Gregg Miller Nash Suma Wiley

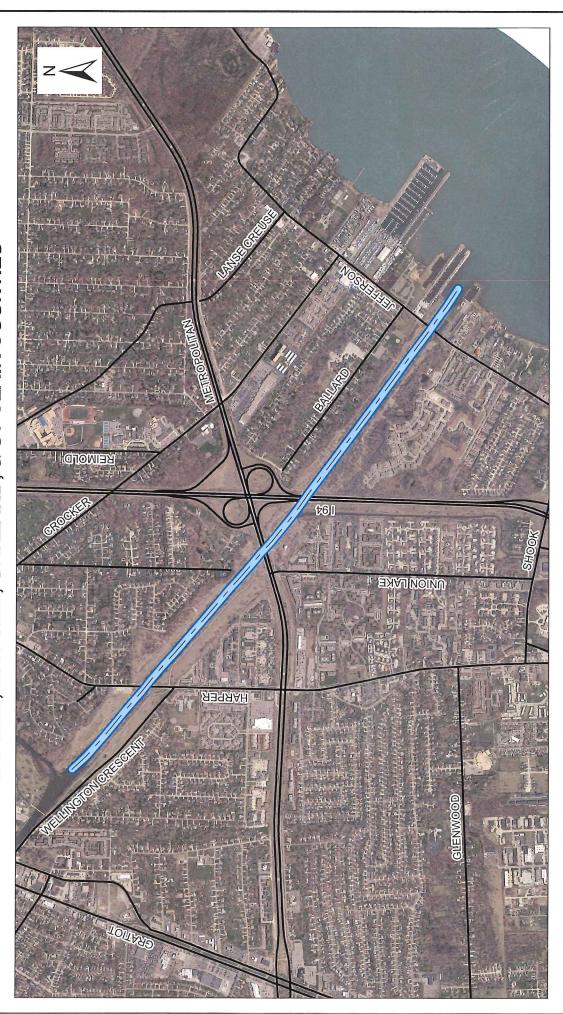
CLINTON RIVER SPILLWAY INTER-COUNTY DRAINAGE BOARD May 23, 2018 10:00 A.M. AGENDA

	<u>Pa</u>	age
1.	Call meeting to order and roll call	
2.	Approval of Agenda	
3.	Public participation	
4.	Approval of minutes of meeting of April 25, 2018	3
5.	NOAA/EPA Habitat Restoration Grant Update – Jeff Bednar	6
6.	Recommendation to award quote for mowing of drain sites – Jeff Bednar	8
	Motion: To award the quote from Green Meadows Landscape in the amount of \$29,785 for mowing of Public Works drain sites, with the Clinton River Spillway share of cost at \$6,500	
7.	Financial Update – Bruce Manning	11
8.	Old Business	
	Liability Insurance Coverage Proposal – Stephen Saph	12
9.	New Business	
10.	Adjourn	

9248.bd

CLINTON RIVER SPILLWAY







3,000 Feet

750 1,500

Open Channel







Drain Length (Feet/Miles): 11,281.34 / 2.14

A meeting of the Inter-County Drainage Board for the **CLINTON RIVER SPILLWAY DRAIN** was held in the Office of the Macomb County Public Works Commissioner, 21777 Dunham Road, Clinton Township, Michigan on April 25, 2018.

PRESENT:

Michael Gregg, Chairman

Michigan Department of Agriculture & Rural Development

Candice Miller, Secretary

Macomb County Public Works Commissioner

Jim Nash, Member

Oakland County Water Resources Commissioner

Joe Suma, Member

Lapeer County Drain Commissioner

Robert Wiley, Member

St. Clair County Drain Commissioner

ALSO PRESENT: Brian Baker, Chief Deputy, Karen Czernel, Deputy, Bruce Manning, Financial Manager, Jeff Bednar, P.E., CFM, Environmental Engineer, Tom Stockel, Construction Manager, Dan Heaton, Public Relations Manager, Barbara Delecke, Administrative Services, Office of Macomb County Public Works Commissioner; Anne Vaara, Chief Deputy, Steve Korth, P.E., Manager, Jackie Thomas, Staff Assistant, Office of Oakland County Water Resources Commissioner; Stephen Saph, Nickel & Saph, Inc.

The Chairman called the meeting to order at 10:00 a.m.

A motion was made by Mr. Nash, supported by Mr. Suma to approve the agenda as presented.

Adopted:

YEAS: 5

NAYS: 0

The minutes of the meeting of March 28, 2018 were presented. A motion was made by Mr. Suma, supported by Mr. Nash to approve the minutes as presented.

Adopted:

YEAS: 5

NAYS: 0

The project is in the restoration phase. Fish shocking will take place in April. Hubbell, Roth & Clark (HRC) is working with Clinton and Harrison Townships on a long-term maintenance program. Signage is eligible under the EPA portion of the grant. Mr. Bednar will investigate the cost for installing signs along the Spillway and the fishing pier. The transfer of \$25,000 in EPA grants from the Gloede and McBride Drains can be initiated if necessary for Hubbell, Roth & Clark to provide additional engineering during construction. Mr. Bednar will check with Clinton Township for the grass cutting this season.

A motion was made by Mr. Suma, supported by Mr. Nash to receive and file the project update given by Mr. Bednar.

Adopted:

YEAS: 5

NAYS: 0

It will cost \$70,000 for liability insurance for the inter-county drains, which includes the Red Run. Mr. Manning explained a couple of different options on how the liability insurance will be apportioned to the drainage districts. Mr. Saph explained the insurance coverage as self-insured retention. The cost-savings will come from consolidating the inter-county drains under one umbrella. The Spillway fishing pier may pose the highest risk for insurability. Fund balances will be depleted over the years, and monies will not be available for future maintenance and repair. The local communities would have to be assessed annually to maintain fund balances to pay for the liability insurance. Mr. Suma questioned the need for insurance when it was previously discussed that the local communities benefiting from the improvements would maintain and be liable for the property. Mr. Wiley suggested talking with the Counties' attorneys and Fahey, Schultz, Burzych, Rhodes, PLC to discuss what they would recommend. Mr. Suma suggested building a fund through assessments to self-insure the drains against any litigation. The long-term operations and maintenance plan should include liability insurance. Another suggestion was to have the Clinton River Spillway Drainage District pay for the insurance and the other drainage districts reimburse the Spillway. Mr. Saph will draft a letter for the Board members to present to their individual legal counsels for an opinion on whether members are covered under their respective counties' policy.

A motion was made by Ms. Miller, supported by Mr. Wiley to have Nickel & Saph, Inc. draft a letter for the respective counties to present to their legal counsel on whether Board members are covered under the county's policy.

Adopted:

YEAS: 5

NAYS: 0

The Chairman presented the invoices totaling \$68,968.20 as provided to the Board for review and approval.

A motion was made by Ms. Miller, supported by Mr. Wiley to approve the invoices as presented.

Adopted:

YEAS: 5

NAYS: 0

Mr. Gregg asked Mr. Manning to provide a look-back for the next meeting so that a projection can be made for future expenses.

A motion was made by Mr. Nash, supported by Mr. Wiley to receive and file the financial report presented by Mr. Manning.

Adopted:

YEAS: 5

NAYS: 0

Mr. Gregg requested a project site tour for the May/June meeting.

There being no further business, it was moved by Mr. Suma, supported by Mr. Nash, that the meeting of the Clinton River Spillway Inter-County Drainage Board be adjourned.

Adopted:

YEAS: 5

NAYS: 0

The meeting was adjourned at approximately 11:10 a.m.

Candice S. Miller, Secretary

Clinton River Spillway Inter-County Drainage Board

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STATE OF MICHIGAN COUNTY OF MACOMB

I certify that the foregoing is a true and correct copy of proceedings taken by the Inter-County Drainage Board for the Drainage District shown on the attached set of Minutes, on April 25, 2018, the original of which is on file in the Public Works Commissioner's Office. Public notice of the meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1975, including, in the case of a special or rescheduled meeting or a meeting secured for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.

Candice S. Miller, Secretary

Clinton River Spillway Inter-County Drainage Board

DATED: 4/30/18

9227.bd

EPA Grant Habitat Restoration Program GLRI-Macomb



Update #:	31	Time Period:	1/3/2018 - 5/16/2018	
Prepared By:	JLK	Date Issued:	5/17/18	

Summary

Spillway – Macomb County Public Works Office on behalf of the Clinton River Spillway Inter County Drain Drainage Board

Work Completed Since Update:	Focus of Efforts in Next Period:
ICDB meetings	Post Monitoring and maintain soil erosion
EPA progress report submitted	
<u> </u>	

Partridge Creek - Macomb County Public Works Office

Work Completed Since Update: Focus of Efforts in Next Period:		
EPA progress report submitted	Post Monitoring and maintain soil erosion	
	Site restoration	
	Plant survival evaluation	
	Seeding	
	Wetland plugs to be planted	

McBride Drain - Macomb Township

Work Completed Since Update:	Focus of Efforts in Next Period:
EPA progress report submitted	Contractor will continue work outside of water
Fairways Sub in water work completed	Fairways Tree Planting and Restoration
In water and pond improvements N of 24 mile	
completed	
Approx. ½ mile of in water improvements west of	
Fairways completed	
Fairways tree planting completed	
East Broughton Rd-trees planted, area seeded	

Critical Decisions Made:

- None at this time
- Trees planted around pond at Twp Hall

Outstanding Critical Questions:

• None at this time

Client Project Team Assistance Needed

• None at this time

Impediments to Project Schedule

• Work within the waterway due to the fish restriction by the state

Scope and/or Budget Concerns

None at this time

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NOAA Grant Habitat Restoration Program

GLRI-Macomb

Spillway



Update #:	31	Time Period:	1/3/2018-5/16/2018	
Prepared By:	JLK	Date Issued:	5/17/18	

Summary

Spillway - Macomb County Public Works Office on behalf of the Clinton River Spillway Inter County

Drain Drainage Board

Work Completed Since Update:	Focus of Efforts in Next Period:
Progress Report- NOAA submitted	Emergent plantings
ICDB meetings	Tree planting Harper Road
April plant survival evaluation	Phragmite treatment -September
Fish Shocking -4/24	
Upland planting completed in most recent off-line	
pool	/ <u></u>
Woody vegetation treatment	
Re-evaluate East Jefferson area	
	3.

Critical Decisions Made:

• None at this time

Outstanding Critical Questions:

None at this time

Client Project Team Assistance Needed:

None at this time

Impediments to Project Schedule:

• None at this time

Scope and/or Budget Concerns:

• Post monitoring



2018 Lawn Maintenance RFQ Summary & Cost Comparison

A Request for Quotation (RFQ) was published on MITN for Lawn Maintenance at locations identified in Table 2. The RFQ was posted from March 28th to April 12th, with 39 contractors downloading documents during the posting period. On April 12th there were 6 proposals received, which are summarized in Table 1.

The contractors were directed to provide pricing to perform lawn maintenance service from May 1st through October 31st. Green Meadows Lawnscape is the low bidder for the sites described in the RFQ. Additionally, the largest MIDDD community, Sterling Heights, highly recommends Green Meadows Lawnscape. They also provide services for Shelby Township, Macomb Township, Troy and Rochester Hills.

Table 1

	Contractor	Cost
1	Green Meadows Lawnscape	\$29,785.00
2	Marino's Landscape	\$33,451.00
3	Expert Lawn and Snow	\$37,000.00
4	Premier Group Associates	\$39,675.00
5	Ultimate Lawn Service	\$47,120.00
6	Premier Professional Landscape	\$73,632.00

Green Meadows Lawnscape Cost Breakdown

Table 2

No.	Drainage District	Name/Location	Cut	Trim	Frequency	# of Cuts	Cost Per Cut	Total Cost for Season
1	Clinton River Spillway	Clinton River Spillway	Yes	No	Twice a Month	13	\$500.00	\$6,500.00
2	Roseville Consolidated	Roseville Consolidated	Yes	No	Twice a Month	13	\$60.00	\$780.00
3	Bridgewood	Bridgewood	Yes	Yes	Twice a Month	13	\$30.00	\$390.00
4	Hildebrandt	Hildebrandt	Yes	Yes	Twice a Month	13	\$135.00	\$1,755.00
5	MIDDD	Sewage Flow Meter Site CH- S-1	Yes	Yes	Twice a Month	13	\$25.00	\$325.00
6	MIDDD	Sewage Flow Meter Site CH- S-2	Yes	No	Twice a Month	13	\$25.00	\$325.00
7	Shanahan Drain	Shanahan Drain Property	Yes	No	Twice a Month	13	\$85.00	\$1,105.00
8	MIDDD	Bio Filter	Yes	Yes	Once a Week	27	\$65.00	\$1,755.00
9	MIDDD	Sewage Meter Facility SY-S-3	Yes	Yes	Twice a Month	13	\$30.00	\$390.00
10	MIDDD	Sewage Meter Facility ST-S-3	Yes	Yes	Twice a Month	13	\$30.00	\$390.00
11	MIDDD	North Gratiot Pump Station	Yes	Yes	Once a Week	27	\$35.00	\$945.00
12	MIDDD	Clintondale Pump Station	Yes	Yes	Once a Week	27	\$60.00	\$1,620.00
13	MIDDD	Sewage Flow Meter Site NH- S-1	Yes	Yes	Twice a Month	13	\$30.00	\$390.00
14	MIDDD	ARV Vaults – 23 locations	Yes	Yes	Once a Month	7	\$460.00	\$3,220.00
15	11 ½ Mile Relief	11 ½ Mile Relief Property	Yes	Yes	Twice a Month	13	\$55.00	\$715.00
16	SEMCWDS	Bon Huer Pump Station	Yes	Yes	Once a Week	27	\$30.00	\$810.00
17	SEMCWDS	Violet Pump Station	Yes	Yes	Once a Week	27	\$30.00	\$810.00
18	8 ½ Mile Relief	Chapaton Retention Treatment Basin	Yes	Yes	Once a Week	27	\$220.00	\$5,940.00
19	8 ½ Mile Relief	Vacant Lot on Gaukler Street	Yes	Yes	Once a Week	27	\$25.00	\$675.00
20	Martin Sanitary Diversion	Martin Retention Treatment Basin	Yes	Yes	Once a Week	27	\$35.00	\$945.00

The total cost allocated to the respective drainage districts is summarized in Table 3. The contractor awarded this work would be required to execute a contract with each of the 10 drainage districts.

Table 3

No.	Drainage District	Drain Chapter	Total Cost
1	MIDDD	20	\$9,360.00
2	8 ½ Mile Relief	20	\$6,615.00
3	Martin Sanitary Diversion	20	\$945.00
4	SEMCWDS	342	\$1,620.00
5	Clinton River Spillway	21	\$6,500.00
6	Roseville Consolidated	20	\$780.00
7	Bridgewood	4	\$390.00
8	Hildebrandt	4	\$1,755.00
9	Shanahan Drain	20	\$1,105.00
10	11 ½ Mile Relief	20	\$715.00
	TOTAL	\$29,785.00	

Table 4 compares the cost incurred during the 2017 season versus 2018 costs for six locations using Green Meadows Lawnscape.

Table 4

No.	Drain	2017 Cost	2018 Cost	Savings	Total Savings for
		Per cut	Per cut	Per cut	Season
1	Clinton River Spillway	\$980.00	\$500.00	\$480.00	\$6,240.00
2	MIDDD ARV Vaults	\$920.00	\$460.00	\$460.00	\$3,220.00
3	Bridgewood	\$520.00	\$30.00	\$490.00	\$6,370.00
4	Hildebrandt	\$520.00	\$135.00	\$385.00	\$5,005.00
5	Roseville Consolidated	\$520.00	\$60.00	\$460.00	\$5,980.00
6	Shanahan Drain	\$520.00	\$85.00	\$435.00	\$5,655,00
40	TOTA	\$32,470.00			

Further, if we spend a \$15,320 of the \$32,470 savings generated by contracting Green Meadows Lawnscape to maintain sites previously maintained by our MIDDD and Chapaton staff, we can redirect our full-time staff to more important and skilled tasks such as cleaning out the Air Relief Valves which we now pay a contractor \$120,000 per year, providing additional savings.

Green Meadows Lawnscape is cheaper than hiring part-time seasonal staff to cut grass, as they can cut all of our sites (absent Sterling Relief) for less than \$30,000 per year.

YTD Trial Balance

Fund: Clinton River Spillway

As of Fiscal Period: Oct 1, 2017-April 30, 2018

	O&M Balance		TOTAL
	9/30/2017	O&M	4/30/2018
Cash - Operating	254,515	(12,307)	242,208
Accounts Receivable			. 0
Assets			0
Liabilities		57	57
Revenues		440	440
Expenditures		12,804	12,804
Equity	254,515		242,151

NOTES

Remaining balance-NOAA Grant

434,275

Remaining balance-EPA Grant(Total)

1,709,316 Total shows amount remaining for

Both grants require no match

Partridge Creek, McBride and Spillway projects

MAILING ADDRESS:

P.O. BOX 46907 MT. CLEMENS, MI 48046-6907 **OFFICE ADDRESS:**

44 MACOMB PLACE MT. CLEMENS, MI 48043 (586) 463-4573 • (810) 765-8885 1-800-657-7373 FAX: (586) 463-3135

April 27, 2018

Commissioner Candice S. Miller Macomb County Public Works 21777 Dunham Road Clinton Twp., MI 48036

Re: Defense and Indemnification

Dear Commissioner Miller:

In light of recent discussions regarding risk management and exposure to certain third-party liability claims related to the various inter-county drains drainage districts, it is strongly recommended that each board member determine what liability insurance coverage is afforded to a member by each member's appointed community or organization.

The inquiry by the individual board members to their representative communities or organizations should specifically address 1) defense and 2) indemnification. Defense relates to the expense to administer a defense against a claim or allegation, including legal fees. It is common for an allegation to be concluded without the payment of third-party damages, but expenses for defense are expected with any manner of claim made by a third-party. Indemnification relates to the cost of a monetary settlement paid to a claimant, a third-party, which a board member is legally obligated to pay.

When considering both defense and indemnification, it should be made clear that the representative communities will respond to both 1) general liability (property damage and bodily injury) and 2) public officials' liability (wrongful acts) claims or allegations.

Depending on the manner in which the representative communities address their specific insurance and risk management needs, the inquiry may need to be presented to more than one party. By needs, we refer to either a self-insured format or a deductible format. Under a self-insured format, the representative community is responsible for the defense and indemnification of claims or allegations for a defined dollar amount; no insurance carrier or insurance pool is responsible or involved with claims within the self-insured amount. Individual drainage board members should obtain confirmation from their representative communities or organizations that the communities or organizations will defend and indemnify the individual members for expenses and losses within the self-insured amount. Under a deductible format, the representative community secures insurance from an insurance company or insurance pool. Claims within the deductible are administered by the affording insurance provider. Confirmation from the insurance provider should be obtained that 1) acknowledges the exposure related to the drainage districts and 2) confirms that the coverages secured by the representative

community will extend to the individual drain board member for actions performed on the drainage district's behalf.

Next, it should be disclosed that each drainage district is defined as separate and unique by state statute and does not enjoy "funding unit" status from any other entities. Finally, with the exception of the Oakland-Macomb Interceptor Drain (OMID), none of the inter-county drains drainage districts have in the past or now secure any manner of liability insurance coverage; the districts are entirely self-insured.

In closing, no known incidents or claims have occurred or have been reported to any representative of any of the inter-county drains drainage districts. This inquiry resulted from the various drain boards exploring the possibility of securing insurance or continuing to maintain the existing fully self-insured status.

Should you or any parties from the representative communities have any questions or concerns, please feel free to contact me. If needed, I will be happy to attend the next set of meetings of the intercounty districts. Thank you.

Sincerely,

Stephen R. Saph Jr.

Stirt Pa. Jash Jr.

Agent

Macomb County Inter-County Drains and Drainage Districts

'Responding Insurance Carrier Proposals:

Trident Public Risk Solutions presenting Argonaut Insurance Company

Rating - A XIII Stable, Admitted

General Liability, Non-Owned Automobile Liability, and Public Officials' Liability – all afforded on an Occurrence basis excess of a retained limit.

The retained limit is applicable to both defense costs and the payment of third-party damages.

Defense expenses are outside of the limits of liability afforded by the carrier (payment of defense expenses will not reduce the available limits of liability).

An aggregate does not apply to the Automobile Liability coverage.

Excludes Employment Practices Liability.

Separate limits are afforded for each line of coverage (general liability, public officials', and automobile liability). Payment of damages for one line of coverage will not impact or reduce the limits available and dedicated to the remaining lines of coverage.

Each Occurrence Limit –	11,000,000
Aggregate Limit –	12,000,000
Retained Limit -	250,000
Annual Premium (excluding Terrorism) -	68,375
Additional Premium for Terrorism -	1,805
Total Annual Premium -	70,180

Stephen R. Saph Jr.

Nickel & Saph, Inc. Insurance Agency
586-463-4573
586-747-9315 – cell
586-463-3135 – fax
stephenjr@nickelsaph.com

March 13, 2018

Chapter 21 Liability Insurance Apportionment Options

	EXPENSES-YEAR ENDING 9/30/2017			PAST 5 YEAR AVERAGE EXPENSES			
DRAIN	EXPENSES	PERCENT	COST		EXPENSES	PERCENT	COST
Bear Creek	262,884	16.88%	11,846		216,293	17.14%	12,032
Clinton River Spillway	1,130,918	72.62%	50,962		780,500	61.87%	43,418
McCoy Relief	4,462	0.29%	201		2,668	0.21%	148
McCoy Relief Warren Branches	1	0.00%	0		6	0.00%	0
Red Run (all) ¹	53,017	3.40%	2,389		169,013	13.40%	9,402
Sharkey Relief	37,876	2.43%	1,707		17,930	1.42%	997
Sharkey Ryan Branches	48	0.00%	2		100	0.01%	6
Gibson (St Hgt-Troy) ²	0	0.00%	0		0	0.00%	0
Crapau Creek	0	0.00%	0		2,197	0.17%	122
Richmond-Columbus	68,178	4.38%	3,072		72,885	5.78%	4,054
Totals	1,557,384	100.00%	70,180		1,261,592	100.00%	70,180

	WITHOUT GRANTS & BONDS			MILES		
DRAIN	EXPENSES	PERCENT	COST	MILES	PERCENT	COST
Bear Creek	50,784	43.93%	30,829	11.01	27.39%	19,222
Clinton River Spillway	59,493	51.46%	36,116	2.14	4.98%	3,493
McCoy Relief	4,462	3.86%	2,709	3.54	8.23%	5,779
McCoy Relief Warren Branches	1	0.00%	0	3.28	7.63%	5,355
Red Run (all) ¹	57	0.05%	35	11.79	29.20%	20,495
Sharkey Relief	149	0.13%	90	4.03	9.37%	6,579
Sharkey Ryan Branches	48	0.04%	29	0.28	0.65%	457
Gibson (St Hgt-Troy) ²	0	0.00%	0	1.53	0.00%	0
Crapau Creek	0	0.00%	0	3.18	7.40%	5,191
Richmond-Columbus	611	0.53%	371	2.21	5.14%	3,608
Totals	115,605	100.00%	70,180	42.99	100.00%	70,180

DRAIN	А	AVAILABLE FUNDS			
Bear Creek	\$ 1,019,060				
Clinton River Spillway	\$	74,689			
McCoy Relief	\$	270,214			
McCoy Relief Warren Branches	\$	52,655			
Red Run (all) ¹	\$	382,198			
Sharkey Relief	\$	650,221			
Sharkey Ryan Branches	\$	15,050			
Gibson (St Hgt-Troy) ²		0			
Crapau Creek	\$	12,794			
Richmond-Columbus	\$	50,454			

Total Insurance Premium	70,180.00
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¹All Red Run mileages and available funds are combined

²The Gibson drain has been inactive for years and has no available funds. Because the flow connects with Red Run and Bear Creek, Gibson's portions has been divided between Red Run and Bear Creek for mileage apportionment



Brian Baker < brian.baker@macombgov.org>

Inter-County Drains

1 message

Stephen Saph Jr <stephenjr@nickelsaph.com>

Wed, Apr 11, 2018 at 4:04 PM

To: Brian Baker <bri>brian.baker@macombgov.org>

Cc: "Korth, Steven A" <korths@oakgov.com>, Jeff Bednar <jeff.bednar@macombgov.org>, Bruce Manning
 <bru> <bru> <bru> <bruce.manning@macombgov.org>, Michelle Amato <michelle@nickelsaph.com>

Per the comment below from our contact with Trident/Argonaut, we have been advised that we can add the additional exposures for the Red Run drains at no additional cost nor with any change to the proposed coverages. No change in premium due to the minimum premium situation with the initial quote.

Attached, please find an updated schedule of drainage districts that would be named as insureds should the boards decide to secure coverage.

If questions, just call. See you all on the 25th. Thanks.

"Provided underwriting with the updated list of drains and the additional budgets. There will be no change/additional premium."

Stephen R. Saph Jr.

Nickel & Saph, Inc. Insurance Agency

586-463-4573

586-463-3135 - FAX

586-747-9315 - CELL

stephenjr@nickelsaph.com

Macomb County Public Works Inter-County Drain Inventory - Revised.xlsx 11K

Macomb County Inter-County Drains Drainage Districts

	Drain ID	Drain Name	Chapter ID	Community ID
1		Bear Creek	21	WRRN
2		Bear Creek Enclosure	21	WRRN
3	2002	Bear Creek GM Enclosure #2	21	WRRN
4		Bear Creek Warren Branches	21	WRRN
5		Bear Creek Warren Branches #2	21	WRRN
6		Clinton River Basin Special Project	21	CLINT-
7		Clinton River Spillway	21	HARR
8		Mc Coy Relief	21	WRRN
9		Mc Coy Relief Warren Branches	21	WRRN
10		Red Run Warren Drain	21	WRRN .
11		Red Run Federal Drain	21	
12		Red Run Improvement	21	
13		Red Run Project 2 Drain	21	
14	2010	Sharkey Relief	21	WRRN
15		Sharkey Relief/Ryan	21	WRRN
16		Gibson (St. Hgt Troy)	21	Multi
17		Richmond-Columbus (Inter County)	21	Multi
18		Crapau Creek	6	Multi
-				