

**Muskegon County
Ways & Means Committee
March 3, 2020
3:30 p.m.
Hall of Justice
990 Terrace Street
Muskegon, MI**

Robert Scolnik, Chair

Charles Nash, Vice-Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Commissioner Scolnik at 3:44 p.m.

ROLL CALL

Present: Gary Foster, Susie Hughes, Zach Lahring, Ken Mahoney, Charles Nash, Bob Scolnik, John Snider, II, Rillastine Wilkins, Marcia Hovey-Wright

Also

Present: Mark Eisenbarth, County Administrator
Linda Sue Schutter, Administrative Secretary

APPROVAL OF MINUTES

It was moved by Commissioner Wilkins, supported by Vice-Chair Foster, to approve the minutes of February 4, 2020, as written. Motion carried.

ITEM FOR CONSIDERATION

WM20/03 – 22 It was moved by Chairman Hughes, supported by Commissioner Mahoney to add the public hearing on the Nugent Sand property which had been previously posted but omitted from the agenda. Motion carried.

It was noted by Chairman Hughes that this hearing was posted under the Open Meetings Act.

WM20/03 – 23 It was moved by Commissioner Nash, supported by Chairman Hughes, to open public hearing. Motion carried.

Bob Lukens, Community Development Director, presented information regarding the Nugent Sand project. Mr. Lukens received the appraisal for the property at \$14,902,000 for 377 acres. Mr. Lukens indicated that with the approval of the Board, they would apply for a DNR Trust Fund grant for 60% of the land value; the remaining 40% will be covered by a land-value donation by the owner and the Land Conservancy.

PUBLIC COMMENT ON WM20/03 – 23

Vicki Broge, Tanya Cabala, Paul Baumgartner, Brenda Moore, Fritz Kwant, Kim McDaniel all spoke in favor of the purchase of the Nugent Sand property. Michael Del Percio, Anna Derouin spoke against the purchase of the Nugent Sand property.

WM20/03 – 24 It was moved by Commissioner Nash, supported by Commissioner Foster, to suspend the 2:00 minute rule for public comment for Denny Churette, representative for seller.

PUBLIC COMMENT ON WM20/03 – 23 CONTINUED

Sherry Chandler, Lori Adelson, Jim Skipper, Erin Matuz, Joe Engle, Executive Director for Land Conservancy, all spoke in favor of the purchase of the Nugent Sand property.

PUBLIC COMMENT (On an agenda item.)

Michael Del Percio, Anna Derouin, Malinda Pego, Billie Picklesimer, all spoke against the purchase of the Nugent Sand property.

Denny Churette and Kim McDaniel spoke in favor of the purchase of the Nugent Sand property.

ITEMS FOR CONSIDERATION

WM20/03 – 25 It was moved by Commissioner Nash, supported by Chairman Hughes to close the public hearing. Motion carried.

WM20/03 – 26 It was moved by Commissioner Hovey-Wright, supported by Chairman Hughes, to authorize payment of the accounts payable of \$14,192,482.46, covering the period of February 8, 2020 through February 21, 2020 for checks and January 1, 2020 through January 31, 2020 for P-Card and EFT payments, as presented by the County Clerk. Motion carried.

WM20/03 – 27 It was moved by Commissioner Nash, supported by Chairman Hughes, to authorize the Muskegon County Parks Department to apply for a Michigan Natural Resources Trust Fund grant for the acquisition of the Nugent Sands property, including the required resolution of support from the Board of Commissioners. This resolution will acknowledge that the grant requires a local match of a minimum of 25% of the total project cost, and match funding may come from various sources, including private donations, foundation contributions, and a land value donation.

ROLL CALL

Yes: Gary Foster, Susie Hughes, Ken Mahoney, Charles Nash, Bob Scolnik,
John Snider, II, Rillastine Wilkins, Marcia Hovey-Wright
No: Zach Lahring Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

Brenda Moore, Drain Commissioner, asked the Board for their assistance being heard before the Muskegon County Road Commission (MCRC) regarding the Sullivan Road culvert. Ms. Moore is not asking Board to weigh in on the decision; she just wants to be heard before the MCRC.

FINAL BOARD COMMENT

Commissioner Lahring asked the Board for support of industrial development.

WM20/03 – 28 It was moved by Commissioner Hovey-Wright, supported by Commissioner Snider to request the Muskegon County Road Commission put the Drain Commissioner on their agenda.

WM20/03 – 28a It was moved by Chairman Hughes, supported by Commissioner Hovey-Wright, to include Sullivan Road culvert replacement in the original motion. Motion carried.

Commissioner Foster requested information from Bob Lukens, Community Development Director, regarding the percentage of General Fund dollars that are used to support the County Parks. Mr. Lukens indicated that there are no General Fund dollars and no taxpayer dollars used for the parks and specifically the bathhouse at Pioneer.

Chairman Hughes reminded the Board members to be on time at the bathhouse on Thursday.

Commissioner Lahring asked Mr. Lukens if he currently had the funds for the bathhouse in his account. Mr. Lukens replied that he did not.

ADJOURNMENT

There being no further business to come before the Ways & Means Committee, the meeting adjourned at 4:52 p.m.



MUSKEGON COUNTY
M I C H I G A N
OFFICE OF THE DRAIN COMMISSIONER



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March 3, 2020

To: Muskegon County Board of Commissioners
FR: Brenda Moore, Muskegon County Drain Commissioner
RE: Access to the Road Commission

Please recall that some time ago the County Board of Commissioners was kind enough to request a joint meeting with the County Road Commission to discuss their interaction with my office. The crux of the issue from my perspective was/is that when I request to be on the CRC agenda for a financial decision, it should go before the body that has the authority to make such decisions.

Unfortunately, once again, I have asked to be on the CRC's agenda for several items of business (see memo excerpt attached). Instead, the director sent a communication with what appears to be his determination. My first CRC memo item is for fair payment of their share of the Sullivan Road culvert replacement. I now have a low bid for a culvert that will cost **\$143,190.00** to install and the CRC has pledged **\$20,445.00**. This is **\$48,650.00 less** than their usual cost share formula; so, I want to ask them to pay their fair share. This is a financial matter which should be a vote of Road Commission members. Part of the problem is I ask if the CRC will partner in a culvert replacement before I get competitive bids (i.e., why go through engineering and bidding work for a culvert I may choose not to replace due to their lack of participation?).

As I stated before, this is not how I believe the county should be doing business. First, I should be able to plead my case before the CRC and not have their administrative staff act as a roadblock. Second, if the CRC chooses not to pay their fair share of the culvert; they push more financial burden on the townships, residents of the district, and the county.

Further, under certain circumstances culvert replacement is exempt under state law for Drain Commissioners. That is the case with this culvert. That means the CRC does not have to go through a state permitting process, nor do they have to design the culvert. This is a significant cost and time savings to the Road Commission. Also, as part of a drain project, the local township(s) pay their portion of the culvert over time on a drain note, rather than in a lump sum to the CRC.

To exacerbate the inequity, the CRC (per their engineer) is requiring that the culvert length be increased to meet their highway standards (which has nothing to do with the function of the drain). This is an additional expense incurred that the CRC is not offering to fund. Finally, when the culvert is in place, the CRC takes it over and claims the asset on their books.

Based on his response, I believe Mr. Hulka is assuming I've decided to put a culvert in that is significantly more than what the CRC would normally do. In the absence of dialog from the CRC or its staff, it is my assertion that if they replaced the culvert themselves and had to seek a permit from the state, they would have to use the same "bank full" standard that we meet. They would also have to use the same state water runoff model to size the culvert that we do. We are not deepening, widening or (I believe) doing anything to the drain that requires anything more than they would be required to do. My request is that I be able to go before the CRC, state my case and have them decide on this financial matter. I would also hope that County Board members ask about the equity issue in this regard since you appoint CRC members.



Muskegon County Road Commission

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Lewis J. Collins
Chairman

Jack E. Kennedy
Vice Chair

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Commissioner

Gerald J. Walter
Commissioner

Sam E. St. Amour
Commissioner

February 25, 2020

Ms. Brenda Moore, Drain Commissioner
Muskegon County
141 E. Apple Avenue, 2nd Floor
Muskegon, MI 49442

RE: Norris Creek, Black Creek Consolidated, Anderson & Holland Drain Projects

Ms. Moore,

I have received your communication dated 2-12-2020 regarding your request for decisions on 4 items. In that regard I will address those items in the order that you presented them.

1. Norris Creek Crossing of Sullivan Road: On this item the Board has already addressed it. Last year, per your request, this was evaluated by staff per Board policy and a recommendation was made to the Board that we contribute a not to exceed amount of \$20,445.00. This was approved by the Board. Your original request to the Board was that we treat the crossings in your projects the same as if we were partnering with a township, that is we would pay the first \$5,000 and then 50% of any other cost to replace a culvert. This is how staff arrived at the recommended amount. If you have decided to put a larger or different configured culvert in this crossing we respect that decision, but it is incumbent upon you to then pay for it from drain funds.