

## MINUTES

Muskegon County Regional  
Water System Policy Board  
Board of Commissioners Room  
Michael J. Kobza Hall of Justice  
990 Terrace Street  
Muskegon, Michigan  
January 10, 2012

### CALL TO ORDER

The meeting was called to order by Supervisor David Kieft at 2:00 p.m.

### ROLL

#### Members

Present: Kim Arter, Laketon Township  
Chris Hall, Dalton Township  
Alan Jager, County Commissioner  
David Kieft, Muskegon Charter Township  
Ken Mahoney, County Commissioner  
Scott Plummer, County Commissioner  
John Snider, County Commissioner

Absent: Sam St. Amour, Fruitland Township

#### Staff

Present: John Warner, County DPW  
Karen Fisher, County DPW

#### Others

Present: Dave Bossenbroek, Attorney  
Mike Thompson, Egelston Township  
Deb Ackerman, Egelston Township  
Rod Siegel, Laketon Township  
Dave Smith, City of Muskegon  
Jerry Sanders, Muskegon Charter Township  
James Derezinski, County Commissioner

### WSPB-12-001 - ELECTION OF OFFICERS

Supervisor Kieft opened nominations for Chair of the Muskegon County Regional Water System Policy Board.

Muskegon County Regional  
Water System Policy Board  
January 10, 2012  
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WSPB-12-001 - ELECTION OF OFFICERS CONT'D

Moved by John Snider, seconded by Kim Arter, to nominate David Kieft as Chairman of the Muskegon County Regional Water System Policy Board.

There being no other nominations, moved by John Snider, seconded by Ken Mahoney, that nominations be closed and an unanimous ballot be cast for Mr. Kieft.

Motion carried

Chairman Kieft opened nominations for Vice Chair of the Muskegon County Regional Water System Policy Board.

Moved by Kim Arter, seconded by Chris Hall, to nominate John Snider for Vice Chair of the Muskegon County Regional Water System Policy Board.

There being no other nominations, moved by Ken Mahoney, seconded by Scott Plummer, that nominations be closed and an unanimous ballot be cast for Mr. Snider.

Motion carried

WSPB-12-002 - MEETING SCHEDULE

Moved by Scott Plummer, seconded by Ken Mahoney, to approve the 2012 meeting schedule.

Motion carried

WSPB-12-003 - APPROVAL OF MINUTES

Moved by Chris Hall, seconded by John Snider, to approve the minutes of the meeting held December 6, 2011.

Motion carried

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Water System Policy Board  
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WSPB-12-004 - CONTRACT CHANGE ORDER #1 - EVANSTON TANK

Moved by John Snider, seconded by Scott Plummer, to concur with staff and recommend to the Board of Public Works to approve Contract Change Order #1 for the Evanston Avenue elevated water storage tank interior painting and structural repair project (RFB-11-1901) in the amount of an increase to the project cost of \$18,300 bringing the total project cost to \$125,300 with costs being paid from the Regional Water System fund 5910-0550.

Roll call: Ayes - Arter; Hall; Jager; Kieft; Mahoney; Plummer;  
Snider.

Nays - None.

Motion carried

WSPB-12-005 - ALTERNATE WATER SUPPLY REPLACEMENT CONTRACT

Moved by Scott Plummer, seconded by David Kieft, to concur with staff and recommend to the Board of Public Works to approve the agreement with MDEQ for their payment of up to \$10,000 for costs to connect the house at 245 Birch Street in Laketon Township to the Muskegon County Regional Water System.

Roll call: Ayes - Arter; Hall; Jager; Kieft; Mahoney; Plummer;  
Snider.

Nays - None.

Motion carried

WSPB-12-006 - DISCUSSION - WATER PURCHASE AGREEMENT WITH CITY OF MUSKEGON

There was a lengthy discussion on the water purchase agreement with the City of Muskegon.

Muskegon County Regional  
Water System Policy Board  
January 10, 2012  
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WSPB-12-007 - INFORMATION ITEMS

Moved by John Snider, seconded by Ken Mahoney, that the following information items be received and placed on file:

1. Regional Water System Payables.
2. New Meters Set List.
3. Local Fund Balance Sheet.

Motion carried

WSPB-12-008 - REPORTS - WATER SYSTEM UPDATE

The Water System Project Update was distributed for information.

WSPB-12-009 - OLD BUSINESS

There was no old business.

WSPB-12-010 - NEW BUSINESS

There was no new business.

WSPB-12-011 - AUDIENCE PARTICIPATION

The was no audience participation.

WSPB-12-012 - ADJOURN

The meeting adjourned at 2:58 p.m.

  
\_\_\_\_\_  
David A. Kieft, Jr. Chairman

kf

THE FEBRUARY 7, 2012, MEETING OF THE MUSKEGON COUNTY REGIONAL WATER SYSTEM POLICY BOARD HAS BEEN CANCELLED.

DAVID KIEFT, JR., CHAIRMAN

POSTED: 1-31-12, 2:00 P.M.

## M I N U T E S

Muskegon County Regional  
Water System Policy Board  
Board of Commissioners Room  
Michael J. Kobza Hall of Justice  
990 Terrace Street  
Muskegon, Michigan  
March 6, 2012

### CALL TO ORDER

The meeting was called to order by Chairman David Kieft at 2:00 p.m.

### ROLL

#### Members

Present: Rod Siegel, Laketon Township  
Alan Jager, County Commissioner  
David Kieft, Muskegon Charter Township  
Ken Mahoney, County Commissioner  
Scott Plummer, County Commissioner  
Sam St. Amour, Fruitland Township  
James Derezinski, County Commissioner

Excused: Chris Hall, Dalton Township

Absent: I. John Snider

#### Staff

Present: John Warner, County DPW  
Karen Fisher, County DPW

#### Others

Present: Dave Bossenbroek, Attorney  
Mike Thompson, Egelston Township  
Deb Ackerman, Egelston Township  
Dave Smith, City of Muskegon  
Jerry Sanders, Muskegon Charter Township  
Jan Deur, Fruitland Township

### WSPB-12-013 - APPROVAL OF MINUTES

**Moved by Scott Plummer, seconded by Sam St. Amour, to approve the minutes of the meeting held January 10, 2012.**

**Motion carried**

Muskegon County Regional  
Water System Policy Board  
March 6, 2012  
Page Two

WSPB-12-014 - INFORMATION ITEMS

Moved by James Derezinski, seconded by Scott Plummer, that the following information items be received and placed on file:

1. Regional Water System Payables.
2. New Meters Set List.
3. Local Fund Balance Sheet.

**Motion carried**

WSPB-12-015 - WATER SYSTEM UPDATE

The Water System Update was distributed for information.

John Warner, Director of Public Works, informed the Board that there will be a rate increase by the City of Muskegon in July but at this point we don't know how much the increase will be.

Mr. Warner informed the Board that the agendas for the Board of Commissioners, Board Committees and the Public Works Board are now being sent electronically. He stated that, with Board approval, the Water System Policy Board agendas would also be sent electronically.

Moved by Scott Plummer, seconded by Ken Mahoney, to approve sending out the Water System Policy Board agendas electronically.

**Motion carried**

WSPB-12-016 - OLD BUSINESS

There was discussion regarding negotiations with the City of Muskegon regarding a water contract. Attorney Bossenbroek gave the Board a summary of his discussions with the City of Muskegon. The negotiations between the County and the City have stopped. There was also discussion on the issue of the City supplying water to Norton Shores and Fruitport.

Discussion followed.

Muskegon County Regional  
Water System Policy Board  
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WSPB-12-016 - OLD BUSINESS CONT'D

Moved by Scott Plummer, seconded by Rod Siegel, to authorize John Warner and Attorney Bossenbroek to explore options with other municipalities.

Motion carried

WSPB-12-017 - NEW BUSINESS

There was no new business.

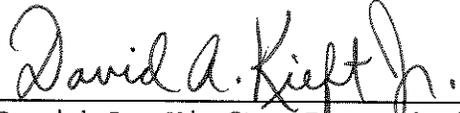
WSPB-12-018 - AUDIENCE PARTICIPATION

There was no audience participation.

WSPB-12-019 - ADJOURN

Moved by Ken Mahoney, seconded by Sam St. Amour, to adjourn the meeting at 2:40 p.m.

Motion carried

  
\_\_\_\_\_  
David A. Kieft, Jr., Chairman

kf

M I N U T E S

Muskegon County Regional  
Water System Policy Board  
Board of Commissioners Room  
Michael J. Kobza Hall of Justice  
990 Terrace Street  
Muskegon, Michigan  
April 10, 2012

CALL TO ORDER

The meeting was called to order by Chairman David Kieft at 2:00 p.m.

ROLL

Members

Present: Kim Arter, Laketon Township  
Chris Hall, Dalton Township  
David Kieft, Muskegon Charter Township  
Ken Mahoney, County Commissioner  
Scott Plummer, County Commissioner  
Sam St. Amour, Fruitland Township  
I. John Snider, County Commissioner

Absent: Alan Jager, County Commissioner

Staff

Present: John Warner, County DPW  
Karen Fisher, County DPW

Others

Present: Mike Thompson, Egelston Township  
Dave Smith, City of Muskegon  
Mohammed Al-Shatel, City of Muskegon  
Jerry Sanders, Muskegon Charter Township  
Jan Deur, Fruitland Township  
Rod Siegel, Laketon Township

WSPB-12-020 - APPROVAL OF MINUTES

**Moved by Ken Mahoney, seconded by Scott Plummer, to approve the minutes of the meeting held March 6, 2012.**

**Motion carried**

Muskegon County Regional  
Water System Policy Board  
April 10, 2012  
Page Two

WSPB-12-021 - WATER RATE INCREASE

Moved by Ken Mahoney, seconded by John Snider, to recommend to Dalton Township, Fruitland Township, Laketon Township and Muskegon Charter Township Boards that they amend Appendix B to their respective water ordinances to reflect a new retail water rate of \$3.13/unit effective July 1, 2012.

Roll call: Ayes - Arter; Hall; Kieft; Mahoney; Plummer; St. Amour; Snider.

Nays - None.

Motion carried

WSPB-12-022 - INFORMATION ITEMS

Moved by John Snider, seconded by Sam St. Amour, that the following information items be received and placed on file:

1. Regional Water System Payables.
2. New Meters Set List
3. Local Fund Balance Sheet.

Motion carried

WSPB-12-023 - REPORTS - WATER SYSTEM UPDATE

The Water System Update was distributed for information.

WSPB-12-024 - OLD BUSINESS

There was no old business.

WSPB-12-025 - NEW BUSINESS

There was no new business.

Muskegon County Regional  
Water System Policy Board  
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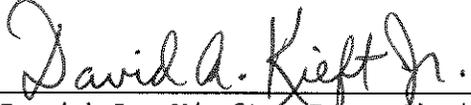
WSPB-12-026 - AUDIENCE PARTICIPATION

There was no audience participation.

WSPB-12-027 - ADJOURN

Moved by Ken Mahoney, seconded by Sam St. Amour, to adjourn the meeting at 2:09 p.m.

Motion carried

  
\_\_\_\_\_  
David A. Kieft, Jr., Chairman

kf

MINUTES

Muskegon County Regional  
Water System Policy Board  
Board of Commissioners Room  
Michael J. Kobza Hall of Justice  
990 Terrace Street  
Muskegon, Michigan  
May 8, 2012

CALL TO ORDER

The meeting was called to order by Chairman David Kieft at 2:00 p.m.

ROLL

Members

Present: Kim Arter, Laketon Township  
Chris Hall, Dalton Township  
Alan Jager, County Commissioner  
David Kieft, Muskegon Charter Township  
Ken Mahoney, County Commissioner  
Scott Plummer, County Commissioner  
Jan Deur, Fruitland Township

Excused: Sam St. Amour, Fruitland Township

Absent: I. John Snider, County Commissioner

Staff

Present: John Warner, County DPW  
Karen Fisher, County DPW

Others

Present: Dave Bossenbroek, Attorney  
Mike Thompson, Egelston Township  
Dave Smith, City of Muskegon  
Jerry Sanders, Muskegon Charter Township  
Rod Siegel, Laketon Township

WSPB-12-028 - APPROVAL OF MINUTES

Moved by Jan Deur, seconded by Kim Arter, to approve the minutes of the meeting held April 10, 2012.

Motion carried

Muskegon County Regional  
Water System Policy Board  
May 8, 2012  
Page Two

WSPB-12-029 - PROCUREMENT OF EASEMENTS

Moved by Ken Mahoney, seconded by Scott Plummer, to direct Counsel Dave Bossenbroek to work with staff and property owners to procure easements for underground cabling from public rights-of-way to the Evanston Avenue elevated water storage tank.

Roll call: Ayes - Arter; Hall; Jager; Kieft; Mahoney; Plummer;  
Deur.

Nays - None.

Motion carried

WSPB-12-030 - INFORMATION ITEMS

Moved by Kim Arter, seconded by Jan Deur, that the following information items be received and placed on file:

1. Regional Water System Payables.
2. New Meters Set List.
3. Local Fund Balance Sheet.

Motion carried

WSPB-12-031 - REPORTS - WATER SYSTEM UPDATE

The Water System Update was distributed for information.

WSPB-12-032 - OLD BUSINESS

There was no old business.

WSPB-12-033 - NEW BUSINESS

There was no new business.

Muskegon County Regional  
Water System Policy Board  
May 8, 2012  
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WSPB-12-034 - AUDIENCE PARTICIPATION

There was no audience participation.

WSPB-12-035 - ADJOURN

Moved by Ken Mahoney, seconded by Scott Plummer, to adjourn the meeting at 2:14 p.m.

Motion carried

  
\_\_\_\_\_  
David A. Kieft, Jr., Chairman

kf

June 6, 2012

MEETING CANCELLATION NOTICE

THE JUNE 12, 2012, MEETING OF THE MUSKEGON  
COUNTY REGIONAL WATER SYSTEM POLICY BOARD HAS  
BEEN CANCELLED.

DAVID KIEFT, JR., CHAIRMAN

## MINUTES

Muskegon County Regional  
Water System Policy Board  
Board of Commissioners Room  
Michael J. Kobza Hall of Justice  
990 Terrace Street  
Muskegon, Michigan  
July 17, 2012

### CALL TO ORDER

The meeting was called to order by Chairman David Kieft at 2:00 p.m.

### ROLL

#### Members

Present: Kim Arter, Laketon Township  
Chris Hall, Dalton Township  
Alan Jager, County Commissioner  
David Kieft, Muskegon Charter Township  
Ken Mahoney, County Commissioner  
Scott Plummer, County Commissioner  
Sam St. Amour, Fruitland Township  
John Snider, County Commissioner

#### Staff

Present: John Warner, County DPW  
Steve Fink, County DPW  
Karen Fisher, County DPW

#### Others

Present: Dave Bossenbroek, Attorney  
Dave Smith, City of Muskegon  
Mohammed Al-Shatel, City of Muskegon  
Dennis Stepke, City of North Muskegon  
Anthony Chandler, City of Roosevelt Park  
Rod Siegel, Laketon Township  
Jan Deur, Fruitland Township  
Mike Thompson, Egelston Township  
Jerry Sanders, Muskegon Charter Township

WSPB-12-036 – APPROVAL OF MINUTES

Moved by Kim Arter, seconded by Ken Mahoney, to approve the minutes of the meeting held May 8, 2012.

Motion carried

Commissioner Jager was not in attendance for the vote

WSPB-12-037 – PURCHASE PROPERTY FROM NORTHWAY LANES

Moved by John Snider, seconded by Ken Mahoney, to approve the purchase of a 30' x 120' parcel of property from Northway Lanes (Marshall, Inc.) for the sum of \$9,000 plus closing fees with funds coming from the Regional Water System fund 5910.

Roll call: Ayes – Arter; Hall; Kieft; Mahoney; Plummer; St. Amour; Snider.

Nays – None.

Motion carried

Commissioner Jager was not in attendance for the vote

WSPB-12-038 - PURCHASE NEW METER RADIO READING HARDWARE/SOFTWARE

Moved by John Snider, seconded by Scott Plummer, to authorize staff to purchase new meter radio reading hardware/software from Michigan Meter Technology Group for \$6,592 with costs being paid from the Regional Water fund 5910.

Roll call: Ayes – Arter; Hall; Kieft; Mahoney; Plummer; St. Amour; Snider.

Nays – None.

Motion carried

Commissioner Jager was not in attendance for the vote

WSPB-12-039 – WATER PURCHASE AGREEMENT

**Moved by John Snider, seconded by Ken Mahoney, to approve the water purchase agreement between the County Regional Water System, North Muskegon and Roosevelt Park and the City of Muskegon and recommend approval to the Muskegon County Board of Public Works.**

Lengthy discussion followed.

Commissioner Mahoney spoke in favor of the agreement.

Supervisor St. Amour spoke in favor of the agreement.

Commissioner Snider spoke in favor of the agreement.

Chairman Kieft had concerns about the agreement such as some of the language and the contract is for 40 years with no "out" clause.

Supervisor Arter asked if the Cities of North Muskegon and Roosevelt Park Councils support the agreement.

Mr. Stepke and Mr. Chandler stated their councils support the agreement.

**Roll call: Ayes – Arter; Hall; Mahoney; Plummer; St. Amour; Snider.**

**Nays – Jager; Kieft.**

**Motion carried**

WSPB-12-040 – INFORMATION ITEMS

**Moved by Ken Mahoney, seconded by Sam St. Amour, that the following information items be received and placed on file:**

- 1. New Meters Set List – June 2012.**
- 2. Local Fund Balance Sheet – June 2012.**

**Motion carried**

Muskegon County Regional  
Water System Policy Board  
July 17, 2012  
Page Four

WSPB-12-041 – REPORTS – WATER SYSTEM UPDATE

The Water System Update was distributed for information.

WSPB-12-042 – OLD BUSINESS

There was no old business.

WSPB-12-043 – NEW BUSINESS

Chairman Kieft stated he was approached by a Muskegon Charter Township resident regarding the bad water situation on Mill Iron Road near the corner of Laketon. Staff will review the situation and report back to the Board.

Chairman Kieft also stated there is an issue of not enough fire flow at Eastwood Village Apartments. Staff will review this issue and report back to the Board.

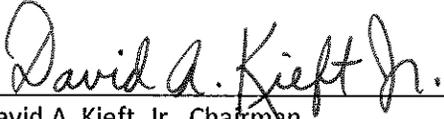
WSPB-12-044 – AUDIENCE PARTICIPATION

There was no audience participation.

WSPB-12-045 – ADJOURN

Moved by Ken Mahoney, seconded by John Snider, to adjourn the meeting at 2:40 p.m.

Motion carried

  
\_\_\_\_\_  
David A. Kieft, Jr., Chairman

kf

## MINUTES

Muskegon County Regional  
Water System Policy Board  
Board of Commissioners Room  
Michael J. Kobza Hall of Justice  
990 Terrace Street  
Muskegon, Michigan  
August 7, 2012

### CALL TO ORDER

The meeting was called to order by Chairman David Kieft at 2:00 p.m.

### ROLL

#### Members

Present: Kim Arter, Laketon Township  
Chris Hall, Dalton Township  
Alan Jager, County Commissioner  
David Kieft, Muskegon Charter Township  
Ken Mahoney, County Commissioner  
Scott Plummer, County Commissioner  
Sam St. Amour, Fruitland Township  
James Derezinski, County Commissioner

Absent: John Snider, County Commissioner

#### Staff

Present: John Warner, County DPW  
Karen Fisher, County DPW

#### Others

Present: Dave Bossenbroek, Attorney  
Rod Siegel, Laketon Township  
Jan Deur, Fruitland Township  
Mike Thompson, Egelston Township

### WSPB-12-046 – APPROVAL OF MINUTES

Moved by Scott Plummer, seconded by Sam St. Amour, to approve the minutes of the meeting held July 17, 2012.

Motion carried

Muskegon County Regional  
Water System Policy Board  
August 7, 2012  
Page Two

WSPB-12-047 – CATHODIC PROTECTION SYSTEM – EVANSTON AVENUE WATER TANK

Moved by Scott Plummer, seconded by Ken Mahoney, to approve the quote of \$7,500 from Corrpro for the installation of a new halo and anodes for the cathodic protection system on the Evanston Avenue elevated water storage tank with all costs being paid from the Regional Water System fund 5910-0552.

Roll call: Ayes – Arter; Hall; Jager; Kieft; Mahoney; Plummer; St. Amour; Derezinski.

Nays – None.

Motion carried

WSPB-12-048 – INFORMATION ITEMS

Moved by Kim Arter, seconded by Chris Hall, that the following information items be received and placed on file:

1. New Meters Set List.
2. Local Fund Balance Sheet – July & August 2012.

Motion carried

WSPB-12-049 – REPORTS – WATER SYSTEM UPDATE

The Water System Update was distributed for information.

WSPB-12-050 – OLD BUSINESS

John Warner, Public Works Director, distributed a summary sheet of the costs of installing watermain in the Evanston/Milliron/Laketon area. Mr. Warner feels that the project is not cost effective without including a larger area with more potential customers.

Mr. Warner also addressed the question that if the water purchase agreement is approved, could the rates be reduced to the customers. Upon review, Mr. Warner stated the rates could be reduced 7¢ per unit and the finances would remain the same as they are at the present time.

Muskegon County Regional  
Water System Policy Board  
August 7, 2012  
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WSPB-12-051 - NEW BUSINESS

There was no new business.

WSPB-12-052 – AUDIENCE PARTICIPATION

There was no audience participation.

WSPB-12-053 – ADJOURN

**Moved by Sam St. Amour, seconded by Scott Plummer, to adjourn the meeting at 2:18 p.m.**

**Motion carried**

  
\_\_\_\_\_  
David A. Kieft, Jr., Chairman

kf

## MINUTES

Muskegon County Regional  
Water System Policy Board  
Board of Commissioners Room  
Michael J. Kobza Hall of Justice  
990 Terrace Street  
Muskegon, Michigan  
September 11, 2012

### CALL TO ORDER

The meeting was called to order by Chairman David Kieft at 2:00 p.m.

### ROLL

#### Members

Present: Kim Arter, Laketon Township  
Chris Hall, Dalton Township  
Alan Jager, County Commissioner  
David Kieft, Muskegon Charter Township  
Ken Mahoney, County Commissioner  
Scott Plummer, County Commissioner  
Jan Deur, Fruitland Township  
John Snider, County Commissioner

Excused: Sam St. Amour, Fruitland Township

#### Staff

Present: John Warner, County DPW  
Karen Fisher, County DPW

#### Others

Present: Dave Bossenbroek, Attorney  
Rod Siegel, Laketon Township  
Jerry Sanders, Muskegon Charter Township  
Dave Smith, City of Muskegon  
Dave Fisher, Muskegon County Drain Commissioner

### WSPB-12-054 – APPROVAL OF MINUTES

Moved by Ken Mahoney, seconded by Scott Plummer, to approve the minutes of the meeting held August 7, 2012.

Motion carried

WSPB-12-055 – DIXON ENGINEERING PROPOSAL

Moved by John Snider, seconded by Scott Plummer, to approve the attached proposal from Dixon Engineering for the 1-year warranty inspection of the interior coating on the Evanston Avenue elevated water storage tank for their proposed cost of \$1,795.00 with all costs being paid by the Regional Water System fund 5910-0552 and recommend approval to the Board of Public Works.

Roll call: Ayes – Arter; Hall; Jager; Kieft; Mahoney; Plummer; Deur; Snider.

Nays – None.

Motion carried

WSPB-12-056 – INFORMATION ITEMS

Moved by John Snider, seconded by Scott Plummer, that the following information items be received and placed on file:

1. New Meters Set List.
2. Local Fund Balance Sheet.

Motion carried

WSPB-12-057- REPORTS – WATER SYSTEM UPDATE

The Water System Update was distributed for information.

WSPB-12-058 – OLD BUSINESS

There was no old business.

WSPB-12-059 – NEW BUSINESS

There was discussion on reducing the per unit cost to the customers based on the new agreement with the City of Muskegon.

Mr. Warner will review this issue and report back to the Board.

Muskegon County Regional  
Water System Policy Board  
September 11, 2012  
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WSPB-12-060 – AUDIENCE PARTICIPATION

There was no audience participation.

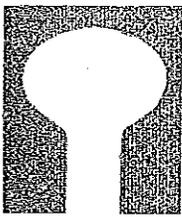
WSPB-12-061 – ADJOURN

Moved by Scott Plummer, seconded by Ken Mahoney, to adjourn the meeting at 2:19 p.m.

Motion carried

  
David A. Kieft, Jr., Chairman

kf



# DIXON

ENGINEERING AND  
INSPECTION SERVICES  
FOR THE COATING INDUSTRY

1104 Third Avenue  
Lake Odessa, MI 48849  
Telephone 1-616-374/3221  
Fax 1-616-374/7116

## Proposal/Contract Agreement for Elevated Water Storage Tank 500,000 Gallon Double Ellipse, (Evanston Tank), #22-61-06-04

The agreement is between Dixon Engineering, Inc. (DIXON) and the Muskegon County, Muskegon, Michigan (OWNER) to contract with DIXON for technical services for the 500,000 Gallon Double Ellipse (Project). This agreement inclusive together with any expressly incorporated appendix or Schedule, constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument. This agreement includes pages 1 through 4 and Schedules A, B, and C.

### 1.01 BASIC AGREEMENT

DIXON shall provide, or cause to be provided, services detailed in Scope of Services and OWNER agrees to pay DIXON as compensation for their services the (not to exceed) fee of One Thousand, Seven Hundred and Ninety-Five dollars (\$1,795.00). Terms of charges and payments per details in Schedule B. (Prices quoted are subject to change 90 days after proposal date, if not contracted.)

### 2.01 SCOPE OF SERVICES

Warranty Inspection per Schedule A

### 3.01 SIGNATURES

Ira M. Gabin, P.E., Vice President

July 11, 2012

PROPOSED by DIXON (Not a contract until approved by an officer)

PROPOSAL DATE

CONTRACT APPROVED by OWNER

POSITION

DATE

CO SIGNATURE (if required)

POSITION

DATE

CONTRACT APPROVED by DIXON OFFICER

EFFECTIVE CONTRACT DATE

Members: Steel Structures Painting Council  
American Water Works Association  
Consulting Engineers Council

4.01 ADDITIONAL SERVICES

- A. If additional services are Requested and Authorized by the OWNER which are not within the proposed Scope of Services (Schedule A) or because of changes in the Project, these additional services will be on a time and material basis per fee schedule of attached SCHEDULE C.
- B. Delay by the Owner in completing the work, which is their responsibility per Schedule A (Owner) and which extends the amount of time required for DIXON to complete their work, will be charged as an Additional Service.
- C. Failure by the Owner to notify DIXON of the necessity to change inspection dates more than twenty-four (24) hours in advance and which results in unnecessary travel and/or expense to DIXON shall cause this travel and expense to be charged as Additional Service.

5.01 Termination

- A. The obligation to provide further services under this Agreement may be terminated:
  - 1. For cause,
    - a. By either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Agreement will not terminate as a result of substantial failure under paragraph 5.01.A.1.a if the party receiving such notice begins, within seven (7) days of receipt of such notice, to correct its failure and proceeds diligently to cure such failure within no more than thirty (30) days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such thirty (30) day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, sixty (60) days after the date of receipt of the notice.
    - b. By DIXON upon seven days written notice:
      - 1) If Owner fails to pay invoices by 60 days.
      - 2) Upon seven (7) days written notice if the DIXON's services for the Project are delayed or suspended for more than ninety (90) days for reasons beyond DIXON's control.
      - 3) If DIXON believes that Engineer is being requested by Owner to furnish or perform services contrary to engineer's responsibilities as a licensed professional.
      - 4) DIXON shall have no liability to Owner on account of such termination.
  - 2. For Convenience,
    - a. By OWNER effective upon the receipt of notice by DIXON.
- B. The terminating party may set the effective date of termination at a time up to thirty (30) days later to allow Engineer to demobilize personnel and equipment from the Project site, to complete tasks whose value would otherwise be lost, to prepare notes

as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

6.01 Controlling Law

A. This Agreement is to be governed by the law of the state in which the Project is located.

7.01 Successors, Assigns, and Beneficiaries

A. OWNER and DIXON and their successors are hereby bound to successors and legal representatives of the other to the extent permitted by law in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither OWNER nor DIXON may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement.

8.01 General Considerations

A. The **Standard of Care** for all professional engineering and related services performed or furnished by DIXON under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. DIXON makes no warranties, expressed or implied, under this Agreement or otherwise, in connection with DIXON's services. DIXON and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. DIXON shall **Not** at any time **Supervise**, direct, or have control over any of the **Owner's** work, nor shall DIXON have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by Owner, for safety precautions and programs incident to owner's performance of Schedule A (Owner's).

C. All **Design Documents** prepared or furnished by DIXON are instruments of service, and DIXON retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

D. DIXON agrees to defend, **Indemnify**, and hold harmless the Owner, its officers, agents, and employees, from and against legal liability for all claims, losses, damages, or expenses to the extent such claims, losses, damages, or expenses are caused by Engineer's negligent or intentional acts, errors, or omissions. Limits of liability for negligence is based on the comparative negligence principle.

E. The parties acknowledge that DIXON's scope of services does not include any services related to a **Hazardous Environmental Condition** (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). DIXON acknowledges that some hazardous metals may be encountered in coatings.

8.02 Severability

A. If any clause or paragraph or sentence is found to be in opposition to any law in the state of the Project, that clause or paragraph or sentence may be severed from the Agreement with no effect on remaining clauses.

8.03 Headings

A. Article and paragraph headings are inserted for convenience only and do not constitute parts of these General Conditions. Words in the first sentence are in bold to act as secondary headings and should not be interpreted any different than a numbered heading.

**SCHEDULE A**  
*One Year Warranty Inspection*  
*500,000 Gallon Double Ellipse, (Evanston), #22-61-06-04*  
*Muskegon, Michigan*

**I Warranty Inspection:**

**A. Scope of Services Performed by Owner:**

1. Drain the water storage tank (hereinafter referred to as tank) prior to the arrival of DIXON. (Arrival time to be mutually agreed upon by the Owner and DIXON.)
2. Provide for the use of the Inspector a source of water. This can either be a hydrant or hose bib supply. A community fire truck can be provided if it is desired to reduce the amount of time required for cleaning.
3. Remove from site, mud, cathodic rods, or paraphernalia removed from the tank, if necessary.
4. Perform bacteriological testing prior to returning tank to service.

**B. Scope of Services Performed by DIXON:**

1. Flush the interior tank surfaces with high pressure water to remove all mud and silt from painted surfaces, and perform rough adhesion test.
2. Inspect interior surfaces for deterioration of coating, if any. Quantify all findings for presentation to Contractor.
3. Inspect exterior surfaces to determine extent of paint intactness and quantify any damages.
4. Prepare and submit a letter report (2 copies) detailing condition of items inspected, and recommendations concerning the above work, if any, and recommendations for the next maintenance inspection.
5. Chlorinate the tank per AWWA Method No. 3 C-652-07. This item may be relocated to the Scope of Services Performed by Owner, if thus contracted.

**SCHEDULE B**  
*One Year Warranty Inspection*  
*500,000 Gallon Double Ellipse, (Evanston), #22-61-06-04*  
*Muskegon, Michigan*

1. DIXON's fee for Schedule A, Item 1 of Scope of Services Performed by the Professional is \$175 per hour with an estimate of 2 hours (\$350). Time will not be exceeded without authorization of the Owner. This is a time and material item because DIXON cannot estimate the amount of mud or time necessary for removal. The degree of cleanliness (i.e. 95% removal of the mud, etc.) will be established between DIXON and the Owner prior to cleaning of the tank. DIXON will supply personnel based on the anticipated work and time.
2. Fee for Schedule A, Items 2 through 4, travel time and preparation of the report is a fixed fee item of \$1,350.
3. The fee for furnishing and applying the chlorine, Schedule A, Item 5, shall be the fixed fee of \$95.
4. All DIXON service invoices which are paid within ten (10) days of date of issue shall be discounted (Owner's favor) one percent (1%).
5. All DIXON service invoices which are outstanding more than sixty (60) days from date of issue shall be assessed (DIXON's favor) one and one half percent (1½%) per month interest from date thirty days after date of issue.

## SCHEDULE C

### Engineering Services Fees

<u>Labor Class</u>	<u>Per Hour</u>	<u>*Overtime Rate</u>
Principal.....	\$175.00	
Expert Witness (Office, Travel & Court).....	\$185.00	
Project Manager.....	\$100.00	
Registered Professional Engineer.....	\$100.00	
Certified NACE Inspector.....	\$ 90.00	
Assistant Project Manager.....	\$ 80.00	
Staff Engineer – Level III.....	\$ 72.00 to \$85.00	
Staff Engineer – Level II.....	\$ 67.00 to \$80.00	
Staff Engineer – Level I.....	\$ 62.00 to \$75.00	
CAD Supervisor.....	\$ 65.00 to \$75.00	
CAWI or CWI Welding Inspector.....	\$ 67.00 to \$85.00	
Inspector – Level III.....	\$ 63.00 to \$80.00	
Inspector – Level II.....	\$ 60.00 to \$75.00	
Inspector – Level I.....	\$ 55.00 to \$70.00	
CAD Technician.....	\$ 60.00 to \$70.00	
Secretarial Services.....	\$ 48.00 & expenses	
Bookkeeping Services.....	\$ 44.00	
Project Status Meetings w/Project Engineers and Council or Board Meetings.....	Time and Expenses, Including Preparation Time	

\*All Saturday, Sunday, and holiday inspections are overtime rate. Overtime rate is 1 ½ time the hourly rate. Overtime rate does not apply to Principal.

Expenses:

	<u>Metropolitan</u>	<u>Out – state</u>
Mileage.....	\$0.70/mile (including tolls)	\$0.60/mile
Meals & Lodging, .....	\$105 per diem <i>(may be increased based on location)</i>	\$95 per diem
Without Lodging.....	\$35/day	\$30/day
Air Travel.....	Business fare from Grand Rapids Chicago O’Hare or Milwaukee, plus full size car rental	
Material (gaskets, cathodic protection caps, etc.).....	Negotiated	

FEES EFFECTIVE THROUGH JUNE 30, 2013

Revised 05/08

## MINUTES

Muskegon County Regional  
Water System Policy Board  
Board of Commissioners Room  
Michael J. Kobza Hall of Justice  
990 Terrace Street  
Muskegon, Michigan  
October 9, 2012

### CALL TO ORDER

The meeting was called to order by Chairman David Kieft at 2:00 p.m.

### ROLL

#### Members

Present: Kim Arter, Laketon Township  
Chris Hall, Dalton Township  
Alan Jager, County Commissioner  
David Kieft, Muskegon Charter Township  
Ken Mahoney, County Commissioner  
Scott Plummer, County Commissioner  
Jan Deur, Fruitland Township  
John Snider, County Commissioner

Excused: Sam St. Amour, Fruitland Township

#### Staff

Present: John Warner, County DPW  
Karen Fisher, County DPW

#### Others

Present: Dave Bossenbroek, Attorney  
Rod Siegel, Laketon Township  
Dave Fisher, Muskegon County Drain Commissioner

### WSPB-12-062 – APPROVAL OF MINUTES

Moved by Scott Plummer, seconded by Kim Arter, to approve the minutes of the meeting held September 11, 2012.

Motion carried

Muskegon County Regional  
Water System Policy Board  
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Page Two

WSPB-12-063 – ELEVATED ENFORCEMENT – MANDATORY CONNECTION – 787 E. GILES & 1445 N. ROBERTS

Moved by Scott Plummer, seconded by John Snider, to authorize Counsel Dave Bossenbroek to move forward with elevated enforcement activities on the properties located at 787 E. Giles Road and 1445 N. Roberts Road involving mandatory connection to the Muskegon County Regional Water System.

Roll call: Ayes – Arter; Hall; Jager; Kieft; Mahoney; Plummer; Deur; Snider.

Nays – None.

Motion carried

WSPB-12-064 – INFORMATION ITEMS

Moved by John Snider, seconded by Scott Plummer, that the following information items be received and placed on file:

1. New Meters Set List.
2. Local Fund Balance Sheet.

Motion carried

WSPB-12-065 – REPORTS – WATER SYSTEM UPDATE

The Water System Update was distributed for information.

WSPB-12-066 – OLD BUSINESS

Jan Deur asked Mr. Warner if the analysis on reducing the per unit cost was complete.

Mr. Warner stated the report is not complete. He stated reducing the per unit cost would not have any effect on the finances of the Regional Water System, but in his opinion, the rate should not be reduced as the money collected if the rate is not reduced, could be used to help offset a future rate increase by the City of Muskegon.

Muskegon County Regional  
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WSPB-12-067 – NEW BUSINESS

There was a brief discussion on the water agreement between Fruitport Township, City of Norton Shores and City of Muskegon and how the rates being charged to Fruitport Township and City of Norton Shores would affect the Regional Water System rates.

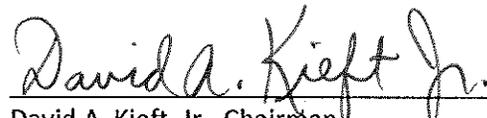
WSPB-12-068 - AUDIENCE PARTICIPATION

There was no audience participation.

WSPB-12-069 - ADJOURN

Moved by Jan Deur, seconded by John Snider, to adjourn the meeting at 2:20 p.m.

Motion carried

  
\_\_\_\_\_  
David A. Kieft, Jr., Chairman

kf

November 1, 2012

MEETING CANCELLATION NOTICE

THE NOVEMBER 6, 2012, MEETING OF THE MUSKEGON COUNTY  
REGIONAL WATER SYSTEM POLICY BOARD HAS BEEN CANCELLED.

DAVID KIEFT, JR., CHAIRMAN

POSTED: November 1, 2012

December 6, 2012

MEETING CANCELLATION NOTICE

THE DECEMBER 11, 2012, MEETING OF THE MUSKEGON COUNTY  
REGIONAL WATER SYSTEM POLICY BOARD HAS BEEN CANCELLED.

DAVID KIEFT, JR., CHAIRMAN