off the outstanding bonds on the Northside Water System be put on the June 10, 2004, agenda for full and thorough discussion.

BPW-04-074 - NEW BUSINESS

Muskegon Charter Township Request for Sewer Bonds - this item is mute because of previous action taken under Information Items - Michigan Adventure.

Commissioner Bennett moved to suspend the rules and open the meeting for discussion on the Northside Water System issue.

Chairman McMurray denied the motion because Audience Participation is on the agenda and the audience can speak under that item.

BPW-04-075 - AUDIENCE PARTICIPATION

Janell Beard, Fruitland Township resident and Clerk, addressed the Board of Public Works. Ms. Beard stated she is encouraged that the County is going to attend their township board meeting and dialog is starting to happen. She stated that the County's desires sound the same as what the townships want. She said she sees no reason to penalize a township based on no financial reasoning and tie it to two other projects, Sappi and Michigan Adventure. The County is penalizing a township for growth which the County has said they are desirous of. Ms. Beard stated it is time for the townships and county to work together.

Roland Crummel, Laketon Township Supervisor, addressed the Board of Public Works. Mr. Crummel stated he has been talking to different attorneys in the last few weeks and in discussing the agreement regarding Michigan Adventure, he has come to the conclusion that the County cannot go to Michigan Adventure without the townships, but the townships can go there without the County. Mr. Crummel stated that he sent a letter to County staff, signed by the four township supervisors involved in the

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Michigan Adventure issue, to have the issue mediated by the Westshore Dispute Resolution Center, and got no response to the letter. He stated that he is absolutely appalled by the motion tie barring everything together. He feels it is a step backward.

Dave Fisher, Muskegon Charter Township, addressed the Board of Public Works. He stated that the biggest problem between the county and townships is a lack of communication. He commended the Board for being concerned about Egelston in regard to the Muskegon Township sewer system design. Mr. Fisher stated that Mr. Borushko requested that he put together information on the sewer. He stated that on September 8, 2003, Muskegon Township officials attended the Egelston Township board meeting to present a proposal on a cost sharing agreement for the Brooks Road sewer. The cost sharing agreement is drawn up the same as the cost sharing agreement between Muskegon Township and Laketon Township in 1981 for a border line sewer. The agreement accounts for a fair and equitable distribution of the costs to build the pipe as well as a mechanism to account for flow from each township. The cost to Egelston Township is approximately \$940,000, about 50% of the pipe and appurtenances. It has been verbally extended to Egelston Township that Muskegon Township has offered an open end discussion that if Egelston Township's sewer fund is not sufficient to accommodate a \$940,000 payment to Muskegon Township, it could be included in Muskegon Township's bond funds that they are working on. Both Muskegon County staff and Egelston Township have this information.

BPW-04-076 - RECESS

The meeting recessed to the call of the Chair at 4:58 p.m.

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

## M I N U T E S

Board of Public Works  
Special Meeting  
Michael E. Kobza Hall of Justice  
Muskegon, Michigan  
May 18, 2004

### CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:30 p.m.

### ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Bill Gill; I. John Snider; Stephen Wisniewski; Louis McMurray.

Excused: Martin Hulka; Robert Scolnik.

### Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; Steve Corwin, Corporate Counsel; Thoa Du, Corporate Counsel; Karen Fisher, Secretary.

### Others

Present: Commissioner Baade; Commissioner Buzzell.

Commissioner Gill asked why this is a special meeting when the last meeting was recessed.

Corporate Counsel stated that this is a special meeting because it is for this one item only and not to continue with the items from the previous meeting.

### BPW-04-077 - RETAIN AIR QUALITY SPECIALIST, INC.

Moved by Mr. Engle, supported by Mr. Snider, to authorize retaining Air Quality Specialist, Inc., to provide services of calculating air emissions from the Wastewater plant and Solid Waste Landfill at a cost not to exceed \$9,500.

Board of Public Works  
Special Meeting  
May 18, 2004  
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Roll call: Ayes - Bennett; Derezinski; Engle; Gill; Snider;  
Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-078 - ADJOURN

Moved by Mr. Gill, supported by Mr. Derezinski, to adjourn the  
meeting at 3:46 p.m.

Motion carried

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Louis McMurray, Chairman

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Marvin Engle, Vice Chair

kf

M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
June 10, 2004

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:41 p.m.

ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Excused: Bill Gill.

Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; James Borushko, County Administrator; Jack Niemiec, Director, Finance & Management Services; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: Mike Fuller, Fred Eyer, Tim Bergstrom, Tom Newhof, Prein & Newhof; Pat Jordan, Muskegon Charter Township Supervisor; Carole Carter, Muskegon Charter Township Trustee; Bob Whiteman, Egelston Township Supervisor; Roland Crummel, Laketon Township Supervisor; Scott Hladki, Dalton Township Supervisor; Commissioner Baade; Commissioner Buzzell; Attorney Dave Bossenbroek; Janell Beard, Fruitland Township Clerk; Bryan Mazade, City of Muskegon Manager; News Media.

BPW-04-079 - APPROVAL OF MINUTES

Moved by Mr. Derezinski, supported by Mr. Hulka, to approve the minutes of the meetings held May 13 and May 18, 2004.

Motion carried

Board of Public Works  
June 10, 2004  
Page Two

BPW-04-080 - ACCOUNTS PAYABLE

Moved by Mr. Snider, supported by Mr. Bennett, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Muskegon Charter Township Watermain Extension Fund 4640
4. Northside Water Fund 5910

Roll call: Ayes - Bennett; Derezinski; Engle; Hulka; Scolnik; Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-081 - PUBLIC HEARING - PROJECT PLAN FOR TREATMENT AND COLLECTION IMPROVEMENTS TO THE WASTEWATER SYSTEM

Moved by Mr. Engle, supported by Mr. Snider, to open the public hearing.

Motion carried

Prein & Newhof gave a presentation and answered questions.

James Borushko, County Administrator, stated that no letters or telephone calls have been received.

The public hearing was closed.

BPW-04-082 - SOLID WASTE - HAUL ROAD PAVING

Moved by Mr. Hulka, supported by Mr. Engle, to approve the proposal for the engineering for the completion of the haul road at the solid waste facility from Engineering & Environmental Solutions, LLC, in the amount of \$6,634.00 to be paid from solid waste funds.

Board of Public Works  
June 10, 2004  
Page Three

Roll call: Ayes - Derezinski; Engle; Hulka; Scolnik; Wisniewski;  
Bennett; McMurray.

Nays - None.

Motion carried

BPW-04-083 - WASTEWATER - TERMINATION OF SEWAGE TREATMENT PLANT  
LEASE, SUBLEASE, OPERATION AND MAINTENANCE AGREEMENT

Moved by Mr. Hulka, supported by Mr. Engle, to authorize Chairman  
to execute Termination of Sewage Treatment Plant Lease, Sublease,  
Operation and Maintenance Agreement.

Roll call: Ayes - Engle; Hulka; Scolnik; Snider; Wisniewski;  
Bennett; Derezinski; McMurray.

Nays - None.

Motion carried

BPW-04-084 - WASTEWATER - BID REMOVAL AND LANDFILL DISPOSAL OF  
SLUDGE FROM AERATED SETTLING LAGOON #4

Moved by Mr. Engle, supported by Mr. Snider, to bid the removal  
and landfill disposal of sludge from Aerated Settling Lagoon #4.

Motion carried

BPW-04-085 - WASTEWATER - ACCEPT BID FROM TRIDONN CONSTRUCTION -  
HVAC IMPROVEMENT TO WASTEWATER ADMINISTRATION BUILDING

Moved by Mr. Snider, supported by Mr. Wisniewski, to accept the  
bid of \$154,600 for Option II from Tridonn Construction for the  
work detailed in RFB 04-1344 for HVAC improvements to the  
Wastewater Administration Building.

Roll call: Ayes - Hulka; Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; Engle; McMurray.

Nays - None.

Motion carried

Board of Public Works  
June 10, 2004  
Page Four

BPW-04-086 - INFORMATION ITEMS

Public Works Monthly Operating Report - May, 2004

Moved by Mr. Derezinski, supported by Mr. Hulka, that the Public Works Monthly Operating Report for May, 2004, be received and placed on file.

Motion carried

Muskegon Municipal Wastewater Management Committee Draft Minutes - May 12, 2004

Moved by Mr. Derezinski, supported by Mr. Snider, that the Muskegon Municipal Wastewater Management Committee Draft minutes of May 12, 2004, be received and placed on file.

Motion carried

BPW-04-087 - OLD BUSINESS

There was no old business.

BPW-04-088 - NEW BUSINESS

Northside Water System

Corporate Counsel distributed a handout regarding the Northside Water System regarding pay off of the indebtedness and summarized same.

Moved by Mr. Engle, supported by Mr. Hulka, to table the motion to instruct staff to pay off original 1981 Northside System indebtedness upon approval by Dalton, Laketon and Muskegon Townships of rate adjustments as recommended in A.C.I. Finance, Inc. "Water System Fund Analysis and Rate Study" report dated March, 2004.

Roll call: Ayes - Scolnik; Wisniewski; Engle; Hulka; McMurray.

Nays - Snider; Bennett; Derezinski.

Motion carried

Board of Public Works  
June 10, 2004  
Page Five

A schedule of events for the Michigan Adventure Project and a generic resolution was distributed for information.

BPW-04-089 - AUDIENCE PARTICIPATION

Pat Jordan, Muskegon Charter Township Supervisor, addressed the Board. Mr. Jordan inquired how much more time is needed to address the issue of paying off the Northside Water indebtedness.

Commissioner Derezinski inquired if County Corporate Counsel has directly met with counsels from the townships.

Corporate Counsel stated that he has had conversations with Mr. Eklund who represents Fruitland Township. He stated that the counsels for the townships have been in contact with Mr. Piell, County Bond Counsel, and Mr. Piell has recommended that the township counsels contact Mr. Corwin.

Attorney Dave Bossenbroek, representing Laketon Township, addressed the Board of Public Works. Mr. Bossenbroek stated he called Mr. Piell and Mr. Piell told him the county cannot do what they proposed to do and stated that the proposal from the townships to change the Northside Water agreements to expand it, is what needs to be done and is a way to resolve this issue.

Janell Beard, Fruitland Township Clerk, addressed the Board of Public Works. She stated that the Fruitland Township attorney has reviewed the agreement prepared by the County Corporate Counsel and cited some issues and has advised the township board not to sign it. Revisions have been sent to County Corporate Counsel in writing and no response has been received.

Ms. Beard stated that the County Administrator and a few commissioners attended a township board meeting where a resolution was passed that stated the township's position on the water issue. At that meeting, the County Administrator was asked to establish a meeting between the townships and county staff as soon as possible to resolve this issue. To date, the township has not received a response. She stated that the \$1.7MM in reserve for the Northside Water is not enough to cover an expansion to Michigan Adventure. She hoped that there would be a motion to place the issue of paying off the Northside Water indebtedness back on the agenda for action. The townships have

Board of Public Works  
June 10, 2004  
Page Six

made several attempts to get this item on the Public Works Board agenda.

Attorney Thomas Thornhill, 300 Terrace Plaza, representing the Chamber of Commerce addressed the Board of Public Works. Mr. Thornhill is the Chairperson of the Governmental Affairs Committee. The Chamber believes it is imperative to extend the Northside Water to Michigan Adventure. He stated that they have previously suggested facilitated mediation to resolve the issues. The Chamber has offered their services.

Roland Crummel, Laketon Township Supervisor, addressed the Board of Public Works. He stated that the townships have engaged a bond counsel to prepare a document to present to the County. The plan is to include the northern municipalities and Egelston and Moorland Townships also. Mr. Crummel stated that when the 20 year service plan is complete for the new area, then the rates and connection charges can be established. It is the intent to establish one connection charge and one gallonage rate. Hopefully the proposal can be completed within the next few weeks.

Scott Hladki, Dalton Township Supervisor, addressed the Board of Public Works. He stated Dalton Township has sent a letter to County Corporate Counsel. He inquired if the plans for the Michigan Adventure extension are complete as was reported in the editorial in the newspaper.

Drain Commissioner Hulka had questions on the generic resolution from Joel Piell.

BPW-04-090 - RECESS

The meeting recessed to the call of the Chair at 5:10 p.m.

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

M I N U T E S

Board of Public Works  
Special Meeting  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
June 22, 2004

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:30 p.m.

ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; Jack Niemiec, Director of Finance and Management Services; Karen Fisher, Secretary.

BPW-04-091 - ADOPT RESOLUTION REGARDING THE JUNE 10, 2004, PUBLIC HEARING AND THE PROJECT PLAN

Moved by Mr. Snider, supported by Mr. Hulka, to adopt the resolution regarding the June 10, 2004, Public Hearing and the Project Plan discussed at that time.

Roll call: Ayes - Bennett; Derezinski; Engle; Gill; Hulka; Scolnik; Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-092 - ADJOURN

The meeting adjourned at 3:32 p.m.

Board of Public Works  
Special Meeting  
June 22, 2004  
Page Two

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
July 8, 2004

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 4:15 p.m.

ROLL

Present: Douglas Bennett; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; Mark Eisenbarth, Deputy Director of Public Works for Wastewater; James Borushko, County Administrator; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: Dave Fisher, Muskegon Charter Township; Scott Hladki, Dalton Township Supervisor; Greg Boughton, Fruitland Township Supervisor; Pat Jordan, Muskegon Charter Township Supervisor; Roland Crummel, Laketon Township Supervisor; Commissioner Buzzell; Commissioner Baade; Commissioner Waters.

BPW-04-093 - APPROVAL OF MINUTES

Moved by Mr. Derezinski, supported by Mr. Hulka, to approve the minutes of the meetings held June 10 and June 22, 2004.

Motion carried

Board of Public Works  
July 8, 2004  
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BPW-04-094 - ACCOUNTS PAYABLE

Moved by Mr. Derezsinski, supported by Mr. Snider, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Parks Development Fund 2411
4. Muskegon Charter Township Watermain Extension Fund 4640
5. Solid Waste Fund 5710
6. Northside Water Fund 5910

Roll call: Ayes - Bennett; Derezsinski; Engle; Hulka; Scolnik;  
Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-095 - SOLID WASTE - LOAN FROM SOLID WASTE FOR PIONEER PARK IMPROVEMENT PROJECT

Moved by Mr. Hulka, supported by Mr. Snider, that an additional \$50,000 in loans from the solid waste fund be approved for the Pioneer Park Improvement project (which includes a new office building, new queueing lane, new campground entrance road and 20 additional campsites including 4 ADA accessible sites) bringing the total approved amount of the loan to a maximum of \$241,000 to be paid back over a 10 year period at the prevailing interest rate as determined by the County Treasurer each year.

Roll call: Ayes - Derezsinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Bennett; McMurray.

Nays - None.

Motion carried

Board of Public Works  
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Page Three

BPW-04-096 - SOLID WASTE - ERM'S PROPOSAL FOR PUMPING WATER OUT OF ACTIVE GAS COLLECTION SYSTEM WELLS & HEADERS

Moved by Mr. Bennett, supported by Mr. Wisniewski, that ERM's proposal for services for solid waste for pumping the water out of the active gas collection system wells and headers be accepted in an amount of \$20,400, but not to exceed \$31,900 which includes instructions for our people on how to perform this work in the future and for ERM to provide an operation and maintenance manual for the system, per proposal provided with costs being paid from solid waste fund 5710-0526.

Roll call: Ayes - Engle; Gill; Hulka; Scolnik; Snider;  
Wisniewski; Bennett; Derezinski; McMurray.

Nays - None.

Motion carried

BPW-04-097 - MUSKEGON CHARTER TOWNSHIP - LAKETON AVENUE WATERMAIN

Moved by Mr. Bennett, supported by Mr. Snider, that the low bid of \$163,812.00 submitted by Triangle Excavating be accepted for the construction of the Laketon Avenue watermain to serve the Muskegon Charter Township Laketon Industrial Park, being phase I of the EDA grant project (EDA grant #01-06-04735), contingent upon approval of the bid by Muskegon Charter Township.

Roll call: Ayes - Gill; Hulka; Scolnik; Snider; Wisniewski;  
Bennett; Derezinski; Engle; McMurray.

Nays - None.

Motion carried

BPW-04-098 - WASTEWATER - BIDDING THE PURCHASE AND INSTALLATION OF A BYPASS PUMP FOR LIFT STATION J

Moved by Mr. Wisniewski, supported by Mr. Engle, to authorize bidding the purchase and installation of a bypass pump for Lift Station J.

Motion carried

Board of Public Works  
July 8, 2004  
Page Four

BPW-04-099 - WASTEWATER - STIPULATED AGREEMENT TO EXCLUDE  
WASTEWATER FROM RENEWABLE OPERATING PERMIT

Moved by Mr. Hulka, supported by Mr. Snider, to authorize Corporate Counsel to enter into a stipulated agreement with the Attorney General for MDEQ to exclude Wastewater from the renewable operating permit, but reserving the County's right to raise any arguments in the future event that circumstances change and MDEQ attempted to subject Wastewater to another air permit.

Roll call: Ayes - Hulka; Scolnik; Snider; Wisniewski; Bennett;  
Derezinski; Engle; Gill; McMurray.

Nays - None.

Motion carried

BPW-04-100 - INFORMATION ITEMS

Moved by Mr. Engle, supported by Mr. Hulka, that the Public Works Monthly Operating Report for June, 2004, be received and placed on file.

Motion carried

BPW-04-101 - OLD BUSINESS

Commissioner Scolnik had some questions on the tonnage at the landfill.

Discussion on the Solid Waste Plan followed.

Moved by Mr. Snider to remove from the table the issue of staff recommendation to pay off existing debt on the Northside Water System and reinstate his motion.

The motion died for lack of support.

Commissioner Derezinski stated he had several calls regarding odor from the Wastewater Site.

Board of Public Works  
July 8, 2004  
Page Five

Mr. Kendrick stated there is odor from pumping the water from settling lagoon #4 in preparation for sludge removal.

BPW-04-102 - NEW BUSINESS

There was no new business.

BPW-04-103 - AUDIENCE PARTICIPATION

Mr. John Warner, Deputy Director of Public Works, introduced Mr. Steven Fink, Public Works Engineer.

Mr. Dave Kendrick, Director of Public Works, introduced Mr. Mark Eisenbarth, Deputy Director of Public Works for Wastewater.

James Borushko, County Administrator, addressed the Board of Public Works regarding the proposal developed by the townships regarding the Northside Water System. Mr. Borushko stated that he thinks the townships want to go forward and sees this as a positive sign. Mr. Borushko stated that he is prepared to put a high speed effort into resolving the issues regarding Michigan Adventure.

Mr. Rol Crummel, Laketon Township Supervisor, addressed the Board of Public Works. He stated that it is important to move quickly on the townships' proposal regarding the Northside Water System.

BPW-04-104 - RECESS

The meeting recessed to the call of the Chair at 5:03 p.m.

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
August 12, 2004

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 4:19 p.m.

ROLL

Present: Charles Buzzell; James Derezinski; Marvin Engle; Bill Gill; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Excused: Martin Hulka.

Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; Mark Eisenbarth, Deputy Director of Public Works for Wastewater; James Borushko, County Administrator; Jack Niemiec, Director of Finance & Management Services; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: Dave Bossenbroek, Attorney; Commissioner Baade; Commissioner Waters; Commissioner Bennett; Tom Newhof, Prein & Newhof; News Media.

Chairman McMurray informed the Board of Public Works that Commissioner Bennett has resigned from the Board of Public Works and Commissioner Buzzell was appointed to fill the position.

BPW-04-105 - APPROVAL OF MINUTES

Moved by Mr. Derezinski, supported by Mr. Engle; to approve the minutes of the meeting held July 8, 2004.

Motion carried

Board of Public Works  
August 12, 2004  
Page Two

BPW-04-106 - ACCOUNTS PAYABLE

Moved by Mr. Engle, supported by Mr. Wisniewski, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Muskegon Charter Township Watermain Extension Fund 4640
4. Solid Waste Fund 5710
5. Northside Water Fund 5910

Roll call: Ayes - Buzzell; Derezinski; Engle; Gill; Scolnik; Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-107 - SOLID WASTE - ADDITIONAL FEES FOR DESIGN AND CONSTRUCTION INSPECTION SERVICES

Moved by Mr. Wisniewski, supported by Mr. Engle, to approve an additional \$2,234.10 in fees for Bosma Architects for design and construction inspection services for the new maintenance building at the solid waste site, bringing the total architects fee to \$22,634.10 which is 6.0% of the construction cost.

Roll call: Ayes - Derezinski; Engle; Gill; Scolnik; Snider; Wisniewski; Buzzell; McMurray.

Nays - None.

Motion carried

BPW-04-108 - MUSKEGON CHARTER TOWNSHIP - BIDDING OF CONSTRUCTION OF UTILITIES AND STREETS FOR LAKETON INDUSTRIAL PARK

Moved by Mr. Engle, supported by Mr. Snider, to approve bidding the construction of utilities and streets for the Laketon Industrial Park for Muskegon Charter Township, the EDA grant project (project #01-06-04735) which Muskegon County DPW is managing for the Township.

Motion carried

Board of Public Works  
August 12, 2004  
Page Three

BPW-04-109 - SOLID WASTE - BIDDING OF COMPLETION OF ACCESS ROAD

Moved by Mr. Snider, supported by Mr. Wisniewski, to authorize the bidding of the completion of the access road into solid waste cells #4 & #5.

Motion carried

BPW-04-110 - WASTEWATER - SLUDGE REMOVAL AND DISPOSAL

Moved by Mr. Wisniewski, supported by Mr. Buzzell, to approve the low bid of \$17.48 per ton from Synagro to excavate, haul, and land apply approximately 35,000 tons of sludge from aerated settling lagoon #4; and alternately, if the necessary MDEQ permits and approvals cannot be obtained for land application, to approve the next low bid of \$21.33 per ton from Synagro to excavate, haul, and dispose of the sludge at Ottawa Farms Landfill.

Roll call: Ayes - Engle; Gill; Scolnik; Snider; Wisniewski;  
Buzzell; Derezinski; McMurray.

Nays - None.

Motion carried

BPW-04-111 - WASTEWATER - PURCHASE OF SPECIAL LIFT STATION PARTS

Moved by Mr. Wisniewski, supported by Mr. Engle, to authorize the purchase of the recommended special Lift Station C VFD parts (copy of list on file) for Lift Station C for \$23,950.13.

Roll call: Ayes - Gill; Scolnik; Snider; Wisniewski; Buzzell;  
Derezinski; Engle; McMurray.

Nays - None.

Motion carried

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Page Four

BPW-04-112 - WASTEWATER - 2004 TRAPPING, WATERFOWL HUNTING &  
ARCHERY DEER HUNTING RULES

Moved by Mr. Engle, supported by Mr. Snider, to approve the 2004 trapping, waterfowl hunting, and archery deer hunting rules.

Roll call: Ayes - Scolnik; Snider; Wisniewski; Buzzell;  
Derezinski; Engle; Gill; McMurray.

Nays - None.

Motion carried

BPW-02-113 - INFORMATION ITEMS

Moved by Mr. Derezinski, supported by Mr. Engle, that the Public Works Monthly Operating Report for July 2004 be received and placed on file.

Motion carried

Moved by Mr. Engle, supported by Mr. Derezinski, that the Muskegon Municipal Wastewater Management Committee draft minutes of June 16, 2004, be received and placed on file.

Motion carried

Moved by Mr. Wisniewski, supported by Mr. Gill, that the Northside Water System cost of water/loss in revenue report be accepted.

James Borushko, County Administrator, stated he requested staff to prepare this memo so the Board is informed of the loss in revenue. This loss is due to an increase in water costs by the City of Muskegon and not raising the rates by the townships.

Mr. Borushko will work with Mr. Kendrick and Mr. Warner to notify the trustees of the townships of the need to raise the rates.

Commissioner Wisniewski withdrew his motion and Commissioner Gill withdrew his support.

Moved by Mr. Engle, supported by Mr. Wisniewski, to inform the necessary boards and individuals of the necessity to increase rates and direct staff to do so.

Commissioner Snider inquired as to what discussions with the townships regarding increasing the rates have taken place so far. Commissioner Snider stated he attended a meeting in February or March where the townships discussed this issue and, as he understood, there was going to be a generalized meeting with staff. He asked if staff has met with the various townships on the rate issue.

Mr. Borushko stated that they have not met, however, he will do that. Mr. Borushko stated that it is time to address this issue and to work with the townships and get it taken care of.

Commissioner Snider inquired as to whether some part of the loss is directed only at revenue or does it affect the bond interest.

Corporate Counsel stated that the recommendation made by ACI relative to the rate increase, was the product of factoring in two items, the cost of water increase and the planned improvements.

John Warner, Deputy Director of Public Works, stated that there have been several meetings of the Northside Water Operations Advisory Committee since the rate study was presented in February or March and this issue has been mentioned at several of these meetings. It was formally presented to the townships one time, and was not acted upon by the Northside Water Operations Advisory Committee at that time.

Motion carried with Commissioner Snider voting "No"

James Borushko, County Administrator, stated that the line item for the Wastewater Management Committee has previously been budgeted at \$50,000. Last year it was reduced to \$25,000. However, there has been additional work regarding the Sappi issue. In discussions with Mr. Kendrick and Mr. Niemiec, it was determined that it can be handled through the end of the fiscal year and a budget amendment will be brought back to the Board.

Board of Public Works  
August 12, 2004  
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It is staff's recommendation to honor the bills and pay them. The approximate cost is \$35,000. Staff feels this can be done with a budget amendment which will be brought back to the Board of Public Works.

Moved by Mr. Derezhinski, supported by Mr. Snider, to concur with staff recommendation.

Roll call: Ayes - Scolnik; Snider; Wisniewski; Buzzell;  
Derezhinski; Engle; Gill; McMurray.

Nays - None.

Motion carried

BPW-04-114 - WATER SUPPLY TESTS ON VACANT LOTS ON MILL POND TRAIL

Moved by Mr. Wisniewski, supported by Mr. Snider, to provide assistance, not to exceed \$3,000, to Mr. Ronald Gaffner for the performance of water supply tests on vacant lots #57, 58 and 59 on Mill Pond Trail as required by the County Health Department pursuant to well permitting requirements.

Roll call: Ayes - Snider; Wisniewski; Buzzell; Derezhinski; Engle;  
Gill; Scolnik; McMurray.

Nays - None.

Motion carried

BPW-04-115 - RESOLUTION OF INTENT TO ISSUE BONDS FOR NORTHSIDE WATER SYSTEM

Moved by Mr. Engle, supported by Mr. Wisniewski, to authorize execution of Resolution of Intent to issue bonds in connection with Dalton/Fruitland water extension project.

Commissioner Snider inquired if the bonds will be revenue bonds or general obligation bonds.

Corporate Counsel stated that if local units will agree to a bond issue, they will be Public Act 185 general obligation bonds. If not, they will be revenue bonds.

Board of Public Works  
August 12, 2004  
Page Seven

Commissioner Snider inquired if the county has talked to the townships regarding general obligation bonds.

Corporate Counsel stated the most recent letter went from Corporate Counsel to Mr. Bossenbroek this week, however, there has been no formal discussion.

Commissioner Snider asked if there has been an opinion received from Mr. Joel Piell in answer to a letter sent to him by Corporate Counsel back in February or March.

Corporate Counsel stated that he is not sure what letter Commissioner Snider is referring to but Mr. Piell has sent a letter principally opining on the issue on whether or not the system devolves to the ownership of the local units upon payoff of the outstanding bonds/notes. Mr. Piell's answer was no, it remains with the County. Corporate Counsel stated he prefers to divulge the rest of the subjects handled by Mr. Piell in that letter to the Board in closed session.

Commissioner Snider commented that, as he reads the contracts, it is necessary that all of this needs approval under the terms of the existing contract. Commissioner Snider inquired if discussions are being held with the townships. The townships have developed a suggested revision of the various agreements which were offered to the Board of Public Works. Commissioner Snider stated that these agreements have never been put on the agenda, even though it has been requested to do so. Commissioner Snider asked if staff is in active negotiations with the townships on revising these contracts or getting their approval on the contracts as is required in the contracts.

Corporate Counsel stated that in his perspective the answer is no. He also stated that the proposal that the townships made for settling the issue of Michigan Adventure, did not address the issue of cost allocation. It did not address the issue of who pays what in terms of customers. It did address the question of who county staff will work for, that being a management committee composed of township supervisors or their designees. Corporate Counsel supports the position that Mr. Borushko took in his letter of administratively rejecting that proposal. He stated that it is not consistent with the strategy and directive staff received from the Board of Public Works since February, that being to go forward and get this project done.

Corporate Counsel stated that it may well be that the only way to get this project done is for the county to give their water system away. But because he believes that the county can win if legally challenged, that the county has pushed forward. Trustees of Dalton Township now support the county's efforts. Corporate Counsel stated when it comes to the position of Laketon and Muskegon Townships, that it is apparent to him that they don't support what the county has been trying to do in the way the county is trying to do it. He also stated that it may well be that he is legally in error and the only thing to do is give up the system. He believes the county can keep the system and get the project done, however there may be a legal challenge.

Mr. Borushko stated that each board member received the proposal, two separate contracts. He stated he met with township supervisors and he understands what the townships appear to want. The point is whether the county would be willing to do what the proposals requested such as turning over the water system and also the issue of changing the makeup of this board. The answer to the townships was no, their proposal was not acceptable. The answer received from the townships was that they wanted the board to vote the proposal up or down. Mr. Borushko sent them a letter stating their proposal is unacceptable and stands by what he sent. Mr. Borushko stated he clarified the letter with the Chairman of the County Board and Chairman of the Board of Public Works.

Commissioner Derezinski stated that it appears to him that this issue is on a collision course and it will be decided in court and this is the direction possibly the county is pushing.

Mr. Borushko stated that he doesn't think that is the case. He stated that he thinks staff has done a very good job in helping the community grow on the north side of Muskegon County. He thinks the county can work this out. Mr. Borushko also stated that if the townships want to get things done in their community, the county is willing to show them opportunities of growth. The biggest winners in this project will be Dalton Township and the City of Muskegon with the Renaissance zone impact. Mr. Borushko is waiting for the Fruitland Township board to take action. He stated it is time for Laketon and Muskegon Townships to let Fruitland Township in. Mr. Borushko stated this is an issue of control. The county wants water under US31 and along M120 in Dalton and Muskegon Townships and into Egelston Township. Mr. Borushko stated that it is time to go forward.

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August 12, 2004  
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Roll call: Ayes - Wisniewski; Buzzell; Derezinski; Engle; Gill;  
Scolnik; Snider; McMurray.

Nays - None.

Motion carried

BPW-04-116 - ENGAGEMENT OF ENGINEER FOR NORTHSIDE WATER SYSTEM  
PROJECT AND MUSKEGON COUNTY BUSINESS PARK #3 (CORDOVA)

Moved by Mr. Engle, supported by Mr. Wisniewski, to rescind item BPW -02-81 - "Northside Water - Extension to Michigan's Adventure - Engineering Design" as previously approved on May 9, 2002, and further move to authorize Chairman to execute a contract with Prein and Newhof providing for engineering design and construction services to be performed by Prein and Newhof in connection with Michigan's Adventure project, as per Prein and Newhof proposal of March 23, 2004, at a cost not to exceed \$489,150 and furthermore authorize staff to negotiate engineering design and construction services with Prein and Newhof in connection with the development of the Muskegon County Business park Number 3 (Cordova) Dalton Township site with final contract to be returned to Board of Public Works for review and approval.

Commissioner Snider asked if this was just for the Cordova Site.

Corporate Counsel stated that it is not. It is for the Michigan Adventure Project and the Cordova project.

Commissioner Snider stated that in the past Johnson & Anderson has done the majority of the work on the Northside Water System and they have done some work with respect to the project referenced in the motion. Commissioner Snider stated in the memo distributed with the agenda addendum, it states two reasons not to use Johnson & Anderson. Commissioner Snider stated he thinks some of this is specious. He stated that it seems to be suggesting that there is going to be a lawsuit and the county is contemplating a lawsuit. Commissioner Snider does not think litigation is a logical way to resolve this issue. Commissioner Snider questioned the costs.

Corporate Counsel stated that the difference in the cost is that the quote from Prein & Newhof is for both design and construction oversight. The quote from Johnson & Anderson, who were not asked to give a quote for construction oversight, is for design only.

Corporate Counsel stated the county has been talking to Prein & Newhof for quite some time and a quote for both design and construction oversight was requested from Prein & Newhof because the county is on a very ambitious schedule to have pipe in the ground by next spring. Corporate Counsel stated that Johnson & Anderson has done a very good job in servicing the Northside Water System.

Corporate Counsel stated that the Northside Water System Operations Advisory has stated that the work by Johnson & Anderson for Michigan Adventure cannot be financed by the Northside Water System. The difficulty is that there is only one water system. Whether the bond funds, or capital reserves or whatever funds that are used, they are all associated with the Northside Water System. So the motion the Northside Water System Operations Advisory System essentially tied their hands.

Since that time Johnson & Anderson has been working with the Water Alliance. The Water Alliance is comprised of the township supervisors from Fruitland, Dalton, Laketon and Muskegon Townships. Corporate Counsel stated that he has a copy of the map done which includes the entire north and east portions of the county. He also has their statement from a meeting a couple weeks ago stating that they will continue to plan the Northside Water System and its future and finish the report with no involvement from the county. Corporate Counsel stated that the work being done by Johnson & Anderson for the Water Alliance is a competing model.

Commissioner Derezinski inquired as to how much work done by Johnson & Anderson can be used by Prein & Newhof.

Corporate Counsel stated that Mr. Terry Broemer, Johnson & Anderson, indicated that Johnson & Anderson has not done anything in connection with designing the Michigan Adventure project.

John Warner, Deputy Director of Public Works, stated that to his knowledge, to date, Johnson & Anderson has engaged an aerial flight service to do the air photography which is the basis of the topo maps needed for design. They have never had the maps rectified for use or put in map format. Some on-site surveying has also been done.

James Borushko, County Administrator, stated that the Michigan Adventure grant from MEDC is eligible as a local match on the Cordova Superfund site rehab. Commissioner Waters was very instrumental in this effort. There will be a meeting on August 26 regarding Phase I with WMSRDC staff, MEDC staff, federal employees, county staff and other interested parties which includes the City of Muskegon because they are the responsible party under the Renaissance Zone. The Board of Public Works may have a special meeting on August 26 for this issue. Mr. Borushko stated that the county is interested in working with Dalton Township and Muskegon Township on the old airport property on River Road. Mr. Borushko stated that the Cities of Whitehall and Montague have commissioned Prein & Newhof to do a study on building a filtration plant and other alternatives. He also stated that there has been a request from the Whitehall Township trustees to bring water to their township. Mr. Borushko stated that there is a need for another line across the channel, which does not need to be done now, but maybe in 10-15 years. County staff thinks it is the time to go forward.

Commissioner Snider stated that cooperation between all the entities in the community is needed. Commissioner Snider stated that the Board of Public Works must cooperate with the other organizations that have an interest in water or long term commitments will not be made. He stated that cooperation is needed, not litigation. Commissioner Snider stated he disagrees with Corporate Counsel's characterization that the townships are asking the county to give away the system. Commissioner Snider does not believe that is what has been asked and the characterization is inaccurate. He stated that there are a number of people, many of whom sit on the Board of Public Works, who say the county must be the one who controls everything. He pointed out that the statutes give the townships certain rights.

Mr. Borushko stated that from 1973 to 2000 the county has either bonded or loaned \$54MM to the various units of government.

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Roll call: Ayes - Buzzell; Derezinski; Engle; Gill; Scolnik;  
Wisniewski; McMurray.

Nays - Snider.

Motion carried

BPW-04-117 - OLD BUSINESS

There was no old business.

BPW-04-118 - NEW BUSINESS

There was no new business.

BPW-04-119 - AUDIENCE PARTICIPATION

There was no audience participation.

BPW-04-120 - RECESS

The meeting recessed to the call of the Chair at 5:25 p.m.

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Louis McMurray, Chairman

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Marvin Engle, Vice Chair

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## MINUTES

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
September 9, 2004

### CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:30 p.m.

### ROLL

Present: Charles Buzzell; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

### Staff

Present: John Warner, Deputy Director of Public Works; Mark Eisenbarth, Deputy Director of Public Works for Wastewater; James Borushko, County Administrator; Jack Niemiec, Director of Finance & Management Services; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

### Others

Present: Bob Whiteman, Egelston Township Supervisor; Carole Carter, Muskegon Charter Township Trustee; John Gilbert, Muskegon Charter Township Trustee; Pat Jordan, Muskegon Charter Township Supervisor; Bob Kuhn, City of Muskegon Public Works Director; Roland Crummel, Laketon Township Supervisor; Dave Fisher, Muskegon Charter Township Water/Sewer Superintendent; Don Aley; Commissioner Waters; Commissioner Baade; Bryan Mazade, City of Muskegon Manager; Bill Lievense & Gavin Travers, Sappi Fine Paper; News Media.

### BPW-04-121 - APPROVAL OF MINUTES

Moved by Mr. Snider, supported by Mr. Engle, to approve the minutes of the meeting held August 12, 2004.

Motion carried

BPW-04-122 - ACCOUNTS PAYABLE

Moved by Mr. Derezinski, supported by Mr. Snider, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Parks Development Fund 2411
4. Muskegon Charter Township Watermain Extension Fund 4640
5. Northside Water Fund 5910

Roll call: Ayes - Buzzell; Derezinski; Engle; Hulka; Scolnik;  
Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-123 - ADDENDUM - OLD BUSINESS ITEMS

Chairman Baade addressed the Board of Public Works. He stated that this is a positive path and with these three items there is an opportunity to go from conflict to communication and cooperation and on to completion. Chairman Baade complimented Chairman McMurray and all participants in these discussions.

Moved by Mr. Engle, supported by Mr. Hulka, to:

1. Instruct County Corporate Counsel to work cooperatively with Attorney Michael Ortega to finalize Wastewater Amendment to resolve Sappi and "buy-in" issues as per Wastewater Management Committee actions of August 18 and August 31, 2004 (copies on file).
2. Reconsider and rescind motion dated May 13, 2004, to tie bar Michigan's Adventure and Sappi to Muskegon Township sewer bonds:

"Moved by Mr. Engle, supported by Mr. Hulka, that be it resolved, that no bonds shall be approved in support of Eastside Muskegon Township projects until Michigan Adventure and Sappi proposals have been resolved to this boards satisfaction."

3. Approve Resolution of Intent to issue \$14,000,000 bonds for Muskegon Township sewer project.

Roll call: Ayes - Derezinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Buzzell; McMurray.

Nays - None.

Motion carried

Commissioner Snider reiterated that, with respect to the water issue, there needs to be the same level of cooperation with respect to water as there has been with the Muskegon Township bonding issue. He also stated this could have been done a long time ago if there had been the level of cooperation that is now being exhibited. Commissioner Snider encouraged cooperation to continue.

BPW-04-124 - MUSKEGON CHARTER TOWNSHIP - LAKETON INDUSTRIAL PARK  
- ACCEPT LOW BID FOR CONSTRUCTION OF INTERNAL ROADS AND UTILITIES

Moved by Mr. Engle, supported by Mr. Gill, to accept the low bid of \$384,726.30 from Jackson-Merkey Contractors for the construction of the internal roads and utilities for the Muskegon Charter Township Laketon Industrial Park (aka P. Don Aley Industrial Park) contingent upon contractor's ability to produce required bonds and insurances and the approval of the contractor by Muskegon Charter Township and the Economic Development Administration (EDA) with costs for construction to be paid by Muskegon Charter Township and EDA grant.

Roll call: Ayes - Engle; Gill; Hulka; Scolnik; Snider;  
Wisniewski; Buzzell; Derezinski; McMurray.

Nays - None.

Motion carried

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BPW-04-125 - SOLID WASTE - ACCEPT LOW BID FOR COMPLETION OF THE  
CONSTRUCTION OF THE ACCESS ROAD TO CELLS #3 & #5

Moved by Mr. Derezinski, supported by Mr. Engle, to accept the low bid of \$45,486.00 from Jackson-Merkey Contractors for the completion of the construction of the access road to cells #4 & #5 at the solid waste site, contingent upon the contractor being able to furnish acceptable insurance and bonds as required by Muskegon County in the specifications of the project.

Roll call: Ayes - Gill; Hulka; Scolnik; Snider; Wisniewski;  
Buzzell; Derezinski; Engle; McMurray.

Nays - None.

Motion carried

BPW-04-126 - SOLID WASTE - APPROVE ADDITIONAL COSTS FOR ERM TO  
COMPLETE THE ANNUAL RENEWABLE OPERATING PERMIT COMPLIANCE  
MONITORING AND REPORTING

Moved by Mr. Wisniewski, supported by Mr. Engle, to approve additional costs for ERM to complete the annual Renewable Operating Permit Compliance Monitoring and Reporting, estimated at \$20,000 which would bring the total cost for calendar year 2004 to \$112,980 for this activity.

Roll call: Ayes - Hulka; Scolnik; Snider; Wisniewski; Buzzell;  
Derezinski; Engle; Gill; McMurray.

Nays - None.

Motion carried

BPW-04-127 - WASTEWATER - BIDDING THE SAND HAULING TO BE DONE IN  
CONJUNCTION WITH THE WHITEHALL PLANT DEMOLITION

Moved by Mr. Snider, supported by Mr. Engle, to approve bidding the sand hauling to be done in conjunction with the Whitehall Plant demolition.

Motion carried

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BPW-04-128 - WASTEWATER - AWARD BID FOR FOUR WHEEL DRIVE TRACTOR

Moved by Mr. Engle, supported by Mr. Snider, to award the bid for RFB 04-1365, a 425 horsepower four-wheel drive tractor with trade-in, to the low bidder, Fillmore Equipment, for \$133,099.22.

Roll call: Ayes - Scolnik; Snider; Wisniewski; Buzzell;  
Derezinski; Engle; Gill; Hulka; McMurray.

Nays - None.

Motion carried

BPW-04-129 - WASTEWATER - APPROVE SHARING WASTEWATER DEPUTY WITH OAKRIDGE SCHOOLS

Moved by Mr. Derezinski, supported by Mr. Wisniewski, to approve sharing the Wastewater Deputy with Oakridge Schools for specific special events with the Wastewater System being reimbursed for the wage and fringe costs incurred for the hours actually worked at these events.

Roll call: Ayes - Snider; Wisniewski; Buzzell; Derezinski; Engle;  
Gill; Hulka; Scolnik; McMurray.

Nays - None.

Motion carried

BPW-04-130 - WASTEWATER - REJECT BIDS FOR TWO 750 BUSHEL GRAIN WAGONS AND PERMIT STAFF TO BID FOR FY2005

Moved by Mr. Wisniewski, supported by Mr. Snider, to reject the bids for RFB 04-1361, two 750 bushel grain wagons and grant staff permission to bid four such units for FY2005.

Motion carried

Board of Public Works  
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BPW-04-131 - WASTEWATER - AWARD BID FOR BYPASS PUMP FOR LIFT STATION J

Moved by Mr. Wisniewski, supported by Mr. Snider, to award the bid for RFB 04-1364, a bypass pump for Lift Station J, to the low bidder, Jackson-Merkey Contractors for \$146,445.

Roll call: Ayes - Wisniewski; Buzzell; Derezinski; Engle; Gill; Hulka; Scolnik; Snider; McMurray.

Nays - None.

Motion carried

BPW-04-132 - WASTEWATER - FY2005 CAPITAL PLAN, WASTEWATER BUDGETS, LABORATORY FEE TABLE

Moved by Mr. Engle, supported by Mr. Derezinski, to adopt the proposed FY2005 Wastewater Operations and Maintenance budget (Fund 5920) and continue to charge a gallonage rate of \$804.33; to set the debt retirement rate at \$123.22 for the \$17M bond issue for FY2005; to approve the capital for FY2005, the equipment revolving fund (Fund 5921), the construction budget (Fund 4911), and the recommended Laboratory Fee Table.

Roll call: Ayes - Buzzell; Derezinski; Engle; Gill; Hulka; Scolnik; Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-133 - WASTEWATER - APPROVE PURCHASE OF SQUARERIGGER MAINTENANCE SOFTWARE

Moved by Mr. Derezinski, supported by Mr. Wisniewski, to waive the bidding procedure and approve the purchase of the Squarerigger maintenance software for the Wastewater maintenance departments for \$13,005.

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Roll call: Ayes - Derezinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Buzzell; McMurray.

Nays - None.

Motion carried

BPW-04-134 - INFORMATION - PUBLIC WORKS MONTHLY OPERATING REPORT  
- AUGUST 2004

Moved by Mr. Derezinski, supported by Mr. Hulka, that the Public Works Monthly Operating Report for August, 2004, be received and placed on file.

Motion carried

BPW-04-135 - OLD BUSINESS

There was no old business.

BPW-04-136 - NEW BUSINESS

There was no new business.

BPW-04-137 - AUDIENCE PARTICIPATION

Commissioner Gill stated that President Bush will be in Muskegon on Monday, September 13, 2004, and encouraged everyone to attend the event.

Mr. Gavin Travis, Managing Director of Sappi Fine Paper, addressed the Board of Public Works. Mr. Travis thanked the Public Works Board, Mr. Borushko and staff for their efforts on the Sappi wastewater relief. Mr. Travis also thanked the Wastewater Management Committee for their unanimous support of this issue.

James Borushko, County Administrator, addressed the Board of Public Works. Mr. Borushko stated he received a call from Representative David Farhat questioning if the issue of the counties having their millage collected early would be a good thing. Mr. Borushko stated that for Muskegon County it would be a very good thing.

Mr. Bob Kuhn, City of Muskegon Public Works Director, addressed the Board of Public Works. Mr. Kuhn stated he distributed a memo that he prepared regarding a new calculation method for buy-in, which he will present to the Wastewater Management Committee.

Mr. Roland Crummel, Laketon Township Supervisor, addressed the Board of Public Works. Mr. Crummel stated that Mr. Travis from Sappi Fine Paper has extended an invitation to have the next Wastewater Management Committee meeting at Sappi. That meeting will be September 15, 2004, at 1:30 p.m.

Mr. Crummel also thanked the Board for their support of the Muskegon Township bonding.

Mr. Pat Jordan, Muskegon Township Supervisor, thanked the Board for their support of the Muskegon Township bonding. Mr. Jordan thanked Chairman McMurray for his leadership role on this issue.

Chairman McMurray extended his appreciation to the Public Works Board members for all their support.

BPW-04-138 - ADJOURN

Moved by Mr. Wisniewski, supported by Mr. Engle, to adjourn the meeting at 3:53 p.m.

Motion carried

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

## M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
October 14, 2004

### CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:31 p.m.

### ROLL

Present: Charles Buzzell; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

### Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; Mark Eisenbarth, Deputy Director of Public Works for Wastewater; James Borushko, County Administrator; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

### Others

Present: Pat Jordan, Muskegon Township Supervisor; Rol Crummel, Laketon Township Supervisor; Bob Whiteman, Egelston Township Supervisor; Commissioner Paul Baade; Representative Dave Farhat; Attorney Dave Bossenbroek; Bob Kuhn, City of Muskegon DPW; Don Aley.

### BPW-04-139 - APPROVAL OF MINUTES

Moved by Mr. Snider, supported by Mr. Wisniewski, to approve the minutes of the meeting held September 9, 2004.

Motion carried

BPW-04-140 - ACCOUNTS PAYABLE

Moved by Mr. Derezinski, supported by Mr. Engle, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Muskegon Charter Township Watermain Extension Fund 4640
4. Solid Waste Fund 5710
5. Northside Water Fund 5910

Roll call: Ayes - Buzzell; Derezinski; Engle; Gill; Hulka;  
Scolnik; Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-141 - SOLID WASTE - CONTRACT WITH AIR QUALITY SPECIALIST, INC. FOR ROP MONITORING AND REPORTING

Moved by Mr. Derezinski, supported by Mr. Engle, to approve Public Works/Solid Waste to contract with Air Quality Specialist, Inc. (AQSI) for solid waste Renewable Operating Permit (ROP) monitoring and reporting for the calendar year 2005 for an amount estimated at \$55,870 base fee plus any additional costs to cover exceedances or extra reporting necessary. Costs to be paid from Solid Waste funds.

Roll call: Ayes - Derezinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Buzzell; McMurray.

Nays - None.

Motion carried

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BPW-04-142 - SOLID WASTE - CONTRACT WITH ENVIRONMENTAL AND  
ENGINEERING SOLUTIONS TO PERFORM GROUNDWATER AND LEACHATE  
SAMPLING, ANALYSIS AND MDEQ REPORTING

Moved by Mr. Wisniewski, supported by Mr. Buzzell, to approve Public Works/Solid Waste to grant a one year contract to Environmental and Engineering Solutions (EES) for calendar year 2005 for performing groundwater and leachate sampling, analysis and MDEQ reporting for a total estimated cost of \$58,640 plus any costs for retesting due to unforeseen contaminate exceedances and that costs are paid from Solid Waste funds.

Roll call: Ayes - Engle; Gill; Hulka; Scolnik; Snider;  
Wisniewski; Buzzell; Derezinski; McMurray.

Nays - None.

Motion carried

BPW-04-143 - SOLID WASTE - PURCHASE GEM 2000 LANDFILL GAS MONITOR

Moved by Mr. Wisniewski, supported by Mr. Buzzell, to approve the purchase of a GEM 2000 landfill gas monitor as manufactured by CES LANDTEC, a sole source provider, for the solid waste monitoring of their landfill gas collection system for an estimated cost of \$8,700.

Roll call: Ayes - Gill; Hulka; Scolnik; Snider; Wisniewski;  
Buzzell; Derezinski; Engle; McMurray.

Nays - None.

Motion carried

Board of Public Works  
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Page Four

BPW-04-144 - NORTHSIDE WATER - AUTHORIZE ACI FINANCE TO UPDATE  
THE 2004 NORTHSIDE WATER SYSTEM RATE STUDY

Moved by Mr. Snider, supported by Mr. Buzzell, that Public Works authorize ACI Finance to update the 2004 Northside Water System rate study to take into account the new rates from the City of Muskegon effective January 1, 2005, updated construction costs, a sinking fund for future tank maintenance and operational costs for a new pump station, for an estimated cost of \$2,500 to be paid from Northside Water fund 5910-0546.

Roll call: Ayes - Hulka; Scolnik; Snider; Wisniewski; Buzzell;  
Derezinski; Engle; Gill; McMurray.

Nays - None.

Motion carried

BPW-04-145 - WASTEWATER - ADOPT THE WASTEWATER "SEWER USE  
ORDINANCE"

Moved by Mr. Wisniewski, supported by Mr. Snider, to adopt the Wastewater "Sewer Use Ordinance" that was attached to the September 24, 2004, memo on same.

Roll call: Ayes - Scolnik; Snider; Wisniewski; Buzzell;  
Derezinski; Engle; Gill; Hulka; McMurray.

Nays - None.

Motion carried

BPW-04-146 - WASTEWATER - ADVERTISE FOR BIDS - CLEANING OF THE  
WHITEHALL PLANT NORTHEAST PLUME PURGE WELLS

Moved by Mr. Gill, supported by Mr. Snider, to grant permission to Wastewater staff to advertise for bids the cleaning of the Whitehall Plant Northeast Plume purge wells for FY2005.

Motion carried

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BPW-04-147 - WASTEWATER - ADVERTISE FOR BIDS - GAS CHROMATOGRAPH  
MASS SPECTROPHOTOMETER

Moved by Mr. Engle, supported by Mr. Snider, to grant permission for Wastewater staff to advertise for bids a Gas Chromatograph Mass Spectrophotometer laboratory instrument.

Motion carried

BPW-04-148 - WASTEWATER - AWARD WASTEWATER LIFT STATION C PUMP #4  
REBUILD WORK

Moved by Mr. Wisniewski, supported by Mr. Engle, to award the Wastewater Lift Station C Pump #4 rebuild work to Process Systems for \$36,835.

Roll call: Ayes - Snider; Wisniewski; Buzzell; Derezinski; Engle; Gill; Hulka; Scolnik; McMurray.

Nays - None.

Motion carried

BPW-04-149 - WASTEWATER - ADVERTISE FOR BIDS - AUTOMATED TRUCK  
SCALE

Moved by Mr. Gill, supported by Mr. Snider, to grant permission for Wastewater staff to advertise for bids an automated truck scale to be used for the hauled waste receiving facilities.

Motion carried

BPW-04-150 - WASTEWATER - ADVERTISE FOR BIDS - THREE WASTEWATER  
VEHICLES

Moved by Mr. Gill, supported by Mr. Engle, to grant permission for Wastewater staff to advertise for bids the three Wastewater vehicles budgeted for FY2005, two 4WD one ton service trucks and one half ton 2WD truck.

Motion carried

Board of Public Works  
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Page Six

BPW-04-151 - INFORMATIONAL ITEMS

Moved by Mr. Engle, supported by Mr. Wisniewski, that the Muskegon Municipal Wastewater Management Committee draft minutes of August 18, 2004, and draft minutes of August 31, 2004, be received and placed on file.

Motion carried

Moved by Mr. Derezinski, supported by Mr. Engle, that the Public Works Monthly Operating Report for September, 2004, be received and placed on file.

Motion carried

BPW-04-152 - OLD BUSINESS

Commissioner Derezinski inquired about how many municipalities have not approved the Sappi relief issue.

Chairman McMurray stated that there are three municipalities that have not approved the Sappi relief issue.

Commissioner Derezinski asked Mr. Kendrick how the new hunting rules are working.

Mr. Kendrick stated it is working very well. He stated it took a while to sell the 300 permits, but they have all sold. There have been a few baiting and trespassing violations.

BPW-04-153 - NEW BUSINESS

There was no new business.

BPW-04-154 - AUDIENCE PARTICIPATION

Mr. David Farhat, Fruitport Township, addressed the Board of Public Works regarding a proposal for a public shooting range at the Wastewater. Mr. Farhat stated he formed a nonprofit organization called Michigan Sportsmen Foundation. The sole purpose of this organization is to promote shooting sports, hunters safety and firearms safety. Mr. Farhat gave a brief summary of his proposal.

Mr. Bob Kuhn, City of Muskegon DPW, addressed the Board of Public Works (as a citizen). Mr. Kuhn pleaded with the Board to release the Sappi relief.

Commissioner Snider inquired as to who the three municipalities are that have not passed the Sappi relief issue.

The three municipalities are Whitehall Township, Montague Township and Fruitport Township.

Mr. Roland Crummel, Laketon Township Supervisor, addressed the Board of Public Works. Mr. Crummel stated that county representatives and representatives from Prein & Newhof were at a meeting presenting some actions they want to take and took some pretty bad hits, for which he apologized. Mr. Crummel stated he feels it is not fair for these people to have to defend the actions/inaction taken by the Board of Public Works.

Mr. Crummel stated that the Board of Public Works should take a broader look at water issues in the county.

Chairman McMurray stated he hopes that county staff will be received courteously at meetings.

Mr. Bob Kuhn stated that the City has done a reliability study and a feasibility study and is spending approximately \$14M - \$16M on their water treatment plant. Capacity has been built in for expansion to the north.

Mr. Steve Corwin, Corporate Counsel, stated that there will be a Public Works Board meeting on October 26 regarding Muskegon Township sewer bonds.

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Martin Hulka, Drain Commissioner, inquired if there is an agreement between Muskegon and Egelston Townships for the sewer project.

Mr. John Warner, Deputy Director of Public Works, stated that a draft, bullet point agreement has been sent to both townships for their attorneys to review. He stated that staff is working with the townships to reach an agreement.

Mr. Pat Jordan, Muskegon Township Supervisor, addressed the Board of Public Works. He stated he received the draft agreement.

Mr. Dave Bossenbroek, attorney representing Egelston Township, addressed the Board of Public Works. He stated he received the draft agreement prepared by Mr. Warner. Mr. Bossenbroek stated he has called Mr. Doug Hughes (Muskegon Township's attorney) regarding this agreement. He stated he believes that Egelston Township wants to participate in the cost sharing of the sewer along Brooks Road. Mr. Bossenbroek stated that Muskegon Township has been very cooperative with Egelston Township on this issue. He sees no problem with cooperation between the townships.

BPW-04-155 - RECESS

The meeting recessed to the call of the Chair at 4:05 p.m.

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

## M I N U T E S

Board of Public Works  
Reconvened Meeting  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
October 26, 2004

### CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:30 p.m.

### ROLL

Present: Charles Buzzell; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

### Staff

Present: Dave Kendrick, Director of Public Works; John Warner, Deputy Director of Public Works; James Borushko, County Administrator; Jack Niemiec, Director of Finance & Management Services; Commissioner Baade; Commissioner Waters; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

### Also

Present: Pat Jordan, Muskegon Township Supervisor; Scott Plummer, Muskegon Township Trustee; Bob Whiteman, Egelston Township Supervisor; Jim Nielsen, Muskegon Township Clerk; John Gilbert, Muskegon Township Trustee; Attorney Dave Bossenbroek, Egelston Township Counsel; Rol Crummel, Laketon Township Supervisor; Don Aley.

### BPW-04-156 - MUSKEGON COUNTY WASTEWATER SYSTEM (CHARTER TOWNSHIP OF MUSKEGON SECTION) BOND AUTHORIZATION

Moved by Mr. Snider, supported by Mr. Wisniewski, to authorize execution of Resolution Approving Charter Township of Muskegon DPW Contract and Bond Resolution and execution of DPW Contract providing for issuance of up to \$14,000,000 of bonds for Township of Muskegon sewer collection system improvements, and accept Letter of Understanding between Patrick Jordan and Robert Whiteman, respectively, Supervisors for Muskegon Charter Township and Egelston Township appertaining thereto.

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Moved by Mr. Derezhinski, supported by Mr. Engle, to suspend the rules and allow audience participation on this issue.

Motion carried

Pat Jordan, Muskegon Township Supervisor, addressed the Board of Public Works. Mr. Jordan thanked the Board for moving forward and making progress on this issue. He stated that he believes Egelston Township and Muskegon Township have a level of trust between them to work together on this project.

Commissioner Derezhinski stated that a concern he has is that Muskegon Township passed a resolution but Egelston Township did not.

Mr. Jordan stated that Muskegon Township adopted the resolution because they are bonding the project, Egelston Township is not bonding.

Bob Whiteman, Egelston Township Supervisor, addressed the Board of Public Works. Mr. Whiteman stated that the joint venture with Muskegon Township for the Brooks Road sewer project is an opportunity, not as a necessity for Egelston Township. He also stated that Egelston Township is reviewing the engineering and financing.

Commissioner Derezhinski asked if the Egelston Township Board is comfortable with the County going ahead with the bonding without the financing and engineering details being worked out.

Mr. Whiteman stated that Prein & Newhof has reviewed the engineering plans for the Brooks Road sewer and the Township will go along with the project. Mr. Whiteman stated that Egelston Township is interested, however, the Township wants to make sure they get what they want also.

Drain Commissioner Hulka stated that he is concerned that the pump station to be installed is a county pump station and he wants to make sure that both units of government are comfortable with what they are doing. Mr. Hulka stated that he feels it is wrong to wait for an open ended agreement that may never come. Mr. Hulka asked Mr. Whiteman if he wanted the Board of Public Works to delay action on this issue until they had an agreement.

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Mr. Whiteman said he did not want the issue delayed. He stated that he feels this is a good deal for Egelston Township to do this project in conjunction with Muskegon Township.

Drain Commissioner Hulka stated he would like to see the agreements completed before the bonding is approved.

Mr. Whiteman stated that Egelston Township is satisfied with the Brooks Road project.

Dave Kendrick, Director of Public Works, addressed the Board of Public Works. He stated that the County Public Works Department has been working to facilitate these discussions and to do some study into the possibility of these two systems working together. Mr. Kendrick stated that Mr. Warner, Deputy Director of Public Works, has been working on Egelston Township's behalf to see what portions of Egelston Township may be served by putting the pipe deeper to the new pump station. These areas have been identified and they have been discussed with Mr. Whiteman. Mr. Kendrick also stated that, as far as he can tell, the Egelston Township Board has passed a resolution, in concept, to agree to sharing the pipe on Brooks Road and to share the extra cost to put the pipe deeper north of Apple Avenue. Staff is also trying to make sure there are no hidden costs in the agreements.

John Warner, Deputy Director of Public Works, addressed the Board of Public Works. He stated that staff has been working with both townships in a technical role. A report will be given to Egelston to share with their engineer. Staff will work with both townships to help put together an agreement acceptable to both boards to cover O & M, costs to be paid by each township, where the lines will go, etc.

Attorney Dave Bossenbroek, Egelston Township Counsel, addressed the Board of Public Works. Mr. Bossenbroek stated that Egelston Township received a proposal from Muskegon Township in 2003 and gave it to their engineer, Prein & Newhof. Prein & Newhof came out with a study and basically stated it was a good deal for Egelston Township and their board acted on it and approved it, which dealt with sharing the Brooks Road joint sewer line. Since that time, the engineering has changed and the pipe will go deeper which will allow further extension into Egelston Township. That is the part Egelston Township has not addressed yet, but in

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concept they want to share the cost of the line in Brooks Road and then get the engineering done and possibly expand the system. Mr. Bossenbroek stated he sees no lack of comfort from Egelston Township's perspective on this issue.

Commissioner Snider asked who will pay for the engineering in Egelston Township.

Mr. Bossenbroek stated he believes Egelston Township will pay for the engineering.

Drain Commissioner Hulka asked Mr. Bossenbroek how far away the Egelston Township board is from passing a resolution similar to Muskegon Township.

Mr. Bossenbroek stated the issue was brought to the Egelston Township board and they would have passed one if they had heard the word "resolution", but they have not formally signed anything that said "resolution" on it. At a special board meeting, each board member agreed with the letter signed by Mr. Whiteman and Mr. Jordan and stated that is the intent of the Egelston Township board. Mr. Bossenbroek stated that if the Egelston Township board was asked to sign a document that said "resolution" there should not be a problem.

Both Mr. Jordan and Mr. Whiteman stated they were in agreement with this proposal.

Drain Commissioner Hulka was concerned that the agreement signed by the two supervisors is not incorporated in the bonds.

Roll call: Ayes - Buzzell; Derezinski; Engle; Gill; Scolnik;  
Snider; Wisniewski; McMurray.

Nays - Hulka.

Motion carried

Drain Commissioner Hulka clarified his vote stating that he does not believe he should bond the County without the proper agreements in place.

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BPW-04-157 - ADJOURN

The meeting adjourned at 4:00 p.m.

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf

M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon County, Michigan  
November 4, 2004

CALL TO ORDER

The meeting was called to order by Chairman Louis McMurray at 3:30 p.m.

Chairman McMurray congratulated the Commissioners for being re-elected in Tuesday's elections.

ROLL

Present: Charles Buzzell; James Derezinski; Marvin Engle; Bill Gill; Martin Hulka; Robert Scolnik; I. John Snider; Stephen Wisniewski; Louis McMurray.

Staff

Present: Dave Kendrick, Director of Public Works; Robert Ribbens, Environmental Planner; Mark Eisenbarth, Deputy Director of Public Works for Wastewater; James Borushko, County Administrator; Jack Niemiec, Director of Finance & Management Services; Steve Corwin, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: Bob Whiteman, Egelston Township Supervisor; Bob Kuhn, City of Muskegon Director of Public Works; Don Aley, Commissioner Elect; Pat Jordan, Muskegon Charter Township Supervisor; Commissioner Baade; Commissioner Waters; Bryan Mazade, City of Muskegon Manager; Rol Crummel, Laketon Township Supervisor; Mike Fuller and Tom Newhof, Prein & Newhof; News Media.

BPW-04-158 - APPROVAL OF MINUTES

Moved by Mr. Engle, supported by Mr. Derezinski, to approve the minutes of the meeting held October 14, 2004.

Motion carried

BPW-04-159 - ACCOUNTS PAYABLE

Moved by Mr. Derezinski, supported by Mr. Engle, to approve the Accounts Payable as follows:

1. Public Works Fund 1010
2. Parks Fund 2080
3. Michigan Adventure Fund 4150
4. Muskegon Charter Township Watermain Extension Fund 4640
5. Solid Waste Fund 5710
6. Northside Water Fund 5910

Roll call: Ayes - Buzzell; Derezinski; Engle; Gill; Hulka;  
Scolnik; Snider; Wisniewski; McMurray.

Nays - None.

Motion carried

BPW-04-160 - MUSKEGON TOWNSHIP LAKETON INDUSTRIAL PARK - CONTRACT CHANGE ORDER #1 - DEDUCT OF \$12,550

Moved by Mr. Snider, supported by Mr. Hulka, to approve Contract Change Order #1 for the Muskegon Township Laketon Industrial Park for a net deduct of \$12,550, bringing the total contract cost to \$151,262.00 contingent upon approval by Muskegon Charter Township and the US Economic Development Administration.

Roll call: Ayes - Derezinski; Engle; Gill; Hulka; Scolnik;  
Snider; Wisniewski; Buzzell; McMurray.

Nays - None.

Motion carried

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BPW-04-161 - SOLID WASTE - PROPOSAL FROM ENGINEERING &  
ENVIRONMENTAL SOLUTIONS, LLC - PERFORMING COMPLIANCE ACTIVITIES  
RELATED TO MONITORING WELLS

Moved by Mr. Engle, supported by Mr. Snider, to accept the proposal from Engineering & Environmental Solutions, LLC in the estimated amount of \$12,730 for performing compliance activities related to the monitoring wells on the solid waste site as identified in the September 2004 MDEQ inspection of the solid waste site, to be paid from solid waste funds.

Roll call: Ayes - Engle; Gill; Hulka; Scolnik; Snider;  
Wisniewski; Buzzell; Derezinski; McMurray.

Nays - None.

Motion carried

BPW-04-162 - SOLID WASTE - CONTRACT CHANGE ORDER #1 - SOLID WASTE  
ACCESS ROAD

Moved by Mr. Buzzell, supported by Mr. Derezinski, to approve contract change order #1 for the construction of the solid waste access road in the amount of an additional \$2,100 which will bring the total cost of the project to \$47,586.00 payable from solid waste funds.

Roll call: Ayes - Gill; Hulka; Scolnik; Snider; Wisniewski;  
Buzzell; Derezinski; Engle; McMurray.

Nays - None.

Motion carried

BPW-04-163 - WASTEWATER - ADVERTISE FOR BIDS - 50 IRRIGATION RIG  
TIRES AND TUBES

Moved by Mr. Engle, supported by Mr. Wisniewski, to grant permission to advertise for bid 50 irrigation rig tires and tubes for FY2005 for the Wastewater System (Public Works Department).

Motion carried

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BPW-04-164 - WASTEWATER - AGREEMENT WITH PREIN & NEWHOF - PROVIDE  
ENGINEERING DESIGN SERVICES FOR THE \$16.1M PHASE I WASTEWATER  
COLLECTION SYSTEM PROJECT

Moved by Mr. Engle, supported by Mr. Gill, to approve the agreement with Prein & Newhof, not to exceed \$968,000, to provide engineering design services for the \$16.1M Phase I Wastewater Collection System Project and authorize Public Works Board Chairman McMurray to sign the schedule assurance document for same.

Roll call: Ayes - Hulka; Scolnik; Snider; Wisniewski; Buzzell;  
Derezinski; Engle; Gill; McMurray.

Nays - None.

Motion carried

BPW-04-165 - FIRST ADDENDUM TO AMENDED SERVICE AGREEMENT  
PROVIDING FOR FINANCIAL RELIEF TO SAPPI FINE PAPER

Moved by Mr. Gill, supported by Mr. Derezinski, to authorize the Chairman to execute "First Addendum to Amended Service Agreement" providing for financial relief to Sappi Fine Paper, subject to authorization for Corporate Counsel to make non-substantive changes necessitated by negotiation with Local Unit legal counsel, and said execution of Agreement to not occur until (1) signatures have been obtained from all Local Units participating in Wastewater System, and (2) receipt of letter approval from MDEQ stating that the Agreement does not violate "proportionality" requirements under 40 CFR 35.2140.

Roll call: Ayes - Scolnik; Snider; Wisniewski; Buzzell;  
Derezinski; Engle; Gill; Hulka; McMurray.

Nays - None.

Motion carried

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BPW-04-166 - OLD BUSINESS

There was no old business.

BPW-04-167 - NEW BUSINESS

There was no new business.

BPW-04-168 - AUDIENCE PARTICIPATION

There was no audience participation.

BPW-04-169 - ADJOURN

Moved by Mr. Wisniewski, supported by Mr. Gill, to adjourn the meeting at 3:38 p.m.

Motion carried

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Louis McMurray, Chairman

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Martin L. Hulka, Secretary

kf