MINUTES OF BOARD OF DETERMINATION

NAME OF DRAIN: Kent Drain

DATE/TIME: Tuesday, June 16, 2015 at 6:30 P.M.

LOCATION: Muskegon Charter Township Hall, 1990 Apple Avenue, Muskegon, MI 49442

BOARD MEMBERS: Tony Crosser, Judy Marcinkowski, David Split, and Deb Harris, Alternate

The Board of Determination met on the above date to consider the necessity of Cleaning Out, Relocating, Widening, Deepening, Straightening, Tiling, Extending, Improving, Providing Structures, Adding Lands, Adding Branches and a Relief Drain and/or Relocating along a highway, as prayed for in a petition dated August 7, 2014 pursuant to Act 40 of the Public Acts of 1956, as amended; to determine whether the Kent Drain is necessary for the protection of the public health, convenience or welfare of the Charter Township of Muskegon pursuant to Act 40 of the Public Acts of 1956, as amended; and to determine whether the addition and/or deletion of lands as recommended by a licensed engineer or surveyor will more accurately define the Kent Drain Drainage District boundaries of the lands benefitted by the drain and whether such revisions are just and equitable pursuant to Section 197 of Act No. 40, P.A. 1956, as amended.

The meeting was called to order by Brenda M. Moore, Muskegon County Drain Commissioner. Ms. Moore introduced herself, Stephanie Barrett (Deputy Drain Commissioner), Michelle McKee (Court Reporter), Dan Fredricks (Land & Resource Engineering, Inc.), and Board of Determination members: Tony Crosser, Judy Marcinkowski, David Split, and Deb Harris (alternate).

The oath of Board of Determination members was recited.

Ms. Moore explained the roles and duties of the Board of Determination to the audience. Ms. Moore explained the right to appeal. Ms. Moore then turned the meeting over to the Board of Determination members.

Motion by Tony Crosser, seconded by Judy Marcinkowski, to elect David Split Chairperson. All voted in favor. Motion Carried.

Motion by David Split, seconded by Tony Crosser, to elect Judy Marcinkowski Secretary. All voted in favor. Motion Carried.

Presentation by Dan Fredricks.

Public Testimony:

The following property owner(s) spoke in favor of the necessity of the petition: Bob Manie, Vince Welch, Richard Hancock, and Sarah Hancock.

The following property owner(s) against the necessity of the petition: Leann Lafrance, Ralph Sternberg II, and Steve Sower.
The following property owner(s) had questions or concerns regarding the need or cost of the necessity of the petition: Fred Oom, Marva Gould, Kerry Hunt, Rick Spoelman, Dennis Neer, Jerry Kelsch, Matt Andrews, Renee Nyblade, Lisa Dodd, Mr. and Mrs. McNeal, Joe Shawboose, and Karen Schliewe.

A letter was read into the record by the Board of Determination Secretary from property owner John and Laura Wright with concerns regarding the need or cost of the necessity of the petition.

A letter was read into the record by the Board of Determination Secretary from property owner Ralph Sternberg II against the necessity of the petition.

The Engineer answered questions and explained items during the public testimony period.

Motion by Tony Crosser, seconded by Judy Marcinkowski, that the maintenance and improvement to the Kent Drain are deemed necessary and conducive to the public health convenience or welfare. 
Tony Crosser – yes, Judy Marcinkowski – yes, David Split – yes. Motion Carried.

Motion by Judy Marcinkowski, seconded by Tony Crosser, that the maintenance and improvement to the Kent Drain is necessary for the protection of the public health in Muskegon Charter Township and that a portion of the cost shall be apportioned to the municipality at large. 
Tony Crosser – yes, Judy Marcinkowski – yes, David Split – yes. Motion Carried.

Motion by Tony Crosser, seconded by Judy Marcinkowski, that pursuant to Section 197 of Act No. 40, P.A. 1956, as amended, the deletion of lands as recommended by a licensed engineer or surveyor will more accurately define the Kent Drain Drainage District boundaries. 
Tony Crosser – yes, Judy Marcinkowski, David Split – yes. Motion Carried.

Ms. Moore reiterated the right to appeal.

Meeting adjourned 8:01 P.M.

SECRETARY, BOARD OF DETERMINATION

MILEAGE: Tony Crosser 22.00 MILES (ROUND TRIP) 
Judy Marcinkowski 30.00 MILES (ROUND TRIP) 
David Split 20.00 MILES (ROUND TRIP) 
Deb Harris, Alternate 50.00 MILES (ROUND TRIP)

Court Reporter report on file in the Drain Commissioner’s Office.
All Materials posted on website: www.co.muskegon.mi.us/drain