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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: COUNTRY MEADOW ESTATES DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Wednesday,
April 18, 2019, at the Holland Charter Township, 353 North
120th Avenue, Holland, Michigan, held before Marjorie A.
Covey, CSR-2616, Certified Shorthand Reporter and Notary
Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Chad Meints, Chief Deputy to Water Resources Comm.
- Ms. Stacy Hissong,
Attorney for Ottawa County Water Res. Commission

- Mr. Bill Cargo, Board Chairman
- Mr. Ken Souter, Board Secretary
- Mr. Larry Bruursema, Board Member

- Mr. Steve Bulthuis, Manager, Holland Charter Township

- Mr. Ken Bosma, P.E., Engineer, Prein & Newhof

- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 April 18, 2019 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Well good morning,
5 everyone. I'm Joe Bush, your Ottawa Water Resources
6 Commissioner or Drain Commissioner.

7 It's 10 o'clock and we're here for the Board of
8 Determination for the Country Meadows Estates Drain.

9 You're probably like why am I here this morning,
10 why at 10, and what is this about?

11 Well in Holland Township and most of the 17
12 townships in Ottawa County there is storm sewer that is not
13 owned by anybody. The Road Commission, the Township, or
14 myself, the County, and we're trying to figure out, well what
15 do we do when something needs fixed or repaired? Who do you
16 call? You always wonder, who do you call?

17 And as long as it's working, right, nobody really
18 sees it or cares about it because it's underground and
19 functioning. When it's broken, you don't know who to call
20 and you don't know who is going to pay for it and you just
21 wonder who owns it or who has jurisdiction over it.

22 That would usually be the Water Resources
23 Commissioner or Drain Commissioner. But we're here today to
24 establish an orphan drain that nobody owns. The Township is
25 going through a process to establish all these orphan drains.

1 And they're paying the upfront costs to have an engineer look
2 at it, and he'll give a presentation later.

3 And it's just a matter of the process in the Drain
4 Code. The Drain Code, it starts off with a petition, that
5 would be by the township or the people, but the Township
6 wants to do this with multiple drains. I think we've been
7 doing these for the last five years.

8 And Park Township is doing it, there are other
9 townships that are following suit. Grand Haven Township is
10 next, Georgetown has probably 300 of these. They're orphan
11 drains that were put in in the '80s, '70s, even the '60s that
12 nobody really has jurisdiction. There is easements, but
13 nobody really has the ability to go in and do the work and
14 there is always a cost.

15 And then it's always, well how much do we pay, and
16 there is a lot of questions with that.

17 So to start the process, Drain Code requires a
18 petition. The Township has petitioned me for this one,
19 Country Meadows Estate.

20 And if you look on the map, it's the red area.
21 That's kind of like a watershed, that's what we call it.
22 Drain district/watershed, it's your water contributing to
23 this drain.

24 And then so once I get a petition, I setup a BOD,
25 and that's why you ladies and gentlemen are here this morning

1 is for the BOD.

2 And then I have to pick a three-panel board. And
3 this three-panel board has no affiliation with any of this
4 area or Holland Township. They own no properties in it, but
5 they are appointed by me. And I appoint people who have
6 experience in, number one, Drain Code; and number two, how
7 the Drain Code works with the petition, BOD, and that's why
8 they're here.

9 They're here today to listen to testimony on if you
10 have a problem, a lot of times we don't know there is a
11 problem unless you folks come to the public hearing; and
12 they're here to make a decision as to establish it as a
13 County drain, not a project. We don't have a project. There
14 has been no complaints in this area. It's just a matter of
15 process, the legal process.

16 So I'll do introductions. And then once I do
17 introductions and swear them in, as the board, then I'll sit
18 down and then these three gentlemen will run the meeting.

19 We have a court recorder. And then so when you
20 stand up, and come up front, maybe speak into the mic with
21 your address and your name, and just make a statement whether
22 you're in favor or you think it's crazy or whatever. It's
23 your time.

24 This isn't about Joe Bush and my department. It's
25 about us helping you for the future. Because with

1 infrastructure, you know, at some point something is going to
2 fail because it gets old. And a lot of it has been in the
3 ground for many years already.

4 So I'll go ahead and do introductions, and then we
5 can start the public hearing. And then we'll go from there.

6 Once I -- and you can always ask questions. Don't
7 hesitate. During public comment, go up, ask the Board any
8 question, and then they'll reference me or the engineer.

9 But again, I'm Joe Bush, your Water Resources
10 Commissioner.

11 We have -- I'll go from right to left, this is the
12 three-panel that I picked this morning for this particular
13 orphan drain. On my right is Ken Souter, he is retired from
14 the Road Commission as an engineer for many, many years. I
15 think he had over 35 years in at the Road Commission, but
16 he's retired.

17 And then you got Bill Cargo, he is from Grand Haven
18 Township, he's their manager.

19 And then Larry Bruursema is also from the Road
20 Commission and Georgetown Township, retired from the Road
21 Commission quite a few years ago already, several.

22 BOARD MEMBER LARRY BRUURSEMA: Ten.

23 WATER RESOURCES COMM. JOE BUSH: And he was a board
24 member at Georgetown Township for many, many years so he
25 understands the process.

1 So when I appoint, I appointed people that listen
2 to your concerns or problems, and they also are just here to
3 say, it's necessary, not really pick a project. That's not
4 why they're appointed.

5 And then we have Margie. Margie is a court
6 recorder. Everything is recorded word for word. You can
7 always get those transcripts from my department at some point
8 in the future if you need to go back and reference something.

9 So it's word for word. That's not by law. We have
10 it just to say we got it word for word. So nothing gets
11 confused.

12 Then we have Ken Bosma. He's from Prein & Newhof,
13 he's the engineer that we picked for this. And basically his
14 job was to determine the drainage district and also any
15 issues out there, look at the reference, talk about when it
16 was established -- not established, I'm sorry, constructed as
17 a storm sewer and as a development. So he has the history on
18 that.

19 We have Steve Bulthuis, he's from the Township --
20 Don Komejan was for many years the Township manager. Steve
21 Bulthuis has taken over his position when he retired.

22 We have Jerry Olman, he's from the Road Commission.
23 We do a lot of these partnerships in collaboration. A lot of
24 it is in the roads, some of it isn't in the roads, taking
25 private water. So we work together on a lot of projects and

1 orphan drains is one of those.

2 And then we have Chad. Chad is my newly hired
3 chief deputy and he's picking up pretty quickly.

4 And then Stacy Hissong is here as a guest and she's
5 our legal counsel that we use for the Michigan Association of
6 County Drain Commissioners. And she does work for me as well
7 in the County. She's just here to observe. I've been doing
8 this for seven years, and she said hey, I don't mind sitting
9 in today. And I said, that's fine, go ahead.

10 I don't think I missed anybody.

11 I'm going to go ahead and give these gentlemen the
12 oath. And once I do that, they'll run the meeting from here
13 on out.

14 So thank you and welcome to Holland Township.

15 Gentlemen, do each of you solemnly swear to
16 faithfully perform and discharge the duties imposed upon you
17 as members of the Board of Determination appointed by the
18 Water Resources Commissioner of Ottawa County to determine
19 the necessity of drainage improvements in a certain drain to
20 be known and designated as the Country Meadows Estates Drain
21 in the Township of Holland in said County as required by law,
22 gentlemen?

23 BOARD MEMBER BILL CARGO: I shall.

24 BOARD MEMBER KEN SOUTER: I do.

25 BOARD MEMBER LARRY BRUURSEMA: I do.

1 BOARD MEMBER BILL CARGO: We'll start with the
2 election of a secretary and chair. Is there a motion to
3 elect a chairperson?

4 BOARD MEMBER KEN SOUTER: I'll move that Bill Cargo
5 be chair today.

6 BOARD MEMBER LARRY BRUURSEMA: I'll support that
7 motion.

8 BOARD MEMBER BILL CARGO: We have a motion on the
9 floor.

10 If there is no further discussion, all in favor of
11 electing Cargo to be the Chair, say aye.

12 BOARD MEMBER LARRY BRUURSEMA: Aye.

13 BOARD MEMBER BILL CARGO: Aye.

14 BOARD MEMBER KEN SOUTER: Aye.

15 BOARD MEMBER BILL CARGO: Opposition? There isn't
16 any on that.

17 BOARD MEMBER LARRY BRUURSEMA: I'll make a motion
18 that we nominate Ken Souter as the secretary.

19 BOARD CHAIRPERSON BILL CARGO: And I'll support
20 that.

21 And again we have a motion on the floor to elect
22 Ken Souter as a secretary for this meeting. There is no
23 further discussion.

24 All in favor, say aye.

25 BOARD MEMBER LARRY BRUURSEMA: Aye.

1 BOARD CHAIRPERSON BILL CARGO: Aye.

2 BOARD MEMBER KEN SOUTER: Aye.

3 BOARD CHAIRPERSON BILL CARGO: Opposed?

4 And Ken, you are now the secretary.

5 Now typically when we have public comments we try
6 to have some limit on that. We're talking here about the
7 necessity of this drain. You can summarize most novels in
8 less than three minutes, so we ask that people keep their
9 comments to three minutes.

10 So do I have a motion to limit public comments to
11 three minutes per person?

12 BOARD MEMBER LARRY BRUURSEMA: So moved.

13 BOARD SECRETARY KEN SOUTER: So moved.

14 BOARD CHAIRPERSON BILL CARGO: I'll take that as
15 Ken making the motion and Larry supporting that.

16 Any further discussion?

17 All in favor, say aye.

18 BOARD MEMBER LARRY BRUURSEMA: Aye.

19 BOARD CHAIRPERSON BILL CARGO: Aye.

20 BOARD SECRETARY KEN SOUTER: Aye.

21 BOARD CHAIRPERSON BILL CARGO: That is also then
22 approved.

23 And again what we're here for today is to see if we
24 wanted to include a certain drain within the Ottawa County
25 jurisdiction of drains. Right now we cannot spend public

1 monies on private property. And this right now is not under
2 anybody's responsibility, and so we're trying to get this
3 under the responsibility -- or the Township is trying to
4 bring this under the responsibility of the Ottawa County
5 Water Resources Commissioner.

6 So first I'm going to ask Steve, the new
7 superintendent, not new, he's been here a year I guess, from
8 Holland Charter Township.

9 Steve, if you have any comments, please come up to
10 the podium.

11 HOLLAND CHARTER TOWNSHIP SUPERINTENDENT STEVE

12 BULTHUIS: Well as it was mentioned a little bit earlier, the
13 Township has embarked on a process of getting orphan drains
14 established as county drains. And today's hearing, and those
15 occurring throughout last week and next week as well, is our
16 continuing effort to get these orphan drains established.

17 BOARD SECRETARY KEN SOUTER: Have you received any
18 problems on this particular drain?

19 HOLLAND CHARTER TOWNSHIP SUPERINTENDENT STEVE

20 BULTHUIS: We have not.

21 BOARD SECRETARY KEN SOUTER: Okay.

22 BOARD CHAIRPERSON BILL CARGO: Typically, if there
23 is a small problem, each community is different. What is the
24 policy for Holland Charter Township on doing maintenance work
25 on these type of drains? Do you say like if it's less than

1 10,000, you do it; if it's more than 10,000, then you look at
2 assessing the costs?

3 HOLLAND CHARTER TOWNSHIP SUPERINTENDENT STEVE

4 BULTHUIS: Correct.

5 BOARD CHAIRPERSON BILL CARGO: Okay.

6 HOLLAND CHARTER TOWNSHIP SUPERINTENDENT STEVE

7 BULTHUIS: That is the policy we have.

8 BOARD CHAIRPERSON BILL CARGO: I got lucky in my
9 numbers.

10 BOARD SECRETARY KEN SOUTER: You've been through
11 this before, right?

12 BOARD CHAIRPERSON BILL CARGO: I've read through
13 this before.

14 Steve, thank you.

15 The Ottawa County Road Commission is also here.

16 Any comments from the Ottawa County Road Commission?

17 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: Other
18 than I'm not aware of any issues with the drainage in this
19 particular plat.

20 BOARD CHAIRPERSON BILL CARGO: And just for the
21 benefit of the public, will you acknowledge just your title?

22 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: Jerry
23 Olman, environmental coordinator with the Ottawa County Road
24 Commission.

25 BOARD CHAIRPERSON BILL CARGO: I appreciate that.

1 Next we have Ken from Prein & Newhof, the
2 engineering firm that has been hired by Holland Charter
3 Township on this.

4 Ken, can you give us a brief overview of the drain
5 and why this is separate from the other drains?

6 ENGINEER KEN BOSMA: Yep, I appreciate it. This
7 will be very simple because I think many things have already
8 been addressed by Joe and by the Township and by the Road
9 Commission.

10 But here is, again, just identifying what we're
11 going through is changing from an orphan drain, which has no
12 jurisdiction over maintaining a storm sewer system or
13 drainage swales in a particular area, in this case Country
14 Meadows Estate. So we're looking to potentially establish
15 this as a County drain so somebody has, in the future,
16 maintenance rights to get in there.

17 In this case it would be Joe's office that would be
18 contacted should this become a County drain, and then Joe
19 would work through making maintenance issues and going
20 through the procedures as he is required by Drain Code.

21 For this particular project, this was petitioned by
22 the Township on February 21 of 2019, so earlier this year,
23 which again follows the requirements of the Drain Code for
24 petitioning, as we are also holding this Board of
25 Determination meeting today to go through this process.

1 The one item in here is just identified, it's kind
2 of the areas that are included in this district, and there is
3 one plat that is called the Country Meadows Estate Plat.
4 This plat was established in 1987.

5 I think Joe alluded to it a little bit, but the
6 establishment of these plats and their drainage systems,
7 prior to somewhere in about the mid '90s, did not go through
8 this process. So that's why we're going through this today.

9 New plats will typically have a 433 agreement that
10 they call where they have actually the developer prepare the
11 agreement with the drain office to say that he will takeover
12 drainage systems now on new developments and plats.

13 So newer developments will not typically go through
14 this process. This process is for those that were
15 established somewhere before the mid '90s, at least in Ottawa
16 County. So that's why we're going through this today.

17 This is the same map basically as what you see over
18 here, the exhibit on the easel, which gives the district
19 boundary as far as the way we see the watershed.

20 Generally you'll see it goes through the middle of
21 the houses because kind of the middle of the houses, it
22 drains towards the roads where the drainage system is at.
23 The back yards typically do not get back in there.

24 This is the same one with just an aerial again,
25 that is the same exhibit that you see over here up front.

1 And then again we're here just to hear if there is
2 anything. As identified I think by the Road Commission and
3 the Township, at this point we are unaware of any issues that
4 are out there. You have the opportunity today to say if
5 there are any issues that you're aware of that we need to
6 look into. But we are not aware of any particular issues at
7 this point.

8 And I think just as referenced even by the Township
9 just so you do recall, the Township did establish this, what
10 they call Storm Water Drains Funding Policy, it was
11 established in April of 2015. Probably some of this was a
12 result of a lot of the flooding that occurred in 2008, 2009
13 and '13, but they are doing this so that we have a more
14 expedient process should issues arise.

15 But again, they are paying for the cost of this
16 process so there is no costs to the residents.

17 But if we get into a project that becomes a more
18 expensive project, should the storm sewer collapse or
19 whatever it may be, at that point there could be a time where
20 parcels could wind up paying for something. But again,
21 today, we're not aware of any issues that are out there.

22 BOARD CHAIRPERSON BILL CARGO: Ken, just a quick
23 question. From what I understand you said that now newer
24 developments all have these agreements in place before they
25 sell a single home or a single lot.

1 But at the time this was created, it was assumed
2 that this was going to be part of the Ottawa County Road
3 Commission because of the public easements and so forth, is
4 that correct?

5 ENGINEER KEN BOSMA: It was. But I think going
6 through all the process with the Road Commission --

7 BOARD CHAIRPERSON BILL CARGO: But they have legal
8 opinion saying that's not sufficient which is why they're
9 going through this. So it was always assumed it would be
10 part of the Ottawa County Drain Commission or Water Resources
11 Commission, they just didn't have the proper paperwork in
12 place to actually legally establish it.

13 ENGINEER KEN BOSMA: Correct. And I think you
14 might have alluded to that before. So prior to this being
15 established, I think when there were issues, there were
16 sometimes agreements between townships and road commissions
17 and that to help facilitate those repairs.

18 Again, however, I think in light of all the
19 flooding issues in '08 through '13, it took a hit on a lot of
20 financial waves. And I think as it's come more to light to
21 say, hey, this really needs to be looked at as a whole.

22 BOARD CHAIRPERSON BILL CARGO: Appreciate it.

23 BOARD SECRETARY KEN SOUTER: One other question.
24 This looks like it drains into a water course. Is that
25 watercourse an established --

1 ENGINEER KEN BOSMA: That's Noordeloos Creek.

2 BOARD SECRETARY KEN SOUTER: Is that established?

3 ENGINEER KEN BOSMA: It is not.

4 BOARD SECRETARY KEN SOUTER: That is not a County
5 drain?

6 ENGINEER KEN BOSMA: It is not.

7 BOARD CHAIRPERSON BILL CARGO: Larry, any
8 questions.

9 BOARD MEMBER LARRY BRUURSEMA: No.

10 BOARD CHAIRPERSON BILL CARGO: What we're going to
11 do now is we'll open it up for public comments.

12 When you come up to the mic, if you would simply
13 state your name and address for the record, we would
14 appreciate that. Identify where your lands are within this
15 proposed storm drain district. And again keep your comments
16 to three minutes or less.

17 First of all I want to just check, do we have any
18 written correspondence regarding this public hearing?

19 WATER RESOURCES COMM. JOE BUSH: No.

20 BOARD CHAIRPERSON BILL CARGO: Okay, no written
21 correspondence.

22 So what I'm going to do is start in the very back
23 row, back on the left, if you have any questions or comments,
24 you may come up to the mic.

25 MR. CURT MONTNEY: Me?

1 BOARD CHAIRPERSON BILL CARGO: Yes.

2 MR. CURT MONTNEY: Well, yeah, I guess do.

3 BOARD CHAIRMAN BILL CARGO: And again, just give
4 your name and address when you come up.

5 MR. CURT MONTNEY: Curt Montney, 2565 Meadow Drive.

6 BOARD CHAIRPERSON BILL CARGO: And you are a
7 property owner within the district?

8 MR. CURT MONTNEY: Yes.

9 BOARD CHAIRPERSON BILL CARGO: And approximately
10 where would you be on the map?

11 MR. CURT MONTNEY: Right in the middle, Meadow
12 Drive.

13 BOARD CHAIRPERSON BILL CARGO: Okay.

14 MR. CURT MONTNEY: So I think I've been there maybe
15 20 years.

16 We've had water problems in our basement for pretty
17 much the whole time we've been there. Sump pumps that run
18 constantly.

19 Is this going to affect anything as far as that
20 happening or will it --

21 BOARD CHAIRPERSON BILL CARGO: Well if you have
22 questions about -- that's one of the purposes of this public
23 hearing. If there are storm water issues within this
24 district --

25 MR. CURT MONTNEY: Right.

1 BOARD CHAIRPERSON BILL CARGO: -- now is the time
2 to explain what they are. If there are problems that are
3 identified, we will turn them over to the director, and he
4 will have his staff investigate and see if there are
5 solutions that can be used.

6 MR. CURT MONTNEY: Okay. All right. Good.

7 BOARD CHAIRPERSON BILL CARGO: But what you're
8 identifying is the fact that you are having water level
9 issues that are causing problems with sump pumps in flooded
10 or wet basements?

11 MR. CURT MONTNEY: Okay.

12 BOARD SECRETARY KEN SOUTER: How about surface
13 water?

14 MR. CURT MONTNEY: Surface water in the yard you
15 mean?

16 BOARD SECRETARY KEN SOUTER: Yes.

17 MR. CURT MONTNEY: Not really, no.

18 BOARD SECRETARY KEN SOUTER: Okay. It's basically
19 the water table problems that you're having the problem with?

20 MR. CURT MONTNEY: Yes.

21 BOARD SECRETARY KEN SOUTER: Okay.

22 MR. CURT MONTNEY: And a sump pump where I've
23 replaced probably five pumps over the course of 20 years.

24 BOARD SECRETARY KEN SOUTER: Okay.

25 BOARD CHAIRPERSON BILL CARGO: Where do you pump it

1 by the way? Do you just pump it back in the backyard?

2 MR. CURT MONTNEY: Yes.

3 BOARD CHAIRPERSON BILL CARGO: So it's kind of
4 recirculating then.

5 MR. CURT MONTNEY: Yeah.

6 BOARD CHAIRPERSON BILL CARGO: I appreciate that.

7 BOARD SECRETARY KEN SOUTER: Are all of your
8 neighbors having the same kind of problems?

9 MR. CURT MONTNEY: You know, I think a lot of
10 people don't like to talk about water in the basements for
11 resale reasons, and I think a lot of people hide that.

12 But I see a lot of water restoration trucks in the
13 neighborhood.

14 BOARD CHAIRPERSON BILL CARGO: Okay.

15 MR. CURT MONTNEY: And so I think there is probably
16 more problems.

17 BOARD SECRETARY KEN SOUTER: So you got a
18 groundwater problem.

19 MR. CURT MONTNEY: Yeah, exactly.

20 BOARD CHAIRPERSON BILL CARGO: Thank you.

21 And next?

22 MS. JULIE VALE: My name is Julie Vale and I also
23 live at 2565 Meadow Drive.

24 BOARD CHAIRPERSON BILL CARGO: Okay.

25 MS. JULIE VALE: So my question is is this whole

1 process, aside from what Curt just brought up, just renaming
2 and reassigning this? Or are there going to be initial
3 improvements made?

4 BOARD CHAIRPERSON BILL CARGO: There are no initial
5 improvements that are being discussed at this time. This is
6 simply establishing the drain so for maintenance purposes or
7 if problems develop, public monies can be spent to resolve or
8 solve those issues.

9 So if you have specific issues that you would like
10 to have the Water Resources Commissioner look at, let us
11 know, and now is the time to explain.

12 MS. JULIE VALE: Well as he just mentioned, I'm at
13 the same house.

14 BOARD CHAIRPERSON BILL CARGO: Okay.

15 MS. JULIE VALE: So will that be addressed?

16 BOARD CHAIRPERSON BILL CARGO: We will turn it over
17 to the Water Resources Commissioner. We're not going to
18 address that here. We're only addressing whether there is a
19 public need or a necessity to establish that drainage
20 district.

21 MS. JULIE VALE: Okay. Thank you.

22 BOARD CHAIRPERSON BILL CARGO: Thank you.

23 In the back row?

24 MS. KAYE DeMANN: Hi, I'm Kaye DeMann. I live at
25 2625 Meadow which is also about halfway up -- I back up to

1 the field there.

2 We actually have not really had water in our
3 basement, however our sump pump does run a lot. But we're in
4 clay. So when we bought, we realized that that would happen.

5 So that's not a real big concern.

6 BOARD CHAIRPERSON BILL CARGO: Okay.

7 MS. KAYE DeMANN: My question is is what I heard
8 from the Township is now if there was a problem with the
9 drain as an orphan, that they would cover up to 10,000. And
10 I see once we switch this over if there is a problem, the
11 County is only going to cover up to 5,000, correct?

12 BOARD SECRETARY KEN SOUTER: That's on a particular
13 instance, right?

14 MS. KAYE DeMANN: Right.

15 BOARD CHAIRPERSON BILL CARGO: It really depends
16 because the County can spend up to 5,000 per mile without
17 going through a hearing process. And so it's not that
18 they're just going to spend 5,000. That's what their limit
19 is.

20 And so what they're saying right now is without
21 establishing this drain, they can not spend public monies on
22 what is essentially still a private drain system. And that
23 would then become the responsibility of the property owners.
24 And however you did that, would be up to you.

25 But this is a way that public monies, whether it be

1 from the Road Commission, whether it be from the Township or
2 whether it be from the County could be spent to resolve an
3 issue.

4 If we hear the issues, bigger issues may require
5 them to go through a hearing process and have a special
6 assessment.

7 MS. KAYE DeMAAN: Right.

8 BOARD CHAIRMAN BILL CARGO: Is that a fair summary?

9 WATER RESOURCES COMM. JOE BUSH: Well I think her
10 question is is the Township not going to pay the \$10,000
11 policy. And they're still going to pay it, even being a
12 County drain, their policy still is \$10,000 up front.

13 BOARD CHAIRPERSON BILL CARGO: Yes.

14 WATER RESOURCES COMM. JOE BUSH: So they're still
15 going to pay that regardless.

16 MS. KAYE DeMANN: That was my question. I was
17 wondering if we were going to be losing 5,000 --

18 WATER RESOURCES COMM. JOE BUSH: No, you're not
19 going to lose the 5,000.

20 MS. KAYE DeMANN: Otherwise, I don't have any other
21 questions.

22 BOARD CHAIRPERSON BILL CARGO: Thank. And we have
23 one other person.

24 So again just your name and address.

25 MS. LISA SHIPP: Lisa Shipp, 2447 Meadow Drive.

1 So I --

2 BOARD CHAIRPERSON BILL CARGO: And your property is
3 approximately where on this map?

4 MS. LISA SHIPP: Second house on the left.

5 BOARD CHAIRPERSON BILL CARGO: Okay.

6 MS. LISA SHIPP: So at the very beginning of the
7 subdivision.

8 So you've addressed that this is just basically to
9 put ownership within the County so that any type of
10 improvements necessary could be done at that point. And then
11 any subsequent assessments would be probably, again,
12 determined by the significant amount of damage or whatever
13 had to be repaired.

14 It does concern me that the comment was made this
15 feeds, the drain feeds into the Noordeloos Creek there and
16 that's not considered a drain. So my guess would be that
17 something -- if this were approved and went forward, that
18 something would have to be either reengineered or determined
19 how that drain -- that just sounds like dollar signs to me.
20 There is not really a question there. I'm just trying to
21 understand how that process would work.

22 WATER RESOURCES COMM. JOE BUSH: If you don't mind,
23 Mr. Chair?

24 BOARD CHAIRPERSON BILL CARGO: Go ahead.

25 WATER RESOURCES COMM. JOE BUSH: What we typically

1 do on the Noordeloos -- we're not going to reinvent the
2 subdivision. It is what it is.

3 MS. LISA SHIPP: Sure.

4 WATER RESOURCES COMM. JOE BUSH: And the creek is
5 an orphan. We do temporarily go in there, very cautiously
6 and remove some trees if it's really going to flood people
7 out.

8 We have the ability to do that, but it's very
9 limited and the cost is very limited. But if people are
10 going to flood, and if your -- if your subdivision is going
11 to flood because the Noordeloos has a problem -- but we're
12 not going to establish the Noordeloos, they're not going to
13 petition any time soon for the Noordeloos. We're just trying
14 to get the orphan subdivisions primarily because of the
15 underground infrastructure that could be failing in the next
16 five, ten, fifteen years.

17 So to answer your question, we're not going to come
18 in and do anything as far as changing the storm sewer in the
19 subdivision currently. There is nothing to change. It was
20 designed accordingly in '87. Hopefully that answers your
21 question.

22 MS. LISA SHIPP: I think so. Just as a matter of
23 information to my neighbors, we have had -- I've been there
24 since 2000, so almost 20 years. We've had one significant
25 issue where we had water like this far from the top of the

1 sump well (indicating). And that was probably 2008, 2009
2 when we had a lot of that flooding. We managed to not have
3 any water damage or whatever.

4 But what we've been told by neighbors across the
5 street from us, is that that east side is typically -- their
6 sump pumps run when there is even just a rain all the time.
7 So I don't know if we're just sitting up higher or have
8 better drainage. We have a lot of sand, so maybe the
9 contractor did a little better job, I don't know.

10 But we've had one near miss, I guess I'll call it.

11 My neighbors across the street also reported, and
12 they would be right across the street, that they have had
13 either the Township out or the County at one point. And he's
14 got a drain right in front of his driveway, and it -- he was
15 told that his driveway is kind of going into disrepair
16 because sand and earth and stuff is moving out from
17 underneath there.

18 WATER RESOURCES COMM. JOE BUSH: That's where we
19 come into play.

20 MS. LISA SHIPP: Exactly. So if nothing was done
21 and this was voted down, then we as the subdivision owners
22 would be --

23 BOARD CHAIRPERSON BILL CARGO: Or the individual
24 property owners, yes.

25 MS. LISA SHIPP: It would be up to us to determine

1 what to do.

2 BOARD CHAIRPERSON BILL CARGO: That's -- legally I
3 don't think they can spend public monies on what essentially
4 would be a private issue.

5 MS. LISA SHIPP: Right.

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

7 MS. LISA SHIPP: I just wanted to clarify that.

8 I think that's all the comments I have.

9 BOARD SECRETARY KEN SOUTER: Thank you.

10 BOARD CHAIRPERSON BILL CARGO: Any there any other
11 members of the public who would like to make any other
12 comments?

13 MS. JULIE VALE: Sorry, I have another one when she
14 brought that up.

15 Julie Vale, 2565 Meadow Drive, right in the middle.

16 We have also a drain right at the edge of our
17 driveway in front of -- in our front yard. And same thing,
18 our driveway is also jacked up and cracked and everything
19 else. So is that displacing, the fact that the drain is
20 right there in front of our house?

21 BOARD CHAIRPERSON BILL CARGO: It's kind of hard to
22 establish that, especially at this point, but you could
23 simply ask the drain commissioner to come out there, because
24 if the drain pipes have separated and it's sucking in some of
25 the soil from the outside, it may be causing some sink holes

1 to form which could impact that.

2 But we can't tell you that without them going out
3 there and looking at it.

4 MS. JULIE VALE: Okay.

5 BOARD CHAIRPERSON BILL CARGO: Thank you.

6 That said, we're going to close the public comment
7 portion of this hearing.

8 And with that I'll ask -- I'll start with you,
9 Larry, do you have any comments regarding this proposal to
10 bring this into the County drain system?

11 BOARD MEMBER LARRY BRUURSEMA: I see this as a
12 drainage district where the County and the Township and the
13 property owners can all get together and determine whether
14 construction or something has to be done with the water. And
15 so they'll petition the County to have a drain repaired.
16 Correct?

17 WATER RESOURCES COMM. JOE BUSH: Over \$10,000.
18 Because the Township will pay the 10,000.

19 BOARD MEMBER LARRY BRUURSEMA: Yes.

20 Otherwise that's all I have to say.

21 BOARD CHAIRPERSON BILL CARGO: Ken?

22 BOARD SECRETARY KEN SOUTER: Well we've done quite
23 a few of these throughout Park Township, Holland Township.
24 And it's going to happen in a lot of other townships too.

25 It just makes sense to put this drain under the

1 jurisdiction of an agency so if there is a problem, we know
2 exactly who to go to. And he can start the process to get it
3 fixed.

4 Otherwise there is always a he-she, who is supposed
5 to do it. And I like it nice and neat.

6 And we were involved in a lot of these plats a long
7 time ago, thought that they were coming under the
8 jurisdiction of -- the drainage would be under the
9 jurisdiction of the drain commissioner, and it didn't happen
10 just because of legal language.

11 So I am all for these things coming under the
12 jurisdiction so we know who to tab.

13 So that's my opinion on this.

14 BOARD CHAIRPERSON BILL CARGO: And I tend to agree.
15 I think it's important to bring what were always assumed to
16 be public drains legally under the responsibility of the
17 Ottawa County Water Resources Commissioner.

18 Joe, I'm going to ask a question. Typically when
19 these are held, I have a couple of motions that are laying in
20 front of me, one for the establishment and the other one for
21 the public portion of it.

22 BOARD SECRETARY KEN SOUTER: Right there.

23 BOARD CHAIRPERSON BILL CARGO: And there I have it,
24 okay.

25 ATTORNEY STACY HISSONG: There is only one.

1 BOARD CHAIRPERSON BILL CARGO: Okay. We've brought
2 it down to one motion from two. So we're making it even
3 simpler.

4 Then I will make a motion that the location and
5 establishment and construction of the County Meadows Estates
6 Drain is necessary and conducive to the public health,
7 convenience and welfare.

8 BOARD SECRETARY KEN SOUTER: I'll support that
9 motion.

10 BOARD CHAIRPERSON BILL CARGO: So now that we have
11 a motion on the floor. Last chance to make any public
12 comments from the board members, anything else that you would
13 like to say?

14 Then all in favor, say aye.

15 BOARD MEMBER LARRY BRUURSEMA: Aye.

16 BOARD CHAIRPERSON BILL CARGO: Aye.

17 BOARD SECRETARY KEN SOUTER: Aye.

18 BOARD CHAIRPERSON BILL CARGO: All opposed?

19 And it was passed unanimously.

20 That said, we do -- I'm going to then turn this
21 over for some closing comments from the Ottawa County Water
22 Resources Commissioner. He's going to mention briefly the
23 appeals process, and then make any closing statements before
24 we adjourn.

25 Joe?

1 WATER RESOURCES COMM. JOE BUSH: Thank you, Mr.
2 Chair.

3 Again I appreciate your time this morning. You're
4 probably wondering why I don't hold these at night, and
5 usually I don't get anymore people at night than I do at the
6 daytime. So it's kind of a Catch 22. I just happen to have
7 these orphans in the morning.

8 So I appreciate your time coming here, and you
9 probably have better things to do but you came here to
10 listen, and I appreciate that. And you can share with your
11 neighbors as well.

12 On the appeal process, that happens if we happen to
13 have another petition and there is a large assessment, or a
14 large project, there is always the opportunity to appeal an
15 assessment down the road.

16 Today there is no cost to the public. The Township
17 is actually picking these up at large. So any orphan drain
18 that we do in Holland Township, they're paid.

19 Again I want to make sure it's clear that the
20 Township will pay that 10,000 whether it's established or
21 not. They will take care of up to \$10,000 up front.

22 But if it exceeds that, then we need the petition,
23 there is a process, we'll be back here doing the same thing,
24 then they would determine that to be necessary or not.

25 And then there is an appeal process on the

1 assessment, but that's down the road. I just want to make
2 you aware on the record that there is an appeal process, that
3 when people have a voice, that's the time for people to
4 appeal it or if they don't like it. And then you can come
5 and share that at that time.

6 Other than that, that's pretty much the meeting,
7 and we appreciate your time, thank you.

8 BOARD CHAIRPERSON BILL CARGO: That said, without
9 objection. I'll adjourn the meeting.

10 No objections, the meeting is adjourned. Thank
11 you.

12 (Board of Determination concluded at 10:32 a.m.)
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