

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT  
DRAINAGE BOARD MEETING MINUTES  
JANUARY 17, 2020**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Friday, January 17, 2020, at the St. Clair Shores City Hall, Geer Conference Room, located at 27600 Jefferson Avenue, St. Clair Shores, Michigan 48081.

**Members Present**

Michael R. Gregg, Chair, Michigan Dept. of Agriculture & Rural Development, State of Michigan  
Elmeka N. Steele, Esq., Wayne County Drain Commissioner, Wayne County  
Bryan Babcock, P.E., Director of Public Works/Water, City of St. Clair Shores  
Brian Baker, Chief Deputy, Public Works Office, Macomb County  
Joe Rheker, City Manager, City of Harper Woods

**Others Present**

Kyle Seidel, Anderson, Eckstein and Westrick  
Brent Avery, Southeast Macomb Sanitary District  
Lori Hicks, Southeast Macomb Sanitary District  
Bruce Smith, City of Grosse Pointe Woods  
Frank Schulte, City of Grosse Pointe Woods  
John Brennan, Fahey, Schultz, Burzych & Rhodes  
Elizabeth Barrera, Wayne County  
Russ Strassburg, Tetra Tech  
Greg Tupancy, Tetra Tech  
Zach Zechmeister, Spence Brothers

**1. Call to Order**

Mr. Gregg called the meeting to order at 1:14 p.m.

**2. Approval of Agenda**

Mr. Rheker moved to approve the agenda with the addition to add to Unfinished Business: (a) PA 222 Claim and (b) Mediation Update and Construction Dispute and move it to item number 7, Approval of the SEMSD Operations and Maintenance Invoice becomes item number 6, and add Closed Session as item number 10. The motion was supported by Mr. Baker. Motion adopted.

**3. Approval of the Minutes for:**

**a. December 19, 2019, Milk River Intercounty Drain Drainage Board Meeting**

Mr. Baker moved to approve the December 19, 2019, minutes of Milk River Intercounty Drain Drainage District Board Meeting with the amendment to change the title of item number 10 from Closed Session to Mediation Update. The motion was supported by Mr. Rheker. Motion adopted.

**b. December 19, 2019, Milk River Intercounty Drain Drainage Board Closed Session**

Mr. Rheker moved to approve the closed session minutes of the December 19, 2019, Milk River Intercounty Drain Drainage District Board Meeting, as presented. The motion was supported by Mr. Babcock. Motion adopted.

#### 4. Reports

##### a. Operations and Maintenance (O&M)

The Operations and Maintenance (O&M) update was presented by Kyle Seidel and Brent Avery. Mr. Seidel presented an update on the lake levels reflecting the increase from the last storm event. He stated that some proactive efforts could be needed this summer by the lakefront residents. AEW is moving forward with the data so they can prepare the hydraulic model and report preliminary findings in March 2020.

Mr. Avery showed pictures of the high water levels from the weekend storm event on January 11<sup>th</sup>. With the advanced storm notice, SEMSD was able to prepare the staff for the event. The Kinect Sync on storm pump numbers 4 and 5 was tripped; therefore, on Wednesday, the electrical contractor came in to repair the system.

Mr. Babcock asked when the final discharge report would come out.

Mr. Avery replied that SEMSD has seven days to get the final report out, which was done on Wednesday. He thanked Mr. Schulte for sending the Grosse Pointe Woods salt trucks through the Milk River facility. He reported there was also a power outage at the Kerby facility.

Mr. Gregg asked how this wet weather event affected the construction.

Mr. Zechmeister replied that the contractors were in on Tuesday to begin cleaning for the next three days so work could begin again.

Mr. Baker asked if we were down to one basin, would there have been less contact time for the disinfection system.

Mr. Avery replied that this is a temporary disinfection system and due to less contact time, there would have been higher residuals to adequately disinfect. There would have been an additional 12 million gallons of discharge if basin two was down.

Mr. Gregg asked what is the target level for disinfection.

Mr. Avery replied that this permit has a total residual chlorine goal of 1 mg/l with an event average of 1.5 mg/l or less. For January, this was a historic rain event.

Mr. Rheker moved to receive and file the Operations and Maintenance Report. The motion was supported by Mr. Babcock. Motion adopted.

Mr. Babcock had to attend another meeting and excused himself from the Milk River Intercounty Drain Drainage District regular meeting.

##### b. Priority 1B and Select Improvements Project – Construction Update

The Drainage District Board received the Engineering Services and Construction Contract Status Report as of January 10, 2020, and the Summary of SRF Loan Costs Reports. Mr. Tupancy gave an overview of the work that was done by the contractors over the past month, such as, electrical conduit for the pump motors, moving cable for electrical system to transition to the new system

in February, roof work is completed at the pump station, the crane beam is installed in the sanitary pump room, the basin temporary wall is 70% removed (which will not be replaced/reinstalled), there is work being done on the aeration basin that will be replaced, blower building deicing, HVAC, SCADA, electrical work is completed and control wire is being installed. He commented that basin one has a dewatering pump that has water in the Stator casing, which is why the pump was sent to Kennedy Industries (approximately one year ago) in the first place. Spence Brothers will be checking with Kennedy on the warranty since it was just installed recently.

Mr. Zechmeister commented that when the aeration basin is being replaced, the Milk River will need to be lowered. He also commented that Spence Brothers is having a problem with AT&T who closed their permit (as of January 10, 2020) to be able to shut down the cell tower service. There is only approximately two weeks' worth of work before the contractor is done with the cell tower. He does not know who to contact and asked the Board for a contact.

Ms. Steele replied that she will review the agreement with AT&T and try to come up with a contact for Mr. Zechmeister.

Mr. Smith commented he will also look at who he has listed as an AT&T contact for their cell tower located in Grosse Pointe Woods.

Mr. Zechmeister presented a slideshow of a pump motor rebuild and gave an overview of how they are built.

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

## 5. New Business

### a. Approval of 2020 Drainage Board Meeting Dates

Mr. Rheker moved to approve the 2020 Drainage Board meeting dates as follows:

Thursday, February 20<sup>th</sup> at 10:00 a.m.  
Thursday, March 19<sup>th</sup> at 10:00 a.m.  
Thursday, April 16<sup>th</sup> at 10:00 a.m.  
Thursday, May 14<sup>th</sup> at 1:30 p.m.  
Tuesday, June 16<sup>th</sup> at 1:30 p.m.  
Thursday, July 16<sup>th</sup> at 10:00 a.m.  
Thursday, August 13<sup>th</sup> at 10:00 a.m.  
Thursday, September 17<sup>th</sup> at 10:00 a.m.  
Thursday, October 15<sup>th</sup> at 10:00 a.m.  
Thursday, November 12<sup>th</sup> at 10:00 a.m.  
Thursday, December 10<sup>th</sup> at 10:00 a.m.

The motion was supported by Mr. Baker. Motion adopted.

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

The SEMSD Operations and Maintenance (O&M) Invoice for December 2019 was reviewed. The December 2019 O&M 12-2019 invoice totaled \$52,497.78. The total amount billed included December's O&M invoice and the reimbursable pass-through costs.

Mr. Baker asked about the first aid kits; he thought the kits were already purchased last month.

Mr. Avery replied that with the construction, the supplies are replenished monthly. Once the construction is complete, SEMSD will restock the first aid kits instead of Cintas.

Mr. Smith suggested leaving Cintas to stock the first aid kits as they assume the compliance liability.

Mr. Baker moved to authorize the payment of SEMSD Invoice O&M 12-2019. The motion was supported by Mr. Rheker. Motion adopted.

**7. Unfinished Business**

**a. PA 222 Claim**

Mr. Brennan commented that he is in receipt of a PA 222 Claim, which must be reported within 45 days from the event. The date of the event shows prior to October 20, 2019, and the date on the claim form shows damage was discovered on October 25, 2019. He does not believe the damage to the claimant's garage door and the floor is due to the Milk River drain.

Mr. Gregg commented that he looked at the pictures and it shows rot, which has been going on for a long time.

Mr. Smith informed the Board that he spoke with the resident who lives by the Torrey Pump Station. He advised the claimant to file a claim; was that correct.

Mr. Brennan confirmed that it was correct to have the resident file a claim.

Mr. Seidel commented that the property is 300 feet away from any pipe that the Milk River Intercounty Drain Drainage District owns.

Mr. Baker moved to direct legal counsel to respond to the claimant denying the PA 222 claim on behalf of the Board. The motion was supported by Ms. Steele. Motion adopted.

**b. Mediation Update and Construction Dispute**

Mr. Brennan commented that after the last Drainage Board meeting, the Engineers sent a response as it related to the written privileged communication. The Board can now move forward with the dollar valuation. He prepared a written privileged communication to be reviewed by the Drainage Board. He recommended entering closed session for the purposes under Section 8 of the Open Meetings Act, including 8(h), for the purpose of continued discussion of the confidential written opinion of legal counsel.

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

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

Motion adopted. A closed session began at 2:32 p.m. and ended at 3:11 p.m.

Mr. Rheker moved to authorize the mediation team to propose a firm offer at the mediation meeting as recommended by Tim Ard of Tetra Tech. The motion was supported by Ms. Steele. Motion adopted.

**8. Public Comment**

None

**9. Next Drainage Board Meeting**

The next regularly scheduled meeting is Thursday, February 20, 2020, at 10:00 a.m. located at St. Clair Shores City Hall, Geer Conference Room, 27600 Jefferson Avenue, St. Clair Shores, MI 48081.

**10. Adjournment**

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

There was no further discussion to come before the Drainage Board. The meeting was adjourned at 3:12 p.m.

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Brian Baker, Chief Deputy Macomb County Public Works Commissioner

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