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STATE OF MICHIGAN
COUNTY OF OTTAWA

.....
In the Matter of: .
BORCULO COUNTY DRAIN .
BOARD OF DETERMINATION .
.....

T R A N S C R I P T

of the proceedings had on Tuesday, September 29th, 2015,
commencing at 6:00 PM, at 7161 72nd Avenue, Hudsonville,
Michigan, before David R. Walley, Certified Shorthand
Reporter, and Notary Public in and for the County of Muskegon
and State of Michigan, acting in the County of Ottawa.

APPEARANCES:

MR. JOE BUSH, Ottawa County Water
Resources Commissioner;
Jen Vandenberg, Secretary to Mr. Bush;
JERRY HUNSBURGER, Board Chairman;
GLENN NYKAMP, Board Member; and
PEGGY WEICK, Board Member.

Present:

Daniel J. Fredricks, P.E., Engineer

David R. Walley, CSR

1 MR. BUSH: Well, good evening, everyone. This
2 is the Board of Determination set for the branch to the
3 Borculo drain. I will start with introductions. I'm
4 Joe Bush. I'm your Ottawa County water resources
5 commissioner and I'd like to thank everyone for taking
6 the time to come here tonight and kind of go through the
7 process of why you are here and what can be expected,
8 but first of all, I do the introductions.

9 Again like I said, I'm Joe Bush, the water
10 resources commissioner, and then we also have David.
11 He's our Court Reporter. Every one of these Board of
12 Determinations, we do a court recording. So that way,
13 every word is recorded that you say when it is time for
14 public comment, which is on the agenda. So if everybody
15 didn't get an agenda, please grab one, and then you can
16 come up, state your name and your address and then your
17 comments, and it will be court recorded. So if you want
18 to see it later, it will be on my website at MI -- or
19 help me out, Jen

20 MS. VANDENBERG: MIottawa.org.

21 MR. BUSH: Yes, MIottawa.org. I don't look it
22 up usually, but it is MIottawa.org. You can go under
23 water resources commissioner, and the minutes will be
24 available to see, and if you don't have Internet or need
25 a hard copy, be sure to get ahold of me and I will get

1 you a hard copy. Can everybody hear me OK without a
2 mic?

3 So anyway, this is David, your court recorder,
4 and then from our left going to right, these are the
5 3-panel board that I picked. These people have no
6 affiliation with the project. They don't live in the
7 township or the neighboring townships. We have Peggy
8 Weick and she's from the Ottawa County Farm Bureau.
9 That's where she works and then in the center, we have
10 Jerry Hunsburger. He's from Park Township and then we
11 also have Glenn Nykamp. He's from Zeeland Township. So
12 these people own no property in the area or they don't
13 have any affiliation with the project.

14 We also have in the front row here, we have
15 your township supervisor, Bill Solberg -- or Vandenberg.
16 I'm sorry. And then we have another Bill Solberg up in
17 Polkton Township and then we have the road commission.
18 Jerry Olman is sitting in the back and then we have our
19 engineer who is kind of in charge of the project. He's
20 been out there. Some of you property owners have met
21 Dan. He's went out there. Dan Fredricks is from Land
22 and Resource and he kind of did a delineation of the
23 district and kind of went and heard people's issues or
24 concerns and walked pretty much the whole entire drain
25 district.

1 Also once we get started and I swear in these
2 three people for the Board of Determination, they will
3 then, in return, run the meeting at that point and then
4 any questions for me or Dan will be asked through them.
5 So I won't run the meeting. I have no-- I'm neutral
6 in this. So I'm not in favor or not in favor of.
7 According to the drain code, this is the public process.
8 We hold a public hearing and we hear concerns. This
9 3-panel board will then determine whether a project is
10 necessary or not based on the engineer's comments and
11 your comments.

12 So again I appreciate everyone taking the time
13 out of your evening to come and give us your feedback
14 and whether you like it, not like it, don't have a
15 problem, whatever your concern is, just make sure you
16 come to the podium and speak loudly so your court
17 recorder can hear it, your name address. That's going
18 to be important; and so the reason we're here, there
19 were some flooding concerns off of Blair Street in
20 Borculo and there was a petition out there.

21 Some of you signed it. Some of you maybe
22 didn't see it, but there was a petition for enough
23 signatures to hold a Board of Determination. So that's
24 how the process got started. We have people calling my
25 office and said: hey, Joe, we got a problem, and when

1 that happens, to establish a branch or a drain, there's
2 a required amount of signatures, and a couple of you
3 people signed that petition, but there was enough
4 signatures to have what we have today, and this is all
5 by drain code.

6 So again I appreciate taking the time to come
7 here and I love to hear everybody's comments and why you
8 are in favor of or don't really care for the project,
9 but again, I don't determine that. This 3-panel board
10 determines that and, once we do the process, you will
11 see the agenda, and then Dan will go through pictures,
12 what he saw out there and have any other information
13 that you might be like: Well, what about this, what
14 about that? Be sure so ask Dan. He's been out there a
15 lot.

16 So we don't have a project yet. We're just
17 going through the scenario on what we know and how to
18 fix it. So we do know there's flooding problems and
19 then we're just trying to come up with a solution,
20 possibly, again if it's deemed necessary. So once I
21 give the panel -- or my 3-panel board here the oath,
22 they will oversee the meeting from there on out. I will
23 be happy to answer any questions through them that I can
24 answer for you. All right. Again thanks for coming.

25 My 3-panel board, would you please rise and

1 raise your right hand? Do each of you solemnly swear to
2 faithfully perform and discharge the duties imposed upon
3 you as members of the Board of Determination appointed
4 by the water resources commissioner of Ottawa County to
5 determine the necessity of drainage improvements in a
6 certain drain to be known and designated as the Borculo
7 Drain in the Township of Blendon in the said county as
8 required by law?

9 MR. HUNSBURGER: I do.

10 MR. NYKAMP: I do.

11 MS. WEICK: I do.

12 MR. BUSH: Thank you.

13 MR. HUNSBURGER: OK. Thank you for the
14 background information, Joe. Next item on the agenda
15 would be Supervisor Bill, any comments from the
16 township?

17 MR. VANDENBERG: No, there's no comments. We
18 don't like flooding in our township. I know that. A
19 couple years ago, we had lots of calls that we have
20 flooded basements and the people really were concerned.
21 So if they can get rid of any flooding, it would be
22 great. It would be great.

23 MR. HUNSBURGER: OK. Thank you. One item I
24 skipped in that is: We need to elect a secretary for
25 this committee. Do we have a motion?

1 MR. NYKAMP: I will make a motion to elect Peg
2 as secretary of the Board of Determination.

3 MR. HUNSBURGER: And I will second that. All
4 in favor of that, say aye.

5 MR. NYKAMP: Aye.

6 MS. WEICK: Aye.

7 MR. HUNSBURGER: OK.

8 MS. WEICK: I make a motion for Jerry to
9 become president, is it?

10 MR. HUNSBURGER: How about chairperson?

11 MS. WEICK: Chairperson. Yeah. I think
12 they'll like that as a board.

13 MR. NYKAMP: I will support that.

14 MR. HUNSBURGER: OK. All in favor of that
15 motion, say aye.

16 MS. WEICK: Aye.

17 MR. NYKAMP: Aye.

18 MR. HUNSBURGER: OK. We got that out of the
19 way. Now, Dan, would you like to make the engineer's
20 presentation for us?

21 MR. NYKAMP: Before we start, are there any
22 maps available other than that one up there that we--

23 MR. HUNSBURGER: We got that one.

24 MR. FREDRICKS: We have this. We have an
25 aerial that I can present to you guys as well that shows

1 the proposed drainage district right here. So put that
2 up here and I have maps that will be presented up here
3 for the rest of the public. So we got this other one as
4 well. This shows the lands that are going to be added
5 or removed from the drainage district. OK.

6 So again thank you. My name is Dan Fredricks,
7 and I'm with Land and Resource Engineering, and we were
8 retained by the water resource commissioner to do a very
9 preliminary study of the drainage district, to interview
10 landowners, understand some of the drainage issues that
11 people are having out there, do some very preliminary
12 survey work, and to also basically review the drainage
13 district. So I'll give you a little overview of what
14 we're going to go through today.

15 First thing, Joe's already kind of explained
16 why we're here. I will go into a little bit more detail
17 on that. Then I'm going to give you a brief overview of
18 the drain and associated drainage district. We will go
19 into some of the drainage issues that have been brought
20 to the attention of the water resource commissioner's
21 office and then go over some of the preliminary survey
22 work that we have done out here just kind of looking at
23 the drain and getting a few of the characteristics
24 figured out at this point.

25 Then we're going to go into the proposed

1 drainage district and I will go into that in a little
2 more detail here in the next couple slides. Then the
3 big question, what happens next? So why we're here
4 today, as Joe mentioned, a petition was taken out from
5 landowners within the drainage district to do
6 improvements to the drain, possibly even add a branch to
7 the established county drain as well as to add or remove
8 lands to the drainage district. So under the Michigan
9 Drain Code, the water resource commissioner has to hold
10 a petition. That's why we're here today.

11 This Board of Determination is more of a
12 gathering to hear input from landowners and present that
13 information to the board to make a determination on
14 whether or not some type of project is necessary. We're
15 not going to be able to come out of this meeting and
16 tell you what this project is going to be. We really
17 haven't done than level of analysis. We wouldn't want
18 to do that level of analysis until we know for sure
19 there is going to be actually a project, but we did want
20 to be able to present some of the issues and concerns
21 some residents have voiced to the drain office.

22 So I'll give you a brief overview of the drain
23 and drainage district. It's a little grainy here -- I
24 apologize -- on the screen, but this dashed line that
25 goes all the way around here, that is the drainage

1 district. It's also a lot of people -- it's commonly
2 known as a watershed. Basically a watershed means that
3 any drop of rain that falls within this dash line is in
4 one way or another going to get to the Borculo drain.
5 So that delineated area here, these are everybody that's
6 included in that area would be liable to some level of
7 an assessment since their water does ultimately
8 contribute to the Borculo drain.

9 The Borculo drain is a tributary to the
10 Blendon and Olive drain, basically ties into it north of
11 96th Street -- or I'm sorry. Not 96th, but your Baldwin
12 up there. The drain was established back in 1911. It
13 primarily flows along 96th Street-- I'm sorry. It's
14 hard to see that. --right here from the south to the
15 north. It's about a little over a mile and a half long.
16 There is an existing easement associated with that.
17 It's 20 feet either side of the drain that's there and
18 the watershed that contributes drainage to the drain
19 itself or the drainage district is a little under 1500
20 acres.

21 Some other drains that are included with this
22 -- and I apologize if I get these -- if I mispronounce
23 them -- we have got the Moeke Drain. Is that right?
24 And then is it Schutt or Schutt? Schutt. So the Moeke
25 and Schutt eventually tie into-- The Moeke ties in just

1 north of Blair Street and then the Schutt comes up along
2 Tyler Street and ties into the Borculo. So all of those
3 drains are actually a part of the larger Borculo Drain
4 drainage district, but the Borculo Drain itself is
5 established along 96th here.

6 So some of the issues that were raised to the
7 drain office, most of them are actually occurring along
8 the south side of Blair Street. So this is east of 96th
9 and there's a tributary that basically enters into the
10 Borculo Drain and that extends-- This is going
11 upstream, and these areas south of Blair Street right
12 here, there's been flooding of storage garages that are
13 in their backyards, pretty frequent flooding of their
14 backyards as well. These were some of the landowners
15 that we met out there on Blair Street to voice their
16 concerns.

17 Some of the other issues, looking at things
18 that the landowners were complaining about is in the
19 areas there, the wooded areas, there's a fair amount of
20 debris that was building up in the drain, woody debris.
21 There was also a fair amount of sediment. It's hard to
22 see some of these culvert shots in here and the drain
23 itself, but there was up to a foot and a half of
24 sediment that had built up within that channel itself.
25 So when the sediment builds up in the channel, there's

1 less capacity for the drainage to be efficiently
2 conveyed down the channel and that creates flooding
3 issues;

4 And then the other thing we saw especially
5 along the main drain of the Borculo Drain along 96th was
6 a lot of the culverts that are in there are old
7 corrugated metal pipe culverts, both private crossings
8 and road crossings, some pretty substantial
9 deterioration in these where the bottoms are pretty
10 rusted out. There was actually holes in them. So there
11 was some infrastructure issues there.

12 So what we did after our initial walk-through
13 out there was: We took and we looked at-- We did a
14 preliminary survey of the drain itself. So this right
15 here, it's a little bit -- might be a little difficult
16 to see, but this dash line that you can see right here
17 is basically the existing drain bottom of the Borculo
18 Drain. We're starting right here at Blair Street and
19 then we're heading north towards Tyler. We don't get
20 all the way down here on this view particularly, but in
21 general, what we see here is that we know a lot of the
22 drainage problems are happening to the -- on the south
23 side of Blair Street east of 96th, so where it comes in
24 the drain;

25 And one thing we wanted to look at first of

1 all was, if there are drainage issues there, we need to
2 improve the gradient or to do work in that area, is
3 there room downstream to handle additional flow or could
4 we realign the channel to be able to maybe deepen the
5 channel out, and what we found, that in general, there's
6 over 14 feet of fall from Blair Street down to the
7 confluence with the Blendon and Olive Drain. That's an
8 average of about .25 percent, which is a pretty good
9 gradient for an agricultural ditch. That .25 is about
10 generally the steepest we like to go with them;

11 And then just looking at basically you can
12 kind of tell with the way that the culverts are set and
13 different things like that, that there is a fair amount
14 of grade through this stretch right here. So the first
15 thing we wanted to do is establish that if we were to
16 create a branch and we needed better drainage, could it
17 be done, and after doing our preliminary survey work, it
18 appears feasible.

19 The next thing we did was: We looked at this
20 tributary that's south of Blair Street as I showed
21 earlier kind of where they are having some of the
22 flooding issues up in garages and other structures in
23 their backyards, and this right now, just so that
24 everybody is aware of, this is not an established county
25 drain. This right now is just basically a natural

1 waterway or private ditch that somebody constructed, but
2 right now, the water resource commissioner has no
3 jurisdiction to be able to do any work on that.

4 That's-- One of the reasons why we're here would be to
5 get a petition, and at that point in time, it could be
6 incorporated into the Borculo County Drain, and then the
7 drain commissioner could make improvements to it or
8 maintenance on the drain to improve the hydraulic
9 capacity of it and reduce the potential for flooding.

10 So when we're looking at things in general,
11 this upper line right here is the existing bottom of the
12 channel. As I mentioned before, there's a lot of
13 sediment in it. This is a very flat channel right here.
14 So if we had .25 percent on that downstream Borculo
15 Drain, here you have got about .05 percent to .1. So
16 you have got between like a half to a quarter of the
17 slope that you had on the main drain along 96th.

18 Some of the other things we noted were a lot
19 of the culverts would have-- This was a 24-inch
20 culvert. It was shown on another slide back there, but
21 it was hard to see, but that was probably at least a
22 third or more full of sediment. So you are not getting
23 the full capacity and this culvert is right where it
24 starts paralleling Blair Street where the ditch actually
25 runs like just south of the road. So these areas back

1 here, this is going back more upstream or to the east
2 and into where some of these residential areas are
3 flooding.

4 So we found there are some hydraulic
5 constrictions in there with sediment in culverts.
6 Looking at the maximum, like the optimum grade versus
7 where culverts are set, a few of the culverts are
8 probably set close to a foot or so high. So there's
9 definitely-- Again all we were trying to do basically
10 at this point is look at: Is there even a feasible--
11 Can we make some feasible improvements out there that
12 wouldn't be extremely expensive or is it just not
13 possible and the drainage you have is as good as it can
14 get?

15 So essentially what we've done is being able
16 to go out there and say there's definitely room for
17 improvement if this section of waterway is established
18 as a branch of the Borculo Drain. So we're talking
19 about this stream that goes south of Blair Street and
20 then eventually starts heading -- or goes south and east
21 of Blair.

22 The other thing we looked at was updating the
23 drainage district, which again is basically the
24 contributing watershed or drainage area that feeds the
25 Borculo Drain. So the original drainage district is

1 basically this orange line right here which was
2 established back in the early 1900s and modified a few
3 times since then, but with the amount of data that we
4 have now, the type of topographic maps and things that
5 they used 100 years ago versus what we have now, what we
6 have -- the county has 2-foot contours -- we can get a
7 lot higher level of detail to really refine this map and
8 to make sure that those areas that actually drain to the
9 Borculo Drain are in the drainage district.

10 So we've gone through here and basically what
11 this map shows is these areas highlighted in red were
12 areas that were included in the original Borculo Drain
13 drainage district way back in 1911 that we're proposing
14 to be removed from the current drainage district just by
15 the changes in the topography or changes that people
16 have made to the drainage flow patterns in the area;

17 And then the area that's hard to kind of tell
18 right here, but this hatched kind of blue area, those
19 are areas where we're proposing to add lands to the
20 drainage district. So areas that weren't included
21 before, but actually do flow into the Borculo Drain and,
22 therefore, should be included in the drainage district.
23 As a summary, there's about 62 acres of lands that we're
24 proposing to add to the drainage district and we're
25 proposing to remove about 101 acres. The total drainage

1 district when we're done is just under 1500 acres, 1456.

2 So the issues that the board is going to look
3 at tonight is going to be, A, is there a petition
4 necessary to make improvements to the Borculo Drain
5 which may include adding a branch? So this branch that
6 I keep talking about here, and this is the Borculo
7 Drain, this is Blair Street. So the east side of 96th,
8 this area kind of shown in black, these can be potential
9 branches or a portion thereof this area. These are the
10 main areas where we're getting complaints from residents
11 where there are pretty substantial waterways that drain
12 not only just single pieces of property, but numerous
13 properties around them.

14 So because of its multiple properties
15 affected, it would make sense to establish those as a
16 branch. So the BOD is going to be looking at, you know,
17 do we need to do work on the Borculo Drain which may
18 include adding a branch, but then they are also going to
19 be looking at: Do we need to make revisions to the
20 drainage district to accurately reflect the contributing
21 drainage area? So those will be two separate decisions
22 that they will be making tonight.

23 So what happens next? The real reason again
24 is for you as citizens, because we have heard some
25 things, but I'm sure there's a lot of other pros and

1 cons and feelings that you guys have, so we want to open
2 up the floor to public testimony and enter that into the
3 Board of Determination, and then at that point in time,
4 the Board of Determination is going to determine whether
5 or not the project is necessary and conducive basically
6 for the public health, welfare and convenience.

7 If it's not, then the petition goes away and a
8 new petition can't be raised for at least another year.

9 If the Board of Determination does determine that the
10 project is necessary, at that point, like I said, we're
11 not going to establish what the scope of that project is
12 going to be. There will have to be some additional
13 study and work that would have to be done that way and
14 one of the other issues, too, is if we start
15 establishing a new branch, the drain office would have
16 to get easements associated with that. So it will be
17 working with landowners to get easements in place.

18 There will also probably likely have to be
19 environmental permits that we'll have to get from the
20 Department of Environmental Quality. Then once
21 everything of that gets in place, then we can actually
22 submit the bids to different contractors and then obtain
23 the lowest qualified contractor to actually construct a
24 project.

25 So that's kind of an overview of the process

1 and a brief presentation of some of the issues that have
2 been raised and, other than that, that's all I have for
3 my presentation. If there's questions that the board
4 has, I will be happy to answer those or throughout the
5 process.

6 MR. HUNSBURGER: Hang close, as I suspect
7 we'll be asking questions that really should be answered
8 by you.

9 MR. FREDRICKS: Sure. OK.

10 MR. HUNSBURGER: Thank you for the overview;
11 and before we open for public comment, we'll go through
12 some procedural things. First of all, we are not
13 engineers. The engineer is just sitting down. He just
14 made the presentation. You can ask us questions. We
15 are here to understand what your point of view and your
16 concerns are. It's very important if you have a
17 technical question, we'll refer it over to the engineer,
18 possibly to the drain commissioner.

19 We would ask as you come up -- and we might
20 just tip that easel a little bit -- if you could point
21 where you live, it would be helpful for us to put that
22 in context relative to the comments you are going to
23 make. As has been stated, we'll ask that you go row by
24 row so everybody has a chance, an adequate opportunity.
25 Please come up, point where you live, give your name and

1 address clearly so it's a matter of record, and then
2 make your comments.

3 Again if you have questions, as long as they
4 are not technical, the Board of Determination will
5 answer them. If they are, we'll hand them over to those
6 that are the technical experts. With that, we will ask
7 our secretary if there's any written communications
8 relative to this before we hear the verbal testimony.

9 MS. WEICK: There are.

10 MR. HUNSBURGER: Could you please read those?

11 MS. WEICK: Can you all hear me now? OK. The
12 first I have is an e-mail, it looks like from a June
13 Phillips. All right. It says: Good day. I am June
14 Phillips at 9828 Blair Street, Zeeland, Michigan, 49464,
15 Borculo. Please be advised that the culverts -- the
16 culverts drain well on Blair Street and do not need to
17 be replaced. As soon as it rains, it drains. Please do
18 not dig up the driveways and ditches as it is not
19 necessary.

20 The flag person said this is all going to be
21 replaced. A waste of money. I just had my driveway
22 replaced and do not want it dug up. I have no idea why
23 you want to replace all of them when it is not
24 necessary. Thanks for not doing the culverts. June
25 Phillips.

1 MR. NYKAMP: What was that address again,
2 Peggy, please?

3 MS. WEICK: 9828 Blair.

4 MR. NYKAMP: Thank you.

5 MS. WEICK: All right. This is from Don and
6 Gloria Geerlings. Hello. We are Don and Gloria
7 Geerlings, owners of our farm since 1990. When we
8 purchased our farm, it was our understanding that the
9 culvert/ditch in front of the house would be the
10 responsibility of the township/county and that they
11 would provide all maintenance of it. Lee and Sharon
12 Gebbon and Roscoe DeVries all stated that this was the
13 argument -- or agreement. I'm sorry.

14 We have watched it slowly deteriorate every
15 year. In 1976, the south end was replaced by the
16 township/county. It has become so bad that something
17 has to be done. We are requesting an additional drive
18 put in. So therefore, we are more than willing to pay
19 the additional cost, but we are having a difficult time
20 with the total cost. We don't have much front yard
21 because of the 20-foot ditch. We have never allowed
22 children to play there because it was too unsafe.

23 It's hard to feel responsible for something we
24 don't want. We could fill it in and let the water run
25 behind the farm like it used to and we could have a

1 normal front yard like everyone else. It's so large
2 that it's impossible for us to maintain it. We have
3 seen cars disappear in this awful 20-foot ditch. We
4 feel it should have been better safety-- We feel it
5 should have better safety precautions around it for
6 being a Class A road. We don't want or should not have
7 to feel responsible for this huge 20-foot ditch. Thank
8 you. Don and Gloria Geerlings, 929 15th.

9 MR. HUNSBURGER: Those were the only written
10 communications?

11 MS. WEICK: Those were the only two.

12 MR. HUNSBURGER: OK. What we'll do is: We'll
13 open the public comment. We'll start on this side and
14 we'll start with the front row and go back. Then we'll
15 come over on this side. I'm going to turn this map a
16 little bit because it will be helpful for--

17 MR. BUSH: Jerry, the maps are actually the
18 ones that-- Those are--

19 MR. HUNSBURGER: Well, is there a way they can
20 point where they live on here to help out?

21 MR. BUSH: You would have to actually have the
22 one on your--

23 MR. FREDRICKS: On the desk. It might be
24 better to give them the one that's--

25 MR. HUNSBURGER: Right here?

1 MR. FREDRICKS: Yeah.

2 MR. HUNSBURGER: Can you see that, Glenn? OK.

3 Let's open the public comment. Let's start with the

4 front row. Sir? Anybody else in the first row here?

5 OK. We'll go back to the second row.

6 AUDIENCE MEMBER: We have already submitted

7 ours.

8 MR. HUNSBURGER: Anybody in the second row

9 there? Then we'll go to the back row on this side. OK.

10 Over to this side. We'll start in the front. Bill?

11 MR. VANDENBERG: Yes. I would like to say

12 something. The areas that are--

13 MS. WEICK: Your name?

14 MR. VANDENBERG: Oh. Bill Vandenberg, 6305

15 Port Sheldon; and the areas that are in red that are to

16 be eliminated, are they going to have another drainage

17 area that they go drain into?

18 MR. BUSH: That's correct.

19 MR. VANDENBERG: OK. So we are not going to

20 cause more problems into those other drains by draining

21 that water into it?

22 MR. BUSH: It already goes there.

23 MR. FREDRICKS: Yeah.

24 MR. VANDENBERG: It already goes there? OK.

25 MR. FREDRICKS: We're not-- Everything you

1 see here, we're not making physical changes to move
2 water one way or another. What we're doing is just --
3 basically this is paper work. Yeah. This is actually
4 naturally where it goes and we are just trying to
5 update, you know, maps that are 100 years old based on
6 how flow is actually right now.

7 MR. VANDENBERG: OK. Thank you.

8 MR. HUNSBURGER: Next row back?

9 MR. ENGELSMAN: My name is Doug Engelsman. I
10 live at 9536 Blair Street, which is on the backside of
11 the tribal -- tribunal ditch that we're talking about.

12 MR. HUNSBURGER: Thank you.

13 MR. ENGELSMAN: I have lived-- I built my
14 house in 1987. I have been there 28, 29 years. Borculo
15 has always been wet. I'm not disputing that. It seems
16 like through the years, it's getting-- As development,
17 it's just been getting wetter and wetter, especially --
18 and I'll get to that here -- especially with issues of
19 development on Henry Court and farmland digging out.

20 This last May after we had another big flood
21 in -- I'm going to say in spring break, it was a big
22 flood, flooded over the yard, flooded out. What we've
23 also got a problem with and it's never been explained is
24 there's been several-- When it floods, it floods over
25 the road and it floods over where -- I mean, the county

1 road where you -- especially smaller vehicles and that
2 kind of stuff can't make it through. Literally it's
3 eight, 10 inches of rain going into the Borculo
4 Christian School parking lot.

5 It did happen again this year. I don't want
6 to say it happens every year. On all the big rains, it
7 does happen. After that big rain, I was approached in
8 church this past May by an excavator who did the digging
9 out. His name is Jim Gruppen. He cleaned out the ditch
10 for the farmer that is east of the industrial park and
11 that's just right here. That's this farmland here. He
12 cleaned out that ditch obviously for better drainage so
13 they can have, you know, maximum crops. I don't blame
14 them. They have got to do that;

15 But what happened is: Mr. Gruppen approached
16 me, and he asked how our water problem was, and I, you
17 know, just saying through the years, it's been getting
18 worse and worse and worse, and this year again, it's
19 getting worse, but no explanation. He explained that he
20 met-- He cleaned out the ditch and he met with Mr. Bush
21 and I don't know the farmer's -- the gentleman's name
22 who farms that land. He met with them. They actually
23 did it the right way. They went to the drain
24 commission. They asked for permission to dig that out
25 and they did that.

1 Now, Jim Gruppen had told me that he mentioned
2 to both parties this would definitely create -- have
3 problems down the road because it basically just drained
4 that whole field which has not been drained in years --
5 in 20-some years. It drained it all, and it gets to us
6 real quick, and that's one of the main problems. Jim--
7 The flow now gets here much quicker, causing flooding
8 upon now on smaller rainfall amounts. That's the thing
9 that was puzzling. We're getting smaller rainfalls and
10 it's like -- it's behind Junior Blauwkamp's on the end
11 right where the culvert problem is, it's just building
12 up and building up.

13 Besides the past development on Henry Court,
14 there's currently right now-- The industrial park is
15 right here, private road. There is no-- There's no
16 grade -- upgrades, as far as I know, as far as drainage
17 and all that kind of stuff, but what they did in the
18 past years, the polishing company, they burned down.
19 They built a nice bigger building and right now
20 currently the footings are poured. They are going to
21 add on, might be over double. I don't know the size.
22 We walked back there. It's huge. That rain water has
23 got to go somewhere. It's going to go right back to us.

24 The next door neighbor is a skid company,
25 burned down. They have got right now in front of the

1 township board getting approved to double their size and
2 one of their questions at that township meeting was they
3 would like -- and they are going to ask about this --
4 what about the rain water? Well, that's going to-- I
5 mean, it's just going to be getting worse and worse and
6 worse. There's no doubt.

7 I have been there 28 years. It's not a creek.
8 It's a drainage ditch that's been there forever and, as
9 he said, it's sediment from the farm, you know, comes
10 from a lot of places. Now, I don't just create the
11 water at 9536. It comes down. Everybody's creating it.
12 Everybody's generating it. Talking to Mr. Gruppen, in
13 his opinion, it's actually not even-- It's not a big
14 fix because they dug it all the way out. I believe they
15 dug this all out, so this has been established dug.

16 So what they did is: They dug it out right to
17 the corners of this subdivision that people on 9536 and
18 that's what-- It just gets there real quick. It gets
19 to us. The main problems, there's two problems. The
20 culvert is probably the number one problem. Right on
21 the-- It's on the southeast corner of 96th. If that
22 doesn't get fixed, I would not dig out the ditch because
23 all -- it's backing up. a lot of it's backing up right
24 in that corner;

25 And Number 2-- Oh. Also and the culverts --

1 and I think you explained that, also.

2 MR. FREDRICKS: It's that culvert you're
3 talking about right there. That one right there, I was
4 there the other day. It's all full of water.

5 MR. ENGLESMAN: It's all full. We got Junior
6 Blauwkamp has been -- he's been trying to fix it
7 himself, you know, through the years. Joe Bush has been
8 probably over there more times than he wishes he was
9 over there, but anyway -- and on the other side where
10 the school, that's all been, it looks like, upgraded. I
11 know on that side, the school's culvert, that is for
12 sure half full, maybe 3/8ths full. I think that just
13 needs to be cleaned out. I don't think that needs
14 fixing. It needs to be cleaned out because it's for
15 sure--

16 MR. FREDRICKS: Yeah. There's definitely--
17 There's grade to improve and to basically lower and
18 upsize the culverts that you are talking about there
19 that go into the Borculo and then downstream. You
20 wouldn't have to go far to give you plenty of relief.

21 MR. ENGELSMAN: And then second of all, we
22 really need to clean out from where the farmer stopped.
23 We need to establish that and clean that up only
24 because, when talking to Mr. Gruppen, you know, just
25 talking where the water comes from -- and I don't know

1 if I-- Can I address the engineer? I got a question as
2 far as I was-- Jim Gruppen who excavates, he said
3 there's no doubt-- Even this last Sunday, he said there
4 is no doubt water -- we get the drainage from the
5 subdivision, and yet I was told from somebody that the
6 subdivision water doesn't come there, but when I told
7 him that, he said no, no. It definitely comes from the
8 subdivision behind Jay Bosch's farm under the school
9 house, and he said if you need pictures, we can get
10 pictures, but he said no, no. We get subdivision water.

11 So through the years, 28 years when I moved
12 there, the subdivision water wasn't coming through
13 there. That's a lot of water off all them streets and
14 that. We got all the water from the farms, all the
15 water from the industrial park, and with all that extra
16 water coming through, it would just be greatly
17 appreciated, and I thank you for taking your time to
18 hear this. I know we're just six or seven houses and a
19 lot of people can say who cares, but the last three,
20 four years when a barn's never been -- never had water
21 in it, and it's flooding, and I don't know what to do.
22 I don't know what to do and I thank you very much for
23 your time and hearing this.

24 MR. HUNSBURGER: Thank you for your comments.
25 Sir?

1 MR. BEYER: It looks like Doug took all my
2 notes, but anyway, I live right next door to Doug right
3 here, I believe, or right here. OK. Right next door to
4 Doug. Doug's shown this past summer--

5 MR. HUNSBURGER: Could you repeat your name
6 and address?

7 MR. BEYER: I'm sorry. Mike Beyer, 9430
8 Blair. Like I say, I wrote down a few notes, but Doug
9 already covered most of it. Talk to him about that
10 later. Couple things Doug talked about, the road
11 flooding by the Borculo school, that's been a problem.
12 For some reason, the last year -- probably last year--
13 I'm not sure, but I just started noticing it that the
14 water coming down the drain -- comes down the drain is a
15 different color. Something happened.

16 Doug just talked about the farmer cleaned out
17 his ditch. So it's--

18 MS. WEICK: What color are you-- Like
19 different from what to what?

20 MR. BEYER: It's more of a clay color. It
21 used to be more clear. Now it's more of a clay color.

22 MR. HUNSBURGER: So sediment is coming down.

23 MR. BEYER: Yes. Yes. I also want to just--
24 I think Doug talked a little bit about that -- about the
25 construction along Henry Court. The Holland Pallet

1 Repair, they are going to be building on. There's going
2 to be more water coming and it's pretty frustrating when
3 your barn floods. So thank you. Thank you for all your
4 work on this, too. I'm impressed.

5 MR. HUNSBURGER: Thank you, Mike. We'll come
6 back around after everybody's had a chance. Anybody in
7 the next row? Ma'am? Then we'll go one row back.
8 Gentlemen? Yes?

9 MR. ENGELSMAN: One thing I forgot to bring up
10 a point and it is a huge concern, probably the most
11 important concern. I mentioned the flooding that
12 happens on Blair Street into the Borculo Christian
13 School is the fact that if we need emergency vehicles to
14 come through, I mean, I want-- You know, we don't have
15 it often on a little dead-end road, but if one ambulance
16 or one fire truck or something like that has a hard time
17 getting through and maybe a foot isn't that big of a
18 deal, but something of concern to us.

19 MR. HUNSBURGER: Ma'am?

20 MS. OOSTERINK: I'm one of the little parcels
21 in here -- OK -- between Port Sheldon and Henry Court;
22 and if the power goes out--

23 MR. HUNSBURGER: And your name?

24 MS. OOSTERINK: Oh. My name is Patti
25 Oosterink, 6596 96th Avenue. Power goes out, my

1 basement is full. I agree with them. Henry Court
2 doesn't let the water past it and I have seen Borculo
3 Christian School sandbagged to keep the water out.

4 MR. HUNSBURGER: Thank you. Anybody else in
5 that row? Would you point, please?

6 MR. FEASTER: Brian Feaster, 9260 Port
7 Sheldon. Can you go to your aerial view?

8 MR. FREDRICKS: Yeah.

9 MR. FEASTER: I'm located two, actually three
10 parcels over from the old school house, sitting on 20
11 acres. If you look here, I have got two ponds here. 12
12 years ago, I worked with the DEQ and Ottawa County to
13 set up drainage for the adjoining properties,
14 approximately 80 acres, which we are picking up a lot of
15 their water. So I guess my question is: What kind of
16 cost are we looking at? Because I'm already picking up
17 a lot of water that's reducing what's going down.

18 We had only one flood, I think, in the last
19 five years and it happened in one day from just a
20 massive downpour that we had. That was it. So what I
21 have got here is draining everything off slow. So
22 personally I don't think that I should have to be
23 involved with the cost, if you guys have numbers.

24 MR. FREDRICKS: We have not prepared any type
25 of cost estimate at this point or really even a scope.

1 MR. FEASTER: I think that's one thing that
2 needs to be looked at because you do have some areas
3 that aren't-- They may be connected by grade, but they
4 aren't actually dumping water in the masses that you are
5 referring to.

6 MR. HUNSBURGER: OK. Thank you. Anybody else
7 from that same row? Yes, sir?

8 MR. BOUWMAN: I'm Terry Bouwman. I live at
9 6975 96th, which is just where this crosses the road
10 here, and I feel all your pain because I have seen it
11 every day, and the part that concerns me is dumping more
12 water. The one picture you got on here is my culvert on
13 96th. When the ditch was cleaned out once before, they
14 went just about 12 inches below my culvert, and it
15 washed everything out of it, and that's why it's rusted
16 out, and I don't have the funds to replace it, not what
17 they want to put in there.

18 So that's one of the things. That other ditch
19 that goes underneath the road, you are going to shove
20 more water down through it. I lost 36 feet of my yard
21 in one rain storm. They put cement in there now. I'm
22 still below the top of that. When it comes out of
23 there, it goes into my yard. So there's other things
24 that go on. Geerlings, when they talked, you go past
25 their house right now, there's a 20-foot hole in that

1 culvert right now. All the ground is gone. They got a
2 sink hole and Joe's probably seen it already.

3 MR. BUSH: I've been out there several times.

4 MR. BOUWMAN: Yeah. So I mean, with pushing
5 more water, there's a problem and I don't know what you
6 do with all that. I'm just voicing my concern with mine
7 where it comes across. That ditch used to be straight
8 across, the culvert. They put it on an angle to speed
9 up the flow. It's going to-- If you are going to keep
10 it going, then the things down the line got to be
11 cleaned out, too, because we sit six feet -- six days
12 full of that ditch in front of our house and that's
13 backing up then.

14 So there's blockage further down that ain't
15 getting away. That's my take on it.

16 MR. HUNSBURGER: Thanks, Terry. Anybody else
17 in that row? We'll go back a row. Anybody back there?
18 OK. Let's go back around in case you thought of
19 something when we came by first. Anybody on this side
20 that would like to make a comment? Yes, sir?

21 MR. WALKER: My name is Ted Walker, 9868 Blair
22 Street. I live west of Blair -- or 96th. I don't see
23 it right--

24 MR. HUNSBURGER: How about the lower map?

25 MR. WALKER: Port Sheldon. It would be right

1 down in here. This is 96th. So it would be just down
2 right up in here.

3 MR. HUNSBURGER: OK. Thank you.

4 MR. WALKER: And I have been there since 1979
5 and I haven't had my problems with water or anything.
6 So therefore, I don't know as-- I can feel for the
7 people down on 96th because I have seen the water, how
8 it floods down there by the school and everything, but
9 by working up in our area, it's not going to do me
10 anything up in there. So I, too, I don't feel as though
11 the cost of it-- It's going to cost something, but why
12 should we be involved in having to pay for it if it's
13 not going to benefit us up in there? So that's all I
14 have got to say.

15 MR. HUNSBURGER: OK. Anybody else on this
16 side that would like to address while we have public
17 comment open? OK. Go back over to this side before we
18 close public comment. Any other comments from anybody?

19 MR. VANDERKOOI: My name is Dan Vanderkooi. I
20 live at 6647 96th, which is somewhere in here where
21 your-- Is that going to affect what flows through there
22 already? Because there's storm sewer on both sides of
23 the road already that flows through there.

24 MR. FREDRICKS: No.

25 MR. VANDERKOOI: So that really has no effect

1 on this? It's not going to affect me whatsoever then.
2 Right?

3 MR. FREDRICKS: You mean, the improvements
4 that are made to the drain?

5 MR. VANDERKOOI: Yeah, because we already have
6 two storm sewers on either side of 96th that it flows
7 through. I get water in my basement as a fact of
8 Borculo. I have been there since '91. I always get
9 water. I actually dug a reservoir in my backyard about
10 30 feet by two feet, about three feet deep, because of
11 all the water I get off the golf course, all the rest.
12 It would get in my basement. Now I don't have that.

13 I still a get a little when it rains. That's
14 natural, old 100-year-old house, but that's-- What is
15 that going to do by adding those to this whole thing?

16 MR. FREDRICKS: Realistically all we're doing
17 there is: Your water would eventually go to the Moeke
18 Drain and the Moeke Drain outlets into the Borculo Drain
19 just north of Blair Street there. So your water
20 eventually gets to the Borculo Drain and, because it
21 does that, you are still within that assessment area.

22 MR. VANDERKOOI: OK.

23 MR. HUNSBURGER: Last call for public comment.
24 Then I'm going to close the public comment period. We
25 thank you for enlightening us. It is very helpful for

1 us and also to hear the dialog with the engineer. So
2 public comment is closed. We need to have a discussion
3 amongst the three board members. Our job under the
4 Michigan Drain Code is to determine is there a necessity
5 for this and then there's a whole process that we
6 follow, depending on what we -- if we say there is a
7 necessity. If there isn't, as was pointed out, it comes
8 to a stop, can't be refiled for a year.

9 So we will discuss it amongst ourselves and
10 then we need to decide what we're going to do. Any
11 questions here?

12 MR. NYKAMP: Well, it's like any other drain
13 issue. There's always people that have issues. There's
14 people that don't have issues within a given drain.
15 Depends on where they live and how big an area it is.
16 It's very obvious in the area there of -- I guess you
17 call it Henry Street where all the drains are having a
18 problem, they are. There's some other ones and costs
19 typically do fall into some of the issues that you have,
20 except that that's not our--

21 If one of our things that we have to do
22 tonight is determine what that cost would be, we
23 wouldn't have a clue what that cost is. That's going to
24 be up to your board and up to your engineer to do that,
25 but I think that there's probably as many people that

1 have a big issue than some of those. I know Terry says
2 that maybe if they did something downstream, his
3 wouldn't even get better and that's probably what you
4 want to make sure that happens when you get into the
5 further details; that they can guarantee that whatever
6 they do do, it's going to be advantageous to everybody
7 else that's involved. So--

8 MS. WEICK: Well, I agree with Glenn.
9 Obviously from looking on there, it looks like you have
10 some flashiness in some of the drains from the back-ups.
11 Right?

12 MR. FREDRICKS: Yes.

13 MS. WEICK: Because of the--

14 MR. FREDRICKS: Development and the clean-out?

15 MS. WEICK: Yeah. Well, the turbidity of the
16 water, it looks like, and the clay and the clear to
17 clay.

18 MR. FREDRICKS: Yeah. I mean, definitely that
19 whole-- When you mention that you are seeing more clay
20 water, this whole stretch right here that was cleaned
21 out by the farmer, again this is a private-- This is an
22 established drain now. It is private. That is-- It's
23 all clay hard bottom that it has through there and you
24 can see that there has been some-- It's a pretty steep
25 gradient. So that water gets out through there. Then

1 it gets where it's flat and right here just in this area
2 where it goes behind all the residents that are flooding
3 on Blair Street, that's kind of your flat spot where all
4 this water rushes to and gets held up there due to the
5 culverts and different things like that.

6 So I'm not surprised that you said that there
7 was some clay because I could see a little bit of
8 scouring of the channel bottom there in the clay where
9 it kind of carved out the clay because there is a lot of
10 gray, a lot of erosive potential through there. So that
11 makes sense and, as part of this project, it's all going
12 to depend at that point how far we extend the drain, I
13 guess, upstream as a branch.

14 MS. WEICK: And depending what's done with the
15 infrastructure with the culverts and things of that
16 sort, that's only going to get worse. Correct?

17 MR. FREDRICKS: Well, I mean, there would be
18 ways-- If it's established as a county drain, there
19 could be-- You could go in there and put some drain
20 control structures in there to reduce the potential for
21 erosion to slow that water down a little bit, which I
22 think would help you guys out. So again not knowing
23 right now if we have a project or how far we're going to
24 add the branch to, a lot of that's, you know, up in the
25 air, but there's definitely potential room for

1 improvement.

2 MS. WEICK: The water over the roads and the
3 water at the school and the safety hazards.

4 MR. FREDRICKS: Yeah. I see definite
5 potentials for improvement in that area especially as
6 well.

7 MR. BUSH: Can I make a comment?

8 MR. HUNSBURGER: Yes, Joe.

9 MR. BUSH: I would like to address the farmer
10 did come in. Not the farmer. I should say Mr. Gruppen
11 did come and speak with me and asked me: Hey, I want to
12 clean that out. I said: Well, that's not a county
13 drain. I don't have any jurisdiction. I don't have
14 easement. Mr. Farmer's right to do whatever he wants.
15 So I said if he needs to clean it out, go ahead, but we
16 did maybe say that there's going to be impact downstream,
17 because anytime you clean out those farmer's natural
18 ditches and their fields, again you are going to impact
19 down the stream on any drain. I don't care what it is;

20 But from 96th Avenue to the east down Blair
21 behind Henry Court and up to Port Sheldon, there's been
22 many rumors that that was a county drain and they have
23 been in the township and said: Oh, that's a drain.
24 That's not a county established drain. I don't have any
25 right, no easement, no way to maintenance.

1 Yes. Is it putting more water on 96th Avenue
2 and those folks that live along the Borculo Drain to the
3 north, that water gets there, but it's flooding people
4 out in the meantime in getting there. So -- and with
5 the new development on Henry Court could impact. There
6 could be some more water coming; but I just wanted to
7 clarify that Mr. Gruppen did come and talked to me about
8 it, and I spoke to several neighbors out there, and
9 yeah. I have been out there. I walked this site, been
10 very involved.

11 I wish there was more I could do, but until
12 there's -- I have jurisdiction over it and I have some
13 -- what do you want to say -- the means of easement and
14 permission to be on that property and to dig it out, I
15 can't do anything, which seems like ridiculous, but it's
16 not established. So I would be more than happy to go in
17 there and clean it out behind these people's homes and
18 do a lot of work, but I can't do that until this
19 proceeding happens, and this is again part of the
20 process.

21 So just want to clarify the farmer -- or I say
22 the farmer -- but the farmer did call me one time, too,
23 and mentioned he was going to do it. Then Mr. Gruppen
24 was hired to do it and here we are today. He did what
25 he had to do. So it's his right to do that.

1 MR. HUNSBURGER: Thank you, Joe. Peggy, do
2 you have a comment?

3 MS. WEICK: Yeah; and I feel when it comes to
4 watersheds where you are going to add what you need to
5 add and take out what is not necessary, it is a benefit
6 for all, especially when you are looking at a
7 development. What was the name of that development
8 that's gone in, the housing development? Is that what
9 it is that's gone in and then you are going to have
10 industrial development?

11 MR. FREDRICKS: Yeah. They have the
12 industrial park which is south of Blair Street.

13 MS. WEICK: Yeah. That in itself, to be able
14 to establish all the drains and everything that you need
15 to do in that area and take care of it would be of
16 benefit to everyone, I feel, within that watershed area.

17 MR. HUNSBURGER: My comments would be this:
18 Certainly there's some issues, some extreme issues at
19 various times. It's not going to get better. I think
20 Mr. Bush, our water resource commissioner, summarized it
21 very well. His hands are tied under the law unless it
22 is a county drain. Some of what were natural creeks or
23 drains going back hundreds of years can't be -- you
24 can't go on the property. You can't do anything unless
25 it's a county drain, and, of course, what this proposal

1 is is to extend a county drain, to maybe do some repair
2 on the existing county drain, but to declare this other
3 area. Certainly concerns when roads flood, barns flood,
4 basements flood.

5 The other comment, at least my understanding
6 is when you are in the watershed, there's usually two
7 types of situations, those who are contributing to the
8 problem with their water flowing, but everybody's water
9 goes someplace in that watershed. Whether you are
10 flooding or not, if you are contributing water to where
11 the water ends up going, that helps eventually add to
12 flooding someplace else, and that's why within a
13 watershed, you very well could get an assessment even
14 though you don't have flooding, because your water goes
15 someplace, and we have even seen this in other parts
16 where it isn't clay like evidently a lot of this is.

17 Even in sand, because the sand freezes in the
18 winter. When you get a thaw in the spring even in sand
19 when there's still frost in the ground, people's water
20 runs someplace. So it's important to understand that
21 there's a lot of issues here and, of course, our job as
22 a panel here is to determine whether or not there's a
23 necessity for a drain;

24 And I would entertain a motion if anybody's so
25 inclined.

1 MR. NYKAMP: Well, I would like to just add a
2 little bit more to it. One thing we have to be careful
3 of -- and I'm going to have to talk to the engineer
4 basically on this -- is that when we relieve some of
5 that pressure-- I'm just going to say down by the
6 school area. When we relieve that, are we going to
7 create more going north or can we take care of that
8 issue at the same time?

9 MR. FREDRICKS: That's something that we would
10 analyze as we go forward in here, but I think the one
11 gentleman-- I forgot his name, but you know, he had
12 mentioned that further down 96th north of Blair, that
13 right now if we're just going to pump more water, he
14 can't take the water right now. It's already creating
15 more than just like that on him.

16 So what we want to make sure that we're doing
17 is: We're looking at the whole system so that we
18 analyze by: We make some improvements along this
19 branch, what are the ramifications downstream and how
20 can we mitigate those as much as possible? Then what
21 can we do basically proactive to make sure that we're
22 not just pushing the problem further downstream? So
23 it's definitely something that we would look at.

24 AUDIENCE MEMBER: It sounds like this needs to
25 be determined before you make a decision on whether this

1 project is valid.

2 MR. FREDRICKS: Well, if the project-- If
3 there's no-- If you're not going to-- It's kind of
4 like a chicken before the egg. If you don't establish
5 this as a branch right now and you spend all this money
6 up front doing a large study, then it's all for nothing.
7 It's basically the way the drain code is set up. A lot
8 of times, there's isn't even any engineering study at
9 this point. It's just testimony from landowners that go
10 in there and basically the Board of Determination makes
11 a determination.

12 So a lot of times, there's not even-- Is
13 there even a feasible option to alleviate the situation?
14 Any other comments or questions?

15 MR. HUNSBURGER: Does Mr. Geerlings feel the
16 same way?

17 MR. GEERLINGS: Well, when they've taken all
18 that red out of the drain, out of the water flow, it's
19 because of 1911, that water all ran behind me.

20 MR. FREDRICKS: OK.

21 MR. GEERLINGS: That's the original county
22 drain. It did not come right in front of the house.

23 MS. GEERLINGS: They chose to put it there.

24 MR. GEERLINGS: That's why that's coming out
25 of there.

1 MR. FREDRICKS: Well, I'm not 100 percent sure
2 about that. Well, I mean, I believe that yes, they
3 definitely rerouted that drain to where it is. Yes.

4 MR. GEERLINGS: They rerouted the water and I
5 have no problem with them getting rid of water as long
6 as it doesn't back up more on me.

7 MS. GEERLINGS: And that ditch is huge. I
8 mean, it's not your average ditch and we're expected to
9 pay it.

10 MR. HUNSBURGER: OK. Peggy, do you have any
11 other comments or questions?

12 MS. WEICK: No.

13 MR. HUNSBURGER: Glenn?

14 MR. NYKAMP: No. I'm done.

15 MR. HUNSBURGER: OK. Are you prepared--

16 MS. WEICK: Do you want me to make the motion?

17 MR. HUNSBURGER: Yeah.

18 MS. WEICK: OK. I make a motion that the
19 drain is deemed necessary at this point.

20 MR. HUNSBURGER: So we have a motion to
21 declare the drain necessary.

22 MR. NYKAMP: I'll support that.

23 MR. HUNSBURGER: OK. Any discussion? I think
24 we pretty well covered it. We'll call for a vote. All
25 in favor of the motion to declare the drain necessary,

1 say aye.

2 MR. NYKAMP: Aye.

3 MS. WEICK: Aye.

4 MR. HUNSBURGER: Opposed? So the drain is
5 declared necessary. We're not done with our work. We
6 have got to decide now whether or not public health in
7 Blendon Township in that portion, cost should be
8 apportioned to the municipality at large. That would
9 include the township itself at large paying a portion of
10 the cost rather than just the property owners within the
11 drainage district and that's pretty traditional, I
12 think.

13 MS. WEICK: I make a motion that the drain is
14 necessary for the protection of the public health in the
15 Township of Blendon and that a portion of the cost shall
16 be apportioned to the municipalities at large.

17 MR. NYKAMP: I support.

18 MR. HUNSBURGER: And before we call, I think I
19 should expand because it's more than the township. It
20 would also include the county itself. Am I correct?

21 MR. BUSH: Yes; and the road commission.

22 MR. HUNSBURGER: So other governmental units
23 will help share in the cost of this, the township, the
24 county itself, and--

25 MR. BUSH: And Olive Township. So we have two

1 townships. We got Blendon and Olive.

2 MR. HUNSBURGER: Oh. That's right.

3 MR. BUSH: And then we have got road
4 commission and county.

5 MR. HUNSBURGER: So they all get a share of
6 this to help diminish the cost before it's assessed to
7 the property owners. Any other comments or questions?

8 MR. NYKAMP: No.

9 MR. HUNSBURGER: All in favor of the motion,
10 say aye.

11 MS. WEICK: Aye.

12 MR. NYKAMP: Aye.

13 MR. HUNSBURGER: Opposed? Same sign. The
14 motion passes. We need to consider a motion that the
15 drainage district boundary be adjusted as necessary and
16 lands be added and deleted as determined by the
17 engineers as they get into more detailed engineering to
18 determine whose water flows into this watershed. Do we
19 have a motion to that effect?

20 MS. WEICK: I make a motion that the drainage
21 district boundary be adjusted as necessary and lands be
22 added and deleted as determined by the engineer.

23 MR. NYKAMP: Which again I support that; and
24 that was determined already at the beginning of the
25 meeting that that's the reasons why they were done and

1 it's not to -- not to change it because of basically
2 whatever we heard here tonight and what the engineer had
3 presented to us originally, and that does change from
4 time to time.

5 MR. HUNSBURGER: I know that if the property
6 owner has a question, they can go to the water resources
7 commissioner and the engineering staff to get proof
8 positive of where the flow is. Any other comments?

9 MR. NYKAMP: Yeah. One more comment. I would
10 just suggest to everybody that's here and anybody else
11 that's concerned down the road a little ways, come to
12 your board meetings when they are discussing this kind
13 of stuff and get your input into it, not to get
14 confrontational or anything else, but just to lend your
15 ideas as to what you think is fair and what isn't fair
16 through the whole process, and it will probably work out
17 just fine by doing it that way as opposed to sitting
18 home and pointing out later and say oh, I wished I would
19 have been there.

20 So this is really for everybody in the whole
21 area. It's not anybody trying to create a problem.
22 It's simply trying to solve a problem. So be involved.

23 MR. HUNSBURGER: And certainly don't hesitate
24 to call the water resource commissioner's office. He
25 works 14-, 18-hour days. He's always available. We

1 have a motion on the floor. All in favor of the motion,
2 please say aye.

3 MR. NYKAMP: Aye.

4 MS. WEICK: Aye.

5 MR. HUNSBURGER: Opposed? The motion passes.
6 With that, we have completed our work and any comments,
7 Joe, before we adjourn the meeting?

8 MR. BUSH: Well, I just want to say thanks,
9 everyone, for taking your evening to come and listen
10 and, if you have any questions, feel free to call me. I
11 got business cards and Dan's always easy to get ahold
12 of. He would be more than happy to come out and share
13 with anybody your concerns. He's been great through the
14 whole process and we're here to help. So thanks.

15 MR. HUNSBURGER: Thank you. The meeting is
16 adjourned.

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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 50, inclusive, comprise a full, true, and accurate transcript of the proceedings taken in the matter of Borculo County Drain Board of Determination, on September 29, 2015.

David R. Walley
Certified Shorthand Reporter

October 2, 2015

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