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Vice Chairman

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Secretary

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DAN KOORNDYK
SHANA SHROLL
RICHARD VANDER MOLEN

DOUGLAS G. WOOD
Director



Board of Public Works

AGENDA

November 1, 2012
8:00 AM

Earl G. Woodworth Building
Meeting Room Chambers
1500 Scribner Avenue NW
Grand Rapids, Michigan 49504

- I. Call to Order
- II. Public Comment
- III. Review and Approval of Minutes
- IV. Administration
 - A. Kent County Road Commission Lease Extension
- V. Utility Services
 - A. Amendment to Utility Services Agreement
- VI. Solid Waste Operations
 - A. South Kent Landfill
 1. Annual Earthwork Contract
 - B. Resource Recovery/Household Hazardous Waste
 1. Electronics Recycling Disposal Contract
- VII. Approval of Monetary Outlays
- VIII. Director's Report
 - A. Recycling and Education Center/MIOSHA Inspection
 - B. South Kent Landfill/Bio-Energy Consortium
 - C. West Michigan Sports Commission/Groundbreaking
- IX. Miscellaneous
- X. Adjournment

MEETING DATE: **March 1, 2012**

AGENDA ITEM#: V - A



**BOARD OF
PUBLIC WORKS
ACTION REQUEST**

SUBJECT: Memorandum of Understanding

DIVISION: Utility Services

PREPARED BY: Douglas G. Wood

ACTION REQUESTED:

Review and Approval authorizing Director to execute Memorandum of Understanding with the North Kent Sewer Authority

SUMMARY OF REQUEST:

The Board of Public Works has been briefed on the ongoing discussions concerning the transfer of Utility Services. Department staff has had several meetings with North Kent Sewer Authority staff regarding the transfer of Utility Services operation and maintenance to the North Kent Sewer Authority and its member communities. The existing agreement between the NKSA, its member communities and the Department of Public Works has a provision requiring a termination notification of one (1) year. In our discussions DPW has suggested that the final service day would be December 31, 2012. After several additional meetings we agreed in principle to move that day forward to October 1, 2012.

Attached is a Memorandum of Understanding that outlines the desire of the parties to terminate the Utility Services Agreement on October 1, 2012.

SUGGESTED MOTION:

It was moved by _____ and seconded by _____ to authorize the Director to execute the Memorandum of Understanding with the North Kent Sewer Authority whereby the parties agree to proceed in good faith toward termination of the Utility Services Agreement as of October 1, 2012.

ATTACHMENTS:

Memorandum of Understanding

GOVERNING/ADVISORY BOARD APPROVAL DATE March 1, 2012

DEPARTMENT DIRECTOR: *Douglas A. Wood*

NORTH KENT SEWAGE DISPOSAL SYSTEM

Memorandum of Understanding Regarding Utility Services Agreement

This Memorandum of Understanding, between the North Kent Sewer Authority, 7 South Monroe Street, Rockford, Michigan 49341 ("NKSA") and the County of Kent, acting by and through its Board of Public Works, 1500 Scribner, N.W., Grand Rapids, Michigan 49504 (the "County"), sets forth the understandings of the parties with respect to termination of the Utility Services Agreement for the North Kent Sewage Disposal System (the "Utility Services Agreement").

1. The Utility Services Agreement, under which the County provides operation and maintenance services for certain components of the North Kent Sewage Disposal System, terminates December 31, 2013, subject to early termination without cause upon one (1) years' prior written notice by a party desiring to terminate the Agreement.

2. The County has indicated that it desires to terminate the Agreement effective October 1, 2012, which will require approval of the NKSA, and each of the individual Municipalities which is a party to the Utility Services Agreement.

3. The NKSA is currently working with its constituent Municipalities to develop a replacement agreement for the Utility Services Agreement, under which the NKSA will provide operation and maintenance services for the North Kent Sewage Disposal System.

4. The purpose of this Memorandum of Understanding is to express the intent of the parties that the Utility Services Agreement shall terminate as of October 1, 2012. Final approval of termination is subject to approval of a contract for operation and maintenance services between the NKSA and its constituent Municipalities, and to confirmation by the governing body of each constituent municipality. The parties agree to proceed in good faith toward termination of the Utility Services Agreement as of October 1, 2012.

NORTH KENT SEWER AUTHORITY

Dated: _____, 2012

By: _____

Michael Young

Its: Chair

KENT COUNTY DEPARTMENT OF PUBLIC WORKS

Dated: _____, 2012

By: _____

Douglas Wood

Its: Director

Mika Meyers Beckett & Jones^{PLC}

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Neil L. Kimball
Elizabeth K. Bransdorfer
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Ross A. Leisman
Neil P. Jansen
Andrea D. Crumback
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Nathaniel R. Wolf
Jennifer A. Pupilava
Benjamin A. Zainea
Ronald M. Redick
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Daniel J. Broxup
Joshua D. Beard
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Steven L. Dykema
Daniel J. Kozera, Jr.

Larry J. Gardner
Leonard M. Hoffius¹
Claude L. Vander Ploeg
Ronald J. Clark
Stephen J. Mulder
Scott S. Brinkmeyer
Scott D. Broekstra⁷

Retired
Veryl N. Meyers

Also Admitted In
¹Colorado
²Delaware
³Illinois
⁴New York
⁵Ohio
⁶Pennsylvania
⁷Texas
⁸Wisconsin

October 25, 2012

Ms. Jean Wahlfeld, Clerk
Township of Alpine
5255 Alpine Avenue, N.W.
Comstock Park, Michigan 49321

Mr. Robert Homan, Superintendent
Charter Township of Plainfield
6161 Belmont Avenue, N.E.
Belmont, Michigan 49306-9609

Ms. Marilyn Crosby, Clerk
Township of Courtland
7450 14 Mile Road, N.E.
Rockford, Michigan 49341

Mr. Michael Young
City of Rockford
7 S. Monroe Street
P.O. Box 561
Rockford, Michigan 49341-0561

Mr. Stephen Grimm, Supervisor
Township of Cannon
6878 Belding Road, NE
Rockford, Michigan 49341-8212

Mr. Douglas M. Wood
Kent County Dept. of Public Works
1500 Scribner, N.W.
Grand Rapids, Michigan 49504

Re: North Kent Sewer Authority

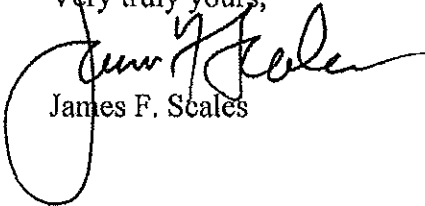
Ladies and Gentlemen:

To document that the Utility Services Agreement with Kent County was terminated, please sign the attached "Termination of Agreement" at your earliest convenience. Execution of this Agreement was approved as part of the resolutions adopted by each of your communities to approve the Collection System Service Agreement for the North Kent Sewage Disposal System.

Please have the document executed by your officials where indicated, and return the signature page to us by e-mail or mail. We will assemble it and distribute the copies.

Thank you.

Very truly yours,


James F. Scales

pjr
By e-mail

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**AMENDMENT TO UTILITY SERVICES AGREEMENT FOR THE
NORTH KENT SEWAGE DISPOSAL SYSTEM
(KENT COUNTY SERVICE AGREEMENT)**

TERMINATION OF AGREEMENT

THIS AGREEMENT is dated for reference purposes as of September 31, 2012, by and between the **NORTH KENT SEWER AUTHORITY**, established pursuant to Act 233 of the Public Acts of Michigan of 1955, as amended, (the "NKSA"), 7 S. Monroe, Rockford, Michigan 49341; **ALPINE TOWNSHIP** ("Alpine"), 5255 Alpine Avenue, N.W., Comstock Park, Michigan 49321; **CANNON TOWNSHIP** ("Cannon"), 6878 Belding Road, NE, Rockford, Michigan 49341; **COURTLAND TOWNSHIP** ("Courtland"), 7450 - 14 Mile Road, Rockford, Michigan 49341; **PLAINFIELD CHARTER TOWNSHIP** ("Plainfield"), 6161 Belmont Avenue, NE, Belmont, Michigan 49306; the **CITY OF ROCKFORD** ("Rockford"), 7 S. Monroe, Rockford, Michigan 49341 (Alpine, Cannon, Courtland, Plainfield and Rockford are collectively referred to as the "Municipalities"), and the **COUNTY OF KENT**, acting by and through the Board of Public Works, established pursuant to Act 185 of the Public Acts of Michigan of 1957, as amended, whose address is c/o Kent County Department of Public Works, 1500 Scribner, Grand Rapids, Michigan 49504 ("County").

This Agreement is made with reference to the following:

- A. The Municipalities, NKSA, and the County entered into the "Utility Services Agreement for the North Kent Sewage Disposal System" dated on or about August 7, 2008 (the "Utility Services Agreement").
- B. The Utility Services Agreement has previously been amended with respect to the City of Rockford Single Use Local Components by agreement dated for reference purposes December 1, 2009, and with respect to the Courtland Township Single Use Local Components by agreement dated for reference purposes December 1, 2011.
- C. The initial term of the Utility Services Agreement expires December 31, 2013.
- D. The parties to the Utility Services Agreement wish to mutually agree to terminate the contract prior to its expiration date, as of October 1, 2012, and their respective governing bodies have already approved of such termination.
- E. In consideration of the above, the parties hereby agree as follows:
 1. Termination of Agreement. The Utility Services Agreement has been terminated effective 12:01a.m.on October 1, 2012.
 2. Effect of Termination. For purposes of any matters governed by the Utility Services Agreement, this termination shall be treated in the same manner as a termination without cause pursuant to Section 17 of the Utility Services Agreement.
 3. Execution in Counterpart. This Agreement may be signed in counterpart with the same effect as if all parties had signed one instrument.

ALPINE TOWNSHIP

Dated: _____, 2012

By _____
Alex Arends, Supervisor

Dated: _____, 2012

By _____
Jean Wahlfield, Clerk

COURTLAND TOWNSHIP

Dated: _____, 2012

By _____
Charles Porter, Supervisor

Dated: _____, 2012

By _____
Marilynn Crosby, Clerk

CANNON TOWNSHIP

Dated: _____, 2012

By _____
Stephen Grimm, Supervisor

Dated: _____, 2012

By _____
Bonnie Blackledge, Clerk

PLAINFIELD CHARTER TOWNSHIP

Dated: _____, 2012

By _____
George K. Meek, Supervisor

Dated: _____, 2012

By _____
Scott Harvey, Clerk

CITY OF ROCKFORD

Dated: _____, 2012

By _____
Steve Jazwiec, Mayor

Dated: _____, 2012

By _____
Christine Bedford, Clerk

NORTH KENT SEWER AUTHORITY

Dated: _____, 2012

By _____
Michael F. Young, Chair

COUNTY OF KENT

Dated: _____, 2012

By _____
Douglas M. Wood, Director
Kent County Dept. of Public Works