

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT  
DRAINAGE BOARD MEETING MINUTES  
September 16, 2021**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Thursday, September 16, 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 Rochester Hills, 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*

**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  
Steven Schmidt, City of Grosse Pointe Woods  
Moyna Moore, Wayne County  
Elizabeth Barrera, Wayne County  
Russ Strassburg, Tetra Tech  
John Brennan, Fahey, Schultz, Burzych & Rhodes  
Brady Harrington, State of Michigan

**1. Call to Order**

Mr. Gregg called the meeting to order at 10:04 a.m., noting that Mr. Smith, Grosse Pointe Woods, was not present.

Current legislation validates meeting structure. A State of Emergency Ordinance remains in effect in the County of Wayne. The board will proceed with a virtual meeting, hosted by Kyle Seidel.

**2. Approval of Agenda**

Ms. Steele, Wayne County, proposed amendments to the Agenda to include adding FY 2022 Finance Report under New Business Item 5c., FOIA Request under Unfinished Business, Item 6h, as well as moving AEW Agreement, Item 6b to 7a., under Approval of the SEMSD Operations and Maintenance Invoice.

Mr. Babcock, St. Clair Shores, 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. August 19, 2021, Milk River Intercounty Drain Drainage District Board Meeting**

Mr. Babcock, St. Clair Shores, moved to approve the minutes for the August 19, 2021, Milk River Intercounty Drain Drainage District Board Meeting as presented. The motion was supported by Ms. Steele, Wayne County. Motion passed.

**4. Reports**

**a. Operations and Maintenance**

Mr. Trombley reported that there have been various rain events since the last meeting, including two full basin captures. The first one was on Friday, August 27<sup>th</sup>, 2021. They were able to empty the basin within 36 hours and within four hours another inch of rain was received. They coordinated with Chapaton and Martin to hold some flow, so the capture was successful at Milk River and no discharge occurred. There was also a line of thunderstorms that came thru, which resulted in storing in the Milk River tunnel but nothing in the basin. The basin is flush and no sludge is present at this time. There was an issue with a control circuit board on pump #2. Storm Pump #2 was down which resulted in not being at firm capacity. They swapped out pump #5 controls, as that pump is currently out for repair. Pump #2 was back up and running until an electrical issue appeared. Tetra Tech and Spence Bro.'s are aware of the issue and Mr. Trombley will update when a clearer understanding of the issue is available. Operators continue to perform preventative and grounds maintenance. Mr. Avery has started painting the pump room. Mr. Trombley explained that they have the ability to dewater the RTB in part by gravity and in part by pumping the basin out. They have 3 grit and 40 water pumps. One of the pumps was not producing properly. The SEMSD was able to pull this pump and found quite a lot of debris and grit lodged in the pump. They were able to free up the propeller and reinstall the pump, which is up and running again. The in-house repair put them back at full capacity to dewater the basin. Photos were displayed on the screen. Discussion occurred on the electrical issues of Pump #2. Mr. Trombley reported they are working on the issue and will follow up after the electricians look at it.

GLWA was informed when they were not at firm capacity.

Mr. Walby noted that there was a tree that fell into the Milk River during a recent wind event. A Grosse Pointe Woods contractor was able to help remove the tree, with the help of the SEMSD staff and boat, which was used to bring the tree limb and debris out of the river. The tree is located on the property easement which made it the responsibility of the Milk River Authority. It was noted that there is a lot of older trees in that area that will require trimming and or maintenance to avoid the debris entering the recirculation station. More photos will be provided at the next meeting. Mr. Gregg noted that a proactive approach to maintaining the trees would be a good idea and that there is a clause in the drain code that requires a seven-day notice to homeowners of a plan to perform maintenance on the trees.

Mr. Babcock, St. Clair Shores, made a motion to receive and file the Operations and Maintenance report. Ms. Steele, Wayne County, supported the motion. Motion passed.

### **b. Priority 1B and Select Improvements Project**

Mr. Strassburg reported that Spence is working on the electrical issues with stormwater pump #2. Mr. Bruce Smith, Spence Bros., is looking into the issues. Mr. Strassburg noted that Spence has been delayed in getting items completed and that a list of supporting information has been sent to John Brennan, Attorney, to draft a letter of notice to get Spence to move forward on these items. The Project Performance Certification plan has been drafted. The changes have been made based on the review and a draft will be submitted to EGLE by September 26, 2021.

The Construction Cost Summary has not changed. The Engineers are invoiced thru August 27, 2021, they are up to date and tracking to budget. The Contractor has not invoiced since April 23, 2021, no change since the last meeting. Mr. Gregg questioned if there have been communications with Mr. Smith, Spence, regarding the status of outstanding items. There have been brief communications with Spence. The project Certification Review went well and has a lot of history included within it.

Mr. Baker made a motion to receive and file the Construction Update report. The motion was supported by Ms. Steele. Motion passes.

## **5. New Business**

### **a. Chlorine Cost Increase-JCI**

Mr. Walby reported that the Sodium Hypochlorite pricing has increased. There have been supply and transportation issues that have forced the prices up. The Board is being informed of this pricing increase as the increase may impact the budget for Bulk Chemicals. These increases are consistent across all suppliers. PBS and JCI are the major suppliers of chemicals. JCI has worked well with the Milk River and there have not been any issues with getting supplies this year.

It was noted that the price increase was presented and validated, no further action was required.

### **b. Year-End Pass-Through and Remaining Costs**

Mr. Walby reviewed the remaining pass-thru expenses spreadsheet as presented on screen. These include Landscaping at the Recirculation station and Milk River. Also discussed was the installation of a flagpole by Rocket Enterprise and the purchase of a zero-turn mower and Kubota from Weingartz, to maintain the property and transport employees who collect wastewater samples. Pictures were presented on screen. It was noted that it is preferred to keep the maintenance of the property in house to maintain security and limit damage to the property. Basement lighting repair, spare dewater and grit pumps, and a generator for the Harper Woods Gate were also discussed. The Bar Screen, a “trash rack” that protects the large stormwater pumps from debris coming up the Milk River tunnel was also included in the costs as it is in need of repair. Mr. Seidel updated the status of the Metal Plate coverings. There are two large openings on the west end and two smaller openings on the east end. Snow fencing has temporarily been placed around both openings to make the site more secure. These are openings to basins 1&2. Mr. Seidel introduced the Enduro product that could be used instead of the heavy steel options. The Enduro panels are for industrial usage and would cost \$36,000 to \$37,000 for material. Waiting on installation costs. This cost is more than the original price approved. The pass-thru spent thru this meeting is \$635,000. \$892,000 was budgeted. Based on the numbers shown, the remaining amount, including next month's estimated utilities, is \$26,685 under budget. This does not include the \$30,000 for the coverings. This would put us an estimated \$4,000 over budget for pass-thru items. It was noted the \$3,400 for the tree removal was not included in this estimate. It

was also noted that the RTB coverings could be deferred to the next Fiscal Year. Mr. Seidel will look into the coverings and report back. There is \$15,000 allocated in next year's budget for those hatches. The snow fence was installed to make the site safer. The turnaround time for these covers is 12-14 weeks after the PO is issued. The Kubota will also not be available until spring 2022, thus the expenses would not be incurred until that time. The Generator at the Harper Woods station is considered a high priority. Mr. Baker reminded the board that there will be Insurance costs to be considered in upcoming months, which could total several hundred thousand dollars.

Ms. Moore reported that the current O&M Fund Balance is \$2.2 Million. The reserve holds at \$342,000; this amount is undesignated and can be used as needed. The fund balance carries forward each year.

Mr. Baker, Macomb County, moved to approve the proposal for the Year-End Pass-Thru and Remaining costs. Ms. Steele, Wayne County, supported the motion. Motion passes.

It was clarified that the metal plate coverings for the basins will be addressed at a future meeting when there is an exact quote for these coverings and the amount which exceeds the approved \$15,000 will be reviewed.

Mr. Walby thanks the Board for their support which ultimately aids in the efficient operation of the facility.

### **c. FY 22 Financial Report**

Ms. Steele reported that the FY 2022 financial reports may look a bit different going forward as there is not a direct payment to suppliers for pass-thru costs. The line items will now show the breakdown based on various categories of cost. Ms. Moore noted that they will be meeting with SEMSD to align the supporting schedules. This will start in FY 2022; the first report will be seen in January 2022.

## **6. Unfinished Business**

### **a) Removal of Sandbags**

Mr. Seidel reported continued good news for the lake levels, which confirms the decision to remove the sandbags. The removal project had a budget of \$400,000, the project has finished at \$350,000, \$50,000 under budget. Landscape Services started the project on June 21, 2021, and were finished by August 25, 2021. Mr. Babcock reports that there have been no known complaints from homeowners.

### **b) Notice of Claims-Food Update**

Mr. Brennan reported that he continues to receive claims. A letter has been drafted that will go to the attorneys that have sent claims. Individual claims will be addressed directly. There is a 45-day claim period. The obligations to state a claim have not been met, therefore the denial letters will be sent out. Mr. Brennan will supply a list of claimants receiving denial letters to be cross-referenced by those that have received notices.

Ms. Steele, Wayne County, presented a motion to direct Mr. Brennan, as legal counsel, to respond to the claimants following Public Act 222 on behalf of the MRIDDD Board. Mr. Babcock, St. Clair Shores, supported the motion. Motion passes.

**c) Insurance Coverage for Milk River and SEMDS Insurance**

Mr. Baker noted that they are still waiting for a quote to be provided. The coverage will be similar to the policy Macomb County has for its districts. A special meeting may be needed if the quotes become available before the next MRIDDD meeting.

**d) GPW Inspection Letter-Compliance**

Mr. Strassburg noted that the letter was reviewed at the last meeting. Mr. Smith, Grosse Pointe Woods was looking into splitting the permit between Spence and MRIDDD. There have not been any communications at this time. Mr. Schmidt, Grosse Pointe Woods, will meet with Mr. Smith, Grosse Pointe Woods regarding the permit. Mr. Brennan noted that a letter was drafted regarding the current deficiencies and will be sent out today to Spence and their Attorneys.

Mr. Babcock, St. Clair Shores, made a motion to table the Grosse Pointe Woods Inspection Letter Compliance and request to split the compliance requirements between Spence and the MRIDDD until the October 21, 2021, MRIDDD meeting. The motion was supported by Mr. Baker, Macomb County. Motion passes.

**e) Rosedale Street Bridge Letter**

The City of St. Clair Shores is working with property owner Mr. Richard Burnt, who has issues with the bridge as noted in the board packet. Mr. Seidel reports that there is no problem with the flood plane and a bigger bridge is not warranted. An independent engineering firm has inspected the bridge and has determined that the bridge meets safety requirements. The report was given to the homeowner. No further action is required.

**f) Milk River Generator**

Mr. Seidel reported that the 2009 Generator Study for backup power at Milk River is being reviewed. An updated RFP is not yet available. This will be addressed at the next MRIDDD meeting when more information is available.

**g) Basin Covers**

The cost for basin coverings, as discussed under Item 5(b), will be presented at the October MRIDDD meeting.

**h) FOIA Request Update**

Ms. Steele reported that Mr. Jeffrey Collins sent a FOIA request regarding the Milk River operations during a wet weather event. The FOIA response was sent out. Ms. Steele will provide the request to the board members. The record was available at no cost and produced with SCADA information.

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

Mr. Walby reviewed the monthly invoice and pass-thru costs.

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.

**a) AEW Agreement**

Ms. Steele noted that Mr. Caldwell joined the meeting to discuss and draft a Professional Service Agreement. The information was shared with Mr. Seidel.

Ms. Steele, Wayne County, moved to have the Board enter a closed session for purposes permissible under the Open Meetings Act to review material that is exempt from disclosure by statute or law. Mr. Baker, Macomb County, supported the motion. Motion passes.

**Board Enters Closed Session**

**Regular MRIDDD Meeting resumes session at 12:56 p.m.**

Ms. Steele, Wayne County, moved to table the AEW Agreement until the November 18, 2021, MRIDDD meeting Agenda, to allow for additional time to review the scope of services. Mr. Baker, Macomb County, supports the motion. Motion passes.

**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, October 21, 2021, at 10:00 a.m. This meeting will be held in a virtual format, hosted by Kyle Seidel.

**10. Adjournment**

Mr. Baker, Macomb County, 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 12:59 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.