



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

GARY MCDOWELL  
DIRECTOR

## Notice of Drainage Board Meeting For Determination of Practicability

**#140 INTERCOUNTY DRAIN**  
(Gratiot, Saginaw and Shiawassee Counties)

**DATE:** November 23, 2020  
**TIME:** 10:00 a.m.  
**LOCATION:** <https://us02web.zoom.us/j/84756090596> Password: 660928  
312-626-6799, Meeting ID: 847 5609 0596

The #140 Intercounty Drain Drainage Board will meet at the above date, time and location to consider the petition, dated January 22, 2020, for maintenance and improvement of an intercounty drain, located in Chapin Township in Saginaw County, Elba Township in Gratiot County, and Fairfield Township in Shiawassee County, pursuant to Chapter 8 of Public Act 40 of 1956, as amended, to determine the sufficiency of signatures on said petition, to go over the route of the intercounty drain, and to further determine whether the maintenance and improvement of the intercounty drain is practicable.

Proceedings conducted at this public meeting will be subject to the provisions of the Michigan Open Meetings Act. The meeting is being held virtually in order to limit the spread of Covid-19. Public comment will be received at the meeting from anyone owning lands liable to an assessment, or whose lands will be crossed by the drain, or any municipality affected. Written comments may be submitted prior to the meeting, or additional information may be obtained from the following offices:

**Bernard J. Barnes**  
Gratiot County Drain  
Commissioner  
904 E. Center St.  
Ithaca, Michigan 48847  
989-875-5207

**Brian J. Wendling**  
Saginaw County Public  
Works Commissioner  
111 S. Michigan Ave.  
Saginaw, Michigan 48602  
989-790-5258

**Anthony Newman**  
Shiawassee County Drain  
Commissioner  
149 Corunna Ave.  
Corunna, Michigan 48817  
989-743-2398

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.

Dated: October 29, 2020

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



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

GARY MCDOWELL  
DIRECTOR

October 29, 2020

**CERTIFIED MAIL**

Mr. Bernard J. Barnes  
Gratiot County Drain  
Commissioner  
904 E. Center St.  
Ithaca, MI 48847

Mr. Brian J. Wendling  
Saginaw County Public  
Works Commissioner  
111 S. Michigan Ave.  
Saginaw, MI 48602

Anthony Newman  
Shiawassee County Drain  
Commissioner  
149 Corunna Ave.  
Corunna, MI 48817

**RE: #140 Intercounty Drain**

Dear Commissioners:

Enclosed is a Notice of Meeting of the Drainage Board for the meeting to determine the practicability of the Chapter 8 petition to maintain and improve the **#140 Intercounty Drain**. Please retain a copy of the notice for your records.

Please follow the following instructions carefully. Notice of the meeting shall be served by each county, not less than 10 days before the meeting, as follows:

1. Publish the notice in a newspaper of general circulation in the drainage district.
2. Provide notice by personal service or certified mail to the county clerk and a member of the board of county road commissioners of each county, and to the supervisor of each township and clerk of each city and village in the drainage district. If there are state highways in the drainage district, we also recommend service on the director of the Michigan Department of Transportation by certified mail, even though this is not specifically required in Section 122.
3. Provide notice by first-class mail on each person whose name appears on the last city or township tax roll as owning land in the drainage district, at the address shown on the roll.
4. Post the notice in your office or your building where other such notices are posted. If your county maintains a website that is accessible to the public, the notice **and the agenda** must also be posted on the homepage or other webpage dedicated to public notices.

All expenses of notification shall be paid by the treasurer county of the Drainage Board.

Finally, **please provide this office with a copy of the Proof of Publication, Affidavit of Mailing, Affidavit of Posting, and Proof of Service for the drain**. If you have any questions regarding any of these requirements, please contact me at 517-284-5624.

Sincerely,

Brady Harrington  
Deputy for the Director

Enclosures

Please Sign Attendance Sheet

Please Sign Attendance Sheet

## AGENDA

# Meeting to Determine Practicability of Petition for Proposed Maintenance and Improvements

### **#140 INTERCOUNTY DRAIN**

(Gratiot, Saginaw and Shiawassee Counties)

<https://us02web.zoom.us/j/84756090596>, 312-626-6799

November 23, 2020 - 10:00 a.m.

1. Call to Order
2. Introduction of Drainage Board Members  
  
**Brady Harrington**, Michigan Dept. of Agriculture & Rural Development  
**Bernard J. Barnes**, Gratiot County Drain Commissioner  
**Brian J. Wendling**, Saginaw County Public Works Commissioner  
**Anthony Newman**, Shiawassee County Drain Commissioner
3. Motion to elect secretary – Board Members
4. Approval of the agenda and meeting minutes
5. Reading of petition, explanation of procedures and voting rules – Chair
6. Motion on sufficiency of the petition – Board Members
7. Public comment and questions (**please complete a speaker card**)
  - Please state name and relation to proposed project
  - Limit comments to 5 minutes until everyone has their first opportunity to speak
  - Be specific/describe problems or desired changes
8. Board Members comments
9. Motion regarding practicability of the drain – Board Members
10. Motion to select an engineer or surveyor
11. Closing comments – Board Members
12. Adjourn

## Explanation of Drain Code Procedure

### **Meeting to Determine Practicability for Intercounty Drains**

This meeting is convened in response to a petition from six freeholders, which was received by the Gratiot County Drain Commissioner. This petition requests maintaining and improving the #140 Intercounty Drain, which serves Gratiot, Saginaw and Shiawassee Counties, under the provisions of Section 192 of Act. No. 40 of the Public Acts of 1956, as amended.

The petition is an assertion of drainage issues and a request for the drainage board to consider relief to those drainage issues out. Under the Drain Code the intercounty drainage board is required to hold this public meeting to determine that the petition is sufficient to grant them jurisdiction to proceed, to receive testimony from persons and affected local units of government with regards to drainage issues, and to determine if it is practical to proceed to the next step of retaining an engineer or surveyor to design one or more solutions for the drainage issues.

The decision to determine practicability is the judgment of the drainage board by a majority vote of its members. Practicability can be generally described as the determination of whether the petition is properly worded to grant the Drainage Board authority to respond to the problems brought forth in the petition and public testimony, and that the desired improvements are possible to complete. **One of the two following decisions will be made by the drainage board at this meeting:**

**If determined practicable:** The drainage board must employ a professional engineer or surveyor to survey the drain and develop one or more plans, with cost estimates, to accomplish the improvements requested. Following the engineer's report, a second public meeting will be convened to determine the necessity of a project. Proposed solutions and project costs are presented at that meeting. Testimony is received on the necessity of a project. A decision will be made, again by majority vote of the drainage board members, to proceed to construct the project or end it. The necessity decision may be appealed to the circuit court of the county you reside in within 10 days of that meeting. There is no appeal of the decision on practicability.

**If determined NOT practicable:** The procedure terminates, no appeals by statute are permitted. A new petition may be resubmitted.

**Cost Information:** There is no cost information available at this meeting. If determined practicable, overall project cost estimates will be presented at a future meeting to determine necessity, for which you will receive notice. If a decision is made at that meeting to proceed with a project, individual costs via special assessments will be made at an additional future meeting, called the day of review of apportionments, which will be held by your drain commissioner, for which you will also receive notice. At that time, construction bids will have been received and the actual cost of the construction is known, as well as costs for engineering, legal counsel, land acquisition and financing. The special assessments determined by the commissioner at the day of review may be appealed to probate court for establishment of a board of review. In addition to private landowners, public corporations (townships, cities, and villages) are assessed for benefits to public health, the counties are assessed at-large for benefits to county roads and the Michigan Department of Transportation for benefits to any state trunkline highways.