

1 MR. BUSH: Well, good morning, everyone.
2 Welcome to Grand Haven Township. I appreciate you
3 taking your morning to come and listen to what we have
4 going on this morning. My name is Joe Bush. I'm your
5 Ottawa County water resources commissioner, also known
6 as the drain commissioner. I changed it when I got
7 elected and I think it makes more sense, sounds better
8 than drain commissioner. It's actually water resources
9 and water management, whatever you want to say. That's
10 what we do, and that's what our office is here for, and
11 it's all about customer service, any way we can help.

12 You guys are here for the public hearing for
13 the Clovernook drain, and there's some issues out there,
14 and we're here to help, and how this process-- We'll go
15 ahead and start off by saying I do introductions first.
16 We have Jen that's from my office. She's my secretary
17 and she's actually going to be here and help you guys
18 out any way she can. We have Jerry Olman. He's
19 actually here from the Ottawa County Road Commission to
20 voice his opinion.

21 We have got Bill Cargo in the back. He's your
22 township manager. We'll get his opinion and his say at
23 the time of any agenda. Everybody get an agenda and
24 then sign in? OK. Thanks. And then also we have
25 David. He's our court recorder. Everything here this

1 morning is court recorded. So if you need a copy of it,
2 call my office. We can get you a hard copy or if you go
3 to my website at miottawa.org, look up Joe Bush, water
4 resources commissioner, all the minutes from every BOD
5 that we have is on there. So we do it word for word.
6 That way, there's nothing missed and legally wise, we
7 have a Court Reporter here to back up if we said
8 something wrong here or whatever;

9 And then we have the 3-panel board. This
10 3-panel board is picked by me. They have no affiliation
11 with Grand Haven Township, any properties that's in this
12 drainage district or anything else, and myself being the
13 water resources commissioner, I'm neutral. So we're not
14 here to say this needs to happen or does not need to
15 happen. This 3-panel board will decide that after you
16 guys give testimony and the engineer report, the
17 township, the road commission, any other people who want
18 to voice their concerns or opinions.

19 That 3-panel board again is by state statute,
20 by drain code, is appointed by me, and they all have
21 been on multiple boards. Some of them have served as
22 township supervisors. Some of them are current township
23 supervisors. So they understand drainage and, like I
24 said, they have no properties involved, have nothing to
25 do with Grand Haven Township as far as anything with

1 this project;

2 And then I will go ahead and do those
3 introductions. We'll start up to your right. That's
4 Jerry Hunsburger from Park Township. In the middle is
5 Ken Souter. He actually worked for the road commission.
6 Some of you know Ken, been there a long time, very
7 familiar with drainage and water; and then we have got
8 to the left is Larry--

9 MR. BRUURSEMA: Larry Bruursema.

10 MR. BUSH: --Larry Bruursema, Georgetown
11 Township. I know several people, but Larry's from
12 Georgetown Township and also previously a road
13 commission board member or commissioner. So anyway,
14 these three gentlemen will listen to your concerns and
15 then once they appoint a chair and I give them the
16 authority to move forward with the meeting and give them
17 the oath, at that time, you guys can, when it comes down
18 to the agenda part to give your comments, go to the mic
19 and give your name and address and concerns so it's all
20 court recorded.

21 So at that time when I give them the oath,
22 they actually run the meeting. Any questions, you can
23 either direct it to them and those guys will direct it
24 to me or Ken. Ken is from Prein, Newhof. He's the
25 engineer and he's been out there and kind of did a

1 minimal evaluation of the issues. I don't want to pay a
2 lot of money when we don't have a drain project yet or a
3 drain turned over to me yet without this board giving
4 that authority. So Ken has been out there. He is aware
5 of the problems. He will give a presentation as well on
6 what he found going on out there.

7 So at this time, I'll go ahead and give the
8 oath and then after that, these three gentlemen will run
9 the meeting, and I will be happy to answer any questions
10 directed towards them, and we'll go from there. Thank
11 you.

12 Gentlemen, please rise and raise your right
13 hand. Do each of you solemnly swear to faithfully
14 perform and discharge the duties imposed upon you as
15 members of the Board of Determination appointed by the
16 water resources commissioner of Ottawa County to
17 determine the necessity of drainage improvements at a
18 certain drain to be known and designated as the
19 Clovernook drain in the Township of Grand Haven in said
20 county as required by law? Gentlemen?

21 MR. SOUTER: I do.

22 MR. BRUURSEMA: I do.

23 MR. HUNSBURGER: I do.

24 MR. BUSH: Thank you.

25 MR. SOUTER: The first thing on our agenda is

1 election of a secretary and a chairman; and nominations
2 for chairman, please.

3 MR. HUNSBURGER: I nominate Ken Souter as
4 chair of this panel.

5 MR. BRUURSEMA: I will support that.

6 MR. SOUTER: Move to nominate that I am
7 chairman of this board. All in favor say aye.

8 MR. BRUURSEMA: Aye.

9 MR. HUNSBURGER: Aye.

10 MR. SOUTER: Secretary.

11 MR. HUNSBURGER: I would nominate Larry
12 Bruursema to be secretary.

13 MR. SOUTER: I'll second that. All in favor
14 say aye.

15 MR. HUNSBURGER: Aye.

16 MR. SOUTER: Aye.

17 MR. BRUURSEMA: Aye.

18 MR. SOUTER: OK. That's done with. First
19 thing on the agenda then would be the township. Bill,
20 you want to address the township's concerns in this
21 matter?

22 MR. CARGO: I would be glad to. Good morning.
23 What you are looking at today is one of a number of
24 orphan drains within the township, orphan drains meaning
25 they are not part of the county system, so we can't

1 spend any public monies on improving them. We're in the
2 process of starting a 3- to 5-year program that will
3 identify all the orphan drains in the township, bring
4 them under the county system so that these drains can be
5 maintained.

6 This drain in particular is kind of
7 noteworthy. There are some issues regarding flooding
8 and high water tables because of the detention pond in
9 the back. This has been a complaint that's been
10 presented to the township numerous times. We believe we
11 have a solution whereas the Ottawa County Road
12 Commission appears to have given preliminary approval to
13 connect it to the Mercury Drive storm drain system so
14 that we can get it out to the bayous and hopefully deal
15 with some of the water level issues and the flooding
16 that is going on there.

17 Again this is something that is supported.
18 Typically the township will pay the cost for minor
19 repairs and maintenance. If it's less than \$5000 or
20 \$10,000, the township doesn't assess it to the property
21 owners. We just pay it out of our general fund. We're
22 in the process of getting a formal policy in place, but
23 again this is considered to be -- will be -- although
24 there will be some improvements, we don't expect it to
25 be a significant cost.

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MR. SOUTER: Thank you. Next on the agenda is Ken from Prein and Newhof. You are going to give us kind of a background on this drain?

MR. BOSMA: Yes. Thank you. First of all, I think Bill and Joe have introduced quite a bit of it already on the project, but one of the first steps that we get involved in when they want to change an orphan drain into an established county drain is try to identify what the drainage district is. What you can see as this red line here is what we have kind of established as what the district would be and how we identify that district is, first of all, looking at--

The county has a GIS system, which is a geographical information system, which gives us contours so we can help identify where the high and the low spots are and that helps us establish that drainage district as well as looking at the construction plans that are on file that we have available to us and also kind of a field visual. So by doing so, that's why you see the line identified as we have.

You can kind of see that the north end particularly on the east side kind of goes to the boundary lines there. As best as we can tell, it appears that most of those sites there, driveways and all that, come back into Clovernook. As we kind of get

1 to the south side, there's kind of a split where maybe
2 the back parts of the yards really don't appear to get
3 to Clovernook and that's why you see the drainage
4 districts separate there.

5 In addition, as we get on to the west side by
6 the pond, we have a couple homes there that the back
7 parts of those lots and that do kind of drain towards
8 that pond as well. As Bill has already addressed, when
9 this development was built -- and it looks like it was
10 built in about 1980 -- it was built with the idea of
11 having a retention pond. The difference between a
12 retention pond and a detention pond is a retention pond,
13 the water sits there and basically infiltrates into the
14 ground.

15 A detention pond typically has what is a
16 positive outlet which will then help relieve some of
17 that pressure in that pond over time, just releases it
18 at a slower rate. This one had a retention pond and I
19 know it appears like there was some discussion when
20 Mercury Drive was built -- and I believe Mercury Drive
21 was done in about 2004, the improvements on there --
22 there was some discussion whether to connect this system
23 to Mercury Drive.

24 I guess I did not find anything in the file
25 that indicated there were necessarily issues before that

1 and I think it was deemed at that point not to do that.
2 What we did also find is in about 2008, then there
3 started to be some issues and that there was kind of a
4 clean-out project that was done on the pond there.
5 However, again recently it looks like then there was
6 some flooding issues that affected particularly the
7 adjoining properties right around that pond.

8 It looks like going back in there, there's a
9 lot of compost that continues to build up, tree growth.
10 It's a very wooded area right where that pond is at, so
11 it's kind of hard to continue to keep maintaining that
12 as a retention pond. Even if you dig it out, you start
13 compacting and you start changing that porosity portion
14 in there. So as Bill has indicated as well, that there
15 has been looked at a couple of different options how to
16 get through there and we do feel like we can potentially
17 get into Mercury Drive and help relieve some of that if
18 that's something that we decide to move ahead on.

19 MR. SOUTER: Ken, I know you haven't done any
20 design or anything else, but what would be the-- Would
21 you actually look at tying the storm drain in and
22 eliminating the detention system? Would you tie a line
23 from the detention system to use the detention system or
24 is that -- am I too premature to even come up with what
25 the ideas are?

1 MR. BOSMA: Well, yes to all those questions.
2 As you know, with Mercury Drive, we are not far from
3 where the outlet is. It goes into a bayou there. So
4 there is some thought there: Is there ability to get
5 rid of that water very quickly? Is that pond necessary?
6 That's a question we have. We have thought about that
7 as well; that if we do connect, do we keep the pond as
8 potential area and again convert mostly the pond from a
9 retention to detention to have some kind of outlet?

10 Some of the struggle we're dealing with there
11 a little bit is the pipe that goes from Clovernook to
12 the pond right now has a little bit of back fall, it
13 would have, because it actually drains towards that
14 pond. It's a few tenths, but it makes some difference.
15 So that's some of the questions we have. If we still
16 utilize it that way as a detention pond, we would look
17 at that; but no, we have not completed any design or
18 anything to that point. It's just been basically a
19 cursory kind of review.

20 MR. SOUTER: Has the street flooded at all?

21 MR. BOSMA: I'm not aware of that; and again
22 maybe we'll hear that from the residents or so today, if
23 that was an issue on there, but I know there were more
24 issues in the lots in the back portions of those right
25 surrounding by the pond.

1 MR. SOUTER: OK. Thanks, Ken. Jennifer, did
2 we get any written correspondence from anybody?

3 MR. BUSH: Yes.

4 MS. VANDENBERG: Yes. Larry has a letter.

5 MR. SOUTER: Do you want to read that?

6 MR. BRUURSEMA: OK. This is from John O'Neil.
7 I don't have--

8 MR. SOUTER: What is his address?

9 MR. BRUURSEMA: I don't have a specific
10 address. It's from Clearwater Holdings. Dear
11 Commissioner, I received your letter dated October 29,
12 2015, and called your office on November 2nd and spoke
13 to Theresa to gain a better understanding of what the
14 petition was requesting. I currently own three 4-plexes
15 on Clovernook Drive. Based on the information presented
16 to me and that I gained from my conversation with
17 Theresa, I am not interested in financially supporting
18 the addition of drain for the Clovernook drain district.

19 When one purchased property, they have the
20 option to investigate the property, its condition, hire
21 engineers, surveyors, et cetera, to know what they are
22 buying. The landowners who are having problems on their
23 property need to remedy their problems with their own
24 financial resources.

25 Yes, I do feel bad for them if they have

1 drainage issues. No one wants that, but I do not have
2 problems, nor am I interested in supporting this
3 petition or paying for any repairs or additions to a
4 drain system. Sincerely, John O'Neil, Clearwater
5 Holdings, LLC.

6 MR. SOUTER: Joe, do you have any idea what
7 properties--

8 MR. HUNSBURGER: Do we assume he's in the red?

9 MR. BRUURSEMA: He's in the district, but he
10 doesn't give a number.

11 MR. SOUTER: He doesn't give which lot?

12 MR. BUSH: I'm not really sure. You have got
13 like two or three apartment complexes, apparently. So I
14 don't know, Ken, if you know exactly, if you have that
15 on your map.

16 MR. BRUURSEMA: He owns 4-plexes.

17 MR. BOSMA: I think most of them-- Bill,
18 maybe you know, too, but if I'm correct, most of them
19 are on the east side of Clovernook.

20 MR. SOUTER: OK. Thank you.

21 MR. BRUURSEMA: The lots are larger there.

22 MR. SOUTER: The larger lots, probably.

23 MR. BOSMA: Some of those, probably. Yeah.

24 MR. BRUURSEMA: I submit this for the record.

25 MR. SOUTER: OK. Larry's the secretary. Then

1 we would like to start in with the public portion of the
2 meeting and kind of what we want to do is have everybody
3 that's here be able to address the board and address
4 your concerns, whether or not you are in favor of it,
5 whether or not you are not, if you have problems, what
6 the problems are, and I guess I would just-- We've got
7 very few people here, so I'll just -- I'm going to just
8 point and, if you want to make a comment on it, please
9 come up, state your name and your address or the lot
10 that you own, and we'll just get the public's comments
11 on this.

12 We're going to start right up in front here,
13 the gentleman. You are under the gun. You are number
14 one.

15 MR. LAMPE: Well, thank you. I'm Ken Lampe.

16 MR. SOUTER: Do want to actually come to the--

17 MR. LAMPE: I'm Ken Lampe and actually I was,
18 along with my brother, the developer of Clovernook and
19 the whole street, Clovernook, and when I received the
20 letter, I was surprised. I didn't realize or I had
21 never heard of any drainage issues in that area, and I'm
22 just here to say that if there's a problem, I'm all for
23 getting it corrected.

24 MR. SOUTER: You own property on there yet?

25 MR. LAMPE: Yes. I own a few of those

1 properties.

2 MR. HUNSBURGER: Could you point on the map
3 where that is, please?

4 MR. LAMPE: Pardon me?

5 MR. HUNSBURGER: Could you point on the map?

6 MR. LAMPE: I own Lots 12 and 13. I own Lots
7 24, 25 and Lots 36, 35.

8 MR. HUNSBURGER: Thank you.

9 MR. SOUTER: Thank you very much.

10 MR. LAMPE: You're welcome. Thank you for
11 your efforts here; but the question on the street, I
12 never noticed any water issues on the street since I
13 have -- and I'm out there quite a bit. So I would be
14 surprised to hear if there's any actual standing water
15 on the roadway.

16 MR. SOUTER: Do you have any water table
17 issues on any of your lots?

18 MR. LAMPE: No. That's why I'm saying I'm
19 kind of surprised to hear that there is an issue now.
20 Well, I never really get on the west side where the
21 retention pond is. So you know, I can't say there isn't
22 a water problem.

23 MR. SOUTER: I think this is a 2-fold issue.
24 I mean, you were the developer of it, but when it went
25 in, the county drain commissioner did not take it over,

1 the drain. So if there's issues of future, this ties
2 that down, too; that if-- I mean, not only that they
3 can do something here, but if there's an issue with part
4 of the drain, the drain commissioner will then have the
5 rights to go in there and fix it.

6 MR. LAMPE: I understand that. Thank you.

7 MR. SOUTER: You are next, Ken.

8 MR. STURM: Another Ken. My name is Ken Sturm
9 and I own the property, the first two 4-plexes off of
10 Mercury Drive that you have labeled three, four, five
11 and six. They are the two white 4-plexes and probably I
12 have seen quite a bit of what flooding has gone on. I
13 have never seen any flooding that has gone to the
14 street. It's all more to the back of the property.

15 MR. SOUTER: Your lots are where the retention
16 basin is?

17 MR. STURM: I'm adjoining the retention pond.

18 MR. SOUTER: Could you point out your lot?

19 MR. HUNSBURGER: Could you just point out,
20 show us on the screen?

21 MR. STURM: So it would be-- Oh, is that
22 right?

23 MR. SOUTER: Yeah. OK.

24 MR. STURM: Pretty close. You have got all
25 the latest equipment here. I own three, four, five and

1 six and so there are two white 4-plexes. They are on
2 the -- I guess that would be what -- the west side of
3 the street there and then your retention pond must be
4 the green in there.

5 MR. SOUTER: The green in there is the
6 retention pond.

7 MR. STURM: So that's it. I was really
8 pleased that maybe four, five years ago, they came along
9 and they dug that out. They cleaned that out. It was
10 really overgrown with a lot of scrub trees. They dug it
11 out and I thought hey, we have solved the problem kind
12 of thing, but the problem that I have, I have owned the
13 property since 1999, so about 15 or 16 years I have
14 owned the property.

15 The problems that I have seen with the
16 flooding -- I guess several -- I'm not as much affected
17 as some of the other people, I think, in behind the
18 drainage pond. I have crawl spaces under my 4-plexes.
19 Those have flooded. It has flooded up to my driveway,
20 not over my driveway, but up to it. The property, the
21 brown 4-plexes next to us, I have observed that they--
22 They have a basement, and I see them pumping water out
23 of that all the time, and they pump it back into the
24 drainage pond so we get a nice circle going.

25 MR. SOUTER: Cleans the water up.

1 MR. STURM: Yeah. The thing that really got
2 me concerned this past year was we had that flooding a
3 couple of years ago, and had the flooding, and first I
4 thought that would increase my property value. I
5 thought lakefront, the ducks arrived, thought that would
6 be a good thing, but it wasn't, and somebody came, I
7 think, from out, and they pumped water out of there.

8 Well, I'm not sure if this is coincidental or
9 not, but I have got a sink hole behind my garage now
10 where the water apparently is migrating. I'm on
11 relatively high ground with this property and, as you go
12 down this way, I think the water is moving down this way
13 towards the river, and as it moves down that way, I have
14 talked to the gal behind me. She has flooding in her
15 basement. The people to the -- I guess in this, you
16 know -- on this side in here, this section in here,
17 they, I'm certain, have flooding.

18 I know this guy that was living down here on
19 Mercury-- I'm not sure if I got the right lot here.
20 --I talked to him before he moved. I think he lived
21 there for a while. This is several years ago now and
22 then I think I saw him leave. I'm not sure. I think it
23 was a bank foreclosure or something, but he was really
24 flooded out. He was on quite low ground, and that water
25 was migrating through his property, and he had dug some

1 drainage lines. I'm not sure exactly how he was doing
2 that, but he had some -- a lot more serious flooding
3 problems than what I did.

4 Fortunately this year's not been a bad year,
5 haven't had any flooding, but it's-- The thing that
6 concerns me more, I guess, again I go back to the notion
7 that this retention pond, the water from it, it's--
8 First of all, the pond is inadequate to hold all of the
9 water because it floods. It comes all the way up to my
10 buildings kind of thing, but then the water, as it
11 migrates, I don't know what to expect. I filled the
12 hole the best I could. I had probably a sink hole, I
13 would say, a good four feet deep and probably three to
14 four foot wide and it was just all of a sudden, you've
15 got this hole here.

16 I filled it with what I could. I staked it.
17 It's in-- The back of my lot is wooded, so I have a lot
18 of the wooded area back in there and it's not on regular
19 foot traffic, so you know, it's not that much of an
20 issue, but I'm just wondering where is that going to
21 stop, and so that would be, I guess, more my main
22 concern.

23 MR. SOUTER: If it is, maybe Ken could take a
24 look at it. Most of the time, sink holes happen around
25 here mainly because there was a tile or something that

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is sucking the sand away.

MR. STURM: When they pumped out the pond-- This might be purely coincidental. I don't know. When they pumped out the pond, this was-- I lose track of time. --three, four years ago. Whenever we had that biggest problem with that yet, they set a pump up there, and they ran one end into the pond, and they pumped it down towards Mercury. So they ran a line all the way down, I think, to-- There was an outlet down that they were pumping it into.

I thought well, a lot of that water was, you know, coming through there. I thought well, maybe somehow -- I don't know -- there's a vein in there -- water vein in there somehow. What caused that? There should not be. It's in a wooded area. It should not be any tile, should not be anything else there.

MR. SOUTER: There's a lot of stuff that could have been there from way before, too. I mean, there could have been an old farm there or something like that.

MR. STURM: That certainly is a possibility.

MR. SOUTER: That would be something the engineer should look at.

MR. BOSMA: We did observe that when we were out there and one thing I did notice, which I'm not sure

1 if it's the issue or not, but there's also a large tree
2 there. I don't know when it was cut down, but it was
3 cut down. Whether there was some root system or
4 something there, too, that are, you know, rotting out
5 and causing, you know, then some of that, as they pumped
6 down, it probably pulled real fast and may have pulled
7 that down.

8 MR. STURM: So I'm not sure what the issue is.

9 MR. SOUTER: That's good. OK. Anything else?

10 MR. STURM: I think not, other than I know I
11 have gotten to know my neighbors a little bit better and
12 when we have the flooding, everybody that I have talked
13 with around in that area has an issue with flooding of
14 one sort or another, their basement. For me, it's a
15 crawl space, so it's not nearly as much of an issue, but
16 that retention pond just does not seem to be adequate.

17 MR. SOUTER: It is an issue if you have got to
18 use the crawl space during wet time. OK. Thanks, Ken.

19 MR. STURM: You bet.

20 MR. LAMPE: Can I ask Ken a question?

21 MR. SOUTER: You can ask Ken a question.

22 MR. LAMPE: How long has this been happening?

23 MR. STURM: You know--

24 MR. LAMPE: Because I didn't know anything
25 about this; and do you know who pumped out the pond?

1 MR. STURM: Who pumped it out? It was the
2 city. It was the road commission, somebody from the
3 road commission because I thought-- I got out there
4 once. I bike ride there quite frequently. I was there
5 and I heard this pump going. I thought: Hmm. So it
6 was behind my garage that they set up. They had one
7 line into the retention pond and they were--

8 So then I called the road commission about it,
9 and I talked to them, and they said this is an orphan
10 pond. That was kind of a new concept, but it's an
11 orphan--

12 MR. SOUTER: It's an all-orphan drain, I mean,
13 because it wasn't taken over by the drain commission.
14 That surprises me that the road commission would be in
15 there pumping it. Jerry?

16 MR. OLMAN: I'm not aware of that, but--

17 MR. STURM: I don't know. I was happy that
18 they were dealing with it because at that point, that
19 was the most severe flooding that I had had in that
20 area.

21 MR. SOUTER: OK.

22 MR. STURM: Like I said, I have owned it about
23 15 years. To answer your question, probably the first
24 seven years, I don't know that I really noticed it and
25 then I noticed that pond, you know, it was filling up

1 with refuge and branches and things like that. They
2 came in. They dug it out. They cleaned it out. I
3 thought hey, that ought to resolve it, hallelujah, but
4 then it was like a year or two later, that pond filled
5 up real quickly, and it was about a year or two later,
6 and that's when we had the most severe flooding. That
7 was that two or three years ago and that's the worst
8 case scenario that I have seen in the 15 years that I
9 have owned it. So prior to that, it wasn't an issue.

10 MR. SOUTER: Thank you, Ken. The lady in red.

11 MR. LEACH: How about me?

12 MR. SOUTER: You are fine. I came to the lady
13 in red first.

14 MR. LEACH: She's my better half. Phillip
15 Leach. I'm on 15518 Pine Street. The pond is in my
16 backyard.

17 MR. SOUTER: OK. You are in the street-- You
18 are in the street next to it?

19 MR. LEACH: Right. My -- this property here,
20 I believe, and we have lived there for 45 years, and up
21 until three or four years ago when we had that nine
22 inches of rain in three days, I have never had water in
23 my basement. Then that year, I had a little bit --
24 not-- My basement was not flooded. I think the main
25 reason for that is my house is two to three blocks

1 higher than the neighboring houses. The basement floor,
2 you know, is higher than anybody else's and that was two
3 years ago, I had a little bit of leakage on the south
4 side, but with this pond, my neighbor Paul, he's had
5 problems quite pretty much since he's been there.

6 Before that when it was a rental house when
7 Tom Simmons, the plumber, it was a rental house for him,
8 and they did-- The basement then was a living area, and
9 they had furniture and all that down in the basement,
10 and he had noticed over the years that in his sump, the
11 water would come up. So he put in a line out to the
12 back of the property to take care of the water, but now
13 Paul has had flooding every year -- pretty much every
14 year, but when they put that in, I think they, you know,
15 was a big mistake.

16 When they had meetings out here prior to that,
17 a lot of people came out to voice their opinion. My
18 opinion at that time was any man-made body of water had
19 to have a fence around it. Well, that never had a fence
20 because it's, you know -- and in the spring of the year,
21 there's always water out there, you know, for a safety
22 thing with the kids, but you know, that was deemed long
23 enough for a problem, but as far as I'm concerned on the
24 drainage, it was-- They're going to be asking me to pay
25 for somebody else's mistake; that I think Mr. Lampe

1 should have taken care of this when he put it in.

2 There's a hard pan and the water table up
3 there is high normally. I was on well water until two
4 years ago, and during the winter-- Couple years ago, we
5 had that real hard winter, real cold winter, and the
6 ground heaved and broke and cracked my line off my pump,
7 and at that time, I think I had an illegal well because
8 my point was only down 12 to 13 feet because it hits
9 hard pan.

10 MR. SOUTER: Bottom sand.

11 MR. LEACH: And that's the only water we had.
12 People across the street years ago wanted to put in
13 underground sprinkling. They put that in, but they kept
14 running out of water, and it was Mr. Estrage at that
15 time, and he drove -- had a well drilled down over 200
16 feet, and I understand he has salt water, and so he
17 capped, sealed that off and dug down, had a bulldozer
18 and stuff come in and dug down and made like a swimming
19 pool, an underground pool, and laid his points
20 horizontal to irrigate his yard, but as far as the new
21 drain, drain commission, I don't feel I should have to
22 pay for somebody else's mistake. That's--

23 MR. SOUTER: OK.

24 MR. BRUURSEMA: Question. Can I ask you, you
25 are in favor of improvements, but you don't want to pay?

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MR. LEACH: Because it was somebody else's mistake.

MR. BRUURSEMA: Well, the statement I made, is that correct? You know something has to be done, but you don't want to--

MR. LEACH: For myself, I don't-- No. Like I said, I don't really have a problem with water in my basement because my basement is higher.

MR. BRUURSEMA: But if improvements would be made, you would be in the district and you would have to pay. Right?

MR. LEACH: If that's what the decision is. I don't think I should have to pay because it was somebody else's mistake.

MR. BRUURSEMA: No. The point I'm trying to get from you is that you think improvements should be made.

MR. LEACH: For the rest of the neighborhood, yes; and then I think the gentleman there with the pump, I think it was the Prahasic property where you have got the big dip there and the low ground. I talked to him before they moved out, and they were trying to sell the house, and they can't sell the house because of the flooding issue, and then they had that big pump down there, and they were pumping water out of his yard out

1 into the street to get rid of it.

2 MR. BRUURSEMA: OK. Thanks.

3 MR. SOUTER: Thank you. Let's go to the light
4 blue shirt.

5 MR. KROHN: My name is Dave Krohn. I
6 represent my cousin who owns the two brown ones next to
7 Ken's.

8 MR. HUNSBURGER: Could you point on the map,
9 please?

10 MR. KROHN: Seven and eight there.

11 MR. SOUTER: Basically the pond is right in
12 back of your house?

13 MR. KROHN: We have the water frontage, yes.
14 It's 15527 and 15547 Clovernook. He has owned these,
15 I'm going to say, maybe eight, nine years. I don't know
16 exactly and we have the basements. Why they put a
17 basement there, I don't know, but we have always had
18 issues with the basement, always had water, and you
19 know, it goes seasonal in the spring. Obviously when
20 you get the snow melt and rains, the pumps are just
21 nonstop. Most of the time, we can keep up with it, but
22 there are times several years back, it got so flooded,
23 it was right up to our parking spots there, too;

24 And the water gets so high, obviously it
25 migrates towards the basements. The footing drains

1 which feed to the sump pump, they can't even keep up. I
2 have it leaking into the basement. I have had the
3 entire floor of both units covered with water. So we're
4 in there for the next -- until it goes down -- until the
5 pond goes-- When the pond goes down, the problem goes
6 away, but you can't store anything there. They are
7 totally useless.

8 I tell my tenants don't store anything down
9 there. It's wet. It will ruin it, and it has, and we
10 have to deal with the mold and the water clean-up. It
11 just is nonstop, forever. So we've been seeing this for
12 a lot of years. So I guess I have kind of lost the use
13 of a lot of it, you know, half my property. We can't
14 use the basement for storage. It's just-- It's just
15 been there every year.

16 MR. SOUTER: Is it very-- Are you dry in the
17 summertime, I mean?

18 MR. KROHN: We're dry right now.

19 MR. SOUTER: You are dry right now?

20 MR. KROHN: Yes; and again we have the pumps,
21 the sump pumps. They pump it out, which goes right to
22 the pond. So it's a circle, you know. You have got the
23 electrical bill for that. There are times I have two
24 pumps in each building. One is just a backup because
25 they do fail. They are on and off constantly. Just as

1 fast as you can snap your fingers, they are on and off,
2 filling up the sump. It's just a pain. Just a pain.
3 So any improvement at all, we're for any improvement.
4 It's worth it and we have seen it forever.

5 MR. SOUTER: Thank you, sir.

6 MR. KROHN: You bet.

7 MR. SOUTER: Next gentleman there in the
8 sweatshirt -- I guess sweatshirt.

9 MR. VANDERSYS: My name is Steve Vandersys,
10 and my property is, I believe, this one on Pine Street,
11 and it's a slab house. It's a rental property. It has
12 between the garage and the house, there's a small
13 Michigan cellar -- whatever. Just the breezeway has a
14 sump pump in it. It ran a lot in the spring. I think I
15 bought it in like '95. I really didn't have much issue.
16 Sump pumps worked in the spring. That's just kind of
17 life.

18 I didn't have problems until Mercury came
19 through. That's when mine started filling up and it
20 would go beyond the sump pump, fill the whole thing up
21 this high and my plan is to fill it in.

22 MR. SOUTER: OK. You say you didn't have any
23 problem before Mercury--

24 MR. VANDERSYS: It would run in the spring. I
25 mean, it would run.

1 MR. SOUTER: OK. But what would have Mercury
2 Drive done to--

3 MR. VANDERSYS: I had talked to one of the --
4 when they were building it. I can't remember. This
5 was-- I just don't remember anymore, but there was an
6 old drain in there out back that went to Mercury that
7 got cut off when Mercury went through and they didn't
8 know it was there, so they just sealed it or something.
9 No?

10 MR. BUSH: No. Not that we're aware of.

11 MR. VANDERSYS: That's what I was asking.

12 MR. SOUTER: But maybe nobody was aware of it
13 to start with.

14 MR. VANDERSYS: That's when my problems
15 started and the lady just unplugs the power because she
16 pays the electricity. So the plan was to fill it. I
17 just didn't get to it this summer, but next spring, I
18 will fill it, just put a slab and be done with it. That
19 will end my problem. It's just an old house. She's
20 been there a long time, is on Social Security.

21 MR. HUNSBURGER: Do you support the need--

22 MR. VANDERSYS: Do I what?

23 MR. HUNSBURGER: --for improved drainage?

24 MR. VANDERSYS: I'm sure it's needed same as--
25 You know, I really don't have a problem. I hate to have

1 to pay for it, but if it's something that's got to be
2 done, it's got to be done.

3 MR. SOUTER: It would be spread out there. I
4 mean, it doesn't look like it's that major of a problem.
5 The township has indicated that they would pay for it.

6 MR. VANDERSYS: But as far as the yard getting
7 wet, that's never happened. I just know that I have
8 more water troubles since Mercury went through, just
9 whatever problem that is.

10 MR. SOUTER: For what reason, we're not sure.
11 Maybe it was--

12 MR. VANDERSYS: The pond filling in all at the
13 same era. Kind of that's what it's doing.

14 MR. BOSMA: May I just ask him a question?
15 When you say since Mercury went through, that is
16 consistent every year or is it just the big storm
17 events?

18 MR. VANDERSYS: No. It's all. It's every
19 spring now, it fills up; and I talked-- I don't
20 remember. I can't remember if I talked to-- I don't
21 remember. I just don't remember. It's been awhile, but
22 thank you.

23 MR. SOUTER: Gentleman with the hat.

24 MR. BRUURSEMA: Can I ask Ken a minute
25 something first?

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MR. SOUTER: Go ahead.

MR. BRUURSEMA: With his problem that he has that filling up, he's going to fill it up. If there's ever improvements around his property, will that take care of his problem?

MR. SOUTER: We don't know.

MR. BRUURSEMA: That's not the issue here, but if improvements were made there, would his -- what do you call it -- breezeway space be dry?

MR. SOUTER: Michigan cellar is what he's talking about.

MR. BRUURSEMA: Michigan cellar, whatever.

MR. BOSMA: I think you are going to improve it by not directing all your storm water there at one time. That's why I kind of asked the question because if it's still occurring in smaller storm events where it's even contained in the pond, it could be a ground water movement issue that even if you fill that or so, depends on how close your floor is going to be to that ground water. So--

MR. SOUTER: OK. Sir?

MR. FRANCKOWIAK: My name is Paul Franckowiak. I own this property directly behind the pond. Those are my backyard. Sometime I own waterfront property; sometimes I don't, but I do know that whenever that pond

1 fills up below the level of the bottom of the drain that
2 comes in off the street, my sumps start running 24/7 and
3 they don't shut off until that pond level goes below the
4 bottom of the storm drain.

5 MR. SOUTER: OK. I'm going to ask you a
6 question. Is the pond deeper than that outlet?

7 MR. FRANCKOWIAK: Yes.

8 MR. SOUTER: So once it hits whatever that
9 outlet is, you start getting water?

10 MR. FRANCKOWIAK: Well, yeah. Then the sump--
11 At that point, the sumps are running constantly to keep
12 up with it. So whenever there's any additional water
13 directed into whatever is underground that is at our
14 property in this area, that water migrates over in our
15 direction. My basement floor is probably six feet below
16 grade. So that water table is coming up quite high and
17 why it comes up and why it is directly related to the
18 water level in the pond, I'm not a geological engineer.
19 I don't have a clue.

20 You would have to bore holes all over the
21 place to know that there's clay or what there that's
22 collecting it. We do know that they did put in a clay
23 base for Mercury Drive, though, that could be acting as
24 a dam for that water flow. There is hearsay evidence to
25 me that there was a clay tile drain under Mercury Drive

1 that went out to the Gidley Bayou that's been removed
2 because it wasn't on the map.

3 It probably belonged to the farmer that
4 drained the swamp to begin with, you know, hundreds of
5 years ago or whenever. You know, maybe Rex Robinson put
6 it in, but it's not on the map, so it didn't get
7 replaced, and there's more water backing up. There's
8 more water in the neighborhood than ever, but I have a
9 constant problem whenever that pond fills up.

10 MR. SOUTER: Whenever the pond fills up, that
11 water migrates to--

12 MR. FRANCKOWIAK: Whenever the water level in
13 the pond is above what's draining it, the drains, that
14 level right there.

15 MR. SOUTER: OK. Very good. Thank you, sir.
16 Anybody else out there? Oh. Jerry, we didn't get any
17 comments from the road commission.

18 MR. OLMAN: Yes, a couple. With this being an
19 orphan system-- Jerry Oلمان, county road commission.
20 This being an orphan system, even if this wasn't an
21 issue--

22 MR. SOUTER: Do you want to hit the mic so
23 everybody can hear you?

24 MR. OLMAN: Even if this wasn't an issue, the
25 road commission would be in favor of having the orphan

1 system be assigned to someone, in this case, the water
2 resource commission, for future maintenance. So that
3 way, there's an agency to go to to have issues like this
4 solved.

5 MR. SOUTER: OK. Very good. Maybe I doubt
6 you're going to know this, but when they did Mercury and
7 they dug through Mercury, was there anything in the
8 notes or anything that could have been hit? Like the
9 issue with Ken with the sink hole really makes me
10 believe there was some kind of tile someplace there that
11 may have been old, old, old, old that might have been
12 holding this water table down a little bit that could
13 have-- Was there anything that you have seen in the
14 notes or anything that -- anything like that?

15 MR. OLMAN: I didn't, no. I do have a blow-up
16 sheet of what the Mercury drainage system looks like
17 here, but as far as what went on during construction,
18 that, I don't know.

19 MR. SOUTER: They could have even just totally
20 missed it.

21 MR. OLMAN: Yeah.

22 MR. SOUTER: OK. Thanks, Jerry. Any other
23 pertinent information that we need to know? OK. Then
24 I'm going to close the public comment portion of the
25 hearing.

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MR. HUNSBURGER: Can I ask a question before we go into discussion?

MR. SOUTER: OK. Then I'm not going to close the public hearing.

MR. HUNSBURGER: It sounds like there's a possibility here that there's a water table fluctuation. Now, we don't know that. If that's the case, with what you think you might do -- and I know you haven't done a lot of work, just did some preliminary stuff -- would that take care of that problem?

MR. BOSMA: Well, obviously it looks like obviously we're compounding it because any rain-- Everything that I have seen basically in that red district there is contributing back towards that pond right where all the issues tend to be. So you are filling that up and what that wants to do, it's going to sit there for several hours because the only way it's going to outlet is try to infiltrate into the ground, and as we identified, as you go out there and there's compost kind of building up because of the leaf structure and the twigs and all that because again it's very heavily wooded area in there, and I think as the years are going on, less and less is percolating into the ground.

So it's going to kind of go into the side

1 portions of the pond and weep out towards those holes.
2 I think you are going to build up the water table there.
3 By being able to maybe have a direct connection out to
4 Mercury Drive, we'll be able to try to keep that level
5 of that pond down.

6 MR. SOUTER: Seems like the one gentleman had
7 the problem right when the water gets a certain
8 elevation, he starts getting a problem. So if you can
9 keep that water from getting to that elevation, that
10 problem should be minimized, at least.

11 MR. BOSMA: Right. What we're not sure of
12 yet, like I said, is still evaluate whether or not you
13 would want to get rid of the pond totally because
14 keeping it there does keep the water table drawn down
15 there, but also the infrastructure from here to the
16 bayou is not set up for bigger storm events. If we have
17 bigger storm events, at least it gives someplace to kind
18 of go to as well. So that's what we would have to weigh
19 out a little bit in the decision making.

20 MR. SOUTER: The problem will be, though, if
21 it's in a heavily wooded area, you always get problems
22 with maintaining the outlet's integrity while you are
23 doing that.

24 MR. BRUURSEMA: I would like to follow up a
25 little bit with Ken. You have the catch basins in the

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road here. Right?

MR. BOSMA: Correct.

MR. BRUURSEMA: And the outlet is to the pond?

MR. BOSMA: Correct.

MR. BRUURSEMA: Is the future proposal to go to Mercury Drive with that -- with the catch basins?

MR. BOSMA: That's what we've been looking at, yes -- is to probably tie right at the north end of where Clovernook has now, somehow tie that into Mercury Drive.

MR. BRUURSEMA: OK. That's good.

MR. BUSH: We've got another--

MR. SOUTER: That's good for me.

MR. LEACH: Phillip Leach again on Pine Street, this property here. The pond is in my backyard. Now, the lady who lived across the street from me in this property here, that year that we had the excessive rain and the nine inches of rain in three days, that year, she had like two feet of water in her basement, and then the next couple of years, she had a little bit of water, and then the people that lived to her south, this property here, they had major issues there, also.

In the last few years, they have had a little bit of water due to snow melt in the spring of the year, but I think it's more-- The drain issue is more than

1 just these few houses here, I think. OK. I think these
2 people here have had problems, used to be the Palmer
3 property, and next door to them, the Ralyas, I think
4 they have had problems, also.

5 MR. SOUTER: So when you get into surface
6 water drainage and then subsurface water drainage, you
7 have got two different criterias there. I think what
8 Ken has got mapped out here is what the physical ground
9 flows into this drain, what the surface water flows into
10 this drain. We don't-- It's going to be hard to
11 determine subsurface water drainage and how that's
12 affected by eliminating this problem, too.

13 MR. LEACH: But you know, like Paul's problem
14 and what I have had, it was subsurface water drainage.

15 MR. SOUTER: That's right; and this might
16 help, all told, the whole thing. Thank you, sir. OK.
17 It says we're getting close to the next meeting. I'm
18 going to close the public portion of this meeting and
19 basically open it for discussion from the board.

20 MR. HUNSBURGER: It would appear to me, based
21 on the testimony and the presentations made, that
22 there's certainly a problem and we need to have somebody
23 that has authority to deal with the problem. So we
24 should be looking drain. It also sounds to me like
25 based on some of the comments at the end here, it's very

1 possible some of the problem over here that's outside
2 this whole drainage district could be surface water even
3 running over there, but without a doubt, something needs
4 to be done here. It's not going to get better on its
5 own.

6 MR. SOUTER: Larry?

7 MR. BRUURSEMA: Yes. I see a big necessity
8 for this drain and I think somebody has to take care of
9 it. So I think they have to be assigned to the
10 authority of Mr. Joe Bush and his staff to look into
11 this.

12 MR. SOUTER: OK. We are--

13 MR. BRUURSEMA: Here's the motion.

14 MR. SOUTER: Here's the motion. OK. We have
15 got a motion. I will read it here. Is moved by and
16 seconded by that the drain is deemed necessary or not
17 necessary.

18 MR. BRUURSEMA: So moved.

19 MR. HUNSBURGER: I will second the motion that
20 the drain is necessary.

21 MR. SOUTER: All in favor say aye.

22 MR. HUNSBURGER: Aye.

23 MR. BRUURSEMA: Aye.

24 MR. SOUTER: Then the second is move and
25 second that the drain is or is not necessary for the

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protection of public health in the Township of Grand Haven and that a portion of the cost be apportioned by the municipalities at large.

MR. HUNSBURGER: I would move that we assess part of the costs to local government, which would include township, county, road commission, et cetera, who would be responsible for paying part of the cost.

MR. SOUTER: Do we have a second?

MR. BRUURSEMA: You have support for that.

MR. SOUTER: OK. And then the third motion--

MR. HUNSBURGER: You have got to call for a vote.

MR. SOUTER: Oh. I'm sorry. I've got to quit that. All in favor of that motion say aye.

MR. HUNSBURGER: Aye.

MR. BRUURSEMA: Aye.

MR. SOUTER: Aye. And then thirdly, a motion is that the drainage boundary be adjusted as necessary and lands added or deleted as determined by the engineer. Do we have a motion on that?

MR. BRUURSEMA: So moved.

MR. HUNSBURGER: I would second that motion.

MR. SOUTER: It's been supported. All in favor say aye.

MR. HUNSBURGER: Aye.

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MR. BRUURSEMA: Aye.

MR. SOUTER: Will you fill that out for me?
That's all the motions we had, isn't it?

MR. BUSH: Yes.

MR. SOUTER: OK. I close this hearing then.

MR. BUSH: I just want to say thanks,
everyone, for coming today. Thank you for your time and
thank you, board, for serving for the Cloverbrook
district. So thank you.

MR. SOUTER: Very good, Jim.

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STATE OF MICHIGAN)
) SS.
COUNTY OF MUSKEGON)

I, David R. Walley, Certified Shorthand Reporter (CSR-2718), County of Muskegon, State of Michigan, do hereby certify that the foregoing Pages 1 through 42, inclusive, comprise a full, true, and accurate transcript of the proceedings taken in the matter of Clovernook County Drain Board of Determination, on November 11, 2015.

David R. Walley
Certified Shorthand Reporter

November 15, 2015