

Gregg
Miller
Nash
Suma
Wiley

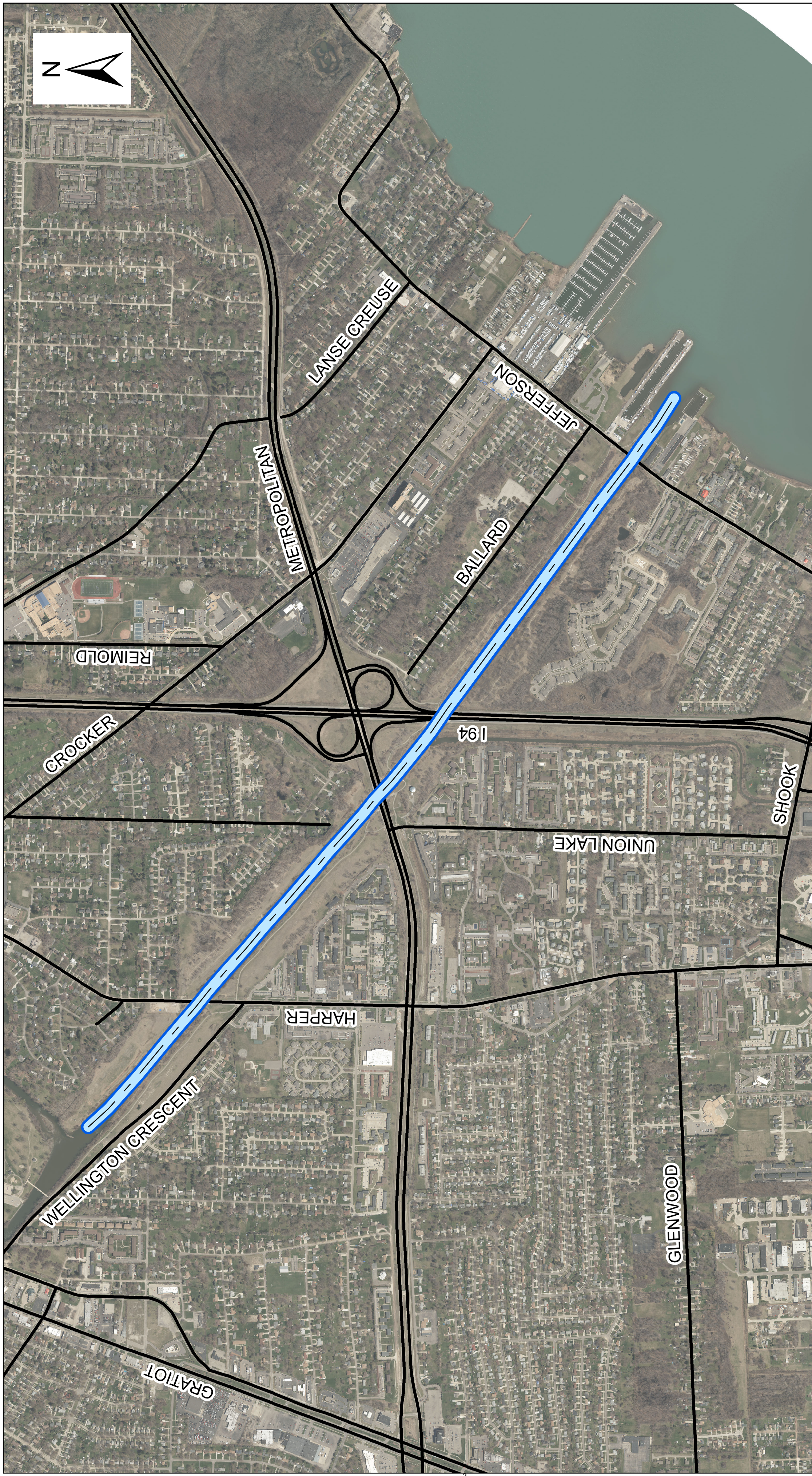
CLINTON RIVER SPILLWAY
INTER-COUNTY DRAINAGE BOARD
MARCH 23, 2021
10:00 A.M.
AGENDA

NOTE: THIS MEETING WILL BE HELD BY TELECONFERENCE

Call in Number: 1-401-526-8569
Access Code: 916 802 323

	Page
1. Call of meeting to order and roll call	
2. Approval of Agenda	
3. Approval of Minutes of meeting of December 16, 2020	3
4. Public Participation	
5. Correspondence	6
6. Project Update – Jeff Bednar	
7. CMP Repair Recommendation – Stephen Downing/Tom Stockel	7
Motion: To approve the proposal from Cortis Brothers for the repair of the 42 inch pipe for the not to exceed amount of \$19,500.	
8. Resolution Regarding Electronic and Telephonic Meetings Procedures	12
9. Consideration for approval of invoices (see attached)	17
10. Financial Update – Bruce Manning	18
11. Adjourn	

CLINTON RIVER SPILLWAY LAPEER, MACOMB, OAKLAND, & ST CLAIR COUNTIES



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

Legend

- Open Channel
- Ditch
 - Pond

A meeting of the Inter-County Drainage Board for the **CLINTON RIVER SPILLWAY DRAIN** was held via telephone conference per the State Public Act 228 of 2020, on December 16, 2020.

PRESENT: Michael Gregg, Chairman
Michigan Department of Agriculture & Rural Development
Location: Mason, Ingham County MI

Candice Miller, Secretary
Macomb County Public Works Commissioner
Location: Harrison Township, Macomb County MI

Jim Nash, Member
Oakland County Water Resources Chief Deputy
Location: Farmington Hills, Oakland County MI

Joe Suma, Member
Lapeer County Drain Commissioner
Location: Lapeer, Lapeer County MI

Robert Wiley, Member
St. Clair County Drain Commissioner
Location: Fort Gratiot, St. Clair County MI

ALSO PRESENT: Steve Korth, P.E., Manager, George Nichols, P.E., Civil Engineer III, Megan Koss, Assistant, Office of Oakland County Water Resources Commissioner; Brian Baker, Chief Deputy, Jeff Bednar P.E., Environmental Resources Manager, Bruce Manning, Financial Manager, Kellie Kource, Drain Account Specialist, Stephen Downing, Construction & Maintenance Manager, Karen Czernel, Deputy, Emily Engelmann, Administrative Assistant, Macomb County Public Works; James Burton, Hubbell, Roth & Clark; Mary Bednar, Director of Public Works, Clinton Township; Brady Harrington, Michigan Department of Agriculture & Rural Development; Brent Bashaw, City Engineer, Sterling Heights; Ben Aloia, Attorney

The Chairman called the meeting to order at 10:07 a.m.

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

Adopted: YEAS: 5
NAYS: 0

The minutes of the meeting of November 18, 2020 were presented. A motion was made by Ms. Miller, supported by Mr. Wiley to approve the minutes as presented.

Adopted: YEAS: 5
NAYS: 0

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

Mr. Bednar updated the board that the warranty work for the habitat restoration project is complete. The fall treatments of Spillway have been completed for the EPA maintenance project.

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

Adopted: YEAS: 5
NAYS: 0

Mr. Aloia updated the board that there was an offer made by Clinton Township to buy an excess split off piece of property adjacent to the Spillway to build a park. They have obtained a grant to buy the property, and through the process of assembling a purchase agreement, a title commitment was discovered with discrepancies in the chain of title because the property was originally purchased through the Army Corp of Engineers. The quit claim deed to us was filed prematurely and we needed this corrected. Karen Czernel and Jeffrey Candela were able to get an amended quit claim deed and file it through the Register of Deeds. The corrected quit claim deed has been sent to the title company and we are moving forward in anticipation of a closing upon board approval of the sale.

A motion was made by Mr. Wiley, supported by Mr. Nash to approve and execute the Resolution and Order for the sale of the Sheffield Property to Clinton Township.

Adopted: YEAS: 5
NAYS: 0

The Chairman presented the invoices totaling \$8,512.96 as provided to the Board for review and approval.

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

Adopted: YEAS: 5
NAYS: 0

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

Adopted: YEAS: 5
NAYS: 0

Ms. Miller presented new business regarding two items. We are in discussion with the Macomb County Planning Department and Harrison Township to potentially look for a grant to build a pedestrian bridge across the Spillway along Jefferson as there is currently no safe crossing. There are also complaints regarding the appearance of the southwest section of the Spillway from Jefferson to I-94. We are talking to the Township to look into what we can do to address this issue.

There being no further business, it was moved by Mr. Nash supported by Mr. Wiley 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 10:35 a.m.



Candice Miller, Secretary
Clinton River Spillway 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 December 16, 2020. 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 Miller, Secretary
Clinton River Spillway Inter-County Drainage Board

DATED: 12/16/2020

March 17, 2021

Dear Spillway Board,

I look forward to hearing progress on the issue outlined below.

I seek to know the progress and timeline of a remediation plan for the debris sites along the south bank of the spillway between Harper Avenue and the inflatable weir. This was first brought to the attention of the Clinton River Spillway Board in January of 2020 and revisited a couple of months ago during a virtual board meeting.

As spring approaches the usage of the hike/bike path near these sites will be increasing. It is imperative that removal of these well known attractive hazards be accomplished soon. It would be terrible if an inquisitive youngster was harmed while examining one of these debris fields.

Fortunately we have had a rather dry late winter. The ground is firm enough to support equipment needed to facilitate cleaning of the sites.

Thanks in advance for your assistance.

Sincerely,

Dana Dugger 810 459 4138



Candice S. Miller

Public Works Commissioner
Macomb County

To: Clinton River Spillway Drain Drainage District Board Members

From: Stephen Downing, Construction & Maintenance Manager

Date: March 23, 2021

Subject: CMP Repair Recommendation – Union Lake

A severely deteriorated 42-inch CMP was discovered on the north side of the Clinton River Spillway near Union Lake Road. The pipe extends north approximately 74-feet to a manhole structure within the drain property. The pipe material transitions from CMP to concrete pipe at the first manhole upstream, which is consistent with previous repairs. The existing CMP tap into the Spillway was not constructed with a concrete end section or riprap. The repair work consists of removal of 74-feet of 42-inch CMP, installation of 74-feet of reinforced concrete pipe, installation of a concrete end-section, placement of riprap and site restoration.

Quotations were solicited from three contractors, which are summarized in Table 1 below. We recommend proceeding with the repair as the degradation of the CMP will continue and ultimately result in the formation of a sinkhole. Additionally, without a concrete end-section the bank of the Spillway will erode, especially during high lake levels.

Table 1 – Quotation Summary

	Contractor	Cost
1	Cortis Brothers	\$19,500.00
2	Robert Clancy Contracting	\$39,728.00
3	Concordia Contracting	\$46,740.00

The recommended action is that the Clinton River Spillway Drain Drainage District Board authorize the Cortis Brothers to proceed with the repair for the lump sum amount of \$19,500.

Attachments: Location Map
Picture of CMP
Cortis Brothers Quotation

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



Proposal Request

Vendor			
Name	Macomb County Public Works		
Address	21777 Dunham Road		
City	Clinton Twp	State MI	ZIP 48036
Phone	586-469-5325		

Misc	
Date	2/11/2021
Rev date:	
Contact	Tom Stockel
Ticket No.	
Ticket Date:	

Job: Clinton River Spillway
Re: Replace 42" CMP with RCP Class IV

Qty	Description	Unit Price	TOTAL
8	330 Excavator with operator - per hour		
8	Skidsteer with operator - per hour		
8	Laborer with tool truck - per hour		
16	Laborer - per hour		
6	Lowboy with driver - per hour		
74	42" RCP Class IV - per lft		
1	42" concrete end section w/ footing and bar screen - per each		
48	6A stone - per ton		
20	12"-18" riprap - per ton		
1	Restoration - per lsum		
0.15	Contractor markup (15%) - per lsum		
		SubTotal	\$ 19,500.00
		Shipping	
		TOTAL	\$ 19,500.00

Office Use Only

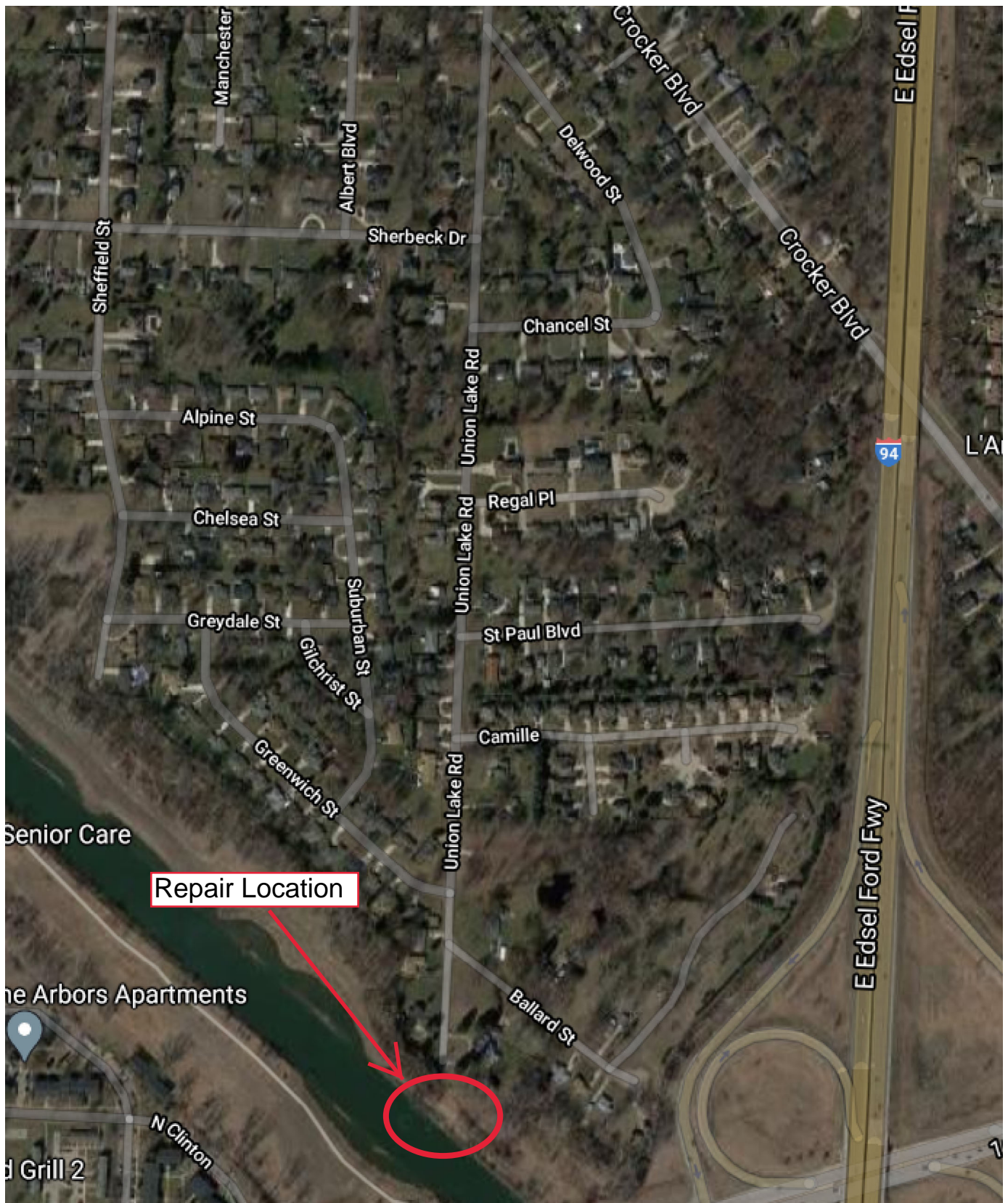


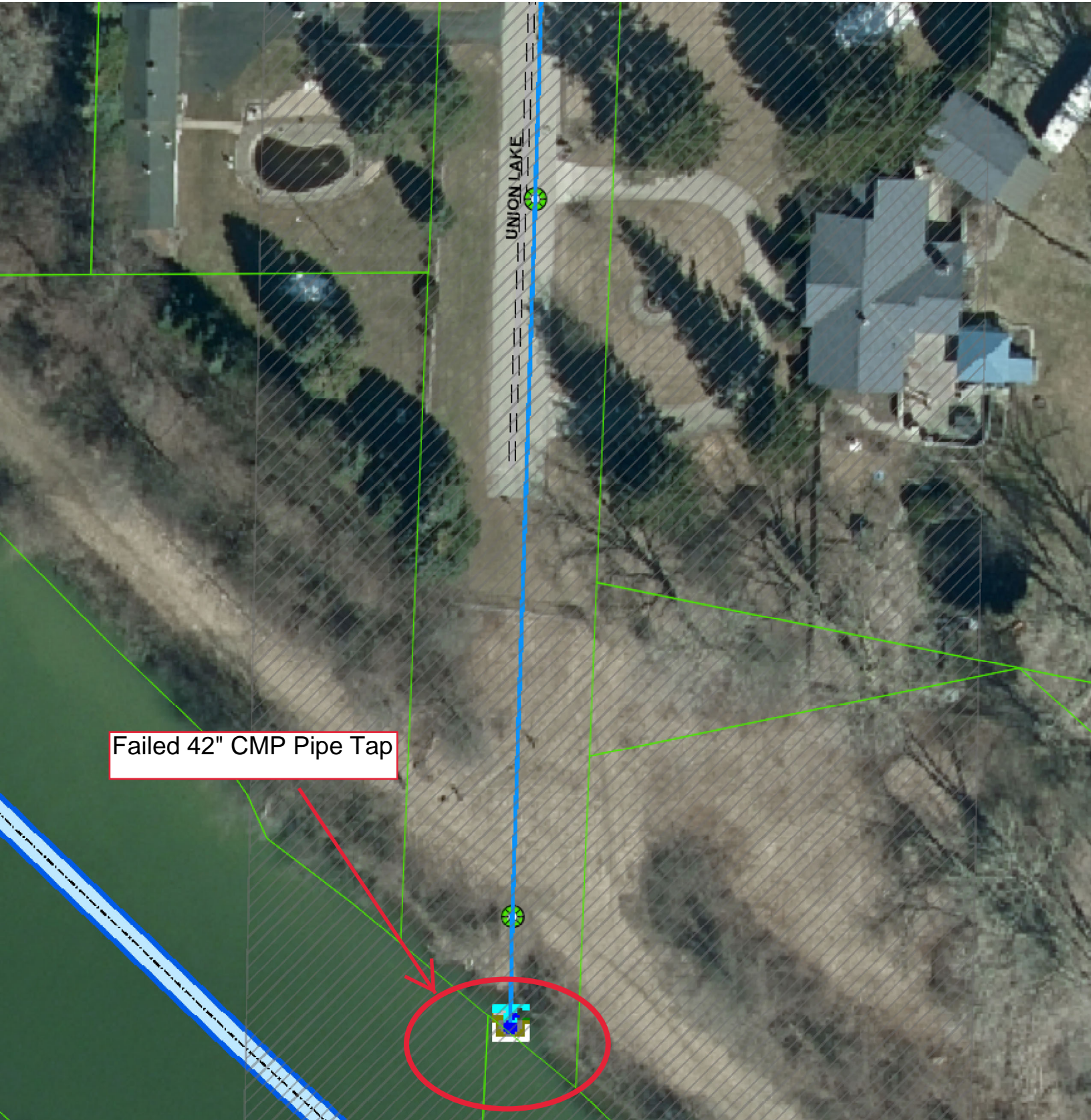
Open with ZIP Extractor



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CLINTON RIVER SPILLWAY DRAINAGE BOARD

ELECTRONIC AND TELEPHONIC MEETING PROCEDURES

Rules and procedures adopted by the Clinton River Spillway Drainage Board (“Drainage Board”) to protect health, safety, and welfare by establishing fully electronic or telephonic board meeting procedures for the Drainage Board in compliance with the Michigan Open Meetings Act, Act 267 of 1976, *et seq* (“OMA”).

THE DRAINAGE BOARD DECLARES AS FOLLOWS:

Section I. Title. These rules and procedures may be cited as the Clinton River Spillway Drainage Board Electronic and Telephonic Open Meetings Act Procedures (“Procedures”).

Section II. Purpose. It is the policy of the Drainage Board to establish these Procedures in compliance with Sections 3 and 3a of the OMA, to permit the public bodies to hold electronic or telephonic meetings of the Drainage Board under applicable law or if there exists the absence of a member or members of the Drainage Board for the reasons set forth below in Section IV, and to minimize the possibility of disruptions during such electronic or telephonic meetings.

Section III. Electronic and Telephonic Meetings Authorization

A. Authorization to hold remote electronic and telephonic meetings. Sections 3 and 3a of the OMA provide that a physical place is not required for meetings held, in whole or in part, electronically by telephonic or video conferencing, in the following circumstances:

- A. Before March 31, 2021, under any circumstance;
- B. On or after March 31, 2021 through December 31, 2021, only if a board member is absent due to:
 - a. Military duty;
 - b. A medical condition; or
 - c. A statewide, county, or local state of emergency or state of disaster declared pursuant to law or charter by the Governor or a county or local official or governing body that would risk the personal health or safety of members of the public or the public body if the meeting was held in person.
 - i. For the purpose of permitting an electronic meeting due to a county or local state of emergency or state of disaster, only to permit the electronic attendance of a member of the public body who resides in the affected area or to permit the electronic meeting of a public body that usually holds its meetings in the affected area.

C. After December 31, 2021, only in circumstances requiring accommodation of members absent due to military duty.

B. Physical Presence. At a meeting that is otherwise in-person and prior to December 31, 2021, that accommodates members absent due to military duty or a medical condition, only those members absent due to military duty or a medical condition may participate electronically. Any other member must be physically present at the meeting.

C. Notice of Needed Accommodation. Members of the Drainage Board that must meet electronically, on account of the member's military duty or medical condition prior to December 31, 2021, shall file a Notice of Needed Accommodation with the Michigan Department of Agriculture and Rural Development ("MDARD") director or director-designated deputy that serves as chairperson of the Drainage Board ("Director"). Copies of the Notice of Needed Accommodation will be available through the Director's office and shall be submitted seventy-two (72) hours in advance of the first meeting the member will participate in electronically on account of their medical condition or military duty. Once filed, the Notice of Needed Accommodation will remain in effect until it is withdrawn by the member or until the Drainage Board can no longer accommodate the member's electronic participation under the OMA. It is a member's sole responsibility to withdraw a Notice of Needed Accommodation if they cease to have a medical condition or no longer have military duty obligations that enable their electronic participation. A Notice of Needed Accommodation filed with the Director only applies to this Drainage Board. A separate Notice of Needed Accommodation must be filed for any other public body overseen by the Director for which electronic attendance is sought.

D. Attendance at Meetings Held Electronically In-Part. Members of the Drainage Board or members of the public participating electronically in a meeting held pursuant to these Procedures that occurs in a physical space in-part are to be considered present and in attendance at the meeting for all purposes.

E. Meetings Held Fully Electronically. When a statewide, county, or local state of emergency has been declared within the jurisdiction of the Drainage Board, meetings of the Drainage Board shall, except as otherwise provided in this section, be held fully electronically for both the members of the Drainage Board and the public. When a meeting of the Drainage Board is scheduled pursuant to the Drain Code, the Director shall ensure that the meeting is conducted as an electronic meeting when a statewide, county, or local emergency is in place. In the event that a fully electronic meeting is scheduled due to a statewide or local state of emergency and the state of emergency is rescinded prior to the date of the meeting, the Director shall take such action as necessary to reschedule the meeting in compliance with the OMA.

Notwithstanding the provisions of this section, the Drainage Board may decide, if legally permissible and agreed to by the Director, to conduct in-person meetings during a statewide or local state of emergency when deemed appropriate by the Drainage Board.

F. Participation Requirement. A meeting of the Drainage Board held electronically must be conducted in a manner that permits two-way communication such that members of the Drainage Board can hear and be heard by other members of the Drainage Board, and such that public participants can hear members of the Drainage Board and can be heard by members of the

Drainage Board and other participants during a public comment period. The public must be able to see or hear the member of the Drainage Board to be able to identify which board member is speaking and how each board member votes. The Drainage Board may use technology to facilitate typed public comments that may be read to or shared with members of the Drainage Board and other participants.

Section IV. Notice Requirements

A. Notice Requirements. Notices of any electronic meeting shall be posted on a portion of MDARD's website fully accessible to the public at least 18 hours before the meeting. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of non-regularly scheduled or electronic public meetings. The public notice shall contain the following information:

1. Why the Drainage Board is meeting electronically;
2. Which member(s) of the Drainage Board will be participating in the meeting electronically;
3. How members of the public may participate in the meeting electronically, including a telephone number, internet address, or both;
4. How members of the public may contact members of the Drainage Board to provide input or ask questions on any business that will come before the Drainage Board at the meeting; and
5. How persons with disabilities may participate in the meeting.

B. Agendas. If an agenda exists for a meeting held pursuant to these Procedures, the Director shall make the agenda available to the general public through MDARD's website at least two (2) hours before the meeting begins.

Section V. Electronic and Telephonic Meeting Procedures. Consistent with the authority to establish reasonable rules under the OMA and the obligation of public bodies to establish procedures for electronic meetings authorized by the OMA, and to minimize disruption, such meetings shall be conducted in accordance with the following:

A. Use of Electronic Service. Drainage Board members and the public may participate in electronic meetings through software or interface using electronic conferencing and telephone as facilitated by the Drainage Board.

B. Muting. During the meeting, each participant shall be permitted to mute or unmute themselves to the extent it does not create any distractions or disruptions of the meeting. To the

extent necessary, a meeting host may mute or unmute participants to facilitate effective two-way communication.

C. Public Comment. Members of the public shall speak only when called upon. The Drainage Board will then designate an opportunity for each member of the public to be heard. Members of the public not speaking should remain muted unless and until called upon to provide comment or shall not otherwise cause disruptions. The Drainage Board shall make reasonable rules at a meeting to facilitate public comment in an orderly manner.

D. Public Announcement. For any member of the Drainage Board attending electronically, the member must make a public announcement at the outset of the meeting, to be included in the meeting minutes, that the member is in fact attending the meeting electronically. If the member is attending electronically for any other purpose other than for military duty, they shall identify their location by stating the city/township/village, county, and state from which they are attending.

E. Contacting Absent Members. Members of the public shall be noticed of the absence of a member of a Drainage Board through the notice required in Section IV of these Procedures. The public may contact those absent members prior to the meeting to provide input on any business that will come before the Drainage Board by emailing or calling the Drainage Board with information provided in the notice. The Director shall compile the input and transmit it to the absent member in advance of the meeting. "Absent member" is defined as any member authorized to participate in a meeting electronically.

F. Roll Call. During the electronic and telephonic meeting, members of the Drainage Board will vote by roll call to avoid any questions about how each member of the Drainage Board votes. Each member of the Drainage Board must be asked how they vote, and their name and vote must be recorded in the meeting minutes.

G. Right to Record. The right of a person to participate in an electronic and/or telephonic meeting includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of the meeting. The exercise of this right does not depend on the prior approval of the Drainage Board. However, individuals shall at a minimum provide written or oral notice to the Drainage Board prior to the start of an electronic and/or telephonic meeting of their intent to tape-record, videotape, broadcast, or telecast the meeting.

H. Registration. The Drainage Board may not require a person participating in an electronic and/or telephonic meeting to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms necessary to permit the person to participate in the public comment period of the meeting.

I. Breach of Peace. A person must be permitted to address the Drainage Board during an electronic and/or telephonic meeting under these Procedures, provided that no specific rules by order of the Drainage Board are needed to address specific circumstances or technical issues that arise during the meeting. A person must not be excluded from an electronic meeting otherwise open to the public except for a breach of the peace committed during the meeting.

J. Closed Session. Members of the general public participating in an electronic and telephonic meeting may be excluded from participation in an electronic and/or telephonic closed session of the Drainage Board if the closed session is convened and held in compliance with the requirements of the OMA.

K. Discussion, Deliberation, and Voting. The Drainage Board's electronic meeting will effectuate as fully as possible, the purposes of the OMA, which include promoting government accountability and fostering openness in government to enhance responsible decision-making. Except as it relates to closed sessions, the full discussions and deliberations of the Drainage Board, not just the voting, must still be done with public access.

L. Additional Rules. The chair or host of an electronic and/or telephonic meeting has the authority to ensure that the meeting is conducted in an orderly manner. This includes the discretion and authority to institute additional rules and procedures reasonably necessary to further the requirements of the OMA.

Section VI. Review of Procedures. The Director shall review these Procedures if any substantive changes are made to the current provisions of the Michigan Open Meetings Act, Act 267 of 1976, *et seq*, and present any proposed revisions to the Drainage Board for re-approval as necessary.

Section VII. Validity and Severability. If any part of these Procedures are declared by any court of competent jurisdiction to be invalid, that declaration does not affect the validity of the remainder of the Procedures.

Section VIII. Repealer. While in effect, these Procedures supersede all policies (or parts of policies) of the Drainage Board that conflict with these Procedures.

Section IX. Effective Date. These Procedures are effective immediately.

Adopted by the Clinton River Spillway Drainage Board.

CLINTON RIVER SPILLWAY DRAIN 1/5/21 - 3/16/21

<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>
Clinton River Spillway	Chapter 21	Baker	Aloia & Associates, P.C.	\$ 1,846.95	Invoice #21085 - 12.1.20	Legal - Sheffield Property	
		Baker	Aloia & Associates, P.C.	\$ 1,968.51	Invoice #21273 - 1.1.21	Sheffield Property Sale/Title	
		Baker	Aloia & Associates, P.C.	\$ 1,524.75	Invoice #21454 - 2.1.21	Sheffield Property Sale - January 2021	
	EPA Grant	Bednar	Cardno, Inc.	\$ 22,393.76	Invoice #303755 - 12.8.20	Invasive Species Treatment	\$ 85,253.31
	EPA Grant	Bednar	Cardno, Inc.	\$ 6,337.96	Invoice #306671 - 2.4.21	Invasive Control	\$ 69,517.69
		Stockel	English Countryside Landscaping	\$ 1,450.00	Invoice #20-822 - 12.9.20	Planting of 6 Black-hill Spruce Trees	
	Total			\$ 35,521.93			

YTD Trial Balance

Fund: Clinton River Spillway

As of Fiscal Period: Oct 1, 2020-Feb 28, 2021

	O&M Balance 9/30/2020	O&M	TOTAL 2/28/2021
Cash - Operating	117,443	(32,772)	84,671
Accounts Receivable			0
Assets			0
Liabilities			0
Revenues		22	22
Expenditures		32,794	32,794
Equity	117,443		84,671