

# LOOKING GLASS RIVER INTERCOUNTY DRAIN

## DRAINAGE BOARD MEETING

Friday, January 10, 2020

Shiawassee County Drain Commissioner's Office  
Corunna, Michigan

MEMBERS PRESENT: Michael Gregg, Board Chairperson, Michigan Department of Agriculture & Rural Development  
Phil Hanses, Board Secretary, Clinton County Drain Commissioner  
Carla Clos, Ingham County Deputy Drain Commissioner  
Tony Newman, Shiawassee County Drain Commissioner  
Ken Recker, Livingston County Deputy Drain Commissioner

MEMBERS ABSENT: None

ALSO PRESENT: Jenna Jullie, Shiawassee County Deputy Drain Commissioner  
Alan Boyer, LSG Engineers & Surveyors  
Jerry Gutting, Antrim Township Supervisor  
Carl S. Schaaf, Shiawassee County resident  
Shawn Weaver, Shiawassee County resident  
Chris Tomac, Wombat Services  
Tim Chattaway, Chattaway Excavating

Chairman Gregg called the meeting to order at 9:30 a.m.

### 2. Review and set the agenda

MOTION by Hanses to approve the agenda as presented. SECOND by Clos. MOTION CARRIED unanimously.

### 3. Approval of the last meeting minutes

Under 4b, Clinton County landowner concerns, Recker suggesting adding "analysis downstream of the point of beginning of the drain normally is not considered" to clarify Boyer's response to questions from Cole DeVault.

MOTION by Clos to approve the minutes of December 17, 2019 as amended. SECOND by Hanses. MOTION CARRIED unanimously.

### 4a. Receive bids on Contract IV for woody debris maintenance and take action to award

Gregg proceeded with opening and reading of bids.

- Mid-Michigan Ponds - \$141,900.00
- T&E Farms, Ed Vandenboss - \$97,164.00
- Chattaway Excavating - \$99,840.00

MOTION by Clos to refer the bids to Boyer for checking and recommendation. SECOND by Hanses. MOTION CARRIED unanimously.

Newman questioned whether timeframe considerations were to be included in the new contract. Boyer explained that the contract includes starting time, liquidated damages at \$500 per day, milestone dates and a schedule, and noted that because time is of the essence, and that when in the engineers judgement that the river conditions are favorable to proceed, the contractor may be instructed to proceed regardless of other work the contractor may have. A clause has been added that the Drainage Board reserves the right to terminate the contract due to inaction by the contractor. Payments will be partial payments when each 33 1/3% of the work is completed and the Drainage Board may consider more frequent payments when requested by the contractor.

After reviewing the bids, Boyer confirmed the bids were accurate as submitted. T&E Farms is the low bid and Boyer recommended awarding the bid to said contractor.

MOTION by Recker to award Contract IV to T&E Farms as recommended. SECOND by Newman. MOTION CARRIED unanimously.

Boyer will notify contractor of the bid award and to proceed.

4b. Receive a progress report and pay recommendations on Contract III from LSG Engineers and Surveyors and take appropriate action

Boyer shared a map and photos of the work that has been completed. Contractor is making good progress now. He provided Contractor Application For Payment No. 1 in the amount of \$53,228.66 for 1/3 of the contract amount.

MOTION by Newman to authorize payment for pay recommendation No. 1 to Mid-Michigan Ponds. SECOND by Clos. MOTION CARRIED unanimously.

4c. Treasurer's report

Jullie distributed a Treasurer's report showing the revenues and expenses of the district. Revenues are coming in from the second year of the two-year assessment. Cash balance of the construction account is \$63,928.81 and the cash balance of the debt retirement account is \$8,387.35.

Jullie noted a \$32,000 loan from the Spaulding Drain is due. The due date should be extended until after the assessments are received.

MOTION by Clos to authorize a 60-day extension of the note payment to the Spaulding Drain. SECOND by Recker. MOTION CARRIED unanimously.

5. Approval of invoices

Jullie presented the following invoices for approval:

- Ingham County invoice #4169 in the amount of \$154.00
- LSG invoice #4259 in the amount of \$3,930.00

MOTION by Clos to authorize payment of the invoices as presented in the total amount of \$4,084.00. SECOND by Newman. MOTION CARRIED unanimously.

## 6. Other Business

Hanses shared that he met with the DeWitt Township manager, the Olive Township Supervisor and a township trustee, and the manager of the Clinton County Road Commission on January 6 to discuss potential clearing work in the River downstream of the point of beginning of the intercounty drain. DeWitt Township may consider work to clear the river channel but would like more information on costs. Tributary drains serving agricultural land in Olive Township are greatly influenced by the Looking Glass water levels. There is much concern that conditions will not improve without channel clearing downstream of the intercounty drain point of beginning. Hanses has been invited to attend the January 13 DeWitt Township board meeting to talk about the work in progress and to discuss potential township work to manage woody debris in the river. He requested Boyer's attendance to assist in explaining the work of the intercounty drainage board.

Discussion turned to whether an EGLE permit would be necessary for the township to undertake a project. Part 303 specifically allows vegetated material to be placed in a wetland area. A minor permit might be necessary even though there would be no excavation required and the bottom would not be disturbed.

MOTION by Hanses to authorize LSG to attend the January 13 DeWitt Township board meeting to represent the interests of the drainage board. SECOND by Clos. MOTION CARRIED unanimously.

## 7. Public Comment

Tomac asked if there was any consideration for leaks or spills of fluids from equipment in our contracts. Gregg responded that existing contracts make no reference to that. Assumption is that contractors have liability for any release into the river. Insurance clause might require contractors to contain any releases. Boyer was directed to look into this issue.

## 8. Set the date, time, and location of next meeting

The next meeting is scheduled for Friday, March 6, 2020, 2:00 p.m. at the Shiawassee County Drain Commissioner's Office.

## 9. Adjourn

MOTION by Recker to adjourn the meeting. SECOND by Hanses. MOTION CARRIED unanimously.

Chair Gregg declared the meeting adjourned at 10:50 a.m.

Respectfully submitted,



Phil Hanses, Secretary

Minutes approved by the Drainage Board on November 13, 2020

# PLEASE SIGN IN

LOOKING GLASS RIVER INTERCOUNTY DRAINAGE BOARD MEETING  
January 10, 2020 at 9:30 A.M.

| NAME           | REPRESENTING         |
|----------------|----------------------|
| Phil Hansas    | Clinton County       |
| Mike Gregg     | MDARD                |
| James Fuller   | Shia Co              |
| Jim Chataway   | CHATTAWAY EXCAVATING |
| Chris Tom      | WATER SERVICES       |
| Carl C. Schoof | Land owner           |
| Shawn Weaver   | Land owner           |
| Alan Boyer     | USA FIS              |
| Carla Clus     | ccclaus@ingham.org   |
| KEN RECKER     | LIVINGSTON COUNTY    |
| Tony Newman    | Shia Dr. Comm.       |
| Judy Smith     | ANTRIM TWP           |
|                |                      |
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|                |                      |
|                |                      |

# Agenda

## Looking Glass River Intercounty Drain Drainage Board Clinton, Ingham, Livingston, and Shiawassee Counties

9:30 a.m., Friday, January 10, 2020  
Shiawassee County Drain Office  
1024 N. Shiawassee Street  
Corunna, Michigan

1. Call to order and Introductions

### Board Members

Michael Gregg, Chair, Michigan Dept. of Agriculture & Rural Development  
Phil Hanses, Clinton County Drain Commissioner  
Patrick Lindemann, Ingham County Drain Commissioner  
Brian Jonckheere, Livingston County Drain Commissioner  
Anthony Newman, Shiawassee County Drain Commissioner

### Engineer

Alan Boyer, P.E., LSG Engineers and Surveyors

2. Review and set the agenda
3. Approval of the last meeting minutes
4. Communications and reports of board members, committees, and consultants
  - a. Receive bids on Contract IV for woody debris maintenance and take action to award
  - b. Receive a progress report and pay recommendations on Contract III from LSG Engineers and Surveyors and take appropriate action
  - c. Treasurer's report
5. Approval of invoices
6. Other business
7. Public comment
8. Set the date, time, and location of the next meeting
9. Adjourn



# Contractor's Application For Payment No. 1

|  |  |                                |
|--|--|--------------------------------|
|  | Application Period: 05/01/2019 to 12/17/2019                       | Application Date: 12/17/2019   |
| To: Looking Glass IC Drainage Board c/o Shiawassee County Drain Commissioner | From: Mid-Michigan Ponds LLC                                       | Via: LSG Engineers & Surveyors |
| Project: Looking Glass River Intercounty Drain – 2019 Maintenance            | Contract: Looking Glass River Intercounty Drain – 2019 Maintenance |                                |
| Owner's Contract No.:  | Contractor's Project No.: Looking Glass River Intercounty Drain    | Engineer's Project No.: 1489   |

## APPLICATION FOR PAYMENT

### Change Order Summary


| Approved Change Orders             |           |            |
|------------------------------------|-----------|------------|
| Number                             | Additions | Deductions |
|                                    |           |            |
|                                    |           |            |
|                                    |           |            |
|                                    |           |            |
|                                    |           |            |
|                                    |           |            |
|                                    |           |            |
| <b>TOTALS</b>                      |           |            |
| <b>NET CHANGE BY CHANGE ORDERS</b> | \$0.00    | \$0.00     |

|    |   |    |              |
|----|---|----|--------------|
| 1. | ORIGINAL CONTRACT PRICE .....   | \$ | \$159,686.00 |
| 2. | Net change by Change Orders .....   | \$ |              |
| 3. | CURRENT CONTRACT PRICE (Line 1 ± 2).....  | \$ | \$159,686.00 |
| 4. | TOTAL COMPLETED AND STORED TO DATE<br>(Col. F on Progress Estimate + Col. F Progress Estimate C.O.) | \$ | \$53,228.66  |
| 5. | RETAINAGE:  |    |              |
| a. | 0% x 0. Work Completed .....  | \$ | 0.00         |
| b. | 0% x 0 Stored Material.....   | \$ |              |
| c. | Total Retainage (Line 5a + Line 5b) .....   | \$ | 0.00         |
| 6. | AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c) .....  | \$ | \$53,228.66  |
| 7. | LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....   | \$ | 0.00         |
| 8. | AMOUNT DUE THIS APPLICATION .....   | \$ | \$53,228.66  |
| 9. | BALANCE TO FINISH, PLUS RETAINAGE<br>(Column G on Progress Estimate + Line 5 above) .....           | \$ | \$106,457.34 |

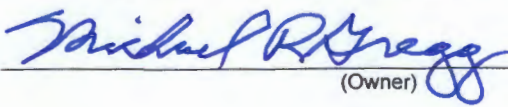
## CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Payment of: Fifty-three thousand two hundred twenty-eight and 66/100 dollars (\$53,228.66)  
(Line 8 or other - attach explanation of other amount)

Recommended by:  Alan D. Boyer – LSG Engineers & Surveyors 12/17/2019  
(Date)  
(Engineer)

Payment of: Fifty-three thousand two hundred twenty-eight and 66/100 dollars (\$53,228.66)  
(Line 8 or other - attach explanation of other amount)

is approved by:  Michael R. Gregg 1/10/20  
(Date)  
(Owner)

By: See Attached signed invoice no. 16302 Date: 11/14/2019

Approved by: \_\_\_\_\_  
Funding Agency (if applicable) \_\_\_\_\_ (Date)

# Progress Estimate

# Contractor's Application

| For (contract): Looking Glass River Intercounty Drain – 2019 Maintenance |             |                 |                                 |             | Application Number: 1                      |  |         |                         |  |
|--|-------------|-----------------|---------------------------------|-------------|--|--|---------|-------------------------|--|
| Application Period: 05/01/2019 to 12/17/2019                             |             |                 |                                 |             | Application Date: 12/17/2019               |  |         |                         |  |
| A  |             | B               | Work Completed                  |             | E  | F  |         | G                       |  |
| Item   |             | Scheduled Value | G                               |             | Materials Presently Stored (not in C or D) | Total Completed and Stored to Date (C+D+E) | % (E) B | Balance to Finish (B-F) |  |
| Specification Section No.  | Description |                 | From Previous Application (C+D) | This Period |  |  |         |                         |  |

| Item | Description   | Qty.   | Unit | Unit Cost  | Scheduled Value | Work Completed from Previous Application(s) | Work Completed this Period | Total Completed to Date | Balance To Finish |
|------|---|--------|------|------------|-----------------|---|----------------------------|-------------------------|-------------------|
| 1    | Sta. 636+00 to 950+00<br>In Channel:<br>Debris Removal, Log Jam Removal, and Tree Removal | 31,400 | LF   | \$ 2.50    | \$ 78,500.00    | 0   | \$ 26,166.66               | \$ 26,166.66            | \$ 52,333.34      |
| 2    | Sta. 636+00 to 950+00<br>In ROW:<br>Selective Clearing for Access Only                    | 31,400 | LF   | \$ 2.49    | \$ 78,186.00    | 0   | \$ 26,062.00               | \$ 26,062.00            | \$ 52,124.00      |
| 3    | Soil Erosion & Sedimentation Control  | 1      | LS   | \$3,000.00 | \$ 3,000.00     | 0   | \$ 1,000.00                |                         | \$ 2,000.00       |
|      | Totals  |        |      |            | \$159,686.00    |   | \$ 53,228.66               | \$ 53,228.66            | \$106,457.34      |



Mid-Michigan Ponds LLC  
 6500 Howe Road  
 Bath, MI 48808  
 (517)927-4830

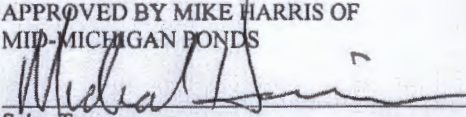
# Invoice

| Date       | Invoice # |
|------------|-----------|
| 11/14/2019 | 16302     |

| Bill To   |
|---|
| LOOKING GLASS INTERCOUNTY DRAINAGE BOARD<br>C/O SHIAWASSEE COUNTY DRAIN COMMISSIONER<br>149 CORUNNA AVE, L-1<br>CORUNNA, MI 48817 |

| Ship To |
|---------|
|         |

| P.O. Number | Terms  | Rep | Ship       | Via | F.O.B. | Project |
|-------------|--------|-----|------------|-----|--------|---------|
|             | NET 15 |     | 11/14/2019 |     |        |         |

| Quantity | Item Code  | Description   | U/M | Price Each       | Amount      |
|----------|------------|---|-----|------------------|-------------|
| 1        | DRAIN WORK | CONTRACT FOR LOOKING GLASS INTERCOUNTY DRAIN MAINTENANCE--CONTRACT III<br><br>INITIAL INSTALLMENT (INSTALLMENT #1 ) FOR 1/3 BALANCE OF OPEN DRAIN WORK PERFORMED ALONG LOOKING GLASS RIVER STA. 636+00 TO 950+00--DEBRIS REMOVAL, LOG JAM REMOVAL, TREE REMOVAL, SELECTIVE CLEARING AND SESC CONTROL<br><br>APPROVED BY MIKE HARRIS OF MID-MICHIGAN PONDS<br><br>Sales Tax |     | 53,228.66        | 53,228.66   |
|          |            |   |     | 6.00%            | 0.00        |
|          |            |   |     | <b>Total</b>     | \$53,228.66 |
|          |            |   |     | Payments/Credits | \$0.00      |

Payment is expected within 15 days of service. Any unpaid balances will be subject to a finance charge of 1.5% per month (18% annual rate) and will be computed from the date of original invoice.

**Balance Due** \$53,228.66



## Treasurer's Report Looking Glass Joint

| Date         | Funds in                                      |                      |
|--------------|---|----------------------|
| 01/31/2017   | Loan from Mrs. Lee due 6/1/19&6/1/20          | \$ 400,000.00        |
| 06/30/2017   | Interest                                      | \$ 132.64            |
| 12/31/2017   | Interest                                      | \$ 76.49             |
| 07/01/2018   | Interest                                      | \$ 2.61              |
| 09/07/2018   | Loan from Shiawassee Drain - Spaulding 6/7/19 | \$ 50,000.00         |
| 12/31/2018   | Interest                                      | \$ 11.66             |
| 01/09/2019   | Loan from Shiawassee Drain - Spaulding 7/9/19 | \$ 32,000.00         |
| 06/01/2019   | 2018 Assessment                               | \$ 328,705.92        |
| 07/01/2019   | Interest                                      | \$ 81.35             |
| 07/01/2019   | DR Int Mar-Oct                                | \$ 64.83             |
| 12/31/2019   | Interest                                      | \$ 244.85            |
| 12/31/2019   | DR Int Nov-Dec                                | \$ 2.52              |
| <b>Total</b> |   | <b>\$ 811,322.87</b> |

| Date       | D.O.  | Expenses                         |                      |
|------------|-------|----------------------------------|----------------------|
| 10/06/2015 | 04473 | Woodworth                        | \$ 16,095.60         |
| 10/06/2015 | 04474 | LSG                              | \$ 7,292.50          |
| 11/20/2015 | 04500 | Streamside                       | \$ 488.75            |
| 07/18/2016 | 04638 | Woodworth                        | \$ 1,613.75          |
| 12/16/2016 | 04698 | Idependent Newspaper             | \$ 139.20            |
| 12/16/2016 | 04699 | Ing Co #3095, #3164, & #3141     | \$ 404.25            |
| 12/16/2016 | 04700 | Woodworth                        | \$ 3,684.28          |
| 12/16/2016 | 04701 | LSG                              | \$ 29,344.95         |
|            |       |                                  | <b>\$ 59,063.28</b>  |
| 03/15/2017 | 04711 | Woodworth #441                   | \$ 101.00            |
| 03/15/2017 | 04725 | Chattaway pmt 1                  | \$ 36,575.00         |
| 03/15/2017 | 04726 | Dickinson & Wright #073337-01    | \$ 4,700.00          |
| 03/15/2017 | 04730 | Ing Co #3300 & #3254             | \$ 269.50            |
| 03/15/2017 | 04731 | LSG #2680                        | \$ 12,137.50         |
| 05/04/2017 | 04746 | Helicopter flyover               | \$ 608.00            |
| 06/22/2017 | 04788 | Ing Co #3325                     | \$ 77.00             |
| 06/22/2017 | 04789 | Woodworth #550                   | \$ 305.53            |
| 06/22/2017 | 04790 | LSG #2789                        | \$ 3,240.00          |
| 08/16/2017 | 04833 | Ing Co #3439                     | \$ 115.50            |
| 11/07/2017 | 04914 | Woodworth #662, #592, #705, #737 | \$ 6,077.76          |
| 11/07/2017 | 04915 | LSG #3026                        | \$ 4,515.00          |
| 11/07/2017 | 04916 | Ing Co #3226 & #3459             | \$ 308.00            |
| 11/07/2017 | 04917 | Clinton Co: DR-2017-034          | \$ 906.10            |
| 11/08/2017 | 04926 | Chattaway pmt 2                  | \$ 43,125.00         |
| 11/08/2017 | 04922 | Livingston County                | \$ 705.16            |
| 12/13/2017 | 04939 | Helicopter flyover               | \$ 524.00            |
| 12/31/2017 | 04960 | Chattaway Pmt 3                  | \$ 86,787.50         |
| 12/31/2017 | 04961 | Wombat Pmt 1                     | \$ 50,087.50         |
| 12/31/2017 | 04962 | Woodworth #758, #820             | \$ 3,653.33          |
| 12/31/2017 | 04963 | LSG #3115                        | \$ 5,467.50          |
| 12/31/2017 | 04964 | Ing Co #3569                     | \$ 154.00            |
|            |       |                                  | <b>\$ 260,439.88</b> |

|            |  |    |            |               |
|------------|--|----|------------|---------------|
| 01/30/2018 | 04984 LSG # 3138                       | \$ | 3,702.50   |               |
| 03/09/2018 | 05005 LSG #3175                        | \$ | 3,067.50   |               |
| 03/09/2018 | 05006 Woodworth #00838 & 00880         | \$ | 7,578.36   |               |
| 03/09/2018 | 05007 Wombat Pmt 2                     | \$ | 26,250.00  |               |
| 03/09/2018 | 05008 Ing Co #3630 & #3631             | \$ | 313.50     |               |
| 04/24/2018 | 05043 Ing Co                           | \$ | 3,215.28   |               |
| 04/24/2018 | 05042 Livingston County #2877 & 2876   | \$ | 822.79     |               |
| 04/24/2018 | 05041 Clinton Co:                      | \$ | 1,371.58   |               |
| 04/24/2018 | 05040 Independent                      | \$ | 1,287.60   |               |
| 04/24/2018 | 05039 LSG #3236                        | \$ | 3,580.00   |               |
| 04/24/2018 | 05040 Woodworth #900                   | \$ | 8,785.51   |               |
| 05/15/2018 | 05056 USA Today Network #1604347       | \$ | 665.30     |               |
| 05/15/2018 | 05057 LSG #3277                        | \$ | 2,952.50   |               |
| 05/15/2018 | 05058 Woodworth #942                   | \$ | 5,880.17   |               |
| 05/15/2018 | 05059 Ingham Co #3685                  | \$ | 115.50     |               |
| 05/15/2018 | 05060 Mrs. Lee                         | \$ | 8,681.42   |               |
| 05/15/2018 | JE Shiawassee Co (Extend Your Reach)   | \$ | 2,234.88   |               |
| 06/08/2018 | 05072 Mrs. Lee                         | \$ | 148.02     |               |
| 08/28/2018 | 05131 Ing Co: #3725                    | \$ | 115.50     |               |
| 08/28/2018 | 05132 Woodworth: 957                   | \$ | 2,630.55   |               |
| 09/07/2018 | 05141 Wombat PP 3 of 3                 | \$ | 28,923.50  |               |
| 10/10/2018 | 05164 LSG: 3484                        | \$ | 3,377.50   |               |
| 10/10/2018 | 05165 Wombat                           | \$ | 6,000.00   |               |
| 11/27/2018 | 05197 Shiawassee ROD                   | \$ | 30.00      |               |
| 11/27/2018 | 05198 Livingston County #2942          | \$ | 469.06     |               |
| 11/27/2018 | 05199 Ingham Co #3840                  | \$ | 154.00     |               |
| 11/27/2018 | 05200 LSG: #3577                       | \$ | 655.00     |               |
| 12/31/2018 | 05239 Ing Co: #3871                    | \$ | 115.50     |               |
| 12/31/2018 | 05240 LSG #3702                        | \$ | 1,620.00   |               |
| 12/31/2018 | 05241 Wombat #190107                   | \$ | 37,308.68  | \$ 162,051.70 |
| 04/12/2019 | 05278 Ing Co Maintenance #3937         | \$ | 96.25      |               |
| 04/12/2019 | 05279 LSG #3841                        | \$ | 567.50     |               |
| 04/12/2019 | 05280 Wombat #190410                   | \$ | 1,512.50   |               |
| 04/12/2019 | 05282 Clinton Co: 2019-004             | \$ | 1,573.30   |               |
| 04/25/2019 | 05287 Livingston County #3032          | \$ | 211.80     |               |
| 04/25/2019 | JE Shiawassee County                   | \$ | 1,543.00   |               |
| 06/01/2019 | Wire Mrs. Lee - Principal              | \$ | 190,000.00 |               |
| 06/01/2019 | Wire Mrs. Lee - Interest               | \$ | 6,680.00   |               |
| 07/01/2019 | JE Repay Loan to Spaulding - Principal | \$ | 50,000.00  |               |
| 07/01/2019 | JE Repay Loan to Spaulding - Interest  | \$ | 375.00     |               |
| 12/17/2019 | 05411 Ing Co Maintenance #3982         | \$ | 192.50     |               |
| 12/17/2019 | 05412 LSG #4229                        | \$ | 4,700.00   | \$ 257,451.85 |
| 01/10/2020 | 05423 Ing Co Maintenance #4167         | \$ | 154.00     |               |
| 01/10/2020 | 05423 LSG: #4259                       | \$ | 3,930.00   |               |

**Total**      \$ 743,090.71  
\$ 68,232.16

Amount in Construction Account      \$ 63,928.81  
Amount in DR account      \$ 8,387.35  
\$ 72,316.16  
\$ (4,084.00)