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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: COOPER DRAIN
BOARD OF DETERMINATION
HELD VIA ZOOM

Proceedings commenced at 10:00 a.m., on Thursday,
August 27, 2020, with all appearing via Zoom, in Michigan,
held before Marjorie A. Covey, CSR-2616, Certified Shorthand
Reporter and Notary Public.

APPEARANCES
(All appearing via Zoom):

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Chad Meints, Water Resources Chief Deputy

- Mr. Steve Koski, Attorney, Fahey Schultz

- Mr. Rich VanderKlok, Board Chairperson
- Mr. Larry Bruursema, Board Secretary
- Mr. Ron Brink, Board Member

- Mr. Bill Cargo, Superintendent, Grand Haven Charter Township

- Mr. Paul Forton, Engineer, Spicer Group

1 Via Zoom in Michigan

2 August 27, 2020 - 10:12 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Well good morning,
5 everyone. I'm Joe Bush, the Ottawa County Water Resources
6 Commissioner. And I appreciate everybody Zooming in this
7 morning to learn about why we're here and talk about the
8 Cooper Drain.

9 My name is Joe Bush, the Water Resources
10 Commissioner. And part of my job when I receive a petition
11 from the people, or the township, and this one happened to be
12 a petition on the Cooper Drain to probably add an extension,
13 I have to hold a Board of Determination, and that's why we're
14 here this morning.

15 What that means is, by law, by Drain Code, I have
16 to appoint a three-panel board. And I have done that, which
17 is -- I'll introduce those folks in a minute. But in order
18 to move forward with this meeting, or this public hearing, I
19 have to appoint three people that have no properties or
20 jurisdiction in this area. So they don't have -- they're not
21 part of Port Sheldon or Grand Haven Township boards. They're
22 actually out of the area, but they're in Ottawa County. They
23 have to stay in Ottawa County, and they're residents in
24 Ottawa County.

25 So this three-panel board, their job is to see if

1 there is a necessity or a way to move forward with a project,
2 not the scope.

3 They don't know much about this area, that's why I
4 hold a public hearing. This is for the public time to talk
5 about flooding issues, that's why we're here, for all the
6 spring flooding or even past issues of spring flooding or
7 fall flooding, water tables and everything else. This is
8 your time to explain to the Board what's going on in your
9 neighborhood. Some things we know about, some things we
10 might not.

11 In order to do that, I have to get an engineer to
12 kind of do a drain district and do a notice. So everybody
13 got a notice in the drain district, or the proposed drain
14 district, I should say. And that would be in Grand Haven
15 Township.

16 So in order to move forward, this Board will see a
17 necessity or not a necessity. Not a cost, not a project.
18 They're strictly here today to figure out does this move
19 forward or not under my jurisdiction.

20 If they vote no, we don't do anything further; if
21 they vote yes, then we'll move forward with a project. But
22 we don't do the upfront project, engineering and all that
23 without going to the Board of Determination first.

24 We also have an attorney who works with us via
25 Zoom. Via the Executive Order we can't meet in person

1 because of the number of people we invited, and this being
2 the watershed that it is, we just went ahead and we have
3 Zoom. We get an attorney onboard and then he will go through
4 all that here in a second.

5 But that's kind of why we're here this morning.
6 Again I appreciate your time to learn and listen on how this
7 process works.

8 This is court recorded so we do have Margie.
9 Margie has done many, many of these. And it's court recorded
10 so we can use that later for the people, for the township,
11 for me, for a reference point.

12 It is not required by law to have a court recorder,
13 but I do it because it definitely helps down the road, who
14 said what, who said when, how does this work, the process.
15 It's word for word. It will be on my website usually in four
16 to six weeks.

17 So you can always go back and reference it if you
18 go to miottawa.org, go under Water Resources Commissioner,
19 you can find petition projects, go underneath there, there
20 will be minutes. And this is where you will find them.

21 So at this time I'll do introductions. We have
22 Steve Koski from Fahey Schultz. And then he'll talk a little
23 bit briefly about why he's here and the Executive Order.

24 We have Paul Forton, he's the engineer from Spicer.
25 We have Margie, the court recorder.

1 Then we have our three Board Members. The one on
2 the phone is Ron Brink, he's from the Zeeland Township area,
3 he's done quite a few of these.

4 We have Larry Bruursema. He's done quite a few of
5 these, he's from the Georgetown area.

6 And then we have Rich VanderKlok, and he is from
7 the Georgetown area as well.

8 So they're not board members of any other
9 neighboring township or the township board, so don't think
10 that, oh, yeah, it's going to go through because Joe appoints
11 people who are in the area. This is why I do not appoint
12 people in the area, nor can I, if they're not in the drain
13 district.

14 So moving forward, once I give these three
15 gentlemen the oath, who is my Board, then we'll move forward
16 and I'll give the oath. And then they'll pick a chair and a
17 secretary and everything that -- by the time we get to public
18 comment, make sure you speak your name, your address and your
19 comments.

20 You get usually three minutes and they'll go
21 through that. But that's why they're there to listen to you
22 folks who are either on the line or on the Zoom call.

23 So I don't think there is anybody else.

24 Chad Meints is my chief deputy. He was sitting
25 next to -- there he is. That's my chief deputy, just to make

1 it known on the record that he is here listening, and then
2 Sara might be coming and going, that's my secretary that
3 might come in and out of the door over there.

4 But other than that, I don't think the road
5 commission is with us today. They usually have some sort of
6 a say in it, either yes or no, or we're in favor of. And
7 typically, 99 percent of the time they're in favor of what
8 we're doing today, but I can't speak for them.

9 And I don't see anybody from actually Grand Haven
10 Township either, I don't believe. So usually there is
11 somebody from the township, but I don't see anybody to
12 introduce, they're not here today.

13 At this time I'll go ahead and give the three Board
14 Members their oath and then we will go from there.

15 Gentlemen, please raise your right hand.

16 And Ron, I assume your right hand is raised.

17 Do you each solemnly swear you will faithfully
18 perform and discharge the duties imposed upon you as required
19 by law, as members of the Board of Determination, appointed
20 by the Ottawa County Water Resources Commissioner, to
21 determine the necessity of -- or for maintenance and
22 improvement of the Cooper Drain located in Port Sheldon
23 Township, and Grand Haven Township, in said county,
24 gentlemen?

25 BOARD MEMBER RICH VANDER KLOK: I do.

1 WATER RESOURCES COMM. JOE BUSH: Larry?

2 BOARD MEMBER LARRY BRUURSEMA: I do.

3 WATER RESOURCES COMM. JOE BUSH: And Ron?

4 ATTORNEY STEVE KOSKI: Ron, you may have to dial
5 star six to un-mute yourself.

6 WATER RESOURCES COMM. JOE BUSH: I just want to be
7 sure he says, I do.

8 ATTORNEY STEVE KOSKI: If you just dial star six on
9 your phone, Ron, that will un-mute you.

10 BOARD MEMBER RON BRINK: I do. I do. I do. I do.

11 ATTORNEY STEVE KOSKI: There we go.

12 WATER RESOURCES COMM. JOE BUSH: All right. You
13 three gentlemen have the meeting, so go ahead.

14 BOARD MEMBER RICH VANDER KLOK: With that, we need
15 to --

16 ATTORNEY STEVE KOSKI: Joe, if you'd like me to go
17 over --

18 WATER RESOURCES COMM. JOE BUSH: That would be
19 great.

20 ATTORNEY STEVE KOSKI: I'm just going to go over
21 the Zoom proceedings first and then you can proceed with your
22 electing the Chair.

23 So again, good morning to everyone and welcome to
24 this Board of Determination. As Joe mentioned, this is being
25 held in compliance with the Open Meetings Act, which is done

1 through the governor of Michigan's Executive Orders to
2 adapting to the COVID-19 health emergency. Her latest
3 Executive Order is 2020-154 which allows for these meetings
4 to be held electronically through the duration of the
5 COVID-19 public health emergency.

6 We'll make every effort to ensure full
7 participation and transparency for those in attendance.

8 For each vote by the Board, we recommend they do a
9 roll call vote, after a motion has been made and seconded.

10 With respect to the public, we ask that you remain
11 muted throughout the meeting. There will be an opportunity
12 for public comment, as Joe mentioned. And I will help the
13 Chair of the Board facilitate calling upon each participant
14 that indicates they would like to speak.

15 And again, we have our court reporter here, Margie,
16 and I also am recording this on Zoom. So I just want to make
17 sure that everybody that gives public comment states their
18 name and address for the record, and that you speak clearly
19 so we can get everything that you say down.

20 If we interrupt you and ask you to repeat
21 something, it might be a little annoying, I understand, but
22 we want to make sure that everything gets on the record.

23 Public comment will be in accordance with rules set
24 forth by the Board, which they'll have an option to do after
25 they elect their chair and secretary. We usually recommend a

1 three-minute public comment period.

2 In order to indicate that you would like to comment
3 in the public comment, we ask that you virtually raise your
4 hand on here. So if you go to the participant's list, there
5 is a button below that that will say, Raise Your Hand; or you
6 can hover over your name on the list, and the drop down menu
7 to raise your hand, and that will have a little blue hand
8 that appears next to your name so I would know that you would
9 like to give a comment.

10 Likewise, if you are calling in by telephone, you
11 can dial star nine. If you dial star nine, that will
12 indicate that you would like to comment.

13 And, Ron, since you're on the phone as well, if you
14 have any other issues and something comes up, you can dial
15 star nine as well and that will indicate to me that you need
16 something from our end.

17 There also is a chat function on here, and I have
18 adjusted the setting on that so that you can only message me,
19 the host.

20 And if you do not feel comfortable or you'd rather
21 not to give public comment over Zoom, you can type it into
22 that chat. And just make sure you include your name and
23 address with your comment, and then I will be happy to read
24 that to the Board for you.

25 You can also let me know if you're having any other

1 issues with, you know, Zoom or anything like that, and I'll
2 try to help you out as well.

3 For those that are on their computer or device, you
4 probably see a mute button that will say mute or un-mute,
5 depending on if you're muted or un-muted, and so you have the
6 ability to un-mute that when it comes time for your turn for
7 public comment.

8 For people on the telephone, you probably heard me
9 say to Ron that you dial star six to un-mute yourself and to
10 mute yourself. So again, if you're on the telephone, it's
11 star six to un-mute yourself or mute yourself, and then star
12 nine to raise your hand.

13 If you experience any issues while you're doing
14 this, the best thing to do is just try to leave the meeting
15 and come back in, if you're having audio or video issues.

16 If that doesn't work, then I would recommend
17 calling in by telephone. If we lose one of our Board
18 Members, we need them, so if they have an issue, I would
19 recommend the same thing, to try to log out of the meeting
20 and log back in. And as a back up, just call in by telephone
21 with the call-in information on the notice. We will
22 obviously pause the proceedings while that happens for a BOD
23 member.

24 And just one more reminder that this is being
25 recorded, so please be clear for the record and try to not

1 disturb anything by making sure that you're muted throughout
2 the meeting if you're not participating.

3 At this point I will hand it over to the Board then
4 to proceed with their proceedings.

5 BOARD MEMBER LARRY BRUURSEMA: I'll nominate Rich
6 VanderKlok as the chairman of this meeting.

7 BOARD MEMBER RON BRINK: Ron supports that.

8 ATTORNEY STEVE KOSKI: So a motion has been made
9 and supported, I can do a roll call vote, if you'd like,
10 Mr. Chair, if there is no discussion?

11 BOARD MEMBER RICH VANDER KLOK: That's fine.

12 ATTORNEY STEVE KOSKI: That's right, there is no
13 chair yet.

14 Rich VanderKlok?

15 BOARD MEMBER RICH VANDER KLOK: Yes.

16 ATTORNEY STEVE KOSKI: Larry Bruursema?

17 BOARD MEMBER LARRY BRUURSEMA: Yes.

18 ATTORNEY STEVE KOSKI: Ron Brink?

19 BOARD MEMBER RON BRINK: Yes.

20 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank
21 you.

22 Let's, first of all, we've talked about public
23 comments and I would like to make a motion that public
24 comment be allowed for a time of three minutes per
25 individual, and once we do get into the public comment

1 portion, then Steve will put up a timer so that we are aware
2 that folks are sticking to the three minutes.

3 And so I will make the motion for public comment
4 for three minutes.

5 BOARD MEMBER RON BRINK: I support that.

6 BOARD CHAIRPERSON RICH VANDER KLOK: A motion has
7 been made and supported.

8 All those in favor, let's start with Larry.

9 BOARD MEMBER LARRY BRUURSEMA: Yes.

10 BOARD CHAIRPERSON RICH VANDER KLOK: And Ron?

11 BOARD MEMBER RON BRINK: Yes.

12 BOARD CHAIRPERSON RICH VANDER KLOK: And I vote
13 yes.

14 BOARD MEMBER LARRY BRUURSEMA: Mr. Chairman?

15 BOARD MEMBER RON BRINK: We need to appoint a
16 secretary too and I will make a motion that we appoint Larry
17 as the secretary.

18 BOARD CHAIRPERSON RICH VANDER KLOK: I will support
19 that.

20 So a motion has been made and supported that Larry
21 serve as the secretary, is there any discussion on that
22 motion?

23 Not hearing any discussion, Ron?

24 BOARD MEMBER RON BRINK: Yes.

25 BOARD CHAIRPERSON RICH VANDER KLOK: And I vote

1 yes.

2 Larry?

3 BOARD MEMBER LARRY BRUURSEMA: Yes.

4 BOARD CHAIRPERSON RICH VANDER KLOK: That is
5 carried. So we have the chair and the secretary, public
6 comment limited to three minutes.

7 And just for clarification, Joe, I think you said
8 that this was by petition for, did you say, for an extension
9 of the Cooper Drain?

10 WATER RESOURCES COMM. JOE BUSH: Yes.

11 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Then
12 the next item will be to have Paul, the engineer, give us his
13 overview.

14 And so, Paul, go ahead.

15 ENGINEER PAUL FORTON: You bet.

16 Margie, do you have my information yet for the
17 record?

18 THE COURT REPORTER: I do. Thank you so much.

19 ENGINEER PAUL FORTON: Well thank you, Rich, or
20 Mr. Chair.

21 At this point, Steve, if you could pull up the
22 presentation for folks to see. And we're going to let Steve
23 run the slide show. I'm going to move a few things around
24 here so I can see it as well.

25 And I have a couple different monitors here so bear

1 with me and we'll give you the background on the Cooper
2 Drain.

3 So as Joe mentioned, thank you, I guess, for having
4 us. And we were able to -- we were able to conduct an
5 inspection of the drain. We did that recently, and we'll
6 show you some of the photos of that.

7 So, Steve, if you could go onto the next slide.

8 In our outline of the presentation today we'll be
9 talking a little bit about the location as many of you are
10 not familiar with this area. I'll give you the background
11 and history of the drain. I'll talk a little bit about the
12 drainage district boundary, and get into the site inspection
13 photos, and then take any questions that the Board may have.

14 So moving on to the next slide, we are between
15 Grand Haven and Port Sheldon, west of 31.

16 And moving onto the next slide, Steve.

17 As mentioned this is a petition primarily to
18 extend, although during public comment we might hear that
19 there are other issues that we're not aware of. So for those
20 that are participating, I would appreciate very much your
21 experience. We've done an inspection of the drain itself,
22 but we really haven't had a lot of rain since the petition
23 was received.

24 So we don't have good photos of flooding or any of
25 the things that you've experienced. We waited until the last

1 minute and got some fresh photos here two days ago in hopes
2 that maybe we could provide that for the Board, but we're
3 going to rely on the landowners for that today.

4 The watershed that we're working within is about
5 one-and-a-half square miles. It serves approximately 116
6 parcels. It's just a little bit over two miles in length
7 when you add the branches. And the land use in this area is
8 primarily a mixture of agriculture, forested and residential.
9 So we have a pretty good mix of land use here.

10 Moving onto the next slide, this is a little bit
11 better map that you can see our location.

12 The drain itself, the Cooper Drain parallels 160th
13 Avenue. It outlets into the Little Pigeon Creek, just north
14 of the intersection of Pierce Street and 160th Avenue.

15 From there it flows in a northerly direction. If
16 we proceed from Pigeon Creek, it crosses Pierce Street,
17 parallels 160th past Fillmore, and then also continues down
18 to Stanton Street where it ends in that area.

19 So moving onto the next slide, again, this flows in
20 a primarily northerly direction and outlets into the Little
21 Pigeon.

22 Moving onto slide seven, we did not change the
23 boundary. This is the historic boundary that they had on
24 file, but it basically matches LiDAR. I know I've worked
25 with several of you Board Members before and you can see that

1 when we talk about a watershed boundary, that's an important
2 thing. There is several different names, it can be called a
3 watershed boundary, drainage district boundary. It's
4 utilized to generate an assessment roll for the parcels that
5 are within this.

6 For the benefit of the public if you're not
7 familiar with county drain process, you know, funds that are
8 used to pay for this project can be assessed to governmental
9 entities such as the townships that the property serves; but
10 also with U.S. 31 here, we've got MDOT that would be involved
11 potentially as what we call an at-large assessment for their
12 benefit to the road system. And the county itself, the
13 benefit to the county roads can be assessed at large. And
14 many times the remainder of the balance of that cost is
15 assessed then to the property owners that live within this
16 watershed boundary.

17 So it's a pretty important boundary when it comes
18 to utilizing not only design, but also the assessment and
19 recuperation of those costs.

20 And the other thing I'd like to point out while
21 we're on this slide is it's a colorized rendering of the
22 elevations in this area. And we can already start to see, if
23 you're used to looking at these maps, that this area is
24 extremely flat. Welcome to Ottawa County, there is a lot of
25 flat ground and you will see that here momentarily in the

1 photos.

2 So, Steve, if you would, moving onto the first
3 picture in our inspection.

4 We completed the inspection on August 24. And this
5 is a photo near the intersection of Pierce Street and 160th
6 Avenue. This would be facing north or downstream. And you
7 can see in the open channel here not a lot of flow. Actually
8 this was stagnant water that you see here during the time of
9 the inspection, so low flow conditions.

10 There is some woody debris in the channel
11 downstream and a little bit of accumulated sediment, but in
12 general it's looking fairly good.

13 I'm going to go through the photos fairly quickly,
14 gentlemen. To be honest with you, there is not a lot of
15 change as we proceed south over this two-mile length.

16 So the next photo is standing at the same
17 intersection facing south, and the county drain essentially
18 is the roadside ditch off to the right, or the west side of
19 this location of 160th Avenue.

20 So moving onto the next slide, Steve.

21 This is a picture from the ditch facing south, and
22 I just wanted to give you some perspective just on how flat
23 we are here. This system, given that it's very flat, you
24 know, water flows downhill unless we pump it. I say that
25 quite frequently, and in a system this flat we are at the

1 mercy of the grade or the elevation or the pitch of the
2 ground to get water out of this area.

3 And so it's of no surprise that it is a little bit
4 challenging to drain this area. But it also provides a
5 benefit for the blueberry fields adjacent to the drain given
6 the water needs of the blueberry plants.

7 So moving our way south, or upstream through the
8 system, this is a picture taken along 160th Avenue. Again,
9 the drain is off to our right. You can see that there is
10 some accumulating, oh, a little bit of brush, a little bit of
11 vegetation that's coming in that can obstruct the flow
12 occasionally, especially in a system this flat.

13 Moving further south I've got another photo here,
14 this is in a wooded area. Now you can actually see the drain
15 centerline, it's very clean. We have a channel that's coming
16 in from the west that brings in water from west of 160th
17 Avenue, but no large debris or any issues within the drain
18 through this region south.

19 Moving on from here we approach the intersection of
20 Fillmore Street and 160th Avenue. You can see another
21 blueberry field on the right -- or on the left and trees on
22 the right. And so again, very similar, and also if you
23 notice 160th, we're now paved and it's extremely flat. As
24 you look across the sections you can almost see from stop
25 sign to stop sign.

1 So rather than bore you with more roadside ditch
2 photos, we're going to jump from Fillmore here into our next
3 photo to Stanton.

4 And this is facing south from Stanton. It's
5 difficult to see in the photo but there is a set of railroad
6 tracks to the south here not too far away. The drain ends in
7 this area, and proceeds down some of the road side ditches,
8 but as I understand it from comments that I have heard, not
9 far enough to adequately serve the residents in the area.

10 But again, I would love to hear that in public
11 comments. Again, the folks that live in this area, you know
12 it way better than I do, and I would encourage you, if you're
13 able to provide comment not only for myself, but also the
14 Board Members, on your experience with the area.

15 So moving onto the next slide, just to talk a
16 little bit about the general conditions of the drain, again
17 there are some areas where we're starting to see -- well
18 there is woody debris in the downstream channel. But also
19 there is some vegetation that's starting to obstruct the flow
20 of the main drain along 160th Avenue. Nothing of major
21 concern, certainly something that can be mowed, sprayed at
22 this point, but in a very flat system like this, even one
23 little willow bush that can accumulate, you know, a Meijer
24 bag or a grocery bag or leaf debris in the fall, can
25 certainly impact how well the system functions.

1 And again, as mentioned, I believe by Joe and also
2 myself, it's our understanding that the petitioners would
3 like to extend the county drain along some of these roadside
4 ditches to provide a better outlet.

5 That would allow Joe's office to perform
6 maintenance on those roadside ditches and maybe not have to
7 rely on the road commission if they're busy in other areas,
8 to take care of deepening those.

9 And in the instance, once a channel does come under
10 county drain jurisdiction, many times Joe Bush will have
11 exemptions in his office that will allow him to do that
12 maintenance without the need for a permit, which is pretty
13 important in order to maintain these systems.

14 And so moving onto the next steps, the next slide
15 here, just kind of some clarification. If the Board does
16 vote no, no project will be completed, nothing will be done,
17 and that lasts for a period of one year. Joe's office cannot
18 accept a petition for a period of one year if the Board votes
19 no today.

20 Moving onto the next slide, if the Board does find
21 that a project is necessary, we would get into the survey,
22 engineering and design of a solution to solve the problems
23 that we hear today. There could potentially be property
24 acquisition or easements that are needed or agreements with
25 the road commission for Joe to take over right away to

1 establish that branch or extension.

2 Potentially we could need permitting, I don't
3 anticipate that from what we see in the field, but we never
4 know with the comments that might be received if we'll need a
5 permit or not from the state, generally speaking.

6 Once that is all finalized, we will move into
7 bidding. And after bidding the project when we know our
8 project costs, we will have what's called a day of review,
9 and that's extremely important for the public to know.

10 Many times in this process we receive the question,
11 well how much is this going to cost. And we are so early on
12 in the process that we don't know. And primarily because it
13 hasn't been found necessary yet by the Board of
14 Determination.

15 So if you're interested in what the costs will be
16 and what your portion of those costs will be, the next notice
17 that you would receive, if a 'yes' vote is obtained today,
18 would be a notice for a day of review. And that's an
19 important notice that allows for you to come into -- well
20 we'll see with COVID how this all works out in the future,
21 but would allow you a chance to see what your assessment
22 would be, what your percentage more importantly would be of
23 the total project cost, and that is the time that you find
24 that.

25 At this point in the process we haven't wasted any

1 money on survey, design, or any easements or anything like
2 that because, again, we don't know if it's going to be
3 necessary.

4 So after that day of review and the appeal period
5 that follows, we then can move toward construction.

6 And so with that, if the Board has any questions
7 specifically for me, I obviously will be available throughout
8 the meeting; or if you receive landowner questions that you
9 would like me to address, I will be here.

10 Steve, just for your benefit, the last slide in the
11 presentation, if we need it, is just an overall map of the
12 area, if for some reason we need to point -- bring this up to
13 point at roads and locate folks that may have a comment.

14 So with that, I guess I will say, Board Members, if
15 you have any questions, feel free to ask them at this time.

16 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,
17 Paul.

18 Do either Larry or Ron have any questions for Paul
19 at this time?

20 BOARD MEMBER RON BRINK: This is Ron, I do.

21 I don't know who said it, do they have any idea
22 what percentage of the cost would be to the township, the
23 MDOT, the county, the property owners, is that established
24 yet or not?

25 ENGINEER PAUL FORTON: This is Paul chiming in,

1 and, Joe, you can feel free to trump me, but at this point
2 that has not been determined.

3 Many times we base that, depending on the project
4 itself, if there is a tremendous benefit to county roads, for
5 example, or if we work with the road commission on some
6 improvement, their percentage may be higher.

7 And if there is more public health concerns that
8 are solved, that might bring in a township to be assessed
9 more at large, that may happen.

10 But really at this point, Joe, it has not yet been
11 determined. It really depends on the project that we
12 implement where those final percentages come into play.

13 WATER RESOURCES COMM. JOE BUSH: You are correct.
14 You are right.

15 BOARD CHAIRPERSON RICH VANDER KLOK: Larry, do you
16 have any questions for Paul?

17 BOARD SECRETARY LARRY BRUURSEMA: I do.

18 Is this an annual situation where the vegetation
19 grows so heavy in the ditch, and what do you do then?

20 ENGINEER PAUL FORTON: Excellent question.

21 And so is this an annual issue? In a system this
22 flat, I would anticipate that the -- that Joe's office would
23 need to do routine maintenance. And it looks like they have
24 done that, honestly.

25 I don't know if, Joe, you know the last time you

1 did this, but it looks like fairly recently, or the road
2 commission has.

3 And so with the system this flat, we do tend to
4 need to do more regular maintenance on the system such as
5 this.

6 What's different about this process and what has
7 sparked the petition to be entered is you cannot extend the
8 drain or add a branch to a drain or expand it without a
9 petition being submitted.

10 The maintenance that I'm speaking of can be done
11 routinely by Joe's office. The current spending limit right
12 now I believe is \$5,000 per mile, per drain, and so you could
13 regularly go in and do maintenance. But you can do that
14 without this large petition process that the law requires.

15 But when we add a branch or do something a little
16 bit more significant, that's when we can get kicked into this
17 process because what we will find occasionally is the cost to
18 add a branch or extend would be more than what that
19 maintenance limit is.

20 And I'm trying to -- I'm trying not to dabble in
21 your world too much with this, Steve, with the law and the
22 politics of this, but in order to add a branch or extend it,
23 that cost generally exceeds maintenance and is another reason
24 that we need to pursue this through the petition process.

25 WATER RESOURCES COMM. JOE BUSH: Mr. Chair, to

1 answer Paul's question, we do keep this drain up to speed.
2 The blueberry farmers are very, very active. I have a
3 wonderful relationship with the Reender's Blueberries. And
4 they're willing to either clean the drains for us or pay for
5 it, because they don't like their blueberries too wet too
6 long. So they like good drainage, just like everybody else,
7 so they're very proactive on that.

8 It is -- this year's growth has probably been the
9 worst I've ever seen because of all the rain we had in the
10 spring, then it got so dry, and then the heat came in at 90
11 degrees for weeks at a time, things grew like nobody's -- I
12 mean it's been unbelievable statewide, for sure countywide.

13 People say, you know, we do have a woody debris
14 spraying program that we could spray it. The problem is
15 blueberries are right there so we're real cautious on with
16 the regulations that the blueberry farmers have on their USDA
17 stuff going on. And we don't want to interfere and create
18 damage with our spraying on our woody debris with their
19 blueberries.

20 So we're real cautious, but the blueberry farmers
21 have been really, really good about keeping most of that
22 drain cleaned out as much as possible, except this year has
23 been a little crazy with growth. It really sprouted out
24 quickly.

25 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,

1 Joe, I appreciate that. Thank you for your comments, that's
2 very helpful.

3 I think earlier you said, before we move to public
4 comment, earlier you said there is no one representing Grand
5 Haven Township at this point. Is that correct? Is there
6 anyone from Grand Haven Township that has any comment that
7 they want to make?

8 GRAND HAVEN CHARTER TOWNSHIP SUPERINTENDENT BILL
9 CARGO: Hello, Rich. This is Bill Cargo, I'm the
10 superintendent with Grand Haven Charter Township.

11 Sorry I was a little bit late arriving to this
12 party.

13 Yes, the township has no objection and would
14 support the projects as being discussed.

15 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank
16 you, Bill, appreciate that.

17 Then we will move to public testimony, and that --
18 we ask that you state your name and your address, and also if
19 you could identify if you have lands in the drainage
20 district, and Steve will let us know if there are those that
21 would like to make public comment. And he will recognize
22 that if you raise your hand or if there is a chat or another
23 means virtually that you're doing this.

24 So, Steve, is there anyone at this point that would
25 like to make public comment?

1 ATTORNEY STEVE KOSKI: Thank you, Mr. Chair.

2 And again you can -- I see someone with their
3 actual hand raised.

4 Dan Shaw, if you would like to un-mute yourself,
5 and state your name and address and whether you own lands in
6 the district for the record.

7 BOARD CHAIRPERSON RICH VANDER KLOK: Steve, would
8 you also put the clock up?

9 ATTORNEY STEVE KOSKI: Yes, sir.

10 BOARD CHAIRPERSON RICH VANDER KLOK: Go ahead, Dan.

11 MR. DAN SHAW: My name is Dan Shaw, I live at 9086
12 160th Ave.

13 So I was here with the last improvement of the
14 Cooper Drain, and the Cooper Drain improvement definitely was
15 done really well.

16 We have some interesting challenges, so Paul had
17 mentioned that our area is pretty flat, that is somewhat
18 true.

19 I'm going to go to this map that we were looking at
20 that shows the drain area that it's covering. So one of the
21 things that was a challenge back then is that all of our
22 ditches are -- we live in the sand here. So one of the
23 challenges -- and I had actually walked the entire drain at
24 that point with the drainage commissioner at that time, I
25 don't remember his name, but if you look at the map, there is

1 a blue line that's going east and west just south of
2 Fillmore, where it says Ravens Edge, if you see that? That's
3 where the Cooper Drain originally stopped.

4 So part of the Cooper Drain enhancement back there
5 in that time was to bring it south and also down Stanton on
6 both north and south sides of the road.

7 And right now my driveway, my piece of property is
8 the farthest south location of the Cooper Drain, it stops
9 basically on my property. My driveway does not have a
10 culvert, but all of the other driveways going north do, and
11 those were all reset back on that last modification.

12 One thing I think is important to note is that
13 because of the draft angle that was needed at that point in
14 time on Stanton Street, both north and south, there are
15 buried -- don't quote me on this, the engineer would know
16 better, but at least 20- or 24-inch diameter culverts with
17 some clean-outs, because of the concern of how deep the ditch
18 was going to have to be, and the problem of the sand
19 basically falling in and changing the elevation of the bottom
20 of the drain.

21 So when Paul was mentioning and showed you the
22 pictures of the drain itself being relatively clean, I agree
23 with that statement; but the only point that I would like to
24 make is that over the years, and because of the sand and the
25 erosion, the level of the bottom of the drain that's running

1 both on Stanton and going up 160th north to Fillmore, there
2 has been a substantial amount of cave-in on the drain, which
3 is basically changing the height.

4 So one of the other improvements that were done
5 back in the day is all the way up to where Pierce is, there
6 were three driveways on the drain up there that had basically
7 12-inch culverts. And that was not enough flow in volume to
8 basically help us down here on the south end. So those
9 culverts were changed, I want to say those are at least 20 to
10 24 inches in diameter as well.

11 I'm trying to make -- well I'm over three minutes
12 already.

13 My biggest point that I want to point out is if you
14 look at the drawing, or Paul's picture when he was facing
15 south on 160th, the Cooper Drain is on the east side of the
16 road.

17 The west side of the road, which is the
18 intersection, so south of Stanton, west side, those people in
19 that whole area right there, there were no improvements done
20 to the drain. And there is a culvert that goes under the
21 road that the draft angle is the wrong direction. The draft
22 angle of that 12-inch culvert, it's a concrete culvert, and
23 it's mostly plugged most of the time. It's flowing the wrong
24 way. It's flowing west. It needs to flow across 160th east.

25 The other point was back in the day, the culvert

1 that crosses my side of the road, taking the water from the
2 south side of Stanton all the way toward the highway, there
3 is a relatively decent hill that goes on Stanton going east.
4 If you stand at the intersection of 160th and Stanton, you'll
5 see that rise happening going toward 31. And all of that
6 water is coming our way and gathers at the intersection of
7 160th and Stanton.

8 My opinion, and some other people have basically, I
9 think, from the road commission also agreed to this through
10 one of the neighbors I had heard, the culvert that crosses
11 160th from the south side to the north was never changed
12 under the original modification of the Cooper Drain.

13 When I had asked that question, and again I'm not a
14 water expert by any means, but I watch things closely because
15 I don't need water coming in my basement, which I was about a
16 half an inch from water coming into my basement this spring.
17 I have a walk out --

18 BOARD CHAIRPERSON RICH VANDER KLOK: Paul, can you
19 wrap up your comments? We've given you over five minutes
20 here.

21 MR. DAN SHAW: My opinion is the two culverts at
22 the intersection of 160th and Stanton need to be modified.
23 Whether that modified is by diameter or at the level they're
24 sitting, because the water backs up on our end and doesn't
25 flow properly, that's one point.

1 Second point would be is the drain ditches
2 themselves need to be dug out to get back to the original
3 engineered design of the level of the ditches because at the
4 moment, they're not.

5 We just had natural gas put in at the corner right
6 there and when they did that, they filled the ditch in and
7 that did not help us this year either.

8 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank
9 you, Dan.

10 So you're in favor of the extension?

11 MR. DAN SHAW: The extension and repair, yes.
12 Though my neighbors across the street from me have no
13 drainage at all.

14 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,
15 that's good information for Paul and for Joe.

16 Steve, is there anyone else who would like to make
17 public comment?

18 ATTORNEY STEVE KOSKI: Yes, Lori N.

19 Lori, I think, indicated she would like to make a
20 comment in the chat.

21 So if you could un-mute yourself and state your
22 name, address, and whether you own property in the drainage
23 district for the record.

24 Yes, my name is Lori Nys, my husband's name is Tim,
25 our address is 16064 Fillmore.

1 Like Paul had mentioned in his presentation, the
2 importance of boundaries, my question is, in our property we
3 are just on the corner -- just a tad west of Fillmore and
4 160th. And our property is just within this drainage field,
5 and the line has been drawn just a little west of our
6 property.

7 So my question is how are the lines determined?
8 Who gets included, how is that determined?

9 BOARD CHAIRPERSON RICH VANDER KLOK: That's a good
10 question for Joe perhaps to answer, or Paul. So I will ask
11 them to quickly respond to that.

12 ENGINEER PAUL FORTON: I can, if it's all right
13 with you, Joe.

14 Basically when we do those district boundary lines
15 we're looking for the edge of the watershed. And essentially
16 what we're looking for is the continental divide per se
17 around this watershed. So that when it rains, any water that
18 flows out toward Pigeon Creek would be included within that
19 watershed. And that is how that district is determined.

20 I know that, for example, west of you there, that
21 next drainage district is the Hiawatha Drain. And if you
22 are -- if the line that we have on the map is cutting through
23 your parcel, chances are very good that the rest of your
24 water would drain west toward the Hiawatha.

25 One important thing to note when we do this process

1 is that if you own -- I'll pick on a blueberry field. If a
2 farmer has an 80-acre blueberry field and the line cuts
3 through it, well what we can do with this process is you're
4 only assessed for the acres that drain into a particular
5 system.

6 So if 20 acres go one way, the other 60 would go
7 the other way, and at that point you are only being assessed
8 from a drain perspective for a total of 80 acres.

9 And so that's -- we basically use the elevation
10 data and then we field check it to make sure there aren't
11 road culverts that would take the flow one way or the other.
12 So that is how that boundary is determined.

13 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,
14 Paul.

15 Lori, does that answer your question?

16 MS. LORI NYS: It does, but I'd like to make an
17 additional comment, if I could.

18 We are, for lack of a better word, lucky that we
19 are part of both drainage fields, the Hiawatha and the Cooper
20 Drain. So does that really make sense that we're included in
21 both then?

22 ENGINEER PAUL FORTON: If you're included in both,
23 then you're on the slightly high spot, and I'll say slightly
24 because it's fairly flat in your area. But my guess is if we
25 were to look at your property, the west side of your yard

1 would drain one way and the east side of your yard would
2 drain the other way.

3 But with your split, you're basically on the high
4 point that we use to delineate or demarcate where that line
5 would be. So there are many parcels much like yours as you
6 go around that line that drain in two different directions,
7 and in some instances, three.

8 But those are the parcels that are kind of on the
9 high rim around the edge of the watershed that drain through
10 this system.

11 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,
12 Paul.

13 Lori, do you have any further comment?

14 MS. LORI NYS: I do, but I won't say it.

15 ENGINEER PAUL FORTON: Your water doesn't drain
16 anywhere, does it? Maybe I can say it for you.

17 MS. LORI NYS: We just built in 2018. And our
18 grass is dead. And we have no water, when we talk about the
19 east of Cooper Drain, we have no water.

20 So we don't have water issues. So it's like oh, my
21 gosh, we got hit twice with both of these drainages. So I
22 don't know if that's something we'll have to end up going to
23 the Board or let all this shake out and see how much the
24 residents have to pay. But a couple years ago we also paid
25 for the Hiawatha course. So it's kind of getting to be a

1 lot.

2 I appreciate the information.

3 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, anything
4 else, Lori?

5 MS. LORI NYS: Not at this time. Thank you, Rich.

6 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you.

7 Steve, is there anyone else who would like to make
8 public comment?

9 ATTORNEY STEVE KOSKI: Yes, the next comment is
10 from Billie Roesener.

11 Billie, if you could state your name and address
12 for the record, please.

13 MR. BILLY ROESENER: Yes, I'm Billie Roesener. I'm
14 on 9623 160th Avenue right on the corner of 160th and
15 Fillmore.

16 And I was kind of curious, I feel like we have a
17 high water table in this particular area, and this spring
18 when we did have the flooding here, my property wasn't so
19 much affected, but I know my neighbor had quite a bit of
20 water in their property.

21 And I was kind of curious, how does the drainage
22 work with an area that does seem like it has a high water
23 table?

24 We dug a little ditch in our yard that was only
25 about a foot-and-a-half, maybe two foot down, and we were at

1 water there. So, you know, just curiosity.

2 BOARD CHAIRPERSON RICH VANDER KLOK: Okay.

3 Paul, do you want to speak to that for a moment?

4 ENGINEER PAUL FORTON: Yeah, a little bit.

5 So I have the opportunity to work all across the
6 state in many different counties for many different water
7 resources commissioners and drain commissioners, and we are
8 seeing groundwater tables at an all time high.

9 You can see that effect on Lake Michigan, Lake
10 Huron, the Great Lakes, also the inland lakes that are at all
11 time highs, especially for those lakes without an outlet.
12 So, yes, we are seeing the highest groundwater that we've
13 ever seen.

14 In an area such as yours it was mentioned there is
15 a lot of sand in the area. Many times when the groundwater
16 table is low, that sand acts like a sponge and it can absorb
17 that and that water can come in. When that groundwater level
18 is high like it was this spring, and you throw five to six
19 inches of rain on it over the course of a week, or a day,
20 that water can't soak in. And with that sponge being full,
21 it really causes us problems because we can't rely on that
22 infiltration to take away some of that water. Therefore, it
23 needs to run off of the surface of the land through drains
24 and ditches such as this.

25 And so I would anticipate -- I think my first photo

1 was looking down the open drain, north of Pierce, and you
2 could see that water that was stagnant there.

3 I'm fairly certain that's the groundwater elevation
4 and that would align very well with your comment about
5 digging a hole and seeing that water just two feet down below
6 the water surface.

7 It's very much a challenge right now more than it
8 has been in the last two to three decades.

9 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank
10 you, Paul.

11 Billie, does that answer your question?

12 MR. BILLY ROESENER: It does, yes. And no further
13 statement or anything.

14 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank
15 you.

16 Steve, is there anyone else who would like to make
17 public comment?

18 ATTORNEY STEVE KOSKI: Yes, Mr. Chair, the next
19 comment is from Matt V.

20 Matt, if you could un-mute yourself and state your
21 name and address for the record, please.

22 MR. MATT VOGLER: My name is Matt Vogler, and I
23 live at 15405 Fillmore Street. I am just about a quarter
24 mile or a third west of the -- U.S. 31 and 160th. So I'm on
25 the north side of Fillmore Street, and I have been blessed

1 with a sand hill to live on.

2 My comment is just that this year was the first
3 year in the 20 years that I've lived here, and the 50 years
4 I've lived in the immediate area, that we actually had water
5 standing in the backyard this spring. It was the highest
6 water level ever.

7 I heard the water is expected to be high like this
8 for at least another three years. So in my opinion, it might
9 be a good time to make sure that the drain is clean, at
10 least.

11 I think that's the end of my comment.

12 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank
13 you, Matt, appreciate that.

14 Steve, is there anyone else that would like to make
15 a comment?

16 ATTORNEY STEVE KOSKI: Yes, the next comment is
17 from Tom Doolittle.

18 Tom, if you could un-mute yourself and state your
19 name and address for the record, please.

20 MR. TOM DOOLITTLE: Sure. My name is Tom
21 Doolittle, we live at 15636 Stanton, and I believe we are
22 probably the farther point east on Stanton within the Cooper
23 Drain district. And Dan and I, Dan Shaw and I worked
24 together I think back in the early '90s to petition the then
25 drain commissioner who was Steven Hoven. They did do some

1 upgrades, some changes and some extensions at that time.

2 I think it was very effective. But I would agree
3 with what Dan said, over time the sand has settled. The
4 growth has come up.

5 I don't know, Joe, what amount of maintenance has
6 been done in the ditches. In the 32 years we've been here,
7 obviously the extension that was done in the early '90s
8 helped; but again, as far as cleaning it out it probably was
9 cleaned out to the north of here, along the blueberry fields,
10 but along Stanton I'm not aware of that. So over time it
11 just has become more and more of an issue.

12 And I too would echo the comments that Dan made
13 that I think the culverts need potential upsizing under 160th
14 and under Stanton, and probably directionally, the elevation
15 has changed so the flow is correct.

16 The neighbors just to the west of us and our ponds
17 basically joined this spring. So we certainly, as did
18 everyone, saw an abundance of water that seemed to be very
19 stagnant. It wasn't moving.

20 And as you traveled down to 160th and Stanton, it
21 was very obvious there was a bottleneck. And again probably
22 just a matter of flow and lack of ability to go.

23 I may have missed this, Mr. Chairman, I'm looking
24 for -- and I would have been part of this petition, I just
25 didn't see it. I actually initiated the one in the early

1 '90s. I would have signed again just hoping for improvements
2 and such to the Cooper Drain.

3 I am curious where the extension is being proposed
4 at this time.

5 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank
6 you, Tom.

7 I think that would be something that maybe, Paul,
8 do you want to address that at this point?

9 ENGINEER PAUL FORTON: Well I think that's what
10 this meeting is all about is to determine where that
11 extension needs to go. So, Tom, I guess I would maybe ask
12 you, do we need to extend all the way to the east to ensure
13 that that roadside ditch can be maintained? Or is it really
14 more we can keep it at the corner 160th and Stanton, and we
15 just need to work on the culverts there?

16 MR. TOM DOOLITTLE: In my opinion it probably
17 should be extended further to the east on Stanton. The
18 culverted portion of it on the south side of Stanton actually
19 ends at my driveway, and it's open ditch for a little ways,
20 and that certainly needs to be cleaned out. But I think with
21 elevations and such, the engineering can determine, you know,
22 does it make sense to extend it further east on Stanton, on
23 both sides, the north and south sides of Stanton.

24 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,
25 Tom.

1 Steve, is there anyone else that wants to make
2 public comment?

3 WATER RESOURCES COMM. JOE BUSH: Mr. Chairman, can
4 I just answer a few questions?

5 He's probably right. The maintenance on Stanton
6 has probably not been there. I want to say most of it has
7 been Fillmore to the north all the way to the Little Pigeon.

8 Looking on my map of recent phone calls in the last
9 three months, we have other complaints on Stanton east of you
10 guys.

11 So to say how far we go, we probably want to pick
12 up with Paul Forton's survey at some point, if this moves
13 forward, probably further east as far as we can go to be
14 within the drain district. And that's what would make sense.

15 And I would agree I've been hearing a lot of issues
16 about culverts being too high, which would supersede our
17 5,000 per mile, per year, per drain maintenance limit.

18 So if that is the case, then this is the time to
19 get it done. But I would echo that from the drain
20 maintenance portion of it, most of it has been Fillmore to
21 the north.

22 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank
23 you, Joe.

24 Steve, is there anyone else who would like to make
25 public comment?

1 ATTORNEY STEVE KOSKI: Yes, the next comment is
2 from the user name Chance.

3 If you could un-mute yourself and state your name
4 and address for the record please.

5 MR. CHANCE GREEN: Sure. My name is Chance Green.
6 I'm actually the next door neighbor to the guy that last
7 spoke, Tom. I'm at 15684 Stanton.

8 Most my questions and inquiries have already been
9 answered, but I just wanted to just say the back of my -- I
10 own ten acres over there. The back seven was pretty much
11 unusable.

12 So I agree with Tom, something needs to get done.

13 I did have a question, on the map it looks like I
14 thought I heard you say earlier, it looks like the drainage
15 proposal ending at the corner on the south side of Stanton
16 and 160th, are you all ending it there just because you can't
17 get over the tracks? Is water going to accumulate there at
18 all? More water, potentially from everything I've noticed?

19 BOARD CHAIRPERSON RICH VANDER KLOK: I would say
20 that if the Board of Determination sees that this is
21 necessary, that would be -- because we don't know the scope
22 or extent of a project, if approved, we don't know what that
23 would be. So that would be part of the determination if this
24 is deemed as necessary.

25 I believe I'm correct in that.

1 MR. CHANCE GREEN: Okay, thank you.

2 ENGINEER PAUL FORTON: And, Mr. Chair, if I may,
3 this is Paul chiming in.

4 I'm guessing that Chance is referring to a comment
5 that I made through the presentation where it currently ends
6 there, but that doesn't necessarily mean it will in the
7 future.

8 If we extend it and obtain easements and such, it
9 could go further. But the jurisdiction of the drain
10 commissioner does end near that intersection at the blue
11 lines on the map that you saw earlier.

12 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank
13 you, Paul.

14 Chance, anything else? Does that answer your
15 question?

16 MR. CHANCE GREEN: Thank you.

17 BOARD CHAIRPERSON RICH VANDER KLOK: Steve, is
18 there anyone else who would like to make public comment?

19 ATTORNEY STEVE KOSKI: Yes, Mr. Chair. The next
20 comment is from the user name Irv.

21 If you could un-mute yourself and state your name
22 and address for the record, please.

23 ENGINEER PAUL FORTON: Steve, it could be an issue
24 on my end, but I'm having trouble hearing Irv.

25 ATTORNEY STEVE KOSKI: Irv is still not -- is still

1 frozen.

2 There we go.

3 MR. IRV BOERSEN: I am very sorry, Steve.

4 ATTORNEY STEVE KOSKI: No problem. We can hear you
5 now.

6 MR. IRV BOERSEN: My name is Irv Boersen. I live
7 at 15918 Stanton, just east of 160th on the south side of the
8 road.

9 I agree with the comments that have been made
10 earlier that maintenance is needed, but I also see the
11 culvert that goes underneath Stanton just east of 160th that
12 in my opinion needs to be upgraded.

13 Thank you, Mr. VanderKlok.

14 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank
15 you, Irv. Appreciate that comment.

16 Steve, is there anyone else who would like to make
17 a public comment?

18 ATTORNEY STEVE KOSKI: Mr. Chair, at this time I do
19 not see any other people wishing to make a comment.

20 BOARD CHAIRPERSON RICH VANDER KLOK: Then I would
21 make a motion that public comment be closed.

22 BOARD SECRETARY LARRY BRUURSEMA: I'll support
23 that.

24 BOARD CHAIRPERSON RICH VANDER KLOK: Motion made
25 and supported.

1 ATTORNEY STEVE KOSKI: Wait a minute, Mr. Shaw has
2 his hand up. He's been on already. It's up to the Board how
3 you would like to handle that.

4 BOARD CHAIRPERSON RICH VANDER KLOK: Well it's the
5 end of public comment and a motion has been made to support
6 that, unless we withdraw that motion.

7 I think we're ready to vote on that, unless Dan has
8 some pressing new information that we haven't heard yet.

9 So the motion is made and supported to close public
10 comments.

11 Larry?

12 BOARD SECRETARY LARRY BRUURSEMA: Yes.

13 BOARD CHAIRPERSON RICH VANDER KLOK: Ron?

14 BOARD MEMBER RON BRINK: Yes.

15 BOARD CHAIRPERSON RICH VANDER KLOK: And I vote
16 yes.

17 Public comment is closed.

18 At this point, Board Members, if you have comments,
19 discussion, regarding the Cooper Drain extension petition,
20 please feel free to make comment.

21 Larry?

22 BOARD SECRETARY LARRY BRUURSEMA: I really don't
23 have any comments after all that was covered. I think Paul
24 did a great job of describing it.

25 And the comments that I heard was that everyone

1 seems to be in favor of a clean out and maintenance.

2 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank
3 you.

4 Ron? Do you have any comments?

5 BOARD MEMBER RON BRINK: One comment, the previous
6 project, which was several years ago, they seemed to do a
7 really good job, everybody seemed happy with that.

8 I think we have to remember that land is very flat
9 and everybody has said it, so we have to protect the property
10 owners there and do what we can, and there seems to be
11 several culvert issues.

12 So, yes. Those are my opinions.

13 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank
14 you, Ron.

15 I think the public comments were very helpful, so
16 thank you to all of you who made comments. I appreciate your
17 input, which is of course valuable for us as members of the
18 Board of Determination.

19 And having heard those comments, and then from
20 Larry and Ron as well, I would like to make a motion that the
21 proposed maintenance and improvement of the Cooper Drain as
22 petitioned on June 23, 2020, is necessary and conducive to
23 the public health, convenience or welfare.

24 I make that motion, is that supported?

25 BOARD SECRETARY LARRY BRUURSEMA: Yes.

1 BOARD CHAIRPERSON RICH VANDER KLOK: Supported by
2 Larry.

3 Are we ready to vote on that?

4 BOARD SECRETARY LARRY BRUURSEMA: Yes.

5 BOARD CHAIRPERSON RICH VANDER KLOK: Ron?

6 BOARD MEMBER RON BRINK: Yes.

7 BOARD CHAIRPERSON RICH VANDER KLOK: Larry?

8 BOARD SECRETARY LARRY BRUURSEMA: Yes.

9 BOARD CHAIRPERSON RICH VANDER KLOK: And I vote yes
10 as well.

11 Now in our agenda, typically what we do is we turn
12 it over to Joe for a moment to talk about the appeal process.

13 And so, Joe, I'll turn it back to you for a moment.

14 WATER RESOURCES COMM. JOE BUSH: Thanks, Mr. Chair.

15 At this time if anybody wants to appeal the Board
16 of Determination meeting today, you have ten days from today
17 to appeal to the circuit court. So that would be not
18 appealing to me, or any of the board members, it would be
19 appealing to the circuit court if you don't feel that this
20 meeting was necessary today for the Board of Determination.

21 And that is ten working days, so I just want to
22 bring that up, unless, Steve, you want to add anything to
23 that? But I think that's correct.

24 ATTORNEY STEVE KOSKI: You are spot on there.

25 WATER RESOURCES COMM. JOE BUSH: Okay.

1 BOARD CHAIRPERSON RICH VANDER KLOK: Let me bring
2 up one other question.

3 In our agenda packets, there was -- there is a --
4 let me just quickly get to it, the order of necessity and
5 dismissal of petition.

6 Is that something that we, Steve or Joe, is that
7 something that the Board of Determination needs to vote on?
8 I see that it's dated August 27th, today's date. And is that
9 a motion that would be in order?

10 ATTORNEY STEVE KOSKI: There are two draft orders
11 included with your packet, one if you found necessity, and
12 one if you found no necessity. And if you find no necessity,
13 that would be the dismissal of the petition, but since you --

14 BOARD CHAIRPERSON RICH VANDER KLOK: Okay.

15 ATTORNEY STEVE KOSKI: Since you found necessity,
16 then you guys will execute the order of necessity.

17 BOARD CHAIRPERSON RICH VANDER KLOK: I see, okay.
18 Thank you for that clarification. Good to have an attorney.

19 WATER RESOURCES COMM. JOE BUSH: Spot on, Steve.

20 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, if there
21 is no other business, then I will declare that the Board of
22 Determination for the Cooper Drain is adjourned.

23 (Board of Determination adjourned at 11:16 a.m.)
24
25

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