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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: BAY MEADOWS DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday,
December 2, 2021, at the Park Township Offices, 52 - 152nd
Avenue, 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
- Mr. Josiah Timmermans, Chief Deputy
- Ms. Marie Snyder, Secretary

- Mr. Bill Cargo, 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. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 December 2, 2021 - 10:00 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, also known as the drain commissioner. I
7 changed the name a few years back, well the County Board of
8 Commissioners did to water resources and that really fits the
9 title better.

10 We're here for the Bay Meadow Drain petition that I
11 received, so I have to hold a public hearing. And in the
12 process we got to hold it at the township. So I welcome
13 everybody here to Park Township for this Board of
14 Determination.

15 This is the first legal process that we have to do
16 to maybe make it a county drain depending on what my Board of
17 Determination determines.

18 And the first process is to appoint three,
19 gentlemen, or ladies, there have been ladies on this board as
20 well, but today it's three gentlemen who have been on my
21 Board of Determinations for many years and many projects.

22 I usually appoint three people who understand Drain
23 Code, the state law, drainage, most importantly, right? And
24 they also know something about townships. They all came from
25 a township or currently still work for a township.

1 So they know the zoning, ordinances, assessments,
2 and again Drain Code and flooding and storm water and all the
3 things that pertain to what my job entails.

4 So I appointed these three gentlemen to be here
5 today for that particular reason. And then it's their
6 determination whether we have a project or not. We don't
7 have a project known to date. We know there is some issues.
8 We got an engineering firm involved to kind of go out and do
9 an overview, it's all preliminary. It's just some of the
10 issues that they've seen out there.

11 This is a petition that came from the people. So a
12 petition can come from the people, the road commission, MDOT
13 or the township, and this one is a petition from the people.

14 When that happens, again, we start the first
15 process and that's why you're here today. We invite
16 everybody in the drain district, the drain district is
17 basically a watershed, and everybody gets a notice of today's
18 public hearing.

19 There will be times for public testimony. And in
20 that we have a court reporter, Margie is with us today.
21 She's been doing every one of these since I got elected.

22 This is not required by Drain Code, but I do it for
23 future reference. You can always go back and, what did Joe
24 say, what did the board say, what did the public say. So it
25 is to protect everybody. And basically what was said, what

1 happened, what was the proceedings. And that's why I always
2 get a court reporter.

3 And then we also have a few other people in here
4 today, the road commission, Jerry Olman. The road commission
5 and I go way back, but they come to all of these Board of
6 Determinations because they have a role as it is public roads
7 in there. And some of the issues do pertain to the road
8 right-of-way. So the road commission is always involved.

9 We have an engineering firm, Prein & Newhof, Ken
10 Bosma and Lucas Timmer who are from that firm who does a lot
11 of these Board of Determinations for me.

12 We have my staff. We have Josiah, my chief deputy,
13 and Marie is here today.

14 I don't see the township, I don't know if Howard
15 Fink was coming in here. It doesn't really matter at this
16 point, but he's more than welcome to step in and say a few
17 words if he wants to.

18 Again, everything is court recorded word for word.
19 So speak loudly if you have any concerns or problems that
20 doesn't get discussed in the engineering report, because
21 that's what we're going off of here today.

22 Once I give these three gentlemen the oath, they
23 run the meeting. I don't have anything else to say until
24 they ask me, until the very end. So it's their meeting.

25 And again, there is no project, there is no -- we

1 don't have a cost, we don't know anything today except there
2 is some issues. And all their job is today is to say, Joe,
3 move forward with the project, or not. That's basically
4 their job.

5 Not a cost, not an engineering study. A lot of
6 questions get asked, well what do they decide? Basically
7 it's, does it move forward and have it reevaluated and really
8 get in-depth to have a project.

9 But today is no cost, no nothing. The township
10 picks up today's cost when we do have these Board of
11 Determinations. So if it didn't move forward, the township,
12 the road commission, the county will all figure that out
13 amongst ourselves, how do we cover today's costs, because
14 there is costs. But if it moves forward, it will just be
15 incorporated into the project.

16 So again, I appreciate everybody's time this
17 morning, thanks for coming. I will go ahead and give these
18 three gentlemen the oath and we'll go from there.

19 Gentlemen, please rise -- well before we do that, I
20 should introduce you. I'm so used to seeing you guys all the
21 time, but these people don't know you.

22 So I'll go ahead and introduce from left to right.
23 We have Josh Westgate. Josh used to be the supervisor up in
24 Wright Township. He's been involved in drainage and Board of
25 Determinations, so he's very familiar with the process today.

1 Bill Cargo, he's probably our longest-standing
2 Board of Determination person. Bill Cargo is the manager up
3 in Grand Haven Township.

4 And then we have Rich VanderKlok. He has been
5 somewhat retired from Georgetown Township board, but he was a
6 clerk there for quite a few years, and he's been on a lot of
7 these boards as well, so he understands Drain Code, drainage.

8 So these are your three gentlemen that I have
9 appointed. They have no affiliation with anything in Park
10 Township right-of-way, or the drainage district. So they
11 don't have any lands or anything of conflict in this said
12 township of Park. So that's another thing per Drain Code, I
13 can't appoint anybody that is involved in said township or
14 the drain district, and they are not, just for the record.

15 So, gentlemen, would you please rise? Sorry about
16 that.

17 Do you each faithfully swear that you will
18 faithfully perform and discharge the duties imposed upon you
19 as required by law as members of the Board of Determination,
20 appointed by the Ottawa County Water Resources Commissioner,
21 to determine the necessity to locate, establish and construct
22 the proposed Bay Meadows Drain located in Park Township, in
23 said county, gentlemen?

24 BOARD MEMBER JOSH WESTGATE: I do.

25 BOARD MEMBER BILL CARGO: I shall.

1 BOARD MEMBER RICH VANDER KLOK: I do.

2 BOARD MEMBER BILL CARGO: The first thing we need
3 to do is elect a chairperson and a secretary. Do we have a
4 motion for the chairperson?

5 BOARD MEMBER RICH VANDER KLOK: I would make the
6 motion that Bill Cargo serve as chair.

7 BOARD MEMBER JOSH WESTGATE: I will support that
8 motion.

9 BOARD MEMBER BILL CARGO: The motion has been made
10 and supported.

11 All in favor, say aye.

12 BOARD MEMBER JOSH WESTGATE: Aye.

13 BOARD MEMBER BILL CARGO: Aye.

14 BOARD MEMBER RICH VANDER KLOK: Aye.

15 BOARD CHAIR BILL CARGO: And since I see Rich is
16 the one who is writing all this down, I'll make a motion that
17 Rich be the secretary.

18 BOARD MEMBER JOSH WESTGATE: I'll support that
19 motion.

20 BOARD CHAIR BILL CARGO: Motion made and supported.

21 All in favor, say aye.

22 BOARD MEMBER JOSH WESTGATE: Aye.

23 BOARD CHAIR BILL CARGO: Aye.

24 BOARD MEMBER RICH VANDER KLOK: Aye.

25 BOARD CHAIR BILL CARGO: Rich, you are now the

1 secretary.

2 The other thing we do, and it's probably not going
3 to be important here because it's such a small group, is we
4 typically limit public comments to three minutes per
5 individual. You can summarize War And Peace within three
6 minutes, and so we figure you can tell us what the problem is
7 that you see out there, or if you don't think there is any
8 problems out there.

9 So I will make a motion to limit public comments to
10 three minutes. Is there support for that?

11 BOARD SECRETARY RICH VANDER KLOK: Support.

12 BOARD CHAIR BILL CARGO: The motion was made and
13 supported.

14 All in favor, say aye.

15 BOARD MEMBER JOSH WESTGATE: Aye.

16 BOARD CHAIR BILL CARGO: Aye.

17 BOARD SECRETARY RICH VANDER KLOK: Aye.

18 BOARD CHAIR BILL CARGO: And that is done.

19 Now we're going to move to the engineer's
20 presentation. Okay.

21 If you want to introduce yourself to the public,
22 we're going to have a slide show presentation.

23 And this looks like an orphan drain, is that
24 correct?

25 ENGINEER LUCAS TIMMER: That's correct.

1 My name is Lucas Timmer. I'm an engineer with
2 Prein & Newhof out of Holland here, and we were hired to do
3 the preliminary engineering work that was necessary for this
4 Board of Determination today.

5 So the Bay Meadows Drain is an existing storm water
6 drain system and is without authorized local and county
7 governmental jurisdiction, and administrative, procedural and
8 funding mechanisms to address current and future needs for
9 maintenance and improvements.

10 To simplify that down a little bit, there is
11 essentially no local, like Park Township, or county, like the
12 road commission or the water resources commissioner, there is
13 no jurisdiction of those entities of your storm sewer system,
14 and thus there is no funding mechanism to maintain that
15 system.

16 So property owners filed a petition to establish
17 this as a drainage district on September 16, 2021. Following
18 that submittal of the petition by the property owners of Bay
19 Meadows neighborhoods and the Sunflower plat, we then are
20 required to have a Board of Determination as Joe detailed
21 earlier.

22 So as part of our preliminary engineering work, we
23 first started by reviewing utility record drawings, so we
24 looked at the record drawings at Bay Meadows and the
25 Sunflower plat have for their water main, sanitary sewer and

1 storm sewer. And then that can also indicate to us where
2 high points and low points in your roads are, and how your
3 neighborhood overall drains.

4 We then reviewed plat maps. So we looked at the
5 Bay Meadows, all the different plats. So there are five
6 different Bay Meadows establishments from 1989 to 1993. The
7 Sunflower plat was then put in in 1995, which is just to the
8 west of your plat.

9 We then delineated a drainage district. So a drain
10 district is essentially a watershed. Everything within that
11 drainage district boundary then contributes runoff to what
12 this proposed Bay Meadows Drain is. And everything outside
13 of that drainage district does not then contribute runoff.

14 And we are able to use county GIS contour data.
15 The county has one-foot contours, very accurate for knowing
16 where high points and low points are. And we're also able to
17 use aerials that were provided from the county.

18 What we then always do is we visit the site and
19 compare our drainage district to what we're seeing with our
20 eyes. And we then confirm drainage patterns in your
21 neighborhood. So Ken and I then have been to your
22 neighborhood to review the drainage patterns and also to
23 review the infrastructure.

24 So this map right here is a little difficult to see
25 on the television, you can look on the map following the

1 presentation here, and we can discuss that further.

2 But the red boundary on here is the drainage
3 district boundary. So that's the watershed boundary.
4 Everything within that red boundary is considered included in
5 the drainage district and contributes runoff.

6 The blue lines on here are the storm sewer route
7 and course for the proposed Bay Meadows Drain. So you can
8 see the Sunflower plat is on the west. The Sunflower plat
9 drains to the east towards the Bay Meadows east pond.

10 There is then the road around the east pond and
11 that has storm sewer infrastructure that drains into that
12 east pond. There is also a north pond which is by your
13 clubhouse, and that drains from the north pond -- let me
14 rephrase that. That pond should be called the west pond, not
15 the east pond, and it drains to the large west pond. That
16 west pond then drains to the east. There is an east pond
17 there that has an outlet that drains to the south.

18 And I can better show where that storm sewer ends
19 up going on the next slide.

20 So that storm sewer goes to the south and it goes
21 through Beachwood Church's property. And it has a storm
22 sewer system that is in Beachwood Church. This storm sewer
23 system is enclosed, so Beachwood Church is not connected to
24 it anymore in their parking lot, and it drains down to a
25 ditch on the east side of Beachwood Church's driveway.

1 And then that goes into an open watercourse, the
2 Stu Visser Trails and to Pine Creek.

3 So from our review in the field and from some
4 previous inspection reports that Ottawa County has received,
5 we are aware of a few issues that are present in the Bay
6 Meadows' proposed drainage district. So there were a couple
7 of locations where we noticed sink holes that have occurred
8 near catch basins.

9 You can see in the photo in the upper right, that
10 patch right next to that catch basin indicates that there was
11 likely a sink hole there at some time.

12 We've also noticed that there was a possibility, at
13 least, that some of the backyard catch basins that then
14 connect into the road have had sink holes.

15 We've noticed sediment accumulating at the outlets.
16 The photo in the middle bottom there shows some of the sand
17 sediment that's been gathering and building up near the
18 outlets into these ponds.

19 We also noticed what appears to be a blockage of
20 flow between your north pond, and whether we call it the
21 south pond or the west pond, it appears there is a blockage
22 that is preventing some flow from that north pond by your
23 clubhouse to get into your south pond.

24 We've also been made aware in the past of blockages
25 at your control structure. The control structure is shown in

1 the bottom right photo.

2 And then we've also, just from reviewing in the
3 field, we noticed that there is sediment and partial blockage
4 of an outlet for the Sunflower plat, and this is for the
5 storm sewer in the Sunflower plat that is on the north side
6 near Lakewood Boulevard.

7 So following the presentation, as the board
8 mentioned, you have a time for public testimony that's
9 limited to three minutes per person who comes up to present.
10 The board will then determine after public testimony if it's
11 necessary for this proposed drain to be established as a
12 county drain based on public health, welfare and/or
13 convenience after hearing the testimony.

14 If it's deemed necessary by the board, then the
15 existing system will become a county drain. If deemed not
16 necessary by the board, then no further action will occur,
17 and this system will remain an orphan system.

18 So this text is a little smaller, so I'm going to
19 read off my presentation here.

20 So if the drain is deemed necessary by the board,
21 and during public testimony or following public testimony,
22 Ottawa County is made aware of drainage issues within the
23 existing system that require these issues to be addressed,
24 then the Ottawa County Water Resources Commissioner will have
25 P&N review feasible projects to improve drainage.

1 We'll then go through a design process for drainage
2 maintenance and improvements in which we'll review feasible
3 projects. We will select a project. We will complete
4 project design and survey. If easement acquisition is
5 required, we'll then pursue easements.

6 We'll then bid the project out for construction.
7 And following that then there will be this process called a
8 Day of Review of Apportionment.

9 So everyone within the drainage district boundary
10 would be made aware of the project and the anticipated
11 project assessment. You'd be notified of that. You would
12 have the opportunity to attend a meeting then to discuss what
13 your assessment is and what, any concerns you have.

14 The assessments are also made to Ottawa County, the
15 Ottawa County Road Commission and Park Township as part of
16 any future project.

17 If drainage issues identified in the previous slide
18 are determined insignificant at the time, and that there is
19 not necessarily a need right now to do a project, then no
20 project would occur.

21 If drain issues occur in the future, let's say you
22 have a big sink hole in your road that requires storm sewer
23 to be replaced, the process that would be involved then is a
24 petition then would be needed to maintain the county drain.
25 And that's only if project costs to maintain are over 5,000

1 per mile per Drain Code.

2 So if there is a smaller fix that Joe can send a
3 contractor out quick, let's say a tree fell and blocked one
4 of your pond outlets, Joe could send someone out without
5 going through the petition process and the Board of
6 Determination process. And that's because that cost would be
7 less than \$5,000 per mile of drain.

8 If it's a large project that required a complete
9 replacement of your storm sewer system, then we have to still
10 go through this process, you would have the Board of
11 Determination, and then you would go through the day of
12 review process as well.

13 So assessments for future projects will be made to
14 Ottawa County, the road commission, Park Township, and future
15 property owners.

16 BOARD CHAIR BILL CARGO: Lucas, I appreciate it.

17 ENGINEER LUCAS TIMMER: Thanks, Bill.

18 BOARD CHAIR BILL CARGO: Just to simplify this for
19 the members of the public, this is now considered a private
20 system, and public monies can't be spent to maintain a
21 private system.

22 ENGINEER LUCAS TIMMER: That's correct.

23 BOARD CHAIR BILL CARGO: So what we're doing here
24 today is we're trying to bring it into the public, so that if
25 problems do occur in the future, that the public monies can

1 be spread out both among the property owners and among the
2 governmental units?

3 ENGINEER LUCAS TIMMER: That's correct.

4 BOARD CHAIR BILL CARGO: Thank you.

5 That said, I noticed that we have Jerry from the
6 road commission here, the Ottawa County Road Commission.

7 Jerry, do you have any comments on this? Any
8 objections to bringing this into the county road -- or county
9 drain system?

10 ROAD COMMISSION JERRY OLMAN: No. I'd just like to
11 say that the road commission is in favor of bringing the
12 orphan system into the county system for that purpose of a
13 mechanism for repair and then maintenance on it.

14 BOARD CHAIR BILL CARGO: Thank you.

15 Is there anybody here from Park Township?

16 Then if not, we're going to open up the public
17 testimony portion of this public hearing.

18 And I'm going to simply ask that people come up to
19 the podium, give your name and address, and any comments that
20 you have.

21 This half of the room I already know is not public,
22 so I'm going to go right to the second row back there.

23 Is there any comments from anybody in the audience?

24 MS. SARAH KOLEAN: I am Sarah Kolean, 96 Bay Circle
25 Drive. I am the secretary of the Bay Meadows Homeowner's

1 Association. I was a signature on the petition.

2 And I would say as a member of the board, we are
3 coming forward to hopefully have this -- this petition and
4 this go forward. We think if it's under the public
5 jurisdiction, then it will be maintained in the -- it will be
6 better maintained because of the expertise of the folks that
7 do that sort of thing.

8 We would have to use -- we'd probably have to do
9 major special assessments if a major issue happened, and we'd
10 like to keep -- we'd like to keep that as low as possible.

11 So thank you for your time on this.

12 BOARD CHAIR BILL CARGO: Okay. I happen to agree
13 since you're paying taxes, you might as well have some of
14 that tax money come back to you in the form of maintenance.
15 Always a good idea.

16 In the back row? Anybody else want to speak?
17 Anybody on this side of the room?

18 Okay. In that case, we're going to close the
19 public comment portion of the public hearing and have some
20 discussion among the board members present today.

21 And so, any questions or comments that you two
22 have?

23 BOARD SECRETARY RICH VANDER KLOK: It seems
24 straightforward to me that residents are asking for it and,
25 as just stated, they're hoping to bring it in to the county

1 system. So I'd be in favor of that.

2 BOARD MEMBER JOSH WESTGATE: Yeah, I'm going to
3 mirror what you're saying, Rich. This makes sense. It
4 should be a public system. It's very straightforward what we
5 have here, and I'd be in favor for it also.

6 BOARD CHAIR BILL CARGO: This is a -- this is one
7 of those Board of Determination no-brainers. I mean there
8 is -- your system is in good shape for being 30 years old,
9 there doesn't seem to be any major problems, but that's not
10 going to last forever. We know everything breaks down.

11 So to have a public mechanism in place to pay
12 portions of the cost I think is very important.

13 So I'm going to make a motion that the proposed Bay
14 Meadows Drain, as petitioned on September 16th, 2021, is
15 necessary and conducive to the public health, convenience,
16 and welfare of the area residents.

17 BOARD MEMBER JOSH WESTGATE: I will second that
18 motion.

19 BOARD CHAIR BILL CARGO: We have a motion and we
20 have support.

21 All in favor, say aye.

22 BOARD MEMBER JOSH WESTGATE: Aye.

23 BOARD CHAIR BILL CARGO: Aye.

24 BOARD SECRETARY RICH VANDER KLOK: Aye.

25 BOARD CHAIR BILL CARGO: Let me make sure that

1 there is nothing else that we need to do here.

2 I'm going to turn this over to Joe, who will make
3 some comments regarding if there is any objection, what will
4 happen next in terms of our determination that this is a --
5 this drain district is necessary. There is an appeal process
6 and I know that Joe normally gives brief comments on that.

7 WATER RESOURCES COMM. JOE BUSH: Yeah, just for the
8 record, if somebody wanted to appeal today's decision, the
9 Board of Determination, you got ten days from today through
10 circuit court, if somebody wanted to appeal it. I don't know
11 why you would, but you'd be surprised. So, yeah, that's
12 through circuit court.

13 The other thing is I appreciate your time coming.
14 And if this was developed today, in today's standards, at
15 least since I've been elected, this would have been a county
16 drain from the get-go. It would be a 433 Agreement is what
17 we'd tell them through the developer, and that would all be a
18 county drain just added to the list, right, of how many we
19 have in Ottawa.

20 So I appreciate it moving forward because now we
21 have some kind of jurisdiction and we can help and assist,
22 that's what my job is is to give customer service and provide
23 a service and we're happy to do that moving forward.

24 So we thank you for coming.

25 BOARD CHAIR BILL CARGO: Okay. Unless there are

1 objections, we will adjourn the public hearing at this time.

2 Without objection, we are adjourned.

3 (BOD adjourned at 10:24 a.m.)

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