MINUTES OF BOARD OF DETERMINATION

NAME OF DRAIN: Kuis Drain

DATE/TIME: Wednesday, February 5, 2014 at 6:30 P.M.

LOCATION: Whitlow’s Hall, 4759 Airline Hwy, Muskegon, Michigan, 49444

BOARD MEMBERS: David Kieft Jr., Lou Nordlund, Thomas E. Raap and Judy Marcinkowski, 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 May 3, 2013; if it is necessary and conducive to the public health, convenience or welfare of the Townships of Fruitport and Sullivan in accordance with Sections 72 and 191 of Act No. 40, P.A. 1956, as amended; to determine whether the Kuis Drain is necessary for the protection of the public health, convenience or welfare of the Townships of Fruitport and Sullivan; and to determine whether it is necessary to add lands to the Kuis Drainage District 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), Brian Cenci (Eng.), Ryan McEnhill (Eng.), and Board of Determination members: David Kieft Jr., Lou Nordlund, Thomas E. Raap and Judy Marcinkowski (Alternate).

The oath of Board of Determination was administered to members.

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 Lou Nordlund, seconded by Thomas Raap, to elect David Kieft Jr. Chairperson. All voted in favor. Motion Carried.

Motion by Thomas Raap, seconded by David Kieft Jr., to elect Lou Nordlund Secretary. All voted in favor. Motion Carried.

Presentation by Brian Cenci and Ryan McEnhill addressing their investigation after a petition was filed by several property owners.

Public Testimony: (Note: Verbatim comments found in Court Reporter transcript)

Letters were read into the record by the Board of Determination Secretary from property owners: Gary S. & Lori L. Nonnemacher, Tim & Audrey DeVos, Steve Herlein, Vera Ferguson, and Ken Stewart against the petition. Notes were read into the record from Eugene Meyer against the petition. Phone messages were read into the record from Howard Cleveland in favor of the petition and Odell Ellis against the petition.

Brian Cenci read index card questions and comments into the record and answered questions.

The following individuals spoke in favor of the necessity of the petition: Heather Swenor, Brent Mosley, Ross Spyke, Valerie & Paul Martinczak, Jackie & Doug Rich, and Roger Vandersteldt.
The following individuals objected to the necessity of the petition: Dan Dietz, Joe McDonald, and Robert Hedges.

The following individuals had questions or concerns regarding the need or cost of the necessity of the petition: Roy Holden, Robert McCollum, Jill Brott, Brent Gillette, Debra Haack, David Mast, James and Audrey Aamodt, Kathy Burmeister, John Deboer, Paula Beck, Marty Hulka, David Coates, Jeff Ferguson, Butch Michelli, Ron Umstead, and Doug Hannink.

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

Motion by Thomas Raap, seconded by Lou Nordlund, that the maintenance and improvement to the Kuis Drain are deemed necessary and conducive to the public health convenience or welfare. Thomas Raap – yes, Lou Nordlund – yes, David Kieft Jr. – yes. Motion Carried.

Motion by Lou Nordlund, seconded by Thomas Raap, that the maintenance and improvement to the Kuis Drain is necessary for the protection of the public health in Fruitport Township and that a portion of the cost shall be apportioned to the municipality at large. Lou Nordlund – yes, Thomas Raap – yes, David Kieft Jr. – yes. Motion Carried.

Motion by David Kieft Jr., seconded by Thomas Raap, that the maintenance and improvement to the Kuis Drain is necessary for the protection of the public health in Sullivan Township and that a portion of the cost shall be apportioned to the municipality at large. David Kieft Jr. – yes, Thomas Raap – yes, Lou Nordlund – yes. Motion Carried.

Motion by David Kieft Jr., seconded by Thomas Raap, that pursuant to Section 197 of the Michigan Drain Code, MCL 280.197 it is necessary to add lands to the Kuis Drain Drainage District as specified by the Board of Determination and as noted in the proposed Drainage District Boundary map. David Kieft Jr. – yes, Thomas Raap – yes, Lou Nordlund – yes. Motion Carried.

Ms. Moore reiterated the right to appeal.

Motion by David Kieft Jr., seconded by Lou Nordlund, to adjourn. All voted in favor. Motion Carried.

Meeting adjourned 10:26 P.M.

MILEAGE: David Kieft Jr. 12.00 MILES (ROUND TRIP)
Lou Nordlund 32.00 MILES (ROUND TRIP)
Thomas Raap 58.00 MILES (ROUND TRIP)
Judy Marcinkowski, Alternate 40.00 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