

**VEVAY TOWNSHIP  
BOARD OF TRUSTEES  
Special Meeting/Public Hearing  
Tuesday, May 19, 2015  
Vevay Township Hall – 7:30 p.m.**

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**MINUTES**

**Members Present:** Supervisor Jesse Ramey, Clerk JoAnne Kean, Treasurer Shaun Sherwood, Trustees Douglas Shaw and Bruce Walker

**Members Absent:** None

**Staff Present:** Legal Counsel Gordon VanWieren and Deputy Clerk Brett Linsley

**Others Present:** Ingham County Drain Commissioner Patrick Lindemann, Deputy Drain Commissioner Carla Clos, Project Engineer Samir Matta, and Ingham County 14<sup>th</sup> District Commissioner Robin Naeyaert

The meeting was called to order by Supervisor Ramey at 7:31 p.m. followed by the Pledge of Allegiance.

**Set/Amend Agenda.** The agenda was set as published.

Supervisor Ramey – explained how the meeting would be conducted to ensure that the evening proceeded in an orderly and efficient manner. The public was invited to write down their questions for the public hearing on provided sheets of paper while the Drain Commissioner’s Office and the project engineer gave their presentations.

**Public Comment on Matters Not on the Agenda.** None.

**Recess to Public Hearing.** The meeting was recessed to hear public comment on the Mud Creek Drain project at 7:35 p.m.

**Mud Creek Project Overview.** Deputy Commissioner Clos – noted that the Mud Creek Project will be both more challenging and more needed than most of the projects she has encountered during her tenure as Deputy Drain Commissioner. While the issues with Mud Creek Drain have a history that excludes them from fault, today’s officials and residents are at a decisive moment where they have a responsibility to resolve those issues. She (Clos) provided a brief history of the individuals who authorized, built, and offered criticisms of the original project. Offering relief for homes experiencing flooding without creating major costs to those who aren’t directly affected will be the most difficult task in the project. The Drain Commissioner’s Office has already received some feedback from their Day of Review. The comments and concerns they received have been considered and adjustments to the assessment roll have been made. The Commission will also try to address the Hawley Drain which constitutes a major tributary of Mud Creek used by many farmers who do not occupy the residential area experiencing flooding.

Commissioner Lindemann – explained that the infrastructural deficiencies of the Mud Creek Drain system should not be understated. Some pipes are preventing water flow of any kind while others are in such a state of disrepair that they are causing water to flow in the opposite direction of that intended by the engineers of the original drain system. Other problems were explained in detail. Generally speaking, most of these problems are caused because the soils are conducive to swamplands and not a neighborhood. Fortunately, a plan can be made for draining the land. The greater difficulty will be determining how to assess the property of residents affected by the new drain. Time will only make the problem worse and put a higher price tag on the project that could be upwards of \$10 million. At the time of the Day of Review, the Township was expected to pay 18% of the total cost and the County 20%. After a meeting with the County Controller, the County's share could be as much as 30%.

Engineer Matta – gave a presentation on both the general structure of the new project as well as some of its specifications. Preliminary studies revealed that the drain district boundaries required some readjustment. He (Matta) also described areas where new easements must be acquired. Studies also revealed that there are more problems with the current drain system than anticipated when residents first petitioned the Drain Commission. Because of the immense complications of the project, only 3 contractors (out of the 15 who were initially interested) placed bids.

Commissioner Lindemann – noted that there will be a 15% contingency to cover for unpredictable expenses that could be incurred in this complicated project. Unused contingency funds will be allocated for debt reduction. If residents choose not to appeal there will also be extra funds that can be put towards debt reduction. The Commission will be doing some of the catch basin repairs to save extra money that would otherwise be paid to the contractor.

Supervisor Ramey – announced that questions collected prior to the meeting as well as those questions submitted by residents during the preceding presentations would be answered by the Drain Commissioner's office.

**Why does the Township as a whole need to pay for a project that benefits only one area?** Our nation has traditionally adhered to a general conception of riparian water rights. That is, in an ostensible democracy, everyone has an obligation to participate in ecological projects that affect the community as a whole. School taxes paid by someone without children would be another application of this principle.

**Is there any one property or properties causing this drainage problem(s)?** No. As a swampland, the watershed operates as an integrated system.

**What is the name of the contractor who built the existing drain system? Can we collect the Township's cost from him?** The builder's name was Joe Johnson, but many public agencies reviewed his plan. Failure to inspect the project as well as more lenient regulations played roles in the project's current inadequacy.

**Who was the Drain Commissioner at the time the subdivision was built?** The subdivision was built in five phases from 1966-1979 during which time Gerald Graham and then Richard Sode served as Drain Commissioner.

**Why did the Drain Commissioner approve the soil and sediment permits for swamp land?**

Confusion exists regarding what these permits are and aren't. Historically, their primary purpose has been to protect wetlands/water-bodies from external dirt and sediment. In terms of construction, such a permit only ensures that contractors don't allow contamination of the state and nation's waters. Withholding the permit would not necessarily have prevented construction.

**Why is the current Drain Commissioner adding 1% interest on top of the bond's interest rate?** Law requires the Drain Commission to add additional interest to pay any additional debts that may be incurred after or because individuals have paid off their assessments early. This policy acts as a buffer to ensure that bonders are paid investment interest.

**Why does it cost the Drain Commission \$800,000 to administer a \$1,500,000 construction project?** The administration cost of this project will actually be below average. The administration fees are related to inspection costs, unexpected re-engineering, or legal fees (permits, easements, etc.).

**Are there any notes or past minutes that would support that the drainage/soils were not suitable for a subdivision?** The Commissioner noted the available historical documents. Soil borings are also available for review.

**Where was the Ingham County Health Department when the original drain was approved? Why did the drain fields get approved with such bad soils?** Standards are different today than they were when the project was approved. Under today's standards, the project would probably not have been approved.

**Is the contracted construction company (Jackson Dirtworks) required to have a "performance bond"?** Yes. That bond will be equal to the bid amount for construction.

**I have been classified as a "tier 1" and am on a fixed income. I cannot pay an additional \$100 per month to fix drainage problems. Do you have any suggestions?** If one's situation fits criteria established by the State of Michigan, the State will pay the assessment and put a lean on the house that will be extracted at the time of the home's sale.

**Have all property easements from residents been approved? How many were there?** 32 easements have been acquired for the permanent components of the project. Temporary easements will also be needed to begin construction.

**Will the roads that are torn up due to the construction/repairs be adequately fixed? How many roads are scheduled for destruction/repair work? What about repairing my lawn?** Roads damaged by the project will be rebuilt. Lawns will also be reseeded and fences repaired. The Commission does not anticipate repairs posing a problem.

**What qualified me to be a "tier 1" assessment? Did you use specific factors?** Every tier gets evaluated based on the "benefits derived" as outlined in the drain codes.

**Does the Road or Drain Commission have responsibility for road drains such as the one near Tomlinson and Ives.** The specific ditches mentioned are made only for to drain runoff from roads. Most of the time such ditches are the responsibility of the Road Department, but given the specifically mentioned drains' proximity to the subdivision, they will be repaired as part of the drain project.

**How is the Township's 18% paid? How does the Township assess taxpayers?** The Township has unappropriated funds for unexpected projects. Part of the project's cost will be prepaid from these unappropriated funds and the remainder will be budgeted.

**How will we know when construction will occur next to our home?** The Commission will give notice a few days in advance. A website will also be established to contact people and to give regular updates. The Commission and contractor will both do their best to cooperate with residents' schedules.

**The road ditches are very deep. Can they be raised?** In some places raising the beds could be feasible; in others not. Doing so would add significant cost to the project. Guard rails could be a more cost effective option.

**Will sand and compost break down, causing roads to collapse?** The sand and gravel used meets certain standards intended to circumvent this problem. If a collapse or similar situation occurs, the Commission will conduct repairs.

**How will existing tile around outlets be addressed?** The commission will try to assist with finding an appropriate outlet for sump pumps to be reattached.

**Has anyone made appeals as of today's date? What can be done to stop the assessment?** People are welcome to appeal through the probate court by filing a petition with the probate judge. A three person panel hears grievances and decides if the current assessment should be adjusted. The Drain Commissioner encouraged those wishing to file an appeal to speak with him directly. He would give help and support to those who expressed concerns. May 22<sup>nd</sup> will be the last day to file an appeal. If no appeals are filed, the \$10,000 budgeted for the appeals process would be used to reduce the project debt. It was also noted that each of the assessment tiers has a minimum value. Without that minimum, some property owners would be charged unpayable amounts. Additionally, the project will only be assessed to 174 parcels within the drainage district, and not to the entire jurisdiction.

Supervisor Ramey – thanked the Drain Commission and the project engineer for their time.

Commissioner Naeyaert – offered her service to anyone who would like to talk about problems.

**Adjournment of Public Hearing.** The public hearing was adjourned and the special meeting reconvened at 9:36 p.m.

*The Board took a break at 9:37 p.m. The meeting was reconvened at 9:46 p.m.*

**Discussion of Mud Creek Drain Project & Payment.** The Township's total cost will be approximately \$420,000. At their last meeting, the Board discussed making a \$220,000 prepayment. This would save approximately \$120,000 in interest costs and fees over the course of payments. The Board agreed to pursue this course of action once the Drain Commission delivers final figures.

**T1 Communications Lease for Township Office.** The Township has been encountering slow uploading and downloading speeds from its current internet service. At their regular May meeting, the Board reviewed three options offered by *AT&T*. In a discussion with the Supervisor, an *AT&T* representative indicated that the T1 option would give the appropriate capabilities at a lower rate than fiber optics. *AT&T* has offered to run fiber optic lines into the Township at no cost if the T1 speeds prove unsatisfactory. The cost for this improved service would be an additional \$176.18 per month for two years until the contract expires.

**MOTION Ramey, seconded Kean, that the Board authorize the Supervisor to enter into a 2 year contract with *AT&T* for T1 communications service for the Township of Vevay for \$441.33 per month.**

**Roll Cal Vote**

**Ayes: Ramey, Sherwood, Shaw, Walker & Kean  
Nays: None**

The Supervisor will sign and return the contract to *AT&T*

**Other Business.** There was no other business.

**Adjournment.** The meeting was adjourned at 9:52 p.m.

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JoAnne Kean, Clerk