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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: YONKER DRAIN

BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Tuesday,
October 22, 2019, at the Barber School Community Building,
102 West Exchange Street, Spring Lake, 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. Sara Hirts, Secretary to Water Resources Comm.

- Mr. Bill Cargo, Board Chairman
- Mr. Rich VanderKlok, Board Secretary
- Mr. Ken Souter, Board Secretary

- Mr. Jerry Olman, Ottawa County Road Commission

- Mr. Gordon Gallagher, Spring Lake Township Manager

- Mr. Ken Bosma, P.E., Prein & Newhof
- Mr. Lucas Timmer, P.E., Prein & Newhof

1 Spring Lake, Michigan

2 October 22, 2019 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good morning,
5 everyone. All right. Welcome to Barber School for the Board
6 of Determination.

7 Can everybody hear me in the back, for the Yonker
8 Drain?

9 A lot of you are probably wondering well I got this
10 letter and what is this about. This is all per state law per
11 Drain Code. So that's why we're having this public hearing
12 and it's a Board of Determination.

13 Again, I'm Joe Bush, the Ottawa County Water
14 Resources Commissioner, or Drain Commissioner. I'm your
15 elected official and I'm the one that actually goes by this
16 Drain Code and the state law.

17 What that says is I have to hold a Board of
18 Determination, a public hearing. This is -- and during that
19 process, I either have to get a petition from either the
20 township or the people.

21 This one here I was petitioned by the township on
22 the Yonker Drain, possibly to add a piece of Yonker Drain,
23 the extension from where it ends to the bayou, because there
24 is some issues in there.

25 There has been several property owners, by Arthur

1 Court, some of you might be it from there; some of you others
2 might have water issues and flooding concerns. And it's been
3 going on for awhile now. This just didn't happen. It's
4 something that's been going on for awhile.

5 And finally the township said, hey, the piece that
6 is in issue is an orphan drain. I don't have easements, I
7 don't have no legal jurisdiction to be in there, only on the
8 Yonker Drain. So if you live on the Yonker Drain you know
9 we've done maintenance on that.

10 I have about a thousand county drains that I do
11 maintenance on, that means I have easements, I have legal
12 jurisdiction to be in there and do that maintenance.

13 This particular area where all these concerns are,
14 I don't have any jurisdiction. In order to do that, I got to
15 hold a public hearing.

16 So today you guys are here and hopefully we hear
17 from a lot of you, that's good, it's a great turnout so I
18 appreciate you taking your time on a morning, at 10 o'clock
19 to come and voice your opinion whether you're in favor of or
20 don't have a problem. That's okay.

21 And then some people are here probably having a
22 problem, please voice your opinion today because everything
23 is court recorded. Now by law I don't have to have a court
24 recorder, but I do that to protect you and me and the
25 township and the county and everybody else that it's court

1 recorded, word for word. So whatever your disagreements are,
2 whatever your issues are -- sometimes we don't know the
3 issues until we hold one of these. And it's like, oh, I got
4 an issue; oh, I got an issue; oh, I got an issue. So that's
5 good. I'm glad we have a lot of people turn out for these.

6 Some people say why don't you have these at night?
7 I get more people in the daytime than I do at night. I get a
8 lot of people at night complaining their kids have sports,
9 supper time, homework, it's inconvenient. So I try to hold
10 them in the afternoon because it seems to work okay. I know
11 it doesn't fit everybody's schedule but -- I hold a lot of
12 these. So this isn't like these are rare. These are
13 happening with the water tables, the water issues, I'm
14 getting a lot more petitions.

15 But that's where it came from. It came from the
16 township. They felt a need, as a board to petition me to
17 hold a public hearing like we're having today.

18 So that's -- I heard a lot of calls, a lot of
19 questions, who started this?

20 Well it's not really starting, it's just a process.
21 It's not a way to do something that isn't -- everybody got a
22 notice who is in the proposed drain district. Some of you
23 might not agree with the drain district, might not understand
24 it.

25 We have the engineering firm here to go through

1 that process. If there is some concern that I'm not in this
2 drain district, we're here to help. We're not here to say
3 yes, you are. We want to understand why you feel you don't
4 or are you. So the engineering firm will go through that
5 today in their presentation.

6 These three gentlemen I pick, they're like well who
7 is the board? None of these are Spring Lake Township
8 residents, nor do they own land in the district. I have to
9 pick a three-panel board who live within the county, but also
10 understand drain law, Drain Code, understand assessments,
11 understand township business. Most importantly understand
12 drainage.

13 This three panel I picked, these three men have
14 done numerous boards for the last eight years. I'm going on
15 my third term in 2020, I'm up for re-election. And during my
16 three terms these three people have been every year, a lot of
17 BODs. They understand it. They want to listen to you. They
18 don't know anything about this, what's going on. I don't
19 give them a heads up like, this is going on. I don't
20 communicate with these individuals.

21 They're here for the first time going -- to hear
22 your opinions and the engineer's, and the township, and the
23 road commission, or whoever else has issues.

24 And if anybody wonders where this is, if you go
25 north on 148th and they're replacing the culvert, the road

1 commission, that's the same watercourse we're talking about,
2 it's just a little further downstream where we're having some
3 flooding issues and some concerns.

4 So people are like, well where is this? It's in
5 that location, just north of M-104.

6 And then so these three-panel board members, once I
7 give them the oath, they run the meeting. It's not my
8 decision, it's not my meeting, it's those three gentlemen
9 there. They're here today to hear what you guys have to say.

10 This is a necessity, this isn't what is the cost of
11 the project. We don't have a project technically because we
12 haven't had this hearing yet. This is part of the process.
13 I can't just go and do something without having this today.

14 They say it's a necessity or not. They'll make
15 motions later. They can either say, you know, we don't see
16 this being under Joe's jurisdiction, we're not going to say
17 it's okay; or they could come back and say, we can see this
18 being under Joe's jurisdiction, under the Water Resources
19 Commissioner and we're in favor of moving forward for
20 something for a fix. That's totally up to these three
21 gentlemen, I have no say in that.

22 And that's why we have a public hearing and that's
23 why it's important for you to voice your concerns or opinions
24 or your issues.

25 We have Margie, and Margie, she is writing

1 everything down, or typing it I should say. And you can
2 either get that on my website -- it takes be about four to
3 six weeks. I post the minutes from every Board of
4 Determination that I have. Very transparent.

5 If you don't have the internet or a computer or
6 something, always call us, and we'll try to get a hard copy
7 to you. It takes her about four to six weeks from what she's
8 doing there to get it back to me, but everything is word for
9 word. So everything from what they say and talk about from
10 the public out here.

11 And then -- so I'll go ahead and do some
12 introductions. And again, once I give the oath, voice all
13 your concerns, questions, come to the podium, speak loudly so
14 she can get your name, address and she understands what
15 you're talking about. Because sometimes she -- it's very
16 fast. So she wants to hear you loud and clear.

17 From right to left, we have Rich. Rich is from
18 Georgetown Township, a board member over there. Like I said,
19 been doing a lot of these for me.

20 In the center is Bill Cargo, some of you might know
21 him. He's from Grand Haven Township, he's the manager and
22 another fellow whose been doing these for a long time. He
23 understands Drain Code and understands township business.

24 And then Ken. Ken lives in Port Sheldon Township.
25 He worked for the road commission for, I always get it wrong,

1 but nearly forty years, right?

2 BOARD MEMBER KEN SOUTER: Yes.

3 WATER RESOURCES COMM. JOE BUSH: So he was an
4 engineer over there, retired. He doesn't work for the road
5 commissioner anymore, but he has a lot of experience with
6 drainage and Drain Code and understands why we're here today.
7 So that's important to have those three gentlemen that
8 understand.

9 And then we have Jerry Olman in the front row from
10 the Ottawa County Road Commission.

11 And then we have Lucas is from Prein & Newhof the
12 engineering firm. We have Gordon Gallagher, your township
13 manager from Spring Lake. And in the back who helped people
14 sign in, we have my secretary Sara and my chief deputy, Chad.

15 And I don't think I'm missing anybody. I think
16 that's it.

17 Again, I really appreciate your time to come here
18 today and voice your opinions and speak if you need to.

19 Nobody has to speak, but please share. Because
20 these three gentlemen go off what you guys say, not what
21 really I say. Because I just do the legal part of it and
22 hold the public hearing, and then move forward if they decide
23 to. That's why I'm here.

24 So thank you, again.

25 Gentlemen, please rise and raise your right hand.

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 improvement of the Yonker
6 Drain located in Spring Lake Township, in said county,
7 gentlemen?

8 BOARD MEMBER KEN SOUTER: I do.

9 BOARD MEMBER BILL CARGO: I do.

10 BOARD MEMBER RICH VANDER KLOK: I do.

11 WATER RESOURCES COMM. JOE BUSH: Thank you.

12 BOARD MEMBER BILL CARGO: First it is -- my mic,
13 can you hear me in the audience fine? If anybody can't hear
14 me, I'm not familiar with this sound system so I want to make
15 sure it's working.

16 The first thing we're going to do is select a
17 secretary and a chairperson.

18 Do we have any motions?

19 BOARD MEMBER RICH VANDER KLOK: I'll make the
20 motion that Bill Cargo serve as chair.

21 BOARD MEMBER KEN SOUTER: I'll second that motion.

22 BOARD MEMBER BILL CARGO: We have a motion and a
23 second; all in favor of electing Cargo as chair, say aye.

24 BOARD MEMBER KEN SOUTER: Aye.

25 BOARD MEMBER BILL CARGO: Aye.

1 BOARD MEMBER RICH VANDER KLOK: Aye.

2 BOARD MEMBER BILL CARGO: Opposed?

3 And then we also need -- that is passed.

4 We also need to make a motion to elect a secretary.

5 Do we have a motion on that?

6 BOARD MEMBER KEN SOUTER: I make a motion that Rich
7 is secretary.

8 BOARD CHAIRMAN BILL CARGO: And I'll support that
9 motion.

10 Any discussion? In other words it's your only
11 chance to back away, Rich.

12 There isn't any, so all in favor of Rich being the
13 secretary, say aye.

14 BOARD MEMBER KEN SOUTER: Aye.

15 BOARD MEMBER RICH VANDER KLOK: Aye.

16 BOARD CHAIRMAN BILL CARGO: Aye.

17 Opposed? The same.

18 So, Rich, you are the secretary for this meeting.

19 The other thing we do is we typically adopt a
20 motion to limit public comments per person to three minutes
21 an individual. We have a room full of people. You can
22 summarize War And Peace typically in about three minutes. So
23 hopefully that will be sufficient time.

24 So is there a motion to limit public comments to
25 three minutes?

1 BOARD SECRETARY RICH VANDER KLOK: I'm make that
2 motion, Mr. Chairman.

3 BOARD MEMBER KEN SOUTER: I'll second it.

4 BOARD CHAIRMAN BILL CARGO: We have a motion and
5 support. All in favor of limiting public comments to three
6 minutes, say aye.

7 BOARD SECRETARY RICH VANDER KLOK: Aye.

8 BOARD CHAIRMAN BILL CARGO: Aye.

9 BOARD MEMBER KEN SOUTER: Aye.

10 BOARD CHAIRMAN BILL CARGO: And then we're going to
11 begin to go through public comment period, but we start by
12 just taking some information from the engineer.

13 And the engineer today is with Prein & Newhof. And
14 again they will speak and do you have a sound system so you
15 can be heard?

16 ENGINEER LUCAS TIMMER: I will project my voice.

17 BOARD CHAIRMAN BILL CARGO: Good.

18 ENGINEER LUCAS TIMMER: Thank you, Bill.

19 My name is Lucas Timmer. I'm an engineer with
20 Prein & Newhof, and as Joe had mentioned, we were hired to
21 put together the necessary documents for this Board of
22 Determination for the Yonker Drain.

23 So the Yonker Drain is an existing county drain
24 located in Crockery Township. The drain discharges into a
25 watercourse located east of 144th Avenue and south of State

1 Road.

2 This watercourse is considered an orphan system.
3 And this watercourse ends up discharging into Lloyd's Bayou
4 just south of M-104 in Spring Lake Township.

5 As Joe had mentioned earlier, this watercourse is
6 considered an orphan system. So it lacks authorized local
7 and county governmental jurisdiction, and there is also then
8 no funding mechanisms in place to address any current or
9 future needs for maintenance and improvements.

10 BOARD CHAIRMAN BILL CARGO: Lucas, can I ask a
11 favor? I cannot see this, I did before. I think somebody
12 tipped it. Can you move it a little bit?

13 That is perfect, now we can see it. Thank you.

14 ENGINEER LUCAS TIMMER: So the Yonker Drain was
15 petitioned by Spring Lake Township on September 9, 2019 under
16 Chapter 8 of the Michigan Drain Code and Chapter 8 relates to
17 the extension of an existing county drain.

18 And as Joe had mentioned too, a Michigan Drain Code
19 requires a Board of Determination meeting, so that's why
20 we're all here today.

21 So this is a map of the Yonker Drain drainage
22 district. A drainage district essentially is a watershed.
23 So if you are inside that watershed, you then contribute
24 runoff to the Yonker Drain.

25 It's tough to see on this picture right here, but

1 the highlighted yellow portion of that watercourse was the
2 historic Yonker Drain. And as I had said earlier, that is in
3 Crockery Township, and is east of 144th and south of State
4 Road.

5 And then that blue section that goes from 144th all
6 the way to M-104 is the -- it's currently an orphan system
7 and that's what's being proposed to be extended as a county
8 drain.

9 So this is an aerial showing the Yonker Drain
10 drainage district. These drainage districts are delineated
11 by using contour data. So we're able to look at where high
12 spots are and low spots to determine how the runoff then can
13 get to the Yonker Drain.

14 We also look at record drawings of utilities just
15 to get more information on the road, on where high spots and
16 low spots are in the road. And we also do a field
17 verification where we can check roads.

18 We obviously can't go on all your private property
19 to see where hills are, but the contour data is very
20 accurate. We have one-foot contour data in Ottawa County and
21 that's about as accurate as you can get in the whole state.

22 So this is where the 36-inch culvert is located.
23 It's located on the North Bank Trail. It's a popular
24 regional trail that was built on an old railroad berm. And
25 this nonmotorized trail connects from Spring Lake and will

1 eventually get all the way to Nunica.

2 And there is also a sanitary sewer that's located
3 in this North Bank, underneath the North Bank Trail. It's a
4 10-inch sanitary sewer that Spring Lake Township has. And
5 this is the primary problem area.

6 So I'll give you guys a little bit of a timeline.
7 In the summer of 2019 a sink hole in the bike trail formed.
8 I'm guessing a few guys may have noticed that if you ride
9 your bike at all on that trail.

10 The suspected reason for that sink hole is that
11 there is a 36-inch culvert that is underneath that bike
12 trail. The bike trail is built up 22 feet high from the
13 railroad berm. And this culvert, it's tough to tell how old
14 it is, but it could even be potentially have put in when the
15 railroad was put in. So it's a very old culvert.

16 What we've noticed too, when that sink hole had
17 formed was that the 10-inch sanitary sewer was having some
18 issues with settling. And we were able to notice that by
19 running a camera through that sanitary sewer. And we noticed
20 that because of that sink hole, the sewer was settling and
21 that was a major concern that that sewer could end up
22 failing.

23 What was also noticed and brought to the attention,
24 to Ottawa County and Spring Lake was water levels upstream of
25 the culvert increased, which concerns a lot of the residents,

1 as Joe had brought up, Arthur Court and a couple of the other
2 locations between 148th and the North Bank Trail.

3 So in the fall of 2019 Spring Lake Township did a
4 temporary repair to stabilize that sanitary sewer that had
5 settled just so that that could be stabilized as that sink
6 hole continues to grow.

7 Also there was some work done to dig out the
8 upstream and downstream ends of that culvert so that water
9 could continue to flow through that culvert.

10 And we believe the sink hole is caused by an issue
11 with that culvert failing, and that culvert then gets
12 blocked, and that's what is causing that water to back up
13 upstream.

14 And digging out in front of those culverts has been
15 able to help; but we've noticed even after a couple days it
16 often seems like it gets blocked up again with debris and
17 sediment.

18 So here is a picture of the sink hole in the path.
19 It's been filled multiple times but continues to exhibit
20 signs of settling.

21 So here is a photo that shows the North Bank Trail
22 and it's probably a little tough to read but you can see
23 there are two primary residents or -- that we've received
24 phone calls from. The first one is from 15324 State Road.
25 This property owner has noticed some very high water levels

1 in his backyard.

2 And we've also received some calls from the
3 residents at Arthur Court Condos. And there are two condos
4 located on the east side of Arthur Court, just south of State
5 Road, and they're noticing the high water levels approaching
6 their walkout basements. And that is a major concern to
7 those residents there.

8 So we'll quick go through these pictures. But this
9 shows -- you're looking north on the North Bank Trail. Here
10 you just see what looks like almost a lake. Typically you
11 would actually see about an eight-foot or nine-foot wide
12 stream, and those would be all wetland areas. But with the
13 high water levels here, you can't even see a stream anymore
14 because the water is above the banks, and now it looks like a
15 giant lake.

16 Here is another photo too of the water levels
17 backed up in this area.

18 So here is some photos from the resident at 15324
19 State Road. These were both provided from that resident.
20 One of the photos is from summer 2019, I believe in June when
21 the water levels were a little lower. You can see on the
22 photo on the left that there is no water there in his
23 backyard.

24 The next photo shows from September 16, high water
25 levels and this property owner has a lot of concerns that

1 with this backed-up culvert that this water level will keep
2 approaching their residence.

3 Here is a photo by Arthur Court Condos. This is
4 just south of those two condos I had mentioned that are
5 noticing high water levels near their walkout basement. This
6 typically would be a nice dry lawn that someone could mow.
7 Now it's filled with water and that whole wetland area has
8 essentially become a giant lake and starting to flood a lot
9 of these areas.

10 So our next steps is we will have time for public
11 testimony where you guys can provide any input that you have
12 and if there is anything that I did not mention, because I
13 wasn't aware of it, you can then provide that to us.

14 The Board will then determine the necessity of the
15 petition based on public health, welfare and/or convenience.

16 If a petition is deemed necessary, the Yonker Drain
17 then will be extended from its terminus where it is currently
18 in Crockery Township and it will extend all the way to M-104
19 and include that natural water course.

20 We would then move ahead with project design to
21 address that failing culvert. There would have to then be
22 easement acquisition because that's been a natural
23 watercourse forever and currently doesn't have any easements
24 on it for Joe Bush's office to do any work on it.

25 The project would then be bid and that culvert then

1 could be removed and replaced.

2 And then following that would be a day of review of
3 apportionment.

4 And if a petition is not deemed necessary, then no
5 further action by the Ottawa County Water Resources
6 Commissioner office will occur.

7 So thank you for your time.

8 BOARD CHAIRMAN BILL CARGO: Lucas, a couple
9 follow-up questions.

10 When you talk about an orphan drain, for my
11 clarification, that means nobody has jurisdiction or
12 responsibility for that portion of the drain that's called an
13 orphan?

14 ENGINEER LUCAS TIMMER: That is correct.

15 BOARD CHAIRMAN BILL CARGO: So is it technically
16 that, what I understand, you cannot spend money on what is
17 technically a private problem?

18 ENGINEER LUCAS TIMMER: That is correct.

19 BOARD CHAIRMAN BILL CARGO: And so if the drain
20 commission wanted to do work on this, he would typically, if
21 it was a public drain, be able to assess part of the costs to
22 the county, part of the costs to the road commission, part of
23 the costs to the township; but right now he doesn't have that
24 ability because it's not under his jurisdiction. It's an
25 orphan drain.

1 ENGINEER LUCAS TIMMER: That is correct, Bill.

2 BOARD CHAIRMAN BILL CARGO: Okay, thank you.

3 ENGINEER LUCAS TIMMER: Thank you.

4 BOARD CHAIRMAN BILL CARGO: We're now going to
5 begin the public comment portion. But before we do that, we
6 always give the local governments a chance to make a comment.

7 We have Ken from the road commission.

8 Ken, do you have any comments that you would like
9 to make -- Jerry. I'm sorry, Ken is next to me.

10 Jerry, do you have any comments?

11 ROAD COMMISSION JERRY OLMAN: I don't right now.

12 BOARD CHAIRMAN BILL CARGO: Okay, thank you.

13 We also have the township manager Gordon Gallagher
14 here.

15 Gordon, do you have any comments? This was
16 petitioned by the township board.

17 SPRING LAKE TOWNSHIP MANAGER GORDON GALLAGHER:
18 Just very briefly that we've had this concern for awhile that
19 this culvert has been in place for, we think, more than 80
20 years and the concern is that if that culvert continues to
21 have problems, that water won't be able to pass through.

22 BOARD CHAIRMAN BILL CARGO: And you're willing to
23 spend some of your public monies on this if it was a public
24 drain?

25 SPRING LAKE TOWNSHIP MANAGER GORDON GALLAGHER: And

1 I think the engineer explained the problem pretty well.

2 BOARD CHAIRMAN BILL CARGO: Okay. And you think 80
3 years is too old for a culvert?

4 SPRING LAKE TOWNSHIP MANAGER GORDON GALLAGHER:
5 Surprise, surprise.

6 BOARD CHAIRMAN BILL CARGO: Okay. Now we're going
7 to take public comments, but first I see we have some
8 correspondence.

9 Rich, if you could go over the correspondence that
10 we have received, I'd appreciate it.

11 BOARD SECRETARY RICH VANDER KLOK: Sure. There are
12 two pieces of correspondence. The first, this is from
13 Steve -- well let me back up just a bit.

14 He apparently spoke with the Ottawa County Water
15 Resources office and his name is Steve Namenye, I'm not sure
16 I'm pronouncing that correct, it's N-A-M-E-N-Y-E. And he
17 spoke to them on October 15, 2019 around the concerns of
18 whether his property falls within the said Yonker Drain
19 district. He is on the furthest south portion of the drain
20 district on 152nd Avenue.

21 He wanted to make sure that if the addition to the
22 Yonker Drain is found to be a necessity, that his property be
23 looked at again on whether it is actually in the Yonker Drain
24 district. The slope of his backyard falls to the west and to
25 the south, which would mean that it does not make its way to

1 the Yonker Drain.

2 And then the second piece of correspondence comes
3 from Susan Wierenga. And she says, because I do not have --
4 because I cannot attend the meeting at 10 a.m. on October 22,
5 2019, I would like to express my opinion on the expansion of
6 the Yonker Drain.

7 My feeling is that this should not be extended or
8 expanded. If there are others that need better drainage, let
9 them find a way for them, but not at my expense as a property
10 owner in Crockery Township. This in no way benefits anyone
11 in Crockery.

12 And that's the end of the correspondence.

13 BOARD CHAIRMAN BILL CARGO: Okay.

14 We're now going to open it up for additional public
15 comments. And again I remind people when you come up to the
16 podium for the purposes of the record, if you would state
17 your name and address, if you can identify where you live in
18 the district, that would be helpful. It's not required. And
19 then any comments you have regarding any problems you're
20 aware of or any questions you have on the process, that would
21 be fine too.

22 And typically what I do is I will start in the
23 front row right here on my left, your right.

24 Is there anybody in the front row that would like
25 to speak? Just come up to the podium then.

1 MS. JOANNE BROWNLEE: My name is Joanne Brownlee,
2 B-R-O-W-N-L-E-E. I live at 17290 Woodland Lane in Nunica,
3 that's Crockery Township.

4 And to go on from what you said, Bill, could we
5 have an explanation as to how a drain becomes orphaned over
6 time?

7 BOARD CHAIRMAN BILL CARGO: It didn't become
8 orphaned over time. It was never accepted into the county
9 drain system.

10 And so one of the things that I know a number of
11 communities are doing is they're identifying these drains
12 which are essentially technically private drains, because
13 they're not under the responsibility of the Ottawa County
14 Water Resources Commission. And so it was never brought into
15 the drainage district.

16 Now sometimes people thought it was, but then you
17 go back and you look at the paperwork and we found out it was
18 done incorrectly. So this could have been a mistake from 80
19 years ago. It could have been something that was just never
20 bought in because at the time they didn't think it was
21 necessary.

22 MS. JOANNE BROWNLEE: Okay, thank you.

23 And just a curiosity, not having any problems. I
24 am a neighbor to Sue Wierenga that sent in the
25 correspondence, and I share her feelings. Thank you.

1 BOARD CHAIRMAN BILL CARGO: Thank you.

2 The gentleman next to her, any comments?

3 Then I'll go to the second row on my right, on the
4 far side. Any questions from the people in the second row,
5 would you like to make any comments?

6 The gentleman with the baseball cap, just come up.
7 And again just give your name and address.

8 MR. RAY SUCHECKI: My name is Ray Suchecki. I live
9 at 17458 - 144th Avenue.

10 And my question is through the years, the Yonker
11 Drain has been in effect and I own property where the Yonker
12 Drain goes across 144th. Now a few years back they came in
13 there, the drain commission and cleaned the Yonker Drain.
14 And they stopped, say, 200 feet from 144th.

15 So the Yonker Drain goes down State Road, across
16 some property and crosses mine. And it ends on my property.

17 Now from the road back up to the Yonker Drain, that
18 I consider my creek. And from where the Yonker Drain comes
19 in to my property, years ago I wanted to put up trout ponds
20 in. And I couldn't do it because they said it was wetlands.
21 I had a couple cattails growing in there.

22 So they've checked it out and from where the drain
23 comes into my property and crosses my backyard, and to where
24 the culvert is going underneath 144th, they said there was a
25 15-foot drop in the elevation.

1 And in the spring time, we do have water coming
2 down off State Road going into the creek. And after it dries
3 up a little bit, there is no water coming down that drain.
4 The only thing we have there is I can go to the side of the
5 creek, scrape the leaves away a little bit from down in the
6 bottom of the creek bed, and water comes pouring out.

7 It's all spring fed back there behind my house.

8 BOARD CHAIRMAN BILL CARGO: Okay.

9 MR. RAY SUCHECKI: And I was just wondering and
10 trying to find out why the Yonker Drain ends where it ends
11 right now.

12 BOARD CHAIRMAN BILL CARGO: And that's the question
13 that is hard to determine because that drain district was
14 made -- when was the original Yonker Drain drain district
15 created?

16 ENGINEER LUCAS TIMMER: I looked through some
17 documents, and some of the earliest stuff I could find was
18 1955 and it was already a drain then, so it's before even
19 1955.

20 BOARD CHAIRMAN BILL CARGO: Before 1955, so I
21 cannot go back and try to figure out why they stopped it
22 where they do. It doesn't make a lot of sense to me if it's
23 supposed to follow the natural watercourse, but that's --
24 it's hard to go back.

25 And some of these drains were created in the 1800s

1 and we just don't know. So the records are not that -- were
2 not as clear.

3 Now with our electronic recordkeeping everything we
4 say is kept somewhere, but I can't go back that far.

5 MR. RAY SUCHECKI: Well right now we have a steady
6 flow of spring water coming out of the side of the hills
7 there.

8 BOARD CHAIRMAN BILL CARGO: Um-hum.

9 MR. RAY SUCHECKI: And it's probably only five, six
10 inches deep. So we have had no definite problem with water.

11 BOARD CHAIRMAN BILL CARGO: On your property you
12 have no problems there at all, okay. Appreciate it.

13 MR. RAY SUCHECKI: Thank you.

14 BOARD CHAIRMAN BILL CARGO: Thank you.

15 And the gentleman next to him.

16 MR. RICHARD SUCHECKI: My name is Richard Suchecki.
17 I live at 17438 - 144th, my dad's neighbor.

18 And when we say orphan drain can we just say this
19 is a natural creek that runs -- it's called Yonker Drain, but
20 it's -- it goes past, east of us, fills into the bayou and
21 it's got a couple creek names, I believe, Norris is one of
22 them.

23 BOARD CHAIRMAN BILL CARGO: Um-hum.

24 MR. RICHARD SUCHECKI: So it's a creek.

25 So this creek has -- is flowing. It's flowing

1 today. It's always been flowing. So the drainage to me, in
2 my view, is it's working just -- it works proper. So --

3 BOARD CHAIRMAN BILL CARGO: And that may be
4 absolutely correct right now for that creek. And that's why
5 we're asking for the public comments.

6 MR. RICHARD SUCHECKI: Correct.

7 BOARD CHAIRMAN BILL CARGO: And they're not saying
8 that they're going to come in there and dig out a creek or
9 anything like that.

10 MR. RICHARD SUCHECKI: Okay.

11 BOARD CHAIRMAN BILL CARGO: Okay.

12 MR. RICHARD SUCHECKI: So the issues seem to be at
13 the culvert at the road, or at the railroad bed. So -- and
14 it is my understanding -- I did not know that there was a
15 sanitary line. Is that just at 148th? Or does that sanitary
16 line also go down the old railroad?

17 BOARD CHAIRMAN BILL CARGO: I think it goes down
18 the old railroad from what I understand from the comments.

19 Gordon, can you confirm that?

20 SPRING LAKE TOWNSHIP MANAGER GORDON GALLAGHER:
21 Yes, it does.

22 MR. RICHARD SUCHECKI: So we can capture sanitary
23 tax dollars to do the repair, we can capture the culvert
24 drain from the Water Resources department, instead of
25 capturing all the tax dollars by just adding this district to

1 go so big, you're going to capture a lot of dollars, that's a
2 special assessment, just for, you know, one issue.

3 BOARD CHAIRMAN BILL CARGO: And they may not do
4 that. The assessment again is not what we're here today to
5 talk about.

6 For example, Grand Haven Charter Township, if it's
7 less than 15,000 we don't even bother to assess it to the
8 property owners. We just pay for it out of the general
9 funds.

10 Every community has different levels of what they
11 will contribute.

12 On large projects sometimes the communities will
13 contribute more money; but again, that's part of the
14 assessment process where the Water Resources Commissioner
15 will talk with the local municipalities to determine how much
16 money he will receive from them to help offset the cost of
17 his maintenance.

18 But right now he's not even qualified -- excuse me,
19 authorized to do the maintenance on that culvert. And that's
20 why we're here today, from what I understand.

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

22 MR. RICHARD SUCHECKI: Okay. So the --

23 BOARD CHAIRMAN BILL CARGO: So I understand your
24 concern. But I can't answer the question of whether they're
25 going to put any of the costs on the people within the

1 district.

2 Now that they're looking in the district, they're
3 seeing this drainage course is much larger than what was
4 originally created.

5 MR. RICHARD SUCHECKI: Okay.

6 BOARD CHAIRMAN BILL CARGO: So think of it as a
7 drainage course. It may not all be a drain -- have culverts
8 and dug out ditches but it's all part of a drainage course.

9 MR. RICHARD SUCHECKI: Well I understand the
10 drainage course.

11 BOARD CHAIRMAN BILL CARGO: Okay.

12 MR. RICHARD SUCHECKI: I'm just -- I think a lot of
13 people that have called my house, I sit on the Crockery
14 Township board, and I'm getting phone calls about why. So
15 everyone is concerned about the tax dollars that will be on
16 their taxes when there is different projects going on
17 throughout this new drain district.

18 BOARD CHAIRMAN BILL CARGO: And the thing is,
19 you're absolutely correct. Your property may not benefit
20 from the project they're talking about early on; at the same
21 time I recall in Grand Haven Township we had a drainage
22 district where it was a beaver had done some work, and he
23 filled up a culvert. He was very industrious. He took one
24 of those flat wooden pallets and plugged up a 36-inch
25 drainage course.

1 And luckily that was part of the drain district
2 because by the time he got there, at the time the drain
3 commissioner got there, it was like eight feet deep, you
4 know. So at that point they were able to use public monies
5 to deal with that problem because it was a public drain.

6 That's typically what they're trying to do here.
7 They're not trying to expand the tax base from what I
8 understand, excuse me, their ability to tap into the tax
9 base.

10 MR. RICHARD SUCHECKI: So there is funds available
11 through the Water Resources to help with the problem at the
12 old railroad --

13 BOARD CHAIRMAN BILL CARGO: There is monies
14 available. Whether they're sufficient to pay for the costs,
15 I can't tell you.

16 What I'm hearing so far is that there is one
17 problem that's been identified that's having an impact on
18 properties within the drainage district.

19 MR. RICHARD SUCHECKI: Okay.

20 BOARD CHAIRMAN BILL CARGO: Does that help?

21 MR. RICHARD SUCHECKI: It answers my question.
22 Thank you.

23 BOARD CHAIRMAN BILL CARGO: Okay. We have, again,
24 the second row, the very first person?

25 MS. GERALYNN SUCHECKI: My name is Geralynn

1 Suchecky. I live at 17424 - 144th Avenue, which is right
2 next to my brother-in-law and father-in-law.

3 I just have a point blank question. Would this
4 even be an issue if we were not experiencing hundred-year
5 rain, flood issues? I lived in Rockford in 2013 before we
6 moved here, and as you know, everybody had flooding, Grand
7 Rapids, everything. You deal with it.

8 And I think just because in the last few years
9 everybody is experiencing crazy water levels everywhere, that
10 this -- had this been in a normal situation or when we're in
11 the drought state, because it's all cyclical, I don't think
12 all these issues would be right up primary if the water
13 levels, due to the rain and the weather, that we have no
14 control over, this is making this a big issue for people.

15 BOARD CHAIRMAN BILL CARGO: It's making it worse, I
16 agree, the wet weather. Five of the last six years we've had
17 more than normal rainfall. That means a lot of tension is
18 puts on drains because drains are the only way we have to
19 remove the rainfall.

20 But I agree, five of the last six years have been
21 above normal rainfall.

22 MS. GERALYNN SUCHECKI: And I think that's what's
23 prompting all this.

24 And I understand. Nobody helped us when Rogue
25 River went way over, went in and we had flooding, and it was

1 because we had to eat it because that's life. It's an act of
2 nature.

3 And I know some of these people may be experiencing
4 issues. It's terrible. I never want to go through it again.
5 I sympathize with you that you have water on your properties
6 and stuff. But there again, like we said, I know --

7 BOARD CHAIRMAN BILL CARGO: So you're acknowledging
8 the problem, you're just concerned that you don't want to pay
9 for the solution to the problem.

10 MS. GERALYNN SUCHECKI: Exactly.

11 BOARD CHAIRMAN BILL CARGO: I understand.

12 MS. GERALYNN SUCHECKI: That's all I'm saying. So
13 people should be aware of that and maybe in the next few
14 years we'll experience a drought and it probably won't an
15 issue.

16 BOARD CHAIRMAN BILL CARGO: Hopefully it does dry
17 out.

18 MS. GERALYNN SUCHECKI: I hope so for everybody.

19 BOARD CHAIRMAN BILL CARGO: We're going across the
20 row, the second row there.

21 MR. LUKE DRAEGER: I have two questions. First of
22 all the --

23 BOARD CHAIRMAN BILL CARGO: Could you give your
24 name, please?

25 MR. LUKE DRAEGER: Yes, my name is Luke Draeger. I

1 own property at 15015 M-104, Cleveland.

2 The question that I have is that most of the
3 property owners along M-104 have been adjusted or
4 reconstructed, whatever, in the last 15, 20 years with water
5 retention basins. So the expansion of this drain district
6 where private owners have already paid for water retention,
7 I'm questioning whether that's all necessary, I guess that's
8 an engineering question.

9 The second thing for Joe, there is another hearing
10 if there is an assessment to the property owners by the drain
11 commissioner, isn't there?

12 WATER RESOURCES COMM. JOE BUSH: No, that is not
13 true.

14 BOARD CHAIRMAN BILL CARGO: There is not a hearing.
15 You have the opportunity to review the assessment roll and
16 also to take it to court if you think it's unfair.

17 MR. LUKE DRAEGER: Because it sounds like this
18 problem is associated with the culvert more than anything
19 from what I hear from Lucas.

20 BOARD CHAIRMAN BILL CARGO: So from what we've
21 heard in this district so far, in this hearing so far, that
22 is correct.

23 MR. LUKE DRAEGER: Thank you.

24 BOARD CHAIRMAN BILL CARGO: Thank you.

25 Okay? Next to Gordon in the baseball cap? And

1 again, a reminder, your name and address.

2 MR. RON BRONDYKE: Ron Brondyke, 14437 State Road.
3 I am just west of the State Road-144th Avenue intersection.

4 And a few years ago we had lots of water coming
5 from the northeast, down State Road, and it flooded across
6 the corner. And it came across 144th through the neighbor's
7 yard, through my yard, and down the back driveway, and it
8 goes into another county drain.

9 So my question is do I really belong in this
10 expanded district. I believe I don't, based on what I've
11 actually seen, and --

12 BOARD CHAIRMAN BILL CARGO: What we'd do is with
13 your name and address, Ron, we will then check into it.

14 Lucas, at the end of the hearing they will verify
15 some of these people who have raised questions on whether
16 they should be included.

17 MR. RON BRONDYKE: All right, fine, thank you.

18 BOARD CHAIRMAN BILL CARGO: Then I'll go to the
19 third row on my right? Anybody in the third row on this
20 section over here? The gentleman in the baseball cap?

21 MR. PHILIP SUCHECKI: My name is Philip Suchecki.
22 I live at 14278 State Road, Nunica. I'm on the east side of
23 Yonker Drain, close to my brothers, sisters, sister-in-law.

24 BOARD CHAIRMAN BILL CARGO: Okay.

25 MR. PHILIP SUCHECKI: You know, we understand

1 progress. And again for many years we've lived in that area.

2 They come through, they clean out on State Road,
3 they go across, clean out there. The water flow seems to be
4 fine. It's -- it doesn't back up there.

5 The problem is probably that culvert down the road
6 you're having problems with, and again, that's progress, but,
7 you know, you listen to a guy say 80 years that they know
8 that's been a problem. Now all of the sudden?

9 And because of the system and the rain, rain for
10 the last five years is over and above. Now it becomes a big
11 problem.

12 Now why didn't we fix it when it was a little
13 problem?

14 BOARD CHAIRMAN BILL CARGO: That's a good question.
15 Because we --

16 MR. PHILIP SUCHECKI: We all understand that. And
17 so I keep telling everybody -- I think the opinions is
18 already made out, but that's okay, you get a chance to air
19 your voice, you do that.

20 But the water seems to be flowing from State Road
21 down to 144th just fine. I don't see any properties that are
22 affected in that area. So I wish everybody would take that
23 under consideration. Thank you.

24 BOARD CHAIRMAN BILL CARGO: Appreciate it.

25 Next?

1 MR. GARRY SPARKS: I'm Garry Sparks. I live at
2 14270 State Road, Nunica. I'm just east of 144th on the
3 south side of State Road. We've got five acres.

4 I'm approximately 6, 700 feet off the road on State
5 and probably 4 or 500 feet off the road from the Yonker
6 Drain.

7 I really question how my runoff is even getting to
8 that drain. I've been there 33 years, and there is never
9 water in that drain that runs north to south, before it gets
10 to the creek on 144th, and then that's where all the water
11 starts flowing.

12 I've already paid, for the last ten years, we've
13 paid a few hundred dollars to clean the ditch out, the
14 existing Yonker Drain.

15 I sympathize with the people that are close to the
16 bayou because the bayou is backing up. I don't understand
17 how dumping more water in the bayou is going to fix the
18 issue. It's all going to bottleneck. But yeah.

19 BOARD CHAIRMAN BILL CARGO: Appreciate it.

20 I'll go across the aisle now for the third row?

21 MR. ERIC MOE: I'm Eric Moe. I live at 15346 State
22 Road. I'm one of the residents that is affected by the
23 flooding down there.

24 The culvert is the main problem. I won't address
25 these folks' issues with not caring where their water goes

1 once it leaves the property, but I will discuss once it gets
2 dumped down at the very end, it is the culvert.

3 I'm uniquely qualified to understand that culvert
4 probably more than most people here, other than my neighbor
5 Dave. We've been trying to clean that out for the last few
6 years.

7 Two years ago when we had beaver issues we did get
8 a lot of help from the township as well as Ottawa County to
9 try to get the beaver dams out. As soon as that gets
10 clogged, it will go up on the north side of the bike path,
11 which is basically an earth dam.

12 There is only one three-foot culvert there. That
13 culvert is small and it has worked fine in the two-and-a-half
14 decades that I've worked there as long as it doesn't get
15 plugged.

16 Of course, now there has been a collapse on the
17 bike path which is above the culvert which also compromised
18 the sewer line or whatever that goes from the trailer park
19 into town. So that's showing us or at least from my
20 speculation and most of the engineers that the culvert is
21 probably compromised. So that the three-foot culvert in the
22 middle is probably a foot-and-a-half culvert now.

23 And so when we get any kind of sticks clogging the
24 front end of it, then it basically fills up with water.

25 And literally it is the culvert because as soon as

1 it plugs, within days, it raises by feet on the north side of
2 the bike path. And we're talking four feet, which means I've
3 got probably three or four or five acres that are flooded on
4 my property and I have hardwoods there dying.

5 But that's okay, I'm not here to complain about
6 that. I'm just stating the fact that it is the culvert.
7 Because then when we clear out the front of the culvert which
8 now needs to be done professionally, which the township paid
9 for by bringing backhoes in there, it immediately drops feet.
10 Millions of gallons get drained and it comes off our
11 property.

12 And then when it clogs again, it immediately raises
13 up. This is totally unrelated to water -- groundwater table
14 levels, Lake Michigan levels, rains of the last five years.
15 I've been there for three decades. Yes, it ebbs and flows a
16 bit down there because it is the bottom of the drainage area.

17 BOARD CHAIRMAN BILL CARGO: So your testimony is
18 really the problem with the culvert probably began about two,
19 two-and-a-half years ago?

20 MR. ERIC MOE: Well, no. I'll say that's when we
21 really needed some help because we had some beavers shoving
22 full-sized logs in there. But I think it really happened, it
23 started to collapse here when the bike path started to sink
24 in April of this year.

25 BOARD CHAIRMAN BILL CARGO: Okay.

1 MR. ERIC MOE: As soon as the bike path started to
2 sink, water tables starting rising and we had a major problem
3 back there again.

4 And then the bike path has continued to sink. And
5 then of course they've fixed the sewage system there, the
6 sewer line which -- the sewer line, which is twelve feet
7 below the bike path, but still eight feet above the culvert
8 there.

9 BOARD CHAIRMAN BILL CARGO: Understand.

10 MR. ERIC MOE: Again, so my point of being up here
11 is just to express, I know that culvert intimately because
12 I've been in there chest deep clearing stuff out for the last
13 several years when I could. I can't anymore.

14 When the culvert clogs, it fills up with water
15 within days. We have millions of gallons there which come
16 from, of course, the entire drainage district.

17 And again I won't go as to why they feel that they
18 shouldn't be dealing with --

19 BOARD CHAIRMAN BILL CARGO: That's okay. We're
20 here to determine the necessity which is --

21 MR. ERIC MOE: But I just want to speak for the
22 culvert. So we assume that it's all compromised because, of
23 course, where is the earth going that's causing the asphalt
24 to collapse.

25 BOARD CHAIRMAN BILL CARGO: Appreciate it.

1 MR. ERIC MOE: So that's my whole opinion of being
2 up here.

3 And I want to thank both the township as well as
4 Joe for their concerns and spending time out there and trying
5 to figure this out here, especially for the last two years.
6 So I appreciate that and I understand how the process has to
7 work here.

8 BOARD CHAIRMAN BILL CARGO: Okay.

9 The gentleman next to him?

10 MR. DAVID RUMPEL: My name is Dave Rumpel. I'm at
11 15324 State Road.

12 And one of the questions I would have, and mine is
13 some of the pictures that are up here, one of the questions I
14 have is is there confirmation that the culvert has been
15 compromised and collapsed?

16 WATER RESOURCES COMM. JOE BUSH: It's not 100
17 percent sure.

18 BOARD CHAIRMAN BILL CARGO: They have not cameraed.
19 Is that what you're asking? Have they put a camera down?

20 WATER RESOURCES COMM. JOE BUSH: We tried, but we
21 can't.

22 BOARD CHAIRMAN BILL CARGO: You couldn't get it
23 through.

24 My lay opinion would be if you can't get a camera
25 through a culvert, it probably means the culvert is beginning

1 to collapse, especially if it's 80 years old. That's a
2 reasonable expectation for something like this.

3 MR. DAVID RUMPEL: And that's what I heard lately
4 or the last communication that I have was that the culvert
5 had collapsed. And based on my research, that railroad went
6 in service roughly 1857.

7 So is the culvert 140 years old roughly? Or is it
8 80 years old? We don't know.

9 BOARD CHAIRMAN BILL CARGO: We don't know.

10 MR. DAVID RUMPEL: But it's collapsed. And so
11 Wally Delemator (sic), if I'm saying his last name correctly,
12 estimated that there is 30 to 50 million gallons of water
13 that is backed up to Arthur Court and my property and
14 neighborhood properties from this watershed from this
15 drainage district.

16 So when that thing is plugged, and it keeps sinking
17 from the bike path above, the old railroad grade, then
18 obviously it creates a problem when the water backs up like
19 that.

20 BOARD CHAIRMAN BILL CARGO: Understand.

21 MR. DAVID RUMPEL: So that's the only thing that I
22 would say is that, yeah, the culvert is collapsed and it's an
23 orphan drain. I've lived there for 21 years, it's never been
24 maintained, it's never been a problem. I don't think it's
25 been a problem for a hundred years or maybe 140 years. It's

1 always worked fine.

2 It has nothing to do with the Lake Michigan water
3 levels from my opinion, it's a collapsed culvert. And there
4 is no where for the water to drain until it's fixed.

5 BOARD CHAIRMAN BILL CARGO: Appreciate it.

6 MR. DAVID RUMPEL: It's an issue there that here we
7 are today, and hopefully we have some sort of resolution as
8 to how to fix the culvert.

9 That's all I've got, thank you.

10 BOARD CHAIRMAN BILL CARGO: And next to him? One
11 more over?

12 MR. WARREN PRELESNIK: My name is Warren Prelesnik.
13 I live on Arthur Court and I'm on the board of Arthur Court.

14 We have about four of our owners that are affected
15 by the drainage issue. And I think the last time it was up
16 rather high, one of the them had water about ten feet from
17 their back door, similar to what Mr. Moe had just indicated.

18 It's a problem for us obviously because we're going
19 to have four of our units that are going to be destroyed or
20 closed down or have some major issues.

21 So again it is the culvert. And that's the focus
22 on what we're after is not only the culvert but, you know,
23 think of it if the culvert does collapse totally and nothing
24 is ever done because no one wants to takeover the control of
25 the thing, you'll end up with flooding on State Road and

1 everywhere else down the line everywhere.

2 Plus you have the added problem with the sewer line
3 that goes through there because if the culvert does fully
4 collapse, that sewer line will go with it and you're going to
5 end up with raw sewage into the swamp behind our place; but
6 also down into Lloyd's Bayou, which I don't think the state
7 or any of you really want.

8 BOARD CHAIRMAN BILL CARGO: Okay, appreciate it.

9 MR. WARREN PRELESNIK: So we really need to have
10 that fixed. However you do it, it is a community, we all
11 have a part to play in living in a community to make it the
12 desirable place that we want to live in.

13 Thank you.

14 BOARD CHAIRMAN BILL CARGO: Thank you.

15 Further down in that row? Anybody else that would
16 like to speak?

17 I'm going to go back over to this side of the room,
18 in the next row, is there anybody there that would like to
19 speak?

20 MS. ALICIA CHANEY: Alicia Chaney. I'm at 17550
21 Woodland Lane, technically Crockery Township. I literally am
22 the eastern most portion of this.

23 So first of all, I question whether my property
24 even drains to the west. And secondly, so the culvert --
25 question, the culvert that is the problem is not currently in

1 the orphan drain that you have no control over, so why can
2 you not fix the culvert without including all of us in that
3 drain?

4 ENGINEER LUCAS TIMMER: It is in the orphan drain,
5 the culvert is.

6 MS. ALICIA CHANEY: But the yellow part is the
7 current district, correct?

8 ENGINEER LUCAS TIMMER: Yes.

9 MS. ALICIA CHANEY: And the purple part is the
10 proposed district, correct?

11 ENGINEER LUCAS TIMMER: That is correct.

12 MS. ALICIA CHANEY: So the purple part is where the
13 culvert is?

14 ENGINEER LUCAS TIMMER: Correct.

15 MS. ALICIA CHANEY: So it's not in the orphan drain
16 that you have no control over so why can't you --

17 BOARD CHAIRMAN BILL CARGO: It's the opposite. The
18 purple is the orphan drain.

19 ENGINEER LUCAS TIMMER: It is the orphan drain.

20 MS. ALICIA CHANEY: It says it's the proposed
21 district.

22 BOARD CHAIRMAN BILL CARGO: Right. That's why
23 they're saying it is because if it was already within a
24 drainage district, they may not have to do an expansion. The
25 problem is this culvert, the problem is not within a public

1 drain. So we can't use public monies to repair it.

2 So the purple -- if you look at this right now, the
3 purple would be what we are calling the orphan drain, and the
4 question is whether we bring the orphan drain into the public
5 realm.

6 MS. ALICIA CHANEY: Okay. But it's under the North
7 Bank Trail. So you're saying the North Bank Trail is
8 privately owned?

9 BOARD CHAIRMAN BILL CARGO: No. That's not what
10 we're saying. We're saying it's not part of the drainage
11 district.

12 Now you can have public land within an orphan
13 drain, just as you can have private land within an orphan
14 drain.

15 MS. ALICIA CHANEY: Okay.

16 BOARD CHAIRMAN BILL CARGO: The drainage district
17 is simply showing where the water course is that contributes
18 to the drainage district.

19 Is that correct, Lucas?

20 ENGINEER LUCAS TIMMER: That's correct.

21 MS. ALICIA CHANEY: So the expansion is so that
22 what can be accomplished?

23 BOARD CHAIRMAN BILL CARGO: From what I understand
24 right now we're only talking about necessity.

25 And so this committee is only looking at is there a

1 problem that needs to be corrected and solved.

2 And so right now the only problem we've heard about
3 so far is that we have a culvert that isn't part of the
4 drainage district. And so that's the question we have in
5 front of us, is that sufficient in terms of necessity to
6 expand the current Yonker Drain into the proposed Yonker
7 Drain. Does that make sense?

8 BOARD MEMBER KEN SOUTER: Yes.

9 MS. ALICIA CHANEY: So I guess I will just go on
10 record saying I don't think my property should be included.

11 BOARD CHAIRMAN BILL CARGO: And they will check
12 your property. You gave your address, didn't you, so they
13 can verify it?

14 MS. ALICIA CHANEY: Yes.

15 BOARD CHAIRMAN BILL CARGO: Okay. Next?

16 MS. NATASHA DAHL: Natasha Dahl, and I own property
17 at 14508 State Road, a 35-acre parcel, 34-acre parcel.

18 And the creek runs right through what -- where the
19 property is, right through the middle of it.

20 We've been out there a lot and it appears that the
21 creek is flowing normally, so I do not believe that there is
22 a problem on that part of the drainage.

23 From some of the other testimonials we've heard,
24 there is a problem with the culvert. So it sounds like
25 something does need to be addressed with that culvert. I

1 don't think that that necessarily means that we need to
2 designate that entire area as the Yonker Drain.

3 I think if we change the designation to take care
4 of only the problem, and not the rest of the area, I think
5 that sounds reasonable.

6 Do we have maps of the hundred year floodplain?

7 ENGINEER LUCAS TIMMER: I did not bring one along,
8 but the water levels backed up behind that dam are starting
9 to approach those levels, and that's what Mr. Rumpel had
10 mentioned too just with the high water levels.

11 MS. NATASHA DAHL: Are the houses and condos being
12 affected within that hundred year flood zone?

13 BOARD CHAIRMAN BILL CARGO: Typically the homes,
14 when they're constructed, are constructed with their basement
15 level or lower level above the hundred years.

16 So he says it's approaching the hundred year level,
17 and that seems to confirm with what the condo owners have
18 said is it's beginning to approach their properties as far as
19 their structures.

20 MS. NATASHA DAHL: Okay. So the condos were not
21 constructed within the hundred year flood zone?

22 ENGINEER LUCAS TIMMER: That's correct.

23 MS. NATASHA DAHL: So right now no one currently
24 has authorization to replace or repair that culvert, is that
25 accurate?

1 BOARD CHAIRMAN BILL CARGO: That is accurate.

2 MS. NATASHA DAHL: It's privately owned land?

3 BOARD CHAIRMAN BILL CARGO: It's an orphan drain,
4 which means there has simply been no legal responsibility
5 passed -- given to the drain commissioner to maintain it.

6 MS. NATASHA DAHL: Okay.

7 BOARD CHAIRMAN BILL CARGO: It may not be privately
8 owned as far as an individual who is responsible for it. In
9 fact right now we're saying nobody is responsible for it
10 because it's not part of a county drain system.

11 MS. NATASHA DAHL: Okay. And is that culvert, I'm
12 not so familiar with the area since we don't live here yet,
13 do we -- is that area like where that culvert is, does that
14 go underneath a roadway or does it go just under the bike
15 path?

16 ENGINEER LUCAS TIMMER: Underneath the bike path.

17 MS. NATASHA DAHL: Underneath the bike path.

18 ENGINEER LUCAS TIMMER: Which was an old railroad.

19 MS. NATASHA DAHL: Okay. All right. Perfect.

20 One concern that I have as a property owner is we
21 tried to be authorized to put a four-foot culvert in, and
22 went upstream and downstream of our property, our three-foot
23 culverts, and we were denied the ability to do that because
24 of the environmental impact on the wetland. They wanted us
25 to put a 60-foot expansion bridge across this tiny little

1 stream. Because --

2 BOARD CHAIRMAN BILL CARGO: They being who?

3 MS. NATASHA DAHL: Because it would impact --

4 BOARD CHAIRMAN BILL CARGO: They being who? You
5 said they --

6 MS. NATASHA DAHL: The DEQ.

7 BOARD CHAIRMAN BILL CARGO: The DEQ. I can't help
8 you with the DEQ.

9 MS. NATASHA DAHL: No, I'm not looking for help.
10 But if they had concerns with us putting in a four-foot
11 culvert, I'm a little concerned about what's going to be
12 allowed with this current culvert that --

13 BOARD CHAIRMAN BILL CARGO: They also have to get
14 permission from the department of -- what's now called EGLE,
15 but, yes.

16 MS. NATASHA DAHL: Okay. So I'm concerned about
17 how big this project may become if we were not allowed to put
18 in a four-foot culvert within the stream, I'm a little
19 concerned they're going to want to build this huge bridge
20 which will be above and beyond what I think the township
21 would want.

22 BOARD CHAIRMAN BILL CARGO: I would be surprised
23 they would build a bridge to replace a culvert. That's
24 typically not what would occur.

25 But again, realize that they have to get their

1 permits just as you had to get a permit from the department
2 which is now called EGLE.

3 MS. NATASHA DAHL: Okay.

4 BOARD CHAIRMAN BILL CARGO: Or the acronym for
5 EGLE.

6 MS. NATASHA DAHL: Okay. So I just feel like if
7 the problem is the culvert, then the drainage district should
8 be designated around that culvert. I do not think that it
9 warrants expanding that drainage district to the entire area,
10 particular areas that are not affected, where the drainage
11 system, like what you would call the orphan district, where
12 that stream is.

13 If that stream is flowing correctly, which a lot of
14 people have testified that it is flowing normally, then I
15 don't think that it warrants designation of drainage
16 district.

17 BOARD CHAIRMAN BILL CARGO: I appreciate it.

18 MS. NATASHA DAHL: Thank you.

19 BOARD CHAIRMAN BILL CARGO: Okay. I'm going to go
20 across the aisle and the fourth row, back there. Anybody
21 want to speak?

22 MR. ROBERT LONDO: Hi. My name is Robert Londo,
23 L-O-N-D-O, 17854 - 136th avenue.

24 I thought I paid for this drain already by the
25 Nunica area. I think we ended up paying 400. But my parents

1 never paid for it before that and I guess they changed the
2 way they do that now, and it's in that area. It seemed like
3 it was a \$400 bill that time a few years back here. It's the
4 one that was just previously -- but anyway I guess everybody
5 is going back to this culvert.

6 So if it comes to the culvert, are they going to
7 start with the culvert and if that takes care of it, they're
8 not going to continue on all the way to Lloyd's Bayou?

9 BOARD CHAIRMAN BILL CARGO: From what I understand,
10 and I've dealt with the Water Resources Commissioner for
11 years, he's not looking to create a large project where a
12 small solution can solve it.

13 And so I think we just have to go in there
14 realizing that because he's an elected official, he has to be
15 concerned about doing a project that is sized to the problem.
16 We're not going to -- he shouldn't use a sledgehammer to deal
17 with a mosquito, and same thing here.

18 If there is a simple solution, he'll go with the
19 simple solution.

20 MR. ROBERT LONDO: Yeah. Because I kind of live on
21 a ridge, got part of a ridge, it seems like a quarter mile
22 away from the Yonker Drain and the neighbors beside me didn't
23 have to pay for it, but they came off a quarter mile to get
24 to me, and on the other side of the ridge is another stream.
25 So I'm kind of hit on both --

1 BOARD CHAIRMAN BILL CARGO: You're on the edge.

2 MR. ROBERT LONDO: Yeah.

3 BOARD CHAIRMAN BILL CARGO: I understand.

4 MR. ROBERT LONDO: I just wanted to make sure it
5 was going for a good cause. And if it's -- it sounds like
6 the culvert is the big culprit. As you know, down by Lloyd's
7 Bayou the water levels were real high. It can't go any
8 higher than that to get out anyway.

9 BOARD CHAIRMAN BILL CARGO: I understand.

10 MR. ROBERT LONDO: Thank you.

11 BOARD CHAIRMAN BILL CARGO: Again in that row,
12 anybody else that would like to make a comment?

13 MR. ROY LONDO: My name is Roy Londo. I live at
14 18010 - 136th.

15 I really don't know where my land even comes close
16 to this because my brother says there is a ditch on the other
17 side of me, that's where mine drains.

18 BOARD CHAIRMAN BILL CARGO: Okay.

19 MR. ROY LONDO: But I don't have a water problem
20 anyway.

21 BOARD CHAIRMAN BILL CARGO: They again will look at
22 your property to see if it should be included in the
23 district. They're writing down these addresses to field
24 verify whether they should be in the district or not.

25 Fair enough?

1 MR. ROY LONDO: Fair enough.

2 BOARD CHAIRMAN BILL CARGO: Okay. I'm going to use
3 the last -- I'm sorry, right there?

4 MS. JEANETTE MAGSIG: Don't forget me please.

5 BOARD CHAIRMAN BILL CARGO: And again, your name
6 and address?

7 MS. JEANETTE MAGSIG: Sure. I'm Jeanette Magsig.
8 I'm president of Arthur Court Condominium Association. I
9 live at 17163 Arthur Court.

10 Our association has been there for over 25 years.
11 We've never had a -- any big problem until this year.

12 BOARD CHAIRMAN BILL CARGO: Okay.

13 MS. JEANETTE MAGSIG: We know that there are new
14 buildings being built close to 148th Street. There is a new
15 subdivision going in.

16 We've been told that the culvert they're using on
17 148th Street is a seven-foot culvert. So it will be pushing
18 more water through.

19 We know that the culvert is backed up. We know
20 that the sewer line goes underneath it, and they did put
21 the -- a beam or something underneath it to support that
22 sewer drain.

23 BOARD CHAIRMAN BILL CARGO: Yep.

24 MS. JEANETTE MAGSIG: But they did say it was
25 compromised.

1 Right now when the water goes up we have ducks
2 swimming in back of our units, where there never was ducks
3 before. We're really concerned that -- we don't mind looking
4 at ducks, but we would mind looking at the raw sewage
5 swimming in our backyard.

6 So please help us straighten out this drain issue
7 because it's going to hurt more than us because it will be
8 backing up more.

9 Thank you very much.

10 BOARD CHAIRMAN BILL CARGO: Okay. I'm going to go
11 back to the next-to-the-last row on the right side. Anybody
12 there that would like to speak?

13 MR. TROY WIERENGA: Troy Wierenga, at 14247 State
14 Road.

15 I'm still trying to wrap my head around this due to
16 the vague information that came from the mail and then
17 getting online and seeing how things weren't right.

18 I just have a question, let's say that the culvert
19 at the end of my driveway is collapsed. Is that my cost or
20 is that the --

21 BOARD CHAIRMAN BILL CARGO: Actually a driveway
22 culvert would be your cost. You are actually permitted by
23 the road commission to have that culvert in there, so you're
24 responsible to maintain that culvert or the road commission
25 could come in there and replace it.

1 That actually is -- because it's within the road
2 right-of-way or the state highway right-of-way they have the
3 right to replace that. So there is somebody who is
4 responsible for that.

5 MR. TROY WIERENGA: All right. And because it's my
6 parcel number, right?

7 BOARD CHAIRMAN BILL CARGO: Because it's your
8 culvert for your drive that you were permitted for or should
9 have been permitted for.

10 MR. TROY WIERENGA: So what we're trying to do here
11 is this culvert that's collapsing, is --

12 BOARD CHAIRMAN BILL CARGO: Nobody is responsible
13 for it.

14 MR. TROY WIERENGA: Nobody is responsible for it,
15 nobody that bought the land --

16 BOARD CHAIRMAN BILL CARGO: That's why we're here.

17 MR. TROY WIERENGA: Okay. Thank you.

18 BOARD CHAIRMAN BILL CARGO: Yep.

19 In the back section, is there anybody else that
20 would like to speak?

21 Okay, gentleman in the back. We'll go -- that's
22 fine, either one.

23 MR. ROY WIERENGA: I'm Roy Wierenga, 13388 State
24 Road.

25 From what I can understand here, the yellow part on

1 your map, we all paid an assessment two years ago and had
2 that drain all cleaned to 144th. And now it sounds like
3 we're trying to get it again.

4 I live just off from Woodland Lane, which is the
5 high part on State Road. If you come out there in a rain
6 storm you'll see the water run right down State Road, comes
7 right to my driveway and runs right into my yard.

8 I have not done anything about it because basically
9 there is nothing you can do about it. The road is a
10 little -- the edge of the road is a little bit higher than
11 the pavement, so it runs down the pavement right into my
12 yard.

13 So every time it rains, I have to go out and redo
14 my yard, my driveway. Because I have a lot of traffic in and
15 out, and every time they hit a hole, it blows a big hole. So
16 I mean as far as I'm concerned we've already paid our share.

17 Thank you.

18 BOARD CHAIRMAN BILL CARGO: Appreciate it.

19 And again, in the very last row, since you stood
20 up, I'm going to stay on this side of the room, that's fine.

21 MR. MATT RAY: Hi. My name is Matt Ray, I own the
22 property at 15175 Krueger Street.

23 I don't believe my property drains into this
24 district, if I could have that looked into. I believe it
25 drains to the south and the west.

1 But I am a user of the culvert because I use the
2 bike path and I think everybody understands that the culvert
3 is the issue here.

4 The bike path is something that everybody in the
5 community benefits from; and from what I'm hearing, that --
6 and what I see as I ride up along it is that bike path, that
7 culvert is actually an earthen dam. And the district should
8 actually be drawn for properties that feed into that culvert
9 area. It should be limited by the earthen dam, not anything
10 downstream of that.

11 And what I really think you're trying to do is
12 you're trying to fix that culvert issue so you can drain out
13 and find ways to pay for that.

14 If it's brought into the district that impacts that
15 culvert, being north of that earthen -- or upstream of that
16 earthen dam, would the rest of the community funds be able to
17 pay for that?

18 Because what I'm seeing is the properties that are
19 downstream of that earthen dam have no more impact on that
20 culvert than one that's in Grand Haven or Chicago for that
21 matter.

22 BOARD CHAIRMAN BILL CARGO: Well there is actually
23 going to be impact because if they put in a culvert, it is
24 going to have some impact on their drainage further
25 downstream. Which is why they try to use drainage districts

1 that actually follow natural drainage districts.

2 MR. MATT RAY: How would that impact --

3 BOARD CHAIRMAN BILL CARGO: Because if the water
4 goes through it at a quicker pace and it isn't backed up, it
5 could have an impact on them downstream. If they're --

6 MR. MATT RAY: But it's been draining through there
7 all the time. What we're talking about is a failed culvert
8 not a new culvert.

9 We're not talking about an increased drainage area,
10 we're talking about the same size drainage area that needs a
11 repair.

12 BOARD CHAIRMAN BILL CARGO: Okay. Well again I
13 think the other thing that's occurring here is we're saying
14 this is an orphan drain. If a problem does occur, right now
15 there is no mechanism to deal with it. Just like there is no
16 mechanism to deal with this specific problem if there is
17 something that occurs further downstream, there is nothing
18 right now to deal with that problem either.

19 MR. MATT RAY: Yeah, but that stream, if you look
20 at the topo maps, the impact downstream would impact Lake
21 Michigan. So I think if we could have that redrawn looking
22 at the impacted areas and the areas that are affecting the
23 culvert, that would be correct.

24 And then if you could tell me whether or not, if it
25 is redrawn that way, if the township funds could be used to

1 repair this culvert.

2 BOARD CHAIRMAN BILL CARGO: If the culvert is
3 within a certified or identified county drain, public monies
4 can be used to repair that drain.

5 MR. MATT RAY: Okay. So then I think the, in my
6 view the equitable solution is to have it redrawn up to that
7 culvert and then have the township and the others that
8 utilize the bike path, which is the actual cause of the
9 issue, to fund the repairs.

10 BOARD CHAIRMAN BILL CARGO: Appreciate it.

11 MR. MATT RAY: Thank you.

12 BOARD CHAIRMAN BILL CARGO: I'm going to go on
13 the -- one more person in the very back row there.

14 MR. ADAM BECK: Hi. Adam Beck, I'm on 144th just
15 south of 104.

16 A couple of concerns. First off, I sympathize with
17 Arthur Court and those folks, obviously they have an issue
18 that's manmade. The railroad bed, the bike path, all that
19 and the culvert area are a result of impeding the natural flow
20 which has created this issue. So I sympathize with them and
21 understand that this has to be taken into the drain system so
22 that there is authority to repair it.

23 My concern lies a little more with if we deal with
24 this drain and create more watershed, we've not been provided
25 with a topo, we can't see what happens further down towards

1 Lloyd's Bayou with that increased volume of water. Is that
2 then going to back the drains back up and create more water
3 in other areas, especially with our historic high water and
4 Lloyd's Bayou being high.

5 So that would be one of my concerns, not having the
6 topo --

7 BOARD CHAIRMAN BILL CARGO: And that's one of the
8 things they can do after the Board of Determination. The
9 Water Resources Commissioner doesn't look just at the
10 specific problem, but also has to look downstream to see how
11 the solution is going to affect the other properties owners.

12 Right now he doesn't have the authorization to do
13 that.

14 MR. ADAM BECK: I understand that. And then the
15 other thing that I'm concerned about or questioning is I've
16 done some developing and I've had to have retention ponds and
17 handle my drainage on site. So it would seem to me that the
18 developer of Arthur Court should have had retention ponds
19 adequate to handle their water runoff.

20 So I'm a little concerned why folks upstream of
21 this culvert then are expecting the whole community to pay
22 for what the developer probably should have foreseen or been
23 required to meet for drainage.

24 I'm not against helping our neighbors, but it seems
25 to me why am I paying now when I have to pay for my own, and

1 I had to have my own retention ponds, now why am I paying to
2 correct a problem.

3 BOARD CHAIRMAN BILL CARGO: Do they detain all the
4 water on your site or do they also allow it to be released
5 after a certain point?

6 MR. ADAM BECK: No, it's detained.

7 BOARD CHAIRMAN BILL CARGO: All of it on site?
8 Because typically what happens in the county is that not all
9 the water is detained on site, rather it is delayed on site
10 before the release is made.

11 MR. ADAM BECK: Into the ground, but I'm not
12 allowed to drain into the drain.

13 BOARD CHAIRMAN BILL CARGO: Okay.

14 MR. ADAM BECK: So I'm concerned about that, why am
15 I footing the bill to correct the developer's issue.

16 Again, I sympathize with them and I know they have
17 a problem, but I think it lies more in the developer's lap
18 for not meeting the 100-year retention. So those are my
19 concerns.

20 I'd love to see a topo. I'd love to see if this is
21 then going to back up and create a bigger problem for me if
22 I'm not allowed to drain.

23 So thank you for your time.

24 BOARD CHAIRMAN BILL CARGO: Appreciate it.

25 And I know we're feeding into the next public

1 hearing that we have scheduled, so I'm going to go to the
2 very back section of this left-hand side of the room. Is
3 there anybody there that would like to speak? If you could
4 come up and give your name and address.

5 MR. CHIP FRANCKE: My name is Chip Francke,
6 F-R-A-N-C-K-E, 17270 Quail Creek Drive.

7 When I first got this letter, I was concerned that
8 maybe this was somehow related to the new subdivision on the
9 north side of State Road. But after doing some research and
10 talking to some people, I was told that, no, that there is
11 nothing that's -- all that water that's going to drain from
12 the new subdivision is going into the appropriate drainage
13 district which is up to Spring Lake eventually.

14 There is a very small portion along State Road that
15 looks like it's in this drainage district, but that didn't
16 seem to be a problem.

17 So the reasons that I got from the people that I
18 talked to, they did say the culvert, and then I didn't know
19 that there was flooding going on, but it sounds like that
20 that's related to this culvert issue, is that correct?

21 BOARD CHAIRMAN BILL CARGO: From the testimony I've
22 heard today, I believe that is what the main issue is we've
23 heard.

24 MR. CHIP FRANCKE: Okay. Quail Creek runs on the
25 edge of my property. And I believe the gentleman, one of the

1 gentleman back here said that we shouldn't call it an orphan
2 drain, it's a natural creek. And I believe Quail Creek is
3 just another name for this creek, is that correct?

4 BOARD CHAIRMAN BILL CARGO: I'm not familiar with
5 the name Quail Creek.

6 Are you?

7 WATER RESOURCES COMM. JOE BUSH: It's called Quail
8 Creek.

9 MR. CHIP FRANCKE: It's called a bunch of different
10 things but Quail Creek is one of the things it's called.

11 I know the people in the back are having a hard
12 time hearing. I don't know if this is on.

13 We have -- the only time we've -- we have the
14 100-year flood line running right through the middle of my
15 property according to the surveys and stuff that I have. And
16 the only time we've had water pool up in our backyard was
17 when the water tables were higher. And just because the
18 water table was higher we have a low spot and there was
19 water.

20 We haven't had any water back up from flooding in
21 our property or any of the others along Quail Creek Drive
22 that I know of.

23 And Quail Creek, it's a natural stream. We have
24 coyotes and fox and turkeys, all kinds of different birds
25 that migrate through there and feed and rest and nest.

1 It's a really nice natural area. And one of my
2 concerns is I want to keep it that way.

3 It seems to me that designating this as a county
4 drain is a little bit of an overkill for this problem.

5 Because I know through -- I worked for Ottawa County for
6 quite a few years with the parks department, and we dealt
7 with drain issues in different parks. And I know that once a
8 drain is designated as a county drain that gives, and correct
9 me if I'm wrong, somebody, but that gives the county the
10 right to go in there, clear vegetation, clear debris, deepen
11 it, widen it, straighten it, and, you know, some of the --

12 BOARD CHAIRMAN BILL CARGO: Again it would only
13 allow them if they have authority from the state. And you
14 have to remember, they would only clear vegetation or clear
15 logs if it's causing flooding further upstream.

16 MR. CHIP FRANCKE: Yeah. But that's my concern.

17 BOARD CHAIRMAN BILL CARGO: Okay.

18 MR. CHIP FRANCKE: It just seems like -- it doesn't
19 sound like there is a big flooding problem except for the few
20 individuals, but that's because of the culvert problem.

21 And it just seems like, again, it's overkill to
22 designate the whole drain a county drain and open it up to
23 possible development in the future.

24 Isn't there some kind of a variance or a permit,
25 and maybe even grant money that we can just deal with that

1 one problem without having -- are there other options? Is
2 the only option to get that culvert fixed is to designate
3 this whole thing a county drain? Or could there be other
4 options out there that have not been investigated?

5 And that's what I wanted to know.

6 BOARD CHAIRMAN BILL CARGO: Appreciate your
7 comment.

8 In the back row?

9 MR. JERRY VAN EIZENGA: My name is Jerry Van
10 Eizenga. I have three parcels, 104, 14281 M-104, 16884
11 144th Avenue. I have another parcel that's adjacent to that,
12 I just -- my mother's house, I couldn't remember -- but
13 anyway.

14 None of my water is affected by the Yonker Drain.
15 I'm below the railroad grade, and so none of my water is
16 affected.

17 My water does get affected by the Grand Trunk drain
18 to the east. I'm on 104, I got about 30 acres. And also my
19 water drains to the west, which ends up in the orphan drain.

20 Now as I understand it that without a designated
21 drain district you're not going to get anything cleaned out.
22 So if we -- if the proposed Yonker Drain is annexed into the
23 orphan drain, everybody will pay, every tax payer will pay to
24 have anything done in that district, is that correct?

25 BOARD CHAIRMAN BILL CARGO: That's not correct.

1 For instance, if they're doing the Drain Commissioner --
2 excuse me, the Water Resources Commissioner is authorized to
3 spend 5,000 per mile per drain for typical maintenance such
4 as clearing out logs and so forth that might be blocking the
5 natural stream.

6 The other thing he would be able to do is to go to
7 the local municipality, as I had mentioned earlier, and have
8 small projects paid a hundred percent by them. So every time
9 work is done does not necessarily mean that there is going to
10 be an assessment.

11 If there is an assessment, it is something that you
12 would be made aware of.

13 MR. JERRY VAN EIZENGA: I understand that because
14 the Grand Trunk drain doesn't really affect me because there
15 is a 20-foot high ridge that runs east and west, and my water
16 doesn't -- well percentage, doesn't -- the majority of my
17 water does not perk into the Grand Trunk drain, but everybody
18 pays when it comes time to clean it.

19 If the proposed Yonker Drain is not annexed into
20 the orphan drain, it sounds like the county or the state or
21 the district could raise their own money to fix the drain,
22 and it wouldn't have to be assessed on everybody, or anybody.
23 Is that correct?

24 BOARD CHAIRMAN BILL CARGO: I don't think that's
25 correct because how would they raise the money if there is no

1 assessment district there? I don't know the mechanism you
2 would use.

3 Are you saying you'd go around voluntarily asking
4 people to pay money and hire a contractor to go on private
5 property?

6 MR. JERRY VAN EIZENGA: No. What I'm saying is we
7 know the drain under the railroad grade needs to be repaired.

8 BOARD CHAIRMAN BILL CARGO: Yes.

9 MR. JERRY VAN EIZENGA: And if we do not annex it,
10 the Yonker Drain into that district, who is going to fix it?

11 BOARD CHAIRMAN BILL CARGO: Nobody. Because there
12 is no authorization for them to go onto this property. They
13 don't have the easements, they don't have anything to do it.

14 MR. JERRY VAN EIZENGA: But I thought previously
15 you said the township or the county or something could get
16 monies for that.

17 BOARD CHAIRMAN BILL CARGO: If it's part of the
18 Yonker Drain, and it is then a part of the public drain
19 system. If it's part of the public drain system, then they
20 can spend public monies to repair it.

21 If it's not part of the public drain system, we
22 refer to it as an orphan drain and technically you're not
23 supposed to spend any public monies on repairing an orphan
24 drain.

25 MR. JERRY VAN EIZENGA: I understand. Thank you.

1 BOARD CHAIRMAN BILL CARGO: Yep.

2 The very back row on the, what is my left side of
3 the room? Okay.

4 Has anybody not spoken that would like to speak?
5 If you've already spoken -- okay. I have one individual in
6 the very back.

7 MR. DALE TEN BRINK: My name is Dale Ten Brink.
8 I'm at 4191 Fruitport Road. And I'm also the owner of Equity
9 Marine Construction so I'm a little bit familiar with some of
10 this type of work, and elevations and stuff like that.

11 My concern is that the green area which is proposed
12 just north of M-104, which looks like a swamp lowland, it
13 would be interesting to know what the elevation is of that
14 area compared to Lloyd's Bayou, because you're really not
15 going to get any change in that area.

16 You can dig it all you want if the DEQ will let you
17 dig it --

18 BOARD CHAIRMAN BILL CARGO: Yep.

19 MR. DALE TEN BRINK: You can drain Lake Michigan,
20 that's the only thing that's going to help it.

21 So my concern is the contributory creeks that come
22 into that area, that has the same elevation as Lloyd's Bayou
23 really isn't going to get changed, which a lot of these areas
24 are connected to. They're getting assessed for this and
25 they're not going to get any elevation change unless you

1 drain Lake Michigan.

2 So I feel that those contributories that come into
3 that area or that elevation, the same, really doesn't pertain
4 to it.

5 It's pretty obvious we got a problem with a
6 culvert, where the railroad track bike path was. I'd be
7 interested to find out if the construction of the bike path
8 had anything to do with that. And if so, I would suggest
9 that the funding for this bike path, which they're working on
10 right now in Nunica, be put on hold to find out if the funds
11 need to go to take care of this.

12 BOARD CHAIRMAN BILL CARGO: From what I understand
13 this is an existing culvert with -- on a railroad track,
14 meaning that the pathway, which was created how many years
15 ago, Gordon?

16 SPRING LAKE TOWNSHIP MANAGER GORDON GALLAGHER:
17 Eight to ten.

18 BOARD CHAIRMAN BILL CARGO: Eight to ten, the
19 problem apparently developed just recently, and before that
20 you had a railroad track and railroad.

21 Again you're talking about a drain that's 80 years
22 old at the youngest end of the spectrum, it could be 140
23 years old. So that's probably not impacted because the
24 elevation from the bike path above that is, from what I
25 understand, about 14 feet?

1 SPRING LAKE TOWNSHIP MANAGER GORDON GALLAGHER:

2 It's 22.

3 BOARD CHAIRMAN BILL CARGO: It's 22 feet. So I
4 would doubt that a pathway would impact a --

5 MR. DALE TEN BRINK: I'm just curious if any of the
6 construction may have had any impact --

7 BOARD CHAIRMAN BILL CARGO: Again, that happened
8 eight to ten years and the problem existed this year, so
9 again it's doubtful. But regardless, that's not an option
10 that's available.

11 MR. DALE TEN BRINK: I'm not from that area so
12 maybe some of the people that are maybe would have some input
13 to say, yeah, that could happen.

14 BOARD CHAIRMAN BILL CARGO: It's a good question.
15 If it was, we go back to -- I know if the township believed
16 that the bike path contractor contributed or damaged the
17 culvert, that they would go after them, just as I would as a
18 manager.

19 MR. DALE TEN BRINK: Okay. That was just a
20 thought. Like I said, I haven't seen the site.

21 BOARD CHAIRMAN BILL CARGO: Okay.

22 MR. DALE TEN BRINK: Another thing that I would say
23 is, like I say, if the elevation is the key thing, and I
24 think each and everyone of us here ought to have a topo
25 survey provided to us for a meeting like this to know where

1 we're impacted. Like the one fellow says there is a 15-foot
2 drop from 144th Street.

3 Well obviously, anything down there isn't going to
4 change or affect them people in Nunica if there already is a
5 drop.

6 BOARD CHAIRMAN BILL CARGO: And that's one of the
7 things that if they did go with an assessment roll for this
8 they don't just look at a flat rate based per acre. They
9 look at benefit, they look at how much water is being
10 contributed. They look at how much impervious surfaces are
11 there.

12 So don't just make an assumption that is being made
13 that because you're within the district you're going to
14 necessarily be assessed some large amount for any solution to
15 a problem that has been testified to today.

16 Is that a fair statement, Joe?

17 WATER RESOURCES COMM. JOE BUSH: That's fair.

18 MR. DALE TEN BRINK: Well it sounds like we don't
19 really have anything to say much after this unless we appeal
20 it in court?

21 BOARD CHAIRMAN BILL CARGO: Well the drain
22 commissioner is going to listen to the concerns before he
23 even puts an assessment roll together, if an assessment roll
24 is even created.

25 Right now the question is is there a problem that

1 needs to have a solution. That's the necessity we're talking
2 about right now.

3 MR. DALE TEN BRINK: Okay. Well it's definitely a
4 problem, sounds like a culvert problem.

5 BOARD CHAIRMAN BILL CARGO: I agree with that
6 statement, a hundred percent.

7 MR. DALE TEN BRINK: I guess what I would like to
8 add is the green area there, I would dare and say there is a
9 good half of that is going to be in that swamp and I doubt
10 that the DEQ is going to let you do any work on that anyhow.

11 BOARD CHAIRMAN BILL CARGO: That may be very true.
12 That may absolutely be correct.

13 Typically they would only allow work in those areas
14 if it was causing problems further upstream.

15 MR. DALE TEN BRINK: So I guess what I'm looking at
16 is a lot of these contributories all congregate in that area.
17 So really anything done above that elevation should pertain
18 to these other people that have contributories --

19 BOARD CHAIRMAN BILL CARGO: If it is approved as a
20 necessity, if the Board determines there is a necessity,
21 we'll also be asking the drain commissioner to reevaluate the
22 boundaries based on the comments from today's meeting.

23 MR. DALE TEN BRINK: Okay.

24 BOARD CHAIRMAN BILL CARGO: Fair enough?

25 MR. DALE TEN BRINK: And I think elevation is key.

1 BOARD CHAIRMAN BILL CARGO: Elevation is key. It's
2 one of the keys, I agree with that.

3 At this stage we've taken comments for this so I'm
4 going to close the public comment portion of the meeting and
5 open it up for board discussion that we have.

6 I'll let Ken go first and see if you have any
7 questions or comments for us.

8 BOARD MEMBER KEN SOUTER: I don't think I have --
9 to me, it sounds like we have a single area that needs to be
10 addressed. However, that single area is not within public
11 drain district.

12 BOARD CHAIRMAN BILL CARGO: Yes.

13 BOARD MEMBER KEN SOUTER: And the only way we can
14 get the drain commissioner so he can work on it is to
15 designate this whole thing as county drain.

16 BOARD CHAIRMAN BILL CARGO: Yes.

17 BOARD MEMBER KEN SOUTER: I think that if that
18 drain did plug, totally, that no water could get through
19 there, everybody upstream would have a problem.

20 BOARD CHAIRMAN BILL CARGO: If it plugged up, yes,
21 I agree.

22 BOARD MEMBER KEN SOUTER: So to alleviate the
23 problem, the drain commissioner needs to have a drain
24 district established. I see that as -- that's the way I see
25 this problem.

1 BOARD CHAIRMAN BILL CARGO: Rich, do you have any
2 comments?

3 BOARD SECRETARY RICH VANDER KLOK: Just that I
4 agree with what Ken said.

5 I do think that it's very clear that one problem
6 has been identified and that's the problem of the culvert.
7 And therefore it seems to me that to determine the necessity
8 would be appropriate from my point of view.

9 And also based on what you said a moment ago, Bill,
10 to determine the scope of the project, and that of course
11 would be done by the Water Resources Commissioner.

12 So those are my comments.

13 BOARD CHAIRMAN BILL CARGO: And I tend to agree.
14 What we're looking for is a very narrow question here and the
15 question is is there a problem that is related to storm
16 drainage. And does that problem, is it sufficient that there
17 should be a public solution to that problem.

18 In this case, I don't see that there could be a
19 private solution. So the only option available is to work
20 through the Ottawa County Water Resources Commission.

21 To do that, we would need to correctly identify the
22 district. The district that is identified in yellow right
23 now on the maps is obviously insufficient and may have been
24 done for a very narrow focus at least 70 years ago, it sounds
25 like, maybe greater.

1 And so I'm also of the opinion that there is a
2 necessity in terms of this public drain.

3 So that said, if there is a motion in support of
4 that, I would appreciate it if it could be offered.

5 BOARD SECRETARY RICH VANDER KLOK: Mr. Chairman, I
6 would make the motion that the maintenance and improvement of
7 the Yonker Drain is necessary and conducive to the public
8 health, convenience or welfare.

9 BOARD MEMBER KEN SOUTER: I'll second that.

10 BOARD SECRETARY RICH VANDER KLOK: I'll make that
11 motion.

12 BOARD MEMBER KEN SOUTER: I'll second that.

13 BOARD CHAIRMAN BILL CARGO: And last opportunity
14 for any comments before we vote? Any comments?

15 And again, then I will call the question all in
16 favor, say aye.

17 BOARD SECRETARY RICH VANDER KLOK: Aye.

18 BOARD CHAIRMAN BILL CARGO: Aye.

19 BOARD MEMBER KEN SOUTER: Aye.

20 BOARD CHAIRMAN BILL CARGO: Opposed?

21 And that was actually on the motion, that wasn't on
22 calling the question, if somebody gets too technical as to
23 what we were doing there.

24 Then do we have any other motions that we would
25 typically offer at this stage with regard to instructions on

1 the drainage -- the district itself?

2 BOARD SECRETARY RICH VANDER KLOK: Not really. I
3 think the Water Resources Commissioner may want to talk about
4 the appeal process.

5 BOARD CHAIRMAN BILL CARGO: We can do that.

6 The other thing I do want to say for the record is
7 that we are asking the Water Resources Commissioner based on
8 the comments today to reevaluate and look at the actual
9 district boundaries and the properties included.

10 Up to this point they've only done it by the
11 elevation maps which may be fairly accurate, but sometimes
12 the field work, which they weren't actually authorized to do
13 up to this point, needs to be done where they will go into
14 the field and verify that.

15 That said, I think we are ready to turn this back
16 over before we adjourn briefly, to the Water Resources
17 Commissioner.

18 Joe?

19 WATER RESOURCES COMM. JOE BUSH: Thank you, Mr.
20 Chair.

21 You can appeal today's hearing. You have ten days
22 from today if you want to appeal the hearing with probate
23 court. So that's an opportunity that you can do.

24 And also I appreciate everybody's time and
25 comments.

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We will have the engineering firm contact several of you folks who were kind of curious if you were in or out of the drain district, so look forward to a phone call from Prein & Newhof. And I appreciate your patience today. Thank you.

BOARD CHAIRMAN BILL CARGO: And in that case we will adjourn the meeting at this time.

(Board of Determination adjourned at 11:32 a.m.)

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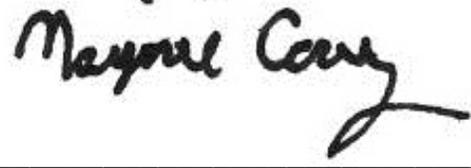
STATE OF MICHIGAN)

) SS

COUNTY OF MUSKEGON)

I certify that this transcript, consisting of 77 pages, is a complete, true and correct record of the Board of Determination - Yonker Drain, held in this case on October 22, 2019.

DATE: November 6, 2019



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Notary Public Expires: October 14, 2021, Muskegon County, Michigan/Acting in the State of Michigan.

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