

MINUTES  
CITY OF FARMINGTON HILLS  
CITY COUNCIL STUDY SESSION MEETING  
CITY HALL – COMMUNITY ROOM  
FEBRUARY 8, 2016 – 6:00PM

The Study Session meeting of the Farmington Hills City Council was called to order by Mayor Massey at 6:00pm.

Council Members Present: Bridges, Bruce, Knol, Lerner, Massey and Rich

Council Members Absent: Steckloff

Others Present: City Manager Boyer, City Clerk Smith, Director Mekjian and City Attorney Joppich

**MIDDLEBELT TUNNEL PROJECT UPDATE:**

Tim Prince, Water Resource Commission (WRC), explained that WRC was previously before Council to discuss the project and issues experienced with private wells and how they planned to move forward at that time. He noted that the groundwater impact was reevaluated and it has been determined that the impact to private wells was unacceptable. Mr. Prince stated that concurrently they were looking at alternate designs as they most likely would not have been able to get a permit from the DEQ for the dewatering that would be required to complete the project as originally designed. WRC submitted an alternate project design to MDEQ last week.

Mayor Massey asked for Council to be sent a copy of the power point presentation so that they could further review the information presented.

Mr. Prince explained that in order to move forward, they identified objectives and goals that included the following:

- Collaboration with communities for a solution
- Minimize risk
- Mitigate additional impact to Middlebelt Road/eliminate further impact to private wells
- Meet original basis of design/MDEQ approval
- Hold contractor and engineers accountable
- No additional costs to the city
- Avoid litigation

Mr. Prince discussed several options that were considered and WRC determined that shortening the tunnel with additional downstream projects was the best option.

Councilmember Bruce inquired how many soil borings were conducted before the project started and then after there were issues.

It was noted that approximately 12 soil borings were done initially and 5 additional borings taken after they experienced issues with the private wells. The reason more soil borings were not taken initially was due to a concern with utilities in the area and not wanting to disturb those utility lines. All soil borings were conducted by NTH Consultants.

Mr. Prince stated that not enough soil borings were conducted initially in order to determine the extent of the issues they would experience. He discussed the impact on Middlebelt Road with the original project versus the revised recommended project. He explained that the revised project plan would include 2 partial closures totaling a period of 4 months and a full closure for 7 to 9 months. The original project called for 4 partial closures totaling 15 months and a full closure for 3 months. Mr. Prince discussed the preliminary project schedule for the revised plan with the road closure to begin February 15, 2016, complete construction and the road reopen by November 1, 2016; and total completion of the project by February 14, 2017.

Considerable discussion was held on the changes to the project and whether the City's cost would now be reduced since the project size has been reduced. It was indicated that the City's portion would not be reduced as the funding would be used to provide for downstream projects; but that they would hold the contractors and engineers accountable according to the contract, which included a 5% errors and omissions insurance. It was noted that WRC also had additional insurance coverage due to the scope of the project.

Councilmember Bruce suggested reviewing the city's legal options.

Attorney Joppich stated that the city has a contract with WRC for this project and he could evaluate the contract and the city's options.

Jim Nash, Water Resource Commissioner, stated that the MDEQ required elimination of the sanitary sewer overflow (SSO), which will be accomplished by the revised plan with the shorter tunnel and other downstream projects. He added that all costs for the alternative plan will be covered by the original contract or insurance and there will be no additional costs to the rate payers.

City Manager Boyer pointed out that the original project called for a tunnel that would hold 3.4 million gallons and that has been reduced to 2.8 million gallons in this new plan.

Tim Miner, WRC, explained that the original design model showed a need for a 3.1 million gallon tunnel that is now being reduced to 2.8 million gallons and in order to satisfy the SSO, they needed to do the additional projects downstream that have been mentioned.

Mr. Miner explained the proposed projects downstream in the areas of Eldon Road and Rensselaer and 8 Mile Roads.

Councilmember Rich stated that at the end of the day the city wants to protect its residents from these 10/year or 100/year storms and sanitary sewer overflows and she feels the cost to the rate payers is in line with expectations, although the inconvenience may be greater due to the longer road closure. She feels the revised recommended plan is mitigating further issues.

Mr. Nash pointed out that when WRC came to City Council last month, they discussed what they knew and felt they had a solution. He stated that they want the best project they can get, but they have to work with the conditions they have; and they believe the alternate project will work and is as good as the original plan.

Mayor Pro-Tem Knol inquired how WRC will be addressing the issues at the north end now that the tunnel will not go through to that area. Mr. Miner discussed how that would be accomplished.

It was stated that had they known of some of the conditions that existed at the north end and the fact there was an existing weir wall downstream, the tunnel may have been shorter to begin with.

Mr. Prince added that the project was decades in the making and while the model of the project did not match reality, MDEQ wanted this project to move forward and WRC did not have sufficient time to research all of the discrepancies.

Councilmember Bridges inquired if there are still some unknowns. It was noted that there is still some de-watering that has to take place so more wells will most likely be affected and there is the possibility of some unknowns when they have to pull the machine out.

City Manager Boyer expressed concern that the shaft is very close to residential homes and inquired about protection for those homes.

It was noted that they would look for pre-existing conditions and survey the area if residents allowed them to do so, but existing trees would also provide for some protection to the homes.

Mayor Massey inquired who is responsible and inquired if there are other tunnel projects to be done in the future.

Mr. Prince stated that they negotiated with the MDEQ to start projects where they knew of SSO's. He noted that there are SSO's on 8 Mile Road, but they determined to start with projects upstream to determine if that would solve that problems downstream or at least minimize other projects. He noted that another tunnel project is planned to be complete by 2021.

Mayor Massey expressed concern that City Council committed to something when they were not provided all of the data. He commented that they have to do something, but he also feels that the cost to Farmington Hills should be reduced.

City Council members reiterated their concerns and wanted assurance that this would not happen again and there would be no further surprises.

It was stated that while there was no guarantee that WRC could provide the city, they will do all they can to hold people accountable per the contract and pursue the insurance.

Councilmember Bruce inquired if the 2.8 million gallon tunnel still meets the criteria required by MDEQ. Council was assured that the proposed tunnel together with the downstream projects mentioned meet the requirements.

**BOARD AND COMMISSION DISCUSSIONS:**

Mayor Massey indicated that this topic was previously discussed by Council at which time Council suggested a review of the boards and commission and their mission statements, the appointment process and to determine if there was a removal process.

Attorney Joppich stated that there is a provision for removal of a board or commission member included in the City Charter.

Mayor Massey added that he would like the boards and commissions to provide an update to City Council every 6 months or annually and to hear updates from Council liaisons at study session meetings.

Mayor Massey announced that he had an appointment to attend prior to the regular meeting and turned the meeting over to Mayor Pro-Tem Knol.

Mayor Pro-Tem Knol inquired if there was time to meet with the boards and commission to review their mission statements. She feels this would be important to do prior to budget approval.

City Manager Boyer commented that the upcoming study sessions and regular meetings are full and it would be difficult to fit those meetings in prior to budget review.

Mayor Pro-Tem Knol suggested that Council provide any input directly to the Mayor so that he could prioritize the items that Council wanted to address.

Councilmember Lerner inquired if the removal process in the Charter only applied to those boards or commissions created by Charter or ordinance.

Attorney Joppich clarified that the Charter refers to "other boards and commissions" that are created by Council and that the Mayor has the authority to appoint and remove members, subject to approval of the Council. He believes this would cover all boards and commission, with possibly the exception of the Zoning Board of Appeals that may fall under state law.

**ADJOURNMENT:**

There being no further discussion, Mayor Massey adjourned the study session at 7:20pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Smith', written over a horizontal line.

Pamela B. Smith, City Clerk