

# DRAFT

**Minutes**  
**Black Creek IC & Big Swamp Intercounty Drainage Board Meetings**  
**(Run concurrently)**  
**Monday, May 1, 2023, Elba Township**

Present: Brady Harrington, Chair, Michigan Department of Agriculture & Rural Dev.  
Joe Suma, Lapeer County Drain Commissioner  
Susanne Hogan, Genesee Co., Deputy Drain Commissioner- SWM

Also Present: Joseph Brezvai- MDARD, Julie Etson- GCDC-SWM, Tanya Suter- LCDC, Erik Schwanz and Amanda Pentico- BMJ Engineers and Surveyors, Lauren Burton- Clark Hill

*Meeting called to order by Chair at 10:00 a.m.*

*Motion to Elect Secretary:*

MOTION by Suma to have Genesee County serve as secretary, SUPPORT by Hogan. vote: All Ayes. MOTION CARRIED

*Review and Set Agenda:*

MOTION approve agenda as presented by Hogan SUPPORT by Suma.

DISCUSSION add bids to new business. Does not require change.

vote: All Ayes. MOTION CARRIED

*Approval of 11/18/2022 minutes: (Black Creek)*

MOTION by Suma to approve minutes, SUPPORT by Hogan. vote: All Ayes. MOTION CARRIED

*Approval of 10/4/2016 minutes: (Big Swamp)*

MOTION by Suma to approve minutes, SUPPORT by Hogan. vote: All Ayes. MOTION CARRIED

*Communications and reports of board members, committees, and consultants:*

PRESENTATION by Lauren on legal opinions. Color maps shows projects through the years.

DISCUSSION legal can make the case to keep the Black Creek IC and the Big Swamp IC as two drains separate or combine them together as one. Also Discussion on Potter Lake Dam- which is Lake level Control.

**MOTION to treat the Black Creek IC and Big Swamp IC as separate drains. by Hogan SUPPORT by Suma. vote: All Ayes. MOTION CARRIED**

DISCUSSION by Lauren about the Big Swamp IC has 3 branches entirely within Genesee County that could be part of the IC drain or be removed and stay their own drains.

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MOTION the Branch of the Big Swamp, the Morey Branch of the Big Swamp and the Powell Extension of the Big Swamp hereafter to be treated as Genesee County Drains by Hogan SUPPORT by Suma. vote: All Ayes. MOTION CARRIED

DISCUSSION The Black Creek Legal Opinion is Good. Brady suggested that it mention about Potter Lake is not established and not a part of the Big Swamp.

MOTION to accept and place on file as a non-privileged document the legal opinion for the Black Creek IC Drain. by Hogan SUPPORT by Suma. vote: All Ayes. MOTION CARRIED

DISCUSSION The Big Swamp draft opinion needs to be revised based on Boards actions today. And will be received at a later meeting.

PRESENTATION by Erik on preliminary District Boundaries.

DISCUSSION Black Creek needs field verification in the City of Davison. Genesee Co wants to check the district lines.

MOTION Approve the preliminary district Boundary of the Black Creek IC subject to completion of field verification and review and approval of Genesee County by Suma SUPPORT Hogan vote: All Ayes. MOTION CARRIED

DISCUSSION of proposed apportionment and methodology.

MOTION (Black Creek IC) Genesee County would be 80% and Lapeer County 20%. by Suma SECOND by Hogan vote: All Ayes. MOTION CARRIED

DISCUSSION Big Swamp is field verified and close to final, Genesee still would like to look over district lines.

MOTION Approve the preliminary district Boundary of the Big Swamp IC subject to review and approval of Genesee County by Hogan SECOND by Suma vote: All Ayes. MOTION CARRIED

DISCUSSION none of the physical drain in Lapeer County. 80/20 was recommended.

MOTION (Big Swamp IC) Genesee County would be 80% and Lapeer County 20%. by Hogan SUPPORT by Suma vote: All Ayes MOTION CARRIED

## *Receive treasurer's report:*

Sue Hogan gave Treasurer's report.

### Black Creek

Balance Genesee County \$5,339.99, Lapeer \$419.87

Clark Hill- 3 bills (\$5,593.01, \$4,441.50 & \$2,820.00) totaling \$12,854.51

BMJ bill \$10,281.25

December Maintenance \$5,469.68

**Current Balance -22,845.58 (As read)**

There are 1 or 2 bills for Clark Hill and one other bill in transit.

MOTION to receive and file by Suma SUPPORT by Hogan All Ayes MOTION CARRIED

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## Big Swamp

Sue Hogan No report currently. Will send out balance in email.

### *Present invoices to Board:*

No invoices to present.

### *Other Business:*

PRESENTATION by S. Hogan Black Creek needs a channel clean out. Kearsley Creek outlet to Irish road. There is a lot of debris to be removed. Per bid tabs Heystek came in as low bid for \$48,222.

DISCUSSION to do work for full amount.

MOTION (Black Creek IC) to approve Heystek to do the work from the outlet to Irish Road for \$48,222.10 by Hogan SUPPORT by Suma Vote: all Ayes MOTION PASSED

PRESENTATION by S. Hogan discussed 4 sperate locations for Big Swamp with bid tabs.

DISCUSSION more work than limit. A (North and south of Lippincott) and B (north of Bristol) can be done within limit of \$35,000.

MOTION (Big Swamp IC) to approve area A and area B for maintenance by Hogan SUPPORT by Suma Vote: all Ayes MOTION CARRIED

DISCUSSION need estimated costs from BMJ and Clark Hill for computation of costs (all 197 costs to be paid by Black Creek IC). These costs are on top of the \$50,000 maintenance limit. Discussion on what can be assessed in 1 year vs multiple years. Assess over 2 years and include \$25,000 preassessment in next years assessment.

MOTION (Black Creek IC) to authorize an additional preassessment of \$25,000 for future maintenance next fiscal year by Hogan SUPPORT by Suma Vote: all Ayes MOTION CARRIED

MOTION (Big Swamp IC) to assess not to exceed \$35,000 limit based on maintenance performed this year by Hogan SUPPORT by Suma Vote: all Ayes MOTION CARRIED

DISCUSSION Erik wanted is to let Board know that farmers around Big Swamp are digging ditches and there are spoil piles around our drain. They are getting growth on them.

DISCUSSION do we wish to do FOIA and governance resolutions. Do governance at next meeting.

MOTION Genesee County will be **FOIA coordinator** for Black Creek and the FOIA coordinator for the Big Swamp by Hogan SUPPORT Suma roll call vote: Genesee Aye, Lapeer Aye MOTION CARRIED

DISCUSSION more discussion about Dam, look at rolls to see who got assessed. Question when do you have to go to court for assessment? Per Lauren: The Court deals with the actual district,

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the boundary, the lines. Might not be a bad idea. If Lines stay the same and you want to reapportion both of you just need a special assessment hearing.

DISCUSSION meetings: Day of Review date July 13, 2023 for Genesee County, July 11, 2023 for Lapeer County, July 18, 2023 board meeting after day of review at Elba Township Hall.

*Public Comment:*

None

*Next Meeting:*

As stated above.

*Meeting Adjourned 11:37AM*