

Muskegon County  
Water System Policy  
Board January 17, 2017  
2:00 p.m.  
Training Center  
97 E. Apple Avenue, Room 119  
Muskegon, Michigan 49442

*Kim Arter, Chair*

*David Kieft, Vice Chair*

**MINUTES**

**CALL TO ORDER**

The meeting was called to order by Commissioner Hughes at 2:00 p.m.

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Melissa Beegle, Fruitland Township Treasurer  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Steve Fink, Public Works Project Manager  
Robert Ribbens, Water system Supervisor  
Tina Nash, DPW Departmental Clerk  
Carly Hines, DPW Administrative Analyst  
David Bossenbroek, Attorney  
Mark Eisenbarth, Muskegon County Administrator  
Jonathan Wilson, Economic Development Coordinator  
Doug Hughes, Corporate Counsel for Muskegon County

**ELECTION OF OFFICERS**

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

**ELECTION OF OFFICERS CONT'D**

David Kieft nominated Commissioner Hughes for Chair.  
Commissioner Mahoney nominated Kim Arter for Chair.  
There were no other nominations for Chair.

Vice Chair Hughes closed the nomination for Chair.

WSPB-17-001 Moved by David Kieft, seconded by Tony Barnes to elect Commissioner Hughes for Chair of the Muskegon County Regional Water System Policy Board.

Moved by Commissioner Mahoney, seconded by Commissioner Snider to elect Kim Arter for Chair of the Muskegon County Regional Water System Policy Board.

Roll Call:

Votes for Commissioner Hughes: Hughes, Kieft

Votes for Kim Arter: Beegle, Mahoney, Snider, Arter, Barnes

Kim Arter assumed the Chair.

Chair Arter presiding.

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

Commissioner Hughes nominated David Kieft for Vice Chair.  
David Kieft nominated Commissioner Hughes for Vice Chair.  
There were no other nominations for Vice Chair.  
Commissioner Hughes declined the nomination.

Chair Arter closed the nomination for Vice Chair.

WSPB-17-002 Moved by Tony Barnes, seconded by Commissioner Hughes to elect David Kieft for Vice Chair of the Muskegon County Regional Water System Policy Board.

Voice Vote: **Motion Carried**

David Kieft accepted the position as Vice Chair.

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

Commissioner Hughes nominated Tina Nash for Secretary.  
There were no other nominations.  
Chair Arter closed the nominations.

**ELECTION OF OFFICERS CONT'D**

WSPB-17-003 Moved by Commissioner Hughes, seconded by Tony Barnes to designate Tina Nash for Secretary of the Muskegon County Regional Water System Policy Board.

Voice Vote: **Motion Carried**

Tina Nash accepted the position as Secretary.

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

Commissioner Hughes nominated Carly Hines for Fiscal Officer.  
There were no other nominations.  
Chair Arter closed the nominations.

WSPB-17-004 Moved by Commissioner Hughes, seconded by Commissioner Mahoney to designate Carly Hines for Fiscal Officer of the Muskegon County Regional Water System Policy Board.

Voice Vote: **Motion Carried**

Cary Hines accepted the position as Fiscal Officer.

**APPROVAL OF AGENDA**

WSPB-17-005 Moved by Commissioner Hughes, seconded by Melissa Beegle, to approve the agenda with the addition of item G. 5 / Amendment to the Water Reliability Studies Agreement.

Voice Vote: **Motion Carried**

**APPROVAL OF MINUTES**

WSPB-17-006 Moved by Commissioner Mahoney, seconded by Commissioner Hughes, to approve the minutes of the meeting held September 13, 2016 and October 13, 2016.

Voice Vote: **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

None

**ITEM FOR CONSIDERATION**

**Approve 2017 Meeting Schedule**

WSPB-17-007 Moved by Commissioner Hughes, seconded by Commissioner Mahoney, to adopt the attached 2017 meeting schedule for the Muskegon County Regional Water System Policy Board.

Commissioner Hughes made a friendly amendment to move the meetings to the County Board room.

WSPB-17-007 Moved by Commissioner Hughes, seconded by Commissioner Mahoney, to adopt the attached 2017 meeting schedule for the Muskegon County Regional Water System Policy Board and to hold the meetings in the County Board room.

Voice Vote: **Motion Carried**

**Solicit Proposals for Second Connection Route and Feasibility Study**

WSPB-17-008 Moved by Commissioner Hughes, seconded by David Kieft, to authorize staff to develop a Request for Qualifications and Proposals for the performance of a route and feasibility study for the second connection to the County Northside System with costs for the work paid from the pooled account, fund 5910.

Roll call:

Yes – Barnes, Beegle, Hughes, Kieft, Mahoney, Snider, Arter

No –

**Motion carried**

**Solicit Proposals for Asset Management Plan**

WSPB-17-009 Moved by Commissioner Hughes, seconded by Tony Barnes, to authorize staff to develop a Request for Qualifications and Proposals for the performance of the required asset management plan 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.

Voice Vote: **Motion Carried**

### **Rose & Rose Invoices**

Chair Arter referred to the April 2015 minutes and stated the invoices are a continuation of the lawsuit. Commissioner Hughes stated the motion was for the lawsuit and a decision has been made. David Kieft commented on the spending authority of this Board. Commissioner Hughes asked how much has been spent on the lawsuit. Matt Farrar stated that information would be sent to the members. Chair Arter asked Dave Bossenbroek for his opinion. Dave Bossenbroek stated the invoices are for the motion for reconsideration. Matt Farrar stated staff needs authorization to pay invoices for the appeal.

Discussion ensued.

Copies of the invoices were distributed to the Board member. Commissioner Snider requested more time to review the information.

WSPB-17-010 Moved by Commissioner Snider, seconded by Commissioner Hughes, to table this item for the next meeting.

Voice Vote: **Motion Carried**

### **Amendment to the Water Reliability Studies Agreement**

Matt Farrar explained this was for more data to the reliability study for the eastside water system pertaining to watermain breaks. Matt Farrar stated the cost is an additional \$400.00.

WSPB-17-011 Moved by David Kieft, Seconded by Commissioner Hughes, to approve the amendment to the Water Reliability Study Agreement with Prein&Newhof.

Voice Vote: **Motion Carried**

### **INFORMATION ITEMS**

WSPB-17-012 Moved by David Kieft, seconded by Commissioner Mahoney, that the following information items be received and placed on file:

1. New Meter Set List for December 2016
2. Local Fund Balance Sheet for December 2016
3. Cost of Service Study

Voice Vote: **Motion Carried**

## **REPORTS**

### **Water System Update**

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

David Kieft asked Robert Ribbens about the email he had sent out regarding a scam. Robert Ribbens stated this scam usually targets people 55 and older to purchase insurance for water line breaks. Robert Ribbens stated he gets a number of calls from the elderly regarding this and he sent the email to make the townships aware of the scam. Commissioner Hughes asked Robert Ribbens to send her the email so she can post it to her social media page.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

David Kieft requested clarification regarding the Board's authority to spend money on items other than a system expense.

Matt Farrar stated if the Board member had any questions for staff, to send those questions to Tina Nash and we will send the information to all the Board members.

## **AUDIENCE PARTICIPATION**

Chris Hall suggested, due to new members, everyone introduce themselves. Chair Arter started the introductions.

Marcia Jeske asked Matt Farrar if the additional \$400.00 to Prein&Newhof was a one-time payment. Matt Farrar stated it was.

Commissioner Hughes requested Dave Bossenbroek send the Board members the documentation showing where this Board is able to spend money.

## **ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:39 p.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
February 15, 2017  
2:00 p.m.  
Muskegon Water Filtration Plant  
1900 Beach Street  
Muskegon, MI 49441

*Kim Arter, Chair*

*David Kieft, Vice Chair*

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MINUTES

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**CALL TO ORDER**

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

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Melissa Beegle, Fruitland Township Treasurer  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Steve Fink, Public Works Project Manager  
Tina Nash, DPW Departmental Clerk  
Carly Hines, DPW Administrative Analyst  
David Bossenbroek, Attorney  
Mark Eisenbarth, Muskegon County Administrator  
Doug Hughes, Corporate Counsel for Muskegon County  
Anita Peters, Water Department Account Clerk  
Sara Damm, Sustainability Coordinator

### **APPROVAL OF AGENDA**

WSPB-17-013 Moved by Commissioner Hughes, seconded by Tony Barnes, to approve the agenda as presented.

Voice Vote: **Motion Carried**

### **APPROVAL OF MINUTES**

WSPB-17-014 Moved by Commissioner Hughes, seconded by Tony Barnes, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on January 17, 2017.

Voice Vote: **Motion Carried**

### **PUBLIC COMMENT (on an agenda item)**

Matt Farrar introduced Ernie Sarkipato from the DEQ-Office of Drinking Water and Municipal Assistance. Mr. Sarkipato updated the Board on the following topics:

- Drinking water program summary
- Drinking Water and Municipal Assistance Division and the changes they are going through,
- Proposed Michigan lead, copper, corrosion control regulations
- Asset Management Program

(See attached)

### **INFORMATION ITEMS**

WSPB-17-015 Moved by David Kieft, seconded by Tony Barnes, that the following information items be received and placed on file:

1. Local Fund Balance Sheet for January 2017

Voice Vote: **Motion Carried**

### **REPORTS**

#### **Water System Update**

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

**OLD BUSINESS**

Rose & Rose Invoices

WSPB-17-016 Moved by Commissioner Hughes, seconded by Melissa Beegle, to take from table to continue discussion.

Voice Vote: **Motion Carried**

Discussion ensued regarding the invoices and what the billed items pertained to.

WSPB-17-017 Moved by Commissioner Hughes, seconded by David Kieft, to hold the invoices until it is determined if the invoices are for the previous lawsuit and the reconsideration and not for anything passed that.

Roll call:

Yes –Mahoney, Kieft, Barnes, Hughes

No – Snider, Beegle, Arter

**Motion carried**

Based on the motion, staff was directed to research the invoices and report back to the Board. Matt Farrar stated staff will get that information.

**NEW BUSINESS**

Administrator Eisenbarth stated they had the opportunity to meet with Laketon Township, Muskegon Charter Township, Dalton Township and Fruitland Township. Administrator Eisenbarth stated he put together a memorandum that summarizes what was discussed at each meeting. The memorandum has three scenarios (see attached). Administrator Eisenbarth spoke about the Rate Study which will look at a new rate structure. Administrator Eisenbarth stated the lawsuit is slowing down some projects. Administrator Eisenbarth stated he has seen a positive outlook from the Townships and believes the lawsuit could be settled. The Board was informed the Rate Study would take about 3 months from the time of award. The Board was encouraged to review the scenarios.

**AUDIENCE PARTICIPATION**

Jan Duer informed the Board he was no longer a Trustee for Fruitland Township. He thanked the Board and wished them well.

Jeff Wood addressed Marcia Jeske and stated Muskegon Charter Township has never signed a contract to pay a hydrant fee.

**ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:59 p.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
March 21, 2017  
2:00 p.m.  
Michael E. Kobza Hall of Justice  
990 Terrace Street  
Board of Commissioners Room, 4<sup>th</sup> Floor

*Kim Arter, Chair*

*David Kieft, Vice Chair*

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MINUTES

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**CALL TO ORDER**

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

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Marcia Jeske, Fruitland Township Supervisor  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Steve Fink, Public Works Project Manager  
Robert Ribbens, Water System Supervisor  
Tina Nash, DPW Departmental Clerk  
Carly Hines, DPW Administrative Analyst  
David Bossenbroek, Attorney  
Mark Eisenbarth, Muskegon County Administrator  
Doug Hughes, Corporate Counsel for Muskegon County

### **APPROVAL OF AGENDA**

WSPB-17-018 Moved by Tony Barnes, seconded by Commissioner Mahoney, to approve the agenda as presented.

Voice Vote: **Motion Carried**

### **APPROVAL OF MINUTES**

WSPB-17-019 Moved by Commissioner Hughes, seconded by Tony Barnes, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on February 15, 2017.

Voice Vote: **Motion Carried**

### **PUBLIC COMMENT (on an agenda item)**

None

### **INFORMATION ITEMS**

WSPB-17-020 Moved by David Kieft, seconded by Commissioner Snider, that the following information items be received and placed on file:

1. Local Fund Balance Sheet for February 2017

Voice Vote: **Motion Carried**

### **REPORTS**

#### **Water System Update**

The Water System Update, Regional Water Fund Statements, Annual Pumpage/Usage Reports for Community Water Supply and the 2016 Water Supply Cross Connection Reports were accepted as written and distributed for information.

Marcia Jeske asked about the check to William Hughes Law Offices and what that bill was for. Matt Farrar stated he would get the information to the Board.

### **OLD BUSINESS**

Moved by Tony Barnes, seconded by David Kieft, to approve the reimbursement of all legal fees Muskegon Township incurred in relation to the lawsuit brought against them by Fruitland, Laketon and Dalton Townships; the reimbursement of any hydrant fees/system maintenance fees paid by each municipality between 2014-2016; the payment in full of the outstanding legal invoices for Jim Rose; and that no additional water system funds shall be expended for legal expenses incurred by any of the parties in relation to the Fruitland/Laketon/Dalton Townships vs Muskegon Township lawsuit/appeal if such fee was incurred after March 21, 2017.

Discussion ensued on whether the motion was properly made. No action was taken.

### **NEW BUSINESS**

Schedule Work Session to Discuss Future

WSPB-17-021 Moved by Commissioner Mahoney, seconded by Commissioner Snider, to hold a Work Session in the Board of Commissioners Room on Monday, April 17, 2017 at 2:00 p.m.

Voice Vote: **Motion Carried**

WSPB-17-022 Moved by Tony Barnes, seconded by David Kieft, to approve the reimbursement of all legal fees Muskegon Township incurred in relation to the lawsuit brought against them by Fruitland, Laketon and Dalton Townships; the reimbursement of any hydrant fees/system maintenance fees paid by each municipality between 2014-2016; the payment in full of the outstanding legal invoices for Jim Rose; and that no additional water system funds shall be expended for legal expenses incurred by any of the parties in relation to the Fruitland/Laketon/Dalton Townships vs Muskegon Township lawsuit/appeal if such fee was incurred after March 21, 2017.

There was further discussion on whether the motion was a proper motion or not. Chair Arter requested action items be submitted to her to be included on the agendas.

WSPB-17-023 Moved by Commissioner Snider, seconded by Marcia Jeske, to table the motion.

Voice Vote: **Motion Carried**

Moved by Tony Barnes, to immediately remove Dave Bossenbroek as the legal consultant to the Water Policy Board; to instruct staff to seek a RFQ for legal consultation only from attorneys that do not represent nor have any other relationship with any of the parties involved in the Muskegon County Regional Water System.

Chair Arter reiterated that action items be submitted to her to be included on the agendas.

**AUDIENCE PARTICIPATION**

None

**ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:16 p.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
April 24, 2017  
11:00 a.m.  
Michael E. Kobza Hall of Justice  
990 Terrace Street  
Board of Commissioners Room, 4<sup>th</sup> Floor

*Kim Arter, Chair*

*David Kieft, Vice Chair*

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MINUTES

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**CALL TO ORDER**

The meeting was called to order by Chair Arter at 11:05 p.m.

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Marcia Jeske, Fruitland Township Supervisor  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Tina Nash, DPW Departmental Clerk  
Carly Hines, DPW Administrative Analyst  
Gary Foster, Muskegon County Commissioner  
David Bossenbroek, Attorney  
Doug Hughes, Corporate Counsel for Muskegon County

**APPROVAL OF AGENDA**

WSPB-17-024 Moved by Commissioner Hughes, seconded by Commissioner Snider, to approve the agenda as presented.

Voice Vote: **Motion Carried**

### **APPROVAL OF MINUTES**

WSPB-17-025 Moved by Commissioner Hughes, seconded by Marcia Jeske, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on March 21, 2017 with the correction of Supervisor Tony Barnes name under Approval of the Agenda.

Voice Vote: **Motion Carried**

### **PUBLIC COMMENT (on an agenda item)**

None

### **ITEMS FOR CONSIDERATION**

#### **Dispute Resolution**

Matthew Farrar informed the Board of the Resolution changes. David Kieft asked if the Resolution would need to be approved by each of the Township's boards. Matthew Farrar stated it would and also by the Board of Public Works. Discussion ensued regarding items in the resolution and what was discussed at the work session. Board members suggested changes to some of the items in the Resolution. There was also discussion regarding the pending lawsuit and changes to the current Management Contract.

Commissioner Snider asked Matthew Farrar about the Rate Study. Matthew Farrar stated they received four (4) proposals and are in the process of reviewing them. Commissioner Snider asked Matthew Farrar when he thought they would have a recommendation. Matthew Farrar stated a recommendation would be brought to the Board at May's meeting. Commissioner Snider asked how long the Rate Study would take to complete. Matthew Farrar stated ninety (90) days.

WSPB-17-026 Moved by Commissioner Mahoney, seconded by Commissioner Snider, to postpone the Resolution.

Roll call:

Yes – Hughes, Jeske, Mahoney, Snider, Kieft, Arter

No – Barnes

**Motion carried**

### **OLD BUSINESS**

None

### **NEW BUSINESS**

None

**AUDIENCE PARTICIPATION**

None

**ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 12:00 p.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
May 9, 2017  
2:00 p.m.  
Michael E. Kobza Hall of Justice  
990 Terrace Street  
Board of Commissioners Room, 4<sup>th</sup> Floor

*Kim Arter, Chair*

*David Kieft, Vice Chair*

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MINUTES

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**CALL TO ORDER**

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

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Gary Foster, Muskegon County Commissioner (Alternate)  
Marcia Jeske, Fruitland Township Supervisor  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
I. John Snider II, Muskegon County Commissioner

Excused: Kenneth Mahoney, Muskegon County Commissioner

Staff

Present: Matt Farrar, Public Works Director  
Mark Eisenbarth, County Administrator  
Tina Nash, DPW Departmental Clerk  
Carly Hines, DPW Administrative Analyst  
David Bossenbroek, Attorney  
Doug Hughes, Corporate Counsel for Muskegon County

**WSPB-17-027 APPROVAL OF AGENDA**

Moved by Marcia Jeske, seconded by Commissioner Hughes, to approve the agenda as presented.

Voice Vote: **Motion Carried**

**WSPB-17-028 APPROVAL OF MINUTES**

Moved by Commissioner Hughes, seconded by Tony Barnes, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on April 24, 2017.

Voice Vote: **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

None

**PRESENTATION**

**Fiscal Year 2018 Proposed Budget**

Carly Hines presented the Fiscal Year 2018 and the Revised 2017 budget. Carly Hines listed some of the projects that were budgeted and stated there wasn't much change from last year's budget. Carly Hines answered questions concerning wages & benefits and the projected deficit. Commissioner Hughes asked about the funds that could be used for the channel crossing. Carly Hines explained the channel crossing project would come from remaining bond proceeds. Commissioner Hughes requested to see all funds related to the water system. Carly Hines will prepare a Balance Sheet report and send it to the Board members.

**WSPB-17-029 Fiscal Year 2018 Proposed Budget**

Moved by Commissioner Hughes, seconded by Commissioner Snider to table the budget recommendation until June.

Voice Vote: **Motion Carried**

**ITEMS FOR CONSIDERATION**

**WSPB-17-030 Request for Qualification for Independent Counsel to Water Policy Board**

Moved by Commissioner Hughes, seconded by Commissioner Snider, to direct staff to issue a Request for Qualifications for independent legal counsel for the Muskegon County Regional Water System Policy Board.

Roll call:

Yes – Barnes, Hughes, Jeske, Foster, Snider, Kieft, Arter

No –

Excused - Mahoney

**Motion carried**

**WSPB-17-031 Water Cost of Service & Rate Study Recommendation/RFP 17-2257**

Moved by Commissioner Snider, seconded by Commissioner Hughes, to recommend the Board of Public Works award the Water Rate Study, as specified in County RFP 17-2257, to Municipal Analytics for a not-to-exceed cost of \$36,900.

Roll call:

Yes – Jeske, Foster, Snider, Kieft, Barnes, Hughes, Arter

No –

Excused - Mahoney

**Motion carried**

**WSPB-17-032 INFORMATIONAL ITEMS**

Moved by David Kieft, seconded by Tony Barnes, that the following information items be received and placed on file:

1. Local Fund Balance Sheet for April 2017
2. New Meter Set for April 2017

Voice Vote: **Motion Carried**

**REPORTS**

**Water System Update**

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

**Reliability Study Update**

Matthew Farrar informed the Board it was submitted to the MDEQ for their review and a report will be available at the next meeting.

**Asset Management Plan Update**

Matthew Farrar informed the Board a recommendation will be brought to the Board at the next meeting.

Commissioner Snider asked what the Asset Management Plan will look at and if Municipal Analytics will use it when preparing the Water Rate Study. Matthew Farrar stated the Asset Management Plan will look at what the water system assets are. The plan will contain the value, priority and costs of the assets. Matthew Farrar stated Municipal Analytics will be given a copy of the Asset Management Plan and the Reliability Study.

David Kieft asked Matthew Farrar if staff would be attending the Muskegon Source Water Protection Committee presentation on Tuesday, May 23, 2017 and if staff could provide a summary to the Board. Matthew Farrar stated they would.

**OLD BUSINESS**

**WSPB-17-033 Consider Reimburse Pooled Account for Attorney Fees**

Chair Arter handed out the following motion.

Move to recommend Dalton, Fruitland and Laketon Townships reimburse the WPS Account \$83,366.33 for paid (\$54,870.96) and outstanding (\$28,795.37) attorney invoices paid by the account relative to MCC#15-04995-CK and MCA Docket #335743 and to reimburse to Dalton, Fruitland and Laketon \$60,800, \$6,800 and \$101,100 respectively for hydrant fees paid in 2013, 2014 and 2015.

Moved by Commissioner Hughes, seconded by Tony Barnes to have discussion.

Voice Vote: **Motion Carried**

Discussion ensued regarding the dollar allocation, difference in amount presented for legal work, legal fees invoiced, the resolution presented at the last meeting and the lawsuit.

Moved by Commissioner Snider, seconded by Marcia Jeske, to table the motion as presented.

Roll call:

Yes – Jeske, Snider, Arter

No – Kieft, Barnes, Hughes, Foster

**Motion Failed**

Discussion continued regarding the legal fees and maintenance fees. It was recommended Laketon Township, Fruitland Township and Dalton Township discuss the matter with their boards and attorneys.

**WSPB-17-034 Attorney Invoices**

Moved by David Kieft, seconded by Tony Barnes, not to pay \$28,495.37 at this time.

Discussion ensued regarding what was paid and what was still outstanding to Rose & Rose, P.L.C.

Roll call:

Yes – Barnes, Hughes, Jeske, Kieft

No – Foster, Snider, Arter

Excused - Mahoney

**Motion carried**

**NEW BUSINESS**

David Kieft requested the legal research completed by Dave Bossenbroek on 2/16/17 be emailed.

Matthew Farrar asked the Board what they would like staff to do. Marcia Jeske stated she would need to speak to the Fruitland Township Board and also would like to meet with both Chair Arter and Tony Barnes. Commissioner Hughes asked Matthew Farrar if he would be willing to meet with the townships. Matthew Farrar stated he would.

**AUDIENCE PARTICIPATION**

None

**ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 3:14 p.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
June 13, 2017  
2:00 p.m.  
Michael E. Kobza Hall of Justice  
990 Terrace Street  
Board of Commissioners Room, 4<sup>th</sup> Floor

*Kim Arter, Chair*

*David Kieft, Vice Chair*

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MINUTES

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**CALL TO ORDER**

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

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Marcia Jeske, Fruitland Township Supervisor  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Mark Eisenbarth, County Administrator  
Tina Nash, DPW Departmental Clerk  
Carly Hines, DPW Administrative Analyst  
David Bossenbroek, Attorney  
Doug Hughes, Corporate Counsel for Muskegon County

**WSPB-17-035 APPROVAL OF AGENDA**

Moved by Commissioner Hughes, seconded by Marcia Jeske, to approve the agenda as presented.

Discussion on old business items from the May 9, 2017 meeting ensued.

**WSPB-17-036** Moved by Tony Barnes, seconded by David Kieft, to amend the agenda with the addition of WSPB-17-033 under Old Business.

Roll call:

Yes –Mahoney, Snider, Kieft, Barnes, Hughes, Jeske

No – Arter

**Motion carried**

**WSPB-17-035** Move by Commissioner Mahoney, seconded by Tony Barnes, to approve the agenda as amended.

Voice Vote: **Motion Carried**

**WSPB-17-037 APPROVAL OF MINUTES**

Moved by Commissioner Hughes, seconded by Marcia Jeske, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on May 9, 2017 with correction under WSPB-17-034 to include Rose & Rose, P.L.C.

Voice Vote: **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

None

**ITEMS FOR CONSIDERATION**

**WSPB-17-038 Asset Management Plan Recommendation / RFP 17-2255**

Moved by Commissioner Hughes, seconded by Marcia Jeske, to award the Asset Management Plan, as specified in County RFP 17-2255 to Johnson & Anderson for a not-to-exceed cost of \$32,255.00.

Roll call:

Yes –Snider, Kieft, Barnes, Hughes, Jeske, Mahoney, Arter

No –

**Motion carried**

**WSPB-17-039 Budget Recommendation**

Moved by Commissioner Hughes, seconded by Commissioner Snider, to recommend to the Muskegon County Board of Commissioners the approval of the fiscal year 2018 budget for the Muskegon County Regional Water System as presented.

David Kieft stated the need to raise rates. David Kieft stated he could not support a budget recommendation which shows a deficit. Commissioner Hughes agreed with the need for a rate increase. Matthew Farrar stated Municipal Analytics has the information they requested and the rate study should be completed before the new fiscal year.

Carly Hines provided a timeline of the County's budget schedule due dates. Commissioner Hughes asked if the recommendation had to be approved now. Carly Hines stated budget amendments could be made up to the final approval by the Board of Commissioners. Administrator Eisenbarth confirmed what Carly Hines stated. Administrator Eisenbarth stated they need the preliminary submittals from the departments to begin entering those numbers. Administrator Eisenbarth stated adjustments could be made in August.

Carly Hines answered questions from the Board regarding the budget.

A friendly amendment moved by Commissioner Hughes, seconded by Commissioner Snider to pass this as a preliminary budget.

**WSPB-17-039** Moved by Commissioner Hughes, seconded by Commissioner Snider, to recommend to the Muskegon County Board of Commissioners the approval of the fiscal year 2018 preliminary budget for the Muskegon County Regional Water System as presented.

Roll call:

Yes – Jeske, Mahoney, Snider, Barnes, Hughes, Arter

No – Kieft

**Motion carried**

**WSPB-17-040 INFORMATIONAL ITEMS**

Moved by Tony Barnes, seconded by Commissioner Hughes, that the following information items be received and placed on file:

1. Local Fund Balance Sheet for May 2017
2. New Meter Set for May 2017

Voice Vote: **Motion Carried**

## **REPORTS**

### **Water System Update**

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

Matthew Farrar stated they were able to save a considerable amount of money by using the County's master electrician to install the variable frequency drive. Matthew Farrar stated Municipal Analytics has the information they requested for the rate study. Matthew Farrar stated Robert Ribbens has submitted all of the annual reports to the MDEQ. These reports are due by July. Matthew Farrar stated the Consumer Confidence Report certification was sent. Matthew Farrar noted there were no violations.

## **OLD BUSINESS**

### **WSPB-17-033 Consider Reimburse Pooled Account for Attorney Fees**

Move to recommend Dalton, Fruitland and Laketon Townships reimburse the WPS Account \$83,366.33 for paid (\$54,870.96) and outstanding (\$28,795.37) attorney invoices paid by the account relative to MCC#15-04995-CK and MCA Docket #335743 and to reimburse to Dalton, Fruitland and Laketon \$60,800, \$6,800 and \$101,100 respectively for hydrant fees paid in 2013, 2014 and 2015.

Discussion ensued regarding the meetings Supervisors from Dalton Township, Fruitland and Laketon Townships had with their boards. Commissioner Hughes asked if they had any recommendations. Tony Barnes stated it should be based on hydrants. Kim Arter stated all townships were represented equally and no recommendation was provided. Marcia Jeske stated Fruitland wants to stay with the original motion made by this Board in 2015 and does not want to be reimbursed their \$6,800.

Discussion continued.

Moved by Tony Barnes that Dalton, Fruitland & Laketon Townships be reimbursed for the hydrant fees paid for 2013 and 2014 \$60,800, \$6,800 and \$101,100 respective to the hydrant fees Muskegon Township didn't pay for those three years.

Motion was not considered due to lack of support.

## **NEW BUSINESS**

David Kieft questioned the email sent by Chair Arter regarding the legal research completed by Dave Bossenbroek on 2/16/17. Chair Arter stated the information she sent is what she received.

## **AUDIENCE PARTICIPATION**

Dave Bossenbroek asked what the cost was for the fire line installation at Michigan's Adventure. Robert Ribbens stated he would have to look into the cost. Robert Ribbens stated the project was handled by Steve Fink. Robert Ribbens stated he will get the information and send it.

**ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 3:48 p.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
July 11, 2017  
2:00 p.m.  
Michael E. Kobza Hall of Justice  
990 Terrace Street  
Board of Commissioners Room, 4<sup>th</sup> Floor

*Kim Arter, Chair*

*David Kieft, Vice Chair*

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MINUTES

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**CALL TO ORDER**

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

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Marcia Jeske, Fruitland Township Supervisor  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Mark Eisenbarth, County Administrator  
Commissioner Foster, Muskegon County Commissioner  
Robert Ribbens, Water System Supervisor  
Tina Nash, DPW Departmental Clerk  
Carly Hines, DPW Administrative Analyst  
David Bossenbroek, Attorney  
Doug Hughes, Corporate Counsel for Muskegon County

**WSPB-17-041 APPROVAL OF AGENDA**

Moved by Commissioner Snider, seconded by Commissioner Hughes, to approve the agenda as presented.

Voice Vote: **Motion Carried**

**WSPB-17-042 APPROVAL OF MINUTES**

Moved by Commissioner Snider, seconded by Commissioner Mahoney, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on June 13, 2017.

Voice Vote: **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

None

**ITEMS FOR DISCUSSION**

**Attorney**

Chair Arter stated the five submitted request for qualifications (RFQ) and the evaluation form was sent to the Board members. Chair Arter opened the floor for discussion. Marcia Jeske stated the Board should go back out for bids. Marcia Jeske stated there was only one response to the RFQ who was qualified and we should try to stay more local. Discussion ensued regarding the location of some of the firm's offices, possible conflict of interest and the attorney's attendance at meetings. Matthew Farrar asked the Board to narrow down the list of firms they are interested in and he would request cost proposals and possibly set up interviews. Matthew Farrar informed the Board the RFQ was advertised on the MITN website.

**WSPB-17-043** Moved by Commissioner Hughes, seconded by Commissioner Mahoney, to have staff select 3 of the firms they would recommend and get a quote of their cost.

David Kieft asked if the recommendation would be on the next agenda. Matthew Farrar stated staff would move quickly on this. Marcia Jeske asked Matthew Farrar if it would help to have the Board submit their evaluations. Matthew Farrar stated it would. Chair Arter requested the Board members complete the evaluation form and submit them to Matthew Farrar.

Voice Vote: **Motion Carried**

### **Schedule A (REU)**

Matthew Farrar explained to the Board the REU schedule. Matthew Farrar answered Dave Bossenbroek's question regarding the fire line installation at Michigan's Adventure and stated Michigan's Adventure paid for all costs related to the installation. Matthew Farrar answered questions from the Board members. Discussion ensued regarding a ready to serve charge on fire lines/hydrants. Matthew Farrar stated currently there is not a ready to serve charge for fire lines. The Board requested Matthew Farrar look further into to this and report his findings.

Chair Arter stated several months ago Commissioner Hughes, Commissioner Foster and herself attended a meeting with the VFW in North Muskegon on Witham Road (Don Rea VFW Post #8846) concerning their sewer bill. Chair Arter stated they explained to them how the REU scheduled worked. The issue is with the VFW's auxiliary space of the building which is at 2.0 REU. The VFW has requested some relief due to the amount of their monthly bills. Chair Arter stated she brought this before the Board for discussion due to Schedule A of the contract and the Uniform Rate Ordinance. Discussion ensued. It was stated Dalton Township, Fruitland Township, Laketon Township and Muskegon Township would all have to approve any changes.

### **WSPB-17-044 INFORMATIONAL ITEMS**

Moved by Tony Barnes, seconded by Commissioner Snider, that the following information items be received and placed on file:

1. Local Fund Balance Sheet for June 2017
2. New Meter Set for June 2017

Voice Vote: **Motion Carried**

### **REPORTS**

#### **Water System Update**

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

Matthew Farrar stated they met with Johnson & Anderson to discuss the Asset Management Plan which will be completed before the end of the year. The Reliability Study was submitted to the MDEQ and staff was informed it could take six (6) months before it gets finalized.

Commissioner Snider asked Matthew Farrar about the Rate Study. Matthew Farrar stated it was half way completed.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

None

**AUDIENCE PARTICIPATION**

None

**ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:48 p.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
August 8, 2017  
2:00 p.m.  
Michael E. Kobza Hall of Justice  
990 Terrace Street  
Board of Commissioners Room, 4<sup>th</sup> Floor

*Kim Arter, Chair*

*David Kieft, Vice Chair*

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MINUTES

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**CALL TO ORDER**

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

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Melissa Beegle, Fruitland Township Treasurer  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Mark Eisenbarth, County Administrator  
Commissioner Foster, Muskegon County Commissioner  
Tina Nash, DPW Departmental Clerk  
Carly Hines, DPW Administrative Analyst  
David Bossenbroek, Attorney  
Doug Hughes, Corporate Counsel for Muskegon County

**WSPB-17-045 APPROVAL OF AGENDA**

Moved by Commissioner Mahoney, seconded by Commissioner Snider, to approve the agenda as presented.

Voice Vote: **Motion Carried**

**WSPB-17-046 APPROVAL OF MINUTES**

Moved by Commissioner Snider, seconded by Commissioner Mahoney, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on July 11, 2017.

Voice Vote: **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

None

**WSPB-17-047 INFORMATIONAL ITEMS**

Moved by Tony Barnes, seconded by Commissioner Hughes, that the following information items be received and placed on file:

1. Local Fund Balance Sheet for July 2017

Voice Vote: **Motion Carried**

**REPORTS**

**Water System Update**

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

Matthew Farrar asked the Board if they have seen the North Port Village project. Many of the Board members stated they have and were impressed with how the project is moving along.

**OLD BUSINESS**

**WSPB-17-048 Budget Recommendation**

Moved by Commissioner Snider, seconded by Commissioner Mahoney, to recommend to the Muskegon County Board of Commissioners the approval of the fiscal year 2018 budget for the Muskegon County Regional Water System as presented.

Roll call:

Yes – Hughes, Mahoney, Snider, Arter

No – Barnes, Beegle, Kieft

**Motion carried**

**Fire Line Ready-to-Serve**

Matthew Farrar stated he spoke to the following individuals regarding a hydrant ready-to-serve charge:

Robert Schneider, MDEQ Drinking Water and Municipal Assistance Division

Luke Dehtiar, MDEQ Grand Rapids Division Acting District Supervisor

Mike Engels, Michigan Rural Water Association Director

John Kazor, Municipal Analytics

Mathew Farrar stated Robert Schneider, Luke Dehtiar and Mike Engels all stated they have not heard of a hydrant ready-to-serve charge. Matthew Farrar stated John Kazor would not recommend a hydrant ready-to-serve charge and would elaborate further when he presented the rate study. Chair Arter asked Matthew Farrar if he spoke to any other municipalities. Matthew Farrar stated he talked to Brian Armstrong, City of Whitehall DPW Director, about their ordinance. Brain Armstrong stated the ordinance is not referring to a fire hydrant ready-to-serve. The ordinance is referring to a fire suppression system inside of a building.

Matthew Farrar recommended the Board wait for the rate expert's presentation.

David Kieft asked Matthew Farrar if the rate of the ready-to-serve charge is determined by the size of the meter. Matthew Farrar stated it was.

Chair Arter asked if the City of North Muskegon has a meter. Matthew Farrar stated there is not one right now; however they have discussed putting one in.

**WSPB-17-049 Attorney**

Matthew Farrar gave an overview of the timeline and procedures.

Moved by Tony Barnes, seconded by Commissioner Mahoney, to appoint the Law office of Crystal Morgan as the attorney for the Water Policy Board pursuant to the terms of County RFQu 17-2268-1 & 2 effective August 21, 2017.

Roll call:

Yes – Hughes, Mahoney, Snider, Kieft, Barnes

No –Beegle, Arter

**Motion carried**

**NEW BUSINESS**

None

**AUDIENCE PARTICIPATION**

Dave Bossenbroek spoke on the Marathon line in North Muskegon. Dave Bossenbroek stated the line has been in service for over a year. Dave Bossenbroek stated there were discussions between John Warner, Sam Janson and Randy Phillips regarding the charges for the line. Dave Bossenbroek stated he had put together a draft agreement that was not acted on. Dave Bossenbroek stated this is something this board needs to put in place. Matthew Farrar stated Dave Bossenbroek provided him with a copy of the draft agreement and he will follow up on it.

**ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:17 p.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
October 10, 2017  
1:30 p.m.  
Michael E. Kobza Hall of Justice  
990 Terrace Street  
Board of Commissioners Room, 4<sup>th</sup> Floor

*Kim Arter, Chair*

*David Kieft, Vice Chair*

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MINUTES

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**CALL TO ORDER**

The meeting was called to order by Chair Arter at 1:30 p.m.

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Marcia Jeske, Fruitland Township Supervisor  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Tina Nash, DPW Departmental Clerk  
Carly Hines, DPW Administrative Analyst  
Steve Fink, Public Works Project Manager

**WSPB-17-050 APPROVAL OF AGENDA**

Moved by David Kieft, seconded by Tony Barnes, to approve the amended agenda by adding item F. 5.

Roll call:

Yes – Mahoney, Kieft, Barnes, Hughes, Jeske

No –Snider, Arter

**Motion Carried**

**WSPB-17-051 APPROVAL OF MINUTES**

Moved by Commissioner Hughes, seconded by Commissioner Snider, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on August 8, 2017.

Voice Vote: **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

Melissa Beegle, Fruitland Township Treasurer and alternate to the Water System Policy Board, read the following statement from Fruitland Township’s Board regarding items F. 3 and F. 4.

“The attempt to pay Muskegon Township’s attorney’s fees is unprecedented and an unauthorized act. Any action to approve those fees would be a violation of the agreement between the members and will likely result in continued litigation. There is no basis in law or in fact to justify the payment of Muskegon Township’s attorney’s fees. It appears as though this is being presented not based upon reason or policy but based upon some other motives.”

**ITEMS FOR CONSIDERATION**

**WSPB-17-052 Meeting Schedule Change**

Moved by Marcia Jeske, seconded by Commissioner Snider, to adopt the change to the 2017 meeting schedule for the months of November and December for Wednesdays at 10 a.m. unless canceled for lack of agenda items.

Roll call:

Yes – Hughes, Jeske, Mahoney, Snider, Kieft, Barnes, Arter

No –

**Motion carried**

**WSPB-17-053 Laketon, Dalton, and Fruitland Township's Appeal Invoices**

Moved by Tony Barnes, seconded by David Kieft, to recommend to the Board of Public Works that it not pay the attorney fees on behalf of Laketon, Dalton, and Fruitland Townships related to the appeal of the lower Court's decision.

Roll call:

Yes –Hughes, Kieft, Barnes

No – Jeske, Mahoney, Snider, Arter

**Motion failed**

**WSPB-17-054 Muskegon Charter Township's Attorney Fees**

Moved by David Kieft, seconded by Tony Barnes, to recommend to the Board of Public Works that it pay the attorney fees for Muskegon Township related to the original lawsuit and its reconsideration.

Roll call:

Yes – Kieft, Barnes, Hughes,

No – Snider, Jeske, Mahoney, Arter

**Motion failed**

**WSPB-17-055 Muskegon Charter Township's Appeal Invoices**

Moved by David Kieft, seconded by Tony Barnes, to recommend to the Board of Public Works that it pay the attorney fees for Muskegon Township related to the appeal of the original lawsuit and its reconsideration.

Roll call:

Yes – Hughes, Kieft, Barnes

No – Jeske, Mahoney, Snider, Arter

**Motion failed**

**WSPB-17-056 Establish a Trust and Agency Fund**

Moved by David Kieft, seconded by Commissioner Hughes, to establish a trust and agency fund and transfer the hydrant fees paid by Laketon, Dalton and Fruitland Township into the trust and agency fund; and to journalize the attorney fees paid by Laketon, Dalton, and Fruitland Townships out of this fund and credit the same in the Water Pooled Account.

A friendly amendment was made by Tony Barnes, seconded by Commissioner Hughes, to add to the motion - *proportionate to the number of hydrants.*

Discussion ensued.

Moved by David Kieft, seconded by Commissioner Hughes, to establish a trust and agency fund and transfer the hydrant fees paid by Laketon, Dalton and Fruitland Township into the trust and agency fund; and to journalize the attorney fees proportionate to the number hydrants, paid by Laketon, Dalton, and Fruitland Townships out of this fund and credit the same in the Water Pooled Account.

Roll call:

Yes – Barnes, Hughes, Kieft,

No – Jeske, Mahoney, Snider, Arter

**Motion failed**

**WSPB-17-057 Establish a Trust and Agency Fund**

Moved by David Kieft, seconded by Tony Barnes, to establish a trust and agency fund and transfer the hydrant fees paid by Laketon, Dalton and Fruitland Township into the trust and agency fund; and to journalize the attorney fees paid by Laketon, Dalton, and Fruitland Townships out of this fund and credit the same in the Water Pooled Account.

Roll call:

Yes – Kieft, Barnes, Hughes,

No – Jeske, Mahoney, Snider, Arter

**Motion failed**

**WSPB-17-058 INFORMATIONAL ITEMS**

Moved by Tony Barnes, seconded by Commissioner Snider, that the following information items be received and placed on file:

1. Local Fund Balance Sheet for July 2017
2. Meter Set List for September 2017

Voice Vote: **Motion Carried**

**REPORTS**

**Water System Update**

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

Matthew Farrar updated the Board on the timeline for the Route Study for the channel crossing, Asset Management Plan and the Rate Study.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**AUDIENCE PARTICIPATION**

Joe Kemp representing the VFW #8846 Don Rea Post addressed the Board regarding the high sewer bills received quarterly. Joe Kemp stated in the REU schedule there is not a category that fits his organization. Joe Kemp gave examples of what the VFW is paying compared to other businesses. Joe Kemp requested the Board amend the REU schedule to reflect non-profit organizations or have the sewer bill be based on metered water.

Discussion ensued regarding the REU schedule.

Chair Arter requested staff and the WSPB attorney look into this and report back to the Board at next month's meeting.

**ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 2:32 p.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
November 8, 2017  
10:00 a.m.  
Michael E. Kobza Hall of Justice  
990 Terrace Street  
Board of Commissioners Room, 4<sup>th</sup> Floor

*Kim Arter, Chair*

*David Kieft, Vice Chair*

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MINUTES

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**CALL TO ORDER**

The meeting was called to order by Chair Arter at 10:00 a.m.

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Marcia Jeske, Fruitland Township Supervisor  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Tina Nash, Public Works Coordinator  
Carly Hines, Public Works Finance and Sustainability Administrator  
Mark Eisenbarth, County Administrator  
Crystal Morgan, WSPB Attorney

**WSPB-17-059 APPROVAL OF AGENDA**

Moved by Tony Barnes, seconded by David Kieft, to amend the agenda by adding the following motion as F. 2.

*I make a motion that the System Maintenance Fees paid by Dalton, Fruitland and Laketon Townships in 2014 , 2015 and 2016 be returned to the respective townships; after all legal fees paid out of the pooled account on behalf of the above townships in regards to their lawsuit against Muskegon Township have been subtracted from the total of fees paid; and that the remaining balance of the fees paid be distributed 60.07% to Laketon Township, 36.01% to Dalton Township and 3.92% to Fruitland Township.*

David Kieft asked staff what gives the Chair the authority to control the agenda. Matthew Farrar stated agendas are run through the Chair. Matthew Farrar stated if there needs to be a change to protocol the Board may speak to their attorney and address their bylaws.

Discussion ensued.

Roll call:

Yes – Hughes, Mahoney, Kieft, Barnes

No – Jeske, Snider, Arter

**Motion carried**

Moved by Commissioner Snider, seconded by Marcia Jeske, to approve the amended agenda.

Voice Vote: **Motion Carried**

**WSPB-17-060 APPROVAL OF MINUTES**

Moved by Commissioner Snider, seconded by Commissioner Mahoney, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on October 10, 2017.

Voice Vote: **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

Joe Kemp representing the VFW #8846 Don Rea Post addressed the Board regarding motion WSPB-17-061 / Appendix A. Joe Kemp stated Laketon Township uses Appendix A for their sewer billing. Joe Kemp noted they are classified as a restaurant and that his organization is not a restaurant. He asked that a restaurant category “not in regular use” be considered.

Chris Hall addressed the Board regarding WSPB-17-061 / Appendix A. Chris Hall stated he would like to see a new item added for Fraternal/Memorial/Veterans Post-Auxiliary use.

## **ITEMS FOR CONSIDERATION**

### **WSPB-17-061 Appendix A**

Moved by Marcia Jeske, seconded by Commissioner Snider, to amend Appendix A to include a section for Memorial Post or Veterans use at a rate of .5 per thousand sq. ft. and recommend the units approve it as such.

David Kieft stated this is not a Water Policy Board issue. Crystal Morgan stated this issue was presented due to Laketon Township's sewer billings being based upon Appendix A but this is not the context of this request. This would be a periodic review of Appendix A. Crystal Morgan stated if the Board makes the recommendation, all of the units would need to adopt the amended Appendix A. Crystal Morgan stated the Board should look at the actual use of the property and not the owner of the property.

Discussion ensued.

Commissioner Snider called for the question. Marcia Jeske called point of order and a roll call vote.

Roll call:

Yes – Jeske, Mahoney, Snider, Arter

No – Barnes, Hughes, Kieft

**Motion carried**

Commissioner Hughes asked what happens if all the municipalities do not pass this. Crystal Morgan stated she would have to look into it and report back.

### **WSPB-17-062 System Maintenance Fees Reimbursement**

Moved by Tony Barnes, seconded by David Kieft, that the System Maintenance Fees paid by Dalton, Fruitland and Laketon Townships in 2014 , 2015 and 2016 be returned to the respective townships; after all legal fees paid out of the pooled account on behalf of the above townships in regards to their lawsuit against Muskegon Township have been subtracted from the total of fees paid; and that the remaining balance of the fees paid be distributed 60.07% to Laketon Township, 36.01% to Dalton Township and 3.92% to Fruitland Township.

Chair Arter stated her concerns regarding Laketon Township's millage. Discussion ensued.

Roll call:

Yes – Kieft, Barnes, Hughes, Mahoney

No - Snider, Jeske, Arter

**Motion carried**

**WSPB-17-063 INFORMATIONAL ITEMS**

Moved by David Kieft, seconded by Tony Barnes, that the following information items be received and placed on file:

1. Local Fund Balance Sheet for October 2017
2. Meter Set List for October 2017

Marcia Jeske asked about the payments to Williams|Hughes Law Offices. Matthew Farrar stated it was an oversight and those will be taken off.

Commissioner Hughes informed the members of a fire extinguisher recall.

Tony Barnes asked about Crystal Morgan's invoice. Crystal Morgan stated the bill was for work performed in September. Crystal Morgan stated she reviewed the minutes from the October meeting which referenced Appendix A and the Chair was contacted because the minutes indicated the Board had requested a legal opinion. Crystal Morgan stated if she is to follow a different procedure she would be willing to make recommendations.

Discussion ensued.

Voice Vote: **Motion Carried**

**REPORTS**

**Water System Update**

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

Matthew Farrar updated the Board on the timeline for the Asset Management Plan, Rate Study, Reliability Study, and Route Study.

**OLD BUSINESS**

**Appeal Invoices**

Moved by Tony Barnes, seconded by David Kieft, not to pay at this time.

Moved by Marcia Jeske, seconded by Commissioner Snider, to recommend to the Board of Public Works that it pay the attorney fees on behalf of Laketon, Dalton, and Fruitland Township related to the appeal of the lower Court's decision.

Discussion ensued.

Chair Arter stated this was brought back because she felt there was confusion.

**WSPB-17-064** Moved by Tony Barnes, seconded by David Kieft, not to pay at this time.

Roll call:

Yes – Hughes, Mahoney, Kieft, Barnes

No – Jeske, Snider, Arter

**Motion carried**

**WSPB-17-065** Moved by Marcia Jeske, seconded by Commissioner Snider, to recommend to the Board of Public Works that it pay the attorney fees on behalf of Laketon, Dalton, and Fruitland Township related to the appeal of the lower Court's decision.

Roll call:

Yes – Jeske, Snider, Arter

No – Kieft, Barnes, Hughes, Mahoney

**Motion failed**

### **NEW BUSINESS**

Moved by Commissioner Hughes, seconded by Tony Barnes, any work that requires the attorney needs to come before the Water Policy Board to be voted on prior to the Chair contacting the attorney.

Some members were confused by the motion. Commissioner Hughes explained.

Discussion ensued.

Commissioner Mahoney suggested staff put together a proposal.

Commissioner Hughes withdrew her motion.

Crystal Morgan stated she does plan on attending the meetings and as the Board gets to know her and she gets to know the Board this may not be an issue.

### **AUDIENCE PARTICIPATION**

Joe Kemp commented on his observation of the meeting. He suggested a County commissioner and attorney unrelated to the townships be members.

### **ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 11:03 a.m.

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Kim Arter, Chair

Muskegon County  
Water System Policy Board  
December 6, 2017  
10:00 a.m.  
Michael E. Kobza Hall of Justice  
990 Terrace Street  
Board of Commissioners Room, 4<sup>th</sup> Floor

*Kim Arter, Chair*

*David Kieft, Vice Chair*

**MINUTES**

**CALL TO ORDER**

The meeting was called to order by Chair Arter at 10:00 a.m.

**ROLL**

Present: Kim Arter, Laketon Township Supervisor  
Tony Barnes, Dalton Township Supervisor  
Marcia Jeske, Fruitland Township Supervisor  
Susie Hughes, Muskegon County Commissioner  
David Kieft, Muskegon Charter Township Supervisor  
Kenneth Mahoney, Muskegon County Commissioner  
I. John Snider II, Muskegon County Commissioner

Excused:

Staff

Present: Matt Farrar, Public Works Director  
Tina Nash, Public Works Coordinator  
Carly Hines, Public Works Finance and Sustainability Administrator  
Robert Ribbens, Environmental Manager  
Mark Eisenbarth, County Administrator  
Beth Dick, Assistant Administrator & Finance Director  
Crystal Morgan, WSPB Attorney

**WSPB-17-066 APPROVAL OF AGENDA**

Moved by Commissioner Hughes, seconded by Commissioner Snider, to approve the agenda as presented.

Moved by David Kieft, seconded by Commissioner Hughes, to add to the agenda to discuss the Resolution per the emails as item H.3.

Vote took place on amended agenda.

Voice Vote: **Motion Carried**

**WSPB-17-067 APPROVAL OF MINUTES**

Moved by Marcia Jeske, seconded by Commissioner Hughes, to approve the minutes of the Muskegon County Regional Water Policy Board meeting held on November 8, 2017.

Voice Vote: **Motion Carried**

**PUBLIC COMMENT (on an agenda item)**

None

**PRESENTATION – COST OF SERVICE AND RATE STUDY**

John Kaczor with Municipal Analytics introduced himself and Bill Popp. John Kaczor presented to the board a summary of the cost of service and rate study (attached). John Kaczor stated Bill Popp, Jaymes Vettrano and himself worked on the study. After the presentation John Kaczor answered questions from the board. There was discussion regarding the contract, bond ratio, current markets for bonding, the financial shape of the system for bonding, the effects on rates if others join the system, yearly updates to the study, rates, percentage of rates towards wages/retirement and local units add-on charges to rates.

The board thanked John Kaczor and his team for the work they did.

**ITEMS FOR CONSIDERATION**

**WSPB-17-068 Approve January's meeting date/time**

Moved by Tony Barnes, seconded by Commissioner Mahoney, to hold the Muskegon County Regional Water System Policy Board meeting on Wednesday, January 10, 2018 at 10AM.

Voice Vote: **Motion Carried**

**WSPB-17-063 INFORMATIONAL ITEMS**

Moved by David Kieft, seconded by Tony Barnes, that the following information items be received and placed on file:

1. Local Fund Balance Sheet for November 2017
2. Meter Set List for November 2017

Tony Barnes asked Robert Ribbens to further discuss the hydrants as stated in the monthly report. Robert Ribbens stated due to freezing hydrants along Whitehall Road, all hydrants in Dalton Township were inspected. Robert Ribbens stated at the Business Park there's been a lot of sacrificial flushing due to the Business Park's zero use. Because it sits dead and because they are unsure of the quality, the main has been shut off at Hein and at Agard. Each hydrant is marked "out of service". Robert Ribbens stated he talked to the District Engineer from MDEQ and he agreed this was a good thing to do. Robert Ribbens stated he believed Dalton's Fire Chief was going to forward the information to Central Dispatch with each hydrant listed. Matt Farrar stated the MDEQ encouraged us to shut that water off.

Voice Vote: **Motion Carried**

3. Resolution Discussion

David Kieft questioned Crystal Morgan regarding the emails sent. Crystal Morgan explained the timeline and conversation she had with the Chair regarding the draft Resolution and draft Appendix A. Crystal Morgan stated upon learning that Laketon Township had already adopted the Resolution she immediately wanted to disburse the documents to the board members as it was provided. Crystal Morgan stated she was informed historically staff circulated documents to board members so she sent the documents to Tina Nash and she sent those via email.

Crystal Morgan stated she agreed with John Kaczor's comment on record keeping. Crystal Morgan stated upon being retained as legal counsel she attempted to obtain the board's documents and had a difficult time finding those. Crystal Morgan stated she met with Matthew Farrar and he was able to provide some documents.

David Kieft stated some form of policy and procedures need to be developed. Crystal Morgan stated she needs direction from the board on how to disburse information/documents and who the contact person should be.

Discussion continued regarding the Resolution and the prepared documents.

Tony Barnes distributed the draft Resolution prepared by Crystal Morgan and the Resolution adopted by Laketon Township to the board members. Discussion ensued.

**REPORTS**

**Water System Update**

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

Matthew Farrar stated MDEQ approved the reliability study and now staff will create a RFP for the route study.

Commissioner Hughes asked why we want the channel crossing. Matthew Farrar explained there is only one feed to a large community and if this wasn't in the plan the MDEQ would never have approved the work that was done. Matthew Farrar stated the MDEQ stated the channel crossing is a priority and needed for reliability.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**AUDIENCE PARTICIPATION**

None

**ADJOURN**

There being no further business to come before the Water System Policy Board, the meeting adjourned at 11:34 a.m.

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Kim Arter, Chair