Volume 26, No. 4 | Winter 2017

# PIPELINE

MICHIGAN ASSOCIATION OF COUNTY DRAIN COMMISSIONERS

*MANAGING MICHIGAN'S WATER RESOURCES SINCE 1899*

## LOFTY GOALS

*Tackling Water Quality, Economic Development and the Red Cedar River*

## ALSO

*House Bill 4286 Bill Signing*

*Drainage Inquiries and Issues*

*District Meeting News*

## PLUS...

## 2018 WINTER CONFERENCE PREVIEW

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# PRESIDENT'S MESSAGE

**DAVID THOMPSON**
Monroe County Drain Commissioner

Hello all,

As the weather begins to turn and we brace for the uncertainty of another Michigan winter, I would like to take the opportunity to draw your attention to a recent change in policy by the USDA Farm Service Agency (FSA) on an important water quality protection tool that Drain Commissioners and landowners have used for many years around the State.

Certain landowners who install filter strips on cropland adjacent and parallel to streams, wetlands, and permanent bodies of water are eligible to receive a Habitat Incentive Payment (HIP), in addition to other federal compensation, under the Conservation Reserve Program (CRP). In the past, landowners who installed filter strips on cropland adjacent to agricultural ditches, including many county drains, were eligible to receive CRP benefits as well. However, recent FSA interpretation of "stream, wetland, or permanent body of water" has excluded "man-made" watercourses, making many filter strips ineligible for CRP benefits.

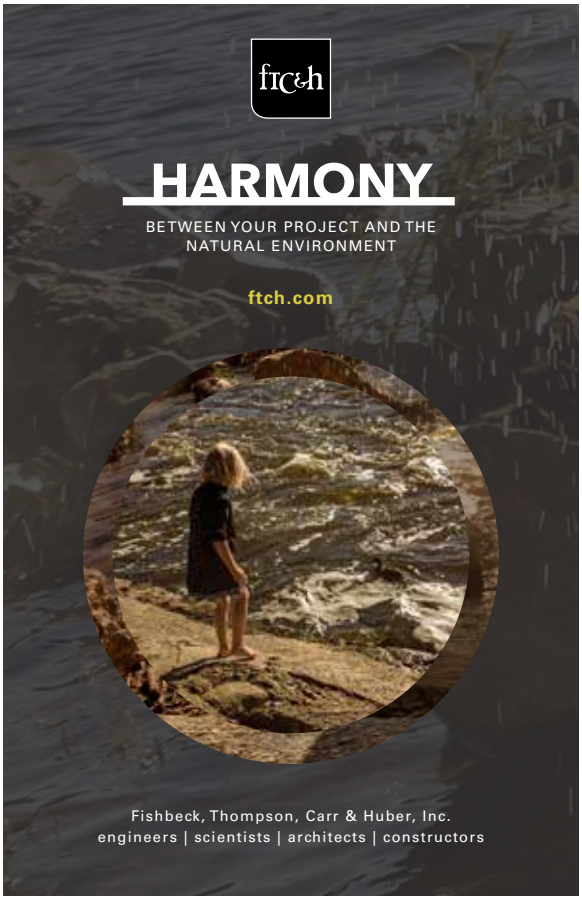
This change in policy has the potential to negatively affect Drain Commissioners and landowners throughout the state. In 2014, 8,279 landowners received $20,416,018.00 in CRP benefits. Of the total 176,050 acres enrolled in CRP statewide, 44,514 were filter strip acreage. In other words, more than 25% of CRP acreage in the state of Michigan was dedicated to filter strips in 2014.

As you know, filter strips help to filter runoff, improve water quality, and enhance wildlife habitat. Without CRP funding, we are sure to see a decline in filter strip installation—and less filter strips in Michigan means fewer water quality benefits. Therefore, MACDC is currently drafting a letter in opposition to the recent policy change, encouraging our elected officials to work toward the restored eligibility of this valuable water quality protection tool. As an association, we must work to ensure that the implementation of best management practices and other conservation practices are rewarded under programs like CRP.

For more information on this issue, please contact your local FSA office or your County Farm Bureau staff.

All the very best,

David



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# Michigan Association of County Drain Commissioners

## 119th Annual Winter Conference

# SCHEDULE AT A GLANCE

| | | |
|---|---|---|
| **Tuesday** Feb. 13, 2018 | | |
| | 1:30 – 3:30 PM | Legislative Meeting |
| | 3:30 – 5:30 PM | Board Meeting |
| | 12:00 – 6:00 PM | Exhibitor Set-up |
| **Wednesday** February 14, 2018 | *Dinner Included* | |
| | 8:00 AM – 2:00 PM | Exhibitor Set-up |
| | 10:00 AM | Registration Opens |
| | 12:00 – 1:00 PM | Lunch on your own |
| | 1:00 – 1:15 PM | Call to Order and Welcome |
| | 1:15 – 5:00 PM | Educational Sessions |
| | 3:00 – 8:30 PM | Exhibit Area Open |
| | 6:00 – 7:00 PM | Reception |
| | 7:00 – 8:30 PM | Strolling Dinner / View Exhibits |
| **Thursday** February 15, 2018 | *Breakfast, Lunch & Dinner Included* | |
| | 7:30 – 9:00 AM | Breakfast |
| | 8:30 AM – 3:45 PM | Exhibit Area Open |
| | 9:15 AM – 12:15 PM | Educational Sessions |
| | 12:15 – 2:15 PM | Lunch / MACDC Awards Program |
| | 2:15 PM – 4:45 PM | Educational Sessions |
| | 4:45 PM | Associate Member Meeting |
| | 6:00 – 7:00 PM | Reception |
| | 7:00 – 8:30 PM | Dinner & Life Member Award Presentation |
| **Friday** Feb. 16, 2018 | *Breakfast Included* | |
| | 7:30 – 9:30 AM | Breakfast |
| | 9:30 – 10:00 AM | MACDC District Meetings |
| | 10:00 – 11:00 AM | Business Meeting / Committee Reports |
| | 11:00 AM | Adjourn |

**Register online at www.macdc.us**

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# Conference Sessions

## Wednesday, February 14

**1:15 - 2: 15 PM** **Keynote Address**

**The Beauty of Urgency**
**Why people thrive or fail when the stakes are highest**

*John Collins, High-Stakes Leadership Consultant & Executive Coach*
***Critical Victories***

**2:15 - 3:00 PM**

**15 Mile Road Sewer Interceptor Collapse and Repair**

*Candice Miller, Macomb County Public Works Commissioner*

**3:30 - 4:15 PM**

**MACDC SESC APA Manual Revisions**

*Amy Berry, Michigan Department of Environmental Quality*

*Jon Morrison, Clinton County Deputy Drain Commissioner*

*Mark Cavanaugh, Hanes Geo Components*

*Larry J. Protasiewicz, P.E., Spicer Group, Inc.*

**4:15 - 5:00 PM**

**Legislative Update**

*Deena Bosworth, Michigan Association of Counties*

*Brian Jonckheere, Livingston County Drain Commissioner*

## Thursday, February 15

**9:15 - 9:45 AM**

**An 'Environmentalist' View of Constructed Wetlands**

*Tom Zimnicki, Michigan Environmental Council*

**9:45 - 10:15 AM**

**Ethics and Conflicts of Interest**

*Joseph W. Colaianne and Doug R. Kelly, Clark Hill, PLC*

**10:15 - 10:45 AM**

**It's Not You, It's Me: Abandoning or Relinquishing Drains under Ch. 17**

*John Brennan, Fahey Schultz Burzych Rhodes PLC*

**11:30 AM - 12:15 PM**

**Understanding the MDEQ Violation and Enforcement Process**

*Susan Doty, Michigan Department of Environmental Quality*

**2:15 - 2:45 PM**

**Bees in the ditch, it's a good thing!**

*Tom Zimnicki and Logan Rowe, Michigan Environmental Council*

**2:45 - 3:15 PM**

**Tablets, Smart Phones and Drains**

*Rich Graham, P.E., and Steve Roznowski, P.E., Spicer Group, Inc.*

**3:45 - 4:15 PM**

**Dealing with Contractors and Construction Issues**

*Brian Cenci, P.E., Eng., Inc.*

**4:15 - 4:45 PM**

**Community Engagement**

*Todd Sneathen, P.E., Hubbell, Roth & Clark, Inc.*

*Steven Korth, P.E., Manager, Oakland County Water Resources*

**Register online at www.macdc.us**

# A RACE TO REMEMBER

*Michelle LaRose, Environmental Projects Manager, Livingston County*

It was a warm, windy day in August. Families and friends gathered to witness what some believed would be an epic moment. The local news predicted 60,000 people would be in attendance, some traveling hundreds of miles. He looked around at the crowd and felt excitement mixed with anxiety. This was his first time racing, and he didn't know what to expect. The months of training would finally pay off....or would they? Suddenly there was no more time to think....the announcer called the racers to the start line. It was about to begin.

The gun went off, and so did the runners. 50 yards out, and 50 yards back. It seemed easy enough. He started out strong, but the lack of visibility and awkwardness of the plastic container just became too much. Wipey gave it his all, and he came in 5th place in the Howell Melon Festival's 4th annual Mascot Dash.

You are probably asking yourself, "Who is Wipey?" Wipey is the new mascot of the Livingston County Drain Commissioner's Office.

WIPEY LINING UP WITH OTHER MASCOTS AS THEY GET READY FOR THE 100-YARD DASH.

## A WIPE ON A MISSION

Wipey's mission is to prevent clogged sewer systems across Livingston County. His goal is to educate people that baby wipes, cleaning wipes, paper towels, and other materials clog pipes and pumps, causing sewer backups and system failures. Although some of these products are labeled as "flushable," they don't break apart after they are flushed as toilet paper does. This has become one of the most significant maintenance issues that we deal with in our systems throughout Livingston County. Whether municipal sewer or septic, wipes result in increased maintenance requirements, greater potential for sewer backups, and consequently higher costs.

PUMP CLOGGED WITH WIPES ON THE LIVINGSTON REGIONAL SEWER SYSTEM.

## ARE YOU ON A MUNICIPAL SEWER SYSTEM?

Since wipes don't disintegrate, they can get stuck when they reach a pump, or they can collect in pipes causing a blockage. Eventually, the wipes build up enough to clog the pumps and pipes, leading to system failures. When these failures occur, the sewage has no way of traveling through the system and can back up into homes.

## ARE YOU ON A SEPTIC SYSTEM?

Wipes have the potential to plug the sewer line between your house and septic tank and build up at the inlet of the septic tank, potentially causing backups into your house. The materials used to make some wipes can also be damaging to the healthy bacteria in your septic system.

## JUST THE BEGINNING...

Wipey made his debut at the Howell Melon Festival in August. He won the People's Choice Award competing against several other mascots, which was based on voting by members of the community. He also participated in the 100-yard Mascot Dash, while his team cheered him on and passed out stickers and tootsie rolls to the children. Wipey gained instant popularity and was approached by both children and adults wanting to meet him and get their photo taken. Since his unveiling in August, Wipey attended a meeting of septage haulers,

visited Township Boards, and made a surprise visit to the MACDC Communications Committee.

Wipey will continue to pursue his mission, making appearances at future events and meetings throughout the County. Please help spread the word, and remember: “Only paper, poo, and pee... don’t flush Wipey.”

THE WIPEY STICKERS THAT WERE PASSED OUT AT THE HOWELL MELON FESTIVAL.

BRIAN JONCKHEERE MAKES AN APPEARANCE IN THE WIPEY COSTUME

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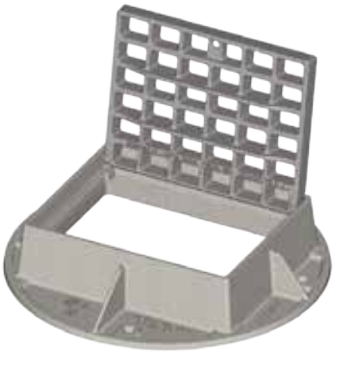

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# HOUSE BILL 4286 SIGNING

*Joe Bush, Water Resources Commissioner, Ottawa County*

REPRESENTATIVE ROGER VICTORY, GOVERNOR SNYDER AND JOE BUSH AT THE SIGNING OF HOUSE BILL 4286

A bill introduced by Rep. Roger Victory to give county drain commissioners more flexibility in their jobs was signed into law by Gov. Rick Snyder Thursday, October 5th.

The bill amends the drain code to allow a local government petition for addition and reduction of land from an original drainage district. The action would provide county drain commissioners more leeway in revising district boundaries.

Under current law, initiation and construction of single county and intercounty drainage districts requires petitions from a percentage of property owners whose land is impacted by a new or existing drain.

"There are thousands of drainage districts throughout the state. Many of them are old and not updated as our community landscapes change. As a result, determining the correct number of property owner signatures and reviewing those deeds takes time and is problematic," said Victory, of Hudsonville. "This is common-sense legislation that makes the job easier for our elected commissioners and ensures that community members will receive fair and accurate drain fees within a reasonable time frame."

When a local government petitions to add or remove land under Victory's bill, a drainage board will notify all individuals whose name appear as owning lands in the drainage district. At a called meeting, the board will determine if the addition or removal is necessary with input from those landowners.

For intercounty systems, the drainage board will be required to communicate with commissioners of counties included in the district as well as an official of the Michigan Department of Agriculture and Rural Development


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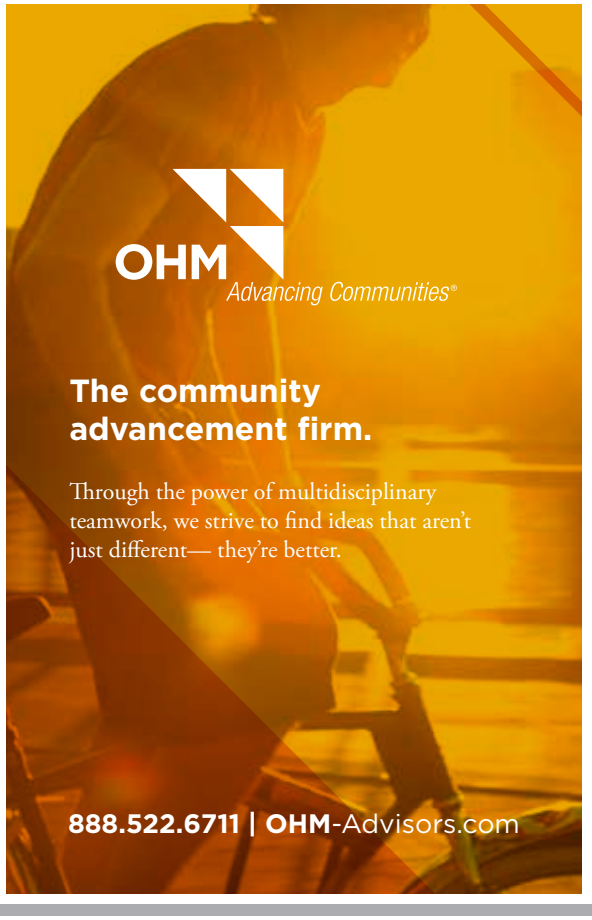
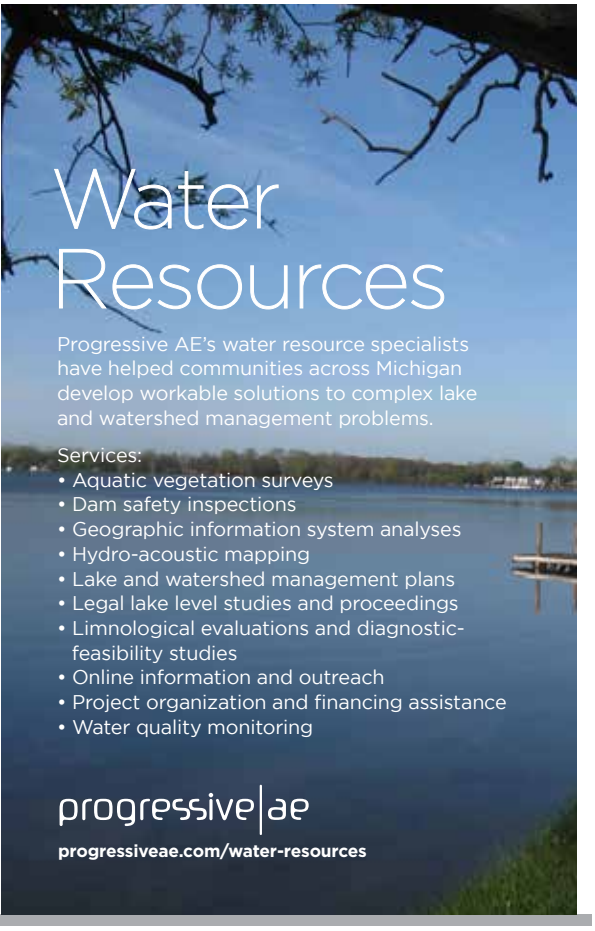


LEFT: 1967 PHOTO OF THE RED CEDAR RIVER TAKEN FROM THE FARM LANE BRIDGE. RIGHT: DISCHARGE OF THE MONTGOMERY DRAIN INTO THE RED CEDAR RIVER.

# LOFTY GOALS? FOR SOME...

## ...BUT NOT INGHAM COUNTY DRAIN COMMISSIONER, PATRICK E. LINDEMANN. HIS LATEST PROJECT TACKLES UNPARALLELED WATER QUALITY STANDARDS, ECONOMIC DEVELOPMENT AND THE RED CEDAR RIVER

*Brian Cenci, P.E., Vice President, Eng, inc.*

### DNR AQUATIC HABITAT GRANT AWARDED TO RESTORE PORTIONS OF THE RED CEDAR RIVER AS PART OF DRAIN COMMISSIONER LINDEMANN'S IMPRESSIVE MONTGOMERY DRAIN PROJECT

In Ingham County, Patrick E. Lindemann has taken on some large drainage issues and challenging problems in his seven terms as Drain Commissioner. Lindemann views all these problems and challenges as opportunities waiting for a solution. He points to several award winning and innovative stormwater projects as proof that with stormwater, no goal is unobtainable. "If we can put a man on the moon and bring him back alive, we should be able to make stormwater run downhill, clean it and not harm anybody in the process."

However, none of his previous projects compare to the scale, complexity and end goals as the planned Montgomery Drain project. This ambitious endeavor will now be bolstered by $427,178 in grant funds from the Michigan Department of Natural Resources Aquatic Habitat Grant (AHG) Program. The funds are earmarked for the Red Cedar River restoration project, which will use a process-based Natural Channel Design (NCD) approach to construct approximately 4,000 feet of a dynamically stable channel in the Red Cedar River. The work is planned to be done in conjunction with Lindemann's Montgomery Drain project, which outlets into the portion of the Red Cedar River to be restored as part of the grant work. The Red Cedar River restoration project will address watershed process, rather than symptoms of ecosystem problems, by constructing and restoring river function to provide a stable river system with sustainable fish and aquatic communities. With the adjacent work for the creation of wetlands, ponds, rain gardens and rain walls on the Montgomery Drain, this will create more than 15 acres of habitat for aquatic and terrestrial species. This project will also restore stream process for the Red Cedar River in a highly visible and accessable area, while work on the Montgomery Drain project takes place to clean stormwater into the river. The Montgomery Drain is a nearly 300-acre tributary

PROPOSED MONTGOMERY DRAIN STORMWATER TREATMENT SYSTEMS WITH THE PLANNED RED CEDAR RENAISSANCE DEVELOPMENT.

of the Red Cedar River that is approximately 80% impervious and outlets into the river with twin 60-inch diameter pipes.

The Aquatic Habitat Grant project will focus on a stretch of the Red Cedar River from Michigan State University's Brody complex west to the Kalamazoo Street Bridge. The river in this stretch is owned by Michigan State University on the south side and on the north side is a City of Lansing park. A geomorphic assessment will be conducted and NCD used to stabilize stream bank erosion, restore ideal fluvial function, and enhance aquatic habitat in the proposed project area of the Red Cedar River. The project will be used to demonstrate and promote innovative stream restoration practices for urban systems. Ancillary benefits will include enhancement of the stream corridor habitat, connection with habitat improvements and passive recreation activities of the Montgomery Drain project, as well as reconnection of dimensions, patterns and profile of the River. The project will also connect the Lansing River Trail and park system with Michigan State University as well as being adjacent to four different municipalities/governing bodies and park systems (City of Lansing, City of East Lansing, Michigan State University and Lansing Township) and along Michigan Avenue, the gateway to the capital.

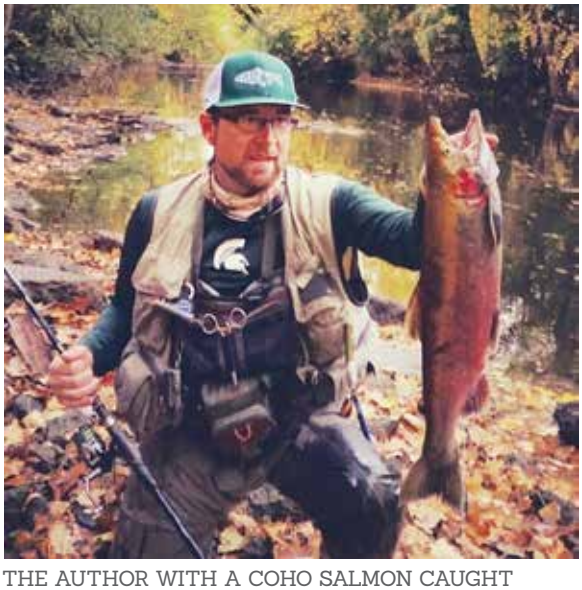
Currently, private development is planned for portions of the City of Lansing Park that were approved by voters of the City to be sold in 2011. The remaining portion of the City-owned property, which is also the location of the now closed 9 hole City-owned Red Cedar Golf Course, is under drain easements for the Montgomery Drain project. The Drain project on this old golf course will have open water treatment ponds, constructed wetlands and open streams adjacent to the Red Cedar River. The Montgomery Drain is a Chapter 20 Drain, and this project was petitioned by both the City of Lansing and Ingham County in 2014.

As set forth above, the guiding principle of the restoration work on this stretch of the Red Cedar River will be to use NCD methods to address the functionality of the river to restore fisheries habitat. NCD is an idea that is beginning to take hold in Michigan, as Drain Commissioners, engineers and regulatory agencies realize that responsible design must look beyond just the volume of water in our drain systems. NCD looks at restoring the dimensions, profile and patterns of a distressed river system by mimicking a natural, stable river. Patrick Ertel, Senior Resource Analyst for the DNR Fisheries Division Habitat Management Unit (member of the Grant Review Scoring Committee), is excited about the project and its use of NCD. "This project stood out because it really showcases the importance of making sure the physics of how rivers function

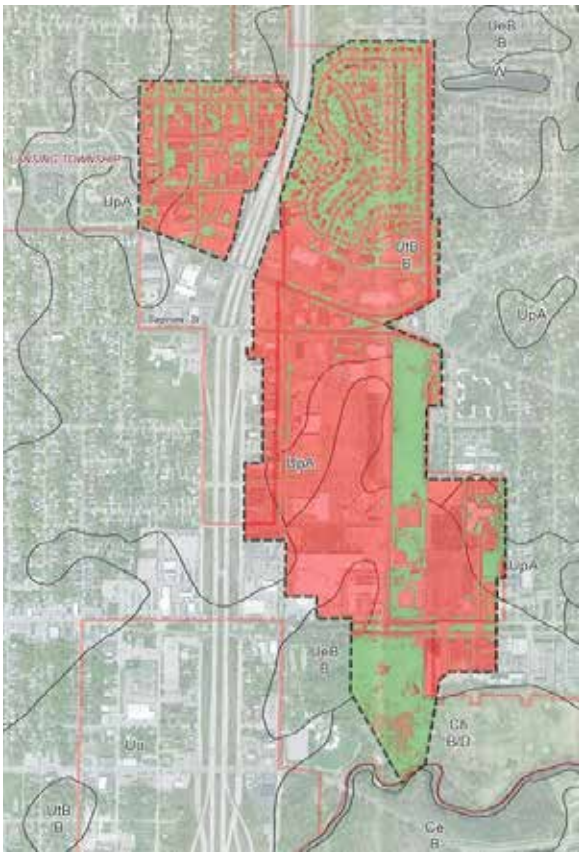
remain at the forefront of habitat restoration." The end goal for the Red Cedar River restoration project is to restore the stability of the river in this area, which will be measured by its ability, over time, to maintain its pattern, dimension and profile so that the river is not aggrading or degrading and is able to transport the flow and sediment from the upstream watershed while still providing enhancement of the aquatic habitat.

Reflecting upon the competition for the Aquatic Habitat Grant and his vision for this project, Lindemann remarks, "Ours was one of only five projects chosen to receive funds from this competitive program with close to 50 initial entries," Lindemann said. "We are delighted that our project has been selected and are looking forward to restoring habitat in this stretch of the river. When the project is complete, there will be tremendous fishing opportunities and passive recreational activities on this site that will enrich our community and tie in Michigan State University with our Capital City of Lansing."

Fishing in this part of the Red Cedar River is a promising upside to the project and something that was, until recently, not allowed on the campus of Michigan State University. However, in 2012 the fishing ban on MSU's campus was lifted, and promoting this stretch of the river for fishing is a great opportunity to those at MSU and the surrounding community. This stretch of the River during spawning periods is known for having breeding beds of Coho salmon and steelhead, which should increase considerably after the Red Cedar River restoration work and Montgomery Drain project are completed.



THE AUTHOR WITH A COHO SALMON CAUGHT FROM THE RED CEDAR IN THE SECTION WHERE THE AHG WORK WILL BE TAKING PLACE.




CURRENT SERVICE AREA OF THE MONTGOMERY DRAIN SHOWING PERCENT IMPERVIOUSNESS (RED) VS. PERVIOUSNESS (GREEN)

Lindemann has been thinking about this project since 1995 and collecting data since 2000 on the Montgomery Drain. He's also looked at how the Montgomery Drain compares with all of his County Drains that discharge to the Red Cedar River. This data collection and research effort has shown Lindemann that cleaning up the Montgomery Drain's stormwater will not be easy. In fact, the greater catalyst behind the Drain project is not flooding of properties (which does occur), or an aging pipe infrastructure in need of modern upgrades (of which there are many) but more based on the poor water quality of the Drain. Lindemann has teamed with Mid-MEAC and Clean Water Action to compile over a decade worth of water quality testing data that has found the Montgomery Drain discharge to contain metals (cadmium, zinc, lead, copper), hydrocarbons, carcinogenic organic compounds, suspended solids, nitrogen, phosphorous, BOD, CBOD, cyanide and chloride, to name just a few that were all observed above EPA, DEQ or USGS allowable water quality standards. Because of this, he's been on record of stating that the Montgomery Drain is the most polluted discharge to the Red Cedar River of

CURRENT DEBRIS PILES AND LOG JAMS IN AHG STRETCH OF THE RED CEDAR RIVER

all drains that outlet to it in Ingham County. His goal is to change that and take the Montgomery Drain from worst to first on that list of discharges.

How does he plan to do this? By setting a goal that 96% of all rainfall events will have their stormwater cleaned and treated. In accordance with federal regulations, Drain Commissioner Lindemann has a project plan to clean stormwater runoff from this highly urbanized and highly impervious drainage district before it reaches the River. Lindemann plans to put this to the test and has already worked with the UAW and other organizations to look at stocking fish and promote fishing opportunities in some of the planned stormwater ponds for the Montgomery Drain. Elements of low-impact design (LID) are planned throughout the watershed of the Montgomery Drain so that the stormwater can be treated "at the source." This idea was actually supported by several landowners of the primarily commercial landscape that makes up a large portion of the Drain's service area. Many businesses signed easements to retrofit areas for bioretention, rain gardens, and low-impact green infrastructure into their sites and parking lots to treat stormwater runoff prior to sending it to one of the two large stormwater treatment areas: the City park near the Red Cedar River and the north end of the City-owned Ranney Park. Other areas of the project also include the same types of "green" stormwater design, with planned rain gardens along the median of Michigan Avenue in portions of both the City of East Lansing and City of Lansing, from US 127 to near Harrison Road.

Adding to the mix of the Drain and River projects is a terrific opportunity for not just local, but regional economic development on the same City property in the location of the Drain and river restoration work. Progress continues on the Red Cedar Renaissance development project, which is being led by Lansing-based developer Joel Ferguson and Columbus-based Frank Kass, CEO of the nationally renowned Continental Real Estate.

"We are pleased to work with Drain Commissioner Lindemann as he begins to re-shape the landscape of the former Red Cedar Golf Course to accommodate beautiful stormwater systems that provide cleaner water for the river. We are also pleased to hear about

BIRDS-EYE VIEW RENDERING OF THE MONTGOMERY DRAIN STORMWATER FEATURES ON RANNEY PARK.

the grant and the tremendous opportunities that lay ahead for fishing and interaction with the river's natural beauty. We will soon begin construction of a village-style development that provides a walkable, bikeable, and economically vibrant community for all to enjoy," says Ferguson.

Ertel also felt this was a great opportunity with Lindemann's Montgomery Drain water quality improvement project and the Red Cedar Renaissance development planned near the same location as the river restoration work. "The vast scope of the overall project and work is impressive, both in the Red Cedar, Montgomery Drain and the work to improve stormwater management and water quality were all shining points of this proposal, not to mention the potential visibility of this type of work right on campus and in a major metropolitan area. Tying the work together is a perfect demonstration that to properly restore a river's ecosystem, there are so many underlying factors that need to be addressed. This effort addresses them all."

## IT TAKES A VILLAGE TO BUILD DRAIN

Just as the African proverb "It takes a village to raise a child" would imply, no one person can raise a child and no one person can make something like the Red Cedar River restoration project or Montgomery Drain project come to light. Lindemann believes the best way to solve these difficult challenges is to assemble the most talented individuals, regardless of their employers, who are the best at various aspects of a drain project.

Heading up the design work for Lindemann's Red Cedar River Aquatic Habitat Grant Project are Michigan natives Michael Geenen, P.E., of Green Watershed Restoration, LLC, of Boulder, Colorado and Brian Cenci, P.E., from Eng., Inc. headquartered in Lansing, Michigan. Both are also currently working on another Aquatic Habitat Grant project together on a portion of the Battle Creek River, south of Charlotte, for the Battle Creek River Intercounty Drain Drainage Board.

Tim Inman, P.E., P.S., manages the East Lansing office for Spicer Group, Inc. and leads the design team along with Cenci of Eng. Overseeing much of the day-to-day operations of the project for Lindemann is long-time Deputy Drain Commissioner Paul Pratt.

For the most part, the Red Cedar River is like many urbanized rivers, overly wide, steep banks with shallow base flow spread out over a longer cross-section of the riverbed. When rainfall events occur within the watershed, the urbanized areas shed rainfall off quickly into the River, raising the depth of water in the river and increasing velocities and sheer stresses along the banks, causing erosion and sedimentation. Changes using NCD likely mean narrowing the river channel's cross section and providing a "bankfull width" that is appropriate for accessing adjacent floodplain for certain rainfall frequencies, while not negatively impacting or harming other properties with changes in the floodplain. Restoration of a stable channel geomorphology will achieve higher sustained velocities that will create good bed form diversity. Additionally, in-stream structures will provide aquatic habitat and riffles will be created for grade control, but will re-introduce cobble and gravel, which are important spawning habitat for some fish species.

THE PLANNED ROCK AND VEGETATED RAIN WALL IN RANNEY PARK

Lindemann will use the next several months to begin the planning and design discussions with his engineers, Michigan State University and the City of Lansing. These projects are aided by a $1,537,000 SAW Grant received on the Montgomery Drain. Lindemann is eager to get started and work with the owners, "Too often we address one issue or problem with a stormwater project; here's a chance to address it all and we get to make it happen with our talented team and the great minds at Michigan State and the City of Lansing." Ertel echoes his enthusiasm, "Talk about opportunity. Whew. This site provides a demonstration right at the fingertips of so many influential people in Michigan, from elected officials, academic research and monitoring, students, even the people simply out for a stroll in the future park. This is all there for them to enjoy."

## ART IN THE WILD

A minimum of six measures must be met under

PLANNED FLORAL CLOCK AS PART OF ART IN THE WILD TIE-IN WITH DRAIN PROJECT AND AHG FOR PHASE II EDUCATION AND AWARENESS

Phase 2 of the Federal Clean Water Act, including public involvement and public education. Lindemann explains he is required to educate citizens about their role in protecting water quality. He plans to have interpretive and educational signage along portions of the project to do this. However, how could he get a wider segment of the population to engage with this project? To address this, Lindemann and his wife, Dr. Melody Angel, developed the idea to place art throughout the parks and at various public features of the Montgomery Drain stormwater project, with sculptures, murals, outdoor paintings, etc., some with environmental themes. This idea will involve a non-profit organization called Art in the Wild. "Art in the Wild is a private initiative under the auspices of the Mid-Michigan Environmental Action Council," Lindemann said. "No taxpayer dollars will be used to buy the sculptures or other works of art. We've been raising money for this exciting idea and are well on our way to making this idea a reality. We're pleased that some area businesses, including Marshall Music and Medawar Jewelers, have already expressed interest in partnering with Art in the Wild to bring art and live music to our community. Momentum is building and we think that the sky is the limit for Art in the Wild."

All parties anticipate that construction on the grant work for the Red Cedar River, the Red Cedar Renaissance development and Montgomery Drain project should begin in 2018 and will likely take two years to complete.

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# DRAINAGE INQUIRIES AND ISSUES: WHAT IS A COUNTY DRAIN/WATER RESOURCES COMMISSIONER TO DO?

*Jon Morrison, Deputy Drain Commissioner, Clinton County*

In my tenure at the Clinton County Drain Commissioner's Office (dating back to 2000), it has become clear that many look to the County Drain/ Water Resources Commissioner's Office as the go-to drainage expert. In my conversations with other commissioners and their staff, it appears that this is also the case for a number of other counties.

These may include a variety of individuals and entities from other governmental agencies, engineers/developers, realtors, potential land/ home purchasers, and of course property owners with questions regarding drainage or who are experiencing some type of drainage issue. Even when these persons do not immediately seek out the commissioner's office, they routinely are encouraged to do so by municipalities, road commissions, county boards of commissioners, friends/neighbors, etc.

For a fair portion of these inquiries, the situation is isolated from an established county drain although many times within an established drainage district. So what are Commissioner's Offices to do?

1. Can always say, "Sorry, but it's not really the office's place to offer direction due to lack of legal jurisdiction."
2. Can share available factual information along with insight on how this information might be utilized for the situation.
    - Maybe there is a county drain not too far away. If so, it could provide options to help address the drainage issues. Point out that proximity to a drain likely means future assessments on the property.
    - Point out any other established drainage features nearby such as a roadside ditch, MDOT ROW, or an existing water feature. These may be utilized for drainage, but also represent potential sensitive areas.
    - Indicate the distinction between private drainage rights and county drain operation and explain that there is applicable law for private drainage that does not fall under a Commissioner's jurisdiction. This is the realm of attorneys and judges. (Maybe provide them with a pamphlet or handout regarding private drainage from a trusted source).
    - If inquiries are to purchase land, share readily evident conditions of the property. FEMA mapping indicates a floodplain is present, and topography and soil types are suggestive that wetlands are potentially present. If these are regulated appropriate, permitting would likely be necessary for desired improvements. The property is in a drainage district and therefore subject to drain assessments, etc. Point out there is likely a reason for why the property is a "good deal."
3. Listen and be reassuring. Many times this is appreciated and can prove to be enough. As challenging as this can be at a given time, look at it in terms of averting a potential issue down the road that could prove even more challenging and time consuming.
4. Encourage them to reach out/communicate with individuals or professionals who are aware of the specific property or situation. Remind them that talking directly with the current property owner or neighboring property owner of concern could go a long way towards a favorable outcome. Noting that taking the time to consult professionals and get qualified advice will likely prove to be a net benefit for them in the end.
5. If they can't or won't talk to others, then it's best to direct them to consult with an attorney. Better an attorney get in the middle of a not so great situation than the Commissioner's Office. They are able to advocate for one side.

If still being pressed for assistance after exhausting the above steps, which undoubtedly will occur - otherwise there wouldn't have been the need to contact the "drainage expert" - then what? A few more options...

6. Consider the potential for a cooperative effort. Might the Road Commission or local municipality have jurisdictional capacity to implement a beneficial action? Provide insight on how this might be sought, being clear that

any action would be at the discretion of the applicable entity.

7. The drain code was created to address drainage problems, so it is an option. Explain the ability to petition for a resolution. Understandably many Commissioners' Offices may choose to offer this as an early option and doing so will likely be evident for a given situation. It is the challenge in practical application that tends to make this more of an option of last resort. Be clear that providing a petition is the first step in a comprehensive process that will take time and will have expenses for the individual and others to come to fruition.
8. Respectfully decline further consideration of the matter. Depending on the situation, doing so in writing may be advisable. Heed the phrase "no good deed goes unpunished."

In conclusion, Commissioners are well served to have a game plan as to how they intend for their office to respond to the drainage inquires and/or issues that will inevitably come. Consistency and confidence in how this will be handled are key considerations. Availability of office resources must be considered and weighed against the good will that may be obtained as well as the potential to avert the development/worsening of situations that are brought forth, i.e., being more proactive rather than reactive. It is not recommended that such efforts be delegated to staff without clear direction, as the extent of the effort made and the potential ramifications of such effort should reflect the Commissioner's responsibilities and fulfillment of the duties of his/her elected position.

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# MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT MAKES SIGNIFICANT INVESTMENT IN INTERCOUNTY DRAIN PROGRAM

*MIchael Gregg, Program Manager, MIchigan Department of Agriculture and Rural Development*

Kosmowski

Recognizing limited staffing levels and the need to prepare for succession planning in the Intercounty Drain Program, the Michigan Department of Agriculture and Rural Development (MDARD) worked with the legislature and the Michigan Association of County Drain Commissioners (MACDC) to secure funding for two additional positions for the administration of its responsibilities under the Drain Code. Additionally, a one-time appropriation of $250,000 was passed for the digitizing of thousands of files and maps to create an integrated database and long-term archival system.

MDARD's responsibility to chair intercounty drain drainage boards extends to more than 1,000 intercounty drain systems affecting 65 counties, with more than 6,000 miles of infrastructure. This includes everything from small agricultural tile drains and ditches to large flood control channels and basins, rivers, dams, dikes, a combined sewer pumping station, and a major sanitary sewer interceptor tunnel that serves a population of more than 800,000. Annual costs for maintaining and improving this infrastructure exceed $100 million. In the 2017 fiscal year, 439 drainage board meetings and hearings were conducted, more than double the number from four years ago.

Interviews were conducted with five candidates by an internal panel that included MACDC President David Thompson. The panel unanimously selected Christine Kosmowski to the new Intercounty Drain Program analyst position starting November 20, 2017.

Christine has worked in the environmental field for over 35 years in the areas of stormwater management, environmental stewardship, and wastewater treatment. She comes to us from the City of Kalamazoo where she was the Environmental Programs Manager. Previously, and most importantly for this position, she served four years as the elected Water Resources Commissioner of Calhoun County. There she served as a member of intercounty drainage boards, providing her valuable experience for her new responsibilities with MDARD. Prior to her term as Water Resources Commissioner, she served for 11 years as environmental programs coordinator for the City of Battle Creek.

She has a master's degree in Earth Sciences from Western Michigan University and a bachelor's degree in Environmental Health Technology from Oakland University. Christine has been active in the development of the City of Battle Creek's Wellhead Protection Program, the Greater Battle Creek Area Watershed Management Plan, and the Kalamazoo River/Lake Allegan Phosphorus TMDL Implementation Plan. She is the founding member and past Chair of the Battle Creek Area Clean Water Partners and a past President of the Michigan Water Environment Association, as well as a Board member of the Kalamazoo River Watershed Council.

In the coming months, Christine will work toward becoming a chair of intercounty drain boards, along with Mike Gregg and Brady Harrington, P.E. The responsibilities for the other position that was approved are still being defined and will likely include an emphasis on the development of the digitized database and mapping project. Likewise, a contract is being developed for services related to the integration of the file and map digitization project and creation of a model record retention format with the State Archivist.

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## NORTHWEST DISTRICT

The Northwest District met on Thursday, October 5th, at the Northern Concrete Pipe Wyoming facility. Just over 30 people attended the meeting which kicked off with introductions from the Northern Concrete staff who participated in the talk and tour for the day. After introductions, Robin Denman, Bill Washabaugh and John Washabaugh gave a presentation on the merits of using concrete pipe and discussed the different types of pipes and other related reinforced concrete products manufactured by Northern Concrete Pipe at their Wyoming and other manufacturing facilities. The talk was followed by a tour of the manufacturing facility where the group got to see first-hand how dry cast concrete pipe is manufactured.

After lunch, Stacy Hissong of Fahey, Schultz, Burzych, Rhodes, PLC, went over the legislative review for the quarter. She mentioned Representative Victory is expected to introduce an amendment to Section 247 of the Drain Code which would allow drain commissioners to employ an attorney and charge legal expenses to a drainage district via special assessment. Currently Section 247 states that legal fees are to be paid from the revolving fund to be reimbursed by first moneys available. This amendment would address an unpublished appellate opinion from 2005 which held that the revolving drain fund could only be reimbursed through the collection of general taxes. The proposed amendment would clearly state that legal expenses incurred by drainage district should be paid by levying special assessments to the drainage district.

The meeting ended with a discussion about whether drain commissioners use county funds for short term financing for projects. Joe Bush from Ottawa County said that Ottawa County does this on occasion and Brady Harrington (MDARD) said he believes that Bay and Sanilac Counties may also do this. Phil Hanses from Clinton County explained that his County Administrator had asked him to check with other drain commissioners to see if this was being done in other counties. Stacy Hissong said that the decision on how to set up short term funding may be different in each county depending on how each county board wants to handle it.

## NORTHEAST DISTRICT

On Friday, September 29th, the Northeast District held their fall meeting. Almost 40 people attended this meeting hosted by Northern Concrete Pipe at their Bay City facility. The meeting began with a welcome and introductions, followed by a plant tour where the group got to see how concrete pipes are manufactured.

After the tour, Max Clever with Spicer Group, Inc., spoke about the Arc Collector, a tool used to collect and update information in the field.

## SOUTHWEST DISTRICT

The Southwest District met on Friday, October 20th, at the Covered Bridge Farm in Three Rivers, where there were almost 50 people in attendance. After a brief welcome, Lizzie Mills from Fahey, Schultz, Burzych, Rhodes, PLC, spoke to the group about Lake Improvement Boards, the differences and similarities between an Act 188 and a Part 309 Board and the impact these boards have on Drain Commissioners.

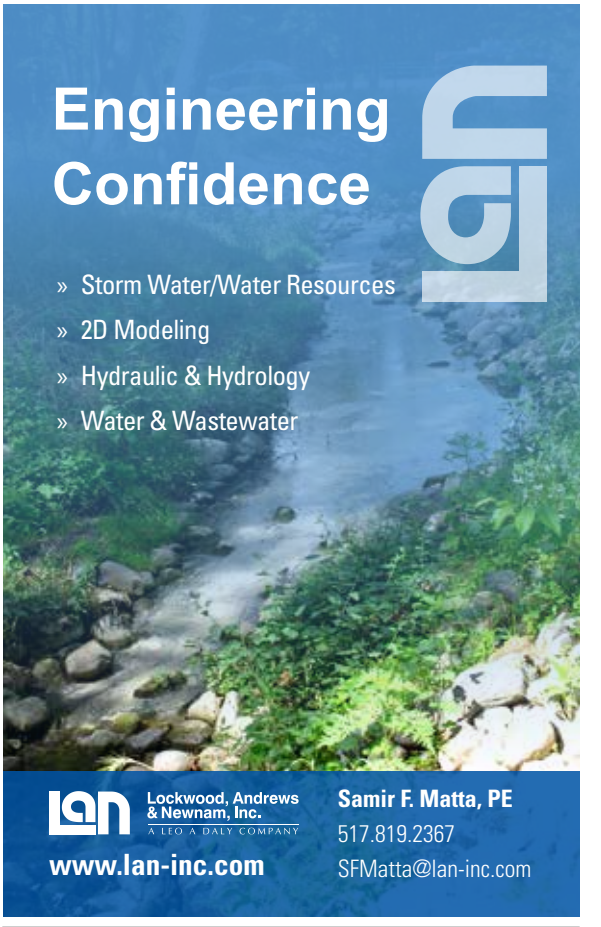
The next presentation was from Luke Britton and Joe Haufle of Clarke Aquatics about how they are advancing lake and pond management by using sound science and technology to develop new, sustainable solutions for aquatic habitat control. The Conserve® treatment system is one such example that is improving application, information and communication in lake management by integrating advanced GPS, sonar, flow and application control technologies to eliminate over or under applications when making lake treatments delivering precision results while optimizing budgets. The pre- and post- survey mapping of Conserve allows clients to have more active and knowledgeable participation in the management of their lake. Technicians electronically send job status and NPDES-ready application details via hand-held device for review on a secure customer online portal.

After a short break, John Brennan with Fahey, Schultz, Burzych, Rhodes, PLC, explained the most recent Drain Code Amendments and Revisions, and to end the meeting, the group

listened to a panel discussion about 197 reviews. The panel included Doug Kelly (Clark Hill PLC), Brian Cenci (Eng, Inc.), Tammy Berdecia (Barry County), Brittany Clifton (Calhoun County) and Jeff VanBelle (Kalamazoo County).

## SOUTHEAST DISTRICT

On Monday, October 23rd, the Southeast District held their meeting at Scio Township Hall. 22 met for a brief business meeting, followed by a legislative update from Fahey, Schultz, Burzych, Rhodes, PLC on the several bills pending in the legislature, along with a proposal to update MISS DIG and broadband permitting legislation. Other discussion included legislation for small wireless communication facilities and current and proposed drain code bills regarding attorney fees (amendment to Section 247), removal of exemption from drain assessment for DNR lands, and intercounty drains. After the Legislative Update, there was a breakout group discussion about asset management and drain office challenges.

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# COMMUNICATIONS COMMITTEE UPDATE

*Michelle LaRose, Environmental Projects Manager, Livingston County*

*Image is everything. You only get one chance to make a first impression. Perception is reality.*

While these statements may seem cliché, there is much truth to them. That's why the Communications Committee, in collaboration with the MACDC Board, focuses on enhancing and improving the image of drain commissioners, water resources commissioners, and public works commissioners. Our goal is to convey the importance of drain commissioners by increasing awareness about our responsibilities, clarifying our obligations and limitations, and highlighting our successes.

A MACDC survey of county and local officeholders in 2015 revealed that drain commissioners can do much to improve on communication. For example, township officials expressed an interest in learning more about how assessments are determined, and policymakers expressed a desire for consistent communication explaining the purpose of drains and drain commissioners. We have made great strides forward through the new and improved website, improvements to *Pipeline*, and the development and distribution of educational materials. The more we can get local government leaders, state legislators, the public, and other stakeholders to understand our responsibilities, the better positioned we are to make a difference in our own communities and across this great state of Michigan.

Here's a deeper look at some recent updates and what's on the horizon:

## WEBSITE

***What's new:*** The MACDC website has been completely revamped. Some of the updates include more relevant information, better organization of content, an active news feed, and a mobile-friendly design. There is also a new interactive map that provides a user-friendly way to find contact information for a drain commissioner. Check it out at www.macdc.us

***What's next:*** We are looking into a CRM system (Customer Relationship Management), which will allow for more efficient storing and retrieval of member resources.

## PIPELINE

***What's new:*** The look and feel of Pipeline has been improved, thanks to the help of Güd Marketing. We also are adding a Staff Spotlight, that features biographies of various drain commissioner staff. The goal is to recognize these hard working individuals while highlighting the wide array of responsibilities that fall under the purview of a drain commissioner. Lastly, we have made efforts to more proactively seek article submissions that will appeal to a broad audience, and there has been an increase in content as a result. We hope to continue down this path.

***What's next:*** We simplified the conference recap section to provide a brief overview, while providing more details, such as presentation slides, on the website. We also added a committee update section to Pipeline where MACDC committees and districts can share relevant updates. This will replace the district meeting recaps. Lastly, we developed article submission guidelines to provide clear, consistent guidance to potential authors. These guidelines are available on the website.

## EDUCATIONAL MATERIALS

***What's new:*** MACDC worked with Güd Marketing to develop educational materials, including a drain commissioner Fact Sheet, Frequently Asked Questions (FAQ), a presentation template, and a customizable brochure.

***What's next:*** We developed a tri-fold brochure that combines the FAQ and Fact Sheet information into one easy-to-read handout. This can be distributed at various MACDC events and will be made available to drain commissioners for their own use.

Stay tuned for more updates on our efforts to improve communication. If you want to share your ideas, please feel free to contact me:

Michelle LaRose
Communications Committee Chair
mlarose@livgov.com

## F&V ADDS SEVEN STAFFERS, SIX AT HEADQUARTERS

Fleis & VandenBrink (F&V) added seven new staffers, including a half dozen at its Grand Rapids office and company headquarters.

The hiring of Daniel R. VanKalker, Andrew W. Ogilvie, Donald B. Lowry, Peter A. Dunning, Mitchell D. Mott, Corey B. Turner and Jonathan D. Parrish pushed the company's staffing level to over 200 for the first time since the firm was founded in 1993.

"It's encouraging to see that F&V is attracting young professionals as well as experienced senior staff in various roles in the company," said Paul R. Galdes, PE, F&V president and Sr. Vice-President of F&V Companies, Inc. "We have developed a reputation for being a great place to work and attracting and keeping quality people has only gotten better over time."

VanKalker

VanKalker, who has extensive construction and real estate development experience, joined F&V's Construction Design-Build Group as a project manager. His focus will be on new business development, client relations and construction services delivery. His prior experience includes more than 15 years with a family-owned Grand Rapids area construction company, doing commercial and industrial projects throughout West Michigan.

VanKalker's duties include assisting the group with on-going project construction phases including bidding, budgeting and field support and developing relations and taking the lead on FVC private opportunities in the West Michigan area.

Lowry

Lowry joins F&V's Construction Services team as a construction technician providing inspection and testing services on Michigan Department of Transportation and local road projects. A U.S. Navy veteran Seabee, Lowry also has 18 years of experience in construction materials testing and inspection.

Ogilvie

Ogilvie is a senior project engineer with over 20 years of experience in the design and construction of transportation projects. The licensed professional engineer, who also has over 10 years of experience as a senior design engineering and project manager on Department of Transportation road and highway projects, joins the West Michigan Municipal group.

Turner

Turner joins the Process Group in Grand Rapids as a water/wastewater project engineer. The Michigan State University graduate and Engineer-in-Training (EIT) has a bachelor's and master's degree in Environmental Engineering. He will play a key role in the preparation of asset management plans and feasibility studies. He will also provide design calculations and hydraulic modeling, design drawings and specifications, and construction observation and testing.

Dunning

Dunning rejoins F&V as a CAD designer within the Municipal Group. He has 14 years of experience within the drafting field and will be utilizing these skills for projects within the West Michigan area. He will be working on roadway corridor, utility, grading and redevelopment projects.

Parrish

Parrish joins F&V as the marketing manager, working directly with the marketing director and co-founder Larry J. Fleis. He will manage five staffers, including marketing specialists in Traverse City and Indianapolis.

Parrish will oversee proposal and website development and company events. He held a similar position with another Grand Rapids area architectural and engineering firm.

Mott

Mott joins the Midland office as a project engineer. The Trine University grad and EIT has three years of experience in civil engineering where he focused on design and CAD modeling of municipal and private projects. Mott also has experience as an MDOT construction inspector.

## KEITH MCCORMACK HONORED BY WATER ENVIRONMENT FEDERATION

Hubbell, Roth & Clark Partner Keith McCormack, P.E., of Rochester Hills, has been honored by the Water Environment Federation (WEF) for his excellence in the planning, design and construction of water and sewer infrastructure. McCormack received the federation's collection systems award for his contributions to the advancement of state-of-the-art wastewater collection. He was celebrated October 3, during WEFTEC 2017 - the group's 90th annual technical exhibition and conference.

KEITH MCCORMACK (RT.) RECEIVES AWARD FROM WEF PRESIDENT RICK WARNER

McCormack has more than 30 years of experience in the planning, design, construction and regulatory compliance of municipal wastewater collection systems and treatment facilities. He maintains a wide-reaching influence throughout the industry and has continuously held leadership roles, both in title and responsibility for the past two decades with WEF and the Michigan Water Environment Association.

The Water Environment Federation is a not-for-profit technical and educational organization of 34,000 individual members and 75 affiliated Member Associations representing water quality professionals around the world. Since 1928, WEF and its members have protected public health and the environment. As a global water sector leader, its mission is to connect water professionals, enrich the expertise of water professionals, increase the awareness of the impact and value of water, and provide a platform for water sector innovation. To learn more, visit www.wef.org.

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# CALENDAR OF EVENTS

**FEBRUARY 14 – 16, 2018**
MACDC Annual Winter Conference
Radisson Hotel, Kalamazoo

**FEBRUARY 21 – 23, 2018**
Michigan Stormwater-Floodplain Association Conference
Radisson Hotel, Lansing

**APRIL 23 – 26, 2018**
Michigan Township Association Conference & Expo
Grand Traverse Resort, Acme

**JULY 18 – 20, 2018**
MACDC Annual Summer Conference
Shanty Creek Resort, Bellaire

Check our website www.macdc.us for a complete list of events. To place your event on this calendar, contact us at 517.484.9761 or admin@macdc.us.


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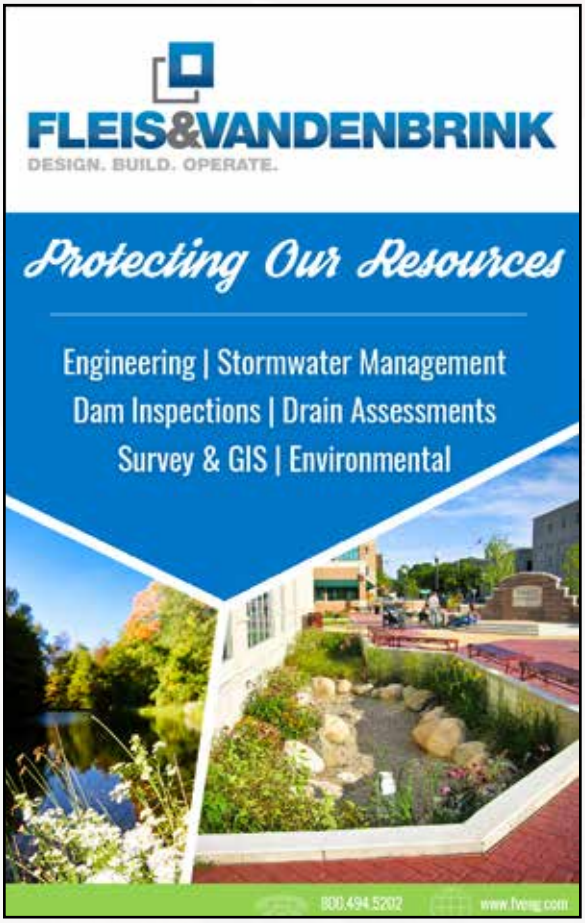

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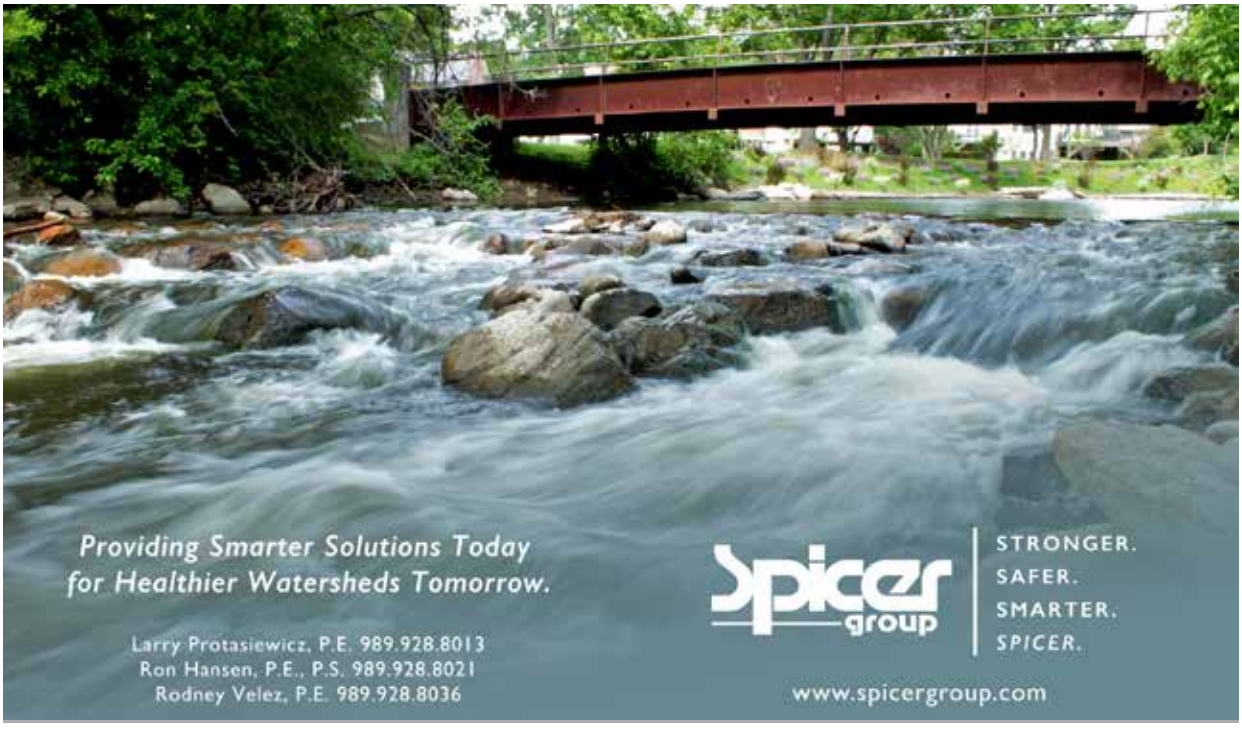
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