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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: CORPORATE GROVE DRAIN  
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday,  
November 10, 2016 at City of Hudsonville, 3275 Central Blvd.,  
Hudsonville, Michigan, held before Rebecca S. Renzema, CSR-1435,  
Certified Shorthand Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Ken Souter, Board Member, Chairman
- Mr. Glenn Nykamp, Board Member, Secretary
- Mr. Larry Bruursema, Board Member
- Mr. Joel G. Morgan, P.E., Spicer Group
- Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.
- Ms. Teri Schut, Assistant to the Planning & Zoning Director
- Mr. Dutch Besteman, Public Works Superintendent Senior Mechanic

1 Hudsonville, Michigan

2 November 10, 2016; 10:00 a.m.

3 \*\*\*

4 PROCEEDINGS

5 MR. BUSH: Well, good morning everyone. Welcome to  
6 the City of Hudsonville. And we'll start off by this is a  
7 Board of Determination for a particular situation over in the  
8 city of -- on the south side of the city and it's known as the  
9 Corporate or -- yeah, Corporate Grove. So this is a hearing  
10 to figure out if this board will determine it necessary or not  
11 to be a county drain. So I appreciate the individuals who are  
12 parcel owners and the City here today. The petition came from  
13 the City based on the complaints from a situation out there,  
14 the erosion and the collapse of some infrastructure. So we  
15 will actually hold a BOD and that's why we're here today  
16 because of the working drain.

17 I've got to remain neutral in this situation, so  
18 that's the drain code process. We actually have a Board of  
19 Determination. So my name is Joe Bush and I'll do some  
20 introductions. I am the water resources commissioner. Used  
21 to be the drain commission, but I changed the name in 2012  
22 when I got elected and it's worked out well ever since. Same  
23 office, just different name, and this is part of the process  
24 of what I do as your commissioner and one of the elected  
25 officials.

1           We have Spicer Group, Joel Morgan, and Paul Forton  
2 has been out there. Paul Forton is not with us today, but,  
3 again, we have an engineer from Spicer Group who went out and  
4 did kind of a small delineation of what the situation was,  
5 got some pictures and found out some of the cause so we can  
6 do a presentation to the board today to give them some  
7 identification of location and the problem.

8           We've got sitting here -- Dutch is here for the  
9 City, representing them, and then we have my staff, Jen, my  
10 secretary, who does a great job in getting everybody signed in  
11 and agendas and keeping on-track. And then we also have some  
12 property owners I see here. And then I want to introduce my  
13 board. Then we have Teri from the City. And then also we've  
14 got -- this is a three-panel board that I pick, I appoint.  
15 They have no affiliation with anything on these properties or  
16 nearby or the City of Hudsonville.

17           So by drain code, this is what I do. I appoint  
18 the board and then they hear testimony from everybody. So  
19 everybody will have time to go up and talk about their  
20 concerns or questions at the mic during public comment time.  
21 These three gentlemen have experience in past drain projects.  
22 They've each had a lot of experience doing board of  
23 determinations and they all three represent the county very  
24 well and the property owners.

25           So they'd love to hear your testimony to figure out

1 what's going on out there to determine whether it's a county  
2 drain or not. That's what their job is today. Not a cost,  
3 not the project. Whether or not it's under my jurisdiction  
4 because, apparently, nobody owns it. We do have an easement  
5 out there, but there's no route in course or anything like  
6 that that's been established per the plat development or any  
7 type of an agreement of storm water maintenance or anything  
8 like that. That's never been in place. That's why we're here  
9 today.

10           And just to give an identification, I probably have  
11 a hundred of these in Holland Township that I'm working on.  
12 Just had one last week in Georgetown. Georgetown has several  
13 hundred of these orphan drains. Park Township, I've been  
14 doing so many of these in the last three years in Park. The  
15 road commission has actually probably a couple hundred of  
16 these systems that they want to get to, too. And I already  
17 have over 900 county drains, so to add more is great. So  
18 if we can help out the public and the people and the safety  
19 concerns, that's what we're here for.

20           So I'll go ahead and introduce these three  
21 gentlemen. From far to the right is Larry Bruursema. In the  
22 center is Ken Souter. And then to the left is Glenn Nykamp,  
23 who, again, these three individuals do not live in that area.  
24 They don't own property in that area. And, again, I have to  
25 remain neutral as your commissioner. It's, like, I'm not in

1 favor of or not in favor of. So I can't be either way.  
2 Totally up to these gentlemen. Once I give them the oath,  
3 they will run the meeting and then they'll pick a chair,  
4 secretary, and go through the motions to run the meeting. I  
5 have nothing to do with that, except if there's questions to  
6 the board, the board will at that time ask me or the engineer  
7 and we can ask and answer the questions accordingly.

8           So, again, I appreciate you guys taking the time to  
9 come and listen and understand how the process works and to  
10 make sure that you raise your testimony, concerns, because  
11 everything is court recorded and that's not by law. I choose  
12 to do that so we can always go back and read it, either one  
13 line or if you want a hard copy, we can get you a hard copy.  
14 But it takes about four to six weeks and then it will be on  
15 our website usually and, like I said, word for word and court  
16 recorded. And excuse me for your name again.

17           REPORTER: Rebecca Renzema.

18           MR. BUSH: Rebecca. This is the first time  
19 Rebecca's been with us on one of these BODs, so I appreciate  
20 her time and understanding what we're doing here today. We  
21 need a court reporter so it's word for word, so I appreciate  
22 that. Gentlemen, please rise and raise your right hand.

23           (Board members sworn in.)

24           MR. BUSH: Thank you.

25           MR. SOUTER: The first thing that we have to do as

1 far as the board is to elect a secretary and chairman.

2 MR. BRUURSEMA: If's it's all right with the chair,  
3 I'll make a motion to nominate Ken Souter as the chair and  
4 Glenn Nykamp as the secretary.

5 MR. SOUTER: I move to nominate myself as the chair  
6 and Glenn as secretary. All in favor say aye?

7 (All said aye.)

8 MR. SOUTER: Okay. First, let me jump in. This is  
9 a very small hearing. Sometimes we have a couple of hundred  
10 people here, so it's a small -- apparently a very small drain.  
11 We generally try to limit people to about three minutes of  
12 testimony on their drain. But in this case we want to know  
13 what's going on here. So if you take over three minutes, it's  
14 not that big of a deal, but we'd like to keep things the same.  
15 And if the next person -- we don't need to hear it three,  
16 four, five times in a row. Basically if the next person  
17 agrees with the first person, they can say, yes, but we'd like  
18 to hear from everybody here and know exactly what is going on  
19 here.

20 Being this small, it must be apparently a large  
21 problem that -- why we're sitting here. So we need to know  
22 what's coming on before us to make a determination and whether  
23 or not this is going to happen or not. I would like to start  
24 out with the City's comments. Is there -- well, there is  
25 somebody. I know I just got introduced to him. Could you

1 give the City's comments on it?

2 MR. BESTEMAN: Yes. My name is Dutch Besteman. I'm  
3 the Superintendent of Public Works. The problem was brought  
4 to me by Royal Technologies, large amounts of dirt washing  
5 from the side of the hill down into the valley. There's  
6 probably three foot of mud in the valley. And since I seen  
7 how much dirt was down there and where this water is all  
8 going, I want to bring that to our City officials and, in  
9 turn, we brought it to Joe and that's why we're here today.

10 The City is very much in favor of getting this  
11 resolved. There's a lot of work to be done out there. A  
12 couple of the other land owners in the area are here. I'll  
13 let them speak to their concerns. But for the City, we are in  
14 favor of it. This is a problem that needs to be fixed. If we  
15 continue to run all this dirt down the drain, we're just going  
16 to give it to somebody else to have to repair it, so --

17 MR. SOUTER: Is this -- I guess I can ask the  
18 question, but probably I'll get that from the engineer. But  
19 is this running into an established county drain?

20 MR. BESTEMAN: No.

21 MR. SOUTER: It is not. It's running into a natural  
22 water course?

23 MR. BESTEMAN: Yes. Yep. It's a big, big valley  
24 back there. In the floor of that valley there's two to three  
25 foot of dirt that probably goes for several hundred feet

1 that's washed out of this hillside due to this pipe leaking  
2 and then eventually just washing the whole structure out. And  
3 it's a dangerous situation because it's all undermined and  
4 it's a serious problem.

5 MR. SOUTER: Thank you. And then we're going to get  
6 some input from the engineer, Joel. Give us some history on  
7 this and tell us what's happening.

8 MR. MORGAN: All right. Thank you, Ken. My name is  
9 Joel Morgan. I'm a project manager with Spicer Group. We're  
10 a civil engineering company. We're helping Joe out with the  
11 preparation for today's meeting, as well as development of a  
12 solution to solve the issues that I'll explain in a moment.  
13 The area that we're looking at is a commercial industrial plat  
14 on the south side of the city, just south of 196 on the east  
15 side of 32nd Avenue.

16 On the figure in front of you and what we're looking  
17 at right now, the dashed yellow lines represent the various  
18 pieces of storm sewer that were constructed in the development  
19 of this plat. The storm sewer pieces are in four separate  
20 locations. They're not hydraulically connected and they all  
21 flow in different directions. So you can see that from the  
22 areas there. The area that we're specifically looking at is  
23 on the right-hand side of your screen. And what we're looking  
24 at is a piece of storm sewer that ranges in size from 12 to 24  
25 inches in diameter.

1           The outlet -- I'm going to go back one. The outlet  
2 on the right-hand side of your screen has failed. We have  
3 some severe erosion issues that Dutch brought up. And then on  
4 October 11th of this year, the City of Hudsonville signed a  
5 petition to locate and establish this storm sewer as a county  
6 drain. What that means is though this storm sewer was  
7 constructed 20 years ago or whatever that this plat was built,  
8 it was not legally established as a county drain.

9           In our world we call that an orphan drain. It's an  
10 infrastructure that exists. It serves a function. It doesn't  
11 have a legal home, though. It doesn't have an entity or a  
12 municipality that's responsible for maintaining it. And  
13 so one of the things that we want to do today in order to  
14 solve the problems that I'll show in a moment is to legally  
15 establish it as a county drain. We need to give this orphan  
16 a home. All right. Like I mentioned, this is the area that  
17 we're looking at specifically to establish as a county  
18 drain.

19           MR. SOUTER: Joel, can you back up, please, to the  
20 slide before that? So what you're saying is inside the circle  
21 where the yellow is, that's where the drain --

22           MR. MORGAN: Correct.

23           MR. SOUTER: -- (inaudible) now?

24           MR. MORGAN: Correct.

25           MR. SOUTER: Just a clarification.

1           MR. MORGAN: Good question, sir. So what I have on  
2 the screen is a screen grab of the original as-builts for this  
3 subdivision. I've highlighted in red the layout of that  
4 drain. The top is sort of a bird's-eye view. It goes from  
5 the cul-de-sac of Corporate Grove Drive, outlets into a  
6 natural ravine. And on the bottom is the profile of what that  
7 storm sewer looks like, what it was originally constructed as.  
8 As you can see on the right-hand side of this screen, our  
9 storm sewer takes a fairly steep dive downward. And right  
10 now, because it's so steep, some of that pipe is separated.  
11 We've had seepage around that pipe that has sloughed off a  
12 considerable portion of that embankment. And so I represent  
13 that here with the brown block right there.

14           An actual picture of the drain -- if we were  
15 standing on top of this --

16           REPORTER: I'm sorry. Excuse me. Do you mind  
17 facing this way? With the coughing, I -- so you're right in  
18 the center. I'm sorry.

19           MR. MORGAN: Sure. So if we were standing on top  
20 of the sloughage area, that's where this picture is taken,  
21 looking downward. What you see in the middle of your screen  
22 is a manhole drop structure. The top portion of that is  
23 probably eight foot tall and it's probably got another  
24 eight-foot barrel that's buried there. The pipe came from  
25 where we were standing to that manhole and then continued past

1 it. This hole, for frame of reference, is probably 30 feet  
2 deep and it's very dangerous on the left-hand side of the  
3 screen where you see some of the exposed dirt and roots.  
4 There's actually considerable overhang. It's starting to  
5 slough underneath. So it presents a safety hazard for those  
6 who might walk near it.

7           In this photograph on the left-hand side of the  
8 screen you can see a section of pipe that's outletting and  
9 then empty here. So any storm water when it rains comes  
10 through this pipe right onto the natural ground and it's  
11 continuing to erode up. What's important to note is that  
12 where I took that last picture and just to the left-hand side  
13 of this, we have a fiberoptic line that runs and services some  
14 of the businesses in this area. That fiberoptic line is maybe  
15 8, 16 feet away from this point right here. And so with a  
16 couple of good storms, there's a high probability of that  
17 fiberoptic line being exposed and broken, which presents,  
18 obviously, a problem to those businesses in the area as they  
19 depend on that as their means of communication. We don't want  
20 to disrupt those businesses' operations, so we'd like to do  
21 something to minimize the risk of that.

22           Towards the bottom, here's a good scope of reference  
23 again. That's an eight-foot-tall barrel section that you see  
24 right there with another eight-foot section buried. Looking  
25 at that barrel up at that pipe, we've got a lot of heavy clays

1 in this area and very deep erosion. And then if we were  
2 standing at that barrel and continue to look south to continue  
3 to look downstream, this is the area that Dutch was talking  
4 about. All that sediment that was around that pipe sloughed  
5 off, carried downstream. We've got two to three feet of this  
6 built up in this floodplain. It is a regulated floodplain, as  
7 well as filling in these wetlands. So it presents not just a  
8 safety hazard, not just a hazard to the businesses in the  
9 area, it's ecological or environmental as well.

10 So the time line of what's all occurred, in October  
11 the City of Hudsonville signed a petition requesting that  
12 the water resources commissioner take over this orphan  
13 infrastructure as a county drain. Today we are meeting as a  
14 board of determination where it is your responsibility to  
15 listen to my presentation, listen to the other testimony  
16 presented to you, and make a determination whether or not it's  
17 conducive for the public health, convenience, and welfare that  
18 this infrastructure be created as a county drain.

19 Given the nature of this issue, we would like  
20 to -- if it is voted necessary, in December we're going to  
21 (inaudible) construction drawings, obtain right-of-way as  
22 needed, and then hopefully in the winter or even the spring  
23 construct a repair for this. So at this time what this  
24 meeting is -- it is not a determination of a specific project,  
25 nor is it a determination of a specific cost. We do have a

1 couple of ideas about what we can do to remediate this issue,  
2 but at this time we don't have a specific project request  
3 available.

4 So I believe that concludes my presentation and I  
5 would be happy to answer any questions that you may have  
6 regarding this issue. Yes, sir.

7 MR. BRUURSEMA: Yeah. If you want to go back a  
8 couple pictures. A little more. Okay. Right there.

9 MR. MORGAN: Yep.

10 MR. BRUURSEMA: Now, there's a pipe coming in from  
11 the south, I take it?

12 MR. MORGAN: Correct. We are standing on the  
13 northerly side looking south.

14 MR. BRUURSEMA: Okay.

15 MR. MORGAN: Yep.

16 MR. BRUURSEMA: All right. Now, that was higher to  
17 the hole in the -- of the structure?

18 MR. MORGAN: That is correct.

19 MR. BRUURSEMA: If that would have been a solid  
20 pipe, would this have happened?

21 MR. MORGAN: It was solid pipe. It was all  
22 concrete.

23 MR. BRUURSEMA: No, I don't mean that. I mean solid  
24 from where it's coming out into the --

25 MR. MORGAN: So no joints.

1 MR. BRUURSEMA: That was all tile pieces or  
2 sections?

3 MR. MORGAN: Yeah. Eight-foot sticks of concrete  
4 pipes. So there's a joint -- I don't know if they guessed at  
5 the joints or not. I can't tell you the exact cause of this,  
6 if we would have had a solid continuous form of pipe, if that  
7 would have minimized this issue. Some potential causes are  
8 for something like this, when we were out there we noticed --  
9 I'm going to flip forward one. Do you see -- kind of right in  
10 the middle of the screen, do you see that darker lens of soil?  
11 Out there we've got a lot of clay soil and a lot of that was  
12 kind of seeping from the sides.

13 So I would suspect that we have a decent amount of  
14 groundwater in there and that groundwater, either through the  
15 joints of the pipe or maybe even at the joints of the  
16 structure itself or even at the toe, way at the end, that  
17 heaviness of the clay, it doesn't release the water. It  
18 causes it either to slough off or it has to get into a pipe  
19 somehow. I suspect that that may be one cause of this is  
20 that we've got clay, it held onto the water and it started  
21 sloughing away. And once that happens, once you have one  
22 segment of pipe gone, it's just going to head up, up and up  
23 and up and up.

24 MR. BRUURSEMA: Another question was (inaudible) --

25 REPORTER: Can you repeat that? Can you repeat what

1 you said? I didn't catch what you said.

2 MR. BRUURSEMA: You can't hear me?

3 REPORTER: No, but there was distraction out here,  
4 so I missed the first part of what you said.

5 MR. BESTEMAN: There was noise coming from --

6 MR. BRUURSEMA: Oh, I'm sorry. That upright that  
7 receives the water from the 21-inch pipe going in there, where  
8 does it go from there? Where is it supposed to go?

9 MR. MORGAN: Great question. So water from the  
10 industrial park that comes on this picture from underneath us  
11 was supposed to enter that manhole and there was a few other  
12 segments of pipe on the other side of that manhole that outlet  
13 it into this creek. So where I'm standing right now with the  
14 riprap right there, theoretically, is where that pipe would  
15 have opened up into, like, a flared end section, discharged it  
16 over land into this natural water course.

17 MR. BRUURSEMA: Thank you.

18 MR. MORGAN: Okay. Good question.

19 MR. SOUTER: So you're pretty much thinking that the  
20 deterioration started at the very bottom and just worked its  
21 way back down?

22 MR. MORGAN: It could have started at the bottom.  
23 It could have started in the middle, too, and we could have  
24 had some soil into those joints of the pipe and once we  
25 started washing out from the top, it could start breaking

1 pieces off. I don't know. Maybe it wasn't -- you know, I  
2 hesitate to say this. Maybe it wasn't compacted correctly  
3 when the pipe was put in, actually. It was built on a very  
4 steep slope. Typically, I don't like to put pipe on that  
5 steep of a slope. I'll run it in a shallower grade, drop it  
6 into a manhole. That will dissipate that energy and send it  
7 back out on a shallower grade. So there's a number of  
8 factors. You know, I can go back and ask --

9 MR. SOUTER: Nobody actually gave you the sequence  
10 of what happened?

11 MR. MORGAN: No.

12 MR. SOUTER: Okay.

13 MR. BRUURSEMA: What's the potential damage if you  
14 don't do anything?

15 MR. MORGAN: That is a very good question. I don't  
16 have a good answer for that. I've been told anecdotally that  
17 that fiberoptic line, Royal Plastic in particular utilizes  
18 that line quite a bit. I don't know the financial cost of  
19 a disruption to them if that were to break. I know that  
20 fiberoptics is not easy to replace, so --

21 MR. BRUURSEMA: And that's about six to eight foot  
22 back from where this is --

23 MR. MORGAN: Correct.

24 MR. SOUTER: It looks to me like it's just going to  
25 keep going right back up the line.

1           MR. MORGAN: I would suspect that that's true.  
2           Particularly because the outlet pipe that we see here,  
3           that's perched a little bit. That's overhanging as it stands  
4           now. All the water drops out and -- it drops. It cascades  
5           and it pulls a little bit more soil out each time.

6           MR. NYKAMP: Excuse me. When water comes up now,  
7           the very last line you had there --

8           MR. MORGAN: Yep.

9           MR. NYKAMP: -- where does that water go when it  
10          leaves there? I mean, is that where it sort of is exiting  
11          even when you repair this or are you going to put pipe way --

12          MR. MORGAN: We would not be putting pipe way back  
13          down. One potential solution is to just put some rock down  
14          there where the pipe outlets right now, packing some dirt,  
15          packing some, you know, heavy riprap, like 18- to 24-inch  
16          diameter riprap all the way down and just make a natural  
17          spillway. We would outlet it basically right here. So the  
18          water would discharge. It goes into that natural water course  
19          and there's a bit of a creek in the background. It's hard to  
20          see in that photo. That creek flows north. Right now this  
21          particular creek here is not a county drain, but it ultimately  
22          goes into the Deweerd County drain, which is under Joe's  
23          jurisdiction.

24          MR. BRUURSEMA: How far is the outlet of the  
25          vertical to the riprap?

1           MR. MORGAN: Fifty to 100 feet, something like  
2 that.

3           MR. BRUURSEMA: That far?

4           MR. MORGAN: Yeah.

5           MR. SOUTER: Is there any reason why -- okay. This  
6 was a subdivision. You had multiple outlets.

7           MR. MORGAN: Yeah.

8           MR. SOUTER: Why would we not do the whole  
9 subdivision and bring all of the systems into the county  
10 system rather than just one portion?

11           MR. MORGAN: Yeah. That's a great question. So  
12 the drain code, Section 52 and Section 197, define a drainage  
13 district as land that contributes water to a particular drain  
14 or lands that benefit from a particular drain. Because the  
15 subdivision was constructed with four separate pieces, if we  
16 were to take over the whole thing, we would be potentially  
17 assessing landowners for work on a drain when the water  
18 doesn't go there.

19           And so based on the, admittedly, loose definitions  
20 in the drain code, we didn't feel comfortable making this one  
21 giant drainage district of all four pieces. I can't as an  
22 engineer say we should assess somebody right at (inaudible)  
23 when their water when it drains doesn't going to this piece.  
24 So that's why we're only establishing this one section right  
25 now. If in the future there are issues on these other pieces,

1 we could have another similar meeting like this, but we'll  
2 address that --

3 MR. BUSH: Mr. Chair? I believe there is petitions  
4 to establish potentially the other sections. Can we go back  
5 on the other slide and go backwards? The location -- keep  
6 going back to your districts where you have the drains. Right  
7 there. If you'll notice the yellow lines, they don't -- go  
8 back to where the arrows -- you had one that had arrows.  
9 There we go. Those are different -- none of those go into  
10 the same area. None of those go into what we're looking at  
11 today. So that storm sewer that we're looking at today only  
12 incorporates about five different property owners or parcels;  
13 four or five, I believe it is.

14 The other ones with the arrows, they all have about  
15 four or five areas. That's very -- when you go into this what  
16 I'm going to say Corporate Grove Industrial Park, it's very  
17 hilly. So you drive in, you go down a ravine, you go back up.  
18 It's not like it's a flat industrial park. It's very -- it's  
19 got a lot of ravines in it. So every storm sewer goes in a  
20 different direction. Normally we would incorporate all this  
21 into one, because that makes sense, right? Like, why are  
22 you doing all four separate ones? Well, yeah. It wasn't  
23 developed that way. So just FYI.

24 MR. SOUTER: Thanks. I don't have any further  
25 questions. Do you guys have any more?

1 MR. BRUURSEMA: I'm good.

2 MR. SOUTER: Thank you, Joel.

3 MR. MORGAN: Thank you, sirs.

4 MR. SOUTER: Okay. Then we're going to go to  
5 the public portion of this meeting. I would like to have  
6 everybody have a chance to state -- say why they're here and  
7 what they feel about this drain. So I guess that's what we'll  
8 do. I'd like to have you come up to the microphone, state  
9 what parcel you're representing here and what your problem is  
10 with it. And I would like to start that right away. The  
11 first person here.

12 MR. RICK BRINKS: Hi. I'm Rick Brinks. I'm  
13 representing --

14 REPORTER: You're representing who? I can't hear  
15 you very well.

16 MR. RICK BRINKS: Royal Technologies, the facilities  
17 manager there. The 2905 Corporate Grove would be the address.  
18 We're the property that would be to the east of the drain.  
19 I'm the one who called and saw the original issues. I guess  
20 the things that I'm concerned about, number one, is safety.  
21 It is a severe drop-off back there. It's continuing to erode  
22 in the years that I've seen it. Number two would be just the  
23 silt that's going downstream causing future issues with the  
24 drainage. And number three, the fiberoptic is a big concern.  
25 If this keeps coming progressively towards the fiberoptic,

1 it could potentially take out the fiberoptic, which is my  
2 communications. So I would love to see the problem resolved,  
3 at least mitigated for sure, and that we would stop the  
4 advancement of the erosion.

5 MR. SOUTER: Thank you. In the second row there,  
6 the man in the checkered shirt? Do you have a comment?

7 UNIDENTIFIED MAN: No.

8 MR. SOUTER: Okay. The lady?

9 UNIDENTIFIED WOMAN: Do you want me to comment?

10 MR. SOUTER: Would you like to comment?

11 UNIDENTIFIED WOMAN: Uh-huh.

12 MR. SOUTER: Please.

13 MS. JAN SIZENGA(ph): Jan Sizenga. I'm the finance  
14 director here and I just wanted to sit in because I'm the one  
15 that's going to have to collect those (inaudible). Thank  
16 you.

17 MR. SOUTER: And you these ladies?

18 UNIDENTIFIED WOMAN: We're just city employees.

19 MR. SOUTER: City employees? Thank you. The  
20 gentleman here?

21 UNIDENTIFIED MAN: I'm just for --

22 REPORTER: For who?

23 UNIDENTIFIED MAN: Reefer Service.

24 MR. SOUTER: Do you have any comments on it?

25 UNIDENTIFIED MAN: Nope.

1           MR. NYKAMP: I've got a question for the lady that  
2 said that she will probably end up paying for it. Who will  
3 end up paying for this?

4           MR. SOUTER: No, no. She's the one that will be  
5 collecting.

6           MR. NYKAMP: Oh, yeah. I mean collecting from  
7 the -- is it just going to be -- who's all going to be putting  
8 money into this? Is it just including what we see inside that  
9 square there?

10          MR. SOUTER: We don't know. That's --

11          MR. NYKAMP: Well, I'm just wondering how the City  
12 is planning to pay for this.

13          MR. BUSH: It will be based on, like, what we've  
14 done in the past. It will probably be a -- there's no county.  
15 This is all city properties. As far as public municipalities,  
16 there's no counties or road commission involved. It's all  
17 city. And then it would be the property owners that are  
18 located in this particular area. So it wouldn't be --  
19 whatever apportionments I come up with at the time, depending  
20 on the amount of runoff and factors that we use for that.  
21 So it's a very small district, but there is no county lands  
22 in here, nor is there any county roads, nor does the road  
23 commission have any right-of-ways -- or I mean the county have  
24 anything in here, so --

25          MR. NYKAMP: That's kind of where I was --

1           MR. BUSH: Okay. Because normally it's -- it could  
2 be MDOT. It could be township. It could be -- but it's  
3 pretty much all in the city plat, so --

4           MR. SOUTER: Is there anybody that wants to comment  
5 on this drain? Then we'll close the public portion of the  
6 drain and --

7           MR. NYKAMP: We do have a --

8           MR. SOUTER: We have a letter?

9           MR. NYKAMP: We have a letter.

10          MR. SOUTER: Okay. I missed that. Okay.

11          MR. NYKAMP: This letter came from Consumers Energy  
12 and it's addressed to Ms. Vandenberg, Jen in the back that  
13 takes care of all of Joe's paperwork. And it says, "I  
14 appreciate the additional materials that you provided  
15 regarding the proposed Corporate Grove Drain beyond the notice  
16 of the November 10, 2016 Board of Determination's Meeting.  
17 Please share the following comments from Consumers Energy  
18 Company with the Board of Determination at its meeting,  
19 as well as with Mr. Joe Bush, Ottawa County Water Resources  
20 Commissioner.

21                 Consumers Energy owns an approximately 1.7-acre  
22 parcel located at 4276 Corporate Exchange Drive in  
23 Hudsonville, Michigan, Tax ID Number 70-18-04-198-010.  
24 A small portion of this property is within the proposed  
25 Corporate Grove Drain Drainage District.

1 Consumers Energy is not taking a position regarding  
2 whether the Board of Determination should establish the  
3 proposed drainage district. If the Board of Determination  
4 decides to establish this district, the company requests that  
5 the following considerations be recognized in apportioning  
6 any related assessment:

7 \* Consumers Energy's parcel is substantially smaller  
8 than the others that are included in the proposed drainage  
9 district;

10 \* Only a minimal portion of the proposed drainage  
11 district covers Consumers Energy's property, which is  
12 estimated to be less [sic] than five percent of the total  
13 district area;

14 \* While the other relevant parcels that would be  
15 included in the district contain nearly all hard surfaces, the  
16 portion of Consumers Energy's parcel that is within the  
17 drainage district contains vegetative cover; and

18 \* Accordingly, the flow contributed to the proposed  
19 drain from Consumers Energy's parcel is likely to be quite  
20 small in comparison to the other parcels in the district.

21 Thank you for the opportunity to provide comment on  
22 this matter. If you, Mr. Bush or the Board of Determination  
23 have any questions, please contact me at your convenience."  
24 And it's signed by Adam C. Smith. And that's where the  
25 who-pays-what issue, what I'm --

1           MR. SOUTER: So basically as I understand it,  
2 gentlemen, you're going to apportion it according to the  
3 formula that is set for you and the City will probably have a  
4 portion to that effect. All right. Is there any questions by  
5 the Board?

6           MR. BRUURSEMA: Yeah. I want to ask the engineer,  
7 all the silt or sand that has been flowing downstream, is that  
8 going to be brought back or taken out?

9           MR. MORGAN: We'll look to remove that and  
10 reestablish the natural water --

11           MR. BRUURSEMA: I'm saying for the benefits of the  
12 people who's involved.

13           MR. MORGAN: Yeah. Removal of that sediment would  
14 be a benefit to this drain.

15           MR. BRUURSEMA: Okay. Otherwise, I don't have any  
16 other comments at this time.

17           MR. SOUTER: Let's go to a motion for adjournment.  
18 Glenn, what (inaudible).

19           MR. NYKAMP: What we're going to do is we're going  
20 to have to make it -- find out if it's necessary or not  
21 necessary. And the first thing we'll do is have a motion  
22 to -- it has to be a motion made and supported that the drain  
23 is necessary.

24           MR. SOUTER: Do you want to make a motion?

25           REPORTER: I can't hear you very well behind that

1 thing. Did you make a motion?

2 MR. SOUTER: It was moved by Glenn and supported by  
3 Larry that the drain is necessary. All in favor say aye.

4 (All said aye.)

5 MR. BRUURSEMA: It's always the same.

6 MR. SOUTER: Always the same.

7 MR. BRUURSEMA: Okay. I'll make the motion that the  
8 drain is necessary for the protection of the public health and  
9 the City of Hudsonville and that a portion of the cost shall  
10 be apportioned to the municipality at large.

11 MR. NYKAMP: I'll second that. I mean, I'll support  
12 that.

13 MR. SOUTER: It's been moved by Larry and supported  
14 by Glenn that the drain is necessary for the protection of the  
15 public health in the City of Hudsonville and that a portion of  
16 the cost can be apportioned to the municipality at large. All  
17 in favor say aye.

18 (All said aye.)

19 MR. SOUTER: Opposed? So carried.

20 MR. BRUURSEMA: I'm assuming that when the costs go  
21 to the City, it's up to them to allocate --

22 MR. BUSH: I determine --

23 MR. BRUURSEMA: -- to the property owners.

24 MR. BUSH: I do that.

25 MR. BRUURSEMA: You do that. Yeah. Okay.

1 MR. SOUTER: We also need a new motion.

2 MR. BRUURSEMA: I'll make a motion that the drainage  
3 district boundary be adjusted as necessary and lands to be  
4 added and deleted as determined by the water resources  
5 commissioner as recommended by the engineer.

6 MR. NYKAMP: Support.

7 MR. SOUTER: Moved and supported. All in favor say  
8 aye.

9 (All said aye.)

10 MR. SOUTER: Opposed? So carried. I'd say you get  
11 to work.

12 MR. BRUURSEMA: Been a good audience.

13 MR. SOUTER: It's been found necessary and it looks  
14 like it's necessary and it looks like it's to the benefit of  
15 everybody that lives in -- or not lives in the district, but  
16 owns in the district. They want to see the -- the cable  
17 broke, but by the looks of it, it's just going to continue  
18 to back up until it gets to the road or gets to the next  
19 manhole. So I don't see that there's -- I mean, this is  
20 pretty cut and dried on this one. I would say thank you very  
21 much. We appreciate it. And do you have any other comments,  
22 Joe or --

23 MR. BUSH: Just everybody thanks for coming.  
24 Appreciate it.

25 MR. SOUTER: Thanks for being here and let's get

1 this thing fixed.

2 (Meeting concluded.)

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