

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, 4th 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
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.

Kim Arter, Chair