



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

Notice of Drainage Board Meeting For Determination of Necessity

NASH CREEK INTERCOUNTY DRAIN (Kent and Ottawa Counties)

DATE: March 23, 2022
TIME: 6:00 p.m.
LOCATION: Sparta High School Auditorium
475 W. Spartan Drive, Sparta, Michigan

The Nash Creek Intercounty Drain Drainage Board will meet at the above date, time and location to hear all interested persons, receive evidence and determine whether the maintenance and improvement, as set forth in the petition dated December 15, 2020, is necessary for the public health, convenience, or welfare pursuant to Chapter 8 of Public Act 40 of 1956, as amended.

Proceedings conducted at this public meeting will be subject to the provisions of the Michigan Open Meetings Act. Written comments may be submitted prior to the meeting, or additional information may be obtained from the following offices:

Ken Yonker
Kent County Drain Commissioner
1500 Scribner Ave.
Grand Rapids, Michigan
616-632-7910

Joe Bush
Ottawa County Water Resources Commissioner
12220 Fillmore
West Olive, Michigan
616-994-4530

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.

Anyone aggrieved by the decision of the Intercounty Drain Drainage Board may seek judicial review pursuant to MCL 280.122a.

Dated: February 7, 2022

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

History and procedure

The Kent County Drain Commissioner received a petition from Sparta Township on December 15, 2020 requesting maintaining and improving and consolidation of the Nash Drain and the Deboer Intercounty Drain of the Nash Creek Intercounty Drain to address drainage issues in Sparta Township and the Village of Sparta in Kent County and Chester Township in Ottawa County.

The Drainage Board met on February 10, 2021 and determined that the petition was sufficient and the requested improvement was practical. The Drainage Board retained Spicer Group Inc. to provide preliminary engineering alternatives and cost estimates.

Today's meeting is to make a public presentation of the preliminary engineering study and engineer's recommendations and cost estimates and to receive additional public testimony. The Board will make a decision based on the engineering study and testimony received at this hearing and earlier in the process, from the petitioners, landowners and local officials as to whether or not it is necessary for the good of the public health, convenience, or welfare to proceed with some level of construction project to provide the relief requested.

The decisions today will be made by a majority vote of this Board. The Chairperson does not vote except in the event of a tie (abstentions are not allowed)

Again, it should be made clear that the Board will be deciding if there should be a project to address the relief requested in the petition and whether the project is necessary for the good of the public health, convenience, or welfare.

If the Board makes the determination that there is no need for any level of project, and there is no appeal, the petition process comes to an end and the costs of the procedure to date will be apportioned among the drainage district counties. These costs will be apportioned according to the benefits that would have accrued to the counties if the project had been completed.

If this Board finds a project Necessary at the end of today's proceedings and there is no appeal within the designated 10 days, this Board in conjunction with the recommendations of the engineer and testimony received from the hearing process, will decide on scope and breadth of the project to be constructed.

You have the right to appeal the decision of the Board whether the Board decides yes or no. Your appeal is to the Circuit Court of the county in which you reside, within 10 days of today's hearing. The scope or design of the project is not subject to appeal.

AGENDA

**Meeting to Determine Necessity of Petition
for Proposed Maintenance and Improvements**

NASH CREEK INTERCOUNTY DRAIN

(Kent and Ottawa Counties)

475 W. Spartan Drive

Sparta, Michigan

6:00 p.m., March 23, 2022

1. Call to order
2. Introduction of Drainage Board Members and engineer
Brady Harrington, Chairperson, Michigan Department of Agriculture
Ken Yonker, Kent County Drain Commissioner
Joe Bush, Ottawa County Drain Commissioner
Paul Forton, Spicer Group Inc.
3. Motion to elect Secretary
4. Approval of the agenda and meeting minutes
5. Reading of petition, explanation of procedures and voting rules - Chair
6. Presentation of preliminary engineering report
7. Public comment and questions (**please complete a speaker card**)
 - Please state name and relation to drain
 - Limit comments to 5 minutes until everyone has their first opportunity to speak
 - Be specific/describe problems or desired changes
8. Board member comments
9. Motion regarding whether or not the drain is necessary and conducive to the public health, convenience, or welfare
10. Motion determining which cities, villages, and townships, if any, should receive an at large assessment for benefit to public health.
11. Motion to retain financial consultant(s) and authorize interim borrowing
12. Closing comments and administrative procedures
13. Adjourn