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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: PINNACLE DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday,
August 17, 2017, at the City of Hudsonville, 3275 Central
Boulevard, Hudsonville, 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. Patrick Waterman, City Manager, City of Hudsonville
- Mr. Daniel J. Strikwerda, Planning & Zoning Director,
City of Hudsonville
- Ms. Diana VanSlyke, City Clerk, City of Hudsonville

- Mr. Ken Bergwerff, Supervisor, Jamestown Township

- Mr. Paul L. Forton, Engineer, Spicer Group
- Mr. Al Garibay, Engineer, Spicer Group

- Mr. Jerry Olman, Ottawa County Road Commission

1 Hudsonville, Michigan

2 August 17, 2017 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good morning,
5 every one. Everybody can hear me clearly, right?

6 My name is Joe Bush, I'm the Ottawa County
7 Resources Commissioner, and I welcome every one to
8 Hudsonville City Hall for the Pinnacle Drain public hearing.

9 The reason why we're here we have a petition
10 received from the City of Hudsonville, and when we get a
11 petition into my office we usually react by having a Board of
12 Determination. And that is, I get a three-panel board, these
13 three gentlemen who I'll introduce later, have no affiliation
14 with this area whatsoever.

15 And then so I pick a three-panel board and they
16 make a determination whether this should be a county drain or
17 not. We are not here to determine the project, the scope,
18 the cost or anything like that, because I don't have the
19 engineering to do that, until I get the easements from that,
20 the people whose drain is located on the map, or I don't know
21 the project scope because it's not even a county drain yet.
22 So this is the first process to do that.

23 So if you're here wondering what the cost or what's
24 the assessment or what are we doing, we don't have all that
25 information quite yet. But what we're going to determine

1 today, is this three-panel board will say, all right, Joe,
2 you can move forward with the information we have to have
3 this be a county drain.

4 County drains, under my jurisdiction, I have the
5 easement, and the reason we have county drains is to remove
6 debris. We have sediment in them, there could be a failing
7 culvert, there could be flooding issues. And usually the
8 people downstream have more issues than the people upstream.
9 So I'm here because everybody's water runs downhill.

10 So we're here to hear all those kinds of
11 situations, concerns, and it's a public hearing. So I want
12 to hear from the folks in the audience, you guys and ladies,
13 to figure out if you are in favor of it, if you have issues.

14 You can ask questions why you're here. I'm just
15 trying to give you a brief synopsis of why we're here. Or
16 you can ask questions on -- we've got a lot of pictures so we
17 can understand, okay, where is this? And this is a pretty
18 good-sized -- can you bring that up just one second?

19 I mean if you look from here, all the way down past
20 the Pinnacle Center (indicating), that's a good-sized drain.

21 Now we're not really going to establish it as a new
22 drain, we won't be digging it out, a lot of the connections
23 we're looking at it is already there. We'll see that through
24 the pictures.

25 So it's not like we're going to have an excavator

1 out there digging a new drain. It's already there. It's
2 just an orphan.

3 And what that means is nobody owns it, the city,
4 the road commission, MDOT, the county, nobody has any
5 jurisdiction, so we can't do any type of work on it, and
6 there is issues in that particular water source. It's in
7 overall pretty good shape, and we'll get more information on
8 that, but there is some concern that we want to be looking at
9 so that's why we're here today.

10 I'll do introductions, but when we do get to the
11 point where I give the oath to these three men, it becomes a
12 public meeting, a public comment time. Be sure to come up,
13 give your name, your address, and your concerns.

14 Everything is court recorded, and I do that just so
15 we can go back later, and if you want to look at what's in
16 the minutes, it's all online. Or we can give you hard
17 transcripts too, if you need, if you don't have access to a
18 computer or wi-fi. But everything is court recorded.

19 So I'll go ahead and do introductions, and then
20 once this board takes over the meeting and public hearing
21 comes up, make sure you give your name, state your address,
22 speak loudly so she can hear, and we'll move from there.

23 This three-panel board will run the meeting, and
24 then any questions that we have for the engineer or myself,
25 or one of the officials in the room, be sure to address them

1 and then they'll address us. That way it's all kind of in
2 the minutes and formal.

3 So I'm going to go ahead and do introductions.
4 I'll start in the back. We have Jerry Olman from the Road
5 Commission. We always have a representative from there show
6 up and give his opinion on what he thinks, any issues or
7 concerns or in favor or not in favor of.

8 Then we have Patrick Waterman, your city manager.
9 We have Jamestown Township Supervisor Ken Bergwerff. We have
10 my secretary, Jen, who some of you met in the back row, Jen
11 is from my office. We have Dutch, he's the maintenance guy
12 for the City of Hudsonville.

13 We have Paul Forton from Spicer Engineering. He's
14 the engineer that I picked for this particular project -- or
15 not project, we don't have one yet, but this particular
16 concern. And then we have his assistant Al.

17 And then we have my three-panel board from right
18 going to the left, we have Ken Souter from Port Sheldon
19 Township. We have in the middle Bill Cargo, he's from Grand
20 Haven Township. And then Glenn Nykamp from Zeeland, from
21 Zeeland Township.

22 Again these men have no affiliation with this
23 particular area, no properties or anything in there. So they
24 have no investment at all on this area.

25 And then Marge is our court reporter for the day,

1 and everything again is court recorded, so be sure to speak
2 your opinions. That's where we're here, I love to hear them.

3 Then we also have Dan, he is the planning guy, the
4 zoning guy for the City of Hudsonville, I don't want to
5 forget Dan.

6 I'll go ahead and give the oath to these three men.
7 And once I give the oath, they'll be running the meeting.
8 But I'll be sure to answer any questions that you have or
9 concerns or anything like that. Thank you.

10 Gentlemen, please rise and raise your right hand.

11 Do each of you solemnly swear to faithfully perform
12 and discharge the duties imposed upon you as members of the
13 Board of Determination appointed by the Water Resources
14 Commissioner of Ottawa County to determine the necessity of
15 drainage improvements in a certain drain to be known and
16 designated as the Pinnacle Drain in Jamestown Township, in
17 the City of Hudsonville, in said county as required by law,
18 gentlemen?

19 BOARD MEMBER BILL CARGO: I do.

20 BOARD MEMBER GLENN NYKAMP: I do.

21 BOARD MEMBER KEN SOUTER: I do.

22 WATER RESOURCES COMM. JOE BUSH: Thank you.

23 BOARD MEMBER BILL CARGO: The first thing we need
24 to do is to elect a secretary and a chairperson. And so I'll
25 start with a motion to elect a chairperson.

1 BOARD MEMBER KEN SOUTER: I'll motion that Bill
2 Cargo be chairperson.

3 BOARD MEMBER GLENN NYKAMP: Support.

4 BOARD MEMBER BILL CARGO: We have a motion on the
5 floor, and support to elect me as a chairperson. I will
6 accept that.

7 And with that, everybody in favor of that motion,
8 say aye.

9 BOARD MEMBER GLENN NYKAMP: Aye.

10 BOARD MEMBER KEN SOUTER: Aye.

11 BOARD MEMBER BILL CARGO: Aye.

12 Any opposition?

13 It's approved without objection.

14 BOARD CHAIRMAN BILL CARGO: Next I need to elect a
15 secretary.

16 I will make a motion to elect Ken Souter as the
17 secretary of this Board of Determination, is there support?

18 BOARD MEMBER GLENN NYKAMP: Support.

19 BOARD CHAIRMAN BILL CARGO: Support from Glenn, you
20 don't object?

21 BOARD MEMBER KEN SOUTER: No.

22 BOARD CHAIRMAN BILL CARGO: All right. And so all
23 in favor of Ken being the secretary for this Board of
24 Determination, say aye.

25 BOARD MEMBER GLENN NYKAMP: Aye.

1 BOARD CHAIRMAN BILL CARGO: Aye.

2 BOARD MEMBER KEN SOUTER: Aye.

3 BOARD CHAIRMAN BILL CARGO: Opposed?

4 There is no opposition, so that is done.

5 There is some rules of conduct for this public
6 hearing. We ask first that you come to the podium at the
7 center. I will direct who is to come to the podium. At that
8 point, if you would give your name and address so the court
9 reporter can get that into the record, that would be
10 appreciated.

11 The other thing we're going to do is try to limit
12 the public comments to three minutes per person. If you need
13 to go beyond that, we may be able to allow it; if you're
14 representing a group, we typically allow a longer period of
15 time.

16 But to start with, do I have a motion to limit
17 public comments to three minutes per person?

18 BOARD SECRETARY KEN SOUTER: So moved.

19 BOARD CHAIRMAN BILL CARGO: Ken has made the
20 motion.

21 BOARD MEMBER GLENN NYKAMP: Support.

22 BOARD CHAIRMAN BILL CARGO: And Glenn has supported
23 that.

24 All in favor of that motion, say aye.

25 BOARD MEMBER GLENN NYKAMP: Aye.

1 BOARD CHAIRMAN BILL CARGO: Aye.

2 BOARD SECRETARY KEN SOUTER: Aye.

3 BOARD CHAIRMAN BILL CARGO: Opposed?

4 And that is what we needed.

5 To start with, I'm going to ask for comments from
6 the public entity which is the City of Hudsonville, Jamestown
7 Township, and the road commission.

8 And so I'll start by asking, is there anybody from
9 the City of Hudsonville that would like to make a comment
10 regarding this proposed drain district?

11 CITY MANAGER PATRICK WATERMAN: Good afternoon --
12 good morning. I'm Patrick Waterman, City Manager.

13 Just briefly comments, this is an ongoing issue
14 that's been brought to the city's attention by Bill Worst,
15 since 2010 when we started having issues with some erosion
16 problems in his pond. He's been working ongoing with the
17 city, MDOT.

18 We've had involvement in this project trying to
19 make some improvements in their right-of-way to limit the
20 erosion that's coming off of the highway that runs through
21 the city. And we have an interest in the water quality of
22 the Buttermilk Creek which is the recipient of the water from
23 this tributary.

24 The city has been making a lot of investments in
25 improving, cleaning up the Buttermilk Creek, making it more

1 accessible to the public for bike paths. So water quality
2 and water quantity is of concern to us and we feel this
3 drainage district is warranted from the oversight of the
4 Ottawa County Water Resources Commission.

5 Dan, anything further?

6 PLANNING & ZONING DIRECTOR DAN STRIKWERDA:

7 Historically work was done in this area through some DEQ work
8 for mitigation to fix that area up. And then per what
9 Patrick said, two years ago MDOT did some improvement at the
10 pond to fix some of the erosion problems. But in the past
11 couple of years it's become very evident that that was not --
12 did not take care of the whole issue, just one part of the
13 issue.

14 In talking to Bill Worst earlier this year, he was
15 prepared to put thousands of dollars into improving the pond,
16 but it was also very evident that that would not take care of
17 the problem, but would just be a band-aid on a clear erosion
18 problem since it was cleared out two years ago and it's
19 already very full of sediment again.

20 So the concerns of sediment washing down the
21 stream, downstream flooding concerns that we have is a big
22 issue in the city. It's an area that definitely needs work.

23 BOARD CHAIRMAN BILL CARGO: That said, I have one
24 city question for the City of Hudsonville. If this orphan
25 drain is brought under the public control, public monies

1 could be spent to improve the drain, and a portion of those
2 costs would be apportioned to the City of Hudsonville.

3 Is the City of Hudsonville willing to accept that
4 apportionment for any improvements it might incur in the
5 future?

6 HUDSONVILLE CITY MANAGER PATRICK WATERMAN: Yes, we
7 understand that, and we are willing to accept that.

8 BOARD CHAIRMAN BILL CARGO: Thank you.

9 Is there anybody from Jamestown Township here?

10 JAMESTOWN TOWNSHIP SUPERVISOR KEN BERGWERFF: Ken
11 Bergwerff, Jamestown Supervisor.

12 And, yes, we acknowledge this is an orphan drain.
13 It's a drain that while it has minimal impact on many of the
14 residents within Jamestown Township, we know that everything
15 flows downhill and we've got a responsibility for the entire
16 drain, not just the portion that's within the boundaries of
17 the township.

18 And we also acknowledge that part of that is in
19 Jamestown's responsibility financially. And, yes, we are
20 willing to accept responsibility for that. It's an orphan
21 drain, and it should no longer be an orphan drain.

22 BOARD CHAIRMAN BILL CARGO: I appreciate that.

23 Any questions from the board?

24 Thank you for your time, I appreciate it.

25 And finally we have a representative from the

1 Ottawa County Road Commission. Are there any comments that
2 the Ottawa County Road Commission would like to make
3 concerning this project?

4 ROAD COMMISSION JERRY OLMAN: I'm Jerry Olman with
5 the Ottawa County Road Commission.

6 The Ottawa County portion of this is roughly from
7 Quincy Street south. It would be the upper stream end of the
8 drainage course.

9 I'm not aware of many issues in the Ottawa County
10 Road Commission portion of the drain. But I do know, from my
11 experience, to give a source of contact for issues like this,
12 I know Joe gets many calls, and the road commission gets many
13 calls for a natural water course. If there is no government
14 entity responsible for it, then it's very difficult to get
15 anything done, anything maintained.

16 So as far as the road commission goes, we'd be in
17 favor of establishing it so there is a source of contact for
18 that.

19 BOARD CHAIRMAN BILL CARGO: Any questions from
20 members of the board?

21 Jerry?

22 BOARD MEMBER GLENN NYKAMP: No.

23 BOARD CHAIRMAN BILL CARGO: Thank you.

24 At this point, we're going to -- I'm going to
25 request that the engineer, Paul Forton from the Spicer Group,

1 give a presentation.

2 I understand that you have reviewed this proposed
3 drainage district.

4 ENGINEER PAUL FORTON: Yes, that's correct.

5 Again, my name is Paul Forton from Spicer Group.
6 And I've worked in their watershed department now for about
7 15 years. And have been tasked with just taking a brief
8 look, a brief inspection of the drain so that I can come to
9 you today and provide you with some information as you look
10 at this water course.

11 And hopefully my goal in being here too would also
12 be to be able to possibly have some photos that you can see,
13 given that you don't live on the drain or the water course,
14 and then also provide a platform for the landowners to speak
15 from later. I'm coming in from as an outsider. I haven't
16 lived here for 10, 20, 30 years within this drainage
17 district.

18 So we've already gone through quite a bit of the,
19 obviously the opening remarks, introduction, we'll go through
20 my review.

21 I don't know, Jen, if you received any other
22 correspondence, but we'll have a chance in the agenda to add
23 that if we received any letters from the drain office, and
24 then we'll get to the public testimony.

25 The water course as you've already seen on the

1 map -- I'm going to back up just a little bit and kind of
2 frame the picture.

3 Again, we're speaking in the area near 32nd and
4 196. The water course here is flowing in a northerly
5 direction, and so it starts down near Greenly, between
6 Greenly and Quincy. It is an open channel system.

7 And it proceeds to the north from Greenly to
8 Quincy. From Quincy it then continues across Corporate Grove
9 Drive, which serves an industrial park there on the south
10 side of 196. It crosses the 196 entrance ramp and proceeds
11 north and outlets onto the Pinnacle Center's property.

12 As has been mentioned before, that is the location
13 where there is a pond that currently serves more or less as a
14 sediment basin for this entire water course.

15 From there it proceeds parallel to Highland Drive
16 and heads to the west (indicating) before it outlets into
17 Buttermilk Creek.

18 If you are familiar with Highland Drive, as you
19 drive from 32nd west down Highland Drive, you go through more
20 or less kind of an industrial area, as it switches to
21 residential, there is a little drain right there called the
22 Buttermilk Creek that's kind of hidden in the trees there.
23 And a lot of folks don't even know that's there.

24 That does serve as the receiving stream for this
25 water course.

1 BOARD CHAIRMAN BILL CARGO: Paul, a quick question
2 before you leave this slide. I've heard some concerns that
3 Sun Chase and 32nd Avenue, people think it's flowing north to
4 south -- excuse me, south to north rather than north to
5 south. Have you -- are you convinced that the flow is
6 actually from Greenly Street moving northward?

7 ENGINEER PAUL FORTON: Yes. And if you don't mind
8 switching to the overall map here we can take a quick peek at
9 that. Being an anal engineer, pardon me for straightening it
10 out. There.

11 So with the water course, on our inspection we'll
12 see some of these pictures of these culverts later. There is
13 a small culvert underneath Greenly. There is an RCP, a
14 concrete culvert that proceeds to the north. It crosses 32nd
15 before you hit Sun Chase Way. So right here (indicating)
16 there is an RCP, a concrete culvert here. It goes to the
17 west side, through a low area (indicating), and then crosses
18 back to the east right by Metro Health. They've got their
19 facility there on the east side of 32nd Avenue.

20 So the system does then drain in this small area to
21 the east and north, and crosses Quincy Street (indicating)
22 before it proceeds on toward Corporate Grove and the 196
23 right-of-way.

24 So, yes, water definitely flows in a northerly
25 direction through that area.

1 BOARD CHAIRMAN BILL CARGO: Thank you.

2 BOARD SECRETARY KEN SOUTER: One question about
3 where you're outletting. Is Buttermilk Creek a natural water
4 course, or is that a county drain?

5 ENGINEER PAUL FORTON: Good question. As I
6 understand it, Buttermilk Creek is a dedicated county drain
7 at this point already. So that is an existing system within
8 the water resources control.

9 Any other questions while we're on that here?

10 BOARD SECRETARY KEN SOUTER: No.

11 ENGINEER PAUL FORTON: All right, going back to the
12 PowerPoint.

13 Again, just a little bit more background, it's
14 primarily an open drain system which means it's basically an
15 open creek, stream. There are several areas that have been
16 industrialized, and we do have some storm sewer systems that
17 could potentially be added as branches to this particular
18 system.

19 There are approximately 11 or so culvert crossings,
20 whether that be MDOT roads, we have MDOT involved obviously
21 with 196, county road commission, local roads.

22 I mentioned the storm sewer already, and the other
23 thing that is an important thing to note for this particular
24 water course is this area is becoming highly developed. It's
25 rapidly expanding. Meijer's site is getting installed, we've

1 got a lot of neighborhoods that have been built in this area
2 over the years.

3 So it's just another point I would like to make to
4 the Board to say, hey, this is really something that should
5 be under somebody's jurisdiction.

6 When we have orphans like this, that can't be
7 maintained or controlled, that ultimately does lead to
8 challenges down the road for folks.

9 Getting into some of the photos, this is -- what
10 we're going to do is start from that downstream end. We're
11 going to start from the north end of the project close to
12 Buttermilk Creek and work through the photos somewhat
13 quickly. I don't want to take up everybody's time looking at
14 pictures here, but we're going to start near the outlet and
15 work our way upstream.

16 This particular picture then is adjacent to
17 Highland Drive in the area where it parallels Highland Drive
18 behind the businesses there. A couple of things to note, the
19 bank on the left side of the picture is severely eroded.
20 It's undercut so it's not even vertical. It's cut back
21 underneath, you've got root systems hanging out. We have
22 large root debris in the water course at this location. All
23 of which contributes to that erosion, and carrying that
24 sediment downstream into the Buttermilk system.

25 A lot has been mentioned about the Pinnacle pond,

1 Pinnacle Center's pond. This is downstream of that. So any
2 erosion that occurs in this particular area goes directly to
3 the Buttermilk Creek.

4 A little further upstream of that area, just again
5 we see eroded banks on the left, and the right, and woody
6 debris.

7 Another photo here looking upstream. This is --
8 you can see a culvert there kind of in the top center of the
9 photo. That culvert was installed to facilitate additional
10 development south of Highland Drive. That culvert is in good
11 condition. It's a corrugated metal pipe arch, lots of
12 service life, very little rusting. So that's in great shape.

13 This is the stream channel upstream of that
14 particular culvert, and you'll notice there is quite a
15 difference here. We don't have the same amount of erosion
16 present. It's a smaller width.

17 And so from, as we proceed upstream from that
18 culvert, you'll notice that the channel is smaller, and in
19 general has less large woody debris within it.

20 This particular photo here is, does show a little
21 bit of head coming from behind Highland Drive. Again, it's a
22 lot narrower than the first few photos but we are seeing some
23 erosion in this area.

24 When the water comes underneath 196, it splits and
25 I'll show you a photo later of that particular location.

1 The base flow heads into the Pinnacle Pond, I guess
2 as I'll call it for short term now, that flow comes together
3 in this wetland area right here.

4 And so at this particular point where that
5 confluence is, very stable, we're in a wetland area, there is
6 no major cause for concern where it comes together.

7 This photo is of the, what I would call the bypass
8 channel. This is the channel that parallels the pond. And
9 so in a large storm event when water comes coursing down the
10 system, if it isn't directed to the pond, the overflow can
11 then go into this bypass channel.

12 And there is some large woody debris here, we're
13 not seeing the erosion like we were downstream. Again,
14 that's because the flow is being diverted through the pond.

15 This picture here, it's a little bit tough with all
16 the foliage on it, and I'm actually going to bounce to the
17 next slide. The flow comes underneath 196 and it can be
18 diverted to the right with the ripwrap that's been in place
19 from previous projects. It can flow to the right toward the
20 pond at the Pinnacle Center.

21 If the flows get high enough, it can go over the
22 rocks and then pass through, flow to the bypass channel and
23 head down the old centerline of the water course.

24 And this is a picture of that same ripwrap heading
25 toward the pond and the channel and you can see the Pinnacle

1 Center there in the background.

2 These are the culverts that are underneath, it
3 would be westbound, the entrance lane to 196, westbound. And
4 those are the two culverts that bring the water across.

5 You can see that an extensive amount of work has
6 been done here with ripwrap and rock to basically try to
7 curtail any erosion that incurs in this area as the flows
8 come across the right-of-way from the highway.

9 And these culverts as well are in very good
10 condition, lots of service life left. Obviously they're
11 fairly new, relatively speaking, to the culvert world,
12 they're fairly new tubes.

13 This picture here is looking downstream from 32nd
14 Avenue. So now we are south of 196, standing on 32nd, and
15 looking west, looking downstream. The Rainbow Grill, this
16 would be between Rainbow Grill and the highway there.

17 Again you'll see there are two steel culverts
18 draining the water across through this system, and once again
19 these culverts are in good condition.

20 This would be looking downstream from the entrance
21 ramp to eastbound 196, and again, you can see that some
22 ripwrap has been placed. There is a fair amount of fall or
23 elevation drop coming out of these tubes, but this particular
24 area is fairly stable and seems to be holding well.

25 The culverts on this crossing I would say are in

1 fair to good condition. You can see some of the rusting
2 there along the flow line, and we see that quite frequently
3 with steel culverts where you have that air-water interface.
4 That does tend to rust over time.

5 That being said both culverts at this location do
6 have a fair amount of service life left.

7 This particular photo here is a picture of the
8 downstream end of the Corporate Grove crossing. And so
9 Corporate Grove, there is quite a bit of elevation change
10 from where the stream is up to the centerline of Corporate
11 Grove. I would say along the tune of 20 to 30 feet,
12 possibly, from this culvert up to the top of the road
13 surface.

14 This is a concrete box culvert and it has a native
15 bottom on it of sediment that's built in the bottom, and on
16 the upstream end of this there is currently a, what I would
17 call a water level control structure. And what this
18 structure does, I'm sure at the time it was installed, it's
19 going to control the flow that is released downstream.

20 And so this is a picture looking upstream over the
21 top of it, the second photo I have here is a picture looking
22 down into that chamber.

23 And what happens is as the water comes from the
24 south flowing north, it hits this structure, and the flow is
25 throttled by that rectangular opening. So it's restricted at

1 that point, and it's allowed to flood back up into the
2 natural floodplain behind it.

3 Once that water reaches four to five feet, it hits
4 the crest of that structure, then it can spill over into the
5 top of that, and go downstream during larger storm events.

6 We did not complete that design. I haven't run any
7 hydraulics or capacity calculations at this point. That's
8 very preliminary in the process. But I did want to note that
9 this structure is out there.

10 The condition, it's in great shape. It's in very
11 good condition. The concrete, there is no spalling, no
12 cracking. It's in very good condition.

13 The picture here is taken looking upstream from
14 Quincy Street. And you can see that floodplain area that I
15 talked about. So this would be the area that would store
16 that excess storm water, from the installation of that
17 structure.

18 And you can see the water courses flowing through
19 the grass there, it's very stabilized. We don't see the
20 erosion that we have downstream. And very natural and doing
21 quite well.

22 Many times we look for a scour hole on the
23 downstream of culverts to see how the sizing is. If it's
24 undersized, and too small, there will be a large scour hole
25 where the water has worked that material away. And on this

1 particular culvert you don't see that.

2 So this is a reinforced elliptical concrete pipe.
3 So this is a, doesn't have -- it's not a round pipe. It's
4 elliptical. If you go up there and look at it, it looks like
5 a football, and again it's in very good shape.

6 This is a picture looking down the culvert. The
7 joints appear tight, there is no sink holes identified on the
8 road. And much like the road commission mentioned earlier
9 there aren't any current issues with these culverts.

10 This particular photo is standing on 32nd Avenue
11 facing east or downstream, and it's just to the south side of
12 Metro Health's parking lot. And this is the area that you
13 had mentioned earlier, Bill, in wanting to know which way the
14 water is flowing. The water does flow to the east here and
15 then to the north through the drain.

16 And these culverts are hidden in a way by the brush
17 and the grass. We know it's very difficult for folks to find
18 these. And so I could see where there would possibly be some
19 confusion in that. But the water is definitely flowing east
20 here and then to the north.

21 This is a photo of the upstream side of that
22 crossing as the water is coming in. You can see it's quite a
23 jungle. When you have full foliage like this this time of
24 year, it looks maybe worse than it is. But again, that woody
25 debris does slow the flow. As trees drop they can be pushed

1 downstream and block culverts and things like that. And
2 that's where the Water Resources Commissioner can come in and
3 do maintenance on a culvert like that, with the jurisdiction
4 to do that, and not necessarily -- it might be an instance
5 where we have a log jam upstream and it's outside of the road
6 right-of-way and the road commission can't get to it. But
7 it's causing trouble with the culvert and that's really where
8 the Water Resources Commissioner can come in with a mechanism
9 to fix it.

10 Moving upstream, this is a photo taken from Greenly
11 Street facing north. This is the sidewalk here, I'm standing
12 on the road as I take that photo. And again, there is a
13 reinforced concrete pipe under the road here.

14 And this is the, what would be the north side, or
15 downstream side, slightly small scour hole here, but it does
16 prove a point that water is flowing north at this particular
17 location.

18 Facing upstream from Greenly, very stable, natural,
19 we've got a grassy area here. There is a small little
20 channel that meanders up there a little ways. I stayed
21 within the road right-of-way here at this point since it's
22 not a county drain. I did not go further north here. But
23 again, very good condition.

24 So the drain condition overall as a summary, in the
25 downstream open channel, parallel to Highland Drive we do see

1 quite a bit of severe bank erosion, with large woody debris.
2 This can lead to loss of property. And obviously
3 transferring that sediment down to Buttermilk Creek which
4 adds more concerns to it.

5 If that's not taken care of, that problem will
6 continue to become worse. What's going to happen is that
7 channel is going to naturally try to heal itself. And in
8 that process, it's going to send a tremendous amount of more
9 sediment downstream. So that particular reach, parallel to
10 Highland Drive I would say is in generally poor condition,
11 what we would call poor condition.

12 Upstream channels, there is much less erosion.
13 There is still some woody debris. We're not seeing quite the
14 volume of large trees, but there is definitely a fair amount
15 of debris in that area. Especially as we look at Emerald Ash
16 Borer taking out some of the larger trees, that's becoming an
17 issue not only here but across the state.

18 So again, it's nice to have a mechanism to take
19 care of those before they become a beaver dam on a culvert.

20 The upstream channel as you can see there on the
21 slide is in general overall good condition.

22 The culverts themselves, like Joe mentioned, it's
23 rare that we have a brand new drain that we're not digging
24 into place. The natural water course here is really in
25 fairly decent condition. The culverts themselves, none of

1 them are failed. Normally that's what brings us to a meeting
2 like this where we have a failed culvert, what are we going
3 to do.

4 But the culverts again are in great condition.
5 There are a few that have some surface rusting, but there is
6 a lot of surface life left in those.

7 All the concrete culverts that we inspected have
8 tight joints from what we could see from each end and again
9 are in overall good to fair condition. And that's a good
10 thing. That means if it is necessary, we're not looking at
11 replacing a lot of culverts which tend to come with larger
12 price tags.

13 At this time if there is any questions from the
14 Board, I can take those, if you'd like any more information
15 on the system itself.

16 BOARD SECRETARY KEN SOUTER: You mentioned the
17 culverts which is a big item. Did you look at sizing of the
18 culverts as it progresses down the drain as far as being
19 adequate size? I mean they're in good shape, but if they're
20 undersized, it will cause problems.

21 ENGINEER PAUL FORTON: Good question, good
22 question.

23 We haven't done -- so from a visual standpoint they
24 all look like they're in good shape and properly sized. That
25 being said, I haven't done any engineering calculations at

1 this point or modeling to prove that.

2 We would especially want to do that looking at the
3 lower end as the acres that drain into this total and sum up
4 to quite a large watershed as Joe mentioned, we would want to
5 look at that lower end and make sure those culverts are
6 adequately sized.

7 But that being said, there weren't any visual
8 indicators that revealed there were any issues. So they look
9 like they've been properly sized.

10 BOARD SECRETARY KEN SOUTER: Good.

11 ENGINEER PAUL FORTON: Any other questions at this
12 time?

13 BOARD MEMBER GLENN NYKAMP: I believe wasn't it a
14 year or so ago where they did the east side of 32nd Avenue
15 doing the same thing with the drains on that side? Or you
16 maybe weren't part of that process.

17 ENGINEER PAUL FORTON: Potentially on the east side
18 off of Corporate Grove?

19 BOARD MEMBER GLENN NYKAMP: Up there, yes.

20 ENGINEER PAUL FORTON: Yeah, there was a project
21 that was completed there, there was a ravine that some storm
22 surge had blown out, if that's the one you're thinking of.
23 And that has been fixed at this point, I believe, to avoid
24 catastrophic failure for a fiberoptic line that was serving
25 that location.

1 That would be in the next watershed to the east, so
2 that's not really within this watershed and won't factor in.
3 That would be in the next watershed over.

4 BOARD MEMBER GLENN NYKAMP: Okay.

5 ENGINEER PAUL FORTON: You bet.

6 BOARD CHAIRMAN BILL CARGO: There being no more
7 questions of the engineer, I'm going to open up the hearing
8 for public testimony.

9 And again, we just remind everybody, if you would,
10 when you come up to the podium, just simply give your name
11 and address and address your comments to the Board.

12 And I'm going to start on what is my right side of
13 the room, your left. In the second row, is there anybody
14 that would like to speak?

15 MS. BECKY JONES: I do have a couple questions.

16 BOARD CHAIRMAN BILL CARGO: If you'd come up to the
17 podium and give your name and address, that would be helpful.

18 MS. BECKY JONES: Hello. My name is Becky Jones, I
19 live at 3684 Oxford Court.

20 So with the information that was just shown, I
21 didn't notice any pictures, so in the neighborhood where I
22 live there is a pond, and that drains -- I don't know, do you
23 want -- I don't know if I can show it on the map, but I can
24 try.

25 So right in, I think it's right in this vicinity

1 (indicating).

2 ENGINEER AL GARIBAY: There is a pond right over
3 here, off of Stone Ridge, I believe it is?

4 MS. BECKY JONES: Well it would be at the end of
5 Oxford Court.

6 ENGINEER AL GARIBAY: Okay.

7 MS. BECKY JONES: There is a pond there, and then
8 it drains across some open land (indicating), then it drains
9 across.

10 So is that part of this project as well?

11 BOARD CHAIRMAN BILL CARGO: Well at this stage it's
12 not a project, they're trying to determine the boundaries.

13 MS. BECKY JONES: Would this be part of that?

14 BOARD CHAIRMAN BILL CARGO: If there was a problem
15 with that pond, it could then receive public monies and
16 assessments to make the necessary improvements.

17 MS. BECKY JONES: Okay, let me ask my question
18 differently, maybe I'm not asking it properly.

19 As part of the scope of what you're looking at
20 here, is that area included in what we're looking at today?

21 BOARD CHAIRMAN BILL CARGO: The engineer will
22 answer that.

23 Joe?

24 ENGINEER PAUL FORTON: If I could answer that, Paul
25 with Spicer. That's the most important part of the meeting

1 is right now in hearing your comments. One phrase I
2 mentioned earlier, I don't live here, you guys do.

3 So if there are other issues, this would definitely
4 be the time to raise those concerns so that if it is found
5 necessary, we could possibly address those as well.

6 MS. BECKY JONES: And I'm not -- at this point I'm
7 not saying it's an issue.

8 ENGINEER PAUL FORTON: Okay.

9 MS. BECKY JONES: When I look at the boundaries and
10 the fact I was included, I was kind of expecting when you
11 were showing the pictures that I would see that included.
12 And when I didn't, that confused me.

13 ENGINEER PAUL FORTON: Okay, perfect. So I guess
14 it could be, it would be involved in a study, an overall
15 study of the whole water shed. If it was found necessary, we
16 would look at the entire area.

17 BOARD CHAIRMAN BILL CARGO: The pond is part of the
18 proposed district boundary?

19 ENGINEER PAUL FORTON: Correct.

20 BOARD CHAIRMAN BILL CARGO: And because the pond is
21 within the proposed district boundaries, if there are
22 problems with the pond or the outflow of the pond, it could
23 be included for future projects.

24 MS. BECKY JONES: Thank you for answering that,
25 that's helpful.

1 The other question that I have so with the
2 expansion that's occurring and specifically with I think
3 Meijer coming in, is that impacting the need to make a
4 determination regarding this?

5 BOARD CHAIRMAN BILL CARGO: I think what they're
6 saying is there are enough problems even without Meijer to
7 say that this area is an orphan drain. Because it's an
8 orphan drain, nobody is responsible for it, which is why the
9 city petitioned to make it a public drain, so that they could
10 address problems.

11 Whether Meijer would be assessed or not is
12 something we can't answer here because we don't have a
13 project in front of us.

14 MS. BECKY JONES: Okay.

15 BOARD CHAIRMAN BILL CARGO: This is simply bringing
16 it under the public realm.

17 MS. BECKY JONES: That answers my question, thank
18 you.

19 BOARD CHAIRMAN BILL CARGO: Okay. Now we'll go to
20 the third row, is there anybody in the third row that would
21 like to make any comments?

22 MR. BILL TIGELAAR: Yes, a couple questions.

23 Bill Tigelaar, 3151 Quincy.

24 And I noticed it said that a petition was brought
25 to the City of Hudsonville, and who initiated that petition?

1 BOARD CHAIRMAN BILL CARGO: It was initiated by the
2 City of Hudsonville.

3 MR. BILL TIGELAAR: By the City of Hudsonville,
4 okay.

5 And just also wondering, I know we won't get into
6 assessments, but are assessments based on volume of water
7 entered into the proposed drain? Or is it by land that is on
8 the drain?

9 BOARD CHAIRMAN BILL CARGO: Typically it's assessed
10 by area, land area. A small lot is going to pay a smaller
11 assessment than a larger lot, under the theory that more rain
12 water, storm water comes from a large lot than a small lot.

13 Is that a fair summary, Joe?

14 WATER RESOURCES COMM. JOE BUSH: Yep, you're
15 correct. We do use multiple factors, and this one here it
16 might be just land. We don't go based off your house. We
17 take your land and then there is factors we use, we go with
18 the engineer, we go over that.

19 BOARD CHAIRMAN BILL CARGO: So the more impervious
20 areas would have a higher factor; the less impervious areas
21 may have a lower factor?

22 WATER RESOURCES COMM. JOE BUSH: Correct.

23 MR. BILL TIGELAAR: So a person with 10 acres along
24 that drain might have less of an assessment than Meijers?

25 WATER RESOURCES COMM. JOE BUSH: Correct. Yep, we

1 would use -- Meijer -- let me get this.

2 BOARD CHAIRMAN BILL CARGO: Joe Bush.

3 Joe, could you speak into the mic then because we
4 are addressing the Board with the question.

5 WATER RESOURCES COMM. JOE BUSH: Yes, I met with
6 Meijer for two years prior to them constructing. And we
7 tried to get it where most of the water stays on site.

8 And in the case of an overflow where we get that
9 hundred year plus rain event, their water shed does go to the
10 east and to the west. But if you look on Meijer's site right
11 now, they have multiple ponds located, because I want to make
12 sure that water quality from that site is priority. And
13 flood control downstream whether it's the Buttermilk Creek or
14 this one.

15 So Meijer has done a good job. I met with them
16 like I said for two years to review that development to make
17 sure that the storm water management is correct per our
18 standards, and the hundred year rain event.

19 And their ponds are placed to where their
20 overflows, some of their land does drain east, and some of it
21 goes to the west back behind Action Water Sports, their ponds
22 on the west side.

23 So just FYI, this meeting really isn't because
24 Meijer or other development -- even if that development
25 wasn't happening, we would still be in the same situation

1 because we do have standards per the county for new
2 developments to make sure that they have water retention,
3 detention, and make sure that they keep some of their water
4 on site for a certain period of time because we are in clay.
5 We know it doesn't -- like on the west side of the county
6 where it goes just in the sand more frequently, and it
7 infiltrates. Well here we have clay, it sits there or it's
8 runoff.

9 BOARD CHAIRMAN BILL CARGO: There are numerous, as
10 I understand, there are numerous orphan drains that are
11 pending to come into the public system.

12 WATER RESOURCES COMM. JOE BUSH: Correct.

13 BOARD CHAIRMAN BILL CARGO: Because we know that
14 anything, a culvert which is in good shape today, 20 years
15 from now will not be in good shape. And if there is going to
16 be any public dollars spent it would need to be a public
17 drain system.

18 WATER RESOURCES COMM. JOE BUSH: Correct. And with
19 the average assessment -- let's just use numbers, not
20 anything to do with this, if a gentleman has ten acres, and
21 his neighbor has one, and the neighbor has a thousand dollar
22 assessment, this has nothing to do with this project, just
23 numbers I'm throwing out there, the guy with 10 acres won't
24 be paying \$10,000.

25 We would use a formula to help benefit that. Just

1 because he owns more acreage, doesn't mean he'd pay ten times
2 more. We'd help alleviate that by putting an acreage factor
3 in our BSA system with our engineer, and with GIS and we can
4 go based on that formula.

5 BOARD CHAIRMAN BILL CARGO: And those, of course,
6 are open for public reviews. After you send out notices, and
7 you can review any assessments that might occur in the
8 future.

9 WATER RESOURCES COMM. JOE BUSH: Correct. And any
10 time of corporation definitely pays their fair share. So
11 when it comes to Meijer, they've been a great partner in the
12 community.

13 BOARD CHAIRMAN BILL CARGO: Which is why the City
14 of Hudsonville would pay a portion, Jamestown Township would
15 pay a portion because of the --

16 WATER RESOURCES COMM. JOE BUSH: M-DOT would pay a
17 portion.

18 BOARD CHAIRMAN BILL CARGO: M-DOT, the road
19 commission. I understand that.

20 Does that help with your question, sir?

21 MR. BILL TIGELAAR: Yes. Just one quick other one,
22 they talked about the Pinnacle pond, and who is responsible
23 for the dredging of that?

24 BOARD CHAIRMAN BILL CARGO: That would depend on
25 whether this became a public project. If it's actually a

1 public drain system and it's benefiting the public, if it's
2 part of a storm sewer drain, the public could be assessed for
3 a portion of that.

4 Is that true, Joe?

5 He's shaking his head yes.

6 MR. BILL TIGELAAR: And that's being done?

7 WATER RESOURCES COMM. JOE BUSH: No. We don't have
8 a drain yet.

9 BOARD CHAIRMAN BILL CARGO: Okay.

10 Next in the third row back, there is two gentlemen.
11 Any comments? Nobody wants to speak?

12 I'll go to the row behind that.

13 Any comments on the fourth row on this side of the
14 room? Anybody want to speak?

15 MS. DOROTHY ROELOFS: I will.

16 BOARD CHAIRMAN BILL CARGO: And again just your
17 name and address.

18 MS. DOROTHY ROELOFS: My name is Dorothy Roelofs, I
19 live on 3891 Sundial Avenue, and I'm also on the Board of the
20 Spring Meadows Homeowner's Association.

21 Behind our house, which the back of our house
22 phases Metro, there is a lot of ponding in the whole back of
23 that Sundial, and there is big culverts that go under Sundial
24 Road to the back of Sun Chase.

25 And I don't know where it drains from there, but

1 I'm wondering why we're included in this drain, when if it
2 actually drains east?

3 BOARD CHAIRMAN BILL CARGO: Could I have the
4 engineer, Paul, take a look at that and see if you can answer
5 the question? If not, one of the things we would do is we
6 would request that they confirm the drain.

7 Paul, could you respond to that?

8 ENGINEER PAUL FORTON: Let me make sure I
9 understand where you are. If you could point on the map,
10 that would be great. Sundial is right here.

11 MS. DOROTHY ROELOFS: This is Metro right here
12 (indicating), and we live right here (indicating). There is
13 big culverts along this road that drain under Sundial, back
14 here, and there is big culverts that go under Quincy
15 (indicating).

16 ENGINEER PAUL FORTON: We can look at that area and
17 verify that we got the correct drain boundary. And just from
18 memory, it serves me, if that water is indeed flowing that
19 way, this will verify where it ends up, and if it drains into
20 the other watershed or not.

21 MS. DOROTHY ROELOFS: The other thing is we weren't
22 living there, we were living further south. But the Spring
23 Meadows Homeowners Association was paying like 2000 something
24 a year for another drain, which I don't remember, it was like
25 a five-year charge, which ended this year.

1 So I'm wondering if that was part of that other
2 drain. But I don't know the name of that drain.

3 ENGINEER PAUL FORTON: One question, I would have
4 to confirm how far does your association proceed to the east,
5 how many streets does it take?

6 MS. DOROTHY ROELOFS: It goes all the way to Sun
7 Brook Drive (indicating).

8 ENGINEER PAUL FORTON: So certainly the project
9 that was mentioned earlier, off of Corporate Grove was
10 completed right here.

11 Joe, I believe you got another county drain system
12 to the northeast (indicating).

13 WATER RESOURCES COMM. JOE BUSH: Yes.

14 ENGINEER PAUL FORTON: So that would definitely be
15 incorporated into that particular project, any work that
16 would have been done on that, and I'm fairly confident there
17 was some work.

18 WATER RESOURCES COMM. JOE BUSH: Correct.

19 ENGINEER PAUL FORTON: And I don't think, the
20 Corporate Grove project I don't think is what you're talking
21 about.

22 WATER RESOURCES COMM. JOE BUSH: No, there was
23 another one prior to that.

24 BOARD CHAIRMAN BILL CARGO: One of the points I
25 would make just for the record is that if we determine this

1 is necessary to bring under the public, into the public
2 arena, we would also have a motion that the drain
3 commissioner could add or delete lands as necessary based on
4 flow.

5 So if they don't have the boundaries exactly
6 correct, we will give him the authorization based on water
7 flow to make those adjustments.

8 You're right on the, it looks like the eastern edge
9 of this. And if they need to adjust the boundaries to the
10 west, we will give them authorization to do so.

11 MS. DOROTHY ROELOFS: Okay. Some of the condos
12 there too drain behind our house which we don't like because
13 our whole yard is flooded, and until that drain catches up
14 and goes under to Sun Chase. So I don't know how many of
15 those condos drain to that area, but we can see the drain.

16 BOARD CHAIRMAN BILL CARGO: Okay.

17 MS. DOROTHY ROELOFS: So --

18 BOARD CHAIRMAN BILL CARGO: I appreciate it. And
19 they're taking notes to confirm that.

20 MS. DOROTHY ROELOFS: Thank you.

21 BOARD CHAIRMAN BILL CARGO: Okay, on my right side
22 of the room, one last chance, would anybody from the public
23 like to speak in the last row? Anybody in the public want to
24 speak on this side of the room?

25 No?

1 I'll go over to the left side of the room, and I
2 know nobody wants to speak from the first row. How about the
3 row behind? Any public comments from the second row?

4 Any public comments from the third row?

5 Well this is way too easy. Any public comments
6 from the very last?

7 Okay. Thank you.

8 MR. BILL WORST: I'd like to say you saved the
9 Worst for last. I'm Bill Worst, I live at 3330 Highland
10 Drive. I'm the owner and managing partner of Pinnacle Center
11 so I'm the recipient of this stuff.

12 I won't take more than my three minutes, but I just
13 wanted to show that this is the current situation of our
14 pond, you can see it looks like a little football.

15 When we opened, it used to look like that
16 (indicating). So our pond is about half the size. It used
17 to be six feet deep. And now in this area (indicating), we
18 are about four inches deep. And the rest of the pond is
19 about 18 inches deep.

20 Two years ago MDOT completely redid the culverts.
21 They were undersized, and they were creating a huge sink
22 hole, 20 to 30 feet. So they redid all the culverts, did the
23 wrap rock and we have found that since then our pond is
24 filling at a faster rate than it has in the past.

25 I started this process in 2010. Back in 2002 I got

1 a letter from the DEQ saying, hey, we notice little ripples
2 under your deck that could put sediment in the pond and
3 you're not allowed to do that.

4 So we spent \$15,000 and put the hammer things down
5 to level the ground, and put landscape cloth and had rocks
6 thrown in under our deck so we wouldn't put any sediment in
7 the pond.

8 For us it's the esthetic selling feature. We have
9 an 8,000 square foot deck over the water that now people look
10 out at a brown little puddle with floating green stuff in it.

11 BOARD CHAIRMAN BILL CARGO: Was this pond meant to
12 discharge to this drain? Or is the drain meant to flow
13 through this pond?

14 MR. BILL WORST: The drain comes into our pond.
15 The only thing that we put into the pond is just runoff from
16 our parking lot.

17 BOARD CHAIRMAN BILL CARGO: Is there an outlet to
18 the pond, or just drain going into the pond?

19 MR. BILL WORST: The drain comes into our pond, and
20 then the, based on the level, our pond will, if it overflows,
21 it goes into the Buttermilk Creek. And there is a --

22 BOARD CHAIRMAN BILL CARGO: Can I have the engineer
23 confirm? Because I'm a little confused on the nature of the
24 pond. Is this pond meant to be retention or detention?

25 ENGINEER PAUL FORTON: Well I can tell you, and

1 correct me if I'm wrong because you own it, but the -- the
2 first question you had about how it outlets, that one photo
3 that I took was literally right where the two small stream
4 channels meet.

5 So it does come together in that location on the
6 photo, here is again the pond, the Pinnacle Center, that
7 location on the photo is approximately right there where
8 those two water courses come together (indicating).

9 Currently as the rock is placed now, the majority
10 is a pass through. The majority does go through the pond.

11 In an extreme event you might see some water spill
12 over into that bypass channel that I talked about. But again
13 you're taking pretty much all of the water for all intents
14 and purposes into the pond, and it's serving as a sediment
15 sump for the entire water shed upstream, where any natural
16 bed flow or any nonnatural erosion from upstream will dump
17 into your pond, which is why you're seeing significant
18 reduction in size.

19 So I don't know, did you originally dig the pond or
20 was it there naturally? That I don't know, or may be used
21 for material.

22 MR. BILL WORST: The pond originally was put in as
23 a, by a plastics company as a mitigation wetland issue for
24 their factory that was behind the woods. So this was part of
25 a wetland mitigation project where they had to actually

1 construct the pond.

2 And then we bought the land that the pond was on.
3 So the pond was freshly graded and filled when we took
4 ownership of the property.

5 BOARD CHAIRMAN BILL CARGO: Okay, I appreciate
6 that. That helps.

7 Do we have any questions, Ken, or Glenn? Do you
8 have any questions?

9 BOARD MEMBER GLENN NYKAMP: I don't believe so.

10 BOARD SECRETARY KEN SOUTER: That pretty well
11 covers it.

12 BOARD CHAIRMAN BILL CARGO: Last chance for any
13 public, member of the public to speak?

14 If not, we will close the public portion of this
15 public hearing, or public comment portion of this public
16 hearing.

17 With that said, the public comment portion of this
18 hearing is closed.

19 At this stage we will discuss amongst ourselves in
20 front of the public as to whether we think this proposed
21 drainage district which we refer to as an orphan drain should
22 be brought under the public realm.

23 I'll start with you, Ken, do you have any comments?

24 BOARD SECRETARY KEN SOUTER: The only comment I
25 could say is to me it appears that it definitely should be in

1 the county realm, because nobody else is taking care of it.
2 They're getting a lot of sediment down apparently into that
3 pond, nobody has any jurisdiction to come in there and do
4 anything until this thing comes in to the public realm.
5 Culverts seem to be good, but that can change over night.

6 The brush that I see all the way down through that
7 drain, I think can cause a problem very soon if the trees
8 that I seen dying in Ottawa County lately clog up the drain.
9 You could have some real major problems.

10 So I'm thinking that they did a real good job of
11 telling us what happened here, what is happening here, and
12 I'm in favor of this.

13 BOARD CHAIRMAN BILL CARGO: Glenn, do you have any
14 comments?

15 BOARD MEMBER GLENN NYKAMP: Yes.

16 First I'd like to say very good presentation from
17 the engineers. It was thorough.

18 I'm just going to go back to the portion that we
19 have here (indicating). It's very obvious, it says
20 downstream channels that's open. It's severe erosion, and
21 like Ken just said there is lots of brush, and we've had that
22 throughout the county. It's -- the Elm trees are just
23 clogging everything up.

24 And so I think all in all, because everything is --
25 the drains and the conditions of the drain, the tiles and

1 that are so good, now is the time to start, don't wait until
2 it gets worse.

3 So I think it's just a matter of time, and you can
4 get it fixed, and you'll be good for a long time.

5 I also think, like Ken said, it's a necessity.

6 BOARD CHAIRMAN BILL CARGO: And I tend to agree
7 that, especially with the erosion that is occurring, it is
8 affecting the water quality in all of the downstream creeks,
9 when you have that level of erosion.

10 And I think there needs to be something done by the
11 public to address that issue, and you can only do that if
12 it's brought under the public realm.

13 Given that information -- by the way I think Spicer
14 did a great job with their presentation also, and with the
15 comments. And I'll also echo the comments that I appreciate
16 the City of Hudsonville stepping up and starting this
17 petition process.

18 That said, do I have a motion that the proposed
19 Pinnacle Drain is deemed necessary or not necessary?

20 BOARD SECRETARY KEN SOUTER: I'll make a motion
21 that it is deemed necessary.

22 BOARD CHAIRMAN BILL CARGO: Do I have support?

23 BOARD MEMBER GLENN NYKAMP: Support.

24 BOARD CHAIRMAN BILL CARGO: I have motion by Ken
25 and support by Glenn that this drain is deemed necessary.

1 Are there any further comments from the Board
2 members before we vote on it?

3 BOARD MEMBER GLENN NYKAMP: No.

4 BOARD CHAIRMAN BILL CARGO: Then all in favor of
5 this motion, say aye.

6 BOARD MEMBER GLENN NYKAMP: Aye.

7 BOARD CHAIRMAN BILL CARGO: Aye.

8 BOARD SECRETARY KEN SOUTER: Aye.

9 BOARD CHAIRMAN BILL CARGO: Opposed?

10 And again, it passes without objection.

11 Because this project was deemed necessary, we also
12 want to make sure that both Jamestown Charter Township and
13 the City of Hudsonville pay their fair share because of the
14 benefit to the public.

15 And so do I have a motion that the drain is
16 necessary for the protection of public health in Jamestown
17 Charter Township and the City of Hudsonville, and that a
18 portion of the costs shall be apportioned to the
19 municipalities at large?

20 BOARD MEMBER GLENN NYKAMP: I make a motion.

21 BOARD SECRETARY KEN SOUTER: I'll second.

22 BOARD CHAIRMAN BILL CARGO: We have a motion by
23 Glenn, seconded by Ken.

24 And so I think we've already heard from both those
25 communities that they're willing to pay this.

1 So all in favor of this, say aye.

2 BOARD MEMBER GLENN NYKAMP: Aye.

3 BOARD CHAIRMAN BILL CARGO: Aye.

4 BOARD SECRETARY KEN SOUTER: Aye.

5 BOARD CHAIRMAN BILL CARGO: Opposed?

6 And again, this passes without objection.

7 And finally, whenever you create a new district

8 like this you have a possibility that the boundaries may need

9 to be fine-tuned or adjusted. And so do I have a motion that

10 the drainage district boundary be adjusted as necessary and

11 lands added and deleted as determined by the Water Resources

12 Commissioner as recommended by the engineer?

13 BOARD MEMBER GLENN NYKAMP: So moved.

14 BOARD SECRETARY KEN SOUTER: Support.

15 BOARD CHAIRMAN BILL CARGO: I have a motion by

16 Glenn, supported by Ken.

17 All in favor, say aye.

18 BOARD MEMBER GLENN NYKAMP: Aye.

19 BOARD CHAIRMAN BILL CARGO: Aye.

20 BOARD SECRETARY KEN SOUTER: Aye.

21 BOARD CHAIRMAN BILL CARGO: Opposed?

22 And again this passes without objection.

23 That said, I would like to ask that Joe explain the

24 appeal process. And at that stage, Joe, if there is -- if

25 you could explain that, I would appreciate it.

1 WATER RESOURCES COMM. JOE BUSH: Yeah, the appeal
2 process would come to a point later but that, we'll send out
3 notices. Once we have the project, we'll figure out the
4 cost, there will be a bid date. We'll send out notices when
5 the bid letting would happen, and people are invited to that.
6 And after that if people aren't happy with their assessments,
7 which usually people aren't, but there is a time to appeal
8 that process at that time. But we don't know what those are.

9 BOARD CHAIRMAN BILL CARGO: Because you actually
10 don't have a construction project in hand or capital project
11 in hand.

12 WATER RESOURCES COMM. JOE BUSH: That's correct.

13 BOARD CHAIRMAN BILL CARGO: That said, do you have
14 any closing comments before we adjourn this meeting?

15 WATER RESOURCES COMM. JOE BUSH: I just want to say
16 thanks to every one for taking the time to come and listen to
17 how the process works.

18 Again the transcript will be online, it takes her
19 about four to six weeks to get the transcript back to us.
20 And then my secretary will post them on MIOttawa.org website.
21 And if you want a hard copy, call us, we'll give you a hard
22 copy.

23 I appreciate you taking the time this morning to
24 learn what's going on. Some communities have a drain
25 commissioner or water resources commissioner, and I'm

1 elected. So this is just part of my job. If there are any
2 complaints or concerns in my district, I will make sure that
3 Spicer gets in contact with the lady back there and look at
4 that boundary and make sure we have that right.

5 That's important to me, as your Water Resources
6 Commissioner that we do it in a fair and equitable way. And
7 then your question would probably be what about the
8 assessments?

9 Well that's a good question. And the road
10 commission will pay a portion, the county pays a portion, the
11 township, the city, M-DOT will pay a portion. And then we'll
12 figure it out from there on what it looks like.

13 So I don't see a big project. The drain is already
14 there, I just see some maintenance. And we want to know that
15 people know what we're looking at so you know. So I
16 appreciate your time.

17 BOARD CHAIRMAN BILL CARGO: That said, I will -- it
18 is 11:01, and I will adjourn this Board of Determination
19 meeting without objection.

20 With no objection, we are adjourned at 11:01.

21 (Proceedings concluded at 11:01 a.m.)

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