MINUTES OF BOARD OF DETERMINATION

NAME OF DRAIN: Montague Drain

DATE/TIME: Wednesday, March 1, 2017 at 6:30 P.M.

LOCATION: City of Montague Hall, 8778 Ferry Street, Montague, MI 49437

BOARD MEMBERS: Sharon Ackerman, Dave Sheehy, and David Split

The Board of Determination met on the above date hear all interested persons, receive evidence and determine whether the maintenance and improvement, as set forth in the petition, dated January 17, 2017, was necessary and conducive to the public health, convenience or welfare, and whether said maintenance and improvement was necessary for the protection of the public health in the following municipalities: City of Montague and Montague Township, pursuant to Chapter 8 of Public Act 40 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 Montague 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 (Engineer from Land & Resource), and Board of Determination members: Sharon Ackerman, Dave Sheehy, and David Split.

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 Sharon Ackerman, seconded by David Split, to elect David Sheehy Chairperson. All voted in favor. Motion Carried.

Motion by David Split, seconded by David Sheehy, to elect Sharon Ackerman Secretary. All voted in favor. Motion Carried.

Public meeting was opened by the Board at 6:41 P.M.

David Sheehy read the Board of Determination function statement to the audience.

Motion by David Sheehy, seconded by Sharon Ackerman, to limit public comments to three (3) minutes. All voted in favor. Motion Carried.

Presentation by Dan Fredricks.
Public Testimony:

The following property owner(s) spoke regarding the petition: David Schultz, Rick Seaver, Bill Grant, Chris Smith, Jane Osborne, Jeff Auch, and Rob Rudat from Country Dairy.

A letter was read into the record by the Board of Determination Secretary from property owner Chris Bakwin in support of the necessity of the petition.

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

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

Board Discussion: Sharon asked if some of the lands in the district had been deemed to be in the floodplain. Dan Fredricks answered yes - FEMA has designated some of the lands to be in the floodplain. David Split spoke to the public health issues and risks of black mold, Legionnaire’s disease, and Zika virus as well as the possible damage to lands from flooding.

Motion by David Sheehy, seconded by Sharon Ackerman, that the maintenance and improvement of the Montague Drain is necessary and conducive to the public health convenience or welfare. David Sheehy - yes, Sharon Ackerman - yes, David Split - yes. Motion Carried.

Motion by David Split, seconded by Sharon Ackerman, that the maintenance and improvement of the Montague Drain is necessary for the protection of the public health in the affected municipalities and that a portion of the cost shall be apportioned to the municipalities at large: City of Montague and Montague Township. David Split - yes, Sharon Ackerman - yes, David Sheehy - yes. Motion Carried.

Motion by Sharon Ackerman, seconded by David Sheehy, 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. Sharon Ackerman - yes, David Sheehy, David Split - yes. Motion Carried.

Ms. Moore reiterated the right to appeal.

Meeting adjourned 7:28 P.M.

SECRETARY, BOARD OF DETERMINATION

MILEAGE:

<table>
<thead>
<tr>
<th>Name</th>
<th>Miles (Round Trip)</th>
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</thead>
<tbody>
<tr>
<td>Sharon Ackerman</td>
<td>32.00</td>
</tr>
<tr>
<td>David Sheehy</td>
<td>29.00</td>
</tr>
<tr>
<td>David Split</td>
<td>52.00</td>
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Court Reporter transcription of the meeting on file in the Drain Commissioner’s Office.

All Materials posted on website: www.co.muskegon.mi.us/drain