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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: VAN RAALTE DRAIN  
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday, April 21, 2016 at Holland Charter Township, 353 North 120th Avenue, Holland, Michigan, held before Marjorie A. Covey, CSR-2616, Certified Shorthand Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.
  
- Mr. Ken Souters, Board Chairman
- Mr. Bill Cargo, Board Member
- Mr. Bill Sahlberg, Board Member
  
- Mr. Don Komejan, Holland Township Manager
  
- Mr. Kenneth Bosma, Prein & Newhof
  
- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 April 21, 2016 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COM. JOE BUSH: Good morning, every  
5 one. My name is Joe Bush. I'm the Ottawa County Water  
6 Resources Commissioner, and I appreciate you guys taking the  
7 time this morning to come to the Van Raalte BOD here at  
8 Holland Township. I really do appreciate your time. I know  
9 your time in the morning is pretty hard to come by, and I  
10 really do appreciate it.

11 Again, my name is Joe Bush, the Water Resources  
12 Commissioner. It used to be called drain commissioner. The  
13 name changed, it happened to be in 2012, and that's when I  
14 got elected. I thought water resources commissioner sounds a  
15 lot better than drain commissioner because what we do is a  
16 lot bigger than just clean drains.

17 And some of that process you'll see today, just one  
18 of the jobs that I do of the many. And that is why we're  
19 here today. And why we're here today, you're like, Joe, what  
20 is the BOD about?

21 Well we received a petition from Holland Township  
22 for this drain system that is presented here that you guys  
23 have a map of, and that's an orphan drain. And orphan  
24 drains, nobody has ownership of it as far as the township,  
25 the road commission or the county. So it's an orphan that

1 was put in, in place, and there is potential issues. And  
2 we'll hear about those issues today which, whether it's  
3 flooding, failing infrastructure or whatever the case may be,  
4 but Holland Township has come up with kind of a program, you  
5 can say, that to establish orphan drains, under Drain Code,  
6 through the petition process, to have it a county drain.

7 That way, if this three-panel board, and we'll get  
8 into that in a second, if they say move forward with  
9 establishing this, under my jurisdiction, anybody who would  
10 have a problem with infrastructure or flooding or whatever,  
11 could call me and we'll go out with my staff and contractors  
12 and hopefully fix the issue in a timely manner. So that's  
13 why we're here today for the petition.

14 We don't really have a project yet because we're  
15 waiting for the hearing to happen. And for that three-panel  
16 board to decide whether we move forward in establishing that  
17 as a country drain.

18 So not whether or not we have a project, we don't  
19 know what the project is yet. I just want to make that  
20 clear, we're not here to determine assessments or is there an  
21 assessment, is there a project. That hasn't been determined  
22 yet based on, it's not even a county drain yet. I just want  
23 to make that clear before we keep moving.

24 So per Drain Code, I appointed a three-panel board,  
25 these three gentlemen in front of you. And they have no

1 affiliation with Holland Township, the properties that we're  
2 talking about today, or any financial situations at all.  
3 They have nothing to do with this particular drain, orphan  
4 drain system.

5 So per Drain Code I appoint them, we're here to  
6 hold a public hearing, public comment time.

7 Speaking of public comment, everything is court  
8 recorded, and when you get up in the front of the mic, state  
9 your name, address, and the situation, your concern or  
10 complaint or whatever, whether you're in favor, not in favor.  
11 Everything is court recorded word for word, and it's on the  
12 website, whenever she gets it to me, we'll post it on there.  
13 The minutes will be online, and then if you don't have  
14 internet or a computer, and you want a hard copy, call my  
15 office at MIOttawa.org, and you can look me up, go under my  
16 link, water resources commissioner. I'll be more than happy  
17 to give you a hard copy of the minutes from this BOD today.  
18 So I'll be more than happy to do that if needed.

19 Again, I'll do the introductions, I'll give them  
20 the oath. Once I give these three gentlemen the oath,  
21 they'll run the meeting. And then I'll be over here for any  
22 questions that might be directed from the board to me. But  
23 everything is directed to this panel. I'm neutral. I can't  
24 say I'm in favor or not in favor. I'm just the water  
25 resources commissioner and I'm here for customer service for

1 county drains, and they're here to see if that's going to be  
2 a county drain or not.

3 So hopefully that answers some of the questions on  
4 why you're here. This is per Drain Code, this is the legal  
5 process to do that. And right now I want to thank Holland  
6 Township. There are about 90 orphan drains that are in the  
7 township, that they'd like to see established. Grand Haven  
8 Township is doing it, Spring Lake Township, Park Township,  
9 and now I got Georgetown Township is like hey, we have these  
10 orphans. How do we establish them under the Drain Code under  
11 your authority, Joe, for future maintenance and future maybe  
12 additions or extensions or whatever. That's all through me.

13 So again I just want to make it clear we're not  
14 here for a project, we don't know what that is yet. We'll  
15 determine that later if the three-panel board determines  
16 that.

17 So we'll go ahead and move forward and talk about  
18 introductions, we have quite a few people here today. I'll  
19 start off on this side of the room.

20 We have Jen, she is my secretary who helped you  
21 sign in, gave you agendas.

22 We have Don Komejan, he's your township manager,  
23 sitting here.

24 I know we have Ken Bosma, he's from Prein & Newhof,  
25 he's the engineering firm that I contacted to come up with

1 the red boundaries that you see, and maybe talk to the people  
2 in the field and maybe discuss other issues with property  
3 owners out there.

4 So if you have a concern whether you are in or out  
5 of the district, be sure to state that today and we'll talk  
6 about that later when Ken gets up and talks about what we  
7 have. So he is the engineering firm that I picked.

8 We have the road commission here, Jerry Olman.

9 And we'll start with the court reporter, this is  
10 Margie. Like I say, everything is court recorded. So it's  
11 word for word. So if you speak, you're going to be on record  
12 for speaking.

13 And then the three-panel board, going from left to  
14 right, Bill Cargo, he is from Grand Haven Township.

15 In the center is Ken Souter, he is from Port  
16 Sheldon Township.

17 And then we have got Bill Sahlberg, he is from  
18 Polkton Township.

19 You say, do these three men have any knowledge of  
20 drains? Absolutely. They're either past road commission  
21 engineers, supervisors of townships or township managers.  
22 They understand, number one, drainage; and they understand  
23 Drain Codes.

24 So that's why I pick certain three-panel boards.  
25 They do have knowledge, and they have been on the Board of

1 Determination before, and they understand the process of what  
2 I have to go through again through Drain Code.

3 And then I don't think I'm missing anybody else.

4 But once I give these three men the oath, they'll  
5 run the meeting. They'll pick a Chair.

6 And make sure if you have any questions, I'm just  
7 encouraging you to go up and state your comments, because  
8 this is based on their decision making for you the public.  
9 This is why we're here.

10 Again, I just want to say thank you for coming this  
11 morning and taking the time and we'll move forward so we can  
12 hopefully wrap this up and not take a lot of your time this  
13 morning. If you have any questions or are confused on  
14 anything, make sure you approach the Board and they'll ask  
15 me.

16 All right, thank you.

17 Gentlemen? If you'll please rise and raise your  
18 right hand?

19 Do each of you faithfully -- or solemnly swear to  
20 faithfully perform and discharge the duties imposed upon you  
21 as members of the Board of Determination appointed by the  
22 Water Resources Commissioner of Ottawa County to determine  
23 the necessity of drainage improvements in a certain drain to  
24 be known as the Van Raalte Drain in the Township of Holland  
25 in said county as required by law?

1                   Gentlemen, what do you say?

2                   BOARD MEMBER BILL CARGO: I do.

3                   BOARD MEMBER KEN SOUTER: I do.

4                   BOARD MEMBER BILL SAHLBERG: I do.

5                   BOARD MEMBER BILL CARGO: I will make a motion that  
6 we have Ken Souter act as the Chair and Bill Sahlberg act as  
7 the Secretary.

8                   BOARD MEMBER KEN SOUTER: Do we have a second to  
9 that?

10                  BOARD MEMBER BILL SAHLBERG: I second that.

11                  BOARD MEMBER KEN SOUTER: Moved and seconded to  
12 have Ken Souter serve as Chairman and Bill serve as -- Bill  
13 Sahlberg serve as secretary.

14                  All in favor, say aye.

15                  BOARD MEMBER BILL SAHLBERG: Aye.

16                  BOARD MEMBER BILL CARGO: Aye.

17                  CHAIRMAN KEN SOUTER: Okay. We also need a motion,  
18 that second motion there of the limit section --

19                  BOARD MEMBER BILL SAHLBERG: Make a motion that  
20 public comment be limited to three minutes per person.

21                  CHAIRMAN KEN SOUTER: Do we have a second?

22                  BOARD MEMBER BILL CARGO: I'll support that.

23                  CHAIRMAN KEN SOUTER: Moved and supported to limit  
24 public comment to about three minutes. We'll get into that a  
25 little later, but all in favor, say aye.



1 BOARD MEMBER BILL SAHLBERG: Aye.

2 BOARD MEMBER BILL CARGO: Aye.

3 CHAIRMAN KEN SOUTER: First, this isn't on the  
4 agenda, but, Don, you represent Holland Township. Do you  
5 have any comments on this? Do you wish to speak on this at  
6 all?

7 TOWNSHIP MANAGER DON KOMEJAN: I don't have  
8 anything specific, but I appreciate the Water Resources  
9 Commissioner Joe Bush explaining that the township board  
10 about a year ago adopted a policy that is trying to become  
11 more proactive and place certain orphan drains into the  
12 authority of the Ottawa County drain system because that is  
13 really the mechanism both legally and procedurally to handle  
14 issues or improvements or maintenance.

15 So with that, our township board has then from a  
16 funding standpoint the preliminary cost involved in  
17 conducting this part of the process as far as publication and  
18 any other costs are being handled at large by the township.

19 If we determine a project is necessary for any  
20 reason, then it will fall underneath the normal process of  
21 the water resources commissioner.

22 The township typically will have at least a portion  
23 of an at-large cost. And depending on the total cost of the  
24 project, that could result in benefiting properties  
25 participating as well.

1                   BOARD MEMBER BILL CARGO: Don, do I understand that  
2 because this is an orphan drain, public monies cannot be  
3 spent on maintenance unless it's brought under the control of  
4 the draining commissioner?

5                   TOWNSHIP MANAGER DON KOMEJAN: It makes it very  
6 difficult from a legal and practical standpoint. So we as a  
7 township want to see difficulties and problems resolved. And  
8 many times we are contacted and requested to step in and work  
9 towards solving those problems. This is the important step  
10 that can actually get traction whereby the township becomes  
11 part of the process, but not the authority in charge of the  
12 process.

13                  CHAIRMAN KEN SOUTER: Don, have you, with this  
14 particular drain, have you, has the township been receiving  
15 complaints and problems within this drain?

16                  TOWNSHIP MANAGER DON KOMEJAN: There have been a  
17 few over the years, not, you know a tremendous amount  
18 recently. But certainly over the years we have received  
19 either questions or comments regarding some concerns and  
20 problems.

21                  CHAIRMAN KEN SOUTER: Okay, thank you, Don.

22                  We'll go, Ken Bosma from Prein & Newhof is here.  
23 I'll ask him to kind of go over the background of this drain,  
24 what you know about it.

25                  ENGINEER KEN BOSMA: All right. Thank you. I

1 just, I think Manager Don Komejan and Joe Bush has explained  
2 why we're here because of the orphan drain. So what I have  
3 here just is a real brief PowerPoint presentation to kind of  
4 explain what we have been involved in as the engineers here.

5 This particular drain that we are looking at,  
6 taking an orphan drain making it potentially in to a county  
7 drain, includes about 10 different plats. You can see the  
8 different plat names that are on there and the years they  
9 were developed. They go back as early as 1945 and as current  
10 as 1987.

11 In addition there is some additional properties  
12 that have not been plated that also would fall within this  
13 district line in there.

14 As noted it is petitioned by the township due to  
15 the orphan drain status, and there is some small minor  
16 drainage issues that we'll point out today.

17 This here is the district, the same as the map that  
18 you see on the right side here on the board. Just to  
19 identify, this is 136 -- I'm sorry 136th Avenue. On the east  
20 end is the railroad tracks, on the north end is Riley Street,  
21 and down here kind of southbound is Felch Street.

22 This red line is the district line which we call  
23 the watershed that contributes into what would be potentially  
24 the county drain system. This is established by looking at  
25 different construction plans that we have available to us, as

1 well as looking at the county GIS system.

2 The county GIS system provides us contour  
3 information to find the high and lowest spots in there, so  
4 this is how that red line along here was developed in there.

5 And you can see also in here from what we have  
6 today known from construction drawings and kind of some  
7 observations in the field, you can see these lines are the  
8 drainage systems that we're aware of today in there  
9 (indicating).

10 This is the same picture, just with an ortho-photo  
11 underneath. So if people want to identify or see what's  
12 around, what different buildings or facilities, it's the same  
13 picture on there.

14 This here, and I'll back up a minute, but we are --  
15 I'll back up one more. We're looking at right here, right  
16 now, in this next picture, which is down Mayfair.

17 And back on October 28 -- part of what got this  
18 going a little bit was some drainage concerns. And back on  
19 October 28th there was a rain event that we happened to have  
20 a chance to see. But this is what we've identified in the  
21 Mayfair Street that there is some issues potential there.

22 And then the next part here is at the very low end,  
23 you can see, it says Felch Street here and right at 136th is  
24 another area that we defined. Same rain storm. This is the  
25 first driveway just west of 136th Avenue. There is a lot of

1 puddling going on there (indicating). And then the next  
2 driveway to the west of them, there is a lot of puddling in  
3 there (indicating).

4 We've been told that this is a concern particularly  
5 in the wintertime, as it freezes, it just never goes away and  
6 gets on the road.

7 I think other than that that's really all that we  
8 have available.

9 I'll leave this one up if people want to point to  
10 it when they talk.

11 CHAIRMAN KEN SOUTER: Thanks, Ken.

12 Board Members, do you have any other questions of  
13 Ken?

14 BOARD MEMBER BILL CARGO: No.

15 WATER RESOURCES COM. JOE BUSH: Mr. Chairman, if I  
16 could get up and speak on behalf -- Ken, could you go back to  
17 the previous slide? I want to make it clear.

18 People are probably wondering orphan drain -- keep  
19 going back, back to the original, right there (indicating).  
20 If you notice there is ten plats and look at the dates on  
21 there. Ken didn't hit on this, sometimes -- these are all  
22 433 agreements, which in today's world we have procedures so  
23 we don't have to have BODs in the future.

24 But now there is 433 agreements between the  
25 developer and myself that it becomes a county drain when it's

1 developed. So there was a process back then that didn't take  
2 place because it wasn't something that was implemented back  
3 then.

4 Or if it did, it got through the cracks and during  
5 the development age that it just didn't get established under  
6 a county drain. You're probably wondering what stops it from  
7 being a county drain?

8 Well today's standards through my office we review  
9 all the developments, and at that time we work with Meghann  
10 Reynolds here at the township and Don Komejan, with all the  
11 townships, and with their staff and their manager or their  
12 supervisor, and we establish that as a county drain during  
13 construction of that current development.

14 So hopefully that makes it clear.

15 If you look at 1961, '86 -- there is a lot of  
16 different phases that were developed that never got to be a  
17 county drain. So that's why we're here, and that's why it  
18 became an orphan. It never got established through that  
19 process.

20 But in today's world, we have that policy and we  
21 have that in place to make that a county drain as we move  
22 forward. So just to make that clear, Board, if there was any  
23 confusion on how did it become an orphan? Why is it an  
24 orphan? And how many of these do we have?

25 I hope that answers some of the questions. Thanks,

1 Mr. Chairman.

2 BOARD MEMBER BILL SAHLBERG: Ken, I have a question  
3 for you.

4 On your last line, you -- or last couple there, you  
5 had a couple of circled spots that are flooded areas or  
6 flooding areas there along the Mayfair and down in the corner  
7 there where you're at.

8 ENGINEER KEN BOSMA: Yes.

9 BOARD MEMBER BILL SAHLBERG: Is that the only  
10 places where the water is running off the road and being a  
11 flooding issue there or is it throughout the whole district?

12 ENGINEER KEN BOSMA: Those are the only areas we're  
13 aware of today and driving through in the rain event that we  
14 identified at that point.

15 BOARD MEMBER BILL SAHLBERG: Okay.

16 CHAIRMAN KEN SOUTER: If there is no other  
17 questions, we'll go into the public comment on this part of  
18 the hearing.

19 And as we said before we'd like to have people  
20 limit their comments to about three minutes. And if what you  
21 want to say has been said two or three times before, just  
22 indicate that you are in agreement with the first person and  
23 we can go on with the hearing.

24 I'd like to allow everybody to make a comment so we  
25 can start, we'll start over here on the right-hand side and

1 we'll start right here in the front row.

2 The gentleman in the green shirt, do you wish to  
3 make any comment on this?

4 UNIDENTIFIED SPEAKER: No.

5 CHAIRMAN KEN SOUTER: Next person over?

6 MR. TONY LUND: I'd like to.

7 CHAIRMAN KEN SOUTER: Can you come up and state  
8 your name and address and --

9 ENGINEER KEN BOSMA: I'll add for everybody, there  
10 is a red button on here. If you come up and you want to  
11 speak and point to the screen, just hit the red button and  
12 point, that would be great.

13 CHAIRMAN KEN SOUTER: Your name?

14 MR. TONY LUND: I'm Tony Lund, I live at 379 West  
15 MaeRose Avenue. I'm right at the top of the T there  
16 (indicating). The drain is right in front of our house.

17 I'm very much in support of the, of some county  
18 over provision for taking care of the drain. The puddling  
19 that was shown earlier occurs right in front of my house as  
20 well. We've had it cleaned out several times, but it's  
21 always been a challenge on who is responsible. So I'd just  
22 like to state that I am very much in support.

23 CHAIRMAN KEN SOUTER: Can I ask you a question?

24 MR. TONY LUND: Yes.

25 CHAIRMAN KEN SOUTER: Since you are at one of the



1 spots there that did cause a problem.

2 Are there catch basins there that take it away  
3 eventually or does it just back up?

4 MR. TONY LUND: We do have a catch basin that's  
5 right in the middle of our front yard and it does go away  
6 eventually.

7 CHAIRMAN KEN SOUTER: Okay. Thank you.

8 Drop back a row, gentleman in the white hat?

9 Gentleman in the gray shirt?

10 I should have asked Jerry, Jerry, do you have any  
11 comments?

12 I'm sorry, a young lady there. I missed you, you  
13 were right behind the other gentleman.

14 MS. LINDA COOK: I understand. Good morning, every  
15 one. Linda Cook, 272 Elemeda.

16 I'm here because my husband who has lived at the  
17 property for 30 years is at work.

18 Understand that I have great sympathy for people  
19 that are having water pooling, but I would ask you gentlemen  
20 to be very cautious about taking on additional assessments,  
21 projects and so on. There has been a good deal of requesting  
22 money from the township and from the county, and I would like  
23 you to factor that into your decision. Not every one is well  
24 off within the township, and so I would ask you to consider  
25 that some people have difficulties with paying all of the

1 extra assessments that are being requested.

2 Thank you for your time.

3 CHAIRMAN KEN SOUTER: Thank you.

4 Jerry from the road commission?

5 ROAD COMMISSION JERRY OLMAN: Jerry Olman with the  
6 road commission.

7 We are aware of this area here at Mayfair  
8 (indicating). And one of the big issues with drainage like  
9 this that runs between the homes, outside of the  
10 right-of-way, and it makes it difficult for the road  
11 commission to do anything with that when it goes outside of  
12 the right of way.

13 So having a clear direction of who to go to for  
14 repairs, and it's -- from looking in previous files, or files  
15 from previous years, there have been issues in that  
16 particular system in prior years too.

17 So there is definitely something going on there.

18 CHAIRMAN KEN SOUTER: Thank you, Jerry.

19 The gentleman right there?

20 UNKNOWN SPEAKER: No.

21 CHAIRMAN KEN SOUTER: The first lady?

22 MS. ROBIN HUDSON: Yes.

23 CHAIRMAN KEN SOUTER: Okay.

24 MS. ROBIN HUDSON: Hi. My name is Robin Hudson,  
25 and I live at 377 Mayfair. And our house is right next to --

1 if I can -- right in there (indicating).

2 CHAIRMAN KEN SOUTER: Okay.

3 MS. ROBIN HUDSON: We have lived there for almost  
4 20 years and we have had so much water -- in fact the picture  
5 that was shown was nothing in comparison to what we had at  
6 one time. We had ducks in the road for quite a long time.

7 And I am okay on, you know, having this come about  
8 that if you want to pay for this to get us the drains, I'm  
9 for it. But the thing of it is is this drain has been fixed  
10 four different times, and every time it has not gotten  
11 resolved, and last fall was the last time.

12 And so far we haven't seen any problems. The prior  
13 commissioner said we should clean the drains, make sure  
14 they're not blocked. We did that, we did everything we  
15 could.

16 And one year it was so bad we actually had people  
17 driving up on our lawn to avoid the water issue. And we have  
18 no clue why it continues like this.

19 And I'm in favor of this, but again, I'm not if it  
20 can't get resolved, and pay for something that won't get  
21 resolved.

22 And like the woman who spoke prior to that, we are  
23 on a limited income, and to pay for something continually, I  
24 can't. But I don't know what other answer there is to that.

25 So that's all I have to say. Thank you.

1                   CHAIRMAN KEN SOUTER: Thank you.

2                   Does the other lady?

3                   UNKNOWN SPEAKER: I'm right with her.

4                   CHAIRMAN KEN SOUTER: Right with her.

5                   UNKNOWN SPEAKER: Right down the street.

6                   CHAIRMAN KEN SOUTER: Okay. Let's go to the next  
7 row back, the gentleman in the corner there? Do you have a  
8 comment?

9                   MR. WALLY SPARKS: Yes, sir. My name is Wally  
10 sparks, my wife Raedell is with me. We live right -- I take  
11 medication that makes my hand shake a little bit. We're  
12 right here (indicating).

13                   CHAIRMAN KEN SOUTER: Okay.

14                   MR. WALLY SPARKS: On MaeRose, just -- there is one  
15 house on the corner by us that's by Oakdale.

16                   We don't really --

17                   MS. RAEDELL SPARKS: 287.

18                   MR. WALLY SPARKS: Yes, 287.

19                   CHAIRMAN KEN SOUTER: Okay.

20                   MR. WALLY SPARKS: I guess all I have to say is I  
21 know there is this -- I don't know if I totally understand.  
22 I don't know if I want to call it, if it's fair to say  
23 passing the buck or whatever in the past, whatever that leads  
24 up to orphan drains and what not. Obviously there is an  
25 issue.

1                   I talked to Joe on the phone, I don't know, earlier  
2                   in the week or whatever, I was just asking him a few  
3                   questions about what to expect for the meeting. And he  
4                   enlightened me on some stuff.

5                   Things need to be fixed. He said some might be  
6                   structural at some point. Like he already pointed out this  
7                   morning, you don't know exactly what all needs to be done and  
8                   what not.

9                   But I just want to say that this lady mentioned  
10                  about a fixed income, I'm on Social Security. I only have a  
11                  limited amount of money. I just recently came here to this  
12                  office, I got my assessment for my home dropped down a little  
13                  bit, which I greatly appreciate. And other people don't have  
14                  a lot of money and what not either.

15                  If something needs to get fixed or I have to  
16                  contribute some funds towards it, I just want it to be fair.  
17                  In this area that I live, there isn't even any of those  
18                  drains. So you're looking on one hand, none of this is even  
19                  in front of my house, but other people have issues.

20                  So I'd just like -- I don't want to insinuate that  
21                  you all are not going to be fair about anything that's  
22                  handled with all of this, but I just don't want to pay a big  
23                  chunk of money on something that I don't even have to contend  
24                  with on my property.

25                  So I'm sure you all work and do what you got to do

1 and what's fair and equitable. I just wanted to make a point  
2 on that, make a couple of those points. And I'm sure I'm not  
3 the only one that thinks that way.

4 Thanks a lot.

5 CHAIRMAN KEN SOUTER: You bet you, thank you.

6 BOARD MEMBER BILL CARGO: Thank you.

7 CHAIRMAN KEN SOUTER: The lady in blue?

8 UNKNOWN SPEAKER: No thanks.

9 CHAIRMAN KEN SOUTER: Next gentleman?

10 UNKNOWN SPEAKER: No.

11 CHAIRMAN KEN SOUTER: Start up here in the front  
12 then.

13 MR. TOM FOSDICK: My name is Tom Fosdick, I live at  
14 876 Woodside Drive, that's right by the railroad tracks.

15 One -- there was one comment made about when some  
16 of this stuff happened -- when we moved in there there were  
17 no drains. So we were there when the drains got put in.

18 And I talked to some of the people that were  
19 working on them at the time, and just prior to the drains  
20 being put in, we were told that the water table was at four  
21 inches. With the drains, they were going to be at 12 feet  
22 which, great.

23 Prior to the drains being put in, all the water  
24 would pool in our backyard. So from Riley Street, which is  
25 north of us, all the water ran south, but we were told that

1 according to the engineers, the water ran north. When in  
2 reality, they ran south from Riley, north from where Liberty  
3 would be right now.

4 And everything would gather in our backyard. We've  
5 only had one problem since the drain has been put in and that  
6 was a couple years ago in the summer when we got all that  
7 rain and everything was flooded.

8 So I am in favor of this being turned over to the  
9 Ottawa County because the drains that are in place don't seem  
10 to get cleaned out very often so they get plugged, and then  
11 water pools, and goes all over the road.

12 So thank you.

13 CHAIRMAN KEN SOUTER: Thank you, sir.

14 UNKNOWN SPEAKER: No.

15 CHAIRMAN KEN SOUTER: The next gentleman?

16 MR. LES BROUMER: I'm in favor.

17 Your name?

18 MR. LES BROUMER: Les Broumer.

19 CHAIRMAN KEN SOUTER: What was your address?

20 MR. LES BROUMER: 251 Felch.

21 CHAIRMAN KEN SOUTER: Okay.

22 UNKNOWN SPEAKER: No.

23 CHAIRMAN KEN SOUTER: Young lady?

24 MS. DEISY VIDALS: I'm in favor.

25 CHAIRMAN KEN SOUTER: Your name, please?

1 MS. DEISY VIDALS: Deisy. I'm in favor.

2 BOARD MEMBER BILL CARGO: What is your address?

3 MS. DEISY VIDALS: 80 Lakewood Boulevard.

4 CHAIRMAN KEN SOUTER: Gentlemen?

5 Let's start here and next row back? I don't want

6 to miss anybody.

7 The gentleman right there?

8 MR. DON STELLE: Don Stelle, 255 Felch. I'm in

9 favor of it.

10 CHAIRMAN KEN SOUTER: The gentleman?

11 MR. SAMUEL ORTIZ: I'm at 160 Elwill. I'm in

12 favor.

13 CHAIRMAN KEN SOUTER: You're in favor?

14 Next one?

15 UNKNOWN SPEAKER: No comment.

16 CHAIRMAN KEN SOUTER: Last row back there?

17 Young lady?

18 UNKNOWN SPEAKER: No.

19 CHAIRMAN KEN SOUTER: Okay. Is there anybody I

20 missed back there that would like to speak to this?

21 MR. BOB HAZEN: You didn't miss me, but I have a

22 question.

23 CHAIRMAN KEN SOUTER: Okay. I might not have an

24 answer, but we might have somebody around here that does.

25 MR. BOB HAZEN: I'm Bob Hazen, 353 Evergreen Drive.



1                   And we live right about here, that's Evergreen  
2                   Drive there. We live in the third house (indicating).

3                   My questions are what -- the nature of the work.  
4                   Is it going to be just along the drains themselves? Is it --  
5                   how far out will it impact? Are you talking about digging up  
6                   yards, are you talking about fences needing to be replaced,  
7                   thing like that? What will the cost be, and how will that be  
8                   assessed per homeowner? So two questions there.

9                   CHAIRMAN KEN SOUTER: I guess the answer to the  
10                  question is that we don't have a project yet, number one.

11                  MR. BOB HAZEN: Right.

12                  CHAIRMAN KEN SOUTER: We're working at establishing  
13                  that this particular area encircled in red become a county  
14                  drain.

15                  At that point, we do not -- do we have a  
16                  petition -- I guess I got to ask a question, do we have a  
17                  petition to do work on this drain? Or are we establishing it  
18                  as a county drain and then we need a petition to do work on a  
19                  certain area? I'm not understanding that.

20                  WATER RESOURCES COM. JOE BUSH: The petition came  
21                  in from the township to establish it as a county drain.

22                  CHAIRMAN KEN SOUTER: So that's the issue we're  
23                  dealing with right now.

24                  WATER RESOURCES COM. JOE BUSH: Right. And then by  
25                  public comment, we'll go and look at the issues and see what

1 we can do to fix it. Whether it's cleaning out existing  
2 drains, upsizing some pipes somewhere, adding some pipe in  
3 certain locations, we haven't determined that. But you  
4 three-panel board have to determine whether you want to  
5 establish it or not.

6 BOARD MEMBER BILL CARGO: To make it even clearer,  
7 you don't even have the authority to define a solution to any  
8 problems that might exist unless it is a county drain?

9 WATER RESOURCES COM. JOE BUSH: Correct.

10 BOARD MEMBER BILL CARGO: So unless it is a county  
11 drain, nobody can even, from the township or the county can  
12 spend public monies on this.

13 CHAIRMAN KEN SOUTER: So at this point, the process  
14 is, the process here is we decide to establish this as a  
15 county drain.

16 At the point that it is a county drain, then the  
17 county drain commissioner can take comment from you, I got a  
18 problem here, I mean the water isn't going away. The  
19 engineers go out and find out what is the problem and then  
20 proceed from that point.

21 MR. BOB HAZEN: So what you're saying is that until  
22 it becomes defined as a project, there hasn't been any budget  
23 established, nobody knows what the cost might be in a broad  
24 sense?

25 CHAIRMAN KEN SOUTER: That's correct.

1 MR. BOB HAZEN: Okay.

2 BOARD MEMBER BILL CARGO: I would point out that  
3 one of the motions we will make today is to put some of the  
4 responsibility on to Holland Charter Township. The county  
5 and the road commission also would have some responsibility  
6 for any project that would come up.

7 In fact, if I understand, Holland Charter Township  
8 has a program in place where if the monies fall below a  
9 certain level, they will pay for it out of their general  
10 fund.

11 Is that correct?

12 TOWNSHIP MANAGER DON KOMEJAN: That's correct, but  
13 it still has to be directed by the --

14 BOARD MEMBER BILL CARGO: But it has to be directed  
15 by the county. So right now they can't spend the money they  
16 even have set aside?

17 TOWNSHIP MANAGER DON KOMEJAN: The funding part  
18 happens, as we talked about, after there is direction to say  
19 we're going to move forward with examining the problem and  
20 then determining whether there needs to be a correction.

21 CHAIRMAN KEN SOUTER: I originally worked for the  
22 Ottawa County Road Commission and I worked directly with the  
23 drain commissioner at that time. The drain commissioner  
24 would have certain projects that would happen, and the road  
25 commission would have to end up paying their share of it.

1                   So that anything that -- all the drainage that  
2 comes from the public roads, both public roads and the  
3 right-of-way, they had to pay for their share of that  
4 drainage.

5                   Now the only way that the drain commissioner can  
6 assess the county road commission, or assess the county at  
7 large for benefit of county at large is if this is, if this  
8 is actually a county drain.

9                   Otherwise he can go out and do the work and say,  
10 road commission, will you pay for some of this? And they  
11 won't pay for it because of the fact there is no jurisdiction  
12 there.

13                   So the real crux of getting problems fixed on this  
14 drain is having it become a public drain, a county drain, so  
15 that there is a jurisdictional flow on the whole thing.

16                   MR. BILL HAZEN: Just a follow up question then.  
17 So this portion right there (indicating), that drain is under  
18 the road, I presume? So you'd be tearing up some road to  
19 access the drain?

20                   WATER RESOURCES COM. JOE BUSH: If they have to,  
21 but I don't know if that's necessarily the case. We don't  
22 know that.

23                   BOARD MEMBER BILL CARGO: Could be as simple as  
24 putting a vacuum down there and sucking out the sediment.  
25 There are a lot of different solutions, and that's not what

1 this board is going to determine today.

2 MR. BOB HAZEN: But that helps to hear that.

3 And for the other part back here (indicating),  
4 where it's cutting across properties that aren't on the  
5 roadway, is there any enlightenment you can give us here  
6 about how that work would be done or what work that would be?

7 CHAIRMAN KEN SOUTER: It could be there isn't any  
8 problem in it at all.

9 WATER RESOURCES COM. JOE BUSH: If there was a  
10 problem, Mr. Chairman, we would work with you, make sure we  
11 have easement over that particular area. And then we would  
12 give you a notice to let you know we'll be in your back yard  
13 trying to fix the drainage problem if that's one of the areas  
14 that's a hot spot.

15 So everybody would be notified one way or the other  
16 that there would be a project, or your back yard is going to  
17 be disturbed. We would send notifications for that, if that  
18 area -- I'm not saying it is or isn't.

19 What we do find in backyard areas, tree roots is  
20 our worse enemy, especially from the '60s and '70s, tree  
21 roots will find their way into the drains and plug them up  
22 quickly.

23 So even if we're in your back yard and we're, say,  
24 trespassing, if we have an easement we'll notify you to let  
25 you know we'll be on your property.

1 MR. BOB HAZEN: And then compensation is made to  
2 homeowners if things are disturbed, outbuildings or fences?

3 CHAIRMAN KEN SOUTER: It's replacement.

4 MR. BOB HAZEN: Replacement?

5 ENGINEER KEN BOSMA: If there is any type of  
6 project, those typically are put in the project, restoration  
7 and all that.

8 MR. BOB HAZEN: Thank you, gentlemen.

9 CHAIRMAN KEN SOUTER: If there is no other public  
10 comment -- we have a gentleman back there.

11 MR. WALLY SPARKS: Do you need me to come back up  
12 there again?

13 CHAIRMAN KEN SOUTER: Just state your name and  
14 address again.

15 MR. WALLY SPARKS: My name is Wally Sparks, 287  
16 MaeRose Avenue.

17 I have two questions, one, I forgot what this  
18 gentleman said, I don't remember how he said it, he was  
19 referring to how deep things went when they did the work  
20 originally on the water system, the drainage system, how deep  
21 is that?

22 MR. TOM FOSDICK: 12 feet.

23 MR. WALLY SPARKS: One thing I was concerned about  
24 on my property at 287 MaeRose, I've got my, I have two pumps  
25 that suck water from the underground spring. And that would

1 be probably, when I first moved in there 18 years ago, the  
2 guy that was there, he had markings on the wall talking about  
3 it was like four and five feet below my basement floor.

4 Now do you people scope out that sort of thing too  
5 when, say if they had to do some digging in front of our  
6 place as to how deep that water is? Because somebody ties  
7 into one of those springs when they're digging, something is  
8 going to happen with that water, it's going to go someplace.

9 BOARD MEMBER BILL CARGO: If there is any open cut  
10 construction, they would do de-watering. They understand  
11 where the water is, the engineering will take care of that.

12 But again that's not what we're here for today.

13 MR. WALLY SPARKS: I don't want to lose that water  
14 either.

15 MR. BILL CARGO: I understand. I've never been in  
16 a situation where for long periods of time de-watering  
17 changes the water flow. Unless it's designed to do that, I  
18 don't recall that situation occurring.

19 MR. WALLY SPARKS: I'm just wondering what to  
20 expect. I know they'll look for electrical lines and sewer  
21 lines, but I thought that might be another issue. I like  
22 having my free water to my yard, I just pay for running the  
23 pump. So I was curious about that.

24 BOARD MEMBER BILL CARGO: Absolutely.

25 CHAIRMAN KEN SOUTER: Any other public comments?

1                   Then I will close the public comment portion of  
2 this meeting.

3                   Okay. We have some discussion here.

4                   Bill?

5                   BOARD MEMBER BILL CARGO: Sure, I'll go first.

6                   I think obviously this does qualify as an orphan  
7 drain. It looks as if public money should be used to improve  
8 the, certain areas of the drain. And I think public money  
9 should be used to evaluate other areas of the drain.

10                  The only way that can be done is if this is brought  
11 into the county system, and so I'm supportive of bringing  
12 this proposed, the Van Raalte Drain into the county drain  
13 system.

14                  CHAIRMAN KEN SOUTER: Bill?

15                  BOARD MEMBER BILL SAHLBERG: Listening to some of  
16 the work that's been done, it sounds like this is a bit of an  
17 age system. So it's showing its wear and tear with some of  
18 the water-over-the-road issues.

19                  The one question that comes to mind is through the  
20 duration of the existence of these drains, who has been doing  
21 the maintenance on them? Are they private contractors?

22                  CHAIRMAN KEN SOUTER: Mr. Komejan probably could  
23 answer that.

24                  TOWNSHIP MANAGER DON KOMEJAN: You say probably,  
25 but there could have been in past decades some maintenance



1 that had occurred that the township participated in.

2 Recently I would say not.

3 CHAIRMAN KEN SOUTER: But it's been awhile.

4 TOWNSHIP MANAGER DON KOMEJAN: If you go far enough  
5 back, that might have occurred, but I'm not able to  
6 substantiate that today.

7 BOARD MEMBER BILL SAHLBERG: So going forward, if  
8 there is any hope of keeping this as a reliable system, it  
9 has to be a county drain for the funds to be able to make it  
10 work.

11 I would be in favor of that because of that.

12 CHAIRMAN KEN SOUTER: I'm totally in favor of it  
13 because there is too many little entities here, all little  
14 different subdivisions with all their little different  
15 problems or potential problems. And without tying it  
16 altogether in one drain district, it's difficult to get  
17 something fixed.

18 Maybe there is just a little broken pipe that needs  
19 to be fixed, or maybe there is a catch basin that needs to be  
20 cleaned out.

21 If Joe is in charge of this thing, he can take  
22 those things and get them done, and then spread the cost  
23 amongst the county and the county road commission and the  
24 township.

25 And if there is a major project, maybe there would

1 be an assessment. But an assessment at large is a lot better  
2 to take than one person having all the problems happen to  
3 them.

4 So I'm in favor of it, totally.

5 Then we -- do you want to make that motion?

6 BOARD MEMBER BILL SAHLBERG: I'll make a motion  
7 that the location, establishment and construction of the Van  
8 Raalte Drain is necessary and conducive to the public health  
9 and convenience or welfare.

10 BOARD MEMBER BILL CARGO: I will support that.

11 CHAIRMAN KEN SOUTER: Moved and supported. All in  
12 favor, say aye.

13 BOARD MEMBER BILL SAHLBERG: Aye.

14 BOARD MEMBER BILL CARGO: Aye.

15 CHAIRMAN KEN SOUTER: Do you want to take the next  
16 one too?

17 BOARD MEMBER BILL SAHLBERG: Make a motion that the  
18 location, establishment and construction of the Van Raalte  
19 Drain is necessary for the protection of the public health  
20 and in the following municipalities and that a portion of the  
21 cost shall be apportioned to the following  
22 municipalities-at-large, that being Holland Township.

23 BOARD MEMBER BILL CARGO: I support this motion  
24 also.

25 CHAIRMAN KEN SOUTER: All in favor, say aye.

1 BOARD MEMBER BILL SAHLBERG: Aye.

2 BOARD MEMBER BILL CARGO: Aye.

3 CHAIRMAN KEN SOUTER: Okay. I think we have one  
4 more motion that's required of us.

5 BOARD MEMBER BILL SAHLBERG: Nope, that's it.

6 BOARD MEMBER BILL CARGO: Is there any other  
7 motions we would need to establish this --

8 WATER RESOURCES COM. JOE BUSH: No.

9 CHAIRMAN KEN SOUTER: I want to thank every one for  
10 coming out, understanding what the problem is. And if you  
11 have any problems from now on, you know the gentleman to talk  
12 to, right there.

13 WATER RESOURCES COM. JOE BUSH: For public remark,  
14 Mr. Chairman. I just want to say thanks for taking the time  
15 this morning to come to Holland Township and listen. If  
16 there is any questions after that, be sure to call me.

17 I know if you got my number -- Wally, I really  
18 appreciated him calling me the other day. I love having  
19 people call me and chitchat over the phone, answer any  
20 questions, so we can get any confusion out of the way.

21 I really do appreciate your time this morning and  
22 thank you.

23 BOARD MEMBER BILL CARGO: I also think credit  
24 should be given to Holland Charter Township. They're  
25 spending tens of thousands of dollars to identify these

1 orphan drains and bring them under public control. So I  
2 think that's a very good project for your community to be  
3 doing.

4 CHAIRMAN KEN SOUTER: Thank you all.

5 (Board of Determination-Van Raalte Drain

6 Concluded at 10:45 a.m.)

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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

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STATE OF MICHIGAN )  
 ) SS  
COUNTY OF BARRY )

I certify that this transcript, consisting of 37  
pages, is a complete, true and correct record of the Ottawa  
Drain Commission Board of Determination held in this case on  
April 21, 2016.

DATE: April 30, 2016

\_\_\_\_\_  
MARJORIE A. COVEY, CSR-2616  
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Notary Public Expires: October 14, 2021, Barry  
County, Michigan/Acting in the State of Michigan.