

A meeting of the Inter-County Drainage Board for the **CLINTON RIVER SPILLWAY DRAIN** was held in the VerKuielen Building, Senior Citizens Auditorium, 21885 Dunham, Clinton Township, Michigan 48036 on January 10, 2012.

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

William Misterovich, Acting Secretary
Chief Deputy, Macomb County Public Works Commissioner

Steve Korth, Member
Manager, Oakland County Water Resources Commissioner's Office

John Freeman, Member
Lapeer County Drain Commissioner

ABSENT: Robert Wiley, Member
St. Clair County Drain Commissioner

ALSO PRESENT: Keith Graboske, Chief Engineer, Kelly Kaufman, Engineer, Vince Martinez, Drain Maintenance, Fred Roskopp, Drain Maintenance, Lynne Seymour, Environmental Engineer, Robert Sinnamon, Project Coordinator, Lara Sucharski, Supervisor, Soil Erosion Control and Jeff Wheeler, Drain Maintenance, Macomb County Public Works Office; Keith McCormack and Jamie Burton, Hubbell, Roth & Clark; William Popp, Johnson & Anderson, Charles Bellmore, Utilities Director, City of Mount Clemens, Charles Bohm, Supervisor, Ray Township and Donna Dordeski, Acting City Engineer, City of Warren.

The Chairman called the meeting to order at 10:10 a.m. The minutes of the meeting of November 22, 2011 were presented. A motion was made by Mr. Misterovich, supported by Mr. Korth and unanimously carried to approve the minutes as presented.

A motion was made by Mr. Korth, supported by Mr. Misterovich to file the proof of service for the Notice of Hearing on Apportionment that was mailed by registered mail to public corporations in the Drainage District and proof of publication of Notice of Hearing in newspapers in Macomb, Oakland, Lapeer and St. Clair Counties.

AYES: Korth, Misterovich, Freeman, Gregg

NAYS: None

Motion approved.

Mr. Popp, Johnson & Anderson, Inc., apportionment consultant, provided an update on the Tentative Apportionment of Costs, as follows: The Clinton River Spillway is a 12,500' long, 74' wide open channel constructed by the U.S. Army Corps of Engineers (USACOE) from 1949 through 1952, following Congressional authorization to relieve chronic flooding problems in Mount Clemens, Clinton Township and Harrison Township. After construction of the Spillway was completed, ownership of it was turned over to the Inter-County Drainage Board for the Clinton River Spillway Drain. In 1996, due to continued high water levels, a 3 1/2' high inflatable weir was installed on top of the stationery weir to divert additional river flow away from the Spillway, down to the lower reaches of the natural river channel during

normal conditions. During storm events, the inflatable weir is lowered to allow flow down the Spillway to Lake St. Clair.

The drainage district is comprised of 760 square miles located in four counties: Macomb, Oakland, St. Clair and Lapeer. Public entities subject to assessments to pay drainage district expenses include 54 cities, townships and villages, four counties, four county road commissions and the Michigan Department of Transportation (MDOT).

The last historical apportionment, conducted in 1990, was based on runoff calculated from land uses. The 1990 apportionment schedule was the subject of a legal challenge by Independence Township in Oakland County but the case was eventually settled and dismissed. The 2012 apportionment is based on policies established on the 1990 apportionment, but is more accurate regarding land use and lot size. MDOT's historical 3% charge was maintained and a 10% direct charge was assessed to Macomb County. Maps to reflect the tentative apportionment were created and distributed to the communities for review and comment.

The drainage district received input from the communities and certain corrections were made, which are reflected on the current tentative apportionment schedule. The apportionment schedule listing the apportionment for each affected community was printed in newspaper ads published in the four counties. The purpose of this Apportionment Hearing is to consider final approval of the tentative apportionment of costs.

Open Public Hearing

The Drain Board members said that no written objections were submitted to their offices from any of the affected communities or taxpayers. Mr. Gregg asked the audience if there were any questions. Mr. Bellmore, City of Mount Clemens, asked what the timetable would be for the communities to begin paying once the apportionment was adopted. Mr. Misterovich said a final budget has not been approved by the Drain Board, but the total for 10 years of maintenance, the NOAA Grant local share costs and reimbursement to the Macomb County Drain Revolving Fund would be approximately \$600,000. He said he will recommend to the Drain Board that a special assessment roll be adopted to collect the assessment over a period of three years, \$200,000 per year, with the assessments being due on May 1 of 2012, 2013 and 2014.

Mr. Bohm, Ray Township, asked about prior apportionments. Mr. Misterovich said the original apportionment was assessed when the Spillway was constructed in 1950. The next apportionment was in 1990 and this will be the third apportionment. The district size has remained unchanged. Mr. Bohm said Ray Township could not find any records of prior payments. Mr. Misterovich said Ray Township was definitely part of the District in 1950 and 1990 and was assessed costs. He said the records are on file in the Macomb County Public Works Office and will be forwarded to Ray Township. Mr. Bohm also asked if the 3-year spread would be interest-free. Mr. Gregg stated that interest would be charged only if the Board sold bonds or drain notes, which is not anticipated at this time.

There being no further questions or comments, the Chairman declared the Public Hearing closed.

A motion was made by Mr. Misterovich, supported by Mr. Korth to approve the following Tentative Apportionment as the Final Re-Apportionment of Costs for Operation, Maintenance and Improvement of the Clinton River Spillway Drain.

State of Michigan	3.0000%		
St. Clair County	0.0314%		
Berlin Twp	0.5691%	Village of Lake Orion	0.1855%
St. Clair County Total	0.6005%	Charter Township of Orion	2.7870%
		Village of Beverly Hills	0.0583%
Oakland County	5.3605%	Village of Oxford	0.2193%
Charter Township of Bloomfield	0.0437%	Charter Township of Oxford	1.5955%
Charter Township of Brandon	0.9293%	Oakland County Total	44.1218%
Charter Township of Oakland	2.4470%		
Charter Township of Royal Oak	0.0665%	Macomb County	5.9099%
Charter Township of Springfield	0.8071%	City of Center Line	0.3695%
Charter Township of Waterford	3.4995%	Charter Township of Chesterfield	0.2421%
Charter Township of West Bloomfield	0.6050%	Charter Township of Clinton	2.6525%
Charter Township of White Lake	0.0943%	City of Fraser	0.7890%
City of Auburn Hills	1.8682%	Charter Township of Harrison	1.1277%
City of Berkley	0.4156%	Township of Lenox	1.2944%
City of Birmingham	0.3291%	Charter Township of Macomb	3.0182%
City of Clawson	0.3776%	City of Mount Clemens	3.7031%
City of Ferndale	0.6503%	Township of Ray	2.6912%
City of Hazel Park	0.4341%	Township of Richmond	1.1122%
City of Huntington Woods	0.2060%	City of Roseville	0.5976%
City of Keego Harbor	0.0845%	Charter Township of Shelby	4.2105%
City of Lake Angelus	0.1270%	City of Sterling Heights	6.4642%
City of Madison Heights	1.1541%	City of Utica	0.2984%
City of Oak Park	0.7569%	City of Warren	6.6415%
City of Orchard Lake Village	0.2823%	Charter Township of Washington	3.1130%
City of Pleasant Ridge	0.0857%	Village of Romeo	0.3510%
City of Pontiac	2.8373%	Township of Bruce	3.7949%
City of Rochester	0.5521%	Village of Armada	0.1041%
City of Rochester Hills	3.6335%	Township of Armada	2.6025%
City of Royal Oak	1.8444%	Macomb County Total	51.0875%
City of Southfield	0.4029%		
City of Sylvan Lake	0.1372%	Lapeer County	0.0507%
City of Troy	4.1803%	Township of Dryden	0.1025%
Township of Groveland	0.0013%	Township of Almont	0.8840%
Village of Leonard	0.0674%	Village of Almont	0.1530%
Township of Addison	2.1268%	Lapeer County Total	1.1902%
City of Village of Clarkston	0.0729%		
Charter Township of Independence	2.7958%	Watershed Total	100.0000%

AYES: Misterovich, Korth, Freeman, Gregg

NAYS: None

Final Re-Apportionment approved.

Jamie Burton, Hubbell Roth & Clark, Inc. (HRC) presented an update on the National Oceanic and Atmospheric Administration (NOAA) Grant tendered to the District. He said the Spillway received a Great Lakes Restoration Initiative (GLRI) design and planning grant to improve fish population, revegetate with native plant species and eliminate invasive plant species. The Spillway is a flood control canal and its characteristics need to be maintained throughout the restoration project. The value of the Spillway for activities other than flood control will be examined.

The project targets 3 beneficial use impairments:

1. loss of fish and wildlife population
2. degraded fish and wildlife population
3. degradation of benthos

Over the next 12 to 18 months, HRC will begin data analysis, evaluation, preliminary plans and documentation which will qualify the project for more funding opportunities.

The project is 70.5% federally funded. NOAA is contributing \$339,500. The non-federal, non-participating share, to be paid by the Spillway District, is \$100,000. The grant timeline began in October 2011 and should be complete by June 2013. The GRLI was given \$471 million for restoration projects through the Federal Stimulus Program.

Mr. Korth asked about the USACOE involvement. When the Spillway was turned over to the Inter-County Drainage Board, provisions were made that the USACOE would be responsible for certain maintenance issues, such as dredging. HRC met with personnel with the USACOE to get their views, keep them in the loop, and address any of their concerns with the project. The NOAA grant is an Inter-County Drain Board project so implementation of recommendations will be a local responsibility. The USACOE will not be directly involved, except as a stakeholder. Mr. Burton said that the NOAA grant working committee will be creating a stakeholders group to provide oversight during the grant process. He said that each county will be invited to participate, along with environmental agencies and groups in the region.

The Chairman presented the following invoices to the board for review and approval:

<u>C & G Publishing, Inc.</u>	
Invoice #0536055-IN, Publication X 4 of Notice of Hearing	\$1,104.00
Invoice #0536571-IN, Publication X 4 of Notice of Hearing	\$1,104.00
<u>The Oakland Press</u>	
Invoice #911-70994 – Legal Ad	\$1,223.00
<u>Lapeer County Drain Commissioner</u>	
Reimbursement for payment of invoice to View Newspaper Group for publication of Notice of Hearing	\$ 867.84

Motion was made by Mr. Misterovich, supported by Mr. Korth to approve the above referenced invoices as presented.

AYES: Misterovich, Korth, Freeman, Gregg

NAYS: None

Motion approved.

There being no further business coming before the Board, the meeting was adjourned at 11:05 a.m. on a motion by Mr. Misterovich, supported by Mr. Korth and unanimously approved.



WILLIAM MISTEROVICH, Acting Secretary
Clinton River Spillway Drain Inter-County Drainage Board

STATE OF MICHIGAN
COUNTY OF MACOMB

I certify that the foregoing is a true and correct copy of proceedings taking by the Inter-County Drainage Board for the Drainage District shown on the attached set of Minutes, on January 10, 2012, 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.



William Misterovich, Acting Secretary
Clinton River Spillway Drain Inter-County Drainage Board

DATED: 1/18/2012

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