

Muskegon County
Water System Policy Board
April 12, 2016
2:00 p.m.
Training Center
97 E. Apple Avenue, Room 119
Muskegon, Michigan 49442

Jerry McIntyre, Chair

Susie Hughes, Vice Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Chair McIntyre 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
Jan Deur, Fruitland Township Trustee
Terry Sabo, Muskegon County Board Chair

Excused:

Staff

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

Others

Present: David Bossenbroek, Attorney
Ed Dewitt

APPROVAL OF AGENDA

WSPB-16-013 Moved by Commissioner Hughes seconded by Jan Deur, to approve the agenda as presented.

Roll call:

Yes –Arter, Kieft, Mahoney, Deur, Sabo, Hughes, McIntyre

No – None

Motion carried

APPROVAL OF MINUTES

WSPB-16-014 Moved by Commissioner Hughes, seconded by Commissioner Mahoney, to approve the minutes of the meeting held March 8, 2016.

Motion carried

PUBLIC COMMENT (on an agenda item)

None

INFORMATION ITEMS

WSPB-16-015 Moved by David Kieft, seconded by Kim Arter, that the following information items be received and placed on file:

1. New Meter Set List for March 2016
2. Local Fund Balance Sheet for March 2016

Roll call:

Yes –Hughes, Arter, Kieft, Mahoney, Deur, Sabo, McIntyre

No – None

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 informed the Board that he included in the agenda packet the Sample Siting Plans approved by the MDEQ. David Kieft noted some typos in the plans. John Warner thanked David Kieft and stated he would get those corrected. John Warner stated that the MDEQ has some new rules when it comes to sampling and that the additional requirements will be an added cost. Commissioner Hughes stated she attend a Michigan Association of Counties meeting. It was mentioned at that meeting that the Health Departments need to be more conscious of the kids who test positive for lead. Commissioner Hughes noted that we know we have good water, but they suggested we should also check the homes for lead pipes along with paint. John Warner agreed that was a good idea. He stated that he didn't think homes in this area had lead pipes but the solder joints may contain traces of lead.

John Warner noted that homeowners with pools and sprinkler systems should also be getting their backflow prevention devices tested. Discussion ensued as to the best way to make the homeowners aware of the ordinance. It was suggested that John Warner comes up with a message that could be included in the Township's newsletters.

John Warner stated they may need to do one more flush to the Whitehall Road line.

OLD BUSINESS

Dewitt Damage Claim Update

WSPB-16-016 Moved by Commissioner Hughes, seconded by Jan Deur, to take from the table to continue discussion.

Motion Carried

Kim Arter noted she brought copies of the invoices Ed Dewitt provided for anyone to view if they wanted. Kim Arter stated that this Board had various options when it comes to this matter.

A memorandum from John Warner was distributed to the Board members. Chair McIntyre asked John Warner if he had contacted the City and if they planned on attending the meeting. John Warner stated the memorandum addresses that. John Warner stated he had met with the City of Muskegon's DPW Director, Mohammed Al-Shatel. John Warner stated normal procedures were done to repair the watermain break. John Warner informed the Board that he also visited the site of the watermain break. John Warner stated he discussed this matter with Dave Baker, Water/Sewer Supervisor for the City of Muskegon DPW. John Warner explained that Dave Baker was on-site the night of the watermain repair. John Warner stated that it was his opinion that the rise in the water table was likely do to the watermain break.

Kim Arter expressed her concerns that Ed Dewitt had not submitted any actual receipts for materials and that the labor costs he is requesting seemed high. John Warner stated that the quote from Restoration Services for \$7,159.67 was for clean-up. Commissioner Hughes asked John Warner for clarification that it was only water and not sewer. John Warner stated it was only water. Kim Arter stated that she would consider a percentage of the \$7,159.67.

Commissioner Hughes had a concern as to what kind of precedent this would set.

David Kieft asked if the Board had the authority to pay Ed Dewitt. Dave Bossenbroek stated he thinks it does. That the Board can pay legitimate bills and claims that are presented to the Water System.

Discussion ensued.

WSPB-16-017 Moved by David Kieft, seconded by Commissioner Mahoney, that based on the quote by Restoration Services pay Ed Dewitt the sum of \$7,159.67.

Jan Deur asked Dave Bossenbroek to explain what kind of precedent this would establish. Dave Bossenbroek stated this would not set a legal precedent. Dave Bossenbroek explained that it was the Boards discretion to choose to settle a claim with someone or not.

Jan Deur asked John Warner if they have paid for property damages in other watermain breaks. John Warner stated he could not recall paying for damages due to a watermain break issue. John Warner stated they have repaired driveways due to the physical damages from a watermain repair.

Jan Deur made a friendly amendment that the motion includes a caveat that we are not admitting liability. David Kieft agreed to amend his motion and Commissioner Mahoney supported the friendly amendment.

Dewitt Damage Claim Update Continued

WSPB-16-017 Moved by David Kieft, seconded by Commissioner Mahoney, that based on the quote by Restoration Services pay Ed Dewitt the sum of \$7,159.67 and the Water System Policy Board is not admitting any liability.

Commissioner Sabo asked John Warner what we would do differently to prevent this from happening in the future. John Warner stated he didn't know if they would do anything differently in the future. John Warner stated that this has never happened before and that no other home owner in the neighborhood reported damages due to this break. It was stated it was a case by case situation due to conditions and location.

Discussion ensued.

Roll call:
Yes –Arter, Kieft, Mahoney, Deur, Sabo, Hughes, McIntyre
No – None
Motion carried

Commissioner Sabo requested an update on the litigation. David Kieft stated that Discovery closed on March 8th, Motions for Summary Disposition were due April 8th and the hearing on the Motions for Summary Disposition will be on May 11th at 2 p.m.

NEW BUSINESS

None

AUDIENCE PARTICIPATION

Dave Bossenbroek suggested that the Water System Policy Board promote the reduced REU schedule.

ADJOURN

There being no further business to come before the Water System Policy Board, the meeting adjourned at 3:02 p.m.

Jerry McIntyre, Chair