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STATE OF MICHIGAN
OTTAWA COUNTY

IN RE: NUMBER 52 DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:02 a.m., on Monday, August 3, 2020, via Zoom, held before Ms. Dawn M. Houghton, Certified Shorthand Reporter, Michigan License CSR-3071, RPR, Illinois License 084.004881, and notary public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Bill Cargo, Board Chairman
- Mr. Ken Souter, Board Secretary
- Mr. Rich VanderKlok, Board Member
- Mr. Steve Koski, legal counsel
- Ms. Stacy Hissong, legal counsel
- Mr. Dan Fredricks, Engineer, LRE Engineering

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Via Zoom
Monday, August 3, 2020
10:02 a.m.

PROCEEDINGS

WATER RESOURCES COMM. JOE BUSH: Well, welcome everyone. We appreciate you coming to join us via Zoom. Usually these are live, but via Zoom today, so we do appreciate you taking the time, excuse me, and to come and learn and listen to what the process is all about for the Drain Number 52 extension.

The reason we're here this morning is I received a petition from the people within the drain district of Drain 52 which is currently the Noordeloos. People are like, what's Drain 52? Currently it's called the Noordeloos Creek, which I have no jurisdiction or responsibility to maintain, clean out, remove trees. I don't have easements. Again, I have no jurisdiction in that boundary.

So that's the reason why we're here. It was received -- again, we received a petition, from signatures on a petition further downstream, and this was to add a branch of the 52. Drain 52 currently is up toward the Riley/112 corridor.

So that's -- and when we -- when I receive a petition, by Drain Code, I have to have a public hearing, and that's why you all got an invite to this morning's

1 participation in our Zoom.

2 Currently, I just will talk about there is no
3 project. We don't have any costs because we don't know
4 exactly what we're doing. In order for me to touch anything
5 or start the process by Drain Law, it's -- we got to have --
6 we've got to hold a Board of Determination, and we have to
7 receive a petition in order to do that. So this is the legal
8 process.

9 We have in the past removed a few woody debris
10 piles or dams of trees, and the townships have kind of
11 contributed to that cost to remove those, but technically I
12 have no easements, and it's not part of a run-off course, nor
13 is it under my jurisdiction.

14 So that's -- if you've seen us in the past go in
15 there, that was for emergency work, and we can do that under
16 the Drain Code under an emergency, but we've got to make sure
17 we have property owners' permission, and the other part is
18 who's paying for it, and the city of Zeeland and Holland
19 Township have agreed to pay for some of that woody debris
20 removal.

21 So some of you have seen us in there in the past,
22 we have been in there, and -- but it's not like a routine
23 maintenance or it's not under my jurisdiction. It's just for
24 emergency purposes only, so I just want to make that clear.

25 That's not -- I've heard rumors of we're here

1 because we did the work. That's not why we're here. We're
2 here because I received a petition and I have to act on that
3 petition. So, and again, I appreciate everyone Zooming in to
4 learn about this process.

5 So, with the Board of Determination, I have to
6 appoint a three-panel board, and these three-panel board
7 members have no affiliation or properties within this drain
8 district or this particular township, so -- that this drain
9 district is in.

10 But I picked three panel board -- these are not
11 like Holland Township board members or Zeeland City Council
12 members. These are three people that have great knowledge
13 and experience in drain law, drainage, how this process
14 works, public testimony, how public meetings run, and they
15 hear both sides of the story.

16 We're here today to make sure that there's issues
17 that maybe we don't know about, and this is your time to
18 bring those up so we're aware of those. We do know there's a
19 lot of trees in the drain. We know there's erosion issues.
20 We know a lot of those issues exist today, and there's an
21 engineer that will do an engineer's presentation.

22 Some people are asking about the, and I'm trying to
23 get some of these questions out of the way, well, I don't
24 know if I'm in the watershed, I'm not sure if I'm in the
25 drain district, and he'll go through that on the preliminary

1 work. This is all preliminary just because I have to hold
2 it, again based on Drain Code.

3 We do have legal counsel here today, and I'll do a
4 -- I'll do the Board of Determination members' introductions,
5 and then I'll go through who else is joining us today. But
6 as soon as I give the three gentlemen the oath who
7 participated in our -- or who I appointed to participate in
8 this public hearing, I'll give them the oath, they will run
9 the meeting, and they will -- you'll see by the agenda that's
10 posted, this is kind of how it goes. I give the oath, they
11 do the election of secretary and chairperson, and then the
12 rules for public comment.

13 My only comment is that the board that I appoint
14 ask me questions, but otherwise, they run the -- they run the
15 Board of Determination. This is a determination of necessity
16 to be under my jurisdiction at some point. So that's what
17 they do. That's their role and function of the board.

18 So I just wanted to get some of those early
19 questions that I've been getting asked a lot out of the way.
20 Again, we have no costs, we don't have a project, and we're
21 here to basically hear what the public has to say about their
22 situation, or maybe they feel like they're not in, and the
23 engineer can always go out and reevaluate the district later
24 after. But we would rather over-notice than under-notice.
25 Because if we under-notice, then that becomes a bigger

1 problem. So we like to over-notice.

2 Maybe you're not in if you're on the boundary, but
3 again, it's one of those safe measures that I would rather do
4 it more than not enough, because then that becomes a problem
5 later.

6 So again, I appreciate everybody's time. I'm going
7 to do some presentations right -- or not presentations,
8 introductions. And so I've got Steve Koski. This is all
9 being recorded with Zoom, but we also have a court recorder,
10 but Steve Koski is running the -- running the Zoom meeting.
11 He's with our legal firm, Fahey Schultz.

12 And then you've got me, I'm Joe Bush, the Water
13 Resources Commissioner or the Drain Commissioner it used to
14 be called, but same -- same title, or same positions, just a
15 different title.

16 Then we have Stacy Hissong. She is also from Fahey
17 Schultz. And then we have Dawn, and she is our court
18 recorder, and everything is word for word. And she's going
19 to try her best. Make sure to speak loudly. I know with the
20 Zoom and technology, it can be difficult. At times, you
21 don't hear everything, but -- and this is not required by law
22 to have a court recorder, but I do it to protect you, the
23 citizens, and us, just 5 years from now or 10 years, if we
24 want to go back and read the minutes of our Zoom Board of
25 Determination, then we can go back and reference a time, a

1 place, and what was said. That's definitely been helpful.

2 I've been doing this since I got elected. Every
3 single Board of Determination is court recorded. It
4 definitely solves a lot of problems down the road, and it
5 definitely is helpful, even for the residents that maybe go
6 back and read them. They're always on-line. It takes about
7 four to six weeks or so to get those in our hands, and then
8 we post them on our website at miottawa.org. Go under Water
9 Resources Commissioner and then go under minutes and you'll
10 see that Board of Determination.

11 So again, everything is court recorded, so when you
12 do speak at public testimony, make sure you speak loudly,
13 your name, address, and kind of go slow just so she can keep
14 up, because sometimes technology, it goes faster than what,
15 you know, than your mouth, just because -- or there could be
16 a delay. So just help her out a little bit so she can pick
17 up on it.

18 Then we have Bill Cargo, he's -- he's from Grand
19 Haven Township. He is the manager over at Grand Haven
20 Township. And then we have Ken Souter who is actually in our
21 office, but he's on there. He's retired from the Ottawa
22 County Road Commission. He was there 40 years in the
23 engineering department. And then we have Rich VanderKlok,
24 and he is from Georgetown Township. He's a board member over
25 there.

1 So again, these three gentlemen have no affiliation
2 or properties within this drain district or do not sit on the
3 city council or Holland Township or -- or have a property
4 nearby. So those are our three panel boards.

5 And I don't know if the road commission is with us.
6 Usually they're on there with-- I don't see them. And then
7 also Dan Fredricks, he is with LRE Engineering, and he'll do
8 the presentation. He's been out there. He's kind of been on
9 the -- on the ground. So, again, he can kind of go through
10 where we're at with the drain district and what he saw out
11 there when he took some pictures. And like I said, he'll
12 have a presentation later.

13 Steve, I don't see the road commission anywhere so
14 I'm not sure if they're joining us, but usually the road
15 commission joins us on these as well. But I'm going to go
16 ahead and give the three gentlemen the oath. Gentlemen, if
17 you'll please --

18 ATTORNEY STACY HISSONG: Joe?

19 WATER RESOURCES COMM. JOE BUSH: Yeah.

20 ATTORNEY STACY HISSONG: Joe, before you do that --

21 WATER RESOURCES COMM. JOE BUSH: Okay.

22 ATTORNEY STACY HISSONG: -- would it be okay if
23 Steve Koski kind of gives an overview --

24 WATER RESOURCES COMM. JOE BUSH: Oh, yeah.

25 ATTORNEY STACY HISSONG: -- that's required about

1 the executive order?

2 WATER RESOURCES COMM. JOE BUSH: Yeah, that will be
3 fine.

4 ATTORNEY STACY HISSONG: Thank you.

5 WATER RESOURCES COMM. JOE BUSH: Yep.

6 ATTORNEY STEVE KOSKI: Okay. Just let me pull it
7 up here. So just, again, welcome everybody this morning to
8 the Board of Determination meeting. The reason this is being
9 held electronically on Zoom is obviously everybody's dealing
10 with the COVID-19 issues, and this is just another -- another
11 result of that. So there's the Governor of Michigan's
12 executive orders and applicable Federal and state agency
13 recommendations related to the public health emergency.

14 We will make every effort to ensure full
15 participation and transparency for those in attendance, and
16 as Joe mentioned, this is being recorded on here, so -- and
17 then we also do have a Court Reporter.

18 So if either the Court Reporter or myself thinks
19 something was not clear, we may ask you to -- to repeat what
20 you said or, you know, sometimes there's connection issues,
21 so if we do that, that's the reason why. We just want to
22 make sure that everything is stated for the record.

23 With respect to those from the public that are in
24 attendance, we ask that you remain muted during the meeting,
25 and this is just because if too many people have their

1 microphones on, there can be background noise and it can be
2 hard for board members and other people to hear what's going
3 on.

4 So, you'll probably notice already that I -- I
5 muted some people already as they came on, so it's obviously
6 nothing personal, it's just the way we're -- the way we're
7 trying to handle it so everybody can participate.

8 When -- there will be a period for public comments,
9 and our recommendation to the board, whoever the chairperson
10 is, will be for us to help facilitate that.

11 We -- you can indicate that, for members of the
12 public, can indicate that they would like to participate by
13 raising their hand, and there's an option to do that if you
14 go to the participants' list on your computer, there is, at
15 the bottom right, there is an option that says raise your
16 hand, and so when you do that, there will be a hand, a small
17 hand icon that appears next to your name, and so that will
18 indicate to me that you would like to speak. So, then once
19 we get to the public comment period, we will call people in
20 the order that they raised their hand.

21 If you're calling in by telephone, you can also
22 fully participate as well. The -- the option for raising
23 your hand on your telephone is done by dialing star 9, and so
24 if you dial star 9, it will show me next to your phone number
25 that you would like to participate as well. And again, I

1 will call on people in that order.

2 There's also a chat function that is on here, and
3 obviously that -- that's on the bottom as well on your
4 computer screen, and so that -- the chat allows you just to
5 speak with me, the host, and you can let me know in there if
6 you're having any issues, but you can also use that to make a
7 public comment if you would like. I can read that for you if
8 you would prefer to do it that way.

9 I would just say that if you would like your
10 comment read, you have to include your name and your address
11 with that comment so that it can be entered for the record.

12 And for anybody else that is giving public comment,
13 when I do call on you or the chair calls on you and says it's
14 your time to speak, I will just ask that you give your name
15 and address for the court recorder and for the record prior
16 to giving your comments.

17 If you experience connection issues while you're on
18 here, the -- for a computer, especially we recommend that you
19 just leave the meeting and try to log back in. Sometimes
20 that can solve a lot of issues, audio or video issues. And
21 if you're unable to -- to reconnect by a computer, we would
22 recommend that you use the -- a telephone and call in with
23 the -- with the number that was on your notice.

24 For the board members, we will obviously pause the
25 meeting if a board member loses their connection, and we will

1 wait for them to try to log back in. And if they are unable
2 to reconnect on their computer, then we will have -- we will
3 help them call into the meeting with their telephones so that
4 they can participate.

5 So at that point -- at this point, I will go over
6 the participation steps again prior to -- prior to the -- to
7 the public comment portion. So you don't have to try to
8 remember everything I said, I will go over that again. So at
9 this point, I'll turn it back over to the chair -- or to Joe,
10 actually.

11 ATTORNEY STACY HISSONG: One -- a couple more
12 things before that. So we have 68 participants so far.
13 Steve and I have assisted drain commissioners with probably
14 three dozen of these so far, I think, this year, since the
15 executive order has been in place.

16 Our recommendation to the board as to public
17 comment is that we assist the board chair with the public
18 comment. We have one person right now, Sondra, who has her
19 hand open -- or hand raised. When people raise their hands,
20 it automatically puts them in the order they raised their
21 hands for speaking purposes, so if we are assisting the board
22 with that, we will put a timer up for whatever length of time
23 the board sets for the speaking time, and then we -- so we
24 recommend that the process that Steve Koski went through be
25 the process for public comment, and also that -- that

1 everyone be allowed to speak once before a person is allowed
2 to speak for a second time during the public comment. Thank
3 you.

4 WATER RESOURCES COMM. JOE BUSH: Are you good,
5 Steve?

6 ATTORNEY STEVE KOSKI: Yep. Okay. I think we're
7 all set.

8 WATER RESOURCES COMM. JOE BUSH: All right. We'll
9 go ahead and get going. I know people are busy and -- and we
10 can forward this meeting. Gentlemen, please rise and raise
11 your right hand.

12 BOARD MEMBER RICH VANDERKLOK: Shall I stay seated
13 since I will rise on the picture?

14 WATER RESOURCES COMM. JOE BUSH: Yeah, that's fine.

15 BOARD MEMBER RICH VANDERKLOK: Okay.

16 WATER RESOURCES COMM. JOE BUSH: All right. And
17 then, gentlemen, I'll go ahead and give you the oath now.

18 Do you each solemnly swear that you will faithfully
19 perform and discharge the duties imposed upon you as required
20 by law as members of the Board of Determination appointed by
21 the Ottawa County Water Resources Commissioner to determine
22 the necessity for maintenance and improvement of the Number
23 52 drain located in the city of Holland, city of Zeeland,
24 Holland Charter Township and Zeeland Charter Township in said
25 county? Gentleman, what do you say?

1 MEMBERS OF BOARD OF DETERMINATION: I shall. We
2 do.

3 WATER RESOURCES COMM. JOE BUSH: Thank you.

4 BOARD MEMBER BILL CARGO: The first thing we need
5 to do is we need to elect a chair and then we need to elect a
6 secretary. Is there a motion to elect the chair?

7 BOARD MEMBER RICH VANDERKLOK: I would make the
8 motion to elect Bill Cargo as chair.

9 BOARD MEMBER KEN SOUTER: I'll second that motion.

10 BOARD MEMBER BILL CARGO: We have a motion by Rich,
11 supported by Ken, to elect Cargo as a chair of this Board of
12 Determination. All in favor say, "aye."

13 MEMBERS OF BOARD OF DETERMINATION: Aye.

14 BOARD CHAIRPERSON BILL CARGO: And that passes
15 unanimously. Next I will make a motion to elect Ken Souter
16 as the secretary. Do I have support?

17 BOARD MEMBER RICH VANDERKLOK: I will support that
18 motion.

19 BOARD CHAIRPERSON BILL CARGO: Okay. We have
20 support from Rich. Motion by Bill, supported by Rich to
21 elect Ken as secretary, all in favor, say "aye."

22 MEMBERS OF BOARD OF DETERMINATION: Aye.

23 BOARD CHAIRPERSON BILL CARGO: And that also passes
24 unanimously. At this stage, and I need to see the agenda,
25 there it is, we also talk at this stage about the role and

1 function of the Board of Determination. I think we've
2 already done that with the drain commissioner talking about
3 that, or excuse me, the Water Resources Commissioner.

4 Joe, was there anything you would like to add
5 talking about the role and function of the board, or is there
6 anything that your attorney would like to add to that?

7 WATER RESOURCES COMM. JOE BUSH: I'm good on my
8 end.

9 ATTORNEY STACY HISSONG: Yeah, so --

10 BOARD MEMBER RICH VANDERKLOK: Mr. Chairman, do we
11 need to do -- say any more about the rules of public comment
12 or did Steve already cover that?

13 BOARD CHAIRPERSON BILL CARGO: Nope, he did. I
14 forgot. I am also going to make a motion that we limit
15 public comments to three minutes for public participants.

16 We're doing this because you can summarize War and
17 Peace in about three minutes, and so we're hoping that the
18 public, when they make comments, will summarize their
19 comments to what they see as important. So I will make a
20 motion to limit public comments to three minutes. Do I have
21 support for that motion?

22 BOARD SECRETARY KEN SOUTER: I'll second it.

23 BOARD CHAIRPERSON BILL CARGO: Okay, there's a
24 motion by Bill, supported by Ken, to limit public comments to
25 three minutes for public participants. All in favor, say

1 "aye."

2 MEMBERS OF BOARD OF DETERMINATION: Aye.

3 BOARD CHAIRPERSON BILL CARGO: And that again
4 passes unanimously. Then I'll go back. Stacy, is there
5 anything you would like to add to the role and function of
6 the board that hasn't already been stated?

7 ATTORNEY STACY HISSONG: No, I think just to very,
8 very quickly summarize is that the purpose of the meeting is
9 to determine whether maintenance and improvement of the
10 Number 52 drain is necessary, and so the comments from the
11 public should be as to whether an improvement project is
12 necessary or not to assist the board in making the decision.

13 So, the Number 52 drain has been in existence with
14 the special assessment district since 1896, and so one of the
15 items that can be performed under maintenance and improvement
16 is an extension of the drain.

17 There's an already existing water course that isn't
18 established as part of the Number 52 that doesn't allow the
19 drain office or the Water Resources office to automatically
20 be able to do ongoing maintenance as it's needed, and so one
21 of the requests in this maintenance and improvement petition
22 is for that extension. That is what Joe was referring to
23 earlier today.

24 So what's most important after the engineer's
25 presentation when the public makes comment is to let the

1 board know, inform the board about each of the property
2 owners' drainage situation or experiences of what they've
3 witnessed as the people who are there in the area every day
4 to assist them in making their determination.

5 BOARD CHAIRPERSON BILL CARGO: I appreciate that.
6 What I'm going to ask now is that the engineer whose first
7 name is Dan? Dan, would you give a presentation about the
8 proposed drainage district and what you have found? And he's
9 muted.

10 ENGINEER DAN FREDRICKS: All right. Can everybody
11 hear me now?

12 MEMBERS OF BOARD OF DETERMINATION: Yes, we can.

13 ENGINEER DAN FREDRICKS: All right. My name is Dan
14 Fredricks. I'm with Land and Resource Engineering. And we
15 did do a preliminary field reconnaissance to review some of
16 the complaints that we've heard from residents out there and
17 to get some photographic evidence to present to the board
18 some of the issues that people are reported.

19 I am going to share my screen. Can everybody see
20 that?

21 BOARD CHAIRPERSON BILL CARGO: Yes, we can see it.

22 ENGINEER DAN FREDRICKS: Okay. Great. We're going
23 to start off with a little -- just give you a little overview
24 here of the presentation, talk in a little bit more detail of
25 why we're here, do a brief drain overview, drain history,

1 look at the areas of concerns, some of the drainage issues,
2 and then we can go on to what happens next.

3 So as Joe originally alluded to, the Ottawa County
4 Water Resources Commissioner's office received a petition
5 from 11 freeholders of land to make -- to maintain or improve
6 the Number 52 drain in accordance with Chapter 8 of the
7 Michigan Drain Code.

8 The real area of concern, I'll pull some maps here
9 in a second, is actually just downstream or south of the
10 Number 52 drain along what's currently Noordeloos Creek
11 which, as Joe said, is a natural water course at this point.
12 It does not have a county drain easement or jurisdiction over
13 that, so the request was to extend the Number 52 downstream
14 -- downstream through the Noordeloos Creek to specifically
15 help to alleviate flooding in Sections 23 and 24 of Holland
16 Township and Zeeland Township.

17 This area is around 104th between roughly James
18 Street to the north and then south towards -- past Business,
19 south of Business -- I-90 -- Business Route I-96.

20 So, the Michigan Drain Code mandates as part of the
21 petition process that we must hold a Board of Determination.
22 As Joe said, that's three disinterested gentlemen here that
23 are become going to make the decision, based on public
24 testimony, on whether the project is necessary and conducive
25 to public health, welfare or convenience.

1 So, we're going to give our presentation here of
2 just some of the things that we saw and then we're going to
3 open up to public comment and get that testimony firsthand on
4 whether or not the project is necessary.

5 So, overview of the Number 52 drain, the
6 establishment and process of the Number 52 goes back to 1893,
7 and we think that it officially became a drain in 1896. It
8 is a tributary to Noordeloos Creek.

9 This figure that we have here on the right side,
10 can you guys see my little cursor, my little hand --

11 MEMBERS OF BOARD OF DETERMINATION: Yeah. Uh-huh.

12 ENGINEER DAN FREDRICKS: So, the dashed dotted line
13 right here, that's the current drainage district off the
14 Number 52 drain. That's essentially, in this case, the
15 watershed, so any lands within this dotted drain -- dotted
16 area are ultimately going to convey water into the Number 52
17 drain.

18 The Number 52 drain is this solid black line that
19 starts here north of Greenly Street, goes primarily south,
20 past Riley, and then goes kind of due east across 120 --
21 112th to make its way into Noordeloos Creek. Noordeloos
22 Creek is this kind of gray, meandering line over here.

23 So right now from drain district established point,
24 this is the drainage -- this is the established drainage
25 district, and what we're looking to do as part of this

1 project is actually establish an easement, and it meets the
2 Noordeloos Creek going downstream or south of the Number 52
3 drain, an established county drain as well.

4 There's, within the watershed, the Number 52
5 itself, it's a developing watershed I'll call it. It's
6 agricultural lands that are being converted more into
7 residential, so the upper watershed north of Greenly still
8 has a lot of agricultural lands, and then when you start
9 getting into south of Greenly, you get more residential
10 developments that have been occurring over the last 30 years
11 or so. But again, what we're really looking at here is
12 extending this drain.

13 So, now you can see this -- kind of the shape of
14 the drainage district here right comes just south of Quincy
15 Street and then connecting into the Noordeloos Creek just
16 east of 112th and south of Riley Street.

17 So, on this next slide, all this -- this area up
18 here that I'm kind of circling around in the upper left
19 corner, the northwest corner of the district, this is all
20 what is right now the Number 52 drain, and then this yellow
21 area is associated Number 52 drain drainage district.

22 And if the petition were to be found necessary, the
23 idea would be to go through Noordeloos Creek and extend the
24 drain all the way down to the Macatawa River or the -- that's
25 also known as the Black Creek of Zeeland drain so that

1 maintenance can be performed along Noordeloos Creek so that
2 it provides an adequate outlet for not only the Number 52
3 drain, but various city storm sewers, natural water courses,
4 and established county drains such as you've got the Cedar
5 Creek drain here north of Business Route 1-96, kind of on the
6 eastern side of this notice -- notice area.

7 You've got the Number 4 and Number 43 drain which
8 goes to the southeast past I-96, I-196. Then you've got the
9 Number 3 drain which is kind of south of the Number 52 and
10 picks up some of this 112th and James Street area.

11 So, what we did for notifications purposes, knowing
12 that this is a petition for the Number 52 drain but the area
13 of impact is going to be a lot larger, we -- we sent out a
14 lot larger noticing area. So all this area you see in yellow
15 is what is the noticing area.

16 We're not going to make a determination today of
17 what the actual drainage district is going to be, but
18 definitely people within this area would be impacted by, if
19 you're living along Noordeloos Creek, there may be a request
20 for an easement as the drain is established, work may be
21 occurring along -- along Noordeloos Creek near your property,
22 so we wanted to make sure that we were notifying the proper
23 people to be at this meeting as this petition could include
24 not only improving the Number 52 drain, but extending it or
25 adding a branch to the Number 52 drain down what is now known

1 as the Noordeloos Creek.

2 So, as far as establishing what would be a new
3 drainage district, that will -- that will happen later. If
4 this is determined necessary, there will be another day of
5 review where people can go in and see who's been added to the
6 drainage district, who's been removed. In some areas, that's
7 possible as well. But we're not going to make a decision of
8 what the drainage district is today.

9 The drainage district, a lot of times, will follow
10 the -- the watershed, the contributing drainage area that
11 goes to the drain, but ultimately for the drain code, it's
12 based on benefits derived. And in this case right here,
13 we're looking at establishing Noordeloos Creek downstream or
14 south of Number 52 drain, so all these -- and doing direct
15 work in these areas to provide an adequate outlet for all the
16 different city, storm sewer, the established existing drains
17 that I talked about going to that area.

18 So, for noticing purposes, again, if you got a
19 notice for this, it means that you may or may not be
20 ultimately in the final drainage district, but we want to
21 make you aware of the process, what's going on.

22 So, going back to the heart of the matter, why
23 we're here today is drainage issues to discuss. Primarily
24 what we're looking for is issues related to public health,
25 convenience or welfare.

1 Within the watershed, as I talked about before,
2 within this larger area within Holland Township and the city
3 of Zeeland, there's been obviously in the last hundred years
4 or so a significant amount of land use conversion or
5 development.

6 Any time you get a development from going to a
7 forested state to agricultural, there's going to be changes
8 to the amount of runoff and the drainage patterns, and then
9 when you take that next step, going from agricultural lands
10 to higher residential development or commercial development,
11 increase imperviousness, you get more runoff into these
12 streams such as Noordeloos Creek, it gets flash flood zones
13 which means when you get a rainfall, the water spikes, it
14 gets higher, it floods -- floods a larger area.

15 So, that's kind of one of the things that we're
16 battling in general within this area. But specific points
17 related to public health, welfare and convenience are --
18 we've seen roadway overtopping and flooding, so when you
19 start getting flooded roads, we talk about impacts,
20 difficulties for emergency access vehicles to be able to get
21 to properties.

22 One of the main things that we can see out here and
23 Joe alluded to is the amount of woody debris obstructions,
24 specifically at the pinch points where we have rough bridges,
25 bridge crossings and things like that, that's kind of your

1 natural hydraulic constriction, and when you get these trees
2 falling into the drain and then log jams forming in these
3 areas, it can really exacerbate flooding upstream in both
4 areas.

5 And then the other thing that we're seeing which is
6 in part due to the -- the changing hydrology of the watershed
7 is increased amounts of bank erosion, which then creates
8 additional sediment and attached nutrients, which get
9 conveyed to the stream system, and then as sediment builds up
10 in the stream system, that can create sediment bars which can
11 obstruct flow and create further flooding as well.

12 So, this was mid-May. This was May 18th when we
13 were out there. So the storm event in this case right here,
14 these are photos from May 18th, but it started on May 17th at
15 the highest -- highest rains -- or highest flood levels.
16 This is -- so this is after the water levels are receding but
17 you still have flooding at 104th Avenue.

18 So, this first photograph is 104th Avenue, is onto
19 the right. Alice Avenue is just to the left of that right
20 there. Again, this is -- this is below the peak flow, but
21 you can see that 104th Avenue is inundated and flooded with
22 water.

23 As we look downstream of 104th Avenue to the right,
24 you can see the whole -- you can't even make out where the
25 exact channel is there. Again, you're getting a lot of

1 flooding in those areas.

2 Further, this is looking more upstream or east of
3 104th Avenue right here. Again, you can see flooding in
4 close proximity. And this is, again, after the highest --
5 highest flood levels but when we were out there during the
6 day after the biggest rain intensity, again flooding very
7 close to properties within the Noordeloos Creek area.

8 This is a map right here from FEMA that shows the
9 100-year floodplain within this kind of area of concern
10 within these Sections 22 and 23 of Holland Township.

11 So, one thing that you can know right here that I
12 talked about before is you'll see that -- you can see the
13 restrictions that we're going to end up talking about in a
14 little more detail, but here's a railroad crossing to the
15 north, you got Chicago Drive, you got 104th Avenue crossing,
16 you've got I-90 -- I-96 crossing, and then those are going to
17 be the areas where if we start getting log jams, that can
18 really exacerbate flood problems.

19 Now, some of these areas such as just upstream or
20 to the east of 104th Avenue, there are areas near Alice
21 Avenue and just east of 104th Avenue where, you know, these
22 areas are constructed very close to the 100-year floodplain,
23 or within the 100-year floodplain, so back yard flooding like
24 we're seeing right there is going to happen, but what we want
25 to do is make sure that we're taking all measures to reduce

1 the amount of flooding and potential flooding as much as
2 possible.

3 So, we talked about woody debris. We're going to
4 say that there's -- there's bad obstructions and there's good
5 obstructions. This photo on the left, this is the railroad
6 bridge just north of Chicago Drive, so right where I've got
7 my hand kind of scrolling around here. You can see log jams.
8 This is just a prone -- prone area, or because it has two
9 different bays in here and this little center pier, it's
10 going to -- it's going to be prone to collecting woody debris
11 and log jams.

12 And obviously, as you can see, if you start
13 stacking up logs that are restricting the culvert capacity by
14 maybe half, and we already know that these areas are prone to
15 flooding, any woody debris on top of that is only going to
16 exacerbate these -- these -- these areas. So when we have
17 critical infrastructure such as roads, streams, crossings, we
18 want to make sure that we're removing log jams from those
19 areas.

20 A minor amount of imbedded woody debris in the
21 banks or so long as it's not obstructing flow, that's good
22 because that does add complexity and improves habitat within
23 the stream system, but it's really when it becomes a
24 potential interference with flooding where it becomes an
25 issue that we need to take care of.

1 Here's going further, so starting kind of up here
2 by Chicago Drive and then moving down, further downstream,
3 this is along 10600 Paw Paw Drive. It's on the -- near the
4 Vollink property. And this is kind of representative of a
5 lot of Noordeloos Creek. You'll see erosion, downed trees, a
6 tree falls down, that diverts flows, creates additional
7 erosion. You also see sedimentation, bar buildup, erosions
8 going on in through there. Again, once you start getting a
9 few of these log jams and it builds up, it can really
10 exacerbate the flooding problems within the area.

11 This is going further downstream within the Paw Paw
12 Park area, again another here, it's just a pedestrian
13 crossing, but you can see again prone to woody debris buildup
14 in there as well.

15 This is actually along the Number 52 drain itself,
16 so this is woody debris and vegetation to -- to a smaller
17 level, but even within that, the Number 52 drain itself, it
18 could definitely stand to have some tree management and
19 vegetation removal just to make sure that the flow is being
20 optimized and hydraulic capacity of that is being optimized
21 as much as possible.

22 You can kind of just see right here on this picture
23 to the right, when you get some of this thicker vegetation
24 growing within the channel, that that can really obstruct
25 flow, the flow of water to drain storm events.

1 So erosion, that's another prevalent thing we're
2 seeing along the drain in part because this is a developing
3 watershed, and as you get flashier flows more frequently,
4 nature is going to carve itself out a deeper channel.

5 So you can -- on the picture to the left, you see
6 basically typical bank erosion, and then on the right, this
7 is generally what happens, you get the erosion, it starts
8 carving itself out a wider area, but then you can see this
9 big sediment load being deposited as well, and that can
10 reduce the capacity of the stream channel and exacerbate
11 flooding problems.

12 Here, again, we're looking at more areas. These
13 are a couple of photos near people's back yards. In addition
14 to excess sediment to the channel, you also have land loss of
15 people's properties. That becomes especially concerning if
16 you have a house that's very near to the drain that could be
17 potentially impacted by this erosion. But again, these are
18 just a few examples of some of the bank erosion that we're
19 seeing along the drain itself.

20 So that's a brief overview of -- of some of the
21 things we've seen here. And just kind of going into what
22 happens next, this is where we really want to open up the
23 public testimony and hear your concerns along the drain, and
24 then ultimately we're going to leave it up to the Board of
25 Determination to decide whether or not the petition is

1 necessary.

2 If the board finds the petition is not necessary,
3 then the projects ceases immediately, no additional action is
4 taken, and a petition cannot be heard along the Number 52
5 drain for another 12 months.

6 If the Board of Determination finds that the
7 petition is necessary, then we will proceed -- proceed with a
8 project scope. As Joe alluded to in the beginning, we don't
9 know what that scope would be. We have not done any real
10 intense engineering study at this time, no topographic
11 survey. Again, we're not going to get the cart way before
12 the horse and spend a lot of money if this project is
13 determined not necessary.

14 Ultimately, we want to hear from the people to make
15 that decision on whether they feel the project is necessary
16 or not. But if the project is determined necessary, we
17 complete that engineering design, we do additional
18 topographic surveys, we'd meet with property owners who are
19 having concerns out there, really identify these problems
20 areas, and then evaluate alternatives to most cost
21 effectively address these issues.

22 If we do extend the drain down Noordeloos Creek,
23 we're going to have to get easements along every bit of
24 Noordeloos Creek that we establish as the county drain.
25 We'll have to get permits from the Department of

1 Environmental Quality Great Lakes and Energy, known as EGLE,
2 to do any work within Noordeloos Creek since it is currently
3 a natural stream system.

4 And then once we have a project design, all
5 easements and permits in place, we'll actually then bid a
6 project out to qualified contractors, and the lowest
7 qualified contractor, lowest priced bid that we receive would
8 be awarded the project.

9 At that point, we would go and hold a day of review
10 which is when we'll have all the actual costs determined,
11 we'll have that drainage district established at that point,
12 and you'll be re-notified again as to what your -- your
13 assessment will be, and then you'll have the ability to
14 appeal that as well at that time.

15 And then once we get through this whole process, if
16 the petition is found necessary, we'll actually construct a
17 project. So there is quite a few steps we've got to get
18 through after today before we can implement any actual work.

19 So, with that, I'd like to open up to any questions
20 the board may have, or the public will be here, so thank you.

21 BOARD CHAIRPERSON BILL CARGO: Appreciate that.
22 First, I'm going to turn it over to ask Rich, do you have any
23 questions of the engineer?

24 BOARD MEMBER RICH VANDERKLOK: No, I do not.

25 BOARD CHAIRPERSON BILL CARGO: Ken, do you have any

1 questions of the engineer at this stage?

2 BOARD SECRETARY KEN SOUTER: At this moment, I do
3 not.

4 BOARD CHAIRPERSON BILL CARGO: Okay. Dan, I do
5 have a few questions. First, did I understand that this
6 proposed Noordeloos Creek drain or the -- I guess it's going
7 to be called the Number 52 drain if it is determined to be
8 necessary, does it exist between different county drains?
9 Does it empty into a county drain?

10 ENGINEER DAN FREDRICKS: Well, it does actually
11 empty into the Macatawa River which at that part is
12 established as the Black Creek of Zeeland drain.

13 BOARD CHAIRPERSON BILL CARGO: So is it unusual
14 that you would have a segment where it is taking -- you have
15 this Number 52 proposed drain, is it unusual that you would
16 have this section of water course in between drains? You
17 have drains north of it, you have drains south of it, but
18 this little section is not part of the county drain, that
19 seems unusual to me. Is that to you, based on your
20 experience?

21 ENGINEER DAN FREDRICKS: Well, I mean given that
22 Noordeloos Creek was a natural water course, not -- not
23 necessarily. Again, you've got Number 52 drain and some of
24 these other drains, like the Cedar Drain, since there was a
25 natural water course there, especially if you go back to like

1 the 1890's they were putting in and trying to basically drain
2 lands to put in agricultural production, they're going to
3 take that land down to the natural water -- waterway, in this
4 case the stream at Noordeloos Creek and, you know, have that
5 at the outlet.

6 So, in this case, not necessarily. Usually you're
7 taking it because there is this natural outlet.

8 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate
9 that. Also, before we open it up for public comments, I will
10 have Steve make a presentation again about how the public may
11 comment.

12 Is there anybody here from the city of Zeeland that
13 would like to make a comment?

14 MR. TIM KLUNDER: This is Tim Klunder from the city
15 of Zeeland. I have no comments at this time.

16 BOARD CHAIRPERSON BILL CARGO: Okay. And I'm going
17 to do the same for Holland Charter Township. Is there
18 anybody from Holland Charter Township that would like to make
19 a comment? (No response.)

20 Okay. And then again, I'm going to also ask is
21 there anybody here from the Ottawa County Road Commission
22 that would like to make a comment? (No response.)

23 And hearing none, I'm going to turn this over to
24 Steve. Steve, would you review briefly again the -- how the
25 public could make public comments, say, in the time limits?

1 ATTORNEY STEVE KOSKI: Yes. Thank you, Mr. Chair.
2 So again, the board decided on a three-minute public comment
3 time period. So I will put up a three-minute timer. And
4 that -- the time still will be the board's to enforce, so I
5 won't do that, but I will be able to display for the board
6 when the three minutes has been reached.

7 In terms of participating, and some people are
8 already doing it, there is the raise your hand option on
9 here. That is the -- the best way to -- to give comment if
10 you want to so that I can see that you would like to
11 participate.

12 I will call on people in the order that they have
13 their hands raised. And then at that point, I will look to
14 the chat function as well. And the people, if they want to
15 make a comment in the chat, and again some people have
16 already, I just ask that you put your -- your name and
17 address with your comment in the chat so that I can read that
18 into the record and so that the court recorder can have that
19 -- your information associated with that.

20 Again, for -- to raise your hand, for people on
21 your computer, it is the raise your hand button that you'll
22 find at the bottom right of the participant's list, when you
23 open the participant's list. And for those of you calling in
24 by phone, you dial star 9. And once you dial star 9, that
25 will indicate that -- that you would like to participate.

1 So, at this point, I am going to bring up the timer
2 we have here.

3 BOARD CHAIRPERSON BILL CARGO: And while Steve does
4 that, I will have Steve call the public participants in the
5 order of which they have asked, and Steve, this is a
6 reminder, when the public does make comments, I ask the
7 public to again give your name and your address.

8 Steve, you can take it from here.

9 ATTORNEY STEVE KOSKI: Okay. Thank you. And I
10 will also keep, Mr. Chair, I'll keep track of, to make sure
11 that we have first-time commenters, and we'll go through the
12 first -- the round of people, first-time comments, and then
13 if people are indicating they have repeat comments, I will
14 turn it over to the board to decide how you want to handle
15 that.

16 Okay. So the first commenter is Sondra Kehrwecker.
17 Sondra, if you could unmute yourself and introduce yourself,
18 your name and address for the record?

19 MS. KAREN KEHRWECKER: Yes, my name is Karen
20 Kehrwecker. I'm on my daughter's computer. We live on
21 Franklin Street in Zeeland. I'm on the outskirts of your
22 boundary there for your drain, and I just want to say that we
23 do not have water and sewer with the city. We have our own
24 well, our own septic system.

25 And when Holland Township put the road through on

1 Franklin Street, there's a building across the street that
2 does have water and sewer, but when they put the road
3 through, they flanged it to my property, so I'm actually
4 dealing with my own water, the water from the drain. I don't
5 believe we go into the drain.

6 You only have three houses on Franklin Street, and
7 I wish when you look at the boundaries again you would
8 exclude us as I don't feel we're part of it. The building on
9 the other side is, but we're not. So that's my only
10 question. Thank you.

11 BOARD CHAIRPERSON BILL CARGO: I appreciate that,
12 and Dan, the engineer, will be making notes on this. When
13 they do determine the more specific boundaries, they will --
14 they will look your property.

15 MS. KAREN KEHRWECKER: I think sometimes it's
16 confusing being in the township but still being part of
17 Zeeland, and there's only the three houses on Franklin
18 Street. So thank you.

19 BOARD CHAIRPERSON BILL CARGO: Thank you. Steve,
20 next?

21 ATTORNEY STEVE KOSKI: Thank you. The next comment
22 is Kyle Mart. Kyle, could you please unmute yourself and say
23 your name and address for the record?

24 MR. KYLE MART: Hello, this is Kyle Mart. Can you
25 see me? Okay. Yeah. It says -- yeah, I'm from 104 -- I'm

1 on Chicago Drive, and I guess my biggest concern about all of
2 this is kind of the assessment. It just says that it's going
3 to be determined at a later date, and that's kind of
4 unnerving to me because I don't know what that's going to be.

5 I mean, okay, so like we got this -- I got this --
6 this letter in the mail like a week ago when you guys had
7 this thing, project all mapped out with all these different
8 things, and you've been working on it for a while, but we --
9 at least me, I don't know about everybody else, but I just
10 heard about this just a week ago, and I kind of want to know
11 how much it's going to cost before we jump into it. I just
12 think it's kind of premature.

13 I mean, just personally, being around town, I know
14 that it's flooded in certain areas, but like the map looks
15 pretty big for who -- who all is included. Like I can -- I
16 look at -- I'm looking at the flood zones, a flood zone map
17 for Zeeland and it's a completely different area, and I don't
18 know, it's just kind of like it's -- I don't know. I feel
19 like it's just a little bit soon to just go for this, just
20 vote on something and then approve it, not knowing how much
21 it's going to cost, because it seems like we just say, okay,
22 it's a need, but I feel like cost is important, because,
23 yeah, that's just my concerns. I don't -- I don't have
24 anything like written out. If I had something prepared
25 better, maybe it would be --

1 BOARD CHAIRPERSON BILL CARGO: I do appreciate -- I
2 do appreciate your comments, Kyle. We are following state
3 law, which the first step is to try to determine if there are
4 problems, showing that there's a necessity for a project,
5 before we spend public dollars trying to define the scope of
6 the project and whether it does exist.

7 Stacy, the attorney for the Ottawa County Water
8 Resources Commissioner, is there anything you would like to
9 add?

10 ATTORNEY STACY HISSONG: Yeah, so I think the chair
11 explained it pretty well that the way the Drain Code is set
12 up, and this is the process, often unpopular, because you are
13 asking to comment on something where you don't know the
14 amount of the project, but the process is set up so that we
15 don't spend a lot of money on engineering before we move
16 forward, because if we hear from people they aren't
17 experiencing a problem, then -- then we don't want to
18 engineer a proposed solution.

19 So we don't have information as to what the cost is
20 yet because we really haven't done a lot. You heard from the
21 engineer that he went out and did a -- basically a
22 reconnaissance inspection. There's not really been
23 engineering that would take place to find out how much it
24 would cost, but that's the next step.

25 And Joe Bush, who's the Water Resources

1 Commissioner, has had -- has extensive experience in putting
2 something to this -- like this together. So what -- why --
3 what will go into ensuring that it's affordable is working
4 with the engineers and the permitting agencies to come up
5 with the best solution to address people's problems, and then
6 also working with the communities like the city of Zeeland
7 and Holland Charter Township to ensure that it's affordable.

8 In those situations, they do help with the cost, as
9 does the county helps with significant amount of the cost.
10 And any time you have questions about it, Kyle, you can call
11 the Water Resources Commissioner's office and they will be
12 happy to provide information.

13 We just don't have a dollar amount for you today
14 because one -- for two reasons. One, we haven't done the
15 engineering to know that, and two, the commissioner likes to
16 solicit input at these types of meetings in order to know
17 who's experiencing problems.

18 So we may hear from you, boy, I have a problem at
19 my property that we didn't know about, and so we want that
20 information to help us develop a project scope if it is found
21 necessary.

22 BOARD CHAIRPERSON BILL CARGO: The other thing I
23 would note is just for the public that these are considered
24 to be shared public burdens. This is something that
25 everybody's water contributes or may be contributing to this

1 drain, and even though you may not have a problem because you
2 live at the top of a hill, your water does flow downhill,
3 that's engineering 101, and if there is an issue, then that
4 would become a shared public burden, assuming there are
5 problems and this is brought under the control of the county
6 Water Resources Commissioner.

7 Steve, if you would go to the next person, I would
8 appreciate it.

9 ATTORNEY STEVE KOSKI: Yes, the next comment is
10 from Chuck DeJonge. Chuck, if you could unmute yourself and
11 state your name and address for the record?

12 MR. CHUCK DEJONGE: Yeah, I live at 590 Riverbank
13 Circle, Zeeland. That's commonly known now as the Cottages
14 at River Bend. It's the new condo development at the
15 intersection of 104th and Paw Paw.

16 The back side of our property borders along
17 Noordeloos Creek from the Paw Paw foot bridge over to the
18 104th culvert north of Alice where some of those pictures
19 were taken. We have about a quarter to a half mile frontage
20 along that. And if you look at that map, I wish I'd gotten
21 sent that map instead of the one I got, it identifies that as
22 the Cedar Drain. The sign for Cedar Drain with the big blue
23 X, that's where we are.

24 Now, that is a 24-unit development, which there's
25 going to be four more occupied by the end of October and the

1 six remaining ones will be finished up by the end of 2021,
2 somewhere around there, so that's kind of where we're at.

3 And what I'm curious about is a couple things.
4 Number 1, did the engineer do any kind of study or any work
5 at all of what the impact is of that new culvert that's been
6 put in on Business Loop 1-96. A lot of work going on down
7 there, and that seems to be kind of a backup point. That was
8 the complaint when they put the new culvert in at 104th, was
9 okay, you fixed the 104th. Now you have to fix up Business
10 Loop 1-96.

11 The other thing is that it sounds like from
12 everything I've heard, that the city of Zeeland has been
13 paying the drain commission already to take care of the Cedar
14 Drain, and we certainly pay high enough taxes, we ought to
15 get something, because we don't get much from the city.

16 So, I've gone there and talked with 10 to 14
17 neighbors here, and all 10 are agreeing we're not really in
18 favor of this if it means our taxes are going to go up,
19 because the Zoom people aren't going to give us any money
20 back, we know that. So that's all I have to say about it.
21 Thank you.

22 BOARD CHAIRPERSON BILL CARGO: I appreciate it.
23 One of the things, you did ask a specific question as to
24 whether an engineering study has been done with regard to any
25 of the public roads or highways in the area, and the answer

1 is no, they have not done that at this stage.

2 At this stage, the Board of Determination is only
3 determining whether there are problems that would require or
4 recommend the involvement of the county Water Resources
5 Commissioner, so I just want to emphasize that the engineer
6 did state that previously but we'll emphasize it once again.

7 Steve, the next person?

8 MR. CHUCK DEJONGE: From my --

9 BOARD CHAIRPERSON BILL CARGO: No, you're done.
10 Chuck, you're done now. Steve, would you move on?

11 ATTORNEY STEVE KOSKI: Yes, the next comment is
12 from Christi Volink. Christi, if you could unmute yourself
13 and state your name and address for the record, please?

14 MR. GARY VOLLINK: Hi, we are Christi and Gary
15 Vollink. We live at 10600 Paw Paw Drive, which is south of
16 104th. You've seen our picture of our back yard up on the
17 screen. At present, the bank is giving away and we are 22
18 feet from our garage, so we're kind of in a critical mode
19 here what to do.

20 We had a dam removed this spring. The snow on the
21 ground was on the bank yet and I had seen the bank. The dam
22 was removed, and the water dropped about eight inches to a
23 foot, which I appreciate that Joe did that for us, went into
24 Holland Township to do that. So we've been there since '81
25 and we see that the creek moves all the time, but I have

1 never seen it this bad where our bank is giving away and we
2 are getting very close to our garage.

3 My question is to someone here, how long does this
4 take, if it's approved, to go through this process. There's
5 several steps and how long does that take and that's --
6 that's all I have to say.

7 BOARD CHAIRPERSON BILL CARGO: I'm going to ask the
8 -- either Stacy, the attorney for the Water Resources
9 Commissioner, or Joe, the Water Resources Commissioner, to
10 give a brief statement on the typical amount of time it takes
11 to decide whether there should be a project and the
12 apportionment process.

13 ATTORNEY STACY HISSONG: I'll give my stab at it,
14 then I'll let Joe fill in. So that's an excellent question.
15 I'm going to give you a very lawyer-like answer. It depends.

16 So a decision about whether a project will take
17 place basically is today. What that project is is going to
18 take some time because a few things come into play.

19 One, the engineers are going to go out and do an
20 actual survey, not just a site inspection but a survey, and
21 then in order to establish something that's not established
22 before as part of the county drain, two things have to
23 happen, and this is the real time sucker, so to speak, and
24 that's obtaining easements on either side of what we're going
25 to establish, and then getting the EGLE permits to be able to

1 do the work.

2 And so we'll be doing those things at the same
3 time. We'll be working on both items at the same time. But
4 depending on how long the easement acquisition takes and how
5 long the permitting takes, that -- that will be the case.

6 We can't do any work until both of those items are
7 in place, so I would -- I would estimate that it is not going
8 to be in 2020. Best case scenario would be in 2021.

9 If we get all the easements and all the permits,
10 then the next thing would be is we -- the engineers would be
11 putting together a bid package for contractors. Once that
12 happens, then we'll send out a public notice about the bid
13 letting and the day of review.

14 So, as soon as that can happen, we will have that
15 take place, but those are the two main factors are the
16 easements and the permits.

17 WATER RESOURCES COMM. JOE BUSH: Okay. Thank you.

18 BOARD CHAIRPERSON BILL CARGO: Also I'd make a
19 comment. Oftentimes when we have drain projects, people fear
20 that we are talking about enclosed drains and that which can
21 become very expensive, but because this is a natural water
22 course, I would suspect that any project that was put into
23 place would be more dealing with bank stabilization and
24 removing trees and so forth from -- from the water course.

25 Typically, Dan, is that what you would see in this

1 type of a drain project if it is determined there is a
2 problem that needs to be addressed?

3 ENGINEER DAN FREDRICKS: Yeah, yeah, you hit that
4 right on exactly.

5 BOARD CHAIRPERSON BILL CARGO: Okay. So I say that
6 to the members of the public who are fearful of the cost,
7 because those type of projects are quite a bit less expensive
8 than in trying to enclose an open course waterway, which
9 would be very expensive.

10 I'm going to move back to Steve. Steve, would you
11 bring up the next person for public comment?

12 ATTORNEY STEVE KOSKI: Yes, the next comment is
13 from the phone number ending in 6702. You are unmuted now,
14 so if you could introduce yourself, your name and address for
15 the record?

16 MR. HUGO SAUGER: Yes, Hugo Sauger (ph) in Royal
17 Park Condos. I'm talking about further south on the drain,
18 drain along 96 at Royal Park Condos, these (inaudible) and
19 enters into a retention pond which has developed into a
20 sludge pond with erosion, sediment. This pond has been
21 filled with foliage, growth, making less room for water.

22 May that be dredged and made into a pond again? If
23 not, is it better to do so and ask for forgiveness after the
24 fact?

25 BOARD CHAIRPERSON BILL CARGO: I think-- Is that

1 the end of your comments or questions?

2 MR. HUGO SAUGER: That's my comment/question, yes.

3 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate
4 that. First of all, we don't know the scope of the project,
5 so I can't answer in particular, but I will say for the
6 record that when you're dealing with EGLE, asking for
7 forgiveness before asking for permission is never going to be
8 a very good strategy.

9 And EGLE, of course, is the state environmental
10 agency. And I know that the -- Joe Bush, as a Water
11 Resources Commissioner, is not going to do something without
12 having permission from the State of Michigan. That would be
13 very detrimental to his position and he's not going to put
14 himself in that position.

15 Steve, who is your next comment?

16 ATTORNEY STEVE KOSKI: The next comment is from
17 Kevin Lee. Kevin, if you could unmute yourself and state
18 your name and address for the record?

19 MR. KEVIN LEE: Yeah, good morning, Kevin Lee,
20 10415 Springfield Circle. A couple thoughts on this. I'm
21 really concerned about the cost of the project. I know just
22 dealing with getting easements and all this research for the
23 engineering side is pretty expensive so that we can move
24 forward with this now, and you do all that research, we
25 decide not to do it, there's still going to be that cost

1 associated with that.

2 And I know in other districts in the south side
3 with Steaders Borough, the south one, they had that same of
4 thing, where they kind of did the research, and then even if
5 you stop the project, you still have the cost of the
6 engineering. So kind of concerned about that.

7 Also, for us in Steaders Borough, I have a drain in
8 my back yard that's higher than my property line anyway, so I
9 already have water that floods in my back yard and doesn't
10 actually go into a drain that's near my property anyway, so I
11 think that we should be excluded from this project.

12 I definitely sympathize with the people I saw
13 pictures of the back yard. Some of those look like new
14 developments, some of them look like they've been there for a
15 while. I'm just really concerned about the cost and what the
16 actual district will look like, how big the area will be.
17 We're kind of near where you're talking but I don't -- I
18 don't know if it necessarily will benefit my neighborhood.
19 Thank you.

20 BOARD CHAIRPERSON BILL CARGO: I appreciate the
21 comments. Steve, who is next on the comment list?

22 ATTORNEY STEVE KOSKI: So it looks like in terms of
23 the participants, we have made it through the list, so now I
24 will check the -- the chat, chat box and see what comments we
25 have there.

1 Okay. So this comment is from Mike Conover,
2 C-o-n-o-v-e-r, and his address is 11296 Ruralview Drive in
3 Holland, and Mike says that he's concerned about the cost of
4 expanding the drainage district beyond what currently exists.
5 Our neighborhood has already paid significantly for projects
6 in our immediate neighborhood. Expansion of this district
7 sounds like a good amount of work with associated costs. Why
8 does this not qualify for the creation of a new district
9 rather than an expansion of the existing district?

10 BOARD CHAIRPERSON BILL CARGO: I'm going to ask
11 that that be -- question be answered by either Stacy and/or
12 Joe. Who wants to take a stab at that?

13 ATTORNEY STACY HISSONG: I'll take the first stab,
14 and then Joe and Dan, correct me where I'm off. So the
15 Number 52, basically we're dealing with the same water
16 course, so if it was made a separate district, you'd have a
17 group of people in two drainage districts instead of one, so
18 it really didn't make sense to create a brand new one, and
19 extensions are basically updating the current one makes the
20 most sense.

21 And when we're looking at the drainage district,
22 we're really looking at the watershed contribution area, so
23 we felt that it was the most cost efficient way to do this,
24 instead of having two significant number of properties be in
25 two districts or more, depending, creating a second district

1 did not make sense.

2 In terms of the cost, again, Dan -- Joe has lots of
3 experience in this as the Water Resources Commissioner. Dan
4 and I have done projects. I know he looks 20 and I look 25,
5 but we've actually done this for a really long time.

6 And if easement acquisition, if we have people
7 along the water course that are going to work with us, it
8 does not -- don't equate that to being unreasonably
9 expensive. So, you know, the costs will be what the costs
10 will be, but we will work very hard to keep that under
11 control to the extent possible.

12 Joe also has what I would say an excellent
13 relationship with the county to assist in paying for the
14 projects. Ottawa County is going to be a project partner in
15 terms of paying for the project, as well as the two
16 communities, and also the Michigan Department of
17 Transportation in terms of taking a nice chunk of the project
18 cost as well.

19 Dan or Joe?

20 BOARD CHAIRPERSON BILL CARGO: Also the Ottawa
21 County Road Commission would pay a portion of it too.

22 ATTORNEY STACY HISSONG: Yes.

23 BOARD CHAIRPERSON BILL CARGO: Any project that is
24 decided. Okay. Thank you. Steve, is there anybody else,
25 any comments?

1 ATTORNEY STEVE KOSKI: Yes, there's a few more
2 here. So the next chat comment was from Linda Cole, C-o-l-e,
3 and her address is 10420 Beachnut Lane, and Linda says, I
4 would agree cost is the significant factor. I also believe
5 that the water would only shift from one area and then flood
6 in another area.

7 If the excess water is put into the Black River,
8 Black River will flood. Also, there doesn't seem to be an
9 indication of protecting wildlife. We are retired, and
10 having to pay more in taxes or assessments will be very
11 difficult for us.

12 BOARD CHAIRPERSON BILL CARGO: I think that's a
13 good comment. I would note that one of the things that the
14 Drain Commissioner has to, excuse me, the Water Resources
15 Commissioner has to take into account is the amount of water
16 flowing through the drain and how quickly it is being
17 released.

18 He may decide that there needs to be some sort of
19 wetland created that will be able to hold some of this water.
20 For instance, in Grand Haven Charter Township and Port
21 Sheldon Township, he created a new drain called the Hiawatha
22 Drain. And to control the flow through this drain so we
23 didn't have a surge that would cause flooding downstream, he
24 did create a wetlands, actually award winning wetlands, so he
25 does have an environmental aspect to any project that's going

1 to be put into -- into play.

2 Again, he has to find that balance between dealing
3 with the problems that exist and also the environmental
4 impact of any project that he creates, which is why he also
5 works with the State of Michigan and EGLE.

6 Fair enough. Joe, anything else you want to add?

7 WATER RESOURCES COMM. JOE BUSH: Yeah, I just want
8 to talk about -- that's a good topic. There's a very
9 important issue, not just of flooding, and I hear that's all
10 we're talking about today, but when we look at a flooding
11 situation, we always take in consideration of, again, Bill,
12 as you noted, can we put wetlands upstream.

13 One of our other partners that we're going to be
14 working with or a few other partners will be the MACC, so we
15 work with Kelly Goward over at the Macatawa Area Coordinating
16 Council, and we also work with David Nyitray and -- and his
17 staff over at the Outdoor Discovery. There's a lot of money.
18 This water ends up in Lake Macatawa, and there's a -- there's
19 a lot of projects going on to clean up Lake Macatawa, and I
20 will be partners with those folks as well moving into this
21 situation. And they'll be involved. I get their input, and
22 we also look at water quality is very important, fish
23 habitat, the wildlife, what's in the creek. I know they
24 monitor it. There's been -- Outdoor Discovery has done a
25 project by Paw Paw bridge a few years back. There's some

1 other projects going up -- further upstream from Outdoor
2 Discovery.

3 So we will be partnering -- partnering with the
4 MACC and Outdoor Discovery on making sure that any project we
5 do will be -- have all those measures in it for like water
6 quality, habitat, flooding, and then, yeah, even people who
7 kayak it.

8 We want to make sure we try to clean it up. That's
9 our end goal is not just for flooding but there's -- there's
10 a bunch of moving parts when we do a project, and we'll make
11 sure of that.

12 I just want to answer Mr. DeJonge's question
13 earlier, that they are not replacing those bridges on
14 Business Loop 1-96. They're just redoing the surface tops.
15 So those are not new bridges, just FYI.

16 BOARD CHAIRPERSON BILL CARGO: The other thing I
17 would note is Dan didn't really emphasize this but it's
18 something that we understand is that the flooding issues, as
19 pointed out, just don't harm private property, they also
20 harm, when you talk about the scouring of the bank, it harms
21 the ecosystem that exists there and makes it difficult for
22 much of the natural wildlife that would exist to survive, so
23 this has also an ecological or environmental aspect to it, in
24 addition to the issues of flooding in personal property and
25 public property.

1 Steve, do you have any other comments?

2 ATTORNEY STEVE KOSKI: Yes, we have a few more
3 hands raised now. The next one is Kevin Viening or Viening,
4 if you could unmute yourself and state your name and address
5 for the record?

6 MR. KEVIN VIENING: Yes, Kevin Viening, 2625 104th
7 Avenue. I'm just north of James Street there, kind of the
8 railroad tracks that you guys just talked about earlier. I
9 definitely see the need for this project. We do have quite a
10 few trees that get clogged up and cause the damage on the --
11 on the river there. Also have some erosion.

12 So my back yard has the Greystone subdivision and
13 it's got the drainage, and it comes to a, I'll call it a
14 peninsula point, and the erosion is beginning to cut away at
15 that and will eventually go straight through that point, and
16 the Greystone drainage will not have a creek to drain into
17 anymore.

18 So a couple of questions that I have is what does
19 the easement look like? So obviously I would have to grant
20 an easement or you would have to get an easement from me to
21 work on that. And second of all, 90 percent of the issue
22 comes from downstream or from neighbor's properties where all
23 the dead Ash trees that are dead, some are standing, some are
24 down, and when the flooding happens, it takes those trees and
25 it puts them right into the drainage ditch.

1 So how far does that cleanup go, does it just take
2 care of the banks or does it go to where all those trees are
3 still standing, does it clear those? I think those are a
4 couple of the questions that I would have.

5 BOARD CHAIRPERSON BILL CARGO: Kevin, we can't talk
6 about the scope of the easement in terms of the width, but we
7 can talk a little bit about what a typical easement contains
8 in terms of the language.

9 Stacy, do you want to mention or talk about that
10 briefly?

11 ATTORNEY STACY HISSONG: Sure. So, we have to have
12 -- the state law requires that we have to have a permanent
13 easement, not a temporary easement on those properties
14 because we're taking the drain in perpetuity, taking over
15 jurisdiction, and basically it says a couple of things.

16 It says that we have the right to enter onto the
17 property to perform the maintenance and improvement, to get
18 our equipment on the property, and that we ask that you don't
19 put any permanent structures within the easement area,
20 because we can't have like somebody's garage in the way once
21 we take the easement to work around.

22 There are instances, if you have plants, we can
23 work with the property owner to put language in the agreement
24 to carve a piece out if that's something that's planned, but
25 basically it gives us the right to perform maintenance and

1 improvement activities on the drain easement.

2 The width, we will work with the property owners.
3 Some property owners want their trees cut, some property
4 owners want their trees saved to the extent possible, and
5 those will be conversations with the engineers.

6 BOARD CHAIRPERSON BILL CARGO: Thank you, Stacy.
7 Steve back to you. Who is next on the list?

8 ATTORNEY STEVE KOSKI: Actually, Joe, did you have
9 something to say?

10 WATER RESOURCES COMM. JOE BUSH: Well, I did. I
11 just wanted to show -- to tell, Kevin, that one thing we try
12 to do is take the trees to the top of the bank for sure, and
13 then work with property owners to save the good trees if you
14 have live trees, but I know there's a lot of dead Ash all
15 along the water course.

16 But there is some nice trees in there, and I don't
17 come in and clear both sides like it's going to be a landing
18 strip for an airplane, so I do try to keep all the good
19 trees, good vegetation, and then take the dead stuff that
20 actually is in the creek itself, or on the banks, we don't
21 remove the trunks typically. We try to keep them in for
22 stabilizing the banks, but again cut them flush with the --
23 with the ground.

24 BOARD CHAIRPERSON BILL CARGO: Appreciate that,
25 Joe.

1 WATER RESOURCES COMM. JOE BUSH: Okay.

2 BOARD CHAIRPERSON BILL CARGO: Thank you. Steve,
3 back to you.

4 ATTORNEY STEVE KOSKI: All right. The next comment
5 is from Carolyn. Carolyn, if you could unmute yourself and
6 state your name and address for the record, please?

7 MS. CAROLYN FUNCKES: I'm Carolyn Funckes. I live
8 at 581 Alice Avenue. And we are on the creek. Our property
9 does flood. And for many, many people who said, oh, this
10 does not affect us, this does not affect us, most likely it
11 doesn't, but that does not mean you do not affect us.

12 After it rains hard and we are flooded, we know
13 that for the next several hours, the water will keep coming
14 up. It's coming from the north, and it's -- I have seen
15 farmers put drains in their fields, and I am assuming those
16 drains go into this creek or drainage ditch or whatever you
17 want to call it. Many subdivisions, many things go into this
18 creek, and it does work its way down and it does affect us no
19 matter where you are.

20 I know our neighbors across the street, they very
21 often are not affected by the flooding in the creek at all,
22 but they're affected by, whoever built this area, made a big
23 hill behind several of the houses there, and as the rain
24 comes down, this water washes down into their back yards.
25 And they are flooded all the time. Their basements are often

1 flooded all the time.

2 And no, the creek is not affecting them, but the
3 water from their neighbors are. Now, those neighbors are
4 fine, but they're affecting the other people. So just
5 because you are not affected by it does not mean you are not
6 affecting what's happening.

7 So, you know, I just -- that's my only comment.
8 Thank you.

9 BOARD CHAIRPERSON BILL CARGO: Carolyn makes a very
10 good point and that's what we talked about earlier about the
11 shared public burden. The fact if you have a new
12 development, if done well, hopefully you're not going to have
13 any flooding, but you increase the impervious area and you
14 increase the runoff or may increase the runoff into this --
15 into this proposed drainage district.

16 Steve, do you have anybody else who would like to
17 make comments or like to make suggestions?

18 ATTORNEY STEVE KOSKI: Next comment is from Harold
19 K. Harold, if you could unmute yourself and state your name
20 and address for the record, please?

21 Harold, if you go to the bottom? Oh, there you go.

22 MR. HAROLD KIMBEL: Are we good now?

23 ATTORNEY STEVE KOSKI: Yep, we can hear you.

24 MR. HAROLD KIMBEL: All right. Sorry about that.

25 Harold Kimbel, 10532 Paw Paw Drive. I'm one of the ones that

1 gets the major amount of water in his back yard. This has
2 been needed to be done for a while now. Giving those -- my
3 neighbor has ten foot of bank that's gone completely away.

4 And I understand those that maybe aren't affected
5 and have to pay, but it is a shared thing. And it also does
6 affect the wildlife. We used to have salmon come up through
7 there, and a lot of the blockage now, you don't have the
8 salmon come up through there.

9 But I do appreciate you guys considering this and
10 looking at it, and I just hope you put due diligence to it,
11 and that's about all I had to say.

12 BOARD CHAIRPERSON BILL CARGO: Thank you very much.
13 Steve, next?

14 ATTORNEY STEVE KOSKI: Next comment is from David,
15 it says David 2014. If you could unmute yourself and state
16 your name and address for the record?

17 MR. DAVID PYLE: This is David Pyle, 2650 Pebble
18 Court. I'm on the back of Greystone Estates, upriver from
19 the train trestle, and my question is to the engineer. He
20 had pictures of the bridge going under the train tracks, and
21 that acts as a restriction, and I -- I get that, but is there
22 anything that's going to be done with those restrictions,
23 that -- that bridge and then the bridge under Chicago Drive
24 to increase water flow going down the river?

25 And, I mean, to me, part of -- part of the problem

1 is the water backs up behind the -- the train trestle, and
2 I'm just wondering if that is going to be changed to improve
3 the -- improve the situation of the water flow. And if you
4 add another bridge under the train tracks, it's just going to
5 increase the rate of flow and might even make flooding worse.
6 Is that a reasonable assumption?

7 BOARD CHAIRPERSON BILL CARGO: One of the things,
8 I'm not going to have Dan answer that, because he can't.
9 They have to do a study to determine what will be done, and
10 you're asking the comments outside the scope of this public
11 hearing.

12 And so I think you're asking good questions. The
13 engineer will have to look at that at some point in the
14 future, but he can't answer it now.

15 So, Steve, I will turn this back to you, then, and
16 see if you have any other comments from the public.

17 ATTORNEY STEVE KOSKI: Thank you, Mr. Chair. I do
18 have a few more in the chat. The next comment is from, let's
19 see here, Dylana Eisaman, E-i-s-a-m-a-n, and her address is
20 1833 105th Avenue in Zeeland, and she says that, it seems
21 like people are concerned with removing water quickly. I
22 have witnessed plenty of flooding near Paw Paw foot bridge,
23 but I would agree with other comments that additional
24 wetlands would be more instrumental so that water can soak
25 into the ground and be slowed down.

1 BOARD CHAIRPERSON BILL CARGO: Okay, Steve, next
2 comment, then.

3 ATTORNEY STEVE KOSKI: The next comment is from
4 Curtis Potter, P-o-t-t-e-r, and his address is 2722 Fairfield
5 Drive, and he says, I live in the Fairfield Farms
6 Development. I believe that we have our own retention pond,
7 and even during the flooding this past May, had some water in
8 it but didn't even come close to reaching the level of
9 exiting the pond. Therefore, I don't believe that the
10 Fairfield Farms Development should be included in the
11 expanded drainage district.

12 BOARD CHAIRPERSON BILL CARGO: I appreciate that
13 comment. Steve, next?

14 ATTORNEY STEVE KOSKI: That is -- it appears that
15 there are no other comments. Let's see here. Well, actually
16 there's a chat from Peter Vollbrecht, V-o-l-l-b-r-e-c-h-t, at
17 1489 Hillridge Way, and he wants to know, is there an
18 additional meeting after the engineering company has reviewed
19 the process and a cost is known during which residents can
20 comment and/or be a part of the decision or whether the
21 process moves forward?

22 BOARD CHAIRPERSON BILL CARGO: I'm going to turn
23 that over, question over to Stacy. Stacy, can you talk
24 briefly about the other opportunities for the public to
25 comment on this?

1 Obviously, the public doesn't get to make the
2 decision. That is made by the Water Resources Commissioner
3 who is an elected official and has to represent everybody,
4 and so, but are there other times where the public can
5 comment on any assessments or costs or anything like that?

6 ATTORNEY STACY HISSONG: So the public can comment
7 at any point that they want. The drain commissioner's office
8 always takes calls about the status of -- of things, but the
9 chair is correct, the drain commissioner ultimately makes the
10 decision about what the project scope is going to be in
11 consultation with the engineer and the project stakeholders.

12 For those people who are along the creek, we are
13 definitely going to be in conversation with you because we
14 need easements on your property. We'll be taking surveys on
15 your property. You will be contacted if the decision is made
16 to move forward with the project.

17 As for people not along the drain who are wondering
18 about the status, there is not a planned meeting other than
19 that day of review when we get the bid noticing out. You can
20 -- you can witness the -- the bid opening if you'd like, but
21 if you have questions or comments or concerns along the way,
22 the drain office is available to take your call, and if it is
23 necessary, we'll schedule a time with the engineer to talk
24 about your specific concerns.

25 BOARD CHAIRPERSON BILL CARGO: Okay. Steve, is

1 there any other comments, then?

2 ATTORNEY STEVE KOSKI: Mr. Chair, at this point, I
3 do not see any other comments in either the -- that are
4 looking to participate in chat or otherwise, so I believe
5 we've gone through all of them.

6 BOARD CHAIRPERSON BILL CARGO: Well, Steve, you've
7 done a good job of coordinating everything. Thank you very
8 much.

9 At this stage, I'm going to close the public
10 comment portion of this public hearing, and we're going to
11 have a discussion among the board of review members, both
12 Ken, myself, and Rich, and I'm going to start with Ken.

13 Do you have any comments, Ken, based on the public
14 comments you've heard at this -- up to this point?

15 BOARD SECRETARY KEN SOUTER: The main thing that I
16 see on this particular drain in looking at the situation
17 where you have a big section of drain that is not under the
18 drain commissioner's authority, he really has no way to get
19 in there to fix it other than requesting permission from
20 property owners. He doesn't have a way to fund it.

21 I basically would like to see this drain under his
22 jurisdiction so that he can get the easements necessary, if
23 there's a problem, get in there and fix it, so I'm in favor
24 of this.

25 BOARD CHAIRPERSON BILL CARGO: Thank you. Rich, do

1 you have any comments that you'd like to make after hearing
2 these comments from the public?

3 BOARD MEMBER RICH VANDERKLOK: Based on the
4 engineer's report and the comments that we heard, which I
5 appreciate very much because that's very helpful to us in
6 decision-making, I would be in favor of this proposal as well
7 to -- in maintenance and improvement of the Number 52 drain,
8 so I'm in support of it.

9 BOARD CHAIRPERSON BILL CARGO: I appreciate those
10 comments. For myself, there is a couple things that have
11 become clear to me from this public hearing.

12 First is that there are existing problems with this
13 water course. There are problems with flooding, there are
14 problems with bank stabilization and erosion, that this area
15 is impacting both the downstream people, the upstream people,
16 and impacting -- impacting the environment and the natural
17 ecosystem that exists here.

18 I also understand the frustration of the public
19 because you don't know what the solution to this problem is,
20 and that's always going to be an issue with the way that the
21 drain code is set up in Michigan. We are here to determine
22 if there is a problem and a need for a project.

23 To me, the comments have been clear that there is a
24 need, both from an environmental standpoint and from a
25 flooding standpoint, that this is a necessity.

1 And that said, I will make a motion that the
2 proposed maintenance, improvement of the Number 52 drain as
3 petitioned on January 6, 2020, is necessary and conducive to
4 the public health, convenience, or welfare. Is there support
5 for my motion?

6 BOARD MEMBER RICH VANDERKLOK: I will support that,
7 Mr. Chairman.

8 BOARD CHAIRPERSON BILL CARGO: So the motion was
9 from Bill, supported by Rich. Is there any comments on my
10 motion as it's made?

11 ATTORNEY STEVE KOSKI: Mr. Chair, just one
12 recommendation as you move forward, we do recommend that you
13 do a roll call vote just for this final vote so that you have
14 it for the record.

15 BOARD CHAIRPERSON BILL CARGO: Okay. In that case,
16 I will do a roll call vote -- or excuse me, the secretary,
17 Ken, can you do a roll call vote of this?

18 BOARD SECRETARY KEN SOUTER: Bill, what is your
19 answer?

20 BOARD CHAIRPERSON BILL CARGO: Yes.

21 BOARD SECRETARY KEN SOUTER: Rich, what is your
22 answer?

23 BOARD MEMBER RICH VANDERKLOK: Yes.

24 BOARD SECRETARY KEN SOUTER: Ken, what is your
25 answer? Yes.

1 BOARD CHAIRPERSON BILL CARGO: And there we have a
2 unanimous decision that this drain is necessary for public
3 health, convenience or welfare.

4 I'm going to make just a real brief public comment.
5 Because it is a public -- shared public burden, all of the
6 public entities will be -- any solution that is designed will
7 be paying at-large costs, whether that's the Ottawa County,
8 the city of Zeeland, or the Holland Charter Township.

9 In addition, the Ottawa County Road Commission
10 would pay a portion of this, as would, it looks like, the --
11 the State Department of Highway.

12 And finally, even the railroad will be paying a
13 portion of this as an at-large development over a portion of
14 the costs for any project that is defined.

15 Again, I know that the drain commissioner will be
16 looking at a balance between effectiveness and cost and will
17 be sharing his insights as this project moves forward.

18 Any other comments from the board members? Rich?

19 BOARD MEMBER RICH VANDERKLOK: No.

20 BOARD CHAIRPERSON BILL CARGO: Ken, any other
21 comments from you?

22 BOARD SECRETARY KEN SOUTER: None.

23 BOARD CHAIRPERSON BILL CARGO: You're good?

24 BOARD SECRETARY KEN SOUTER: Good.

25 BOARD CHAIRPERSON BILL CARGO: Then I'm going to go

1 quickly to Joe and ask if he has any questions. I know that
2 he wants to talk about, at this stage, he will make some
3 comments on what the appeal process is for the determination
4 of this board of review, or maybe Stacy will handle that.
5 I'm not sure.

6 WATER RESOURCES COMM. JOE BUSH: Yeah, I can let
7 Stacy talk about the appeal process. I can, too, but she's
8 on -- she's on -- we can hear right it from her on today's
9 meeting or public hearing.

10 But I also just want to say thanks everybody for
11 taking the time this morning to learn about what we're
12 looking into it and how this process works. It's part of
13 drain code, state law, and I'm just abiding by the state law.

14 It's not like I need another -- another drain, but
15 -- we have a thousand of them already. It's another one to
16 the system, which is good so we can -- can help people from
17 their issues, but -- but again, it's a part of the process.

18 So I appreciate everybody's time. And again, I
19 will be doing my duty at looking at other, maybe even some
20 grant opportunities, again Outdoor Discovery, the MACC, and
21 all the municipalities, MDOT, railroad, road commission.
22 There's a lot of moving parts, but we're going to, you know,
23 make sure that they all contribute and help us along the way
24 to move a great project moving forward. So that's all I have
25 to say.

1 Stacy, can you talk about the appeal process
2 please?

3 ATTORNEY STACY HISSONG: Yep. So any person
4 aggrieved by the decision of necessity today has the right to
5 appeal that decision within 10 days from today in Ottawa
6 County Circuit Court. And again, if you have any questions
7 about the process or the status of the project, in general,
8 feel free to e-mail or call the drain office. Thank you.

9 BOARD CHAIRPERSON BILL CARGO: At this stage,
10 unless there are objections, I will adjourn the meeting. It
11 is approximately 11:32. So without objection, this Board of
12 Determination is adjourned. Thank you.

13 WATER RESOURCES COMM. JOE BUSH: Thank you.

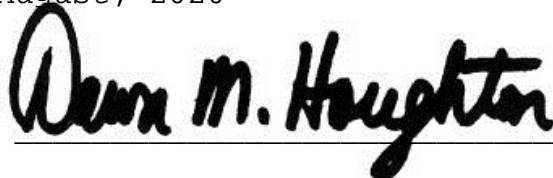
14 (At 11:30 a.m., hearing concluded.)

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1 STATE OF MICHIGAN)
2 COUNTY OF KENT) ss
3)
4)

5 I certify that this transcript, consisting of 67
6 pages, is a complete, true, and correct record of the Board
7 of Determination held on August 3, 2020.

8
9 Dated: 14th day of August, 2020

10 
11 _____

12 Ms. Dawn M. Houghton
13 Michigan License CSR-3071, RPR
14 Illinois License 084.004881
15 Certified Shorthand Reporter

16 O'Brien & Bails
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20 My commission expires: 7-17-2023.
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