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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: SUMMER GROVE DRAIN  
BOARD OF DETERMINATION

Proceedings commenced at 12:00 p.m., on Thursday, July 23, 2020, at the Holland Charter Township Fire Department Station 1, 131 Riley Street, 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, Water Resources Chief Deputy
- Ms. Sara Hirst, Secretary to Water Resources Comm.
  
- Mr. Bill Cargo, Board Chairman
- Mr. Rich VanderKlok, Board Secretary
- Mr. Ken Souter, Board Member
  
- Mr. Steve Bulthuis, Manager, Holland Charter Township
  
- Mr. Lucas Timmer, Engineer, Prein & Newhof
- Mr. Ken Bosma, Engineer, Prein & Newhof
  
- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 July 23, 2020 - 12:00 p.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Well good morning,  
5 everyone, welcome to Holland Township Fire Department for the  
6 Board of Determination of Summer Grove Drain.

7 This is a legal process based on a petition we  
8 received on an orphan drain. That's what it is currently,  
9 and we got a petition from Holland Township to hold a Board  
10 of Determination to see if it's something that this Board  
11 would want to bring under the county's jurisdiction.

12 So we don't have many people in the crowd this  
13 morning, so we'll move quite quickly.

14 We'll do introductions. I'm Joe Bush, the Ottawa  
15 County Water Resources Commissioner. It used to be drain  
16 commissioner, but some time ago they changed the name from  
17 drain to Water Resources Commission. Same office, same  
18 responsibilities, maybe even added some.

19 Currently we have Jerry Olman from the Ottawa  
20 County Road Commission here. We have Steve Bulhuis, the  
21 Holland Township Manager. Prein & Newhof, who is the  
22 engineering firm working on the Summer Grove drain district.  
23 We have Ken Bosma and Lucas Timmer, they're both here to do a  
24 presentation.

25 And then we have Margie, who is our court recorder,

1 which is not required by law, but to protect the public and  
2 myself, I like to have a court recorder here as everything is  
3 word for word and we can go back and do a reference check.

4 We also have a three-panel board that have no  
5 affiliation with Holland Township or this particular drain  
6 district.

7 And from my left, as I'm standing in the front, to  
8 my right, we have Ken Souter from Port Sheldon Township.  
9 He's retired from the road commission, no longer works there.

10 We have Bill Cargo who is in the middle of our  
11 table here, he is the township manager at Grand Haven  
12 Township.

13 And then we have Rich VanderKlok, who is also a  
14 board member over in Georgetown Township as a clerk.

15 These three gentlemen have done many, many board of  
16 determinations, they understand Drain Code and the process  
17 and understand why we are here today.

18 So again, there was a petition from the township as  
19 they've been doing a lot of these orphan drain systems and  
20 just trying to catch up and get hopefully all their  
21 infrastructure and their township under our jurisdiction in  
22 case there is any future problems or concerns or issues that  
23 come with failing infrastructure, which it will at some  
24 point.

25 So the township has been pretty proactive along

1 with a few other ones which includes Park and the neighboring  
2 township nearby that actually are doing the same kind of  
3 petitioning.

4           Again these orphans, they're around and people  
5 don't understand what they are until they have a flooding  
6 situation or a sink hole somewhere that there is no  
7 jurisdiction of the Water Resources Commissioner, the  
8 township nor the road commission.

9           At this time we'll keep moving forward and give the  
10 three-panel board their oath and then they'll run the meeting  
11 from thereon out.

12           Gentlemen, please raise your right hand.

13           Do you each solemnly swear that you will faithfully  
14 perform and discharge the duties imposed upon you as required  
15 by law as members of the Board of Determination, appointed by  
16 the Ottawa County Water Resources Commissioner, to determine  
17 the necessity to locate, establish and construct the proposed  
18 Summer Grove Drain, located in Holland Charter Township, in  
19 said county, gentlemen?

20           BOARD MEMBER RICH VANDER KLOK: I will.

21           BOARD MEMBER BILL CARGO: I shall.

22           BOARD MEMBER KEN SOUTER: I will.

23           BOARD MEMBER BILL CARGO: The first thing is I will  
24 need a motion to elect a chairperson.

25           BOARD MEMBER RICH VANDER KLOK: I move that Bill

1 Cargo be elected as Chair.

2 BOARD MEMBER KEN SOUTER: I second that motion.

3 BOARD MEMBER BILL CARGO: We have a motion by Rich,  
4 supported by Ken for Cargo to be Chair.

5 All in favor, say aye.

6 BOARD MEMBER KEN SOUTER: Aye.

7 BOARD MEMBER BILL CARGO: Aye.

8 BOARD MEMBER RICH VANDER KLOK: Aye.

9 BOARD CHAIRPERSON BILL CARGO: And that is adopted.

10 I will also make a motion myself, Cargo, to elect  
11 Rich as the secretary.

12 Is there support?

13 BOARD MEMBER KEN SOUTER: I will support that.

14 BOARD CHAIRPERSON BILL CARGO: So we have a motion  
15 by Bill, supported by Ken for Rich to be the secretary.

16 All in favor, say aye.

17 BOARD MEMBER KEN SOUTER: Aye.

18 BOARD CHAIRPERSON BILL CARGO: Aye.

19 BOARD MEMBER RICH VANDER KLOK: Aye.

20 BOARD CHAIRPERSON BILL CARGO: And that is also  
21 then approved.

22 Rules of public comment, do I have a motion to  
23 limit public comment to three minutes per person?

24 BOARD MEMBER KEN SOUTER: I will make that a  
25 motion.

1 BOARD SECRETARY RICH VANDER KLOK: I'll support  
2 that.

3 BOARD CHAIRPERSON BILL CARGO: We have a motion by  
4 Ken, supported by Rich to limit public comments to three  
5 minutes.

6 All in favor, say aye.

7 BOARD MEMBER KEN SOUTER: Aye.

8 BOARD CHAIRPERSON BILL CARGO: Aye.

9 BOARD SECRETARY RICH VANDER KLOK: Aye.

10 BOARD CHAIRPERSON BILL CARGO: I think that's  
11 incredibly important because the former superintendent is  
12 known to be longwinded and he's the only member of the  
13 public.

14 That said, I will ask Steve, do you have any  
15 comments you'd like to make from the township regarding this  
16 orphan drain?

17 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: I just  
18 want to reiterate what Joe said earlier that the township has  
19 systematically been trying to bring these orphan drains under  
20 the jurisdiction of the Ottawa County Water Resources  
21 Commissioner, and that is the reason for the petition today.

22 BOARD CHAIRPERSON BILL CARGO: Okay. Appreciate  
23 that.

24 Lucas, I'd ask that you make your presentation  
25 regarding the Summer Grove Drain. I would also ask, since

1 again the only member of the public is a former  
2 superintendent who is familiar with this, that you abbreviate  
3 your public presentation to what is legally required and  
4 little else.

5 ENGINEER LUCAS TIMMER: Sounds good, thank you.

6 Once again, my name is Lucas Timmer, I'm an  
7 engineer with Prein & Newhof. We were hired by the Ottawa  
8 County Water Resources Commissioner to do the preliminary  
9 engineering work for the Summer Grove orphan drain.

10 The Summer Grove Drain is an orphan drain. The  
11 definition of an orphan drain is an existing storm water  
12 drain system that is without authorized local and county  
13 governmental jurisdiction, and administrative, procedural and  
14 funding mechanisms to address current or future needs for  
15 maintenance and improvements.

16 Holland Charter Township filed a petition to  
17 establish the Summer Grove orphan drain as a county drain on  
18 June 3, 2020. And as a part of that petition process, what  
19 typically follow is a Board of Determination, where these  
20 three board members here will determine whether this orphan  
21 drain system should become established as a county drain.

22 We began our preliminary engineering by reviewing  
23 utility record drawings and site condo maps, and we reviewed  
24 these maps for Bridgewater Estates and Summer Grove Condos,  
25 which are both part of this proposed Summer Grove drainage

1 district.

2 We then delineate a drainage district, which is  
3 also known as a watershed boundary, using county GIS contour  
4 data and aerials.

5 Following the delineation of the drainage district  
6 we do a site visit to locate drain infrastructure and confirm  
7 drainage patterns that we had assumed by using the county GIS  
8 data just to confirm that our assumptions were correct.

9 This map right here is a map of the proposed Summer  
10 Grove drainage. The red line is the district boundary  
11 (indicating). Everything within this red line would be  
12 considered contributing runoff to the proposed Summer Grove  
13 Drain infrastructure (indicating).

14 You can see Summer Grove has drains that run on  
15 Bridgewater Drive that drain to the Summer Grove Lake. They  
16 also have a system that drains from 104th to the Summer Grove  
17 Lake, and the condos, Summer Grove Condos has storm water  
18 infrastructure that drains to the lake.

19 The outlet to the lake is located on the north side  
20 of this lake (indicating), and it flows into the storm water  
21 system that's within Riley Street which eventually then  
22 drains into the Brower Drain .

23 The next slide shows -- is the same as the last  
24 slide, it just shows an aerial. And this can be used by any  
25 property owners if they have any question about where they



1 live, they can use their map over here to the right.

2 The Board will then have a couple questions for the  
3 engineer. Following that we will have a time for public  
4 testimony to explain any concerns or issues they've noticed  
5 with drainage.

6 Following that, the Board will determine the  
7 necessity of the petition, based on public health, welfare  
8 and/or convenience.

9 If deemed necessary by the Board, the existing  
10 system will become a county drain. If deemed not necessary  
11 by the Board, then no further action will occur. The system  
12 will remain an orphan system.

13 BOARD CHAIRPERSON BILL CARGO: And, Lucas, I think  
14 at that stage I'm going to ask that rather than go through  
15 the next steps, because again we're familiar with those and  
16 there is not a need to go over this at this time, we'll draw  
17 your comments to a close.

18 A couple of quick questions.

19 When were these drains established, approximately?

20 ENGINEER LUCAS TIMMER: Per my conversation with  
21 Ken it seems like they were established in the '90s or the  
22 2000s, probably 2000s for the condos and the '90s for  
23 Bridgewater Estates.

24 BOARD CHAIRPERSON BILL CARGO: And did your review  
25 of these show any problems or projects that would have to be

1 addressed?

2 ENGINEER LUCAS TIMMER: Our initial preliminary  
3 review did not indicate any issues with the drainage system.

4 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate  
5 your comments, thank you.

6 At this stage we're going to just ask the road  
7 commission, we have Jerry here from the Ottawa County Road  
8 Commission.

9 Jerry, do you have any comments on this?

10 ROAD COMMISSION JERRY OLMAN: Just, I don't know of  
11 any issues within that district either. And the road  
12 commission is in favor of establishing the district.

13 BOARD CHAIRPERSON BILL CARGO: That sounds good,  
14 thank you.

15 We'll now open this up for public comments, if  
16 there is anybody who would like to make public comments,  
17 state your name and address. And if you have any issues, if  
18 you know of any issues or problems with this proposed  
19 drainage district, please let us know.

20 None, Don?

21 UNKNOWN SPEAKER: All is well.

22 BOARD CHAIRPERSON BILL CARGO: There being no  
23 public comments, I will close the public comment portion of  
24 this public hearing, and ask for any discussion among the  
25 members of the Board regarding this drain district.

1 Ken, I will start with you and ask Rich to follow  
2 up.

3 BOARD MEMBER KEN SOUTER: As I've said in the past  
4 on many of these drains that we've been on the board of, I'm  
5 totally in favor of getting these drains to a jurisdiction  
6 that can take care of it if and when a problem occurs.

7 So I'm a hundred percent behind the fact that  
8 Holland Township is doing this. Other townships are doing  
9 it, and we need to have somebody that people can go to to  
10 talk if they've got a problem. So I'm in favor of it.

11 BOARD CHAIRPERSON BILL CARGO: Rich?

12 BOARD SECRETARY RICH VANDER KLOK: I would agree,  
13 I'm in favor of it also.

14 BOARD CHAIRPERSON BILL CARGO: And I also agree. I  
15 believe that everybody assumed that this Summer Grove Drain  
16 was part of the county drain system. And the fact that it is  
17 an orphan drain, I'm glad that the Holland Charter Township  
18 is paying the expense to bring it in and under the control of  
19 the Water Resources Commission.

20 So I will make a motion that the location,  
21 establishment and construction of the Summer Grove Drain is  
22 necessary and conducive to public health, convenience or  
23 welfare.

24 Is there support?

25 BOARD MEMBER KEN SOUTER: I'll support that motion.

1 BOARD CHAIRPERSON BILL CARGO: So Bill made a  
2 motion, supported by Ken.

3 Is there any further discussion?

4 If not, all in favor, say aye.

5 BOARD MEMBER KEN SOUTER: Aye.

6 BOARD CHAIRPERSON BILL CARGO: Aye.

7 BOARD SECRETARY RICH VANDER KLOK: Aye.

8 BOARD CHAIRPERSON BILL CARGO: All opposed?

9 And the motion is unanimously adopted.

10 At this stage I'm going to turn this over to Joe to  
11 talk briefly about the appeals process and any closing  
12 comments that you would like to make to Don.

13 WATER RESOURCES COMM. JOE BUSH: Yeah, just for the  
14 record that anybody can appeal today's necessity. After  
15 today you got ten days to appeal to probate court. And  
16 that's all I have.

17 And, Don, thanks for coming.

18 I do want to recognize Sara as here for the record,  
19 my secretary, and also Chad, my chief deputy. They were  
20 hiding outside because of COVID, so I wanted to clarify they  
21 are here.

22 BOARD CHAIRPERSON BILL CARGO: I appreciate that.

23 So unless there are objections, I will adjourn the  
24 meeting.

25 Are there any objections?

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BOARD SECRETARY RICH VANDER KLOK: None.

BOARD CHAIRPERSON BILL CARGO: Then this meeting is  
adjourned. Thank you very much.

(Board of Determination adjourned at 12:13 p.m.)



<hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>104th</b> 8:16</p> <p><b>12:00</b> 2:2</p> <p><b>12:13</b> 13:4</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2000s</b> 9:22</p> <p><b>2020</b> 2:2 7:18</p> <p><b>23</b> 2:2</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3</b> 7:18</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>90s</b> 9:21,22</p> <hr/> <p style="text-align: center;"><b>A</b></p> <hr/> <p><b>abbreviate</b> 7:2</p> <p><b>action</b> 9:11</p> <p><b>added</b> 2:18</p> <p><b>address</b> 7:14 10:17</p> <p><b>addressed</b> 10:1</p> <p><b>adjourn</b> 12:23</p> <p><b>adjourned</b> 13:3,4</p> <p><b>administrative</b> 7:13</p> <p><b>adopted</b> 5:9 12:9</p> <p><b>aerial</b> 8:24</p> <p><b>aerials</b> 8:4</p> <p><b>affiliation</b> 3:5</p> <p><b>agree</b> 11:12, 14</p>	<p><b>and/or</b> 9:8</p> <p><b>appeal</b> 12:14, 15</p> <p><b>appeals</b> 12:11</p> <p><b>appointed</b> 4:15</p> <p><b>approved</b> 5:21</p> <p><b>approximate</b> y 9:19</p> <p><b>assumed</b> 8:7 11:15</p> <p><b>assumptions</b> 8:8</p> <p><b>authorized</b> 7:12</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>back</b> 3:3</p> <p><b>based</b> 2:7 9:7</p> <p><b>began</b> 7:22</p> <p><b>Bill</b> 3:10 4:21, 23,25 5:3,7,9, 14,15,18,20 6:3,8,10,22 9:13,24 10:4, 13,22 11:11, 14 12:1,6,8,22 13:2</p> <p><b>board</b> 2:6,9, 10 3:4,14,15 4:10,15,20,21, 22,23,25 5:2, 3,6,7,8,9,13, 14,17,18,19, 20,24 6:1,3,7, 8,9,10,22 7:19,20 9:2,6, 9,11,13,24 10:4,13,22,25 11:3,4,11,12, 14,25 12:1,5,</p>	<p>6,7,8,22 13:1, 2,4</p> <p><b>Bosma</b> 2:23</p> <p><b>boundary</b> 8:3,10</p> <p><b>Bridgewater</b> 7:24 8:15 9:23</p> <p><b>briefly</b> 12:11</p> <p><b>bring</b> 2:11 6:19 11:18</p> <p><b>Brower</b> 8:22</p> <p><b>Bulthuis</b> 2:20 6:17</p> <p><b>Bush</b> 2:4,14 12:13</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>care</b> 11:6</p> <p><b>Cargo</b> 3:10 4:21,23 5:1,3, 4,7,9,10,14, 18,20 6:3,8, 10,22 9:13,24 10:4,13,22 11:11,14 12:1, 6,8,22 13:2</p> <p><b>case</b> 3:22</p> <p><b>catch</b> 3:20</p> <p><b>Chad</b> 12:19</p> <p><b>Chair</b> 5:1,4</p> <p><b>chairperson</b> 4:24 5:9,14, 18,20 6:3,8, 10,22 9:13,24 10:4,13,22 11:11,14 12:1, 6,8,22 13:2</p> <p><b>changed</b> 2:16</p> <p><b>Charter</b> 4:18 7:16 11:17</p> <p><b>check</b> 3:3</p> <p><b>chief</b> 12:19</p> <p><b>clarify</b> 12:20</p>	<p><b>clerk</b> 3:14</p> <p><b>close</b> 9:17 10:23</p> <p><b>closing</b> 12:11</p> <p><b>Code</b> 3:16</p> <p><b>COMM</b> 2:4 12:13</p> <p><b>comment</b> 5:22,23 10:23</p> <p><b>comments</b> 6:4,15 9:17 10:5,9,15,16, 23 12:12</p> <p><b>commission</b> 2:17,20 3:9 4:8 10:7,8,10, 12 11:19</p> <p><b>commissioner</b> 2:15,16 4:7, 16 6:21 7:8</p> <p><b>concerns</b> 3:22 9:4</p> <p><b>condo</b> 7:23</p> <p><b>condos</b> 7:24 8:17 9:22</p> <p><b>conductive</b> 11:22</p> <p><b>confirm</b> 8:6,8</p> <p><b>considered</b> 8:12</p> <p><b>construct</b> 4:17</p> <p><b>construction</b> 11:21</p> <p><b>contour</b> 8:3</p> <p><b>contributing</b> 8:12</p> <p><b>control</b> 11:18</p> <p><b>convenience</b> 9:8 11:22</p> <p><b>conversation</b> 9:20</p> <p><b>correct</b> 8:8</p>	<p><b>county</b> 2:15, 20 4:16,19 6:20 7:8,12, 17,21 8:3,7 9:10 10:7 11:16</p> <p><b>county's</b> 2:11</p> <p><b>couple</b> 9:2,18</p> <p><b>court</b> 2:25 3:2 12:15</p> <p><b>COVID</b> 12:20</p> <p><b>crowd</b> 2:12</p> <p><b>current</b> 7:14</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p><b>data</b> 8:4,8</p> <p><b>days</b> 12:15</p> <p><b>deemed</b> 9:9, 10</p> <p><b>definition</b> 7:11</p> <p><b>delineate</b> 8:2</p> <p><b>delineation</b> 8:5</p> <p><b>Department</b> 2:5</p> <p><b>deputy</b> 12:19</p> <p><b>Determination</b> 2:6,10 4:15 7:19 13:4</p> <p><b>determinations</b> 3:16</p> <p><b>determine</b> 4:16 7:20 9:6</p> <p><b>discharge</b> 4:14</p> <p><b>discussion</b> 10:24 12:3</p> <p><b>district</b> 2:22 3:6 8:1,2,5,10 10:11,12,19, 25</p> <p><b>Don</b> 10:20</p>
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