

Marsh Creek #2 Drain

Board of Determination

Fremont Township Hall

September 20, 2023

6:00 PM



Brian J. Wendling

Saginaw County Public Works Commissioner

Meeting Agenda

- I. Introduction
- II. Outline of the Board of Determination Procedure
- III. Opening of Board of Determination Meeting
- IV. Inspection Report
- V. Public Testimony – Board to decide time limit
- VI. Vote of Board of Determination
- VII. Appeal Procedures and Closing Comments
- VIII. Adjournment

Description of Drain Process

- Petition (Requires min. 5 signatures)
- Board of Determination – Board is impartial parties appointed by Mr. Brian Wendling
- Board Votes – after reviewing presentation and hearing public testimony.
 - ▣ If Vote Yes = Move forward with a project (typically hire engineering firm to survey/engineer/bid/construct). Final project costs determined after bids received for construction.
 - ▣ If Vote No = No work completed on the drain.

Role of the B.O.D.

- The Board of Determination's role is to make one decision:
 1. Whether the project is necessary based on public health, convenience or welfare.



Role of B.O.D. (cont.)

- The Board of Determination DOES NOT decide:
 - ▣ The scope of the project
 - ▣ The cost of the project
 - ▣ How much property owners and municipalities are assessed for the project

Information on these topics will be made available at a later date. Please see a member of the Public Works Commissioner's staff after the meeting if you have questions.

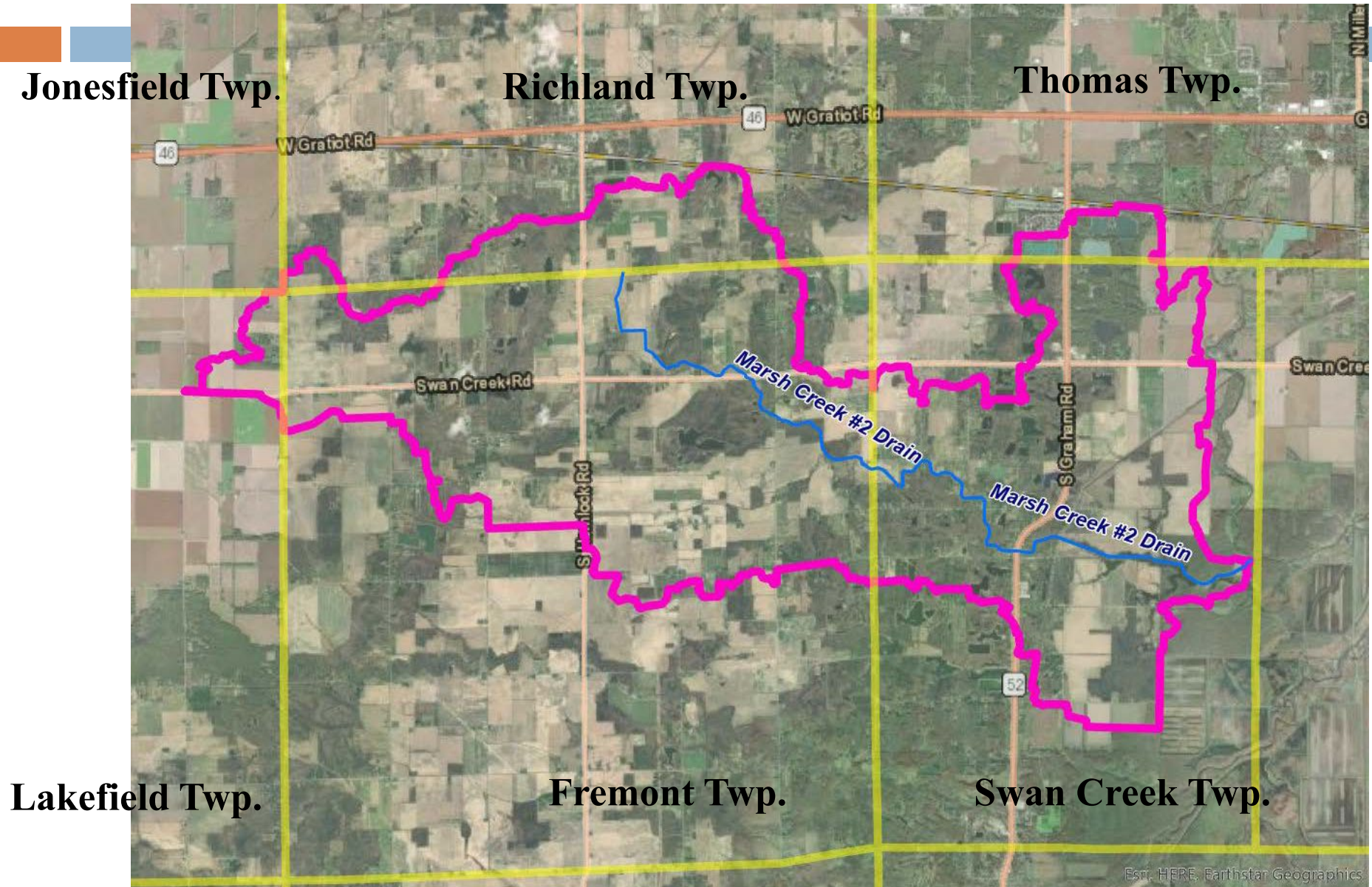
Public Comment

- ***Please fill out a comment card.***
- The speaking order will be on a first come, first served basis. Petitioner will have a chance to speak first.
- State your full name and address. Spell your last name for the court reporter.
- Limit comments to what has been established by the Board.

Public Comment (cont.)

- Briefly state your position on the petition for the Marsh Creek #2 Drain. For example: “I support the petition for the Marsh Creek #2 Drain because . . .” or “I oppose the petition for the Marsh Creek #2 Drain because”
- Remember to stay on topic! Comments for tonight’s meeting are limited to the current petition for the Marsh Creek #2 Drain only.
- The Public Works Commissioner’s staff will gladly speak with you on other topics after the conclusion of tonight’s meeting.

Drainage District Map



Drain Facts

- Marsh Creek #2 Drain
 - ▣ Approximately 9.5 miles long (50,125 feet)
 - ▣ Watershed area: 18,785 acres (29.35 sq. miles)
- What is the drainage district?
 - ▣ Lands that contributes storm water to drain
 - ▣ Drainage District serves as the special assessment district
 - ▣ Marsh Creek #2 Drain Drainage District includes:
 - Fremont, Lakefield, Richland, Swan Creek & Thomas Townships
 - Saginaw County
 - Michigan Department of Transportation
 - Mid-Michigan Railroad
 - Landowners – Approximately 1,726 parcels



Drain Facts continued

- The Marsh Creek #2 Drain was established in 1900. It was cleaned out via petition in 1919, 1944 and 1967.
- Maintenance to fix bank erosion was completed in December 1997.
- In 2002, there was an Eagle Scout project, where 25 scouts removed debris and underbrush from the drain – from the Rail Trail downstream to Teft Road.
- Board of Determination meeting held on December 5, 2016 because of a valid petition. It was voted NOT necessary. No construction work was completed on the drain.
- Day of Review of Drainage District Boundaries held on October 4, 2022 to update the Drainage District Boundary.

Drain Facts continued

- SCPWC has received many calls regarding the Marsh Creek #2 Drain since the last BOD in 2016.
- Calls/complaints noted the following:
 - ▣ Many dead trees down in/along the Drain & log jams in the bottom forcing water around them and causing bank erosion.
 - ▣ Beaver dams & debris blocking water flow causing flooding upstream.
 - ▣ Sediment in drain blocking water flow. Petition requested in Oct. 2020.
 - ▣ Stagnant water flow. Petition requested Oct. 2021.
 - ▣ Bank Erosion & flooding. Drain runs through the property.
 - ▣ Log jams blocking water flow. Petition requested Jan. 2023.
- The current petition is dated June 12, 2023. It was circulated and signed by 7 freeholders liable for an assessment.



Drain Inspection

- On September 13, 2023 an engineering field review of the Drain was completed because of the petition filed with the Public Works Commissioner. The following was observed:
 - The drain flows through agricultural and rural residential areas.
 - The majority of the drain flows along a wooded corridor.
 - Portions of the drain are obstructed by brush and deadfall.
 - Many reaches of the drain have stagnant water possibly due to trees/log jams or sediment.
 - Most of the road crossings were bridges with no obvious restrictions on flow (besides trees/log jams).
 - Minimal bank erosion was evident from the road crossings.



Graham Rd. Sept. 2023



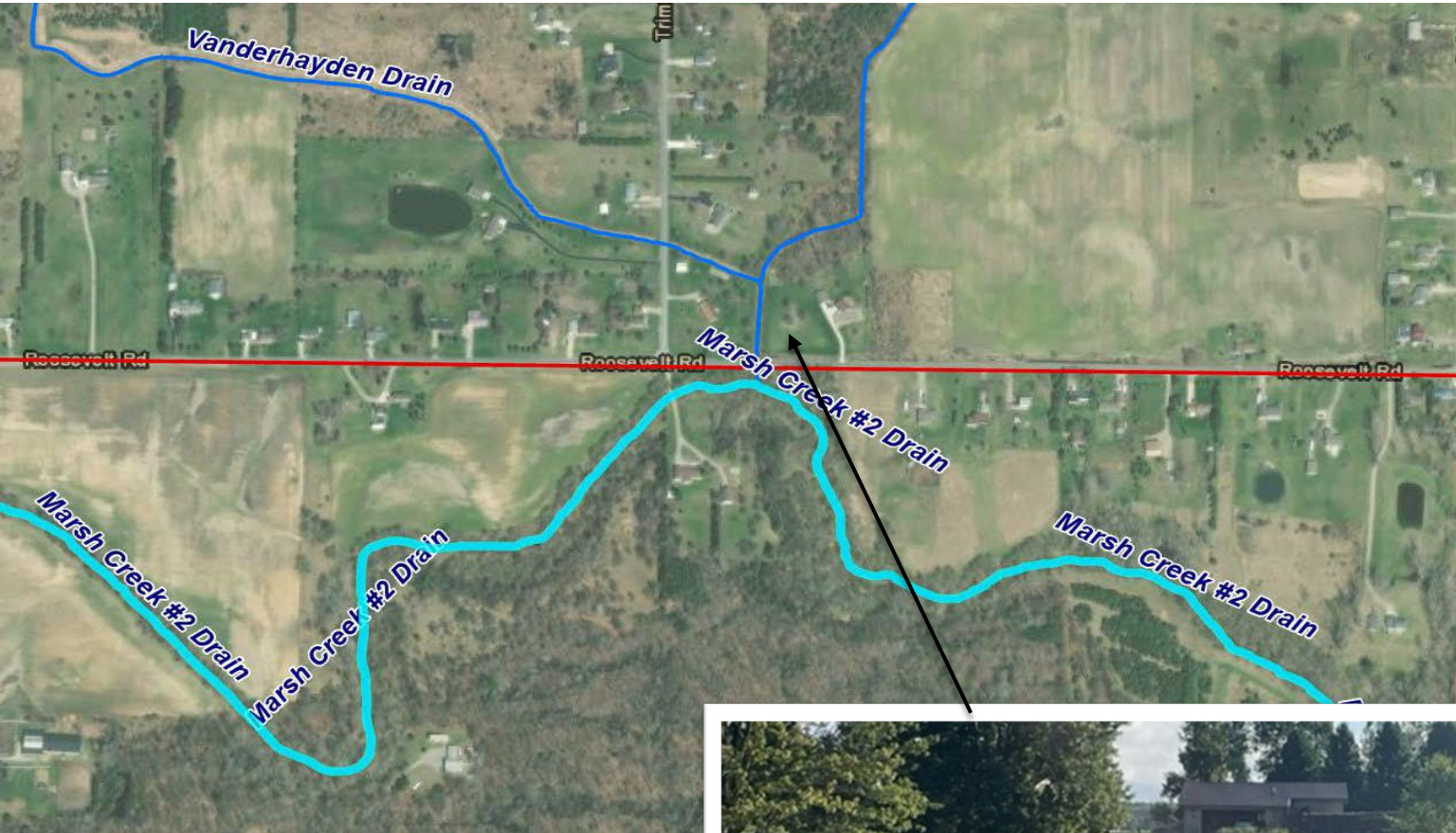
Teft Rd. Dec. 2016



Teft Road and Graham (M-52) Road

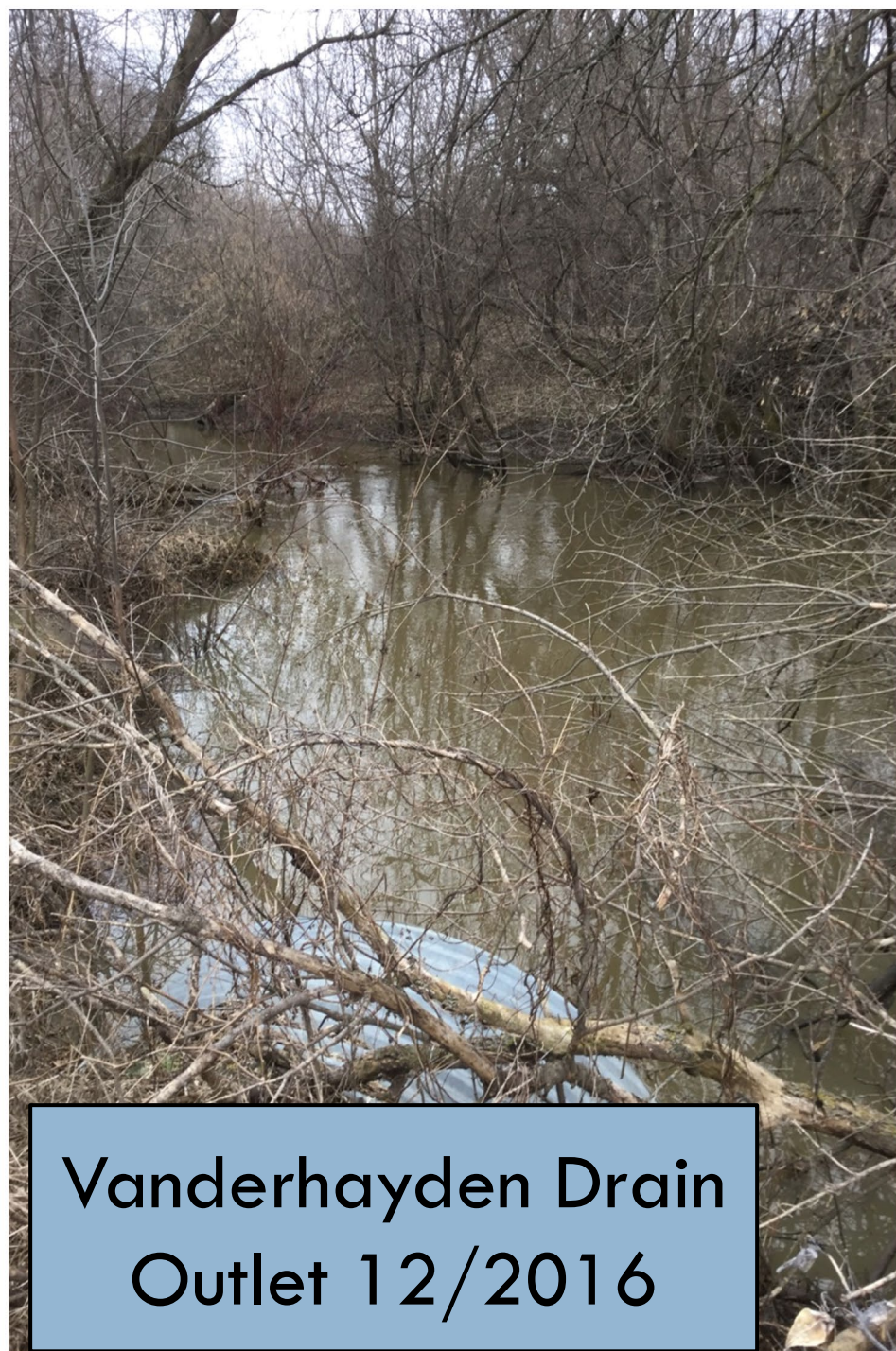
Spencer Road



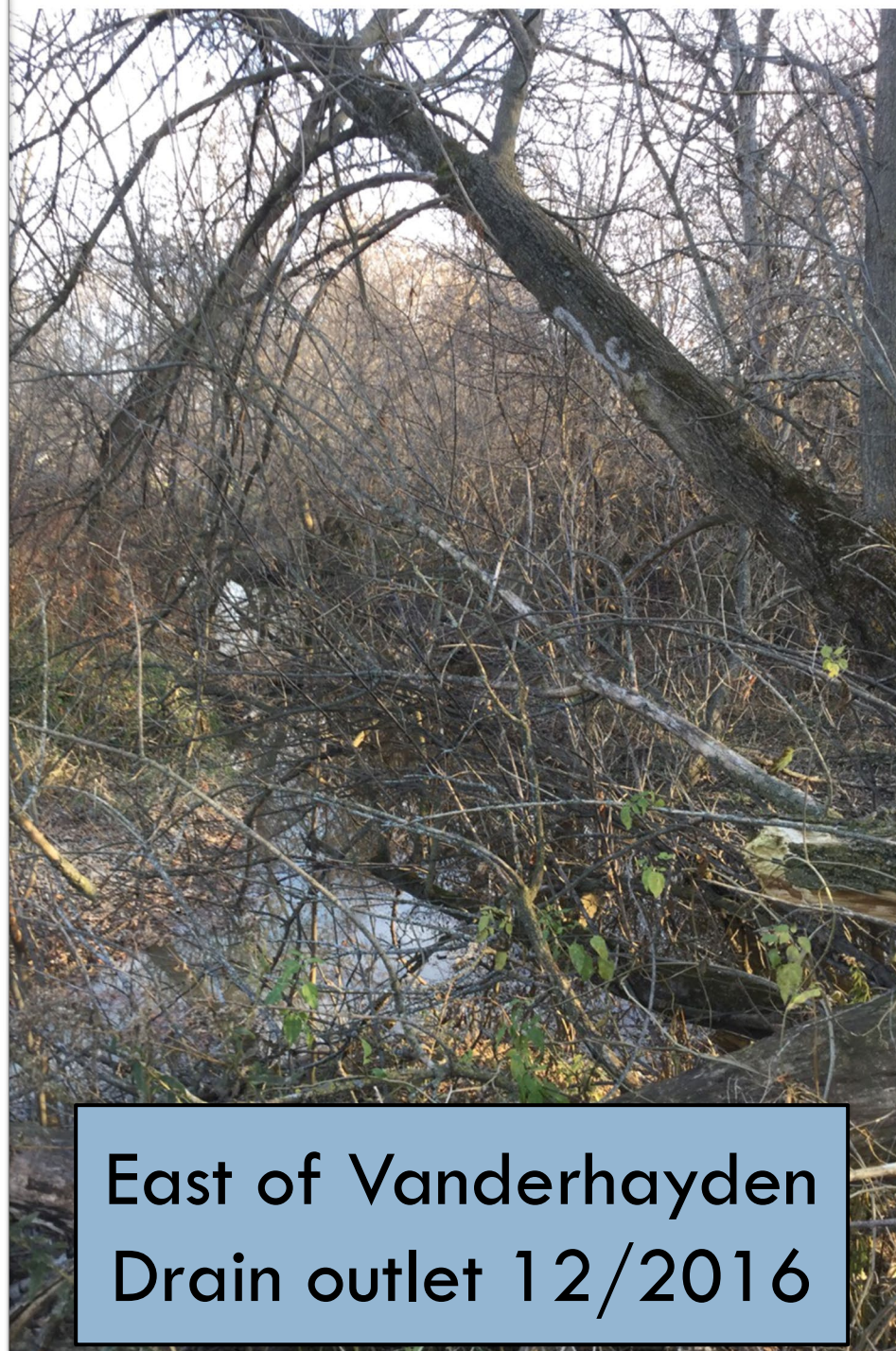


Vanderhayden
Drain Outlet to
Marsh Creek #2
Drain



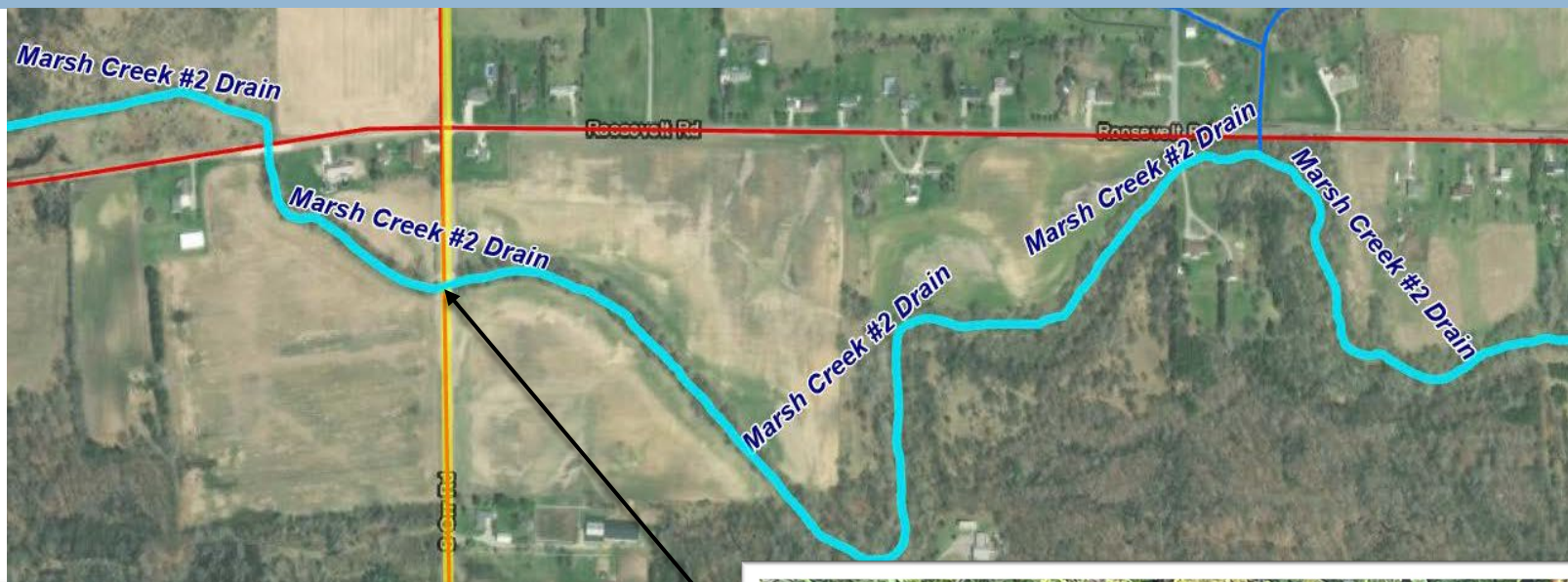


Vanderhayden Drain
Outlet 12/2016

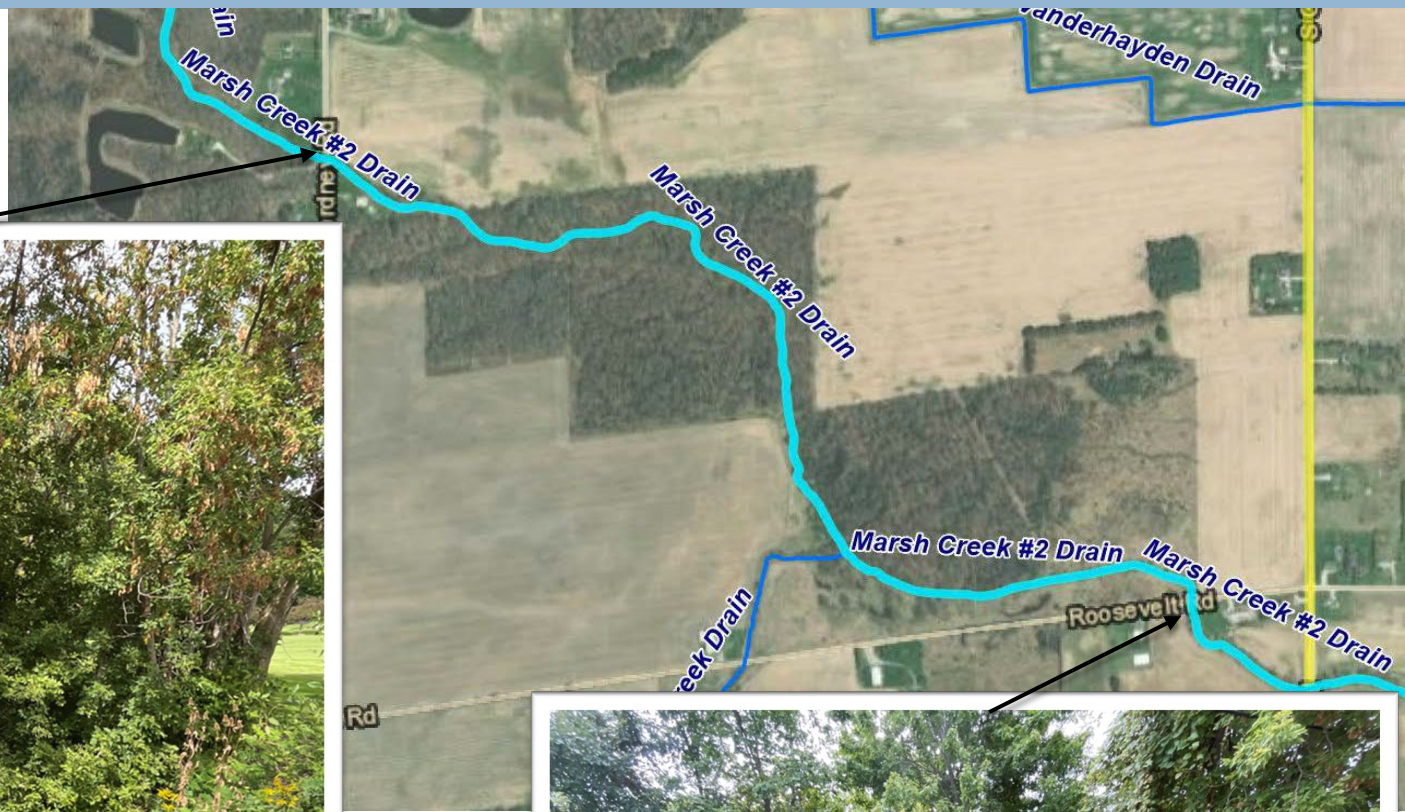


East of Vanderhayden
Drain outlet 12/2016

Orr Road



Roosevelt Road & Fordney Road



Fordney Rd. – 9/2023



Roosevelt Rd. – 9/2023

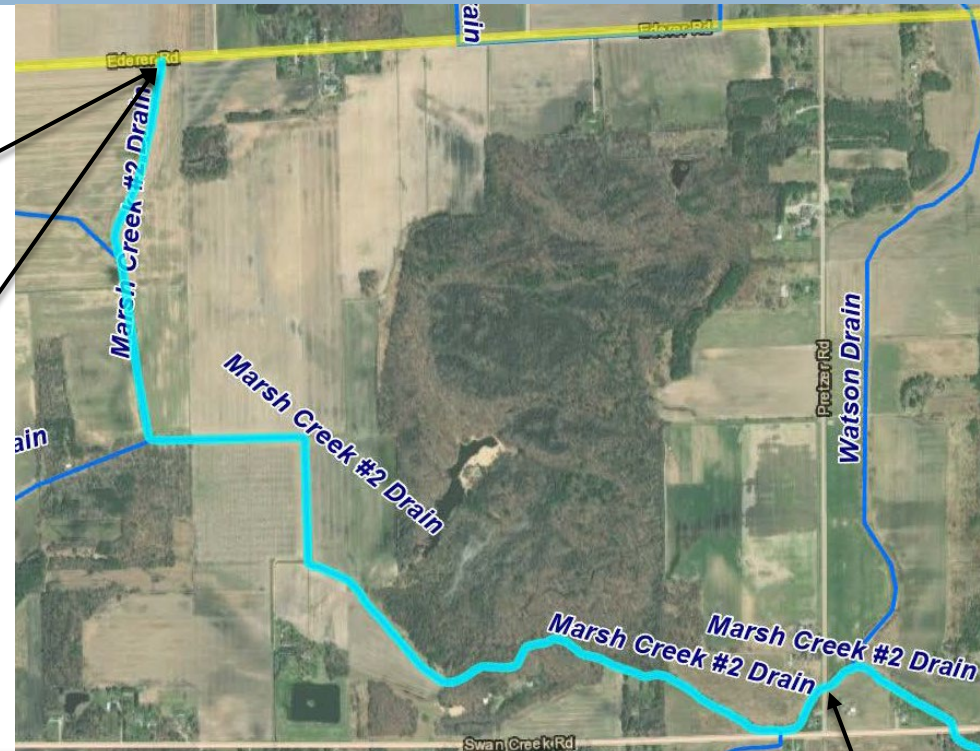
Swan Creek Road Crossing



Pretzer Road & Ederer Road



Ederer Rd. – 9/2023



Pretzer Rd. – 9/2023

Drain Inspection Recap

- ❑ The majority of the drain flows along a wooded corridor.
- ❑ Portions of the drain are obstructed by log jams and deadfall. Trees in the drain appear to be the main issue blocking water flow in the drain, causing stretches of stagnant water.
- ❑ Most of the bridges (road crossings) appear to be in good shape and appear to have minimal obstructions.
- ❑ Minimal bank erosion was observed from the road crossings.

Summary of Drain Finances

- ❑ Drain account currently has approximately **-\$13,000**.
 - ❑ Multiple drain inspections and meeting with landowners
 - ❑ Majority of cost is for the effort on the Day of Review of Drainage District Boundaries held on October 4, 2022.
 - ❑ Approx. \$1,000 for publication and mailing cost for this BOD meeting.



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Appeal Procedures – Section 280.72a

Whenever the board of determination finds by majority vote of the whole number of members that the drain is or is not necessary, any person feeling aggrieved by the determination may institute an action in the circuit court for the county in which the real property is located for a determination of necessity. The action shall be filed by the person aggrieved within 10 days after the determination of necessity or no necessity by the board of determination.