

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: HUDSON TRAILS DRIVE DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 11:00 a.m., on Wednesday,
March 2, 2022, at the Hudsonville City Hall,
3275 Central Boulevard, Hudsonville, Michigan, before
Lauret J. Henry, CSR-6469, Certified Shorthand Reporter
and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner

- Mr. Bill Cargo, Board Chairman
- Mr. Rich VanderKlok, Board Secretary
- Mr. Josh Westgate, Board Member

- Mr. Paul Forton, Engineer, Spice Group

1 Hudsonville, Michigan

2 March 2, 2022 - 11:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: It's

5 11 o'clock and we're here for the Hudson Trails Drive
6 Board of Determination. So we don't have anybody in
7 the audience today, so we don't have any public
8 participation but we have our normal members of our
9 Board of Determination. And I guess at this point
10 we're here because we got a -- I'm Joe Bush, Water
11 Resources Commissioner. We received a petition from
12 the City of Hudsonville to potentially establish an
13 orphan drain system. This is the second one for today
14 that they petitioned us on an area that has some
15 failing infrastructure, and we're here today with a
16 Board of Determination to figure out if it should move
17 forward under my jurisdiction or not.

18 Again, we're here for no project cost. We're not
19 here for anything other than does it move forward with
20 this three-panel board I appointed, does it move
21 forward under my jurisdiction.

22 So today is basically a public hearing. Again,
23 there's nobody here in the audience for public
24 comments, so at this point I guess I'll go ahead and
25 move in and do introductions. We have Paul Forton and

1 Noah here from Spicer Group. We have the city manager,
2 Patrick Waterman, here, and we have Bob, the director
3 of Public Works for the City of Hudsonville. We got my
4 staff, Josiah, Marie, and Katie. And then we also have
5 the court recorder here. This isn't required by state
6 law to have a court recorder, but I do it at every one
7 of these since I have been elected just for future
8 reference in the future if you have to go back and look
9 at something it's a good way to do it. It's court
10 recorded. Or if anybody has questions down the road
11 why we met, where we met, and who was there, it's all
12 documented.

13 So at this time I'll go ahead and introduce the
14 board. We got Rich VanderKlok from Georgetown
15 Township, past board member over there. He's been
16 doing these BODs for quite some time for me, for Ottawa
17 County. We got Bill Cargo. He's from Grand Haven
18 Township. He's their superintendent/manager over
19 there. He's been chairing these and being a part of
20 these for decades. Then we have Josh Westgate. He was
21 over at Wright Township for quite some time on the
22 board over there, and now he's been doing BODs as well.

23 So once I give these guys the oath, they'll run
24 the board meeting, or their meeting I should say, and
25 figure out who the chair and secretary will be. And

1 since there's no public comment, this makes it pretty
2 simple. We'll probably just have a presentation from
3 Spicer Group, and they'll make a determination whether
4 to put it under my jurisdiction.

5 Again, there's no cost associated with today. We
6 don't have a project. We probably have to go through,
7 get easements, and there's other legal things that
8 we'll have to do moving forward. This is just to
9 determine if it moves forward.

10 So at this time, gentlemen, please rise and raise
11 your right hand. Do you each solemnly swear that you
12 will faithfully perform and discharge the duties
13 imposed upon you as required by law as members of the
14 Board of Determination appointed by the Ottawa County
15 Water Resources Commissioner to determine the necessity
16 to locate, establish, and construct the proposed Hudson
17 Trails Drain located in the city of Hudsonville in said
18 county? Gentlemen?

19 BOARD MEMBER JOSH WESTGATE: Aye.

20 BOARD MEMBER BILL CARGO: Aye.

21 BOARD MEMBER RICH VANDER KLOK: Aye.

22 BOARD MEMBER BILL CARGO: The first thing we
23 have here is to go over the selection of the
24 chairperson and secretary. Do I have a motion to
25 appoint a chairperson for this Board of Determination?

1 BOARD MEMBER RICH VANDER KLOK: I'll nominate
2 Bill Cargo.

3 BOARD MEMBER JOSH WESTGATE: I'll support.

4 BOARD MEMBER BILL CARGO: Rich has nominated,
5 Josh has supported. All in favor say aye.

6 BOARD MEMBER JOSH WESTGATE: Aye.

7 BOARD MEMBER BILL CARGO: Aye.

8 BOARD MEMBER RICH VANDER KLOK: Aye.

9 BOARD CHAIR BILL CARGO: And we also need to
10 appoint a secretary. I will make a motion that Rich be
11 appointed the secretary for this Board of
12 Determination. Is there support?

13 BOARD MEMBER JOSH WESTGATE: I'll support.

14 BOARD CHAIR BILL CARGO: Support from Josh.
15 All in favor say aye.

16 BOARD MEMBER JOSH WESTGATE: Aye.

17 BOARD CHAIR BILL CARGO: Aye.

18 BOARD MEMBER RICH VANDER KLOK: Aye.

19 BOARD CHAIR BILL CARGO: I'm not going to
20 talk about the rules of public comment because we have
21 no public here today, and so I'm going to simply ask
22 that Paul, who is with the Spicer Engineering Group,
23 give a presentation, and if you could give your
24 abbreviated presentation, that would be appreciated.

25 ENGINEER PAUL FORTON: You betcha. This one

1 will be fairly simple much like the last one in the
2 fact that we have a small district and a small system,
3 so we'll move through this quickly.

4 Our location, we are now on the south side of 196.
5 If you're familiar with the Rainbow Grill, we're just
6 north of that in a detention basin that exists between
7 that location and the exit ramp for 196 eastbound.

8 This is an aerial image of that particular location.
9 There is a -- where the two storm sewers meet, there's
10 a pond that you can see there in the aerial. Most of
11 our attention is going to be focused there on some
12 issues that we have with the outlets.

13 Again, our primary purpose would be to take over
14 infrastructure in the public road right-of-way, but
15 this will require additional easements from some of the
16 landowners out there in order to implement some of the
17 solutions that we're looking for.

18 The flow in general is in the northerly direction.
19 It enters into the basin and then proceeds north
20 across -- underneath I should say the exit ramp. It is
21 an orphan drain storm sewer system. The watershed is
22 31 acres, just the same size as the last one.
23 Ironically there's not a copy-paste error in the
24 presentation. In much like the other district, it
25 services commercial and industrial properties.

1 This is a photo taken from MDOT's exit ramp
2 looking upstream or south, and MDOT recently completed
3 some repairs in their right-of-way. And you can see
4 that the rock stops at their MDOT right-of-way fence.
5 And so within MDOT's jurisdiction things are looking
6 pretty smooth, but as we take a closer look at that
7 structure, you can see that we're starting to have some
8 issues. Quite a large scour hole has developed. You
9 have got a structure that is now tipped. The back side
10 of that structure has -- you can see the pipes coming
11 into it from the back. There's a plastic pipe in the
12 foreground. And hiding behind that there's a second
13 concrete pipe.

14 Ideally you're not seeing those. Ideally they're
15 backfilled safely and secured. So this would be one of
16 the issues we'll hope to clean up.

17 This particular picture now is in the detention
18 pond that I mentioned in the aerial. You can see that
19 there is a plastic flared end suction that is floating.
20 It has floated up. That plastic pipe no longer has the
21 cover to keep it in place. My assumption is that some
22 air got locked in that pipe and up it came. The water
23 was still exiting through that pipe, but what I would
24 anticipate from what I saw is that there's an
25 additional two to three feet of water in that pond that

1 shouldn't be there because that pipe has floated up.

2 There are a series of manholes around this pond.
3 Three of them, in fact. Moving to the one in the
4 northwest corner, this structure in comparison to the
5 others appears to be in pretty good shape; however,
6 you'll notice that there's quite a sediment load in
7 front of that structure, which obstructs it from
8 entering the pond. That sediment now has grass and
9 cattails growing on it and would be something we would
10 look to remove.

11 The next structure is in the southwest corner of
12 the pond. You can see that the manhole grate on the
13 top has slid to the side exposing the hole on the top
14 of the casting. Not the casting, the top of the
15 manhole. Also if you look through that penetration,
16 you can see the original penetration in that manhole
17 out to the pond. Normally we see a pipe there. In
18 this instance, that appears to be gone.

19 The last structure is on the south edge of the
20 pond, and the entire lid of the structure is displaced
21 in this instance where the concrete cover is actually
22 slid off to the side. I could not see a casting in
23 this particular instance. Presumably it's in the
24 water, but we don't know. A closer view of that you'll
25 notice through the top penetration that, again, we have

1 a hole leading out to the pond but no storm sewer in
2 it. So these would be some of the issues that we would
3 look to address.

4 Obviously the outlets into the pond are in poor
5 condition. The outlet of the pond is in poor
6 condition. It is working currently but at limited
7 capacity, and there are several issues that we would
8 need to fix.

9 With that, I will open it up to any questions that
10 the board may have.

11 BOARD CHAIR BILL CARGO: I find it ironic
12 it's an orphan drain when all the covers say Ottawa
13 County, so apparently at some point somebody thought
14 this was not an orphan drain. That said, there are no
15 public here, and so unless anybody in the audience
16 would like to make a comment, I'm going to first ask
17 for the city manager, Patrick, if you have any comments
18 you would like to make?

19 CITY MANAGER PATRICK WATERMAN: Just
20 obviously there's -- doesn't look like anything major,
21 but we'd like to get this addressed as well with the
22 creation of a district, so we support this project.

23 BOARD CHAIR BILL CARGO: That said I'll close
24 the public comment portion of this meeting and ask the
25 other board members if there are any questions,

1 comments, your thoughts. Rich, I'll start with you.

2 BOARD SECRETARY RICH VANDER KLOK: No, I'm in
3 favor of bringing it under the jurisdiction of the
4 Ottawa County Water Resources Commission.

5 BOARD CHAIR BILL CARGO: Josh, how about
6 yourself?

7 BOARD MEMBER JOSH WESTGATE: Rich's comments
8 make sense to bring this underneath the Water Resources
9 Commissioners' jurisdiction. It's a straightforward
10 request.

11 BOARD CHAIR BILL CARGO: I tend to agree. I
12 do believe that it looks like people thought at one
13 time it was under the Ottawa County Drain jurisdiction
14 just given the metal casings that were over these
15 manholes. And so that said, I will make a motion that
16 the proposed Hudson Trails Drive Drain as petitioned on
17 January 5, 2022, is necessary and conducive to the
18 public health, convenience, and welfare. Is there
19 support?

20 BOARD SECRETARY RICH VANDER KLOK: I'll
21 support that.

22 BOARD CHAIR BILL CARGO: We have a motion on
23 the floor with support. Last chance, are there any
24 comments or questions from the board members?

25 BOARD SECRETARY RICH VANDER KLOK: None.

1 BOARD CHAIR BILL CARGO: All in favor say
2 aye.

3 BOARD MEMBER JOSH WESTGATE: Aye.

4 BOARD CHAIR BILL CARGO: Aye.

5 BOARD SECRETARY RICH VANDER KLOK: Aye.

6 BOARD CHAIR BILL CARGO: That is approved.

7 So at this stage we'll flip back to the appeals process
8 which will be explained by the Water Resources
9 Commissioner, Joe.

10 WATER RESOURCES COMM. JOE BUSH: And that's
11 going to be pretty quick. There's no public here. But
12 on the record, as always, if somebody wanted to appeal
13 the decision today from the BOD members, they can do it
14 through probate court, and they got 10 days from the
15 day we have the BOD. But there's nobody here to do
16 that, but it's recorded that it got spoken about.
17 Other than that, that's all I got, guys.

18 BOARD CHAIR BILL CARGO: In that case without
19 objection, this meeting of the Board of Determination
20 is adjourned.

21 (BOD adjourned at 11:13 a.m.)

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

STATE OF MICHIGAN)
) SS:
COUNTY OF OTTAWA)

I certify that this transcript, consisting of 12 pages, is a complete, true, and correct record of the Board of Determination - Hudson Trails Drive Drain held on March 2, 2022.

LAURET J. HENRY, CSR-6469
Registered Professional Reporter
Notary Public, Allegan County, Michigan
Acting in Ottawa County, Michigan
My commission expires: 07/17/27
Dated: This 7th day of March, 2022

<hr/> 1 <hr/>				<hr/> D <hr/>
10 11:14	appeal 11:12	5:1,3,4,6,7,8, 9,11,13,14,16, 17,18,19 9:10, 11,23,25 10:2, 5,7,11,20,22, 24,25 11:1,3, 4,5,6,18,19	COMM 2:4 11:10	day 11:15
11 2:5	appeals 11:7		comment 4:1 5:20 9:16,24	days 11:14
11:00 2:2	appears 8:5, 18	Bob 3:2	comments 2:24 9:17 10:1,7,24	decades 3:20
11:13 11:21	appoint 4:25 5:10	BOD 11:13, 15,21	commercial 6:25	decision 11:13
196 6:4,7	appointed 2:20 4:14 5:11	BODS 3:16,22	Commission 10:4	detention 6:6 7:17
<hr/> 2 <hr/>	appreciated 5:24	bring 10:8	Commissioner 2:11 4:15 11:9	determinatio n 2:6,9,16 4:3, 14,25 5:12 11:19
2 2:2	approved 11:6	bringing 10:3	Commissioners' 10:9	determine 4:9,15
2022 2:2 10:17	area 2:14	Bush 2:4,10 11:10	comparison 8:4	developed 7:8
<hr/> 3 <hr/>	assumption 7:21	<hr/> C <hr/>	completed 7:2	direction 6:18
31 6:22	attention 6:11	capacity 9:7	concrete 7:13 8:21	director 3:2
<hr/> 5 <hr/>	audience 2:7, 23 9:15	Cargo 3:17 4:20,22 5:2,4, 7,9,14,17,19 9:11,23 10:5, 11,22 11:1,4, 6,18	condition 9:5,6	discharge 4:12
5 10:17	aye 4:19,20,21 5:5,6,7,8,15, 16,17,18 11:2, 3,4,5	case 11:18	conductive 10:17	displaced 8:20
<hr/> A <hr/>	<hr/> B <hr/>	casings 10:14	construct 4:16	district 6:2,24 9:22
a.m. 2:2 11:21	back 3:8 7:9, 11 11:7	casting 8:14, 22	convenience 10:18	documented 3:12
abbreviated 5:24	backfilled 7:15	cattails 8:9	copy-paste 6:23	drain 2:13 4:17 6:21 9:12,14 10:13, 16
acres 6:22	basically 2:22	chair 3:25 5:9, 14,17,19 9:11, 23 10:5,11,22 11:1,4,6,18	corner 8:4,11	Drive 2:5 10:16
additional 6:15 7:25	basin 6:6,19	chairing 3:19	cost 2:18 4:5	duties 4:12
address 9:3	betcha 5:25	chairperson 4:24,25	county 3:17 4:14,18 9:13 10:4,13	<hr/> E <hr/>
addressed 9:21	Bill 3:17 4:20, 22 5:2,4,7,9, 14,17,19 9:11, 23 10:5,11,22 11:1,4,6,18	chance 10:23	court 3:5,6,9 11:14	easements 4:7 6:15
adjourned 11:20,21	board 2:6,9, 16,20 3:14,15, 22,24 4:14,19, 20,21,22,25	city 2:12 3:1,3 4:17 9:17,19	cover 7:21 8:21	eastbound 6:7
aerial 6:8,10 7:18		clean 7:16	covers 9:12	edge 8:19
agree 10:11		close 9:23	creation 9:22	
ahead 2:24 3:13		closer 7:6 8:24		
air 7:22				
anticipate 7:24				

elected 3:7	floor 10:23	hope 7:16		MDOT's 7:1,5
end 7:19	flow 6:18	Hudson 2:5 4:16 10:16	<hr/> K <hr/>	meet 6:9
ENGINEER 5:25	focused 6:11	Hudsonville 2:1,12 3:3 4:17	Katie 3:4	meeting 3:24 9:24 11:19
Engineering 5:22	foreground 7:12		KLOK 4:21 5:1,8,18 10:2, 20,25 11:5	member 3:15 4:19,20,21,22 5:1,3,4,6,7,8, 13,16,18 10:7 11:3
entering 8:8	Forton 2:25 5:25	<hr/> I <hr/>	<hr/> L <hr/>	members 2:8 4:13 9:25 10:24 11:13
enters 6:19	forward 2:17, 19,21 4:8,9	Ideally 7:14	landowners 6:16	mentioned 7:18
entire 8:20	front 8:7	image 6:8	large 7:8	met 3:11
error 6:23	future 3:7,8	implement 6:16	law 3:6 4:13	metal 10:14
establish 2:12 4:16	<hr/> G <hr/>	imposed 4:13	leading 9:1	Michigan 2:1
exists 6:6	general 6:18	industrial 6:25	legal 4:7	motion 4:24 5:10 10:15,22
exit 6:7,20 7:1	gentlemen 4:10,18	infrastructur e 2:15 6:14	lid 8:20	move 2:16,19, 20,25 6:3
exiting 7:23	Georgetown 3:14	instance 8:18,21,23	limited 9:6	moves 4:9
explained 11:8	give 3:23 5:23	introduce 3:13	load 8:6	moving 4:8 8:3
exposing 8:13	good 3:9 8:5	introductions 2:25	locate 4:16	<hr/> N <hr/>
<hr/> F <hr/>	Grand 3:17	ironic 9:11	located 4:17	necessity 4:15
fact 6:2 8:3	grass 8:8	Ironically 6:23	location 6:4, 7,8	Noah 3:1
failing 2:15	grate 8:12	issues 6:12 7:8,16 9:2,7	locked 7:22	nominate 5:1
fairly 6:1	Grill 6:5	<hr/> J <hr/>	longer 7:20	nominated 5:4
faithfully 4:12	Group 3:1 4:3 5:22	January 10:17	<hr/> M <hr/>	normal 2:8
familiar 6:5	growing 8:9	Joe 2:4,10 11:9,10	major 9:20	north 6:6,19
favor 5:5,15 10:3 11:1	guess 2:9,24	Josh 3:20 4:19 5:3,5,6, 13,14,16 10:5, 7 11:3	make 4:3 5:10 9:16,18 10:8, 15	northerly 6:18
feet 7:25	guys 3:23 11:17	Josiah 3:4	makes 4:1	northwest 8:4
fence 7:4	<hr/> H <hr/>	jurisdiction 2:17,21 4:4 7:5 10:3,9,13	manager 3:1 9:17,19	notice 8:6,25
figure 2:16 3:25	hand 4:11		manhole 8:12,15,16	<hr/> O <hr/>
find 9:11	Haven 3:17		manholes 8:2 10:15	oath 3:23
fix 9:8	health 10:18		March 2:2	
flared 7:19	hearing 2:22		Marie 3:4	
flip 11:7	hiding 7:12		MDOT 7:2,4	
floated 7:20 8:1	hole 7:8 8:13 9:1			
floating 7:19				

objection 11:19	9:13		3:25 4:24 5:10,11 10:2, 20,25 11:5	storm 6:9,21 9:1
obstructs 8:7	pond 6:10 7:18,25 8:2,8, 12,17,20 9:1, 4,5	<hr/> R <hr/>	secured 7:15	straightforwa rd 10:9
open 9:9	poor 9:4,5	Rainbow 6:5	sediment 8:6, 8	structure 7:7, 9,10 8:4,7,11, 19,20
order 6:16	portion 9:24	raise 4:10	selection 4:23	suction 7:19
original 8:16	potentially 2:12	ramp 6:7,20 7:1	sense 10:8	superintende nt/manager 3:18
orphan 2:13 6:21 9:12,14	presentation 4:2 5:23,24 6:24	received 2:11	series 8:2	support 5:3, 12,13,14 9:22 10:19,21,23
Ottawa 3:16 4:14 9:12 10:4,13	pretty 4:1 7:6 8:5 11:11	recently 7:2	services 6:25	supported 5:5
outlet 9:5	primary 6:13	record 11:12	sewer 6:21 9:1	swear 4:11
outlets 6:12 9:4	probate 11:14	recorded 3:10 11:16	sewers 6:9	system 2:13 6:2,21
<hr/> P <hr/>	PROCEEDIN GS 2:3	recorder 3:5, 6	shape 8:5	<hr/> T <hr/>
part 3:19	proceeds 6:19	reference 3:8	side 6:4 7:9 8:13,22	talk 5:20
participation 2:8	process 11:7	remove 8:10	simple 4:2 6:1	tend 10:11
past 3:15	project 2:18 4:6 9:22	repairs 7:3	simply 5:21	thing 4:22
Patrick 3:2 9:17,19	properties 6:25	request 10:10	size 6:22	things 4:7 7:5
Paul 2:25 5:22,25	proposed 4:16 10:16	require 6:15	slid 8:13,22	thought 9:13 10:12
penetration 8:15,16,25	public 2:7,22, 23 3:3 4:1 5:20,21 6:14 9:15,24 10:18 11:11	required 3:5 4:13	small 6:2	thoughts 10:1
people 10:12	purpose 6:13	Resources 2:4,11 4:15 10:4,8 11:8,10	smooth 7:6	three-panel 2:20
perform 4:12	put 4:4	Rich 3:14 4:21 5:1,4,8,10,18 10:1,2,20,25 11:5	solemnly 4:11	time 3:13,16, 21 4:10 10:13
petition 2:11	<hr/> Q <hr/>	Rich's 10:7	solutions 6:17	tipped 7:9
petitioned 2:14 10:16	questions 3:10 9:9,25 10:24	right-of-way 6:14 7:3,4	south 6:4 7:2 8:19	today 2:7,13, 15,22 4:5 5:21 11:13
photo 7:1		rise 4:10	southwest 8:11	top 8:13,14,25
picture 7:17		road 3:10 6:14	Spicer 3:1 4:3 5:22	Township 3:15,18,21
pipe 7:11,13, 20,22,23 8:1, 17		rock 7:4	spoken 11:16	Trails 2:5 4:17 10:16
pipes 7:10		rules 5:20	staff 3:4	
place 7:21		run 3:23	stage 11:7	
plastic 7:11, 19,20		<hr/> S <hr/>	start 10:1	
point 2:9,24	quick 11:11	safely 7:15	starting 7:7	
	quickly 6:3	scour 7:8	state 3:5	
		secretary	stops 7:4	

U

underneath

6:20 10:8

upstream 7:2

V

VANDER

4:21 5:1,8,18

10:2,20,25

11:5

Vanderklok

3:14

view 8:24

W

wanted 11:12

water 2:4,10

4:15 7:22,25

8:24 10:4,8

11:8,10

Waterman

3:2 9:19

watershed

6:21

welfare 10:18

Westgate

3:20 4:19 5:3,

6,13,16 10:7

11:3

working 9:6

Works 3:3

Wright 3:21