1	STATE OF MICHIGAN
2	COUNTY OF OTTAWA
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5	IN RE: PERRY RIDGE ESTATES DRAIN
6	BOARD OF DETERMINATION
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9	Proceedings commenced at 10:00 a.m., on Thursday,
10	January 18, 2018, at the Holland Charter Township, 353 North
11	120th Avenue, Holland, Michigan, held before Marjorie A.
12	Covey, CSR-2616, Certified Shorthand Reporter and Notary
13	Public.
14	
15	APPEARANCES:
16	Mr. Joe Bush, Ottawa County Water Resources Commissioner Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.
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18	Mr. Bill Cargo, Board Chairman Ms. Peggy Weick, Board Secretary
19	Mr. Larry Bruursema, Board Member
20	Mr. Don Komejan, Manager, Holland Charter Township
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22	Mr. Ken Bosma, P.E., Engineer, Prein & Newhof Mr. Lucas Timmer, P.E., Engineer, Prein & Newhof
23	
24	Mr. Jerry Olman, Ottawa County Road Commission
25	

Holland, Michigan

2.0

January 18, 2018 - 10:00 a.m.

PROCEEDINGS

WATER RESOURCES COMM. JOE BUSH: Good morning, everyone. Welcome to Holland Township for the Board of Determination for the Perry Ridge Estates, which was a petition that I received from Holland Township.

And the reason we got a petition is because Holland Township is on this mission to establish a lot of the orphan drains, and that's the reason why we're here this morning is it's part of the process per Drain Code.

And per Drain Code, you have to have a public hearing so people can have testimony whether to give comments on whether they see this being a benefit or not or why we're doing it. So that's why we're here this morning, so welcome. I appreciate you taking the time this morning.

Some people say, why do you have it in the morning? Why not at night? Well this is about the outcome I have at night too because people complain about supper or we have sporting events, or homework. We're just too busy, Joe, so have it in the morning. So I try to make them in the morning to be consistent.

So I do appreciate your time. Again this is an orphan, which nobody owns it. The township doesn't own it, the county doesn't own it, and the road commission don't own

it. So really nobody owns it.

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It's a system put in years ago. And in today's standards we would not allow that without any agreements, and there is a whole another process in the development standard -- we don't have BODs on orphan drains any longer. So these are ones that were prior to that time frame.

So again, I'm the Water Resources Commissioner, also known as the drain commissioner, and this is just a little piece of the big puzzle of what my job details, and this is all per Drain Code.

So it's all state law and this is recorded to have a public hearing.

So in that public hearing there will be time for public testimony. Everything is court recorded. Margie is here and every word is court recorded. And it's on my website, usually about four to six, maybe eight weeks later, after today, it will be on my website at MIOttawa.org. Just click on Water Resources Commissioner, there will be a link on there and you can click on all the past BODs, the Board of Determinations, and all the minutes if you want to read them. And this will be on there too.

Is it required to have a court recorder? No. I do it for your benefit, our benefit, so everything is word for word.

And if you have questions, you can always go back

and read it, or what did I say then? You can go back and read it, which is handy for me and for you.

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As of right now there is no issues in Perry Ridge. We haven't really had any complaints. It's just -- this is just the legal process to get it under my jurisdiction for future maintenance in the future. If you have a collapse, you can always call our office and we will go fix it.

In the past you call somebody, they'll say, sorry, it's an orphan. And the township had probably a hundred of these at one time. We're having a lot of these public hearings to establish them, because some of them do have issues and some of them do not. So that's why we're here today.

I'll quickly do introductions. We've got Jen, she's my secretary who signed you in. And she answers the phones or takes care of a lot of the concerns or comments if you call.

We have Don Komejan, he's your township manager.

He's the one that's kind of been going through a list and

we've been prioritizing which ones are top priority and

working our way down trying to get these orphan drains

established. And they're in every township, every township

has orphan drains. We've been doing a lot in Park,

Georgetown, but mostly Holland has been very proactive trying

to get all these orphan drains under the county jurisdiction

so we can have some kind of mechanism and somebody to call if there is flooding concerns or with the aging types of infrastructure that is starting to need replacing, you can always call me and we'll put it out for bid and we'll get it taken care of, that's our job.

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So again, Don Komejan has done a great job of trying to get this organized and having all the petitions come in and putting these meetings together so we can move forward.

Then we have Jerry Olman, he's from the road commission. He participates in all these orphans and all of the Board of Determinations, so they always have a representative from the road commission.

And then Ken Bosma, he is the engineer. He's been doing a lot of these, so they have a good understanding of Holland Township as a whole. And he does a lot of drainage work, his firm does a lot of drainage work for us.

We have Lucas Timmer, he's probably the one doing the presentation today, as well as he's been understanding these orphan drains very well.

So he's been going out, they do a snapshot of what's going on currently and do the drain district, and they'll talk later on his presentation on what he's seeing out there and what he's doing; and the district, again, if you have any questions on that.

And then we have Margie, again, she's our court recorder. She does these for me. It's not required by law, but I do it for the protection of everybody who talks for future reference.

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Then we have my three-panel board, this lady and these two gentlemen are appointed by me. They have no affiliation with Perry Ridge or Holland Township.

I usually appoint these people who are those people who actually have drainage experience. They know Drain Code. They're either past or former Farm Bureau members, farmers, township managers, township supervisors, road commission engineers, but I'll introduce these.

From your left going to the right towards me we have Larry Bruursma. And then we have Bill Cargo. Bill Cargo might be chairing this particular BOD and he is the township manager at Grand Haven, so he understands drainage and Drain Code. And then we have Peggy Weick.

And they've been on boards before, so they do understand what the process is per Drain Code.

They make the determination to move forward. Once I give them the oath, this Board makes the choices and it's their decision, and you'll see when we go through the agenda, they're the ones that move forward and have me -- well, today, we don't know of anything yet until you give public testimony.

By the way, if you do speak, please speak loudly for Margie and give your name and address when you do come up to the podium if you have any comments or anything, if you should be in the district or should not, or you've got issues.

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Sometimes we hear about issues today that we didn't know about before. So that's why we do public comment too is, oh, we didn't know, nobody called in.

So if you have an issue or you think it could be an issue, please let us know. We're more than happy to go out and investigate. Because if you don't tell us -- I have over a thousand drains, and it's hard to keep track with one person and a limited staff on all these drain issues.

So if you do know of something, or, hey, my neighbor has a plugged culvert or back yard drain isn't flowing or anything, please let us know.

Again, back to this three-panel board, they will actually make a decision with their motions and their -- if they have any questions for me or the engineer, they'll ask us.

So please, they'll be running the meeting after I give them the oath, and then anything to follow up on that, I'm more than happy to answer questions based on their comments.

So please rise and raise your right hand.

1	Do each of you solemnly swear to faithfully perform
2	and discharge the duties imposed upon you as members of the
3	Board of Determination, appointed by the Water Resources
4	Commissioner of Ottawa County to determine the necessity of
5	drainage improvements on a certain drain to be known and
6	designated as Perry Ridge Estates Drain, in the Township of
7	Holland in said county, as required by law?
8	BOARD MEMBER BILL CARGO: I do.
9	BOARD MEMBER LARRY BRUURSEMA: I do.
10	BOARD MEMBER PEGGY WEICK: I do.
11	WATER RESOURCES COMM. JOE BUSH: Thank you.
12	BOARD MEMBER BILL CARGO: Okay. The first thing we
13	need to do after the oath of office is the election of
14	secretary and chairperson.
15	So first of all do I have a motion to elect the
16	chairperson?
17	BOARD MEMBER PEGGY WEICK: I make a motion to elect
18	Bill Cargo.
19	BOARD MEMBER BILL CARGO: Do I have support for
20	that motion?
21	BOARD MEMBER LARRY BRUURSEMA: You have support.
22	BOARD MEMBER BILL CARGO: So we have a motion on
23	the table from Peggy, supported by Larry, to have me be the
24	chairperson for this Board of Determination meeting.
25	All in favor, say aye.

1	BOARD MEMBER LARRY BRUURSEMA: Aye.
2	BOARD MEMBER BILL CARGO: Aye.
3	BOARD MEMBER PEGGY WEICK: Aye.
4	BOARD MEMBER BILL CARGO: Any opposition?
5	And we don't.
6	BOARD CHAIRMAN BILL CARGO: Then I'm going to make
7	a motion that Peggy act as the secretary. She has agreed to
8	do that, take on those responsibilities.
9	Is there support?
10	BOARD MEMBER LARRY BRUURSEMA: I'll support that.
11	BOARD CHAIRMAN BILL CARGO: So again we have a
12	motion on the table with support for Peggy to be the
13	secretary for this Board of Determination.
14	All in favor, say aye.
15	BOARD MEMBER LARRY BRUURSEMA: Aye.
16	BOARD CHAIRMAN BILL CARGO: Aye.
17	BOARD MEMBER PEGGY WEICK: Aye.
18	BOARD CHAIRMAN BILL CARGO: And there is no
19	opposition. So without comment, we'll move forward on that.
20	Now under the rules of public comment we typically
21	try to limit it because you can summarize the entire book of
22	War and Peace in three minutes. So we try to limit the
23	actual public comments to three minutes per person.
24	I do have some flexibility because it's so few
25	people in the audience. But do I have a motion to limit

public comment to three minutes per person? 1 2 BOARD SECRETARY PEGGY WEICK: I make a motion to 3 limit. 4 BOARD MEMBER LARRY BRUURSEMA: I support that. 5 BOARD CHAIRMAN BILL CARGO: We have a motion on the table by Peggy, supported by Larry to limit public comments 6 7 to three minutes. 8 Any comments? 9 All in favor, say aye. 10 BOARD MEMBER LARRY BRUURSEMA: 11 BOARD CHAIRMAN BILL CARGO: Aye. BOARD SECRETARY PEGGY WEICK: Aye. 12 13 BOARD CHAIRMAN BILL CARGO: And opposed? 14 So we'll move forward on that. 15 Now we always start these public hearings with the 16 person who has made the petition for this, which in this case 17 is Holland Charter Township. And I know their superintendent 18 Don is here today. 19 Don, do you have any comments you'd like to make 2.0 about this petition for creating this district? 2.1 HOLLAND TOWNSHIP MANAGER DON KOMEJAN: T think Mr. 22 Bush and other comments that have already been made explain 23 quite well the fact that we're doing a proactive step here to 2.4 intentionally bring private/orphan drain systems into the 25 jurisdiction of the county, so that is the reason for the

petition.

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It was approved by our Board, and submitted with their approval for the reasons stated, proactive action to put the process and the authority in place for future maintenance.

BOARD CHAIRMAN BILL CARGO: And from what I understand since 1999 Holland Charter Township requires these drains to be part of the county drain system for all new subdivisions and developments.

HOLLAND TOWNSHIP MANAGER DON KOMEJAN: Yes.

BOARD CHAIRMAN BILL CARGO: So this was an oversight prior to your time.

HOLLAND TOWNSHIP MANAGER DON KOMEJAN: Yes

BOARD CHAIRMAN BILL CARGO: And it's something that right now, as I understand it, can you spend public money on these orphan drains according to state law?

HOLLAND TOWNSHIP MANAGER DON KOMEJAN: Not from a legal standpoint; but I'm going to tell you, when there is a flooding situation, the county water resources commissioner and the township usually try to find a way to assist with the process. But this is the process that we need to authorize it.

BOARD CHAIRMAN BILL CARGO: But even regardless from what I understand, if it's brought under the public realm of the county, if there is maintenance or if there is

1	major improvements that had to be made, the township would be
2	responsible for at least a portion, if not the entire cost?
3	HOLLAND TOWNSHIP MANAGER DON KOMEJAN: Correct.
4	BOARD CHAIRMAN BILL CARGO: Okay, thank you. I
5	appreciate that.
6	Peggy or Larry, do you have any questions of Don
7	here?
8	BOARD MEMBER LARRY BRUURSEMA: No, not at this
9	time.
10	BOARD SECRETARY PEGGY WEICK: Not at this time.
11	BOARD CHAIRMAN BILL CARGO: Okay. In that case I
12	will ask the engineer, I understand Lucas is going to be
13	giving a PowerPoint presentation.
14	Lucas, if you could do that now, I'd appreciate it.
15	ENGINEER LUCAS TIMMER: Thank you, Bill.
16	Once again my name is Lucas Timmer. I'm an
17	engineer with Prein & Newhof in Holland, and the drain we're
18	talking about today is the Perry Ridge Drain.
19	The Perry Ridge Drain is an existing storm water
20	drain system. It's an orphan system, so it lacks any
21	authorized local and county governmental jurisdiction, and
22	thus it doesn't have any administrative, procedural or
23	funding mechanisms to address current or future needs for
24	maintenance and improvements.
25	The Perry Ridge Drain was petitioned by Holland

Township on November 2, 2017 under Chapter 8 of the Michigan Drain Code. Now Chapter 8 of the Michigan Drain Code relates to the adding of branches or the extending of a county drain. And as a part of this Michigan Drain Code we are required to have a Board of Determination meeting where we have three members who vote whether it's necessary to establish this as a county drain or not.

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So there are six plats that are part of the Perry Ridge Drain. We've got Perry Ridge Estates, which was constructed in 1995. We have Perry Ridge Estates Number Two, constructed in 1995 as well. We have Number Three and Four, which were constructed in '97 and '99. We also have the Smidderks Subdivision, which was constructed in 1947; and Southland Acres Number One, which was constructed in 1965.

A lot of these orphan systems throughout the township, if they were constructed before the mid '90s in plats, they were not established as a county drain. But since the mid '90s, systems throughout the township and the county have been formally established as a county drain system. And this is established under Section 433, and it's a part of constructing a plat.

So actually these two plats here, Number Three and Number Four, had their storm water infrastructure formally established as a county drain because they were after the mid '90s when that establishment needed to occur. But the

systems before that were never formally established.

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So here is our drainage district. This drainage district is essentially a watershed. So all the runoff within this district boundary contributes to the storm water drain system.

As you can see this is Number Three and Four are located right here. So the storm water infrastructure in plats Number Three and Four were established as a county drain (indicating). But all the infracture in Number One and Two were not formally established, (indicating).

The way we determine this as a drainage district boundary is we review how record plans are when the plat was installed, or plat was constructed. So we review the storm water plans, the sanitary plans, and the water main plans just to see how that infrastructure was installed and see the grading of the land.

We also review county GIS contours. We have contour data for Holland Township that we're able to review to see where high points are located and low points.

And then we also review an aerial, and this shows the aerial of this drainage district boundary (indicating).

The blue lines in here are the proposed county drain. This shows the storm water infrastructure, and also you can notice at the south end of these plats there is a pond that we are proposing to be a part of this drainage

1	district.
2	This existing storm water infrastructure, located
3	outside of the road right-of-way, is located within an
4	easement.
5	BOARD CHAIRMAN BILL CARGO: Could you go back? I
6	just have a question.
7	ENGINEER LUCAS TIMMER: Yes.
8	BOARD CHAIRMAN BILL CARGO: If you wouldn't mind.
9	More curiosity than anything else.
10	At the very southern end of this map you have lot
11	1296 called Wild Wind Gardens. Is that a one lot plat?
12	ENGINEER LUCAS TIMMER: That's what I'm aware of at
13	this time.
14	BOARD CHAIRMAN BILL CARGO: So there is one
15	additional plat called Wild Wind Gardens and that's just for
16	that one lot.
17	ENGINEER LUCAS TIMMER: Yes.
18	BOARD CHAIRMAN BILL CARGO: I appreciate it, thank
19	you.
20	UNKNOWN SPEAKER: Can I talk about that question?
21	BOARD CHAIRMAN BILL CARGO: During the public
22	comment you're allowed to ask questions and we'll refer them
23	to the engineer.
24	ENGINEER LUCAS TIMMER: So that's actually what
25	we're going to talk about now. After our presentation, we'll

have a public testimony which will give you time to discuss any questions that you have about the drainage district boundaries, the county drain, or if you know of any maintenance issues.

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At this stage we're not aware of any maintenance issues with this county drain, we haven't heard of anything.

And then following public testimony, we'll have -the Board will determine the necessity of the petition based
on the public health, welfare and/or convenience.

If this county drain is deemed necessary by the Board, then the orphan system will become a county drain. If issues are brought up about this drain during this meeting, we may then have a project to fix these problems. Otherwise, we don't have anything planned at this time.

In the future, down the road say ten years there is an issue, a petition is needed then by the residents in the county drain drainage district, or by the township, to maintain the county drain. And if the project costs more than 5,000 per maintenance mile, then there will need to be another Board of Determination to be done.

An assessment for this county drain will be made by Ottawa County, the road commission, the township and the property owners within the drainage district. So those four entities are going to share any sort of assessment that would be needed on this drain.

1	Thank you.
2	ENGINEER KEN BOSMA: If I might just add to that,
3	Bill?
4	BOARD CHAIRMAN BILL CARGO: Sure.
5	Ken is with Prein & Newhof also.
6	Ken, do you have any comments?
7	ENGINEER KEN BOSMA: Yes. Just quickly on that
8	last statement there, that is only if there is a project that
9	occurs down the line, those assessments would be needed.
10	The process we're going through with the orphan
11	drain in this process is picked up at large by the township
12	for this. There would be no assessment to the property
13	owners, unless there is an issue.
14	Thank you.
15	BOARD CHAIRMAN BILL CARGO: Ken, just a quick
16	question to you, now these types of drains, they do require
17	some normal maintenance, clearing out sand and that sort of
18	activity, correct?
19	ENGINEER KEN BOSMA: Correct.
20	BOARD CHAIRMAN BILL CARGO: But that's not what
21	you're talking about for this type of future assessment.
22	ENGINEER KEN BOSMA: Correct, because that would
23	fall under the 5,000 anyway.
24	BOARD CHAIRMAN BILL CARGO: But what you're
25	concerned with is eventually all infrastructure fails whether

1	it's the collapse of a pipe or erosion or something like that
2	that requires maybe more significant type of improvement,
3	opening up the roads and so forth?
4	ENGINEER KEN BOSMA: Correct.
5	BOARD CHAIRMAN BILL CARGO: Okay, Ken. I
6	understand.
7	We also have Jerry here from the Ottawa County Road
8	Commission.
9	Jerry, do you have any comments regarding this
10	proposed drainage district?
11	OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: As far
12	as I know there isn't any issues with the system. The road
13	commission would be in favor of having the water resource
14	commissioner take the system over.
15	BOARD CHAIRMAN BILL CARGO: I appreciate it.
16	At this point we're going to first of all any
17	questions, Peggy or Larry, on this?
18	BOARD MEMBER LARRY BRUURSEMA: No.
19	BOARD SECRETARY PEGGY WEICK: Not at this point.
20	BOARD CHAIRMAN BILL CARGO: At this point we're
21	going to open up for public comments. We'd ask if you would,
22	come to the podium and state both your name and your address.
23	If you can, identify where you live on the map.
24	That would be helpful for us, or at least give us the address
25	and we can look it up as we're looking at the map.

And if you have any concerns either with the 1 2 drainage district as it currently exists, or with this 3 process, please share that with us. 4 And I'm going to start right in the front in the 5 second row since you had some questions, if you could give your name and address, we'll try to get those answered. 6 7 MR. JOHN VANDERPLOEG: My name is John VanderPloeq. My address is 1430 Wiersma Court. 8 9 Mine was a couple of questions, and I know I only 10 get three minutes to talk about this. 11 First was trying to understand on your map which was the older section versus the newer section, as far as 12 13 what is being accomplished by the upgrade -- I understand 14 that some of the drainage is upgraded and some of it might be 15 very old or something along those lines, if I'm understanding 16 right. So the '97 and '98, you were stating that it met 17 certain requirements, but I didn't know where --18 19 ENGINEER LUCAS TIMMER: Where that was located? 2.0 MR. JOHN VANDERPLOEG: -- certain plats were versus 21 where other plats were. 22 ENGINEER LUCAS TIMMER: So Number Four and Number Three are the ones in the '97 and '99. They're located right 23 24 here (indicating).

All the storm water infrastructure right here is

part of Number One (indicating). And then the storm water infrastructure located right here is part of Number Two (indicating).

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So these two plats, Number One and Number Two I think were installed in 1995. So this storm water infrastructure here was never formally established as a county drain (indicating).

BOARD CHAIRMAN BILL CARGO: But just for his information, he is part of Perry Ridge Estates Number Four. Because you're part of Perry Ridge Estates Number Four, you're actually part of a drainage district right now. But there is water flowing into your drainage district that's from an orphan drain.

MR. JOHN VANDERPLOEG: Okay. So then the next question I guess I have is as it turns over to the county for repairs and so on, does the drainage, if I'm understanding right, you have additions possibly or other things that could happen that would add to that drainage also? Is that true?

BOARD CHAIRMAN BILL CARGO: Well there would not be anything added to it if the system continues to work. From what I understand right now, I've not heard of any problems with the drainage district.

So they're establishing this district not because there are specific problems they want to address, but because they realize in the future all infrastructure breaks down and

there needs to be a mechanism to repair it.

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MR. JOHN VANDERPLOEG: Sure. And the third question I guess is what is the percentage of repair that's typically done on a newer system? Do we have any idea of, you know, over a period of ten years, it needs to get repaired 20 percent or 10 percent of the time or something along that?

BOARD CHAIRMAN BILL CARGO: It would be quite a lot less than that, especially for storm water, unless there is a significant erosion problem that probably would have shown up at this stage. Because you have to remember, this occurred over 20 years ago, and we haven't had significant problems that I'm aware of. And I'm looking at the drain commissioner who is agreeing with me on that.

So when you say 20 percent or 10 percent, it obviously will be well below that. This system could go on for another 40 years and require nothing more than cleaning out the catch basins.

But there is a possibility that you could have a crack, a collapse of pipe that could occur under the street. There could be a water main break that would affect this.

All of those things could happen, and there needs to be a funding mechanism for those type of repairs.

MR. JOHN VANDERPLOEG: Now would that normally fall under -- if we already have two sections that are kind of

under the newer construction, so to speak, would it more or 1 2 less fall under the older construction areas then? 3 BOARD CHAIRMAN BILL CARGO: From what I understand, 4 the pipes in both the 1995 and the '97-'99 expansion are 5 substantially the same. 6 Is that correct, Lucas? 7 ENGINEER LUCAS TIMMER: That's correct. 8 BOARD CHAIRMAN BILL CARGO: Or concrete storm water 9 So the quality of the infrastructure that was put in 10 is the same throughout this development. It's just that part 11 of it has never been taken over formally by Ottawa County for 12 maintenance purposes. 13 MR. JOHN VANDERPLOEG: Okay. My time is probably 14 up. 15 My last question is I understand there is usually a 16 \$5,000 basic cost. If it's above that, then it might go to residents within the area or something along that line? 17 CHAIRMAN BILL CARGO: 18 Then it would be petitioned. 19 You'd have to have a petition from the residents or the 2.0 township and there would be a whole separate hearing on what 2.1 the repairs are for and what the expansion is. And at that 22 point you would have a public comment on whether you thought 23 it was necessary or not. 24 MR. JOHN VANDERPLOEG: You have a public comment,

but not necessarily control whether it gets fixed or not?

1	BOARD CHAIRMAN BILL CARGO: You don't have control
2	over whether it gets fixed or not, that's a decision made by
3	the Board of Determination, yes.
4	Is that correct?
5	WATER RESOURCES COMM. JOE BUSH: That's correct.
б	BOARD CHAIRMAN BILL CARGO: I just wanted to make
7	sure.
8	BOARD SECRETARY PEGGY WEICK: But not this Board of
9	Determination, Bill.
10	BOARD CHAIRMAN BILL CARGO: But not this Board of
11	Determination, because from what I understand we haven't
12	heard of any problems. It's simply bringing it into the
13	county system.
14	As an orphan drain they can't spend any monies if
15	something goes wrong tomorrow.
16	MR. JOHN VANDERPLOEG: And there is probably a
17	common question that by us bringing it into the orphan, are
18	we adding anything to our taxes? I believe the answer was
19	no.
20	ENGINEER KEN BOSMA: Right, correct.
21	BOARD CHAIRMAN BILL CARGO: Appreciate it.
22	With that said, I'll go to the very back row on my
23	left.
24	Is there any questions from the gentleman in the
25	very back row on my left?

1	Your name and address?
2	MR. WALTER BRUINS: Walter Bruins, 1424 Wiersma
3	Drive.
4	The only question that I have is we have a drainage
5	that runs through my backyard. Does this affect that? Or is
6	that is it just the piping underneath the ground?
7	BOARD CHAIRMAN BILL CARGO: I'm not showing a
8	drain; but if there is flooding that is occurring in your
9	back yard, that would be something that you would talk to the
10	drain commissioner about.
11	If you have flow that goes through your back yard
12	for a heavy rain event and that's causing flooding or causing
13	you problems, you would need to speak afterwards to the drain
14	commissioner to make sure they could address that, and it
15	will be part of this drain district.
16	Everything in your back yard, I'm looking at 1424
17	Wiersma, is included in the drainage district.
18	MR. WALTER BRUINS: Okay.
19	BOARD CHAIRMAN BILL CARGO: Now there may be
20	somebody that has a private system there, I can't comment on
21	that. But if there is a problem with your back yard
22	drainage, the drain commissioner would want to hear about it.
23	MR. WALTER BRUINS: Well I guess the issue is we've
24	already put \$10,000 into sump pumps and everything in the
25	back yard to get the water out of my backyard, where does

this stand at? Do you get what I'm saying? This is like, to 1 2 me it's a little bit --3 BOARD CHAIRMAN BILL CARGO: You want to make sure 4 the pumps, what you're pumping out of your area is going 5 somewhere and that it continues to go somewhere? 6 MR. WALTER BRUINS: Right. That's what we have 7 done, but my point is is that whole system has not worked from the beginning. And nobody has -- I've contacted the 8 9 township and everything, and nothing has ever been done about 10 this. 11 BOARD CHAIRMAN BILL CARGO: Okay. All I can do is encourage you to talk to the drain commissioner. 12 13 Do you have records of this from 1424? 14 WATER RESOURCES COMM. JOE BUSH: No. 15 BOARD CHAIRMAN BILL CARGO: So you may have 16 contacted the township or spoken to somebody here, but they 17 don't have any records of it. Speak afterwards to the drain 18 commissioner and they can go down there and take a look at 19 what is occurring on your property. 2.0 MR. WALTER BRUINS: Okay. 2.1 BOARD CHAIRMAN BILL CARGO: That's their 22 responsibility. That's why they're there. 23 MR. WALTER BRUINS: Thank you. 2.4 BOARD CHAIRMAN BILL CARGO: That said, we have two 25 gentlemen in the third row on my right. Either one of you

1	like to make a comment on this?
2	Again, name and address, and you can ask questions
3	too.
4	MR. DAN BAILEY: Dan Bailey, 1370 Wiersma Court.
5	All the questions that I have come up with currently have
6	been answered by the previous speakers. So I don't have
7	anything more further at this time.
8	BOARD CHAIRMAN BILL CARGO: Thank you, appreciate
9	it.
10	UNKNOWN SPEAKER: And I'm all set.
11	BOARD CHAIRMAN BILL CARGO: With that said, I'll
12	give one last chance. Is there anybody who hasn't spoken,
13	the gentleman okay, that hasn't spoken that would like to?
14	I've not heard anything so we are going to
15	officially close the public hearing at this time and consider
16	whether this should be made part of the county system.
17	That said, I'll open the comments from the Board of
18	Determination members.
19	BOARD MEMBER LARRY BRUURSEMA: I'll make a motion
20	that we proceed and make this a drainage district.
21	BOARD CHAIRMAN BILL CARGO: Okay, so we have a
22	motion on the table. Larry says do I have a motion
23	there is a motion deeming that this drain, formally known as
24	the Perry Ridge Drain, is deemed necessary.

Do I have support for that so we can discuss it?

1	DONDD CECDETARY DECCY METCH: Von horro composet for
	BOARD SECRETARY PEGGY WEICK: You have support for
2	that.
3	BOARD CHAIRMAN BILL CARGO: So the motion by Larry,
4	supported by Peggy.
5	Larry, since you made the motion, I'll let you
6	start with any comments that you have.
7	BOARD MEMBER LARRY BRUURSEMA: Well the only thing
8	is we got to get it into legal terms so we do have a drainage
9	district to work with later on, if there is any work to be
10	done. And I understand, I didn't hear any opposition, but it
11	seems to be working quite well.
12	Am I wrong in that?
13	BOARD CHAIRMAN BILL CARGO: In general it sounds
14	like it's working well, but there are some concerns raised by
15	the gentleman at 1424 Wiersma Drive with what's happening in
16	the backyard and the flow of water from his backyard off the
17	property.
18	BOARD MEMBER LARRY BRUURSEMA: But if there are
19	problems coming up, it should be brought to the attention of
20	the drain commissioner, and that's a different issue.
21	BOARD CHAIRMAN BILL CARGO: That's absolutely
22	correct. But at least there is a mechanism now for that to
23	occur because it will be part of the drain system.
24	BOARD MEMBER LARRY BRUURSEMA: Right.
	Dollie Halled Brookbart Kigite.

BOARD CHAIRMAN BILL CARGO: I agree.

1 Peggy, yourself? 2 BOARD SECRETARY PEGGY WEICK: Well I can't see any 3 reason not to. It looks like it's economically, legally and 4 efficient to bring everything under that watershed umbrella, 5 so that everyone can be taken care of. 6 I don't see any place where it is going to hurt one 7 person over another. It's just a good thing to do in order 8 to get every one in there so that if there is something from 9 here (indicating) that's bothering someone over here 10 (indicating) it can be taken care of, and vice versa. 11 BOARD CHAIRMAN BILL CARGO: The thing is I tend to agree with that, especially if we're making sure that the 12 13 public -- the township, the county are going to be 14 responsible for a portion of the payment of any future costs 15 or maintenance. 16 So with that said, all in favor of this motion, say 17 aye. 18 BOARD MEMBER LARRY BRUURSEMA: Aye. 19 BOARD CHAIRMAN BILL CARGO: Aye. 2.0 BOARD SECRETARY PEGGY WEICK: Aye. 2.1 BOARD CHAIRMAN BILL CARGO: Opposed? 22 There is no opposition, so the first motion passes. 23 I'm then going to make a second motion that the

drain is necessary for the protection of public health in

Holland Charter Township, and a portion of the costs shall be

24

1	apportioned to the municipalities at large so any future
2	costs are dealt with.
3	Do I have support for that motion?
4	BOARD SECRETARY PEGGY WEICK: I second that motion.
5	BOARD CHAIRMAN BILL CARGO: Peggy gave support to
6	that motion.
7	Any questions or comments from the Board Members on
8	the motion?
9	BOARD SECRETARY PEGGY WEICK: I have no comments.
10	BOARD MEMBER LARRY BRUURSEMA: I have nothing.
11	BOARD CHAIRMAN BILL CARGO: Again, we want to make
12	sure that if something does happen, that a portion of the
13	costs will be assessed to the township at large.
14	All in favor of this, say aye.
15	BOARD MEMBER LARRY BRUURSEMA: Aye.
16	BOARD CHAIRMAN BILL CARGO: Aye.
17	BOARD SECRETARY PEGGY WEICK: Aye.
18	BOARD CHAIRMAN BILL CARGO: Opposed?
19	And so that is approved.
20	And finally, I'm going to make a last motion that
21	the drainage district boundary be adjusted as necessary and
22	lands be added and deleted as determined by the water
23	resources commission as recommended by the engineer.
24	Is there support for that?
25	BOARD MEMBER LARRY BRUURSEMA: Yes.

1	BOARD CHAIRMAN BILL CARGO: I have support from
2	Larry for that.
3	And what we're saying here is that these
4	boundaries, although they have been reviewed and are probably
5	very close to being accurate, there may need to be some small
б	adjustment to it. So if that occurs, we're authorizing that
7	to happen.
8	Lucas or Ken, do you have any clarifications on the
9	motion?
10	ENGINEER KEN BOSMA: No.
11	ENGINEER LUCAS TIMMER: No.
12	ENGINEER KEN BOSMA: I think we all understand.
13	BOARD CHAIRMAN BILL CARGO: Okay. Any other
14	comments?
15	BOARD SECRETARY PEGGY WEICK: No comments from me.
16	BOARD MEMBER LARRY BRUURSEMA: No comments.
17	BOARD CHAIRMAN BILL CARGO: All in favor, say aye.
18	BOARD MEMBER LARRY BRUURSEMA: Aye.
19	BOARD CHAIRMAN BILL CARGO: Aye.
20	BOARD SECRETARY PEGGY WEICK: Aye.
21	BOARD CHAIRMAN BILL CARGO: And again, that passes
22	unanimously.
23	That said, I want to let it be known that I'm going
24	to ask for the drain commissioner to talk about the appeal
25	process, if there is one associated with this, and also make

1	any closing comments. And then we will adjourn this meeting.
2	WATER RESOURCES COMM. JOE BUSH: Thanks, Mr. Chair.
3	Again I appreciate everybody's time this morning to
4	come and listen to the process.
5	And the appeal process, right now we don't have
6	anything to appeal, because there is no project. In the
7	future, if there is a petition down the road, and we got
8	something over \$5,000, or if you have another BOD, there is a
9	way to appeal the process and the costs.
10	But right now there is no cost, the township is
11	picking all these up, these orphan drain BODs at large, so
12	they're paying for it.
13	Other than that, that's all I have, and again, I
14	appreciate your time and be sure and stick around and talk to
15	me if you have any concerns.
16	BOARD CHAIRMAN BILL CARGO: Then without objection,
17	I will adjourn the meeting at it looks like it's about 10:33.
18	Any objection?
19	BOARD SECRETARY PEGGY WEICK: No objection.
20	BOARD MEMBER LARRY BRUURSEMA: No.
21	BOARD CHAIRMAN BILL CARGO: We are adjourned.
22	Thank you very much.
23	(Board of Determination adjourned at 10:35 a.m.)
24	
25	

1	CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC
2	
3	
4	STATE OF MICHIGAN)
5) SS
6	COUNTY OF BARRY)
7	
8	I certify that this transcript, consisting of 32
9	pages, is a complete, true and correct record of the Board of
10	Determination for Perry Ridge Estates Drain held on January
11	18, 2018.
12	
13	
14	DATE: January 26, 2018
15	
16	
17	MARJORIE A. COVEY, CSR-2616
18	141 East Michigan Avenue, Suite 206 Kalamazoo, MI 49007 1.800.878.8750
19	
20	Notary Public Expires: October 14, 2021, Muskegon County, Michigan/Acting in the State of Michigan.
21	
22	
23	
24	
25	

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