

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
August 19, 2021**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Thursday, August 19, 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
Brent Avery, Southeast Macomb Sanitary District
Pete Trombley, Southeast Macomb Sanitary District
Dianne Schelosky, Southeast Macomb Sanitary District
William Snyder, City of Harper Woods
Frank Schulte, Grosse Pointe Woods
Mike Way, Grosse Pointe Shores
Moyna Moore, Wayne County
Elizabeth Barrera, Wayne County
Russ Strassburg, Tetra Tech
John Brennan, Fahey, Schultz, Burzych & Rhodes
Joy Myers, Michigan Dept. of Agriculture & Rural Development

1. Call to Order

Mr. Gregg called the meeting to order at 10:08 a.m.
Current legislation validates meeting structure. A State of Emergency Ordinance is in effect in the County of Wayne. The board will be proceeding with a virtual meeting, hosted by Kyle Seidel.

2. Approval of Agenda

Mr. Gregg, Chair, requested the proposed Agenda be amended to include correspondence from ASI.

Mr. Baker, Macomb County, made a motion to approve the agenda, with the amendment of adding ASI-Request for Information, under New Business, item 5d. The motion was supported by Ms. Steele, Wayne County. Motion passed.

3. Approval of the Minutes for:

a. July 22, 2021, Milk River Intercounty Drain Drainage District Board Meeting

Mr. Babcock, St. Clair Shores, moved to approve the minutes for the July 22, 2021, Milk River Intercounty Drain Drainage District Board Meeting as presented. The motion was supported by Mr. Baker, Macomb County. Motion passed.

4. Reports

a. Operations and Maintenance

Mr. Trombley reported on the Operations and Maintenance of the Milk River facility. It has been a very busy 4 weeks since the last MRIDDD meeting. There have been three sizable rain events in the district. 14.5 million gallons of water were captured and slowly released, resulting in 2 treated discharges. E-Coli, total residual chlorine, and dissolved oxygen numbers were good and well within compliance limits. There have been eight events this year resulting in approximately 528 million gallons of treated discharge. There has also been some preventative maintenance occurring since the last meeting. A picture of the Rainbow Rack was displayed and shows the Operators cleaning the Storm Well Grates. It takes 4 operators working at least half a day to accomplish this maintenance. Pipetek has been working on cleaning out sludge in the basins. Sediment and grit collect in the low points of the retention basin. Recent heavy rain events have brought in an exorbitant amount of grit, debris, and even bricks. What cannot be pumped collects. It took four days to clean up with a vac truck. Some of the pumps would not pump properly with the large amounts of debris that had built up. This is unusual and due to the number of recent events. This cleaning will be included as future routine maintenance and will need to be considered in the budget. The invoice for cleaning will be passed thru on next month's pass-thru invoice. Back-to-back-to-back heavy rainfall events resulted in this heavy debris build-up. This was considered an emergency repair, as the pumps would not operate with the amount of sludge and debris built up. Photos were presented on the screen of the grit and dewatering pumps. The pumps were at one time completely submerged with debris. These pumps are located at the lowest point in the basin, and everything drains down to this area. The idea is to agitate the solids and then pump out the water. It is not uncommon to have to clean it out after large events, Spence has had to clean this out four times while maintaining the basin. Assistance from the design engineer on how to operate the system will be necessary to try to prevent future sludge issues. The largest contributing factor was the back-to-back-to-back storms where the solids build up and sit before dewatering can take place. Once the pumps were up and working, they were able to slurry it and the grit pumps were able to take it away. Approximately 4-5 Vector truckloads of debris were removed. It was noted that \$20,000 will need to be budgeted in the future for this type of cleaning. \$40,000 is currently planned in the budget in the event one of these pumps needs to be replaced. In addition, a high-velocity special coating (HVOF) will be applied to help extend the life of the pumps. There are not standby replacement pumps if one must be removed for repair. There is a spare sanitary pump. The actual cost of having a spare on hand is estimated to be around \$10,000. Mr. Smith, Grosse Pointe Woods, strongly urged the board to consider purchasing a spare pump

in the event one goes out. In the past there was a lot of debris build-up that has had to be removed, this is what the operators are trying to avoid happening again. It takes a lot of employee hours to make sure the facility is properly cleaned and maintained in order to be ready for the next rain event. The accumulation of debris affected the flushing system which was a major part of the renovation of the Milk River facility. These are operational challenges that will be worked on and addressed moving forward.

Mr. Trombley also reported that they have been working with Tetra Tech and the contractor to resolve the ongoing issues with pump faults on startup and electrical issues. Specifically, the malfunction of gates that affect the flushing system. All of which are still under warranty. They will be monitoring the flushing systems closely and are working to get the issues corrected and ensure future build-up does not happen. This is all being monitored daily.

It was noted that there have been some ongoing issues with the greasers on the stormwater pumps, which supply grease to the three key bearings. As the greasers' fault, and run thru the SCADA systems, they will fault the pump. They have met with Pentair and the local Graco Rep who is the manufacturer. They believe they have found the cause of the issue and will be following up with Tetra Tech to see if they can go in and see if there is a retro fix that can be put on the two problematic pumps or if all seven pumps will need the fix.

Kyle Seidel reported that the staff has been spending a lot of time working on the operational items at Milk River. Entry into the basin is considered a Confined Space. All of the SEMSD Operators are Confined Space Certified. The two open hatch areas remain open but have a railing around them. It was suggested that a more permanent hatch would be appropriate. The two areas were displayed on the screen. Mr. Seidel suggested that metal plates would be a good solution so that the hatches are accessible, when necessary, but would still secure the site. It was noted that there is a full safety railing around the openings, however, a more secure and permanent option should be considered.

Mr. Seidel reported on the water levels. The July high was estimated at 17 inches lower than the record high. The actual report shows that it was 12 inches lower than the record high. The mean low for the month of November is projected to be 15 inches lower than last November. It is trending slightly higher, but still 15 inches lower than last year. There is no need to be concerned at this time but noted that there was a slight increase in the water levels.

b. Priority 1B and Select Improvements Project

Russ Strassburg reported that there were no significant changes since the last report. Tetra Tech is billed thru the end of July and is still on track with the budget. Nothing has been received from Spence in quite a while. There are still outstanding PCOs lacking in their billing. There are currently PCOs outstanding from 2018, 2019, and 2020 that need to be resolved. There is a deficiency list that is kept updated and conveyed to Spence. Spence has acknowledged that they received the list of deficiencies. It is suggested that these deficiencies be addressed in the next few months before the winter months arrive.

Mr. Brennan requested a summary of the deficiencies in order to draft correspondence for Spences' counsel, possibly bringing the deficiencies to their attention.

The final construction contract completion date is June 29, 2022, this includes manuals and training. A proposal was sent to Spence back in October regarding the warranty components of the contract, no response has been received from Spence on the warranty issues.

It is recommended that Mr. Brennan compose a communication to go on record with the concerns with the deficiencies and delays as noted.

Ms. Steele, Wayne County, made a motion authorizing Mr. Brennan, legal counsel, to draft and send a letter to Spence's legal counsel which would outline areas of concern, specifically, the delays and concerns of the substantial completion milestones not being met, to preserve the Boards legal interest and the ability to pursue liquidated damages. The motion was supported by Mr. Smith, Grosse Pointe Woods. Motion passed.

It was noted that Russ Strassburg, Tetra Tech, and Mr. Brennan will work collaboratively to draft the deficiency letter.

Mr. Strassburg suggests contacting Tetra Tech directly as more of the equipment becomes operational and questions arise regarding any equipment that has failed. Tetra Tech will convey whether or not it is a warranty issue and should be paid for and covered by the contractor per the contract.

c. FY 2021 O&M Budget

Ms. Moore reported on the budget as it stands thru the end of the 3rd quarter which ended June 30, 2021. No interest has been documented, it is expected that the Wayne County Treasurer will be posting thru June or July at the end of next week. The next update will reflect the interest and will help revenue escalate. Ms. Moore explained the report per line item as displayed on the screen. Overall, this shows the district to be 64-65% spent compared to budget. This puts the total revenue that has been invoiced and rental revenue received from AT&T about \$401,000 over the total expenditures thru the third quarter.

Mr. Smith, Grosse Pointe Woods, noted that it may be possible to purchase the metal plates to cover the basin openings out of the repair and maintenance budget. The repair and maintenance budget was increased by \$40,000 for landscaping purposes, the cost of those landscaping projects will determine if there are any funds left to be used for the grates/hatches. Ms. Moore also noted that they currently have a strong fund balance for operations and maintenance that may cover it depending on the cost. Mr. Seidel will investigate the actual cost for the metal plates, tooled with openings so they can be easily moved. He suggests that the board authorize an amount to be approved by the board. There are two 12x24 openings as well as two 7x7 openings to be covered. It may be best to have them all done at once.

Mr. Seidel provided a snapshot of the pass-thru as of 8/19/2021. The remainder of the items planned for this year were discussed. He noted that the costs for the items reviewed would be around \$122,000. The pass-thru costs are trending below the budgeted amount so the metal plates could be included in the budget this year. Mr. Smith, Grosse Pointe Woods, noted that covering these openings properly should be a priority as it poses a safety issue for employees and the community.

The snapshot of the remaining pass-through is as follows:

FY21 Milk River - Remaining Pass Through as of 8/19/21		
Capital Project	Budgetary Cost	Notes
Recirculation Station Landscaping	\$ 5,000	Site screening and upgrades
New Flag Pole	\$ 2,500	New pole at the Milk River
Zero Turn Mower	\$ 9,000	Need dedicated mower at Milk
Kubota Side by Side	\$ 20,000	Compliance sampling, site groundskeeping, basin maintenance and snow removal.
Landscaping	\$ 20,000	GPW Landscaping along residential properties on Milk River and Additional on-site work
Basement Lighting Repair	\$ 5,500	Colville Electric
Bar Screen Repair	\$ 10,000	Welding and reinforcement (May need to carryover funds to FY22 depending on Contractor start time)
Sub Total	\$ 72,000	
RTB Sludge Removal	\$ 20,000	Pipetek work after large storms and accumulation of sludge in grit sump
HW Gate Generator	\$ 30,000	New generator and site work
Sub Total (Not Originally Budgeted)	\$ 50,000	
Total	\$ 122,000	May be over original pass through budget

Mr. Smith, Grosse Pointe Woods, made a motion to approve the expenditure for steel plates at a cost not to exceed \$15,000 and proceed with the project of covering the basin openings. Ms. Steele, Wayne County, supported the motion. Motion passes.

Mr. Babcock requested that the coverings for the basins be reviewed and verified to be safe to cover the basin openings. He also requested that quotes be obtained for replacement Grit and Dewatering Pumps to be presented at the next meeting.

A motion to receive and file the O&M Budget to Actual Report was made by Mr. Baker, Macomb County. Support was given by Mr. Smith, Grosse Pointe Woods. Motion passes.

5. New Business

a. **Rosedale Street Bridge Letter**

Mr. Seidel reported that there are several letters from a homeowner who lives upstream on the north side of the Milk River on Rosedale. This homeowner has concerns that the Rosedale Bridge is not large enough for the water levels. Pictures were presented on the screen of the bridge and

the water levels. There has been ongoing correspondence between this resident and the city of St. Clair Shores. Included in the packet is a letter from the city of St. Clair Shores dated August 4, 2021, showing that the city will be following up with the homeowner regarding his concerns.

Mr. Seidel noted that it is not uncommon in Michigan for water to go over bridges in 100-year events. This homeowner and bridge are not within the 100-year flood plain. Mr. Babcock reported that there is a meeting scheduled next week to review this item and he will follow up with the findings at the next MRIDDD meeting.

A motion to receive and file the Rosedale Street Bridge report was made by Mr. Babcock, St. Clair Shores. Mr. Smith, Grosse Pointe Woods, supported the motion. Motion passes.

b. Operator in Charge Designation Form

This is communication required by EGLE. Mr. Avery is currently the facility contact and Operator in Charge. The goal is to transition Mr. Trombley into this position. The letter was presented on screen.

Mr. Babcock, St. Clair Shores, made a motion to designate Pete Trombley as the Certified Operator in Charge for the facility and to authorize this certificate to be executed by Mr. Gregg as Chair. Support was given by Mr. Smith, Grosse Pointe Woods. Motion Passes.

c. Milk River Generator

It was noted that Tucker, Young, Jackson Tull performed a previous study on this item. Mr. Seidel reported on a letter sent out by EGLE where they put everyone on notice regarding the CSO, SSO, and MS4 systems, reminding everyone to inspect their systems and make sure that there is full capacity available as well as backup power. This comes as a result of all the recent heavy rain events. A previous study was performed to look into backup generators or different power sources in the event power would be lost at the pump station. These are 2008-2009 prices. This is an item to be discussed in the event power is lost. Mr. Seidel suggests going out for a bid, have the study reevaluated, to see today's numbers. AEW will develop an RFP for reviewing and updating electrical generation options for the Milk River facility if so requested. AEW will not be a bidder on this project. This extra power source is not required for NPDES permitting, as there are two feeds currently coming into the facility. Discussion occurred regarding the cost/benefit analysis of pursuing alternative power feeds to the facility and it was determined that it is within the best interest of the district to inquire what a secondary electrical supply would cost to implement.

Mr. Smith, Grosse Pointe Woods, made a motion to have AEW prepare an RFP for the project of reviewing and obtaining electrical generation options for the Milk River facility. The motion was supported by Ms. Steele, Wayne County. Motion passes.

Ms. Steele will supply Mr. Seidel with the original information for the RFP for secondary electrical support for the Milk River facility.

Mr. Seidel will provide a summary of the RFP at the next MRIDDD meeting, then post it on BidNet after approval is made.

d. ASI Request for Information

Correspondence was received from Karen Ridgeway. ASI is looking for operational and flow data for the GLWA after the recent storm events. The SEMSD was also contacted for information and a FOIA was requested due to the potential legal implications. Mr. Brennan noted that a FOIA was not required for this information, as the information is public. It is inter-agency governmental cooperation as the requesting party is another governmental agency. This can be treated as an informal request. This would be an authorization to the SEMSD to release the Milk River portion of the operational data.

Ms. Steele recommended that it would be helpful to see what is being requested in writing. The information included can be found in spreadsheets and includes 8-12 hours of data. If the FOIA request is being done for the SEMSD, for convenience, it can also be done for the Milk River. All the information is in the SCADA system. The MRIDDD shall authorize the SEMSD to release the data after the Milk River board reviews the information and authorizes the release. Wayne County Drain Commissioner Office is the FOIA coordinator for the Milk River. Ms. Ridgeway will be directed to contact Ms. Steele as the FOIA Coordinator. At this time, no charge will be made for the FOIA information.

6. Unfinished Business

a. Removal of Sandbags

Mr. Seidel reported that the project is moving along well. On the lakeside, all restoration has been completed and sandbags removed. A map was presented on the screen of areas of completion. All sandbags have been removed and restoration should be completed next week depending on the weather. There have been no complaints received from the residents at this time. Some of the residents requested to keep the sand for landscaping projects. The costs are going thru the SEMSD, and the project is on budget.

b. AEW Agreement

Ms. Steele provided an update on the professional services agreement that was completed and transmitted to AEW legal counsel for review. A final draft will be presented at the September MRIDDD meeting for the board's review and approval.

Mr. Baker requested information on the status of maximizing the in-line storage at the Milk River. It was noted that a couple of level sensors are being put in. One on the Gerard Drain and one on the Milk River upstream. They are working with DTE and the cities to attain the permits. GLWA already has a power source from the pole that we would like to share, to piggyback the meter with what is already there. The sensors will allow us to view farther upstream in the sewer system. Mr. Trombley reported that they are working to get more visibility upstream. Level sensors are being installed in Grosse Pointe Woods which could be coordinated to cover the whole system. They are currently waiting for DTE to respond with the power completion.

c. Notice of Claims-Food Update

Mr. Brennan reported that the claims are being made to preserve the rights of the claimants, which states that they must be made within 45 days of the event under PA222. Once that time frame has passed, a letter of denial will go out, assuming that there is no indication that our system was not defective and did not contribute to the flooding. The focus seems to revolve around the Connor Creek pump station and the possible defects that may have occurred at that station.

The recommendation was made to wait until the September board meeting to see if any further claims are received, at that time a draft denial letter will be prepared for approval by the board.

d. Insurance Coverage for Milk River and SEMSD Insurance

Mr. Baker, Macomb County, reported that he is in the process of collecting information for the property and liability insurance quote. Ms. Steele is also working with the Wayne County insurance broker to get a quote. The SEMSD provided their Certificate of Insurance as seen in the board packet, complying with the operating agreement. The goal is to have quotes for coverage ready by the September MRIDDD meeting.

e. GPW Inspection Letter-Compliance

Mr. Strassburg reviewed the document as presented regarding the Grosse Pointe Woods Inspection letter dated June 10, 2021. Each item listed was addressed with a recommendation from Tetra Tech. The permit was taken out by Spence; thus, the city is addressing the issues towards Spence, holding them accountable, however, some of the items are not in the contract. Tetra Tech recommends that if the item is not within the contract, then we should not ask Spence for a quote. This may delay the project. Spence has a responsibility to respond to the letter and items identified. The Tetra Tech document as noted will be shared with Spence. The building inspector should be consulted with what is within the contract and what is not. The SEMSD will also be consulted to decide what would be a beneficial improvement to the facility, what is required, and what is just a suggestion.

Mr. Seidel recommended that the best plan of action would be to divide the noted items into a separate permit for Spence, moving the remaining items to an additional permit for the SEMSD. This will allow the SEMSD to get an estimate on the cost to complete the additional items and bring everything up to code. Mr. Smith, Grosse Pointe Woods, will look into getting the permit divided and apportioned between Spence and the MRIDDD and report back at the September 16, 2021, MRIDDD meeting.

7. Approval of the SEMSD Operations and Maintenance Invoice

Kyle Seidel presented the O & M Invoice on screen. He noted that the O & M Invoice is larger than normal due to the Sandbag removal project, yet he believes that they will still be under budget for the project. The balance of the budget items were discussed, specifically, the bulk chemical remaining budget and the number of chemicals needed to keep on hand. With the unsettled weather pattern and intense rains, it has been hard to judge how much to keep on hand and has been worthwhile to keep some extra so it is ready when needed. It was noted that the Harper Woods hatch has been repaired and quotes are being obtained to provide a generator for this location.

A motion to approve the SEMSD Operations and Maintenance Invoice as presented was made by Mr. Baker, Macomb County. 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, September 16, 2021, at 10:00 a.m. This meeting will be held in a virtual format, hosted by Kyle Seidel.

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 12:47 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.