

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
JULY 16, 2020**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Thursday, July 16, 2020, via teleconference in compliance with the State of Michigan Executive Order No. 2020-02, dated March 13, 2020, and Executive Order No. 2020-129, dated June 19, 2020; electronic (telephonic or video conferencing) attendance will meet the quorum requirements, all votes will be taken by roll call, and public participation will be allowed at the designated portion of the agenda in accordance with the recommendations of Executive Order 2020-129.

Members Present Via Teleconference

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
John Szymanski, Acting City Manager, City of Harper Woods

Others Present Via Teleconference

Kyle Seidel, Anderson, Eckstein and Westrick
Mike Harrington, Anderson, Eckstein and Westrick
Kip Walby, Southeast Macomb Sanitary District
Brent Avery, Southeast Macomb Sanitary District
Lori Hicks, Southeast Macomb Sanitary District
William Snyder, City of Harper Woods
Bruce Smith, City of Grosse Pointe Woods
Cathy Behrens, City of Grosse Pointe Woods
Brett Smith, City of Grosse Pointe Shores
John Brennan, Fahey, Schultz, Burzych & Rhodes
Russ Strassburg, Tetra Tech
Brady Harrington, State of Michigan
Patrick Cullen, Wayne County
Elizabeth Barrera, Wayne County
Moyna Moore, Wayne County
Kari Blanchett, PFM Financial Advisors
Terry Donnelly, Dickinson Wright

1. Call to Order

Mr. Gregg called the meeting to order at 10:01 a.m. Board Members will not communicate via text or other private methods of communication while this meeting is in session.

2. Approval of Agenda

Ms. Steele moved to approve the agenda with the addition of item 5.b. Drainage Issues and the renumbering of items under 4. Reports. The motion was supported by Mr. Babcock. Motion adopted.

3. Approval of the Minutes for:

a. June 16, 2020, Milk River Intercounty Drain Drainage District Board Meeting

Mr. Baker moved to approve the June 16, 2020, Milk River Intercounty Drain Drainage District Board Meeting minutes as presented. The motion was supported by Mr. Babcock. Motion adopted.

4. Reports

a. Update on Financing Options

Ms. Behrens asked how the new loan amount went from \$4,000,000 to \$6,500,000.

Ms. Blanchett replied that the loan amount was obtained by the Engineers and Administration who provided the additional remaining costs of \$13,200,000, plus the added bond issuance costs and additional contingency money of \$182,312, less the money on hand of \$6,998,354 for a total estimated bond amount of \$6,385,000. This bond amount will be adjusted downward for any 2020 supplemental prepayments made.

Ms. Behrens commented that she wanted to confirm all the pre-funding was accounted for, which it is. It now makes sense after reviewing the data.

Mr. Smith asked if the sandbagging costs are included in the landscaping design and construction costs of \$689,853.

Mr. Gregg replied that he believes the sandbagging operation costs were included in the landscaping costs. He asked Mr. Strassburg to confirm with Mr. Tupancy that the sandbagging operation is included in the Landscaping Design and Construction costs.

Mr. Brennan asked if the \$10,870,117 in Construction Costs includes the future general condition costs.

Mr. Strassburg will confirm with Mr. Tupancy that the sandbagging operation costs are included in the Landscaping Costs as well as the future general condition costs.

Mr. Gregg commented that MDOT has committed to prepaying their portion of the supplemental funding. He asked the Communities if they would be able to commit to prepaying the supplemental funding.

Mr. Babcock replied that he would not be able to commit now but he does not see why the City of St. Clair Shores would not be able to prepay their portion.

Mr. Szymanski replied that the City of Harper Woods has been prepaying up to this point but he needs to resolve some issues first before he could make the prepayment commitment.

Ms. Steele replied that Wayne County will be discussing prepaying next week, however, it has been prepaid in the past.

Mr. Smith replied that he will be discussing this with the City of Grosse Pointe Woods' Council, but he does anticipate prepaying.

Ms. Blanchett commented that the deadline for the commitment to prepay supplemental funding is on August 14, 2020.

b. Operations and Maintenance (O&M)

The Operations and Maintenance (O&M) update was presented by Kip Walby. Mr. Walby commented that there was a discharge on June 27, 2020, with full compliance. Pump #3 is working well, and Pump #4 has been removed and is being worked on, however, the final report is not completed yet. It will be approximately six to eight months before Pump #4 is back at the Pump Station. The electrical transition for Pump #2 has been done and they are now working on Pump #7 for the electrical transition. They are continually working on the on-site restoration with the cement work being done. The construction trailers have been removed so the construction is wrapping up.

Mr. Szymanski had to leave the audio of the meeting and asked Mr. Snyder to represent the City of Harper Woods for the remainder of the meeting.

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

c. Sandbagging Project

Mr. Seidel discussed the current Lake St. Clair projected water levels. As of July 14, 2020, the Army Corps of Engineers' report shows the lake level mean at 577.55, which is 100th of a foot from the July record. The Army Corps of Engineers is predicting the lake level to trend down for the rest of the month. As of June 15, 2020, the sandbagging operation has been completed with the punch list completed one week later. He reviewed the following expenses through July 15, 2020, and commented there is a fund balance of \$37,039.46:

Overall Cost Summary						
Submitted Pay Estimate	Date	Vendor	Invoice No.	Amount	Budget Remaining	Notes
04	6/2/20	Grosso Trucking & Supply Co.	64542	\$ 1,706.71	\$ 277,379.45	Sand purchase
04	6/4/20	LSI	185488	\$ 7,460.39	\$ 269,919.06	Visqueen, Plywood, PVC materials
00	6/3/20	AEW, Inc.	0126512	\$ 64,978.10	\$ 204,940.96	Engineering Services
00	6/3/20	AEW, Inc.	126512	\$ 9,474.53	\$ 195,466.43	Sandbag Purchase Pass Thru
04	6/8/20	LSI	185505	\$ 43,277.50	\$ 152,188.93	6/1/20 to 6/6/20 Prod. & Install
04	6/15/20	LSI	185610	\$ 36,025.00	\$ 116,163.93	6/8/20 to 6/12/20 Prod. & Install
05	6/22/20	LSI	185737	\$ 20,861.90	\$ 95,302.03	6/15/20 to 6/19/20 Install
05	6/29/20	LSI	185888	\$ 11,508.91	\$ 83,793.12	6/22/20 to 6/24/20 Install
00	7/8/20	AEW, Inc.	0126938	\$ 42,293.30	\$ 41,499.82	Engineering Services
06	7/15/20	LSI	186908	\$ 4,460.36	\$ 37,039.46	Restoration & Relocate bag at 23154 Liberty
					\$ 37,039.46	

Mr. Seidel reviewed the following total payments of \$562,960.54 remitted to each vendor: AEW - \$136,871.20, Grosso - \$29,245.25, LSI - \$342,897.08, SandMaster - \$41,147.01, and DroneView - \$12,800.00.

Mr. Harrington commented he received a call last Sunday from a gentleman who was having some minor leaking so Mr. Harrington will go place some sandbags to plug the hole.

Mr. Seidel commented there are approximately 115 pallets of sandbags left. The Milk River Flooding Preparation Sub-Committee suggested selling the sandbags at \$2.50 per bag or \$100 per pallet. The MRIDDD would keep 30-40 pallets in case additional sandbags are needed. The City of St. Clair Shores and Grosse Pointe Shores would like to purchase some of the available sandbags. That would leave 70-80 pallets available for the City of St. Clair Shores to purchase.

Mr. Brett Smith commented that GPS would need one or two pallets and will have DPW pick them up today.

Ms. Steele moved to authorize the sale of the remaining sandbags at \$2.50 per sandbag or \$100 per pallet, which is the cost to produce the sandbag, to the City of St. Clair Shores and the City of Grosse Pointe Shores. The motion was supported by Mr. Baker. Mr. Babcock abstained from the vote. Motion adopted.

Mr. Seidel commented he will work with Ms. Barrera and Ms. Moore to generate the sandbag invoice and deposit the revenue into the Milk River account.

Mr. Babcock asked if the sandbags worked during the heavy rainfall on July 10, 2020.

Mr. Harrington commented that he had some complaints from Doremus that the water came up over the sandbags.

Mr. Siedel commented that there was no discharge from the Milk River Pump Station so that would have been due to the City's local storm sewer pumps and wind.

Mr. Gregg thanked Mr. Seidel and Mr. Harrington for all the coordination, effort, and logistics put into this sandbagging project; it was a job well done by all involved.

Mr. Snyder moved to receive and file the Sandbagging Operation Report. The motion was supported by Mr. Babcock. Motion adopted.

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

The Drainage District Board received the Engineering Services and Construction Contract Status Report and the Summary of SRF Loan Costs Reports as of July 9, 2020. Mr. Strassburg commented that the engineering contract is approximately 82.83% completed and invoiced through June 30, 2020. The construction contract is approximately 87.83% completed and invoiced through May 22, 2020. He commented that there were no changes to the Additional Construction Cost Summary. He reported the following work is being done: Storm Pump #4 should be back in early 2021 (a six to eight-month timeframe); Storm Pump #5 is out and should be back in November 2021; concrete is mostly done but some of the concrete needs to be repaired; the sheet metal roof is completed; the overhead doors and weatherstripping are complete; the startup and flushing of basins one and two have

been delayed due to COVID but should be done in August if the COVID restrictions (Canadian Company) are lifted; repairs of the stairs; HVAC control issues are being worked on; the recirculation building is completed and work is being done on the controls and conveyor; repaired 13 of the 15 bands and starting to install the chemical feedlines; there are no real safety issues on site and the site is getting cleaned up. He pointed out that the mediation schedule was mid-2022 to be completed, however, it could be completed by the end of 2021. He suggested starting work on the landscaping early next year.

Mr. Gregg asked when the work on the intake pipe will be completed.

Mr. Strassburg replied that he would get an answer to the Board, however, they are on the final stage of the intake work and believes it should be done by the end of July.

Mr. Smith commented that there is no problem with the contractor proceeding with the project. The contractor is not creating any issues at the Lake Front Park.

Mr. Strassburg commented that on June 25, 2020, he was notified by Spence Brothers that due to the high-water levels, water is flowing from the river into the recirculation structure and it is short-circuiting. It is a safety issue and suggested a six-inch extension on the weir. The other issue is the water flows through the gates, and he suggested posting “Warning” signs, so people do not swim or boat in that area. This is a SEMSD issue, however, there may be regulations on signage. He suggested getting a quote on the weir extension from Spence if the Board would like him to proceed with the weir extension.

All Board Members agreed with obtaining a quote from Spence Brothers for the weir extension proposed by Mr. Strassburg.

Mr. Gregg commented that if Mr. Strassburg obtains a reasonable quote from Spence on the weir extension, proceed with the work. He referred the signage to Mr. Brennan for his review and this will be addressed as a Board.

Mr. Brennan replied that he will look into any signage regulations that may apply. He suggested this be addressed with signage, and possibly grading or installation of a gate. He will have a response for the next Board meeting.

Mr. Smith suggested putting up a sign immediately and wait until the next meeting to possibly use a rope or cable.

Mr. Seidel suggested three buoys with signs reflecting:

Danger
No Trespassing
Danger High
Current Possible
Keep Out of Area

Mr. Gregg commented that Mr. Brennan and Mr. Seidel will work on the sign wording.

Mr. Seidel commented he will research the wording and buoys. He will also work with Mr. Brennan and SEMSD to get the signs installed.

Mr. Babcock moved to authorize SEMSD to place warning signs and physical barriers in the appropriate places of the tainer gate area to advise no trespassing/danger zone. The motion was supported by Ms. Steele. Motion adopted.

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

e. Updated Financial Reports

Ms. Moore reviewed the updated Projected Construction Cash Balance as of September 30, 2020, and the Statement of Operations through May 31, 2020. She commented that the Wayne County Finance Staff will prepare the 3rd Quarter Financial Reports for the August MRIDDD Board Meeting.

Mr. Snyder moved to receive and file the updated Financial Reports. The motion was supported by Mr. Babcock. Motion adopted.

5. New Business

a. Rosedale Street Bridge Correspondence

Mr. Babcock reviewed correspondence sent to MDOT regarding the Rosedale Street Bridge. The resident who sent the request to MDOT lives on the southwest side of Rosedale. This home is very low and has a walk-out basement. Mr. Babcock provided this to the Board as a courtesy.

Mr. Brennan commented that he does not believe the Board should respond as it is directed to MDOT.

Mr. Baker moved to receive and file the correspondence addressed to MDOT, dated June 16, 2020, from Mr. Jeff Burns regarding the Rosedale Street Bridge. The motion was supported by Mr. Babcock. Motion adopted.

b. Drainage Issue

Mr. Seidel commented that the homeowner at 21803 River Road submitted a PA222 claim for \$28,400 citing poor drainage in their backyard caused a foundation problem. The drainage did not cause the foundation problem, however, the Milk River property could use some drainage improvements in the outfall area. He displayed pictures of the area and commented that Landscape Services quoted \$13,560 as an estimate for regrading and installing edge drain along three property lines.

Mr. Harrington commented that LSI would install an edge drain between the fence and bushes (on the Milk River property) along three property lines to control water ponding.

Mr. Strassburg commented he would review the Spence Brothers' contract to see if the contractor included regrading in the contract.

Mr. Baker confirmed the work would only be done on the Milk River property. He asked what has changed that caused the area to erode.

Mr. Seidel replied yes; work will be done on Milk River property only where the water does not drain well. He commented that it had slowly eroded over time and may have had a drainage issue from the start.

Mr. Smith commented there have been at least 10 foundation permits issued for homes in that area.

Mr. Babcock agreed that foundation problems are very common in that area.

Mr. Brennan commented the MRIDDD should respond to the claim denying the claim and any connection between the foundation problem and the work being done at the Pump Station. The claim should be tendered to the contractor and their insurance carrier for their response. However, we do acknowledge there is a drainage issue on the Milk River property that will be resolved, however, this did not contribute to the foundation problems.

Mr. Seidel commented the drain tile project would fall under the sandbagging operation since it could cause ponding of water with a large rain event.

Mr. Harrington commented if the regrading is not covered under the Spence Brothers' Contract, LSI could start work in two weeks.

Mr. Baker moved to authorize Landscape Services, Inc. (LSI) to perform the drain tile work outlined in proposal #81526, dated July 15, 2020, in the amount of \$13,560.00, with A.E.W. administering the contract with LSI. The motion was supported by Mr. Snyder. Motion adopted.

6. Unfinished Business

a. SEMSD FY 21 O&M Charge

Mr. Seidel displayed the FY19 actual audited expenses showing a total of \$32,356.81 due from MRIDDD to SEMSD, and the estimated FY20 actual expenses showing a total of (\$16,382.52) due from MRIDDD to SEMSD. He proposed a true-up of both fiscal years 2019 and 2020 together and should take place in September. At that time, a letter would be submitted with a summary of the reasons why it was different.

Mr. Baker replied he would be fine with that as long as there is an explanation of the difference.

Mr. Seidel reviewed the revised FY21 SEMSD O&M Budget and indicated SEMSD had received the annual actuarial report, which lowered the FY21 budget amounts for retirement, health care, and the health savings account. As a result, the monthly Milk River O&M charge has decreased to \$49,939.22; a 3% reduction.

Mr. Baker moved to receive and file the revised FY21 O&M charge of \$49,939.22. The motion was supported by Mr. Snyder. Motion adopted.

b. 2019 Metering Study Report

Mr. Seidel presented the Macomb County, SEMSD, and MRIDDD Meter Study displaying the map of the proposed two permanent level monitoring sensors. He also reviewed the Motor City Electric Technologies, Inc. Proposal No. 20-0907 for \$106,168.86. The total amount for MRIDDD would be \$143,592.23 and he recommended this project for next year's budget. This project is critical for long-term operation and keeping water out of the lake.

Mr. Baker asked what the sensors would do operationally; how much less would be spilled; if this is not enough, what would be the next steps; and will another hydraulic study be necessary.

Mr. Seidel replied we currently do not know what the levels are in basements. The level sensors give a measure of safety and can see upstream giving more operational control of the system to utilize more in-system storage during certain rain events. There are approximately 3.8 million gallons of in-system storage between the level of the first pump coming on at 25' and the last pump coming on at 30'. The hydraulic study/profiles have already been done and it will be included in the SCADA system within the next year, so Operators have a clear visual understanding where the water is.

Ms. Steele commented there is a permitting process in Wayne County and asked that Ms. Moore be included in the budget discussions. She asked what the future maintenance costs to the MRIDDD would be, who will be managing the data, how will the data be shared and why is a flow meter not being used.

Mr. Seidel replied he will keep Ms. Steele in the loop for the permitting process. He does not have the maintenance numbers yet, however, it should be part of the O&M cost. The cellular modem fee is \$30 per month, the electricity costs at less than \$30 per month, and the calibration cost is \$1,200 every three to five years for an approximate total increase of \$2,000 per year to operate and maintain both level sensors. The data will be stored similar to the way data is currently stored and MRIDDD would own the data. The level sensors are being used because we are looking at the levels and storage volumes, not the flow. The maintenance cost of flow meters is much higher than the level sensors.

Mr. Babcock asked Mr. Seidel if he had any experience with the level sensors.

Mr. Seidel replied yes, the level sensors work great with minimal maintenance required. If this is approved for the budget, AEW would come back to the Board with a proposal for their consideration. He will present a proposal along with the MRIDDD budget at the September MRIDDD Board Meeting.

Mr. Snyder moved to receive and file the SEMSD/MRIDDD 2019 Metering Program and Motor City Electric Technologies, Inc. Proposal No. 20-0907, and direct AEW to include this project in the FY21 Budget for \$145,000.00. The motion was supported by Mr. Babcock. Motion adopted.

c. AT&T Cell Tower Lease

Mr. Brennan commented he spoke with Mike Watza of Kitch, Drutchas, Wagner, Valitutti & Sherbrook, who negotiates cell tower deals for a \$10,000 retainer. He believes Mr. Watza would be able to negotiate escalators much better than the ones proposed by AT&T as they have negotiated with AT&T in the past. If Mr. Watza does the negotiating, it would get done quicker and the Board may get up to \$50,000 per year for the lease. The current cell tower lease pays approximately \$30,000 per year. The current lease expires next year. In hiring Mr. Waltz, the Board is gaining specialized knowledge and expertise in negotiating with AT&T on cell tower leases.

Mr. Baker moved to authorize legal counsel, Fahey, Schultz, Burzych & Rhodes, to execute the retention letter with Mike Watza of Kitch, Drutchas, Wagner, Valitutti & Sherbrook to engage in negotiation of the AT&T Cell Tower Lease not to exceed \$10,000, and authorize legal counsel to review and manage any invoices submitted by Mr. Watza related to this service. The motion was supported by Ms. Steele. Motion adopted.

d. District PA 222 Claims

Mr. Brennan reviewed the MRIDDD response to the \$28,400 claim submitted by the homeowner at 21803 River Road who had a foundation issue due to backyard flooding. This claim is denied and referred to the Spence Brothers, as the contractor, and their insurance company.

Mr. Baker moved to authorize the MRIDDD Chair to execute the correspondence denying the PA222 Claim submitted by 21803 River Road. The motion was supported by Mr. Snyder. Motion adopted.

Mr. Brennan reviewed the PA222 claim from 21737 River Road who had an issue with backyard flooding. A response to this claim could be sent letting the homeowner know the claim was investigated and the Milk River will be regrading their property and that may alleviate the situation.

At 1:17 p.m., Mr. Baker was excused from the meeting.

7. Approval of the SEMSD Operations and Maintenance Invoice

The SEMSD Operations and Maintenance (O&M) Invoice for June 2020 was reviewed. The June 2020 O&M 6-2020 invoice totaled \$62,970.15. The total amount billed included the O&M monthly invoice and the reimbursable pass-through costs.

Mr. Babcock moved to authorize the payment of SEMSD Invoice O&M 6-2020. The motion was supported by Ms. Steele. Motion adopted.

8. Public Comment

Mr. Gregg announced Public Comment and asked for any public participants to identify themselves before making public comment. No public comment was made.

9. Next Drainage Board Meetings

Mr. Gregg commented the Governor extended the Emergency Declaration to August 11, 2020. If the Board is not able to meet virtually, we need a space to accommodate social distancing.

Mr. Walby commented the St. Clair Shores' Council Chambers could be used.

Mr. Babcock commented the Council Chambers could accommodate the Board Members if that is all that comes to the meeting. He will change the room reservation from the Geer Conference Room to the Council Chambers.

Mr. Smith offered the use of the City of Grosse Pointe Woods' Council Chambers as well.

Mr. Gregg thanked the Board Members and the room that can offer the best compliance with the Executive Order will be used.

The next regularly scheduled board meeting is Thursday, August 13, 2020, at 10:00 a.m. via telephonic and video conference per Executive Order 2020-154, dated July 17, 2020.

10. 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 adjourned at 1:27 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.