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STATE OF MICHIGAN

OFFICE OF THE OTTAWA COUNTY WATER RESOURCES COMMISSIONER

IN THE MATTER OF:  
CHESTER DRAIN

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Proceedings commenced at 10:02 a.m. on Thursday,  
August 24, 2017, at the Chester Township Hall, 3509  
Sehler Street, Conklin, Michigan - In Re: Chester Drain  
and Board of Determination, held before Suzanne Duda,  
RPR, CRR, Certified Shorthand Reporter No. 3199.

APPEARANCES:

Joe Bush, Ottawa County Water Resources Commissioner  
Jennifer Vandenberg, Assistant  
Ryan McEnhill, PE, Eng. Engineering

Chairman Glenn Nykamp  
Secretary Jerry Hunsburger  
Member Rich VanderKlok

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Conklin, Michigan

August 24, 2017 - commencing at 10:02 a.m.

Chester Drain

Board of Determination

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WATER RESOURCES COM. JOE BUSH: Well, good morning, everyone. I appreciate you taking this morning to come to Chester Township and understand why we're here, the process on the Chester Drain, which this is a process that through drain code, and this is the process by law that I have to do to have these public hearings like this.

And some people may ask, and for the record, why is it at night, or why isn't it at night, and why is it at 10:00 in the morning? Well, we'll start off by saying when I have them at night I get the other feedback that that's supertime. Kids have sports. I don't have time for it. So I try to be consistent, and I've been having these meetings at 10:00 in the mornings. And who can make it can make it. If not, there's transcripts and there's ways to, you know, figure out, read the minutes of what happened at this particular meeting and why we hold the hearing.

1           So, again, I appreciate you taking the  
2 time this morning to come here and listen to the  
3 engineer's report and my report and figure out why  
4 this is a hearing and what happens from here. So I  
5 do appreciate your time, I really do.

6           So, again, I'll do introductions.

7           My name is Joe Bush, your Ottawa County  
8 Water Resources or Drain Commissioner. I changed  
9 the name when I got elected in 2012 because I  
10 figured we do a lot more than just clearing drains.

11           A lot of you probably didn't even know I  
12 was elected or you vote for me every four years on  
13 the presidential cycle, so -- but you do, so I  
14 appreciate everyone's support for the election  
15 process. But I am an elected official, and this is  
16 why I -- this is part of my job. This is what I  
17 do. This is just one little bit of it, but this is  
18 why I'm here. This is why you elect a drain  
19 commission or a water resources commissioner. And  
20 this is just, again, through the process.

21           And, again, I'm Joe Bush, and then we'll  
22 do introductions.

23           This is Sue. She is a court recorder. I  
24 court record every one of my meetings, so there's  
25 transcripts word for word on my website, or if you

1 don't have means of Internet or a computer, just  
2 give us a call at my office, and I'll be more than  
3 happy to send you a copy or your township will have  
4 a copy as well if you don't have Internet or a  
5 computer so that way you can read them and see what  
6 happened. So that's Sue.

7 My engineer who I use for this particular  
8 situation is Ryan McEnhill. He's with Eng. Eng.  
9 does a lot of engineering throughout the state.  
10 And you're, like, "Well, where are they from?"  
11 Well, they have an office just relocated in  
12 Grand Haven, but they're out of Lansing, and they  
13 work for multiple drain commissioners throughout  
14 the state for this process and for designing drains  
15 and everything else, so this is why he's here for  
16 this.

17 And then I have to pick a three-panel  
18 board that is appointed by me that has no  
19 affiliation with Chester Township, Crockery Lake,  
20 the drainage district that we'll talk about later,  
21 or anything to do with the project or what we're  
22 doing here except to determine whether or not the  
23 improvements need to happen on the Chester Drain.  
24 That's the only reason I appoint these men. These  
25 men do not determine the project. We don't know

1 what we're going to do yet. But we'll hear the  
2 engineering report on figuring out what is going  
3 on, and then he'll -- the engineer actually will,  
4 if this moves forward by these three men, then  
5 we'll figure out what we're going to do exactly.

6 So we don't have that pinpoint. We don't  
7 have a cost because we don't know what the project  
8 is yet. But through drain code, I got to have a  
9 public hearing for you people to speak. And when  
10 we do speak, or for public hearing, make sure you  
11 give your name, address, speak loudly so we can get  
12 it on the public comment time. And that's one of  
13 the things that these three men are here to hear  
14 your testimony on why you think there should be  
15 improvements or why you think there should not be.

16 So that's, you know -- I'm here because I  
17 got petitioned by the people on the Chester Drain,  
18 that's why I'm here, and it's not just because I,  
19 "Well, we need a project over there. We're going  
20 to have a public hearing." I have to be petitioned  
21 from the township or from the people, and we were  
22 petitioned by the people, and that's part of the  
23 process. So that's why we're here again.

24 So I do introductions from right to left.  
25 We have Rich. He's from Georgetown Township. We

1 have Glenn Nykamp. He's in the center. He's from  
2 Zeeland Township. And then Jerry Hunsburger, he's  
3 from Park Township. These three individuals have  
4 been on multiple boards, and they also are  
5 leadership in their townships, their respective  
6 townships, so they understand drain code, drain  
7 districts, the process and -- the petition process  
8 and everything else. So that's why I picked three  
9 people who understand why we're here. That's  
10 important.

11           And then once the public hearing starts  
12 and I give these men the oath, from there they will  
13 run the meeting and then ask all the questions,  
14 these three men, and then if there's questions for  
15 the engineer or myself, it will come from these  
16 three men, because they actually run the public  
17 hearing.

18           And then I always entertain questions  
19 afterwards. So if there's something else, or if  
20 you don't live in the drain district, just be sure  
21 to speak up. If there's questions, speak up.  
22 There's never a dumb question. People are, like,  
23 "What's a dumb question?" There's never a dumb  
24 question. Be sure your voice is heard. And,  
25 again, that's why I hold these public meetings.

1           We have Jerry Olman. Where did Jerry go?  
2 Oh, there he is. He's also from the Ottawa County  
3 Road Commission, and he's here because there's  
4 roads involved and there's a cost involved for the  
5 road commission if this particular project moves  
6 forward.

7           And I got Jen, she's my secretary.

8           And then we have Dianne. She's from  
9 Chester Township. A lot of you probably know  
10 Dianne. And she also lives on Crockery Lake, so  
11 there's an interest for her here too.

12           So I've been out there several times and  
13 witnessed and walked it and seen what's going on,  
14 but, again, I hire an engineer to give a  
15 preliminary picture of what's going on, the drain  
16 district, and he'll give his report, the township  
17 might have a few words to say, and then -- again,  
18 we're not here to figure out what the project is or  
19 the cost or -- you know, there's always questions  
20 later, "Well, how does this get assessed?" you  
21 know, or "What's going to happen afterwards?" I'll  
22 be more than happy to share that, but when it's  
23 assessments involved, I'll be more than happy to go  
24 through that, you know, in a fine detail, and the  
25 engineer can go through that too in his report on

1 the district and how he defines that and all that.

2 So hopefully we answer everybody's  
3 questions. I don't want anybody to leave and go,  
4 "I didn't get anything out of it." I'm hoping you  
5 learn basically who I am, why I'm hear and the  
6 process. All right?

7 So, gentlemen, please raise your right  
8 hand and stand up.

9 Do each of you solemnly swear to  
10 faithfully perform and discharge the duties imposed  
11 upon you as members of the board of determination,  
12 appointed by the water resources commissioner of  
13 Ottawa County, to determine the necessity of  
14 drainage improvements in a certain drain to be  
15 known and designated as the Chester Drain in the  
16 township of Chester, in the said county, as  
17 required by law?

18 What do you say, gentlemen?

19 SEC. JERRY HUNSBURGER: I do.

20 MEM. RICH VANDERKLOK: I do.

21 CHAIR. GLENN NYKAMP: I do.

22 WATER RESOURCES COM. JOE BUSH: Thank  
23 you.

24 CHAIR. GLENN NYKAMP: Thank you, Joe.

25 SEC. JERRY HUNSBURGER: I'd like to make



1 a motion that we appoint Glenn Nykamp as chair --

2 MEM. RICH VANDERKLOK: Support.

3 SEC. JERRY HUNSBURGER: -- of this board  
4 of determination.

5 CHAIR. GLENN NYKAMP: Okay, motion has  
6 been made and supported to elect myself as the  
7 chairman.

8 All in favor say "Aye."

9 SEC. JERRY HUNSBURGER: Aye.

10 MEM. RICH VANDERKLOK: Aye.

11 CHAIR. GLENN NYKAMP: Opposed, same sign.

12 Motion carried.

13 We have the same with the secretary.

14 Entertain a motion to elect a secretary?

15 MEM. RICH VANDERKLOK: I would move that  
16 Jerry Hunsburger be elected secretary.

17 CHAIR. GLENN NYKAMP: I'll support that.

18 Motion has been made and supported to  
19 induct Jerry as the chair -- or the secretary.

20 All in favor say "Aye."

21 MEM. RICH VANDERKLOK: Aye.

22 SEC. JERRY HUNSBURGER: Aye.

23 CHAIR. GLENN NYKAMP: Opposed, same sign.

24 Okay. We're going to start out with  
25 the -- with discussions here shortly. The first

1 thing we're going to do is we're going to have a  
2 rule for public comments to hold for approximately  
3 around three minutes. After we go through, as Joe  
4 mentioned earlier, we get down towards the end and  
5 there's other questions we can redo or re-ask or  
6 whatever it is you need to do with that.

7 So I have a -- do I have a motion to  
8 limit the public comments for three minutes?

9 SEC. JERRY HUNSBURGER: I would so move.

10 MEM. RICH VANDERKLOK: Support.

11 CHAIR. GLENN NYKAMP: Okay, a motion was  
12 made and supported for a three-minute comments  
13 period.

14 All in favor say "Aye."

15 SEC. JERRY HUNSBURGER: Aye.

16 MEM. RICH VANDERKLOK: Aye.

17 CHAIR. GLENN NYKAMP: Opposed?

18 Carried.

19 Okay. Comments from the township? Is  
20 there someone here from the township that's going  
21 to speak?

22 DIANNE BERENBROCK: I'm out here to take  
23 notes for the township. I guess the only thing I  
24 can say as a resident of the lake and a township  
25 official --

1 CHAIR. GLENN NYKAMP: Can you speak up a  
2 little bit? Make sure she can hear it.

3 DIANNE BERENBROCK: -- a resident of the  
4 lake and a township official, this is -- this drain  
5 isn't our only concern. We have multiple drains  
6 that go into Crockery Lake. So as a resident, I'm  
7 looking at seeing what we possibly can do to slow  
8 the water flow that gushes into the lake with all  
9 the pollutants not only in this drain but maybe in  
10 the future on some of the other drains in the  
11 district around the lake that would help the  
12 quality of Crockery Lake.

13 CHAIR. GLENN NYKAMP: Okay. Then, Ryan,  
14 if you would like to do your presentation?

15 RYAN McENHILL: Sure. Thank you.

16 My name is Ryan McEnhill with Eng. Joe  
17 gave a nice introduction, but I'm a professional  
18 engineer here in the state of Michigan, and, like  
19 he said, we do drain projects for our drain  
20 commissioners and water resource commissioners all  
21 across southern lower Michigan. I've done a few  
22 projects already with Joe, so these types of things  
23 are right in our wheelhouse.

24 Joe kind of already went through the  
25 specifics of the board of determination and the

1 requirements. I guess the only thing that I would  
2 add is that this three-person board, they're  
3 basically determining necessity for this project  
4 based on the public health, welfare and convenience  
5 after they hear all of those things. Those three  
6 items are really what they're voting on when they  
7 determine necessity for a project moving forward.

8           Some of the things that we did and we  
9 typically -- I mean, we don't do a very in-depth  
10 detailed analysis of the system at this point  
11 because if the board were to turn this project  
12 down, we don't want to have costs expended that  
13 would have to be assessed back to the district when  
14 there's not even going to be a project moving  
15 forward. So we try to keep the assessment as brief  
16 as possible to be able to -- be able to identify  
17 the issues.

18           The first thing that we did was review  
19 the file and history at the water resource  
20 commissioner's office. This drain was actually  
21 established all the way back in 1885, and so for a  
22 drain that -- with that much history, you'd think  
23 that I'd be going in there and opening up like a 1-  
24 or 2-inch binder full of stuff, but really there  
25 was not much in the file. There hasn't -- to my

1 knowledge there hasn't ever been a petition done  
2 before this for maintenance and improvements.  
3 There has been some just minor maintenance requests  
4 down near the lake that -- over the last ten years  
5 that have been addressed, but really there's not  
6 much in the file as far as that goes.

7           The one thing that we did was determine  
8 the watershed or the drainage district boundary,  
9 and basically -- and I'll go through that in a  
10 little bit more in depth here in the next slide,  
11 but basically trying to determine how much land  
12 actually gets into this in this Chester Drain.

13           And then we also did a site inspection, I  
14 think I've been out there three or four times as  
15 well, trying to get out there after rain events,  
16 although that's been kind of tricky lately because  
17 it's been a little bit dry, to be able to try to  
18 see where a lot of the issues are occurring at, and  
19 then we give basically an independent and unbiased  
20 assessment of what we've seen out there.

21           Obviously, the issue I think that you're  
22 going to hear about the most today is all the  
23 sediment deposition being created into Crockery  
24 Lake, so that was kind of what we targeted our  
25 investigation on, and then -- so I'm going to give

1 you -- you got to remember that this board is not  
2 familiar with this area. They've never been out  
3 there. So what I've tried to do at this  
4 presentation is give a lot of photos to be able to  
5 give them a better understanding of kind of what's  
6 going on out there and what we found.

7           So this is the drainage district  
8 boundary, and it's also outlined up here in the  
9 magenta here on the board. Basically what we're  
10 trying to determine -- and if you look up on there,  
11 this green line here, this is the legally  
12 established Chester County Drain. It's only about  
13 1700 feet in length. And then these other -- these  
14 other dashed blue lines are all considered private  
15 watercourses that all eventually make their way  
16 into the legally established Chester Drain. But at  
17 this point those blue lines up there that you see,  
18 those private waterways, Joe has no jurisdiction to  
19 be able to do any work on those at this point. He  
20 only has the authority at this point to work on  
21 that green line which is basically from Gooding  
22 Street to Crockery Lake.

23           Now, if the project were to move forward,  
24 there is the opportunity for him to establish some  
25 of these other areas, those blue lines, as county

1 drain. But as it sits right now, that green line  
2 is really the only legally established county  
3 drain.

4           So what we're trying to do with this  
5 district boundary is determine the lands being  
6 drained to these blue and green lines that  
7 eventually make their way into Crockery Lake. And  
8 so what that ultimately ended up with was about  
9 637 acres of land and only about 68 properties  
10 within the district boundary primarily just --  
11 although it's a lot of land, it's primarily  
12 agricultural.

13           Uses, land uses, the drain office -- or  
14 the water resources commissioner's office and the  
15 GIS department has very good contour information  
16 which helps us delineate these district boundaries  
17 really a lot more efficiently than what we've  
18 previously had in the past. But we also look at  
19 culverts, how water is making its way through  
20 roadways. So there's a lot of different aspects to  
21 be able to come up with this district boundary.  
22 And everybody that's in that district boundary was  
23 notified for this meeting today.

24           So at this point I'm just going to get  
25 into a summary of the drain system. All of this

1 information was generated from our field  
2 inspections for the most part. Again, that Chester  
3 Drain is only this roughly 1700 feet that extends  
4 from Crockery Lake all the way down here to  
5 Gooding. And I guess the -- one of the issues that  
6 that creates is the maintenance limitation for a  
7 county drain is based on the length of drain. So  
8 there's only \$5,000 per mile of drain that the  
9 drain commissioner or water resource commissioner  
10 can utilize each year for maintenance. And so it's  
11 not a lot of money. It doesn't get us very far.

12           And then there's also these, like I  
13 mentioned, these private watercourses that all  
14 discharge into that legally established drain.

15           So here's a few photos from the outlet at  
16 Crockery Lake, and it's pretty evident. You can  
17 see the amount of sedimentation that's occurring,  
18 all of that being discharged down into that area.  
19 And one of the things that it's caused is that, you  
20 know, these homeowners down here can't even get  
21 their lift stations in for their boats. Becomes a  
22 hassle, a nuisance. That's kind of the big issue,  
23 and from what I understand, that's where the  
24 petition was kind of generated was based on this  
25 issue.



1           So once we kind of knew that, okay, the  
2 sedimentation is kind of the big issue, the next  
3 step is, okay, let's evaluate everything, not only  
4 the legally established section, but let's look at  
5 some of these private watercourses to see where is  
6 the actual vast majority of the sediment coming  
7 from. So we walked and looked at a large majority  
8 of these private watercourses to try to pinpoint,  
9 you know, where the culprit is. We can certainly  
10 just fix the problem and remove the sediment at the  
11 outlet, but ultimately you're probably going to be  
12 back there doing the same thing two, five, ten  
13 years from now doing the same thing. So let's  
14 evaluate and see where the actual cause of all this  
15 sedimentation is occurring.

16           So this is at Gooding Street, and just  
17 down 24th Avenue here you can see kind of some bank  
18 erosion occurring there. These culverts are  
19 actually in good condition. They're a little bit  
20 perched meaning that the flow line of the culvert  
21 is a little bit higher than the actual streambed so  
22 we get some undermining and sedimentation from that  
23 aspect, but for the most part these culverts are in  
24 good condition.

25           This is just south of Gooding on

1 24th Avenue. There's actually -- these are twin  
2 culverts. There's actually a culvert here that's  
3 completely full of sediment now that basically  
4 makes this one -- it's unfunctional, so you're down  
5 to this single culvert. And then the other issue  
6 is this is a timber retaining wall that has failed,  
7 caused a lot of this sedimentation and slumping to  
8 occur to get in the drain there.

9 I guess the one thing that I want to  
10 point out is -- I mean, typically, and especially  
11 in a watershed this large, you're -- you can't just  
12 point to one spot and say that's the issue where  
13 all this sediment's coming from, it's -- after  
14 reviewing it, there's a lot of different sections  
15 where you could say this is a contributing factor.  
16 This is a contributing factor over here. So it's  
17 not just one thing.

18 The one, I guess, branch -- and on this  
19 map here it would be this blue section here, and on  
20 that map right there it would be this pink that  
21 comes off here -- this is the one spot where it was  
22 really apparent. You can see the brown tent in the  
23 water. There's a lot of -- there's agricultural  
24 field over here with quite a bit of grade change  
25 from the top of the hill down to 24th Avenue, and

1 that comes across that roadway under a culvert, and  
2 you can see the brown tint in there, evidence of  
3 the sedimentation that's happening. And it's kind  
4 of twofold because this branch is not -- you can  
5 just tell that it hasn't been maintained ever. The  
6 banks on the drain are unstable, eroding. There's  
7 trees and brush in the drain. And I actually  
8 talked to when I was out there doing my inspection  
9 the homeowner right at 24th Avenue, and he said his  
10 yard routinely floods because of all these  
11 obstructions in there.

12           So that's certainly another factor that's  
13 contributing to the sediment that ultimately makes  
14 it down to Crockery Lake.

15           Just a few more pictures.

16           I think this is probably one of the most  
17 visible evidence of the sediment loading. That one  
18 was taken I believe right down in this section  
19 here. So you can kind of see all that sediment  
20 building up. If you get a heavy rain, that  
21 sediment's going to get suspended and eventually  
22 make its way downstream.

23           And then kind of -- we looked briefly too  
24 at the upper watershed. I think one of the things  
25 when you get into, you know, a lot of the

1 agricultural land uses, you know, one of the things  
2 that we try to, I guess, promote is the vegetative  
3 buffers between, you know, your workable land and  
4 the actual drain. And one thing that's unique  
5 about this area and especially in West Michigan  
6 where the further west you get, it seems the  
7 flatter it gets until you get to the dunes, this  
8 actually has quite a bit of grade change. So when  
9 you do get a real heavy event, you're getting a lot  
10 of velocity that's picking up sediment that  
11 eventually is going to make its way into the drain  
12 as well.

13           So it's kind of a slew of things there I  
14 think that are all kind of contributing to what  
15 you're ultimately finding at the lake outlet.

16           So that was just kind of a brief snapshot  
17 of the field conditions out there. Again, you  
18 know, all those -- we talk about all those things.  
19 I think one of the things we do if a project like  
20 this were to move forward is we certainly look at  
21 the cost-benefit analysis of kind of, okay, where  
22 can we make our best bet, best bang for our buck as  
23 far as the work that we intend to do at the  
24 project. So those are all things that are done  
25 after the fact to get the best solution so this

1 sedimentation that's occurring in the lake is  
2 certainly reduced to a point where it's a lot more  
3 manageable, especially for those people that are  
4 living at the end.

5           So just -- the next steps, there is a  
6 public testimony period, and I would urge you, you  
7 know, if you have positive comments, you think the  
8 drain functions fine, you have negative comments,  
9 we certainly want to hear all those so that our  
10 board members have the most information possible to  
11 make their decision.

12           If the project is not found necessary,  
13 basically the project ends. There's nothing more  
14 to be done. Basically Joe's restricted to his  
15 \$5,000 per mile per year to be able to try to make  
16 something work, which is going to be difficult,  
17 especially with just removing the sediment at this  
18 location.

19           And if it is found necessary, then we'll  
20 evaluate what the ultimate scope of the project's  
21 going to be. You know, if it's something where we  
22 wanted to look at establishing that as a county  
23 drain is an option, not saying that that would  
24 happen, but there's a lot of options out there for  
25 how we -- how we try to keep this as a more

1 sustainable drain so that we're not getting that  
2 sedimentation.

3 So that's all I have. If the board has  
4 any questions for me I'm --

5 CHAIR. GLENN NYKAMP: I've got a question  
6 on the 1700 feet.

7 RYAN McENHILL: Yep.

8 CHAIR. GLENN NYKAMP: If this did go  
9 forward or if it didn't go forward, does that play  
10 into whether it -- this 1700 feet gets done anyway  
11 or where do we stand with that?

12 RYAN McENHILL: Well, the 1700 feet  
13 basically just determines how much money we have to  
14 work with from a maintenance standpoint.

15 CHAIR. GLENN NYKAMP: Okay.

16 RYAN McENHILL: So I think Joe would  
17 probably focus his efforts on removing the sediment  
18 out of the end of the drain there. The problem is,  
19 is that just because of the access there's all  
20 homes down in that lower end, it makes it very  
21 difficult to be able to get equipment in there to  
22 be able to remove that material. I don't know that  
23 you could do that, even that, for \$5,000.

24 And that's kind of the issue where I  
25 think Joe said I don't think I can do this under

1 our maintenance budget, and that's why a petition  
2 was the best bet moving forward if, in fact, it's  
3 found necessary.

4 Yes, sir?

5 SEC. JERRY HUNSBURGER: Your visuals are  
6 very helpful. Thank you.

7 RYAN McENHILL: Yep.

8 SEC. JERRY HUNSBURGER: Am I correct that  
9 the 1700-foot area that is referenced here is the  
10 only area that the water resources commissioner has  
11 authority to go on that property and do anything  
12 to? The rest is being proposed; am I right?

13 RYAN McENHILL: That's correct, that's  
14 the only thing that's legally established as county  
15 drain. He has no authority to do anything on these  
16 other branches unless the project is found  
17 necessary. He could if he chose to look to  
18 establish some of these other branches.

19 SEC. JERRY HUNSBURGER: Okay.

20 RYAN McENHILL: It could be some of them,  
21 it could be none of them. That would be up to his  
22 discretion.

23 CHAIR. GLENN NYKAMP: Any questions?

24 MEM. RICH VANDERKLOK: No.

25 CHAIR. GLENN NYKAMP: Okay. As we

1 proceed forward, we will have public comments from  
2 anybody that would like to speak. We'll designate  
3 where we're going to get the -- where we're going  
4 to start I should say.

5           What we need you to do is state your name  
6 and address, identify whether you live in the land  
7 that's in this district, and then when we get done,  
8 if we had any letters from citizens, we'll read  
9 those later on too.

10           Just a reminder: We've got the three  
11 minutes for speaking. Again, we can add to that at  
12 the end if everybody has their opportunity.

13           So with that I would open the public  
14 comment session. And we'll just go around the room  
15 and we'll start in the front row here, and anybody  
16 that wants to speak, again, we ask you to stand up  
17 and speak loud enough so the court recorder can  
18 take the notes.

19           SUSAN McCLURE: I'm Susan McClure. We  
20 live in Pennsylvania and we have a house on -- that  
21 is essentially downstream from this creek.

22           What I want -- considering what your  
23 criteria are, I want to ask what does the sediment  
24 bring to the lake for public health that this is --  
25 I think should be considered. It does bring



1 pollutants. I think most of them are in the form  
2 of nitrogen fertilizers which do affect the quality  
3 of the lake and equip the vegetation in the lake,  
4 it supports an invasive species quite well,  
5 unfortunately.

6 I would also because of my own concerns  
7 and interests that the sediment is destroying the  
8 topsoil from where it comes, and this is certainly  
9 public health. And when you think that we have an  
10 average of 6 inches worldwide of topsoil, that's  
11 not a lot to support all of us. And that's a very  
12 big picture, but this -- every little bit that's  
13 lost is important. And it is changing the lake.

14 What I remember and which is not what  
15 some other people have -- back in the sixties, the  
16 deepest hole in the lake was approximately 90 feet.  
17 Where the lake association is doing measurement  
18 now, they're coming up with 53 feet of a depth this  
19 year.

20 And then in terms of whether it's a  
21 public resource, I don't know if Dianne Berenbrock  
22 will speak to this, but I think Crockery Lake is  
23 one of the two substantial tax -- property tax  
24 areas for the Chester Township.

25 Thank you.

1           SEC. JERRY HUNSBURGER: Can I just ask --  
2 I didn't hear your address.

3           SUSAN McCLURE: Oh. It's 2779 Van Dyke  
4 Street, Conklin, or the tax bill goes to 527  
5 Shryock Avenue, Indiana, Pennsylvania.

6           SEC. JERRY HUNSBURGER: So you are in the  
7 drain district proposed?

8           SUSAN McCLURE: Oh, we are.

9           SEC. JERRY HUNSBURGER: Thank you.

10          CHAIR. GLENN NYKAMP: Do you have  
11 anything to add to that?

12          DONALD McCLURE: I am the same location.

13          CHAIR. GLENN NYKAMP: Okay. Please stand  
14 and give her your name too.

15          DONALD McCLURE: Donald McClure. And  
16 it's 2779 Van Dyke Street, Conklin.

17                 What you are seeing is that the sand that  
18 has been washing in comes from that area which is  
19 not close to the lake at all, it's brought in with  
20 your channels and drainage ditches, and it seems to  
21 me that what's needed is to drop the sand before it  
22 gets to the lake.

23                 That whole area down in there, there are  
24 some streams that meander around, but that really  
25 doesn't give us a clear idea of where the soil,

1 mostly sand, comes from, because it's not topsoil  
2 that comes from fields. And it certainly doesn't  
3 drain from right around the lake, it's your  
4 drainage network that's bringing it in.

5 CHAIR. GLENN NYKAMP: Okay, thank you.

6 PAULA HUMPHREY: I'll stalling because I  
7 had more than three minutes.

8 My name is Paula Humphrey. I live at  
9 2700 Van Dyke Street. My husband, Rick, and I have  
10 resided there for about 12 years. This is our 12th  
11 summer. We bought our property in 2005, and I'm  
12 the reason you're here.

13 Chester Drain empties into Crockery Lake  
14 through our front yard. These are pictures of our  
15 front yard.

16 I feel that the 5-foot double culverts  
17 which are here at the beginning of this book --

18 SEC. JERRY HUNSBURGER: We saw that,  
19 yeah.

20 PAULA HUMPHREY: -- okay -- on both sides  
21 of Gooding are one of the main contributors to this  
22 issue. I'm not sure when those were installed, but  
23 they're 5-foot culverts. And the fact that they  
24 haven't been maintained I think is a blessing  
25 because the -- it's -- the debris that's below that

1 culvert traps as much as it can. And so the fact  
2 that the drain hasn't been maintained in over 12  
3 years is only one reason that soil, silt and sand  
4 haven't washed downstream into the Crockery Lake.

5 I'm not an engineer, and I do appreciate  
6 everything that you've researched so far. I think  
7 you've hit on a lot of my main points. But it  
8 stands to reason that if you create a larger hole,  
9 you're only going to increase the volume and  
10 pressure of water that would be able to get through  
11 that hole.

12 It's my assumption that the culverts were  
13 installed to help the ditches empty more quickly  
14 after a rain thus avoiding flooding upstream, but I  
15 don't feel much consideration was given to what  
16 would happen downstream of those culverts.

17 Farmers upstream are now tiling their  
18 fields, so additional waters are filling those  
19 ditches and causing the volume of water to run into  
20 the ditches more quickly only adding to a bad  
21 situation. I also believe that the water,  
22 fertilizer, pesticides running into those ditches  
23 are finding their way into our lake. I feel  
24 something should be done to pond or pool the water  
25 upstream before it's allowed to gush downstream.

1 I'm not sure that this levied system that they're  
2 considering is going to do enough to block the  
3 volume of water that gushes down the ditch.

4 I also feel that the drain map isn't  
5 quite accurate. Any ditch west of the -- on  
6 Gooding finds its way down Van Dyke, down the  
7 ditches, and under my driveway there's a culvert  
8 right at the end of my driveway that also drains  
9 into Chester Township. I'm not sure if you  
10 followed that very far, but I feel that the houses  
11 on both sides of Van Dyke and west on Gooding would  
12 contribute to that waterway.

13 Topography maps, which has been  
14 mentioned, the lake depth when we came on the lake  
15 was about 63 feet, so that's only 12 years ago, and  
16 with our boat depth finder, we are only reaching 53  
17 to 55 feet now in just 12 years. And that -- the  
18 hole in front of our home was considered one of the  
19 deepest areas on the lake. And so my husband  
20 spends a lot of hours shoveling. I'm not sure if  
21 you noticed the . . .

22 JAIME ARANGUREN: Hours.

23 PAULA HUMPHREY: Hours shoveling.

24 And, I mean, this tributary is only  
25 created because my husband went out there and dug

1 with a shovel. Keeping that tributary open,  
2 keeping that from building up and backing up  
3 further upstream is only because my husband shovels  
4 hours a week.

5 I want to preserve this natural resource.  
6 Ottawa County has, from what I understand, two  
7 lakes, Macatawa and Crockery Lake, and I feel that  
8 resources have been not applied to restoring,  
9 preserving and keeping our natural resource.

10 Thank you.

11 CHAIR. GLENN NYKAMP: Can you show us on  
12 the map where you're located there, or unless Ryan  
13 can do that?

14 PAULA HUMPHREY: Yeah, this tributary  
15 right here that comes out, that's -- we have to  
16 cross that bridge to get to our dock. That's my  
17 front yard. And so, yeah, we're right here at the  
18 point. We own land back to about here, and so the  
19 tributary comes all the way through our front yard,  
20 as you can see through many of those pictures.

21 CHAIR. GLENN NYKAMP: Okay, thank you.

22 Ma'am?

23 PAT WOLTERS: My name is Pat Wolters,  
24 2442 Crockery Shores Road, Casnovia. I've lived on  
25 the lake for over 60 years, and I've seen a big

1 change with building houses and so forth. But the  
2 clarity of the lake, we do water quality testing on  
3 Crockery and we've been doing that for many, many  
4 years, roughly 40, so there's a lot of data there,  
5 and I've seen a lot of changes in the clarity of  
6 the water. I mean, clarity is 4 feet.

7           The nutrient loading is pretty high. Our  
8 phosphorus count is very, very high.

9           When Macatawa was in the water quality  
10 testing through Michigan Lake and Stream and DNR,  
11 we were just a few points lower than them. So that  
12 gives you a good idea of how much phosphorus we  
13 have in the lake. I know it occurs naturally as  
14 well. And my concern is that I'm seeing the water  
15 quality go downhill.

16           As Dianne said, we've got a lot of road  
17 drains, we've got a lot of tributaries coming into  
18 the lake, and that concerns me.

19           We lost an 85-acre wetland which was at  
20 one time declared protected. That concerns me  
21 because the man that determined it said that if we  
22 lost it, we'd lose the lake.

23           So that's my concern is the quality of  
24 the lake. That's my main concern.

25           CHAIR. GLENN NYKAMP: Thank you.

1           The gentleman behind Jerry on the end,  
2 the second row there?

3           BOB BLAUWKAMP: Yeah. My concern would  
4 be very similar to -- I'm sorry. Bob Blauwkamp,  
5 2380 Crockery Shores, Casnovia.

6           I'm a member of the lake association  
7 board, and one of the things we do, to echo Pat's  
8 comments, is we test the water. Over the period of  
9 years we can just see the water quality measured by  
10 the depth of clarity at, you know, different points  
11 during, you know, the months when we, you know,  
12 test the water in the summer and the bacteria in  
13 the water and all that kind of stuff. Those  
14 numbers are just steadily climbing. I mean, it's  
15 almost, you know, a gradual line just getting worse  
16 and worse. And the drill loading goes up, the  
17 water clarity gradually deteriorates and that type  
18 of thing.

19           So we feel we're really at a crossroads.  
20 We need to start to get something to happen to  
21 start stopping all of this drainage that's coming  
22 into the lakes from all these sources. Because we  
23 have like, I don't know, we might have seven  
24 different ditches coming into the lake at different  
25 points, okay? We're concerned with this one



1 because it's, you know, basically seriously  
2 inhibiting their enjoyment of the lake and their  
3 ability to, I guess, keep cleaning it up every  
4 year. It gets to be an issue over a long period of  
5 time.

6           So that's really -- we need to find a  
7 place to start to start trying to figure how do we  
8 keep the -- you know, stop this gradual  
9 deterioration in the lake. Because it's going from  
10 being a really pretty pristine lake to, you know,  
11 there are times you don't even want to go in the  
12 water. Like after a big rain event, I'm not going  
13 in that water for a week, maybe two weeks, it's  
14 just got that much sediment. In fact, we can see  
15 it coming across the lake. I can -- you can look  
16 at a drain if you're on a second story, you can see  
17 the -- you know, the material in the water just  
18 spread right across the whole lake, and it -- you  
19 know, it starts and it -- you can just watch it  
20 balloon out. And, you know, two weeks later it  
21 kind of clears up.

22           And if you don't have really any serious  
23 rains, man, it's great to go swimming. You get  
24 another serious rain and all the stuff just pours  
25 back in there and you can see the water cloud up

1 and that.

2 Now, we luckily have a very substantial  
3 budget taken out of our taxes to help, you know,  
4 control all the growth and all that in there, but  
5 I'll tell you, we throw more stuff in there to kill  
6 weeds and, you know, all that algae and all the  
7 stuff that's a resultant of that, then I think --  
8 man, I don't think there's very many lakes that  
9 spend that kind of money trying to control all of  
10 the, you know, the algae and the weeds in the lake.

11 So that's why we're trying to get a  
12 toehold here and see how can we start this process  
13 of seeing if we can save the lake, basically,  
14 because it can't go on another ten years like this.  
15 It ain't going to work.

16 CHAIR. GLENN NYKAMP: Okay.

17 JAIME ARANGUREN: My name is Jaime  
18 Aranguren. I live at 2739 Van Dyke. I'm two doors  
19 down from the mouth of this creek. We're Paula's  
20 neighbors.

21 As the gentleman attested to, during a  
22 heavy rain, especially in the spring during the  
23 thaw melt, you would not believe. That river  
24 becomes a torrent, and it literally -- you could --  
25 it goes three-quarters across the lake and just

1 blooms into this -- you can just see it churning  
2 with the sediment. And I've literally had to cut  
3 the poles of my dock every other year to shorten  
4 them because I'm filling in where my dock once  
5 stood.

6 Another thing that really concerns me is  
7 the water quality. We purchased approximately ten  
8 years ago. The lake was beautiful. You could walk  
9 out to the end of the dock, you could see the  
10 bottom, you could see the bluegills. You can't see  
11 anything now at the end of my dock. It's just --  
12 you can't see but maybe, I don't know, the first  
13 two sections you can kind of see the bottom. And  
14 the algae blooms that we've had are just absolutely  
15 ridiculous.

16 And what the -- what I'm hearing here  
17 that concerns me is you're saying the road  
18 commission is only responsible from here to  
19 Gooding. That's not really the problem. The  
20 problem is the other side of Gooding. The  
21 farmlands, the tiling, the pesticides, the  
22 chemicals that they use to -- for the crops and  
23 everything, this is all going in, you know, and is  
24 resulting in filling in this lake. And eventually,  
25 if it proceeds -- we've seen actually fishermen

1 come by Rick and Paula's place -- because it is a  
2 creek, and it is a natural drop-off there, it's a  
3 good place to fish -- they've actually -- their  
4 boats have run aground because they don't realize  
5 that that sand is filled in that far out. It's  
6 ridiculous. And it's not just digging out in front  
7 of Rick and Paula's, you'd have to dig halfway  
8 across the lake to get the sediment that's already  
9 filled in in the ten years that I've lived there  
10 and seen. This is a major problem.

11           And everybody that's on that lake, which  
12 is a huge tax base -- my home is one of the largest  
13 investments I've made, and my wife and I have  
14 actually sat and talked, should we sell and get out  
15 of here while the getting's good. Because if the  
16 lake continues to deteriorate, what we've seen just  
17 in the last ten years, one of the major investments  
18 in our life will be worthless because nobody's  
19 going to want to live there because the water  
20 quality would be that bad. And that is a major  
21 concern.

22           And Paula is absolutely right, too. It's  
23 not just that creek, there is a drain that runs on  
24 the south side of small Van Dyke, which is in the  
25 back of my house, and that -- the road commission

1 pretty much probably knows me by name. I've been  
2 complaining. My driveway is a downhill slope, and  
3 it happens to be the lowest point on the north side  
4 of that road. So whenever a heavy rain comes,  
5 guess what happens? It comes directly down my  
6 driveway. I've literally spent in upwards of  
7 \$20,000 redoing my driveway, putting in a 15-foot  
8 industrial drain, contouring the land, having a guy  
9 come out with the lasers, and I still get water in  
10 my garage when it rains hard because that ditch is  
11 not maintained or is not flowing properly.

12 I've literally seen that ditch in a heavy  
13 rain fill up, crest the road, and come right over  
14 to all the properties on the lake side. It's  
15 ridiculous. It's like the water doesn't go through  
16 there. And I have been in contact with the drain  
17 commission numerous times saying we have a problem  
18 here, but here we sit. They did come dig it out.

19 CHAIR. GLENN NYKAMP: Okay.

20 Ma'am?

21 LOU ARANGUREN: My name is Lou Aranguren  
22 and I am --

23 CHAIR. GLENN NYKAMP: Would you stand up,  
24 please, so that she can hear you?

25 LOU ARANGUREN: -- at 2739 Van Dyke, and I

1 live two houses down from Rick and Paula. And it's  
2 very sad that this is happening.

3 Paula and I paddle around the lake three  
4 times a week. And her and Rick spent so much time  
5 trying to clear this area out. It's very sad. And  
6 my beach is filled up where my grass was, and I  
7 mowed. We let it go naturally and we mowed out  
8 there. But now this year we've lost 4 foot to the  
9 silt that is coming in on our beach. And --

10 JAIME ARANGUREN: Gained, honey.

11 LOU ARANGUREN: Yeah, we've gained that  
12 much.

13 But it's very sad to see that this is  
14 happening, it really is. And to not be able to --  
15 I mean, to paddle around the lake three times a  
16 week, and then to see how filthy it is, you don't  
17 even want to get in it. It's just -- it's really  
18 sad.

19 CHAIR. GLENN NYKAMP: Thank you.

20 We've kind of blown our three minutes  
21 away but that's okay.

22 Anybody have any other questions or  
23 comments?

24 I guess I want to have a comment of -- or  
25 I'm going to ask from Ryan here again. That sand

1 that's coming down through there, if this comes --  
2 if we approve this, can we stop some of that sand  
3 upstream with doing things like this?

4 RYAN McENHILL: Yeah. Yeah. There's a  
5 lot of different things that we can look at,  
6 whether it be smaller sediment basins, which  
7 basically we dig out an area and have a control  
8 structure so at least we're -- we have a location  
9 where we can contain it, and then it would have to  
10 be cleaned out periodically, but that would be its  
11 main function is to collect some of the sediment  
12 before it reaches the lake.

13 There's other things, like if you look at  
14 that one branch that we talked about, I mean, just  
15 stabilizing this section so that you're not getting  
16 all that erosion, eventually all of this sediment  
17 that you see in these photos makes its way down  
18 there, so by stabilizing that, you're certainly  
19 going to see a benefit too.

20 There's -- you can use check dams which  
21 are basically rock, rock check dams that can hold  
22 back some of that sediment too.

23 There's a whole myriad of things, and it  
24 will be site specific, and you got to have room to  
25 be able to put in some of these things. So

1 sometimes that involves easements too to be able to  
2 construct them, but there's certainly options for  
3 sure to try to intercept this stuff a lot farther  
4 upstream.

5           You could even look at, you know,  
6 something in the upper part of the watershed too  
7 to -- you know, there's flow-through marshes where  
8 you're cleaning up the water as it flows through a  
9 created wetland or something like that to clean up  
10 some of this water and get some of those nutrients  
11 that you're talking about out of that water before  
12 it continues further down.

13           CHAIR. GLENN NYKAMP: Good. Thank you.

14           SEC. JERRY HUNSBURGER: Is public comment  
15 closed or . . .

16           CHAIR. GLENN NYKAMP: If there are no  
17 public comment -- go ahead.

18           DON SHUKER: My name is Don Shuker, and I  
19 live at 2498 Van Dyke.

20           I have just a sliver on the very back of  
21 my property that I'm in this zone, otherwise I am  
22 on the lake, Crockery Lake.

23           These tiled fields, how much sediment is  
24 getting through them when they run that water out  
25 to the drainage ditches, do you know?



1           RYAN McENHILL: Well, I guess it depends  
2 how they're constructed. I mean, really, when  
3 you're tiling a field, you would actually be  
4 technically reducing the amount of sedimentation  
5 that you're discharging into the drain, but you're  
6 in some cases increasing the velocity in the drain  
7 itself.

8           DON SHUKER: Right. Right. The creek  
9 itself is getting wilder but --

10          RYAN McENHILL: So -- yeah, once you  
11 increase velocity, then you increase the likelihood  
12 that you're going to get erosion in the stream  
13 itself.

14          DON SHUKER: So that would be just at  
15 that point basically. What you're saying is the  
16 creek would be the one that's picking the sediment  
17 up --

18          RYAN McENHILL: Correct.

19          DON SHUKER: -- if they're drained fields.  
20 Because I noticed more and more of the farmers  
21 around here are draining -- putting tiling in and  
22 draining their field.

23          RYAN McENHILL: Right.

24          DON SHUKER: Okay. And how did they  
25 determine -- because like I said, I'm on just a

1 small sliver of the back part of my property that  
2 I -- it's just woods, and that's why I was  
3 wondering, how do they determine this, this area  
4 that's watershed?

5 RYAN McENHILL: Well, the watershed  
6 was -- primarily what we use is the contours that  
7 are -- that the GIS department at Ottawa County  
8 has, and they fly them every couple of years, so  
9 they're very up to date. Basically, it was  
10 determined based on those that you had at least  
11 some portion of your land that drains to this.

12 DON SHUKER: Well, like I said --

13 RYAN McENHILL: And it might not be much.

14 DON SHUKER: -- it's not even the width of  
15 a road in the very back.

16 RYAN McENHILL: Okay.

17 DON SHUKER: Because that's one of the  
18 reasons why I'm apparently here was, okay, what's  
19 -- how come that little piece got nailed. Okay.

20 CHAIR. GLENN NYKAMP: Any further  
21 questions?

22 Go ahead.

23 PAT WOLTERS: I don't have a question, I  
24 do have a comment. Pat Wolters.

25 I believe Crockery Lake empties into the

1 only -- this is what I've been told -- the only  
2 managed trout stream, and that flows into Muskegon  
3 as well, that trout stream does, so I don't know if  
4 that's a concern.

5 And the -- do you want me to stand up?  
6 Sorry.

7 Another concern I have, we have another  
8 major drain that comes into Crockery Lake. It  
9 crosses through Grose Park. And since the farmer  
10 on the north side put in two pumps, and they run  
11 periodically, it doesn't take that long for the  
12 whole entire lake. It used to take like three  
13 days. And Dianne can attest to this, it now takes  
14 three hours for the lake to turn brown. And that  
15 concerns me because it's coming off the farmland  
16 which is tiled. So we've got it at both ends.

17 PAULA HUMPHREY: Yeah.

18 CHAIR. GLENN NYKAMP: Anything you want  
19 to share, Joe?

20 WATER RESOURCES COM. JOE BUSH: Well, I  
21 do, I just want to make a few comments for the  
22 public, and then anybody that's not here, they can  
23 read it in the transcript later.

24 So I did take a lot of calls a few years  
25 ago and right when I got elected, and so a lot of

1 fingers were pointed towards my predecessor. So  
2 some of you called him and didn't get anywhere, and  
3 he didn't want to take the time to do what I'm  
4 doing today, or the residents then petitioned, one  
5 of the two things. And then I've been in contact  
6 with your township, so your township's been pretty  
7 proactive. Your supervisor's been great. Dianne,  
8 of course, has been proactive because she lives on  
9 it.

10 So there's been issues here. And I'm  
11 here -- when I changed the name from drain  
12 commissioner to water resources, there's a reason  
13 why, and it was to protect our resources.

14 I sit on multiple lake boards like  
15 Spring Lake lake board. That's a big lake.  
16 Lloyd's Bayou lake board. That's a big lake.  
17 Macatawa. I'm very a part of the Macatawa Area  
18 Coordinating Council on their Project Clarity,  
19 their lake cleanup effort. We're doing multiple  
20 things across Ottawa County.

21 One thing that you didn't hear much of is  
22 a drain commissioner or water resources  
23 commissioner getting grants. We did work hard for  
24 Sand Creek. A lot of you know Sand Creek.  
25 Sand Creek has a lot of issues. Recently I just

1 got awarded a \$600,000 grant for Sand Creek, and  
2 that's Chester Township, Wright Township. So I'm  
3 trying to put you guys back on the map, right?  
4 Because maybe it has been ignored in the past, but  
5 as your elected official, I feel that it's my job  
6 to make sure that I listen to the people as long as  
7 I get the right petitions from either the township  
8 or the people, and your voice is heard, and we try  
9 to fix the problems.

10           It's kind of ironic how this drain has  
11 been established since the late 1800s and no work  
12 has been done on it.

13           The road commission -- I'll speak for  
14 them for a minute -- Jerry, when they did the  
15 culverts, I'm sure they analyzed that when they put  
16 the culverts. They sized them properly based on  
17 the acreage, based on the flow. They do  
18 engineering studies, not into a big extent, but  
19 enough to figure out does the twin culverts, is it  
20 going to affect downstream, upstream. So they go  
21 through the process.

22           Now, they really only have the  
23 right-of-ways, right? Their job is protect the  
24 roads. So then it becomes a drain commissioner  
25 from there on out or there before. And that's why

1 I'm here today to listen. And I'm glad you guys  
2 are speaking about comments, the issues, concerns.

3 It saddens me because if I lived on that  
4 lake, I wouldn't want this impact either. That's  
5 why I'm elected, and that's why I'm proud to serve.

6 So I'm going to do my best. Whether --  
7 what this board decides, it's up to them. I'm not  
8 here to go one way or the other. That's why I  
9 appoint these guys.

10 So I'm here to listen, but I want the  
11 public to know up here in Chester Township that  
12 even though you're up here in the furthest-most  
13 part of the county, I'm here to listen to you guys  
14 too because I got the whole county.

15 So it's a lot of work. I literally have  
16 about 200 lakes. But the big ones are the Spring  
17 Lake -- and this is a big one. You guys are right,  
18 this is a big tax base. This is important for  
19 Crockery Township. This is --

20 PAT WOLTERS: Chester.

21 PAULA HUMPHREY: Chester.

22 WATER RESOURCES COM. JOE BUSH: -- the  
23 community, right?

24 And I sit on the parks and rec board, so  
25 I understand Grose Park. I've had discussions with

1 John Scholtz. I've had discussions on should we do  
2 some more wetland.

3 I'm big into wetlands. We've lost a lot  
4 of them over the years to, you know, development,  
5 agriculture, whatever, just natural process. So  
6 how do we do that and, you know -- well, we got to  
7 figure that out. But I'm glad that you guys come  
8 together and want to make it better for where you  
9 live. That's important. And I just want you to  
10 know I'm a listening ear and I'm here to help too.

11 So that's all my comments.

12 CHAIR. GLENN NYKAMP: Thanks, Joe.

13 And Joe's concerned about not just  
14 Crockery but every little lake there is.

15 WATER RESOURCES COM. JOE BUSH: Pretty  
16 much.

17 CHAIR. GLENN NYKAMP: Because everybody  
18 that's on a lake likes their lake.

19 JAIME ARANGUREN: Once again I would like  
20 to stress where does the accountability come in?  
21 Because it's been my understanding that  
22 municipalities seem to have this concept, "Oh, you  
23 can afford a house on a lake? You can pay high  
24 taxes." And it's just kind of evident, you know.  
25 Because I went from not living on a lake, my wife's

1 house wasn't on a lake, to where we are now, we pay  
2 almost triple than what we did on owning two houses  
3 not on a lake. So we've definitely paid our fair  
4 share of taxes over the last ten years for owning a  
5 house on a lake.

6 Now that we as a group of property  
7 investors around the lake are now having to deal  
8 with the issues that are currently there, why in  
9 turn is it, again, if we're not responsible for  
10 causing these issues, then in turn why are we  
11 responsible to pay to fix it? That doesn't make  
12 sense to me. The people that are causing the  
13 problem should be brought to the table and said,  
14 "Hey, you caused this issue. Clean it up." Why is  
15 it up to us to pay again? I don't understand that.

16 WATER RESOURCES COM. JOE BUSH: Well,  
17 if -- Ryan, do you want to put up the district  
18 again for me?

19 RYAN McENHILL: Yep.

20 WATER RESOURCES COM. JOE BUSH: Anybody  
21 that lives in that watershed, this goes for any  
22 drain district. I have almost a thousand county  
23 drains. If I have a thousand of these little  
24 districts, anybody that lives in that boundary --  
25 and if there's question, like I know Dianne had a



1 question on maybe some property owners -- that's  
2 why Ryan's here today to maybe -- you know, he can  
3 go out and, you know, justify his district -- but  
4 anybody in that district will pay. So anybody --  
5 all the farmers, anybody who lives here, they're  
6 either benefiting or contributing from the drain.  
7 So that whole portion will see some kind of a cost  
8 benefit whether they're putting their farmland into  
9 the drain and getting rid of it or they're on the  
10 other end and, you know, contributing --

11 JAIME ARANGUREN: So would a farmer that  
12 is farming the land contributing to the problem  
13 that owns 200 acres, would he pay more than I would  
14 living on the lake --

15 WATER RESOURCES COM. JOE BUSH: Oh, for  
16 sure.

17 JAIME ARANGUREN: -- not even owning an  
18 acre?

19 WATER RESOURCES COM. JOE BUSH: I don't  
20 go based off tax revenue on the township's property  
21 values, I go based on -- I got factors that I use  
22 on how much water's running off their farmland.  
23 That's how I -- so it's a benefit factor. So if  
24 you have 200 acres, you're obviously going to pay  
25 more than you who live on the lake.

1           I'm going to go based off what your  
2 acreage is on the lake, you know. And then we'll  
3 put factors -- we do a spreadsheet, and we go  
4 through a BS&A software program that -- it will  
5 give me -- I put the factors in, and if a farmer --  
6 he's going to pay because he's, obviously, got  
7 200 acres going into that drain system.

8           Will he pay 200 times more than you -- if  
9 you have 1 acre and he has 200, he's not going to  
10 pay 200 times. There has to be a break, otherwise  
11 the guy would go bankrupt, and I'm not all about  
12 that either. So -- but he'll definitely pay for  
13 his fair share because it's going to be a fair and  
14 equitable share across the whole drain district.

15           So because you live on a lake doesn't  
16 mean you're going to pay more for the drain  
17 assessment or, you know, whatever -- however we  
18 figure this out.

19           So your township will pay. The road  
20 commission's going to pay. I'm going to assess the  
21 road commission because their water goes into it,  
22 and they know that. We do it every time. The  
23 county, me, we'll pay for the better health and  
24 welfare. So we usually split the -- whatever our  
25 share is, we'll split it. And Jerry, you know, the

1 road commission's always been good about it, and  
2 that's state law. And then the township,  
3 obviously, will pay their fair share, and I assess  
4 them. If it's MDOT, railroad, any other  
5 municipality, they always pay. And then I spread  
6 the rest amongst that purple drain district.

7 So hopefully that helps a little bit. I  
8 probably opened up a whole nother question and  
9 answer, but I'm more than happy to answer these  
10 questions that -- go ahead.

11 PAULA HUMPHREY: Thank you.

12 I think the fact has already been  
13 established that since 1898 there's been little or  
14 no maintenance on that drain.

15 WATER RESOURCES COM. JOE BUSH: Correct.

16 PAULA HUMPHREY: So the \$5,000 a year  
17 that the county receives --

18 WATER RESOURCES COM. JOE BUSH: Well, we  
19 don't receive any money.

20 PAULA HUMPHREY: Right. Right. That  
21 you're appropriating.

22 WATER RESOURCES COM. JOE BUSH: Not even  
23 appropriated. What it is, that \$5,000 will still  
24 get assessed.

25 So the county -- I don't have a budget,

1 because I have a thousand drains, but drains are  
2 paid for through special assessments. Just like a  
3 water usage or a sanitary sewer usage, there's a  
4 usage fee. That's kind of what a drain assessment  
5 is. So I don't -- so otherwise -- some people go,  
6 "Well, wait a minute. You get 5,000 a mile.  
7 You've been getting -- you got \$100,000 sitting in  
8 that account." That's not true. I get 5,000 a  
9 mile per year per drain to assess out.

10 That's why the petition is there. So I  
11 don't have an empty checkbook. Because drain  
12 commissioners could go, "Huh. I'm going to spend  
13 \$100,000, and nobody has a say in it." So drain  
14 code tells me I'm only allowed to spend for  
15 maintenance 5,000 per year per mile per drain. And  
16 that's only 5,000 per year. So I don't get that  
17 accumulated, that's just what I can assess out per  
18 drain code. Hopefully that --

19 PAULA HUMPHREY: And I appreciate your  
20 making that very clear.

21 WATER RESOURCES COM. JOE BUSH: Yeah. I  
22 wish I had 5,000 appropriated, but I don't have  
23 money in the county budget except my apportionments  
24 to the county. So my budget that I get is for my  
25 staff and that's about it. That's all the county

1 gives me. And that's all in the drain code.

2 So that's why we have public hearings, a  
3 board, an engineer to do everything that's out in  
4 the open, very transparent.

5 Hopefully that helps some.

6 CHAIR. GLENN NYKAMP: Okay. We could  
7 discuss this for considerable other time, but I  
8 think unless there's something that we haven't  
9 heard --

10 DIANNE BERENBROCK: From the township I  
11 just want to add this is a public lake, just so you  
12 are aware of that, with a large county park on it.

13 CHAIR.GLENN NYKAMP: Okay.

14 DIANNE BERENBROCK: So this group is very  
15 passionate because they're in the district or they  
16 live on the lake.

17 CHAIR.GLENN NYKAMP: I understand.

18 DIANNE BERENBROCK: But there's a whole  
19 public out there that uses this waterway that would  
20 probably be very interested in any type of  
21 improvement.

22 CHAIR. GLENN NYKAMP: So does the  
23 township contribute money towards this lake and any  
24 of the improvements that have to be made to it?

25 DIANNE BERENBROCK: In the drain

1 district --

2 CHAIR. GLENN NYKAMP: Other than their  
3 tax money, I guess, from the residents?

4 DIANNE BERENBROCK: No. No. The  
5 drain -- the lake has a weed district that all of  
6 these residents pay into to help maintain the algae  
7 and the weed control on the lake, and the county  
8 park also helps with that.

9 CHAIR. GLENN NYKAMP: Okay.

10 DIANNE BERENBROCK: But other than  
11 that . . .

12 DON SHUKER: Plus, it also has a public  
13 boat ramp.

14 CHAIR. GLENN NYKAMP: Okay. With that I  
15 think we'll just close the public hearing and  
16 comments session and that. It's up to the board  
17 now, board determination.

18 Any questions? Suggestions?

19 SEC. JERRY HUNSBURGER: I'd certainly  
20 make these comments. First of all, I think this  
21 has been a very helpful presentation from the  
22 engineer and the comments, very helpful to me.

23 From my perspective there's water  
24 quality, depth issues, there's sediment, erosion,  
25 there's flooding, likely pollution. From my

1 perspective this is an extreme problem that is  
2 probably way past due being dealt with, and when  
3 the time comes, I'd be prepared to make a motion to  
4 declare it necessary. That would be my comments.

5 CHAIR. GLENN NYKAMP: Okay.

6 Rich?

7 MEM. RICH VANDERKLOK: Yes, I would agree  
8 with that. From all the comments that I heard,  
9 everyone has those concerns that were just  
10 outlined, and I understand those concerns.

11 Personally, I happen to have a place on a  
12 lake up North, and we have some of the same issues  
13 there that you're dealing with, so from that  
14 standpoint, I can certainly identify with the  
15 issues that you have. But the water quality issue  
16 is huge in my opinion.

17 There are more things involved than just  
18 simply the Chester Drain, the one that we've talked  
19 about. I get that. However, we are charged with  
20 the Chester Drain situation. And I would agree, if  
21 that motion is made, I'd vote in favor of it --  
22 well, I'd support it and I'd vote in favor of it  
23 because I think it definitely is necessary. And  
24 that's the reason why we're here in order to make  
25 that determination.

1           But based on -- and there are other -- as  
2 I said, there are other factors that are involved,  
3 but we are dealing with this one here at this  
4 moment, and I certainly agree with what was said.

5           CHAIR. GLENN NYKAMP: And I do also.  
6 It's the sediment that's coming in there. We have  
7 to figure out a way to stop some of that sediment,  
8 whether it be different things that the farmers do  
9 along the way, there's many things to be able to  
10 change that. But I do agree with what's been said  
11 previous.

12           Did we -- did you receive any letters?

13           UNIDENTIFIED SPEAKER: No.

14           CHAIR. GLENN NYKAMP: Nobody has received  
15 any letters? Okay.

16           Okay, with that then we'll go on, and  
17 first thing we have to do, do I have a motion that  
18 the drain is deemed necessary or not necessary?

19           SEC. JERRY HUNSBURGER: I would make that  
20 motion that the drain is necessary.

21           MEM. RICH VANDERKLOK: And I would  
22 support that.

23           CHAIR. GLENN NYKAMP: Okay, motion is  
24 made and supported to -- that the drain is deemed  
25 necessary.



1 All in favor say "Aye."

2 SEC. JERRY HUNSBURGER: Aye.

3 MEM. RICH VANDERKLOK: Aye.

4 CHAIR. GLENN NYKAMP: Opposed, same sign.

5 Motion carried.

6 Okay. If it is necessary, the following  
7 motion should be made.

8 Do I have a motion that the drain is  
9 necessary for the protection of the public health  
10 in Chester Township and that a portion of the cost  
11 shall be apportioned to the municipality at large?

12 MEM. RICH VANDERKLOK: I would make that  
13 motion, Mr. Chairman.

14 SEC. JERRY HUNSBURGER: I would second  
15 that motion.

16 CHAIR. GLENN NYKAMP: Okay. Motion has  
17 been made and supported.

18 All in favor say "Aye."

19 SEC. JERRY HUNSBURGER: Aye.

20 MEM. RICH VANDERKLOK: Aye.

21 CHAIR. GLENN NYKAMP: Opposed same sign.

22 Motion carried.

23 SEC. JERRY HUNSBURGER: And if I could  
24 just expand it, I think Joe covered it, but it's  
25 important for the people to know that the township,

1 the county, the county road commission and others  
2 will share a portion of the burden of costs, not  
3 just residential.

4 CHAIR. GLENN NYKAMP: Also, there's an  
5 ability here, and I'm going to just read this so I  
6 make sure I get it right too, that -- because we  
7 talked about the -- I think it got brought up one  
8 time, what's in that district and that, and it says  
9 do I have a motion that the drainage district  
10 boundary be adjusted as necessary and lands be  
11 added and deleted as determined by the water  
12 resources commissioner as recommended by the  
13 engineer? Which basically says they can make some  
14 judgment changes as they go along with the -- when  
15 they go -- now that it's a necessary project, they  
16 have the opportunity to make changes if they have  
17 to.

18 SEC. JERRY HUNSBURGER: I make that  
19 motion.

20 MEM. RICH VANDERKLOK: Support.

21 CHAIR. GLENN NYKAMP: Okay.

22 SEC. JERRY HUNSBURGER: And just so we  
23 explain, I think the engineer's on a very  
24 preliminary analysis here, and you will do  
25 elevation -- you will be out right in the field

1 double-checking. And that's why we need to make  
2 this motion, because it could be adjusted to be a  
3 little bit bigger or a little bit smaller based on  
4 who's contributing and who's benefiting; am I  
5 right?

6 WATER RESOURCES COM. JOE BUSH: Yep,  
7 you're correct.

8 CHAIR. GLENN NYKAMP: Did we do the  
9 motion yet, or are we still --

10 SEC. JERRY HUNSBURGER: Yes, we had --

11 CHAIR. GLENN NYKAMP: Okay, good.

12 SEC. JERRY HUNSBURGER: Motion made and  
13 seconded.

14 CHAIR. GLENN NYKAMP: Good. All in favor  
15 say "Aye."

16 MEM. RICH VANDERKLOK: Aye.

17 SEC. JERRY HUNSBURGER: Aye.

18 CHAIR. GLENN NYKAMP: Opposed, same sign.  
19 Motion carried.

20 Joe, any other comments, closing  
21 comments?

22 WATER RESOURCES COM. JOE BUSH: I would  
23 just say I do appreciate everybody's time. I know  
24 it's in the morning, so I do acknowledge that it  
25 takes time to come here and listen. I appreciate

1 your comments. And be sure to either email me at  
2 MIOttawa.org or call me if you have any questions  
3 for the engineer or myself or the township. You  
4 guys know your township pretty well, you have a  
5 pretty good board, and they're pretty well  
6 organized, and I think they're willing to be here  
7 as part of the community, so I thank them too.

8 So anyway, thanks for your time this  
9 morning.

10 MEM. RICH VANDERKLOK: May I make just  
11 another comment, Mr. Chairman?

12 CHAIR.GLENN NYKAMP: Yeah.

13 MEM. RICH VANDERKLOK: Ryan, could you go  
14 back in your presentation to the final page?  
15 Because I want for me and for everyone to  
16 understand that the project now has been found  
17 necessary, so just so you're clear, these are the  
18 steps now that will be taken in order to fulfill  
19 the approval. So I thought that just so that you  
20 remember those things, because I think it's  
21 important so you have an answer, okay, what do we  
22 do now? What's going to happen now? Well, these  
23 are some of the steps that are going to be taken.  
24 So I just -- thank you.

25 CHAIR. GLENN NYKAMP: There's copies of

1 this left here, Ryan? I mean, I scribbled on all  
2 mine, but . . .

3 UNIDENTIFIED SPEAKER: Can somebody read  
4 does the project found necessary so it's part of  
5 the record? Or is it already part of the record?

6 MEM. RICH VANDERKLOK: I think it's part  
7 of the record because it's a presentation.

8 SEC. JERRY HUNSBURGER: Could we just ask  
9 that the presentation be part of the record?

10 WATER RESOURCES COM. JOE BUSH: Oh, for  
11 sure. It will always be on the website.

12 SEC. JERRY HUNSBURGER: The whole  
13 presentation.

14 MEM. RICH VANDERKLOK: And it will be on  
15 the township website also.

16 WATER RESOURCES COM. JOE BUSH: And there  
17 is also a lake association Facebook page.

18 PAULA HUMPHREY: Can I ask a question?  
19 The scope meeting to discuss design with property  
20 owners. So we'll all receive another letter  
21 inviting us to that meeting?

22 WATER RESOURCES COM. JOE BUSH: That will  
23 probably be more or less a meeting for individuals  
24 and then the township, so not a big meeting,  
25 because it's hard to get --

1 PAULA HUMPHREY: It says "with property  
2 owners."

3 WATER RESOURCES COM. JOE BUSH: Right.  
4 Yeah. That would be with you. Anybody that lives  
5 along the Chester Drain. Because there could be a  
6 meeting in the future. If we extend one of those  
7 branches, I need to get easements to have the  
8 rights to go on those properties. So that would be  
9 that meeting to hopefully get easements or talk to  
10 the township. So that would be -- yeah, I won't  
11 have another one of these public hearings like  
12 this.

13 PAULA HUMPHREY: No, but we'll receive a  
14 letter inviting us to this meeting?

15 WATER RESOURCES COM. JOE BUSH: Well,  
16 you'll get a phone call right from Ryan.

17 PAULA HUMPHREY: Well, Ryan, we're going  
18 to be on a first-name basis.

19 WATER RESOURCES COM. JOE BUSH: Yeah.  
20 And that's good. That's why we hired the experts  
21 of engineering for this, so . . .

22 PAULA HUMPHREY: Thank you.

23 WATER RESOURCES COM. JOE BUSH: Yep.

24 CHAIR. GLENN NYKAMP: Adjourned.

25 (Record closed at 11:15 a.m.)

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CERTIFICATE OF NOTARY PUBLIC

I certify that this transcript, consisting of 63 pages,  
is a complete, true, and correct transcript of the  
proceedings and testimony taken in this case on August  
24, 2017.

September 5, 2017

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Suzanne Duda, CSR-3199, RPR, CRR  
Notary Public, Clinton County, Michigan  
Acting in the County of Ottawa  
My commission expires: May 6, 2019

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