

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
July 22, 2021**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Thursday, July 22, 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

Elizabeth Barrera, Assistant Division Director, Environmental Services Division, Deputy Drain Commissioner, Wayne County

Reporting from Prudenville, 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

Brent Avery, Southeast Macomb Sanitary District

Kip Walby, Southeast Macomb Sanitary District

Pete Trombley, Southeast Macomb Sanitary District

Dianne Schelosky, Southeast Macomb Sanitary District

William Snyder, City of Harper Woods

Steven Schmidt, Grosse Pointe Woods

Mike Way, Grosse Pointe Shores

Moyna Moore, Wayne County

Russ Strassburg, Tetra Tech

Greg Tupancy, Tetra Tech

John Brennan, Fahey, Schultz, Burzych & Rhodes

Kate Vanderstelt, Grosse Pointe News

Mike Meredith

1. Call to Order

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

Current legislation validates meeting structure. The State of Emergency ordinances were confirmed to be in effect in the County of Wayne and the city of Grosse Pointe Woods. Mr. Smith noted that the Emergency ordinance in Grosse Pointe Woods is set to expire on July 23, 2021, and

all future public meetings will be held in person. The board will be proceeding with a virtual meeting, hosted by Kyle Seidel.

2. Approval of Agenda

Ms. Barrera, Wayne County, made a motion to approve the agenda, with the amendment of adding AT&T Correspondence under New Business, item 5c. The motion was supported by Mr. Babcock, St. Clair Shores. Motion passed.

3. Approval of the Minutes for:

a. June 17, 2021, Milk River Intercounty Drain Drainage District Board Meeting

Mr. Baker, Macomb County, moved to approve the minutes for the June 17th, 2021, Milk River Intercounty Drain Drainage District Board Meeting as presented. The motion was supported by Mr. Babcock, St. Clair Shores. Motion passed.

4. Reports

a. Operations and Maintenance

Pete Trombley reported on the Operations and Maintenance. It has been an eventful month since the last meeting. There have been four discharges in the drainage district since the last meeting, totaling about 418 million gallons released into the lake. The wet weather events have provided the staff with training opportunities, and they have become very proficient in wet weather operations. The water quality compliance numbers were within limits which is commendable to the crew. We were at capacity on June 26, 2021. All 6 pumps were running and there was a sustained run for about an hour and a half. This is highly unusual. There was another large event last week where 5 pumps were running at peak. Over 3 inches of rain was recorded, not quite as intense as the June 26th event. Flushing and replenishing the disinfection stocks were priorities after the discharges and dewatering of the basins. We have been working with the contractor and Tetra Tech to clear up some facility deficiencies. The Harper Woods gate hatch has been repaired. It has been a busy month, but all is running properly. Mr. Walby noted that the staff has been terrific. Pete Trombley and Paul Everett worked over 30 hours between June 25th and 26th. He noted that the SEMSD is blessed to have experienced individuals like Brent Avery and Pete Trombley working with these systems. These individuals were great, and he is very proud of how they met the challenge of the current weather conditions. He noted that the employees work a lot of hours, and they care about doing the right thing. The property owners, the district, and the municipalities that are served within this district are well taken care of with this staff. Mr. Smith, Grosse Pointe Woods, agreed with Mr. Walby's comments. The work of the SEMSD staff helped to keep the city stay as dry as possible, he thanked the staff for the good work. It was noted that the new flushing gates are working as designed and efficiently but are not as fully automated as thought. An employee is needed in the control room with a high-powered radio and an employee in the basin. There are almost 20 gates, and a combined system contributes to the impediment of the gates at times from debris.

Mr. Way, Grosse Pointe Shores, noted that there is work scheduled to be done to some underground drainage systems around the river by the Ford Estate. He will be getting more information regarding the specific needs for this project and contact Mr. Walby and Mr. Trombley with further details. He also acknowledged the job well done by the SEMSD staff.

Mr. Snyder, Harper Woods, also voiced his appreciation of Mr. Trombley and the staff for all of their hard work during the challenging weather events. He also questioned how the permittable event operates when there is discharging to the amount as seen on June 25th/26th. Mr. Trombley responded that we operate under an NPDES permit, which allows discharge when capacity is met. He noted that every time they take even a drop of water into the basin, they conduct the procedures as if a discharge will occur, due diligence is taken, the water is treated, settled, and skimmed, before the discharge occurs. The current discharges were all within the limits of the permit. The permit is currently up for renewal, the old permit that we are operating under expired in 2014. They have been working with EGLE to update the contract, the goal being October of this year.

Mr. Baker, Macomb County, also commended the staff on a job well done. He questioned how many pumps we have and how many were in operation. Mr. Trombley noted that there are 7 pumps in total, firm capacity and design capacity is 6 pumps. All 6 pumps were operational and at firm capacity during the storms on June 25th and 26th. We also had firm capacity at the Kerby facility. It was noted that it was fortunate that the lake levels were 16-18 inches lower than last year.

Elizabeth Barrera, Wayne County, also noted her appreciation of the work performed by the SEMSD staff.

Mr. Walby reported that the Harper Woods gate repair was completed. A storm on July 8, 2021, resulted in a power outage at this facility. This is the 2 or 3rd time power went out there. One and ¾ inches of rain was received in 40 minutes in the drainage district. The operators were able to manually ratchet it closed. They filled and spilled the basin in 30 minutes. He noted that they are looking into getting backup power to that area. This is known as the Harper Woods Diversion gate. Mr. Seidel noted that power was not lost at this facility during the June storms but would like to take proactive steps to avoid any future interruptions in power by purchasing a backup generator.

Purchases of lawn equipment, a flagpole, and other landscaping projects that have been discussed are put on hold at the moment due to the recent storms and although still on the radar, the funds may have to be moved to other expenses such as a generator for Harper Woods.

Mr. Walby discussed the Operational Agreement that was signed on September 27th, 2018, and noted that there doesn't seem to be a purchasing policy in place. He would like to make a purchasing policy, perhaps mimic what the SEMSD has in place, and also update the Excess Flow that has changed since that agreement. This may be revisited at the August meeting.

Pictures of the "Rainbow Rack" were presented to the Board on screen. It was explained that the water comes up the Milk River tunnel and drops in thru the "Rainbow Rack", where it is then diverted to the sanitary wet well. This area has routine maintenance and is cleaned every month, weather depending, and after every big weather event. It takes approximately 6-8 hours to clean this equipment. The larger rack is manually cleaned which protects the big pumps.

Mr. Walby noted that the SEMSD is also currently working with Spence Brothers to take care of some of the items listed on the Grosse Pointe Woods Inspection report.

Mr. Smith began a discussion regarding the recent GLWA report of loss of power and what it would take to obtain a generator. Mr. Seidel noted that studies have been done in the past on what

it would take to obtain a generator of this nature and what would be needed to keep the pumps running at the Milk River in the event of a power outage. It was noted that multiple power feeds should be investigated in the event of a loss of power to one feed. Milk River currently has 2 separate power feeds. If one goes down, it automatically switches to the other and each feed can power the entire facility. It was noted that there were no issues with the power supply during the last wet weather events. The two power feeds do however come from the same sub-station. It was cautioned that in the event of a brownout, the auto switch may not operate and could potentially cause issues. Mr. Trombley noted that there are sensors and timers and a manual function that allows the crew to manually switch the feed. Also noted was a Final Executive summary from 5/11/2009 when Wayne County did an RFP regarding Generators this report can be reviewed at the next meeting.

Discussion occurred about obtaining an Engineering Analysis and the importance of evaluating the cost-benefit analysis of doing this project. Mr. Strassburg encouraged the study to be done, as both feeds come from the same substantial and both feeds are older.

Mr. Gregg asked the board to take into consideration the economic and public health implications of a system failure and any liability that would result thereof. He encourages a review of how best to approach this concern.

Mr. Baker, Macomb County, began a discussion regarding obtaining insurance for the facility. Mr. Walby also voiced his concerns about insurance in the event of a power surge and that the potential damage to the pumps could be substantial. It was noted that the Chapaton facility carries property and liability insurance coverage, and it is believed the Milk River should carry similar insurance. Ms. Barrera noted that Wayne County is self-insured and does have a general liability policy and property insurance which covers its Wayne County facilities, she also recommends that Milk River obtain property and general liability insurance. Milk River is no longer a Wayne County facility and flooding may require a specific type of coverage. Mr. Baker, Mr. Walby, and Ms. Barrera will provide information regarding this type of insurance coverage to be reviewed at the August meeting.

A motion to receive and file the Operations and Maintenance report was made by Mr. Smith, Grosse Pointe Woods. Support was given by Mr. Baker, Macomb County. Motion passed.

b. Priority 1B and Select Improvements Project

Mr. Tupancy reported that pump #5 is out for work and is scheduled to come in at the end of November or the beginning of December. The deficiency list is being worked on. Mr. Trombley reported on the greasers, these supply grease to the bearings of the pump. Stormwater pump #6 and Stormwater pump #3 were experiencing greaser cycle failures, where greaser lines were getting plugged up and would cause a fault on the pump if initiated from SCADA. Spence Brothers were able to supply a representative to tear apart the units and put a plan in place which initiates a test run of the units 2-3 times per week and helps to avoid the coagulation and separation from the grease. They were able to override the faults during the storm events. There are 7 of these units that operate with the 7 pumps. They did run flawlessly on the last big event, where they ran 6-8 hours continuously.

The Summary of both the Construction and Engineering report was reviewed. Engineering is billed thru the end of June and is on pace with the contract and budget. Spence has not had an update

since the end of April, they have not submitted any paperwork regarding a new pay application or retainage request.

Mr. Tupancy noted that Spence has supplied some information regarding what they believed the outstanding allowance authorizations were, and they are reviewing that information. No other changes were noted.

Mr. Gregg began a discussion regarding the Chlorine connection issue. Mr. Trombley reported that the automated disinfection system ran perfectly during the last 4 events, but there is an issue with disinfection pump #4. It has been taken out of service. The issue may be with programming. He has been able to work around that pump. There are 7 disinfection pumps, so a corresponding pump can take over any of the slack of pump #4. There was also a problem with getting the supply trucks to the building; a company is contacted and will be taking care of the situation. They are working around it, and it should be taken care of soon. This has been on the deficiency list. There are currently 34,000 gallons of product ready to be used and they have not had any supply issues.

Mr. Strassburg discussed the inspection report from Grosse Pointe Woods. The inspection was conducted in April. Discussion occurred of what is included in the contract for Spence and what is outside of the contract. Signage is not included in the contract as the facility is an established building, the exception being the new electrical equipment. Alarm systems and security cameras are not included in the contract. Some of the listings are recommendations and could be looked into but are not included in the contract. Other suggestions were presented as listed on the inspection letter and reviewed on-screen. The door in the electrical room needs to be replaced. Mr. Strasburg recommends that a lot of these items should be handled by the SEMSD and put thru the pass-thru operations and maintenance costs as it would be costly to add to Spence's list of items to complete. The Grosse Pointe Woods building department will be notified of the items listed that are outside of the Spence building contract. These items will be reviewed by the Board and handled thru the SEMSD so that Spence can get a release under their permit. They must obtain a release from the city showing that their items have been completed. All contract obligations will be handled by Spence as stated in their contract. It is recommended that Tetra Tech, AEW, and the SEMSD form a subcommittee to determine how to go about finishing the items on the Grosse Pointe Woods inspection list and stay in compliance.

A motion to receive and file the Engineering and Construction report as well as the correspondence from the city of Grosse Pointe Woods dated June 10, 2021, regarding the inspection results of the facility was made by Mr. Baker, Macomb County. The motion was supported by Mr. Smith, Grosse Pointe Woods. Motion passed.

5. New Business

a. Notice of Claim-Flood

Mr. Walby reported a Notice of Claim was received from Liddle and Dubin, PC regarding property owners in Grosse Pointe Farms and a significant number of claimants from the McGraw Morris law firm. This correspondence has been forwarded on to the SEMSD attorney, Tim Tomlinson, as well as Mr. Gregg, Chairman, and also attorney John Brennan. There was also a request from the Grosse Pointe Woods engineering firm to provide some historical SCADA information from the Harper Woods gate. The Board is being made aware of this request for information. Mr. Walby also requests direction as to how the board would like to proceed with this request. Scott Lockwood, the consulting engineer for Grosse Pointe Woods, is looking for information regarding

discharge numbers and any relationship it may have to the Torrey Road flooding issues. Mr. Brennan noted that if the request was made orally, it can be responded to informally, without FOIA. It was also noted that releasing this information is beneficial in being transparent, however, getting the request in writing should be encouraged going forward. The claims should be reviewed, to make sure it is within the time frame and meets all requirements under the statute. If it is known that the claims are not related to the Milk River, a simple denial of the claim notice is recommended. It is understood that there was no default in our systems that would have contributed to the flooding. It was also noted that our facility's actions essentially prevented more extensive flooding from occurring in the area. Mr. Brennan recommends that a response should be drafted and sent to the organizations to be on record that we deny the claims.

A motion was made by Mr. Baker, Macomb County, to defer the Notice of Claims to legal counsel for evaluation and compliance with the notice requirements and to formulate a uniform response for all claims if the fact is that none of the claims are connected to the function at any of our facilities. Mr. Babcock, St. Clair Shores, supported the motion. Motion passed.

b. Reissuance of Permit for Milk River

Mr. Seidel, AEW, reported that a meeting took place with EGLE regarding the NPDES Permit. The hope is to have the permit updated by October or November of this year, but it may go into the calendar year 2022. The current permit is expired. They are looking into changing the permit, which may include new limits on TRC, similar to those at Chapaton. Mr. Avery reported that the TRC (Total Reserve of Chlorine) limits are initial goals to be attained and are not firm numbers. Time is granted to practice getting within those operational compliance goals. A DO (Dissolved Oxygen) study may also be performed which measures the amount of oxygen in the water. It was noted that this is the amount of oxygen that is available for the fish to breathe in the canal, and the measures must stay above the given limits. We do have DO meters that measure in real-time. One meter is by the aeration chamber, and one is at the recirculation station. Additional locations may be added to better read the DO levels. Mr. Avery reports that they are confident that they will be able to meet all the requirements of the new permit. The board will be updated as the permit progresses.

c. AT&T Correspondence

Ms. Barrera reported that AT&T has been in contact with Wayne County staff members regarding equipment upgrades to the facility and to confirm who the appropriate contact would be to review construction drawings and sign a consent letter. Wayne County recommends having the Board Chair sign the consent letter after AEW and SEMSD review the construction drawings. AT&T can also be told to coordinate its schedule for its onsite work directly with SEMSD. Wayne County will provide AT&T with the instructions if it meets the approval of the Board, and copy Mr. Walby and Mr. Seidel with the correspondence with AT&T.

Mr. Smith, Grosse Pointe Woods, made a motion to refer to AEW and the SEMSD for a review of the specifications of the work and to authorize Mr. Gregg as Chair to approve their recommendation on the construction drawings and consent letter. Mr. Babcock, St. Clair Shores, supported the motion. Motion passed.

6. Unfinished Business

a. Removal of Sandbags

Mr. Seidel provided a Lake St. Clair update. The recent rain events have been local, not covering the entire watershed of the Great Lakes. The mean July estimate is 19 inches lower than our record high of the years past. Moving one month forward puts us 17 inches lower than the projected high. The lakes are still responding positively in a downward direction.

Landscape Services, Inc. has started the sandbag removal project and is currently in the 4th week of the removal process. They have been working 4 days per week, 10 hours per day. A map was displayed on the screen of the areas where the removals and restorations have occurred. Mr. Seidel reported that they anticipate another 3-4 weeks for the sandbag removal and restoration projects to be completed. They are hopeful the project will be finished by the August 19th, 2021, MRIDDD meeting. He noted that LSI is doing a fantastic job and have been very respectful of the neighbor's properties and they are currently on budget. The sand from the bags is being reused, the bags are opened, and the plastic is separated from the sand. The municipalities will be utilizing the leftover sand, as agreed upon by the Board, Grosse Pointe Shores and Harper Woods are currently able to recycle this sand, eliminating any waste. This expense will be distributed thru the SEMSD pass-thru account. Mr. Babcock, St. Clair Shores, reported that he has not had any complaints regarding the process.

b. AEW Agreement

A recommendation was submitted by Ms. Steele, Wayne County, to have the AEW Agreement evaluated by the Wayne County Staff. The approved agreement would then be forwarded to Mr. Seidel and Mr. Gregg for their review. The agreement will then be finalized and presented to the Board at the August 19th, 2021, meeting.

Ms. Barrera moved to table the review of the AEW Agreement until the August 19, 2021, MRIDDD meeting. Mr. Smith, Grosse Pointe Woods supported the motion. Motion passes.

7. Approval of the SEMSD Operations and Maintenance Invoice

Kyle Seidel presented the O & M Invoice on screen. Mr. Walby reviewed the invoices and expenses, including a landscaping invoice which is under the original budget of \$32,000. It was also noted that there is still some landscaping work to be completed at the Recirculation Pump Station as well as some painting to complete at Milk River. Mr. Walby reported that the planted trees are doing well, with only one or two that may need to be replaced.

A motion to approve the SEMSD Operations and Maintenance Invoice as presented was made by Mr. Babcock, St. Clair Shores. Mr. Smith, Grosse Pointe Woods, 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, August 19, 2021, at 10:00 a.m. This meeting will be held in a virtual format, hosted by Kyle Seidel.

A site tour of the facility is being discussed for October 21, 2021. The tour would take place separately from the MRIDDD meeting. An in-person meeting will be reviewed based on the State of Emergency restrictions in place for Wayne County.

10. Adjournment

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

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