

Rifle River Outlet Drain
Proposed Rifle River Intercounty Drain Drainage Board
Meeting
Meeting Minutes
December 9th, 2021

1. Call to Order

Michael Gregg called to order the second meeting to review the addition of Ogemaw County to the existing Rifle River Outlet Drain Drainage District at 6:10 PM on December 9th, 2021 at the Ogemaw County Fair Grounds.

2. Introduction of Drainage Board Members and Consultants

Michael Gregg introduced the Board by beginning with himself, stating that he is with the Michigan Department of Agriculture & Rural Development representing the Director of the Department, Gary McDowell. Mr. Gregg then introduced the Drain Commissioners starting with Larry Davis, Arenac County Drain Commissioner, then Terry Walters, Gladwin County Drain Commissioner who was appointed as Special Commissioner by the Ogemaw County Probate Court to serve on behalf of Michael DeMatio. Mr. DeMatio, the Ogemaw County Drain Commissioner, owns property within the proposed drainage district. Pursuant to the Drain Code a Special Commissioner was appointed to serve on his behalf.

Mr. Gregg introduced Stacy Hissong, legal counsel, Fahey Schultz Burzych Rhodes. Mr. Gregg then introduced Ronald Hansen, P.E., P.S., Spicer Group, Inc.

3. Election of Secretary

Mr. Walters, Special Commissioner for Ogemaw County, made a motion to appoint Arenac County to serve as secretary for the Drainage Board Meeting.
Mr. Davis, Arenac County Drain Commissioner, seconded the motion.
No discussion on the motion. Motion passed unanimously by roll call vote.

4. Review and Approval of Agenda

Mr. Davis, Arenac County Drain Commissioner, made a motion to approve the agenda as written.
Mr. Walters, Special Commissioner for Ogemaw County, seconded the motion.
No discussion on the motion. Motion passed unanimously by roll call vote.

5. Reading of Notice, Explanation of Procedures, and Voting rules

Mr. Gregg explained that the proceedings were initiated by a notice that was sent to the Michigan Department of Agriculture & Rural Development pursuant to Section 197(3) of the Michigan Drain Code Public Act 40 of 1956, as amended. Mr. Gregg read aloud the **Notice to Drainage Board of Proposed Addition of County to Drainage District.** This meeting is a continuation of the meeting that was held in August 2021.

Ms. Hissong discussed the rules for voting pursuant to the Drain Code. Ms. Hissong also stated that a court reporter was present at the meeting and stated the importance of only one person speaking at a time in order to make a clear record.

6. Engineering Presentation regarding Drainage District Boundaries

Mr. Hansen provided an engineering presentation. He stated that Spicer Group, Inc. reviewed historical records of the Rifle River Outlet Drain dating back to 1920. Proceedings for turning the Rifle River Outlet Drain into an intercounty drain were never completed. In 1950, the Rifle River was made into a county drain. The drain is currently approximately 1.5 miles long.

Mr. Hansen also discussed how Spicer Group, Inc. determined the preliminary, proposed district boundaries by elevation maps, such as high-resolution LiDAR Maps, and also conducted field reviews. Mr. Hansen concluded that it is clear that Ogemaw County does contribute water to the Rifle River Outlet Drain.

Ms. Hissong discussed that pursuant to the Drain Code there will be a second vote regarding the tentative apportionment between counties if it is determined that Ogemaw County needs to be added.

7. Public Comment

Mr. Davis, Arenac County Drain Commissioner, made a motion that public comment be limited to three minutes per person and that each person to be limited to speaking once. Mr. Walters, Special Commissioner for Ogemaw County, seconded the motion. No discussion on the motion. Motion passed unanimously by roll call vote.

Mr. Davis, Arenac County Drain Commissioner, made a motion to accept into the record any written resolutions and correspondence that was provided to the Board prior to the meeting, including all correspondence, transcripts, and the engineering presentation that was previously accepted into the record at the August 30, 2021, drainage board meeting. He further moved to accept into the record public comment and questions and the engineer presentation at today's drainage board meeting. Mr. Walters, Special Commissioner for Ogemaw County, seconded the motion. No discussion on the motion. Motion passed unanimously by roll call vote.

Public Comment was received.

Mr. Davis, Arenac County Drain Commissioner, made a motion to close public comment.
Mr. Walters, Special Commissioner for Ogemaw County, seconded the motion.
No discussion on the motion. Motion passed unanimously by roll call vote.

8. Board Member Comments

Mr. Davis, Arenac County Drain Commissioner, provided reasoning for why the Rifle River Outlet Drain should be an intercounty drain.

Mr. Walters, Special Commissioner for Ogemaw County, stated that he has spoken with the Ogemaw County Drain Commissioner several times, as well as the Townships, the Road Commission, and the County Commissioners in Ogemaw County, and he understands what the people are saying.

9. Motion regarding the Addition of Ogemaw County to the Rifle River Outlet Drain Drainage District

Mr. Davis, Arenac County Drain Commissioner, made a motion to ADD Ogemaw County to the Drainage District for the Rifle River Outlet Drain.

Mr. Gregg, Drainage Board Chair, seconded the motion.

Mr. Davis, Arenac County Drain Commissioner, voted in support of the motion.

Mr. Walters, Special Commissioner for Ogemaw County, voted against the motion.

Mr. Gregg, Drainage Board Chair, is required to vote in the event of a tie. Mr. Gregg discussed why Ogemaw County should be made part of the drainage district.

Mr. Gregg, Drainage Board Chair, voted in support of the motion.

Motion passed 2-1 by roll call vote.

10. Apportionment of Benefits Between Counties

Mr. Davis, Arenac County Drain Commissioner, made a motion that the apportionment between counties be Arenac County 50% and Ogemaw County 50%.

Mr. Walters, Special Commissioner for Ogemaw County, seconded the motion.

No discussion on the motion. Motion passed unanimously by roll call vote.

11. The Drainage Board signed the Order Adding a County to a Drainage District.

12. Adjourn

Mr. Walters, Special Commissioner for Ogemaw County, made a motion to adjourn the meeting.

Mr. Davis, Arenac County Drain Commissioner, seconded the motion.

No discussion on the motion. Motion passed unanimously by roll call vote.