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STATE OF MICHIGAN

COUNTIES OF OTTAWA AND ALLEGAN

IN RE: BLACK CREEK OF ZEELAND INTERCOUNTY DRAIN
DRAINAGE BOARD MEETING TO DETERMINE NECESSITY

Proceedings commenced at 4:00 p.m., on January 10,
2023, at the Haworth Hotel at Hope College, 225 College
Avenue, Holland, Michigan, held before Dawn M. Houghton,
CSR-3071, RPR, Certified Shorthand Reporter and Notary
Public.

APPEARANCES:

- Mr. Brady Harrington, Chairperson, Michigan
Department of Agriculture
- Mr. Ken Yonker, Secretary, Kent County Drain
Commissioner, Special Commissioner for
Ottawa County Drain Commissioner
- Ms. Denise Medemar, Board Member, Allegan County
Drain Commissioner
- Mr. Paul L. Forton, P.E., Spicer Group

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Holland, Michigan

January 10, 2023 - 4:00 p.m.

PROCEEDINGS

CHAIRPERSON HARRINGTON: Good afternoon. At this time, I'd like to call to order the Black Creek of Zeeland Intercounty Drain Drainage Board.

I'm Brady Harrington. I'm with the Michigan Department of Agriculture and Rural Development. I serve as the chair of the Drainage Board on behalf of the Director Kathy Angerer.

To my left is Ken Yonker, who is the Kent County Drain Commissioner, and is serving as Special Commissioner for Joe Bush, who is conflicted on this particular drain because he owns property within the drainage district.

And to my right is Denise Medemar, Allegan County Drain Commissioner. And these two commissioners will be our decision-makers for today's meeting.

The commissioners' first decision to make is who will serve as secretary for tonight's meeting.

BOARD MEMBER MEDEMAR: I'll make a motion for Ottawa County to be secretary.

CHAIRPERSON HARRINGTON: We have a motion for Ottawa County.

BOARD MEMBER YONKER: Second.

CHAIRPERSON HARRINGTON: Support from Kent County.

1 Any discussion on the motion? If not, all in favor?

2 BOARD MEMBER MEDEMAR: Aye.

3 BOARD MEMBER YONKER: Aye.

4 CHAIRPERSON HARRINGTON: Have two ayes. And

5 opposed? None. That motion will pass.

6 Are there any changes requested to the agenda? For

7 any of you who didn't get one, there are additional copies

8 out on the table before you come in, as well as speaker

9 cards.

10 SECRETARY YONKER: Make a motion to accept the

11 agenda as presented.

12 BOARD MEMBER MEDEMAR: I'll support that.

13 CHAIRPERSON HARRINGTON: Any discussion on that

14 motion? All in favor?

15 BOARD MEMBER MEDEMAR: Aye.

16 SECRETARY YONKER: Aye.

17 CHAIRPERSON HARRINGTON: Motion will pass. Our

18 prior meeting minutes are from November 21st, 2022. Are

19 there any changes requested to those minutes?

20 SECRETARY YONKER: Make a motion to accept the

21 minutes as presented.

22 BOARD MEMBER MEDEMAR: I'll support that.

23 CHAIRPERSON HARRINGTON: Any discussion on the

24 minutes? If not, all in favor?

25 BOARD MEMBER MEDEMAR: Aye.

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SECRETARY YONKER: Aye.

CHAIRPERSON HARRINGTON: Any opposed? None. That motion will pass.

So we're here tonight because this Board has received a petition from Holland Township that requested consolidation of somewhere between seven and ten drains. Our engineer will be going through that in the presentation.

They are drains that have been established. They're all on the Macatawa River. And they've had various different names over the years, and it's not entirely clear from the old records where drains have been established and where it's not. We'll clear this up with this project through a consolidation of all these various drains.

And the petition also requested maintenance and improvement of the drain, and we have asked Spicer Group to do essentially an inspection of the drain, which they will be presenting and making recommendations to the board.

Our decision tonight will be whether or not it's conducive to the public health, convenience, or welfare to do the consolidation from seven to ten drains into a single unit; and, secondly, whether or not it's necessary and conducive to the public health, convenience, and welfare to do a maintenance and improvement project.

We are not setting scope tonight. We are not bound by the recommendation of the engineer. The Board can choose

1 the scope when and if they determine if there's a necessity
2 for a project.

3 So those are the only decisions that this Board is
4 making tonight. And with that, I will introduce Paul Forton
5 with Spicer Group to give us preliminary engineering report.
6 Paul?

7 MR. FORTON: Sounds good. Thank you, Brady. Can
8 everybody hear me okay with this level?

9 If you were here at the first meeting, a lot of the
10 information that you're going to see is the same, just to
11 make sure that everybody's up to speed, and I know that the
12 Board has seen that.

13 I know that I am between you and your dinner, and
14 we do have quite a few slides to go through, so I'm going to
15 go through fairly quickly, if I can. And I'm very casual
16 with the Board. I've worked with you guys before. If you
17 have questions, stop me at any time. But we'll try to move
18 through this fairly quickly.

19 Again, we're going to talk about the consolidation
20 and what that means. We're going to go over some of the
21 watershed information that's specific to this watershed, talk
22 briefly about the petition, and then also get into our drain
23 maintenance inspection that we completed, talk a little bit
24 about what that maintenance might be and what that's going to
25 look like, and then talk about next steps.

1 So I'm not going to read all of the names on the
2 slides here, but as Brady mentioned, there were many, many
3 different drains over the years. And we're going to go
4 through these one by one on a map, because looking at it on
5 paper here on a slide and just looking at a bunch of words
6 doesn't really help anybody understand what we're trying to
7 do here.

8 And so starting in the late 1800s and early 1900s,
9 drain commissioners in Ottawa County and Allegan have worked
10 together on various sections of this water course. And, you
11 know, a lot of folks have asked why would we want to
12 consolidate this? Well, if you're -- there's several
13 different reasons.

14 Quite frankly, Number 1 is probably simplicity. If
15 we have a list this long that all have sections of the same
16 type of stream, it gets a lot harder to manage that as a
17 system. If we were to try to obtain grant funding in the
18 future or find matches, which one of these do you pick to
19 name if -- which, depending on which drain you're working on
20 when you receive your taxes, it gets very confusing. Well,
21 which entity?

22 Each one of these drains is its own separate
23 governmental entity, essentially. It's got its own bank
24 accounts that money gets put into for maintenance and
25 different things. And so, obviously, if we can shrink that

1 list down to one, the keep-it-simple philosophy certainly
2 applies.

3 And so, again, there are multiple legal entities.
4 There are multiple different drainage districts, then, at
5 that point. And it's all the same water course in this
6 instance. In addition to that, we prefer to manage the
7 system holistically rather than having it all segregated and
8 separated into different segments. It's a lot easier to
9 manage it as one system.

10 So this is a general map that you can see. And I
11 apologize. With the -- with the size of this particular
12 watershed, it's a little bit difficult to show a lot of
13 detail. But, in general, you can see US-31 is on the left
14 side of the screen, just to kind of establish our boundaries.
15 Hudsonville is just off the northeast, I'm sorry, the top
16 right corner of the screen, so up in the northeast corner.

17 You can see 196 weaving across the page, as well as
18 Chicago Drive. Those M-routes tend to be the easiest to kind
19 of identify where you are. I would love to jump up here with
20 a laser, but the laser doesn't work on a TV screen, so
21 hopefully you can kind of -- kind of see those major
22 landmarks.

23 And the first line that we have, you've got the
24 blue line that extends -- from the downstream most extends,
25 that's Waverly or 120th, depending on if you're in town or

1 out in the township, so that north/south road on the left
2 side of the screen is Waverly or 120th, and that blue line
3 shows the Macatawa River as it proceeds up. And up until
4 this point, in a lot of the drain records, the name has
5 always been Black Creek or some variation thereof.

6 So in lieu of moving on, we'll move through these
7 pretty quickly. Each different name is going to have a
8 different color. So you can see the Black Creek Drain is
9 shown in red, and the Black River Improvement Drain of
10 Holland Township is shown in purple. And it's a little bit
11 tougher to see that segment. It's down towards the western
12 end. And I'll flash between there so you can see it pop up.

13 So the purple is the Black River Improvement Drain
14 of Holland Township. Then there's the dark blue section
15 known as the Zeeland and Holland Black River Drain. Then the
16 yellow session extends it a little further upstream and to
17 the northeast; that's the Zeeland Black Creek Drain.

18 In the green now, we have the extension to the
19 Black Creek of Zeeland Drain, the Black Creek Drain of
20 Zeeland, the Black Creek of Zeeland Intercounty Drain, the
21 Black Creek of Zeeland Drain Roeloff Branch, the Paw Paw
22 Branch to the Black River Drain.

23 And you can see, with all the confusion here, many
24 of these lines overlap. So when you see those lines next to
25 each other, those aren't separate streams. It's trying to

1 represent that that section of drain has been re-established
2 and relabeled as a different entity with a new name. And yet
3 it's all the same system.

4 And then to compound the confusion in this, this is
5 not the only Black Creek or Black River Drain within both
6 Ottawa and Allegan County, because there's multiple Black
7 Drains. And so, locally, this outlets to, if you're not
8 familiar with this system, it outlets into Lake Macatawa.
9 And so calling this, you know, changing the name at this
10 point seems to make the most sense jurisdictionally.

11 So the light blue line that you see on the screen
12 now is a base map that we're going to use as we proceed
13 through the inspection photos so you can see kind of what the
14 drain looks like. And so kind of take that, we'll shrink it
15 down into a postage stamp, and we'll use that here in a
16 little bit to go through some of those slides.

17 So we've zoomed out just a little bit to show the
18 entire watershed that we have to work with here. So the dark
19 black line that you see is the -- is the perimeter of the
20 watershed or the special assessment district. There's
21 different names for that particular line.

22 And that line is very important, especially as a
23 resident and a taxpayer. If you live within that line, what
24 that means is, when it rains, excess water, when it runs off
25 of the land, eventually mates itself to the Macatawa River

1 and out to Lake Michigan.

2 And so the reason that that's important is drain
3 commissioners do not have a general pot of money that they
4 use to do maintenance with from our tax dollars. When we pay
5 our taxes to your tax authority, that money goes into
6 different pots.

7 And so in this instance, the -- and none of that
8 money goes to the drain commissioners for maintenance work.
9 And so when work is done within a watershed, that work is
10 assessed to different people. And I know this question comes
11 up a lot, so I'm going to spend just a little bit of time on
12 this, who pays for the work.

13 In this instance, you're going to have a lot of
14 folks that pay. Probably the first and easiest to identify
15 would be the municipalities. If you're here representing a
16 township, many times townships would receive a portion of the
17 cost, and a lot of times that's based on how many acres that
18 they contribute.

19 In addition to that, MDOT will pay. We have a lot
20 of M-routes within this particular watershed. That's a good
21 thing for you folks and for the township -- or for the
22 Intercounty Board, because MDOT has a budget that they
23 allocate for their portion of these projects because of the
24 benefit or the derived benefit that they have for drainage
25 for roads. In addition to that, we also have the road

1 commissions, and so the road commissions and their right of
2 ways, they have benefit as well.

3 And so I'm going to dive quickly into the
4 statistics, and then we'll go over the specifics of more of
5 those folks who pay. So, the overall watershed itself is 115
6 square miles, and it's almost split in half between Allegan
7 and Ottawa County. Ottawa has slightly more acres that you
8 can see here than Allegan does.

9 Overall, there's just over 16,000 parcels, and
10 about 3,000 of those are in Allegan and 13,000 or so are in
11 Ottawa. And if you're looking at the slides, and for the
12 record, I am rounding, the length of the drain itself is just
13 about 15 miles, and it is all located within Ottawa County.
14 So as we look at that center line or that drain center line,
15 all of that stream is located within Ottawa.

16 Within the watershed, we have just about every land
17 use. We've got agricultural areas, forest and recreational
18 areas, there's residential, and there's also commercial and
19 industrial.

20 And so, again, the municipalities, you can see the
21 list on the screen here for the folks in Allegan County, the
22 municipalities that are involved include the townships, the
23 city, Road Commission, and MDOT. And in Ottawa, it's also
24 the same, you've got the townships, the cities, the Road
25 Commission, and MDOT.

1 And so when these folks are done paying their
2 portion, the rest of the assessment is born by the taxpayers.
3 So if you live within that watershed, the rest of the cost
4 will get spread amongst the thousands of parcels that are
5 within this watershed.

6 And we can, you know, we can, if you have questions
7 on how that works, probably after the meeting would be the
8 best, I'll be around if you have questions. I don't think we
9 need to dive into the details of that. But, in general, it's
10 typically based on acreage and land use.

11 So if you own a hundred acres and I own a thousand,
12 well, I'm paying on a thousand, you're paying on a hundred,
13 versus a quarter of your lot's in the city. But then we also
14 want to talk about land use. If my hundred acres is the
15 Meijer's and your hundred acres is a farm field, those are
16 treated differently based on how much runoff they generate,
17 so just to give you a quick sense as to how that works.

18 So, again, the goals would be to manage this as a
19 system. In this particular system, we see a lot of dying ash
20 trees. There's a lot of woody debris that can block the
21 stream. That can cause erosion and sedimentation, so we want
22 to take care of those.

23 A lot of folks ask, well, what does doing
24 maintenance on a county drain even mean? They know, because
25 they deal with it every day, but for those of us that don't

1 even know what a county drain is, what does that look like?

2 We know that you change the oil in your car. Well,
3 on a county drain, you've got to take care of that woody
4 debris, and the trees that fall, and your culverts that might
5 be rusting and in eminent failure. So those are the types of
6 things that we look to to repair and the goals that we shoot
7 for.

8 In this particular instance, we've got over eight
9 different drainage districts listed, and obviously, reducing
10 the overlap of those and just setting it up as one would be
11 the primary goal of the project. And, as I mentioned
12 earlier, it does improve opportunity for partnerships, for
13 grants, and folks like Project Clarity and different
14 opportunities that we have there.

15 So the petition, as it was mentioned before, was
16 dated May 20th, and it did come from Holland Charter
17 Township, and it was for consolidation, maintenance and
18 improvement, as well as name change, and it was found to be
19 practical at the last meeting.

20 Since that time, the overall condition of the drain
21 itself, there's a lot of log jams, there's some sediment
22 bars, there's a few restrictive crossings that we need to
23 look at, and there is some erosion throughout the region.

24 And so, again, that overall map, you can -- you can
25 hopefully see, I don't know how well it shows up on the big

1 screen, but the light green dot that's sitting down there
2 right at US-131. So the red line that curves, that's 31, and
3 you can watch that green dot as we proceed up the 15 miles of
4 the drain.

5 And the Waverly Road crossing, there was some minor
6 woody debris, but nothing major at that location. Here the
7 river is pretty wide, relatively speaking. It's quite a
8 large river as -- as county drains are considered.
9 Typically, when we get to the upper end, you'll see that it
10 narrows quite significantly by the time we get up to the
11 upper reaches.

12 This is western Chicago Drive crossing where
13 there's some woody debris located there. As we move upstream
14 from there, this is the Adams Street crossing. It's in fair
15 condition at this time. There is some log jams west of 196,
16 so if you're going down 196 and you take a look to the west,
17 you can see, as you cross the river there, that there is some
18 woody debris that is causing obstructions. Again, another
19 log jam, and you can see we're underneath the highway at this
20 point.

21 196 and 90 -- this is between 196 and 96th Avenue,
22 again, significant log jams and sediment that you can see
23 building up here. More log jams west of 96th Av. This is a
24 picture of 96th Avenue crossing. It's in fair to poor
25 condition. And it's my understanding, in conversations with

1 the road commission, this is scheduled to be replaced in the
2 semi-near future. East of 96th Av., things look pretty rough
3 with quite a bit of woody debris and erosion. So I'll snap
4 through these pictures fairly quickly.

5 There is a rock ford crossing. This is east of
6 96th Av. And what a rock ford crossing is is where you can
7 cross the stream on rocks. Somebody has placed rocks in the
8 stream to be able to get from one side to the other.

9 The good news in this reach is we're not seeing
10 excess sediment. All the culverts, bridges, everything seems
11 to be flowing okay. But, in general, the main issue here is
12 the woody debris and a little bit of erosion on the side
13 banks.

14 Another log jam east of 96th Avenue, and finally
15 we're to the Adams Street crossing. North of Adams Street,
16 things are looking pretty good. And for those that live in
17 this area, you know that there has been some regular
18 maintenance done here in the past, and so in some of these
19 photos, things are looking pretty clear because the woody
20 debris has already been removed.

21 But really from -- there's -- when it dips below
22 Adams Street and comes back, there's kind of -- there's a
23 western Adams Street and an eastern Adams Street, that
24 stretch is -- is pretty thick with woody debris.

25 You can see here north of Adams Street that we do

1 have some bank erosion on the left side of the photo here.
2 It's hidden underneath the grape vines, but if you take a
3 close look, you can see that bank is almost vertical.

4 Now we're approaching 84th Av., and that crossing
5 is in fair condition. East of 84th Av., we do have some
6 woody debris, and you can see the sediment bar here in the
7 middle of the stream. The challenge with sediment bars
8 forming in the middle of that stream, once that grass starts
9 to grow, those roots get established, that island becomes
10 established, and it splits that flow around it, which can
11 cause erosion both on the left and right sides if it's not
12 taken care of.

13 Now we're out in the big flat, so this is between
14 84th Avenue and Byron Road. And, in general, this area is in
15 fair condition. It's extremely flat through here, so we
16 don't see a lot of flow visually when you see the ripples in
17 the water, but there is water, obviously, moving through this
18 system.

19 There is a foot path crossing there. You can see
20 here that, with this particular foot bridge, there's no --
21 very little air, if any, below that, so when it does rain and
22 water builds up, this bridge structure, the beams that hold
23 it up would be an obstruction for the water. In this
24 particular instance, it doesn't cause a major issue. Water
25 here can build up and spill out to the left-hand flat, both

1 left and right, and there's a pretty good storage area there.

2 So, in general, is it an issue? Yes. Is it catastrophic?

3 No.

4 So moving upstream from there, again, we're in fair
5 condition. And if you're familiar with walking in this area,
6 as a reference, you can see the overhead power line there,
7 the transmission line.

8 Now we're at the Byron Road crossing and, again,
9 that one's in fair condition. We do have some woody debris
10 south of 196, and some more woody debris, this is near the
11 eastern 196 crossing.

12 And now we're to Felch Street. And I will note
13 that there's a canoe there on the left-hand side. We
14 launched, "we" being Noah and I, launched at Felch Street,
15 and we floated all the way down. And if you're familiar with
16 that stretch from Adams to Adams, float, slash, portage would
17 be a little bit better way to describe that. Portaging in a
18 canoe up vertical banks about as high as the window sill here
19 was an exceptional experience, but we made it.

20 From here upstream, it's not too bad. So the Riley
21 Street crossing is in fair condition. As you look downstream
22 of that, you can see that the main channel is starting to
23 weave a little bit more, and we do have a little bit of
24 sediment accumulation both on the left and right-hand side
25 there that you can see with the green vegetation.

1 72nd Av. is in fair condition, along with eastbound
2 Chicago Drive crossing and the westbound Chicago Drive
3 crossing. The railroad crossing is in fair condition. We
4 did see remnants underneath this. From what we've talked
5 about with some of the land owners and the farmers, we know
6 that they do occasionally build some obstructions in the
7 drain to help facilitate irrigation. We've got another
8 picture of that here coming up.

9 Quincy Street, again, is in fair condition, but you
10 can see some of the overhanging woody debris. And below
11 Quincy Street, this is probably a better example, there was
12 one at the railroad, but you can see kind of the rock piled
13 up both on the left and the right spanning across the stream.
14 When we see activity like this, it's an indicator that they
15 are using that for irrigation purposes during times of low
16 flow and in the summer.

17 64th Av. is in fair condition. Private crossing,
18 that's upstream of that. And another railroad crossing. And
19 then we cross back underneath Chicago Drive, all in good to
20 fair condition. It wasn't that long ago that these were
21 replaced.

22 This is a picture of a box culvert that's set up
23 under westbound Chicago Drive. If you have spent any time in
24 the area and you've seen any of the news reports about water
25 over the road during the severe storms, this is it. This is

1 where that is, to kind of give you a sense. Eastbound
2 Chicago Drive crossing is in fair condition upstream of that.

3 And then, finally, we're up to 48th. You never
4 know what you're going to see when you look underneath some
5 of these culverts and inside of them. In this instance, you
6 can see what's called a multi-plated arch. It's basically
7 they take plates and bolt them together.

8 When we needed -- or when the road was widened, you
9 can see that they added a second tube to make that width a
10 little bit larger for us for traffic safety, and it's brick
11 and mortared between the joint there, which is why you see
12 the two different pipe sizes in this photo. In general, it
13 looks to be in good condition. We don't see any evidence of
14 sink holes or repairs within the road itself, so it was
15 looking pretty good.

16 Finally, at the very upstream end, we've got Ransom
17 Street and a steel tube there. That was also in fair
18 condition and flowing fairly well.

19 So, with all of that, there has been --
20 historically, there has been a lot of maintenance requested
21 annually on this water course, and generally, it's handled by
22 going from section to section where, okay, we've done
23 upstream of this stretch, and in a year or two, we've got
24 enough ash trees that we need to do downstream into the next
25 stretch.

1 And so, again, the typical activities include woody
2 debris removal, obstruction removal, trying to shore up any
3 areas that have eroded, and taking care of the bank
4 stabilization in those reaches.

5 As Brady mentioned, this is part of the Drain Code,
6 and the law requires that we provide an estimate for the work
7 that we've identified thus far. The woody debris removal we
8 would estimate at this time to be approximately \$250,000 to
9 do that. And also the sediment removal in the reaches that
10 we identified, remember we're working with 15 miles of drain
11 here, so in order for a contractor to move through those
12 areas, that can be another \$250,000.

13 There was a question about easement acquisition and
14 how much that would cost, and it's difficult to determine
15 that at this time, but there is potential for easement
16 acquisition as well through here, and that would be
17 determined at a later date.

18 So next steps, what happens next? As Brady
19 mentioned, the purpose of this hearing is really for the
20 Board to determine whether a project is necessary or not. If
21 it is found necessary, typically there would be further
22 engineering, maybe surveying plans. I mentioned easement
23 acquisition. Occasionally, we get into permitting, bidding,
24 and so on and so forth.

25 In this particular instance, given that we don't

1 necessarily need to replace crossings on a large scale, we're
2 not looking at a multi-million dollar project at this point,
3 so, and also, all the activities that we saw that needed to
4 be done would not require a permit from EGLE. They're exempt
5 to do maintenance.

6 So, you know, I would not anticipate that
7 permitting would be an issue on this or take time for, and we
8 wouldn't necessarily, depending on how the bidding process
9 goes, you can identify your contractors and work with -- with
10 the folks that you have in the past that work on this
11 stretch.

12 From there, there will be a hearing to review the
13 apportionments once final costs and scopes -- scope is
14 determined, and finally, we can get into construction.

15 If the Board finds it not necessary today, the
16 proceedings pretty much end here and it's done; the drainage
17 districts would continue to be treated separately, moving
18 into the future.

19 The Board could still elect to do maintenance, like
20 it has in the past. So when I say the proceedings are done,
21 it ends the -- it would end the -- these proceedings from a
22 petition standpoint, but it would not stop them necessarily
23 from doing maintenance. So if it's not necessary, they could
24 still continue to do maintenance on that system into the
25 future.

1 So I know that was a lot to cover, and hopefully I
2 didn't scale over it too quickly, but Board members, do you
3 guys have any questions to start before we move on?

4 BOARD MEMBER MEDEMAR: No, I don't.

5 SECRETARY YONKER: No.

6 MR. FORTON: Okay. Thank you, Brady.

7 CHAIRPERSON HARRINGTON: Thank you, Paul. Thank
8 you.

9 So, at this point, we're going to open this up to
10 public comment. The Board's decisions tonight are going to
11 be made based on a combination of the public comment that we
12 received at the prior village meeting, the public comment
13 tonight, and the preliminary engineering report that we
14 received from the engineer.

15 I'm going to ask that if you'd like to give public
16 comment, that you fill out one of these paper cards. This
17 just makes things more orderly for our court reporter in
18 making a transcript.

19 So at this point, I have three speaker cards.
20 Carolyn or Marie or Cole, it looks like he's volunteering, if
21 you could pick those up and bring them up as people let you
22 know they have them, I'd appreciate it.

23 So I'm just going to take these in the order that
24 I've received them. I will read off a name, and you can come
25 up to one of the two microphones, looks like Denise might

1 have to put one back, and give your public comment. If I
2 read your name and you don't wish to speak, just tell us
3 "pass." So first up, Linda Cole.

4 LINDA COLE: That's me.

5 CHAIRPERSON HARRINGTON: And next would be Richard
6 Jacek.

7 LINDA COLE: I did not understand all of the things
8 when I wrote my question as far as like who's going to pay
9 for all of this, but my question is still relevant to it.

10 Do you know about how much it would increase
11 anybody's taxes to pay for this thing?

12 CHAIRPERSON HARRINGTON: So, at this point, Paul's
13 got an estimate of half a million, and there were, Paul,
14 correct me if I'm wrong, roughly 75,000 acres in the drainage
15 district, so 500,000 divided by 75 million, I'm sorry, 75
16 thousand is --

17 LINDA COLE: I don't do math. I'm sorry.

18 CHAIRPERSON HARRINGTON: -- Five dollars an acre,
19 six dollars an acre is what we're talking about.

20 LINDA COLE: Is that per year or how many years?

21 CHAIRPERSON HARRINGTON: That would be total. And
22 the drainage board would have the opportunity to spread this
23 over up to 20 years.

24 LINDA COLE: Say that number, again, please.

25 CHAIRPERSON HARRINGTON: The drainage board would

1 be able to spread this cost of six dollars per acre over up
2 to 20 years.

3 LINDA COLE: Okay.

4 CHAIRPERSON HARRINGTON: So with that, you're at 30
5 cents a year.

6 LINDA COLE: Okay. I understand it better now.
7 Thank you.

8 CHAIRPERSON HARRINGTON: Okay. Richard Jacek, and
9 then Dave Larman.

10 RICHARD JACEK: Good evening. Mine is more of a
11 personal issue, I guess. I have like a drainage -- I have
12 two drainage ditches going through my property, the Black
13 River, and then I also have an overflow drainage ditch going
14 through my property, which the Ottawa County Drain
15 Commissioner has cleared it out, and it's working really
16 good.

17 My, like, question is, if you're going to be
18 clearing the -- the Black River, you know, whatever,
19 maintaining it, if there's somehow somebody can look at this
20 other drainage ditch which is kind of connected, it's flowing
21 into the Black River and is always flooding. Whenever it
22 rains, I always have a flood at my back yard.

23 And it's just a little bit of common sense the way
24 this was designed. On one end, you have the culvert which is
25 about two feet big. There's another culvert, I don't know

1 where that's coming from. When it rains, it's coming into
2 this drainage ditch. And at the end, there's only like a
3 12-inch culvert where all the water is rushing into this one
4 little -- one little culvert, and it just doesn't make sense.
5 And every time, it floods and it's kind of eroding the
6 property and stuff like that.

7 So if I could have -- or talk to somebody and show
8 some pictures, show them what I'm talking about, I would
9 appreciate that.

10 CHAIRPERSON HARRINGTON: I think your huckleberry
11 is right in the front row. That's Joe Bush.

12 RICHARD JACEK: Okay. Talk after the meeting?

13 CHAIRPERSON HARRINGTON: So Joe can talk to you
14 after the meeting and get details on that.

15 RICHARD JACEK: Wonderful. Thank you.

16 CHAIRPERSON HARRINGTON: Dave Larman?

17 DAVE LARMAN: Pass.

18 CHAIRPERSON HARRINGTON: Jaclyn Hulst? Other than
19 that, I have Mark Lewison.

20 JACLYN HULST: Hello. I am Jaclyn Hulst. My
21 relation to the drain, I am right on the black line. So at
22 the first meeting on April 22, I had requested some
23 assistance to help me know what side of that line I'm on. So
24 I'm still waiting. So I'm just hoping someone can come out
25 to my home.

1 I don't believe that my property drains into the
2 Macatawa Drain, so I sure wouldn't want to be assessed on it
3 and find out that was incorrect. So I'm requesting someone
4 to come to my home and help me understand where that line is
5 in relation to my property.

6 I also do agree with consolidating the drains. It
7 seems like if there's books and manpower required for every
8 drain, consolidating makes sense, and that will free up some
9 funds to help with other things as needed.

10 So I'm in Salem Township. There's probably four
11 properties that touch that black line. Again, just want to
12 know what side I'm on. Thank you.

13 CHAIRPERSON HARRINGTON: And for purposes of the
14 drainage district boundary, what Paul has put up on the
15 screen at this point is preliminary. There will need to be a
16 hearing that each commissioner holds to finalize those lines.

17 Paul or Noah, I'm guessing that you would be happy
18 to meet with Mrs. Hulst?

19 MR. FORTON: Definitely. And there's one thing
20 that I forgot to mention at this meeting that I did at the
21 last one, which I think created some confusion, too.

22 When you received a notice and you know you're
23 outside of that line, we did add a 500-foot buffer around
24 that line just to ensure that we captured everybody. Okay?

25 So in your particular instance, we might want to

1 check to make sure we have your e-mail accurately, because I
2 know we tried to send you some maps to show kind of what the
3 lines were. So if you can stick around afterwards, we'll
4 make sure we got the right e-mail.

5 You're definitely in, you know, I can promise you
6 that, just because from the lay off the land and from looking
7 at it, but we can, if it's okay with the Board, we can
8 certainly come out, take a look at it, and show you and that
9 sort of thing.

10 You're very easy to find you, because she's right
11 there -- you're right on the little tip that clips Salem
12 Township. There's very few acres there, just a handful of
13 parcels, so we can set up a time that works for you for that,
14 for sure.

15 JACLYN HULST: Thank you.

16 CHAIRPERSON HARRINGTON: Mark Lewison? And then
17 the last card I have currently is Mike Emerick, I believe.

18 MARK LEWISON: You can just read mine. Yeah.

19 CHAIRPERSON HARRINGTON: You're Mr. Lewison?

20 MARK LEWISON: Yeah.

21 CHAIRPERSON HARRINGTON: Okay. He's just
22 questioning whether the assessment's over 10 years, 20 years;
23 why is the Macatawa River called a drain.

24 Essentially, the duration of the assessment is
25 going by the commissioners, and it's going to be based on how

1 much cost is involved in the project itself.

2 My guess is, based on what Paul's presented and the
3 size of the district, it probably wouldn't go over five years
4 or so would be my guess at this point in time.

5 MR. LEWISON: How do you work with the Macatawa
6 Watershed and their interest and concern, protection of the
7 watershed when you're doing the drain work?

8 CHAIRPERSON HARRINGTON: Okay. So Part 2 of your
9 question is why is Macatawa River called a drain?

10 MR. LEWISON: Yeah.

11 CHAIRPERSON HARRINGTON: Each of those different
12 colored lines that Paul presented in his slide show has had a
13 set of proceedings just like this that started with a
14 petition from someone asking that it be made a drain, and
15 work has been done subsequently on each of those colored
16 sections. So it's essentially a legal process that makes it
17 a drain. It's still a river, and the Board recognizes that
18 it's still a river.

19 So, Joe, I don't know if you want to answer? I
20 know you've done a lot of work with Project Clarity over the
21 years, and if you wanted to discuss how you deal with the
22 Macatawa River?

23 DRAIN COMMISSIONER JOE BUSH: Absolutely. And
24 great question. One of my partners is, well, MDOT. MDOT's
25 been a great contributor to a lot of work we've been doing

1 along the 196 highway, and they've been -- they've been
2 paying for a lot of drain work. That hasn't been assessed to
3 residents.

4 Well, MDOT, their money is still our taxpayers,
5 don't worry, it's still taxpayers' money, but it's coming
6 back to Ottawa County. And one of my partners, again, is
7 MDOT, and I try to work with them on everything they're doing
8 with drainage to help cover the cost.

9 And they'll be paying -- they'll be contributing to
10 this project as well, and there might even be a supplemental
11 benefit to them in some certain areas.

12 The other part is the Outdoor Discovery, Macatawa
13 Watershed is another big partner. We partner on a lot of
14 things. And they're willing to contribute, maybe have some
15 funds, and they are very involved in these project just
16 because I keep them in the loop. They attend meetings. I
17 tell them what I'm doing in certain things, that because they
18 have Project Clarity going on, so I don't want to do anything
19 that would affect what they're trying to accomplish at the
20 same time.

21 And water quality is very important to everybody
22 sitting here for sure, so we do our best to make sure that we
23 collaborate, and we work together, and they do cover costs at
24 the same time. They always partner that way.

25 Hopefully, that answers. Thank you for the

1 opportunity to share.

2 CHAIRPERSON HARRINGTON: Thanks, Joe. I knew you
3 would be a better person to answer that than I would.

4 So last card I have right now is Mike Emerick. And
5 I have three written comments that have been sent to the
6 Board that I'll read into the record.

7 MIKE EMERICK: I just have a comment on the part of
8 the drainage between Quincy and Riley, where the ballfield is
9 off Quincy. Okay. That piece between Quincy and Riley is
10 full of logs. I was going to say, there's more dead than
11 alive there, it seems like.

12 My wife and I took a walk down through there. They
13 got a trail through there. It's fantastic. But my God, it
14 looks like there's been about twelve beavers at work or
15 something, or something's died, but that's nasty. I'm glad
16 you're addressing this. It's going to be a good fix. Thank
17 you.

18 CHAIRPERSON HARRINGTON: Okay. Thank you. So I'll
19 give Cole some time to pick up additional cards. Like I
20 said, I have three written comments that were sent to the
21 drainage board. I'll read those into the record.

22 The first is from Charles VanDuren, John VanDuren,
23 and Sally Reinink. "My family are property owners within the
24 drain district and have been for almost a century now. We
25 have reviewed the information regarding the substance of the

1 meeting and wanted our feelings to be known regarding this
2 issue. First, we have no objections to the consolidation of
3 the drain, as it appears obvious that this is needed to
4 properly manage the area and eliminate confusion. Our
5 concern is that monitoring and constant maintenance of the
6 Macatawa River to remove tree debris is essential, and this
7 must be done more regularly than we have seen in the past.
8 Specifically, the bridge over the river at 120th Avenue just
9 north of Chicago Drive.

10 Our residential property is situated on the river
11 just east of the bridge. In the past 30 years, we've
12 experienced three major flooding events, all directly caused
13 by the river flow backing up to the east due to tree debris
14 and ice not being able to flow under the bridge. This
15 problem was increased immensely in the early 1990s. When the
16 bridge was rebuilt at the time, the level of the base of the
17 roadway was not raised as it should have been, but in our
18 view appears to be almost two to three feet lower, meaning
19 closer to the river below it. In periods of high river
20 levels, debris and ice have less area to outflow under the
21 bridge, dramatically increasing the water backup and flooding
22 risks for all properties up the entire drainage area. Our
23 point is that due to the above situation, this specific area
24 must be monitored, and debris removed regularly to protect
25 all properties within the drainage district.

1 Please place a higher priority on monitoring,
2 maintenance and cleanup of debris in this area of the
3 drainage district. Even with flood insurance, these flood
4 events have cost us many thousands of dollars, not to mention
5 the effort and heartache it cost. We appreciate your efforts
6 to more effectively manage this problem and look forward to
7 improvement in the maintenance and the cleanup."

8 Second is from Sheryl deVries. "I cannot attend
9 the 4:00 p.m. meeting on January 10th, '23, about the Black
10 Creek of Zeeland Intercounty Drain. I would like it noted
11 that I live in the area affected and have lived here for
12 almost 28 years and am a taxpayer. I am very much opposed to
13 this project. I do not believe that the maintenance and
14 improvements as set forth in the petition dated May 20th,
15 2021, is necessary, nor is it conducive to the public health,
16 convenience, and welfare of the residents.

17 Furthermore, I do not want the drain to be
18 consolidated with the drains of Black River of Holland
19 Township Drain, Black River Drain, Paw Paw Branch to Black
20 River Drain, Zeeland and Holland Black River Drain, Black
21 Creek Drain, Black Creek of Zeeland Roeloff Branch and Black
22 Creek of Zeeland Extension. I do not believe it is
23 necessary, nor is it desired by the residents, and is not
24 conducive to the public health, convenience, or welfare
25 pursuant to Chapter 19 of Public Act 40 of 1956.

1 Thank you for your time and consideration. I look
2 forward to hearing that the Board understood and determined
3 that there was no necessity for this."

4 And, finally, we have an e-mail from the Overisel
5 Township Board, and it's a resolution that I believe they've
6 adopted. "Dear Denise Medemar, Whereas, Overisel Township
7 residents and farmers are diligent in keeping up our township
8 landscape, conducive to living and farm management rules.
9 Whereas, Overisel Township residents and farmers pay to keep
10 our drains clean and up to standards. Whereas, Zeeland
11 Township has all of their taxpayer base and businesses
12 contributing to the drains demise and should pay for the
13 upkeep, with a very large commercial and manufacturing tax
14 base. Therefore, be it resolved that the Overisel Township
15 Board does not want to consolidate with the Black Creek Drain
16 and will maintain and keep our drains up to standards,
17 already using Overisel Township taxpayer dollars. Please
18 keep this in mind when making your decision."

19 Gary Scholten? And Randy Geib would be after Gary.

20 GARY SCHOLTEN: Thank you. My question deals with
21 unit of government financial participation. And I know that
22 Mr. Bush has done a great job of lobbying the units of
23 government to help them pay for issues with regard to the
24 drain.

25 Now, I understand that this consolidation will put

1 all the property within the drainage district to help pay for
2 whatever portion of the river needs cleaning, so it appears
3 that Mr. Bush will no longer be convincing a unit of
4 government to help with cleaning the drain as they have in
5 the past. So, by the consolidation, you're really changing
6 the way it's funded from a specific area to a much broader
7 area, whereas the broader area may not need it as they have
8 in the past. Thank you.

9 CHAIRPERSON HARRINGTON: That depends on which of
10 those seven drains, eight drains that Paul showed you're
11 talking about.

12 GARY SCHOLTEN: But they will no longer be eight
13 drains. There will only be one.

14 CHAIRPERSON HARRINGTON: Correct.

15 GARY SCHOLTEN: Whereas, in the past, a drain was
16 in Holland Township, and Holland Township, per Mr. Bush,
17 helped pay for that tree removal. Now, with the
18 consolidation, it will be the whole thousands of acres that
19 will participate in cleaning those trees from underneath the
20 bridge that may be only in Holland Township.

21 CHAIRPERSON HARRINGTON: Ultimately, in Ottawa
22 County, that's going to be Mr. Bush's decision, in
23 conjunction with Mr. Yonker, because Joe won't be able to do
24 the assessment role because he's in the district, but he will
25 still have that opportunity. And, Joe, I don't know if you

1 want to add anything to that?

2 DRAIN COMMISSIONER JOE BUSH: I do. Paul, can you
3 go back to that, just to answer Gary's question quick a
4 minute? And you're right, Gary, typically, if it's in
5 Holland Township, we would just go into Holland Township and
6 ask for that one tree.

7 But being a project like this, I just want to -- I
8 would be -- again, I can't -- I can't make decisions because
9 I live in the drain district, but these are the
10 municipalities that I will be calling up, and they will be
11 paying a percentage, all the ones on here. Because if they
12 all benefit, they're all going to be paying, on the screen,
13 so those are all the municipalities that I'll be talking to.

14 GARY SCHOLTEN: And I understand that, Joe, but I'm
15 saying that that tree might only be in front of a bridge
16 that's in one unit of government.

17 DRAIN COMMISSIONER JOE BUSH: Oh, for sure. But I
18 think anybody that's going to -- this is project based, so if
19 we did -- the reason we can't do a project based right now is
20 because we needed a petition, because we're only allowed to
21 spend 5,000 per mile, per year per Drain Code, and that's
22 only 15 miles times five. That doesn't get you very far to
23 get anything done.

24 And then with -- so Holland Township would just
25 say, yeah, we'll just take care of that \$750 tree, because it

1 would cost more to assess 750 dollars to 15,000 residents
2 than it would just -- they would just pick up the cost of
3 that.

4 A project this size, these municipalities, I'll be
5 speaking to all of them, and they'll all be paying a fair
6 share of the cost of this project that we're talking about
7 currently.

8 So if we were hypothetically having a project, I
9 would still be -- and I didn't live in the drain district and
10 we had a project, I would still be talking to these same
11 municipalities the same way. It just happens to be the cost
12 of a tree usually is pretty cheap when you only do one.

13 GARY SCHOLTEN: Okay. And receiving their
14 contribution?

15 DRAIN COMMISSIONER JOE BUSH: Absolutely.
16 Absolutely. That doesn't change the scope of me at -- it's
17 not like one municipality. It's going to be all these
18 municipalities, plus Allegan County, plus their
19 municipalities and their townships and their county will also
20 be contributing. So it just won't be Ottawa County.

21 GARY SCHOLTEN: And do I understand from the dollar
22 amount here that if this is approved, that there will be a
23 contract let to do the whole 15 miles all in one year?

24 CHAIRPERSON HARRINGTON: Correct.

25 GARY SCHOLTEN: Okay.

1 DRAIN COMMISSIONER JOE BUSH: Hopefully that
2 answers your question.

3 GARY SCHOLTEN: Okay. Thank you, Joe.

4 DRAIN COMMISSIONER JOE BUSH: Yep.

5 CHAIRPERSON HARRINGTON: And the last card I
6 currently have, Randy Geib.

7 RANDY GEIB: Thank you. To make it clear to me, to
8 build this project across the entire watershed, does that
9 depend on this consolidation, or is that the way it's done
10 now, or without the consolidation, is that the way it's going
11 to happen anyhow? That's my question.

12 CHAIRPERSON HARRINGTON: Across the entirety of the
13 blue line that was on the map, yes, it would depend on this
14 petition. Because there are portions of that, and I think
15 when Paul had the final rainbow, if you will, up, there were
16 portions that no drain has been established upon it. And I
17 think some of those areas are in the Adams to Adams that Paul
18 talked about being some of the worst areas.

19 RANDY GEIB: So the way it's done now, the portion
20 they work on is just spread out across the government that
21 surrounds that work, that boundary of that work, and not
22 spread across the entire watershed?

23 CHAIRPERSON HARRINGTON: I think in a lot of cases,
24 based on the conversation that just happened, Joe has, in
25 instances where a tree falls, Joe just called the township

1 and said, if I take this out, are you willing to bear the
2 cost.

3 RANDY GEIB: Yeah, minor work. And it's been only
4 minor work up till this time.

5 CHAIRPERSON HARRINGTON: I think so.

6 RANDY GEIB: No, there hasn't been a major one like
7 this before, except a hundred years ago when we were --

8 CHAIRPERSON HARRINGTON: It's been a long time
9 since the last comprehensive project on this, correct, yes.

10 RANDY GEIB: Okay. Thank you.

11 CHAIRPERSON HARRINGTON: Is there anyone that I
12 missed before I close the public comment that would like an
13 opportunity to speak?

14 RANDY GEIB: I would like to be in favor of the
15 consolidation.

16 CHAIRPERSON HARRINGTON: Okay. Thank you. Not
17 seeing any other hands, at this point in time, I will close
18 public comment.

19 And, Commissioners, prior to a vote on
20 consolidation and on necessity, do you have any questions
21 that were raised by either the public comment or the -- oh, I
22 guess I should have put my glasses on.

23 CAROLYN: That's okay. He just held it up.

24 CHAIRPERSON HARRINGTON: Okay. Jacob Nyenhuis?
25 Says he'd like to speak in favor of consolidation, and you're

1 welcome to do so. Come on up.

2 JACOB NYENHUIS: Nearly 20 years ago, we moved into
3 the Links at Rolling Meadows Association, and in 2009, June
4 19, we had a lake that flooded the entire golf course because
5 there had been a change in the drain when US-31 was being
6 re-lined. I think there was inadequate communication.

7 I'm all in favor of connecting everybody so that
8 there's a proper flow of communication, so I think it will
9 benefit all of us.

10 CHAIRPERSON HARRINGTON: Okay. Thank you. All
11 right. So we'll close public comment.

12 Commissioners, any comments or questions before we
13 vote on consolidation or necessity?

14 SECRETARY YONKER: Mr. Bush, I'm looking at this
15 map, and if you're going to do work in the Zeeland Black
16 Creek Drain, the yellow --

17 DRAIN COMMISSIONER JOE BUSH: I don't know which
18 one that is.

19 SECRETARY YONKER: Well, it's one right up in
20 there. It kind of just -- yeah, Zeeland Township, and I
21 think there is Holland Township, City of Zeeland. And then
22 -- and then you -- you have that running down through there,
23 which is one body of water. Then you have Black Creek Drain,
24 which is a red line in the same area. If you're doing work
25 in that section of drain, who do you assess for the work,

1 what district?

2 DRAIN COMMISSIONER JOE BUSH: Municipalities that
3 benefit.

4 SECRETARY YONKER: Because every one of them are
5 different and the same water.

6 DRAIN COMMISSIONER JOE BUSH: They are. It's very
7 confusing. That's why they petitioned, because we didn't
8 know -- everybody's drain has an account. For everybody in
9 here, every drain has its own pretty much account for the
10 money. So it's hard to assess a certain account when you
11 have six drains in the same area and keep it straight, so --

12 SECRETARY YONKER: Yeah.

13 DRAIN COMMISSIONER JOE BUSH: With your Drain Code
14 limitations. So it's pretty tough.

15 SECRETARY YONKER: Thank you.

16 BOARD MEMBER MEDEMAR: I would like to say, you
17 know, looking at the pictures and stuff, to me, it's quite
18 evident that something does need to be done.

19 CHAIRPERSON HARRINGTON: Okay. So that said,
20 Commissioners, we're at a decision point here.

21 Decision Number 1 would be a motion regarding
22 whether the consolidation of the drains that have been
23 discussed tonight is conducive to the public health,
24 convenience, or welfare.

25 SECRETARY YONKER: I would make a motion to do the

1 full consolidation as presented, for the reasons as you
2 stated.

3 BOARD MEMBER MEDEMAR: I'll support that.

4 CHAIRPERSON HARRINGTON: Okay. Have a motion and a
5 second for consolidation. And the order does say that the
6 consolidated drain will hence forth be known as the Macatawa
7 River Intercounty Drain.

8 Discussion on the motion? There being no
9 discussion, all in favor?

10 BOARD MEMBER MEDEMAR: Aye.

11 SECRETARY YONKER: Aye.

12 CHAIRPERSON HARRINGTON: I have ayes from both
13 counties. None opposed. That motion will pass.

14 And I have an order for signature with regards to
15 consolidation. And having consolidated the seven to ten
16 drains into a single unit, that will be for Macatawa River
17 Intercounty Drain, questioning as to whether or not it's
18 necessary and conducive for public health, convenience, or
19 welfare for the maintenance and improvement, as requested by
20 the petition.

21 BOARD MEMBER MEDEMAR: I'll make that motion.

22 SECRETARY YONKER: I'll second it.

23 CHAIRPERSON HARRINGTON: And I'm going to ask which
24 motion, whether it is, or whether it isn't.

25 BOARD MEMBER MEDEMAR: It is.

1 CHAIRPERSON HARRINGTON: Okay. We have a motion to
2 find the petition for maintenance and improvement necessary
3 and conducive to the public health, convenience or welfare.
4 Any discussion on that motion?

5 SECRETARY YONKER: No.

6 CHAIRPERSON HARRINGTON: Being no discussion, all
7 in favor?

8 BOARD MEMBER MEDEMAR: Aye.

9 SECRETARY YONKER: Aye.

10 CHAIRPERSON HARRINGTON: And opposed? None. That
11 motion will carry.

12 And having found a project necessary, we need a
13 motion to determine which cities, villages, and townships
14 should receive an at large assessment for benefit to public
15 health. And Paul had a full list of that in your
16 presentation. And do you wish to let me read the list here?

17 SECRETARY YONKER: I have it here. I'll make the
18 motion, Mr. Chair, to include the City of Holland, Fillmore
19 Township, Laketown Township, Manlius Township, Overisel
20 Township, Salem Township, Road Commission, and MDOT all as to
21 carry responsibility in the maintenance costs of this drain.

22 CHAIRPERSON HARRINGTON: That covers the Allegan
23 side.

24 SECRETARY YONKER: Now we'll cover the Ottawa side.
25 Blendon Township would be included, City of Holland, City of

1 Zeeland, Georgetown Township, Holland Township, Jamestown
2 Township, Olive Township, Zeeland Township, Road Commission,
3 MDOT to be added to that.

4 CHAIRPERSON HARRINGTON: For benefit of public
5 health?

6 BOARD MEMBER MEDEMAR: I'll support that.

7 CHAIRPERSON HARRINGTON: Okay. Have a motion and a
8 second that Holland Charter, Zeeland Charter, Blendon, Olive,
9 Jamestown Charter, Georgetown Charter Townships, and the City
10 of Holland and Zeeland, and Ottawa County, and Laketown,
11 Fillmore, Overisel, Salem and Manlius, and City of Holland
12 and Allegan County shall benefit for public health and/or pay
13 a portion of any assessments. Discussion on the motion?

14 SECRETARY YONKER: No.

15 CHAIRPERSON HARRINGTON: All in favor?

16 BOARD MEMBER MEDEMAR: Aye.

17 SECRETARY YONKER: Aye.

18 CHAIRPERSON HARRINGTON: And opposed? None. That
19 motion will carry.

20 Board members, having found this necessary, we will
21 need to proceed with final engineering and scope of the
22 project. We'd had Spicer Group to get us to this point. Do
23 you wish to receive a proposal from them for final design
24 services?

25 BOARD MEMBER MEDEMAR: Yes.

1 SECRETARY YONKER: I'll make that motion.

2 CHAIRPERSON HARRINGTON: Okay. Motion to receive a
3 proposal from Spicer Group for final design services for the
4 Macatawa River Intercounty Drain. Discussion? All in favor?

5 BOARD MEMBER MEDEMAR: Aye.

6 SECRETARY YONKER: Aye.

7 CHAIRPERSON HARRINGTON: Motion will pass. And
8 finally, I know, Joe, that there's been some money spent at
9 this point. Not knowing the state of the revolving fund, are
10 we at a point where we should be retaining financial
11 consultants for any interim borrowing?

12 DRAIN COMMISSIONER JOE BUSH: Yes.

13 CHAIRPERSON HARRINGTON: And have you discussed
14 with your Special Commissioner who you prefer to use?

15 DRAIN COMMISSIONER JOE BUSH: We always use the
16 same one, so --

17 CHAIRPERSON HARRINGTON: And those are?

18 DRAIN COMMISSIONER JOE BUSH: Our bank, Hastings.

19 CHAIRPERSON HARRINGTON: As far as I'm asking with
20 regards to bond counsel and financial advisor.

21 DRAIN COMMISSIONER JOE BUSH: Roger Swets.

22 CHAIRPERSON HARRINGTON: Okay. So that would be
23 Dickinson Wright --

24 DRAIN COMMISSIONER JOE BUSH: Yes.

25 CHAIRPERSON HARRINGTON: -- you wish to retain?

1 I'll let you make the motion.

2 BOARD MEMBER MEDEMAR: Okay. I'll make a motion
3 that we do Dickinson Wright for bond counsel.

4 SECRETARY YONKER: I support it.

5 CHAIRPERSON HARRINGTON: Discussion?

6 SECRETARY YONKER: Just make a note that it's the
7 same bond counsel that Kent County uses as well, very
8 professional.

9 CHAIRPERSON HARRINGTON: All in favor of the
10 motion?

11 BOARD MEMBER MEDEMAR: Aye.

12 SECRETARY YONKER: Aye.

13 CHAIRPERSON HARRINGTON: That motion will pass.

14 At this point in time, do you wish to retain a
15 municipal financial advisor?

16 DRAIN COMMISSIONER JOE BUSH: No.

17 CHAIRPERSON HARRINGTON: Okay. So with that, I
18 just want to thank you all for taking your time and coming
19 out, giving the Board your input on this. Appreciate the
20 time and appreciate your input.

21 With that, Board members, stick around. I have a
22 couple of orders for your signatures. And at this time,
23 unless there's anything further, I'd ask for a motion to
24 adjourn.

25 BOARD MEMBER MEDEMAR: I'll make that motion.

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SECRETARY YONKER: Support.

CHAIRPERSON HARRINGTON: Motion and support for
adjournment. All in favor?

BOARD MEMBER MEDEMAR: Aye.

SECRETARY YONKER: Aye.

CHAIRPERSON HARRINGTON: We're adjourned.

(Board of Determination adjourned at 5:02 p.m.)


CERTIFICATE OF COURT REPORTER AND NOTARY PUBLIC

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STATE OF MICHIGAN)
) SS
COUNTY OF KENT)

I certify that this transcript, consisting of 47 pages, is a complete, true and correct record of the Board Meeting to Determine Necessity of Petition for Proposed Maintenance and Improvements for Black Creek of Zeeland Intercounty Drain in Ottawa and Allegan Counties, held on January 10, 2023.

DATE: January 20, 2023



Ms. Dawn M. Houghton
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Registered Professional Reporter
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