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SHORTS CREEK DRAIN

MINUTES OF BOARD OF DETERMINATION MEETING

NAME OF DRAIN:	Shorts Creek		
DATE/TIME:	Thursday, November 7, 2019 6:00pm	LOCATION:	Fremont Township Hall 5980 S Hemlock Rd, Hemlock MI 48626
BOARD MEMBERS:	Ruth Averill	Hal Mead	Larry Tibbits

The Board of Determination met on the above date to consider whether the petition, dated August 22, 2019, for maintenance and improvement of the Shorts Creek Drain, pursuant to Chapter 8 of Public Act 40 of 1956, as amended, is necessary and conducive to the public health, convenience or welfare.

ELECTION OF CHAIRPERSON AND SECRETARY/RULES:

1. Mr. Tibbits made a motion that Ms. Averill serves as Chairperson. The motion was seconded by Mr. Mead. All members were in favor of the motion. Motioned PASSED by a 3-0 vote.
2. Ms. Averill made a motion that Mr. Tibbits serve as Secretary. The motion was seconded by Mr. Mead. All members were in favor of the motion. Motioned PASSED by a 3-0 vote.
3. Ms. Averill made a motion that public comment be limited to three (3) minutes per person. The motion was seconded by Mr. Mead. All members were in favor of the motion. Motioned PASSED by a 3-0 vote.

Ms. Averill turned the meeting over to Mr. Wendling and his staff for presentation. Mr. Wendling discussed the role and function of the Board of Determination and guidelines for public comment.

Ms. Colpaert, from Mr. Wendling's office, discussed the facts on the Shorts Creek Drain and the Drainage District including findings from recent drain inspections, past maintenance/construction work, and the status of the drain maintenance fund.

Public Comment was received by the Board of Determination. The following landowners made comments at the meeting:

David Frollo – 17638 Swan Creek Road
Charles Damore – 14551 Lakefield Road
Rudy Scherzer – 3120 S. Orr Road
Bob Williams – 3650 N. Hemlock Road
Roger Collier – 16295 Roosevelt
Tom Braughton – 16463 Roosevelt Road
Matt Sobieski – 3275 S. Fordney Road

DECISION AS TO NECESSITY:

4. Mr. Tibbits made a motion that the proposed maintenance and improvement of the Shorts Creek Drain as petitioned on August 22, 2019, **IS** necessary and conducive to the public health, convenience or welfare. The motion was seconded by Mr. Mead. All members were in favor of the motion. Motioned PASSED by a 3-0 vote.

Mr. Wendling discussed the next steps for a project, including hiring an engineering firm and making decisions based on sound engineering judgement. Mr. Wendling also discussed the appeal process where a person aggrieved with the decision of necessity could institute an action in the circuit court for Saginaw County within 10 days after the date of the board of determination.

5. Mr. Tibbits made a motion to adjourn the meeting. The motion was seconded by Mr. Mead. All members were in favor of the motion. Motioned PASSED by a 3-0 vote. The meeting was adjourned at 7:40 P.M.

Larry Tibbits, Secretary
Board of Determination