

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
January 25, 2019**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Friday, January 25, 2019 at the St. Clair Shores City Hall, located at 27600 Jefferson, St. Clair Shores, Michigan.

Members Present

Michael R. Gregg, Chair, Michigan Dept. of Agriculture & Rural Development, State of Michigan
Elmeka N. Steele, Esq., Interim Wayne County Drain Commissioner, Wayne County
Brian Baker Deputy Macomb County Public Works Commissioner, Macomb County
Joe Rheker, City of Harper Woods
Michael Smith, City of St. Clair Shores

Others Present

Kyle Seidel, Anderson, Eckstein and Westrick
Brent Avery, Southeast Macomb Sanitary District
John Brennan, Fahey Schultz Burzych & Rhodes
Greg Tupancy, Wayne County
Marie Tighe, Southeast Macomb Sanitary District
James Rydquist, Tetra Tech
Brett Smith, City of Grosse Pointe Shores
Bruce Smith, City of Grosse Pointe Woods
Charles Young III, City of Harper Woods
Elizabeth Barrera, Wayne County

1. Call to Order

Mr. Gregg called the meeting to order at 10:07 a.m.

2. Approval of Agenda

Mr. Rheker moved to approve the agenda. The motion was supported by Mr. Smith. Motion adopted.

3. Approval of the Minutes of December 20, 2018 Drainage Board Meeting

Mr. Baker moved to approve the minutes for the December 20, 2018 meeting. The motion was supported by Mr. Smith. Motion adopted.

4. **Reports**

a. Operation and Maintenance Update.

The Drainage Board received an update from Brent Avery and Kyle Seidel. Brent Avery stated we had a rain event on Wednesday, January 23, 2019 with a total discharge of 16.8 million gallons. Testing results indicated that the discharge was in compliance of the NPDES permit. The basin is current being dewatering and construction will resume this weekend. The power at the RTB was lost last week and a generator was brought in on standby to run the sanitary pumps, if needed. Power was restored prior to running off the generator.

Kyle Seidel stated he would like to do flow metering within the next 3-6 months. Looking to put 2-3 meters in the Milk River sewer between the Milk River and the Torrey Road Pump Station to determine flow levels and if there is more storage during the wet weather. At Torrey Road Pump Station a gate could be utilized to move flow directly to the Grosse Pointe Interceptor. Mr. Seidel will provide a proposal at the next Board meeting.

Greg Tupancy provided a summary of the electrical power system at the Milk River Pump Station. Two transformers (#1 and #2) are controlled and maintained by DTE. The project includes changing the cables from the transformers to the new meter cabinet then to the electrical room at the pump station. While working on pulling cables and electrical the power transformer #2 went down. A generator was rented while the working on the temps feeds inside the Pump Station electrical room from the new switchgear to the old switchgear, which was being feed by transformer #1. The power was restored to the facility. A discussion of providing additional backup power supply.

Mr. Rheker moved to receive and file the foregoing report. The motion was supported by Mr. Smith. The motion was adopted.

b. Construction Update

Greg Tupancy provided an update on the construction project. Pump #6 is in but waiting for the motor. Sludge removal in Basin #2 has started but the cold weather is causing delays. Ground water piping and pumps are being worked on. Working on blower #1, garage lighting and checking valves. The SEMSD employees are providing snow and ice removal. Mr. Tupancy went over the status of the construction costs and engineering. The Summary of the Allowance Authorization has not changed from the December meeting because he is waiting on labor rates. The Summary of the Construction Contract has the invoice through Tetra Tech through the end of December and shows 100% of the design is done and 78% of Construction. Invoiced for construction through the middle of November and Spence has

used approximately 53% of the costs. The Summary of the SRF Loan Costs has not changed. James Rydquist provided a video of the new flushing system of Basin #1 and explained how it works.

Mr. Smith moved to receive and file the foregoing update. The motion was supported by Mr. Rheker. Motion adopted.

c. Budget

Elizabeth Barrera provided an update on the FY 19 Operations and Maintenance (O&M) Budget. The additional costs of the project were pointed out and an assessment shows the additional cost being spread over 3 years beginning with FY 19. The first quarter invoice has gone out. The costs will be invoiced separately from the O&M to ensure that the payment is put in the Construction Account and separate from the O&M Account. The first quarter expenditures were provided. This includes the October and November SEMSD O&M Pass Through Costs. The SEMSD Pass Through Cost for December will be \$55,994.24. The total Expense is \$355,148.24. The Net Income is \$409,881. A discussion of the additional costs and the Drainage District Board asked for spreadsheets to explain how the overrun costs arrived to \$3.8 million.

Mr. Rheker moved to receive and file the foregoing report. The motion was supported by Ms. Steele. Motion adopted.

5. NEW BUSINESS

Mr. Gregg stated he received the SEMSD Liability and Property Certificate of Coverage showing Milk River Intercounty Drainage Drain as Certificate Holder.

In the Milk River Board Packet the SEMSD O&M Invoice for December 2018 for \$55,994.24 was reviewed.

Ms. Steele moved to authorize to pay SEMSD Invoice O&M 12-2018. The motion was supported by Mr. Baker. Motion adopted.

6. UNFINISHED BUSINESS

Mr. Brennan provided an update on the mediation with Ron Deneweth. Mr. Brennan would not describe Mr. Deneweth as a neutral mediator. No settlement was made. The intake pipe safety issue was discussed. Our position remains the same, that Spence was aware by virtue of the 2014 video of the intake pipe that was specifically available to all of the bidders in the contract documents. Infrastructure Engineers have made a video and were ask to do a

comparison between their video and the 2014 video. Another issue discussed is the delay claim made by Spence. They will have to come up with a schedule for this work that can be complete by completion date. A question arose of how you calculate credits for work that's going to be taken out of the contract.

Mr. Brennan recommended that the Drainage District Board enter into a closed session for purposes under Section 8 of the Open Meetings Act, including 8(h), to discuss the meeting with the Mediator and the intake pipe and the safety issue. Mr. Rheker moved to enter into closed session. The motion was supported by Mr. Baker. A roll call vote of the Drainage District Board to enter into closed session was as follows:

Mr. Gregg: Yes
Ms. Steele: Yes
Mr. Rheker: Yes
Mr. Smith: Yes
Mr. Baker: Yes

Motion adopted. A closed session began at 11:30 a.m. and ended at 12:15 p.m.

Approval of the Closed Session Minutes of December 20, 2018 Drainage Board Meeting

Ms. Steele moved to approve the December 20, 2018 Closed Session Minutes with the corrections discussed. The motion was supported by Mr. Rheker. Motion adopted.

Mr. Rheker moved to direct legal council to communicate with Spence's council after obtaining further information and to invite informal negotiations. The motion was supported by Mr. Smith. Motion adopted.

Ms. Steele presented the 2019 Board Meeting Schedule. Mr. Rheker moved to approve the 2019 Board Meeting Schedule as presented. The motion was supported by Mr. Baker. Motion adopted.

8. Set Next Meeting Date/Time/Location

The next regularly scheduled meeting is Thursday, February 21, 2019 at 10:00 a.m. at St. Clair Shores City Hall, 27600 Jefferson, St. Clair Shores, MI 48081.

9. Adjournment

Mr. Smith moved to adjourn the meeting. The motion was supported by Ms. Steele. Motion was adopted.

There was no further business to come before the Drainage Board, the meeting was adjourned at 12:20 p.m.

Elmeka N. Steele
Interim Wayne County Drain Commissioner

NOTE: The forgoing minutes are subject to Milk River Intercounty Drain Drainage Board approval.