HUNTERSCREEKDRAIN

STATE OF MICHIGAN
COUNTY OF OTTAWA
TOWNSHIP OF HOLLAND

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IN RE:  HUNTER'S CREEK COUNTY DRAIN
BOARD OF DETERMINATION

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Proceedings commenced at 10:05 a.m. on
June 1, 2011 at 6480 353 N. 120th Street,
Holland Charter Township Hall, Holland, Michigan
- In Re: Hunter's Creek County Drain, Board of
Determination, held before Nancy A. Spykman,
Certified Shorthand Reporter No. 525 and Notary
Public for Ottawa County, Michigan.

APPEARANCES:

Paul Geerlings, Drain Commissioner
Linda Brown, Chief Dep. Drain Com.
Michelle L. Wittingen, Assistant

Bill Cargo, Chairman
Dave Busman, Secretary
Jim Miedema, Board Member

Steve VanHoeven, Ottawa Co. Road Com.
Eng. Ken Bosma - Prein & Newhof

HOLLAND CHARTER TOWNSHIP
JUNE 1, 2011
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DRAIN COM. PAUL GEERLINGS: Good morning, everyone.

It's 10:00, the set time for the Board of Determination for the petition. My name is Paul Geerlings. I'm the Ottawa County Drain Commissioner, and the reason we are all here is because the Drain Office has received a petition from a sufficient number of folks in the Hunter's Creek residential subdivision requesting improvement to the drainage of storm water in that area.

And the Board is composed of the three member panel. These three members need to be from Ottawa County, but have no personal or financial interest in the area in question for the drainage district, and today we have Dave Busman from Polkton Township, and we have Jim Miedema from Jamestown, and Bill Cargo from Grand Haven Township, who will be sitting as the Board of Determination.

In just a few minutes, I will be administering the oath. They will then hold an election, so that one of them will be selected as Chairman of the Board of Determination. Another will be elected secretary of the Board.

From that time forward, I'll appreciate that all questions are directed to the Board. If they have questions for myself or the Engineer -- the engineer is Ken Bosma from Prein & Newhof, who I have selected to listen to the comments. So, if the Board finds the project necessary, he'll have some idea of what the issues are, and he'll be prepared to advise me, and
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Today, we also have Don Komejon from Holland Township here to enjoy the proceedings, and Nancy Spykman will be taking down every syllable that we utter here today to make it part of the permanent record, so if we want to look back at it at any time, it will be there at our disposal.

Others that are here is Linda Brown from my office, Chief Deputy, and Michelle Wittingen is the person that takes care of the legal process and coordinates all of this.

So, in a few minutes the Board will ask you for your comments to describe what are the situations that you have experienced in Hunter's Creek. You'll each be given a chance to come to the podium. I ask that you state your name and address clearly, so that Nancy can get it on the record appropriately and correctly.

After the comments are made, the Board will then have a discussion between themselves to rehash a little in their own minds what has been said here today, and make a decision on whether or not a project is necessary.

If they deem it necessary, they will also vote on a motion that the Township should pick up or should not pick up a part of the costs of the project at large, and for health benefits.

What they will not do is determine what is going to be done, or how much money is going to be spent, or how much any of you are going to be charged for the work that is being done.
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So, without any further ado, I will ask the Board Members to rise. I'll read the oath and at the end, I will ask for your answer. If you agree with the oath, please answer with I do.

Raise your right hand, please. Do each of you solemnly swear to faithfully perform the duties imposed on you as Members of the Board of Determination appointed by the Drain Commissioner of Ottawa County to determine the necessity of drainage improvements in a certain drain known and designated as the Hunter's Creek Drain in the Township of Holland in said County as required by law. Gentlemen, what are your answers?

(Each Member of the Board responded I do.)

DRAIN COM. PAUL GEERLING: Thank you. I have asked Jim Miedema to act as the interim chair while they go through their election. Then whoever they elect will take the center chair and the meeting over.

MEM. JIM MIEDEMA: At this time we'll elect officers for this position. I would like to nominate Bill Cargo for the Chair.

SEC. DAVE BUSMAN: I'll second that nomination.

MEM. JIM MIEDEMA: All in favor of that motion say aye.

(Each Member of the Board responded aye.)

MEM. JIM MIEDEMA: Opposed? The same sign.

(No response from the Board Members.)

MEM. JIM MIEDEMA: We need a nomination for secretary.

CHAIR. BILL CARGO: I'll nominate Dave as the secretary.

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MEM. JIM MIEDEMA: I support. All in favor say aye.
(Rel each Member of the Board responded aye.)

Opposed, the same sign.
(No response from the Board Members.)
The motion will carry. So, we have a secretary and a
chair and we'll carry on with those.

CHIEF DEP. LINDA BROWN: I can't hear any of you back
here very well.

CHAIR BILL CARGO: We'll try to speak up and we are

...
what kind of area that was encompassed that would be affected by this, and this is the line that we have delineated that you can kind of see on the front with the red line is the area that will be encompassed in what is considered the 100th Street drainage district.

As you can tell, it includes all the phases of Hunter's Creek, which there are seven of. The first phase began in the late 1980s, and the last phase finished up in the late 2000s on the northerly end.

In there is a Township park parcel, there's farmland here and a church parcel also is included in there, and the center of 104th Avenue is also included in that district.

Just to run through some of the comments, at least that we are aware of, that began this process, and some of the things that we, at least, took note of, too. To begin is on Antelope Drive. We received some comments from some people back in this area here, and what they had indicated was that they had water in their basements. There was a lot of flooding in their backyards, and so we just took a look at that and tried to observe and see what was happening there. We did talk to this parcel here and this parcel, as well on Antelope Drive.

The next one that we had found was also on Antelope Drive, and we did talk to the residents of this home, right here. They also had flooding, as well, in the backyard, and they sent pictures on to the Drain Office, as well, and it did proceed to the east beyond these lots here, as well, and then some of -- some of those...
homes also had some flooding in their basements because of the storm events, as well.

The next item carries back over to Caribou Court over here. The first one we had talked to was this parcel right in here, and they had more indicated that they had some flooding back up in there. They also did indicate they have a gravity storm line from their basement into the storm sewer system with no check valve in there and that was some of the issues they had.

In addition, we talked to the parcel here, and they had a lot of flooding in there, as maybe you can see there is a parcel here that has a pool area in the backyard, a landscaped area in here. The slope of this does tend to fall towards the east and the storm outlet is up through Caribou Court and out this way, and that is the direction of the flow in that area.

Then we jump over to Caribou Drive. We had a gentleman that lives right here that we did talk to. So they claim some flooding from the church area, here. This church does tend to drain towards the detention basin which is the rear here, and eventually outlets through Hunter's Creek. They didn't have any specific flooding at that point, but they did recognize that the water was building up quite a bit in that area.

Same comment, basically, from this residence here, 3604. There was a lot of flooding in that area. They indicated they, again, did not have any particular
issue, but they did seem to indicate that a couple of parcels, right here, may have had some flooding here. That is near the outlet from the pond where the church is at.

We jump over to Fawn View. We had talked to a couple of parcel owners right in this area here, and they had some flooding more in the backyards. I did not get any indication from them that there was any flooding in the homes, but they did recognize and we talked to a couple of them. There was a system that was built later by the homeowners that was not part of the original drainage construction of the development that may have been undersized, which may have caused some of the flooding in the backyards there.

Then lastly, at least the ones that we are aware of, we had a comment from the homeowner over here. That homeowner had a lot of water in there, and there was enough of a surcharge to come back into the driveway of that home, and had some flooding issues in that regard.

We have not looked at all of the solutions that can be done at this point. Again, we are at this point to hear what the comments are before we really dig into full engineering drawings and et cetera. Those are, at least, the comments that we received, and, again, most of them are related to the '08 and '09 flooding. Most of them told us they had the floodings twice -- in the fall of '09 there was another big event in the fall of '09 that did occur.

CHAIR. BILL CARGO: Ken, what is the outlet for the storm water system in this neighborhood?
ENG. KEN BOSMA: The northerly part comes through and goes out through here. There is a detention system right in here, that it would actually back into that system. There is a straight-through pipe that is restricted that comes back into this detention system, here. There is another detention system for this area, right here, coming off the fields that is restricted, that comes in. That may even be why this flooding occurs here because it was held back in that regard. But the rest of it -- then there is an original phase. There is an outlet that comes out of Noordeleis Creek in the original phases.

CHAIR BILL CARGO: Any questions?

COMMENT: Can we ask questions of the Engineer?

CHAIR. BILL CARGO: Not at this time. What we will do at this time is begin with taking public comments. We'll go through and work our way through it at that time. We do have some emails. First, we're going to go through some emails and read them into the record.

SEC. DAVE BUSMAN: There is two emails that the person is supposed to be attending. I want to confirm they are here. Rick Petzak and Tom Schmidt. I'm not going to read the emails. I'll rely on you to share during the public comment. I'll mention the person's name in the email. If they are here, let me know; otherwise, I'll read the email for the record.

The first one is from Dale and Chris Nienhuis. (3517 Fawn Court): Due to work commitments we are unable to attend the meeting scheduled for tomorrow morning. We
are residents of Hunter's Creek, and have been for nearly 13 years. We understand that some residents have experienced drainage issues in their homes. The operative word is "SOME". This does not mean ALL residents.

While water in one's basement is a problem, it should be considered a problem of the individual homeowner to repair, and not the entire subdivision including residents whose homes are dry and do not experience those issues.

We adamantly oppose any assessment that may be charged against the entire subdivision to pay for these drainage repair costs. Please consider this email our formal protest to this potential "solution" to the problem. Thank you.

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I apologize for the pronunciation. Bruce Kleinheksel? The address is 3661 Elk Drive in Zeeland.

I have been a resident at 3661 Elk Drive for over 9 years and have witnessed some of the water issues. Personally, I have never had a problem with my basement. The south 20 feet of my rear lot will hold water after a hard rain in the spring. This is due to the fact that my neighbors to the south have no positive flow to the catch basin. There is actually negative flow back towards my lot. I believe this is part of the water problem that some homeowners struggle with. When the lots were sold in my phase, each homeowner received a grading sheet, to ensure proper drainage to the catch basins in the rear lots. I believe improper grading of
the rear and side lots has contributed greatly to standing water and water buildup during a rain.

On a clay based lot this is critical. Also, I believe there is an undersized storm system that has been stressed over the years, and homeowners having their minimum openings below plan recommendations. This could include having a walkout basement on a daylight lot, or ignoring the plan MBO altogether.

Another significant contributor are the softball fields to the north of the subdivision. There is a tremendous amount of surface area that forces water south to the subdivision. Constructing a swale between the ball fields and Hunter's Creek sub would help tremendously.

As far as modifying and cleaning the existing drain, the drain seems to flow well. With the bridge deck being raised on 104th a couple of years back, and on Riley Street, with this summer's construction, the drain will flow more efficiently and have a greater holding capacity.

My home, as well as most are considerably higher in elevation than the creek would ever be in the 100-year flood plain. I feel these issues are due to improper lot grading, undersized storm pipes, and ignoring minimum basement opening issues, than the drain itself. Thank you.

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CHAIR. BILL CARGO: Could I ask a favor? Could you read me the address from the first one that you read?
Doug and Linda Ruch. 3575 Elk Court. Paul, hope all is well. We are unable to attend the meeting on June 1st, but wanted you to know our position on the matter.

We have had absolutely no drainage problem at our home on 3575 Elk Court. As a result we are not at all keen to pay assessments that for us fix a problem that we don't have. We empathize with our neighbors who have experienced issues, however we think that those that have the problems should fund the solutions.

Thank you for your consideration. Doug and Linda Ruch.

Cal and Sandie VanHemert, 10682 Moose Court. Paul,

No. 1: We have not had any flooding issues - yet.
No. 2: If the drain needs to be cleaned out due to sediment build up - this should be covered by our normal tax payments.
No. 3: If the drain has old age issues - I could understand this portion of any repairs billed to households in the area.
No. 4: If the drain needs improvements - because the drain was improperly designed and causing problems, this is a Township expense issue - as someone who approved the original design for the Township did not do their job properly.

Todd Dokter at 10535 Antler Trail. I live in the Hunter's Creek drain area and would like to voice my
concerns and questions for repair of the drainage area.

1. Have hydrologists studied the current drainage area and seen a need for the drain to be altered because it cannot handle the runoff of water from the current residences? Is this a fix that needs to be done according to experts who have studied the drainage area and see a need for this, or does this arise from homeowners in the area?

2: What percentage of residences in the drainage area have been impacted by this issue? Is it a very small percentage of people or a large percentage of people? If it's a small percentage, have they looked at the individual domiciles and tried to address why they have water issues there? It seems if it is a large percent of homes, then it is a drainage issue. If it is a small percent of homes, it may be an individual residence issue.

If experts outside of the drainage area have studied the issue and see a problem based on calculated hydrology flows and the ability of the drain to sustain runoff, then I believe it is an issue that should be addressed. If this concern arises from a small group that have had water issues, then it seems it may be an individual residence issue and not a communal drain issue. I am strongly opposed to any drain alterations if the latter is the case.

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The next one is Rob Levenson at 10702 Deer Ridge Court:

I own a home at 10702 Deer Ridge Court in the Hunter's Creek subdivision. I want to be sure that you have my comments on the matter of the Hunter's Creek Drain Petition for Improvements, which will be discussed on Wednesday, June 1st.

I am not in favor of the drain improvements and do not support bearing the burden of the costs for the project. We have lived here for the past 5 years and have not had one problem with the drainage of our property. I understand that drainage problems exist in other isolated areas of the newer phases of Hunter's Creek. I can sympathize with homeowners who have fallen victim to a poor plot layout that was executed when their houses were built; however, I do not support spreading the costs of the expensive improvement project to the majority of homeowners who are unaffected.

I urge you to consider the fairness of this issue and act to ensure that the majority of unaffected homeowners are not forced to pay for a project that benefits a select few.

Thank you for your consideration on this matter as I will not be able to attend the meeting.

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The next one is Randy Utting, 3619 Elk Court.

I'm a Hunter's Creek resident at 3619 Elk Court. I cannot attend the Holland Township meeting tomorrow, but wanted to send this quick email. I would not be in support of any drainage changes for Hunter's Creek until
I knew the scope of the problem, the specific drainage areas to be altered, the total costs, and the property tax assessment per resident. Don't our Township property taxes already cover these types of improvements if they are deemed necessary? Thank you.

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The next one is Randy Hop at 10516 Hunter's Creek Drive. I'm not in favor of paying any additional costs for improvements/upgrade to the Hunter's Creek Drain.

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The next one is David Kirsch at 10586 Antelope Drive.

Members of the Board, as a resident of Hunter's Creek I felt compelled to write this letter in support of the petition requesting improvements to the Hunter's Creek Drain.

I believe that the improvements are absolutely necessary. This is best supported by the three massive floods that have occurred over the past three years.

(Please see the attached file for data and pictures.)

The drain system as it exists today is inadequate to assure area homeowners (and their insurance companies) that similar reoccurrences will not happen in the future.

Aside from the individual homeowners directly impacted by the flooding (property damage, insurance claims, insurance rate increases, loss of possessions, mental anguish, and potential related health concerns, all Hunter's Creek property owners will be impacted by post flooding issues. Property values of the homes that
have flooded will be lower. As these homes are bought and sold over the next several years, the reduced resale value will, in turn, reduce the overall value of the entire neighborhood and possibly the Township.

Failure to address the drain system will have a negative impact on the public health, convenience, and welfare of Holland Township. I urge this Board to rule in favor of the improvements.

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CHAIR. BILL CARGO: Could I ask you to repeat the address?

SEC. DAVE BUSMAN: 10586 Antelope Drive.

CHAIR. BILL CARGO: Antelope Drive? I cannot find it.

CHIEF DEP. LINDA BROWN: There are three names not on there. Ken, maybe you can point it out to him. It's right here.

SEC. DAVE BUSMAN: These are pictures that show the water.

The next one is from Kelly VanderZwaag, 10675 Moose Court.

My name is Kelly VanderZwaag. I live in the Hunter's Creek subdivision. My address is 10675 Moose Court (Zeeland). My wife Kimberly and I built the house in 2003 and have lived in it ever since. We have two drain catch basins on two of the corners of our property.

We are both strongly for improving the drainage in the subdivision. Here are some facts that make us feel this way:

1: We purchased the lot we built on in 2002. In making
plans for what style house to build we would frequent
the lot after/during hard rains. From 2001 (assessing
the lot before purchasing it) through 2002, the lot
NEVER had pools of water around the catch basins. The
catch basins now get 20+ feet diameter of pooling water
during a heavy rain.

2: We built a walk-out basement style ranch home. The
lot is sloped nicely for proper drainage. NEVER in the
first years did I ever question this decision. The last
three or four years have changed our minds. Up until
after the monster storm of June 2009 we never even had a
sump pump in our crock pit in the basement.

3. Praise God that we have never had a flooded basement
yet, unlike several neighbors. We do watch storms more
carefully and pray that we still stay dry. I know for a
fact that a neighbor behind us moved out after having
his basement flood two times within 11 months (July or
August 2008 and June 2009). So sad to see all of this.

4. There have been five plus times that I have ventured
out during heavy storms to check why the drains are not
draining in our yard. Every time I checked is -- it was
not from debris clogging the drain. It was just too
much water too fast for it to handle. Two times that I
have checked and the water was actually coming back out
of the drain flooding my neighbors and my yard worse.
During the monster storm of 2009 the drains were gushing
water out 2-3 inches above the standing water. I was in
belly button high water in my backyard and I wasn't all
the way to the drain yet.
5. If we ever move from this house the water drainage issues would be 20-25% of the reason for moving. No one wants to live worrying about flooding every time a heavy storm rolls in.

My neighbors and I wonder why it has gotten worse over the last three or four years. Is it because there are possibly too many homes on the drain? There are very few vacant lots left in the subdivision unlike 4-5 years ago.

Are the additions to Helder Park and the Jim Kaat Park (soccer fields/parking lots/ball diamonds) creating this?

I have attached pictures from the June 2009 storm. They were taken from my basement slider door during the storm (Northeast direction).

Thank you for considering fixing the drainage.

Feel free to contact me for any more information.

Here are more pictures.

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Corwyn Bergsma, 3567 Elk Court.

Dear Mr. Geerlings, I am writing to express my position on a petition to improve the Hunter's Creek Drain. I live in Hunter's Creek at 3567 Elk Court. I have lived in this subdivision for seven years now. I did have some drainage issues with water backup into my basement in the summer of 2009. I did fix the issue myself with the help of a licensed builder and insurance agent. My cost was about 3,4000.00$$ OOP. My water issues are now fixed and I have had no more wet basement problems.
I do not feel like I should have to support financially the drainage issues that a few homeowners are experiencing as a result of the way/location their homes and basements were constructed.

I oppose asking all of the homeowners of Hunter's Creek to pay for the improvement of a few who have some personal home building flaws and flood issues.

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Next Eric and Ranae Hoogstra from 10616 Deer Ridge Court.

Thank you for your recent letter regarding the possibility of changes to the Hunter's Creek Drain. My public response is as follows:

No. 1: We are the homeowners at 10616 Deer Ridge Court in Zeeland, Michigan and our property is on the drain. When our home was built, we knew about the possibility of flooding problems and took specific action steps (at our expense) to raise up our back lawn to prevent flooding. Please note since we built more than 13 years ago, we have not had one single problem with flooding.

No. 2: There were a number of times ten plus years ago that the creek would overflow and parts of our back lawn would be under water. In the last five years, even with all of times with significant rainfall, there is significantly less issue than when our home was initially built. In fact, the creek rarely even floods.
Knowing that the Hunter’s Creek Drain rarely overflows, why would the Commissioner go to these lengths and expenses on all of the homeowners in Hunter’s Creek? From my experience, it is only the homeowners who did not plan ahead, or to push the limits of property construction in a flood plain who are having problems. The rest of the owners in Hunter’s Creek should not be required to pay for these who did not build prudently.

PS: I would appreciate a response that you received this email.

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Jeff Jungling, 3604 Elk Court: Hi, I am a resident of Hunter’s Creek (3604 Elk Court) and am sending this email to report that we have not had any drainage problems on our property (nor have any of our immediate neighbors in our phase of the Hunter Creek development). We have lived at this address for approximately 15 years. I am very concerned that this particular issue would involve substantial costs and place a further economic burden on all of us within Hunter’s Creek. Please, let’s not overstate the problem/issue.

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Phil and Debra Kamps at 10726 Deer Ridge Court. We are property owners within Hunter’s Creek Drainage District. We have owned that property and resided there (10726 Deer Ridge Court) for 19 years. In all those years we have never experienced a problem associated with drainage. We do not agree with the need to use...
We have heard of a few isolated cases. These isolated cases in which individuals have issues we consider to be individual private issues that resulted from the inadequate/improper construction of their main dwelling, improper placement of out buildings/swimming pools, inadequate private drainage systems they installed, improper site plan (elevation of dwelling), etc. This is not a Hunter's Creek development wide issue and we firmly do not support.

We are getting there. David Lutz at 10714 Deer Ridge Court.

I understand that there will be a hearing on June 1st to discuss the possibility of improvement work to be made within the Hunter's Creek Drainage District. I live in Hunter's Creek and have for roughly 15 years. I would like to share two pieces of input into your deliberations. First, I have never experienced any flooding problems on my property nor in my dwelling. Second, in light of the current economic circumstances, I believe it would be a significant mistake to be spending our limited tax dollars in this area.

Thank you for the opportunity for input.

The last one, Dr. Richard Albright.
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DR. RICHARD ALBRIGHT: I'm present.
SEC. DAVE BUSMAN: I will have you comment, then.

That is the end of the written comments, Mr. Chairman.

CHAIR. BILL CARGO: I don't know if it's a record,
but it's pretty close.

SEC. DAVE BUSMAN: It was a lot.

CHAIR. BILL CARGO: At this point, we are going to
start in the front row. Everybody will have a chance to

If you have specific questions, direct them to
me, and at that time I will ask the Engineer on your

behalf. Again, we are trying to determine if there is

necessity for this project. So, share any comments that
you have. We'll start in the front row. Please give
your name and address.

MS. DAWN KIRSCH: I'm a little nervous. I see half
the neighborhood here, half these people here deal with
the flooding, and I am not a public speaker.

I'm Dawn Kirsch, 10586 Antelope Drive, and you did
receive a letter from my husband. I wanted to also be
here to support this today.

We have flooded all three times, June '08, June '09,
and August of '09, and I'm a little offended that some
of the people that sent these letters insinuated that we
have not done our fair share to correct this problem on
our own because that is not the case.

We currently have three sump pumps in our pit. They
run constantly. I cannot leave my home without having a
neighbor have to check in on it every single day that we
are gone, for fear there is water in the basement. This
happens time and time again.
Every single time that we go, I'm a nervous wreck. Every time the rain comes, I'm a nervous wreck. It's ridiculous. I hate that people think it's just a home building problem. That is not it. Our home was properly built.

You can see from the photos that we had submitted. Our entire backyard sits under two feet of water during some of these heavy, heavy rains. In one of the pictures we had sent in, there was a fire pit, and you can see that fire pit is 18-inches high. It's nowhere to be seen. That is ridiculous.

What I was told when I went in to speak to him a year and a half ago is we are at the end of the line where all the drains come. So, everything is feeding into my yard. Now, how can that be my personal problem and why would I have to only bear the burden of the cost when it's something that I have not ever dealt with before.

One other thing I would like to bring up is I'm curious about the size of the drains that are behind our home. Whatever was written in the plans for this neighborhood, if I'm not mistaken, I think it was a 15-inch drain, and we had some plumbers come out and check those drains, and they are 12-inch drains under the ground.

So, somewhere, somebody is at fault for not monitoring that or enforcing the fact that whatever was approved was not put in.

Our insurance rates are ridiculous. I just got a
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renewal. My insurance is now more than double as a
result of this flooding due to nature. I have done
everything we can do to prevent it from happening. I
think that people that are not supportive in getting the
additional cost to bear the burden would vouch for the

fact, yes, we have done all we can do. Where that pen
is pointing, that is my house.
So, I wanted to be here to say that I support this.
Please consider those that have had to deal with it. I
mean the expense is just tremendous. Not only have we
had the burden to move out of our homes several times,
and have to have cleanup crews come in. We have lost
possessions and work time. It’s ridiculous and the list
goes on and on.

CHAIR. BILL CARGO: Quick question. Your
neighbors -- you have had property damage. Have your
immediate neighbors?

MS. DAWN KIRSCH: He’s here.

MR. TOM BROWER: We have spent thousands of dollars.
Tom Brower, 10574 Antelope Drive. We live next to the
Kirsches. Again, I’m in support of something being
done.

Again, we’ve had three flooding instances between
that 2008 and 2009 time frame. We have spent, probably,$30,000 in repairs and improvements ourselves.

You know, again, from what Dawn was saying, our
biggest concern, and what we would like to see addressed
is what is causing it. Was it an inadequately designed
system? Is it from Helder Park that is contributing to
the excessive runoff? Was the design done wrong or was
it installed improperly per design? Do we have flaws in
the drain itself and is it filled up, clogged with
sediment?

There may be a solution. I don't know if it has
been looked at, but that is what we would like to see.
A lot of the people that are opposed to the improvements
seem to be in the southern end of the development. We
are in the northern end and, again, I think from
independent plumbers' assessments, a lot of it is being
contributed from that runoff from Helder Park.

I mean, all the new improvements. It has gotten
worse in the last couple of years. The first flood in
2008, it was a 100-year flood. You can overlook a
little bit of that, and come to an understanding of
that, but we have had instances with two inches, less
than three-inches of rain in the last two floods where
we had the problem.

You know, like Dawn said, every time it rains, we're
in a panic mode. We can't go away on vacation, if there
is a storm forecast or coming. So, it's just an ongoing
concern of us, and probably the Kirsches and us probably
seem to endure most of that. I don't know.

Again, as far as the building of our home, we bought
a spec house. If it wasn't built properly or with the
right grade, you know, whose responsibility was it to

ensure that it was done to code or whatever? So, I
think what we need to do is start by looking at maybe
there is a reason why this is happening, not specifically redesign the whole drain system, but it may be something related to Helder Park or drains are filled.

In our backyard where the catch basin is, we have two catch basins, and the last catch basin which is on their property, it takes a 90-degree turn right there. So, for some reason, that's where it connects. It does not have an adequate outflow. I think that's where we need to start.

But, hopefully, we can at least come to terms to what is causing the problem, and, again, I know there is some people that don't have problems, don't feel right about paying additional costs. Maybe we don't have to pay additional costs. If the drain was designed inadequately, should it be our responsibility? I think that's what we need to see is if the drain was designed per specs.

You know, a lot of people say I don't want to pay for somebody else's problems. It's no different. We are retired. We don't have kids in Zeeland Schools. We pay Zeeland property taxes for the schools. We don't have a problem with it. It's just the way it is. Hopefully, something can be done and we appreciate your efforts.

Thanks.

MR. KURT BOMERS: Kurt Bomers, 10755 Deer Ridge Court in the very southwest corner of the development. We have been there about a year. We've had not had water in our basement as of yet. The sump pump has been running a little bit off and on in the spring. We live
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8 on the creek. It goes up four or five feet and it goes back down.
9
10 We end up with everybody else's debris from upstream--trees. We have been told from the people, neighbors before, it gradually gets worse and it goes up higher and higher. I obviously don't want to pay the money. We have not had water in our basement.

15 Something needs to be done. It's up to the Engineer.
16
17 CHAIR. BILL CARGO: Have you had property damage?
18 You say not yet?
19
20 MR. KURT BOMERS: It's up high enough on the creek, it has not gotten to the basement, but part of our property is on the other side of the creek.

24 I'm on the southern end of the subdivision. I have had not any problems as far as damage within my house, but I do live next to kind of a lower part of the drain that comes off the farm fields, and there is a restriction

that goes underneath Elk Drive underneath the road.

In the events, what has not been ever mentioned, the three major events, water will come up and go over the road. It won't come up and reach my house. We have seen cars stall out, basically, in that part of the subdivision as they try to traverse that.

I have remediated my own problems that I have had. Again, I have not had damage, but I did have some issues with sump systems not being able to keep up with the water in the neighborhood.

My sump pump runs on a pretty regular basis. Again,
I keep an eye on and an alert alarm on it. I have an alarm and monitor, and understand what is going on. I would have a couple of questions for the Board and Engineer. One is: In reviewing the covenants and restrictions for the different phases in the subdivision, in Phases 6 and 7, there is mention of a special assessment, particularly, for those phases for maintenance of the drain, and there is no specific mention of that same clause in any of the other phases within the subdivision.

There is also very, very detailed and strict requirements for those two phases, as far as the elevation of the houses, the markers that are there, and the information that is supposed to be referenced as far as the placement of the houses, and specifically referring to the house drain, how it was designed in the first place.

So, I would ask if anybody in those areas have ever read their covenants and restrictions and checked their elevation plans and checked their design, and see if they are in conformance with what was specified in those documents for covenants and restrictions for those two phases.

My question for the Engineer would be: If any study goes further, if -- has any study been done, yet? Also, within those documents there are flow diagrams of the direction that the water is supposed to flow off each and every platted lot, and through the drain fields.

So, one of the first steps is to confirm that everything is the way it's supposed to be. It's flowing
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in the direction they are supposed to. The houses are built the way they are supposed to be, and making sure that the phases by phases within the subdivision, that things were done correctly.

I'm on the south side of the subdivision. I have my own issues to deal with. I'm not in an area with that strict enforcement or details within the plat maps.

CHAIR. BILL CARGO: I can answer on behalf of the Engineer. They have not done the study. They won't do the study/investigation until an authorization is given. Is that fair?

ENG. KEN BOSMA: That is correct. Phases 6 and 7, there was a 433 drainage district set up. They were the newest phases of the development. Prior to that was not also developed through the Drain Office.

CHAIR. BILL CARGO: Which is now normal procedure for subdivisions to be part of the drain district through 433, you say?

ENG. KEN BOSMA: Correct.

CHAIR. BILL CARGO: This side. The gentleman in the green golf shirt.

MR. TERRY PFANNENSTIEL: Good morning. Terry Pfannenstiel, 10743 Deer Ridge court, next door neighbors to Kurt and Lisa who were up here just a little bit ago. My wife and I purchased our property in 2007, and our home does have a walkout basement lot. We've had no property damage from any of the flooding, so far. But it is a concern.

One of the questions that I asked over and over of
the realtor: Because of the creek, is there any potential flooding or hazards? Not a problem. It wasn't the first year, but 2008, the before-mentioned storm was an eye opener, but, again, it was what it was. Something has changed. The water we're now receiving, where is it coming from -- an inch of rain, I'm on an area where it curves around. I have got a regular lake back there all the time. The debris, it's all doable, but my concerns are these rains. Even with a small one-inch rain, where is the water coming from? Is it going to continue or get worse? That's my concern. Thank you.

MR. GLENN VANDERPLOEG: Glenn VanderPloeg, 3543 Elk Court. The back of our property does back up to the creek, as well. We have not had an issue back there at all with the water. We have been there about 11 years. It comes up to a point. It does not get higher, but wider to where we are. It has gotten wider, looking back over time. It comes up and goes down quite quickly.

I guess my bigger concern would be in the road. We're kind of across the street from Larry, and I have seen areas where the drain just backs up, and there is -- the whole road floods. It was up, I would say, two feet.

COMMENT: Three feet, easy.

MR. GLENN VANDERPLOEG: Up to the curb, and we had the water back up, and all of a sudden, a couple hours later, it released, and it went away. I don't know if the release is not working properly. It seems like
maybe there is an issue in there.

Also, on Elk Court, as somebody else stated, that the County come by to fill in the hole. We have a sink hole that develops every year, and they keep coming back, and there is water by that. I don't know where the water is coming from. They have running water gushing through it all the time when it's not raining.

No flooding in my basement. I feel -- I don't even have a sump pump in my basement. I have water in the sump hole. I don't have a pump. It stays there. All I have is an issue in the back, and I have a pool back there, and I have a drainage issue. My concern is mainly the road. I'm taking care of the pool area, personally.

MR. RICK PETZAK: Hi, Rick Petzak, 3653 Elk Court. So, our property butts right up to the creek -- the drain behind is. We have lived there since 1998. We have never had any flooding or property damage. We watched the creek rise and fall again. We have seen some of the areas in the road that Glenn just described. That is an issue.

I guess, just a general comment, I find it hard to give a recommendation on this whole thing without knowing all of the information, which is part of what we're here to gather -- the information, and I think in

the email that I wrote, I would recommend that we have a follow-up meeting, so that people can hear the whole
DR. RICHARD ALBRIGHT: I'm Dr. Richard Albright, 3650 Elk Court. I think a couple of things have come through in the stories that we have heard, and in the emails that have been submitted. One of them is that the problem seems to be limited to what we referred to earlier as 100-year events. So, this is not a daily situation that we are dealing with.

Second of all, the problems appear to be limited to a very small portion of the people in the subdivision. We need to keep it in mind while we consider potentially assessing everyone in the drainage district.

Third of all, I have had no property damage. The only time that I ever had water in my basement is when the grading was put in for Sections 6 and 7, and ironically enough, I did not ask a single homeowner in those sections to help me. I put in a sump pump, and battery backup, and took care of the problems myself. There are others that submitted written documentation that they have dealt with issues themselves. At least one person has said a flooding problem that he has, he dealt with himself. That's how I feel it should be dealt with.

MR. JOHN McGEEHAN: John McGeehan, 3570 Elk Court. We have been there for 14 years since we built the house. First, I want to give you a guys a little pick-me-up. There is a lot of tension. It's a wonderful neighborhood, other than the rain, and the neighbors are part of that reason.
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We feel safe to have all our kids run around and
often we're calling each other, a neighbor, have you
seen our child; no, is he in your yard, or they're
calling us. That part is great. That may be
contributing to us staying. It's wonderful to have
baseball, soccer fields right in the neighborhood.

My biggest concern over the years is the bridge. The
kids love to play on the bridge and 104th is very busy.
I was always concerned that would be the first problem
that somebody would die on it. It's very narrow and
very slick when it's icy, and that new bridge is
wonderful. Whoever is responsible, maybe it was not
you, but kudos to you for that.

As far as the water is concerned, I recommend that
the Engineer, before you proceed, highly recommend, that
you talk to Bruce Kleinheksel. He has training in the
area, and he has lived there for many years. I think
that the comments of the clay are very relevant. I
cannot dig in my yard in the summer. It's concrete. It
does not soak in the yard. It runs off. He also
mentioned the grading of individual yards. Is it a
homeowner's responsibility? Most people don't have
technical training in that area, but I'm confident that
a number of yards were not built to a design that
somebody designed and handed to somebody, and it never
went to the homeowner, and the home has changed owners
three times.

What I see is my house has never had a water issue.
I have seen neighbors have a water issue, and I also
seen basements flood, sometimes because of landscape.
Where there is to be a drain, there is landscaping, a
berm instead of a ditch. There is mulch in the
landscaping. I have got out when the water is creeping
up to the neighbor's daylight windows and removed the
mulch and watched it drain.
I have dug a trail, and all of a sudden, the backyard
drains real fast. It's not nearly all the problem, but
occasionally that is part of the problem.
The other concern, say, we were to fix half the
problems, individual yards, and those are addressed,
suddenly the water would not be trapped in the
backyards, and they would go into the drain, and we're
hearing problems at the end of the drain, and we would

have more water going into the drain -- to create more
problems. I think there is a lot of issues there, and I
appreciate it.

CHAIR. BILL CARGO: What was your address, again?
MR. JOHN McGEEHAN: 3570 Elk Court.
MR. CHRIS POLICH: Chris Polich, 3725 Elk Drive, and
my property is on the creek on the southeast side, I
guess it would be. We have been there since 1998, and
we have never had any water back up into the house. We
don't have a sump pit. We don't need a sump pit, and we
would have a concern about paying any additional
assessment.

I did, however, have, because I'm on the creek, we
have had soil erosion back there, but last year we spent
several thousand dollars and had our soil restored, and
put rip rock along the creek. It's no longer an issue.
We have remediated all of the issues on our property, and, again, my wife and I would not support any additional assessment on any household on our street to remediate issues dealing with Phases 6 and 7 for previous drainage issues that probably should have been taken care of when the homes were built or when the subdivision was developed. Thank you.

MS. MILLIE JANSSENS: Good morning. My name is Millie Janssens. We live at 3520 Fawn View Drive. We have lived there for over 12 years, and we have never had any problems with moisture in the basement.

My heart goes out to the people who have had a lot of problems. It seems to me it has been mentioned before that the majority of the problems are on the north end of the subdivision, and it seems to me that these are problems that the Township should be dealing with because it seems to me like a failure of the drainage plan, in general, and I don't think it's fair to ask the subdivision to pay for something like that when it should have been done appropriately by the Township in the first place.

MR. JOHN GROOTERS: John Grooters, 10534 Caribou Court. I have a drain in the back corner of my lot. I have had not any water problems, yet, but I'm draining eight yards to that drain. I'm only supposed to be draining five houses to that drain.

And, if the other houses went to the other drain on the front row here, we would have more of a problem. I didn't bring this up over the years. They dug a ditch
in my backyard to drain my yard, so I can mow the grass.

It's getting worse because all that ditch builds up,
and, now, I have to dig it all back out, again.

It's getting to the point whose responsibility is it
to make sure that your neighbors drain their drain off

t heir yard correctly. I have got four of them that are
not. You know, I have diagrams in here that show where
it's not draining.

CHAIR. BILL CARGO: Do you want to share those with
us?

MR. JOHN GROOTERS: These are the houses. This is
draining correctly. The red is where they are supposed
to drain, and the black is where they are draining.
This is the -- this is my house. This is my triangle.
I have got actually a ditch running here. I drain this
house, this house -- all of the water off their roofs
into my drain. My water comes up to here.

I have got a sump pump that will do a four-inch tube.
I'm not going to have a problem. I have drains all over
the house because I have had a problem with drainage. I
can flood this house. I can flood this house, if the
water gets up high.

CHAIR. BILL CARGO: Your contention is, that is part
of the problem, that the drainage isn't working as it
was originally designed. You are actually putting more
of a strain onto the one outlet?

MR. JOHN GROOTERS: The line goes to here, but there
is no drain there.

CHAIR. BILL CARGO: There is an outlet. There is a
drain pipe.
MR. JOHN GROOTERS: There is a drain pipe but no outlet right there. That would solve the water problem in my backyard.

CHAIR. BILL CARGO: I appreciate that. Can we keep this for the record?

MR. JOHN GROOTERS: You can keep that.

MR. CHAD LUDEMA: Chad Ludema, 3432 Elk Drive. I'm the president of the Hunter's Creek Homeowners Association. I have received many emails over the years. There has been, I'm guessing, 30 or 40 homes that have had flooding issues. Typically, between Antelope and Antler, and they have already spoken.

In between Elk Court and Elk Drive where the backyards come together, it does not seem like the drains can handle it. The people along the creek are typically, what I have heard them say, there is a reason why they named it Deer Ridge. It's on a ridge. Those people usually do not have flooding issues.

There is a drain behind my house. One between my house and my neighbors. We watch it. It's in the woods. It picks up wood/debris. We clean it out. We watch it. We clean it. It has not been a problem.

Those two areas of Antler Lane and Antelope and along the baseball fields and on Caribou, Elk, these -- those are the main issues that we have seen. So, thank you.

MR. RANDY RAPP: Mr. Randy Rapp, 3444 Elk Drive. I have been in the neighborhood for about 14 years. I'm
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not going to rehash a bunch of stuff that people have said.

A couple of new things: It's my understanding that the design engineering met the minimum requirements required by the Township according to the rules and regulations that was reviewed by the Township Engineer to meet the minimum code requirements, and I believe there might be some recommendations regarding in front of my house.

I have a drain. I drain a portion of the farmer's field behind me. I have two drains, and I have not had any damage in the basement. My backyard does fill up, and then, it drains out when the rains stop.

There was some recommendations, I think, by the original design engineer that talked about some issues that weren't -- that have not possibly been met, according to the design, that it was in our phase, which is why it builds up in front of our house a little bit.

So, I think that the Engineer might want to review it, but I would not be in favor of a whole subdivision being charged for what is happening in other places.

Thank you.

MR. SAM VRIEZEMA: Sam Vriezema, 3551 Elk Court. I'm actually right next door to that catch basin that is there, and the pipe that runs from that catch basin to the drainage ditch, I will tell you, is constantly flowing water. Multiple times in the middle of July, middle of August, we wonder where the water is coming from. I'm not sure what the answer is.

But a lot of the issue is the north part of the
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If there is someplace for a basin to be built coming off the parks -- the water is constantly coming from there.

We did have damage in June of 2009. Three times, now, we have 100-year rains. I figure statistically we should be pretty good for a few more hundred years.

MR. STEVE GRASSMID: My name is Steve Grassmid. I live at 3601 Elk Court. Out of whatever everybody does or that will have anything done, it's going to impact me probably the most because they're taking a creek and moving it about 250-300 foot away from my house.

My whole house has been built around the creek. It's on an angle conforming to the creek.

MR. TIM GENZINK: My name is Tim Genzink, 3603 Elk Court.

MR. STEVE GRASSMID: His house is the exact same thing. We are totally against this. When I built my house, I spent about an extra $12-15,000 putting stone and tile in -- prepping it for water.

I talked to a realtor -- a couple of realtors. By them moving the creek 300 foot away from our house, our value of our house would depreciate, approximately, $30-40,000. So, we'll be, I think, impacted the greatest on this whole thing, and I'm totally against it.

DRAIN COM. PAUL GEERLINGS: A question for the Board and this Gentleman. Where did the information come from about moving the creek?

MR. STEVE GRASSMID: From here.
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CHAIR. BILL CARGO: The red line is the boundary of the drainage district.

MR. TIM GENZINK: So, you are not moving it at all?

CHAIR. BILL CARGO: That's the boundary. Some of it follows the creek, but it follows the flow of the water. If you go on the west side, the water goes in that direction, and if you go on the east side, the water flows another direction. It's the delineation. They are not talking about moving the creek.

MR. STEVE GRASSMID: It says on my paper I got, it will be deepening, straightening, tiling.

CHAIR. BILL CARGO: Under the language under State Law if we find there is necessity, we would say to the Engineer, you have the authority to do what is necessary including deepening, widening, straightening -- whatever is necessary for the drain within this red area. So, the area delineated in the red area is what we are talking about.

MR. STEVE GRASSMID: So you are not going to do that?

CHAIR. BILL CARGO: For us to touch a creek and change a creek would require huge amounts of permissions from the State of Michigan. I don't believe it could ever be done, at least NOT in this situation.

MR. TIM GENZINK: Why did it say straightening?

CHAIR. BILL CARGO: There may be straightening. Remember we talked about there are 90-degree bends in the storm drains. They may decide there is something simple they can do to get rid of the 90-degree bends. Maybe that is where sediment is building up. It's simply language that is boilerplate in State Law, and in
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the petition that talks about the drain, in general, not the creek, which is part of the drain, but the other drain that is manmade.

Okay. So, there is no discussion at all about straightening or moving the creek. It would be very difficult for us, for the Township, or the County to even get the necessary permits to do that. Okay.

Paul, is that accurate enough?

DRAIN COM. PAUL GEERLINGS: Very much. I think when you leave here, you can turn right or you can turn left.

You have that permission, and the information on the communication that you received from the Drain Office, not from the Township, said deepening, widening, straighten the drain. What that means is that any one of those or some of those, but not necessarily all of those could be done.

CHAIR. BILL CARGO: We're going to go next to --

MR. JERRY WYRICK: Jerry Wyrick, 3458 Elk Drive. I was the victim of this. Nobody ever asked me about this. In 1997, before that whole phase was even built or even thought of being built, we had three feet of water in the basement. We met with the Drain Commissioner. They didn't do anything. Since then, we have resolved all our problems.

I think it's a Township issue or developer issue -- that they need to go back to get funds for whatever problems are further up, and they knew there were lot of problems, and there was a lot of shortcuts taken by the developer.
CHAIR. BILL CARGO: Please give me your address, again.

MR. JERRY WYRICK: 3458 Elk Drive.

CHAIR. BILL CARGO: Thank you.

MR. AARON DeWITT: My name is Aaron DeWitt, 10661 Antelope Drive. If you look on the map there, my house is right behind the softball field, right in between them. I have a storm drain in my backyard.

I'm not sure when the subdivision was developed, or when the drainage system was thought of. From my experience, my house did flood in 2008 and 2009. I was not home either time. So, I was not sure exactly what happened. But I happened to come home in 2010 from the spring storm with hail damage, and I have some video footage of water collecting on the softball fields, and they come together and drain directly in my backyard, which appears to be overloading the whole drain system there.

Water that comes out of the drain by a couple of feet, and then, maybe it's like someone flips a switch, like a light switch goes off, and the water starts to drain out. Until that happens, you have standing water that keeps rising and rising.

CHAIR. BILL CARGO: What's your address?

MR. AARON DeWITT: 10661 Antelope Drive. But the water coming off the softball fields have eroded the backyard.

CHAIR BILL CARGO: We don't have that.

MR. AARON DeWITT: Let me point it out to you, right here.
CHAIR. BILL CARGO: I see it now. Thank you.

(Video clip displayed.)

MR. AARON DeWITT: Actually, it might show up on there.

CHAIR. BILL CARGO: How long is the video?

MR. AARON DeWITT: A minute thirty.

CHAIR. BILL CARGO: That will be fine.

MR. AARON DeWITT: So, this is right after the rains, and it's kind of hard to see. If anyone wants to see it, as you can see the water pools up on both sides of the softball field. It comes here to get to the drain -- to right to the storm drain in my backyard.

CHAIR. BILL CARGO: Is that coming on an incline?

MR. AARON DeWITT: It's coming down an incline, coming off the softball fields.

CHAIR. BILL CARGO: To the Engineer -- was the drain in the subdivision suppose to take the water from the softball fields?

ENG. KEN BOSMA: The best it looks like, it has. The softball field was there before the development was. So, the development had a design with that in mind. That is why you see the rear swale, like you did.

MR. AARON DeWITT: When you say that the development was there --

ENG. KEN BOSMA: The softball field was there before the development.

MR. AARON DeWITT: Before Phase 6 or 7.
COMMENT: I have lived there for 23 years. The softball fields were not there.

MR. AARON DeWITT: This happens with every rain. I get two inches of the rain, and it come off of the field and it goes to the drain and immediately fills up the drain.

COMMENT: It does not need to be a 100-year event.

COMMENT: I have three sump pumps. One is a backup and two are working.

CHAIR. BILL CARGO: Which way does it flow? East or west, once it comes off the field?

COMMENT: I'm not sure which way the field is.

COMMENT: When it comes off of the ditch?

DRAIN COM. PAUL GEERLINGS: There is a catch basin that takes it out on Antelope Drive and flows to the west after.

COMMENT: This is from 2010.

COMMENT: This is three inches.

COMMENT: It's an every three month storm, not the 100-year storms.

(Applause from the Audience.)

MR. CHUCK SENNERTT: Chuck Sennertt, 10699 Antelope Drive. I'm the very last house on the very end next to the vacant lot. I have got to speak. Again, I'm a couple doors up, and I have got to agree with the gentleman in the blue shirt. I have the same the drain. It sits higher. Actually, my property has been measured four feet higher than the catch basin behind the Arendsen house, and it has a tendency to back up creating a lake.
I have standing water this wide in my backyard that does not flow in either direction. It's just sitting there.

In the wintertime, I get a lot of debris that backs up in the catch basin, and works its way up to my property, and it sets there. When it melts, it settles there. It does not flow in either direction.

I have had considerable damage done in the flooding. In the last couple of years, I have had an independent tile contractor install a backflow preventer, and behind my house, he believes that system is somehow there should be another catch basin off to my left property corner, but there is not. There is a vacant lot.

So, he assumes it's a combination of that lot being four foot higher than it can contain, and it should be reduced that amount so the water can flow into the creek, and the other problem is the water coming off the ball field.

Like, Aaron, I have had cascading water coming off the bank from the ball field. I understand they're going to be doing improvements to it, and I was told they were going to put some kind of tile system in that contains some of it. That, hopefully, will happen.

If we do get another hard rain, that water is going to back up from the catch basin and work its way up to create a lake. That catch basin does have considerable erosion around it.

The contractor and I looked at the catch basin. The water is undermining it around the manhole. It's not
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being maintained properly. It's a safety hazard to some
of the children, and in his estimation that is an
inadequate drain system.

I'll give you the gentleman's name and phone number,
if you like, but I did have him -- his approval to do
that.

CHAIR. BILL CARGO: You may give the name, and
address, and phone number to the Engineer afterwards.
That will be helpful.

MR. MIKE DYKEMA: My name is Mike Dykema, 10531
Caribou Court. I also have a drain in my backyard,
which feeds into a catch basin. I have seen three feet
of water covering the drain, and the catch basin is
probably 8 to 10 feet deep. I have seen that completely
flooded, and at that time, there was, approximately, two
feet of water covering the storm drains in the road.

As soon as those storm drains emptied out, the catch
basin was able to drain, and the water that I had in my
basement drained immediately at the same time.

Everything just kind of took off of like a syphon.
Everything in my basement that was floating and boxes
and things, they all kind of got sucked to my sump pump
hole.

Since that time, we have installed a sump pump,
haven't had water back since then, but we were flooded
two times up to that point.

Also, I do have drainage problems in my backyard.
The water should flow to the west. I actually got my
rainwater and my neighbor's rainwater to the house, to
the west, that flows through my yard. They don't -- the
water does not really make it to that drain.

What I'm having is sink holes forming in my backyard, and they are developing, and the holes are about bowling ball size. I have had conversations with the Drain Commission. They have sent Quantum Construction to repair the problems, and they have been out twice, and I'm still having sink holes forming.

CHAIR. BILL CARGO: Are the sink holes forming because of the drain pipe or some other reason?

DRAIN COM. PAUL GEERLINGS: I cannot answer that, discuss it. The reason is we've had so many of these petitions, I have been working on those and my staff has been doing maintenance. So, I would to defer to them to answer. I was not personally involved. It seems very strange that Quantum would be there twice, and it would still be there. They are a very reputable contractor.

MR. MIKE DYKEMA: What Quantum told me was there was a separation in the drain pipes.

CHAIR. BILL CARGO: That makes sense.

MR. MIKE DYKEMA: Things were not able to flow correctly.

CHAIR. BILL CARGO: I understand. That's what happens when you have separation. I appreciate it. Thank you.

MR. RICK ROELS: Rick Roels, 3508 Fawn View Drive, and even though I don't support a tax increase, I would like to give a little history. I'm right where the water comes from the farm field into the system that goes underneath Elk Drive. I built in 1991, and in
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those years, we fought water constantly. It was going
over the road. Any time we had two or three inches, it
could never really handle it.
I understand where they are coming from because since
the development to the north of us, we rarely get the
water issue coming over the road. We had it, I think
the same that Larry had during the 100-year flood thing
but, really, it used to be two, three inches of rain.
We were like they were. The water would be over the
road, and into Jerry Wyrick's house that he fixed, but I
never had any issues, but I have probably been there the
longest, and I have seen that water level, and it's just
ridiculous.

CHAIR. BILL CARGO: I appreciate it. Thank you.
MR. ANDREW PEIRCE: Andrew Peirce, 10612 Antelope.
Just to echo a lot of people's experiences, we had
flooding in '09, and just about every heavy rain. We're
at the start of the line to the storm drain, and it
starts backing up right away.
I could take ownership of a grading problem, if the
storm drain was running properly, and it's just not.
The water is coming out of it, coming back.
I would like to hear from the Engineer: Is there any
full report? I have heard a report on just comments
that we have an assessment of the problem. I know that
your firm was out in our backyard looking at the drains.
I think that either you or somebody had made the comment
we're at the start of the line, and further down the
line, there is not some problems, which I was told by
the engineering firm that would indicate there is a
problem with the line under Fawn View there, if we are backing up, and people further down the line are not.

So, I just feel like we're making -- there is a lot of negativity around this based on a presumed expense that we don't have an idea of how much or what we're talking about, rather than looking at it as if there is actually a problem.

CHAIR. BILL CARGO: Normally, what happens is we're trying to decide if that is a problem, and that is a decision we have to make, and if the Township has to pay a portion, and if we decide there is a problem, the Engineer will do the study, and they will decide what the actual problem is.

MR. DOUG MINER: Doug Miner, 3636 Elk Court. Most of the problems that I have seen have already been mentioned. This does seem to be more of a fact-finding meeting.

I'll go over my personal situation, and, then, I have a comment on the road, too. Personally, I have had water issues most of the time. I dealt with them myself. My neighbor and I called the water company one time. There is a water line going between our houses, to see if the water line was actually leaking. It was confirmed it was not. Then, it would have to be drainage issues.

I had -- my sump runs constantly or nearly constantly. The first five years -- my sump pump went
I just wanted to say that I have been having ongoing water problems. There is a drain in the corner of my lot. If you are facing away from the road or toward my house, it would be in the right rear corner. The yard behind mine, they were constantly flooded to the point that the only way they could put in grass was to put in sod. So, they were never able actually to grow grass because it is clay and so wet, I guess. I don’t know how to describe it. It was soaked.

So, any time it does rain, I have my yard drain. I may have some personal drain problems, but for the most part I have mine under control. I’m not necessarily in favor of paying for upgrades, but I do think there should be some type of investigation to find out -- maybe not investigation, but some kind of process where it’s looked into -- was the design done correctly? Or is the current system able to support what it should be doing? So, thank you.
any issues that way.

However, I have noticed a change. I would say in the last year, with the water flow, and specifically the velocity of the water. I had Paul Geerlings and Don out to look at my property. I have had some landscape damage, really, in the last eight months that I had not had for four years prior -- even when we had the 100-year flood in '08.

I don't have the velocity that I do now. I did take some pictures that I would like to present to the Board. And I'll hold this up for the rest of the group. During the typical rain, my property becomes lakefront -- so, during a rain storm, I would like to have it assessed at that point. That's typically what we look like.

Even last year -- a week ago, when we had about an inch of rain, and this filled up much quicker, and much faster, and much higher than I have ever had before. This is the result of the velocity change in my yard. I have got two photos.

This is the creek in my backyard. It makes the turn, and where it makes the turn, the velocity of the water is so severe that I have got tree damage. It's starting to move into my property, which is why I had Paul come out. This is just a little bit bigger picture of the tree, the very large -- a tree that was uprooted a year ago. The water was not close to that area when we would have a storm.

So, I know Helder Park has made some pretty significant changes for parking for the soccer field,
and when I see the baseball field runoff, it seems like that could be a big part of our issue.

The other thing -- so, in my mind, something needs to be done. At the end of the meeting, I think we had a target put on -- a red mark on houses that had issues. It looks like the northern part of the development had issues. I think it’s related to Helder Park.

But the other thing is, I guess, I want to bring up is when I had Don and Paul to my house, and they looked at the creek. They both said that the creek is natural, and we don’t really control the creek. It’s a natural flowing entity, and I am going to take responsibility for resolving the erosion issue that we are going to have. If we’re going to add more water to the creek,

then I think that the creek needs to be legislated and become part of the drain, because at this point no one is really taking any responsibility for it. Thank you

MR. TYLER OWCZARSKI: Good morning. Tyler Owczarski, 3568 Elk Drive. On the map, I’m pretty much at the top of -- I’m pretty much in the middle, at the end of Phase 4. We built and have been there since 1998, and we have not had any water issues. We do have a sump pump. We replaced it last year. So, the original one lasted 10-11 years.

We have had no water issues. I would not be in support of anything that would be assessed of the whole neighborhood. I do understand there are issues. I think one of the points that has not been brought up, the original developer did the first four or five phases, and there was a new developer for the new phase,
and I think that developer should be responsible for his own issues related to the two phases.

MR. DON KOMEJON: The gentleman sitting next to me had to leave, but left this.

SEC. DAVE BUSMAN: I'll do my best. Hans and Deborah Suzenaar, 3404 Elk Drive. We have lived at 3404 Elk Drive since 1995 and have had no issues. Not in favor of fixing the drain issues.

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MR. DON PELLEGRINI: Don Pellegrini. I have lived in Hunter's Creek since November of 1988. Back at that time Hunter's Creek --

CHAIR BILL CARGO: Address?

MR. DON PELLEGRINI: 10632 Deer Ridge Court. Back at that time, Hunter's Creek was built like a single street subdivision, and I experienced water damage when they put in Elk Drive, and the resolution to that problem was that I needed to regrade my property at my own expense.

I think a lot of the problems we're experiencing, right now, are very similar, as I hear comments about creek issues. As I recall, in the original plat that was all wetlands, and we were advised not to disturb it in any fashion for fear of exactly of what is happening, right now.

So, I think there has been individuals that have not taken the advice of the original plat, and disturbed the wetlands which was serving to act as a drain. So, I'm not in favor of taking any action at this time.

CHAIR BILL CARGO: Just a question for the Drain
HUNTERSCREEKDRAIN

Commissioner: Was this ever a regulated wetland?

DRAIN COM. PAUL GEERLINGS: Once again, I'm at

disadvantage. This entire Hunter's Creek development

was permitted or reviewed prior to my tenure of the

office.

CHAIR. BILL CARGO: Are you familiar with wetlands

being converted?

MR. DON PELLEGRINI: I can bring you a copy of a

survey. A third of my property is designated -- on Deer

Ridge Court is designated as such.

CHAIR. BILL CARGO: Designated wetlands? It would be

unusual to be changed into a subdivision. I'm not
discounting your comment. I'm wondering if anybody knew

that?

MR. DON PELLEGRINI: I think there were people over

the years here -- that the DNR defined it. I have lines

in the surveys that shows where the wetlands is and back

in the early '90s the Department of Natural Resources

would frequently come in and fine and reprimand people

who were trying to reclaim the wetlands.

CHAIR. BILL CARGO: Next.

MR. TOM SMITH: Tom Schmidt, 10528 Antler Trail. I

have a drain in my backyard, and I have not experienced

any flooding in that area. It stays -- the turf gets

wet and damp, but the drain is working properly.

I have had no water damage. I do have a sump that

runs year-round and backs up, and it's staying fine. I

know that across the street on Caribou and by the church

there was leakage to one of the houses. It has an

enclosed, fenced yard that has a pool. The neighbors
had a tough time keeping it cleared out, and it flooded their basement. It's part of the block catch basin. I'm not in favor of incurring -- I would like to have -- find out more information from the Engineer's perspective. Is it a design flaw or water coming from Helder Park, or from the actual scope and design perspective?

MR. LARRY DYKEMA: My name is Larry Dykema. I live at 3604 Caribou Drive. I have lived there since 2001, and I have no problems in my basement. I have one sump pump, and when it rains hard, I do have water in the backyard, but that is something that I can live with, but I'm not in support of everyone paying for a small portion of the people who have problems. Thank you.

MR. RON LAMER: Ron Lamer, 3494 Fawn View Drive, and I actually do have a wetlands, as well, in my backyard, and we exit the water on Elk Drive underneath. I live next to Jerry Wyrick and Rick Roels is my neighbor, and a portion of our land is wetland.

That field behind us is on the farm. I think we take a little less water from the farm fields. When Phases 5 and 6 were going in, we took the whole field. When the water came over the road, it covered the mailboxes. There is a natural swale at the end of the holding pond at the bottom, and it spills over, and I would say that Larry mentioned it went over maybe two or three feet, and that has been the worse. It does not crest to the
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top of my mailbox, but we do have the natural spillway there.

We've had the Drain Commissioner come out and look at it in 2009, 2008. I have seen so many 100-year floods there, I can't keep the years straight. They have looked at it several times. The yards have been built up too high for the natural spillway. There has been some modifications to landscaping, but it does work as it was intended to work to come over.

So, I've never had water in my basement. I'm opposed to contributing to improving the drain system when it comes down to if the Township does not pay the cost. As far as Helder Park, they put in Helder Park, and didn't put in a huge drain basin to collect the water. All that has been done to the park and sodded over. We're clay. It's not going to suck it in. It's just going to run over.

And the people in Phases 5 or 6 all put daylight and walk-out basements in, and they put a catch basin in. They are talking about the catch basins and how they have to keep them clean. Any time you put a daylight basement in and create a ravine, and the water is coming off of the ravine, and it's unfortunate. It's not that we have a problem with Helder's Creek (sic) and the ballpark, and Phases 5 and 6, a lot of people are represented from 5 and 6, and they seem to be the people that are having the most difficulty.

COMMENT: Phase 7, too.

MR. BILL BURK: My name is Bill Burk. I live at 3560 Fawn View Drive -- a few houses up from Ron. I have a

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catch basin in the southeast corner of my property, and when I first moved to the neighborhood, I really didn’t have much of a problem with water. I have since, in the early 2000s, had a couple of floods in my basement. I worked with my neighbors. We made some changes to the south of me where I believe one of the pipes had crushed, and I went to my neighbors and we replaced.

That kind of mitigated most of the problems, but the reality is there is a water problem in Hunter’s Creek, and I want to do whatever it takes to support what goes on there and my neighbors that have a problem, so we can say, as a community, we don’t have a water problem.

MR. LES ARNOLD: I’m Les Arnold. 10635 Antelope -- two houses down from Aaron, the guy with the video. My yard is up against the ball field, and the thing that I have seen is similar. We get the water fall off the ball park from my backyard, the entire ball field, up to the parking lot on the other side of the soft ball diamonds drains into my backyard.

The entire thing comes our way. It’s a problem. My house was built by Zeeland High School. I’m assuming they followed all of the codes, and in the yard, I have spent thousands of dollars in landscaping, below grade landscaping, drain tiles, moving my gutter drains.

I have had three serious floods. My total is not quite what the Kirsches is, but I spent $20,000 repairing flood damage.

I recognize there is obviously an issue coming to our neighborhood. When we get a significant rain, when you
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can't leave the house -- you always check the weather.

If I am going out of town for one day, I have four
sumps. It's all great, if we have power. I keep the
water out of the house, but I think that -- I think what
has to be addressed is Helder Park, from our standpoint,
everybody on the north side.

The rest of the system is what it is. You can fix it
but the issue is what is coming off from Helder Park,
when we are taking all of the water. When they put the
parking lot in, I was physically sick. They did it the
year after the big flood, and I saw they were putting
more asphalt in with no retention -- the small retention
pond by Jim. If nothing else, the ball field and park
have to be addressed.

MR. RODNEY WILSON: Rodney Wilson. I live at 3621
Fawn View. I have not had water problems at my house.
There is a drain that is immediately behind my house, we
have quite a dropoff from our house; down into the
drain, and that drain will get up to about four or five
feet high, but it does not come into my backyard because
of the houses in the development behind us.

I have personally helped the Kirsch's drain their
house or tried to. There is absolutely nothing that
they can do, as well as the Sennerts, their house, I was
in their house also helping them haul water out of the
bottom of their house.

Their backyards are completely full of water. There
is nothing they can do in regards to grading, and the
way their house sits and their backyard, there is
nothing -- it's a serious issue with the drainage back

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The water is all coming off the ball field. There's a pond in the backyard. It comes up. I looked at the Arnolds' house one day, and they had actually had water coming up the side of their house, which is also they are on Antelope. The whole area on Antelope behind the ball field and on the other side of the street, there is absolutely nothing they can do.

There is an issue that needs to be addressed. I would like to know why wasn't it designed right the first time? If it wasn't? Who is responsible for it? I don't want to pay an assessment. I don't think anyone wants to pay an assessment, but somebody didn't design it right.

CHAIR. BILL CARGO: At this stage, everybody in the room has been given an opportunity to speak. We're going to close the public portion comment of the meeting. We'll now begin some deliberations among the three of us.

However, one last time, is there anything that Holland Charter Township would like to add at this stage?

TWP. MANAGER DON KOMEJON: I don't think so.

CHAIR. BILL CARGO: At this point, I'm going to close the public comment section, if we have any questions or comments -- we'll deliberate now.

Dave, I'll put you on the spot. What do you think?

SEC. DAVE BUSMAN: Well, there is obviously a problem. It seems to be somewhat regionalized through
here. Obviously, there is a problem. Somewhat regionalized within the subdivision. There is some areas that have no problems and some areas that have significant problems.

The ball field seems to come up a lot. It appears there in the drainage district. So, if the project is recommended, they would obviously -- they have a fair amount of property in the area. So, they would be included. Is that a Township owner --

CHAIR. BILL CARGO: They could be included, both as part of the public assessment and actual assessment. The Township could be assessed twice. Once at large and if they own the property?

DRAIN COM. PAUL GEERLINGS: Publicly owned property used for public purposes is not an assessable entity as far as the Drain Code goes, unless the public agency says we have a responsibility and we'll well pay it. I shouldn't tell you that.

CHAIR. BILL CARGO: Because I have always agreed to them in Grand Haven Charter Township.

SEC. DAVE BUSMAN: How they work it out between the municipality -- it should be. It seems to be, at the end, there were a fair amount of people that are not interested in paying a special assessment. However, everybody within here is in the district. For that reason, for their water, roof or lawn water, everybody benefits if they have appropriate drainage.

CHAIR. BILL CARGO: Jim?

MEM. JIM MIEDEMA: I agree with Dave completely. It seems like the ballpark and Helder Park, if that's the
same thing or not, but a lot of the problems are on the north side, but it is a total community and drainage district. So, that's kind of where it's at.

CHAIR. BILL CARGO: My feeling is you do have what seems to be a couple of issues. First of all, I think you have a localized problem area. It seems to be in the latter stages of this residential development. However, one of the things that we have to talk about is sometimes self-reliance does not work. If the only way to make this drain properly is to deal with the public drain, the self-reliance worked because they have been able to solve the problems because they didn't have to use the public infrastructure in place to solve their problems.

In this instance, I don't see anything they can do to have self-reliance to solve the problem. They have to rely on the public infrastructure. Whether the public infrastructure was designed improperly, or whether it needs to be maintained, or if there is additional development that causes it to be insufficient -- it is not going to happen. What we are going to do is take a look at it -- it's something that we'll decide in the future. Apparently, somebody agrees with me, too.

So, the other thing from these comments is, I also believe there is a worsening issue. People along the creek have indicated there is something happening that seems to be making the issues worse. It might be an
aging system or it might mean there is additional maintenance that is needed, inside or outside the district.

There is necessity for the Drain Commissioner to go in there to make improvements. Of course, it will be started with the Engineer doing a study.

MEM. JIM MIEDEMA: We have had several comments that the water is rising, and all of a sudden it goes away, and there is something that is indicating it’s blocked, and then it moves, and we have to check that.

CHAIR. BILL CARGO: Given the fact we’re only here to make two decisions. This Board only makes two determinations. One of the determinations is whether this is necessary. Meaning, is there a problem that needs to be solved? Is it a localized issue? I do believe there is a problem. So, I’ll make a motion that the drain is deemed necessary.

MEM. JIM MIEDEMA: I support that.

CHAIR. BILL CARGO: Any comments or discussion?

(No response from the Members of the Board.)

CHAIR BILL CARGO: None. Given that, all in favor say aye.

(Each Member of the Board responded aye.)

And anybody opposed?

(No response from the Members of the Board.

There is no opposition. It passes unanimously.

Now, if a project is deemed necessary, we also have a couple of other motions that we can make. The first is whether a portion of this cost should be assessed at large to Holland Charter Township, and before I make
HUNTERSCREEK DRAIN

that motion, is there any comments, again? Is that something that the Township normally does?

TWP. MANAGER DON KOMEJON: Generally speaking, it's a Board determination, not an individual determination.

CHAIR. BILL CARGO: Because of that, I am going to say because Holland Charter Township has been -- because there is protection of property and public health, it may cause a portion of this to be found to be the responsibility of the park to the north.

I'll make a motion that the drain is necessary for the protection of public health in Holland Charter Township, and a portion of the cost be apportioned to the municipality at large.

SEC. DAVE BUSMAN: I'll support that motion.

CHAIR. BILL CARGO: Any response?

(No response from the Members of the Board.)

In that case, I will call the vote. All in favor say aye.

(Each Member of the Board responded aye.)

Opposed and against?

(No response from the Members of the Board.)

This passes unanimously.

The final motion that we have is giving the drainage district -- that they can subtract or add lands as necessary. If they add lands, they have to have another public hearing or public meeting. They can subtract land, if they find that the boundaries are not correct.

So, I'll make the motion that the drainage district be adjusted as necessary and lands be added or deleted.
MEM. JIM MIEDEMA: I support that.

CHAIR BILL CARGO: I made the motion and Jim supported it. Any further discussion?

(No response from the Members of the Board.)

Then all in favor say aye.

(Each Member of the Board responded aye.)

All opposed?

(No response from the Members of the Board.)

Again, this passed unanimously.

There is a lot of discussion on what the assessment will be, what the costs will be, and what the final engineering will be. There is a process that you can speak to the Drain Commissioner about that he can keep you informed as it moves forward.

At this stage, we have told the Drain Commissioner there is a problem that needs to be solved, and they need to come up with solutions, and apportion it at large.

That's only what I can do. Before I close this meeting, I'll give the Drain Commissioner a chance to make any final comments.

DRAIN COM. PAUL GEERLING: Thanks, Bill. Okay. The improvement to the drainage district has been determined necessary.

From this point, Ken Bosma, the engineer, will review what we have out there. We did not do it prior to this meeting. We didn't want to spend money and send you a bill for something that was not going to happen.

We'll get all of the details. We'll find out if there is a way to divert water from the north into new
HUNTERS CREEK DRAIN

17 drainage ways that is a lot less expensive than what it
18 is in place and it will make it better for folks that
19 have water coming down and out of their catch basins
20 rather than going in.

21 I would like to thank you for the wealth of
22 information that was brought forth today, and I learned
23 a lot about the situation that is out there. We had
24 about 35 -- we had exactly 35 complaints in our database
25 from the Hunter’s Creek area. It’s not just one or two

1 individuals. It’s a significant amount that had a
2 problem, and we’ll look forward to repairing that.
3 After the Engineer gets all the plans drawn up and
4 they go out to bid, you’ll be sent a notification that
5 the project is going out to bid, and there will be a Day
6 of Review at which time you can contact the Drain Office
7 by phone or in person to find out what your individual
8 assessment will be.

9 And one more thing. I think I would be remiss if I
10 didn’t thank you for the decorum you have shown. Water
11 in a basement is a very personal issue. Paying for
12 water improvements and storm water improvements when the
13 money comes out of your pockets is a very personal
14 issue, and thank you to the Board and Nancy for your
15 participation.

16 CHAIR. BILL CARGO: With that closing, unless there
17 is objection, we’ll stand adjourned.
18 (Board of Determination Meeting Concluded.)

19 ****

20
CERTIFICATE OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN
COUNTY OF OTTAWA

I, Nancy A. Spykman, Certified Shorthand Reporter No. 525 and Notary Public do hereby certify that this transcript consisting of 75 pages is a complete, true, and correct transcription of my stenographic notes of the testimony held in this Board of Determination/Hunter's Creek Drain Hearing on June 1, 2011.

I also certify that I am not a relative or employee of or an attorney for a party; or a relative or employee of an attorney for a party; or financially interested in the action.

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