

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT  
DRAINAGE BOARD MEETING MINUTES  
September 19, 2019**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Thursday, September 19, 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  
Bryan Babcock, City of St. Clair Shores  
Patrick Cullen, Interim Deputy Drain Commissioner, Wayne County  
Brian Baker, Macomb County Public Works

**Others Present**

Kyle Seidel, Anderson, Eckstein and Westrick  
Brent Avery, Southeast Macomb Sanitary District  
Brett McDonald, Southeast Macomb Sanitary District  
Marie Tighe, Southeast Macomb Sanitary District  
Frank Schulte, City of Grosse Pointe Woods  
John Brennan, Fahey, Schultz, Burzych & Rhodes  
Greg Tupancy, Wayne County  
Russ Strassburg, Tetra Tech  
Brett Smith, City of Grosse Pointe Shores

**1. Call to Order**

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

**2. Approval of Agenda**

Mr. Cullen moved to approve the agenda with addition to add to New Business (a) Tetra Tech Fee Discussion and add to Unfinished Business (a) Legal Update. The motion was supported by Mr. Babcock. Motion adopted.

**3. Approval of the Minutes of August 19, 2019 Drainage Board Meeting**

Mr. Cullen moved to approve the minutes of the August 19, 2019 Drainage District Board meeting. The motion was supported by Mr. Babcock. Motion adopted.

4. **Approval of the Closed Session Minutes of August 19, 2019 Drainage Board Meeting**

Mr. Babcock moved to approve the closed session minutes of the August 19<sup>th</sup> Drainage District Board meeting with addition to correct the language of the following item 8a, paragraph 2, line 2 immediately following including 8(h), and as recommended by Mr. Brennan; “for the purpose of continuing the discussion on a confidential legal report from counsel”. The motion was supported by Cullen. Motion adopted.

5. **Reports**

**a. Operations and Maintenance**

The Operations and Maintenance (O&M) update was presented by Brent Avery, Kyle Seidel and Brett McDonald. The contractor will be working on the RTB #2 this week which means the availability of storage goes from 19 million gallons down to 7 million gallons. The repairs to the basin may take approximately 4 to 5 months depending on the weather. Last week, a rain event occurred that brought us within 5 to 6 inches of spilling; even with the weir extensions. Kennedy Industries is scheduled to pick a spare recirculation pump and motor to determine its condition. Ultimately this recirculation pump and motor will be a spare. Brett McDonald noted that two sampling pump repairs invoices were listed on the current O&M invoice from SEMSD. These repairs were previously approved by the Drainage District Board and the pumps repairs are complete and ready to be returned. The SEMSD continues to monitor the oxygen levels at the Milk River.

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

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

The Drainage District Board received a report from Russ Strassburg and Greg Tupancy regarding the ongoing construction project. The motor for pump #7 has been returned and scheduled for a vibration test. The next storm pump, pump #3 will be pulled out. While working on basin #2, the basin #1 flow will be diverted to basin #2a before exiting to Milk River. The contractor is working on the sanitary well and installed bypass pumps in the meantime. In the blower building, the contractor is working on blowers #2 and #3. Miscellaneous architectural work is being performed in various buildings. At the disinfection building the contractor is working on the floor by putting on a special coating down for the purpose of secondary containment. The contractor is also working on the roof and the floor at the recirculation station. The contractors need to start working on site cleanup. Tetra Tech has invoiced through July and is at 100.77% of construction costs. Spence Brothers have invoiced through June and are at approximately 64% complete. Mr. Tupancy presented the unforeseen conditions report which shows pay item #17 sludge

removal. Summary of SRF Loan Costs expenses above and beyond the loan balance of \$1.7 million.

Mr. Cullen moved to receive and file the construction reports. The motion as supported by Mr. Babcock. Motion adopted.

**6. New Business**

**a. FY20 Budget**

Kyle Seidel presented the FY20 Budget. The Budget was put together by Elizabeth Barrera and Wayne County. Big change this year is the first principal payment on the bond. Prior to this year only interest has been paid. Total Revenue for this budget is \$4,224,764. An increase in the operations and maintenance expenditures from SEMSD is \$619,038. Kyle explained that the large increase is primarily from Great Lakes Water Authority pass through costs due to no changes from Wayne County Billing since December 2015.

Mr. Baker moved to adopt the FY20 Budget. The motion was supported by Mr. Cullen. Motion adopted.

**b. Tetra Tech Fees**

Russ Strassburg presented a proposal to increase the engineering services and budget for the remainder of the year. The Budget increase is due to the increased effort associated with the size of the construction Contract and the ongoing administration requirements. It was agreed that Tetra Tech and the Board would revisit the budget for the final year of the construction Contract. Mr. Strassburg went through the list of items not originally included in project. The General Engineering Budget Adjustment explains the increase in hours and overtime due to Contract-generated communications, investigations and requested additions to the project. The Resident Project Representative Budget Adjustment (Dave Weiss) increase due to on-site oversight through the 3<sup>rd</sup> construction year/period. Greg Tupancy stated he has reviewed the increase in budget from Tetra Tech and agrees with the calculations. The Board motioned to approve the Contract Amendment General Engineering Budget for Year 3 and Resident Project Representative Budget Adjustment for \$265,995.60 and discuss how to fund this increase of engineering costs at the next meeting.

Mr. Baker moved to approve the Contract Amendment General Engineering Budget for Year 3 and Resident Project Representative Budget Adjustment for \$265,995.60 and discuss the financing at the next board meeting. The motion was supported by Mr. Cullen. Motion adopted.

**7. Set Next Meeting Date/Time/Location**

The next regularly scheduled meeting is Wednesday, October 23, 2019 at 1:00 p.m. The meeting will be located at St. Clair Shores City Hall, 27600 Jefferson, St. Clair Shores, MI 48081.

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

The SEMSD Operations and Maintenance (O&M) invoice for August 2019 was reviewed. The August 2019 O&M 08-2019 invoice totaled \$88,525.91.

Mr. Cullen moved to authorize the payment of SEMSD Invoice O&M 08-2019. The motion was supported by Mr. Babcock. Motion adopted.

**9. PUBLIC COMMENT**

Mr. Seidel wanted to confirm with Mr. Cullen that he will contact Elizabeth Barrera directly regarding the financial portion of the Tetra Tech motion.

**10. Unfinished Business**

**a. Legal Update for Priority 1B and Select Improvement Project**

Mr. Brennan stated a second day mediation was held on August 13, 2019 and it went well. Jeff Gallant was supposed to provide a proposed mediation and Mr. Brennan wanted to present it to the Board today. It has not been received to date. Mr. Brennan stated major issues have been reduced and recommends entering closed session for the purposes under Section 8 of the Open Meetings Act, including 8(h), for the purpose of continued discussion of confidential written opinion of legal counsel.

Mr. Gregg: Yes

Mr. Babcock: Yes

Mr. Baker: Yes

Mr. Cullen: Yes

Motion adopted. A closed session began at 11:55 a.m. and ended at 12:25 p.m.

**11. Adjournment**

Mr. Babcock moved to adjourn the meeting. The motion was supported by Mr. Cullen. Motion adopted.

There was no further business to come before the Drainage Board; the meeting was adjourned at 12:25 p.m.

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Brian Baker, Deputy Macomb County Public Works Commissioner, Macomb County

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