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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: SUMMERLIN NORTH DRAIN  
BOARD OF DETERMINATION

Proceedings commenced at 12:00 p.m., on Thursday, July  
30, 2020, at the Holland Charter Township Fire Department,  
Station 1, 131 Riley Street, Holland, Michigan, held before  
Marjorie A. Covey, CSR-2616, Certified Shorthand Reporter and  
Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Chad Meints, Water Resources Chief Deputy
- Ms. Sara Hirst, Secretary to Water Resources Comm.
  
- Mr. Bill Cargo, Board Chairperson
- Mr. Ken Souter, Board Secretary
- Mr. Rich VanderKlok, Board Member
  
- Mr. Steve Bulthuis, Manager, Holland Charter Township
  
- Mr. Lucas Timmer, Engineer, Prein & Newhof
- Mr. Ken Bosma, Engineer, Prein & Newhof

1 Holland, Michigan

2 July 30, 2020 - 12:00 p.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Well good morning,  
5 everyone. Welcome to Holland Township Fire Station for our  
6 Board of Determination for, this one is the Summerlin North  
7 Drain District.

8 And again my name is Joe Bush, the Water Resources  
9 Commissioner.

10 And you're all wondering what are we doing here and  
11 what is this all about. So just FYI, according to the  
12 executive order, if you are doing a presentation or talking,  
13 I can have the mask down. So later if you don't want to put  
14 your mask down for public comment, that's fine too; but if  
15 you want to, everything is court recorded, word for word for  
16 my protection and your protection for down the road. Five  
17 years from now, what did Joe say at the Board of  
18 Determination? We can always go back and look at it and it's  
19 all court recorded.

20 That's not required by Drain Code or state law, but  
21 I do it for the protection of everyone. So everything is  
22 recorded so we know what I said, if I said something wrong or  
23 misinterpreted or whatever, we can always go back and read  
24 it. You can always go to [miottawa.org](http://miottawa.org) under Water Resources  
25 Commissioner, under the Board of Determination and you'll

1 find those minutes. Usually it takes her about six weeks to  
2 get them back to our office and get them online, but you can  
3 read those.

4 So again we're here for the Board of Determination.  
5 You're like, what is that? Well this particular drain  
6 district that's on this board, and it will be up on the  
7 screen later, it's an orphan drain.

8 What's an orphan drain? Nobody has jurisdiction  
9 over it. Currently the township doesn't have any  
10 jurisdiction, I don't have any jurisdiction or the road  
11 commission. And they're usually here, but today they  
12 couldn't be here but they're usually very supportive of  
13 establishing an orphan drain to a county drain.

14 In order to do that I have to hold a Board of  
15 Determination. That means I have to hold a public hearing  
16 with Drain Code per state law.

17 So what that means is I have to pick a three-panel  
18 board, either ladies or gentlemen, whoever I can get, that  
19 have done these, that are experienced in Drain Code, drain  
20 law, and drainage, and kind of township government, how does  
21 that work.

22 So I pick a three-panel board and I hold a public  
23 hearing. And then we were petitioned from Holland Township  
24 to establish this potentially, based on these three  
25 gentlemen's decision.

1           And you're probably like, what's a petition? A  
2 petition is the only way I can act on something. And this is  
3 another one that I was petitioned.

4           And that reason is Holland Township has been very  
5 proactive trying to establish orphan drains. And again an  
6 orphan is not the township's or the road commission.

7           UNIDENTIFIED SPEAKER: They're bad.

8           WATER RESOURCES COMM. JOE BUSH: And there is  
9 probably issues in this one is my understanding, especially  
10 if it rains hard, there is not really good proper drainage.

11           So I'm glad you guys are here today and there will  
12 be plenty of time to talk, especially with this crowd,  
13 sometimes we have a hundred people here. There will be  
14 plenty of time to talk about your issues once the public  
15 comment time opens up, so we're more than happy to hear those  
16 comments.

17           So after I do introductions, I'll usually give  
18 these three gentlemen the oath, they'll run the Board of  
19 Determination.

20           Any questions will be given to those gentlemen, and  
21 then they'll refer them either to myself or the engineering  
22 firm.

23           And again I do know there is potential issues in  
24 this particular drain district. The reason we might not have  
25 did anything in the past is because it was an orphan and the

1 township said, hey, let's petition you, Joe, hold a public  
2 hearing, get it under my jurisdiction, get the easements we  
3 need, or the route and course so we can potentially go in  
4 there and do some better drainage, come up with a solution,  
5 so that's how this works.

6 Today's cost, usually there is a cost, today's cost  
7 is on the township. The township pays for the Board of  
8 Determination on these orphan drains.

9 It's been part of their -- we've been doing ten to  
10 fifteen a year. And Holland Township is doing them, Park  
11 Township, Grand Haven Township and there is a few others that  
12 are getting a list together.

13 They're orphans that nobody has jurisdiction over  
14 and they're trying to move forward and get them under my  
15 jurisdiction so we can work on them in the future.

16 UNIDENTIFIED SPEAKER: Good.

17 WATER RESOURCES COMM. JOE BUSH: It's a good thing  
18 but you have to go through the legal process to get where we  
19 need to go.

20 And any development today, if they come through my  
21 department, and it's kind of the same scenario, and it's a  
22 new subdivision, those are automatically, with today's  
23 paperwork, is already under my jurisdiction for the future.  
24 So we're going back to anything technically older than 2004,  
25 so in the '80s, '90s, even in the '60s. We had one earlier

1 that was built in 1963 and was an orphan.

2 So it doesn't matter, anything before 2004 has been  
3 coming before us and a Board of Determination.

4 We'll talk about the cost, the township has been  
5 willing to pick up the cost to make sure these are getting  
6 under somebody's ownership so we can have some kind of  
7 mechanisms to fix problems in those particular subdivisions  
8 or drain systems.

9 And then everything is court recorded. So I'll go  
10 ahead and introduce Margie. She's here, and she does a lot  
11 of these. She's done them all since I've been elected, being  
12 the Water Resources Commissioner, used to be Drain  
13 Commissioner, but Margie has been doing a lot of these for  
14 me, pretty much almost everyone since I've been elected, any  
15 Board of Determination.

16 And my three-panel board, they have no affiliation  
17 with any properties here or Holland Township. It's not a  
18 Holland Township board member, they don't have any  
19 properties, they don't live in the area, they live in Ottawa  
20 County, they have to by Drain Code, but they do not live in  
21 this particular area we're talking about today.

22 I usually pick a three-panel board that has, again,  
23 the experience, understands drain law and understands kind of  
24 how the whole thing works. It gets kind of technical but  
25 they definitely do a great job in answering questions. They

1 know drainage and they've had their own issues in their own  
2 townships. And I've been in those townships as well so they  
3 understand it. And they understand the people's comments  
4 because they have constituents that have the same concerns,  
5 and they do a great job with what we're going to talk about  
6 today.

7 I'll do introductions there. From my right to my  
8 left is Rich VanderKlok. He's from Georgetown Township, he's  
9 on the board there.

10 Then we have Bill Cargo in the center, he's  
11 actually in Grand Haven Township, he's their superintendent  
12 or supervisor -- or manager, I should say, manager of Grand  
13 Haven Township.

14 And then Ken Souter, he's retired from the road  
15 commission and he was there about 40, I want to say 40 years.  
16 And he lives in Port Sheldon Township.

17 So they have no affiliation with what we're talking  
18 about today, just for your information.

19 Then we have Steve Bulthuis, he is your Holland  
20 Township superintendent or manager.

21 And then the two engineers today are Ken Bosma and  
22 Lucas Hill -- Lucas Timmer, I mean, and they're both from  
23 Priein & Newhof, who do a lot of these orphans around the  
24 whole county for us. They definitely got a good  
25 understanding of drainage as well and how it works and why

1 we're here today.

2           So some people ask why is it in the morning or  
3 afternoon and not at night? It's hard to get everything  
4 coordinated, especially with getting a board together with  
5 the scenario with COVID and then getting a place lined up and  
6 it makes it a challenge. So we just try to get them going as  
7 quickly as possible so we can get them off the table and get  
8 them under our jurisdiction, hopefully.

9           That's this three-panel board's decision, not mine.  
10 That's why I had to appoint them and that's why your  
11 testimony is important so they can hear it.

12           The two staff that I have is outside. Sara is my  
13 secretary; and Chad, the taller gentleman, is my chief  
14 deputy. They do a great job preparing to get us here today.  
15 It takes a lot of work to get us here today.

16           I'll give the gentlemen their oath and they'll run  
17 the meeting from here on out. Be sure to ask any questions  
18 when it's public comment or share your concerns of your  
19 drainage problems so we're aware of them. I know we're aware  
20 of a few of them.

21           Ken will give a presentation later of some phone  
22 calls we've taken in the past, but again I appreciate you  
23 taking the time to come and listen and share your concerns.

24           Gentlemen, please rise and raise your right hand.

25           Do you each solemnly swear that you will faithfully



1 perform and discharge the duties imposed upon you as required  
2 by law as members of the Board of Determination appointed by  
3 the Ottawa County Water Resources Commissioner, to determine  
4 the necessity to locate, establish and construct a proposed  
5 Summerlin North Drain located in Holland Charter Township, in  
6 said county, gentlemen?

7 BOARD MEMBER KEN SOUTER: I will.

8 BOARD MEMBER BILL CARGO: I shall.

9 BOARD MEMBER RICH VANDER KLOK: I will.

10 WATER RESOURCES COMM. JOE BUSH: Thank you.

11 BOARD MEMBER BILL CARGO: First we need to elect a  
12 chairperson and a secretary for this board of review.

13 Do I have a motion to elect a chairperson?

14 BOARD MEMBER RICH VANDER KLOK: I would move that  
15 Bill Cargo be chair.

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

17 BOARD MEMBER BILL CARGO: We have a motion by Rich,  
18 supported by Ken to support, elect Cargo as the chair for  
19 this Board of Determination.

20 All in favor, say aye.

21 BOARD MEMBER KEN SOUTER: Aye.

22 BOARD MEMBER BILL CARGO: Aye.

23 BOARD MEMBER RICH VANDER KLOK: Aye.

24 BOARD CHAIRPERSON BILL CARGO: And that is passed  
25 unanimously.

1           And I will make a motion that Ken be elected the  
2 secretary for this board of review.

3           Do I have support?

4           BOARD MEMBER RICH VANDER KLOK:   Support.

5           BOARD CHAIRPERSON BILL CARGO:   So the motion was by  
6 Bill, supported by Rich that Ken be the secretary.

7           All in favor, say aye.

8           BOARD MEMBER KEN SOUTER:   Aye.

9           BOARD CHAIRPERSON BILL CARGO:   Aye.

10          BOARD MEMBER RICH VANDER KLOK:   Aye.

11          BOARD CHAIRPERSON BILL CARGO:   And again that is  
12 passed unanimously.

13                 The other thing I will do at this moment is I will  
14 make a motion to limit public comments to three minutes per  
15 person.  That is done because we can summarize War And Peace  
16 in three minutes, so people should be able to make their  
17 comments within that time frame also.

18                 So I made the motion to limit public comments to  
19 three minutes per person.

20           Do I have support?

21           BOARD SECRETARY KEN SOUTER:   Support.

22           BOARD CHAIRPERSON BILL CARGO:   Motion by Bill,  
23 supported by Ken to limit public comments to three minutes  
24 per person.

25           All in favor, say aye.

1 BOARD SECRETARY KEN SOUTER: Aye.

2 BOARD CHAIRPERSON BILL CARGO: Aye.

3 BOARD MEMBER RICH VANDER KLOK: Aye.

4 BOARD CHAIRPERSON BILL CARGO: And that passed  
5 unanimately.

6 We're going to start with the superintendent, the  
7 superintendent or manager of Holland Charter Township.

8 Steve, do you have any comments on this?

9 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: As noted  
10 earlier, the township has been endeavoring to move the orphan  
11 drains within the township under the jurisdiction of the  
12 Ottawa County Water Resources Commissioner's office, and that  
13 is the reason for the petition today.

14 BOARD CHAIRPERSON BILL CARGO: Steve, just a couple  
15 questions. From what I understand, if this remains an orphan  
16 drain, that is private and you can't spend public monies on a  
17 private drain.

18 Is that your understanding also?

19 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: Yes, it  
20 is.

21 BOARD CHAIRPERSON BILL CARGO: It's also my  
22 understanding that Holland Charter Township does do  
23 maintenance on drains and absorbs a cost themselves for  
24 maintenance less than \$10,000, you pay for it out of your  
25 general fund rather than assessing the property owners.

1 Is that understanding correct?

2 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: That is  
3 correct.

4 BOARD CHAIRPERSON BILL CARGO: I appreciate it.  
5 Thank you very much, Steve.

6 That said, we are now going to have Prein & Newhof  
7 engineer Ken Bosma make a presentation on this proposed  
8 Summerlin North Drain.

9 ENGINEER KEN BOSMA: Thank you.

10 I'm Ken Bosma with Prein & Newhof on the Summerlin  
11 North Drain.

12 So as it was already discussed an orphan drain, but  
13 here is a good definition of what an orphan drain is.

14 It's a storm sewer drain system without authorized  
15 local and county governmental jurisdiction and  
16 administrative, procedural and funding mechanisms to address  
17 current and future needs for maintenance and improvements.

18 As indicated Holland Township was the one who  
19 petitioned this and they petitioned that on June 3rd of this  
20 year.

21 What we're doing now is required by Drain Code that  
22 we have this Board of Determination, and I think those  
23 procedures were outlined already by Joe and the chairman.

24 Summerlin North itself is a development that was  
25 built in about 1993. So what we're looking at already is

1 about 27 years old already, in that regard. And so what we  
2 do is we're hired to -- I'll jump to it in a minute here,  
3 we're hired to delineate this watershed district, okay?

4 And how we do that is we go back to old records  
5 that we have on file with regard to other utilities, sanitary  
6 sewer main, it helps gives some perspective of what the roads  
7 were doing and where the drainage structures are, that's one  
8 of the things we do.

9 We also look at the county GIS system. And what  
10 that does is they have contours that give us one-foot  
11 contours to show us where high points and low points are and  
12 that's how we help delineate that.

13 So then we delineate what's called a drainage  
14 district or watershed, and that's an area where storm water  
15 runoff is going into the drain of what we would call proposed  
16 Summerlin North Drain, okay?

17 And then finally after we draw it up we actually go  
18 out in the field and field verify that what we've done is  
19 correct.

20 So this here again is the drainage district as  
21 defined. Here is 136th Avenue (indicating), and then here is  
22 Quincy Street (indicating). And over here is the Harlem  
23 Drain, and this is the Summerlin North development right here  
24 (indicating).

25 And you can see it picks up some of the area also

1 on the north side of Quincy Street (indicating), but the  
2 balance on the south side does not get into this drainage  
3 ditch right now (indicating), which is on the north side  
4 which would kind of be the proposed outlet.

5 I should also point out, this is the same thing,  
6 just an aerial, kind of shows -- if you want, there is a  
7 picture of how your homes align relative to that district.

8 Right now this blue area is kind of what we defined  
9 as the district (indicating).

10 There is a culvert under Oasis Avenue. There is a  
11 culvert or storm sewer system that goes into this open  
12 detention area here and on this side (indicating), and a  
13 culvert here and it gets into what is a road side swail here,  
14 here, not an established ditch. It has some roadside  
15 culverts in there.

16 So these pictures were taken in November of last  
17 year. And you can see the amount of water. This system was  
18 not setup to have water sitting in it all the time. Some of  
19 it may be reflective of what we have been experiencing in the  
20 last couple of years with regard to the groundwater  
21 situation.

22 We're struggling with it all over the county,  
23 actually all over West Michigan. We work in several other  
24 communities and counties experiencing the same thing, so some  
25 of it maybe a reflection of the high water.

1           However it also is when we have storm events, and I  
2 think we were called in shortly after a storm event happened  
3 here in November and we took some pictures of the water  
4 that's in the backyards, which is not how the system was  
5 setup and designed.

6           Here is the same thing, and actually what we  
7 identified, so here is the sump discharge that was boiling in  
8 up through the detention system at that point.

9           So here is that drainage ditch that is along Quincy  
10 Street. It just kind of needs to be maintained a little bit  
11 better (indicating).

12           And in fact, we were just out there not too long  
13 ago, a few weeks ago, and we noticed -- I'll go back here, we  
14 noticed actually right here (indicating), we couldn't even  
15 initially find this catch basin when we first did our field  
16 review, nor could we find this outlet. It has been recently  
17 exposed, but we can tell that just looking into this catch  
18 basin right here (indicating) that this pipe seems to be  
19 almost filled with dirt, etcetera, at this point which could  
20 be some of the issues that are ongoing.

21           So before we get into public testimony I also want  
22 to address that we have looked through the Water Resources  
23 Commission's files and there is some indication that there  
24 was some calls made over the years. As far as we can tell  
25 the one that we have the furthest back is about 2009, and it

1 addressed issues from 2008 as well.

2 In fact, I wish I could have shown them on here,  
3 but I didn't have the electronic version, but there was some  
4 pictures attached to that one. And most of us remember in  
5 2008, 2009 we had some very big storm events, what they  
6 considered over 100-year storm events, what happens once  
7 every hundred years, it was that intense.

8 There was pictures that showed some flooding into  
9 some people's garages and homes, I know particularly along  
10 Quincy Street as well. So I wanted the Board to be aware of  
11 that.

12 It seems like there was some calls in there, we got  
13 a handful in there that were picked up through their files,  
14 calls from '9, '10, '15, 2019, so various years there as rain  
15 events occurred.

16 So our next steps are you're going to have an  
17 opportunity to speak, address what your concerns are so they  
18 are aware of it. Then the board here will make a decision  
19 whether it's necessary or not to deem this as a county drain.

20 And then if it's not deemed as a county drain,  
21 nothing more happens.

22 If it is deemed as a county drain, there are a few  
23 options that can happen. Again, if there was no issues, it  
24 would be a county drain, and then we would be done; however  
25 we believe there is issues, we suspect you guys are here to



1 talk about issues in there.

2 So then what happens is if it's deemed as a county  
3 drain, we will work with the Ottawa County Water Resources  
4 Commissioner to come up with some solutions, some ideas.

5 Then a project will be put together. We may have  
6 to actually acquire some easement acquisitions, even though  
7 the plats may have shown it on there but the paperwork is not  
8 adequate, we may have to obtain some easement documents in  
9 there.

10 We would put the project out for bids. Once we put  
11 the project out for bids we know what the full project cost  
12 is going to be. So we know what engineering is, we know what  
13 construction will be.

14 And at that point then the Water Resources  
15 Commissioner puts out an apportionment roll to you to say  
16 what the cost may be.

17 What's going to happen is if there is a project,  
18 then the township will pick up a portion of it at large for  
19 health, safety and welfare. The road commission picks up a  
20 portion based on their right-of-ways that are involved in  
21 there. And the property owners pick up the balance. So it's  
22 not just you, it's people on the north side of the street,  
23 anybody within that district, okay?

24 And then there will be -- they'll send out what  
25 those apportionments are. You will also have an opportunity,

1 what is called a day of review to review those and challenge  
2 them at their office if there is an issue on there. Okay?

3 And then I guess I should say the last step would  
4 be if for some reason, and I suspect it could be a project  
5 but if there was not a project today, or if there is a  
6 project today and five years from now something else happens  
7 and there is a collapse or something like that, they have the  
8 right to spend up to \$5,000 per mile per drain.

9 That's not a lot of money so it doesn't take much,  
10 but if there is a major collapse, we have to go through this  
11 process again with the Board of Determination to determine  
12 what happens.

13 But anything less than that, so if it's just a  
14 minor clean out, let's say the catch basin I talked about was  
15 only something that had filled in dirt there. They could  
16 then go there and clean that out under the \$5,000 per mile  
17 without this hearing, and take care of that.

18 The plus part of that is they can do that, and with  
19 the township's policy right now of spending up to \$10,000 per  
20 drain per year, in that regard, it would be handled through  
21 the township. The property owners wouldn't get involved, it  
22 would resolve the issues.

23 So I just wanted to clarify the different steps  
24 that occur. Okay.

25 BOARD CHAIRPERSON BILL CARGO: I appreciate the

1 presentation, Ken.

2 Rich, do you have any questions for Ken?

3 BOARD MEMBER RICH VANDER KLOK: I do not.

4 BOARD CHAIRPERSON BILL CARGO: Ken, do you have any  
5 questions for Ken?

6 BOARD SECRETARY KEN SOUTER: The only thing I  
7 wanted to clarify that apparently it drains to the north side  
8 of Quincy Street and then the ditch along the north side was  
9 supposed to take it to the Pine Creek, right?

10 ENGINEER KEN BOSMA: Correct.

11 BOARD CHAIRPERSON BILL CARGO: Okay. At this stage  
12 we're going to open up this, the public hearing for public  
13 testimony.

14 Again, I would ask that you come up to the podium,  
15 state your name and address, and then make any public  
16 comments that you have or ask any questions that you may  
17 have.

18 Before I do that, Ken, did I understand you to say  
19 that the catch basin that all of this area drains to was  
20 completely covered and appears to be filled with dirt?

21 ENGINEER KEN BOSMA: The one where the subdivision  
22 is, correct, as it outlets towards the north towards Quincy.

23 BOARD CHAIRPERSON BILL CARGO: So they really don't  
24 have an outlet which is probably why they have standing water  
25 in this drainage area?

1 ENGINEER KEN BOSMA: Correct.

2 BOARD CHAIRPERSON BILL CARGO: Thank you very much.  
3 And the portion is because this is an or orphan drain  
4 technically they're not supposed to spend public monies on  
5 this, so for them to go in there and clean out this drain or  
6 this catch basin, it would have to be under the jurisdiction  
7 of the Water Resources Commissioner, is that correct?

8 ENGINEER KEN BOSMA: Correct.

9 BOARD CHAIRPERSON BILL CARGO: I appreciate it.  
10 With that we'll open it up for public comments.  
11 I'll start in the second row, yourself, if you  
12 would like to make any comments, please come up to the  
13 podium.

14 UNIDENTIFIED SPEAKER: I'll take a minute. Is that  
15 okay?

16 BOARD CHAIRPERSON BILL CARGO: This is your chance  
17 to speak because once we go through the audience, we'll close  
18 it down. So if you have any comments, I'd ask that you make  
19 them now.

20 MS. MARIZA MANDUJANO: My name is Mariza,  
21 M-A-R-I-Z-A; last name M-A-N-D-U-J-A-N-O, 13767 Mirage Court  
22 in Holland, Michigan, 49424.

23 So my question would be regarding the fencing that  
24 goes on the back. I know I saw a couple of pictures but a  
25 lot of the fences have sort of like already bent in because

1 of the water.

2 Is there anything that -- I don't know, how can we  
3 avoid that from happening? Obviously by fixing this area,  
4 but all of our neighbors have complete fences that have  
5 already sort of like either sunk in or tilted to the side and  
6 all that.

7 And -- yeah. We haven't put up a fence because of  
8 that reason so that's, from the back side, where the drainage  
9 part goes in, which looks like that most of the time.

10 BOARD CHAIRPERSON BILL CARGO: And the fencing is  
11 not something that could be repaired and paid for by the  
12 Water Resources Commissioner. It appears though that the  
13 wood fences that have been warping may have been warped  
14 because of the standing water and the floods that have  
15 occurred.

16 MS. MARIZA MANDUJANO: Right.

17 BOARD CHAIRPERSON BILL CARGO: So really from my  
18 perspective you would have to deal with the flooding problem.  
19 The water retention area back there is not meant to have  
20 standing water all the time, and I think that's an issue that  
21 needs to be addressed from my perspective.

22 MS. MARIZA MANDUJANO: Okay. So after this gets  
23 solved, we will be able to put up a fence and it won't --

24 BOARD CHAIRPERSON BILL CARGO: I would think you'd  
25 be able to put up a fence, I don't want to guarantee because

1 I'm not as familiar.

2 The other thing you might want to do is put up a  
3 vinyl fence because you know that even if there is water on a  
4 vinyl fence, it won't warp like a wood fence would.

5 MS. MARIZA MANDUJANO: Okay.

6 BOARD CHAIRPERSON BILL CARGO: Or does.

7 MS. MARIZA MANDUJANO: I think the problem is the  
8 dirt that sinks.

9 BOARD CHAIRPERSON BILL CARGO: Oh, it sinks into  
10 the --

11 MS. MARIZA MANDUJANO: Yeah.

12 BOARD CHAIRPERSON BILL CARGO: And I can't answer  
13 that question.

14 MS. MARIZA MANDUJANO: Okay. All right. And also  
15 could you clarify what the cost is for the property -- I know  
16 you mentioned --

17 BOARD CHAIRPERSON BILL CARGO: The cost right now  
18 for establishing this as a county drain is zero, Holland  
19 Charter Township is picking that up.

20 MS. MARIZA MANDUJANO: Okay.

21 BOARD CHAIRPERSON BILL CARGO: If there is a  
22 project, in other words, if they have to go out and do simple  
23 clean-up type projects that are 10,000 or less, Holland  
24 Charter Township will pay for that too.

25 If the project, however, like a \$50,000 project,

1 that cost would be assessed, if this is a county drain, among  
2 the township who would pay a portion under public health, an  
3 at-large portion, the county would pay an at-large portion,  
4 and the road commission would pay an at-large portion based  
5 on the amount of right-of-way within this district. And  
6 there is quite a bit of right-of-way within this district.

7 Anything left would be apportioned among the  
8 different property owners and you would be given time to pay  
9 that assessment. It's normally not due -- it's due at one  
10 time, but you can spread it over time if you need to.

11 But again no public monies can be spent on an  
12 orphan drain, and that's why they're trying to bring this  
13 under the county control.

14 Does that help?

15 MS. MARIZA MANDUJANO: Yes, thank you.

16 BOARD CHAIRPERSON BILL CARGO: And I'll go right  
17 across the aisle there.

18 And again your name and address.

19 MR. JASON STEWART: My name is Jason Stewart and  
20 I'm representing Grace Stewart for 13808 Quincy Street.

21 I just have a couple of questions and comments.

22 In the diagram, the red, is that in existence  
23 currently?

24 BOARD CHAIRPERSON BILL CARGO: That is what they're  
25 proposing the district boundaries to be based on topography.

1 They have aerial photographs that show one-foot inclinations.

2 MR. JASON STEWART: Okay.

3 BOARD CHAIRPERSON BILL CARGO: So that's what they  
4 believe the district boundaries would be.

5 MR. JASON STEWART: So that's a boundary, that's  
6 not a drain.

7 BOARD CHAIRPERSON BILL CARGO: That's not a drain,  
8 that's the boundary of a proposed district.

9 MR. JASON STEWART: Okay. And the orphan drain  
10 that we're talking about, that's the detention flow, right,  
11 in the center, is that Mirage Court?

12 BOARD CHAIRPERSON BILL CARGO: Yes. Apparently,  
13 when it was established, I suspect they believed that they  
14 were following the legal process, but they didn't technically  
15 follow the legal process. And so probably for years somebody  
16 may have thought this was a county drain, but it's not. And  
17 that's what they're trying to do now is bring it under  
18 somebody's control so public monies can be spent to repair  
19 problems that apparently exist.

20 MR. JASON STEWART: Right. And 13808 is the big  
21 white block in the center of all of that. We have  
22 experienced some increased water, flooding, that sort of  
23 thing, especially in 2008, there was quite a bit of flooding  
24 there .

25 We do see a lot of water standing in the drains



1 there, and it's our understanding that those drains have been  
2 plugged.

3 So if that's all that we're talking about is just  
4 creating or putting these under county control so those can  
5 be cleared, we're in support of that.

6 BOARD CHAIRPERSON BILL CARGO: It could be a very  
7 expensive project, but we don't know that. We're not here to  
8 establish the cost of the project or what the solution is.  
9 Based on what the engineer has said, at the very least we  
10 know that some of the important catch basins and outlets are  
11 filled with soil.

12 MR. JASON STEWART: Right. Okay. I think that's  
13 it, unless you have anymore?

14 UNIDENTIFIED SPEAKER: If we have more orphan  
15 drains we have to tell people not to plant vegetable gardens  
16 in them.

17 MR. JASON STEWART: Some of those people there have  
18 just kind of extended their backyard to include the drain.

19 BOARD CHAIRPERSON BILL CARGO: Appreciate it.

20 MR. JASON STEWART: Thank you.

21 BOARD CHAIRPERSON BILL CARGO: And then the third  
22 row? Again when you come up to the podium, just give your  
23 name and address.

24 MS. RITA HURON: My name is Rita Huron, address is  
25 13758 Quincy. I'm number 8 on your list there.

1           We built our home in '94. And some of the pictures  
2 that you have received are probably some of the ones -- I  
3 work for the county and I have been sending pictures to the  
4 drain commissioner 10, 12 years, probably that 2008-2009 when  
5 we had that real bad one.

6           When we built our house they told us there would be  
7 an easement. We didn't quite understand what an easement  
8 meant. First time home buyers. We thought it was going to  
9 be an underground pipe or something with drainage hose and it  
10 would drain.

11           They told us we can not alter this or do any  
12 development on it, so we left it as is.

13           Our neighbors have moved on, sold their properties,  
14 rented them out. I don't think they've had all those rules  
15 that we had gotten. Some of them graded it and made it nice,  
16 it looks really nice, I wish I could have done that. But I  
17 didn't dare because I didn't want to be fined or penalized.

18           So ours sits the same as it always has, and it is a  
19 lot deeper in our backyard. Probably between nine -- seven,  
20 eight and nine, right back there it sits the deepest.

21           Our neighbors, I don't know what they collect or  
22 what, but all of their garbage, timber, anything, pots from  
23 plants that they have planted, everything floats and sits in  
24 our backyard because our backyard sits the deepest.

25           BOARD CHAIRPERSON BILL CARGO: Okay.

1 MS. RITA HURON: So when it flows and then it dries  
2 up we have all this mess in our back yard.

3 We have cleaned that up I don't know how many  
4 times.

5 So what I think needs to be done, it needs to be  
6 graded or sloped so that it drains toward that catch basin.

7 BOARD CHAIRPERSON BILL CARGO: Sure.

8 MS. RITA HURON: My husband and a neighbor, that's  
9 number seven, walked down to that catch basin or wherever  
10 that's on Quincy, and they did have a flashlight and they  
11 looked and it is clogged. And they're like, that's our  
12 problems.

13 But who do we talk to? Because I tried complaining  
14 to the, it was a drain commissioner back then, and they said  
15 this is a Summerlin North Association problem, we can't do  
16 anything about it.

17 So in the meantime, we've never put in a sump pump  
18 because we didn't have a problem for the first nine, ten  
19 years, and we didn't realize we were in a high water table.

20 Well my husband is 62-years-old now and he can not  
21 keep going down there and pumping out water manually with a  
22 submersible pump which we have been doing. I don't know,  
23 we've gone through five pumps now.

24 BOARD CHAIRPERSON BILL CARGO: As a fellow  
25 62-year-old male I wouldn't want to be doing that either.

1 MS. RITA HURON: My husband does it every time it  
2 floods down there. We get maybe four inches, and our heater  
3 and hot water heater are down there.

4 So when that happens, uh-oh, we don't have any hot  
5 water. Well it rained so we have to go down there, and  
6 especially with a heavy rain.

7 So not only do I want that catch basin cleared out,  
8 but if they could grade all of that area behind our  
9 properties, so that it flows, because it's like flat, then it  
10 sits deep in our backyard and then flat again.

11 And like I said, all that clutter, all that  
12 material that's floating in there, I mean I've seen our  
13 neighbors behind us, a guy with a fishing pole back there,  
14 what is he doing, because we get that much water back there.

15 BOARD CHAIRPERSON BILL CARGO: I understand. I  
16 think you've raised some very good points and I think that is  
17 not the way this is supposed to be operating, so the engineer  
18 can take a look at it. And if it needs to be graded, they  
19 will make that decision.

20 MS. RITA HURON: I went to a meeting last year but  
21 it seemed to be more about the Harlem Drain which was more  
22 for the farmers. And I thought, what about us? We're  
23 getting flooded.

24 BOARD CHAIRPERSON BILL CARGO: And that's why this  
25 Board of Determination by Holland Charter Township was

1 created so that they could bring it under public control and  
2 begin to address these issues. Because you're right, if you  
3 don't have an active homeowner's association, somebody has to  
4 step up to do this.

5 MS. RITA HURON: I never knew who that was, through  
6 the builders and everything, because we built in '94. And I  
7 remember Grace, you know, my kids used to go down to her  
8 house all the time. But this flooding is going into people's  
9 garages when it rains.

10 BOARD CHAIRPERSON BILL CARGO: Yep.

11 MS. RITA HURON: It's terrible.

12 BOARD CHAIRPERSON BILL CARGO: I appreciate the  
13 time, I think you've established your position very well.  
14 Thank you.

15 And we've given everybody an opportunity to speak.

16 UNIDENTIFIED SPEAKER: She said --

17 BOARD CHAIRPERSON BILL CARGO: You said you didn't  
18 want to speak?

19 UNIDENTIFIED SPEAKER: She covered everything I  
20 want to say.

21 BOARD CHAIRPERSON BILL CARGO: At this point we're  
22 going to close public comments because we heard from  
23 everybody in the room or gave them an opportunity to speak.

24 And we're going to now have a conversation among  
25 the Board of Determination members.

1 I'm going to start with Rich. Rich, are there any  
2 questions or comments you would like to make?

3 BOARD MEMBER RICH VANDER KLOK: I have no  
4 questions, although the comment I would make is based on what  
5 we've heard here, and the issues that have been raised, is  
6 definitely something needs to be done, and there is concern  
7 expressed.

8 So I would be in favor of bringing this into the  
9 Water Resources Commissioner.

10 BOARD SECRETARY KEN SOUTER: I concur with Rich on  
11 this one. I don't have any other comment.

12 BOARD CHAIRPERSON BILL CARGO: I concur too.  
13 Unlike some of the other orphan drains, I think that nobody  
14 ever thought this was a county drain, so it's coming to you  
15 kind of late. But there are definite problems. There are  
16 definite issues that affect the health and welfare of the  
17 residents living nearby. And hopefully the solutions for  
18 this will be straightforward and rather simple.

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

23 Is there support?

24 BOARD SECRETARY KEN SOUTER: I'll support that.

25 BOARD CHAIRPERSON BILL CARGO: Motion was made by

1 Bill, supported by Ken.

2 Any further comments?

3 BOARD MEMBER RICH VANDER KLOK: Nope.

4 BOARD CHAIRPERSON BILL CARGO: Then all in favor,  
5 say aye.

6 BOARD SECRETARY KEN SOUTER: Aye.

7 BOARD CHAIRPERSON BILL CARGO: Aye.

8 BOARD MEMBER RICH VANDER KLOK: Aye.

9 BOARD CHAIRPERSON BILL CARGO: And it passes  
10 unanimously.

11 At this point I'm going to turn it over to the  
12 Water Resources Commissioner who will make comments on the  
13 appeals process.

14 WATER RESOURCES COMM. JOE BUSH: So you can appeal  
15 today's meeting through probate court from ten days from  
16 today if somebody felt like this wasn't necessary or wanted  
17 to appeal the process. But so you do have ten days from  
18 today. I don't think anybody here wants to appeal it because  
19 it seems like you guys understand all the issues and would  
20 like it.

21 Again I appreciate you taking the time to come here  
22 to share and learn and listen and definitely we're here to  
23 help. So thank you.

24 UNIDENTIFIED SPEAKER: When it rains hard the house  
25 two over from me, his ground fills about half full with

1 water, he can't put his car in the garage.

2 BOARD CHAIRPERSON BILL CARGO: At this stage, I'm  
3 going to, without objection adjourn the meeting. If anybody  
4 wants to talk with the Water Resources Commissioner  
5 afterwards, I know he will be staying around.

6 So without objection the meeting is adjourned at  
7 approximately 12:38 p.m.

8 (Board of Determination adjourned at 12:38 p.m.)

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