

**BOARD OF DETERMINATION MEETING MINUTES
#0017 GILKEY CREEK
ATHERTON COMMUNITY HIGH SCHOOL
3354 S GENESEE RD
BURTON MI 48519
JUNE 21, 2005 AT 2:00 P.M.**

BOARD MEMBERS PRESENT:

Larry Foster, Mt. Morris Township Supervisor
Scott Streeter, Genesee Township Supervisor
James Jacques, Richfield Township Supervisor

Also Present: Jeff Wright, GCDC DRAIN COMMISSIONER
James Gerth, P.E., Director SWMD, GCDC

There were approximately 4,200 notices sent out to the drainage district.

Jeff Wright opens the meeting and explained a little about the GCDC having and being responsible for over 1,300 drains. He tries to show Gilkey Creek Drain on the map. He says it starts at Robert T. Longway and Center Road, and it goes in a southerly direction under I-69, Lapeer Road, Lippincott, Atherton, Bristol, Maple and etc. all the way to Grand Blanc Township. The drainage system itself is several miles long. The State law allows assessing \$2,500/yr/mile of drain. Says he believes they have all received an assessment at one time or another for maintenance already done. The reason for this meeting is because of a petition filed with the Drain Commissioner's office. Just because we are having a public hearing does not mean that we are going to do anything. We may just keep on continually the minimal maintenance on it. But, if it's determined necessary today by the board then it is my office's that will come in and clean the system all out at one time and make any improvements that are necessary. That decision is going to be based on what you have to say. He introduces the members of the Board of Determination. Even though our office takes complaints all the time, we cannot make these decisions on our own. The commissioner stresses that the Board's decision will determine if the project is necessary or not. Once it is determined what has to be done by the engineering files, we bid that work, and then figure out the assessments. There will be a second meeting to determine how much each share will be.

Jeff Wright says the Drain Commissioner's office, gets no gas and weight taxes, no property taxes or funding sources and that is where the special assessments come into place. We also assess the County at large for it's benefit of it's roads, and also City of Burton for the health and welfare benefit to the people. We have no county support other than special assessments. He explains the purpose of this meeting, the appeal process.

A motion was made by Larry Foster to elect James Jacques as Chairman for this Board.

Scott Streeter seconded this motion.

The vote was all ayes.

A motion was made by Scott Streeter to elect Larry Foster as Secretary of this meeting.

James Jacques seconded this motion.

The vote was all ayes.

Scott Streeter opens the meeting for public comment.

A card system was used to call on the residents who wanted to speak.

Linda Funch was the first one called and she passed her turn.

Leo Good of 3325 Eastgate, (lots 36 & 37) in Burton spoke next. He didn't like the time set for the meeting and he wanted to know who were the petitioners.

Commissioner Wright reads the names and addresses of the petitioners and states that by State Law only 5 signatures are required. There were about 29 residents who signed the petition. The petition only allows GCDC by law to hold this hearing. The petition does not mean there will or will not be a project.

Jim Jacques says we need to hear from the people to know how to make a determination.

Jerry Alley of 1241 S. Genesee, Burton says he a problem with flooding every spring. His crawl space floods and there is nowhere to direct the water. Says this has caused a lot of problems with his neighbors and he wants it to be fixed.

Next, Jim Wright is given the floor; property owner of 3300 S. Belsay Road north of Bristol Road in Burton. He says he is in favor of a project. Says it floods 4 properties and fills the ditches back up and wants to get back to the creek and cuts through his garage. He says this would help him and his neighbor across the street that has a lake. The water surrounds his house.

Mr. Jerry Wright speaks about a 1972 basement problem and about excavating low and berms.

Next Eugene Burke of 6204 E. Maple Ave. of Grand Blanc presents some photos. He says he has flooding each spring. He says the catch basin can't take care of the water once it is in the ditch.

Thomas Tate of 4432 S. Vassar Rd. shows a diagram and says it's over grown since they put the subdivision in.

Dale Nelson of 1455 Casto Blvd says he has lived in the area for 50 years and this is a serious issue and needs updated.

Brad Willingham of 5174 Lippincott for 20 years. Says the tiles are too small to handle the water. Water goes through his garage.

Jeff Threat of 5158 Lippincott says the creek won't take care of the water that goes in. Hopes he can get some help.

Frank Ahearn of 5128 Lippincott says he lives next to Mr. Threat and water has ruined his swim pool, furnace, water heater, washer & dryer. There are logs, fallen trees, and culvert tiles need to be removed. Sometimes he has to stay up all night to keep water from coming in. Says something has go to be done.

Holly Bedwell of 1393 Amy Street says the creek runs through the property. Says she has not had any problems with any flooding. Says her neighbor has not seen it overflow in 30 years.

Commissioner Wright talks about doing what is necessary.

Terry Savage (female resident) of 4469 Lapeer Road lots 5 & 6 has been there for 29 years. Says every time it is widened they lose property. Spraying killed everything. She says the creek never jumped the bank there.

Ann Fisher of 1204 Arrowhead Drive talks about loosing 2 walls in the basement and would like us to do whatever we can do.

Then she and Commissioner Wright talk about a pumping station.

Then Ann Fisher then talks more about flooding.

Larry Petrella of 1081 Howe Road was called on to speak next. He wonders about the assessment and if they (the board members) have seen the area.

Jim Jacques explains that they have no vested interest and are only there to determine if there is a necessity or not.

Mr. Petrella asks again about the cost.

Jim Jacques says that the board has no idea about that.

Jeff Wright says we don't know yet. He explains that we need to know if it is determined necessary, and then we will take the next steps to find out what needs to be done and how much it will cost and there will be another meeting to talk about the amount at that time.

Mr. Petrella wonders if they will get a letter.

Jim Jacques says if it is determined necessary, another notice will be sent.

Mr. Petrella wants the next meeting moved to the evening time so more can attend.

Gary Jackson of 5244 Dortch Dr. is called on to speak next. He didn't respond.

John Davis of 1514 Alcona Dr. at Lippincott says he has lived there for 15 years talks about land development causing problems and clear cutting, and 2 feet of rain. He says his house flooded. He has many ideas of how to correct the problem and who should be responsible for this.

Then there is a discussion with Commissioner Wright about ponds or basins, DEQ, development, and snow.

Doug Berlin of 6317 E. Maple Rd., Grand Blanc comments about the part that was cleaned and being assessed again.

Commissioner Wright tells him that was a tributary to Gilkey Creek was petitioned for and determined necessary several years ago. And yes, if this project is also deemed necessary there would be another assessment.

Doug Berlin says he blames Grand Blanc Township for letting some one build a house over this tributary (and other construction projects) which is causing everyone's problems and it's just not right.

Jeff Nelson of 1439 Roat Ct. says his property floods but not his house. He says his neighbor's houses flood and probably needs to have something done. He says a lot of other states have impact taxes for new developments, upgrading schools, etc. He thinks that maybe the whole state needs to adapt. Schools are less than adequate sometimes. Our drainage is less than adequate sometimes as well. He believes that the Drain Commission and cities and everybody needs to bring on an impact tax for new construction and new families coming into the school. If that detours new people from building in the area, then it also leaves more for our kids and our families and more space for our water to go away as well.

Commissioner Jeff Wright says he does agree with the impact of that, that is why he has implemented something similar for sewer and water. The only way to change that is to take it to your state legislatures and tell them that is what you want and have them formulate legislature and that too will be challenged in court and hopefully the judges will rule in favor of our case.

Jeff Nelson says that through out the years the water in the subdivision has gotten higher. Some years the 100-year flood has come in and has got very deep, but more so on an average through out the last 3-4 years, each year it comes up high. Years before that it would be maybe every 10 years.

Michael Slattery of 6306 Wagner does not want a project to be done. He wants to say that if anything is done that it be done at the right properties. He does not have a problem where he is. He does not want to pay for this, but realizes that everyone would be charged for this. Wants to know if everything needs to be tore up to correct this and will be sure that this will solve the problem.

Commissioner Jeff Wright says that this part of the state at the turn of the century was basically a wetland or a swamp. The drainage system that we have is what is keeping us from flooding. We could design a system to take a hundred year rain, which is a huge drain and be very costly and then Mother Nature could give us a 200-year rain. So it is impossible to say we can build a system that would give you 100 percent protection from every type of rain that could ever happen. All we can do is build a system that would handle the normal rain that these people have had.

Marjorie Marsh lives on the end of Gilkey Creek. They area on the north side of Maple just east of Wakefield. They have about 6 acres there and the Gilkey Creek crosses their property twice. She says there is debris in the ditch along with fallen trees. It never overflows or threatens to. She says she sympathizes with the people who are having problems. They had a sump pump failure last summer and a big mess. She wonders that if it was cleaned out what would happen to the dirt and debris removed? She has some suggestions to correct the problem. She is concerned about an assessment.

Commissioner Jeff Wright explains how the formula for assessments works and about the apportionment hearings.

Marjorie Marsh says they do not have a problem with water where they are.

Chairman Jim Jacques as far as the dirt and debris, that is included in the contract.

Marjorie Marsh says they cleaned the ditch about 30 years ago.

Garan Geror (has photos) of 1496 Calvin has been there for two years. He says he was told that it doesn't flood- but it does. Basically it sounds like GCDC does a great job of cleaning up the creek everywhere else, but the Roat Court area is really bad. That really needs a lot of attention over there. Basically what happens is that it becomes a dam and all the water floods into his yard. Alcona, Lippincott, down to Lapeer Road and his house becomes an island. Can't leave the house without walking through knee-deep water. It flooded twice last year but it hasn't flooded yet this year. Says he does not have flood insurance and has to pay for all the damages and clean up himself. He says that area really needs to be looked at.

Lewis Pascal of 1353 Alcona Drive (calls it Alcona Lake) has had 4 floods of 4" from the floor joists, that's 7 1/2 feet and basement is full. He says the expressway is a 20-foot high dam. They took out a creek that used go down Court Street and into Kearsley Creek. All the water comes down Genesee Road. He says that Roat Court, Alcona, and Lippincott down to Lapeer road floods. Lapeer Heights subdivision's water also floods them. When the water gets higher in Gilkey Creek than the drains for the sump pumps, the corner of Alcona and Roscommon is the lowest point in Lapeer Manor. Then you go down to the school on Genesee Road, which fills up. In his opinion, the water comes down Lippincott pretty fast. But, once it gets under Genesee Road or it gets high there something is keeping it from going through. He said he has been through all four floods. A neighbor's wall collapsed when he pumped the water out of his basement. It cost \$1,000.00 to clean up after a flood. Each time it is mandatory to put in a new water heater, wall plugs, breakers, etc. He has photos.

Walt Feather of 3472 Dallas St. since 1955 almost 50 years has and 3 floods. He is higher. He has photos. Gilkey crosses under Bristol Road 6' deep and 5' wide. North of there needs to be cleaned out. The ditch is about 6' deep until get down to Bellingham Court, which they repaved about 8 or 10 years ago. They put a new tile in about 58", which is not big enough. The other side of that where the water crosses Bristol Road, that tile is about 68" deep. The sides restrict the water flow. Basically, the water starts backing up there. It backs up into Bristol Road and all the houses in that area. It's the tiles that cannot handle most of the water. There are older people who can't take care of it and it needs to be taken care of.

Carol and Michael McCarty of 1466 Alcona bought in 1999 and it was certified that it was not in flood zone. They have had 2 major floods. They are a couple streets away from Gilkey Creek. The water comes across the road and into the back yard and into the basement windows. It does get bad. They say there is a problem. Because they aren't in a flood zone, they couldn't get flood insurance. They had to pay for damages themselves. The south side of their house is still covered with sand bags. Last year they got 20 some sand bags. They have

asked if they could fill that area in but were told they couldn't because of some regulations with the DEQ.

Next Bill Denam of 5091 Wakefield was called on to speak next but no one answered.

Leo Funsch of 4400 S. Vassar Rd. He says the main part of the ditch starts at his property. The last time the ditch was cleaned out, the spoil was put on the bank and he has a swim pool every spring. He agrees that the problem is the tiles. The Elks Club is across the street from him. They get a run off and get a lake there. Then, it runs onto his property. Wants to be sure that only what needs to be done is done.

Jim Jacques reads the letters of concern that came about this drain. These letters are a permanent part of the drain file at Genesee County Drain Commissioners Office.

Steve Violette of 1365 S. Genesee Road talks about dead trees hanging around.

There are some questions about going through a lot of peoples back yards. Commissioner Wright says could be considered -needs only.

After hearing testimony of these residents Larry Foster made a motion that this project was deemed necessary.

Scott Streeter supported this motion.

The vote was all ayes.

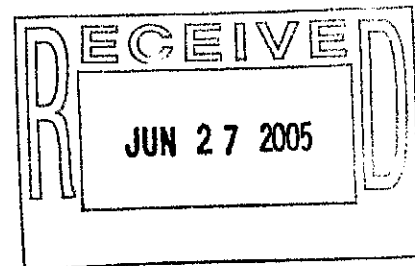
Meeting adjourned.

Catherine Faulkner
6106 E. Bristol Rd
Burton, MI 48519
(810) 743-5870

MY name is Catherine Faulkner. I reside at 6106 E Bristol road in Burton. I have lived at this address for over 45 years. In that period of time Gilkey creek has over run its banks and flooded my home and yard numerous times. The culvert on Gilkey creek that runs under Bristol road is inadequate to handle the volume of water and is in a state disrepair. This area of Gilkey creek has only been dredged ounce. I believe the creek needs to be deepened and a new culvert installed that will not impede the flow of water, similar to the culvert installed on Atherton road. Between Bristol and Atherton road there is also a private residence that has installed culverts that also impedes the flow of water, and should also have a larger culvert. Enclosed are photos of the creek.

Sincerely,

Catherine Faulkner





6-20-05

To Whom it May Concern:

I am protesting of any cleaning,
deepening, widening or extending of
#0017 Hilkey Creek drain.

I am the home owner of 1085
La Salle Ave, Burton, MI 48509

also lots # 59-13-502-035

Packard Ave, 48509

59-13-502-058

Packard Ave, 48509

Sue Nichols

1085 La Salle Ave.

Burton, MI 48509

Dear Sir

6-18-05

I am returning the original letter and envelope
and have made a copy of both items.

I am presenting the special assessment.

Thank you
Mrs Dorothy Schenck
16383 E. Bristol Rd
Burton, Mi, 48519

RECEIVED
JUN 20 2005

STATE OF MICHIGAN
GENESEE COUNTY DRAIN COMMISSIONER

Jeffrey Wright, Drain Commissioner
4608 Beecher Road
Flint, MI 48532
810/732-1590

IN THE MATTER OF:

Genesee County Drain
0017 GILKEY CREEK
CITY OF BURTON, GRAND BLANC, ATLAS, AND DAVISON
TOWNSHIPS
Genesee County Michigan

NOTICE OF MEETING OF BOARD OF DETERMINATION

Notice is hereby given that the Board of Determination, composed of, Scott Streeter, Larry Foster, and James Jacques, will meet on June 21, 2005 at 2:00 P.M. at Atherton Community High School, 3354 S. Genesee Rd., Burton, Michigan 48519, to hear all interested persons and to determine whether the # 0017 Gilkey Creek Drain as prayed for in the petition to CLEANING, DEEPENING, WIDENING, EXTENDING dated September 3, 2004 is necessary and conducive to the public health, convenience or welfare, in accordance with Section 72 of Chapter IV of Act #40, P.A. 1956.

The Drain Code (Act 40 of the Public Acts of Michigan, 1956, as amended) provides that any person feeling aggrieved by the determination of the Board of Determination may institute an action in the Genesee County Circuit Court for a determination of necessity, which action must be filed within 10 days after the determination of necessity or no necessity by the Board of Determination. If the drain project prayed for in the petition is determined to be necessary and conducive to the public health, convenience or welfare, a special assessment may be levied against properties that benefit from the drain project. An owner of or party in interest in property to be assessed, or his or her agent, may appear in person to protest the special assessment, or may protest the special assessment by letter filed with the Genesee County Drain Commissioner on or prior to the date of the hearing, in which case personal appearance is not required.

Jeffrey Wright,
Genesee County Drain Commissioner

Cynthia Engelmann
4090 Lapeer F.d.
Burton, MI 48509

6-14-5

Dear Bd / Det -

I want this done. I need it bad.

My yard is very wet, my pump pump works overtime. Please fix the drain. I'm out of town
bid ddi so here's my vote, Dave Ribarik saw my
yard. It's WET! Help! Thank, Cynthia J Engelmann!

JUNE 14, 05

JEFFREY WRIGHT, DRAIN COMMISSIONER.

THIS IS TO PROTEST THE LETTER ON #0017 GILKEY CREEK PROJECT, SLATED FOR SEPT 3, I FEEL THAT I'VE ALREADY LOST 90 FT OF FRONTAGE DUE TO GILKEY CREEK, THIS AREA IS LOST BECAUSE IT DIVIDES MY PROPERTY. AND I HAVE NO PROPER MEANS OF GETTING ACROSS, THE CREEK.

I'M IN FAVOR OF CLEANING UP THE CREEK THAT IS NEEDED. BUT LOSING MORE LAND ON THIS PROJECT IS NOT IN MY BEST INTEREST.

THE APPEARANCE OF THE CREEK IS TERRIBLE. I FEEL THE CITY SHOULD CLEAN IT UP.

John Baranulla
16023 BELLINGHAM CT
BURTON MI 48519
PHON 810-715-4454

RECEIVED
JUN 15 2005

GENESEE COUNTY DRAIN COMMISSIONER

G-4608 BEECHER ROAD
 FLINT, MI 48532
 (810) 732-1590
 FAX (810) 732-1474

DATE: June 21, 2005

DRAIN NAME: # 0017 Gilkey Creek

Page 1

ATTENDANCE LIST

NAME	ADDRESS	PROPERTY #
R. Medischer	1004 Arrowhead	
Larry Petrella	1081 Howe Rd	
Mary Jordan	5244 Portch Dr	
Sharon Young	4138 Lapan Rd.	
Michael F. Holt	6306 Wagner	
Sue Nichols	1085 LaSalle Ave.	
Bill Dineen	5091 Wakefield	
Jeff Nelson	1439 Coat Ct	
Doug Berlin	6371 E MARE RD	
Jeff Beacall	6023 BELLINGHAM CT	
Carol Lanester	3080 S. Belsay Rd.	
Andrew W. Allcott	6141 BELLINGHAM CT	

GENESEE COUNTY DRAIN COMMISSIONER

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ATTENDANCE LIST

page 2

NAME	ADDRESS	PROPERTY #
Jim Wright	3300 S. Belsay Rd	
Jandra Congdon	3276 S. Belsay Rd	
Sharon A. Violette	1365 S. Genesee Rd.	
Wm BRACKETT	1389 S. GENESEE	59-17-554018
Brian Tongan	4244 Pratt Ave.	
Pauline Dangel	mail Box 74 Davison, Y8423	
Living Shaden	5339 E. Atherton	48519
Sara & Charles Jovic	1449 Road Ct.	
Ken & Pam Wood	4450 Maple Leaf Grand Blanc	48439
Don & Marjorie Marsh	6287 E. Maple Gap Dr. B.	48439
BOB WILFRANG	6319 E. MAPLE GRAND BLANC MI	48439
Wesley L. Hawks	1203 Arrowhead Burton	48589

GENESEE COUNTY DRAIN COMMISSIONER

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DATE: *June 21, 2005*

DRAIN NAME: # *0017 Gilkey Creek*

ATTENDANCE LIST

page 3

NAME	ADDRESS	PROPERTY #
<i>ROU BASSHAM</i>	<i>4173 HAZEL</i>	
<i>Holly Bedwell</i>	<i>1393 Amy St. Burton</i>	
<i>Frank Mearm</i>	<i>5128 LIPPINCOTT</i>	
<i>LEONARD GOOD</i>	<i>3325 Eastgate</i>	
<i>WARD L. FEATHER</i>	<i>3472 DALLAS ST,</i>	
<i>THOMAS ESTATE</i>	<i>4432 VASSAR RD,</i>	
<i>LEONOR R BUENO</i>	<i>6204 E. MARCO AVE</i> <i>G-15.</i>	
<i>Lena Chintyan</i>	<i>1382 Amy St.</i>	
<i>Lewis Pascal</i>	<i>1753 ALCONA</i>	
<i>DALE PRION</i>	<i>1476 TRANSUE</i>	
<i>Cheryl Good</i>	<i>3325 Eastgate</i>	
<i>Shirley Smith</i>	<i>1088 Sunnydale</i>	

GENESEE COUNTY DRAIN COMMISSIONER

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DATE: *June 21, 2005*

DRAIN NAME: # 0017 *Gilkey Creek*

ATTENDANCE LIST

page 4

NAME	ADDRESS	PROPERTY #
<i>Ken Blue</i>	<i>3196 S Belsay</i>	
<i>Gary Besay</i>	<i>5054 Lapeer Rd</i>	
* <i>Bruce Arndt</i>	<i>3204 S. Belsay Rd.</i>	
<i>John A Davis</i>	<i>1517 ALCONA Dr</i>	
<i>Goran Geror</i>	<i>1496 Calvin dr.</i>	
<i>TRISHA Stebbins</i>	<i>1496 Calvin dr.</i>	
<i>DAVID WINDWICK</i>	<i>Apt Van Furniture</i>	
<i>JEFF HUBBY</i>	<i>5158 LIPPINCOTT</i>	
<i>Brad Willingham</i>	<i>5174 LIPPINCOTT</i>	
<i>B. Babbitt</i>	<i>3135 S. Belsay</i>	
<i>J. Smith</i>	<i>1088 Pannydele</i>	
<i>Terri Swage</i>	<i>4469 Lapeer Rd</i>	

kwf.sis.ddi

* Send 11X17 MAP

GENESEE COUNTY DRAIN COMMISSIONER

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DATE: June 21, 2005

DRAIN NAME: # 0017 Gilkey Creek

ATTENDANCE LIST

page 5

NAME	ADDRESS	PROPERTY #
Dale Nelson	1455 Casto Blvd	
William P. Fox	6820 Maple	
STEVE VIOLETTE	1365 S. GENESEE	
Olinda Funack	4400 Vassar Rd	
Geo Funack	4400 Vassar Rd.	
Jerry Alley	1241 S Genesee	
Yaciel Cebal	1254 Arrowhead Ar	
Nancy Burns	4032 Dallas St, Burton	
JOHN FLINT	4402 PRATT AVE.	
RANDALL KIC PATRICK CAROL	4067 DALLAS ST,	
Michael McCarty	1766 Alcona	
Jason Hagemester	3224 S. Belsay Rd.	

ATTENDANCE LIST PAGE 6

DATE: June 21, 2005

DRAIN: Gilkey Creek DRAIN #0017

NAME	ADDRESS	PROPERTY #
Charles Abbey	4260 Meadows Ave.	Gr. Plan. 48439