

MINUTES
BOARD OF COMMISSIONERS MEETING
HURON-CLINTON METROPOLITAN AUTHORITY
THURSDAY, JULY 14, 2011

The regular meeting of the Huron-Clinton Metropolitan Authority's Board of Commissioners was held at 10:30 a.m. on Thursday, July 14, 2011 at Lake Erie Metropark in the Marshlands Museum and Nature Center at the Nature Center. The meeting was convened in pursuance to a call thereof by the Executive Secretary and due notice to the HCMA Board of Commissioners.

Present: Commissioners: Anthony V. Marrocco
Robert W. Marans
John E. La Belle
John C. Hertel
John P. McCulloch

Staff Officers:
Director David C. Moilanen
Deputy Director Gregory J. Almas
Controller David L. Wahl
Executive Secretary George Phifer

Absent: Commissioners: Harry Lester
Warren C. Evans

Others: Legislative Consultant George Carr

The meeting was called to order by Chairman Marrocco at 10:30 a.m.

1. Chairman's Statement

Chairman Marrocco thanked the board for having the confidence in appointing him chairman. Marrocco also said that Commissioner Lester was unable to attend due to the illness of his brother-in-law.

Public Comments

Toni Spears, HCMA volunteer, wanted to bring to staffs attention that the property for sale near Stony Creek has approximately one-third of high quality wetlands and that the divesture policy has procedures that should be followed. Spears also commented on the Hudson Mills Phase Two Trail and the wetland areas that staff should take into consideration when laying out the design.

2. Minutes – June 2011

It was moved by Commissioner Hertel, supported by Commissioner La Belle that the Board of Commissioners approve the June 9, 2011 regular meeting minutes as submitted.

Motion carried unanimously.

4. Financial Statements – June 2011

It was moved by Commissioner Marans, supported by Commissioner Hertel that the financial statements for June 2011 be approved as submitted.

Motion carried unanimously.

5. Vouchers

It was moved by Commissioner La Belle, supported by Commissioner McCulloch that the vouchers for June 2011 (0217344 through 0218025) be approved as submitted.

Motion carried unanimously.

6. Purchases

It was moved by Commissioner Hertel, supported by Commissioner Marans that the following purchase be approved as recommended by Purchasing Manager Scott Michael and staff.

- ITB-11-011, 2012 Annual Permits, – All locations

Motion carried unanimously.

7. Reports

A. Metro Beach

1. Renaming Metro Beach (Lake St. Clair Metropark)

Director Moilanen reported that since the summer of 1994, Metro Beach has been closed many times due to high levels of E. coli in the lake water – at least that is what many people believe has happened. Actually, during all these episodes of high E. coli levels, the park has remained open and all of the facilities within the park have been available for public use; only the lake front with lake swimming has been closed to public use. For years, staff has tried to communicate with the media that during these episodes when the lake was closed to swimming the rest of the Metropark was open. Unfortunately, many times media outlets have reported that “Metro Beach” is closed, giving the impression that the entire park is closed not just the lakefront.

Moilanen said changing the name to Lake St. Clair Metropark would change the way media reports lakefront closures. They wouldn't report Lake St. Clair Metropark is closed; it would be the beach at Lake St. Clair Metropark is closed.

Moilanen also said Lake St. Clair is a regional resource, Metroparks are regional resources. Tying the park to a regional resource would help reinforce the idea of a regional facility. Further, the name “Metro Beach” gives the impression that the park is only a beach, but the park is much more than a beach, it has a marina, par-3 golf course, activity center, pool, nature center, etc.

Moilanen said Metro Beach Metropark has gone through name changes before. Renaming the park would have some costs (installation of new in-park and pathfinder signs would range from \$15,000 - \$20,000).

It was moved by Commissioner Marans, supported by Commissioner La Belle that the Board of Commissioners authorize staff to conduct a poll of park users about the possible name change at Metro Beach and report the results of the poll to the Board.

Motion carried unanimously.

7. Reports

B. Stony Creek

1. Land Purchase Request

Executive Secretary Phifer reported that in 1977, the Metroparks acquired 33 acres of land located on the northeast corner of Inwood and Mt. Vernon situated in Washington Twp in Macomb County; and that the property was purchased for

\$99,000. This property is currently undeveloped, and there are no existing plans to develop or improve this property at this time.

Phifer said that at the regular January 2010 Commission meeting, the North Macomb Sportsmen's Club (NMSC), made a request to the HCMA Board of Commissioners, to consider selling this property to their organization. The Board directed staff to further investigate the potential of a sale including a natural features inventory and to authorize staff to conduct further discussions with the NMSC.

Phifer said there is also land within Stony Creek Metropark that was purchased with assistance of the federal Land and Water Conservation Fund (LWCF). In accordance with the grant agreement, property purchased with federal assistance for the purposes of recreation cannot be sold or leased for non-recreation purposes without approval of the granting agency and mitigation of the site.

Phifer said the natural features inventory conducted by staff identifies that approximately one-third of the property is a high quality wetland that should not be developed.

Phifer also said staff has been working with the DNR, to determine whether or not this property was encumbered as part of a previous grant agreement and conducted further discussions with the NMSC at a meeting at the site in March of this year. In addition, staff has studied the current master plan for Stony Creek Metropark.

Moilanen stated that if the property is leased or sold, there would be deed restrictions placed on the property. Also, the Metroparks would have the first right of refusal if the property has to ever be sold in the future.

It was moved by Commissioner Hertel, supported by Commissioner Marans that the Board of Commissioners authorize staff to put together alternative plans (outright sale, long-term lease and/or land swap) in detail and submit these recommendations to the Board for review and consideration.

Motion carried unanimously.

7. Reports

B. Stony Creek

2. Contract Proposal to Operate Wolcott Mill Farm

It was moved by Commissioner Hertel, supported by Commissioner McCulloch that the Board of Commissioners postpone the consideration of the contract proposal to operate Wolcott Mill Farm agenda item until the August 2011 regular meeting of the Board of Commissioners.

Motion carried unanimously.

7. Reports

C. Kensington

1. Report – Service Area Underground Storage Tank (UST) Environmental Assessment

Chief Engineer Arens reported that at the Feb. 10, 2011 meeting of the Board of Commissioners, the engineering firm of Fishbeck, Thompson, Carr & Huber (FCTH) was retained to prepare a Final Assessment Report (FAR) on the confirmed release of contaminants associated with the removal of USTs at the Kensington Service Area in April 2010.

Arens said the confirmed release was associated with two former UST sites in the Service Area. One site, located about 110 feet southeast of the Service Building and associated with the single-wall fiberglass tanks removed in April 2010, was previously occupied by single-wall steel UST installed in the late 1960s and removed in 1984. The other UST site, directly east of the Service Building, was originally constructed circa 1948, expanded circa 1953, and USTs were removed in the late 1960s. The contaminants at both sites were associated with the historical USTs which were removed decades ago, and not with the recently-removed fiberglass USTs. However, because the contaminants were detected during removal of the latter, they had to be reported to the MDEQ as confirmed releases. During further site investigation under the FAR, contamination associated with the historical, pre-1960s UST site (directly east of the Service Building) was discovered.

Arens said FCTH has defined the areas of contamination as accurately as practical. The area of contamination of both sites was larger than originally anticipated, but they are relatively confined.

Arens said it should be understood that the exact nature and extent of soils exceeding Csat concentrations can be highly uncertain, as migration pathways can be narrow and unpredictable. Groundwater is approximately 40 feet below the level of contamination and has not been impacted above applicable criteria, based on these investigations.

Arens said alternatives range from “institutional controls” (meaning leaving the contaminants in place, placing legal restrictions on the future use of the site, and performing annual groundwater monitoring), to excavation and disposal of contaminated soil.

Arens said that institutional controls would be the least-cost alternative. Staff and FTCH believe that, based on the conditions specific to the site, and also on the relative age and inertness of the contaminants and depth to groundwater, the option exists under Part 213 to seek closure without soil removal and without active remediation. If the MDEQ will not accept the institutional control alternative, closure of the site to Tier 1 standards by active remediation would be the next best alternative with respect to cost. Active remediation would involve the installation of an injection system in the Csat zones.

It was moved by Commissioner Marans, supported by Commissioner La Belle that the Board of Commissioners receive and file the Service Area Underground Storage Tank (UST) Environmental Assessment Report and direct staff to continue discussions with MDEQ as recommended by Chief Engineer Arens and staff.

Motion carried unanimously.

7. Reports

C. Kensington

2. Report – Sanitary Sewer System Upgrade/Waste Water Treatment Plant Decommissioning

Chief Engineer Arens stated that staff has undertaken a project to improve the sanitary sewer system serving Kensington Metropark. The project includes repairs and upgrades of existing elements of the system, including upgrades of two pump stations and portions of the existing sewer main; replacement of the force main under Kent Lake; construction of a new force main to connect into the southeast Milford Township Sewer Interceptor; and decommissioning of the existing wastewater treatment plant, constructed in 1953.

Arens said at its April 8, 2010 meeting the Board of Commissioners retained Stantec Engineering to provide engineering design services for this project. The preliminary services included an evaluation of alternatives for the proposed transmission system; a basis of design for pump station improvements and equalization; and a condition assessment of certain portions of the existing system. Final design of the project is complete, and construction drawings are currently under review by staff in preparation for advertisement for bids in the future.

Arens said the project is being undertaken for several reasons. The Maple Beach and Boat Launch Pump stations (constructed in 1953) are aged, deteriorated, and their mechanical and electrical systems are in need of major repairs and upgrades. The existing 2,100-foot, 6-inch diameter cast iron force main underlying Kent Lake is almost 60-years-old and should be replaced due to its age, deterioration and potential for breakage.

Arens said the existing wastewater treatment plant (WWTP) is obsolete and cannot be brought into compliance with discharge limitations that will be imposed by the Michigan Department of Environmental Quality (MDEQ) in a future re-issuance of the groundwater discharge permit. The MDEQ re-issued the current discharge permit on June 11, 2009, with the expressed understanding that the Authority will connect into the Milford Township system as soon as possible.

Arens said connection to the Milford Township system will require the construction of a 9,400 foot, 6-inch diameter force main extending from the East Boat Launch pump station to the westerly terminus of the Milford Township system at Milford Road. The force main would be constructed along the Michigan Department of Transportation (MDOT) right-of-way along I-96.

Arens said the estimated cost of the construction project currently under design is \$2,262,000.

Arens said as a key component of park infrastructure having repair/replacement cost in excess of \$200,000, funding of this project will be through the Authority's Supplemental Major Maintenance Fund, in accordance with the Board of Commissioner's Resolution of Feb. 10, 1994.

Arens said it is anticipated that advertisement for constructing bids will take place in August 2011, and that bids will be brought to the Board of Commissioners at the September 2011 meeting for action. Also at that time it is anticipated that authorization of payment of the connection fee will be requested.

It was moved by Commissioner Marans, supported by Commissioner Hertel that the Board of Commissioners receive and file the Sanitary Sewer System Upgrade/Waste Water Treatment Plant Decommissioning Report.

Motion carried unanimously.

7. Reports

D. Hudson Mills

1. Agreement (Multi-Agency) – Hudson Mills-Dexter Trail

Chief Engineer Arens reported that at its June 9, 2011 meeting, the Board of Commissioners approved a Development Project Agreement with the Michigan Department of Natural Resources (MDNR) for a grant from the Michigan Natural Resources Trust Fund (MNRTF) for the Hudson Mills – Dexter Trail. This trail will be

approximately three miles in length and will extend from the southern end of the existing West Side Trail to the northern end of the village of Dexter's Warrior Park trail. The Hudson Mills – Dexter Trail will include 13,800 lineal feet of 10-foot wide asphalt path, 1,480 lineal feet of 12-foot wide boardwalk, and two steel pedestrian bridges, one 40-foot long and one 100-foot long. Total estimated project cost is \$2,180,000.

The Hudson Mills – Dexter Trail represents a partnership between multiple agencies. Those agencies, and their estimated cost participation in this project, are as follows:

Washtenaw County Parks & Recreation Commission (WCPARC)	\$242,000
Washtenaw County Road Commission (WCRC), Michigan Department of Transportation (MDOT) Enhancement Program	\$780,000
Washtenaw Area Transportation Study (WATS), Surface Transportation Program – Urban (STPU) Funds	\$558,000
Huron-Clinton Metropolitan Authority (HCMA)	\$100,000
Michigan Natural Resources Trust Fund Grant	<u>\$500,000</u>
Total Estimated Project Cost	\$2,180,000

Arens said a multi-party agreement between HCMA, WCPARC and WCRC is necessary to address the responsibilities of the parties and their commitment for cost participation. The multi-party agreement is also necessary for MDNR to execute the Development Project Agreement.

Arens said as reported on June 9, the project will receive Federal Highway Administration (FHWA) funding through MDOT's Transportation Enhancement (TE) program and through the STPU program. Therefore the project must be undertaken through MDOT's Local Agency program.

Arens said the Authority will serve as project manager, designer and contract administrator as it customarily does, but in cooperation with and under the general direction of WCRC. The project is currently in its early design stage. MDOT TE funds for this project have been programmed for 2012. A construction contract may be issued in early 2012.

It was moved by Commissioner La Belle, supported by Commissioner McCulloch that the Board of Commissioners approve the Multi-Party Agreement as recommended by Chief Engineer Arens and staff.

Motion carried unanimously.

7. Reports

E. Lower Huron

1. Report – Master Plan Revision and Campground Development

Supervising Park Planner Jim Kropp reported that in 2009, staff prepared a campground feasibility study.

Kropp said staff has now prepared a study to introduce permanent campgrounds to the Metroparks. The study evaluated park sites such as picnic areas that might otherwise be underutilized and could easily and economically be converted into campsites. Potential sites were evaluated based on the following criteria: Low cost to convert sites to camping, the presence of existing amenities such as restrooms and shelters, location relative to other park facilities and attractions, maintaining a reasonable distance from nearby residential areas, selecting areas which are not

prone to flooding, ability to secure the campground in the evenings, and existing tree cover for shade

Kropp reported that the plans had been presented to Commissioner Lester who expressed agreement with the new approach and the selection of the Lower Huron Metropark Tulip Tree location for camping in Wayne County, where there are currently no campgrounds.

Kropp said the Lower Huron Metropark Tulip Tree site would cost approximately \$20,000 to convert the existing picnic area to a campground.

Commissioner McCulloch asked if the estimate covered operational cost?

Kropp replied that the estimate is for capital cost only, and that park staff will prepare operational expenses.

It was moved by Commissioner McCulloch, supported by Commissioner Marans that the Board of Commissioners authorize staff to research operational and capital improvement costs, and meet with the various agencies regarding installing a campsite at Lower Huron Metropark.

Motion carried unanimously.

7. Reports

F. Oakwoods

1. Agreement – Flat Rock – Oakwoods Trail

Chief Engineer Arens reported that the city of Flat Rock and the Authority are cooperating in the development of the Flat Rock – Oakwoods Trail. The Trail will be an asphalt-surfaced hike-bike trail, 10-feet wide and approximately 1.8 miles in length, extending from the existing hike-bike trail within Oakwoods Metropark to Flat Rock's Huroc Park. The Trail will be constructed by Flat Rock, largely on Authority land within Oakwoods Metropark, and on land leased by the Authority to Flat Rock located west of Huroc Park.

Arens said Flat Rock applied for and received a \$447,900 grant from the Michigan Natural Resources Trust Fund (MNRTF) for this project and will be entering into a Development Project Agreement with the Michigan Department of Natural Resources (MDNR). It has also received a commitment from the Michigan Department of Transportation (MDOT) for a \$342,150 Transportation Enhancement (TE) grant. Total estimated cost of the project is \$790,000. The project will be developed at no cost to the Authority.

Arens said a Trail Agreement between the Authority and Flat Rock is necessary to address the responsibilities of each party. The Trail Agreement is also necessary for MDNR to execute the Development Project Agreement.

Arens said the Authority and Flat Rock have agreed to share equally in the responsibility for operation, maintenance and repair (OM&R) of the Trail. The reason for this is that both parties and their constituencies will benefit equally from the use and enjoyment of the Trail.

Arens said with the Flat Rock-Oakwoods Trail, the city of Flat Rock has the capability of providing OM&R services on portions of the Trail within and near Flat Rock. Therefore it has been agreed that the Authority will be responsible to provide OM&R services on that section of the Trail lying fully within Oakwoods Metropark

(the "Oakwoods Section"), and Flat Rock will be responsible for providing services on that section of Trail lying outside Oakwoods Metropark (the "Flat Rock Section").

It was moved by Commissioner McCulloch, supported by Commissioner Marans that the Board of Commissioners approve the Flat Rock – Oakwoods Trail Agreement as recommended by Chief Engineer Arens and staff.

Motion carried unanimously.

7. Reports

G. Willow

1. Report – ITC Tree Clearing

Chief of Natural Resources Paul Muelle submitted a report regarding ITC line clearing at Willow Metropark.

It was moved by Commissioner McCulloch, supported by Commissioner Hertel that the Board of Commissioners receive and file the ITC Line Clearing Report as recommended by Chief of Natural Resources Muelle and staff.

Motion carried unanimously.

7. Reports

H. Administrative Office

1. Report – 2nd Quarter 2011 Appropriation Adjustments

Controller Wahl reported that in order to maintain compliance with 2011 Budget line item appropriation limits, monthly reviews have been made of Capital and Operation General Fund expenditure accounts. As a result of these reviews and subsequent review and approval by the Director, these appropriation adjustments have been recorded.

\$258,700 (37 percent) of the \$696,500 in General Fund appropriation adjustments made represent appropriations transferred between accounts within the same cost center.

\$247,900 (36 percent) of the \$696,500 in General Fund appropriation adjustments made represent appropriations transferred between accounts, between different cost centers. Appropriations totaling \$189,900 (27 percent) were made from the General Fund Reserve for Future Contingency Account.

It was moved by Commissioner McCulloch, supported by Commissioner Hertel that the Board of Commissioners approve the 2nd Quarter Appropriation adjustments as recommended by Director Moilanen and Controller Wahl.

Motion carried unanimously.

7. Reports

H. Administrative Office

2. Appointments – Pension Committee and Retiree Health Care Trust Board of Trustees

Controller Wahl reported that members of the Authority's Pension Committee and Retiree Health Care Trust Board of Trustees consist of the Chairman of the Board of Commissioners, two "at large" Board of Commission members, plus three employee representatives. Since former Commissioner Walters resigned in December 2010, an "at large" Board member appointment has been vacant. The "at large" Board appointment is for a six-year term; and that This matter is brought to your attention for the Board of Commissioners to consider appointing a new "at large" Board

member to the Authority's Pension Committee and Health Care Trust Board of Trustees.

It was moved by Commissioner Marrocco, supported by Commissioner Hertel that the Board of Commissioners appoint Commissioner McCulloch to the Pension Committee and the Retiree Health Care Trust Board of Trustees.

Motion carried unanimously.

3. Approval – Strategic Plan

Director Moilanen reported that at the June meeting, the Metroparks strategic plan was presented to the Board for commissioner's input with the intent of bringing it back to the Board for final approval. While staff recognizes that aspects of the plan need more discussion, in order to keep the process going, it is recommended that the Board approve this plan as a basis for beginning implementation.

Moilanen said once it is agreed to move forward with these actions, the items under each strategic goal will be prioritized for completion and more detailed task descriptions for each action item will be developed by the subcommittee responsible for that action and goal.

Commissioner La Belle commented that we are at a crossroads on this item. The Board has some significant decisions to make over the next six months. La Belle said he has attended a lot of committee meetings and feels that we have good employees working in this organization. La Belle said we need to capitalize on the skills and expertise of our existing employees.

It was moved by Commissioner La Belle, supported by Commissioner Hertel that the Board of Commissioners approve the strategic plan for the Metroparks as recommended by Director Moilanen and staff.

Motion carried unanimously.

4. Agreement – Lake St. Clair/St. Clair River Partnership

Chief of Natural Resources Muelle submitted the Lake St. Clair/St. Clair River Protection and Restoration Partnership Agreement to the Board for approval.

It was moved by Commissioner McCulloch, supported by Commissioner La Belle that the Board of Commissioners approve joining the Lake St. Clair/St. Clair River Protection and Restoration Partnership as recommended by Chief of Natural Resources Muelle and staff.

Motion carried unanimously.

7. Reports

H. Administrative Office

5. Donations

It was moved by Commissioner Marans, supported by Commissioner McCulloch that the following donations be accepted and a letter of appreciation sent to the donors as recommended by Deputy Director Almas and staff.

- A \$1850 donation made by Ming Cheng for three benches, a picnic table and a tree in memory of Jenso Cheng to be used at Kensington Metropark.
- A \$1307 donation made by Brad Thomas for a picnic table and plaque for use at Metro Beach.
- A \$950 donation made by Paul Mergentine for a picnic table and two trees in memory of his father for use at Kensington Metropark.

- A \$300 bench donation made by Carolyn King for use at Stony Creek Metropark.
- A \$250 donation made by Gregory Surmont for the “Wear the Gear” program.
- A \$200 donation made by Frank Lautner with the Macomb Audubon Society for “Clean-up Day” and for the Owl Festival at Metro Beach.
- A \$200 tulip tree donation made by David Wahl in memory of Wendy Wahl-Denno to be used at the Administration office.

Motion carried unanimously.

6. Legislative Report

Legislative Consultant Carr reported that Public Act 312 Binding Arbitration - HB 4522 had been passed by the House earlier as reported last month in a version that continued to exempt HCMA. The Senate decided to concur in the House version and the legislation passed. HB 4522 specifically maintains the current exclusion for the Authority and has been order enrolled for presentation to the governor. As presented to the governor, HB 4522 will continue to exempt HCMA employees from binding arbitration, Gov. Snyder has not objected to any of the provisions of HB 5422 and is widely expected to sign the bill in the next three weeks.

Carr reported that employee health insurance contributions, just prior to the end of session, the House passed a hybrid version of SB 7 and returned the bill to the Senate. The Senate passed version of SB 7 had required a minimum 20 percent employee contribution for health insurance including an "opt-out" option for selected local governments, including HCMA.

The House hybrid version starts with a specific "hard" dollar cap per employee with an employer's option to go to an 80 percent - 20 percent limit. The House-passed version also retains the opt-out provisions for the HCMA by Board vote in each instance. Therefore, the HCMA Board authority and discretion have been retained in both versions. The Senate is expected to modify the House version so this legislation is still very much in play.

It was moved by Commissioner La Belle, supported by Commissioner Marans that the Board of Commissioners receive and file the legislative report as submitted by Legislative Consultant Carr.

Motion carried unanimously.

8. Director's Comments

Director Moilanen invited the board to stay after the meeting for the dedication of the Lake Erie children's play area and lunch.

9. Commissioner Comments

Commissioner La Belle commended Commissioner Evans for his service to the Metroparks Board. La Belle said Evans was well respected and will be missed. La Belle also asked staff to prepare a letter of commendation thanking Commissioner Evans for his hard work.

Commissioner Hertel wanted to recognize one of the Board's long-time serving Commissioners, Bill Kreger.

Commissioner McCulloch commented that conflicts with attorneys come up and that 80 – 90 percent there is no issue or conflict of interest. However, on occasion, conflicts may arise.

It was moved by Commissioner McCulloch, supported by Commissioner Hertel that if staff runs into conflicts of interest involving attorneys that it be brought to the attention of the chair and vice chair to let them know if there is a need to use another attorney or law firm on a particular legal matter.

Motion carried unanimously.

10. Motion to Adjourn

It was moved by Commissioner Hertel, supported by Commissioner La Belle that the Board of Commissioners adjourn the regular meeting.

Motion carried unanimously.

The meeting adjourned at 12:13 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "George Phifer".

George Phifer
Executive Secretary