

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
FEBRUARY 20, 2020**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Friday, February 20, 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
Bill Snyder, DPW Superintendent, City of Harper Woods

Others Present

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

1. Call to Order

Mr. Gregg called the meeting to order at 10:03 a.m.

2. Approval of Agenda

Mr. Babcock moved to approve the agenda with the addition to add to item 4. (c) Preliminary Hydraulic Model Update and add to item 5. (b) AT&T Lease Renegotiation. The motion was supported by Ms. Steele. Motion adopted.

3. Approval of the Minutes for:

a. January 17, 2020, Milk River Intercounty Drain Drainage Board Meeting

Ms. Steele moved to approve the minutes of the January 17, 2020, Milk River Intercounty Drain Drainage District Board Meeting with the amendment to revise the sentence under Unfinished Business a. PA 222 Claim to read: 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. The motion was supported by Mr. Babcock. Motion adopted.

b. January 17, 2020, Milk River Intercounty Drain Drainage Board Closed Session

Mr. Baker moved to approve the closed session minutes of the January 17, 2020, Milk River Intercounty Drain Drainage District Board Meeting, as presented. The motion was supported by Ms. Steele. Motion adopted.

4. Reports

a. Operations and Maintenance (O&M)

The Operations and Maintenance (O&M) update was presented by Brent Avery, Brett McDonald, and Kyle Seidel. Mr. Avery commented that there was one discharge event in January, the storm pump electrical transition is moving forward, the NPDES permit has been paid, and there are several SEMSD O&M invoices that are outstanding from last year.

Ms. Steele commented that Ms. Barrera has processed the outstanding invoices.

Mr. McDonald presented pictures of the tainter gates, which are three feet lower than the lake elevation so work can be performed. Normal recirculation operation should begin March 1, 2020, but SEMSD requested EGLE to approve postponing for one month to continue to assist with construction operations.

Mr. Babcock asked if the tainter gates are structurally strong enough to hold the lake if necessary.

Mr. McDonald replied yes.

Mr. Seidel presented an update on the lake levels as of February 6, 2020. The January Lake St. Clair water level increased by four to five inches. As of February 20, 2020, the water level has lost two inches and is trending down. The high lake level prediction for June of 2020 is six inches higher than last year's lake levels.

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

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

The Drainage District Board received the Engineering Services and Construction Contract Status Report as of February 10, 2020, and the Summary of SRF Loan Costs Reports. Mr. Tupancy commented that there was an agreement made during mediation. There is \$4.5 million in additional authorized work. He will present an amended construction cost summary, which will include the mediation and legal costs, by the April or May 2020 MRIDDD Board meeting. The additional engineering costs were approved at the January 17, 2020, Board meeting. Mr. Tupancy commented that at the progress meeting, they reviewed the work that had been done. Mike Linder is the new Superintendent on the Milk River Project. Mr. Tupancy showed pictures of the work being performed and gave an overview of what was done by the contractors, such as, pouring concrete in the basin creating lanes/storage areas for flushing water, working on the roof, the new screen building is up, the brickwork is up, and the SCADA programmer is onsite to get the control panels up and running. The rebuilt/refurbished storm pumps are currently on the old system. The Board had previously elected to have only one out of the seven pumps away for service at a time. However, Spence Brothers could shorten the project time frame if there could be two pumps offline. A concern is the amount of time the pumps are offline; however, they could be controlled manually. The contractor believes the pump would be out of service for approximately two weeks. The SEMSD Operators could do a two-week look ahead for potential storm events.

Mr. Avery commented that if there is a potential event, the second pump would be put back in service. There would only be a large and small pump out of service at one time; never two large pumps.

Mr. Tupancy commented that it would shorten the work by two months and help with the electrical transition.

Mr. McDonald commented that the Operators would pump early and bring the storage down to avoid peak flow.

Mr. Tupancy commented that if the Board does not want to go with two pumps out of service at this time, he would need to know now.

Mr. Babcock asked if there are any state requirements.

Mr. Tupancy replied no, and SEMSD is comfortable with two pumps out of service at this time. This option has been thoroughly reviewed by all individuals involved, such as Spence, Pentair, Eaton, Motor City, and Rotor.

Mr. Gregg commented that it seems prudent to try to work with two pumps out and reasonably accelerate this project along depending on the weather.

Mr. Schulte asked if the intake work is still on schedule.

Mr. Tupancy replied that they need to finish the cost on the root ball extraction and review the tree removal. Spence's diver is working on firming that up. They know the contractors cannot work between Memorial Day and Labor Day.

Mr. Gregg commented that the Board would like the root ball/tree problem resolved by May 2020.

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

c. Preliminary Hydraulic Model Update

Mr. Seidel presented the Milk River preliminary hydraulic model which was created using the highest water levels projected by the Army Corps of Engineers. AEW utilized the LIDAR overlay from Wayne County and the modeling is when seven pumps are running. The SCS Alger Pump Station needs to be added to the model. Mr. Seidel would like to come back to the Board at the March Board meeting to recommend sandbagging if needed. He suggested the Milk River Board purchase sand, bags, and rent a sandbag machine. A public informational meeting could be held in March to inform residents where to get the sand and sandbags.

Mr. Babcock commented that the City of St. Clair Shores provided the bags and sand at filling stations during last year's high-water levels. They purchased approximately 20,000 bags and rented a machine from Livingston County.

Mr. Avery commented that the cost of a sandbag machine is approximately \$2,500. He suggested working with the City of St. Clair Shores to get sandbags and sand.

Mr. Schulte commented that the City of Grosse Pointe Woods hired AEW to complete a hydraulic model so they can manage the marina and boats in the park. The City may need to close the marina during high lake levels. The City of Grosse Pointe Park has notified their marina boat owners to potentially look at alternate places to dock their boats this Summer.

Mr. Brennan recommended that once the report is out, the Board should send out a bulletin with the report attached to the constituent municipalities so they can distribute the information to the public as they deem appropriate. The Board should draft a statement and press release.

Mr. Seidel commented that he will have a final report at the March Board meeting with Tetra Tech reviewing the weir.

Mr. Strassburg commented that the weir review should be done by the end of March. They are looking at how high the weir can be raised without impacting the pumping capacity. Last year they used a six-inch weir; maybe use one-foot, six-inch weir this year. The steel is already on site so no need to wait for the material to be delivered. Spence is familiar with the weir work and would be able to coordinate better with the other construction work that is being performed.

Ms. Steele moved to receive and file the Preliminary Hydraulic Model Update. The motion was supported by Mr. Babcock. Motion adopted.

5. New Business

a. SEMSD Facility Tour After the March 19, 2020, MRIDDD Meeting

Mr. McDonald informed the Board they are invited to the SEMSD Office for a facility tour after the March 19, 2020, MRIDDD Board Meeting. An invite will be emailed to the Board Members listing the address.

b. AT&T Lease Renegotiation

Ms. Steele presented correspondence from AT&T dated January 21, 2020, regarding the cell tower lease located at the Milk River Facility. The cell tower is located on the roof of the station and has been there since 2012. The Board currently receives \$1,500 per month but AT&T is looking to reduce this amount. AT&T would like a response by March or they will review alternate locations.

Mr. Strassburg asked if the tower is limited to AT&T or could Sprint come in and use it.

Ms. Steele replied that she is not sure if anyone could use the tower. She asked the Board if it is worth the aggravation dealing with AT&T for the \$1,500 per month considering the safety and recent communication problems the contractor was having with AT&T.

The Board agreed that it is valuable space that could be utilized and they do not support a reduction in the lease payment.

Ms. Steele commented that if the Board does not want AT&T any longer, we would need to notify AT&T so they do not automatically renew the lease.

Mr. Baker commented that it is \$24,000 in yearly revenue that would need to be split among the two communities if the District no longer receives it.

Ms. Steele asked the Board if there is an interest in going back to AT&T with an increased amount.

Mr. Baker asked if it would be the same terms as the last agreement.

Ms. Steele replied that the agreement would have the same terms and is due in March. We could include an annual escalator based on Detroit's CPI for a specific number of years with a cap in the agreement.

Mr. Baker moved to authorize Ms. Steele to respond to AT&T regarding the cell site lease agreement on behalf of the MRIDDD Board. The motion was supported by Mr. Babcock. Motion adopted.

6. Mediation Update

Mr. Brennan commented that there was a mediation meeting with Spence Brothers, Cavanaugh, and Rotor. The Mediation Team discussed and agrees with the following recommendations:

- Pay general condition costs;
- Agreed to items Spence would finish and the deadline date for all items other than the pumps and pump motors;
- Non-pump related work could be turned over with or without SCADA; and
- The warranty issue was discussed but there is no resolution yet.

Mr. Brennan would like to handle all the other non-warranty issues first and then deal with the warranty issue. The draft mediation agreement is attached to the minutes as Attachment A. The details of the potential agreement will be discussed under Closed Session Mediation – Client Privilege Communication. Mr. Brennan will be making a recommendation that the Board authorizes the Chair to execute the mediation agreement.

7. Approval of the SEMSD Operations and Maintenance Invoice

The SEMSD Operations and Maintenance (O&M) Invoice for January 2020 was reviewed. The January 2020 O&M 1-2020 invoice totaled \$68,355.54. The total amount billed included January's O&M invoice and the reimbursable pass-through costs.

Mr. Baker asked why the hazard lights were purchased.

Mr. McDonald replied that the hazard lights were installed on the Milk River 2014 Ford Transit Connect Van.

Mr. Seidel commented that SEMSD thought the 2014 Ford Transit Connect Van could be sold to them at a discounted rate. SEMSD has been paying 2/3^{rds} of the insurance with the Board paying 1/3rd, as well as utilizing the van for Milk River activities for the past year.

Mr. Gregg commented that it makes sense to sell the van to SEMSD for \$1.00 since they are using it for Milk River activities. The Board needs to review this and come up with a conclusion.

Mr. Baker moved to authorize the payment of SEMSD Invoice O&M 1-2020. 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, March 19, 2020, at 10:00 a.m. located at St. Clair Shores City Hall, Geer Conference Room, 27600 Jefferson Avenue, St. Clair Shores, Michigan 48081.

10. Closed Session Mediation – Client Privilege Communication

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

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

Motion adopted. A closed session began at 11:55 a.m. and ended at 12:35 p.m.

Ms. Steele moved to authorize the Chair of the Milk River Intercounty Drain Drainage District Board to execute a substantially similar mediation agreement as represented by the attached draft mediation agreement (Attachment A). The motion was supported by Mr. Snyder. Motion adopted.

11. Adjournment

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

There was no further discussion to come before the Drainage Board. The meeting was adjourned at 12:37 p.m.

Brian Baker, Chief Deputy Macomb County Public Works Commissioner

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