

# LOOKING GLASS RIVER INTERCOUNTY DRAIN

## DRAINAGE BOARD MEETING

Wednesday, August 16, 2017

Clinton County Courthouse

St. Johns, Michigan

PRESENT: Michael Gregg, Michigan Department of Agriculture & Rural Development  
Phil Hanes, Clinton County Drain Commissioner  
Carla Clos, Ingham County Deputy Drain Commissioner  
Tony Newman, Shiawassee County Drain Commissioner

ABSENT: Ken Recker, Livingston County Deputy Drain Commissioner

ALSO PRESENT: Jenna Jullie, Shiawassee County Deputy Drain Commissioner  
Alan Boyer, LSG Engineers & Surveyors  
Mike Woodworth, Woodworth & Associates  
Gina Woodworth, Woodworth & Associates  
Dwight Washington, Clinton County Commissioner  
Kay Nickols, Woodhull Township Supervisor

Chairman Gregg called the meeting to order at 1:13 p.m. He declared a quorum and indicated that Livingston County would not be present.

### 2. Motion to elect a secretary

Clinton County serves as permanent secretary of the board.

### 3. Review and set the agenda

Suggested amendments to the agenda included clarifying item 5a. to remove the pay recommendation from Clinton County and leave LSG Engineers and Surveyors and changing Mid-Michigan Ponds to Chattaway Excavating. Clos also suggested removing item 5d. Discuss the Governance Resolution from the agenda since it was tabled at the last meeting. Chair Gregg requested to add FOIA Resolution under Other Business.

MOTION by Clos to approve the agenda as amended. SECOND by Newman. MOTION CARRIED unanimously.

### 4. Approve the June 22, 2017 meeting minutes

MOTION by Clos to approve the minutes of June 22, 2017 as presented. SECOND by Newman. MOTION CARRIED unanimously.

### 5a. Receive an inspection report and pay recommendation from LSG Engineers and Surveyors of maintenance work performed by Chattaway Excavating and take appropriate action

Alan Boyer spoke with the contractors for Contracts 1 and 2. Regarding Contract 2, Chattaway is finishing another project and expects to have equipment back on site in about two weeks beginning at M-52 and continuing upstream. Regarding Contract 1, Wombat Services is working on another project and is expecting to be on the Looking Glass following his return in another month. Clos asked about a change order to revise completion dates. The completion dates for both projects were previously extended to March 21, 2018 due to working conditions in the winter and spring of 2017.

MOTION by Newman to receive and file the verbal report of Boyer. SECOND by Clos.

Discussion – Newman believes Chattaway will complete work this fall but remains concerned with Wombat’s ability to complete the work. Newman would prefer to have Contract 1 completed by mid-November to avoid conflicts with deer hunters. Boyer will contact Wombat Services to see if he can get a commitment as to when he can complete the work. Due to the contract, he must be given until March 31, 2018 to complete the work.

MOTION CARRIED unanimously.

5b. Receive an update on the status of the drainage district boundary review from LSG and take appropriate action.

Boyer explained that the district boundary is essentially completed. Mapping has been done using LiDAR data in Shiawassee County and the boundary has been confirmed through field inspection. A draft map was presented at the last meeting. A target date was set to hold a Day of Review for boundary revisions by January 31, 2018. Board had a discussion on the required mailing of notices and whether to concurrently hold a boundary revision review with an apportionment review. Gregg asked Woodworth for his experience with separate and concurrent review dates. Boyer indicated that typically notices are sent to all existing district landowners and not to just those that would be in the proposed district. That is significant in this case because the district currently extends several miles downstream of where the proposed district would be, and thousands of parcels would be affected. He noted that if two mailings are done, the number would be significantly smaller for the apportionment mailing if the boundary revision is completed first. Clos suggested that there would be some advantages to separating the notices. Woodworth stated that the literal language of the statute does not require notification to landowners who would not be in the revised district. Sense of the Board was that the boundary revision notice would only be sent to property owners that would be in the revised district.

Discussion moved to the public education effort that was directed at the last meeting. Boyer and Woodworth presented some draft materials for consideration by the Board. An outline for a presentation was presented along with anticipated frequently asked questions. It is anticipated that each commissioner would begin the effort by making presentations at their applicable township board meeting. Other groups could also be considered to target along with making the information available on the drain commissioner’s websites. A press release or newspaper article could be written for submission to media outlets. Members talked about doing the public education effort before the review of district boundaries. If the review of boundaries and apportionments are to be combined, it was preferred to schedule that review date before May of 2018. Board members were instructed to review the draft materials and provide comments to Boyer and Woodworth by the end of August.

MOTION by Hanes to receive and file the draft public information materials. SECOND by Newman. MOTION CARRIED unanimously.

5c. Treasurer’s Report

Jullie noted a cash balance of \$283,055.83 and net worth of \$-117,051.67.

MOTION by Hanses to receive and file the Treasurer's report. SECOND by Newman. MOTION CARRIED unanimously.

6. Approval of invoices

Jullie presented an invoice from Woodworth and Associates in the amount of \$1,344.90 and an invoice from the Ingham County Administrative Fund in the amount of \$115.50.

MOTION by Newman to pay the invoices as presented. SECOND by Hanses. MOTION CARRIED unanimously.

7. Other Business

Chair Gregg distributed copies of the Resolution to Adopt Freedom of Information Act Procedures that was approved at the March 15, 2017 drainage board meeting. A copy will be mailed to Livingston County as they are not present.

8. Public Comment

Dwight Washington voiced support for the board's efforts to perform public education and outreach. He also suggested that the public education effort include some mention of what river would look like when the work is completed and what the intentions for the future are.

Kay Nickols reminded the board of the Shiawassee County Conservation Districts work on the Looking Glass River Watershed Management Plan and how their results might be incorporated into the public education efforts.

9. Set the date, time, and location of next meeting

The next meeting was scheduled for 1:30 p.m. on Thursday, October 26, 2017 at the Shiawassee County Drain Commissioner's Office.

10. Adjourn

MOTION by Clos to adjourn the meeting. SECOND by Hanses. MOTION CARRIED unanimously.

Chair Gregg declared the meeting adjourned at 2:25 p.m.

Respectfully submitted,

  
Phil Hanses, Secretary

Note: These minutes are subject to approval at the next scheduled drainage board meeting.

Approved by the Drainage Board on November 8, 2017.

# PLEASE SIGN IN

LOOKING GLASS RIVER INTERCOUNTY DRAINAGE BOARD MEETING  
August 16, 2017 at 1:00 P.M.

NAME	REPRESENTING
Alan Boyer	LSG Eng & Surv.
Kay Nichols	Woodruff Turp Shiea
Mike Gregg	MDARD
Dwight Washburn	BOC
Carla Oles	JEDC
Tony Newman	Shig Co Dr Off.
Jenna Jullia	Shig Drain Office
Gina Woodworth	Woodworth Law Firm
Michael Woodworth	" " "

## AGENDA

### Looking Glass River Intercounty Drain Drainage Board Clinton, Ingham, Livingston, and Shiawassee Counties

1:00 p.m., Wednesday, August 16, 2017

Clinton County Courthouse  
149 Corunna Avenue L-1  
Corunna, Michigan

1. Call to order and roll call

Board Members

Michael Gregg, Chair, Michigan Department of Agriculture & Rural Development  
Phil Hanses, Clinton County Drain Commissioner  
Carla Clos, Deputy Ingham County Drain Commissioner  
Ken Recker, Deputy Livingston County Drain Commissioner  
Anthony Newman, Shiawassee County Drain Commissioner

Engineer

Alan Boyer, P.E. LSG Engineers & Surveyors

2. Motion to elect a secretary

3. Review and set the agenda

4. Approve the June 22, 2017 meeting minutes

5. Communications and reports of board members, committees and consultants

a. Receive an inspection report and pay recommendation from ~~Clinton County and~~  
LSG Engineers and Surveyors of maintenance work performed by ~~Mid-Michigan~~  
~~Ponds~~ and take appropriate action *Chattaway Excavating*

b. Receive an update on the status of the drainage district boundary review from LSG  
and take appropriate action

c. Treasurer's report

~~d. Discuss the Governance Resolution~~

6. Approval of invoices

7. Other business - *FOIA Resolution*

8. Public comment

9. Set the date, time, and location of the next meeting

10. Adjourn

**DRAFT**

**LOOKING GLASS RIVER INTERCOUNTY DRAIN  
FREQUENTLY ASKED QUESTIONS**

1. How and when did the Looking Glass River become an intercounty drain? ***The Looking Glass River became what we now know as an intercounty drain by an act of the Michigan State Legislature, Public Act 84 of 1886.***
2. How long is the Looking Glass River Intercounty Drain? ***Based on the "Order Establishing Improvements" signed March 22, 1886, the Looking Glass River Intercounty Drain (LGR IC Drain) is approximately 36 miles long.***
3. Where does the Looking Glass River Intercounty Drain begin and end? ***Based on the "Order Establishing Improvements" signed March 22, 1886, the point of beginning of the LGR IC Drain is approximately the point where the river crosses the township line between Dewitt and Olive Townships in Clinton County and the point of ending is the county line between Shiawassee and Livingston Counties.***
4. What area does the Looking Glass River Intercounty Drain serve? ***The LGR IC Drain drains portions of Bath, Dewitt, Olive and Victor Townships in Clinton County; portions of Sciota, Woodhull, Bennington, Shiawassee, Perry and Antrim Townships in Shiawassee County; portions of Meridian, Williamstown and Locke Townships in Ingham County; and, Conway Township in Livingston County.***
5. Who has jurisdiction over the Looking Glass River Intercounty Drain? ***An intercounty drain board chaired by a representative from the Michigan Department of Agriculture and Rural Development (MDARD) and the Drain Commissioners from Clinton, Livingston, Ingham and Shiawassee Counties oversee the operation and maintenance of the LGR IC Drain.***

6. What work does the Drainage Board intend to have done on the Looking Glass River Intercounty Drain? ***The maintenance work proposed for the drain involves selective clearing of trees (leaners) along the drain right-of-way and drain banks, and removal of log jams and flood wood from the drain channel. The intent is to reduce the occurrence of future trees falling into the drain/river and reduce the incidence of future log jams thereby allowing the free flow of water.***
7. How much will that work cost? ***Maintenance cost is limited by the Michigan Drain Code to \$5,000 per mile of drain per year. For the LGR IC Drain, the maximum cost would be \$180,000 (\$5,000 x 36 miles) per maintenance project.***
8. Who will pay for that cost? ***In accordance with the Michigan Drain Code, the maintenance costs will be assessed to those who benefit from the existence and operation of the drain. Those benefiting include the counties for benefit to county roads, MDOT, railroads, Townships and the landowners within the drainage district.***

DRAFT

LOOKING GLASS RIVER IC DRAIN PRESENTATION OUTLINE

1. Drain Code Section 6
2. The Looking Glass River Prior to 1881
3. PA 238 of 1881
4. PA 84 of 1885
5. Survey of 42 miles
6. 1886 Improvements to 37 miles
  - a. Dredging
  - b. Log jam/flood wood removal
7. Rights-of-way obtained
8. The Clinton County-Shiawassee County District
9. 1914 Petition
  - a. Survey done in 1920
  - b. Unsuccessful legal action to compel project
10. 1938 WPA project
  - a. Used the 1920 survey
11. 1944 Petition
  - a. April 19, 1944 Order Designating Drainage District
  - b. Subsequent petition proceedings terminated by September 17, 1946 judicial decree.
12. Needed Drain Maintenance
13. Current status and Anticipated Future Proceedings
  - a. District boundary revision
  - b. Maintenance assessments



**LOOKING GLASS RIVER INTERCOUNTY DRAIN DRAINAGE BOARD**

**Resolution to Adopt  
Freedom of Information Act Procedures**

At a special meeting of the **Looking Glass River** Intercounty Drain Drainage Board ("Board"), held in Corunna, Michigan on March 15, 2017, at 10:00 a.m.

**PRESENT:** Phil Hanses, Carla Clos, Tony Newman, Ken Recker, and Michael Gregg

**ABSENT:** None.

The following resolution was offered by Newman and seconded by Recker:

**WHEREAS**, pursuant to the Michigan Freedom of Information Act, as amended (the "FOIA"), all public bodies in Michigan are required to adopt procedures and guidelines relating to requests under the FOIA; and

**WHEREAS**, the Board is a public body subject to the FOIA; and

**WHEREAS**, the Board seeks to achieve full compliance with the provisions of the FOIA; and

**WHEREAS**, Clinton County has instituted FOIA Procedures and Guidelines that comply with the requirements of the FOIA.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. The Board hereby adopts Clinton County's Procedures and Guidelines and Public Summary to be used in adhering to all requirements within the FOIA.
2. The Board shall comply with all the provisions of these Procedures and Guidelines and Public Summary.
3. All prior resolutions and parts of prior resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

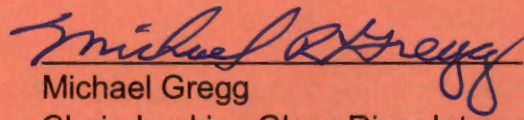
Ayes: Hanses, Clos, Newman, and Recker

Nays: None

**RESOLUTION DECLARED ADOPTED.**

STATE OF MICHIGAN    }  
                                  } ss.  
County of Shiawassee    }

I, the undersigned, the duly qualified and acting Chair of the **Looking Glass River** Intercounty Drain Drainage Board, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the Resolution to Adopt Freedom of Information Act Procedures adopted on the 15th day of March 2017.

  
Michael Gregg  
Chair, Looking Glass River Intercounty  
Drain Drainage Board