

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
October 21, 2021**

A meeting of the Milk River Intercounty Drain Drainage Board was held on Thursday, October 21, 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, Division Director, Wayne County
Reporting from the City of Wayne, 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

Frank Schulte, Director of Public Services, 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
John Sledz, Wayne County
Elizabeth Barrera, Wayne County
Russ Strassburg, Tetra Tech
Greg Tupancy, Tetra Tech
John Brennan, Fahey, Schultz, Burzych & Rhodes
Stephen Saph Jr., Nickel & Saph, Inc.

1. Call to Order

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

Mr. Gregg, Chair, proposed an amendment to the agenda which included moving item (f), AT&T Lease Agreement to item (b).

Mr. Baker, Macomb County, made a motion to approve the agenda as amended. The motion was supported by Mr. Cullen, Wayne County. Motion passed.

3. Approval of the Minutes for:

a. September 16, 2021, Milk River Intercounty Drain Drainage District Board Meeting

Mr. Babcock, St. Clair Shores, moved to approve the minutes for the September 16, 2021, Milk River Intercounty Drain Drainage District Board Meeting as presented. The motion was supported by Mr. Baker, Macomb County. Motion passed.

b. September 16, 2021, Closed Session Meeting

Minutes from the closed session meeting were distributed to Board Members by Ms. Steele, Wayne County.

It was noted that all recipients of the minutes should use proper procedures when dealing with confidential information received via email.

4. Reports

a. Operations and Maintenance

Mr. Trombley reported that there was an extensive wet weather event that occurred on the 21st thru the 23rd of September. Five inches of rain were recorded in the district with 182 million gallons discharged. All fecal and E-Coli levels were well below the testing limits. It was noted that there have been issues with a pump tripping out following startup. Mr. Trombley has documented the issues in a report and submitted it to Tetra Tech. Pump #4 does not have a final acceptance because of the faults, it has not gone thru the prescribed start and stops.

Pump #2 has been serviced, a circuit board has been swapped out and it ran without issues. The disinfection hookups, that have been leaking, have had their fiberglass redone and have not had any further leaks. Titus was on-site working on the demolition of the old soleplate and all is good for the installation of pump #5.

Pictures were displayed on screen showing the tainter gates, which have been painted a Ford Motor Company Blue, with a marine paint and primer, improving the look of the equipment. The landscaping has been worked on. Tree work, edging, and mulching have been completed to improve the aesthetics of the area.

The zero-turn mower and Kubota have been ordered. Progress has been made with the spare dewater and grit pumps, the Harper Woods gate generator, and the bar screen repair. Landscaping at the flagpole and Recirculation Station is also being completed.

Mr. Seidel reported on Lake St. Clair water levels. The lake levels are still trending lower than last month, and it is good news for the overall trending of the lake levels even with the recent rain events.

Mr. Seidel reported that the sandbag project is 100% complete and finished \$50,000 under budget. It was a successful project with minimal complaints.

b. Priority 1B and Select Improvements Project

Mr. Tupancy reported that the Project Manager for Spence has recently left, and it is therefore taking extra time to get some items completed. He noted that progress meetings will resume shortly. The pump is scheduled to be delivered the week of November 22, 2021. There has not been confirmation of the exact day for delivery. Spence needs to get caught up with paperwork, specifically, the Allowance Authorizations. The updated Wage Report was also noted as needing to be completed. The Wage Report notes pay increases and is required for a review to be completed and to ensure that all numbers match.

Mr. Strassburg noted that a rough draft of the Project Performance Certification Plan was submitted to EGLE on September 24, 2021. No feedback has been received. The plan is in good shape and includes a lot of history of the Milk River and the basin.

Mr. Tupancy reported on the summary of Allowance Authorizations and noted that there has been no movement and is currently within budget. Tetra Tech is invoiced thru the end of September and is on budget. Spence has had a delay in paperwork due to the change in project management and no paperwork has been submitted. They have been paid thru the end of April.

Mr. Cullen, Wayne County, made a motion to receive and file the Construction Update report. The motion was supported by Mr. Schulte, Grosse Pointe Woods. Motion passes.

5. New Business

a. Proposed 2022 MRIDDD Meeting Dates

Due to scheduling conflicts, it was suggested that the fourth Thursday of the month be used instead of the third Thursday of the month. It is anticipated that the MRIDDD meetings will be held in person. Mr. Babcock, St. Clair Shores will check the availability of the conference room.

The fourth Thursday of the month will be scheduled for the MRIDDD meetings, except for the November and December 2022 meetings. The November meeting will be held on Tuesday, November 22, 2022, at 1:30 p.m. The December meeting will be held on Thursday, December 15, 2022, at 10:00 a.m.

A motion to approve the revised 2022 MRIDDD Meeting Dates was made by Mr. Babcock, St. Clair Shores. Mr. Schulte, Grosse Pointe Woods, supported the motion. Motion passes. The updated schedule will be sent via email.

Mr. Schulte, Grosse Pointe Woods, noted that he will be taking over for Mr. Smith, Grosse Pointe Woods, who will be retiring as City Administrator in December.

6. Unfinished Business

a. Notice of Claims-Flood Update

Mr. Brennan reported that a letter has been drafted in response to the flood claims. It was noted that there is no deadline in the timing of sending out the response letter. An individual review has not been done for each claim, as the cost-benefit of doing so should be considered. The Board should review whether the cost-benefit analysis of doing so would be prudent. The letter drafted is a broad-based letter of denial as the claims do not meet the terms of the statute. The flooding was not connected to the Milk River system. Mr. Brennan recommends a blanket refusal to the claim, however, requests the direction of the Board on how they would like to move forward.

Mr. Schulte, Grosse Pointe Woods, made a motion to approve Mr. Brennan to send out a blanket denial letter for the flood claims on behalf of the MRIDDD. Mr. Cullen, Wayne County, supported the motion. Motion adopted.

b. AT&T Lease Agreement

Mr. Brennan reported that a letter from AT&T was received noting the intention to remove six antennas and replace six remote radio heads as well as taking older equipment and replacing it with newer equipment or equipment that is not worn out. They also sent a structural analysis evaluation letter from an engineer. This letter states that there will be no added stress to the structure of the building, with the assumption that all existing structures are in good condition. There has been no examination of the current structures. AT&T reports that there will be no significant difference in load weight and wind reaction. MRIDDD has the obligation to let them do this. The effective date of the lease was 12/05/2012. The initial term of the lease was five years, which extended to 2017. There are four automatic five-year extensions, going to 2027. Every five years it is automatically renewed until 2027. It was noted that only AT&T can end this lease, which would have had to be done by October 5, 2021. AT&T is entering into its last five-year period on this lease. There should be a 3% rent increase starting in January 2022. Written notice can be given anytime between now and 2027 that we do not intend to continue with this lease. This must be done before October 5, 2027. The MRIDDD does need to sign off on the repairs that AT&T intends to make. Mr. Schulte, Grosse Pointe Woods, suggests sending in a termination intent right now to negotiate better terms to the contract.

It was suggested that an in-house engineer conduct a structural analysis to make sure the load is acceptable and will not affect the integrity of the structure. The original structural analysis was done by Keystone Structural Solutions in 2012. The current equipment changes and upgrades are based on the assumptions of this analysis.

It was noted that any type of work, repairs, or changes done to the roofing structure may affect the warranty of the roofing work.

Mr. Brennan will communicate with AT&T the request for an additional 30 days to study the structural stability of the building and to evaluate the warranty concerns regarding the equipment upgrade project.

Mr. Schulte, Grosse Pointe Woods, motioned to have the proposed plans and specifications provided by AT&T reviewed by Tetra Tech for evaluation and recommendation as well as authorize legal counsel to contact AT&T to request an extension of time for the signing of the agreement for the equipment upgrade project until the November meeting. Mr. Baker, Macomb County, provided support for the motion. Motion passes.

c. Insurance Proposal-Liability Coverage Only

Mr. Stephen Saph, Jr., Nickel & Saph Insurance Agency, reported on the insurance proposal prepared for the Milk River facility. The terms and conditions of the coverage were reviewed as noted in the letter dated September 28, 2021, of the Board Packet. Mr. Baker noted that the coverage would be similar to that of the Chapaton Station as well as Chapter 20/21 Sanitary and Stormwater treatment plants. If the Board decides to secure the liability coverage, Mr. Saph will work to obtain an appraisal for property insurance.

Mr. Brennan requested that the policy be forwarded to him for further review.

The premium is to be paid on a single/annual payment process. The payment would be due 30 days after the invoicing date. Specifics of the policy will need to be determined, and the effective date can be designated by the Board.

Mr. Cullen suggested referring this policy to counsel for review and defer action until next month or pending approval of legal counsel.

The insurance premiums have not been included in the budget, but fund balance is available for this cost.

Mr. Baker suggests approving the policy subject to the review and approval of legal counsel.

Mr. Baker, Macomb County, made a motion to authorize the effective date of Wednesday, October 27, 2021, for the insurance coverage, subject to legal counsel's review. This motion authorizes the Chair to obtain this coverage and includes option #2 to include the terrorism clause. Mr. Cullen, Wayne County, supports the motion. Motion passes.

Mr. Saph will work to secure coverage for property insurance coverage upon approval of the liability policy.

Mr. Walby requests that Mr. Saph, HCA, reach out to the SEMSD to schedule the inspection and review of the Milk River facility and for billing information. The premium cost will be included as a pass-thru line item.

d. GPW Inspection Letter-Compliance

Mr. Strassburg reported that there have been no compliance updates received for this meeting. Mr. Schulte and Mr. Seidel will meet with Gene Tutag, Grosse Pointe Woods, to get the Milk River Compliance issues worked out. Further information will be available at the November MRIDDD meeting.

e. Milk River Generator-RFP

Mr. Seidel reported that the RFP for an alternative power source, Generator Study, will be posted to MITN. This RFP will ask engineering firms to update a previous study that was done in 2009. An updated report of their findings shall be provided. Two meetings with the SEMSD to provide progress and at least two presentations at MRIDDD Board meetings will be required. Proposals will be due in early December so they can be presented at the December MRIDDD meeting. The final report/decision is to be completed in May of 2022. Mr. Babcock, St. Clair Shores, requests that the analysis include options for emergency generators, and what the costs would be to rent the equipment. It was noted that an additional week (4 weeks) for returning bids would be prudent.

A motion to authorize the issuance of the RFP with the amendment of extending the due date for bids an extra week and including options for emergency generators, and rentals, was made by Mr. Cullen, Wayne County. Support was given by Mr. Babcock, St. Clair Shores. Motion passes.

f. Basin Coverings

Mr. Seidel presented the proposal options on the screen. Enduro products and costs were discussed. Current delivery times are 18-20 weeks. Two contractors were contacted to obtain labor costs for the installation. Fort Wayne Contracting is the recommended contractor. The Board approved \$15,000 at the August 19, 2021 MRIDDD meeting for the four basin coverings. The cost for the Enduro products to be purchased and installed totals \$45,000. Mr. Seidel noted that an additional \$30,000 would need to be approved by the Board to move forward with the project using the Enduro products.

Mr. Schulte, Grosse Pointe Woods, motioned to proceed with the project using Fort Wayne Contracting and approving the additional \$30,000 needed for the purchase and installation of the product. Mr. Babcock, St. Clair Shores, supported the motion. Motion passes.

7. Approval of the SEMSD Operations and Maintenance Invoice

Mr. Walby reviewed the monthly invoice and pass-thru costs as noted in the Board Packet.

A motion to approve the SEMSD Operations and Maintenance Invoice as presented was made by Mr. Cullen, Wayne County. Mr. Schulte, 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, November 18, 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. Cullen, Wayne County. Motion adopted.

There was no further discussion to come before the Drainage Board. The meeting adjourned at 12:54 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.