



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

Notice of Drainage Board Meeting For Determination of Necessity

CHEBOYGANING CREEK INTERCOUNTY DRAIN (Saginaw, Bay and Tuscola Counties)

DATE: September 20, 2021
TIME: 6:00 p.m.
LOCATION: Dow Event Center
303 Johnson Street, Saginaw, Michigan

The Cheboyganing Creek Intercounty Drain Drainage Board will meet at the above date, time and location to hear all interested persons, receive evidence and determine whether the maintenance and improvement, as set forth in the petition dated July 25, 2019, is necessary for the public health, convenience, or welfare pursuant to Chapter 8 of Public Act 40 of 1956, as amended.

Proceedings conducted at this public meeting will be subject to the provisions of the Michigan Open Meetings Act. Written comments may be submitted prior to the meeting, or additional information may be obtained from the following offices:

Brian J. Wendling
Saginaw County Public
Works Commissioner
111 S. Michigan Ave.
Saginaw, Michigan
989-790-5258

Michael Rivard
Bay County Drain
Commissioner
515 Center Ave.
Bay City, Michigan
989-895-4290

Robert J. Mantey
Tuscola County Drain
Commissioner
125 W. Lincoln St.
Caro, Michigan 48723
989-672-3820

Persons with disabilities needing accommodations for effective participation in the meeting should contact the Drain Commissioner of their County at the number listed above or through the Michigan Relay Center at 7-1-1 (TDD) at least 24 hours in advance of the meeting to request mobility, visual, hearing or other assistance.

Anyone aggrieved by the decision of the Intercounty Drain Drainage Board may seek judicial review pursuant to MCL 280.122a.

Dated: August 25, 2021

Brady Harrington, Deputy
For Gary McDowell, Director
Michigan Department of Agriculture and
Rural Development

AGENDA

**Meeting to Determine Necessity of Petition
for Proposed Maintenance and Improvements**

CHEBOYGANING CREEK INTERCOUNTY DRAIN

(Saginaw, Bay and Tuscola Counties)

Dow Event Center

303 Johnson Street

Saginaw, Michigan

6:00 p.m., September 20, 2021

1. Call to order
2. Introduction of Drainage Board Members and engineer
 - Brady Harrington, Chairperson, Michigan Department of Agriculture
 - Brian J. Wendling, Saginaw County Public Works Commissioner
 - Michael Rivard, Bay County Drain Commissioner
 - Robert J. Mantey, Tuscola County Drain Commissioner
 - Spicer Group, Inc.
3. Motion to elect Secretary
4. Approval of the agenda and meeting minutes
5. Reading of petition, explanation of procedures and voting rules - Chair
6. Presentation of preliminary engineering – Engineer
7. Public comment and questions (**please complete a speaker card**)
 - Please state name and relation to drain
 - Limit comments to 5 minutes until everyone has their first opportunity to speak
 - Be specific/describe problems or desired changes
8. Board member comments
9. Motion regarding necessity of the drain for the good of the public health, convenience, or welfare
10. Motion determining which cities, villages, and townships, if any, should receive an at large assessment for benefit to public health.
11. Motion to retain financial consultant(s) and authorize interim borrowing
12. Closing comments and administrative procedures
13. Adjourn

History and procedure

The Saginaw County Public Works Commissioner received a petition from 18 freeholders on July 25, 2019 requesting maintaining and improving, including pumping equipment necessary to assist or relieve the flow of the drain, or such levees necessary for protection of lands in the drainage district of the Cheboyganing Creek Intercounty Drain to address drainage issues in Portsmouth and Merritt Townships and the City of Bay City in Bay County; Zilwaukee, Buena Vista Charter, Blumfield, Bridgeport Charter and Frankenmuth Townships in Saginaw County; and Denmark, Tuscola, Vassar and Juniata Townships in Tuscola County.

The Drainage Board met on September 17, 2019 and determined that the petition was sufficient and the requested improvement was practical. The Drainage Board retained Spicer Group, Inc. to provide preliminary engineering alternatives and cost estimates.

Today's meeting is to make a public presentation of the preliminary engineering study and engineer's recommendations and cost estimates and to receive additional public testimony. The Board will make a decision based on the engineering study and testimony received at this hearing and earlier in the process, from the petitioners, landowners and local officials as to whether or not it is necessary for the good of the public health, convenience, or welfare to proceed with some level of construction project to provide the relief requested.

The decisions today will be made by a majority vote of this Board. The Chairperson does not vote except in the event of a tie (abstentions are not allowed)

Again, it should be made clear that the Board will be deciding if there should be a project to address the relief requested in the petition and whether the project is necessary for the good of the public health, convenience, or welfare.

If the Board makes the determination that there is no need for any level of project, and there is no appeal, the petition process comes to an end and the costs of the procedure to date will be apportioned among the drainage district counties. These costs will be apportioned according to the benefits that would have accrued to the counties if the project had been completed.

If this Board finds a project Necessary at the end of today's proceedings and there is no appeal within the designated 10 days, this Board in conjunction with the recommendations of the engineer and testimony received from the hearing process, will decide on scope and breadth of the project to be constructed.

You have the right to appeal the decision of the Board whether the Board decides yes or no. Your appeal is to the Circuit Court of the county in which you reside, within 10 days of today's hearing. The scope or design of the project is not subject to appeal.