

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
March 18, 2021**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Thursday, March 18, 2021, via teleconference in compliance with State Public Act 254 of 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.

Members Present Via Teleconference

Michael R. Gregg, Chair, Michigan Dept. of Agriculture & Rural Development, State of MI
Reporting from Mason, MI

Patrick Cullen, Wayne County

Reporting from Plymouth Twp., MI

Karen Czernel, Deputy, Public Works Office, Macomb County

Reporting from Macomb Twp., MI

Bryan Babcock, P.E., Director of Public Works/Water, City of St. Clair Shores

Reporting from St. Clair Shores, MI

Bruce Smith, City Administrator, City of Grosse Pointe Woods

Reporting from Grosse Pointe Woods, MI

Others Present Via Teleconference

Kyle Seidel, Anderson, Eckstein and Westrick

Kip Walby, Southeast Macomb Sanitary District

Pete Trombley, Southeast Macomb Sanitary District

Brent Avery, Southeast Macomb Sanitary District

Dianne Schelosky, Southeast Macomb Sanitary District

William Snyder, City of Harper Woods

Mike Way, Grosse Pointe Shores

Frank Schulte, Grosse Pointe Woods

Elizabeth Barrera, Wayne County

Moyna Moore, Wayne County

Gregg Tupancy, Tetra Tech

Russ Strassburg, Tetra Tech

Brady Harrington, State of Michigan

John Brennan, Fahey, Schultz, Burzych & Rhodes

1. Call to Order

Mr. Gregg called the meeting to order at 10:01 a.m.

Current legislature validates meeting structure; the board will be proceeding with a virtual meeting, hosted by Kyle Seidel.

2. Approval of Agenda

Mr. Gregg proposed the addition of Item C, Policy for the Conduction of Board Meetings, to be included under the category of New Business.

Mr. Babcock, City of St. Clair Shores, made a motion to approve the agenda as amended. The motion was supported by Ms. Czernel, Macomb County. Motion passed.

3. Approval of the Minutes for:

a. February 18, 2021, Milk River Intercounty Drain Drainage District Board Meeting

Mr. Babcock, St. Clair Shores, moved to approve the minutes for February 18, 2021, Milk River Intercounty Drain Drainage District Board Meeting as presented. The motion was supported by Mr. Smith, Grosse Pointe Woods. Motion passed.

b. February 18, 2021, Milk River Intercounty Drain Drainage District Board Meeting – Closed Session

Mr. Babcock, St. Clair Shores, made the motion to approve the minutes for the February 18th, 2021 Milk River Intercounty Drain Drainage District Board Closed Session Meeting as presented via e-mail to board members. The motion was supported by Mr. Smith, Grosse Pointe Woods. Motion passed.

4. Reports

a. Operations and Maintenance

Pete Trombley reported that there have been no wet weather events over the last month, which was favorable for the installation of Pump #4. The SEMSD is on-site daily, performing maintenance items, working with the contractors, and coordinating with them to get components for pump #4 dropped down into the wet well. The good weather has helped with the installation. The snowmelt went well. Currently, the SEMSD is troubleshooting systems and working to streamline everything so operations go as planned. Everything is moving along well.

Kyle Seidel reported good news on the lake levels as they continue to trend down. The mean for July is now 12 inches lower than last year's record high. This is also four inches below the high-end estimate, 20 inches below the low-end estimate. Kyle will continue to keep track of the levels. The sandbags are still in, and December 2021 is the earliest outlook at getting them removed. It is likely they will not be removed until the summer of 2022. Brian Babcock reported that the emergency order for sandbags has not expired. They have not received any calls from residents regarding the sandbags or their removal along Milk River or Lake St. Clair. There have not been any flooding issues or complaints recently. A lot of people are building sea walls at the moment. Mr. Cullen made note of the importance of this dry weather pattern to get the work and maintenance done at the site.

Karen Czernel, Macomb County, made a motion to receive and file the Operations and Maintenance Report. The motion was supported by Mr. Smith, Grosse Pointe Woods. Motion passed.

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

Greg Tupancy reported that Storm Pump # 4 is installed, the motor is set, and Rotor Electric is on-site working on the electrical hookups. There will be testing done after the pump is fully set. Once satisfied that pump #4 is working well they will start to decommission pump #5. A vibration test will be performed before it can be removed and then the motor and pump will be shipped out. Some minor other items are getting worked on. Spence is currently on schedule and believes their remaining items will be completed on time. Discussion occurred with Spence to keep up with the paperwork. The Process Control Narratives (PCN) were discussed, which relate to the SCADA system and describe how everything works. Pete and his crew have worked with the contractors and have reviewed the PCN's to make sure everything is in line with what is set up. There will be more extensive training on it. The contractor will write up a plan on how to go thru these procedures to make sure everything is programmed and functioning correctly. When they get the PCN's back, they can finish up the plan, and then it will come in for review. At that point, it will go to the operations side for review. There were no drainage issues reported with the pervious pavers. The slow thaw helped as it all drained well, with no ponding. There were some chipped pavers to be repaired. Mr. Trombley reported that the water-cooling system issues on storm pump #6 have been addressed and will be vetted out and resolved. Photos were presented on screen. Pictures of pump #4's arrival, the pump room, and the motor stand with the motor sitting on top of it were presented. The ramp shown in the pictures was also part of the project, as well as the garage doors which makes each pump and motor accessible. Heaters were used to keep the condensation out of the pump house while the pump was installed. This is done to keep everything dry and to follow all protocols of the installation manual. More photos are to be presented as the progress continues.

Mr. Tupancy presented the Summary Status Report. Everyone is caught up and invoiced thru the end of February. 85-86% of Tetra Tech's construction contract is complete. Spence is at 93% with their contract and is working on the next pay application. These Pay Applications have been submitted to Wayne County for payment processing. Ms. Barrera reported that Pay App #46 and #47 have been processed for EFT payment and will be settled into accounts on March 26th, 2021. Mr. Tupancy reported that there has been no change in the Summary of Allowance Authorizations. They will be sitting down with Tetra Tech and Spence to review the items authorized and figure out the amount of the next change order, which has already been covered under the second SRF loan.

Mr. Smith questioned where the landscaping project stands. Mr. Walby reported that the berm is completed and paid for with the assistance of Grosse Pointe Woods. The SEMSD hopes to have the trees ready to plant by the end of April or early May.

A motion to receive and file the Project-Construction Update was made by Mr. Smith, Grosse Pointe Woods. Mr. Cullen, Wayne County, supported the motion. Motion passed.

5. New Business

a. Payment of Outstanding Wayne County Invoices

Ms. Moore reported that the Finance Group for the Environmental Services Division is implementing a collection process. They are looking for invoices that fall in the 31-90 days past the specified due date. Ms. Moore requests the name and contact information of the representatives from the various communities involved. Mr. Snyder, Harper Woods, noted that Mr. Szymanski would be the correct contact person. Mr. Smith, Grosse Pointe Woods, reported he could receive any documents as well as Shawn Murphy. Mr. Babcock also noted he could receive documents

and that Laura Stowell is the Financial Director for St. Clair Shores. Mr. Gregg reported that he should be addressed with any communications with the State of Michigan documents. Ms. Moore noted that these invoices will fall under Environmental Services for any outstanding payments, these could include interest payments or operation and maintenance invoices that are 31 days past due, specifically as they relate to the Milk River. Mr. Gregg noted that direct charges for Operations and Maintenance for Milk River should be routed thru the SEMSD. Ms. Moore acknowledged that the SEMSD is a line item in the budget for the services that they perform, but the budget also invoices specific communities directly for the services that they are receiving, and not everything flows thru the SEMSD. Ms. Moore will forward a report today to anyone with outstanding balances as of the prior month with the Environmental Services. Ms. Moore also announced that Jim Grezlik, Wayne County, will be retiring as of April 8, 2021.

Additionally, Ms. Moore requests that the budget preparation for the MRIDDD attempt to be aligned with the budget process for Wayne County. They would like to expedite the process and present a budget in April or May, pushing up the budget timeline. The request is to get the budget into their accounting system earlier. Mr. Seidel suggested that it might be advantageous for the MRIDDD budget to match the Fiscal Year of July 1st to June 30th. The GLWA is on a July 1st budget as well and is a large portion of the fees for the Milk River budget. This may contribute to better processing of the finances. Mr. Seidel will set up a meeting with Ms. Moore, Ms. Barrera, Mr. Cullen, and Mr. Walby to review these recommendations.

b. SEMSD FY22 Milk River RTB Monthly Operations and Maintenance Service Fee

Mr. Walby noted that Pete Trombley, Brent Avery, and Kyle Seidel have all been working together to put together this report. The new monthly fee for Contractual Services beginning 7/1/2021 is \$56,644.54. There is a bit of a change from the prior years. The SEMSD did the budget for the communities and will have the Public Hearing on March 24th, 2021. The budget has roughly been the same for the past couple of years, except for the change in overtime spent at the Milk River. Documentation was included on-screen in the zoom meeting. 2014-2017 Overtime numbers were shown as historical data over those years. The SEMSD took over the Milk River on 9/27/2018. Audited numbers show an increase in overtime hours. Milk River is responsible for 75.8% of the SEMSD's current overtime hours, no longer 1/3 of the budgeted costs. It was also noted what items those overtime hours affect, for example, FICA, Standby, Direct Benefit Retirement Plan, HSA, and Worker's Compensation. It is shown in the documentation that the driver of the increase in costs is the overtime numbers. Mr. Gregg questioned how much of the overtime is attributable to the station being under construction and not fully functional and would there be any long-range reduction to the overtime. Mr. Walby reports that the construction is not really what drives up the overtime, it is driven by the wet weather events more than construction. Brent Avery confirms that when a pump starts, it is imperative to have a person present to monitor all portions of the operations, these include grabbing samples, labeling, and monitoring all of the systems. Even with automation, you will still need to have a person present to monitor it. A dedicated staff is needed, as there are extensive maintenance requirements at these large facilities. Mr. Smith, Grosse Pointe Woods, requests to take the information back to the Finance Department and revisit next month. A motion to receive and file the Monthly Operations and Maintenance Service Fee was made by Bruce Smith, Grosse Pointe Woods. The motion was supported by Mr. Cullen, Wayne County. Motion passed.

c. Policy for Conduction of Board Meetings

After March 30th, 2021, the criteria that governs whether it is possible to continue to meet virtually is going to change. Mr. Gregg noted that we need to establish a policy in the event we are not able

to meet virtually in April. Mr. Brennan reported that the legislature will not be able to meet in time to extend the current legislation and policies currently in place to allow us to meet virtually in April. The current policy was presented on the zoom screen. The purpose as shown in section 2 is to make sure that we comply with the Open Meetings Act (OMA) for fully electronic or telephonic meetings. Between March 31, 2021 and December 31, 2021, the board can still meet virtually but only under certain conditions. One such condition would be if a member of the board were physically unable to attend because of military duty or a medical condition. If there is a statewide or local State of Emergency or State of Disaster declared and that would risk the personal health or safety of members of the public if the meeting were to be held in person. In intercounty situations such as ours, where several municipalities are involved and communities possibly making conflicting decisions, one of the cities could declare a State of Emergency where other cities have not. This would have to be looked at on an individual basis as the conflicts arise and consider what the consensus would be. The board must also be able to have a place to host the meeting in an area where all parties consider it safe to meet. The notice provisions that need to be provided under this policy include, a 72-hour notice of the need for accommodation which must be given to the board. It is also the person's responsibility to inform the board when that accommodation is no longer required. If one constituent jurisdiction declares a State of Emergency, then there is enough to rest upon in OMA as currently drafted to go ahead and meet electronically. The Drainage Board can decide if it is legally permissible and agreed to by the director to conduct an in-person meeting either on a state-wide or a local State of Emergency. The agenda should be made available to the public, which is being done currently. Mr. Brennan notes the importance of adopting this policy is to make sure that the public understands what this board will do to comply with OMA and also so that we do not run into individual policies or decisions as we try to navigate thru the regulations.

Mr. Smith, Grosse Pointe Woods, informed the board that the city of Grosse Pointe Woods has declared a State of Emergency and is holding their meetings accordingly. Mr. Cullen, Wayne County, declared that Wayne County also has a couple of Emergency Orders in place and is in the process of enacting an Emergency Ordinance that would allow the Health Director to declare a State of Emergency and permit remote meetings. He expects Wayne County to have an Emergency Order in place before the end of the month. Additionally, Wayne County employees are under a directive to not attend physical meetings, under their own State required Covid response plan. Mr. Brennan noted that if the State of Emergency has been declared in one or more of the jurisdictions, then the meetings would continue to remain electronic. Mr. Brennan requests that the emergency orders of those communities be sent to him. The City of St. Clair Shores and Macomb County is not currently under an Emergency Order, the buildings are open and moving towards open meetings. Mr. Gregg noted that Wayne County has the majority interest in this district and their emergency declarations should have corresponding weight. The State of Michigan has similar emergency declarations in place, and he would have to seek a waiver to bypass those orders. Additionally, the board room typically used in St. Clair Shores would not be appropriate for the meeting at this time, another place to meet will need to be considered.

A motion to adopt the electronic and telephonic meeting procedures as outlined in the documents and presented by legal counsel was made by Mr. Smith, Grosse Pointe Woods. Mr. Babcock, St. Clair Shores, supported the motion. Motion passed.

Mr. Brennan noted that a document has been drafted pertaining to the Escrow Agreement with US Bank and the city of Grosse Pointe Woods. This will allow the Escrow amount, \$150,000, to be dispersed back to the board, thru the county of Wayne. It was noted that Ms. Steele, Wayne County has signed this document.

Mr. Smith, Grosse Pointe Woods, announced that Mr. Novitke, Mayor of Grosse Pointe Woods, has passed away. He was an official Board Member. There is a Mayor Pro-Tem currently filling in for the Mayoral duties and City Council will be voting on the status of the position shortly.

6. Unfinished Business

a. Request by Spence Bros. regarding the release of the Project Contingency

Mr. Tupancy reported that Spence Bros. is not currently at the 94% completion requirement to release the Project Contingency, therefore no action is required at this time.

b. Payment for Concrete Driveway and Sidewalk

Ms. Moore reported that Wayne County did receive the invoice and after reviewing the invoice line items, recommends that the funds used for payment should fall under Miscellaneous Contractual Services.

A motion to authorize payment of the invoice for the Concrete Driveway and Sidewalk out of Miscellaneous Contractual Services was made by Mr. Cullen, Wayne County. Mr. Smith, Grosse Pointe Woods, supported the motion. Motion passed.

c. ACO Milestone Extension Letter Request

Russ Strassburg noted that they did review the letter that Kyle Seidel provided and noted that there are no current concerns with the extension dates as listed. Mr. Seidel noted that once the board gives their approval, he will send the letter out.

A motion was made to authorize the transmittal of the ACO Milestone Extension Letter by Mr. Babcock, St. Clair Shores. Mr. Cullen, Wayne County, supported the motion. Motion passed.

d. Update on the transfer of Milk River Utilities to SEMSD

Mr. Walby noted that the SEMSD used a spreadsheet that was received from Ms. Steele to begin the transfer of utilities over to the SEMSD. The goal was to get all utilities transferred over by March 18th, 2021. Ms. Moore confirmed that the transfer is in process and can take up to one month to confirm and will be retro-dated back to the date requested. The credit balance cannot be confirmed at this time, due to payments in transit. Ms. Barrerra noted that if there is a credit balance on the account, Wayne County will be able to call and move the balance over to the SEMSD's new account. An update on the status of account transfers will be reviewed at the next MRIDDD meeting.

7. Approval of the SEMSD Operations and Maintenance Invoice

Kyle Seidel presented the O & M Invoice on screen. Mr. Walby explained the monthly O & M Invoice and the current outstanding invoices. Ms. Barrera noted that a check was printed on March 10th, 2021, by Wayne County, covering all of October 2020 thru February 2021 fixed sewage invoices. The Operations and Maintenance Invoices for October, November, and December was paid and received by the SEMSD. The September 2020 Invoice was missed and will be included in the check cut on March 10th, 2021. Ms. Barrera noted that they now have department orders and purchase orders set up for both categories and they should be able to process invoices in a timely fashion. It was also noted that Marlene Dziurda should be added to the email list for invoice payment processing.

A motion was made by Mr. Smith, Grosse Pointe Woods, to approve the SEMSD Operations and Maintenance Invoice. Mr. Babcock, St. Clair Shores, supported the motion. Motion passed.

8. Public Comment

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

9. Next Drainage Board Meeting

The next regularly scheduled board meeting is planned for Thursday, April 15, 2021, at 10:00 a.m. This meeting will be held in a virtual format, pending advice from counsel.

10. Adjournment

Mr. Smith, Grosse Pointe Woods, moved to adjourn the MRIDDD meeting. The motion was supported by Mr. Cullen, Wayne County. Motion adopted.

There was no further discussion to come before the Drainage Board; the meeting adjourned at 12:12 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.