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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: HIAWATHA DRAIN  
BOARD OF DETERMINATION  
HELD VIA ZOOM

Proceedings commenced at 11:30 a.m., on Thursday,  
August 27, 2020, with all appearing via Zoom, in Michigan,  
held before Marjorie A. Covey, CSR-2616, Certified Shorthand  
Reporter and Notary Public.

APPEARANCES  
(All appearing via Zoom):

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Chad Meints, Water Resources Chief Deputy
  
- Mr. Steve Koski, Attorney, Fahey Schultz
  
- Mr. Rich VanderKlok, Board Chairperson
- Mr. Larry Bruursema, Board Secretary
- Mr. Ron Brink, Board Member
  
- Ms. Cassandra Hoisington, Associate Planner, Grand Haven  
Charter Township
  
- Mr. Paul Forton, Engineer, Spicer Group

1 Via Zoom in Michigan

2 August 27, 2020 - 11:30 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Well, good  
5 morning. It's 11:30 and we'll go ahead and call the meeting,  
6 the Board of Determination for the Hiawatha Drain, at this  
7 time.

8 My name is Joe Bush, the Ottawa County Water  
9 Resources Commissioner, also known as the drain commissioner,  
10 just same office, different title since 2013.

11 So welcome everyone to our Zoom meeting today,  
12 either on the call or on the video. We appreciate your time.

13 And you're probably wondering what are we doing  
14 here. We had the Hiawatha Drain project a few years ago and  
15 we're back here to talk about maybe adding a branch.

16 But to do that some of you already know we have to  
17 hold a Board of Determination to see if that is necessary or  
18 not to move forward with the project.

19 And in doing that I have to appoint a three-panel  
20 Board, and those gentlemen are with us today. I'll introduce  
21 them in a minute.

22 So we received a petition, and when we do, I have  
23 to hold a Board of Determination. Either the petition can  
24 come from the people or the township, and the people actually  
25 petitioned me for a branch or an addition or something to the

1 original branch of the Hiawatha Drain.

2           So that's why we're here today. These three panel  
3 Board Members again do not live in the drain district, nor do  
4 they have properties in the drain district. They're not part  
5 of Port Sheldon or Grand Haven Township Board Members. These  
6 are three gentlemen -- or women, but today are gentlemen that  
7 I appoint to represent this Board of Determination. Again,  
8 they have no affiliation with the boards or properties in  
9 this drain district.

10           So these meetings are recorded. I have Margie here  
11 today. Margie is our court recorder. Everything is word for  
12 word, and you can read those after -- it usually takes about  
13 four to six weeks, but if you go to [miottawa.org](http://miottawa.org) and look  
14 under petition projects, you can see those minutes pop up at  
15 that time and you can read what was said, who said it, when  
16 they said it.

17           This is not required by Drain Code to have a court  
18 recorder, but I do it to protect everybody, the township, the  
19 county, myself and the people during public comment. So we  
20 want to make sure everybody is heard and very transparent.

21           We also have Steve Koski with us today, he is an  
22 attorney. He'll give a brief overview of the Executive Order  
23 from our governor on why we're Zooming today and not meeting  
24 in person. I would much rather meet in person, trust me.  
25 But this is what we have to deal with today with technology

1 and this is how it works. But he'll give a brief overview of  
2 why we're on Zoom and any questions regarding the legal end  
3 of it for the Open Meetings Act.

4 We also have Paul Forton, he's with us today from  
5 Spicer Group. He will be listening to the comments as well  
6 during public comment, and just to see all the issues that  
7 we're maybe aware of or not aware of.

8 So again during public comment make sure you speak  
9 up and express your concerns so we can get that on record,  
10 and also so the engineer can get more of a definition of  
11 what's going on out there, probably more than what we know.  
12 That's why the public hearings are very good for that  
13 information.

14 I don't think anybody is here from the township or  
15 the road commission at this time. We just had a Zoom meeting  
16 just the last one, a Board of Determination for a neighboring  
17 drain district which is called the Cooper Drain.

18 So some of you might have got noticed twice, you  
19 might live in either one or both, or sometimes we just notice  
20 the neighboring property owners, over notice sometimes, just  
21 on how it works with the drain districts. But sometimes  
22 you're in both. But you can answer -- or ask those questions  
23 later to Paul Forton, if you need to.

24 Let me see here, I think that's about it as far as  
25 introductions. We do have -- I'm trying to think -- there is

1 my chief deputy, he is in the background, Chad Meints, so he  
2 will be on the Zoom call as well.

3 And once I give the oath to the three gentlemen,  
4 they will run this meeting. And then any questions, forward  
5 them to that time, during public comment. And being as this  
6 is court recorded, make sure you speak your name, address,  
7 your comment just so we can get it on the record. Speak  
8 loudly. With technology it does kind of have issues at  
9 times.

10 So again I appreciate everybody's time this morning  
11 to listen and learn and talk about the Hiawatha Drain  
12 potential branch.

13 And again today is not about a project, today is  
14 not about a cost. Today is basically is there a necessity or  
15 a need to move forward with the project, so there is no  
16 engineering costs. We don't know what the easements will  
17 look like or what we need yet. None of that information is  
18 here today because this, by Drain Code, this is basically the  
19 first step is the petition, the second step is the Board of  
20 Determination.

21 So again, that's why we're here. So I'll go ahead  
22 and give these three gentlemen the oath. And then once I do  
23 that, they will go ahead and move forward with the meeting.

24 Gentlemen, please raise your right hand.

25 Ron, I assume your right hand is raised.

1 Do you each solemnly swear that you will faithfully  
2 perform and discharge the duties imposed upon you as required  
3 by law as members of the Board of Determination, appointed by  
4 the Ottawa County Water Resources Commissioner, to determine  
5 the necessity for maintenance and improvements on the  
6 Hiawatha Drain located in Port Sheldon Township and Grand  
7 Haven Townships, in said county, gentlemen?

8 BOARD MEMBER RICH VANDER KLOK: I do.

9 WATER RESOURCES COMM. JOE BUSH: Larry?

10 BOARD MEMBER LARRY BRUURSEMA: I do.

11 WATER RESOURCES COMM. JOE BUSH: Ron?

12 BOARD MEMBER RON BRINK: I do.

13 WATER RESOURCES COMM. JOE BUSH: Okay, thank you  
14 guys. I appreciate it.

15 It's all yours, Mr. Board Members.

16 ATTORNEY STEVE KOSKI: Joe, just one thing.

17 WATER RESOURCES COMM. JOE BUSH: Oh, I forgot.

18 ATTORNEY STEVE KOSKI: Yeah, I want to do my spiel,  
19 but I also did get a message from Cassandra Hoisington and  
20 she said Bill Cargo asked her to represent Grand Haven  
21 Township, so the township is present if you would like any  
22 input from them.

23 WATER RESOURCES COMM. JOE BUSH: Okay.

24 ATTORNEY STEVE KOSKI: Would you like me to go  
25 through my --

1 WATER RESOURCES COMM. JOE BUSH: Yes.

2 ATTORNEY STEVE KOSKI: -- for the electronic  
3 meeting? Okay.

4 So again good morning to everyone and welcome to  
5 this Board of Determination.

6 As Joe mentioned this meeting is being held in  
7 compliance with the Michigan Open Meetings Act. And the  
8 governor of Michigan has an Executive Order, the most recent  
9 version of it is Executive Order 2020-154, and that Executive  
10 Order allows for public meetings like this to be held  
11 electronically and still satisfy the requirements of the Open  
12 Meetings Act.

13 So in accordance with that and with state agency  
14 and federal agency recommendations, we are moving forward  
15 with this. And the Water Resources Commissioner has put  
16 procedures in place to have a meeting that is fully  
17 transparent and allows for full participation.

18 As part of that transparency, we do recommend that  
19 the Board do a roll call vote for each vote that they do.  
20 And that will help not only with the record, but also with  
21 people participating to see who is voting which way.

22 With respect to those of you attending from the  
23 public, we are happy to have you here and we thank you for  
24 showing up to give your comment and to participate.

25 We do ask that you remain muted throughout the

1 meeting until it is your turn to give comment. And that's  
2 for the simple reason that if there are a lot of microphones  
3 that are active, it will pick up noise and it will take away  
4 from the people that are speaking during the meeting.

5 So there will be a public comment portion and at  
6 that point when you're called upon, we will ask you to  
7 un-mute yourself then, and then mute yourself after you've  
8 given your public comment.

9 As Joe mentioned, we ask that you state your name  
10 and address when you're making comments so that we have that  
11 for the record.

12 And the Board will, if they so choose, set forth the  
13 rules of participation in terms of time limits and things  
14 like that, so they will get to that in their housekeeping  
15 motions and matters.

16 In order to indicate that you would like to  
17 comment, when it's the time, we ask that you use the Raise  
18 Your Hand option on Zoom. And you'll find if you go to the  
19 participant's list, there is a participant's button at the  
20 bottom of your screen. If you select that and open up the  
21 participant's list, that will show up on the right side,  
22 there is a button near that that says Raise Your Hand.

23 And when you select that there will be a little  
24 blue hand icon that appears next to your name so that will  
25 let me know that you would like to comment.

1           If you are participating by telephone, you can  
2 raise your hand by dialing star nine. So once you dial star  
3 nine, a hand will appear next to your telephone number on my  
4 list and again I will know that you would like to  
5 participate.

6           Again, the mute button for those of you on your  
7 computer or device, you'll find that usually at the bottom  
8 left. You can use that to mute and un-mute yourself during  
9 the time of public comment. Again while you're not giving  
10 comment and actively participating, we ask that you remain  
11 muted throughout the meeting.

12           And if you forget to mute yourself or something  
13 like that, I probably will just mute you. I muted everybody  
14 that is not a Board Member or a person participating, so  
15 nothing personal.

16           If you experience any connection issues, if you're  
17 connected by electronic or computer means, we recommend that  
18 you sign out of the meeting and sign back in. That will  
19 usually solve any audio or video issues that you're having.

20           As a backup you can call into the meeting on your  
21 telephone by the information that was provided in the notice.

22           Same thing for the Board, if the Board has any  
23 issues, we will ask them to try to log back in and then call  
24 in. The difference with the Board Members obviously being  
25 that we will pause the proceeding while we are waiting for

1 them to log back in so that the Board Member is not missing  
2 any of the content from the meeting.

3 I think one other thing I forgot to mention was for  
4 the muting and un-muting, for those of you on a telephone,  
5 you can dial star six to mute and un-mute yourself. So if  
6 you are called upon to give comment, star six will be what  
7 you use to un-mute yourself. Again star nine is to raise  
8 your hand and star six then will be to un-mute yourself.

9 And just one more reminder that this is being  
10 recorded. I'm recording it here on Zoom, and then Margie  
11 also is the court recorder. So if we interrupt you and ask  
12 you to repeat something, that's just simply because either  
13 there was a bad connection for a second, or we did not hear  
14 something you said. So we'll just want to make sure that  
15 everything is clear for the record.

16 So at this point, I will turn it over, I believe to  
17 the Board for them to proceed with their motions.

18 BOARD MEMBER LARRY BRUURSEMA: Okay. With that for  
19 the Board I will nominate Rich VanderKlok as chairman.

20 BOARD MEMBER RON BRINK: I will support.

21 BOARD MEMBER RICH VANDER KLOK: Motion is made and  
22 supported that Rich VanderKlok serve as chairman.

23 Are we ready to vote?

24 Larry?

25 BOARD MEMBER LARRY BRUURSEMA: Yes.

1 BOARD MEMBER RICH VANDER KLOK: Ron?

2 BOARD MEMBER RON BRINK: Yes.

3 BOARD MEMBER RICH VANDER KLOK: And I vote yes.

4 Then a motion would be in order for a secretary,  
5 and I would make the motion that Larry Bruursema serve as  
6 secretary.

7 BOARD MEMBER RON BRINK: I'll support that motion.

8 BOARD CHAIRPERSON RICH VANDER KLOK: It's made and  
9 supported.

10 Ron?

11 BOARD MEMBER RON BRINK: Yes.

12 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich votes  
13 yes.

14 Larry?

15 BOARD MEMBER LARRY BRUURSEMA: Yes.

16 BOARD CHAIRPERSON RICH VANDER KLOK: And that is  
17 carried.

18 Then as Steve has already alluded to, we do have  
19 the opportunity for public comment and we value those  
20 comments that are made.

21 Therefore I would like to make the motion that we  
22 limit public comment to three minutes.

23 Is that supported?

24 BOARD MEMBER RON BRINK: I'll support that.

25 BOARD CHAIRPERSON RICH VANDER KLOK: Ron supports

1 it.

2 Larry?

3 BOARD SECRETARY LARRY BRUURSEMA: Yes.

4 BOARD CHAIRPERSON RICH VANDER KLOK: Ron?

5 BOARD MEMBER RON BRINK: Yes.

6 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich votes  
7 yes. That is carried.

8 I think, Steve, you did say that there was someone  
9 from Grand Haven Township who is on this Zoom meeting as  
10 well, correct?

11 ATTORNEY STEVE KOSKI: Yes, that is correct. It's  
12 Cassandra Hoisington.

13 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Good.  
14 Thank you.

15 And then our next -- in our agenda, what I'd like  
16 to do is to hear from Paul, our engineer, regarding the  
17 Hiawatha Drain project.

18 Paul?

19 ENGINEER PAUL FORTON: You bet. I haven't done a  
20 sound check yet, can you all hear me okay?

21 BOARD CHAIRPERSON RICH VANDER KLOK: Yes.

22 BOARD MEMBER RON BRINK: Yes.

23 ENGINEER PAUL FORTON: Steve, thank you for sharing  
24 the presentation.

25 For those of you that don't know me my name is Paul

1 Forton and I work for Spicer Group, an engineering firm in  
2 the Byron Center area. And Joe has tasked us with assisting  
3 with the presentation today.

4 And, Steve, if you'd go onto the next slide.

5 We're going to talk a little bit briefly about the  
6 location of the drain, give the Board Members some background  
7 and history. We'll briefly look at the drainage district  
8 boundary. We have a map of an area of concern that's been  
9 brought to our attention and then take any questions that the  
10 Board may have.

11 So, Steve, moving onto the next slide.

12 Gentlemen, I know we had the meeting here  
13 previously this morning. This is the drainage district right  
14 next door, it's just west of the Cooper Drain. And the  
15 Hiawatha Drain is located between Port Sheldon and Grand  
16 Haven again, west of 31.

17 And moving onto the next slide, Steve, the  
18 watershed itself is just over 1300 acres, a little over two  
19 square miles. There is approximately at this time 276  
20 parcels in the district. The overall length of the drain  
21 that's been constructed is 3.5 miles, plus or minus .

22 And just like the Cooper Drain, this is -- the land  
23 use in the area is a mixture of agriculture, forest and  
24 residential properties.

25 Moving onto the next slide, this one has a little

1 bit more history, gentlemen, as far as in comparison to the  
2 Cooper Drain.

3 Basically -- and this is on the website for  
4 residents, and many of you likely know this if you have lived  
5 in the area for any amount of time, but basically flooding in  
6 2008 and 2009 resulted in a township petition in 2010. And  
7 that township petition precipitated into a Board of  
8 Determination like we're having today for a project, and it  
9 was found necessary.

10 During the time frame of 2012 to 2017, easements  
11 were obtained, a project was designed, permits were granted,  
12 grants were actually obtained to help pay for a portion of  
13 the cost and the project was bid. And in 2018 it was  
14 constructed.

15 Now here we sit in 2020 and a new petition has been  
16 received for this drain, and we're going to talk about that a  
17 little bit here this morning.

18 Next slide, Steve.

19 This shows the drainage district boundary that was  
20 completed by Prein & Newhof as a part of the 2018 constructed  
21 project. You can see again that we are now west of 168th  
22 Avenue and a very similar district in that it stretches from  
23 Pierce Street on the northern end, and then down south to  
24 bring in areas south of Stanton Street.

25 And the flow in this district does proceed in a

1 north to northwesterly direction following the lay of the  
2 land.

3           The blue lines that you see there are the  
4 approximate centerline locations of the drain that was  
5 constructed. And the red line that you see there is the  
6 drainage district boundary that has been established as a  
7 part of the previous project.

8           And that boundary does match up with the Cooper  
9 Drain boundary for, I believe I saw Lori is still on the list  
10 here, that line matches up. So we do not have overlaps or  
11 gaps in that particular line along the western edge with the  
12 Cooper Drain that we spoke about earlier today.

13           Moving onto the next slide, this is an area of  
14 overall district, and, Steve, basically our area of concern  
15 is -- that's been brought to our attention is in the  
16 southeast corner of the district there by the red star,  
17 (indicating), so we're in the very upper watershed.

18           Moving onto the next slide, this is a zoomed-in  
19 version of that area, at least I think it is. There it is.  
20 Well, not quite. One more, Steve.

21           Hum, back one? Well that's exciting. I'm not sure  
22 where that went.

23           But at any rate the area of concern is adjacent to  
24 the Cooper Drain. It is down in the area by Stanton Street  
25 and west of 160th.

1           This particular area with the spring rains that we  
2 had, as I understand it, had standing water. And a lot of  
3 that is a function of the high groundwater table that we've  
4 had this year, and in recent years.

5           The high groundwater table provides for the sandy  
6 conditions to be saturated. And when you add five to six  
7 inches of rain over that, over a short period of time,  
8 because that sand is saturated, it cannot infiltrate. So  
9 there are many areas, specifically in Grand Haven Township  
10 especially, that just could not properly drain.

11           And my understanding is that there is interest to  
12 add a branch to service this particular area. I was not able  
13 to view this area during that storm in May, but was doing  
14 inspections just north of this area and can attest to how  
15 much water they did receive and just how long it did sit on  
16 the ground surface.

17           I would encourage the public, I see many of you are  
18 on the list of attendees here, you live in the area. And for  
19 the benefit of the Board members as well as myself, we  
20 would -- I would love to know more about some of the concerns  
21 that you do have given that I was not able to complete an  
22 inspection during the rain events.

23           Once the petition was received, we did not really  
24 have a significant amount of rain after that point. So feel  
25 free during public comment to state any issues you may have

1 or may not have. You know, if you live in that area and you  
2 don't have any issues, that is helpful as well.

3 Joe spoke to the fact that this was recently  
4 constructed in 2018, and we are not aware of any other issues  
5 in the lower drainage system. But if you are and there are  
6 issues that need to be addressed elsewhere, please let us  
7 know that.

8 I know that this map has been posted on Joe's  
9 website there at the county, and if -- I think there is going  
10 to be a lot of -- I anticipate a lot of comments coming in  
11 regarding the fact that we already paid for a massive  
12 petition project, we really are not interested in paying  
13 anymore to service this particular area.

14 And if the area that we work on is strictly to  
15 establish a branch or potentially extend the drain for a  
16 certain number of individuals, I know it's Joe's intention at  
17 this time to have assessments be more heavily weighted  
18 towards that area that that particular drain or sub-watershed  
19 would serve.

20 And so hopefully that -- I don't know if that helps  
21 answer some of the questions before they even arise later on,  
22 but I do know that that is a concern. We have noted that and  
23 that will be taken into account if a project is found  
24 necessary.

25 Moving on from the map here, next steps, if the

1 Board does vote no, no project will happen. Nothing will  
2 happen at that point, and no new petition can be entertained  
3 for a period of one year following this day.

4 And so on the next slide, as far as next steps, if  
5 it is found necessary, much like the previous project, there  
6 will be survey, engineering, final design for the solution to  
7 the problems that we hear about today.

8 There may be property acquisition that might be  
9 needed or easements that need to be obtained. It also might  
10 precipitate into an EGLE permit from the state depending on  
11 the type of project and what is completed.

12 Once all of that is finalized, we get into the  
13 bidding phase and many of you, having recently been through  
14 this process, the next step would be a letter for a day of  
15 review, and that is a very important letter.

16 That is the day at which point you can come into  
17 the drain office or call into the drain office and determine  
18 what your percentage would be of the cost of the project.

19 So that would be the next notice that you would  
20 receive, again, if the Board does vote yes for necessity  
21 today.

22 After that day of review process there is an appeal  
23 period that is provided for by the Drain Code or the law that  
24 we have to follow. And after that appeal period, we can move  
25 towards construction of implementing any solution that we

1 come up with.

2           So just to reiterate some of the things that Joe  
3 mentioned earlier, we don't know what the scope of the  
4 project is. We have a rough idea based on the complaints  
5 that we've received. We have no idea how much it's going to  
6 cost. We have no idea if we need to knock on your door to  
7 obtain an easement or not. And again, we don't even know if  
8 we need an EGLE permit at this point.

9           So there is many things that we don't know at this  
10 part of the process. That all comes later after this Board  
11 of Determination, if they may have a yes vote.

12           The reason for that is we do not want to waste a  
13 lot of money upfront spending time on things like survey and  
14 engineering, if it's found not necessary.

15           And so I have done an inspection of the area and  
16 have reviewed kind of a lay of the land per se. But Board  
17 Members, I know I've worked with many of you before and even  
18 in the previous presentation, I had photos kind of showing  
19 the conditions.

20           I don't have any of those on this one because,  
21 again, we're not exactly sure what we're up against and where  
22 we will necessarily be, other than in the area of the  
23 southern end of the district.

24           So at this time I would turn it over to the Board.  
25 I would entertain any questions that you may have, but very

1 much looking forward to public comment to hear concerns that  
2 the residents have within the watershed.

3 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
4 you, Paul.

5 Larry or Ron, do you have any questions that you  
6 would like to direct to Paul at this time?

7 BOARD SECRETARY LARRY BRUURSEMA: I'll wait.

8 BOARD CHAIRPERSON RICH VANDER KLOK: Pardon me?

9 BOARD SECRETARY LARRY BRUURSEMA: I'll wait.

10 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Ron, do  
11 you have anything?

12 BOARD MEMBER RON BRINK: Not at this time.

13 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
14 you.

15 I do not have any questions either. So public  
16 comments will be important for this.

17 And again, as we move into opening up public  
18 comment, if you would like to participate in public comment,  
19 please give us your name and your address, and if you live or  
20 have lands in this particular district, that would be  
21 helpful.

22 And so I'm going to move that we open public  
23 comment.

24 Is that supported?

25 BOARD SECRETARY LARRY BRUURSEMA: Support.

1 BOARD MEMBER RON BRINK: Yes.

2 BOARD CHAIRPERSON RICH VANDER KLOK: Moved and  
3 supported.

4 Ron?

5 BOARD MEMBER RON BRINK: Yes.

6 BOARD CHAIRPERSON RICH VANDER KLOK: Larry?

7 BOARD SECRETARY LARRY BRUURSEMA: Yes.

8 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich votes  
9 yes.

10 So we'll open it up for public comment. And then  
11 I'm going to ask Steve if he would acknowledge those who may  
12 have indicated they want to participate.

13 And again, please give us your name and your  
14 address and you will have three minutes to make your public  
15 comments.

16 Steve?

17 ATTORNEY STEVE KOSKI: Thank you, Mr. Chair.

18 And just a reminder to everybody that you can  
19 participate, or indicate you would like to participate by  
20 selecting the Raise Your Hand option. And that can be found  
21 at the bottom of the participant's list or by clicking next  
22 to your name on the participant's list.

23 And if you are calling in by phone, you can dial  
24 star nine, that will indicate you would like to comment.

25 And you also have the option to send a public

1 comment in the chat. You just have to include your name and  
2 address on that, and I would be happy to read that for you.

3 So the first comment that we have is from the user  
4 name Patrick.

5 So, Patrick, if you could un-mute yourself, state  
6 your name, address and whether you own land in the district  
7 for the record, please.

8 MR. PATRICK LAROSE: Yes, hopefully you can hear  
9 me. My name is Patrick Larose. I live at 9259 Reyes Lane.  
10 I am in the district that we're talking about here.

11 This past spring we did see significant rainfall  
12 and had significant ponding of water in my individual  
13 backyard. And I know all the other property owners along my  
14 road, Reyes Lane, also saw significant ponding of water that  
15 stuck around for a couple of months. Water was also coming  
16 into the basement.

17 I understand that is from a high water table, but  
18 as we pumped that water out, we have nowhere to pump it to.  
19 It stays stagnant on our property because we have, again, no  
20 place to pump the water to.

21 I understand the Cooper Drain is near us, but we  
22 are not directly tied into that. And when this Hiawatha  
23 Drain was originally constructed, we were not directly tied  
24 into that either.

25 So our water sits. And that stagnant water

1 attracts mosquitoes, and those were around for a long time.  
2 We had some property damage within the home of carpets having  
3 to be removed, furniture, some baseboard and drywall damage.  
4 And this is not the first time.

5 And I personally have significantly put in some  
6 time and effort into keeping water away from my property by  
7 constructing large berms, a pumping station to filter the  
8 water as far as I can away from my house. But when it has no  
9 where to go, it just recycles itself.

10 Water has come over our road, at the end of our  
11 road to make the very end property user difficult to get to  
12 his property. He is also in agriculture and has blueberry  
13 fields back there and he informed me that he has lost some  
14 blueberry bushes because of the standing water.

15 So I find this motion or petition to move forward  
16 with at least somehow finding a way to get this water to flow  
17 away from our property into the drain very significant. And  
18 I'm hoping you consider my comments as a reason to vote to  
19 update and tie us into this drain.

20 BOARD CHAIRPERSON RICH VANDER KLOK: Patrick, thank  
21 you for your comments.

22 Steve, is there anyone else who would like to  
23 participate in public comment?

24 ATTORNEY STEVE KOSKI: Yes, the next comment is  
25 from Dave Tibbe, sorry if I'm mispronouncing that.

1           If you could un-mute yourself and state your name  
2 and address and whether you own property in the district for  
3 the record, please?

4           Dave, if you could select the un-mute option.  
5 There you go.

6           MR. DAVE TIBBE: Am I un-muted?

7           ATTORNEY STEVE KOSKI: Yes, you are. Go ahead.

8           MR. DAVE TIBBE: Great. Again my name is Dave  
9 Tibbe. I live at 17060 Donahue Woods Drive, off of Hiawatha  
10 near Fillmore. I've been here about 20 years.

11           There are nine houses on our street, on Donahue  
12 Woods, and two of those nine have had water in their  
13 basement, but I would attribute that to them not exercising,  
14 or the original builders not exercising good engineering work  
15 in putting a drain tile around the bottom of the basement.

16           We did that to ours and the other seven houses did  
17 and they're not having issues because we're able to pump it  
18 away from the house when the water table gets high.

19           The water table has risen in our lot. It's risen  
20 about five feet and five inches, it's 21 feet height down to  
21 the water, and it's risen 5.5 inches in the last twelve  
22 years.

23           I guess the concern that I have is how are we  
24 liable for what the other district, this separate district  
25 that had a chance to vote on this way back when, and they

1 chose not to, for some reason, how is it that we should be  
2 obligated in any way for those that are having problems now?

3 I'm not even sure that the two houses on our street  
4 that have a problem, I'm not sure how we should be obligated  
5 to help them in any way either.

6 So those are my questions.

7 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
8 you, Dave. Appreciate those questions.

9 Joe or Paul, do you want to comment regarding those  
10 questions at this point?

11 ENGINEER PAUL FORTON: I guess, Joe, do you want to  
12 comment on that with the history that you know of the drain  
13 or would you like me to?

14 WATER RESOURCES COMM. JOE BUSH: No, I can do it.

15 From what I can tell from looking at GIS moving  
16 around here and looking at the current LiDAR, I don't think  
17 anybody that's already in that, in the drain by you, I'm not  
18 sure how I'm going to work this out yet. Depends on what the  
19 Board decides today, but the people that are benefiting in  
20 this subdistrict are probably going to be the ones that pay  
21 for the improvements.

22 That's how I see it right now, but for the record,  
23 that's what I'm going to say, but we'll wait to see if it  
24 moves forward, number one; and number two, we'll hear other  
25 comments that might come up that change that situation.

1           But as it stands right now, like Paul said earlier,  
2 we're looking at like between the end of the turkey coop and  
3 over to Stanton Street, kind of that corridor, that would be  
4 a subdistrict of whatever it's already involved in.

5           So Mr. Tibbe is right, there probably won't be  
6 liability as far as anybody upstream, but this -- the area  
7 we're focused on is, for any costs, would be any improvements  
8 on the south end of the drain.

9           Hopefully that clears it up, Mr. Tibbe.

10          MR. DAVE TIBBE: It does. Thank you, Joe.

11          BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank  
12 you, Dave, for your comments.

13          Joe, thank you.

14          Steve, is there anyone else that wants to make  
15 public comment at this time?

16          ATTORNEY STEVE KOSKI: Yes. The next comment is  
17 from Steve Post.

18          Steve, if you could un-mute yourself, state your  
19 name and address, and whether you own property for the  
20 record.

21          MR. STEVE POST: Hello, hopefully everyone can hear  
22 me. My name is Steve Post. I live at 17013 Mapleridge  
23 Drive. That's the subdivision that exists at the north end  
24 of this drain district.

25          I'm the homeowner's association president

1 representing this neighborhood as well. So I just wanted to  
2 provide a couple comments regarding our experience after the  
3 drain was installed.

4 I do have just some anecdotal information. Back in  
5 June of 2019, about mid month, we had some concerns. Our  
6 neighborhood has its own private drainage retention for our  
7 streets, and the neighborhood has -- we're adjacent to the  
8 drain that goes north-south near the end of its run to Little  
9 Pigeon River.

10 I thought I would share the experience with those  
11 drain retention ponds, as we've already discussed in this  
12 meeting, the high water level of the table in general over  
13 the last couple of years, it's kept those ponds full for  
14 quite an extended period. Those heavy rains in the spring of  
15 2019 retained in those ponds much longer.

16 I've been at my residence for six years this year  
17 and it was the first time we've had an extended period of  
18 retention in those ponds. They didn't drain for quite a long  
19 time.

20 We actually engaged Dana Burd who had worked on  
21 this project, and we had him actually come out to advise the  
22 association if there were any adjustments we needed to make  
23 to our water retention systems.

24 He indicated at the time that he didn't think that  
25 there was any necessary changes to that. So that's kind of

1 just information.

2 He was also surprised, his personal take was that  
3 he was surprised that the drain had retained water for nearly  
4 the whole season the year of 2019. That was a surprise to  
5 him and the engineers who worked on the project that this was  
6 not a dry bed for the drain, but it retained a consistent  
7 flow for an extended period of time.

8 I also wanted to share on behalf of the homeowners  
9 in this neighborhood, this year, 2020, we had two homeowners  
10 who experienced standing water in their basement from the May  
11 rains that we had over an extended three-day period; one home  
12 that had just been constructed and completed that spring,  
13 right around the time the neighbor was moving into that home,  
14 they had standing water in their new construction. And that  
15 is, for the record, at lot number 47 -- I'm sorry, 46, which  
16 is the address 10369 Morning Dew Court.

17 We also had one other neighbor at lot six in the  
18 subdivision, 10369 Birdseye court, and that home experienced  
19 standing water for an extended period, installed multiple  
20 additional sump pumps in their drain crock, and they  
21 experienced water that was being pumped out of the home, but  
22 never -- standing water in the basement itself, but they had  
23 a full crock that was constantly being pumped basically  
24 between May and June of this year.

25 So I just wanted to share that anecdotal evidence

1 of the homes here in the subdivision down the system.

2 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank  
3 you, Steve.

4 Steve, is there anyone else who would like to make  
5 public comment?

6 ATTORNEY STEVE KOSKI: Yes, the next comment is  
7 from Erin Schradin.

8 Erin, if you could un-mute yourself, state your  
9 name and address for the record, please.

10 MS. ERIN SCHRADIN: Hi, my name is Erin Schradin.  
11 I live at 9717 Cottontail Street in West Olive. And that is  
12 a private road that's basically across the street from the  
13 turkey farm, that's at the north end of the question area.

14 I just wanted to share that this spring we did have  
15 some standing water in the drain. Enough that there was a  
16 mosquito issue as somebody else talked about, and that it did  
17 become a problem.

18 So we didn't -- on our road we didn't have any  
19 standing water in the basement as far as I know of any of the  
20 houses, but there was -- there was some standing water that  
21 hung around for awhile.

22 BOARD CHAIRPERSON RICH VANDER KLOK: Okay.  
23 Anything else, Erin?

24 MS. ERIN SCHRADIN: Not that I can think of at this  
25 time . I just wanted to let you know there was, up in our

1 area, which is just a little bit north of the highlighted  
2 area, that we did have a few issues.

3 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank  
4 you, appreciate those comments.

5 Steve, is there anyone else?

6 ATTORNEY STEVE KOSKI: Yes, the next comment is  
7 from the phone number ending in 1041.

8 So if you could un-mute yourself by dialing star  
9 six and state your name, address, and whether you have  
10 property in the drain district for the record, please.

11 MS. HEATHER LACY: Can you hear me?

12 ATTORNEY STEVE KOSKI: Yes, we can hear you.

13 MS. HEATHER LACY: Okay, sorry, I just wasn't sure.  
14 My name is Heather Lacy. I live at 16315 Stanton, and I am  
15 in this area.

16 I have lived at this property for 37 years, and  
17 over that period of time there has only been three years that  
18 there has ever been a lot of rain that's caused any issues.

19 The house did not come with a sump pump and it was  
20 somewhere back in 1990 that the ground water did go up and I  
21 had to put a sump pump in.

22 The Hiawatha Drain that you put in at the back of  
23 my property, my son has taken his tape back there and it's  
24 been dry, except for the spring, but otherwise it's been dry,  
25 there has been no water in there.

1           For me, I didn't have any issues. Of course I have  
2 a sump pump, it was draining out. I did have no water at all  
3 in my yard.

4           The only thing there was was a couple of low spots  
5 way back in the woods where there was some water. And then  
6 my neighbors on the other side, their pond was a little bit  
7 high. But I didn't have any issues or anything with the  
8 water this year.

9           I say all the -- the sump pump, when it drained  
10 out, the water disappeared, I had no water standing at all  
11 anywhere.

12           And I'm still -- I said I was opposed to the  
13 Hiawatha Drain and I still am paying for that. I am now  
14 retired and I can't afford to pay anything else.

15           I don't know if anybody has any comments for me.  
16 Like I said, I've never had issues. It rains and then the  
17 water goes away, and after the rain there was no water  
18 standing in my yard at all.

19           BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
20 you, Heather. Appreciate those comments.

21           Steve, is there anyone else who would like to make  
22 public comment?

23           ATTORNEY STEVE KOSKI: Yes, the next comment is  
24 from the phone number ending in 3600.

25           If you could dial star six to un-mute yourself and

1 state your name, address, and whether you own property in the  
2 drainage district for the record, please.

3 Again, that's the number ending in 3600, if you  
4 could just dial star six to un-mute yourself.

5 I think while they figure that out I'll jump over  
6 to the next phone, Mr. Chair.

7 BOARD CHAIRPERSON RICH VANDER KLOK: That would be  
8 fine.

9 ATTORNEY STEVE KOSKI: The next person is  
10 Cassandra -- actually, I think they got it.

11 3600?

12 MS. MATTIE LAROSE: Yes.

13 ATTORNEY STEVE KOSKI: Okay, go ahead and state  
14 your name and address for the record, please.

15 MS. MATTIE LAROSE: My name is Mattie Larose. I  
16 live at 9259 Reyes Lane in West Olive. I am a resident and  
17 do own property along with Patrick. And I just want to make  
18 a few comments.

19 We have seen considerable standing water for the  
20 last two years since that new Hiawatha Drain has been put in.  
21 It is to the amount that it is feet, about two-and-a-half to  
22 three feet at some portions of our property, that there is  
23 standing water that deep.

24 My concerns of course are the mosquitos, the  
25 flooding, obviously property damage. And also, I believe

1 that at one point that we were initially included for this  
2 drain, when it was first originally presented.

3 I'm not sure at what point that our area was  
4 blocked off, but I also am wondering if there is additional  
5 funds available to cover the property if it were to be  
6 changed to a flood zone.

7 And also would there be a plan moving forward of  
8 how to get it away from all the properties? It does pretty  
9 much go around our entire property.

10 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Mattie,  
11 thank you for those comments.

12 I would say that if it's determined by the Board of  
13 Determination to move forward on this project, that those  
14 questions that you have obviously would be addressed.

15 However, we are -- we're not going to indicate the  
16 scope of the project because we don't know what that would be  
17 yet, if that makes sense to you, Mattie.

18 MS. MATTIE LAROSE: Yes, yes, I do. I guess those  
19 are my concerns. So I would be a definite vote yes to move  
20 forward.

21 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
22 you, Mattie, for those comments. Appreciate it.

23 Steve, is there anyone else?

24 ATTORNEY STEVE KOSKI: Yes. The next comment is  
25 from Lori Nys.

1           Lori, if you could state your name and address for  
2 the record, please.

3           I'm sorry, I should have said un-mute yourself.

4           MS. LORI NYS: Sorry, folks. Lori Nys, address  
5 16064 Fillmore.

6           And my question is for Paul in his presentation.

7           Paul, you mentioned about no overlapping, am I  
8 understanding you to say that there would not be residents  
9 who would be included in both the Cooper and the Hiawatha  
10 drains?

11          ENGINEER PAUL FORTON: If I may, Chair, address  
12 that?

13          BOARD CHAIRPERSON RICH VANDER KLOK: Yes, go ahead,  
14 if you will respond to that.

15          ENGINEER PAUL FORTON: So sorry for the confusion  
16 on that.

17                 So there are going to be parcels that are in both.  
18 And I did have a chance between the two meetings to pull up  
19 your parcel, and it appears that the majority of your parcel  
20 is in the Hiawatha Drain drainage district, but there is a  
21 small portion that does drain to the east.

22                 Interestingly enough, with the -- I believe if I  
23 remember correctly, you built in 2018.

24          MS. LORI NYS: Yes.

25          ENGINEER PAUL FORTON: So if I'm not mistaken,

1 Prein & Newhof would have done their line, their district  
2 boundary line prior to your home being built.

3 And so -- but I guess to get to the core of your  
4 question, when I mean overlaps and gaps, when we have some of  
5 these district boundaries that are over a hundred years old,  
6 they were obviously done before we had the elevation data  
7 that we have today. And what can happen is when they  
8 established, say, the Cooper Drain drainage district on one  
9 side of 160th Avenue, they might have said, okay, this whole  
10 80-acre farm is in.

11 And then ten or fifteen years later in 1905 they  
12 established the Hiawatha next door, and of that 80 acres,  
13 maybe some of it got assessed to Hiawatha as well.

14 And so some of our older district boundaries that  
15 haven't been updated, we have situations where there is an  
16 overlap where if I own 80 acres, I might be getting assessed  
17 for 80 acres in one drainage district and 60 in another.  
18 Well 80 and 60 is 140, not the 80 I own. So they're kind of  
19 almost getting doubled taxed in a way with the way the old  
20 system was.

21 MS. LORI NYS: Right.

22 ENGINEER PAUL FORTON: And the converse of that is  
23 you might be in a drainage district and a neighbor's property  
24 drains across yours to get in, and we've seen there are gaps  
25 where, hey, I'm paying, but my neighbor is not and their

1 water comes across my property.

2 Fortunately with the data that we have today, the  
3 LiDAR data, the elevation data, we are able to take a very  
4 close look at that and make those lines much more accurate  
5 than we did even ten or fifteen years ago.

6 So, yes, certainly you're not in one or the other.  
7 If you're on kind of a rise or a high point where your water  
8 drains in multiple directions, that would provide for you to  
9 be potentially in both drainage districts, and I believe at  
10 this point that you are, your particular parcel is.

11 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,  
12 Paul.

13 Lori, does that answer your question?

14 MS. LORI NYS: It does. It wasn't the answer I was  
15 hoping for, but thank you.

16 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, do you  
17 have any other comments at this point, Lori?

18 MS. LORI NYS: No, I'm good. Thanks a lot, Rich.

19 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,  
20 Lori.

21 Steve, are there any other public comments?

22 ATTORNEY STEVE KOSKI: Yes, the next comment is  
23 from Cassandra Hoisington who is on behalf of the township.

24 Cassandra, if you could un-mute yourself and state  
25 your name for the record and position, please.

1 GRAND HAVEN TOWNSHIP PLANNING ASSISTANT CASSANDRA  
2 HOISINGTON: Thank you. I'm Cassandra Hoisington. I'm  
3 representing Grand Haven Charter Township, just noting that  
4 the township has no objection to this project. Thank you.

5 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
6 you, Cassandra. Appreciate that.

7 Steve, is there anyone else who wants to  
8 participate in public comment?

9 ATTORNEY STEVE KOSKI: Yes, the next comment is  
10 from the user name Carl.

11 So, Carl, if you could un-mute yourself and state  
12 your name, address and whether you own property in the  
13 district, please.

14 MR. CARL BERESHEIM: Hi, my name is Carl Beresheim,  
15 I live at 9297 Reyes Lane in the district.

16 I have a copy here of the map from the original  
17 design of the drain when it was first built. It goes right  
18 past my property.

19 I was under the impression -- I was told that the  
20 drain was stopped, it was never completed. But I was  
21 assessed for that drain, and it did not do me any good.

22 Now I'm in the subdistrict, and it looks, it  
23 appears I'll be assessed again, a second time.

24 I'm just wondering what the comments are on that.

25 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, Carl.

1 Joe, do you want to speak to that at this point?

2 WATER RESOURCES COMM. JOE BUSH: I think -- yeah,  
3 thank you, Mr. Chair.

4 I think in the original plan, Dana Burd at Prein &  
5 Newhof, we had tried to pick up those roads and tried to get  
6 water off Stanton, and at that time we couldn't get any  
7 easements.

8 So I didn't want to take them to court because  
9 those people at that time, I believe that they were for sure  
10 not given an easement. Well if I can't get an easement, that  
11 means I got to stop it somewhere. And we wanted a project to  
12 keep going forward and I didn't want to get attorneys  
13 involved because we could end up with another \$50,000 cost  
14 just in a matter of a couple months and I didn't want that  
15 and I don't know if the people wanted that.

16 So I think that's one of the main reasons why it  
17 did stop, Carl, was because we couldn't get any easements.  
18 Nobody wanted to work with us if my memory serves me  
19 correctly.

20 And that's been a few years ago back already, so we  
21 decided to end it there and we constructed it so we could add  
22 branches later. So it is constructed by the turkey coops  
23 deep enough where we could add it later, and that's kind of  
24 where we ended up stopping it.

25 So in the original, original, original -- this

1 thing has changed because of EGLE, the DEQ, well I say EGLE  
2 which is DEQ, you know, there was some problems with the  
3 permitting.

4 So the plans did change a few times, but the  
5 original goal was to get to Stanton Street, and we couldn't  
6 get anything to work with property owners for easements at  
7 that time.

8 Hopefully that makes sense.

9 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank  
10 you, Joe.

11 Carl, does that answer your question?

12 MR. CARL BERESHEIM: It does to an extent, but we  
13 were assessed for the drain the first time, and it was  
14 stopped. It did not help us at all.

15 WATER RESOURCES COMM. JOE BUSH: But I think the  
16 upper end got a little assessment, when I say little, we use  
17 factors for that. And at that time we -- people in the drain  
18 paid more than everybody else.

19 So your benefit technically was less than everybody  
20 because you're further away from it and we couldn't get to  
21 Stanton Street.

22 So was there an assessment? Yep. But was it less  
23 than everybody who was on the drain who benefited more than  
24 you? For sure.

25 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank

1 you, Carl. Do you have anything else?

2 MR. CARL BERESHEIM: No, I believe that's all.  
3 Thank you for the meeting.

4 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank  
5 you, Carl.

6 Steve, is there anyone else who would like to make  
7 comments?

8 ATTORNEY STEVE KOSKI: Yes, the next person that  
9 would like to speak is Vern Hill.

10 So, Vern, if you could un-mute yourself and state  
11 your name, address and whether you own property in the  
12 district, please.

13 MS. MEGAN KAISER: Hi, I'm actually -- I'm Megan  
14 Kaiser and I'm with Vern Hill. I live in the district as  
15 does Vern. My address is 16111 Pineline Drive.

16 And just to piggyback off Carl's concern, we also  
17 paid and didn't receive any benefits whatsoever of the  
18 drains. Our backyards, like Mattie's, was two-and-a-half,  
19 three feet underwater for months.

20 My husband and I have paid about \$13,000 in  
21 damages. I know Dave said something about having drain tiles  
22 not installed, and it kind of being the fault of the  
23 homeowner. But I think it's not really standard practice to  
24 have drain tile in these homes, you know, especially when  
25 they were built.

1           But I guess I'm wondering, you know, even if the  
2 easement -- or even if our portion of what we were paying was  
3 not as much, it just seems like since this project started in  
4 2018, we have had flooding like we've never had before. And,  
5 you know, it's not only not helped, it's been very harmful.

6           BOARD CHAIRPERSON RICH VANDER KLOK: Okay.  
7 Appreciate those comments, yes. I understand what you're  
8 saying.

9           Do you have anything else that you'd like to add at  
10 this point?

11           MS. MEGAN KAISER: Yes, actually I'm wondering --  
12 I'm wondering when we were notified that the drainage was  
13 being stopped, I'm just wondering about the communication  
14 piece of all of this. I don't recall being notified when it  
15 was stopped that what we were paying would be less. And also  
16 in terms of communication, a meeting like this that should be  
17 public and should have as much public input as possible, why  
18 is it being held during hours that are so prohibitive for  
19 people that are working traditional work hours?

20           BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,  
21 appreciate that.

22           Joe, you can respond to the timing of the meeting  
23 and so forth, if you would.

24           WATER RESOURCES COMM. JOE BUSH: Yep. Well  
25 typically for the original Hiawatha Drain, we had multiple

1 meetings that I didn't even have to have via state law with  
2 the Drain Code. I know we informed a lot of people -- a lot  
3 of communications. Dana Burd visited a lot of different  
4 homeowners out there.

5           You know, I'm not sure how long you have lived  
6 here, I don't know if you lived there in '08, '09. You sound  
7 like this is the worse it's ever been. I know if the drain  
8 wasn't there, we would have probably 20, 30 homes flooded  
9 with feet of water in their basement if the Hiawatha was not  
10 put in. So it did work.

11           I mean you hear other property owners saying -- I  
12 haven't had any complaints, we keep track of calls on the  
13 Hiawatha, and we technically haven't had any calls on people  
14 flooding on the original drain that was put in.

15           So I keep track of those.

16           The other one is we were very transparent in the  
17 very beginning, and then we had multiple information meetings  
18 at night.

19           The reason the BODs, I can't make everybody happy,  
20 I'm sorry, but the reason the BODs are in the afternoon, we  
21 usually carry these in the afternoon. I had them at night,  
22 and I had more people upset with me that I ruined their  
23 sports, I ruined their supper, I ruined their family time.

24           So then I get the people in the afternoon going, I  
25 work, I have a job, I get it. I can't make everybody happy,

1 but --

2 MS. MEGAN KAISER: But if people are willing to  
3 make it a priority and want to be part of it, they don't  
4 really have to worry about missing sports whereas missing  
5 work is a lot tougher.

6 WATER RESOURCES COMM. JOE BUSH: But for some  
7 people's priorities when it comes to sports is probably more  
8 important than their work, I think.

9 I can't speak for everybody, but I'm giving you my  
10 answer, and that's why they're in the afternoon right now.  
11 Because at night, I get more people showing up -- I have  
12 these all the time, I get more people showing up in the  
13 afternoon than I do at night.

14 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,  
15 Joe.

16 WATER RESOURCES COMM. JOE BUSH: Yep.

17 MS. MEGAN KAISER: Excuse me, just one more minute.

18 Joe, just because you were not notified, you know,  
19 like our home is not the only one that has flooded. We're  
20 not the only ones that have sustained damage. So I'm not  
21 sure what your method of reaching out to people was like.

22 Anything the state did for the spring flooding, we  
23 definitely let them know. I just hear that other people were  
24 affected by this and I'm not sure why you don't know that.

25 WATER RESOURCES COMM. JOE BUSH: Did you call my

1 office?

2 BOARD CHAIRPERSON RICH VANDER KLOK: Joe, excuse  
3 me.

4 WATER RESOURCES COMM. JOE BUSH: Yep.

5 BOARD CHAIRPERSON RICH VANDER KLOK: This is a  
6 public comment time, there is not a dialogue time.

7 WATER RESOURCES COMM. JOE BUSH: That's correct.

8 BOARD CHAIRPERSON RICH VANDER KLOK: So if those  
9 issues are something that you want to pursue, then I would  
10 suggest that you contact Joe directly.

11 But this is a public comment and you have a little  
12 over, about a minute left, if you want to make another  
13 comment before your time is up.

14 MS. MEGAN KAISER: I guess I'm more interested in  
15 responses now.

16 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank  
17 you.

18 Steve, is there anybody else who would like to  
19 participate?

20 ATTORNEY STEVE KOSKI: Yes, the next comment is  
21 from the user name Lori E. King.

22 So if you could un-mute yourself, state your name  
23 and address and whether you own property in the district,  
24 please.

25 MR. BRIAN KING: Hello. My name is Brian King and

1 I live at 9800 Hiawatha, and I'm in the district.

2 And I would -- I would support this. I do clean  
3 water development work in Sub-Saharan African and I know how  
4 important this is to the health and well-being of the  
5 district. Just a couple comments I'd like to add.

6 One, I would support the addition of the Hiawatha  
7 subdistrict with a caveat that these folks would share 100  
8 percent of the burden of the improvement. And in addition to  
9 that, they would also share a percentage of the overall  
10 infrastructure of the original development work.

11 That's all I have to say.

12 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
13 you, Brian. Appreciate that.

14 MR. BRIAN KING: Thank you. Appreciate your work.

15 BOARD CHAIRPERSON RICH VANDER KLOK: Steve, is  
16 there anyone else who would like to make a public comment?

17 ATTORNEY STEVE KOSKI: Yes, the next comment is  
18 from Ben Randall.

19 Ben, if you could un-mute yourself, state your name  
20 and address, and whether you own property in the district,  
21 please.

22 MR. BEN RANDALL: My name is Ben Randall. I'm the  
23 general manager of GEW Farms Property at 16304 Fillmore, the  
24 turkey farm that everyone is speaking of. I just want to  
25 give you my thoughts on this summer.

1           On May 17 and 18 I had more water on that farm than  
2 anyone can remember. I have some pretty good pictures of it  
3 if you're looking for pictures. We wrecked a truck because  
4 the water was so deep trying to get into the farm.

5           I'm only saying that because my neighbors to the  
6 south talk about the water and they're not kidding.

7           I will say that the water that ran into the drain  
8 left our property. The groundwater left behind, I assume was  
9 groundwater, left ponds between the buildings for over a  
10 month.

11           I think the drain, which wraps two sides of our  
12 property, in essence did what it needed to do for us. We  
13 actually trenched water to get to it, so it could leave the  
14 property.

15           Groundwater is an entirely different problem, and I  
16 understand that. But that groundwater is higher than we've  
17 seen it in years, probably everywhere.

18           So I just wanted to lend a comment to the fact that  
19 we did have an immense amount of water there for those few  
20 days in May.

21           BOARD CHAIRPERSON RICH VANDER KLOK: Okay, Ben,  
22 thank you for your comment. Appreciate that .

23           Steve, is there anyone else who would like to make  
24 public comment?

25           ATTORNEY STEVE KOSKI: Yes, the next comment is

1 from Angelo Marasco.

2 If you could un-mute yourself, state your name,  
3 address and whether you own property in the district, please.

4 MR. ANGELO MARASCO: Yes, my name is Angelo  
5 Marasco. I live at 17100 Legacy Drive, so in the Lakeshore  
6 Woods development.

7 And just a couple comments; one, I will admit that  
8 as the original project was being developed that I was very  
9 cynical. It had been delayed until our development had been  
10 put in, so there were going to be more properties to bear the  
11 costs, when my perception was in our location that we weren't  
12 necessarily strong beneficiaries.

13 But that being said, I do want to compliment the  
14 folks who did build the drain because in terms of the way  
15 that it was executed, I think our neighborhood has benefited  
16 just as a natural walkway. So from that perspective, I just  
17 wanted to pass that along.

18 But also reiterate some of the other comments in  
19 terms of my lack of interest in necessarily bearing the costs  
20 for this new development. That's it.

21 BOARD CHAIRPERSON RICH VANDER KLOK: Okay.  
22 Anything else, Angelo?

23 MR. ANGELO MARASCO: No, that was it.

24 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
25 you for your comments. Appreciate that.

1 Steve, is there anyone else?

2 ATTORNEY STEVE KOSKI: At this time, Mr. Chair, in  
3 terms of the people who have had a first round, there is  
4 nobody else.

5 I do see two hands raised but they are people who  
6 have commented once already. So I would leave that to you,  
7 you and the Board to decide if you would like to hear a  
8 second round of comments from anybody.

9 BOARD CHAIRPERSON RICH VANDER KLOK: No. Everyone  
10 has had their opportunity for public comment, and they've  
11 already spoken, and so at this point in time, I would make a  
12 motion to close public comment.

13 Is that supported?

14 BOARD SECRETARY LARRY BRUURSEMA: Supported.

15 BOARD CHAIRPERSON RICH VANDER KLOK: Moved and  
16 supported.

17 Larry?

18 BOARD SECRETARY LARRY BRUURSEMA: Yes.

19 BOARD CHAIRPERSON RICH VANDER KLOK: Ron?

20 BOARD MEMBER RON BRINK: Yes.

21 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich votes  
22 yes as well. And so that concludes our public comment time.

23 Now any comments from either Larry or Ron regarding  
24 what we've heard and the presentation by Paul? Larry?

25 BOARD SECRETARY LARRY BRUURSEMA: Not really. I

1 think Paul covered it real well, and I think the comments  
2 from the public community have helped us make a decision.

3 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank  
4 you.

5 Ron, is there anything that you would like to add?

6 BOARD MEMBER RON BRINK: Yes. This is by far not a  
7 unanimous project for the property owners, that's one thing.  
8 There is much more concern about the cost than I thought  
9 there would be.

10 It appears to be sort of an individual thing with  
11 the burden of the water, it doesn't seem to go for all the  
12 property.

13 It's going to take some thinking. It's a  
14 controversial thing. That's it.

15 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
16 you, Ron.

17 Well I again want to thank everyone who made  
18 comments, and certainly there are many variables that have  
19 entered in here, the costs and so forth being a factor for  
20 several people, which I certainly can understand.

21 However, we cannot address that because we -- the  
22 only way we could address that or anyone could address that  
23 would be if the project would go forward, so that really is  
24 not in the purview of the Board of Determination. Our  
25 decision has to be whether we feel that it's necessary or not

1 necessary.

2 And so having said that, I would like to make a  
3 motion that the proposed maintenance and improvement of the  
4 Hiawatha Drain as petitioned on June 1 of 2020, is necessary  
5 and conducive to the public health, convenience and welfare.

6 And I've made that motion, is that supported?

7 BOARD SECRETARY LARRY BRUURSEMA: Yes, that's  
8 supported.

9 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
10 you.

11 Any comments on that motion?

12 I would just like to just interject something real  
13 quickly, and that is when we make a motion like this, one of  
14 the areas that is mentioned is public health. And I did hear  
15 a number of comments by individuals in terms of water quality  
16 and also in terms of mosquito issues and that type of thing,  
17 which is a real concern, and I understand that.

18 So I appreciate those comments because for me, for  
19 me that was very helpful. So that's my comment on the  
20 motion.

21 I'm ready to vote.

22 Larry?

23 BOARD SECRETARY LARRY BRUURSEMA: Yes.

24 BOARD CHAIRPERSON RICH VANDER KLOK: Ron?

25 BOARD MEMBER RON BRINK: Yes.

1 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich votes  
2 yes. That has -- that is approved.

3 And now, in our typical agenda, I'm going to ask  
4 Joe Bush, the Water Resources Commissioner to just briefly  
5 discuss the appeal process.

6 WATER RESOURCES COMM. JOE BUSH: Thank you.

7 If anybody wants to appeal today's Board of  
8 Determination, you can.

9 BOARD CHAIRPERSON RICH VANDER KLOK: Sorry, Joe, we  
10 can't hear you.

11 WATER RESOURCES COMM. JOE BUSH: Can you hear me  
12 now?

13 BOARD CHAIRPERSON RICH VANDER KLOK: There you go.

14 WATER RESOURCES COMM. JOE BUSH: Okay.

15 BOARD CHAIRPERSON RICH VANDER KLOK: That's better,  
16 thank you.

17 WATER RESOURCES COMM. JOE BUSH: Yes, sorry.

18 Again, you can appeal today's Board of  
19 Determination, and by doing that, you have to appeal it to  
20 circuit court and you have ten days after today to appeal it.

21 I know Steve is on the line too, if there is any  
22 other questions on that. But you have ten days, and that's  
23 working days from today to appeal the Board of Determination  
24 through circuit court.

25 I just wanted to follow up with that and I

1 appreciate everybody's time this afternoon to chime in and  
2 give comment. We appreciate that.

3 ATTORNEY STEVE KOSKI: And just to clarify, that's  
4 ten days, just ten days; but if it does fall on a weekend you  
5 would have until like the following Monday to submit.

6 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, good.  
7 Thank you for that clarification regarding the appeal  
8 process, that's very helpful.

9 There is no other business that is going to come  
10 before the Board of Determination, therefore, I would make  
11 the motion to adjourn the meeting.

12 Is that supported?

13 BOARD MEMBER RON BRINK: Yes.

14 BOARD CHAIRPERSON RICH VANDER KLOK: Moved and  
15 supported.

16 Ron?

17 BOARD MEMBER RON BRINK: Yes.

18 BOARD CHAIRPERSON RICH VANDER KLOK: Larry?

19 BOARD SECRETARY LARRY BRUURSEMA: Yes.

20 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich votes  
21 yes.

22 We are adjourned.

23 (Board of Determination adjourned at 12:40 p.m.)  
24  
25



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