

MINUTES OF BOARD OF DETERMINATION

NAME OF DRAIN: Holland Drain

DATE/TIME: Wednesday, May 23, 2018 at 6:30 P.M.

LOCATION: Orchard View Schools – Cardinal Elementary, Auditorium, 2310 Marquette Ave, Muskegon

BOARD MEMBERS: Val Jensen II, Judy Marcinkowski, Steve VanHoeven, and Tracy Korthase, Alternate.

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 June 24, 2015, 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 Muskegon, Muskegon Charter Township, and Egelston Township, pursuant to Chapter 8 of Public Act 40 of 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), Stacy Hissong (Attorney from Fahey Schultz Burzych and Rhodes) and Board of Determination members: Val Jensen II, Judy Marcinkowski, Steve VanHoeven, and Tracy Korthase, Alternate.

The oath of Board of Determination members was recited.

Motion by Judy Marcinkowski, seconded by Val Jensen II, to elect Steve VanHoeven Chairperson. All voted in favor. Motion Carried.

Motion by Steve VanHoeven, seconded by Val Jensen II, to elect Judy Marcinkowski Secretary. All voted in favor. Motion Carried.

Motion by Steve VanHoeven, seconded by Judy Marcinkowski, to place an approximately 3 minute limit on people's opportunity to speak. All voted in favor. Motion Carried.

Ms. Hissong explained the roles and duties of the Board of Determination to the audience. Ms. Hissong explained the change in venue and the adherence to the Open Meetings Act. Ms. Hissong then turned the meeting over to the Board of Determination members.

Presentation by Dan Fredricks, P.E.

Public Testimony:

The following property owner(s) spoke regarding the petition: Jennifer Hernandez, John Holter, Brandon Vetter, Curtis Norwood, Joe Kemp, Gary Foster, Kim Betts, Joseph Houseman, Allen Hardenburgh, Mike Shannahan, Susie Hughes, John Hughes, Robert Conley, George Tindall, Cheryl Poe, Larry Herzhaft, Stacy Douglas, Mark Fairchild, David Glotzbach, Sharri Domke, Joshua Charney, Dan Willea, Kerry Hunt, Dean Hibbs, Jeff Cowins, Clyde Brown, and Mike Gould.

Nonresidents who spoke during public comment: Tony Barnes, Jeremy Hoeker, Linda Barnhardt, and Tammy Barnhardt.

An email was read into the record by Judy Marcinkowski from property owner Alexis McCombs.

A comment card was read into the record by Steve VanHoeven from Renea Foster.

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

Board Discussion: Val Jensen II does not believe it meets necessity without further study. Tracy Korthase spoke to how drains need maintenance like roads. Judy Marcinkowski noted there were about 150 people in attendance and of those 6 had flooding in their homes – and that was a problem, plenty of people had positions on maintenance, people spoke on no need, only 7 spoke to having no problems, and stated that she was not sure she was convinced if a big scope of work was overkill or not. She said when flooding comes into a home that is hard.

Motion by Val Jensen II, seconded by Judy Marcinkowski, that the maintenance and improvement of the Holland Drain is not necessary and conducive to the public health convenience or welfare.

Val Jensen II – yes, Judy Marcinkowski – yes, Steve VanHoeven – yes. Motion Carried.

Ms. Hissong stated the right to appeal.

Meeting adjourned 9:25 P.M.



SECRETARY, BOARD OF DETERMINATION

MILEAGE:

Val Jensen II	24.00	MILES (ROUND TRIP)
Judy Marcinkowski	32.00	MILES (ROUND TRIP)
Steve VanHoeven	24.00	MILES (ROUND TRIP)
Tracy Korthase	36.00	MILES (ROUND TRIP)

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