

BEAR CREEK
INTER-COUNTY DRAINAGE BOARD
DECEMBER 20, 2023
10:00 A.M.
AGENDA

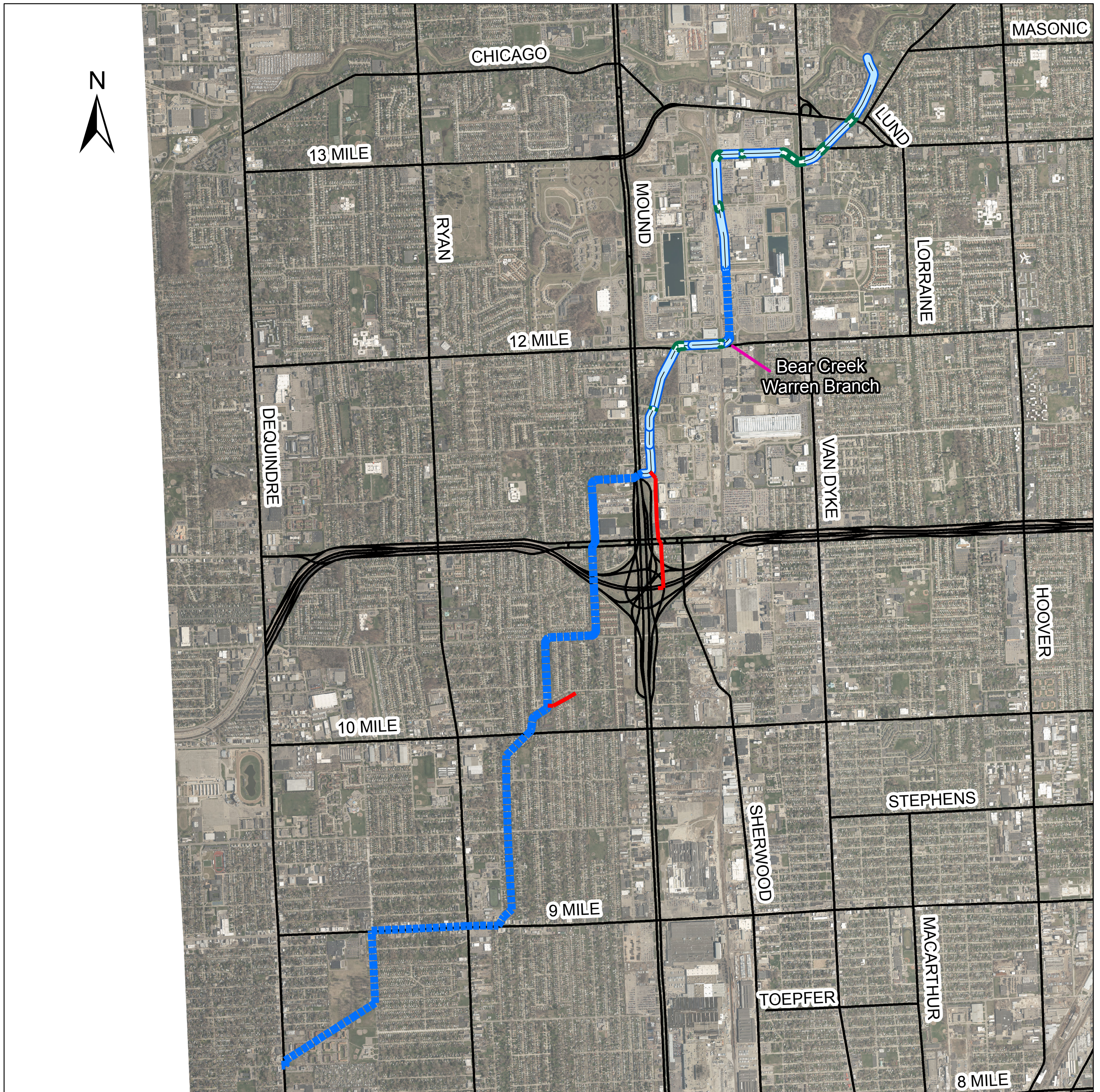
**NOTE: THIS MEETING WILL BE HELD IN PERSON WITH TELECONFERENCE
OPTION FOR PUBLIC**

**Call in Number: 1-513-818-1231
Access Code: 296-156-156**

| | Page |
|---|------|
| 1. Call of meeting to order and roll call | |
| 2. Approval of Agenda | |
| 3. Approval of Minutes of meeting of November 09, 2022 | 3 |
| 4. Public Participation | |
| 5. Bear Creek Sinkhole and Repair Investigation – Steve Downing | 7 |
| Motion: To receive and file the report regarding the investigation and emergency repair of the failed manhole structure at 26139 Albert Street and authorize payment to Robert Clancy Contracting for \$36,844. | |
| 6. Consideration for approval of invoices (see attached) | 17 |
| 7. Financial Update – Bruce Manning | 18 |
| 8. Other Business | |
| 9. Adjourn | |

BEAR CREEK DRAIN (INTER COUNTY)

CENTERLINE/WARREN/OAKLAND COUNTY



Drain Length (Feet/Miles):
54,012.44 / 10.23

Legend

- | Enclosed Gravity | Open Channel |
|--|---|
| — < 60" Dia | Ditch |
| ■■■■■ >= 60" Dia | Pond |
| - - - - - Culvert | |

A meeting of the Inter-County Drainage Board for the **BEAR CREEK DRAIN** was held in the Office of the Macomb County Public Works Commissioner, 21777 Dunham, Clinton Township, Michigan on November 9, 2022.

PRESENT: Michael Gregg, Chairman
Michigan Department of Agriculture & Rural Development

Brian Baker, Acting Secretary
Macomb County Public Works Chief Deputy

Jim Nash, Member
Oakland County Water Resources Commissioner

ALSO PRESENT: Jeff Bednar P.E., Environmental Resources Manager; Danielle Devlin, Environmental Specialist; Norb Franz, Communications Manager; Bruce Manning, Financial Manager; Pamela Sonnenberg, Administrative Assistant; Tom Stockel, Construction Supervisor; Amanda O' Parka, Macomb County Planning & Economic Development; Gerard Santoro, Macomb County Planning & Economic Development; Joe Suma, Lapeer County Drain Commissioner; Anne Vaara, Oakland County Water Resources Chief Deputy; Steve Korth, P.E., Manager, Office of Oakland County Water Resources; Gary Nigro, Oakland County Water Resources Commissioner; Jamie Burton, HRC; Tom LaCross, HRC; Greg Combs, General Motors; Lee Johnson, Honigman; Joe Brezvai, Michigan Department of Agriculture and Rural Development

PRESENT VIA TELECONFERENCE: Stacy Hissong, Attorney at Fahey Schultz Burzych Rhodes PLC., Kevin Plumstead, Lead Counsel Real Estate, General Motors

The Chairman called the meeting to order at 10:01 a.m.

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

Adopted: YEAS: 3
NAYS: 0

The minutes of the meeting of September 21, 2022 were presented. A motion was made by Mr. Baker, supported by Mr. Nash to approve the minutes as presented.

Adopted: YEAS: 3
NAYS: 0

The meeting was open to public participation, then closed, there being no comments from the public.

Mr. Bednar updated on the Bear Creek GM Daylighting project. General Motors along with consultant HRC is planning on daylighting a significant portion of the Bear Creek drain which is currently in two 12 x 12 twin box culverts across the south end of the Technical Center. They will restore it into a more natural flow regime. We have worked out the revised 425 Agreement that resolves the easements. This project is all being paid for by GM and has tremendous benefits to the district, community, and the region. The prior approved 425 agreement was contingent upon an easement that was acceptable to both parties. The easement that we have come up with would be 90 feet in width, or wider as the design may prove out to be. After the final design is complete,

there may be areas that need to be a little wider. They didn't make it any wider for us because they have other utilities that have to go in there. So we are satisfied with 90 feet. There is no final recorded document of the existing width. There were hints of it in documents, but not an official document.

Mr. Nash asked if the meander that is shown is all within the 90 foot easement. Mr. Bednar stated that we have the capacity in the drain to carry the design flow through that section. Currently, it is flowing through (2) 12 x 12 box culverts. Mr. Baker asked if we are technically giving up 10 feet of easement. Mr. Bednar said if there was a legal challenge, there is no documentation that says we ever had the 10 feet. Mr. Nash asked if there will be walking path, and it was confirmed that there will be bike and walking paths. Ms. Vaara asked how deep the drain is. Mr. Bednar said that the design isn't final yet, and she asked if the slope would be pulled back. Mr. Bednar said yes it will.

Mr. Gregg asked that in terms of future maintenance access, is that easement width feasible. Mr. Bednar said that they are giving us universal access across the property for maintenance purposes. The easement is still on the old route. Mr. Baker asked if it was just never recorded or updated. Mr. Bednar said the only place that they see it is on the construction drawing. He said it's not recorded anywhere. Mr. Burton stated that even before that, it was just a condemnation parcel. There are no proceedings that follow to show any evidence of where the drain was. The agreement vacates all of the added language, in favor of the new easement once and for all. Stacy Hissong added that this agreement technically doesn't take care of this. Someone needs to take note and draft further documents. A quit claim and all other documents need to be drafted and signed once we know the easement. So it's important to note that this should take place and these documents don't do that. Ms. Vaara asked what year they rerouted the drain. Mr. Bednar said 1956 or 1958, when GM acquired it.

Ms. Hissong added that the approval today is for the 425 agreement to allow work to be performed, and the easement document is an exhibit that will not be executed today because we don't have finalized legal descriptions. But the wording of that is an exhibit to the agreement. That took some time to ensure that everyone agreed on the easement that was to be signed. Basically, approval of the 425 agreement is approval of the exhibit which is the language of the easement agreement. Ms. Hissong's recommendation is that the Board approve the revised 425 to give Mr. Bednar some clearance because of the easement document, and then at some point, after the exhibits are finalized, she would recommend that the Board specifically approve the execution of the easement. Mr. Gregg asked if they were authorizing a signed easement agreement today. Ms. Hissong stated that she did not recommend that today. Mr. Korth asked for Mr. Bednar to reiterate the maintenance responsibility for the banks outside of the easement. Mr. Bednar said that General Motors is responsible for maintenance as stated in the packet. Mr. Baker asked if we had to authorize approval of the easement as part of this motion. Mr. Bednar said no because the form of the easement is already contained in the 425. The final authorization of the easement is when we will add the easement and it will have to come back to the board to move the width and at the same time to approve the quit claims of the remaining easement.

A motion was made by Mr. Baker, supported by Mr. Nash to approve the revised Section 425 Petition Agreement between the Bear Creek Inter- County Drain and General Motors to authorize the Board Chair to sign the agreement on behalf of the Drainage District.

Adopted: YEAS: 3
NAYS: 0

Mr. Bednar displayed the 2023 Board Meeting dates. Mr. Gregg said that he will not be available on November 15, 2023 but he will have his Deputy take his place. Mr. Baker noted the Board Meetings would be at 10:00 a.m.

Motion was made by Mr. Nash, supported by Mr. Baker to approve the 2023 Board Meeting dates as presented.

Adopted: YEAS: 3
NAYS: 0

The Chairman presented the invoice totaling \$194,005.44 as provided to the Board for review and approval.

A motion was made by Mr. Baker, supported by Mr. Nash to approve the invoices as presented.

Adopted: YEAS: 3
NAYS: 0

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

Adopted: YEAS: 3
NAYS: 0

Mr. Bednar showed a short video of the spray-lining that Oscar Renda is performing along 10 Mile Road.

There being no further business, it was moved by Mr. Nash supported by Mr. Baker that the meeting of the Bear Creek Inter-County Drainage Board be adjourned.

Adopted: YEAS: 3
NAYS: 0

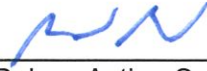
The meeting was adjourned at approximately 10:45 a.m.



Brian Baker, Acting Secretary
Bear Creek Inter-County Drainage Board

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 November 9, 2022. 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.



Brian Baker, Acting Secretary
Bear Creek Inter-County Drainage Board

DATED: 11/09/22



Candice S. Miller

Public Works Commissioner
Macomb County

To: Bear Creek Drain Drainage District Board Members

From: Stephen Downing, Construction & Maintenance Manager

Date: December 20, 2023

Subject: Sinkhole Investigation & Repair – 26139 Albert Drive

The MCPWO was notified of a sinkhole located in the front yard of the residence at 26139 Albert Drive in Warren. Upon initial investigation it was determine that the sinkhole was caused by a failed structure connected to the west box on the Bear Creek Drain. There are pictures of this sinkhole attached for reference. The inspection revealed the urgent need for the replacement of the structure and lateral connection to the west box on the Bear Creek.

MCPWO directed Robert Clancy Contracting to perform the initial investigation on a time and material basis and provide a proposal to perform the necessary repairs. MCPWO then directed Rober Clancy Contracting to perform the necessary repairs as described in their attached proposal. The costs associated with this work are summarized in the Table below.

| | |
|-----------------------|--------------------|
| Initial Investigation | \$3,014.00 |
| Repairs | \$33,830.00 |
| Total Cost | \$36,844.00 |

The action is that the Bear Creek Drain Drainage District Board receive and file this report regarding the investigation and repair of the failed manhole structure at 26139 Albert Street and authorize payment to Rober Clancy Contracting for the amounts indicated.

Attachments: Clancy Contracting Proposal
Pictures

OFFICE LOCATION: 21777 Dunham Road, Clinton Township, Michigan 48036 • Phone: 586-469-5325 • Fax: 586-469-5933

MAILING ADDRESS: P. O. Box 806, Mt. Clemens, Michigan 48046-0806

ENGINEERING • Phone: 586-469-5910 • Fax: 586-469-7693 ♦ **SOIL EROSION** • Phone: 586-469-5327 • Fax 586-307-8264



Figure 1 - Sinkhole

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Figure 2 - Sinkhole

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Figure 3 - Temporary Safety Fence Prior to Repairs

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Figure 4 – Excavation for Repair

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Figure 5 – Installation of New Manhole Structure

OFFICE LOCATION: 21777 Dunham Road, Clinton Township, Michigan 48036 • Phone: 586-469-5325 • Fax: 586-469-5933

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Figure 6 – Installation of New Manhole Structure

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Figure 7 – Site Restoration

OFFICE LOCATION: 21777 Dunham Road, Clinton Township, Michigan 48036 • Phone: 586-469-5325 • Fax: 586-469-5933

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ENGINEERING • Phone: 586-469-5910 • Fax: 586-469-7693 ♦ **SOIL EROSION** • Phone: 586-469-5327 • Fax 586-307-8264



ROBERT CLANCY CONTRACTING, INC.

Invoice

Date 10/11/2023
Invoice # 11450

Bill To

Macomb County Public Works
 21777 Dunham Rd.
 Clinton Twp., MI. 48036

| <u>Terms</u> | <u>Due Date</u> | <u>Project</u> |
|--------------|-----------------|-----------------------------|
| Net 30 | 11/10/2023 | 26139 Albert J Dr Warren MI |

| <u>Description</u> | <u>Qty.</u> | <u>U of M</u> | <u>Rate</u> | <u>Amount</u> |
|---|-------------|---------------|-------------|---------------|
| Job: Investigate sink hole in front yard of condo 26139 Albert J Dr, Warren | | | | |
| September 29, 2023 Friday Investigate sink hole | | | | |
| Foreman | 2 | HRS | 125.00 | 250.00 |
| Laborer | 2 | HRS | 75.00 | 150.00 |
| Tool Truck & Tools | 1 | LS | 300.00 | 300.00 |
| October 2, 2023 Monday Camera existing 12" CMP next to the sinkhole, then die tested the sinkhole | | | | |
| Vactor & TV Truck with Operator | 1 | LS | 2,064.00 | 2,064.00 |
| Foreman | 2 | HRS | 125.00 | 250.00 |

Total \$3,014.00



ROBERT CLANCY CONTRACTING, INC.

Proposal

| | | | |
|---|-------------------------------------|----------------------------|-------------------------|
| PROPOSAL SUBMITTED TO: | | PHONE: 586-615-4198 | DATE: 10/26/2023 |
| NAME: Macomb County DPW | FAX: | DWG DATE: N/A | |
| STREET: 21777 Dunham Rd | JOB NAME: Bear Creek Manhole | PROPOSAL #: 23159 | |
| CITY/STATE: Clinton Twp, MI. 48036 | STREET: 26139 Albert J Dr | | |
| ATTN: Mr. Tom Stockel | CITY/STATE: Warren, MI 48091 | | |

We hereby submit specifications and estimates for:

STORM SEWER SEWER

| | <u>QTY</u> | <u>UM</u> |
|---|------------|---------------------|
| 1.) PROVIDE VACTOR TRUCK & OPERATOR IN ORDER TO EXAMINE | 1 | LS |
| 2.) MOBILIZE | 1 | LS |
| 3.) DEMO AND HAUL OFF EXISTING MANHOLE | 1 | LS |
| 4.) DEMO 12" RCP/CMP & HAUL OFF SITE - APPROX 48 LF | 1 | LS |
| 5.) PROVIDE AND INSTALL 48" MANHOLE W/ RING & COVER | 1 | EA |
| 6.) ENLARGE 12" TOP BOX CULVERT | 1 | EA |
| 7.) REPLACE 12" CMP WITH 12" RCP, REINSTALL 12" RCP | 48 | LF |
| 8.) PROVIDE 21AA LIMESTONE BACKFILL | 200 | TN |
| 9.) RESTORATION - TOP SOIL, SEED & MULCH | 1 | LS |
| 10.) LOAD AND HAUL SPOILS OFF SITE | 150 | CY |
| Storm Sewer Total: | | \$ 33,830.00 |

Exclusions

| | | |
|--|---|--|
| Permits, bonds and/or inspection fees | Removal of contaminated spoils | De-watering |
| Layout and engineering services | Tree, stump or brush removal or replacement | Compaction testing |
| Stone bedding (unless otherwise stated) | Curb grade (unless otherwise stated) | Foundation & MEP spoils |
| Soil erosion devices (unless otherwise stated) | Landscape restoration/Irrigation repair | handling & removal (unless otherwise stated) |
| Imported backfill material (unless otherwise stated) | Traffic Control (unless otherwise stated) | Removal of spoils created by others |
| Excavation for building foundations | Pavement Restoration | |
| | TV testing of sanitary sewer | |

* This proposal is based on the assumption that all soils are non-contaminated. Owner/Developer will be required to furnish RCC with analytical documentation verifying non-contamination of soils.

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK TO BE COMPLETED IN A WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICE. ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS, WILL BE EXECUTED ONLY UPON WRITTEN ORDER, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS, OR DELAYS BEYOND OUR CONTROL. OWNER TO CARRY FIRE, TORNADO AND OTHER NECESSARY INSURANCE. OUR WORKERS ARE FULLY COVERED BY WORKERS COMPENSATION INSURANCE.

Authorized Signature: _____

NOTE: THIS PROPOSAL MAY BE WITHDRAWN BY US IF NOT ACCEPTED WITHIN 30 DAYS.

Robert G. Clancy, President

THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED BELOW.

Payment to be made as follows: Progress Payments

Accepted: _____

*A monthly service charge of 1.5% (18% per annum) will be charged to past due balances

Date _____

Authorized Signature _____

Please Sign, Date and Return Original to Robert Clancy Contracting, Inc. - Retain a Copy for Your Records

BEAR CREEK DRAIN
11.08.22 - 12.19.23

| <u>Funding Source</u> | <u>Apportionment</u> | <u>Manager</u> | <u>Vendor</u> | <u>Amount</u> | <u>Invoice Detail</u> | <u>Project Summary</u> | <u>Project Balance</u> |
|-----------------------|--|----------------|----------------------------|---------------------------------|--------------------------------|---|------------------------|
| Bear Creek | Chapter 21 Warren - 78.65256% State of MI - 2.68187% County of Macomb - 4.00528% County of Oakland - 0.97372% Center Line - 0.29307% Madison Heights - 5.76188% Hazel Park - 7.63162% | | | | | | |
| | | Stockel | Doetsch | \$ 1,140.00 | Invoice #72272 - 01.31.23 | Tap Inspection | |
| | | Downing | FK Engineering Associates | \$ 5,784.00 | Invoice #22-107-001 - 11.15.22 | Phase 2 CMP Rehab | |
| | | Downing | FK Engineering Associates | \$ 12,183.50 | Invoice #22-107-003 - 11.15.22 | Phase 2 CMP Rehab | |
| | | Downing | FK Engineering Associates | \$ 938.50 | Invoice #22-107-004 - 12.27.22 | Phase 2 CMP Rehab | |
| | | Downing | FK Engineering Associates | \$ 2,356.00 | Invoice #22-107-005 - 05.31.23 | Phase 1 & 2 CMP Rehab - Final | |
| | | Bednar | KHVPPF | \$ 925.00 | Invoice #49155 - 01.01.23 | Maintenance/Engineering Agreement | |
| | | Manning | Nickel & Saph, Inc. | \$ 3,114.44 | Invoice #22718 - 06.16.23 | Insurance Renewal - 06.28.23 - 09.30.23 | |
| | | Manning | Nickel & Saph, Inc. | \$ 8,851.56 | Invoice #22718P - 06.16.23 | Insurance Renewal - 10.01.23 - 06.27.24 | |
| | | Stockel | Robert Clancy Contracting | \$ 33,830.00 | Invoice #11531 - 11.14.23 | Storm Sewer Repair | |
| Stockel | Robert Clancy Contracting | \$ 3,014.00 | Invoice # 11450 - 10.11.23 | Bear Creek Sink Hole Inspection | | | |
| | | Total | | \$ 72,137.00 | | | |

YTD Trial Balance

Fund: Bear Creek Combined

As of Fiscal Period: Oct 1, 2023-November 30, 2023

| | O&M Balance 9/30/2023 | O&M | Total 11/30/2023 |
|----------------------------|--------------------------------------|----------------|-----------------------------|
| Cash - Operating | 813,203 | (2,634) | 810,569 |
| Accounts Receivable | | | 0 |
| Assets | | | 0 |
| Liabilities | | | 0 |
| Revenues | | 380 | 380 |
| Expenditures | | 3,014 | 3,014 |
| | | | |
| Equity | 813,203 | | 810,569 |
| | | | |