1	STATE OF MICHIGAN
2	COUNTY OF OTTAWA
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6	IN RE: HECKSEL DRAIN
7	BOARD OF DETERMINATION
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10	Proceedings commenced at 10:00 a.m., on Thursday,
11	November 8, 2018, at Crockery Township, 17431 - 112th Avenue,
12	Nunica, Michigan, held before Marjorie A. Covey, CSR-2616,
13	Certified Shorthand Reporter and Notary Public.
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16	APPEARANCES:
17	Mr. Joe Bush, Ottawa County Water Resources Commissioner Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.
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19	Mr. Bill Cargo, Board Chairperson Mr. Jerry Hunsburger, Board Secretary Mr. Ken Souter, Board Member
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21	Ms. Judith VanBemmelen, Crockery Township Treasurer
22	Mr. Dan Fredricks, Engineer, LRE
23	Mr. Jerry Olman, Ottawa County Road Commission
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1	Nunica, Michigan
2	November 8, 2018 - 10:00 a.m.
3	PROCEEDINGS
4	WATER RESOURCES COMM. JOE BUSH: Good morning,
5	everyone. Did everybody sign in?
6	Welcome to Crockery Township for the Hecksel Drain
7	Board of Determination hearing.
8	So you're probably wondering why are we here, so
9	I'll get into detail on that; and why at 10 o'clock when
10	people have to work? I'll get into that.
11	But again my name is Joe Bush. I'm the Ottawa
12	County Water Resources Commissioner. It used to be the drain
13	commissioner and I changed the name when I got elected. And
14	this is just one of the jobs I do is hold public hearings,
15	and let testimony happen, and kind of pick your ideas on the
16	situation that we have.
17	So this started out with a petition from Crockery
18	Township with an issue with the Hecksel Drain. And I know
19	some of you have lived there for many, many years and know a
20	lot about the Hecksel Drain just down the road.
21	You've probably seen the new pond that has formed
22	because the Hecksel Drain is not working anymore. So being
23	that's the case, this is why we're here today is for a public
24	hearing to give testimony.
25	This is all in Drain Code. So this isn't something

1	I just do. This is actually by law, by state law.
2	If you ever get bored and want to go to
3	MIOttawa.org and click under Water Resources Commissioner,
4	and click under Drain Code, it's for your entertainment of
5	reading.
6	But it's by state law. So I have to hold a
7	hearing, I have to pick a Board of Determination. And this
8	three-panel board is appointed by me, and I'll get to that in
9	just a second as well.
10	But I want to quick do introductions and then we'll
11	go down the agenda on who they are, why we're here and how
12	this is going to work.
13	Dan Fredricks I hired from Land and Resource, he's
14	the engineering firm that I picked to go through and help me
15	out with this Board of Determination, kind of do a small
16	evaluation on the project.
17	We haven't got a project yet, because that's why
18	the three-panel board is here to determine that, if we move
19	forward, based on your testimony and what they hear from you.
20	So legally I have to do this. And the road
21	commission, we got Jerry Olman, and you have a past road
22	commissioner here from many, many years, Larry is here. So I
23	appreciate him coming to give us a lot of input on this. I'm
24	sure he has a lot of input and knowledge on the Hecksel
25	Drain.

The three-panel board has no affiliation with the 1 2 properties nearby or Crockery Township. I usually appoint 3 people who have a lot of experience in drainage, or are a 4 past supervisor, or an engineering degree or something that 5 has knowledge of drain code and the process of why we're here 6 today. And they understand the procedures and what I have to 7 follow. We have -- in the middle is Bill Cargo. Bill does 8 9 a lot of meetings for me. So does Ken Souter, he's on the 10 right. And then we have Jerry Hunsburger on the left. Jerry 11 Hunsburger is the Township Supervisor in Park; Bill Cargo is 12 the Township Manager of Grand Haven Township; and Ken Souter 13 is a long time, worked in the engineering department at the 14 road commission for 35 --15 BOARD MEMBER KEN SOUTER: 38. 16 WATER RESOURCES COMM. JOE BUSH: So he has a lot of 17 knowledge of drain code, drains and why we're here today. So 18 I picked this board based on that. They have no properties 19 or no affiliation with anything in Crockery Township. 20 And then we have Margie. Margie is a court 21 recorder. Everything is court recorded for future 22 documentation if you need it. But I have a court recorder at 23 every single Board of Determination to hear public testimony 24 because it will holdup in court, it's not me saying it. It's 25 the court recorder and she records it.

So you can always go to MIOttawa.org, usually it 1 2 takes about four to six weeks and it will be on there, on my 3 website. And you can click on any past Board of 4 Determination meeting and it will tell you this is the 5 process. 6 And then we got Jen. Jen is my secretary at my 7 office. And she does a great job. She's the one that signed you in and gave out the agenda. 8 9 And we have Judy from Crockery Township. She's a 10 board member here, and she heard us speak a few weeks back. 11 We spoke at one of the board meetings and kind of gave a 12 similar presentation on the problem. 13 Hecksel Drain has been around for a few years, 14 actually quite a few. The engineer will get into all that 15 and he'll do a presentation that will go into more detail. 16 So once these three gentlemen get the oath from me, they'll be running the meeting. So they'll pick a chair and 17 a secretary, and then they'll run it. 18 19 Public testimony, when it comes time to do that in 20 the agenda, make sure you speak loudly, state your address 21 and any concerns or problems, what you've noticed. 22 We base this based on the people. This is your 23 time to give testimony. I'd love to hear what you got, what 24 you saw, what we don't know, right? You guys live here, so 25 we need to know all the information we can gather from the

1	public, so that's why you're here. This is the public
2	testimony part.
3	People say, why don't you have it at night?
4	Usually at night I have less people come than I do in the
5	daytime. Because I know at daytime people work, but at night
6	people have their kids' homework, sporting events, supper and
7	they don't show up. So I get more people to come literally
8	in the afternoon or in the morning than I do at night. So
9	I've been sticking with that.
10	That's how it was with my predecessor too. We
11	tried the night thing and it didn't work so well. So I
12	really do appreciate your time and your time commitment to
13	come here and listen to this process.
14	This board does not pick a project, nor do they
15	project a cost because we don't have that because you have to
16	have the Board of Determination and the public hearing, and
17	they have to vote on it before we have a project. So we
18	don't know a cost or what we're doing quite yet because this
19	is the drain law. So I have to follow the procedure.
20	So if you say, how much is it going to cost me? We
21	don't really know that.
22	Just by speculation, looks like we got to replace
23	the whole pipe. I'll let the engineer get into the detail,
24	but it sounds like there is a lot of issues with the current
25	clay pipe out there, and its condition has deteriorated.

So that's just hypothetically speaking without 1 2 doing a full observation, but he can get into the details of 3 that. 4 People say, well do you have a project? No. We 5 have a drain district. We did a mailing. I think we have 26 6 people in this drain district. 7 What's a drain district? Well that's if your water goes to the Hecksel Drain or not. And you can also share 8 9 that today too. Well my water doesn't go that way. Please 10 let us know that so the engineer can reevaluate the drain 11 district if you feel your water doesn't go that way. 12 So we're always willing to be open minded and fair 13 and try to come up with the best solution. 14 Again, it's important that you give testimony just 15 so we can document it and it's court recorded for future reference down the road if we need to. 16 17 If you don't have a computer and you go, Joe, I can't get a copy of it, you can always call my office and we 18 19 can always send you a hard copy of the minutes from today's 20 Board of Determination. 21 So I think that's all I have. And then I'll give 22 it to these folks after the oath and they'll run the meeting. 23 And then if you have any questions, direct it to them, and 24 either the engineer or myself can answer those for you. 25 Thanks.

Gentlemen, please rise and raise your right hand. 1 2 Do each of you solemnly swear to faithfully perform 3 and discharge the duties imposed upon you as Members of the 4 Board of Determination appointed by the Water Resources 5 Commissioner of Ottawa County to determine the necessity of 6 drainage improvements in a certain drain to be known and 7 designated as the Hecksel Drain, in the Township of Crockery in said county, as required by law, gentlemen? 8 9 BOARD MEMBER BILL CARGO: T shall. 10 BOARD MEMBER KEN SOUTER: I do. 11 BOARD MEMBER JERRY HUNSBURGER: I do. BOARD MEMBER BILL CARGO: Well the first thing we 12 13 need to do is have an election of a secretary and 14 chairperson. 15 Do I have a motion to elect a chairperson? 16 BOARD MEMBER JERRY HUNSBURGER: I would move Bill 17 Cargo be the chair. 18 BOARD MEMBER KEN SOUTER: I would second that. 19 BOARD MEMBER BILL CARGO: We have a motion by 20 Jerry, supported by Ken for me to be the chairperson. 21 All in favor, say aye. 22 BOARD MEMBER JERRY HUNSBURGER: Ave. 23 BOARD MEMBER BILL CARGO: Aye. 24 BOARD MEMBER KEN SOUTER: Aye. 25 BOARD CHAIRPERSON BILL CARGO: And it is passed.

Next I need a motion to elect a secretary. So I 1 will make a motion that Jerry be the secretary. 2 3 Do I have support? 4 BOARD MEMBER KEN SOUTER: Support. BOARD CHAIRPERSON BILL CARGO: I have support from 5 6 Ken. 7 All in favor, say aye. BOARD MEMBER KEN SOUTER: Aye. 8 9 BOARD MEMBER JERRY HUNSBURGER: Aye. 10 BOARD CHAIRPERSON BILL CARGO: Aye. 11 And so now we at least have a board that's 12 officially been seated. 13 The other thing is I'm going to adopt a rule to 14 limit public comment to three minutes. In three minutes you 15 can summarize War & Peace. What we're here to do today is to 16 determine the necessity of this issue, are there problems 17 along this drain that should be corrected. 18 So do I have a motion to limit public comments to 19 three minutes per person? 20 BOARD MEMBER KEN SOUTER: So moved. 21 BOARD SECRETARY JERRY HUNSBURGER: I would second 22 that. 23 BOARD CHAIRPERSON BILL CARGO: I have motion from 24 Ken, support from Jerry. 25 All in favor, say aye.

1	BOARD MEMBER KEN SOUTER: Aye.
2	BOARD CHAIRPERSON BILL CARGO: Aye.
3	BOARD SECRETARY JERRY HUNSBURGER: Aye.
4	BOARD CHAIRPERSON BILL CARGO: And we will move
5	on.
6	The first thing we're going to do is ask, since
7	this petition was initiated by Crockery Township, is there
8	anybody from Crockery Township that wants to make any
9	comments?
10	CROCKERY TOWNSHIP TREASURER JUDY VANBEMMELEN: No
11	comments.
12	BOARD CHAIRPERSON BILL CARGO: No comments from
13	Crockery Township on this.
14	Then what we're going to do is ask for the
15	engineer, Dan, to make a presentation to explain what his
16	review of this drain has shown.
17	ENGINEER DAN FREDRICKS: Once again my name is Dan
18	Fredricks and I'm with Land and Resource Engineering.
19	We did do a preliminary evaluation of the drain.
20	We didn't go there to do any specific surveying or anything
21	like that or determine the scope of the project. We did go
22	out there and just visually identify some of the impairments
23	that we noticed along the drain.
24	So we'll review our presentation.
25	Joe did a really good job of explaining why we're

here today and I'll reiterate that quick and give you a brief 1 2 overview of the drain and the drainage district itself. 3 And then I'll go into specific drainage issues that 4 we've discovered in the field or resident complaints that 5 have been put into the drain office. 6 The other part that's going to happen today is 7 we're going to look at revising the drainage district. This is a special assessment district, which essentially as Joe 8 9 said is the watershed. And I'll get into a little more 10 detail here. And then we'll talk about next steps. And then the 11 12 biggest thing we're going to do is open this up to public 13 comment to get your input, to hear your concerns, questions, 14 and put everything on record here so the Board can make a 15 determination. 16 So why we're here, as Joe alluded to, the Ottawa County Water Resources Commissioner received a petition from 17 Crockery Township pursuant to Chapter 8 of the Drain Code. 18 19 As Joe said it's a long, lengthy book that regulates how 20 county drains are, the process that you have to go through in 21 doing a petition process to make an improvement to the drain. 22 The Drain Code, as he indicated, mandates that the 23 drainage board is going to make the decision in regard to 24 necessity of the project based on public health, convenience 25 or welfare.

1	In addition to that they're also going to look at
2	the necessity of adding lands or removing lands to the
3	drainage district to make it fair based on the actual people
4	whose water contributes to the drain. So those are the two
5	decisions that they're going to be looking at today.
6	So here I apologize if it's a little bit grainy
7	and hard to see, but this dashed line right here, so the area
8	in the aerial photo that's more vibrant, that is the actual
9	drainage district (indicating).
10	We are right here at the township office, right
11	there (indicating). You have South Street and Nunica here
12	(indicating), and this is Main Street or 112th, however you
13	want to look at it (indicating).
14	So basically just a little bit north of South
15	Street to essentially here at the township office
16	(indicating), that kind of gives you an idea as far as the
17	drainage district that serves the Hecksel Drain.
18	So basically anything in these this area right here
19	(indicating), that water eventually gets into the Hecksel
20	Drain.
21	There is some storm sewer along 112th Avenue that
22	goes into Hecksel Drain that's not technically a part of the
23	established drainage, but it does outlet into there. So that
24	kind of picks up here to the north.
25	So the drain was originally established back in

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1 1950. In 1950 they constructed about 1,385 feet of 10-inch 2 tile drain kind of along this alignment right here from 3 (indicating), from basically 112th Avenue to the northeast, 4 into a ravine area that ultimately outlets. 5 This is the DeVries Drain which ultimately goes 6 into Crockery Creek (indicating). 7 The contributing watershed or this drainage district, where everybody in this area would be liable for a 8 9 special assessment, that's about 48 acres, more or less, 10 within Sections 14 and 15 of Crockery Township. So this is 11 kind of the area of impact that we're looking at. 12 Drain issues - the biggest thing that's been going on out there is there are several sink holes. 13 There is 14 probably five to ten major sink holes along the drain itself. 15 There is broken tile. Basically this is a 70-year-old system 16 that surpassed its life. If you go out there and drive today on 112th, you'll see the standing water. 17 Also near the outlet area there is a significant 18 19 amount of erosion. And I got some more photos than these and 20 more details, but the biggest concern with the failure of the 21 drain itself is creating property flooding which is pretty 22 evident even on a day like today. 23 So there was -- the first inspection by the Drain 24 Commissioner based on these reports, was done back in January 25 of this year, January of 2018. They had basically the photo

1	they took, this is a sink hole right here where the pipe has
2	collapsed, it's not functioning, and there is basically a
3	hole in the landscape.
4	And then we went out there back on October 15th
5	after the petition was received and did some additional
6	photographs which we'll show you here today.
7	This is by the VandenBerg property off of 112th.
8	This would be standing on their property looking back.
9	That's west toward 112th (indicating). This would be at
10	112th looking more east (indicating) along their property.
11	And theoretically where the drain actually where the drain
12	goes, it's just not functioning.
13	If you go out there today, it looks very similar to
14	that condition right there. Again, a lot of flooding,
15	standing water issues.
16	This is going a little bit further onto the Smith
17	property which would be a little bit more towards the
18	northeast (indicating). Again that field there was
19	basically the day we walked out there the whole thing was
20	wet, similar to these photographs right here.
21	As you got back more towards the outlet in the
22	wooded area, again a little further northeast, along where
23	the old tile line was, it's basically all flooded
24	(indicating). And as we got to the outlet you could actually
25	see the broken concrete, tile outlet.

It's hard to see in this photograph right here, but 1 2 it's actually submerged underwater (indicating). This is a 3 tree right here (indicating). This is blown out, and then 4 it's hard to see it on this screen, but it's right there 5 (indicting). And then there was some other tile blow out 6 that are kind of hard to see in the photographs. 7 But long story short, it's beyond any type of maintenance that can be done to the drain at this point, it 8 9 really needs full replacement in order to provide an adequate 10 outlet. 11 We then also recently got some complaints from the 12 drain office about continuous running sump pumps and high 13 groundwater from the, I apologize if I say the name wrong, 14 but the Guzman and the Orrell property. 15 UNIDENTIFIED SPEAKER: Guzman. 16 ENGINEER DAN FREDRICKS: Guzman, okay. 17 They're located in the southern part of the 18 district. This is 112th right here (indicating), and we 19 received those complaints as well. 20 We haven't done anything to verify, but I wanted to 21 put those on the record as well. 22 So those are some of the issues that we're dealing 23 with with the drain itself. 24 Then the other reason we're here today is to look 25 at revising the drainage district boundaries. So when this

drainage district was put together 70 years ago, they didn't 1 2 have the level of detail of topographic maps that we have 3 today where we can really accurately delineate what that 4 watershed is. And the watershed is, as I said before, any 5 drop of water that falls within this black dotted line 6 ultimately finds its way to the Hecksel Drain at some point 7 along the way. 8 So this kind of orange boxy area right here

9 (indicating), that was the historic district. So back in the 10 day, they would just say, all right, if part of your parcel 11 is in, then maybe all of your parcel is in. They'd just try 12 to do big square boxes like you see here (indicating).

So we've refined that boundary with the black. So areas that are in red -- and I apologize, it's kind of hard to see some of those parcels. But if you have specific questions about your properties, we can look at that afterwards or you can ask questions during.

So areas hashed out here in red are areas that will be removed from the drainage district (indicating). Areas in blue here (indicating), which is basically this north area kind of by the township, those will be added to the drainage district (indicating).

23 So the historic area here in orange (indicating), 24 that encompassed just under 84 acres. We're looking at 25 adding just under five acres and removing about 40 acres of

So there has been a decent reduction so that the 1 land. 2 revised area is going to be just under 48 acres of the 3 drainage district. 4 And, Joe, you said there was about what, 26 --5 SECRETARY JEN VANDENBERG: There are 26 properties, 6 but that included the whole district --7 ENGINEER DAN FREDRICKS: Okay. And some of these properties that used to be entirely in, now only a portion of 8 9 your property will be in, which means that you'll only be 10 assessed for the portion of the property that's in the 11 drainage district as opposed to your whole taxable area. 12 So that's what we're looking at as far as drainage 13 district revisions. 14 Other than that we're going to open the floor up to 15 public testimony and then ultimately the BOD is going to 16 determine the necessity of the project, and also the 17 necessity of revising the drainage district. If the petition is found not necessary, then there 18 19 can be no other petition brought forward within at least a 20 year. 21 If it is found necessary, based on health, public 22 health, convenience and welfare, then we would go out there, 23 do a thorough topographic survey, come up with a new design, 24 and we would actually competitively bid the project to 25 qualified contractors to actually do the work.

1	And once that's all done, we get all those numbers,
2	then they'll actually hold a day of review, where you can
3	come in and determine what your assessment is actually going
4	to be, and say, no, this isn't fair, this is fair.
5	So there is a second time for you to be able to
6	come in here once a project is determined, and when they do
7	assessing purposes.
8	And then ultimately, if this goes forward, we'll
9	construct a project.
10	UNIDENTIFIED SPEAKER: Are we allowed to ask a
11	question now or should we wait?
12	BOARD CHAIRPERSON BILL CARGO: You need to wait
13	until he's done with the presentation and we open up the
14	public hearing portion.
15	UNIDENTIFIED SPEAKER: Can we get back to the map
16	if we want to.
17	BOARD CHAIRPERSON BILL CARGO: He can bring the map
18	up at any time.
19	UNIDENTIFIED SPEAKER: Thank you.
20	ENGINEER DAN FREDRICKS: That's basically all I
21	have right at this point. I'd open up to questions and
22	discussions.
23	And I'll give it back to the Board.
24	BOARD CHAIRPERSON BILL CARGO: I appreciate it.
25	At this time we're going to begin to take public

testimony. The first thing I'm going to ask is I see we have 1 2 a representative here from the Ottawa County Road Commission, 3 and I understand some of your water from the road goes into 4 the drain. 5 Do you have any comments that you'd like to make? 6 And if you could for the record, just identify yourself. 7 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: I'm Jerry Olman, Ottawa County Road Commission. 8 9 Yeah, a portion of 112th Avenue road water does 10 drain directly to the beginning of the Hecksel Drain. And 11 it's really important to have a positive outlet for that 12 Right now it's pretty obvious there is some issues water. 13 there. 14 So from the road commission's perspective it's 15 important for us to have something maintained. 16 BOARD CHAIRPERSON BILL CARGO: So you consider this 17 project to be a necessity? OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: 18 Ι would, yes. 19 20 BOARD CHAIRPERSON BILL CARGO: Okay, Jerry, I 21 appreciate it. 22 What I'm going to do is just to make this simple, 23 I'm just going to go up and down the rows. I'll start over 24 here on the left. 25 If you'd come up to the podium, please state your

name and address. Again that's for the record. 1 2 So I'll start with the gentleman in the red plaid 3 shirt. 4 MR. LARRY LAMBREGTSE: Larry Lambregtse, 17360 -5 112th. That would be right over here (indicating). 6 At this point in time, I don't really have any -- I 7 wanted to see what's going on, that's all. I worked for the road commission and I done work 8 9 there in my tenure there at the road commission, where the 10 drain is now backing up. When we worked on it, we cleared 11 the ditch, with a Gradall. And, excuse me, and then when we 12 found that that drain going out was covered with pea gravel 13 so that's the way we left it. 14 BOARD CHAIRPERSON BILL CARGO: Okay. 15 MR. LARRY LAMBREGTSE: And that was 20 something 16 years ago. 17 BOARD CHAIRPERSON BILL CARGO: So this has been a 18 long-time issue then? 19 MR. LARRY LAMBREGTSE: Yes, I've been retired for 20 20 years. So it was in my work time. 21 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate 22 it. 23 The gentleman with the John Deere cap. 24 UNIDENTIFIED SPEAKER: I'd like to wait until 25 everybody else speaks.

BOARD CHAIRPERSON BILL CARGO: We go in order. 1 2 This is your only opportunity. After we do this, I'm going 3 to close the public hearing. So if you have comments, please 4 state --5 UNIDENTIFIED SPEAKER: That doesn't seem right. 6 BOARD CHAIRPERSON BILL CARGO: Again, you're given 7 the opportunity to speak, now is the time to speak. UNIDENTIFIED SPEAKER: Yeah. 8 9 BOARD CHAIRPERSON BILL CARGO: Okay, no comment. 10 Over here then. 11 MS. MELANIE VANDENBERG: My name is Melanie 12 VandenBerg. I live at 17230 - 112th, and basically all of 13 this drains into my property. 14 There is sink holes that I feel are safety issues 15 to myself, my family, anybody that goes on my property. Let 16 alone bug issues, let alone just this is a deterrent and a 17 bad thing for my property. 18 So I think it's very necessary to have this fixed 19 and replaced. 20 Thank you. 21 BOARD CHAIRMAN BILL CARGO: I appreciate it. 22 The gentleman at the end. 23 MR. STEVE VANDENBERG: Steve VandenBerg, 17230, the 24 same as her. 25 Mostly -- well part of the issue for us is water

ponding up there sitting and not going anywhere causes your 1 2 sump pump and your land to flood, and that's the biggest 3 issue, you end up with a lake. BOARD CHAIRPERSON BILL CARGO: If the land isn't 4 5 draining, it's going to increase the water table, and your 6 sump pump will run more. 7 MR. STEVE VANDENBERG: Correct. BOARD CHAIRPERSON BILL CARGO: So you also agree 8 9 that it is necessary to make improvements to the 70-year-old 10 drain? 11 MR. STEVE VANDENBERG: Yes, because you pump it away and it has nowhere to go still, so it just keeps coming 12 13 back. 14 BOARD CHAIRMAN BILL CARGO: Appreciate it. 15 Second row, first on the right? And if you want to 16 stand at your location or sit at your location and give your 17 name and address, that would be fine. 18 MR. CLIFTON GRANDY: All right. I'm Clifton 19 Grandy, 17235 Main Street. I'm right straight across the 20 street from the, from where the water crosses into the drain. 21 BOARD CHAIRPERSON BILL CARGO: Okav. 22 MR. CLIFTON GRANDY: The power company came in to 23 do some work, they had three trucks setup. One truck put 24 their outrigger down, broke through, crushed the pipe so the 25 water coming from the south to that drain can not get in.

It was partially running. The county man came 1 2 along, they thought it was a service problem, they put 3 asphalt in there to finish closing off the drain. So now the 4 only water that can get in is from the north. There is a 5 tube that comes into that. 6 So from the south, it's seeping some, or seeping 7 into the ground. And then the drain that -- the open ditch drain on the south end of my property is being plugged up. 8 9 It has some stuff that's been put in there. The county 10 brought in dirt and backfilled, which closed the drain. 11 I opened it up by hand, got water running, and I 12 sure could use some help on that. 13 I'm getting to the age that I can't take anything 14 out except leaves. And if the banks could be sloped on that 15 area, it would sure help me a whole lot. 16 BOARD CHAIRPERSON BILL CARGO: Okay. 17 MR. CLIFTON GRANDY: Now, I walked through with 18 this young gentleman, this engineer. 19 ENGINEER DAN FREDRICKS: It was another associate 20 of mine, but yes. 21 MR. CLIFTON GRANDY: Oh, all right. 22 ENGINEER DAN FREDRICKS: He was out there, yes. 23 MR. CLIFTON GRANDY: And I walked through and 24 showed him where the drains had given problems. 25 And I know there is no bottom in the catch basins.

So when they clean them out, the catch basins sink. And 1 2 there is -- so that it changes the location of the intake and 3 the outtake. 4 And there is two outlets at the south end of my 5 property that -- one of them, the crossing is totally 6 plugged. I've been trying to dig that out, and it's letting 7 the sidewalk down. So I personally got a piece of tile to 8 put in, but it's been so wet I can't do it. 9 BOARD CHAIRPERSON BILL CARGO: Yep. 10 MR. CLIFTON GRANDY: And --11 BOARD CHAIRPERSON BILL CARGO: So you see also that 12 this drain certainly seems to be failing based on your 13 testimony? 14 MR. CLIFTON GRANDY: Yes. 15 BOARD CHAIRPERSON BILL CARGO: Okay. 16 MR. CLIFTON GRANDY: My yard, I can't mow my front 17 yard. And I can't --18 BOARD CHAIRPERSON BILL CARGO: Now is that a good 19 thing or a bad thing? 20 MR. CLIFTON GRANDY: You know, that's kind of a 21 catch 22. 22 BOARD CHAIRPERSON BILL CARGO: Okay. Just kidding. 23 MR. CLIFTON GRANDY: And I can't mow part of my 24 backyard. 25 BOARD CHAIRPERSON BILL CARGO: Okay. So you're

having flooding on your property also? 1 2 MR. CLIFTON GRANDY: Yes. All summer long I 3 haven't been able to do anything. 4 BOARD CHAIRPERSON BILL CARGO: I appreciate it. 5 MR. CLIFTON GRANDY: But the hard stuff that's in, 6 in the -- which was an open drain, I can't handle that 7 anymore. 8 BOARD CHAIRPERSON BILL CARGO: Absolutely. 9 MR. CLIFTON GRANDY: I don't know why. I'm only 10 91. I should be able to throw that around and get it out of 11 the way, shouldn't I? 12 BOARD CHAIRPERSON BILL CARGO: Well if you're 91, 13 you're an inspiration for me. I hope I'm able to do half as 14 much as you've been doing. 15 MR. CLIFTON GRANDY: Being that the county 16 backfilled that property, I think they probably should help 17 get it straightened out. BOARD CHAIRPERSON BILL CARGO: One of the things we 18 19 will do, if we decide this is a necessity, some of the costs 20 will be assessed to the road commission, some of the costs 21 will be assessed to the drain -- to the local township. And 22 so this isn't going to be 100 percent born by the property 23 owners. 24 It has been my practice to also assess a portion of 25 the cost to the local municipality, and I suspect we would

continue that if we move forward today. 1 2 That said, I think we've gone a little bit beyond 3 the three minutes, so I'm going to ask if your spouse has 4 anything she'd like to add. 5 MS. DORIS GRANDY: I think he covered most of it. 6 I know that we're flooded all the time. It just don't go 7 away anymore. And the lake across the road on this man's property 8 9 just sits here and nobody comes to swim. 10 BOARD CHAIRPERSON BILL CARGO: Quick question for 11 you, just for the record, could you give your name? 12 MS. DORIS GRANDY: Doris Grandy, 17235 Main Street. 13 BOARD CHAIRPERSON BILL CARGO: Okay, I appreciate 14 it, Doris. Thank you very much. 15 Across the aisle in the sweatshirt there? 16 MS. COLLEEN NELLIST: My name is Colleen Nellist, and first of all I'd like to thank you for finally addressing 17 18 this. 19 Pretty much I'm with everyone that's here, Steven 20 We sit right between, and our property is in or on and Ed. 21 the lake. It comes right up within 10 to 15 feet of the 22 house and floods it. 23 And I think as much as wanting the water gone, 24 which I do, don't get me wrong, but my biggest concern is 25 when my grandchildren are there it's mosquito infested. Ι

know the mosquitos are bad anyway, but it's a huge, huge 1 2 health issue as far as I'm concerned. That's one of my 3 biggest. And I think it should be definitely taken care of. 4 In my mind's eye, not trying to be mean, it's a 5 no-brainer. 6 BOARD CHAIRPERSON BILL CARGO: Okav. 7 MS. COLLEEN NELLIST: This is really bad for 8 anybody. I don't think anybody can find justice with it the 9 way it is. 10 BOARD CHAIRPERSON BILL CARGO: Okay. 11 MS. COLLEEN NELLIST: And the one question I did 12 want to ask, on the map with the red, where they're going to 13 change it? 14 ENGINEER DAN FREDRICKS: Yes. 15 MS. COLLEEN NELLIST: Now I understand obviously 16 the money would come into consideration because it's a 17 smaller area, and I'm assuming it's -- I know it's by the 18 people and all that. Is there any other good or bad that comes from 19 20 Why -- I want to know what the difference is. that? 21 ENGINEER DAN FREDRICKS: Like why it changed? Or 22 why you'd want it changed? 23 MS. COLLEEN NELLIST: I want to know what effect 24 that will have. Is that mostly just land that nobody is 25 living on?

BOARD CHAIRPERSON BILL CARGO: 1 What happens is we 2 have to follow where the watershed is. 3 MS. COLLEEN NELLIST: Okav. 4 BOARD CHAIRPERSON BILL CARGO: So when we make a 5 determination, we know one thing from engineering that never 6 changes and that's water flows downhill. 7 MS. COLLEEN NELLIST: Right. BOARD CHAIRPERSON BILL CARGO: So all the water 8 9 that falls within this area eventually goes down hill to the 10 drain, whether it's underground or over the surface, the 11 water heads in that direction. 12 So under state law, the drain commissioner cannot 13 charge people outside the district who are not contributing 14 water to this, whose land does not contribute water to this 15 project. 16 MS. COLLEEN NELLIST: Okay. 17 BOARD CHAIRPERSON BILL CARGO: And that's why they 18 were changing the boundaries. 19 BOARD MEMBER KEN SOUTER: One of the benefits you 20 may see on that, you have a smaller district, so the size of 21 the pipes that are taking the water out may be downsized from 22 what it would be if that entire area was in there. 23 MS. COLLEEN NELLIST: But then would they 24 sufficiently make sure that it's the right size to take care 25 of the problem?

1	BOARD MEMBER KEN SOUTER: They would size it
2	properly to take care of the problem.
3	BOARD CHAIRPERSON BILL CARGO: I'd be shocked if
4	ten inches is considered large enough for this area, and
5	given the state, I agree.
б	MS. COLLEEN NELLIST: Okay, that was what I wanted
7	to know.
8	BOARD MEMBER KEN SOUTER: They'll size it according
9	to the area that's going to be drained into it. The larger
10	the area that's going to be drained into it, the larger the
11	pipe has got to be to take the water out.
12	MS. COLLEEN NELLIST: Okay. But you are saying
13	that whatever the pipe is, that that would be taking care of
14	the problem if it passed and everything went correctly?
15	BOARD MEMBER KEN SOUTER: That's correct.
16	ENGINEER DAN FREDRICKS: And one other thing to go
17	back to your question, the number of parcels in the district
18	really hasn't changed much. It's just some of the larger
19	parcels that were either in or out, now part of their land is
20	in the district and part of it flows to there are several
21	other drains in the area, and they'd be in those districts
22	instead.
23	MS. COLLEEN NELLIST: Okay. That's what I was
24	wondering, and then obviously that would go back to the
25	percentage of what people are

ENGINEER DAN FREDRICKS: Yes. 1 2 MS. COLLEEN NELLIST: Thank you. BOARD CHAIRPERSON BILL CARGO: I appreciate it. 3 4 And I'm going to go to the very far end of the 5 second row. 6 Denise Moon, 17096 George Street. MS. DENISE MOON: 7 BOARD CHAIRPERSON BILL CARGO: Can you say your 8 name again? 9 MS. DENISE MOON: Denise Moon. 10 BOARD CHAIRPERSON BILL CARGO: Okay. MS. DENISE MOON: At 10796 George Street. 11 I have 12 land on 112th. And you've probably answered all my questions 13 I originally had just by listening. 14 BOARD CHAIRPERSON BILL CARGO: Okay. Thank you 15 very much. I'm going to go to the very back row person. 16 17 MS. JESSICA HOLT: My name is Jessica Holt, I live 18 at 17304 - 112th, and I have to sign the paper when I leave 19 now. 20 I just have questions, I don't know if I would 21 direct my questions to --22 BOARD CHAIRPERSON BILL CARGO: Direct your 23 questions through me and then we'll decide where they should 24 go. 25 MS. JESSICA HOLT: So my questions I quess lie in

the presentation, it said that the drain is 50 years old and 1 2 Larry was saying that he worked on the drain 26 years ago. 3 So whose responsibility is it to assess the 4 functionality of the drain for the last 50 years? Like why 5 are we waiting until it's completely deteriorated to address 6 the problem now? 7 BOARD CHAIRPERSON BILL CARGO: That's a good 8 question. 9 This drain is one of the worst I have seen in my 10 time here. It really is the responsibility both of the 11 locals and of the county to maintain or take a look at these 12 I'm not sure why they haven't. drains. 13 We're not here to answer that question. All I can 14 do is agree with you that the amount of sink holes and 15 collapse we have seen in this is tremendously poor. 16 MS. JESSICA HOLT: Right. But you're asking us as a community to pay for something that should have been 17 18 There is no reason that it should have been to maintained. 19 where the drain is completely collapsing, and we have a lake. 20 We've only lived here for two years, so I don't 21 know how long it's been building a lake in our neighbor's 22 yard. But to come to the township building, people obviously 23 have to drive past the lake, and they would notice that this 24 is a problem. And now it's the responsibility of the 25 community to pay.

BOARD CHAIRPERSON BILL CARGO: I will say that in 1 2 the past what has happened is they've waited until they have 3 complaints before they responded or examined the drains. I know the current Water Resources Commissioner is 4 5 taking a more proactive approach to drain maintenance. 6 But again, I can't answer the past. All I have to 7 deal with is the problem that's here today and the problem that is here today appears to be a failing drain. 8 9 WATER RESOURCES COMM. JOE BUSH: Can I answer that, 10 Mr. Chair? 11 BOARD CHAIRPERSON BILL CARGO: You may. WATER RESOURCES COMM. JOE BUSH: So to address your 12 13 question, we didn't get a lot of complaints on this. I've 14 been in office six years, and I can honestly say recently, 15 since there is a new home there and there happened to be a 16 power pole that was installed and that went through the pipe, 17 and that's when it got brought to our attention that, oh --18 MS. JESSICA HOLT: But isn't it the responsibility 19 of the power company if they made the --20 WATER RESOURCES COMM. JOE BUSH: No. I don't think 21 -- that drain is so old, they had no idea that that was even 22 there. And even though they went through it, it didn't 23 impact -- the drain was already failing before Consumers went 24 through it. 25 BOARD CHAIRPERSON BILL CARGO: I think what you're

1	trying to say, and I think it's very clear, they exacerbated
2	the situation.
3	WATER RESOURCES COMM. JOE BUSH: Correct.
4	BOARD CHAIRPERSON BILL CARGO: But there was a
5	failure of the drain. If you go downstream from that based
6	on these pictures, there is numerous sink holes and collapsed
7	drains.
8	In fact, the drain commissioner doesn't even use
9	clay pipe anymore because we know that's not going to last
10	long. They use either plastic, PVC, or they use concrete.
11	Occasionally they'll use steel.
12	When you're using clay pipe, it's not going to last
13	as long as this pipe has been in the ground. We know that
14	from history.
15	WATER RESOURCES COMM. JOE BUSH: When we have a
16	thousand county drains similar to this, not this shape, this
17	is a small one. Usually they're miles long. I have a
18	limited staff. We're complaint driven. So people calling
19	when I say complaint, they call in the issue more than we go
20	inspect.
21	I only have one inspector for the whole county.
22	There is no way
23	MS. JESSICA HOLT: Right, but as a I don't
24	remember what you changed your title to.
25	WATER RESOURCES COMM. JOE BUSH: From drain

commissioner to Water Resources Commissioner. 1 2 MS. JESSICA HOLT: Aren't you supposed to advocate 3 for the communities? I mean you can see, you can see from 4 this building that we're --5 WATER RESOURCES COMM. JOE BUSH: That's why we're 6 here today. It takes a petition -- I'm only allowed legally 7 by law \$5,000 per year per drain. So \$5,000 isn't going to 8 fix that pipe. It's not even going to be remotely close. 9 So in order to hold and spend more money, I got to 10 hold a public hearing, and your township signed a petition to 11 have that today. 12 BOARD CHAIRPERSON BILL CARGO: Again, one of the 13 things -- I'm going to cut this short, because I'm not here 14 to assign blame. We're here to determine if there is a 15 necessity to repair. And to assign blame is something you 16 can deal with at the polling place when you go to the polls 17 next time. 18 But it's not something that this Board is going to 19 be concerned with. We're going to be concerned about the 20 problem for today. 21 And so I'm going to turn it back to you to see if 22 you have any other issues on the necessity of the project. 23 MS. JESSICA HOLT: I mean I think it's necessary. 24 It just seems unreasonable that it would be a majority of 25 community funded if obviously nobody was assessing to see if

it was functional until there is a major problem. 1 2 BOARD CHAIRPERSON BILL CARGO: Okay. And I'm not 3 going to disagree, I understand what you're saying. 4 The gentleman next to you in the baseball cap. 5 UNIDENTIFIED SPEAKER: No, she got it. 6 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate 7 that. 8 At this stage I've taken comments from everybody. 9 And so, Jen, do you have something? SECRETARY JEN VANDENBERG: Yeah, I don't think the 10 11 lady in the purple stated her address. MS. COLLEEN NELLIST: I'm sorry. I'm at 17268 -12 13 112th Avenue, that's the one where the lake is, the Nellist 14 property. 15 SECRETARY JEN VANDENBERG: Thank you. 16 BOARD CHAIRPERSON BILL CARGO: I appreciate that. 17 And because we've taken the public comments and everybody has 18 had an opportunity to speak, I'm going to close the public 19 portion of this hearing. 20 And at this stage we will have a discussion in 21 front of you as to whether there is a necessity to do repairs 22 and improve this drain. 23 And to me, I had people make very obvious 24 statements, and to me it seems like an obvious statement. 25 But, Ken, do you have any comments.

BOARD MEMBER KEN SOUTER: I think the lady that 1 2 said it's a no-brainer, it's a no-brainer. 3 We're dealing with an old drain here that's pretty 4 much collapsed, it doesn't work anymore. It's very obvious 5 from the pictures that there is multiple problems on the 6 drain. And the only way that you're going to get rid of that 7 lake is to fix the drain. 8 So to me, the no-brainer thing is right. I would 9 say that it is a necessity. 10 BOARD CHAIRMAN BILL CARGO: Jerry, yourself do you 11 have any comments? 12 BOARD SECRETARY JERRY HUNSBURGER: No. This is 13 probably one of the easier ones that we've had to deal with. 14 It's old, it's failing, we got sink holes, we got 15 erosion, it's beyond repair. 16 It appeared that there wasn't disagreement that it 17 was a problem. I guess the amazing part is that there 18 weren't complaints before. And I'm pretty clear that it's 19 necessary. 20 BOARD CHAIRPERSON BILL CARGO: And I happen to 21 agree, and I'm not even going to add any comments because it 22 is so clear. 23 What I'm going to do is I'm going to make a motion 24 that the drain is deemed necessary. 25 And do I have support for that?

BOARD MEMBER KEN SOUTER: You have support. 1 2 BOARD CHAIRPERSON BILL CARGO: We have -- I've made 3 a motion and I have support from Ken that this action is 4 deemed necessary for this drain. 5 All in favor, say aye. 6 BOARD MEMBER KEN SOUTER: Aye. 7 BOARD CHAIRPERSON BILL CARGO: Aye. 8 BOARD SECRETARY JERRY HUNSBURGER: Aye. 9 BOARD CHAIRPERSON BILL CARGO: Opposed? 10 Now this -- because the project was deemed 11 necessary, we also have some additional motions we need to 12 make. 13 And the one that I think is important is I'm going 14 to make a motion that the drain is necessary for the 15 protection of public health in Crockery Township, and that a 16 portion of the costs shall be apportioned to the municipality 17 at large. 18 Do I have support for that? BOARD SECRETARY JERRY HUNSBURGER: I would second 19 20 that motion, it's very appropriate. BOARD CHAIRPERSON BILL CARGO: 21 Is there any 22 comments on that? 23 BOARD MEMBER KEN SOUTER: No. 24 BOARD CHAIRPERSON BILL CARGO: All in favor of 25 this, say aye.

1 BOARD MEMBER KEN SOUTER: Aye. 2 BOARD CHAIRPERSON BILL CARGO: Aye. 3 BOARD SECRETARY JERRY HUNSBURGER: Ave. 4 BOARD CHAIRPERSON BILL CARGO: And the motion is 5 adopted. 6 Again, because this is such an old drain and 7 because it should have been done quite awhile ago, it's obvious that the drain boundaries need to be adjusted. 8 So 9 I'm also going to make a motion that the drainage district 10 boundary be adjusted as necessary, and lands be added or 11 deleted as determined by the Water Resources Commission as 12 determined by the engineer. 13 Do I have support for that? 14 BOARD MEMBER KEN SOUTER: Support. 15 BOARD CHAIRPERSON BILL CARGO: Okay. 16 UNIDENTIFIED SPEAKER: I thought we was supposed to 17 be able to say something if we thought of something. BOARD CHAIRPERSON BILL CARGO: That was during the 18 19 public hearing process. 20 And at the end of the meeting, if the Drain 21 Commissioner wants, this is to me like I said a very clear 22 issue that needs to be addressed. 23 And we're only here to determine the necessity of 24 the project, we're not here to determine costs, determine 25 what caused the problem, to determine anything else, just the

1 necessity. 2 UNIDENTIFIED SPEAKER: Well I can tell you what 3 caused the problem. 4 BOARD CHAIRPERSON BILL CARGO: The public comment 5 is closed now so I'm going to not respond further. 6 UNIDENTIFIED SPEAKER: This is --7 BOARD CHAIRPERSON BILL CARGO: Do we have a 8 motion for --9 BOARD SECRETARY JERRY HUNSBURGER: We have a motion 10 on the floor, we need a vote. 11 BOARD CHAIRPERSON BILL CARGO: All in favor of the motion to allow the district boundaries to be adjusted, 12 13 please say aye. 14 BOARD MEMBER KEN SOUTER: Aye. 15 BOARD CHAIRPERSON BILL CARGO: Ave. 16 BOARD SECRETARY JERRY HUNSBURGER: Aye. 17 BOARD CHAIRPERSON BILL CARGO: And that actually 18 closes our portion of the hearing. 19 I'm going to ask the Drain Commissioner to make 20 some closing comments, to talk about the appeal process, and 21 to talk about what happens now. 22 WATER RESOURCES COMM. JOE BUSH: So, yeah, first of 23 all I appreciate your time to come this morning. I'm more 24 than happy to follow up with any questions after the hearing. 25 So I appreciate your time.

1	UNIDENTIFIED SPEAKER: Everybody is so busy that
2	they can't have it while everybody is here?
3	WATER RESOURCES COMM. JOE BUSH: Well I'm more than
4	happy I'll be here for awhile. I'm willing to take any
5	answer any questions you got.
6	The appeal process, that will happen after we
7	figure out what the project is, when the engineer and myself
8	will discuss what's the best option. We usually put option
9	A, B and C. We'll go through and figure out costs. We try
10	not to build a Cadillac system and spend a lot of money
11	because I'm not that way.
12	We'll talk about that after the public hearing, we
13	can talk about how that works. This is just for today's
14	discussion on the necessity of the drain.
15	So the appeal process, there is a part where we put
16	it out for the bid and see what the bids are. And then we
17	will have an assessment roll. And the assessments are always
18	on the winter tax bill. But we don't know what the cost is
19	right now.
20	But there is an appeal process and everybody will
21	get a notice on the approximate amount of the project. And
22	we can assess it over five, ten, fifteen years.
23	But we're not even there yet, we don't even know
24	what the project looks like. I'm assuming, like I said
25	earlier, hypothetically replacing it with plastic triple wall

1	pipe to make it last a long, long time. But that's
2	hypothetical. We don't know that for sure yet until we look
3	at all our options. But I would see that probably as a
4	direction.
5	So the appeal process will be later, but you'll
6	have a time where you can call me and come in and see me and
7	we can talk about it, and discuss that.
8	So that's at a later date though because we don't
9	have a cost. That's the appeal process.
10	BOARD CHAIRPERSON BILL CARGO: With that, I do
11	appreciate that everybody came. This was a very obvious
12	problem that needed to be corrected, so this has been a very
13	short and simple meeting.
14	And with that, without objection, we will adjourn.
15	BOARD SECRETARY JERRY HUNSBURGER: Thank you.
16	(Board of Determination concluded at 10:46 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 42 pages, is a complete, true and correct record of the Board of Determination - Hecksel Drain, held on November 8, 2018. DATE: November 18, 2018 MARJORIE A. COVEY, CSR-2616 141 East Michigan Avenue, Suite 206 Kalamazoo, MI 49007 1.800.878.8750 Notary Public Expires: October 14, 2021, Muskegon County, Michigan/Acting in the State of Michigan.

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