

**MILK RIVER INTERCOUNTY DRAIN DRAINAGE DISTRICT
DRAINAGE BOARD MEETING MINUTES
July 20, 2023**

A Milk River Intercounty Drain Drainage Board meeting was held on Thursday, July 20, 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
Daniel Acciavatti, Deputy Director of Public Works, 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
Carol Hufnagel, Tetra Tech
John Brennan, Fahey, Schultz, Burzych & Rhodes

1. Call to Order

Mr. Gregg called the meeting to order at 10:04 a.m.

2. Approval of Agenda

The presented agenda was amended to remove item **5b.**, Generator, and add item **5c.** Sanitary Pump Repair., Closed Session was changed to Discussion on Spence Contract Mediation Settlement. Ms. Barrera, Wayne County, 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. June 22, 2023, Milk River Intercounty Drain Drainage District Board Meeting

Ms. Toutant, Harper Woods, moved to approve the minutes for the June 22, 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 reported that there have been four wet water events in July with no resulting discharges. On July 2, 2023, 9/10th inch of water resulted in 11.2 million gallons being captured and treated. The basin was dewatered, flushed, and ready for the next events which took place on July 8th and July 12th. These events were also captured and treated. The bleach and disinfection supplies have been restocked and are ready for the next event.

A grit pump and sanitary pump have had issues and are currently being repaired. Kennedy has been given the direction for this repair. All seven dewatering grit pumps are fully operational. The pumps being repaired will be spare pumps.

The Recirculation Station has received its pavement repairs and looks great. The driveway was completed with concrete. Photos were shown of the completed project. A 25-foot flagpole is also scheduled to be installed.

A quarterly update for the Girard Drain was presented. A graph of inline storage at the basin was displayed. Level sensors show the storage profile and unit levels at each given time frame, noting the usefulness of this tool. The level sensors show the storage levels in real time.

Pictures of the new SEMSD building and construction progress were shown on screen. A 30-day progress update will be provided at each board meeting.

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

b. Priority 1B and Select Improvements Project

Mr. Tupancy reported on the construction progress. There have been no pay applications received from Spence and no invoices submitted by Tetra Tech, therefore, no changes from last month's report. There is one more PCO to do, that was agreed upon in mediation. This is not to exceed \$10,000 for the excavation, backfill, and restoration associated with the remaining concrete repair work. This PCO will be rolled into the final reconciling change order. The \$166,000 that is left in the line item of the contract will be returned. A reduction of about \$337,000 in the final amount is noted. They are currently waiting for Spence to produce the PCO for excavation work to complete the final report.

It has been verified that all work has been completed and accepted. The spare parts and equipment settlement are not being disputed and the parts are being provided.

The SCADA items have been addressed and are completed. The flushing gate items are to be addressed through the flushing gate provider.

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

5. New Business

a. PPC

Carol Hufnagel reported on the Project Performance Certification. It was noted that the PPC documents the performance of the facility for a year following the date of operation of that facility. This was recorded as starting May 1st and running to April 30th for the monitoring timeline evaluation. The purpose of the PPC is to evaluate the various systems of the facility and to assess whether they are performing according to their design intent. It was reported that everything was determined to be working as intended. There is a permit requirement to deliver 10,000 G.P.M to the Grosse Pointe Interceptor at all times of discharge. This is the sum of multiple flow streams. It was reported that everything was operated appropriately.

The dissolved oxygen study was also done and will be incorporated into the PPC Report. This report is due in September of 2023. The dissolved oxygen study that was performed, specifically, an event that was tested on June 7, showed that the dissolved oxygen level in the Milk River never went below the standard required levels on that day or during the rest of the summer.

A complete draft of this report will be presented to the board at the August MRIDDD meeting at which time the board can authorize the report to be presented to EGLE.

b. Wayne County Q4 Financial Report

Jessica Kenyon presented the preliminary Q4 Financial Report that goes from July 1, 2022, to June 30, 2023. The revenue and expenses were reviewed. Final numbers are still to be determined due to the timing of invoices. The fund balance was reviewed and reported to be sitting at \$3.6 million. Ms. Kenyon will follow up with the SEMSD to review expenditure numbers in detail.

A motion to receive and file the Wayne County Q4 Financial Report was made by Mr. Babcock, St. Clair Shores. Ms. Barrera, Wayne County, supported the motion. Motion passed.

c. Sanitary Pump Repair

Mr. Trombley reported on the sanitary pump issues. It was noted that Kennedy Industries has provided a report of work that needs to be completed. There is currently \$40,000 budgeted for the repair of the pump. The quote from Kennedy is \$33,495 as noted in the board packet.

A motion to authorize the SEMSD to move forward with the sanitary pump repair as quoted by Kennedy Industries was made by Mr. Acciavatti, Macomb County. Support was given by Mr. Babcock, St. Clair Shores. Motion passes.

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 expenses were under budget and the carryover projects were reviewed.

A motion to approve the O & M Invoice for \$113,025.91 as presented in the board packet was made by Mr. Babcock, St. Clair Shores. Ms. Barrera, Wayne 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. A draft of the mediation agreement was shared with the board. Specifics of the agreement included an outline of conditions worked out with the mediator. Four items in specific have been resolved and include the elevator credit, site undercuts, reduced general conditions, and the storm pump warranties. An agreement to release the retainage in connection with the interim payment was made in the amount of \$1.942 million. This check has been cut and is with the mediator, along with the \$771,000 interim claim and the \$400,000 courtesy payment to MRIDDD. The mediator will release the checks to the respective recipients. There is not much left on the deficiency list. The flushing gate work is a warranty claim and not included in contract negotiations. A repair plan has been agreed upon. The SCADA items have been finished, and a method for working on the timing of the gates is agreed upon. Eaton and Spence are working on the spare part issues, some of the parts are no longer available. The obligation to provide the spare parts as stated in the contract remains. \$50,000 will be held back to ensure the odds and ends are completed, including spare parts and paperwork.

It was noted that December 31, 2023, is the deadline for everything, including the Flushing Gate repair work.

A motion to approve the mediation agreement and authorize the Chair to execute the document on behalf of the MRIDDD Board was made by Mr. Babcock, St. Clair Shores. Support for the motion was given by Ms. Barrera, Wayne County. Motion passes.

10. Next Drainage Board Meeting

The next regularly scheduled board meeting is planned for Thursday, August 24, 2023, at 10:00 a.m. The meeting is scheduled to be held at Blossom Heath Park, 24800 Jefferson Ave., St. Clair Shores, MI 48081. Lunch is to be provided. Please contact Kip Walby at (586) 994-3983 with any questions.



11. Adjournment

Ms. Toutant, Harper Woods, moved to adjourn the July 20th, 2023, MRIDDD meeting. The motion was supported by Mr. Acciavatti, Macomb County. Motion approved.

There was no further discussion to come before the Drainage Board.
The meeting was adjourned at 11:19 a.m.

Brian Baker, Chief Deputy Macomb County Public Works Commissioner

NOTE: The foregoing minutes are subject to Milk River Intercounty Drain Drainage Board approval.