

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