

Muskegon County
Water System Policy Board
January 13, 2015
2:00 p.m.
Training Center
133 E. Apple Avenue, Room 202
Muskegon, Michigan 49442

Kim Arter, Chair

Susie Hughes, Vice Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Chair Arter at 2:00 p.m.

ROLL

Present: Kim Arter, Laketon Township Supervisor
Chris Hall, Dalton Township Supervisor
Susie Hughes, Muskegon County Commissioner
David Kieft, Muskegon Charter Township Supervisor
Kenneth Mahoney, Muskegon County Commissioner
Terry Sabo, Muskegon County Board Chair
Sam St. Amour, Fruitland Township Supervisor

Excused:

Staff

Present: John Warner, Public Works Director
Tina Nash, DPW Departmental Clerk

Others

Present: David Bossenbroek, Attorney
Jan L. Deur, Fruitland Township Trustee
Elizabeth Jenkins, Dalton Township Treasurer
Jerry McIntyre, Dalton Township Trustee
Jerry Sanders, Muskegon Charter Township DPW Director
Joe Kemp, Muskegon Charter Township Trustee
Jeffrey Wood, Muskegon Charter Township Treasurer
Matthew C. VanHoef, Attorney

ELECTION OF OFFICERS

Chair Kim Arter opened nominations for Chair of the Muskegon County Regional Water System Policy Board.

WSPB-15-001 Moved by David Kieft, seconded by Commissioner Hughes to nominate Commissioner Mahoney for Chair.

ELECTION OF OFFICERS CONT'D

Moved by Sam St. Amour, seconded by Chris Hall to nominate Kim Arter for Chair.

There were no other nominations for Chair.

Chair Kim Arter closed the nomination for Chair.

Roll Call:

Votes for Commissioner Mahoney – Kieft, Mahoney, Hughes

Votes for Kim Arter – Hall, St. Amour, Sabo, Arter

Motion Carried

Kim Arter accepted Chair.

Chair Kim Arter opened nominations for Vice Chair of the Muskegon County Regional Water System Policy Board.

WSPB-15-002 Moved by David Kieft, seconded by Chris Hall to nominate Commissioner Hughes for Vice Chair.

There were no other nominations for Vice Chair.

Chair Kim Arter closed the nomination for Vice Chair.

Roll Call:

Yes – Hall, Kieft, Mahoney, St. Amour, Sabo, Hughes, Arter

No – None

Motion Carried

Commissioner Hughes accepted Vice Chair.

Chair Kim Arter opened designations for Secretary of the Muskegon County Regional Water System Policy Board.

WSPB-15-003 Moved by Sam St. Amour, seconded by Commissioner Hughes to designate Tina Nash for Secretary.

There were no other designations for Secretary.

Chair Kim Arter closed the designations for Secretary.

Roll Call:

Yes – Kieft, Mahoney, St. Amour, Sabo, Hughes, Hall, Arter

No – None

Motion Carried

ELECTION OF OFFICERS CONT'D

Chair Kim Arter opened designations for Financial Officer of the Muskegon County Regional Water System Policy Board.

WSPB-15-004 Moved by Commissioner Hughes, seconded by David Kieft to designate Jeff Wood for Financial Officer.

Jeff Wood thanked the Board, but declined.

Moved by Commissioner Hughes, seconded by David Kieft to withdraw the motion to designate Jeff Wood for Financial Officer.

Moved by Commissioner Hughes, seconded by Commissioner Mahoney to designate John Warner for Financial Officer.

There were no other designations for Financial Officer.

Chair Kim Arter closed the designations for Financial Officer.

Roll Call:

Yes – St. Amour, Sabo, Hughes, Hall, Mahoney, Arter

No – Kieft

Motion Carried

John Warner accepted Financial Officer.

APPROVAL OF AGENDA

WSPB-15-005 Moved by Commissioner Sabo, seconded by Commissioner Mahoney, to approve the agenda as presented.

Motion carried

APPROVAL OF MINUTES

WSPB-15-006 Moved by Commissioner Hughes, seconded by Sam St. Amour, to approve the minutes of the meeting held December 9, 2015.

Motion carried

PUBLIC COMMENT (on an agenda item)

Jeff Wood addressed the Board regarding the proposal submitted by Muskegon Charter Township.

ITEMS FOR DISCUSSION:

Delinquent Bill Sub-Committee Report Update

Sam St. Amour advised the Board that the Sub-Committee did not meet.

Muskegon Charter Township Fire Hydrant Fees Proposal

Chair Kim Arter opened the floor for questions and or comments on the proposal.

David Kieft stated he brought the proposal as he stated he would.

Discussion ensued regarding the proposal.

WSPB-15-007 Moved by Commissioner Sabo, seconded by Commissioner Hughes to suspend the rules and open the floor for comments.

Motion Carried

Jeff Wood clarified the issue that Muskegon Charter Township has with the Hydrant Fee.

WSPB-15-008 Moved by Commissioner Sabo, seconded by Sam St. Amour to close the floor for comments.

Motion Carried

Discussion continued.

INFORMATION ITEMS

WSPB-15-009 Moved by David Kieft, seconded by Sam St. Amour, that the following information items be received and placed on file:

1. New Meter Set List for December 2014
2. Local Fund Balance Sheet for December 2014

Motion carried

REPORTS

Water System Update

The Water System Update was accepted as written by John Warner and distributed in a memo for information.

John Warner also informed the Board of a report from Muskegon Township's Fire Department of frozen fire hydrants on Whitehall Road. The City of Muskegon went out and checked the hydrants and they found eight frozen hydrants. John Warner stated at this point they do not know who caused this; however they are having the hydrants thawed.

REPORTS CONT'D

Sam St. Amour asked John Warner if he knew who flushed those valves, John Warner stated he did not and that not every hydrant gets flushed. Sam St. Amour asked if John Warner knew if these hydrants were flushed. John Warner stated he did not know for sure and that the Dalton Township Fire Chief stated they inspected the hydrants; however John Warner was not sure if that included flushing. Sam St. Amour asked John Warner if it was eight hydrants in a row. John Warner replied they were not.

Commissioner Hughes asked if they just came across the problem or if there was an emergency. John Warner stated the problem was discovered due to a house fire.

Sam St. Amour asked if the hydrants could be checked by the fire departments. John stated he would make contact with the fire departments and see if they would be willing to help out.

Commissioner Hughes stated she reminds people to shovel out the hydrants and wanted to know by shoveling the snow from the hydrants if this could cause them to freeze. John Warner stated it does not.

Chair Kim Arter asked John Warner if this has happened before. John Warner stated hydrants have frozen before, but they knew the cause.

OLD BUSINESS

None

NEW BUSINESS

David Kieft congratulated Jerry McIntyre on his appointment to Supervisor of Dalton Township.

AUDIENCE PARTICIPATION

Jerry Sanders asked the Board what it was about Muskegon Charter Township's proposal they don't agree with. Chair Kim Arter stated that the proposal was just received and today's meeting was only for discussion.

Dave Bossenbroek addressed Jerry Sanders regarding the proposal.

Jeff Wood stated that in March of 2014 the name was changed to System Maintenance Fee. Jeff Wood requested that the Board going forward use the correct name of the fee. Chair Kim Arter thanked Jeff Wood.

Matthew VanHoef addressed the Board regarding Muskegon Charter Township's proposal.

ADJOURN

There being no further business to come before the Water System Policy Board, the meeting adjourned at 3:01 p.m.

MEETING CANCELLATION

Notice is hereby given that
the Water System Policy
Board meeting of February 10,
2015, is cancelled.

Kim Arter, Chair

Posted: February 5, 2015

Muskegon County
Water System Policy Board
March 17, 2015
2:00 p.m.
Training Center
133 E. Apple Avenue, Room 205
Muskegon, Michigan 49442

Kim Arter, Chair

Susie Hughes, Vice Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Chair Arter at 2:00 p.m.

ROLL

Present: Kim Arter, Laketon Township Supervisor
Jerry McIntyre, Dalton Township Supervisor
Susie Hughes, Muskegon County Commissioner
David Kieft, Muskegon Charter Township Supervisor
Kenneth Mahoney, Muskegon County Commissioner
Sam St. Amour, Fruitland Township Supervisor

Excused: Terry J. Sabo, Muskegon County Board Chair [arrived at 2:04 p.m.]

Staff

Present: Mark Eisenbarth, Administrator
John Warner, Public Works Director
Tina Nash, DPW Departmental Clerk

Others

Present: David Bossenbroek, Attorney
Jan L. Deur, Fruitland Township Trustee
Jerry Sanders, Muskegon Charter Township DPW Director
Jeffrey Wood, Muskegon Charter Township Treasurer
Matthew C. VanHoef, Attorney

APPROVAL OF AGENDA

WSPB-15-010 Moved by Commissioner Hughes, seconded by Sam St. Amour, to approve the agenda as presented.

Voice Vote: **Motion carried**

APPROVAL OF MINUTES

WSPB-15-011 Moved by Sam St. Amour, seconded by Commissioner Hughes, to approve the minutes of the meeting held January 13, 2015.

Voice Vote: **Motion carried**

PUBLIC COMMENT (on an agenda item)

Mark Eisenbarth presented the Board with information regarding Facilitative Mediation and explained the process.

Discussion followed.

ITEMS FOR DISCUSSION:

Muskegon Township System Maintenance Fee Proposal

WSPB-15-012 Moved by Sam St. Amour, seconded by Commissioner Sabo, to reject Muskegon Charter Township's request to put the maintenance fee into effect.

Roll call:

Yes – Mahoney, McIntyre, St. Amour, Sabo, Hughes, Arter

No – Kieft

Motion carried

Obtain Legal Counsel

WSPB-15-013 Moved by Sam St. Amour, seconded by Commissioner Mahoney, to authorize the Chair to work with Dave Bossenbroek to seek potential legal counsel for any action going forth.

Roll call:

Yes – Sabo, Mahoney, McIntyre, St. Amour, Arter

No – Hughes, Kieft

Motion carried

Muskegon Township's Request for Payment of Invoices

WSPB-15-014 Moved by Commissioner Sabo, seconded by Commissioner Mahoney, to table Muskegon Township's request for payment of invoices until the next meeting.

Voice Vote: **Motion carried**

INFORMATION ITEMS

WSPB-15-015 Moved by Commissioner Sabo, seconded by Jerry McIntyre, that the following information items be received and placed on file:

1. New Meter Set List for February 2015
2. Local Fund Balance Sheet for February 2015

Voice Vote: **Motion carried**

REPORTS

Water System Update

The Water System Update was accepted as written by John Warner and distributed in a memo for information.

John Warner also informed the Board of the water leak at Duck Creek RV Resort.

Dave Kieft asked John Warner how many gallons are used when they flush the Whitehall line. John Warner stated it typically is around one million gallons to flush the tank and three miles of water line. Dave Kieft asked how many times a year this is done. John Warner stated it depends on the chlorine level, but typically about four times a year.

Commissioner Hughes asked John Warner if he has tried the robot from the Sheriff's department to inspect the tanks. John Warner stated he has not.

Dave Kieft asked John Warner who pays for the Whitehall Road line to be flushed. John Warner stated the System pays for it as an operational cost.

Commissioner Hughes asked John Warner is there were any major freeze ups this year. John Warner stated other than the hydrants they have not.

OLD BUSINESS

Regarding motion WSPB-15-013, Commissioner Sabo requested that the Chair bring back more than one attorney that the Board may select from.

NEW BUSINESS

None

AUDIENCE PARTICIPATION

None

ADJOURN

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:53 p.m.

Muskegon County
Water System Policy Board
April 14, 2015
2:00 p.m.
Training Center
133 E. Apple Avenue, Room 202
Muskegon, Michigan 49442

Kim Arter, Chair

Susie Hughes, Vice Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Chair Arter at 2:00 p.m.

ROLL

Present: Kim Arter, Laketon Township Supervisor
Jerry McIntyre, Dalton Township Supervisor
Susie Hughes, Muskegon County Commissioner
David Kieft, Muskegon Charter Township Supervisor
Kenneth Mahoney, Muskegon County Commissioner
Terry J. Sabo, Muskegon County Board Chair
Sam St. Amour, Fruitland Township Supervisor

Excused:

Staff

Present: John Warner, Public Works Director
Tina Nash, DPW Departmental Clerk

Others

Present: David Bossenbroek, Attorney
Jan L. Deur, Fruitland Township Trustee
Jerry Sanders, Muskegon Charter Township DPW Director
Jeffrey Wood, Muskegon Charter Township Treasurer
Chris Hall, Laketon Township Building Inspector

APPROVAL OF AGENDA

WSPB-15-016 Moved by Commissioner Hughes, seconded by David Kieft, to approve the agenda amending item F by eliminating discussion item 1. / Michael B. Ortega from Lewis Reed & Allen P.C.

Voice Vote: **Motion carried**

APPROVAL OF MINUTES

WSPB-15-017 Moved by Commissioner Hughes, seconded by Sam St Amour, to approve the minutes of the meeting held March 17, 2015.

Voice Vote: **Motion carried**

PUBLIC COMMENT (on an agenda item)

None

ITEMS FOR DISCUSSION:

Legal Counsel Recommendation

Chair Kim Arter asked Dave Bossenbroek to present the Board with the recommendation. Dave Bossenbroek stated there were two attorneys whom they recommend to handle the matter, Kevin Even and Jim Rose. Dave Bossenbroek stated that both attorneys' rates would be \$200.00 per hour.

Discussion followed.

WSPB-15-018 Moved by Commissioner Hughes, seconded by David Kieft to nominate Jim Rose as the attorney for the Water System Policy Board at a rate of \$200 per hour, paid through the Water System Policy Board.

Discussion followed.

WSPB-15-019 Amendment to motion WSPB-15-018 to include the wording that this only pertains to Muskegon Charter Township's Maintenance Fees that haven't been paid.

Moved by Commissioner Sabo, seconded by Commissioner Mahoney, to include the wording that this only pertains to Muskegon Charter Township's Maintenance Fees that haven't been paid to motion WSPB-15-018.

Roll call:

Yes – McIntyre, St Amour, Sabo, Hughes, Mahoney, Arter

No – Kieft

Motion carried

WSPB-15-018 Moved by Commissioner Hughes, seconded by David Kieft to nominate Jim Rose as the attorney for the Water System Policy Board at a rate of \$200 per hour, paid through the Water System Policy Board and that this only pertains to Muskegon Charter Township's Maintenance Fees that haven't been paid.

Roll call:

Yes – Mahoney, McIntyre, St Amour, Sabo, Hughes, Arter

No – Kieft

Motion carried

During the meeting Commissioner Sabo emailed the Board members a copy of the resolution.

Muskegon Township's Request for Payment of Invoices

WSPB-15-020 Moved by Sam St Amour, seconded by Commissioner Sabo, to table Muskegon Charter Township's request for payment of invoices.

Roll call:

Yes – Mahoney, McIntyre, St Amour, Sabo, Arter

No – Hughes, Kieft

Motion carried

INFORMATION ITEMS

WSPB-15-021 Moved by Sam St Amour, seconded by Jerry McIntyre, that the following information items be received and placed on file:

1. New Meter Set List for March 2015
2. Local Fund Balance Sheet for March 2015

Voice Vote: **Motion carried**

REPORTS

Water System Update

The Water System Update was accepted as written by John Warner and distributed in a memo for information.

Commissioner Hughes asked John Warner about the chlorine line out at Michigan Adventure and wanted to know if it would help to install an in-line chlorinator. John Warner stated there was one already installed and explained the flushing process and the different levels of the chlorine rates.

Commissioner Hughes questioned the large volume customers on the line. John Warner stated that we could not expand this line without a secondary connection.

Commissioner Sabo asked John Warner if he knew why Muskegon Heights had trouble with frozen water lines. John Warner stated it was mostly due to the water lines not being buried deep enough.

Commissioner Sabo asked John Warner if this was a concern with our water customers. John Warner stated it was not and for those customers we know may be a problem we take measures to try to avoid any frozen lines.

OLD BUSINESS

Commissioner Hughes read a portion of the Water System Policy Board's Bylaws.

David Kieft questioned John Warner on how the Maintenance fees would be billed if the system could no longer expand. John Warner stated it would depend on the number of hydrants.

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Minutes
April 14, 2015
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NEW BUSINESS

None

AUDIENCE PARTICIPATION

None

ADJOURN

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:56 p.m.

Kim Arter, Chair

MEETING CANCELLATION

Notice is hereby given that the
Water System Policy Board
meeting of May 12, 2015,
is cancelled.

Kim Arter, Chair

Posted: May 8, 2015

MEETING CANCELLATION

Notice is hereby given that the
Water System Policy Board
meeting of June 9, 2015,
is cancelled.

Kim Arter, Chair

Posted: June 5, 2015

MEETING CANCELLATION

Notice is hereby given that the
Water System Policy Board
meeting of July 14, 2015,
is cancelled.

Kim Arter, Chair

Posted: July 1, 2015

MEETING CANCELLATION

Notice is hereby given that the
Water System Policy Board
meeting of August 11, 2015,
is cancelled.

Kim Arter, Chair

Posted: August 4, 2015

Muskegon County
Water System Policy Board
September 15, 2015
2:00 p.m.
Training Center
133 E. Apple Avenue, Room 202
Muskegon, Michigan 49442

Kim Arter, Chair

Susie Hughes, Vice Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Chair Arter at 2:00 p.m.

ROLL

Present: Kim Arter, Laketon Township Supervisor
Jerry McIntyre, Dalton Township Supervisor
Susie Hughes, Muskegon County Commissioner
David Kieft, Muskegon Charter Township Supervisor
Kenneth Mahoney, Muskegon County Commissioner
Terry J. Sabo, Muskegon County Board Chair
Sam St. Amour, Fruitland Township Supervisor

Excused:

Staff

Present: John Warner, Public Works Director
Tina Nash, DPW Departmental Clerk

Others

Present: David Bossenbroek, Attorney
Jan L. Deur, Fruitland Township Trustee
Jerry Sanders, Muskegon Charter Township DPW Director
Elizabeth Jenkins, Dalton Township Treasurer
Chris Hall, Laketon Township Building Inspector

APPROVAL OF AGENDA

WSPB-15-022 Moved by Commissioner Mahoney , seconded by Sam St. Amour, to approve the agenda as presented.

Voice Vote: **Motion carried**

APPROVAL OF MINUTES

WSPB-15-023 Moved by Commissioner Hughes, seconded by Commissioner Sabo, to approve the minutes of the meeting held April 14, 2015.

Voice Vote: **Motion carried**

PUBLIC COMMENT (on an agenda item)

None

ITEMS FOR DISCUSSION:

FY2016 Budget

Chair Kim Arter asked if anyone had questions on the budget. David Kieft asked John Warner about the Rent amount. John Warner stated that AT&T made a payment greater than the amount owed and staff has been in contact with AT&T trying to get this corrected. Sam St. Amour asked John Warner if there is anything the Board should be aware of in the budget. John stated that the Accounting department forgot to include the principal payment for the Bonds; therefore the Net of Revenues indicated should be less than what is shown.

WSPB-15-024 Moved by Commissioner Hughes, seconded by Sam St. Amour to recommend that the budget be sent to the County Board, with corrections, for approval.

Roll call:

Yes –Mahoney, McIntyre, St. Amour, Sabo, Hughes, Arter

No – Kieft

Motion carried

WSPB-15-025 Moved by Commissioner Hughes, seconded by Commissioner Mahoney, that the following information items be received and placed on file:

1. New Meter Set List for August 2015
2. Local Fund Balance Sheet for August 2015

Voice Vote: **Motion carried**

David Kieft asked that staff look into the Local Fund Balance for Muskegon Township as it seemed to low. John Warner stated he would.

REPORTS

Water System Update

The Water System Update was accepted as written by John Warner and distributed in a memo for information.

Commissioner Sabo asked John Warner if the hydrants were opened back up by staff after the hydrants were painted. John Warner stated he believed the Fire Departments opened them; however he would check into it. Commissioner Sabo stated his concern about hydrants being painted shut making it difficult for Firefighters.

Water System Update – CONT'D

John Warner informed the Board that two (2) hydrants in the front of Brookhaven had to be upgraded, this was completed last fall, and an additional hydrant will need to be added. This is due to the move of HealthWest's Brinks facility. John Warner stated that the request for permission to bid the work for the additional hydrant was going to the Ways and Means meeting today and then to Full Board on September 29, 2015. Bids would be let after Full Board approval.

David Kieft asked about the graph showing the cash in the bank at zero. John Warner stated it was due to the formula in Excel. John Warner asked that they to refer to the data point as of June 2015.

OLD BUSINESS

None

NEW BUSINESS

Commissioner Sabo asked if there were any past practices in reducing connection fees for a plan development/subdivision if all fees were paid at once. Dave Bossenbroek stated that the infrastructure is usually put in by the developer and their connection fee is one-half of the ordinary connection fee (an indirect connection fee), because they pay for the infrastructure. Commissioner Sabo stated he asked because there is a potential buyer for some property in Muskegon Township and the connection fee is a concern. David Kieft gave some background on the property and what he knew of the existing development.

AUDIENCE PARTICIPATION

None

ADJOURN

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:27 p.m.

Kim Arter, Chair

MEETING CANCELLATION

Notice is hereby given that the
Water System Policy Board
meeting of October 6, 2015,
is cancelled.

Kim Arter, Chair

Posted: October 2, 2015

Muskegon County
Water System Policy Board
November 10, 2015
2:00 p.m.
Training Center
97 E. Apple Avenue, Room 117
Muskegon, Michigan 49442

Kim Arter, Chair

Susie Hughes, Vice Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Chair Arter at 2:00 p.m.

ROLL

Present: Kim Arter, Laketon Township Supervisor
Susie Hughes, Muskegon County Commissioner
David Kieft, Muskegon Charter Township Supervisor
Kenneth Mahoney, Muskegon County Commissioner
Jerry McIntyre, Dalton Township Supervisor
Terry J. Sabo, Muskegon County Board Chair
Sam St. Amour, Fruitland Township Supervisor

Excused:

Staff

Present: John Warner, Public Works Director
Tina Nash, DPW Departmental Clerk

Others

Present: David Bossenbroek, Attorney
Jan L. Deur, Fruitland Township Trustee
Chris Hall, Laketon Township Building Inspector

APPROVAL OF AGENDA

WSPB-15-026 Moved by Commissioner Hughes, seconded by Commissioner Mahoney, to approve the agenda as presented.

Voice Vote: **Motion carried**

APPROVAL OF MINUTES

WSPB-15-027 Moved by Commissioner Hughes, seconded by Sam St Amour, to approve the minutes of the meeting held September 15, 2015.

Voice Vote: **Motion carried**

PUBLIC COMMENT (on an agenda item)

None

ITEMS FOR CONSIDERATION:

WSPB-15-028 Request for Qualification/ Proposal – Performance of Reliability Studies

Moved by Sam St Amour, seconded by Commissioner Hughes, to authorize staff to develop a Request for Qualifications and proposal for the performance of reliability studies for the Northside and Eastside portions of the Muskegon County Regional Water System with costs for the work to be paid from the pooled account, fund 5910.

Roll Call:

Yes – Sabo, Hughes, Kieft, Mahoney, McIntyre, St Amour, Arter

No – None

Motion Carried

WSPB-15-029 Request for Qualification/Proposal – Rate Study

Moved by Sam St Amour, seconded by Commissioner Mahoney, to authorize staff to solicit qualifications/proposals for professional firms to conduct a rate study for the Muskegon County Regional Water System.

Roll Call:

Yes – McIntyre, St Amour, Sabo, Hughes, Kieft, Mahoney, Arter

No – None

Motion Carried

WSPB-15-030 Remove from Table – Authorize Staff to pay Muskegon Township for mandatory connections

Moved by Commissioner Hughes, seconded by Sam St Amour to remove from the table motion WSPB-15-020, Authorize Staff to pay Muskegon Township for mandatory connections.

Roll Call:

Yes – Mahoney, McIntyre, St Amour, Sabo, Hughes, Kieft, Arter

No – None

Motion Carried

WSPB-15-020 Authorize Staff to pay Muskegon Township for mandatory connections

Moved by Commissioner Hughes, seconded by Commissioner Mahoney, to remove from the table WSPB-15-020, reimbursement of legal fees to Muskegon Township in the total amount of \$2,346.03 for enforcement of mandatory connection at 3110 Evanston, 1254 Morningside and 1937 Isabella and authorize staff to make the payment to Muskegon Township.

Roll Call:

Yes – Sabo, Hughes, Kieft, Mahoney, McIntyre, St Amour, Arter

No – None

Motion Carried

WSPB-15-031 Approve the First Amendment To Structure Lease Agreement

Moved by Commissioner Hughes, seconded by Sam St Amour, to approve the First Amendment To Structure Lease Agreement between AT&T Mobility Corporation, dba New Cingular Wireless and recommend to the Muskegon County Board of Public Works to approve and execute the document and further move to authorize repayment to AT&T in the amount of \$190,188 which was overpaid by AT&T on lease payments.

Discussion followed.

The Water System Policy Board was not pleased with the offer from AT&T Mobility Corporation, dba New Cingular Wireless and directed John Warner to continue negotiations with them.

WSPB-15-032 Table motion WSPB-15-031 for further negotiations

Moved by Commissioner Sabo, seconded by Commissioner Mahoney to table motion WSPB-15-031, Approve the First Amendment To Structure Lease Agreement until the next meeting.

Commissioner Hughes withdrew her original motion.

Roll Call:

Yes – McIntyre, St Amour, Sabo, Hughes, Kieft, Mahoney, Arter

No – None

Motion Carried

WSPB-15-033 Direct David Bossenbroek to draft a letter to the Muskegon County Board of Commissioners

Moved by Sam St Amour, seconded by Jerry McIntyre, to direct Water System Policy Board attorney David Bossenbroek to draft a letter to the Muskegon County Board of Commissioners acknowledging the obligation of the Muskegon County Regional Water System Policy Board to accept any tender of a defense and indemnify Muskegon County against any damages that maybe awarded arising from the County's payment of any water system expenses as directed by the Muskegon County Regional Water System Policy Board.

Discussion followed.

Roll Call:

Yes – Mahoney, McIntyre, St Amour, Sabo, Arter

No – Hughes, Kieft

Motion Carried

ITEM FOR DISCUSSION:

Damage Claim

John Warner stated there was a water main break approximately in front of 1049 East Street in April 2013. The resident at 1049 East Street, Mr. Ed Dewitt blamed the water in his basement on the break and is requesting reimbursement for damages. Mr. Dewitt filed a claim with his own insurance company and they denied the claim. Mr. Dewitt was advised to fill out a damage claim which was submitted to the County Risk Management and that claim was denied. Mr. Dewitt over the two years has continued with repairs to his basement. John Warner stated he has concerns with the reimbursement amount Mr. Dewitt is seeking which is a lot more than an estimate he had Restoration Services of Lake Shore complete.

Commissioner Hughes stated she believed it started with a sewer main break and during the repair of the sewer main the water main was hit. Commissioner Hughes stated Mr. Dewitt also filed a claim with the City of Muskegon and that too was denied. Commissioner Hughes also had concerns with the repairs Mr. Dewitt made to his basement.

Commissioner Sabo asked John Warner what caused the water main break. Commissioner Hughes believed the water main break was caused when a sewer line break was being repaired. David Kieft agreed with Commissioner Hughes. The sewer line break was being repaired by the City of Muskegon.

Chair Arter asked David Bossenbroek for his opinion. David Bossenbroek stated he would like to see the letter from the County.

The Board requested that David Bossenbroek look into this further and report back to the Board at the next meeting.

INFORMATIONAL ITEMS:

WSPB-15-034 Moved by David Kieft, seconded by Sam St Amour, that the following information items be received and placed on file:

1. New Meter Set List for October 2015
2. Local Fund Balance Sheet for October 2015

Voice Vote: **Motion carried**

REPORTS

Water System Update

The Water System Update was accepted as written by John Warner and distributed in a memo for information.

Sam St Amour asked John Warner where the water goes when flushing. John Warner stated in one of the ponds on Michigan Adventure's site. Sam St Amour asked John Warner what the temperature of the water was in the tank. John Warner stated it was in the 50s and should be down around 40.

Sam St Amour asked John Warner how often zero uses are checked. John Warner stated they are checked monthly when the reads for billing are done and they watch for a pattern. Sam St Amour asked where most of the homes are located. John Warner said they are mostly in town. Commissioner Hughes asked if the municipalities or the County Treasurer notifies them of vacant homes. Chair Arter stated she has a staff member who watches for zero readings and notifies Rob Ribbens, so he may check the home.

REPORTS CONTINUED

Water System Update Continued

Commissioner Sabo asked if the police are notified. John Warner stated they notify the police if they believe squatters are residing in the home. David Kieft stated they find out when a neighbor calls the office. Sam St Amour asked the Commissioners about blight grant funds available. It was stated that the grant was through the Land bank.

OLD BUSINESS

None

NEW BUSINESS

Commissioner Hughes asked John Warner about the Michigan Adventure public hearing. John Warner stated that was for sewage discharge and not the water system.

AUDIENCE PARTICIPATION

Chris Hall referenced Mr. Ed Dewitt's claim and asked if there was a policy. John Warner stated there is not a specific policy. Sam St Amour stated that may be something to look at. Commissioner Hughes asked if the Water System Policy Board had its own insurance policy. John Warner stated we operate under the County's.

ADJOURN

There being no further business to come before the Water System Policy Board, the meeting adjourned at 3:05 p.m.

Kim Arter, Chair

Muskegon County
Water System Policy Board
December 8, 2015
2:00 p.m.
Training Center
97 E. Apple Avenue, Room 117
Muskegon, Michigan 49442

Kim Arter, Chair

Susie Hughes, Vice Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Chair Arter at 2:00 p.m.

ROLL

Present: Kim Arter, Laketon Township Supervisor
Susie Hughes, Muskegon County Commissioner
David Kieft, Muskegon Charter Township Supervisor
Jerry McIntyre, Dalton Township Supervisor
Terry J. Sabo, Muskegon County Board Chair
Sam St. Amour, Fruitland Township Supervisor

Excused: Kenneth Mahoney, Muskegon County Commissioner

Staff

Present: John Warner, Public Works Director
Tina Nash, DPW Departmental Clerk
Carly Hines, DPW Administrative Analyst

Others

Present: David Bossenbroek, Attorney
Jerry Sanders, DPW Director Muskegon Charter Township
Marc Daneman, AT&T Representative

APPROVAL OF AGENDA

WSPB-15-035 Moved by Sam St Amour, seconded by Jerry McIntyre, to approve the agenda as presented.

Voice Vote: **Motion carried**

APPROVAL OF MINUTES

WSPB-15-036 Moved by Commissioner Hughes, seconded by Commissioner Sabo, to approve the minutes of the meeting held November 10, 2015.

Voice Vote: **Motion carried**

PUBLIC COMMENT (on an agenda item)

Marc Daneman from AT&T introduced himself and informed the Board he was there to answer any question they may have regarding the First Amendment to Structure Lease Agreement.

ITEMS FOR CONSIDERATION:

WSPB-15-037 Remove from Table – Approve the First Amendment to Structure Lease Agreement

Moved by Commissioner Hughes, seconded by Sam St Amour, to remove from the table motion WSPB-15-031, Approve the First Amendment to Structure Lease Agreement

Voice Vote: **Motion carried**

WSPB-15-031 Approve the First Amendment to Structure Lease Agreement

David Bossenbroek and John Warner went over the changes from the last time the agreement was proposed.

Discussion ensued.

Commissioner Hughes made an amendment to the motion to offer a lease rate of \$4,300.00 per month, 3% annual escalator and a 7 year rent guarantee and to recommend to the Public Works Board.

Moved by Commissioner Hughes, seconded by Sam St Amour, to approve the First Amendment to Structure Lease Agreement between AT&T Mobility Corporation, dba New Cingular Wireless at a rate of \$4,300.00 per month, 3% annual escalator, a 7 year rent guarantee and recommend to the Muskegon County Board of Public Works to approve and execute the document and further move to authorize repayment to AT&T in the approximate amount of \$190,188 which was overpaid by AT&T on lease payments.

Roll Call:

Yes – McIntyre, St Amour, Sabo, Hughes, Arter

No – Kieft

Excused - Mahoney

Motion Carried

WSPB-15-038 Approve 2016 Meeting Schedule

Moved by Jerry McIntyre, seconded by Commissioner Hughes to adopt the attached 2016 meeting schedule for the Muskegon County Regional Water System Policy Board.

Roll Call:

Yes - Kieft, McIntyre, St Amour, Sabo, Hughes, Arter

No – None

Excused - Mahoney

Motion Carried

INFORMATIONAL ITEMS:

1. New Meter Set List for November 2015
2. Local Fund Balance Sheet for November 2015

Informational items were accepted as presented.

REPORTS

Water System Update

The Water System Update was accepted as written by John Warner and distributed in a memo for information.

Commissioner Hughes asked John Warner about using Ivan Phillips for work on the water system. John Warner stated he would like to, however Ivan Phillips' time is limited and he may not be able to complete projects in a timely manner.

Sam St Amour asked John Warner if he could check into why it is taking so long to fix the Quarterline pump station VFDs. John Warner stated he would. John Warner also stated he will contact Ivan Phillips to see if he has the time to look at it.

Commissioner Hughes asked John Warner about the Giles Road pump station and if Ivan Phillips could work on that. John Warner stated that Ivan Phillips cannot due to the software used; however John Warner would like to introduce Ivan Phillips to the City of Muskegon as they use different software that Ivan Phillips may be able to help with and reduce costs.

John Warner informed the Board that the analyzer at the Giles Rd. pump station needs to be replaced. John Warner stated the analyzer and pumps are not communicating with each other.

John Warner informed Muskegon Charter Township and Dalton Township that their sewer reimbursement payments would be delayed approximately one week due the Accounting Office only completing one check run per week.

OLD BUSINESS

Damage Claim – Update from David Bossenbroek

David Bossenbroek stated he received the letter from the County's Insurance carrier denying Mr. Ed Dewitt's claim. David Bossenbroek explained what the letter stated and why the claim was denied.

Discussion ensued and there was some confusion as to what caused the water in Mr. Ed Dewitt's basement. It was determined that more information was needed. The Board requested John Warner check with the City of Muskegon to see if they have a record of the work that was completed. The Board also asked John to review the contract with the City of Muskegon to see if it references damages.

NEW BUSINESS

Commissioner Hughes requested a copy of the accounts payable be included with the agendas. John Warner stated he would check into it and try to make it available next month.

AUDIENCE PARTICIPATION

None

ADJOURN

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:57 p.m.

Kim Arter, Chair