

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
May 16, 2019**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Thursday, May 16, 2019 at the St. Clair Shores City Hall, Geer Conference Room, located at 27600 Jefferson, St. Clair Shores, Michigan.

Members Present

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

Others Present

Kyle Seidel, Anderson, Eckstein and Westrick
Brent Avery, Southeast Macomb Sanitary District
Marie Tighe, Southeast Macomb Sanitary District
John Brennan, Fahey, Schultz, Burzych & Rhodes
Russ Strassburg, Tetra Tech
Bruce Smith, City of Grosse Pointe Woods
Greg Tupancy, Wayne County
Zachary Zechmeister, Spence Brothers
George McMullen, Grosse Pointe Woods
Karen Nickols, Environment, Great Lakes, and Energy
Leni Steiner-Zehender, Environment, Great Lakes, and Energy
Izabel Hartman, Environment, Great Lakes, and Energy
Dennis Ryan, Environment, Great Lakes, and Energy
Elizabeth Barrera, Wayne County Finance

1. Call to Order

Mr. Gregg called the meeting to order at 10:05 a.m.

2. Approval of Agenda

Ms. Steele moved to approve the agenda with addition to add new item #4 Approval of the Closed Session Minutes of the April 18, 2019 Drainage Board Meeting, new #5 Reports, a new #5c Quarterly Budget Report presented by Ms. Barrera, #7 Unfinished Business Legal

Update for Priority 1B and Select Improvement Project presented by Mr. Brennan. The motion was supported by Mr. Baker. Motion adopted.

3. **Approval of the Minutes of April 18, 2019 Drainage Board Meeting**

Mr. Rheker moved to approve the minutes for the April 18, 2019 meeting. The motion was supported by Mr. Babcock. Motion adopted.

4. **Approval of the Closed Session Minutes of April 18, 2019 Drainage Board Meeting**

Mr. Rheker moved to approve the closed session minutes with minor corrections of the language. The motion was supported by Mr. Baker. Motion adopted.

5. **Reports**

a. Operations and Maintenance

The Operations and Maintenance (O&M) update was presented by Brent Avery and Kyle Seidel. Two old tractors and one pickup are located on the Milk River Property, 1190 Parkway Dr., Grosse Pointe Woods, MI 48236. Mr. Avery asked the Drainage District Board for direction on how to dispose of them. Ms. Steele responded and will have the vehicle division of Wayne County locate the title of the pickup truck to determine the owner.

Sanitary pump #9 failed at the Milk River and Brent received a quote for repairs from Kennedy Industries in the amount of \$18,450.00. In addition, Sanitary Pump #11, the standby pump, was removed for repairs yesterday.

Mr. Babcock moved to authorize the quote from Kennedy Industries for the amount of \$18,450.00 as recommended by Brent Avery. The motion was approved by Ms. Steele. Motion adopted.

Kyle Seidel discussed the high lake levels of the Milk River and Lake St. Clair. Kyle supplied a video of a storm pump running and filling the Milk River RTB. He also showed the Milk River coming back into the RTB at the discharge weir. Currently, the tainter gates are closed and SEMSD Staff will try drawing the river down by reversing the flow through the recirculation pumps. The Drainage District Board expressed their comments and concerns of lowering the Milk River. Kyle and SEMSD staff will continue to explore different options.

Mr. Rheker moved to receive and file the operations and maintenance report. The motion was supported by Mr. Babcock. Motion adopted.

b. Priority 1B and Select Improvement Project - Construction Update

The Drainage District Board received a report from Mr. Tupancy and Mr. Strassburg regarding the ongoing construction project. Due to the high Milk River levels, some of the work Spence is performing in the aeration basin is delayed. The motor report from storm water pump #7 has just been returned last week. Tetra Tech is working on reviewing the motor report. Sludge removal will continue in basin 2. Miscellaneous architect work is being performed on the screen building. The pumps station's bridge crane is physically in place and electrical work is ongoing. A meeting will be held tomorrow for 50% SCADA System review. Mr. Tupancy went over the engineering services and construction contract status report. Tetra Tech has invoiced through April 26, 2019 and is at 100% design and 90% of construction costs. Spence Brothers is at 60% of costs at \$1.9 million. The Summary of Allowance Authorization spreadsheet details approved authorizations through #15 Fiber cable connects Marter Road Booster Pump Station to NESDS SCADA System. The Summary of the SRF Loan costs shows a negative balance of (\$192,648).

Mr. Rheker moved to receive and file the foregoing Priority 1B and Select Improvement Project construction update report and associated documents. The motion was supported by Mr. Babcock. Motion adopted.

c. Quarterly Budget Report

Elizabeth Barrera presented the 2nd quarterly Budget through March 31, 2019. The Budget and expense report shows the pass through costs for the O&M performed by the SEMSD. Cash balance as of March 31, 2019 is \$3.5 million. Ms. Barrera provided an itemized spreadsheet of the construction costs. Ms. Barrera recommended transferring funds from the Reserve for Replacement to the O&M Account for the sanitary pump repairs.

Ms. Steele moved to receive and file the forgoing 2nd quarterly Budget report and that Wayne County DPS Finance be authorized to transfer \$40,000.00 from the Reserve for Replacement to the O&M Account for miscellaneous contractual services. The motion was supported by Mr. Rheker. Motion adopted.

6. Unfinished Business

None

7. Legal Update for Priority 1B and Select Improvement Project

John Brennan provided a legal update. At the May 16, 2019 Board meeting; the Drainage District Board motioned to approved Mr. Brennan contacting Spence Brothers' legal counsel

to demand a letter stating Spence Brothers' position is not that of Solomon Diving. The Board authorized Mr. Brennan to draft correspondence to Solomon Diving responding to the latter's most recent correspondence, and that Mr. Brennan be authorized to assist with notifications to Spence Brothers regarding the Drainage District's request for Spence Brothers to provide, in writing, those items to be completed by the substantial completion date. No response yet from any parties. Mr. Brennan recommends the Drainage District Board enter a closed session for purposes permissible under section 8 of the Open Meetings Act, including 8(h) to discuss Attorney/Client correspondence.

Before the Drainage District Board enters closed session, Mr. Gregg suggests having public comment to discuss the Milk River Tour.

8. **Public Comment**

Mr. Tupancy advised those that are going on the tour to park at the Grosse Pointe Woods, DPW.

Mr. Baker moved to enter into closed session. The motion was supported by Ms. Steele. A roll call vote of the Drainage District Board to enter into closed session was as follows:

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

Motion adopted. A closed session began at 11:20 a.m. and ended at 11:50 a.m.

As a result of discussions during closed session, Mr. Rheker moved to direct the Board and the Engineers to prepare notice of default. The motion was supported by Mr. Babcock. Motion adopted.

Brent Avery presented the Milk River Intercounty Drain Drainage District's Fiscal Year 2020 monthly fee for the SEMSD contractual services to operate and maintain the Milk River RTB, in the amount of \$51,586.46; which will begin on July 1, 2019. Mr. Seidel will supply the true up figures and explanation of increase at the next meeting.

9. **Approval of the SEMSD Operations and Maintenance Invoice**

The SEMSD Operations and Maintenance (O&M) invoice for April 2019 was reviewed. The April 2019 Invoice totaled \$73,646.66.

Mr. Baker moved to authorize the payment of SEMSD Invoice O&M 04-2019. The motion was supported by Mr. Rheker. Motion adopted.

10. Set Next Meeting Date/Time/Location

The next regularly scheduled meeting is Thursday, June 20, 2019 at 10:00 a.m. The meeting will be located at St. Clair Shores City Hall, 27600 Jefferson, St. Clair Shores, MI 48081.

11. Adjournment

Mr. Rheker 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 12:05 a.m.

Elmeka N. Steele
Wayne County Drain Commissioner

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