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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: GARDEN AVENUE DRAIN  
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Wednesday,  
September 28, 2016 at Holland Charter Township, 353 North  
120th Avenue, Holland, Michigan, held before Marjorie A.  
Covey, CSR-2616, Certified Shorthand Reporter and Notary  
Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.
  
- Mr. Jerry Hunsburger, Board Chairman
- Mr. Glenn Nykamp, Board Member
- Mr. Todd Wolters, Board Member
  
- Mr. Don Komejan, Holland Township Manager
  
- Mr. Lucas Timmer, Prein & Newhof
  
- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 September 28, 2016 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COM. JOE BUSH: Welcome to Holland  
5 Township. I appreciate you gentlemen taking the time to come  
6 and listen to what we have to talk about this morning.

7 This is for the public hearing for the Garden  
8 Avenue Drain. I'll do introductions. My name is Joe Bush,  
9 I'm your Ottawa County Resources Commissioner, used to be  
10 drain commissioner. I changed the name when I got elected in  
11 2012 because I felt like water resources is more what we do,  
12 not just drains, so this is just part of the process.

13 We have Jerry Olman from the road commission, he's  
14 here to join us today. We have the township supervisor Don  
15 Komejan. We have my secretary, Jennifer, who does great work  
16 and she keeps track and makes sure I do these right, because  
17 I do a lot of these.

18 Everything is court recorded today, so Margie is  
19 our court reporter, so everything is word for word. We have  
20 an agenda that there will be a time for public comment. Make  
21 sure you state your name, address, your concerns or any  
22 questions that you have when that's addressed at that time on  
23 the agenda.

24 So if you want to see these at any time, they're on  
25 my website. It's usually about four to six weeks, Margie

1 gets it to me. And then if you don't have a means to access  
2 the internet or a computer, I'd be more than happy, if you  
3 call me and I'll send you a hard copy too. I don't have a  
4 problem doing that.

5 So everything is court recorded word for word so  
6 that way you can always go back and reference it.

7 Something else, we have -- Ken Bosma usually does a  
8 lot of these for me from Prein & Newhof. He had a family  
9 emergency this morning, and he's heading for Chicago.

10 So we have Lucas who is filling in and Lucas has  
11 done several, not BODs, but he's working with Ken on these  
12 projects. And Lucas has been out here so he can identify  
13 what he saw, any issues that have come up when he's out  
14 there.

15 But he'll do a presentation on the agenda later and  
16 he can fill you in on any questions that you may have. And  
17 since Ken is not here, my apologies, but if you have further  
18 questions, we can get Ken in contact with you and we can  
19 further that discussion later.

20 And then also what we do in these public hearings,  
21 I pick a -- I appoint or pick a three-panel board that have  
22 experience on drainage, drain districts, township  
23 regulations. There is a lot to being on the board, not just  
24 pick three people out there and go, okay, can you do this and  
25 say yes or no.

1 I make sure these people have experience, expertise  
2 in drain code or drain law or township or municipality  
3 assessments. There is a lot to it. And these three  
4 particular gentlemen are the ones I picked for this  
5 particular drain today.

6 And we'll go from right to left, we have Todd  
7 Wolters from Olive Township, we have Jerry Hunsburger from  
8 Park, and then we got Glenn Nykamp from Zeeland.

9 So these three men have no affiliation with this  
10 drain district, Holland Township or any properties  
11 neighboring this particular drain known as Garden Avenue.

12 So they don't have any investments whatsoever and  
13 any reason other than to see if this needs to be established  
14 as a county drain.

15 The reason we're here is because it's an orphan.  
16 Holland Township, Don Komejan can talk later if he wants  
17 about orphan drains. We're doing it all over the county and  
18 we're establishing natural water courses that are nobody's.  
19 They're not the road commission, not the townships, not the  
20 counties. So when maintenance arises, I get the call, hey  
21 Joe, can you take care of it?

22 Well I can't. Number one, I don't have an  
23 easement; number two, it's not a county drain; and number  
24 three, I don't know whose it is.

25 And we can get into orphans if you have more

1 questions, we could talk all day long on orphan drains.

2 But Holland has 90 plus orphans that we're  
3 routinely going through these BODs and establishing, so then  
4 if there is an issue, if a business calls and says my parking  
5 lot is flooding or my business has water, you can call me and  
6 I can get my contractor out there immediately and we can fix  
7 it and find out what the problem is.

8 Right now you call, who are you going to call?  
9 There is nobody to call.

10 We can look into it, but it's not a country drain.  
11 So that's why we're here today. These three gentlemen will  
12 decide that for us. After I give them the oath, they'll run  
13 the meeting, and they will have a chair, they'll decide who  
14 the chair is. And they'll be directed the questions from  
15 here on out, and then they'll contact me -- or contact me,  
16 they'll actually look over and ask me any questions that you  
17 gentlemen may have, or they'll ask the engineer.

18 So I'll give these three gentlemen the oath  
19 shortly, and then from there all questions will be directed  
20 to these three folks.

21 Again, they have no affiliation with any properties  
22 or any businesses here whatsoever, no investments.

23 So I'm going to go ahead and give these three  
24 gentlemen the oath and they'll run the meeting from there,  
25 thank you.

1           Gentlemen, please raise your right hand.

2           Do you each of you solemnly swear to faithfully  
3 perform and discharge the duties imposed upon you as members  
4 of the Board of Determination, appointed by the Water  
5 Resources Commissioner of Ottawa County to determine the  
6 necessity of drainage improvements in a certain drain to be  
7 known and designated as Garden Avenue Drain in the Township  
8 of Holland, in said county as required by law, gentlemen?

9           MEMBER GLENN NYKAMP: I do.

10          MEMBER JERRY HUNSBURGER: I do.

11          MEMBER TODD WOLTERS: I do.

12          WATER RESOURCES COM. JOE BUSH: Thank you.

13          MEMBER GLENN NYKAMP: I'll make a motion to approve  
14 Jerry Hunsburger being the chairman of this Board of  
15 Determination.

16          MEMBER TODD WOLTERS: I'll support that.

17          MEMBER GLENN NYKAMP: All in favor, say aye.

18          MEMBER TODD WOLTERS: Aye.

19          MEMBER GLENN NYKAMP: Aye.

20          MEMBER JERRY HUNSBURGER: Aye.

21          CHAIRMAN JERRY HUNSBURGER: I'd make a motion that  
22 Glenn be the secretary.

23          MEMBER TODD WOLTERS: I'll support that.

24          CHAIRMAN JERRY HUNSBURGER: All in favor, say aye.

25          MEMBER TODD WOLTERS: Aye.

1 CHAIRMAN JERRY HUNSBURGER: Aye.

2 MEMBER GLENN NYKAMP: Aye.

3 CHAIRMAN JERRY HUNSBURGER: The roles have been  
4 described by the Water Resources Commissioner. Our purpose  
5 is to listen to you, and ultimately make a decision whether  
6 or not this drain is a necessity.

7 In order to do that, we're going to give the  
8 township an opportunity if they'd like to to speak to the  
9 issue before us.

10 Mr. Komejan, do you have any comments you'd like to  
11 make?

12 TOWNSHIP MANAGER DON KOMEJAN: Just briefly, I  
13 think Mr. Bush has mentioned from our standpoint the township  
14 board has approved a funding policy to deal with storm drains  
15 that are particularly not officially county drains, so this  
16 is part of what we're talking about today.

17 So the township board has approved a policy that  
18 will pay for the establishment, bringing an orphan drain, if  
19 you will, into becoming an establish county drain.

20 This meeting and publications and other types of  
21 administrative functions have costs to them, and those costs  
22 will be actually paid for by the township as a proactive  
23 effort to bring these types of drains into the system  
24 officially.

25 So that part, I think is positive for the property

1 owners to work our way through where we are now and get  
2 drains established that can actually have a maintenance  
3 protocol and an improvement protocol and funding protocol,  
4 once we get to that point.

5           Beyond that, once a drain is officially established  
6 as a county drain district and drain, then we will work our  
7 way through whatever maintenance and improvements may be  
8 desired or necessary as determined by the needs of the  
9 property owners.

10           Those costs, if they're under roughly about \$10,000  
11 annually, the township budgets to pay for those kinds of  
12 expenses.

13           Once they pass that threshold, then we typically  
14 look at a cost sharing that would involve usually the  
15 township, potentially the road commission, and potentially  
16 property owners that are benefited.

17           But that part of it does not really get determined  
18 before the needs and kind of determinations of improvements  
19 are identified.

20           So just a kind of quick overview of this step, this  
21 step is a step that the township supports, you know, moving  
22 orphan drains into declared county, official county drains  
23 and we're providing funding to make that happen.

24           CHAIRMAN JERRY HUNSBURGER: Thank you, Mr. Komejan.

25           The next, in Mr. Bosma's absence, let me ask



1 representatives from Prein & Newhof, is it Lucas?

2 MR. LUCAS TIMMER: Yes, it is.

3 CHAIRMAN JERRY HUNSBURGER: Any comments or review  
4 you'd like to do?

5 MR. LUCAS TIMMER: Yes, I have a presentation I'd  
6 like to give.

7 CHAIRMAN JERRY HUNSBURGER: Fine.

8 MR. LUCAS TIMMER: Once again my name is Lucas  
9 Timmer, I am an engineer with Prein & Newhof and I assisted  
10 Ken Bosma in some of the preliminary engineering work that  
11 needed to be done prior to this Board of Determination. So  
12 let's begin with Garden Avenue Drain.

13 Garden Avenue was petitioned by Holland Charter  
14 Township on August 1, 2016 under Chapter 4 of the Michigan  
15 Drain Code of 1956 to establish a county drain.

16 The reason why Holland Charter Township petitioned  
17 for this to become an established county drain is that this  
18 drain system is an orphan system, as we've been mentioning a  
19 lot. An orphan system means that there is no local or county  
20 governmental jurisdiction, which means then that there is no  
21 administrative or procedural or funding mechanisms in place  
22 for drain maintenance and improvement.

23 So if a storm sewer were to collapse, without it  
24 being an established county drain, Joe can't come in then and  
25 fix that drain. An example would also be if there is a lot

1 of brush in an open drain, or if there is a tree that fell in  
2 an open drain, without that being an established county  
3 drain, that's on the property owner then to take care of  
4 that, if it's not established.

5 So here is the drainage district, the red boundary  
6 is drainage district boundary. And a drainage district  
7 essentially is a watershed. So the runoff within this  
8 drainage district will flow and eventually get into the  
9 infrastructure of this Garden Avenue Drain.

10 The way we delineate drainage districts is using  
11 three different tools, the first tool being county contour,  
12 GIS data. The second tool being development plans. So this  
13 is important for roadways to look at previous sanitary sewer  
14 or water main or storm sewer plans just to locate high spots  
15 in roads. The third thing that's most important in these  
16 developed areas are development plans, whether that be  
17 developments that have already been developed, or future  
18 development plans. And we do look at future development  
19 plans to see where runoff is intended to go when that land is  
20 developed.

21 So we have storm sewer located here (indicating).  
22 We've got some storm sewer in Greenway Drive, two different  
23 sections here (indicating). We have some located here on  
24 Garden Ave (indicating). And then we also have some storm  
25 sewer on Lakewood Boulevard (indicating) and on Crossings

1 Court (indicating) that we're looking at establishing as  
2 county drains.

3 We also have two detention ponds located here and  
4 here (indicating), and then we also have some open drain  
5 located here (indicating). And we are looking at  
6 establishing these as a county drain.

7 So this is an aerial map of the drainage district,  
8 and also shows an infrastructure of the drainage district.  
9 And currently we're not aware of any significant issues, and  
10 we will have time at the end for you guys to bring up if you  
11 know of any concerns or issues regarding the districts or  
12 regarding the infrastructure. We'll have a time for  
13 questions at the end of this presentation.

14 So let's move on next to the branch, Drain Number  
15 29. The branch at Drain Number 29 was petitioned by Holland  
16 Charter Township on August 21, 2016.

17 CHAIRMAN JERRY HUNSBURGER: Excuse me, Lucas.

18 MR. LUCAS TIMMER: Yes?

19 CHAIRMAN JERRY HUNSBURGER: I don't want to  
20 interrupt you. Can we hold that, because we're going to have  
21 a separate hearing on that.

22 MR. LUCAS TIMMER: That's fine, we can do that  
23 presentation later.

24 CHAIRMAN JERRY HUNSBURGER: Let's just focus on the  
25 Garden.

1 MR. LUCAS TIMMER: No problem.

2 CHAIRMAN JERRY HUNSBURGER: Anything else on the  
3 Garden?

4 MR. LUCAS TIMMER: There is nothing else that I  
5 have.

6 CHAIRMAN JERRY HUNSBURGER: Thank you.

7 With that, as we go to public comment, I'd like to  
8 have on the record a motion by our panel here to limit public  
9 comment to three minutes per person.

10 Can I have that motion please?

11 MEMBER TODD WOLTERS: I'll make that motion.

12 MEMBER GLENN NYKAMP: Support.

13 CHAIRMAN JERRY HUNSBURGER: Any comment?

14 All in favor say aye.

15 MEMBER TODD WOLTERS: Aye.

16 CHAIRMAN JERRY HUNSBURGER: Aye.

17 MEMBER GLENN NYKAMP: Aye.

18 CHAIRMAN JERRY HUNSBURGER: As we go to public  
19 comment, as we said we'd ask that you please clearly come up  
20 to the podium, state your name and your address so it can  
21 become part of the record.

22 Our goal is to listen to you and to hear your  
23 concerns. That's why we're here before we make any decision.

24 So with that we'll start on this side of the room,  
25 anybody that would like to address the panel?

1 This side of the room.

2 MR. KEVIN KAMMERAAD: Excuse me, I would.

3 CHAIRMAN JERRY HUNSBURGER: Please.

4 MR. KEVIN KAMMERAAD: My name is Kevin Kammeraad,  
5 I'm with DFK and the address is 315 Garden Avenue, okay?

6 And I guess I have a question. First of all,  
7 actually DFK did a lot of the development work on this  
8 originally, and the detention ponds that are existing were  
9 created as part of the development and allowed for those to  
10 hold water in lieu of a lot of onsite detention.

11 So we want to make sure that for the pieces that  
12 are yet undeveloped, that would remain a possibility, number  
13 one; and so that those original agreements would not be  
14 changed.

15 Then number two question, those ponds were already  
16 via an agreement with the Ottawa County Drain Commissioner,  
17 easements were already created to the benefit of the Ottawa  
18 County Drain Commissioner. And I'm wondering with those  
19 easements already in place, I understand they are not the  
20 entirety of the system you're looking at here, but with those  
21 easements already in place, would those then be moved to the  
22 benefit of this new drain commission, or what are the  
23 logistics of how that works?

24 CHAIRMAN JERRY HUNSBURGER: That isn't something we  
25 deal with.

1 Joe, can you speak to that?

2 WATER RESOURCES COM. JOE BUSH: Yeah, Ken Bosma and  
3 I, I know he contacted you and that will be incorporated in  
4 the next phase of what we're doing.

5 MR. KEVIN KAMMERAAD: So existing arrangements --

6 WATER RESOURCES COM. JOE BUSH: Correct.

7 MR. KEVIN KAMMERAAD: -- will sort of be adopted?

8 WATER RESOURCES COM. JOE BUSH: Correct.

9 MR. KEVIN KAMMERAAD: And I guess where I want to  
10 parse through that is reviewed, or potentially --

11 WATER RESOURCES COM. JOE BUSH: We don't plan on  
12 changing anything.

13 MR. KEVIN KAMMERAAD: Okay. So you adopt them  
14 basically rather than re-review those?

15 WATER RESOURCES COM. JOE BUSH: That's correct.

16 MR. KEVIN KAMMERAAD: Okay. And then secondly, in  
17 terms of the use of that onsite, that will be wrapped into  
18 the same discussion?

19 WATER RESOURCES COM. JOE BUSH: Correct.

20 MR. KEVIN KAMMERAAD: Okay. So any previous  
21 agreements, any previous understandings would carry forward?

22 WATER RESOURCES COM. JOE BUSH: Correct.

23 MR. KEVIN KAMMERAAD: All right, Joe. All right.

24 Those are my questions.

25 Thank you, gentlemen.

1                   CHAIRMAN JERRY HUNSBURGER: Thank you. Anybody  
2 else on this side of the room that would like to address the  
3 panel?

4                   Over to this side of the room? Anybody else that  
5 would like to offer comment?

6                   Then we'll close the public testimony.

7                   I'm going to ask the secretary, do we have any  
8 letters that need to go into the record?

9                   MEMBER GLENN NYKAMP: No, we do not have any.

10                  CHAIRMAN JERRY HUNSBURGER: Okay. So no  
11 correspondence. We'll close the public comment section.

12                  The board can now have our discussion and the  
13 purpose of this board is to determine whether or not there is  
14 a necessity for this drain to be established as a county  
15 drain. That's the sole purpose of this panel.

16                  So with that, based on what we've heard from these  
17 folks and from the Water Resources Commissioner.

18                  MEMBER GLENN NYKAMP: Somebody --

19                  UNKNOWN SPEAKER: I guess I have a  
20 misunderstanding, this is just on the Garden?

21                  CHAIRMAN JERRY HUNSBURGER: That's correct. The  
22 29th Street, that's the second part.

23                  MEMBER TODD WOLTERS: Looking at what we have here  
24 I believe it's in the benefit of the property owners to have  
25 an authority over the drain district for that emergency clean

1 out. We deal quite often where we have an orphan drain and  
2 nobody wants to take care of it, and we have no jurisdiction,  
3 not having any public funds that can go to a non-established  
4 drain. And then it's a matter of working between neighbors  
5 to try to let them figure out how to get it fixed.

6 So at this time I'm in support of putting that into  
7 a county drain.

8 MEMBER GLENN NYKAMP: And I agree, there is no  
9 members here that were against this. It's what the township  
10 wants to do, and I think it's really a great idea for the  
11 township to do these kind of things so that in the future  
12 when things do go wrong, there is somebody they can go get a  
13 hold of and get it taken care of; whereby in our township we  
14 don't have that many drains to begin with, and orphan drains  
15 would become a real issue in the future.

16 CHAIRMAN JERRY HUNSBURGER: And my comment would be  
17 that this gives the Water Resources Commissioner, sometimes  
18 referred to as the drain commissioner, the legal authority to  
19 actually do something. And without this being established,  
20 even if he would like to, as he pointed out he has no legal  
21 authority or easements or right to go in and solve the  
22 problem. So I agree with what's been stated.

23 Did you want to make a comment?

24 WATER RESOURCES COM. JOE BUSH: I did, I think John  
25 Baumann, I think his question might be related to a road



1 commission question because his business is right on the -- I  
2 just don't want to skip him, but I think his question is  
3 right on Lakewood.

4 His property isn't in so much the district, but his  
5 water goes somewhat, when he floods into the roadside in  
6 front of his building on Lakewood, goes into the road system.

7 CHAIRMAN JERRY HUNSBURGER: So this is part of this  
8 particular drain?

9 WATER RESOURCES COM. JOE BUSH: It is, right. So  
10 he won't be in Drain 29 in the next public hearing, he is in  
11 this one.

12 CHAIRMAN JERRY HUNSBURGER: So let's take a pause  
13 here, and please come up to the microphone.

14 WATER RESOURCES COM. JOE BUSH: My apologies, I  
15 don't want to get the two confused.

16 CHAIRMAN JERRY HUNSBURGER: I assumed he was in the  
17 next one.

18 Can you please state your name and address for the  
19 record, sir?

20 MR. JOHN BAUMANN: John Baumann, 11522 East  
21 Lakewood Boulevard.

22 Back in 2011 when they redid the road, Lakewood  
23 Boulevard, they made a high spot right in front of my  
24 business, and they never put enough gutter in the road to  
25 take care of all the water that runs through there. It all

1 drains into my property.

2 And it's okay right now because the road is in  
3 rough shape, and the road has a cup in it, so the road takes  
4 care of the gutter today, that's not a problem.

5 But next to my property there is a ditch that runs  
6 to Chicago Drive, and really nobody knows the ownership of  
7 that particular ditch. So it's in what you're talking about,  
8 these drains.

9 I actually got a letter from a tree service right  
10 now that is going to trim some of those trees, but it is  
11 actually Consumers Energy easement is what it is. It is next  
12 to my building.

13 My building, the way the property is there, I can  
14 stick my hand out of the building and I'm on the next  
15 person's property. My building is one foot off the property  
16 line and this ditch is right next to my property.

17 And nobody seems to take ownership of this and  
18 right now it is so bad, it's just overgrown so bad that if we  
19 have a bad spring, it will be just flooding my property  
20 completely.

21 So that is really my concern. The road is -- the  
22 curb up in front of the property is getting so bad because of  
23 people coming in out of the driveway so much because the  
24 driveway is so narrow, and that was something that when they  
25 did the road, they could not make that ditch any wider -- or

1 the driveway any wider, and it is just getting torn up so bad  
2 because of people coming in out of the driveway there.

3 And I get all the water from the neighbor's  
4 property that slants down into that ditch.

5 The ditch is very crucial to my business anyway of  
6 keeping me from flooding because I've been flooded out quite  
7 a few times, but I've managed to fix things myself. But even  
8 today there is a lot of pond water in front of the property  
9 because that's where I got to keep the water coming from my  
10 property. So that's what I'm concerned about.

11 CHAIRMAN JERRY HUNSBURGER: Let's just ask a  
12 clarifying question. Is his property currently in the  
13 drainage district or should be it be or will it be added?

14 MR. LUCAS TIMMER: So, John, is your ditch the one  
15 right here (indicating)?

16 THIRD ATTORNEY: Yes.

17 MR. LUCAS TIMMER: So that's located out of the  
18 district.

19 MR. JOHN BAUMANN: It's right (indicating).

20 MR. LUCAS TIMMER: Okay.

21 MR. JOHN BAUMANN: It's on the border of what  
22 you're talking about, because if they do anything on Lakewood  
23 Boulevard, it's got to be concerned with my property.

24 MR. LUCAS TIMMER: And does that run --

25 MR. JOHN BAUMANN: Runs out towards Chicago Drive.

1                   CHAIRMAN JERRY HUNSBURGER:  Might this be caught in  
2 our motion when we, later on, assuming we find the drain  
3 necessary, we have a motion after that to expand as necessary  
4 as they do final engineering?

5                   WATER RESOURCES COM. JOE BUSH:  It could, correct.  
6 I think currently right now that drain goes to the south, and  
7 is a different watershed.

8                   MR. LUCAS TIMMER:  Yes.

9                   WATER RESOURCES COM. JOE BUSH:  But Lucas can go  
10 out and redefine it to make sure we didn't miss something.  
11 And I know his issues also deal with Lakewood which is in the  
12 drain district, so that's why he's here and got the  
13 notification because his water does get from Lakewood on to  
14 his property.

15                   So because he is the low spot.

16                   MEMBER TODD WOLTERS:  Will this be a drain in the  
17 future that Holland Township is looking at to -- I know  
18 you're trying to incorporate all orphan drains to some  
19 degree.  Is that another area in the future they'll be  
20 looking at, or don't you know?

21                   TOWNSHIP MANAGER DON KOMEJAN:  That will be a  
22 determination after investigation.

23                   WATER RESOURCES COM. JOE BUSH:  Correct.

24                   CHAIRMAN JERRY HUNSBURGER:  Depends on the final  
25 engineer?

1 WATER RESOURCES COM. JOE BUSH: That's correct.

2 CHAIRMAN JERRY HUNSBURGER: It may become part of  
3 this drain we're discussing, potentially?

4 WATER RESOURCES COM. JOE BUSH: Or another orphan  
5 public hearing in the future.

6 TOWNSHIP MANAGER DON KOMEJAN: Yes. But either  
7 way, I guess eventually, if it's not incorporated in this  
8 current consideration, it will become part of a future  
9 consideration.

10 CHAIRMAN JERRY HUNSBURGER: So we've heard your  
11 issue and it sounds like if final engineering doesn't bring  
12 it into this drain, it will have to be a future discussion  
13 for another potential hearing.

14 WATER RESOURCES COM. JOE BUSH: Correct.

15 MR. JOHN BAUMANN: Thank you.

16 MEMBER GLENN NYKAMP: But it also sounds to me like  
17 when is that next one going to be? If he has issues now, why  
18 can't we incorporate some of that into this, like that ditch  
19 that's in there?

20 WATER RESOURCES COM. JOE BUSH: It's hard to make  
21 water run uphill though. If that water is already going to  
22 Chicago Drive, we might not be able to make it --

23 MEMBER TODD WOLTERS: This is a drain that runs  
24 between Safety Products and the old --

25 MR. JOHN BAUMANN: Yes.

1 MEMBER TODD WOLTERS: And that's full of a lot of  
2 brush.

3 MR. JOHN BAUMANN: And nobody takes ownership of  
4 it. I've cleaned it out before, but it's terrible right now.  
5 It's not my property.

6 TOWNSHIP MANAGER DON KOMEJAN: So really we're  
7 talking determination is does that fit into this water  
8 drainage area?

9 WATER RESOURCES COM. JOE BUSH: Correct.

10 TOWNSHIP MANAGER DON KOMEJAN: Or does it have to  
11 become part of one that is further south.

12 CHAIRMAN JERRY HUNSBURGER: And that will be  
13 determined by the engineers because again, you can't make the  
14 water run uphill.

15 WATER RESOURCES COM. JOE BUSH: Right. Lucas would  
16 be the one to go out upon your motion, whatever you guys  
17 decide, to go out and investigate maybe a little bit more.  
18 Right now it's defined as the district, but we don't want to  
19 miss an opportunity if there is something there we missed. I  
20 don't think we did.

21 I think the water does go to the Chicago Drive. We  
22 could add it to a branch to an already existing drain that  
23 goes to the Black Creek. Because it goes to the Chicago  
24 Drive and then Chicago Drive has a drain that goes to the  
25 Black Creek. So we could incorporate another branch in the

1 near future.

2 CHAIRMAN JERRY HUNSBURGER: Would that kind of help  
3 you?

4 MR. JOHN BAUMANN: It would.

5 MR. LUCAS TIMMER: You can meet with me after the  
6 presentation.

7 MEMBER TODD WOLTERS: If you'd entertain a motion,  
8 the motion in front of you there?

9 CHAIRMAN JERRY HUNSBURGER: We've heard public  
10 comment, we've heard comments from the engineer and from the  
11 township. So a motion would be in order.

12 What would your motion be?

13 MEMBER TODD WOLTERS: I want to make a motion that  
14 we incorporate this into the drain district for Holland  
15 Township for Ottawa County. I'm not sure if they have the  
16 wording there.

17 CHAIRMAN JERRY HUNSBURGER: Necessary.

18 MEMBER TODD WOLTERS: I deem it necessary, there  
19 you go.

20 CHAIRMAN JERRY HUNSBURGER: Okay. We need a  
21 second.

22 MEMBER GLENN NYKAMP: I support that.

23 CHAIRMAN JERRY HUNSBURGER: So we have a motion on  
24 the floor to deem that this is necessary under the drain  
25 code, to come under as a county drain. Any further

1 discussion than what we've had previously?

2 MEMBER TODD WOLTERS: Not here.

3 CHAIRMAN JERRY HUNSBURGER: Okay, then I'm going to  
4 call for the question. All in favor of deeming this drain as  
5 a necessity, please say aye.

6 MEMBER TODD WOLTERS: Aye.

7 CHAIRMAN JERRY HUNSBURGER: Aye.

8 MEMBER GLENN NYKAMP: Aye.

9 CHAIRMAN JERRY HUNSBURGER: Opposed?

10 So we've declared it necessary.

11 So we have the opportunity for other motions, one  
12 being that the drain is necessary for the protection of  
13 public health, and that Holland Charter Township, that a  
14 portion of the costs should be apportioned to the  
15 municipality at large to help share in any costs, future  
16 costs.

17 Can I have a motion on that?

18 MEMBER GLENN NYKAMP: So move.

19 MEMBER TODD WOLTERS: Support.

20 CHAIRMAN JERRY HUNSBURGER: Okay. Any comment?

21 And basically what we're saying is that if in fact  
22 there is a future need for an assessment, that we want to  
23 make sure other governmental units including the township,  
24 and I think that would include the road commission, the  
25 county and so on would also pay a portion of it to help ease



1 the financial burden, that's what this motion is about.

2 I'm going to call for the question, all in favor of  
3 that motion say aye.

4 MEMBER TODD WOLTERS: Aye.

5 CHAIRMAN JERRY HUNSBURGER: Aye.

6 MEMBER GLENN NYKAMP: Aye.

7 CHAIRMAN JERRY HUNSBURGER: Opposed?

8 That motion passes.

9 And we have a third motion if somebody would like  
10 to make that.

11 MEMBER TODD WOLTERS: I'll make the motion for the  
12 necessary and protection of public health and municipalities.

13 CHAIRMAN JERRY HUNSBURGER: Right at the bottom.

14 MEMBER TODD WOLTERS: I'm sorry.

15 CHAIRMAN JERRY HUNSBURGER: We need a motion that  
16 the drainage district boundary line be adjusted as necessary,  
17 that would be subject to engineering, and lands be added or  
18 deleted as determined by the Water Resources Commissioner, as  
19 determined by engineering, and that's what we actually  
20 discussed.

21 Can I have a motion to that effect?

22 MEMBER GLENN NYKAMP: So move.

23 MEMBER TODD WOLTERS: Support.

24 CHAIRMAN JERRY HUNSBURGER: Any comment? I think  
25 we've explained what that's about. The preliminary hearing

1 is done, once final engineering is done, there may be an  
2 adjustment in the boundary line.

3 Further comments?

4 All in favor of that motion say aye.

5 MEMBER TODD WOLTERS: Aye.

6 CHAIRMAN JERRY HUNSBURGER: Aye.

7 MEMBER GLENN NYKAMP: Aye.

8 CHAIRMAN JERRY HUNSBURGER: Opposed?

9 That motion passes.

10 No further business to come before this board. The  
11 meeting is adjourned.

12 Any comments or questions you have for the Water  
13 Resources Commissioner or engineer, please come up and  
14 address Joe.

15 WATER RESOURCES COM. JOE BUSH: I just want to say  
16 thanks for taking the time to come out and listen to the  
17 public hearing. And the next process will probably be  
18 getting easements where we don't have them and probably  
19 adapting maybe some more road system that's in the road and  
20 getting easement from the road commission. But I don't see  
21 any work being performed at this time.

22 But if there is issues, be sure to call me. You  
23 know to call me and we'll look at them and get them resolved.

24 So thanks for coming.

25 (Hearing concluded at 10:30 a.m.)

1 CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

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STATE OF MICHIGAN )  
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COUNTY OF BARRY )

I certify that this transcript, consisting of 27 pages, is a complete, true and correct record of the Board of Determination Hearing on September 28, 2016.

DATE: October 5, 2016

\_\_\_\_\_  
MARJORIE A. COVEY, CSR-2616  
141 East Michigan Avenue, Suite 206  
Kalamazoo, MI 49007  
1.800.878.8750

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

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