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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: CITY VIEW DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday,
November 3, 2016 at Georgetown Charter Township Hall, 1515
Baldwin Street, Jenison, 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. Bill Cargo, Board Chairman
- Mr. Jerry Hunsburger, Board Member
- Mr. Ken Souter, Board Member

- Mr. Rod Weersing, Georgetown Township Assistant Manager

- Mr. Joel Morgan, Spicer Group Engineer

- Mr. Jerry Olman, Ottawa County Road Commission

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Jenison, Michigan

November 3, 2016 - 10:00 a.m.

PROCEEDINGS

WATER RESOURCES COM. JOE BUSH: Good morning, every one. It's 10 o'clock. We'll go ahead and get started with what we have going for the public hearing for the City View Drain Board of Determination.

Again, I appreciate you coming out to Georgetown Township this morning. I know it's inconvenient and time consuming for the morning.

People are going, Joe, why do you have it in the morning? Well a lot of times at night, I get the same argument, that people have supper, they have practices they run their kids to and they can't show up either at nighttime.

UNKNOWN SPEAKER: Those are lame excuse.

WATER RESOURCES COM. JOE BUSH: Well they might be lame, but it is what it is. And I call them for 10 o'clock in the morning because that's the way it's been for about the last 30 years. And I tried the other way and there is people that, like you that come at nighttime and go, that's a lame excuse and say, why can't you have it during the day, I don't work during the day. Makes it convenient for you.

So I try to accommodate with 10:00 in the morning. So my apologies if it doesn't work out, but you're here and I appreciate that. Thank you for your time.

1 Again my name is Joe Bush. I'm the Water Resources
2 Commissioner, it used to be drain commissioner, I changed the
3 name in 2012 when I got elected because we do more than just
4 drain. We clean ditches. This is part of the process to
5 establish county drains per the Drain Code. And here I am.
6 And it's Water Resources Commissioner because we do a lot
7 more again than just clean ditches. It's a big process.

8 So it gets very complicated, but this is a legal
9 process to hold a hearing for a Board of Determination to
10 have the public talk about issues or concerns that they might
11 have on this particular area or your property. So that's why
12 we're here this morning.

13 I was petitioned by the township to have this
14 hearing for you folks to come and explain your concerns or
15 issues.

16 So there is a petition process that people can
17 petition me per drain code, or the township; and the township
18 did. There has been approximately 15 years of issues in this
19 area and here I am today trying to fix them.

20 Some people say, maybe they haven't been affected,
21 but we have the engineer here today to go over that
22 presentation and tell you what he's found out in the field.
23 And you guys here will give public testimony in the agenda,
24 if everybody got an agenda, you can talk about what your
25 situation is.

1 Just a reminder, during public testimony, come up
2 to the mic and give your name, address, and your concern,
3 your testimony.

4 We do have a court recorder which is not by law, I
5 don't have to have one, but I do have one. Margie is our
6 court reporter, so everything in this meeting is court
7 recorded. It's documented. It will be on my website at
8 miottawa.org, or if you want a hard copy, I'm more than happy
9 to send a hard copy to you at any time. It takes about six
10 weeks for her to go through the minutes and set it up.

11 So just to let everybody know it is court recorded
12 so everything you say word for word is documented. And for
13 me too, and for the Board of Determination.

14 These three panel men here is your Board of
15 Determination. And we'll get to those three folks in a
16 minute.

17 Some other people here is the road commission, we
18 have Jerry, he's representing Ottawa County. He's in the
19 front row. We have Rod Weersing, he's from the township, he
20 is the assistant manager, he's here to give comments from the
21 township.

22 We've got Joel Morgan, he's the engineering firm I
23 use from Spicer Group. And then we'll get to the three
24 gentlemen.

25 These folks have been on many Board of

1 Determinations. They understand drainage. They understand
2 drain law. And they also understand how things work per the
3 townships. So they kind of got a good feel of drainage
4 engineering and how it works, and drain codes is important to
5 know.

6 So on your right is Jerry Hunsburger, in the center
7 is Bill Cargo, and to the left is Ken Souter. So these three
8 men have no affiliation with this area, they own no
9 properties, and they have no affiliation with Georgetown
10 Township.

11 By Drain Code I have to appoint three members
12 outside of the area. So just so you know they don't have any
13 developments, or they're not engineers or anything to do with
14 what we're here for today.

15 The areas we're talking about are called orphans,
16 nobody owns them. The road commission doesn't, I don't, the
17 township doesn't either. Nobody owns them and that's why
18 we're here today. That's why the township petitioned because
19 of all the issues.

20 There is no means for me to work on it, there is no
21 public funds for money. Even though we have, historically
22 we've been participating, but legally there is no right for
23 me to go in there. And there is minimal easement. I need
24 easement to go on somebody's property to do the work. If I
25 don't have easement, I could be trespassing. So there is a

1 lot of legal issues that we'll talk about today as to why
2 it's an orphan.

3 So once I give these three gentlemen the oath,
4 they'll be picking out a chair and a secretary, and they'll
5 run the meeting.

6 Any comments further than that, if you have any
7 questions, come up to the mic or ask these three gentlemen,
8 and they'll either ask myself or the engineer.

9 So again, I appreciate your time and your
10 commitment to come here and listen and be a part of the
11 process and get an understanding of what else I do besides
12 clean drains and fix them, and also how you move forward and
13 if your problems exist, how do we fix them in the future
14 based on these three men determining that necessary. I don't
15 do that.

16 I'm kind of neutral. I don't have a say in it.
17 That's why we pick three gentlemen per Drain Code. So thanks
18 again for your time.

19 Gentlemen, please rise. Raise your right hand.

20 Do each of you solemnly swear to faithfully perform
21 and discharge the duties imposed upon you as members of the
22 Board of Determination appointed by the Water Resources
23 Commissioner of Ottawa County to determine the necessity of
24 drainage improvements in a certain drain to be known and
25 designated as the City View Drain in the Township of

1 Georgetown and the county, as required by law, gentlemen?

2 MEMBER BILL CARGO: I do.

3 MEMBER JERRY HUNSBURGER: I do.

4 MEMBER KEN SOUTER: I do.

5 WATER RESOURCES COM. JOE BUSH: Thank you.

6 MEMBER BILL CARGO: The first item of business is
7 to elect a secretary and a chairperson. Maybe we can combine
8 it into a single motion.

9 MEMBER JERRY HUNSBURGER: I make a motion that Bill
10 Cargo be the chair and Souter be the secretary.

11 MEMBER KEN SOUTER: I second.

12 MEMBER BILL CARGO: We have a motion and support of
13 the floor. All in favor of myself, Bill Cargo being the
14 chair, and Ken being the secretary, say aye.

15 MEMBER KEN SOUTER: Aye.

16 MEMBER BILL CARGO: Aye.

17 MEMBER JERRY HUNSBURGER: Aye.

18 MEMBER BILL CARGO: Opposed?

19 And that motion is adopted.

20 CHAIRMAN BILL CARGO: I want to first of all talk
21 briefly about the public comments. We will try to limit your
22 comments to three minutes.

23 If you have a spokes person that's representing a
24 larger group of residents, we will allow them to have a, over
25 the three-minute time limit. But we try to get that down to

1 three minutes if you would.

2 That said, I'm going to ask the Water Resources
3 Commissioner, do you want to go over any more details about
4 the Board of Determination here today, what our role is and
5 the function and the history?

6 WATER RESOURCES COM. JOE BUSH: Just that, you guys
7 have been through many of these, and it's just to determine
8 whether or not we have a drain district and a drain period
9 project. But we don't know the scope of the project nor do
10 we know a cost because we haven't done the preliminary
11 engineering yet because I don't have a drain.

12 So that's why we're here today, but you three
13 gentlemen know that, but the audience, I should have made
14 that known. This isn't to determine the project or the scope
15 or the cost, because I haven't officially -- you three men
16 haven't said, Joe, move forward; or Joe, we don't see it
17 necessary. That's up to you three men to determine that.

18 I don't have funds to have all the engineering done
19 for this because in the past history these three men could
20 turn it down and then I have an engineering cost and I have
21 to figure out how to pay these gentlemen, when you guys say
22 no.

23 So that's what your procedures are for today.

24 CHAIRMAN BILL CARGO: That said, I'd also ask is
25 there anybody here representing Georgetown Township?

1 ASSISTANT MANAGER ROD WEERSING: Yes.

2 CHAIRMAN BILL CARGO: Could we have some comments
3 to explain why you petitioned this and explain what you are
4 hoping to accomplish?

5 ASSISTANT MANAGER ROD WEERSING: I'm Rod Weersing,
6 the Assistant Township Manager.

7 This started with some serious degradation of Crown
8 Point Drive. The west side of the road was very torn up,
9 whereas the east side was still in good shape.

10 In looking at it, we found that the drainage coming
11 from lots along Crown Point Drive being discharged on to
12 Crown Point Drive was causing, in the winter mainly, a
13 thaw-freeze cycle that was tearing up the roadway.

14 The discharge we believe is coming from sump pumps
15 and eaves troughs, so permitted discharge. But something
16 needed to be done to reroute that, keep it off the roadway,
17 make it safe for residents.

18 We had several complaints in the winter about the
19 ice buildup through there from that discharge.

20 So in contacting the Water Resources Commission,
21 and through discussion about that particular project, it was
22 determined that we needed to do something more broad scale
23 and look at setting up a drainage district in that area to
24 address some other issues that were happening.

25 CHAIRMAN BILL CARGO: A quick question. When was

1 this -- it looks like the so-called City View Drain is part
2 of an existing subdivision. When was this subdivision
3 created?

4 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: I don't
5 have dates on that.

6 Do you know?

7 ENGINEER JOEL MORGAN: It first started in 1987,
8 and then other phases of that subdivision were constructed
9 subsequent to that.

10 CHAIRMAN BILL CARGO: Just for the public
11 consumption, does the township now require that the street
12 drains and drainage systems be part of the county drain
13 system when you create new subdivisions?

14 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: I believe
15 so.

16 ENGINEER JOEL MORGAN: Per the development review,
17 yes.

18 CHAIRMAN BILL CARGO: And so this is a subdivision
19 that was created with a drainage system that was never
20 accepted into the county system. Is that what I understand?

21 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Correct.

22 CHAIRMAN BILL CARGO: And that's why we refer to
23 this as an orphan drain?

24 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Yes.

25 CHAIRMAN BILL CARGO: Just to clarify too, if you

1 wanted to make improvements to the drain, you as a township,
2 would not be able to because you'd be spending public monies
3 on a private system?

4 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Correct.

5 CHAIRMAN BILL CARGO: Okay. So before the township
6 could do any repairs if something happens, it has to be part
7 of the county drain system?

8 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Correct.

9 CHAIRMAN BILL CARGO: I just wanted to clarify
10 that.

11 Have you done any improvements on this in the past?

12 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: There has
13 been some maintenance work done.

14 CHAIRMAN BILL CARGO: And you assumed it was part
15 of the system and that's why you're now coming back and
16 saying, we didn't realize it wasn't part of the public
17 system.

18 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: I can't
19 speak to that thought process.

20 CHAIRMAN BILL CARGO: Okay. I appreciate that.

21 Ken, do you have any questions?

22 SECRETARY KEN SOUTER: Yes. I mean I'm looking at
23 a map here that's pretty small. It doesn't show the roadways
24 in it, but you specified just one particular street, Crown
25 Point Drive, I think it is. How about the other streets

1 within the subdivision, do they have the same type of a
2 problem on those streets or not?

3 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: That's
4 been the main one as far as that particular issue. We redid
5 several streets in there, repaved this past year, and part of
6 that process was wanting to make sure that it gets its full
7 life, and not, in five years, needing to be redone again
8 because of the thaw-freeze cycle that's going on.

9 SECRETARY KEN SOUTER: You said something about the
10 fact that water was draining from a certain area, or the lots
11 onto the street onto the surface of the street.

12 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Yes.

13 SECRETARY KEN SOUTER: Is that just prevalent
14 within that particular street in this subdivision?

15 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Yes.
16 That's the only street that we're seeing that particular
17 issue with.

18 SECRETARY KEN SOUTER: Is this -- this isn't a clay
19 area, is it.

20 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Yes.

21 SECRETARY KEN SOUTER: Oh, it is a clay area, okay.
22 That's why you're getting drainage across.

23 CHAIRMAN BILL CARGO: Jerry, do you have any
24 questions?

25 MEMBER JERRY HUNSBURGER: He asked my question.

1 CHAIRMAN BILL CARGO: Okay, thank you.

2 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Thank
3 you.

4 CHAIRMAN BILL CARGO: Next, we're going to ask the
5 engineer for this project, Joel Morgan from the Spicer Group
6 to give a presentation.

7 ENGINEER JOEL MORGAN: My name is Joel Morgan. I'm
8 a project manager for Spicer Group. We're a full-service
9 civil engineering company, and Joe brought us on board to
10 assist with the preparation of today's meeting.

11 I've met with one individual already who contacted
12 us regarding some drainage issues.

13 I'm going to take a step back and explain to you
14 where we're at, and what we're looking at. And then I'm
15 going to detail out the complaints that the drain office has
16 received over the years, and try to paint a picture for you
17 of where those issues are.

18 So on this map, which is similar to the one you may
19 have picked up by the door that you have in front of you, the
20 City View Estate Subdivision, and Fieldstone Estate
21 Subdivision is located in the northeast corner of Port
22 Sheldon Street, which is down here at the bottom of the
23 screen and 36th Avenue (indicating).

24 On this map, the blue lines represent the storm
25 sewer infrastructure that was constructed with the

1 development of these subdivisions. Primarily it all drains
2 to the south, and to the east, and ultimately drains into the
3 Low-Com drain, which is an established county drain
4 (indicating).

5 On this map the black line represents the watershed
6 of that storm sewer infrastructure system. And what I mean
7 by a watershed is it's that portion of the land that
8 contributes water to the drain when it rains.

9 The storm sewer system, as you can tell, is
10 primarily located within road right of way, and it consists
11 of anywhere from 12-inch to 36-inch pipe in diameter. There
12 are several detention basins and there are several portions
13 of pipe that are along private property within platted
14 easements.

15 The storm sewer, as I mentioned was constructed in
16 phases starting in 1987, and since then the Water Resources
17 Commissioner has received multiple complaints. Those
18 complaints can be split in to different categories,
19 complaints dealing with public convenience, and then as Rod
20 mentioned there is also complaints related to public safety
21 with ice buildup on the roads.

22 So as I understand it, in an effort to better serve
23 their citizens, Georgetown Township signed a petition on May
24 23 requesting the Water Resources Commissioner to locate and
25 establish a county drain over this existing storm sewer

1 infrastructure.

2 The purpose of this meeting is not to determine a
3 specific project; but as Joe mentioned, it's to determine
4 whether or not it's necessary to establish this existing
5 infrastructure as a county drain. It's a jurisdictional
6 determination.

7 So starting in 2002, this is the first complaint we
8 have in the record, we have indications of backyard drainage
9 issues along Meadow Glenn Drive, excessive vegetation.

10 In 2003 one of the subdivision's detention basins
11 has excessive vegetation, sedimentation within that detention
12 basin, and it wasn't draining.

13 In 2006 we had backyard drainage issues, squishy
14 ground, ponding water. And another property we had six to
15 eight inches of standing water that ultimately drained into
16 the house's basement, their sump pump burned out, couldn't
17 keep up with that drainage into their basement.

18 In 2007 here is a couple of pictures of -- or 2006
19 some of the water we had in the backyard that inhibits use of
20 that private property.

21 In 2007 we had additional backyard issues, standing
22 water, poor drainage, squishy ground.

23 In 2008 the landowner commented that he had a lake
24 in his backyard.

25 In 2010 -- or in 2009 rather again more backyard

1 drainage issues, this time along Fieldstone Court.

2 In 2010 we had complaints of the detention basin
3 down here again filling up with vegetation and sediment. The
4 detention basin up in the northeast side of the neighborhood
5 filling with vegetation and not draining out.

6 On the east side here complaints of existing catch
7 basins being plugged with sediment.

8 In 2011 standing water in the backyard. We have a
9 complaint of bubbling water on Crown Point Drive.

10 In 2012, again, a complaint of excessive vegetation
11 in the detention basin, inhibiting drainage.

12 In 2013 additional backyard drainage issues, this
13 time the landowner commented the sump pump was running
14 constantly, water was coming into their sump crock faster
15 than the sump pump could handle it.

16 In 2014 along Crown Point Drive, in February of
17 that year we received complaints of ice buildup on the road.
18 And as Rod mentioned, due to a couple things, one the sump
19 pump discharging onto the road itself. As well as there is
20 no where for that water to go so it sits in that pond and
21 then it freezes. And if we get a thaw, that water continues
22 to deteriorate the road.

23 An inspector for the drain office's notes indicate
24 that we had up to a foot of ice buildup in some locations
25 along Crown Point Drive. So it poses, one, a drainage issue

1 that leads to a public safety issue.

2 And then in 2016, this year, we received additional
3 complaints on a detention basin on the northeast side again,
4 not draining, standing water, inhibiting use of property, and
5 plugged or -- plugged drains full of sediment.

6 So in that northeast side a couple pictures of that
7 detention basin. This is an area that I believe historically
8 has been grass that they've been able to use. The road
9 drainage is all routed off of City View Drive into this
10 basin, but there is no outlet for it. The water comes here,
11 road right-of-way drainage comes to this private property and
12 has no where to go.

13 And so we have -- this is just south of that pond
14 again, squishy ground, standing water, a lack of use of that
15 property. Sedimentation, gravel, plugging up the
16 infrastructure.

17 So in summary, we've had multiple complaints since
18 2012. These complaints ranged from issues of public
19 convenience, and issues of public safety. These complaints
20 have been given to the Water Resources Commissioner, but
21 legally he cannot address these issues, he can not maintain
22 the drain because it's not legally established as a county
23 drain.

24 We did receive a petition from Georgetown Township
25 to establish this orphan infrastructure as a county drain.

1 We want to give this orphan infrastructure a home. That way
2 in the future if a landowner such as yourself calls in, you
3 have an issue, Joe Bush's office can help you out.

4 CHAIRMAN BILL CARGO: If I understand the drainage
5 process, because it's an orphan drain, you can't spend public
6 monies on a private system.

7 ENGINEER JOEL MORGAN: That's correct.

8 CHAIRMAN BILL CARGO: If it's brought into the
9 county drain system, the road commission would take on some
10 responsibility for certain payments, the county and the
11 township would also?

12 ENGINEER JOEL MORGAN: Correct. As well as
13 landowners within a district.

14 CHAIRMAN BILL CARGO: I understand most townships
15 have a policy whereby some of the general fund monies are
16 actually spent on storm drain types of issues. Does
17 Georgetown Township have a similar situation --

18 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Yes.

19 CHAIRMAN BILL CARGO: -- where they will spend
20 general fund monies, but technically you can't spend public
21 monies on this system either because it's a private system,
22 it's an orphan system right now?

23 ASSISTANT TOWNSHIP MANAGER ROD WEERSING: Correct.

24 CHAIRMAN BILL CARGO: I understand the problem
25 then.

1 SECRETARY KEN SOUTER: One question for the
2 engineer.

3 ENGINEER JOEL MORGAN: Yes, sir.

4 SECRETARY KEN SOUTER: Is this system, it seems
5 like the system itself is working fairly decently, other than
6 you said something about bubbling water on one particular
7 street. It doesn't sound like the tile system, the
8 underground system is quite the problem as the water getting
9 to that system?

10 ENGINEER JOEL MORGAN: I would characterize this as
11 the main, to use an analogy of roads, the main highway, the
12 main arteries of the system appear to be working well.
13 Though I will say on the north side of City View Drain, that
14 pipe, according to the plans is supposed to come down City
15 View Drain.

16 But right in front of one gentleman's house where
17 that detention basin was where I showed the pictures, if I
18 back up, in the road just west of this picture, there is a
19 bulkhead on one of the pipes in the road, and it doesn't
20 allow the road drainage to continue south through the main
21 pipe system. It reroutes it right on to this private
22 property and there it sits, there is no outlet. I don't know
23 why there is a bulk head on that pipe, there is a pipe there.

24 But to my knowledge at this point, without doing a
25 more exhaustive inspection, it appears the main arteries are

1 working.

2 The grading plans for these subdivisions are such
3 that they're supposed to be graded to several pipe systems
4 that come in off the road and go to the backyards. But this
5 was created now 30 years ago, I'm sure, and based on the
6 reports of drainage issues, the subdivision is not graded the
7 way as the original construction drawings were made.

8 MEMBER JERRY HUNSBURGER: Joel, I know you've only
9 done preliminary work.

10 ENGINEER JOEL MORGAN: Yes.

11 MEMBER JERRY HUNSBURGER: Based on your initial
12 observations, is this intended to be a gravity feed system?

13 ENGINEER JOEL MORGAN: Yes.

14 MEMBER JERRY HUNSBURGER: And I assume some of
15 those pipes maybe are plugged?

16 ENGINEER JOEL MORGAN: Yes. They may be, without
17 TV-ing it --

18 MEMBER JERRY HUNSBURGER: And that was to get it to
19 the existing county drain that was noted.

20 ENGINEER JOEL MORGAN: Yes.

21 MEMBER JERRY HUNSBURGER: And at this point in time
22 there are no lift pumps or whatever? No pump system.

23 ENGINEER JOEL MORGAN: Correct.

24 MEMBER JERRY HUNSBURGER: Okay.

25 CHAIRMAN BILL CARGO: I was just going to comment,

1 Joel, is it reasonable for us to infer that after 30 years
2 you're going to have sedimentation in these pipes, and these
3 pipes are going to have to eventually be jetted out?

4 ENGINEER JOEL MORGAN: It is reasonable to infer
5 that.

6 CHAIRMAN BILL CARGO: And right now they can't use
7 public monies to do that because it's not part of the public
8 system.

9 ENGINEER JOEL MORGAN: Correct.

10 CHAIRMAN BILL CARGO: Thank you.

11 Joel, do you have anything else you'd like to
12 comment on?

13 ENGINEER JOEL MORGAN: No. If you don't have any
14 further questions for me, we can proceed with the next
15 presenter.

16 CHAIRMAN BILL CARGO: Okay. Ken, you're good?
17 Jerry, you're good?

18 SECRETARY KEN SOUTER: Yes. I may have questions
19 for him later. But let's find out what the problems are.

20 CHAIRMAN BILL CARGO: We're going to now open this
21 up to public comments.

22 I would ask that when you come to the mic at the
23 podium that you state your name and address, identify whether
24 you live or have land within the drainage district because
25 we're not familiar with every street, we'd like you to

1 identify that.

2 And first of all are there any letters that you
3 have received, the Drain Commissioner, Water Resources
4 Commissioner?

5 WATER RESOURCES COM. JOE BUSH: No.

6 CHAIRMAN BILL CARGO: He said no, so I won't read
7 any letters.

8 So we'll start in the very front row and we'll
9 start with the county road commission, does the county road
10 commissioner have any comments?

11 ROAD COMMISSIONER JERRY OLMAN: Not at this time.

12 SECRETARY KEN SOUTER: Can we have the map back up
13 so they can point out where they are so we can get an idea of
14 where the problems are?

15 ENGINEER JOEL MORGAN: Yes.

16 CHAIRMAN BILL CARGO: Okay. I'll go to the
17 gentleman in the front row in the blue jacket.

18 MR. ROBERT MILLER: Good morning. My name is
19 Robert Miller, and I live at 6626 Claymoore, which is in this
20 drainage district. And the Nobb Hill entrance in a certain
21 distance, and then north off of Nobb Hill where there are the
22 newer parts of the subdivision was repaved by Georgetown
23 Township with the budget that was available to do that area.

24 And I called and asked how it was decided what
25 roads should be repaved. And I was told that it's the

1 drivers of the snowplows in the winter who suggest this road
2 is really in bad shape and needs to be repaved.

3 And I said, well, I know of one street that I think
4 is much more severely damaged, and that's Crown Point. And
5 of course it was just this year that that was the next road
6 that should be -- that was repaved.

7 I walk the neighborhood, as I do for exercise, and
8 walking from time to time up Crown Point, I noticed all the
9 damage that had occurred to the road because of the thaw and
10 freeze. And I was intrigued that over, I don't know how many
11 years ago it was, that we were asked to pull the drains
12 running from our homes back 15 or 20 feet on to our own
13 property so that it didn't run into the road and damage the
14 road.

15 Our street there, Claymoore, aptly named, very
16 short, but it also has that kind of damage that's created
17 from the water running from the homes and down to the nearest
18 drain.

19 I noticed on Crown Point that an awful lot of the
20 homes did not pull their drains from the homes back on to
21 their own property, which would allow the water to settle in
22 there.

23 I guess my other concern is that as Grand Rapids
24 area, as a whole, is developing extensively, we are sending
25 an awful lot of water now that would settle into the ground

1 one way or another over a period of time, is now being sent,
2 via the drain itself, into the river creating eventually
3 flooding situations here.

4 And I attended something with Ottawa County
5 involving water resources, and one of the things that was
6 suggested to avoid some of that water running into the drain
7 system, the water, was to build I think it's called a
8 flower -- water garden, a water garden. And that to build a
9 sink hole, as such, and fill it with stone, and put a garden
10 over the top of it, and that will, the water will do that.

11 I don't know how feasible that would be along a
12 road like Crown Point or otherwise. But as the area grows,
13 we're dumping more and more water which ends up into the
14 Grand River eventually and creating flood stages from time to
15 time.

16 I'm wondering about how that can all be addressed
17 for the future benefit of the communities.

18 CHAIRMAN BILL CARGO: I appreciate your comments.
19 I would comment that I know the drain commissioner is using
20 other sources of techniques especially for the newer
21 developments to deal with the water quality and storm
22 drainage.

23 Here we're dealing with a system that's 30 years
24 old. So it's tough to retrofit something like that.

25 MEMBER JERRY HUNSBURGER: Clarification question,

1 you talked about, you were asked to pull your drains back. I
2 assume these are discharge pipes from your sump pumps.

3 MR. ROBERT MILLER: Yes.

4 MEMBER JERRY HUNSBURGER: Thank you.

5 MR. ROBERT MILLER: And it seemed to work quite
6 successfully. Of course, you have your doubts, thinking why
7 do I want all this water on my property. But it did
8 dissipate into the lawn in spite of the clay that's there.

9 Now I have stood with a neighbor of mine to the
10 south, as his little boy ran on to our yard, and we were
11 talking there, and we noticed that we were standing on a lawn
12 that was moving like this, like a water bed (indicating)
13 because the clay had not absorbed that water.

14 CHAIRMAN BILL CARGO: Thank you.

15 Next?

16 Again I would comment, if you can keep your
17 statements to three minutes, it would be appreciated.

18 MR. MARK DAVIS: I'll be very brief. I'm Mark
19 Davis, 3412 Stonyridge Drive.

20 Just one question, how did we become an orphan?

21 CHAIRMAN BILL CARGO: I think you became an orphan
22 because there weren't rules in place at the time the
23 subdivision was created 30 years ago that required the
24 developer to petition and have this made part of the county
25 drain system.

1 I think almost every municipality in Ottawa County
2 now, including Georgetown Township for any new subdivision,
3 they require the storm drains that are put into the
4 development to be connected to the county drain system and
5 made part of the county drain system.

6 30 years ago, that didn't happen.

7 MR. MARK DAVIS: So the original developer has no
8 responsibility?

9 CHAIRMAN BILL CARGO: The original developer
10 probably doesn't even exist anymore and if he did, he
11 wouldn't have any responsibility.

12 MR. MARK DAVIS: Okay, I know where he lives.

13 CHAIRMAN BILL CARGO: And then in the front row
14 here?

15 MR. COLIN CARPENTER: Hi, I'm Colin Carpenter and I
16 live on 3429 Fieldstone Court. And that's over to the
17 left-hand side there off of 34th Street.

18 The question I kind of have in here is that a
19 number of years ago, way predating Mr. Bush, I know that, but
20 probably 15 years ago or something, they did some work in the
21 back. Now it wasn't on my property, but the people behind us
22 on Stonyridge, they did work on a swale there, and our
23 understanding at the time was that that was being taken into
24 the county drain. And I notice on here that it doesn't even
25 show up as being kind of existing.

1 CHAIRMAN BILL CARGO: And one of the things that
2 Joe has done is he's gone back to check the records to try
3 and find, and Joe is the Water Resources Commissioner, to try
4 to verify whether some of these drains that it was assumed
5 were part of the county drain, have any legal petitions or
6 anything to enter them into the county drain system. And
7 when he came into office he verified that this entire area
8 never went through the process of being part of the county
9 drain.

10 ENGINEER JOEL MORGAN: Mr. Chairman, I can comment
11 to that a little bit. I reviewed all of the files for the
12 development of Fieldstone Estates in its various phases, and
13 City View Estates in its various phases, and there is no
14 legal documents within those files that would create these as
15 county drains unfortunately.

16 So when you develop it you need one of two
17 documents; it's called a Final Order of Determination, or a
18 433 Agreement. And neither of those documents exist.

19 So while work may have been done, it's unfortunate,
20 at this point that it's not a county drain, but that's the
21 purpose of today's meeting is we want to clean up the records
22 and make it useful for you.

23 MR. COLIN CARPENTER: Thank you.

24 CHAIRMAN BILL CARGO: The second row on the
25 right-hand side?

1 MS. ELLEN TEISMAN: I'm Ellen Teisman, 3423
2 Fieldstone. I'm Colin's neighbor. I just want to say for
3 Fieldstone Court there is always standing water on, from our
4 drain, from the neighbors, it doesn't matter what season,
5 it's always there.

6 And I know I walk up Crown Point as well, and the
7 same thing, there is always water on the side of the road.

8 So just to let you know that it is more than just
9 the Crown Point. But, yeah, we've dealt with that since we
10 moved in 18 years ago, in there.

11 CHAIRMAN BILL CARGO: Okay. Thank you.

12 Yes?

13 MS. JENNIFER KUYT: Good morning, gentlemen. My
14 name is Jennifer Kuyt. I live at 3334 Nobb Hill, it's on the
15 corner of Nobb Hill and Crown Point.

16 I'm also here representing three other neighbors
17 around me that cannot attend today.

18 One of the complaints that you hear is on Crown
19 Point the drainage issue. And when you show the slides of
20 when the complaints in this area neighborhood started, it's
21 very interesting.

22 First of all, my background, I live in the home
23 that used to be my parents' home. So I've lived in this
24 neighborhood since '92. I'm a homeowner since '08. And
25 knowing the history of the neighborhood right behind us used

1 to be a dead-end field throughout the phases.

2 That field used to be about ten feet lower than our
3 property. It is now about five feet higher.

4 Now when that field was developed, after the first
5 spring rain, we had a raging river down the side of our yard
6 and a lake in our neighbor's backyard. Before houses were in
7 this development, that was just after they re -- plowed it
8 all over and were just starting to create the development.

9 So we called the county commissioner right away, my
10 father did. I was a teenager at the time. No, sorry, I was
11 just married and just out of the home myself.

12 But I know it was there, I saw the rain hit. And
13 my father called the commissioner to come out, take a look at
14 it saying this whole new area needs to be relooked at. It's
15 dumping on to the people that are on Crown Point.

16 And they never came out and did anything about it.
17 Since then, we have had major drainage issues. I remember
18 walking Crown Point down to the bus stop in the '90s before
19 the field was, when it was still field, and we would get
20 maybe an inch or two of ice buildup throughout the winter.
21 Why do I remember it? Because I walked it for the bus.

22 Now, a couple years ago, we did have a foot of ice
23 on the side of the road. I witnessed -- we're on the very
24 top of the hill, I witnessed a snowplow truck literally do an
25 endo as his blade hit that ice jam. How heavy are those

1 trucks? Back wheels completely up off the ground.

2 So it's obvious there is an issue here, but the
3 issue didn't start until the elevation was changed in that
4 field behind us.

5 MEMBER JERRY HUNSBURGER: Can you point on the map
6 exactly where you're talking about? Because I see Nobb Hill,
7 but I'm not sure exactly where you are.

8 MS. JENNIFER KUYT: My home is right here on the
9 corner.

10 MEMBER JERRY HUNSBURGER: Okay.

11 MS. JENNIFER KUYT: This area here was field as a
12 teenager, I used to go quadding in it. So I know right at
13 the edge of our property, we had to drive down into the field
14 (indicating) to go on the quads.

15 Now if you stand in the yard and look out, you can
16 tell that it's elevated.

17 MEMBER JERRY HUNSBURGER: So where the elevation
18 change is where Nobb Hill Drive wording is or where?

19 MS. JENNIFER KUYT: Right here, this split, these
20 houses were developed here.

21 MEMBER JERRY HUNSBURGER: Okay.

22 MS. JENNIFER KUYT: This was open field. This
23 section here was all open field.

24 MEMBER JERRY HUNSBURGER: Okay.

25 MS. JENNIFER KUYT: Our house was at one point

1 considered the second highest point in Ottawa County.

2 Since this has been built up, we're now considered
3 the fourth or fifth highest point, because this house is
4 higher (indicating), this house is higher (indicating), this
5 house is higher (indicating). And it all used to be down
6 low.

7 MEMBER JERRY HUNSBURGER: Okay.

8 MS. JENNIFER KUYT: So my concern, gentlemen, is
9 not that there is a drainage issue, there is obviously a
10 drainage issue. I have a lake in my backyard. We can't use
11 a riding lawn mower anymore because in the middle of the
12 summer, weeks after the rain, the tires sink into our
13 backyard.

14 So with that said, my concern is who is going to
15 pay for this? Because Crown Point was damaged after the
16 elevation changed behind us.

17 CHAIRMAN BILL CARGO: That's actually one of the
18 things they'll have to determine at a later date. We're here
19 today to determine if there are drainage issues, and if it
20 should be brought into it.

21 But I think you would have a good argument with the
22 township to say that you should pay for a portion or greater
23 portion because you allowed this development to occur.

24 But again, that's not an argument for today, that's
25 an argument for a later day.

1 MS. JENNIFER KUYT: Exactly.

2 CHAIRMAN BILL CARGO: If they decide additional
3 work needs to be done, and if they decide any of that should
4 be apportioned to the property owners.

5 MS. JENNIFER KUYT: Right, okay.

6 CHAIRMAN BILL CARGO: Go ahead, in the second row?

7 MR. LEE WINNER: Hi, my name is Lee Winner. I live
8 at 6778 City View Drive. And we have had an issue with
9 standing water for quite some time, you know. And there is a
10 holding pond there. I call it a holding pond, retention
11 pond.

12 Come to find out, it's drained from the road into
13 our backyard, and it doesn't drain off. It's swampy,
14 mosquito heaven in there. You can't let pets or kids in the
15 backyard.

16 As of this morning, after this rain, it's almost
17 over the berm in the backyard and flooded my garden and so
18 forth. But it's been an issue for a long time.

19 Now after looking at the drainage under the road
20 with the engineer, it's been blocked off under there with
21 cement and diverted into our back yards. And there is not a
22 drain system, there is not pipes, it's just on top of the
23 ground. And that's for several houses down. We have this
24 standing water that like I said you can't let your pets out,
25 you can't let little kids out or anything like that.

1 That water right now is at least four feet deep and
2 not draining anywhere.

3 MEMBER JERRY HUNSBURGER: Is it getting worse over
4 time?

5 MR. LEE WINNER: Yes. I've been there quite some
6 time and it's been getting worse. It used to drain out there
7 a little bit, after awhile it would dry up and you could mow
8 it and everything. But it has been like this for years. And
9 right now it's just turning into a swampy area in the
10 backyard that hasn't drained in months.

11 CHAIRMAN BILL CARGO: Okay. I appreciate it.

12 WATER RESOURCES COM. JOE BUSH: Mr. Chair, I think
13 that's his picture there.

14 MR. LEE WINNER: Yes.

15 CHAIRMAN BILL CARGO: Thank you.

16 And next to him?

17 MR. CRAIG SCOTT: Good morning, my name is Craig
18 Scott and I live at 3244 City View Court. I guess the first
19 question I have is a question of really how did this become
20 an orphan drain? Because where I live, if I can point to the
21 map real quick. This is my house here, and my neighbor's
22 house here. When the original plat of the addition was put
23 in, there was supposed to be a house facing east on to City
24 View Drive (indicating).

25 Because of the runoff coming down the hill, and it

1 came across the back of my yard, and the neighbor's house
2 behind, to my understanding, Ottawa County demanded the
3 developer to put a 12-inch drain that sets approximately
4 right here. And that lot was partitioned in two parts, half
5 went to my property, and half went to the property behind,
6 but which because it is considered an Ottawa County drain
7 field, I pay zero taxes for that. Which I'm very grateful
8 because I have a large yard, plus the drain is not in my
9 yard.

10 The question really is how did this become an
11 orphan when Ottawa County demanded the developer to put this
12 drain in there, and it actually flows across the gentleman
13 that I was sitting next to, his yard.

14 CHAIRMAN BILL CARGO: I completely believe what
15 you're saying, that the county drain commissioner at the
16 time, or one of his staff may have required the developer to
17 make these improvements. Unfortunately they didn't do the
18 proper paperwork at the time to allow this to be a part of
19 the county drain. And that's what they're trying to do
20 retroactively.

21 Is that a fair summary?

22 WATER RESOURCES COM. JOE BUSH: Yes.

23 CHAIRMAN BILL CARGO: I don't disagree everybody
24 thought it was a part of the county drain, but unfortunately
25 legally it's not because those two options they had at the

1 time to put it in the county drain system were never
2 completed.

3 MR. CRAIG SCOTT: Then why would I have a zero tax
4 base on a half a lot?

5 CHAIRMAN BILL CARGO: Because again --

6 MR. CRAIG SCOTT: Because Ottawa County recognizes
7 that I pay zero taxes on that lot.

8 CHAIRMAN BILL CARGO: I'm not arguing that either.

9 What I'm arguing -- what I'm stating, not arguing,
10 is the paperwork to put this as part of the county drain
11 system has never been completed.

12 MR. CRAIG SCOTT: And whose fault would that be?

13 CHAIRMAN BILL CARGO: That would have been the
14 county drain commissioners at the time, the township
15 officials at the time.

16 Unfortunately there is nothing we can do today,
17 other than to say this should have happened, but never did.

18 MR. CRAIG SCOTT: So this would be -- if I can
19 paraphrase, this would really have been the responsibility of
20 the public officials, not private citizens?

21 CHAIRMAN BILL CARGO: Yes.

22 MR. CRAIG SCOTT: Okay. Thank you very much.

23 CHAIRMAN BILL CARGO: Going to the third row back?
24 If you would come forward.

25 MS. JANICE BECKER: My name is Janice Becker, and I

1 live at 6649 Crown Point. That's approximately halfway up
2 the hill.

3 We purchased in '89. And we were the last house on
4 our side of the street, I believed it was a cul-de-sac at the
5 time, which it wasn't.

6 And since all the houses have built up in our
7 backyard, at the time it was fields also, I used to watch
8 deer.

9 Now all of it is all houses, and we watch as our
10 neighbors up the hill put water out onto the street from
11 their sump pumps, and we get in the wintertime five, seven,
12 ten inches of ice.

13 MR. ROBERT BECKER: On the west side. They're all
14 pumping into the street.

15 MS. JANICE BECKER: And in the summer it's just
16 scum, it's terrible when you walk on the street. It's green
17 slime. Now they put the new road in, but before they put the
18 new road in, they should have addressed this issue.

19 So now it's going to be more money and a waste of
20 taxpayer's money because the road was put in -- they put the
21 cart before the horse. It should have been fixed.

22 And our backyard is and has been one of those lakes
23 where we also cannot mow until June, sometimes, when it dries
24 up.

25 CHAIRMAN BILL CARGO: So you believe it's also

1 become worse over time?

2 MS. JANICE BECKER: Oh, yes, definitely. I see
3 water falls coming from our back neighbor's yard. I mean
4 anything we put there, just comes down.

5 MR. ROBERT BECKER: We're almost halfway up the
6 hill and we get everything from on top of the hill down.

7 MS. JANICE BECKER: And behind us.

8 MR. ROBERT BECKER: In the street.

9 MS. JANICE BECKER: Now the drain commission did
10 put a drain in our backyard to help it, and that was ten
11 years ago?

12 MR. ROBERT BECKER: Probably.

13 CHAIRMAN BILL CARGO: What type of a drain? Was it
14 a catch basin that was connected by pipe to something else?
15 Was it a leach basin?

16 MR. ROBERT BECKER: A basin that's connected to the
17 storm sewer out in the road.

18 CHAIRMAN BILL CARGO: Okay.

19 MS. JANICE BECKER: It does help, but --

20 MR. ROBERT BECKER: But we still have an issue, the
21 driveway approach, that ices over in the wintertime. And it
22 builds up to any where from six to 12 inches. And there have
23 been trucks, city plows that almost tipped over from hitting
24 it.

25 CHAIRMAN BILL CARGO: Okay.

1 MS. JANICE BECKER: Like the other woman said.
2 They hit it and they come to a complete stop.

3 MR. ROBERT BECKER: And it tears the west side of
4 the road up.

5 CHAIRMAN BILL CARGO: Absolutely, I understand. I
6 appreciate your comments.

7 MS. JANICE BECKER: Thank you.

8 CHAIRMAN BILL CARGO: Okay. The third row on this
9 side of the room? Any comments?

10 UNKNOWN SPEAKER: We want sand.

11 CHAIRMAN BILL CARGO: Fourth row, any comments in
12 that row?

13 MR. JIM ADAMS: My name is Jim Adams. I live at
14 6593 Crown Point, which is at the bottom of the hill, so I
15 don't necessarily have the problems they have -- well I don't
16 have those problems. But I would like to state that there is
17 three drainage holes in the ground there at the bottom of the
18 hill. And when it rains, I've had water in my yard halfway
19 up the yard. So I would at least like to make sure those get
20 cleaned out.

21 I'm not sure if that's the issue or not, but the
22 water rushes down the hill from the west and from the north.
23 It's a low point obviously, water flows downhill. So I would
24 just like that to be considered as well.

25 CHAIRMAN BILL CARGO: Thank you.

1 I'm going to go to the fourth row on this side of
2 the room?

3 MR. DICK BURGESS: Yeah, my name is Dick Burgess, I
4 live on 6633 Crown Point. I was the fourth house built in
5 the plat. I'm on a sand lot. I have no problems except
6 there is a river running this morning if you look down Crown
7 Point.

8 The question I have is how did we get to this
9 point? I have called Mr. Bush's office before he was there
10 to tell them the problems that we were seeing.

11 When they started developing north in the clay
12 lots, and not putting them in the storm sewer, I also called,
13 at that time it was Mr. VanDyke, the building inspector. He
14 assured me any further houses would be hooked up to -- and
15 they never were. It seems like wherever you call, you don't
16 get any results.

17 On the street, on 34th when they started developing
18 that, which is clay, to the west, there was supposed to be an
19 open ditch in the backyard for drainage. Again I called,
20 before Mr. Bush, his office. People were not shaping it the
21 way it should be when they're developing the lot.

22 And I also called Georgetown Township and nothing
23 is different. Pretty soon you feel like you're whistling at
24 the wind.

25 I called Mr. Bush's office when they started

1 roto-milling Crown Point this year and I said, what's the
2 object if we're going to open this street back up? Are we
3 putting more money after bad money? And it seems to be their
4 answer.

5 I never did get a call back from your office on the
6 last one. But they did do the road which we're going to cut
7 it up again if we hook all the people's sump pumps up, which
8 they should be.

9 There is a huge problem. I have a sand lot and I
10 have no problems. But Beckers, they talked a minute ago,
11 they have a catch basin in their backyard. I was very
12 instrumental in seeing that got put there because they had
13 literally a lake in the backyard.

14 I think I was the one that talked with Mr. Bush
15 about the ice situation, and he did come out and check. It's
16 horrendous, but how did we get -- they never seem to listen
17 to what you say and it hasn't changed today. We just tarred
18 a road that we're going to tear up again. How stupid can we
19 get? And we're going to pay for this?

20 I think there is a lot of blame to go around.

21 CHAIRMAN BILL CARGO: Okay.

22 Fourth row?

23 MS. CHERYL VEIHL: Cheryl Veihl, I live at 6745
24 City View. And many of the dates that you referred to in the
25 very beginning, starting back with your initial comment of

1 '87 being the development of the division, we moved there in
2 '91.

3 But 2006, approximately I'm saying, 10 or 11 years,
4 when the major, major rain storm went through and the sump
5 pumps could not keep up with the water, we did have total
6 damage in our lower level which was furnished, carpet totally
7 gone, damaged furniture, on and on.

8 But at that time, the Ottawa County Commissioner
9 came out, drain commissioner and said, this never should have
10 happened.

11 So basically I'm supporting the other ones who have
12 said from the initial development, and this was his verbal
13 statement, my husband was alive at that time and we were in
14 the backyard, ankle deep in sludge, water, because of the
15 development further up at the end of the cul-de-sac, he said
16 there it was never properly put in drainage.

17 So consequently now, when I am alone, I'm having
18 neighbor support with lawn mowing and that sort of issues,
19 they can't get a riding lawn mower into the backyard.

20 At that time the drain commissioner at, I'm saying
21 it's the 2006 time frame, I believe they're called catch
22 drains, I'm not familiar with the types of drains, they came
23 out. Put one in to the north of our property between the
24 Teismans and Veihs, ran it out. Of course we had to pay to
25 have the cement in the driveway replaced, the two sections

1 there.

2 But we have a drain at the end of their driveway,
3 which sinks constantly. And I, probably a half a dozen of
4 those calls that you referred to have called, were mine.
5 Some of them were met very nicely, some of them not returned
6 in an appropriate amount of time.

7 Last summer, not this summer, but last summer I
8 asked to please have the township come out and level off the
9 drain, because at the end of the driveway, it's blump, blump.
10 It's very hard, and it's just continuing to sink. So that
11 issue was never really addressed either.

12 So I'm just basically in support of the others that
13 are here, that there is multiple complaints. Thank you.

14 CHAIRMAN BILL CARGO: Anybody else in that row?

15 MS. LYNNETTE BLUM: I'm Lynnette Blum, and I live
16 at 6752 City View Drive, so I'm a couple down from Lee. And
17 we have had -- we have lived there for 17 years and I would I
18 guess like to say that it has gotten very -- it's gotten a
19 lot worse.

20 The drainage, we've all put tile in our backyard,
21 and I would say when you said that there is a blockage, I
22 think that would be very helpful for our backyard, all that
23 water is diverting. And then once that drain plugs up and
24 let's go, we just have a flood.

25 So I just -- I think that would be a great idea.

1 CHAIRMAN BILL CARGO: Anybody else in that row on
2 this side?

3 MR. ARNOLD TIESMAN: My name is Arnold Tiesman, I
4 live at 6761 City View Drive. And we moved here in 2013. I
5 bought this home, and on the north side of our house we have,
6 I'd say a 12-inch tile with a berm above it. And I don't
7 know where it goes, out to the street?

8 I know it's right behind Lee here, if that goes
9 over to his pond, I don't know.

10 But I think it was in August or July we had a
11 terrific rain and the water from 34th Avenue comes down the
12 waterway and goes into this 12-inch tube on the north side of
13 our house. We weren't home, but my neighbor, the first of
14 the next week came to me and said, were you home? Do you
15 have water in your basement?

16 I said, no. He said well the water came down so
17 fast it went over the berm, went through our yard, and it
18 went into Cheryl's yard, she didn't get no damage at that
19 time.

20 But I'm wondering where that -- I got a sump pump
21 that goes into that, and my sump pump works fine as far as
22 that goes. But I had some guys there probably in 2013, they
23 came and looked at it, but they couldn't give me no answers
24 as to where that tube drains into.

25 So that's all my comments.

1 CHAIRMAN BILL CARGO: Thank you.

2 Anybody else in that row?

3 MR. MICHAEL BRIGGSON: My name is Mike Briggson,
4 I'm at 6729 City View Drive. I'm a new resident. Just a
5 couple questions.

6 What is the county's position on all this?

7 CHAIRMAN BILL CARGO: Obviously I think the drain
8 commissioner spoke earlier that he does not take an official
9 position on these petitions.

10 However the county has spent money on this supposed
11 county drain. And so if we want to make any improvements on
12 it, it would have to be brought into the county drain system.

13 Is that a fair summary of your position, Joe?

14 WATER RESOURCES COM. JOE BUSH: That's correct.

15 MR. MICHAEL BRIGGSON: Is that something the county
16 can object to?

17 WATER RESOURCES COM. JOE BUSH: I can't, per Drain
18 Code, per the law, this is why we're having a hearing today.

19 MR. MICHAEL BRIGGSON: Okay. And what can we
20 expect in the future if this is turned over to the county in
21 terms of infrastructure --

22 CHAIRMAN BILL CARGO: That part I can't answer
23 because they'll have to do some engineering studies to
24 determine what needs to be done in terms of maintenance
25 and/or improvements .

1 As I stated earlier, if this system is 30 years
2 old, and it sounds like it's about 30 years old, and they
3 haven't done maintenance of the pipes in the ground, you can
4 expect serious sedimentation.

5 And if there is a lot of sedimentation filling up
6 these pipes, that may be part of a problem, and may be a
7 simple solution such as clearing up the pipes; but it may be
8 a more complicated solution of adding additional pipes or
9 drains.

10 MR. MICHAEL BRIGGSON: Okay. So the --

11 CHAIRMAN BILL CARGO: We don't know that today.
12 We're just trying to decide is there a problem.

13 MR. MICHAEL BRIGGSON: Sure, but it's important for
14 us to know I think that there is going to be improvement if
15 we go with the county on this.

16 CHAIRMAN BILL CARGO: And that's why we're doing
17 this today so the county can come in there and suggest
18 improvements and implement those improvements, if it is
19 brought into the county drain system.

20 MR. MIKE BRIGGSON: Okay, thank you.

21 CHAIRMAN BILL CARGO: Next?

22 MS. MARY FILERY: Good morning. My name is Mary
23 Filery, and I live at 3261 Nobb Hill Drive. And I just want
24 to make a few points.

25 I moved into my house in 1996, and I believe just a

1 few years after that the drains were cleaned out. I don't
2 know what type of a process this was. It was, it occurred in
3 the fall, and they had trucks that came around and they
4 cleared out the drains.

5 And then a couple days or so after that I had water
6 in the lower level of my house. I live in a ranch, and I
7 have two drains in my lower level. One is in an area where
8 my hot water heater is, and my furnace. There is a drain in
9 there, and water came up into that part of the house.

10 And then also I have a lower level shower, and of
11 course that has a drain, water came up into the shower. It's
12 just a shower, not a bathtub. And there was so much water it
13 went over the edge, you know, where you step into the shower,
14 and it came out on to my bathroom floor. So that was one
15 problem.

16 We did call --

17 CHAIRMAN BILL CARGO: I will state that that should
18 be a separate system. Your shower should not be connected to
19 the storm drain system. If you were having water come up
20 through the shower, one of two things, either that's a
21 sanitary sewer issue, you have sanitary sewer in this area
22 obviously; or somebody connected your shower to a storm
23 system, which is actually improper.

24 But if that occurred, that should be corrected.

25 MS. MARY FILERY: Okay. Well it also came through

1 this other drain where my hot water heater is and furnace.

2 SECRETARY KEN SOUTER: That still shouldn't go to
3 the storm system.

4 CHAIRMAN BILL CARGO: It also shouldn't go to the
5 storm water system. It sounds like that was a sanitary sewer
6 issue, but I can't comment since I don't know for sure.

7 But those drains should not be connected to the
8 storm water system.

9 MS. MARY FILERY: Okay, I just thought I'd bring
10 that up, I wasn't sure.

11 CHAIRMAN BILL CARGO: Okay.

12 MS. MARY FILERY: Another point, I do a lot of
13 walking in the area and I have for many years. And I know on
14 that area that you speak of on Crown Point Drive, there is a
15 consistent drainage on the west side of the road.

16 There is also another area on Claymoore Lane, on
17 the east side of Claymoore Lane. In the past when I was
18 walking I had a family member with me and it's just like
19 green slime going down the side of the road. And my
20 sister-in-law stepped in it, she didn't see it there, and she
21 slipped and she fell in that area.

22 And then also, one other point, I'm going to speak
23 for my neighbor, Jeff McManis, he lives directly across the
24 street from me. I don't believe he is here today.

25 But he told me recently, I did not know this

1 occurred, but several years ago he borrowed our riding lawn
2 mower and he was using it to mow his yard. And he used it in
3 his backyard, and because he had so much water and sogginess
4 back there, the riding lawn mower just sunk right into the
5 lawn and the mud, and he was not able to use it.

6 There is a lot of clay in the area too, I know, so
7 things don't drain well.

8 Thank you.

9 CHAIRMAN BILL CARGO: Thank you.

10 We're going to go in the back, a couple rows here.
11 Does anybody have any comments?

12 MS. DEANNA THOMPSON: My name is Deanna Thomas, I
13 live at 6764 City View Drive, so I'm right down below Lee,
14 one neighbor below him.

15 And we've lived there for about 11, 12 years and
16 our whole backyard has been standing water all the time.
17 Well not the whole backyard, but half of it, to where I can't
18 use a lawn mower back there. I weed whack half of it. So
19 there is definitely an issue.

20 But what I don't understand, and maybe you can't
21 answer this, but is it normal for people to complain for 10,
22 12, 15 years and just be ignored? That just doesn't make
23 sense to me.

24 CHAIRMAN BILL CARGO: I really can't comment. I'm
25 not from this area, so I can't comment on that.

1 MS. DEANNA THOMPSON: Right. It just seems a
2 little strange. Thank you.

3 CHAIRMAN BILL CARGO: Thank you.

4 MS. JUNE MATTHYSSE: I'm June Matthysse and I live
5 at 3456 Meadow Glenn, so just a couple away from the
6 retention pond at the bottom of the hill.

7 I guess I have more questions maybe for the
8 engineer, but looking at where the drain, the current
9 infrastructure as opposed to the drains, right now that
10 retention pond when it rains it fills up to the top.

11 And when I looked at this map and saw it looks like
12 more if they clear the drain, it will drain towards that
13 retention pond, if you hook it to the county drain, if we do
14 that, does it take the water away further?

15 CHAIRMAN BILL CARGO: Obviously they don't want to
16 do anything that's going to overflow existing infrastructure.
17 If they decide that something more than normal maintenance is
18 necessary, they will have to do the engineering calculations
19 to decide whether they hold the water or do we discharge the
20 water directly and what percentage would be done.

21 MS. JUNE MATTHYSSE: That's my concern. I totally
22 don't want people to have water in the backyard, but if they
23 clear the drains, then more of it comes rushing to the
24 detention ponds, we're going to have a problem.

25 CHAIRMAN BILL CARGO: They'll have to look at the

1 entire system, and that's a small part of it, and I agree.

2 MS. JUNE MATTHYSSE: Thank you.

3 CHAIRMAN BILL CARGO: In the back row.

4 MR. BERNIE POSPIECH: My name is Bernie Pospiech, I
5 live at 3495 Port Sheldon Road. And we're in the area, but
6 we're not affected by the problem.

7 I've been listening and I really have a question
8 out of curiosity because it's obvious that there is a problem
9 going on. And if the board determines to make the orphan
10 ownership of Georgetown Township, what happens next?

11 CHAIRMAN BILL CARGO: At that point the County
12 Water Resources Commissioner will be able to do engineering,
13 to investigate, look at the drains, and he would spend public
14 monies to come up with a solution to the problems that have
15 been noted.

16 He would then go and have additional public
17 hearings, he'd work with Georgetown Township to get their
18 input.

19 At that point, a process could begin where they
20 could spend public monies to begin to come up with solutions
21 to the problems that exist.

22 MR. BERNIE POSPIECH: So during those public
23 meetings, the determinations of cost would come from those
24 meetings?

25 CHAIRMAN BILL CARGO: There would be a

1 determination of costs, there would be a determination of
2 apportionment of those costs, what goes to the county road
3 commission, what goes to the county, what goes to the
4 township, and what goes to the benefit of the property
5 owners. And that would also be the subject of public review
6 and public meetings. None of this is done without public
7 input.

8 MR. BERNIE POSPIECH: Okay, thank you.

9 CHAIRMAN BILL CARGO: Next?

10 MS. WENDY FOY: Good morning, my name is Wendy Foy,
11 and I live at 6663 Crown Point Drive. I live right here, and
12 the ice buildup happens right here in front of those homes.

13 And our sump pumps run all the time during the
14 summer, in the winter, even during the winter it runs and it
15 forces water out to that street.

16 And part of the problem I think is because there is
17 water runoff, the hill kind of goes like this in this
18 direction. And the water runoff from this house, goes this
19 direction, and they go that direction, and they go that
20 direction. And it also ends up running right into Mr.
21 Burgess's backyard and Mr. Becker's backyard, which is right
22 next door to me.

23 And our drains that are in our backyard, we put
24 around our garage like a, just a little drain around the
25 garage because the water ran right into our back garage, and

1 then across our yard, and into their yard. And our little
2 drain cannot handle all the waters that comes.

3 And then it also runs, the drain from our backyard
4 also runs down our, down our driveway, underneath our
5 driveway and comes out in a drain here, and then our sump
6 pump comes out just a little bit below.

7 And there is so much water that it has started to
8 come up through the driveway because it cannot -- it can't
9 get through those little drains.

10 So part of our problem is that the drainage that's
11 coming from up above is running into houses and neighbors'
12 yards rather than into a drain that can accept all of the
13 water.

14 And so for us, we've had to replace our driveway,
15 we've replaced our driveway once; our neighbors, the owners
16 before us replaced it once. And it is now, also, since we
17 replaced it it has another big dip and a crack in it from the
18 water that's running down from up above, more so than from
19 down the street.

20 CHAIRMAN BILL CARGO: Thank you.

21 I think we have the final gentleman in the back
22 there?

23 MR. THOMAS SYREK: Good morning. My name is Tom
24 Syrek, I live at 3412 Fieldstone Court.

25 After hearing the public comments this morning, I

1 feel quite fortunate with the drainage of my property, after
2 hearing the comments from people. I knew there were issues
3 in the development, but not the severity that I've heard
4 about this morning.

5 My comment is it's evident from the background
6 information the engineers provided and the public comment
7 that there was a serious lack of public oversight of these
8 developments in the actual construction of houses. I think
9 we wouldn't have been in this position if there had been
10 better oversight by the public entities involved.

11 And for that reason I am, I want to state for the
12 record, and I know it's -- I don't think the property owners
13 should be held accountable for this lack of public oversight
14 of the developments.

15 However, with that being said, if the creation of
16 this drain, to put it under the control of the Water
17 Recourses Commissioner will help address these problems, I'm
18 in support of that. It sounds like it's the only solution at
19 this point in time. Because absent your approval of this
20 drain, that there cannot be public funds expended.

21 So for that reason I will state my support for the
22 drain district. But state for the record also that I think
23 the public entities have a great responsibility in this.

24 Thank you.

25 CHAIRMAN BILL CARGO: Thank you.

1 I'm going to, unless there are objections, close
2 the public hearing portion of the meeting, and we'll have
3 some comments and discussion among ourselves.

4 So I will officially close the public hearing
5 portion of this meeting.

6 That said, I'll start with you, Jerry.

7 MEMBER JERRY HUNSBURGER: It's pretty evident that
8 there are all kinds of problems and have been evidently for a
9 long, long time. No question in my mind that somebody has
10 got to have the authority to deal with defining the problem
11 and helping to solve the problem.

12 I want to ask a question, I assume the dotted brown
13 line is the estimated boundary line of the drainage district?

14 ENGINEER JOEL MORGAN: Yes.

15 MEMBER JERRY HUNSBURGER: And obviously that might
16 change a little bit as you do more engineering.

17 Right now there is no authority, the reason that
18 nobody has done anything is because they didn't have the
19 authority to go on the property and try to solve the problem.
20 That's what the purpose of this hearing is to decide should
21 we, decide if there is a necessity, and therefore it would go
22 through the process of the county drain commissioner.

23 I hear safety related issues, I hear it continues
24 to get worse over time. No question the clay adds to it. As
25 you pointed out, a lack of maintenance of what system was put

1 in certainly has helped make this problem worse. Some of the
2 big rains we've had in the recent years hasn't helped it
3 either.

4 The sump pumps, evidently people don't have a place
5 they can pump their water that will get into a drain and go
6 someplace, other than down on to somebody else's property
7 which causes them problems. From my point of view it's
8 pretty clear there is a necessity here.

9 CHAIRMAN BILL CARGO: Okay.

10 SECRETARY KEN SOUTER: I'm saying the same thing
11 Jerry is saying, I don't really have to reiterate it again,
12 what he just said.

13 But I see -- I don't hear a lot of problems with
14 the storm system as it exists, I hear a problem with the
15 water not getting to the storm system. And instead of
16 running through the drains that are there, it is basically
17 running over the surface of the ground through people's
18 yards, ponding in people's yards, the grading of the lawns
19 probably has a lot to do with it, the grading of the property
20 itself.

21 It sounds like the drains, I haven't heard a lot of
22 comments that water comes up out of the storm system itself.
23 It's water not getting into the storm system that seems like
24 the problem.

25 Running sump pump drains on to your lawn, which is

1 generally shaped towards the road, only intensified the
2 problem. So I sympathize with anybody that's got to deal
3 with that kind of an ice situation on a roadway. I mean
4 that's a dangerous situation, just point blank.

5 I don't think that we're going to be able to get
6 it, a lot of work done anymore this year before we have that
7 problem, it's just around the corner.

8 So I think we got to approve this thing and get Joe
9 working on it quickly and get something done to eliminate or
10 try to eliminate some of the problems we have right now.

11 CHAIRMAN BILL CARGO: I happen to agree with both
12 the comments from Jerry and Ken. We have a very simple role
13 here today. Our role is to decide whether there are storm
14 water problems and whether they should be brought into the
15 county drain system. That's all we're deciding today.

16 It's obvious there are storm water problems that
17 exist. It's obvious to me they're becoming worse over time.
18 And it's also, for whatever reason, obvious to me that this
19 was never brought into the county drain system as it should
20 have been done in 1987.

21 So we're going to correct that problem. That's the
22 only problem we're going to correct today. Then it's up to
23 drain commissioner and the road commission and the township
24 to work together to solve the problem, realizing you probably
25 won't have shovel to the ground for at least 12 months. It

1 will take time to do this work and come up with a solution
2 and go through the process. But at least we'll begin the
3 process today.

4 That said, I'm going to make a motion that the
5 drain is necessary.

6 MEMBER JERRY HUNSBURGER: I would second that
7 motion.

8 CHAIRMAN BILL CARGO: That said, is there any
9 further discussion among the members?

10 All in favor of that motion, say aye.

11 MEMBER JERRY HUNSBURGER: Aye.

12 CHAIRMAN BILL CARGO: Aye.

13 SECRETARY KEN SOUTER: Aye.

14 CHAIRMAN BILL CARGO: Opposed?

15 And it passes unanimously.

16 MEMBER JERRY HUNSBURGER: Mr. Chair, I'd like to
17 make a motion that this panel consider that the drain is not
18 only necessary, but is necessary for the protection of the
19 public health, and that Georgetown Charter Township, and
20 other governmental units, that a portion of the costs shall
21 be set to them, and that would include the township, the
22 county, the road commission and others so that they pay their
23 fair share of this drain, and that's my motion.

24 SECRETARY KEN SOUTER: I'll support that motion.

25 CHAIRMAN BILL CARGO: We have another motion on the

1 floor that is saying that this drain is necessary for the
2 protection of public health in this area, and that a portion
3 of the costs shall be apportioned to municipalities at large.
4 And so all in favor, say aye.

5 MEMBER JERRY HUNSBURGER: Aye.

6 CHAIRMAN BILL CARGO: Aye.

7 SECRETARY KEN SOUTER: Aye.

8 CHAIRMAN BILL CARGO: Opposed?

9 That motion also is approved.

10 We have one final motion.

11 SECRETARY KEN SOUTER: I'd like to move that the
12 drainage district boundary be adjusted as necessary and lands
13 added or deleted as determined by the Water Resources
14 Commission as recommended by the engineer.

15 MEMBER JERRY HUNSBURGER: I second that motion.

16 And of course obviously with preliminary
17 engineering, that's the estimated boundary line and it will
18 adjust as they get into a more detailed engineering study.

19 SECRETARY KEN SOUTER: And they're probably pretty
20 close, because these were subdivisions they should probably
21 know the water table, but that's always iffy here and there.

22 CHAIRMAN BILL CARGO: So we have our final motion
23 on the floor which simply allows the drain commissioner to
24 add or delete lands as necessary for this newly created City
25 View Drain district.

1 All in favor, say aye.

2 MEMBER JERRY HUNSBURGER: Aye.

3 CHAIRMAN BILL CARGO: Aye.

4 SECRETARY KEN SOUTER: Aye.

5 CHAIRMAN BILL CARGO: Opposed?

6 And that completes the motions that will be done
7 for today.

8 I'm going to then ask that before I close this
9 meeting, I'm going to ask that the Water Resources
10 Commissioner talk about both the appeal process, and any
11 other questions, or comments that he may want to make.

12 WATER RESOURCES COM. JOE BUSH: Right. First of
13 all I want to say thanks for your time to come and listen to
14 the comments. Maybe some people didn't realize the situation
15 that we have.

16 One thing that my office, since I changed it to
17 water resources, is customer service.

18 Some people asked why did it take so long? I
19 apologize. I haven't been in office for the last 20 years.
20 This has been my first term.

21 And I recognize these situations and I'm saying
22 whoa, we have a problem. Number one it is an orphan. Most
23 townships are trying to establish their orphans.

24 Holland Township has a hundred of them that we're
25 going through this process. Park Township has, I think I did

1 probably 40 of them in the last couple of years, and we have
2 probably 20 to 40 more orphans in Park Township. In
3 Georgetown, we probably have a couple hundred of these.

4 So we're trying to work through these. My
5 apologies that it's taking the time line that it's taking.

6 When I found out this issue was as big as it is, I
7 said, township, I need a petition. We need to start moving
8 forward to help these folks out. If I lived in your
9 subdivision and I was having those issues, I think I'd want
10 somebody to help me. And being your elected official it's my
11 duty and my job to help you out the best way I can.

12 I can't solve every single person's problem, but
13 we're going to try to work at it and do our best and work
14 with Spicer and figure out where do we need easements, do we
15 need to upsize pipes, do we have plugged pipes, do we have
16 root systems?

17 Over 30 years, it's amazing how many tree roots get
18 in storm sewers, you'll find root balls in there for hundreds
19 of feet in a storm sewer. So we'll look at those things.
20 That's our next step is for me to work with Spicer and figure
21 out where to go. We know where the issues are, he'll be
22 talking to a lot of you folks I'm sure, so get his business
23 card. And we'll work with you and we'll come out to your
24 property and go whoa, okay, maybe it's an upsizing of a pipe,
25 maybe it's a plug, maybe it needs a pipe there.

1 A couple of the bulkheads we talked about, we'll
2 work with the road commission and say, hey, can we do the
3 road improvements.

4 My understanding is they did repave it, they called
5 me and said, we're going to repave it. And I said well,
6 okay, now what do we do? We have to have the hearing first.
7 But we'll work with the township and try to not rip up the
8 road so we don't waste tax payer's money. We'll go around it
9 and we'll work alongside the road and do our best to not tear
10 up the new pavement because the last thing I want to do is do
11 it twice. I want to do it once and be done with it. That's
12 how I operate and how I try to function.

13 The appeal process, we'll get to a point where
14 people will find out possibly what it costs, and what the
15 apportionment is per your parcel. If there is -- I'll work
16 with the township, we don't have any idea where we're going
17 to go with this for cost. I don't have a cost. And number
18 two, I don't know what the township is willing to pay. So
19 that's something, I will be working with the township and say
20 maybe you should pay for half of this, and the county pay a
21 portion, and the road commission, and then assess a little
22 bit or a lot. We don't know that yet.

23 So to put on the record, I have no idea what that
24 looks like. But I'll be having conversations with, I'm sure,
25 your new board after November 8, there are some new board

1 members and your township manager, Dan Carlton.

2 So that's one of the things I do on a daily basis.
3 We have 17 townships, six cities and a village, it keeps me
4 busy. I have over 900 county drains, just to give you an
5 idea, I have 300 to 400 detention-retention basins, which
6 there is a few on this side.

7 So when you have that oversight, and I review new
8 developments, some people have asked, well what about, how
9 did it get to be an orphan? Since about 2001, there is a
10 process that we don't have this problem again. So back in
11 the '80s and '90s, it happened. And so here I am trying to
12 fix it, and this board made that determination today.

13 So it's my job to move forward, we'll find a
14 solution without tearing up the road and without making a big
15 mess. We know we have a lot of problems, and I'm here to get
16 at.

17 The appeal process, to get back to that, there will
18 come a time where if you're not happy with the apportionment
19 of what it could cost, there is an appeal process that you
20 could do that at that time, but we're way far from that. So
21 I'll send out a notice about that when that will happen, but
22 we're far from that. We have to figure out what we got and
23 how to fix it, that's my next solution. And to come up with
24 a couple alternatives. I like to have a plan A, plan B.

25 One gentleman's question was, why don't you grade

1 it? I do grade infrastructure probably more than others,
2 try to figure out how to replenish our water table, and the
3 aquifer down there. We're getting more development, more
4 water, how do we store and how do we manage the water we have
5 without going to the Grand River, without having
6 sedimentation, erosion problems, without having flood planes.

7 And I don't want your backyards to become a wet
8 land. So I agree, infrastructure is something I've been
9 working on. I did a big one in Park Township, Park West
10 Drain, got a lot of negative feedback at first, but in the
11 end it ended up being a great project.

12 So I'm always looking at rain gardens or different
13 ways to store water and infiltrates, but when you have clay
14 and high groundwater already, sometimes it doesn't work in
15 those soil types.

16 But I'm always trying to be creative, and be cost
17 efficient at the same time, because we're all tax payers.
18 And I look at the bottom line as, what's the cost, right?
19 I'm always looking at alternatives, so just for your
20 information.

21 Again I appreciate your time this morning, great
22 comments, and I thought it was a good meeting. So thank you.

23 CHAIRMAN BILL CARGO: And that said, the meeting is
24 adjourned, thank you very much.

25 (Hearing concluded at 11:30 a.m.)

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