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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: COUNTRY VIEW DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday,
August 19, 2021, at the Holland Charter Township Fire
Department, Station #1, Holland, Michigan, held before
Marjorie A. Covey, CSR-2616, RPR, Certified Shorthand
Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Ms. Sara Hirts, Secretary

- Mr. Ken Souter, Board Chairman
- Mr. Rich VanderKlok, Board Secretary
- Mr. Josh Westgate, Board Member

- Mr. Lucas Timmer, Engineer, Prein & Newhof
- Mr. Ken Bosma, Engineer, Prein & Newhof

- Mr. Steve Bulthuis, Holland Charter Township Manager

- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 August 19, 2021 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good morning,
5 everyone. I'm Joe Bush, Ottawa County Water Resources
6 Commissioner, also known as the Drain Commissioner. Same
7 office, just different title, when I got elected back in
8 2012.

9 And I welcome you guys here today to figure out
10 what is the Board of Determination and why did we get a
11 notice and what is this about.

12 So a little highlight, we're here today for a
13 public hearing because back in the day, it's been a few years
14 back, Holland Township decided this is an orphan drain
15 system. And orphan means nobody owns it. The township
16 doesn't really own it or have any jurisdiction. I don't, the
17 road commission doesn't, the state doesn't. Nobody has
18 jurisdiction over the infrastructure, the storm sewer system
19 in here.

20 Back in the day, a lot of those were developed and
21 they never got under the drain commissioner at the time, the
22 water resources commissioner's department. So nobody really
23 knows who to call when there is an issue. We know today's
24 infrastructure is having issues that fail, sinkholes, plugs,
25 you name it. A basketball gets stuck in it, who do you call,

1 who fixes it? Nobody really knows who to call.

2 So back in the day, I'd say a few years back,
3 Holland Township came to me and said, hey, we want to
4 establish all these orphan drains in our township. And this
5 is just specifically Holland Township at the moment, but all
6 the other ones are kind of following suit as well.

7 But Holland Township said, hey, I want to go
8 through and recognize these orphan drains and let's start
9 putting them under your jurisdiction so when there is an
10 issue, how do you pay for it, number one; and who do you call
11 and who are the contractors, you know.

12 Not everybody knows how to fix drains, maybe a
13 water system, sewer for a sewer backup, but not everybody
14 knows about storm water until there is a problem or your
15 basement gets flooded or the street collapses and the culvert
16 collapses.

17 So we're here today because we had a petition to
18 establish more orphan drains, this is one of three that we're
19 going to get before this board, to see if they want to move
20 forward with making it part of our infrastructure throughout
21 the county.

22 Right now we have about 1200 drains, so adding one
23 more isn't a big deal, it's just another one. They've been
24 adding up quite a few in the last few years.

25 But that being said, it's good for the public that

1 people are to know, hey, call the Water Resources
2 Commissioner, the drain guy and see if we can get some
3 solution to the problem.

4 And the process of that, this is all Drain Code,
5 it's all state law. Part of the public hearing is I appoint
6 a three-panel board. It's not township people. It's not a
7 planning commission. It's not ZBA board members. It's a
8 three-panel board that I appoint through Drain Code, which is
9 state law to say, hey, they're going to hear testimony today
10 from people like yourselves who are here today and say, is
11 there a problem that we don't know about?

12 Currently right now we don't have any issues in
13 here. There is not an assessment. There is not a project.
14 This is just the establishment part.

15 If we were to do this in 2021, fast forward, we
16 would review this, because we review all the developments. I
17 think some of you know that, through our department, and then
18 we would have a 433 Agreement. That would become a county
19 drain through the department review process. Back in the day
20 a lot of that didn't happen for whatever reason.

21 But to move forward we try to make sure everything
22 is established under a county drain system for future
23 maintenance and you know who to call if there is a problem.
24 Because if your drinking water has a problem, you get an
25 invoice, you get a water bill, you know you have to call

1 either Holland Township or BPW or something to get you a
2 solution.

3 So this three-panel board has no affiliation with
4 the drain district, which there is a map in the back and
5 Prein & Newhof will give a presentation on, here is the
6 district, here is what it looks like. This was developed
7 when -- they'll give a lot of information on it. But then
8 they'll say, according to this this was never established and
9 this is the area we want to establish today.

10 This three-panel board doesn't pick a project.
11 They don't say, oh, I see an issue here. It's totally up to
12 the public to come forward with any issues because we don't
13 know about them. As of now we don't know about any issues.

14 So the public hearing is the time for people to
15 come and listen and speak and say, oh, yeah, I have a
16 flooding issue, my basement flooded, my sump pump goes to
17 this storm sewer system and it's plugged and it's failing,
18 and there is sinkholes in my yard. A lot of times we hear
19 that.

20 This is a small crowd today. Sometimes we get 3 or
21 400 people, but this is a smaller drain district too. But
22 you can have 3 or 400 people come and show up for one of
23 these and it's like, oh, we found a lot of issues in that
24 storm sewer. But today I don't think there is many.

25 So that being said this three-panel board is to

1 say, yep, we're going to make a motion to potentially have
2 this under the jurisdiction of the Water Resources
3 Commissioner moving forward so the residents there know who
4 to call.

5 That being said, you know, these guys get a packet
6 but they haven't been out there. They haven't looked at it.
7 They don't get time to inspect it. They take totally a
8 hundred percent public comment on this, and the engineering
9 report, or any issues from the road commission or Steve
10 Bulhuis from Holland Township.

11 So that being said, once I give these three
12 gentlemen the oath, they'll run the meeting. I just sit here
13 and wait for any public comment to them, if I can answer any
14 questions.

15 And then they'll make a motion at the end whether
16 it should fall under my jurisdiction. It's totally up to
17 this three-panel board. Again they're not affiliated with
18 any properties in the drain district, they don't own
19 anything, they don't rent anything and they don't live there.

20 I have to appoint people outside of the drain
21 district. Typically I try to do -- they say, what kind of
22 experience do these three gentlemen have? Well there is two
23 of them on the board that's been doing it for a long time.
24 But they understand Drain Code, drainage, zoning. A lot of
25 them are either engineers or they've been on township boards

1 in other townships for many, many years as well, as far as
2 leadership, supervisors, clerks. So they've been involved in
3 zoning, drain code in their own township, let alone somebody
4 else's township. So they do understand the process, why
5 we're here and what their job is to do today.

6 And I'll go ahead and do introductions at this time
7 so they can move forward and they can run this meeting. And
8 be assured that everything is court recorded. Everyone of
9 these I've been doing since 2013 is court recorded and it's
10 always on my website at mittawa.org, you can go back and read
11 the minutes on what happened, why it happened, who talked.

12 This is a small crowd but when you get 3 or 400
13 people it's nice to know who talked, who had issues. Because
14 then later down the road they'll come back and say, well I
15 wasn't there. I'm like, yeah, yeah, you were there, it's on
16 the minutes, you spoke.

17 It's not required by law, but I do it just for the
18 citizens and also for me and for the board, because it is all
19 legal.

20 People are like, why do you have these in the
21 afternoon, well because it is legal, and if you go to court
22 it's always during business hours. So I try to keep it -- I
23 had them at night before and that didn't go so well. I had
24 more people angry with me that I had them at night because
25 supper time, kids have ball practice, you know. Unless

1 they're a really, really big district where you have 5,000
2 people, that can be a challenge to get a place in the
3 afternoon big enough to hold a lot of people.

4 But typically they're in the morning, so we do
5 appreciate you being here and having any comments is very
6 welcomed.

7 So at this time I'll go ahead and do introductions.
8 I'll go ahead and introduce other people before I do the
9 board.

10 We have Ken Bosma, he's with Prein & Newhof
11 Engineering. We have Lucas Timmer, he's from Prein & Newhof
12 who will do the presentations.

13 We have Steve Bulthuis, he's the Holland Township
14 Manager.

15 And then we have Jerry Olman, he's from the road
16 commission. Jerry and I worked together for many, many years
17 at the road commission. So we like to have his input as well
18 because there is probably road water in this system, that
19 they're in favor or not in favor of. Typically they are in
20 favor of these things.

21 Then we have my staff, Sara is my secretary. And
22 we have Margie, she is our court recorder. She's done a lot
23 of these for us over the years, so we always welcome her
24 expertise on making sure everybody is heard.

25 If you do have public comment, make sure you speak

1 your name, address, speak loudly so she can type it in and
2 keep up because it is a lot.

3 Then we have a three-panel board, we'll go from
4 right to left. We have Rich VanderKlok from Georgetown
5 Township.

6 Then in the center, Ken Souter, he's from Port
7 Sheldon Township.

8 And then we have Josh Westgate, and I believe he's
9 now the deputy supervisor in Jamestown, but he was the Wright
10 Township Supervisor for quite a few years.

11 And then a little bit of experience, Ken Souter, he
12 was with the road commission 40 year in the engineering
13 department, retired now.

14 BOARD MEMBER KEN SOUTER: 38-and-a-half, but who's
15 counting.

16 WATER RESOURCES COMM. JOE BUSH: Right. And Rich
17 was a Georgetown Township board member for many, many years
18 as well. So again they have the expertise to make decisions
19 based on what they hear and the testimonies and the
20 engineering reports, and, yeah. They've been doing this for
21 quite a long time so they understand.

22 I'll go ahead and give these three gentlemen the
23 oath.

24 If you could raise your right hand.

25 Do you each solemnly swear that you will faithfully

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

7 BOARD MEMBER JOSH WESTGATE: I do.

8 BOARD MEMBER RICH VANDER KLOK: I do.

9 BOARD MEMBER KEN SOUTER: I do.

10 WATER RESOURCES COMM. JOE BUSH: Thank you.

11 BOARD MEMBER KEN SOUTER: First thing we got to do
12 is have a motion for chairperson.

13 BOARD MEMBER RICH VANDER KLOK: I'll make a motion
14 that Ken Souter serve as chair.

15 BOARD MEMBER KEN SOUTER: Do we have a second?

16 BOARD MEMBER JOSH WESTGATE: I'll second.

17 BOARD MEMBER KEN SOUTER: Moved and seconded that I
18 am the chairperson.

19 All in favor, say aye.

20 BOARD MEMBER JOSH WESTGATE: Aye.

21 BOARD MEMBER KEN SOUTER: Aye.

22 BOARD MEMBER RICH VANDER KLOK: Aye.

23 BOARD CHAIR KEN SOUTER: I'll also make a motion
24 that Rich serve as secretary.

25 Do I have a second on that?

1 BOARD MEMBER JOSH WESTGATE: I will second.

2 BOARD CHAIR KEN SOUTER: Moved and seconded that
3 Rich is going to be the secretary for this meeting.

4 And then I'll make a motion that public comment be
5 limited to three minutes per person. We can, as Bill Cargo
6 always says, you can do almost anything in three minutes,
7 tell us exactly what the problem is.

8 And so I'd make that motion that we limit the
9 comments to three minutes per person. Is there --

10 BOARD MEMBER JOSH WESTGATE: I will second that
11 motion.

12 BOARD CHAIR KEN SOUTER: Moved and seconded.

13 All in favor, say aye.

14 BOARD MEMBER JOSH WESTGATE: Aye.

15 BOARD CHAIR KEN SOUTER: Aye.

16 BOARD SECRETARY RICH VANDER KLOK: Aye.

17 BOARD CHAIR KEN SOUTER: All right. Let's start
18 out with the engineering here.

19 ENGINEER LUCAS TIMMER: All right. Thank you, Ken.

20 We'll start out with a presentation. Once again,
21 my name is Lucas Timmer. I'm an engineer with Prein &
22 Newhof, along with Ken Bosma who is here as well. We are the
23 engineers that were hired to do some preliminary review of
24 the Country View Drain.

25 So the Country View Drain is an existing storm

1 water drain system that is without authorized local and
2 county governmental jurisdiction and administrative,
3 procedural and funding mechanisms to address current and
4 future needs for maintenance and improvements.

5 So to summarize that, essentially this is a private
6 system that was never formally established as a legal system
7 as a county drain. And that means if there are ever any
8 maintenance issues within the roads or inside easements,
9 there would be no jurisdictional community that could address
10 those needs for maintenance.

11 So Holland Charter Township filed a petition to
12 establish this as a drainage district on May 20, 2021. And
13 they've established these county drains for many drains that
14 were before the 1990s, in which a lot of those drains were
15 not formally established as county drains.

16 As part of that county drain establishment, we're
17 having this Board of Determination meeting today and to have
18 this three-panel board determine if it's necessary for this
19 to become part of the county drain system.

20 So Ken and I were hired to do some preliminary
21 engineering work before this Board of Determination. So one
22 of the first things we reviewed is we reviewed the utility
23 record drawings. So we reviewed the sanitary sewer record
24 drawings and water main record drawings for the Country View
25 North. And we also reviewed the plats that were established

1 for Country View North.

2 So the Country View North Plat was established in
3 1987. The Country View North Plat No. 2 was established in
4 1994. And Wurtsboro Creek, which is the southern portion of
5 that boundary, was established in 1995.

6 The Country View North plats, they have storm water
7 infrastructure; but as I mentioned, since about the mid to
8 late '90s there has been more of a process, a legal process
9 to ensure that all new plats from the late '90 and on go
10 through that formal process of getting the storm water
11 infrastructure established as a county drain. But before
12 that time there wasn't that formal and legal process to get
13 that established.

14 So Ken and I were then hired to delineate a
15 drainage district. So a drainage district is essentially a
16 watershed. So everything within that drainage district is
17 considered contributing runoff to the storm water
18 infrastructure that's part of those Country View North plats.

19 And we were able to do that by using GIS county
20 contour data. We have one-foot contour data from the county
21 that is very effective in determining the watershed. We can
22 also use our record drawings to determine high points on
23 roads, to help us with delineating any aerials.

24 We then go out and visit the site to locate the
25 drain infrastructure and to confirm the watershed we put

1 together makes sense.

2 So this map right here is the proposed drainage
3 district. As you can see these blue lines here are the
4 infrastructure that's in here. We have infrastructure as
5 part of Country View North and this infrastructure was put in
6 on Terri Lyn Lane as Country View North No. 2.

7 And we also have this red boundary. This red
8 boundary here is the watershed boundary. So everything
9 within this red boundary is considered part of the drainage
10 district, so that it would be considered contributing runoff
11 to this drain infrastructure. And everything on the outside
12 would be considered outside of the drainage district, so they
13 would be not part of that watershed.

14 So the next map shows the aerial of the proposed
15 drainage district, the infrastructure. It is worth noting
16 that Ken and I went out back in late July to check these
17 drainage districts, and we were unable to locate the outlet
18 for this storm sewer system.

19 We were able to locate a catch basin behind a home,
20 a duplex right here, but we were not able to locate the
21 outlets right here. So we are suspecting that the outlets
22 could possibly be buried. Which these plats being
23 established in the late '80s, it's definitely possible that
24 over the years they could become buried. And perhaps you
25 guys here in the audience can provide us more information on

1 that.

2 So following this, we'll allow time for public
3 testimony. You guys will each have three minutes, just give
4 us some more information.

5 We are not aware of any flooding issues. The
6 township, the road commission and the county aren't aware of
7 any issues in this area; but it's possible that you guys
8 owning properties in this district are aware of issues that
9 may need to be taken care of.

10 Following public testimony, the board will then
11 determine the necessity of the petition based on public
12 health, welfare and/or convenience, after hearing everybody's
13 testimony.

14 So if it's deemed necessary by the board, this
15 system will then become a county drain. So from now on then
16 that storm water system will have an entity that's
17 responsible for maintaining it in the future.

18 If it's deemed not necessary by the board, then no
19 further action will occur. The system will remain private.
20 It will be then the responsibility of the property owners
21 then for any future maintenance on that storm sewer system.

22 So this slide has a lot of language in here and
23 I'll go through it fairly quickly, but we just want to
24 explain what the processes are if this becomes a county
25 drain.

1 If it does become a county drain, and from public
2 testimony we find out that there actually are a lot of issues
3 with this drain that will require some form of maintenance
4 project, the process usually follows this kind of flow path.
5 So what will happen then is after this we find out there are
6 issues, Ken and I will investigate the issues and we'll
7 determine what feasible projects are to improve drainage in
8 the area.

9 We'll then go through a design process for drainage
10 maintenance and improvements. So amongst the feasible
11 projects we will select a project that makes sense. We don't
12 want to go with a Cadillac project when a Yugo project could
13 work just as well, right? So we want to make a project that
14 makes sense for the issues that are occurring in the drainage
15 district.

16 We'll then do project design and survey. We'll put
17 the project out for bid and construction. And then following
18 that will be Day of Review of Apportionment. So how that
19 process works is that the project costs and engineering costs
20 and legal costs will all be assessed out then to the Ottawa
21 County Road Commission, to Holland Township, but also to the
22 properties within the drainage district.

23 And I want to make sure that everyone is aware if
24 no project were to occur and there is no drainage issues,
25 Holland Township is willing to pay for all these costs, all

1 the legal costs and engineering costs to make this into a
2 county drain. The costs will only be assessed out to the
3 property owners if it's determined that a project needs to
4 occur to address some form of maintenance issue with the
5 county drain.

6 In the future, if you guys don't have a problem
7 now, but let's say a couple years from now you get a big rain
8 and you have a sinkhole that forms in the road from a
9 collapsed storm sewer, a petition would then be needed if
10 it's a pretty big costly project.

11 So a petition is needed for any project that costs
12 more than \$5,000 per mile. So the petition process would
13 either go through the township or you guys as the property
14 owners, and we'd have a similar Board of Determination
15 process like we're having today to discuss what the issues
16 are. And this board would then determine if it's necessary
17 to improve and maintain the drain for what the issues are.

18 If the project is less than 5,000, let's say it's
19 just a minor blockage that involves a contractor coming out
20 there for half a day with an excavator to remove some dirt,
21 what would happen then is we would not go through this formal
22 petition process. This project would be likely less than the
23 \$5,000, and then Joe would have the ability then to assess
24 that out without going through the formal petition Board of
25 Determination process.

1 So assessments for all future projects would be
2 made to Ottawa County, the road commission, Holland Township
3 and property owners.

4 So that's the end of my presentation. Thank you.

5 BOARD CHAIR KEN SOUTER: Can you go back to your
6 picture?

7 ENGINEER LUCAS TIMMER: Yes.

8 BOARD CHAIR KEN SOUTER: You're showing storm
9 drainage coming out into, is that a lake there? Or is that
10 just open ground or what -- it looks like everything is going
11 to the center there. What is that?

12 ENGINEER LUCAS TIMMER: That's a good question.
13 Could he --

14 ENGINEER KEN BOSMA: That was set up for future
15 development. I believe there was supposed to be an outlet
16 there for that particular area, to have some detention, but
17 some future development in there.

18 Are you still the developer on that and is that
19 correct, Steve?

20 BOARD CHAIR KEN SOUTER: So was there like at the
21 end of the storm sewers, was there like a ponding area or
22 something?

23 ENGINEER KEN BOSMA: It showed that as a small
24 area.

25 BOARD CHAIR KEN SOUTER: Small area for ponding?

1 ENGINEER KEN BOSMA: Yep.

2 ENGINEER LUCAS TIMMER: And this is all cornfield
3 right now.

4 ENGINEER KEN BOSMA: So it's possible over time
5 it's just filled in.

6 BOARD CHAIR KEN SOUTER: Okay. Thank you very
7 much.

8 I think we'll go right then to public comment, or
9 public testimony. I'll open that for public comment.

10 And I guess we're just going to start -- let's
11 start with the gentleman right at the right there.

12 Do you have anything, real good input to give?
13 What's going on here?

14 MR. CALEB VANDEN BOSCH: Yep, my name is Caleb
15 VandenBosch. I work at Country View Apartments so I'm there
16 day in and day out.

17 So to say there is water issues, I mean not that I
18 see. We've never had any issues. So to say that all of the
19 sudden there needs to be some drainage change, I don't know
20 what for.

21 I mean I know that we take care of the drainage
22 down the whole side of that cornfield where there is a river,
23 I guess you could say. We take care of that. The
24 neighboring properties do not, to the north of us.

25 So I got pictures if you want to see them of the

1 way we take care of the property.

2 I mean you could take a drive in there and take a
3 look at it because it's a very well-maintained piece of
4 property all the way around.

5 And that cornfield is 100 percent sand. So to say
6 there is going to be some drainage issue, there will be water
7 buildup, none whatsoever.

8 BOARD CHAIR KEN SOUTER: I wouldn't mind seeing
9 your pictures.

10 So basically there is a creek or --

11 MR. CALEB VANDEN BOSCH: Yeah, so basically, this
12 is the old farm barn here and this is the creek right here
13 that we have neat and trimmed.

14 So then this is the creek picture right here as
15 well too, so this is behind all the four-plexes.

16 This is a brush pile I was not able to burn because
17 it was pushed up and into a bunch of trees. But over the
18 last three years I've got burn permits, I've had employees of
19 Country View removing brush and removing debris from the
20 creek.

21 The township also hired them at one point. They
22 took a 40-yard dumpster and filled it with trash. And you
23 can see how much the kids from the neighboring properties, I
24 mean there is tires in there, they put wood in there.

25 The problem is they, at that 16-unit building, have

1 no where to go, they have no green space. So the kids take
2 to the ditches. And you can see everything --

3 BOARD CHAIR KEN SOUTER: You did too when you were
4 a kid.

5 MR. CALEB VANDEN BOSCH: Oh, yes, of course I did.

6 BOARD CHAIR KEN SOUTER: We all did that.

7 MR. CALEB VANDEN BOSCH: But the kids at Country
8 View, I see everything that goes on. I know tenants by names
9 and who lives where and what happens. And this isn't from
10 our property.

11 You can see the way we maintain. And this is
12 from -- you can even see the building in the picture here.
13 It comes straight from the building.

14 BOARD CHAIR KEN SOUTER: Where does that creek
15 drain to?

16 ENGINEER LUCAS TIMMER: So let me -- Caleb, just
17 confirm, this is the creek right here on the east side of
18 your property?

19 MR. CALEB VANDEN BOSCH: Yep, down this whole side.

20 ENGINEER LUCAS TIMMER: And that's a county drain,
21 Ken, correct?

22 ENGINEER KEN BOSMA: That's Drain No. 8 and that's
23 actually excluded from the district as we show it now.

24 BOARD CHAIR KEN SOUTER: The drain as it is. But
25 this particular development drains to that creek then, but

1 you just couldn't find the outlet?

2 ENGINEER KEN BOSMA: Correct.

3 Maybe, Caleb, you're open to helping us understand
4 where those pipes may go that we're talking about.

5 MR. CALEB VANDEN BOSCH: My dad and Steve would
6 know exactly. We could pinpoint where things are. So we
7 know where all those things are.

8 ENGINEER KEN BOSMA: Okay.

9 BOARD CHAIR KEN SOUTER: That would be helpful for
10 them.

11 I think the main thing that we're trying to do is
12 get this system so that it's in the public entity. It
13 probably should have been right away when the plat was done,
14 but it didn't happen.

15 MR. CALEB VANDEN BOSCH: Right.

16 BOARD CHAIR KEN SOUTER: It looks like you're
17 keeping -- the main drain is being done really well.

18 MR. CALEB VANDEN BOSCH: I mean we hired a
19 contractor last year. He trimmed out everything that was
20 growing within that drainage.

21 And then I also, over the last four years, have
22 records of renting a tractor and brush hog and brush hogging
23 everything down to keep it flowing clear.

24 BOARD CHAIR KEN SOUTER: That sounds good.

25 MR. CALEB VANDEN BOSCH: So we put work into it.

1 BOARD CHAIR KEN SOUTER: That's great. I'm glad to
2 see it.

3 But I was kind of confused on how this thing --

4 MR. CALEB VANDEN BOSCH: That just goes down the
5 whole property but I feel it's part of -- it's not part of,
6 but it is part of the whole drainage system. And this is
7 what we do because this flows through the middle of our
8 property.

9 BOARD SECRETARY RICH VANDER KLOK: But you're
10 saying these are outside of this drainage district?

11 MR. CALEB VANDEN BOSCH: So the property on 132nd
12 and Riley Street, there is a big, it's like a 16-unit
13 building or something of that sort, and the same thing with
14 all the duplexes just to the north of us. It's those kids
15 that keep putting everything in the creek that we have to
16 keep clearing.

17 And it's the fact that these property owners, they
18 do no work whatsoever for the drainage. So it builds up
19 there before it gets to us. But then we get the mess to
20 clean up consistently.

21 I know my mom, Terri, has talked to the township
22 last year too about it because it gets to the point where
23 it's a lot of work for us and we keep it up.

24 BOARD CHAIR KEN SOUTER: Sure, I understand. This
25 looks like kind of a wooded area. You got this pretty nice.

1 MR. CALEB VANDEN BOSCH: So you can kind of see,
2 though, all the growth that has kind of come up along the
3 creek area, and it just keeps going and going. But nothing
4 changes with it.

5 And this is -- I mean we --

6 BOARD CHAIR KEN SOUTER: With all the Ash that have
7 been dying you're getting those trees down in there.

8 MR. CALEB VANDEN BOSCH: Right. Our problem is the
9 kids don't have any place to go so they go to the ditch and
10 they fill it up. That's what they do.

11 BOARD CHAIR KEN SOUTER: That's understandable.
12 Looks good. Looks like you --

13 BOARD MEMBER JOSH WESTGATE: Thank you for the
14 pictures.

15 MR. CALEB VANDEN BOSCH: No problem.

16 BOARD CHAIR KEN SOUTER: Next?

17 MR. STEVE GRASSMID: I'm Steve Grassmid.

18 I think he just said most of it. But, yeah, he
19 basically said everything.

20 MR. KELLY VANDEN BOSCH: I'm Kelly VandenBosch, one
21 of the partners in Country View.

22 And as far as the issues of drainage I know of
23 anything just like Caleb had mentioned, there was a tile that
24 was coming off from that. I was thinking that went all the
25 way to the creek, but Holland Engineering did that

1 original -- I'm sure there is something within the plat that
2 shows where that drain drained off to the side back behind
3 those four-plexes.

4 And like I say, I presumed -- I know there is a
5 catch basin out in the field, it might end up in that. That
6 was my thinking that that's where it ended up.

7 But we could dig into that a little bit and help
8 you find out where that lies.

9 BOARD CHAIR KEN SOUTER: I'm sure the engineers
10 would be very receptive to you kind of showing them that,
11 where those things are.

12 MR. KELLY VANDEN BOSCH: I just don't understand
13 why the properties to the north aren't part of this if there
14 is going to be an establishment of that, because like Caleb
15 had mentioned, that's primarily where the issues lie as far
16 as if anything does get plugged up. That's where the trash
17 comes from, that's where the debris comes from.

18 BOARD CHAIR KEN SOUTER: Ken, do you want to
19 comment on that?

20 ENGINEER KEN BOSMA: As Lucas indicated up front
21 it's based on a watershed.

22 So the infrastructure that has no authority right
23 now is outlined in there before, and then what we're looking
24 at is what drains to that infrastructure. So those
25 properties to the north don't come into those specific

1 infrastructures, doesn't drain there. That drains to that
2 creek, as you're saying, which is a county drain, they call
3 it Drain No. 8.

4 So it's really outside of it, it doesn't flow to
5 that infrastructure.

6 MR. KELLY VANDEN BOSCH: That's not one and the
7 same?

8 ENGINEER KEN BOSMA: No. That actually is an
9 established county drain already.

10 What we're looking at is the infrastructure, all
11 these plats, site condominiums, other things that have been
12 developed in the township that were attached to them never
13 had an authority over just those sections, those pipes in
14 there. And that's what this is doing is establishing those
15 areas that have no authority.

16 So we're just trying to get those under a county
17 drain -- or that's what's being asked. If it's being deemed
18 not, then nothing happens and it remains private. But it
19 gives to somebody the mechanism to be able to maintain it.

20 BOARD CHAIR KEN SOUTER: So County Drain No. 8 is a
21 county drain and there is mechanisms to get that cleaned or
22 taken care of. But this portion of the plat that the storm
23 sewer and the easements and that sort of thing, are not under
24 your jurisdiction?

25 ENGINEER KEN BOSMA: Yes. And you can actually

1 fall in several different drainage districts. So you will
2 also be part of that Drain No. 8 drainage district, because
3 that land does get into the County Drain No. 8. It just
4 keeps going. Eventually you're all part of Lake Michigan,
5 right?

6 But these are all different smaller subdistricts
7 that way. And that's all we're looking at is this particular
8 part, when it was built, never was, come under anybody's
9 authority.

10 MR. STEVE GRASSMID: Okay. Can I ask one question?
11 What happens if we expand again?

12 ENGINEER KEN BOSMA: So if you expand, that would
13 come under a 433 on that. So we'd tie into it with this and
14 then those properties also would be part of that district, as
15 well as the road commission being a public road and a public
16 township.

17 MR. STEVE GRASSMID: And that will automatically be
18 put into the --

19 ENGINEER KEN BOSMA: Yes, you wouldn't have to go
20 through this process again.

21 BOARD CHAIR KEN SOUTER: Young lady?

22 MS. TERRI VANDEN BOSCH: Okay, this is new to me,
23 but I'm Terri VandenBosch. And I've been with Country View
24 Apartments when it started about 35 years ago this fall. So
25 I've seen what's been going on for a long time.

1 And we've tried to maintain our community the best
2 we can. And I would say that if you were to drive around
3 right now, I think you'd consider us one of the top
4 well-maintained apartment communities in the area.

5 Over the 35 years, I think one time we had a water
6 issue, and that's everybody was flooded. I don't know if
7 that was about 15 years or so but there was a huge flooding.

8 So we have not had any water backing up into those
9 sewer areas or whatever you want to call those areas in the
10 roads, we've never had that.

11 But again like Caleb said, probably our biggest
12 dilemma is how such a crunch of housing is allowed to be
13 developed. We have got a big space for our residents, they
14 got big lawns, big space for kids; and when you've got tiny,
15 tiny spaces for kids that come into our community looking for
16 a place to play, a place to ride their bikes, and they have
17 no place to go, so they do go to the ditches.

18 So that was last spring when I had called, I think
19 I talked with you, Joe. And one guy that took all this stuff
20 out said it looks like a garbage site, and they had to come
21 back with, what, a big dumpster?

22 WATER RESOURCES COMM. JOE BUSH: A dumpster,
23 correct. That was one of our contractors.

24 MS. TERRI VANDEN BOSCH: I mean we're talking tires
25 to cars, we're talking pallets, things I can hardly unload.

1 I mean I could do it, but we're talking about some major
2 stuff that's getting hauled down and hauled in.

3 I'm not sure what happens with what the planning
4 and development is for anymore in that area, but you're
5 trying to concentrate a lot of people with no place for kids
6 to go. So if you looked, if you had a chance to walk and
7 look right now, you'd say, wow. Because I had to contact
8 Randy Pluster (ph) with the unit on the corner of 132nd and
9 Riley, there was no closures around those dumpsters for years
10 and years and years.

11 And guess what's right behind the dumpsters; the
12 river.

13 Did you see that, Lucas?

14 ENGINEER LUCAS TIMMER: Yeah.

15 MS. TERRI VANDEN BOSCH: Okay. So we begged them
16 to get a dumpster because the garbage would be tally-hoed
17 over the top and land up down again into the river.

18 So, if you noticed, there is a brand-new enclosure
19 around there after about how many years?

20 So we've been trying to maintain. We care about
21 our community. I'm part of Holland. I'm part of the area.
22 I care about the community. I care about the crime. I care
23 about our tenants. We care about drugs. We care about all
24 those things.

25 But we can't help what happens on Wurtsboro.

1 Because if you take a ride down Wurtsboro, you see a
2 different picture. If you take a look and you go into these
3 places right here along Riley and behind us, you can see who
4 cares and who doesn't care.

5 But, again, if this is something to do with
6 drainage and something that has to happen, then I guess it
7 does. I feel like the brunt of the expense is going to be
8 right on us, because that's what you're showing us right now
9 on this map, right? So if anything is assessed, the places
10 that have been maintained and caring are going to be taking
11 the brunt of the assessment. Correct?

12 WATER RESOURCES COMM. JOE BUSH: Well as of right
13 now we don't have a project, nor do I perceive one. We're
14 just doing the process, the legal process.

15 MS. TERRI VANDEN BOSCH: Okay. And now did you
16 know Roscoe DeVries years ago?

17 WATER RESOURCES COMM. JOE BUSH: Very well.

18 MS. TERRI VANDEN BOSCH: So I guess mainly that
19 whole river that is east of our project, that is really where
20 they felt, we keep that clean, we keep that flowing, that is
21 the place that water is going to be going to.

22 So again I've been with the project for 35 years,
23 we have not had no water issue, okay.

24 BOARD MEMBER JOSH WESTGATE: Okay.

25 WATER RESOURCES COMM. JOE BUSH: And then

1 historically like when we clean that out, I think Holland
2 Township and the county and the road commission, I think we
3 all pick that cost up to clean that out.

4 So historically Holland Township has been willing
5 to pick up the tab for those cleanups of these rivers, if
6 it's minimal. If it's over --

7 MS. TERRI VANDEN BOSCH: They have done some. We
8 did hire Top Notch Service.

9 MR. CALEB VANDEN BOSCH: Last year Top Notch came
10 out and brush hogged everything south of the bridge --

11 WATER RESOURCES COMM. JOE BUSH: Okay.

12 MR. CALEB VANDEN BOSCH: -- that was right along
13 the creek. He went in as much as he could. And over the
14 past four years I've brush hogged it down myself too just to
15 keep everything from growing up. Next thing we have trees
16 growing in ditches. So now it's perfectly clear that whole
17 way down.

18 So four or five years ago, no, it wasn't.

19 WATER RESOURCES COMM. JOE BUSH: Right.

20 MR. CALEB VANDEN BOSCH: Now it is. We put a fair
21 amount of time and money into it because I've hired kids over
22 the past few years to build huge brush piles. You start at
23 one end, you burn it across, you get burn permits. You can't
24 this day, it don't work; okay, now you can this day; now you
25 can't. It's a hassle.

1 But we got to that point it's good and clean and
2 clear.

3 MS. TERRI VANDEN BOSCH: I guess I would just ask
4 that the units that are near the river get addressed. That
5 would be my plea today. Because I can do everything I can
6 with my river area, but when you have other areas that are
7 not looked at and maintained --

8 WATER RESOURCES COMM. JOE BUSH: This is why we
9 hold public hearings, so we can actually hear --

10 MS. TERRI VANDEN BOSCH: Yep.

11 WATER RESOURCES COMM. JOE BUSH: -- because it's
12 hard to keep up with everything --

13 MS. TERRI VANDEN BOSCH: It is. I think the
14 garbage is maybe lessening since they got the enclosures this
15 past spring.

16 WATER RESOURCES COMM. JOE BUSH: And this is good
17 for the township to hear too for planning purposes,
18 ordinances, zoning, clean-ups.

19 Historically, if people are deliberately putting
20 tires in drains, I will go back and assess those people who
21 do that --

22 MS. TERRI VANDEN BOSCH: Okay.

23 WATER RESOURCES COMM. JOE BUSH: I send them a
24 notice and say, either get them out, or I will get them out
25 and then send you the bill --

1 MS. TERRI VANDEN BOSCH: Yeah.

2 WATER RESOURCES COMM. JOE BUSH: -- if they're
3 deliberately just dumping, or they know they're doing it.
4 Not intentional but it becomes a problem --

5 MS. TERRI VANDEN BOSCH: Yeah.

6 WATER RESOURCES COMM. JOE BUSH: -- and that's
7 typically what we do. So it's nice to know that you guys are
8 doing your part, we appreciate that.

9 MS. TERRI VANDEN BOSCH: We try to do the best we
10 can. I feel bad for the kids that have no place. And that's
11 why they go to the creek.

12 So it was all cleaned out and now there is bridges
13 across there again.

14 WATER RESOURCES COMM. JOE BUSH: Because we just
15 went through and cleaned out another section. So No. 8,
16 that's a big drain, it goes a long way, all the way up to
17 Olive Township and down to Lake Mac. It's a big one.

18 BOARD CHAIR KEN SOUTER: Jerry?

19 ROAD COMMISSION JERRY OLMAN: Jerry Olman, Ottawa
20 County Road Commission.

21 I'm not aware of any issues with the storm sewer
22 under the road there. It's great that, you know, it's built
23 30 plus years ago and there haven't been any issues. That's
24 not always the case around the county.

25 But eventually the mortar around those pipes coming

1 into the basins, that mortar breaks down. It still might be
2 good for another 30 years, but at some point there will be
3 sinkholes that will develop around a catch basin or around a
4 manhole that will need to be repaired.

5 So -- and to have this established as a drainage
6 district, that gives a mechanism for those repairs to happen,
7 a smooth process.

8 So as far as that goes, the road commission would
9 be in favor of establishing the district.

10 BOARD CHAIR KEN SOUTER: Okay. Then is there any
11 other public that want to add to it?

12 Then we're going close the public portion of this
13 hearing.

14 Rich, do you have any comments?

15 BOARD SECRETARY RICH VANDER KLOK: Okay. This is
16 an interesting one because I hear that there are a number of
17 variables involved in this whole process, in addition to what
18 we're addressing here, and it sounds as if there is some
19 issues that the township itself has been addressing and needs
20 to continue to address, particularly some of the comments
21 that Terri made.

22 And so I don't, personally right now, unless I can
23 be convinced otherwise, I personally don't see an
24 overwhelming need to bring this into a drainage district; but
25 I can be persuaded by argument if I hear some good arguments.

1 But as Jerry just said, they haven't had any issues
2 and it could be good for another 30 years. So the township
3 does have the option to re-petition within a year or so, as
4 Lucas pointed out.

5 So at this point I'm kind of on the fence.

6 BOARD MEMBER JOSH WESTGATE: I agree with some of
7 those statements and I do believe there are some local
8 township issues. And I can see there might be some issues
9 with some zoning violations that may have to be addressed
10 through Holland Township with some of the neighboring
11 properties. Obviously this doesn't sound like we have
12 pending water issues on the property.

13 Ken, your thoughts?

14 BOARD CHAIR KEN SOUTER: Okay, I'm generally in
15 favor of bringing all the drainage systems within the
16 county's jurisdiction.

17 BOARD SECRETARY RICH VANDER KLOK: Right.

18 BOARD CHAIR KEN SOUTER: And we're talking 30-some
19 years that it's been working great, and that's fantastic.
20 You guys have been keeping up your property really good. But
21 it's still -- I'll give you an example.

22 I live in Port Sheldon Township, and we have one of
23 these same things in our township, and that's close to 40
24 years old now, and we're having issues. And if our drainage
25 had been in this, I would have called and said, we're having

1 some issues, can you see about getting it fixed. We can get
2 those fixed.

3 But we can't now because of the fact that it is not
4 a public system. It's there, the drain commissioner approved
5 it at some time in the past, but never took it over.

6 And what I'm saying on this system, like I would
7 see on any system, the best bet is to have it under the
8 jurisdiction of an entity within the county, so if something
9 happens, you call him.

10 You probably would have called the township and the
11 township would throw up their hands and say, we don't have
12 jurisdiction of it. And then you'll call Jerry, and say,
13 Jerry, you got a problem. And Jerry says, we don't have any
14 jurisdiction of it.

15 I am just totally in favor of tying these together.
16 And I think originally they thought they were tied together,
17 I think originally, but legality wise, they aren't, and
18 that's the only difference. We're trying to figure the legal
19 parts of it.

20 So to me, I'm in favor.

21 BOARD MEMBER JOSH WESTGATE: To piggyback off of
22 that, there is no pending projects. This just creates a
23 district where if something does happen, it can be addressed.
24 It doesn't mean you're going to get an assessment immediately
25 because this was created. It does allow the authority of

1 someone to maintain it or clean it if something does happen.
2 So there is public benefit to that if something does happen.

3 BOARD CHAIR KEN SOUTER: I'm ready for a --

4 BOARD SECRETARY RICH VANDER KLOK: Well I just
5 would like to make a couple comments.

6 BOARD CHAIR KEN SOUTER: Okay.

7 BOARD SECRETARY RICH VANDER KLOK: I appreciate
8 your insight because I think that's very good.

9 And there was one thing that you said in terms of
10 bringing it in for the public, in that it's under the county.
11 And I thought, that probably makes a lot of sense.

12 There isn't an issue in the -- there is a lot of
13 tangential kinds of things that have been talked about here
14 that don't really directly relate --

15 BOARD CHAIR KEN SOUTER: To what we're talking
16 about.

17 BOARD SECRETARY RICH VANDER KLOK: -- to what we're
18 talking about. So if you try to separate all of that out,
19 then I think your point is well made.

20 And so that being said, I would make a motion that
21 the maintenance and improvement of the Country View Drain is
22 necessary, and conducive to the public health, convenience or
23 welfare.

24 BOARD CHAIR KEN SOUTER: Do we have support of
25 that?

1 BOARD MEMBER JOSH WESTGATE: I'll support.

2 BOARD CHAIR KEN SOUTER: Moved and supported to
3 make a motion that the location, establishment, construction
4 of the Country View Drain as petitioned is necessary, and
5 conducive to public health, convenience and welfare.

6 All in favor, say aye.

7 BOARD MEMBER JOSH WESTGATE: Aye.

8 BOARD CHAIR KEN SOUTER: Aye.

9 BOARD SECRETARY RICH VANDER KLOK: Aye.

10 BOARD CHAIR KEN SOUTER: Those opposed?

11 Motion carried.

12 I think that's it.

13 WATER RESOURCES COMM. JOE BUSH: Well I want to
14 make a couple comments. I appreciate you guys coming in and
15 spending the morning with us. The other thing is for the
16 appeal, so you can appeal today's decision with circuit
17 court. You got ten days after today.

18 Some people have tried that in the past or thought
19 about it, but, yeah, there is money and a cost to that.

20 But again we appreciate your time. There is
21 currently no project. I just want to make that statement.
22 And it is recorded, we don't have a project, there is no
23 assessment according to a project. It's just the
24 establishment.

25 So if there is issues, and if you see more trash,

1 be sure to contact us. And then Steve and I talk on a
2 regular basis, I talk with all the townships, but especially
3 Holland because it's a growing township.

4 We have a lot of developments, a lot of plats going
5 in, a lot of commercial, a lot of sites everywhere. It's
6 kind of crazy busy.

7 But that being said we try to be on top of the
8 trash issues. We don't want blockages in them. And if there
9 are some neighbors that aren't being very environmentally
10 sensitive by just throwing a lot of garbage in, then we need
11 to address those as well.

12 So that's all I got.

13 BOARD CHAIR KEN SOUTER: Thank you.

14 BOARD SECRETARY RICH VANDER KLOK: Is there a
15 motion to adjourn?

16 BOARD CHAIR KEN SOUTER: Motion to adjourn, so
17 moved.

18 (Board of Determination - Country View Drain - adjourned
19 at 10:48 a.m.)

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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

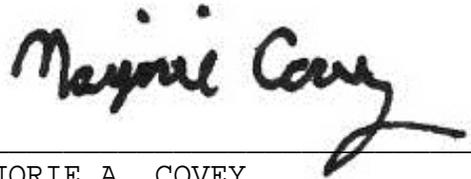
STATE OF MICHIGAN)

) SS

COUNTY OF MUSKEGON)

I certify that this transcript, consisting of 40 pages, is a complete, true and correct record of the Board of Determination - Country View Drain, held on August 19, 2021.

DATE: August 30, 2021



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

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