

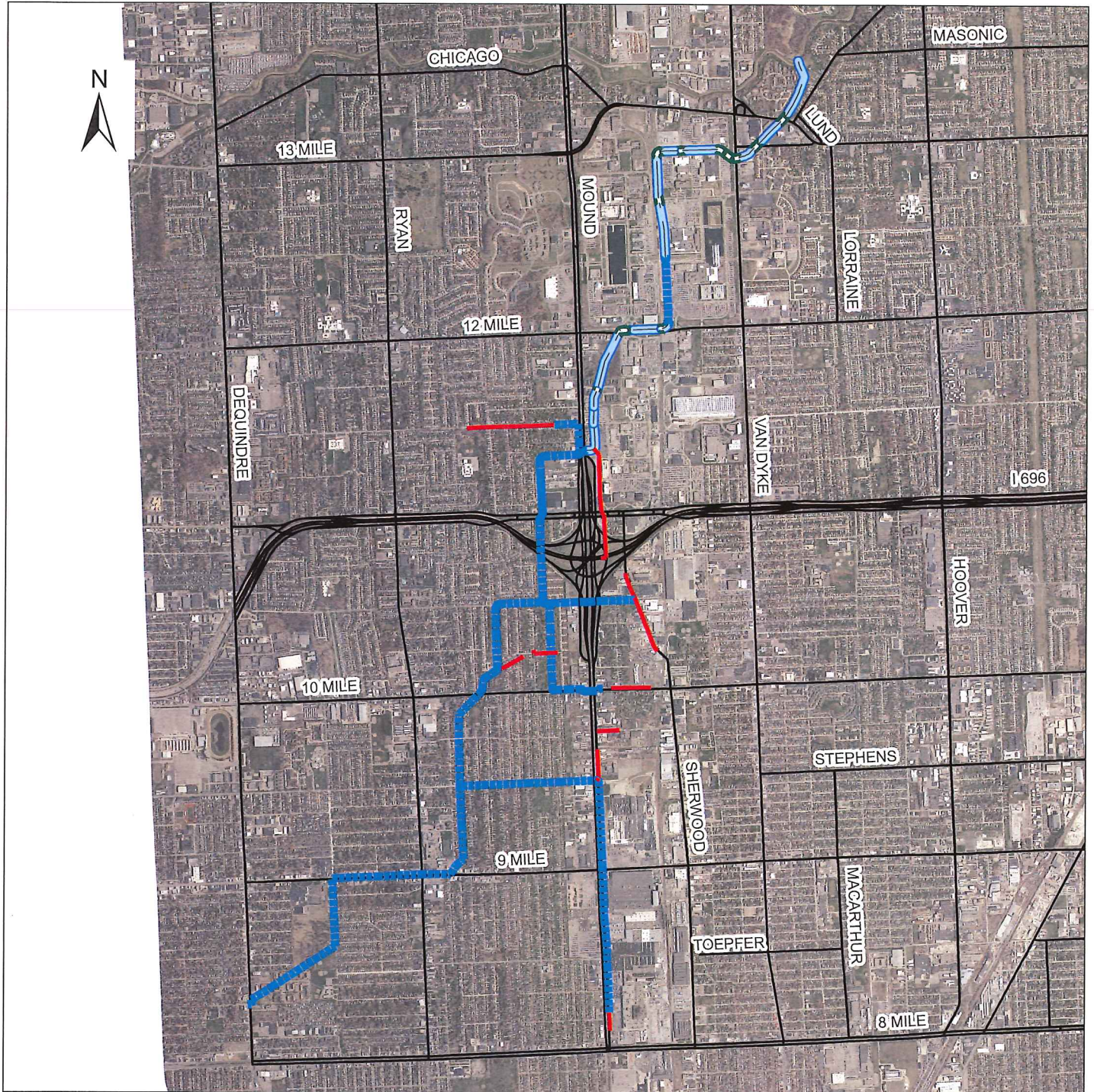
Gregg
Miller
Nash

BEAR CREEK
INTER-COUNTY DRAINAGE BOARD
DECEMBER 19, 2017
IMMEDIATELY FOLLOWING OMID – APPROXIMATELY 10:45 A.M.
(OMID - 10:00 a.m.)
AGENDA

	<u>Page</u>
1. Call meeting to order and roll call	
2. Approval of Agenda	
3. Public participation	
4. Approval of minutes of meeting of November 29, 2017	3
5. Progress Report Update – Anderson, Eckstein & Westrick, Inc.	7
6. Consideration of approval of invoice:	9
See attached spreadsheet	
7. Financial Update – Bruce Manning	10
8. Old Business	
9. New Business	
10. Adjourn	

BEAR CREEK DRAIN (INTER COUNTY) & BRANCHES

CENTERLINE/WARREN/OAKLAND COUNTY



Drain Length (Feet/Miles):
87,023.47 / 16.48

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 Road, Clinton Township, Michigan on November 29, 2017.

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

ALSO PRESENT: Brian Baker, Chief Deputy, Bruce Manning, Financial Manager, Tom Stockel, Construction Manager, Tamara Keskeny, Property Manager, Jeff Bednar, P.E., CFM, Environmental Engineer, Dan Heaton, Public Relations Manager, Barbara Delecke, Administrative Services, Office of Macomb County Public Works Commissioner; Steve Korth, P.E., Manager, Jim Wineka, P.E., Assistant Chief Engineer, Office of Oakland County Water Resources Commissioner; Gordon Wilson, P.E., Craig Amey, P.E., Sydney Kanan, Graduate Engineer, Anderson, Eckstein & Westrick, Inc. (AEW); Stacy Hissong, Fahey, Schultz, Burzych, Rhodes, PLC

The Chairman called the meeting to order at 11:05 a.m.

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

Adopted: YEAS: 3
NAYS: 0

The minutes of the meeting of October 25, 2017 were presented. A motion was made by Ms. Miller, supported by Mr. Nash to approve the minutes as presented.

Adopted: YEAS: 3
NAYS: 0

Mr. Wilson provided a history of the drainage board from 1910 to 2016. Maps were provided for the alignment of the drain used for the SAW Grant, the actual alignment and a map showing the drains that discharge into the Bear Creek.

Ms. Hissong explained that the Bear Creek Inter-County Drain is all one drain, with the exception of the Bear Creek Extension Inter-County Drain. The Bear Creek Extension Drain is a Chapter 6 and governed by the Chapter 21 drain board, but assessments are levied directly on the affected property owners. It is not known if this drain still exists. Abandonment procedures would be done if the drain no longer exists.

The first county records are dated from 1870. Prior records were kept by townships. In 1902, township drain commissioners were abolished and records were supposed to be forwarded to the newly established county drain commissions; however, the original establishment records are not available. The first survey information on the Bear Creek Drain is from 1910. Since that time, it is believed that bond counsel often used project names in place of the drain name for specific projects which created confusion as to whether each project was a separate drain.

From 1960 to 1968, the Bear Creek Enclosure Drain was established with an agreement between General Motors and the drainage board. The Cities of Hazel Park and Warren petitioned for maintenance and improvements to the Bear Creek Drain. From a legal perspective, proceedings are not necessary to consolidate the drains because the drains were not separately established. From an accounting standpoint, the Drain Board will have to determine how to consolidate all funds into one account and how to apportion future assessments. Mr. Korth suggested doing an apportionment study on the drainage district to determine who is responsible for maintenance and improvements. The Bear Creek – Warren Branches No. 2 could be converted to a Chapter 20. The Board could relinquish the drainage district to the City of Warren and then Warren could petition for the drain to be a Chapter 20.

The drain was relocated when I-696 was constructed. Prior to that, there was also a Bear Creek east route and a Bear Creek west route. The plans were approved by the Drainage Board, but there are no legal agreements stating how the route and course of the drain changed. Ms. Hissong recommended that the drainage board create a certificate of route and course description for the Bear Creek Inter-County Drain that states the board takes jurisdiction over the drain from Point A to Point B. Easements have to be determined and recorded in order to protect the infrastructure.

There are five items that Ms. Hissong suggested the board take into consideration for review. The Bear Creek Extension, the route and course certificate, either Macomb, Oakland or the State should have a complete set of files, obtain an understanding of the easements and properties that the drainage district owns, accounting and apportionments, and getting a handle on the tributary drains to determine jurisdiction such as the Sharkey Relief and McCoy Relief Drains. Ms. Miller stated that she did not wish to spend monies on documentation, but rather on repair projects. Mr. Gregg's concerns lie with the potential liability and sorting out the drainage system which is fundamental in the event of catastrophic flooding, property damage, personnel injury, etc. Ms. Hissong stated that determining the route and course should be a high priority. Mr. Bednar said that it is important to understand the drain's original design capacity and what capacity is available today. Mr. Gregg feels that investing in something that creates a measurable benefit or preserves the infrastructure and restores and maintains the capacity is the first order of obligation. Moving forward, the next step would be to have an apportionment study done, which is the fiduciary responsibility of the board and would afford the board the ability to finance future projects. Ms. Miller suggested that Oakland and Macomb Counties review the material presented and make a recommendation to the board.

A motion was made by Ms. Miller, supported by Mr. Nash to receive and file the memorandum from Fahey, Schultz, Burzych, Rhodes, PLC dated November 27, 2017 regarding the district delineation of the Bear Creek Inter-County Drain.

Adopted: YEAS: 3
NAYS: 0

A motion was made by Ms. Miller, supported by Mr. Nash to consolidate all of the Bear Creek Drain accounts into one based on the legal opinion provided by Fahey, Schultz, Burzych, Rhodes, PLC.

Adopted: YEAS: 3
NAYS: 0

Ms. Kanan has put together the infrastructure rehabilitation contract documents and specifications. A few minor details will be worked out and sent to Macomb and Oakland Counties for their review before proceeding. The \$800,000 engineer's estimate of costs includes prioritized operation and maintenance rehabilitation, as well as correcting structural deficiencies. The majority of the work is internal and in large pipes that carry a lot of flow. Mr. Wilson would like to wait until mid-summer 2018 to perform a majority of the work when there is less risk to the contractors.

AEW will begin work on green infrastructure now that the drainage district has been delineated.

A motion was made Ms. Miller, supported by Mr. Nash to receive and file the progress report given by AEW.

Adopted: YEAS: 3
NAYS: 0

The Chairman presented the invoices totaling \$12,305.00 as provided to the board for review and approval.

Motion was made by Ms. Miller, supported by Mr. Nash to approve the invoices as presented.

Adopted: YEAS: 3
NAYS: 0

A motion was made by Ms. Miller, supported by Mr. Nash to receive and file the financial report given by Mr. Manning.

Adopted: YEAS: 3
NAYS: 0

Ms. Miller excused herself from the meeting.

Letters were sent out twice to homeowners surrounding the surplus property on the Bear Creek Inter-County Drain. Five residents were interested in acquiring the property, two were not and two did not respond. Based on the location of the property owners interested in the property, it would be difficult to split. A possible next step would be to ask the City of Warren to take the property.

A motion was made by Mr. Nash, supported by Mr. Baker to receive and file the verbal update given by Ms. Keskeny.

Adopted: YEAS: 3
NAYS: 0

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 12:43 p.m.



Candice S. Miller, 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 29, 2017, 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
Bear Creek Inter-County Drainage Board

DATED: 12/1/17

Attachment

9017.bd

PROGRESS UPDATE

PROJECT: Bear Creek Infrastructure Rehabilitation
Bear Creek District Delineation
Bear Creek Green Infrastructure

DATE: December 13, 2017

UPDATE BY: Sydney Kanan

BEAR CREEK INFRASTRUCTURE REHABILITATION

Tasks accomplished:

- a. Construction plans have been compiled.
- b. Provided preliminary estimate for rehabilitation and replacement repairs. (\$785,330.00)
 - o Estimate includes open channel repair and sinking catch basin replacement presented at previous meetings.
- c. Determined number of structures which were constructed of CMP (9).
- d. Compiled contract documents and specifications for bids.

Anticipated tasks:

- a. AEW, MCPWO and OCWRC to review and prioritize recommended repair locations as a result of district delineation findings, for January meeting.

Requested Information/Actions from OMCPWC:

- a. N/A

BEAR CREEK DISTRICT DELINEATION

Tasks accomplished:

- a. District delineation is complete and has determined the Bear Creek Warren Branches and Bear Creek Warren Branch No. 2 are a part of the Bear Creek and that the Bear Creek Extension is its own drain.

Anticipated tasks:

Bear Creek Extension

- a. Oakland County WRC to field verify physical existence of the Bear Creek Extension and report findings at the January meeting.
 - Depending on the results of the field investigation, potential coordination with Fahey, Schultz, Burzych, Rhodes may be needed to execute petition.

Route and Course Certificate

- . AEW to provide a proposal, at the January meeting, for professional services (proposal 1) which includes preparing a route and course certificate for the main line of the Bear Creek.
 - Proposal 1 will include a sub proposal 1a for professional services which includes field verifying the Bear Creek Warren Branches (two north and one south branch), the Bear Creek Warren Branch No. 2 and the 1958 "East Route".
- a. AEW to provide a proposal, at the January meeting, for professional services (proposal 2) which includes coordinating and overseeing a condition assessment evaluation of the Bear Creek Warren Branches and the Bear Creek Warren Branch No. 2 by means of CCTV investigation.
- b. MCPWO to locate and provide any historical plans relating to the 1958 "East Route" by December 22nd.

Easements

- a. AEW to provide a proposal, at the January meeting, for professional services (proposal 3) for an easement inventory which includes determining what easements currently exist and identifying gaps where easements are needed.

Accounting/Apportionments

- a. MCPWO to discuss consolidating tributary drains with the Warren Branches to be transferred to a Chapter 20 drain.
- b. Apportionments will be discussed further pending ownership discussion.

Tributary Drains

- a. AEW to evaluate the SAW Grant budget for the Sharkey Relief Drain to determine the possibility of performing a district delineation which will include an inventory and assessment of record plans and record documents to determine the extent of the Sharkey Relief Drain.

Requested Information/Actions from OMCPWC:

- a. N/A

BEAR CREEK GREEN INFRASTRUCTURE

Tasks accomplished:

- a. N/A

Anticipated tasks:

- a. Determine framework for introducing green infrastructure to communities within the Bear Creek Drainage District.

Requested Information/Actions from OMCPWC:

- a. N/A

BEAR CREEK - 12/19/17

<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	Bednar	Fahey, Schultz, Burzyoh, Rhodes, PLC	\$ 1,114.25	Invoice #39813 - 11/26/17	District Delineation	
Total				\$ 1,114.25			

9048.bd

YTD Trial Balance
Fund: Bear Creek Combined
As of Fiscal Period: Oct 1, 2017-Nov 30, 2017

	O&M Balance 9/30/2017	O&M	Total 11/30/2017
Cash - Operating	1,566,476	2,343	1,568,819
Accounts Receivable			0
Assets			0
Liabilities⁽¹⁾		35,985	35,985
Revenues		2,343	2,343
Expenditures		35,985	35,985
Equity	1,566,476		1,532,834
	0		

NOTES

1) Net amount of \$23,394 due to AEW for final invoices relating to SAW 1407.
 Final request is going under MS4 review at state level