

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
May 31, 2023**

A Milk River Intercounty Drain Drainage Board meeting was held on Wednesday, May 31, 2023, at the City of St. Clair Shores City Hall, 27600 Jefferson Avenue, St. Clair Shores, Michigan, 48081.

Members Present

Michael R. Gregg, Chair, Michigan Dept. of Agriculture & Rural Development, State of MI
Elizabeth Barrera, Assistant Division Director, Deputy Drain Commissioner, Wayne County
Brian Baker, Chief Deputy, Public Works Office, Macomb County
Bryan Babcock, P.E., Director of Public Works/Water, City of St. Clair Shores
Heather Toutant, Director of Public Works, City of Harper Woods

Others Present

Kyle Seidel, Anderson, Eckstein and Westrick
Kip Walby, Southeast Macomb Sanitary District
Pete Trombley, Southeast Macomb Sanitary District
Dianne Schelosky, Southeast Macomb Sanitary District
Jim Kowalski, City of Grosse Pointe Woods
Jessica Kenyon, Wayne County
Greg Tupancy, Tetra Tech
Russ Strassburg, Tetra Tech
John Brennan, Fahey, Schultz, Burzych & Rhodes

1. Call to Order

Mr. Gregg called the meeting to order at 1:07 p.m.

2. Approval of Agenda

The presented agenda was amended to delete Item 5b., Generator, and to change Item 9., Closed Session, to Report and Discussion on Mediation Agreement. It was also noted that Ms. Toutant was promoted to Director of Public Works for the City of Harper Woods. Ms. Toutant, Harper Woods, moved to approve the agenda as amended. The motion was supported by Mr. Babcock, St. Clair Shores. Motion passed.

3. Approval of the Minutes for:

a. April 27, 2023, Milk River Intercounty Drain Drainage District Board Meeting

Mr. Baker, Macomb County, moved to approve the minutes for the April 27th, 2023, Milk River Intercounty Drain Drainage District Board Meeting. The motion was supported by Mr. Babcock, St. Clair Shores. Motion passed.

4. Reports

a. Operations and Maintenance

Mr. Trombley provided an update on the Operation and Maintenance of the facility. A wet weather event occurred on April 29, 2023, resulting in a discharge of 10.5 million gallons with 1.10 inches of rainfall

received in the district. All levels were within compliance and there were no system failures. It was noted that three of the seven grit pumps, which are used to dewater the basin, had a build-up of silt and sediment. They have been working to get these cleaned. This process was shown on screen. Pipe-Tech was on site to aid in the cleaning, this is to be done every year and a half to two years. It was noted that the SEMSD employees did the work. The invoice will reflect an adjustment.

A grit pump that failed is being removed and will be sent to Kennedy to be serviced. A sanitary pump is also being repaired and should be done by the end of the week.

A quote from Kennedy for the final recirculation pump repair has come back under budget. The quote was \$48,500 while the budgeted amount was \$75,000. In June they will have two pumps running full-time at Recirculation Station. It was also noted that a new hot water tank was installed at the Milk River.

An update was given regarding the pumps that have been removed for repair at the Kerby pump station. Photos of the large pumps were shown on the screen. There are a total of five pumps at that station, two new ones have gone in and the next three will be done at another time. The pumps ran well during rain events. There were no pumps down during the exchange, which was a team effort with the Chapaton staff.

The roof of the small garage will be replaced next week, and the cement work is scheduled to be done by the end of June.

Landscaping work is being completed, dead trees removed, and three varieties of new spruce trees planted.

It was noted that Grosse Pointe Park is installing a relief valve. Their current flow goes into the Detroit River Interceptor and will not have an impact on our operations.

A flagpole is being installed at the Recirculation Station and the dead branch removal project will be upcoming.

A motion to receive and file the Operations and Maintenance report was made by Ms. Barrera, Wayne County, Mr. Babcock, St. Clair Shores, supported the motion. Motion passes.

b. Priority 1B and Select Improvements Project

Mr. Tupancy reported on the construction progress. He noted that the SCADA system still has some work to be completed and the concrete work is scheduled to be done by the end of June.

Tetra Tech is on budget and billed through the end of April.

Spence has submitted a payment request through the end of April, and an agreement has been reached to release the retainage in full as well as all interest earned. Ms. Barrera confirmed that the payment has been processed with instructions on holding the check. The checks will go to Ms. Steele, Wayne County, who will oversee the delivery to the mediator. When the mediator has all of the checks, including the \$400,000 reimbursement, the attorneys will confirm that everything is correct, and authorize the checks to be delivered to the respective parties. The subs will then be paid and provide for the release of any liens.

The retainage amount is \$1,942,443. without interest. There is approximately \$10,000 in interest. The actual amount owed for work performed is \$777,177.26. All funds totaled \$2,713,620.26 plus the interest payment. The MRIDDD will receive \$400,000 back for liquidated damages. \$50,000 was withheld from the payment to cover anything left on the deficiency list. There is one more PCO for excavation work which is not to exceed \$10,000.

The Allowance Summary of all authorizations was reviewed and includes a bridge inspection credit of \$4,100, which was negotiated in mediation. This inspection is to be done by a structural engineer. The Balance of Unforeseen Conditions is \$166,178.79 as noted in the Board Packet.

A motion to receive and file the Construction Progress Update Report was made by Mr. Baker, Macomb County. Ms. Toutant, Harper Woods, supported the motion. Motion passed.

5. New Business

a. PPC

Mr. Strasburg reported that they are still collecting data and compiling reports for the Project Performance Certification work. There is a June deadline. They have had no word from EGLE and hope to have an update at the June meeting.

6. Unfinished Business

There was no report under Unfinished Business.

7. Approval of the SEMSD Operations and Maintenance Invoice

Mr. Walby reviewed the monthly invoice and pass-thru costs as presented in detail in the Board Packet. It was noted that the expenses are 73% spent and are currently under budget. They are working through the 2023 Capital items and the 2022 Capital items will be finished shortly.

A motion to approve the O & M Invoice for \$237,493.62 as presented in the board packet was made by Mr. Babcock, St. Clair Shores. Mr. Baker, Macomb County, supported 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 noted.

9. Report and Discussion on the Mediation Agreement

Mr. Brennan reported on the mediation agreements. Many of the open issues have been closed and very few items are left to be executed. Gages, flushing valves, and As-Built items have been resolved. The spare parts issue is still open but is 90% done. A list of spare parts is needed, and negotiations are occurring with Eaton and Spence. Some of the parts are no longer in production. These parts will be stored on-site at the Milk River. The concrete work issues have been resolved and will be completed by the end of June.

The SCADA issues have been resolved with the help of the SEMSD and the timing of the gates sequence will be addressed with the warranty work.

The warranty work on the Flushing Gates is a big item yet to be resolved. They are working out a plan to resolve this issue.

The \$50,000 holdback is to ensure these items will be resolved. The final payment application is mostly paperwork to be completed and is expected to be done by the contractor.

More information is expected to be presented to the Board at the next MRIDDD meeting.

Mr. Brennan noted his appreciation for the teamwork and assistance given in working out all the details of these negotiations.

10. Next Drainage Board Meeting

The next regularly scheduled board meeting is planned for Thursday, June 22nd, 2023, at 10:00 a.m.

The meeting is scheduled to be held at St. Clair Shores City Hall, 27600 Jefferson, St. Clair Shores, MI 48081.

11. Adjournment

Mr. Baker, Macomb County, moved to adjourn the May 31st, 2023, MRIDDD meeting. The motion was supported by Ms. Barerra, Wayne County. Motion approved.

There was no further discussion to come before the Drainage Board.

The meeting was adjourned at 2:13 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.