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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: NO. 8 DRAIN  
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Wednesday,  
September 27, 2017, at the Holland Fire Station #1, 131 Riley  
Street, Holland, Michigan, held before Marjorie A. Covey,  
CSR-2616, Certified Shorthand Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.
  
- Mr. Bill Cargo, Board Chairman
- Mr. Ken Souter, Secretary
- Mr. Glenn Nykamp, Board Member
  
- Mr. Don Komejan, Manager, Holland Charter Township
- Mr. Todd Wolters, Township Supervisor, Olive Township
  
- Mr. Ken Bosma, P.E., Engineer, Prein & Newhof
  
- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 September 27, 2017 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good morning,  
5 everyone. Welcome to one of the Holland Township's fire  
6 departments, location for the Drain Number 8 BOD.

7 The reason why we're here is because there was  
8 certain renovations at the Holland Township Charter Hall, so  
9 we needed to find a location within the drain district or  
10 close to it or the township, and this is the best that we  
11 could get for this time of day.

12 So I appreciate you guys taking the time to find it  
13 over here on Riley Street and take your morning to come and  
14 listen to what the process is, why we're here and kind of the  
15 formation of what happens after this and hear a presentation  
16 and get to know who I am a little bit.

17 I'm Joe Bush, your Water Resources Commissioner.  
18 It used to be called drain commissioner, but when I got  
19 elected in 2013 I decided to change the name to water  
20 resources commissioner because it makes more sense.

21 These hearings is just a little portion of what I  
22 do for my job as one of your elected officials, but this is  
23 the formula and the process through drain code is to hold a  
24 Board of Determination, if we get a petition, and we did  
25 receive one from Holland Township.

1           And the petition for this drain is for different  
2 improvements. So when that happens, we will have a public  
3 hearing for you people to come and speak either for or  
4 against, or if you have issues downstream, upstream.

5           And then the engineering firm who I hired for this  
6 particular petition will go over what, why the township  
7 petitioned me in the first place.

8           So that's kind of how it works. We'll go through  
9 that process, I'll do introductions, go through a little bit  
10 of the history of what I know on Drain Number 8 near Quincy  
11 Street and what brings us here today for the most part.

12           Again, I'm neutral in this situation. This  
13 three-panel board, I have to appoint, per drain code. And  
14 these three gentlemen have no affiliation or properties or  
15 anything to do with Holland Township.

16           So they don't own lands or anything, or they're not  
17 on the township board or planning commission, or have any,  
18 again, affiliation with this particular petition.

19           So these three gentlemen are appointed by me who  
20 have experience. They either come from another township, or  
21 the road commission, and they understand drain code, and the  
22 process, drainage, and how important drainage is to  
23 everybody.

24           So when I appoint these three gentlemen, then I'll  
25 setup a hearing like I did today. And then during this

1 process this morning, I will give them the oath, and then  
2 they will run the meeting.

3           What does that mean for me? Well that means if you  
4 have questions, direct those questions to the individuals  
5 here, and then they will in turn ask me, or the engineer any  
6 questions. So these three guys will run the meeting.

7           And then -- sorry for the train.

8           So after that happens, there will be time to come  
9 up. Every meeting I have is court recorded, word for word.  
10 And Marge is here, Margie, and she does a lot of my -- she  
11 shows up for just about every one of my Board of  
12 Determinations. So everything will be court recorded and you  
13 can go to my website, MIOttawa.org and find Water Resources  
14 Commissioner. In about four to six weeks, you can read the  
15 transcript word for word.

16           Or if you want a hard copy, I'll be more than happy  
17 to get you a hard copy if you contact us, we can do that for  
18 you as well.

19           Again, I'm Joe Bush, the Water Resources  
20 Commissioner. I'll do introductions.

21           From right to left, this is Glenn Nykamp,  
22 Supervisor Zeeland Township. In the middle is Bill Cargo, he  
23 is the Township Manager in Grand Haven Township. And then on  
24 the left is Ken Souter from Port Sheldon Township, and he  
25 worked with the road commission for many, many years in the

1 engineering department and understands drainage.

2 So this is why I hired -- or appointed these three  
3 gentlemen who understand drainage to hear your concerns, to  
4 say, we move forward with a project, we don't know what the  
5 scope is, we don't know a price yet.

6 We just have to do this per drain code to see that  
7 we need to move forward. This is their decision to do that,  
8 not mine.

9 And then we got Marjorie our court reporter.

10 Then we got Ken Bosma from Prein & Newhof, he's the  
11 engineer I picked for this particular petition.

12 We have Jerry Olman from the Road Commission.

13 Don Komejan, your Holland Township Manager is in  
14 the back. He'll probably give a little presentation maybe  
15 later. And the road commission might have a few words later.

16 We also have Todd Wolters who is a neighboring  
17 township supervisor in Olive, but Olive Township has a little  
18 portion in this drain district as well so he's here.

19 And then we have Jen, she is my secretary who signs  
20 people in and gave you an agenda.

21 Again, this process is per drain code, and it's  
22 pretty transparent. And again, if you have any questions, be  
23 sure to speak loudly, state your address when you come up for  
24 the public hearing portion so Margie can get it on record for  
25 you for later use, or for these three gentlemen, because the

1 public hearing is for you guys to share concerns whether  
2 what -- what I've been finding out is through this mailing,  
3 people are calling me downstream saying, hey, I called you  
4 years ago and nobody ever fixed it.

5           And I said, well now is a good time to come to the  
6 public hearing and let's hear it, so we can fix it if there  
7 are issues. So that's a good reason why when we do a  
8 mailing, we mail everybody in the drain district for  
9 opportunity if they have issues, I'd like to hear them as  
10 well.

11           I have nearly a thousand drains, and when you have  
12 that many drains county wide, it's hard to be proactive.  
13 We're more reactive, but we try to be proactive on a project  
14 so we can hear those concerns and try to fix them all at the  
15 same time, with one contractor, one bid, one price, and  
16 that's what we try to do.

17           So from this point on, I guess I'll go ahead and  
18 give these three gentlemen the oath, and they'll be running  
19 the meeting from there.

20           Gentlemen, please rise.

21           Raise your right hand.

22           Do each of you solemnly swear to faithfully perform  
23 and discharge the duties imposed upon you as members of the  
24 Board of Determination, appointed by the Water Resources  
25 Commissioner of Ottawa County, to determine the necessity of

1 drainage improvements in a certain drain to be known and  
2 designated as the Number 8 Drain in the Townships of Holland  
3 and Olive in said county as required by law, gentlemen?

4 BOARD MEMBER KEN SOUTER: I do.

5 BOARD MEMBER BILL CARGO: I do.

6 BOARD MEMBER GLENN NYKAMP: I do.

7 WATER RESOURCES COMM. JOE BUSH: Thank you.

8 BOARD MEMBER BILL CARGO: We talked a little bit  
9 just prior to the meeting so that we could be organized with  
10 regard to the election of a secretary and chairperson.

11 Do I have a motion to elect a chairperson?

12 BOARD MEMBER KEN SOUTER: I make a motion to elect  
13 Bill Cargo as chairperson.

14 BOARD MEMBER GLENN NYKAMP: Support.

15 BOARD CHAIRMAN BILL CARGO: We have a motion and a  
16 second, so all in favor of electing Bill Cargo as chair  
17 person, say aye.

18 BOARD MEMBER KEN SOUTER: Aye.

19 BOARD MEMBER BILL CARGO: Aye.

20 BOARD MEMBER GLENN NYKAMP: Aye.

21 BOARD CHAIRMAN BILL CARGO: And that is unanimously  
22 approved.

23 Also, do I have a motion to elect a secretary?

24 BOARD MEMBER GLENN NYKAMP: I elect Ken Souter to  
25 be the secretary.

1 BOARD CHAIRMAN BILL CARGO: I will support the  
2 motion for Ken Souter to be the secretary.

3 All in favor, say aye.

4 BOARD MEMBER GLENN NYKAMP: Aye.

5 BOARD CHAIRMAN BILL CARGO: Aye.

6 BOARD MEMBER KEN SOUTER: Aye.

7 BOARD CHAIRMAN BILL CARGO: Opposed? And that --  
8 Ken, you are now the secretary.

9 There is also just some rules for public comment  
10 that we will then also approve. We try to keep the comments  
11 less than three minutes. The reason is is you can summarize  
12 War and Peace in three minutes. And we're just trying to get  
13 the public comments, we're not trying to get a long  
14 discourse.

15 So do I have a motion to limit public comments to  
16 three minutes per person?

17 BOARD MEMBER GLENN NYKAMP: So moved.

18 BOARD SECRETARY KEN SOUTER: Supported.

19 BOARD CHAIRMAN BILL CARGO: And I have a motion on  
20 the table by Glenn, supported by Ken.

21 All in favor, say aye.

22 BOARD MEMBER GLENN NYKAMP: Aye.

23 BOARD CHAIRMAN BILL CARGO: Aye.

24 BOARD SECRETARY KEN SOUTER: Aye.

25 BOARD CHAIRMAN BILL CARGO: So the public comments



1 will be limited to three minutes.

2 First thing I want to do is just give an  
3 opportunity for both townships to make any comments.

4 Supervisor Wolters, do you have any comments that  
5 you would like to make at this time?

6 OLIVE TOWNSHIP SUPERVISOR TODD WOLTERS: No, that's  
7 fine.

8 BOARD CHAIRMAN BILL CARGO: Okay. How about Don,  
9 Don Komejan, is he -- there he is.

10 Do you have any comments? This was actually  
11 petitioned by the Charter Township of Holland.

12 HOLLAND CHARTER TOWNSHIP MANAGER DON KOMEJAN: Just  
13 a few comments on that.

14 The township petitioned primarily to be  
15 facilitating and partnering with GNS America. They are a  
16 metal stamping automotive supplier on Quincy Street in the  
17 township. They are located in this drainage district. They  
18 will be needing some improvements regarding storm water  
19 retention.

20 Some of those improvements, and the engineer will  
21 address those a little bit more in detail, some of those  
22 improvements will be specifically to benefit the company, and  
23 they will be paying for 100 percent of some of those  
24 improvements.

25 But as those are done, it certainly made sense from

1 an overall standpoint to take a look at the whole drainage  
2 district as to any other needs.

3 So that's the primary reason the township  
4 petitioned to at least accommodate some of the changes to the  
5 drain district that are planned by the company.

6 BOARD CHAIRMAN BILL CARGO: Thank you, Don.

7 We also have a representative from the Ottawa  
8 County Road Commission here.

9 Jerry, do you have any comments on this?

10 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: I guess  
11 I'll hold off for a minute until I hear Ken's presentation.

12 BOARD CHAIRMAN BILL CARGO: We'll try to come back  
13 to you then.

14 That said, I think the next thing we're going to do  
15 is have the engineer, Ken Bosma, from Prein & Newhof, he's  
16 going to give a PowerPoint presentation on this district and  
17 why we're here today.

18 And fortunately we don't have to turn around  
19 because we have a printed copy in front of us, so we'll all  
20 be staring at the top of our table.

21 And, Ken, go forward.

22 ENGINEER KEN BOSMA: I will do my best here to  
23 extend the voice looking both ways, but my presentation is  
24 very short today. I think a lot of things have already been  
25 addressed.

1           As I think Joe commented, our position here is  
2 really to listen as well to issues here. That doesn't mean  
3 we've done an extensive review on the whole drain at this  
4 point. We're here to listen to you guys as to what may be  
5 your comments.

6           As already mentioned, this was petitioned by  
7 Holland Township back in March, this is called under a  
8 Chapter 8 which just means there is an existing drain. It  
9 gives the right to maintain and clean out a drain, so that's  
10 by the Michigan Drain Code where that comes through.

11           And as also already mentioned two townships are  
12 part of this drain district, Olive Township to the north and  
13 Holland Township is the southern part of it.

14           So you may have seen already, but this is the  
15 outline of the district. You can see that the district goes  
16 up to Van Buren Street on the north side, comes down all the  
17 way to James Street on the south side, and then it's kind of  
18 bounded by the west side of the railroad track just east of  
19 136th Avenue, and then kind of goes over to about 128th  
20 Avenue in general, down here (indicating). But this black  
21 line is the district defined.

22           How that -- and as you may see, here is the county  
23 drain kind of going from south to north that weaves in  
24 through here, and extends to the north end.

25           This drain was determined by looking at some of the

1 county GIS information which gives us contour information.  
2 We've also looked at some of the plans that are on file for  
3 storm sewer systems, etcetera. So this is how this district  
4 was setup.

5 Here is just another overview, maybe difficult for  
6 you to see, but some people like this from a perspective they  
7 can see where their facilities or whatever may be outlined  
8 within the district.

9 It is -- I have one in the back here, a hard copy  
10 that will also show that district if anybody is interested in  
11 it. But it can give you a little better idea of where you  
12 might lie in there from an aerial view.

13 As Holland Township already identified earlier  
14 today, one of the things that they petitioned the project for  
15 was like they said GNS which is located north of Quincy  
16 Street, west of Hallacy Drive in the industrial park area in  
17 there. And this -- I think last year or early this year the  
18 road commission has already replaced the culvert under Quincy  
19 Street (indicating).

20 This drain -- it's very flat in this area  
21 (indicating) so this drain has become overgrown. And one of  
22 the proposed parts of the project would be to help facilitate  
23 conveyance in this drain by cleaning this drain out, maybe  
24 make it more what we call a two-stage ditch which will  
25 actually help facilitate cleaning it over time.

1           What a two-stage ditch does is the lower portion of  
2 the ditch is a little bit smaller so the velocity can go  
3 through and kind of keep some of the brush down. And then  
4 there is a second part so when the rain events occur a little  
5 bit higher, it allows some conveyance to occur in there.

6           So this is one of the things that we're potentially  
7 looking at doing would be north Quincy. And in addition, to  
8 construct a pond area in here, that in general these areas  
9 will send their storm water to, but it will also give us an  
10 opportunity to help back up, if this drain does back up, it  
11 backs up a little bit into this pond area too.

12           So it's kind of a twofold benefit in there to the  
13 drain to kind of help with some of the conveyance going  
14 downstream that we don't just send everything downstream  
15 directly.

16           Other than that, at this point, like I said, we  
17 have received, or through the drain office we have received  
18 one comment from a property owner, from Mr. Paul Andrews at  
19 2611, on some things and asking us to look at the drain by  
20 him. He's near Beeline there.

21           But at this point the rest of it is going to be  
22 comments that we receive from you today.

23           So the last slide I got here really just explains  
24 kind of this whole process. As you know today is the Board  
25 of Determination, and that's what we're here to listen to.

1           So the next steps are, if this is deemed necessary  
2 by the board after -- at the end of this hearing, then the  
3 project design would move ahead. We don't anticipate any  
4 easement acquisitions unless we hear something from you. I  
5 think all easements or right-of-ways are in place already.  
6 But that would be something that would also be done if need  
7 be.

8           And then we would send out the project for bid and  
9 construction. At that opportunity, once costs come in, there  
10 is an apportionment determined. There will be a day of  
11 review sent out to the property owners, if there is a portion  
12 of that that needs to be assessed at all to the property  
13 owners.

14           And then if the petition is deemed not to be  
15 necessary, then there is no further action after today that  
16 we do.

17           WATER RESOURCES COMM. JOE BUSH: Can I say  
18 something, Mr. Chair, at this time, during your presentation?

19           BOARD CHAIRMAN BILL CARGO: Yes.

20           WATER RESOURCES COMM. JOE BUSH: So one of the  
21 other issues -- can you go back a couple slides?

22           ENGINEER KEN BOSMA: Yes.

23           WATER RESOURCES COMM. JOE BUSH: That one. One of  
24 the issues where it says Proposed Drain Clean Out, for 2013  
25 we had a lot of flooding, and then in 2014 GNS was contacting

1 me because they were having water up in their parking lot  
2 like in their docks. Because what happens is the Drain  
3 Number 8 backs up where the road commission replaced that box  
4 culvert and it was actually back flowing, going into -- the  
5 water coming from Olive Township going downstream, would  
6 actually, when it hit this road block right here, it was  
7 actually going into the parking lot at GNS and flooding their  
8 parking lot and then getting into their docks.

9 Well we don't -- that's not really very efficient  
10 either and that's not fair for GNS. So even though they got  
11 a project and stuff like that, I want to reassure that there  
12 is flooding issues that I was getting the phone calls from  
13 GNS.

14 And at that time there was a recycling place, I  
15 can't remember the name of the recycling center that GNS  
16 brought out but there was water, where Drain Number 8 would  
17 come over its banks and flood that out, and that happened  
18 twice, in 2013 and 2014.

19 So they want to actually construct a pond to  
20 actually facilitate more volume of water and create more  
21 storage so it doesn't flood those property owners out.

22 And if there is more development upstream, we don't  
23 want to flood people out downstream either. So those are the  
24 things we got to balance out.

25 That's my comments, and I'm sure maybe some other

1 people might be speaking upon the flooding issues, but that's  
2 another reason why we're here.

3 Thanks, Mr. Chair.

4 BOARD CHAIRMAN BILL CARGO: And before we go to  
5 public comments, I wanted to first ask Jerry a question.

6 I understand they replaced the culvert under Quincy  
7 Street. Did they enlarge the diameter of that culvert or is  
8 it the same size as existed in 2012 and 2014 when the  
9 flooding occurred?

10 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: No, it  
11 was increased. The old culvert was two metal corrugated  
12 metal culverts, I can't recall the size right off.

13 But what was put in is a 12-by-5 concrete box. And  
14 it was sized by Dave Schultz Engineering to handle the  
15 100-year rain event.

16 And the invert -- the flow line was dropped just  
17 over a foot, 1.2 feet I believe it is, because there was an  
18 issue with water pooling up behind the old culverts. So we  
19 dropped that. Now it's dry now. It flows through there  
20 nice.

21 BOARD CHAIRMAN BILL CARGO: Okay. And also just  
22 for information, Joe, if I recall, is it the Water Resources  
23 Commissioner can spend up to, is it 5,000 --

24 WATER RESOURCES COMM. JOE BUSH: \$5,000 per mile  
25 per year per drain.



1 BOARD CHAIRMAN BILL CARGO: Which is why you can't  
2 clean this out for that amount of money, especially if you're  
3 going to add a tier to it.

4 WATER RESOURCES COMM. JOE BUSH: Correct.

5 BOARD CHAIRMAN BILL CARGO: There is not enough  
6 money with what you're authorized to spend. Is that what I  
7 understand you to say?

8 WATER RESOURCES COMM. JOE BUSH: You're correct.  
9 Yes.

10 BOARD CHAIRMAN BILL CARGO: At this point we'll  
11 open it up for public testimony. And a couple things. We're  
12 just going to have you testify at your seat, so I ask that  
13 you speak as loudly as you can to project your voice so the  
14 court reporter can hear you.

15 We ask that you give your name, that you give your  
16 address, and then you can share your comments at that time.

17 And I'm probably just going to start with the right  
18 side of the room, then I'll come to the left, my right, my  
19 left. And we'll see what type of information is available  
20 out there for everybody.

21 So I'm going to start with the second table back on  
22 the left-hand side, do you have any comments?

23 Gentleman?

24 Okay, next to him, any comments?

25 Okay, at the very end of the table, any comments?

1           MR. ANDREWS: No, I'm the one that wrote the letter  
2 so I sent my comments in.

3           BOARD CHAIRMAN BILL CARGO: Okay. That's a good  
4 point. I was actually talking about the second table here,  
5 so I was apparently starting some confusion.

6           Why don't we start with the letter, that's a good  
7 point.

8           Ken, do you want to summarize the letter you've  
9 received?

10          BOARD SECRETARY KEN SOUTER: Yes. We received a  
11 letter from Paul Andrews, based on -- he lives at 2611  
12 Beeline.

13          The letter is two pages, but I'm going to  
14 summarize, if that's okay with you.

15          MR. PAUL ANDREWS: That's fine.

16          BOARD SECRETARY KEN SOUTER: Mr. Geerlings has put  
17 a lot of work -- Mr. Andrews, I'm sorry, has put a lot of  
18 work into the drain. He's spent a lot of money on it, and  
19 does not feel like there is any drainage problems in his area  
20 per se there. He gets a lot of water down through there, but  
21 he's worked at stabilizing the banks, put a bunch of money  
22 into it.

23          And basically he wants you to take a look at it  
24 before coming in and destroying what he's done to salvage the  
25 banks.

1           Is that correct, sir?

2           MR. PAUL ANDREWS: Yes.

3           BOARD CHAIRMAN BILL CARGO: Okay. So I'm going to  
4 start again. I'm going to start at the second table back,  
5 the table where Jerry is sitting. And I'm going to go to the  
6 far left, any comments?

7           UNKNOWN SPEAKER: The only --

8           BOARD CHAIRMAN BILL CARGO: I'm sorry, I'm going  
9 one table at a time. So let me finish this table here,  
10 because there is some confusion.

11           Any comments from the person next to him, next to  
12 Jerry? No?

13           And at the far end of the table?

14           Now I'll go to the third table back, the gentleman  
15 in the blue shirt, do you have some comments?

16           MR. MIKE KRAGT: I'm Mike Kragt with All Metal  
17 Design, 13131 Reflections Drive.

18           We just built a new building, we did all the water  
19 stuff that needed to be done per Holland Township, we have  
20 our own pond. This really doesn't affect us one way or  
21 another, we don't add to the flooding problems.

22           And that's my only comment, I don't know if now is  
23 the time to bring that up or at some other point. The  
24 necessity might be there, but I kind of wonder why it  
25 wouldn't be a county thing instead of just this drainage

1 district, which may be a legal thing. Again, I don't know,  
2 but that's my only comment.

3 BOARD CHAIRMAN BILL CARGO: Okay. I appreciate it.  
4 The gentleman next to him?

5 UNKNOWN SPEAKER: No, sir.

6 BOARD CHAIRMAN BILL CARGO: Okay. Now we go to the  
7 very back table, on my right-hand side of the road, start on  
8 the left-hand side of the table, any comments? No.

9 In the green shirt?

10 UNKNOWN SPEAKER: No.

11 BOARD CHAIRMAN BILL CARGO: In the yellow shirt?

12 And you've already had comments with regard to the  
13 letter.

14 I'm going to go over to this side of the room and  
15 start at this table right here, any comments at the very  
16 front table?

17 UNKNOWN SPEAKER: No.

18 BOARD CHAIRMAN BILL CARGO: Second table back, any  
19 comments?

20 UNKNOWN SPEAKER: No.

21 BOARD CHAIRMAN BILL CARGO: This may be the  
22 shortest public hearing in history.

23 I'll go to the third table back and say at the end  
24 there, are there any comments you'd like to share?

25 Yes?

1 MR. DON VANDER LEEK: I'm a neighbor of Paul  
2 Andrews and I just want to --

3 BOARD CHAIRMAN BILL CARGO: Your name and address  
4 again.

5 MR. DON VANDER LEEK: Don Vander Leek, 2641 Beeline  
6 Road.

7 I'm Paul's neighbor and he has put a lot of work  
8 into that piece of drain that flows past his property. So I  
9 just wanted to say that.

10 BOARD CHAIRMAN BILL CARGO: Okay, appreciate that.  
11 The gentleman next to --

12 MR. DON BAKER: Don Baker, 2640 Beeline.

13 My section is pretty troublesome. There is a lot  
14 of trees.

15 Way at the end of my property is a log jam and now  
16 it snakes and it's eating away at my property. So my comment  
17 or question is are you going to make it straighter? Is that  
18 what you do? And how deep are you going -- are you going to  
19 go deeper?

20 I don't know how this works.

21 BOARD CHAIRMAN BILL CARGO: And that's something,  
22 right now what this board looks at is whether there are  
23 flooding issues that need to be addressed.

24 MR. DON BAKER: Okay.

25 BOARD CHAIRMAN BILL CARGO: The design question is

1 the next step down the road, and that's made by the Water  
2 Resources Commissioner, Joe Bush's office will make those  
3 determinations.

4 MR. DON BAKER: Okay.

5 BOARD CHAIRMAN BILL CARGO: But if you have a clean  
6 out problem at the drain near you, we now have that as part  
7 of the public record.

8 MR. DON BAKER: Okay.

9 BOARD CHAIRMAN BILL CARGO: And I understand if you  
10 have brush it can cause erosion --

11 MR. DON BAKER: Well sooner or later it's going to  
12 back up on everybody's property, Paul's, everybody. If that  
13 backs up, I think it was six feet or whatever, everybody is  
14 going to be affected if it does, I assume backs up.  
15 Certainly my property will be underwater.

16 BOARD CHAIRMAN BILL CARGO: Okay.

17 MR. DON BAKER: So I'm just -- I'm also curious on  
18 what side -- now I bought my property from my father-in-law.  
19 Now supposedly I own five feet past the creek going south.  
20 Now they're supposed to dredge on the south side, not on my  
21 property, but on the opposite side.

22 BOARD CHAIRMAN BILL CARGO: Okay.

23 MR. DON BAKER: Well there was a lot there that was  
24 never buildable. Now they put a house there. So is that  
25 still going to be on the south side of the creek?

1 I'm on the north side of the creek, or the drain, I  
2 should say.

3 BOARD CHAIRMAN BILL CARGO: Okay.

4 MR. DON BAKER: And then there is a south side.

5 BOARD CHAIRMAN BILL CARGO: And I think you're  
6 asking -- that's a very technical question. I'll have you  
7 talk to the engineer after this public hearing.

8 MR. DON BAKER: Okay.

9 BOARD CHAIRMAN BILL CARGO: Because it's really not  
10 talking about the necessity, but it's a good question and I  
11 think the engineer or Joe should be able to answer it.

12 MR. DON BAKER: Yeah, I think they can answer it  
13 but I just wanted to bring it up.

14 BOARD CHAIRMAN BILL CARGO: I appreciate that.

15 And next? And the very last? Okay.

16 I told my office I might be late, apparently not.

17 I wanted to -- we're going to give a chance to  
18 close the public hearing, but I wanted to ask Jerry, since  
19 you put in the culvert, do you still believe there is going  
20 to be a flooding problem north of Quincy which is the  
21 catalyst for this hearing?

22 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: Well we  
23 put it in based on what was recommended by Dave Schultz  
24 Engineering, and like I say, it was lowered considerably to  
25 improve the flow line through that area.

1 BOARD CHAIRMAN BILL CARGO: Okay, I appreciate  
2 that.

3 At this point, unless there are objections, I'm  
4 going to close the public portion.

5 BOARD MEMBER KEN SOUTER: I'd like to ask a  
6 question, please.

7 The gentleman that has the problem with the brush  
8 in the water or the ditch and everything else, does anybody  
9 else have any of the same problems on their drain?

10 MR. DON BAKER: For some reason my section has  
11 grown up quite a bit. A lot of trees have fallen, starting  
12 to snake quite excessively toward the end of my property.

13 And then after that it straightens out pretty  
14 decent. So there is just a section in there.

15 BOARD CHAIRMAN BILL CARGO: Others in this district  
16 have the same issues? I guess not.

17 MR. DON BAKER: Like Paul's is fine, and his is  
18 fine (indicating). There is a lot that is fine, but for some  
19 reason, my little area is not so good. It does concern me  
20 from time to time.

21 BOARD CHAIRMAN BILL CARGO: And I think that's  
22 important for the drain commissioner to know because,  
23 regardless of what the determination of this board is, as to  
24 whether there is a need or not, that sounds like it might be  
25 able to be handled with the \$5,000 per mile annual assessment



1 that he is authorized to do in terms of maintenance.

2 BOARD MEMBER KEN SOUTER: There is somebody else.

3 BOARD CHAIRMAN BILL CARGO: We'll go to the very  
4 back again.

5 MR. PAUL ANDREWS: Paul Andrews, 2611 Beeline.

6 There are -- there have been quite a few trees  
7 because of erosion, there is some parts of the creek back  
8 behind Don, and I know Don has some mess alongside of his  
9 too.

10 Some parts of it is like 20 feet across the ditch  
11 and seven to eight feet deep where it's washed down and  
12 everything else.

13 But I happen to go out and chain saw it out, you  
14 know what I mean? I'm not saying everybody should do it, but  
15 that's the way we take care of it there and keep it cleaned  
16 out as best as possible.

17 BOARD CHAIRMAN BILL CARGO: Okay. I appreciate  
18 that.

19 BOARD SECRETARY KEN SOUTER: Can I ask Joe a  
20 question?

21 BOARD CHAIRMAN BILL CARGO: Absolutely.

22 BOARD SECRETARY KEN SOUTER: Joe, have you had a  
23 lot of problems other than maybe up at Quincy Street? It  
24 doesn't sound like there is a lot of problems from the  
25 people's standpoint in here. Have you had a lot of people

1 call you and say that they have flooding or they have  
2 problems with the drain?

3 WATER RESOURCES COMM. JOE BUSH: Periodically. But  
4 usually we go out and try to fix those hot spots, you know,  
5 the little 500 feet, 5,000 per mile per drain per year  
6 maintenance.

7 While I'm talking, just give me a few minutes. One  
8 of the issues that we run into is the -- to answer your  
9 question, what side are we going to be on, we always try to  
10 go on the side that we previously have.

11 We don't go in and take trees down. We don't  
12 propose doing any drainage or maintenance south of Quincy  
13 unless we do stuff like for you.

14 MR. DON BAKER: You're not going to make it deeper.

15 WATER RESOURCES COMM. JOE BUSH: No, that doesn't  
16 necessarily fix the problem, that creates more problems. And  
17 in talking with Mr. Andrews on the phone, erosion is a big  
18 concern for me, because of the sediment.

19 And it all travels somewhere, and usually ends up  
20 in the road commissioner's culverts, and it plugs them up and  
21 ends up flooding.

22 MR. DON BAKER: Right.

23 WATER RESOURCES COMM. JOE BUSH: So I don't propose  
24 anything south of Quincy, and I'm not dredging or making it  
25 wider, but I think trees -- dead Ash are a bigger problem.

1 And I think we're going to go through and do a whole drain  
2 inspection just to take all the dead Ash per this project  
3 possibly.

4 MR. DON BAKER: That would make a difference, just  
5 clean out the trees.

6 WATER RESOURCES COMM. JOE BUSH: And that's a big  
7 issue countywide also.

8 BOARD CHAIRMAN BILL CARGO: The last thing just to  
9 close out the public portion of hearing portion of this  
10 meeting --

11 BOARD SECRETARY KEN SOUTER: We have a couple --

12 BOARD CHAIRMAN BILL CARGO: I first wanted to go  
13 back to Supervisor Wolters, are you receiving any complaints  
14 up in Olive Township with regard to this drain and any  
15 flooding or water issues.

16 OLIVE TOWNSHIP SUPERVISOR TODD WOLTERS: The only  
17 one I hear is going underneath the highway, the culvert being  
18 a little high, but there again, no complaints to speak of.

19 BOARD CHAIRMAN BILL CARGO: Okay.

20 OLIVE TOWNSHIP SUPERVISOR TODD WOLTERS: A question  
21 I do raise on this, the retention ponds they're talking about  
22 putting in, that is by the property own, I take it on cost?

23 ENGINEER KEN BOSMA: There is some benefit to the  
24 overall drain for doing this because it does provide some  
25 storage in the pond both backwards and forwards.

1           OLIVE TOWNSHIP SUPERVISOR TODD WOLTERS:  And I  
2 appreciate that, Ken.  My question comes down to being a  
3 property owner myself and we built on our property and you do  
4 own your property, you pay for taking care of that part of it  
5 as the property owner, and I guess that I have a little  
6 concern if we got into that.  But I know that's to be  
7 decided.

8           ENGINEER KEN BOSMA:  Right.

9           BOARD CHAIRMAN BILL CARGO:  That said, I'm going --  
10 this will be my last opportunity.  You have some people in  
11 the back, two in the back who haven't spoken previously.

12           The lady in the yellow jacket, do you have some  
13 comments again?

14           If you could stand up and give your name and  
15 address.

16           MS. BEV BOEVE:  My name is Bev Boeve and we have a  
17 business at 13261 -- right here on Riley Street.  I'm just  
18 wondering is that right where the drain comes through?

19           WATER RESOURCES COMM. JOE BUSH:  Yes.

20           MS. BEV BOEVE:  Okay.  We have been there  
21 approximately four years and have had some very significant  
22 rains, and we have had no issues with the rain coming down  
23 our way.

24           So if there is a problem upstream, that may be, but  
25 I think it was 2014 when we had that really hard rain.  We

1 had people that actually came to the property, other business  
2 people, to check to see how high it was. And it wasn't even  
3 close to coming over the bank.

4 WATER RESOURCES COMM. JOE BUSH: Okay.

5 MS. BEV BOEVE: It was only approximately halfway.  
6 So there may be a problem, but it might be way up.

7 BOARD CHAIRMAN BILL CARGO: Appreciate that.

8 And then -- at this point I'm going to close --

9 BOARD MEMBER KEN SOUTER: Jerry.

10 BOARD CHAIRMAN BILL CARGO: Okay, Jerry from the  
11 Road Commission.

12 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: One  
13 more comment.

14 I want to be a little careful here. We lowered the  
15 elevation of that crossing there, but from the presentation,  
16 Ken indicated that in years prior there was some flooding on  
17 private property, water would back up.

18 I don't know if that would -- I don't know what the  
19 topography is of that private property, does it only take a  
20 foot of water and water starts to spill over? Does it take  
21 four feet? At some point there will be four feet of water in  
22 that drain or more.

23 BOARD CHAIRMAN BILL CARGO: I understand that.

24 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: So it  
25 may still flood at some point.

1 BOARD CHAIRMAN BILL CARGO: From what I understand  
2 when you replaced the culvert, you enlarged the culvert and  
3 it was designed for the hundred year flood.

4 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: Right.

5 BOARD CHAIRMAN BILL CARGO: So that's all I needed  
6 at this point.

7 At this stage we're going to close the public  
8 hearing portion of this meeting. And we're going to have  
9 some questions and comments and talk. This is where we meet  
10 in front of you and discuss whether there is a need for this  
11 type of improvement.

12 Ken, I'm going to start with you, do you have any  
13 questions or do you have any comments after listening to the  
14 public?

15 BOARD SECRETARY KEN SOUTER: Well, I see that maybe  
16 we've got a problem by Quincy Street. That problem very well  
17 could have been taken care of through the installation of  
18 that new culvert. The old double culvert, two culverts next  
19 to each other always has the problem with brush getting  
20 caught in between, and plugging up the drain.

21 Putting that new culvert in seems like it should be  
22 handling it.

23 I don't see that, other than the one gentleman that  
24 has trees in the ditch there, and maybe isolated other  
25 instances down line where we all know the Ash are all dying

1 in Ottawa County, and that's causing a problem in a lot of  
2 drains.

3 So I don't see -- I don't hear any comments of  
4 anything south of Quincy, other than minor clean up problems  
5 of trees.

6 BOARD CHAIRMAN BILL CARGO: I appreciate it.

7 Glenn, how about yourself? Do you have any  
8 thoughts after hearing the public?

9 BOARD MEMBER GLENN NYKAMP: I agree with what Ken  
10 said. I guess I'm curious again, maybe Joe could explain  
11 this a little bit further.

12 Other than what Ken was talking about, the only  
13 other issue that we really have is the gentleman that wants  
14 to put in a retention pond or whatever it is, and I don't  
15 know that -- I don't know how the township would bill this  
16 stuff, and we don't know that because we don't do that kind  
17 of stuff.

18 But would it be fair for everybody else to put in a  
19 pond that he needs, and there is nothing else really that has  
20 a big issue with it, with all -- even though there is some  
21 brush. There again, like he mentioned earlier, you're  
22 talking about \$5,000 would probably take care of that.

23 So what are we going to spend with the other --  
24 other than if Joe can prove that there is a whole length of  
25 ditch there that should be cleaned out.

1 BOARD CHAIRMAN BILL CARGO: I actually -- this is  
2 an unusual Board of Determination because typically when we  
3 have a Board of Determination we have the public giving us a  
4 number of examples of flooding and water issues that occur.

5 In this instance we have something that did occur  
6 in 2012 and 2014 for one property owner, and that one  
7 property owner hasn't spoken today.

8 And then we also have a situation where it could  
9 have been caused by having an undersized culvert located at  
10 Quincy, which has now been replaced with a larger culvert.

11 In addition, although there may be some benefit for  
12 this proposed storm drain, or this retention area being  
13 installed, it hasn't been proven to me that it is going to  
14 solve an ongoing issue because an ongoing issue hasn't really  
15 been defined clearly for me.

16 So this is unusual. I'm leaning towards making a  
17 determination that this is not necessary, because, again, I  
18 haven't heard public comments showing about the problem; and  
19 I'm not sure that the creation of this private pond, which  
20 may have some public benefit, would solve any of the problems  
21 that have been discussed here today.

22 So it's an unusual situation for me, and I'm not  
23 sure if my colleagues agree or not.

24 But right now I'm actually leaning towards finding  
25 that this is not necessary.



1           BOARD SECRETARY KEN SOUTER: I guess I've got to  
2 be -- I mean I come -- I've been on a lot of board meetings  
3 like this, and most of the time people have problems, and  
4 this is the way to alleviate the problems.

5           Myself I would have loved to hear from the person  
6 that is instigating the improvements. I'd like to see the  
7 improvements made and the pond made to them, but I don't see  
8 where that pond is -- somebody has come out and said this is  
9 going to be a huge benefit to the entire drain district.

10           Glenn, do you have --

11           BOARD MEMBER GLENN NYKAMP: This was actually  
12 instigated from the issues that the township had. They're  
13 the ones that asked for this determination.

14           Maybe Don has got some information that we --

15           BOARD SECRETARY KEN SOUTER: Are we missing  
16 something, Don?

17           TOWNSHIP MANAGER DON KOMEJAN: Again, I guess I'll  
18 repeat. And I don't know that I can speak for the company,  
19 but they're expanding their facilities, the building that  
20 would be north of Quincy and immediately west from the  
21 existing drain. They took over that, and purchased that  
22 building, and their expansion is going to roughly double, if  
23 not more, on that building.

24           So they will, on site, obviously need some  
25 retention.

1           But in addition, as was said, is that coming from  
2 the north, the water -- the water comes down the drain from  
3 the north and passes their property and the drain at that  
4 location.

5           We know that over the years there have been  
6 significant overflow and flooding problems at that location  
7 for many years. I think it's difficult to assess whether the  
8 drainage improvement underneath the road is going to  
9 accomplish all that we've seen over the years.

10           I would say unfortunately at this point in time,  
11 since that improvement has been made, we haven't seen a lot  
12 of rain. So there is not a lot of -- there is very little to  
13 judge to say what is that going to do for the problems that  
14 we've had historically.

15           But they have been significant. Before this  
16 company purchased it, it was Wall Way (sic), same problems  
17 occurring for decades at that location.

18           So I'm saying from that standpoint, the history has  
19 been that that location has had significant flooding issues,  
20 and much of what comes to that location is coming from the  
21 north, it doesn't come just from that site.

22           So the township, of course, was willing to petition  
23 because they were experiencing those problems, and wanted to  
24 address existing problems as well as, you know, providing  
25 some adjustments that they would expect to participate with

1 with their company.

2 BOARD CHAIRMAN BILL CARGO: Okay. Again, I'm going  
3 to stick my neck out and say that I agree that problems  
4 existed in the past, and they may still reoccur.

5 Two things are happening though, one is that there  
6 is going to be a company putting a storm retention or  
7 detention pond on their property, which should help alleviate  
8 some of the pressures they're receiving on their property  
9 themselves, potentially.

10 But the other thing is we have the new culvert  
11 which sounds like that's where there seemed to have been a  
12 slow down of the water, because south of Quincy, we don't  
13 have any issues.

14 North of Quincy, we do have one issue. And so I  
15 would be more than willing to come back here in the future,  
16 if this culvert is shown not to be sufficient.

17 But again, if it was designed for a hundred year  
18 flood and we're doing the normal maintenance on these drains  
19 so the water can flow through, the trees are removed, the  
20 brush and so forth, I actually am going, to, based on that, I  
21 am going to make a motion that this drain improvement is  
22 deemed not necessary, because I just have not been convinced  
23 that this is a public -- that there is a public problem that  
24 needs this solution.

25 BOARD SECRETARY KEN SOUTER: I'll support that

1 motion.

2 BOARD CHAIRMAN BILL CARGO: There is a motion on  
3 the table with a second, we'll open it up for discussion at  
4 this stage.

5 BOARD MEMBER GLENN NYKAMP: I think I have to agree  
6 with the same thing, just because there is an option to redo  
7 this at a later date.

8 BOARD CHAIRMAN BILL CARGO: Yes. Okay.

9 BOARD SECRETARY KEN SOUTER: I'm still a little  
10 confused. And I agree with your motion, Bill.

11 But the pond is going to be put in, they're going  
12 to expand, they're going to put in a pond. That it benefits  
13 the drain is to be questioned at this point.

14 There has been no information given to us that by  
15 their building this pond, flooding will decrease by a lot.  
16 It doesn't look like there has been huge flooding there. The  
17 pond doesn't look that big that it's going to eliminate  
18 flooding in the area if that's the case.

19 At this point, I just don't see it.

20 BOARD CHAIRMAN BILL CARGO: Okay. I think all of  
21 us have had our chance to comment on that, and so I will call  
22 for a vote.

23 All in favor of the motion to deem that this drain  
24 is not necessary, say aye.

25 BOARD SECRETARY KEN SOUTER: Aye.

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BOARD CHAIRMAN BILL CARGO: Aye.

BOARD MEMBER GLENN NYKAMP: Aye.

BOARD CHAIRMAN BILL CARGO: All side aye.

Opposed?

And that then concludes our actions.

The -- before we adjourn this meeting, because this is unusual, I'm going to turn it back over to Joe Bush to see if he has any closing comments that he would like to make.

WATER RESOURCES COMM. JOE BUSH: For sure, I just want to say thanks for people's comments and thanks for your time and coming to the fire station, I appreciate having it in the morning, and having it at this location.

Have a great day.

(Board of Determination concluded at 10:45 a.m.)



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