

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT  
DRAINAGE BOARD MEETING MINUTES  
April 15, 2021**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Thursday, April 15, 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*  
Elmeka N. Steele, Esq., Wayne County Drain Commissioner, Wayne County  
*Reporting from Oakland County, MI*  
Brian Baker, Chief Deputy, Public Works Office, Macomb County  
*Reporting from Clinton 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  
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  
Patrick Cullen, 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 10:02 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. Seidel requested the agenda be amended to include a Sandbag Report under item 4a, as well as the Financial Report to be added under item 4c. Mr. Brennan will also be added to the agenda under 3b, to present a Legal Update.

Mr. Smith, City of Grosse Pointe Woods, made a motion to approve the agenda as amended. The motion was supported by Mr. Baker, Macomb County. Motion passed.

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

### **a. March 18, 2021, Milk River Intercounty Drain Drainage District Board Meeting**

Mr. Babcock, St. Clair Shores, moved to approve the minutes for the March 18, 2021, Milk River Intercounty Drain Drainage District Board Meeting as presented and with the correction of the spelling of Ms. Stowell's name on page 4 of 7. The motion was supported by Mr. Smith, Grosse Pointe Woods. Motion passed.

### **b. John Brennan-Legal Update**

Mr. Brennan reported on the status of the GPW pavement restoration escrow funds. This escrow agreement was between the MRIDDD and the City of Grosse Pointe Woods to assure that the pavement at the city park would be restored after the construction was completed. The directive to release the funds was drafted and signed by Grosse Pointe Woods and Wayne county. It was presented to US Bank, which now needs a directive as to whether a wire transfer or check would be preferred for payment. The amount is \$150,000. Ms. Moore noted that she could assist with the information for a wire transfer. Ms. Steele agreed that a wire transfer would be preferred, even if it requires a minimal fee. Mr. Brennan is to have the V.P. in charge of the account get a hold of Ms. Moore to set up the best means to complete this transaction.

Ms. Steele, Wayne County, made a motion to approve the \$150,000 to be transferred via Wire or ACH means. Mr. Smith, Grosse Pointe Woods, supported the motion. Motion passed.

## **4. Reports**

### **a. Operations and Maintenance**

Pete Trombley reported that there have been two discharge events that took place since the last meeting. One discharge took place on March 26<sup>th</sup> and another on March 28<sup>th</sup>. On March 26<sup>th</sup>, almost 3 inches of rain was received in the drainage district in a 2–3-hour time period. Approximately 44.3 million gallons of wastewater was discharged. All the wastewater was treated, and the compliance numbers came in very well with no violations. The weekend proved to be very busy, and the collection system was running at full capacity. Another  $\frac{3}{4}$  of an inch of rain was received on March 28<sup>th</sup>. 8.2 million gallons were discharged at that time. The disinfection system worked well at the Milk River. Fecal and E-Coli counts were well within parameters. Beyond the wet weather events, the SEMSD has been working with the General Contractor on-site to replenish the disinfectant chemicals following the large spills and doing spring clean-up around the grounds. They have also been working with Tetra Tech and the General Contractor with various operational issues that have popped up. Additionally, work is being done to get the basement flushed and the initial startup for Storm Water Pump #4, which is up and running. They have been working on a repair on a greaser for Storm Water Pump #2. Mr. Walby noted that he and Mr. Seidel will be at the site tomorrow to do some staking for the landscaping and will be

engaging Landscape Service Inc. in the next two weeks to move forward with the landscaping project. Mr. Gregg noted that the SEMSD and Mr. Trombley handled the recent discharge events well, especially given the size of the events.

Mr. Seidel presented a report on the current lake levels. The April 6-month forecast for Lake St. Clair looks a lot better than it has in previous years. The lake was 12 inches higher at this time last year. The 6-month projection (projecting out to July) which is typically the peak, has a mean of 14.5 inches lower than July 2020. This all looks good for getting ready to remove the sandbags. There have been some calls recently from St. Clair Shores residents questioning when the sandbags could be removed. Mr. Seidel reminds the board that the Public Notification states that there is no anticipation of removing the sandbags before December 2021. This date was chosen so that a 6-month projection would be available for the next summer and to be more certain that removing the sandbags would not require a reinstallation shortly into the next season. Mr. Seidel does not recommend that the sandbags be removed at this time. It was noted that it may be possible to remove the sandbags in the next several months if the levels continue to trend down. The data right now is very promising; however, it would be best to watch for the next several months and then come back with a recommendation. Mr. Walby stated that the emergency Sandbag Ordinance has lapsed in St. Clair Shores and that they have only received a few calls. Mr. Seidel presented a photo of a property at 21901 River Rd, in St. Clair Shores. The homeowner is requesting that the sandbags be taken out or help be provided with the clean-up of the tarp that is covering the sandbags. They are trying to prepare for a party and unhappy with the appearance of the tarps. Mr. Walby suggested that the SEMSD would be able to put clear Visqueen over the sandbags and clean up the site, however, notes that the SEMSD cannot take this on as a project for many sites. This individual request will be honored. Ms. Moore questioned how the cost would be handled for this project. Mr. Walby noted that there would be no additional charge for this single clean up and any material cost would go thru the pass-thru expenses.

Mr. Smith questioned what occurred with the flushing system that Mr. Trombley noted. Mr. Trombley reported that following the wet weather events, the basin was dewatered as per protocol. They then flushed the basin to get the sludge out. The flushing gates in Basin #1 are in good shape, however, in Basin #2, flushing gate 2.4 would not latch and needs to be adjusted. Mr. Trombley has been in contact with Spence Bros. and Dave Weiss to get those gates adjusted. The four alleys that were not able to be flushed were manually flat shoveled until clean. The basins are clear as of right now. The vendor who works on the gates is from Canada which makes the repairs or adjustments difficult. Mr. Tupancy noted that Cavanaugh will be able to make the adjustments needed. He also noted that Mr. Trombley is doing a great job in keeping on top of it.

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

Greg Tupancy reported that they had their progress meeting last Thursday. They are currently working on the deficiency punch list. Pump #4 is good to go, a remote problem has been fixed and Rotor is prepared to come out and get pump #5 removed. Inspectors from Grosse Pointe Woods came out to go thru work that was under permit. Spence Co. felt that some of the items brought to their attention by the inspectors may not be included in the contract. Mr. Tupancy reports that they are waiting for the list to come back from the city. Spence is to put together a list of what they felt would not be included in their contract and it will be reviewed by Tetra Tech. He recommends that the board decide how to address this issue and determine the most cost-effective way to approach the issues. This may be addressed at the next board meeting. Mr. Gregg requested an example of what was included in the inspection. Mr. Tupancy reported that one item included was door hardware in the blower building. Mr. Trombley added that signage around the facility

was included in the report, particularly in the Disinfection Building and the Switchgear Room. High Voltage Warnings and official signage regarding chemicals being used at the facility were included to be added so that first responders will have exact knowledge of what they are dealing with in case of an emergency. Mr. Tupancy also noted that Spence's landscaper is due out to review the plans and see what needs to be touched up.

Mr. Trombley noted that the greaser issue that they had with pump #2 is fixed and they are currently storing in the wet well and will be doing a sustained run-on pump #2. The start of the disconnection process for pump #5 will begin shortly. Testing of pump #2 is critical to make sure it is functioning properly before the disassembly of Pump # 5 begins. Mr. Gregg questioned how many pumps were operating during the recent wet weather event at any given time. Mr. Trombley reported that all 5 pumps were operating. There were a few issues and not a sustained run, but 4 pumps were needed. The necessity of having all 5 pumps was noted.

Mr. Tupancy reported that there were no changes to the Summary of Allowance Authorizations since the last board meeting.

The Summary of Payments and Invoices received was also presented by Mr. Tupancy. Tetra Tech is invoiced thru the end of March and is 86% done on the construction side of their contract. Spence is caught up thru the end of March as well and is 93.3% done with their contract.

A motion to receive and file the Project-Construction Update was made by Mr. Babcock, St. Clair Shores. Mr. Smith, Grosse Pointe Woods, supported the motion. Motion passed.

### **c. Financial Report**

Ms. Moore, Wayne County, presented the Financial Report thru the 2<sup>nd</sup> Quarter, which ended March 31, 2021. The Financial Report was presented on screen. This report represents the year-to-date revenue that has been invoiced as well as expenses that have occurred. Thus far, the total budget is at 50 % of what has been invoiced and what has been received. No expenses have been noted under the Supply Category thru the first 6 months of the budget year. They are 40% booked and paid for Fees and Services, with the primary percentage coming from the SEMSD invoices. Miscellaneous Contractual Services has a small allocation, not quite 1% of the total budget has been spent. The Utilities are at 34% of the budget for electricity, gas, and water. Total Repairs and Maintenance has not had any expenses to date. No expenses yet for Capital Improvement. There is a total fund balance of approximately \$177,000. Ms. Moore noted that there was an internal transfer of \$2.2 million that was transferred out of the Construction Cash account to cover a debit that was made in error. This is in the process of being corrected. There are sufficient funds to cover expenses thru the construction period. Ms. Moore also noted that there is a new category that you may note, Cash in Transit, which is about \$2.2 million. This is a combination of the pending correction plus payments made by the communities that have yet to be posted to the specific cash account. The next Quarterly Report will show the erroneous transfer to be resolved and Construction Cash will be at its correct balance.

Mr. Babcock, St. Clair Shores, made a motion to receive and file the Financial Report as presented. Mr. Smith, Grosse Pointe Woods, supported the motion. Motion passed.

## **5. New Business**

There was no new business to report.

## **6. Unfinished Business**

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

Mr. Tupancy reported that Spence Bros. is currently at 93.3% of their contract completion and are billed thru the end of March. He notes that at 94% completion, Spence can request a release from their retainage. The board may decide if they would like to release the contingency now and require Spence to submit an Irrevocable Letter of Credit. Spence would first have to submit a letter to the board to request the release of the funds. If the Board agrees, they will then present their letter of credit. The money is being held in an account in Wayne County's Treasurer's office. A pay application would then be processed to reduce that retainage amount. This process takes time. The release of the retainage funds goes from the bank directly to the contractor. Mr. Norm Thomas, Spence Bros., previously noted that they would prefer not to do a letter of credit and receive a partial reduction of the retainage. Spence is looking to pay their subs in full for the work that has been completed. It was noted that the next meeting is on May 20<sup>th</sup>, 2021, and Spence Bros. will most likely be over the 94% completion rate at that time. Tetra Tech will communicate with Spence about presenting a new letter to the board requesting the release of funds. Spence Bros. will be responsible to initiate the request for the release of these funds so the Board will be able to address it at the next meeting. No further action is required at this time.

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

Mr. Walby presented the numbers at the last MRIDDD meeting, noting that 75.8% of the overtime is driven by the Milk River. This is for the Fiscal Year 2022, which starts in July 2021. It was noted that meetings are currently being held to complete the Milk River budget and hope to be presented at the May 20<sup>th</sup>, 2021 meeting. The Milk River FY budget begins in October. A realignment of the budget is being discussed to coordinate the SEMSD O & M Service Fee with the MRIDDD budget. A budget amendment of approximately \$20,000 may need to take place to accommodate the increase in the Service Fee for the last three months of the budgeted fiscal year. The tentative plan is to finish the budget year out with the current budget and with the necessary amendment for the adjusted Service Fee. A 9-month budget could then be created and consequently, start following the July 1<sup>st</sup> budget timeline. Ms. Moore will revise the budget with the exact amount for the amendment and present it at the next board meeting.

### **c. Policy for Conduction of Board Meetings**

Mr. Gregg noted that the policy adopted at the last meeting, relative to the Open Meetings Act, allows the MRIDDD to continue to meet electronically. Ms. Steele confirmed that the Wayne County Emergency Declaration has been extended thru the end of June of 2021. Mr. Cullen also confirmed this date and noted that the policy will most likely be extended after that date. Mr. Smith, Grosse Pointe Woods, informed the board that the Emergency Declaration for Grosse Pointe Woods extends thru December 31, 2021. This confirms that the meetings will continue to meet electronically thru at least June 2021. Mr. Seidel will continue to host the meetings thru the Zoom format.

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

Mr. Walby reported that the SEMSD is making progress on the transfer of the utilities to the SEMSD. It was discussed how the SEMSD should be reimbursed for the payment they made to DTE to avoid a shut-off notice. Ms. Barrera questioned if the utilities would be part of the pass-

thru billing. The utilities would have to be added to the pass-thru costs or become part of the monthly invoicing. Mr. Walby will work with Ms. Moore and Ms. Barrera to determine how this payment may be reimbursed and how to apply ongoing payment reimbursement for the Milk River Utilities.

#### **7. Approval of the SEMSD Operations and Maintenance Invoice**

Kyle Seidel presented the O & M Invoice on screen. Mr. Walby made note of the current monthly service fee and went thru the pass-thru costs. Mr. Gregg presented questions regarding the SCADA costs and the Oxygen Sensor Unit. Mr. Walby explained that the SEMSD is working with Motor City Electric to make sure that all the information collected at the Milk River is transferred over to the SEMSD. The goal is to have the information collected at all sites consistent for the operators. Mr. Trombley explained that the Oxygen Sensor Unit is a part of the gas detection equipment in the sanitary room. It is a part of the uniform change that is being made throughout all the SEMSD facilities. A decision was made to work with the RKI company. The quarterly calibrations will now be streamlined for all facilities. This equipment monitors the atmosphere in the lower levels of the station while employees are working underground. It is a safety measure to make sure the atmosphere is safe for the employees. Mr. Snyder, Harper Woods, questioned if the air monitoring equipment monitors at different levels. Mr. Trombley noted that it is at a fixed point, which would be at the lowest point that the operator would go into. He also noted that the operators each wear individual personal gas detectors. This is an extra layer of protection for the operators. Additionally, there is a safety top man that also monitors the atmosphere at the lowest point. The MSA is a fixed unit that they use. There is no forced air ventilation, it is an open atmosphere basin at the Milk River.

A motion was made by Mr. Baker, Macomb County, 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, May 20, 2021, at 10:00 a.m. This meeting will be held in a virtual format.

#### **10. Adjournment**

Mr. Smith, Grosse Pointe Woods, moved to adjourn the MRIDDD meeting. The motion was supported by Mr. Babcock, St. Clair Shores. Motion adopted.

There was no further discussion to come before the Drainage Board; the meeting adjourned at 11:35 a.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.