

M I N U T E S

Board of Public Works  
Michael E. Kobza Hall of Justice  
Muskegon, Michigan  
April 14, 2011

CALL TO ORDER

The meeting was called to order by Chairman Marvin Engle at 3:30 p.m.

ROLL

Present: Lewis Collins; Benjamin Cross; Marvin Engle; David Fisher; Alan Jager; Scott Plummer; I. John Snider; Rillastine Wilkins.

Excused: James Derezinski.

Staff

Present: John Warner, Director of Public Works; Mark Eisenbarth, Director of Wastewater; Bonnie Hammersley, County Administrator; Ted Williams, Corporate Counsel; Karen Fisher, Secretary.

Others

Present: Deb Ackerman, Egelston Township Treasurer; Commissioner Longmire; Board Chair Ken Mahoney; Jim White, Attorney representing fortu Powercell; Hank Teshchendorf, fortu Powercell; Ed Garner, Muskegon Area First.

BPW-11-051 - APPROVAL OF AGENDA

Moved by Mr. Collins, seconded by Mr. Plummer, to approve the agenda with the addition of items #7 Sanitary Sewer Agreement with Bayer CropScience LP and fortu PowerCell adding to the suggested motion "contingent upon obtaining all applicable signatures."'; and #8 refunding of the Wastewater Management System No. 2 Bonds.

Board of Public Works  
April 14, 2011  
Page Two

BPW-11-051 - APPROVAL OF AGENDA CONT'D

Roll call: Ayes - Collins; Plummer; Wilkins; Cross; Fisher;  
Jager; Snider; Engle.

Nays - None.

Motion carried

BPW-11-052 - APPROVAL OF MINUTES

Moved by Mr. Plummer, seconded by Mr. Collins, to approve the minutes of the meeting held March 10, 2011.

Motion carried

BPW-11-053 - ACCOUNTS PAYABLE

Moved by Mr. Collins, seconded by Mr. Cross, to approve the Accounts Payable in the total amount of \$97,995.49, as follows:

1. Solid Waste Fund 5710 - \$238.46
2. Regional Water System Fund 5910 - \$97,757.03

Roll call: Ayes - Wilkins; Cross; Fisher; Jager; Snider; Engle;  
Collins; Plummer.

Nays - None.

Motion carried

BPW-11-054 - PUBLIC COMMENT ON AN AGENDA ITEM

There were no comments on any agenda item.

Board of Public Works  
April 14, 2011  
Page Three

BPW-11-055 - AUTHORIZATION TO SOLICIT BIDS - INTERIOR PAINTING  
AND STRUCTURAL REPAIR WORK - EVANSTON AVENUE TANK

Moved by Mr. Fisher, seconded by Mr. Plummer, to authorize staff to solicit bids for the interior painting and structural repair work on the Evanston Avenue elevated water storage tank with costs being paid from the Regional Water System fund 5910-0552.

Motion carried

BPW-11-056 - AWARD BID - GREAT LAKES FORD WATERMAIN

Moved by Mr. Collins, seconded by Mr. Snider, to accept the low bid of \$92,000.00 from Thompson Brothers, Inc., for the extension of watermain to Great Lakes Ford (RFB-11-1859) with costs for the work being paid from the Regional Water System fund 5910.

Roll call: Ayes - Snider; Engle; Collins; Plummer; Wilkins;  
Cross; Fisher.

Nays - None.

Abstain - Jager.

Motion carried

BPW-11-057 - PERMANENT EASEMENT AGREEMENT - CONSUMERS ENERGY

Moved by Mr. Collins, seconded by Mr. Snider, to authorize the Board Chair to accept the Just Compensation in the amount of \$1,000.00 and sign the Permanent Easement Agreement between Muskegon County and Consumers Energy Company.

Roll call: Ayes - Snider; Engle; Collins; Plummer; Wilkins;  
Cross; Fisher; Jager.

Nays - None.

Motion carried

Board of Public Works  
April 14, 2011  
Page Four

BPW-11-058 - AGREEMENT - MUSKEGON AREA FIRST

Moved by Mr. Fisher, seconded by Ms. Wilkins, to approve the proposal and agreement for Muskegon Area First to furnish Marketing Services for the Wastewater System for 2011, 2012 and 2013 fiscal year and authorize the Public Works Board Chairman to sign same.

Roll call: Ayes - Engle; Collins; Plummer; Wilkins; Cross;  
Fisher; Jager; Snider.

Nays - None.

Motion carried

BPW-11-059 - RECLASSIFY IRRIGATION OPERATOR TO OPERATION  
MAINTENANCE MECHANIC

Moved by Mr. Collins, seconded by Mr. Cross, to reclassify one Irrigation Operator position as an Operation Maintenance Mechanic under the supervision of the Engineer Operations Manager per the Request for Reclassification Position form.

Roll call: Ayes - Engle; Collins; Plummer; Wilkins; Cross;  
Fisher; Jager; Snider.

Nays - None.

Motion carried

BPW-11-060 - WASTEWATER DIRECTOR/PUBLIC WORKS CHAIRMAN APPROVAL  
OF CHANGE ORDERS

Moved by Mr. Fisher, seconded by Mr. Snider, to authorize the Wastewater Director and/or the Public Works Chairman to approve any field adjustments required that are less than ten thousand (\$10,000) per incident and authorize Public Works Chairman to sign same.

Board of Public Works  
April 14, 2011  
Page Five

BPW-11-060 - WASTEWATER DIRECTOR/PUBLIC WORKS CHAIRMAN APPROVAL  
OF CHANGE ORDERS CONT'D

Roll call: Ayes - Collins; Plummer; Wilkins; Cross; Fisher;  
Jager; Snider; Engle.

Nays - None.

Motion carried

BPW-11-061 - SANITARY SEWER AGREEMENT WITH BAYER CROPSCIENCE LP  
AND FORTU POWERCELL

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

Motion carried

Mr. Jim White, attorney for fortu, and Mr. Hank Teshchendorf,  
fortu PowerCell, addressed the Board of Public Works regarding  
this issue.

Mr. White stated that the agreement needs to be modified to add  
Muskegon Charter Township as a signatory to this agreement. This  
item will be on the agenda for Muskegon Charter Township's  
approval at their meeting on Monday.

Moved by Mr. Snider, seconded by Ms. Wilkins, to return to  
regular session.

Motion carried

Moved by Mr. Snider, seconded by Mr. Fisher, to approve the  
Sanitary Sewer Agreement with Bayer CropScience LP and fortu  
PowerCell, Inc., to be a Direct Connect User to the Muskegon  
County Wastewater Management System contingent upon adding  
Muskegon Charter Township as signatory to this agreement and  
obtaining all applicable signatures.

Board of Public Works  
April 14, 2011  
Page Six

BPW-11-061 - SANITARY SEWER AGREEMENT WITH BAYER CROPSCIENCE LP  
AND FORTU POWERCELL CONT'D

Roll call: Ayes - Plummer; Wilkins; Cross; Fisher; Jager; Snider;  
Engle; Collins.

Nays - None.

Motion carried

BPW-11-062 - REFUNDING PROCESS OF WASTEWATER MANAGEMENT SYSTEM  
NO. 2 BONDS

Moved by Mr. Snider, seconded by Mr. Collins, to authorize the  
Finance & Management Services Director to coordinate the  
refunding process of the Wastewater Management System No. 2 Bonds  
with First Southwest and bond counsel.

Motion carried

BPW-11-063 - INFORMATION ITEMS

Moved by Mr. Snider, seconded by Mr. Collins, that the following  
information items be received and placed on file:

1. Public Works Monthly Operations Report - March 2011.
2. Wastewater Monthly Operating Report - March 2011.
3. Muskegon County Regional Water System Policy Board Meeting  
Minutes - March 8, 2011 (draft).

Motion carried

BPW-11-064 - OLD BUSINESS

There was no old business.

Board of Public Works  
April 14, 2011  
Page Seven

BPW-11-065 - NEW BUSINESS

Commissioner Snider asked if Muskegon Charter Township will be a party to the sewer contract.

Mr. White stated a clause stating it has been accepted and approved by Muskegon Charter Township will be added to the agreement.

David Kieft, Muskegon Charter Township Supervisor, stated the reason Muskegon Charter Township needs to be a signatory to the sewer agreement for Bayer/fortu is because the direct connect user, according to the new master contract, cannot be approved unless the municipality that the direct connect user is in approves the connection.

BPW-11-066 - PUBLIC COMMENT ON A NEW TOPIC

There were no comments on any new topic.

BPW-11-067 - ADJOURN

Moved by Mr. Plummer, seconded by Mr. Collins, to adjourn the meeting at 3:55 p.m.

Motion carried

---

Marvin Engle, Chairman

kf

