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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: HIDDEN MEADOWS DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 6:00 p.m., on Wednesday, July 12, 2017, at Georgetown Charter Township, 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 Sahlberg, Board Chairman
- Ms. Peggy Weick, Secretary
- Mr. Glenn Nykamp, Board Member

- Mr. Rod Weersing, Assistant Superintendent
Georgetown Township

- Mr. Ken Bosma, Engineer, Prein & Newhof
- Mr. Lucas Timmer, Engineer, Prein & Newhof

- Mr. Jerry Olman, Ottawa County Road Commission

1 Jenison, Michigan

2 July 12, 2017 - 6:00 p.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: We'll go ahead and
5 get going. And then as soon as the other board member gets
6 here, we'll give him the oath and we'll go from there, we'll
7 start that process but we'll get some of the other stuff out
8 of the way.

9 Welcome every one, welcome to Georgetown Township.
10 We'll go ahead and call the meeting, the public meeting for
11 Hidden Meadows. Again, I appreciate the patience waiting for
12 one of the other board members, he'll be here momentarily.
13 And give him a good warm welcome when he shows up.

14 I'm go ahead and do the introductions. I'm Joe
15 Bush, the Water Resources Commissioner, which is the Ottawa
16 County Drain Commissioner as well. Same office, different
17 name.

18 When I got elected in 2012, I changed the name from
19 drain commissioner to water resources. I felt it fit the job
20 more better than drain commissioner. Same office, just
21 different title.

22 We're here tonight because of concerns and so the
23 township petitioned me about, I want to say about a year ago,
24 to go ahead and give the petition to my office, and at that
25 point we'll hold a public hearing. And that's why we're here

1 tonight, to hold that public hearing, and everybody will
2 get -- they usually have a three-minute rule that you come up
3 and talk in favor or not in favor of the project, or not in
4 favor of moving forward, but express your concerns, pictures,
5 money, whatever, this is the time to do it.

6 And speak loud and clear because we do have a court
7 reporter, so everything is word for word, and it will be on
8 my website. It usually takes her about three, four weeks or
9 so to get the transcript, but it will be on the website. And
10 if you don't have the means of the internet or whatever, I'm
11 more than happy to send you a hard copy of the minutes, word
12 for word of what happens tonight.

13 So, again, that's not required, but I like to have
14 Marge or a court reporter so everybody hears the same thing.
15 And if you go back and read the transcripts, you know what's
16 going on, in case we didn't hear it or misheard it.

17 So I'll do the introductions, I introduced myself.

18 The gentleman -- we'll go from left to right. The
19 gentleman in the center is Bill Sahlberg. He's the Polkton
20 Township Supervisor. We have Peggy Weick, and she's to the
21 right. And then Marge, our court reporter.

22 And then we got Ken Bosma, he's from Prein &
23 Newhof. He's one of the engineers I imagine most of you
24 spoke to when you got a phone call, or if you called and
25 talked to him. He's been out there a lot in the field. So

1 he knows what's going on.

2 And then we have Rod, he's the supervisor
3 assistant --

4 MR. ROD WEERSING: Assistant superintendent.

5 WATER RESOURCES COMM. JOE BUSH: I'm sorry, from
6 the township for Georgetown.

7 And then there is Lucas, and Lucas works for Prein
8 & Newhof, but under Ken Bosma, working on his PE. But he's
9 been out in the field as well. So maybe you guys had some
10 discussion with Lucas.

11 So again, the reason why we're here is to hold a
12 public hearing and to listen for testimony, comments. And
13 when you come up, speak your name and your address, and then
14 voice your concerns so we can hear them.

15 I think I know a lot of the concerns. I know I've
16 talked to some of you guys on the phone, listened to
17 e-mails -- or read e-mails, listened to Ken, listened to
18 Lucas.

19 And I don't make the determination whether it moves
20 forward for a project or not. That's determined by this
21 three-panel board. And that's -- these are handpicked by me,
22 they're appointed. But they don't live in Georgetown
23 Township, nor do they have any properties in the drain
24 district, or they have no affiliations with anything that
25 we're doing tonight period, except voting on the, something

1 moving forward.

2 They don't determine the project or the scope or
3 the cost or anything, neither do I, until we get with the
4 engineers and you folks, you guys live there.

5 So we'll determine something down the road, but
6 today is not the time to figure out what is the project.
7 We're here to hear the concerns and the problems. So that's
8 why we're here today.

9 And until Glenn shows up, I can't give the oath
10 yet. And he should be here at any time.

11 ENGINEER KEN BOSMA: I just called and he was about
12 five minutes out.

13 WATER RESOURCES COMM. JOE BUSH: So we'll just
14 pause for a minute.

15 (At 6:15 p.m. went off the record.)

16 (At 6:21 p.m. went on the record.)

17 WATER RESOURCES COMM. JOE BUSH: All right, we'll
18 go ahead and convene here since our third board member, Glenn
19 Nykamp is here. He's from Zeeland Township, he's the
20 supervisor over there who promised me he wouldn't be late,
21 but things happen.

22 We will go ahead and do the oath.

23 If you gentlemen and lady will rise and raise your
24 right hand.

25 And then do each of your solemnly swear that you

1 will faithfully perform and discharge the duties imposed upon
2 you as required by law as members of the Board of
3 Determination appointed by the Ottawa County Water Resources
4 Commissioner to determine the necessity for maintenance and
5 improvement of the Hidden Meadows Drain, located in
6 Georgetown Township in Ottawa County, do each of you affirm
7 that you are landowners -- yeah, do each of your solemnly
8 swear that you will perform the duties?

9 BOARD MEMBER BILL SAHLBERG: I do.

10 BOARD MEMBER GLENN NYKAMP: I do.

11 BOARD MEMBER PEGGY WEICK: I do.

12 WATER RESOURCES COMM. JOE BUSH: So at this point,
13 you guys will run the meeting, and appoint a chair and
14 secretary. Thank you.

15 BOARD MEMBER BILL SAHLBERG: All right. At this
16 point, I'll entertain a motion for election of secretary for
17 the Board of Determination.

18 BOARD MEMBER GLENN NYKAMP: Support that.

19 BOARD MEMBER BILL SAHLBERG: Peggy, would you be
20 the secretary?

21 BOARD MEMBER PEGGY WEICK: I will.

22 BOARD MEMBER BILL SAHLBERG: I'll entertain a
23 motion for Bill Sahlberg to be chairperson for tonight's
24 board of determination.

25 BOARD MEMBER PEGGY WEICK: I so move.

1 BOARD MEMBER BILL SAHLBERG: Okay. Second?

2 BOARD MEMBER GLENN NYKAMP: Support.

3 CHAIRMAN BILL SAHLBERG: Okay. And from the past,
4 tonight the rules of public comment are a little bit what Joe
5 had alluded to. We ask for a three-minute limit of your
6 conversation. Please come to the podium so we can all hear
7 through the microphone. State your name, your address, where
8 you live, and that's pretty much it, just be succinct if you
9 will.

10 We don't have any letters that I'm aware of that
11 need to be read. So we'll dispense with that.

12 SECRETARY PEGGY WEICK: I make a motion that we
13 limit public comment to three minutes.

14 CHAIRMAN BILL SAHLBERG: Okay.

15 BOARD MEMBER GLENN NYKAMP: Support.

16 CHAIRMAN BILL SAHLBERG: All right. So at this
17 point, we'll hear from you folks --

18 WATER RESOURCES COMM. JOE BUSH: Township.

19 CHAIRMAN BILL SAHLBERG: Oh, there we go.

20 MR. ROD WEERSING: Good evening. I'm Rod Weersing,
21 Assistant Superintendent for Georgetown Township.

22 The township initiated this process about a year
23 ago with Joe Bush, the Water Resources Commissioner, after
24 several complaints from people in the area, in this
25 particular area, regarding grading issues, water pooling

1 issues, basements flooding, and other various issues
2 associated with drainage. Those people were all referred
3 onto the Water Resources Commission for further investigation
4 for their particular property.

5 But like I said a year ago, we initiated the
6 process of starting a drainage district just to help
7 alleviate those issues.

8 Any questions for me?

9 CHAIRMAN BILL SAHLBERG: Does the Board have any
10 questions?

11 SECRETARY PEGGY WEICK: Not at this time.

12 BOARD MEMBER GLENN NYKAMP: No.

13 CHAIRMAN BILL SAHLBERG: Thank you.

14 Ken?

15 ENGINEER KEN BOSMA: I'm going to defer to Lucas,
16 he'll do a presentation.

17 CHAIRMAN BILL SAHLBERG: All right. Lucas, you're
18 up.

19 ENGINEER LUCAS TIMMER: Hello, my name is Lucas
20 Timmer. I'm an engineer with Prein & Newhof. With me
21 tonight is Ken Bosma, Ken is also an engineer with Prein &
22 Newhof.

23 And Joe Bush, the Ottawa County Water Resources
24 Commissioner requested that Ken and I take a look at the
25 Hidden Meadows Drain and do some research on the history of

1 that drain and the plats in the drainage district.

2 And then following that, Joe then requested that we
3 present this evening on the, our findings about the Hidden
4 Meadows Drain.

5 So let us begin first with some background about
6 the Hidden Meadows Subdivision. The Hidden Meadows
7 subdivision is split into three plats. The first plat is the
8 Hidden Meadow Number One Plat which was established in 1997.

9 As a part of establishing the Hidden Meadow Number
10 One as a plat, the storm water infrastructure was established
11 as a Section 433 drain. What Section 433 means is the Ottawa
12 County Water Resources Commissioner and the plat developer
13 came to an agreement that the plat would install the storm
14 water infrastructure in that plat, and then the water
15 resource commissioner then would take jurisdiction over that
16 storm water infrastructure.

17 Following that, the Hidden Meadow Number Two Plat
18 was established in 2001, and the Hidden Meadow Number Three
19 plats was established in 2002. And as a part of that
20 establishment, two branches were added to the Hidden Meadow
21 Drain.

22 The Hidden Meadow Drain was petitioned, as Rod
23 mentioned, by Georgetown Township on May 9, 2017, under
24 Chapter 8 of the Michigan Drain Code of 1956, to maintain the
25 county drain.

1 The next slide shows the historic 433 drainage
2 district boundary. As a part of establishing a county drain,
3 a drainage district boundary is also created. This drainage
4 district boundary is basically a boundary that goes around
5 the three plats.

6 You can also see on this presentation slide that
7 the orange storm water infrastructure, all of it ends up
8 draining through Bass Creek. And some of the storm water
9 infrastructure also drains to a detention pond in the
10 northwest corner of the district, which then eventually
11 drains into Bass Creek.

12 So here is a slide of the 433 drainage district
13 boundary with an aerial on it.

14 So after some research of the drain, Ken Bosma and
15 I reviewed contour data that was available on the Ottawa
16 County GIS, and we also reviewed record plans of the three
17 plats, and also of Wellspring Community Church. And what we
18 ended up determining is that there is also some areas north
19 of the plat that contributes runoff into the storm water
20 infrastructure.

21 This runoff ends up getting into the storm water
22 system here and goes into the detention pond, which then ends
23 up going into Bass Creek.

24 The next slide shows an aerial of this drainage
25 district boundary.

1 So this photo is one of a few different issues that
2 we've heard from residents regarding the Hidden Meadows
3 Drain. This photo is of the backyard of Lot 18. As you can
4 see there is some major issues with drainage on this lot.
5 There is also issues with Lot 17 and Lot 94.

6 One of the reasons, perhaps, behind this is these
7 lots are on the boundary line between the three plats. So
8 this is one of the issues that was brought up by the
9 landowners.

10 Another issue that we have heard has to do with the
11 detention pond that I pointed out in the northwest corner of
12 the drainage district. This detention pond is filled with
13 sediment, which is impacting the drainage of the pond. There
14 is also a lot of vegetation growth due to that sediment
15 getting in there, that's also led then to vegetation to grow.
16 And that was an issue brought up by some of the landowners.

17 So the purpose of this Board of Determination, as
18 Joe has mentioned, is to hear public and municipal comments
19 about the petition.

20 Following this presentation, you'll have the
21 opportunity to provide your comments on some of your thoughts
22 about the Hidden Meadow Drain and some of the issues that
23 you've noticed, or if you have any comments about the drain
24 and district boundary.

25 Following that the Board will determine whether or

1 not this petition is necessary, and that maintenance should
2 occur on the drain.

3 So the next steps then following this process, if a
4 petition is deemed necessary, Ken and I then will look into a
5 project design. And that will be largely based on what we
6 hear tonight from you guys on what the, if there are any
7 drainage issues in this drainage district.

8 There will then be a time where we need to acquire
9 easements. If we do not have an existing easement for the
10 drain infrastructure, we'll then need an easement for that
11 which permits the Water Resources Commissioner to go on the
12 property and maintain the infrastructure.

13 Following that the project will then be bid as an
14 open bid to contractors, and then the contractor will be
15 selected to construct the storm water infrastructure. That
16 would be to also then do maintenance work.

17 And then following that is a day of review of
18 apportionment where costs are determined and how costs will
19 be allocated.

20 If the petition is not determined necessary, then
21 no further action will occur with this drainage district.

22 Thank you for attending this meeting, and we'll now
23 move on to public comments.

24 BOARD MEMBER GLENN NYKAMP: Could you please get
25 that back, the original plat that was on there, originally?

1 ENGINEER LUCAS TIMMER: Yes.

2 BOARD MEMBER GLENN NYKAMP: Thank you.

3 CHAIRMAN BILL SAHLBERG: Do you have a question?

4 BOARD MEMBER GLENN NYKAMP: I'm just -- I'm just
5 waiting until we get some information from the people in the
6 audience here, and it's a little easier sometimes to take it
7 off there than what it is to --

8 ENGINEER KEN BOSMA: Then it might be easier to
9 move it ahead, Rod, because that's the district.

10 CHAIRMAN BILL SAHLBERG: At this time we'll open
11 the floor to any public comments, please come to the podium.

12 MS. JANE McGRATH: I have a handout, can I give
13 that to you?

14 CHAIRMAN BILL SAHLBERG: Sure.

15 MS. JANE McGRATH: As you will see by this handout,
16 my name is Jane McGrath. I live at 7832 Meadowood Drive, Lot
17 Number 18. That was my bird bath and gazebo archway that you
18 saw in the flooded picture.

19 I was the tenth house built in the first phase. I
20 sat on the first association board and started my complaints
21 at the onset of creation.

22 My basic concern or issue is the catch basin that's
23 on my back lot line which is Lot 18 -- I don't know if you
24 want me to point that out up there. But I do have a copy of
25 that map on the back, and I put a red asterisk in the box for

1 Lot 18, which is me, and a couple of notations.

2 Actually, I have felt for a long time that the
3 flooding issue at the catch basin was that that catch basin
4 was not connected to anything, and I believe that's somewhat
5 been confirmed by the inspections, resulting in an overflow.
6 So it just floods and flows when we get a strong, fast, heavy
7 rain.

8 My sump pump is unable to keep up with this. My
9 sump is connected directly to that catch basin, which was
10 done by my builder, who built the house for me in 1998 and
11 '99. I've lived there since January of '99.

12 So I get a wet basement. And it comes out of the
13 sump crock, it backs up into my house, or the basement.

14 I've tried to alleviate this by getting an
15 additional pump with an alternate exit path, which has
16 helped, but it doesn't completely stop my need for having
17 everything in my basement either in plastic or up on legs or
18 wood or something of that sort.

19 My basement situation, in my opinion, and I don't
20 think it's worth a challenge, the value of my house is
21 significantly impacted by this because I have a lovely
22 basement. It's a walk out, but nobody would, in their right
23 mind would finish a basement like this with the water
24 situation we have.

25 And it's to the extent that I certainly could not

1 be hiding of this fact, if I were to be selling my house
2 today. So I think that is a real factor of significance.

3 In addition, the water volume and flow have eroded
4 a permanent pathway through my backyard. It's pretty hard to
5 keep anything growing there. And then I have ponding in
6 certain areas, one in particular, which the ducks enjoy my
7 lot and the neighbor's lot, so landscaping is not so much of
8 an issue.

9 Also, it really kind of came to a head I think in
10 the last year or two when I learned about the Zika virus
11 because normally my sister is always telling me to get
12 tablets to throw in the pond because of the mosquitoes, and I
13 just blow her off. But when that little feature came to
14 light, I started to get a little concerned for the
15 neighborhood.

16 When I bought the house, of course I purchased the
17 lot first. I purchased it because I liked it, I liked the
18 trees and it was certainly my expectation working with
19 Shurlow Custom Homes, whom I felt to be a very highly
20 regarded developer in this area, that everything would be
21 done in a very fine manner. It would be all up to code,
22 everything would be great. Although I will admit at that
23 stage my first house to build and what not, I wasn't even
24 thinking about drainage.

25 But it turned out to be maybe not so much true.

1 You can see by the map that I have attached that the catch
2 basin on my back lot line is really the place for the runoff
3 and underground for those that are attached to the
4 underground drains, about 12 houses. And all of these
5 houses, of course in the development, are walkouts, or
6 daylight, so it's a significant grade from the street level
7 to where these drains are.

8 And when I looked at this map, I had not done this
9 prior to receiving it, it just seemed to me that the ratio of
10 catch basin to houses that would be feeding it, seemed
11 especially low, compared to some of the others.

12 So you add to that the fact that this catch basin
13 is not connected to the down line run, which is shown in the
14 picture -- yes?

15 CHAIRMAN BILL SAHLBERG: One minute.

16 MS. JANE McGRATH: I have one minute to go? That's
17 not a problem.

18 It really highlighted what was being experienced.
19 I brought the issue up a number of times over the course of
20 my residence.

21 And last point I think probably is moot at this
22 point as I did not know about the Section 433 agreement for
23 the drain district. I was indicating I did not feel it was
24 the resident's responsibility to have to bear the cost to
25 correct what appears to me to be a design flaw. And I was

1 suggesting that perhaps the Shurlow Custom Homes people would
2 like to participate in its correction.

3 So the next picture, which you probably already
4 looked at are three pictures of my backyard, and a little
5 explanation, and of course the map. So thank you very much.

6 CHAIRMAN BILL SAHLBERG: Thank you very much.

7 Anyone else?

8 Yes ma'am?

9 MS. NICOLE SKIPP: Here are some pictures.

10 My name is Nicole Skipp, and I live at 7836
11 Meadowood Drive. We are Lot 17. I am neighbors with Jane.

12 And we moved into the house in November 2014. And
13 when we bought the home, obviously it was fall, we could not
14 tell that there was issues with the backyard.

15 That following spring, when the snow melted, we
16 learned that there is significant ponding and pooling of
17 water when the snow melts or when there is heavy rain.

18 We have two small children and our biggest concern
19 is that our backyard is not a functional space for our
20 family. Had we known more about these problems prior to
21 buying the house, we may have chosen differently.

22 As Jane mentioned, we have concerns about just the
23 mosquitoes. There is ducks that live in our backyard in
24 these ponded waters. I'm not exactly sure what else may live
25 back there.

1 We did have some flooding in our basement due to
2 erosion as well. And my husband had several contractors come
3 out and take a look. And we, I think, have rectified the
4 problem for now. But every time it rains, we are nervous
5 that we will have more water in our basement.

6 We have a sump pump and it runs pretty much
7 constantly.

8 So we're just hoping that we can get this drainage
9 situation figured out so we can have a functional backyard
10 and we can utilize this space as best as possible.

11 As Jane mentioned, I do think that this would be a
12 factor if we were to sell our home. I think that it would
13 definitely lower the value of our house if somebody were to
14 come over and see the yard and the state that it is in. So
15 that's it.

16 CHAIRMAN BILL SAHLBERG: Great, thank you very
17 much.

18 Any one else?

19 MR. CHUCK Vlieg: I'm Chuck Vlieg, I live at 4506
20 Oakmeadow Drive. I have Lot 51 where that retention pond is
21 part of.

22 And I guess a little history, we bought the lot in
23 2002. And there was water in there, it was a pond really.
24 And so we treated it that way, and assumed it that way. And
25 it remained that way, and I maintained it, even though it was

1 weedy all along.

2 Well then they cleaned out Bass Creek two years
3 ago. And when that lowered Bass Creek, that lowered Bass
4 Creek, then the water drained out.

5 Well then what became evident is the reason water
6 was in there in the first place, when I don't believe it was
7 a retention pond, it necessarily had to, but the creek was
8 too high. It was silted.

9 Plus I think the way they designed the discharge it
10 appeared to be about one to two-inch loose stone and then a
11 bunch of rock on that, sort of as a buffer or to release the
12 water out of there.

13 But I think what happened, it collapsed, and then
14 actually formed a dam. So it was always dammed up, and it
15 always had water, until the creek was cleaned.

16 At that point, the township told me they were going
17 to -- excuse me, the drain commission people said they would
18 clean that pond as part of cleaning Bass Creek, but they
19 didn't do it.

20 They said, well, we'll do it next year, which would
21 have been last year. Well the result of that was of course
22 when the creek was lowered, then it drained, ultimately
23 washed through in the first rain and drained that pond.

24 Well then I looked at that and figured, I'd like to
25 have the pond back. So I went to Joe's department, Chris

1 Machiela mostly, who did the work out there, and asked if we
2 couldn't -- when they cleaned the pond, would I be allowed to
3 deepen it so it was a real pond.

4 So they gave me some prices and had some
5 contractors bid that work that way, cleaning the pond, plus
6 the extra work that I asked for to deepen it so we could have
7 a pond.

8 Well the price came back astronomical, and that's
9 the reason I think we're here. Even the portion they were
10 going to do apparently was much more expensive than they
11 said -- that's what I was told.

12 My portion to clean and just lower the pond area
13 was \$22,000. And because that place has to get cleaned up,
14 it has to go back to a pond, it can't be a weed mess like it
15 is, I was willing to do that, if that's what it took. I want
16 that association to be a good place to live.

17 That pond, when it was there, ducks in it and
18 turtles and frogs, and endlessly young mothers with children
19 always there. And I was always there with corn and fed the
20 ducks. So it's really an attractive place for the
21 association as well as for my lot.

22 Right now I figure the way it is today, I might as
23 well, like Jane, write off 25, \$30,000 of my property value.

24 So I'm asking that if it's cleaned out the way it
25 should be, and the discharge and design so it will hold and

1 not washout, that I would ask personally to add to that --
2 and that's only restoring it to what it was. I would like to
3 ask to actually dam that up so it will retain some water.
4 And if that costs me something, I guess that's fine. Because
5 that's more than what its intended design originally was.

6 So that's my story. And that's my request, that
7 that be considered; and whatever is added costs to do that, I
8 would consider paying it myself.

9 But it's important for the association. We try to
10 keep the place looking good. There is a lot of good people
11 there, a lot of young families, which I enjoy. And that pond
12 is really important for especially those kids.

13 And there is not a lot of mothers, or maybe a few
14 with young children here, but it is very important to
15 maintain.

16 So that's my request. Thank you.

17 CHAIRMAN BILL SAHLBERG: Thank you.

18 Anybody else?

19 MR. STEVE WITTE: Hello, Board Members, my name is
20 Steve Witte, I live at 4336 Forestway.

21 I understand the comments from not necessarily my
22 neighbors but people in the subdivision and I just have a
23 couple questions. And I don't know if it's necessarily for
24 you three or water resources or somebody else.

25 I'd like to know again how we got here. I

1 understand the township made a petition, but I wanted to know
2 what that petition really said and how that was enacted on.

3 I know a lot of my immediate neighbors have water
4 in the basement pretty constantly. I'm one of the fortunate
5 ones. I think our house was built a little bit higher.

6 My own opinion -- and I'm a PE, I have been a PE
7 for over 20 years. I do land development, so I do have
8 extensive knowledge on this type of thing.

9 My own opinion is the minimal opening elevation,
10 and minimum basement elevations on the covenants were set too
11 low. That's my own opinion. That's why you get water in
12 your basement.

13 Like I said, my neighbors on either side of me they
14 get water in their basement constantly. My rear yard does
15 have water in it during a large rain event, but it doesn't
16 get up to our windows.

17 The other thing related to that is in the covenants
18 and bylaws it is a little bit unusual. I don't know that
19 I've seen this too often. Our covenants and bylaws
20 specifically state each lot owner waives his claim against
21 the Hidden Meadow Drain District, Ottawa County Drain
22 Commission, his employees and agents, Georgetown Township,
23 the engineer, and the developer, from any and all claims,
24 damage, obligations arising from the existence of the
25 drainage system.

1 So my question is if this move forwards, I realize
2 there would be an assessment, and I realize from what the
3 first individual said is it should be the developer's cost.
4 Well my understanding is it's not the individual's cost, or
5 the developer's cost, it would be the association's cost.

6 And I just wanted to confirm that that's the way
7 that it would go assuming that it goes forward, and then
8 there is a design done. The cost ends up being \$150,000, my
9 understanding is that's spread throughout the association
10 members or the people in the drainage district.

11 So I'd like clarification on that.

12 Thank you for your time.

13 CHAIRMAN BILL SAHLBERG: Thank you.

14 BOARD MEMBER GLENN NYKAMP: Joe, can you help us
15 with that?

16 WATER RESOURCES COMM. JOE BUSH: Yeah, and again --

17 CHAIRMAN BILL SAHLBERG: Or Ken, or somebody.

18 WATER RESOURCES COMM. JOE BUSH: I can, and Ken can
19 sum it up too.

20 The petition came because of all the concerns like
21 most of the concerned people who did call me or called in,
22 aren't here tonight. You guys represent a small piece of a
23 lot of the people who were having water concerns.

24 So then the township -- the drain commission is
25 only allowed to spend 5,000 per mile per year per drain, so

1 I'm limited in funds. The only other way to do a project is
2 to have a petition, have a public hearing and have public
3 comment. Because I can't spend tax payer's money, just get
4 the checkbook.

5 We need a public hearing, we need a Board to
6 determine it, not me. So I don't just sit here and go, I
7 just spent all the tax payer's money, and write a check.
8 That's not how it works.

9 With the Drain Code, we're doing the legal process.
10 And then the township wanted to petition my office so we're
11 here tonight to fix some of the concerns like Lot 17, 18, and
12 all the other ones that are not here. So that's what I know.

13 The bylaws, you know, I think we would supercede,
14 the Drain Code would actually act, because it is a 433, we
15 would for sure do a special assessment in the red. People
16 who live in the red boundaries, that is the watershed. So
17 anybody who lives in that would probably be assessed a
18 certain amount, whatever that factor would be.

19 And the township would share. I didn't mention it
20 earlier but Jerry Olman is here from the road commission,
21 he's got roads in there, and the right-of-way, so the road
22 commission would pay a share. Again the township would pay a
23 share, the county will pay a share. And then whatever is
24 left over will get divvied up amongst the property owners.
25 But we're all going to contribute to the cost, for sure.

1 So the burden isn't just on you guys. It's on all
2 of us.

3 So that's where it came about for the petition.
4 That's why we're here today.

5 And then the 433 agreement, we would probably, I
6 think, drain codes would supersede that. And I'd be able to
7 do a special assessment. We can't go back on the developer,
8 he's long gone, and these were back in the early 2000s. And,
9 yeah. It's a little late for that. So there is some -- we
10 can't go back.

11 And so here we are today with the problems and
12 we're trying to fix them.

13 Ken, if you have anything else to add?

14 ENGINEER KEN BOSMA: I think you pretty well summed
15 it up.

16 And just so you know, the costs, or how they are
17 distributed cannot be determined until after actually the
18 construction documents are prepared and bids are actually
19 received so we get actual hard costs to know what those are.
20 Then that's when costs can then be determined out to you at
21 that point.

22 That's that day of review that Lucas was talking
23 about up front in there.

24 And apportionments, just so you understand as he
25 said, we talk about the right-of-way, it's distributed to the

1 road commission. And then there is a share for the township
2 for health, safety and welfare.

3 But then the balance is looked at, apportionment,
4 what we look at is kind of the overall coverage of the lot,
5 hard surface in terms of roof wise and driveways. It's not
6 that we measure every single one, but that's a reference
7 that's kind of used in there and soil types in there.

8 So that's some of the factors that are looked at in
9 terms of how each parcel is assessed a portion of the share.

10 BOARD MEMBER GLENN NYKAMP: The deputy of the
11 township, I'm sorry, I didn't get -- I don't remember your
12 name.

13 Is there some kind of a number that you will use
14 per subdivision, or whatever it is?

15 ASSISTANT SUPERINTENDENT ROD WEERSING: No. That's
16 all worked out through the Water Resources Commission. And
17 it comes down to us from them.

18 ENGINEER KEN BOSMA: So just what Joe was alluding
19 to on the \$5,000 per mile per drain is from the Drain Code.
20 So there is nothing that Georgetown Township currently has
21 that contributes per drain necessarily.

22 So they will contribute if it's deemed necessary
23 from the health, safety and welfare, but there is nothing
24 that says there is X amount of dollars per drain.

25 CHAIRMAN BILL SAHLBERG: We kind of took a left

1 turn on public comment, so let's go back for a second.

2 Do we have anybody else that would like to share
3 information or speak?

4 Okay.

5 At this point we will close the open public
6 comment. And we'll go back to some questions.

7 Glenn, you had some questions you've been asking,
8 do you have more questions?

9 BOARD MEMBER GLENN NYKAMP: Is there anybody here
10 that's against it totally?

11 That's good.

12 MR. STEVE WITTE: I guess my own opinion again is I
13 don't have any problems and I'm not sure -- to me it seems
14 like a rear yard issue between three or four lots. But
15 that's just my opinion.

16 CHAIRMAN BILL SAHLBERG: Peggy, do you have any
17 questions?

18 SECRETARY PEGGY WEICK: There isn't any contour
19 maps available to see, are there?

20 ENGINEER KEN BOSMA: We did not put them in any
21 exhibit here, we used them as we developed this but there is
22 not here, correct.

23 SECRETARY PEGGY WEICK: Okay.

24 CHAIRMAN BILL SAHLBERG: Okay. Excuse me one
25 second.

1 What do you think?

2 BOARD MEMBER GLENN NYKAMP: Well it's obvious that
3 -- I don't know. I think there will probably end up being
4 more than three people that will have an issue. I think it's
5 going to be quite a bit greater than that.

6 SECRETARY PEGGY WEICK: I agree.

7 CHAIRMAN BILL SAHLBERG: Okay.

8 BOARD MEMBER GLENN NYKAMP: Only the gentleman
9 here, and he was wise enough to make sure he had his house up
10 high enough off the ground, and that happens in a lot of
11 issues.

12 But for the betterment of the whole subdivision, I
13 would say it definitely needs work done somehow, and by
14 somebody.

15 SECRETARY PEGGY WEICK: Sounds to me like there is
16 a lot of issues with ponding. This was poorly done to begin
17 with.

18 CHAIRMAN BILL SAHLBERG: Okay. So at this point,
19 it sounds like we're in agreement this should go forward. So
20 I need a motion to do that.

21 Do you want to take that for us, Peggy?

22 SECRETARY PEGGY WEICK: Yes. I'd like to make a
23 motion that the drain is necessary for the protection of the
24 public health in Georgetown Charter Township, and that a
25 portion of the costs shall be apportioned to the municipality

1 at large.

2 CHAIRMAN BILL SAHLBERG: Do we have a second?

3 BOARD MEMBER GLENN NYKAMP: Support.

4 CHAIRMAN BILL SAHLBERG: Okay. All in favor, say
5 aye.

6 SECRETARY PEGGY WEICK: Aye.

7 BOARD MEMBER GLENN NYKAMP: Aye.

8 CHAIRMAN BILL SAHLBERG: Aye.

9 At this point --

10 WATER RESOURCES COMM. JOE BUSH: You also might
11 want to add the motion to add or delete lands as necessary,
12 as we find out if there is more people or less, maybe they're
13 not included. So I would for sure make that motion to add or
14 delete lands in the future.

15 CHAIRMAN BILL SAHLBERG: Okay.

16 WATER RESOURCES COMM. JOE BUSH: It's a motion to
17 adjust the boundary as needed.

18 SECRETARY PEGGY WEICK: I make a motion to, that
19 the drainage district boundary be adjusted as necessary and
20 lands be added and deleted as determined by the Water
21 Resources Commissioner and as recommended by the engineer.

22 CHAIRMAN BILL SAHLBERG: Do we have a second?

23 BOARD MEMBER GLENN NYKAMP: Support.

24 CHAIRMAN BILL SAHLBERG: All in favor, say aye.

25 SECRETARY PEGGY WEICK: Aye.

1 BOARD MEMBER GLENN NYKAMP: Aye.

2 CHAIRMAN BILL SAHLBERG: Aye.

3 Okay. Motion passed.

4 Okay. Do we have anymore?

5 WATER RESOURCES COMM. JOE BUSH: I'll go ahead and
6 wrap it up.

7 I want to say thanks for your patience tonight, and
8 I appreciate you coming out on a beautiful evening and
9 spending your time with us. Be sure to stick around and ask
10 anymore questions of the engineer, myself, and I appreciate
11 your coming.

12 ENGINEER KEN BOSMA: If I might add too, if anybody
13 really wants us to get in contact with them, stop by and give
14 us your phone number so we can get in touch with you, that
15 would be great too.

16 WATER RESOURCES COMM. JOE BUSH: Thank you.

17 (Board of Determination Hearing Concluded at 6:56 p.m.)

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