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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: WESTSHORE ESTATES DRAIN
BOARD OF DETERMINATION

Proceedings commenced scheduled for 10:45 a.m.,
commencing at 10:58 a.m., on Thursday, August 19, 2021, at
the Holland Charter Township Fire Department, Station #1,
Holland, Michigan, held before Marjorie A. Covey, CSR-2616,
RPR, Certified Shorthand Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Ms. Sara Hirts, Secretary

- Mr. Ken Souter, Board Chairman
- Mr. Rich VanderKlok, Board Secretary
- Mr. Josh Westgate, Board Member

- Mr. Lucas Timmer, Engineer, Prein & Newhof
- Mr. Ken Bosma, Engineer, Prein & Newhof

- Mr. Steve Bulthuis, Holland Charter Township Manager

- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 August 19, 2021 - 10:58 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Well let's go
5 ahead and call the, meeting, the Board of Determination for
6 Westshore Estates Drain. And we have nobody in the public
7 so we can't really welcome anybody except some board members
8 and some people from municipalities who are here to just have
9 maybe a quick testimony.

10 So we welcome everybody here again.

11 Again, I'm Joe Bush, the Water Resources
12 Commissioner. And again we're here because the township
13 petitioned us for this particular Westshore Estates Drain
14 because it is an orphan technically, which the township, road
15 commission and the county has no jurisdiction over any of the
16 infrastructure that's currently there.

17 The reason the township is petitioning us, again,
18 for these orphans is so there is a mechanism in place for
19 future maintenance. And today we're having a Board of
20 Determination based on a petition to see if that Board of
21 Determination wants to move forward with having that under my
22 county's jurisdiction and putting it under our umbrella for
23 future maintenance.

24 So again, it's hard to welcome anybody that's not
25 here today, but we'll go ahead and get into our presentation.

1 And we'll go ahead and give the gentlemen by the oath.

2 I'll go ahead and call them by name and make
3 introductions for the record.

4 We do have a court recorder, Margie is with us
5 again, our court recorder.

6 But we'll go ahead and do introductions. We have
7 Ken Bosma and Lucas Timmer, both from Prein & Newhof.

8 We have Steve Bulthuis here from Holland Township,
9 he's the manager.

10 We have Jerry Olman from the road commission.

11 And we have Sara is my secretary from my office.

12 And our three-panel board members are Rich
13 VanderKlok, and then we have Ken Souter, and then we have
14 Josh Westgate.

15 These three gentlemen are appointed by me, the
16 Water Resources Commissioner. They have no jurisdiction as
17 far as any -- they have no properties within this drain
18 district. They have no affiliation with Holland Township or
19 the planning commission or any other committees or boards in
20 Holland Township. And they actually have no properties or
21 anything within, again, this watershed or district.

22 So at this time I'll go ahead and give these three
23 gentlemen the oath and have them go ahead and run the
24 meeting.

25 Gentlemen, please raise your right hand.

1 Do you each solemnly swear that you will faithfully
2 perform and discharge the duties imposed upon you as required
3 by law as members of the Board of Determination appointed by
4 the Ottawa County Water Resources Commissioner to determine
5 the necessity to locate, establish and construct the proposed
6 Westshore Estates Drain located in Holland Charter Township
7 in said county?

8 BOARD MEMBER JOSH WESTGATE: I do.

9 BOARD MEMBER KEN SOUTER: I do.

10 BOARD MEMBER RICH VANDER KLOK: I do.

11 WATER RESOURCES COMM. JOE BUSH: Thank you.

12 BOARD MEMBER RICH VANDER KLOK: I will make a
13 motion that Ken Souter serve as chairman.

14 BOARD MEMBER JOSH WESTGATE: Support.

15 BOARD MEMBER KEN SOUTER: Moved and supported that
16 I serve as chairman of the Board of Determination.

17 All in favor, say aye.

18 BOARD MEMBER JOSH WESTGATE: Aye.

19 BOARD MEMBER KEN SOUTER: Aye.

20 BOARD MEMBER RICH VANDER KLOK: Aye.

21 BOARD MEMBER JOSH WESTGATE: I'll make a motion
22 that we approve Rich as secretary of the Board of
23 Determination.

24 BOARD CHAIR KEN SOUTER: I'll second that motion.

25 All in favor, say aye.

1 BOARD MEMBER JOSH WESTGATE: Aye.

2 BOARD CHAIR KEN SOUTER: Aye.

3 BOARD MEMBER RICH VANDER KLOK: Aye.

4 BOARD CHAIR KEN SOUTER: Opposed?

5 Carried.

6 And I will make a motion that public comment be
7 limited to three minutes.

8 All in favor, say aye.

9 BOARD MEMBER JOSH WESTGATE: Aye.

10 BOARD CHAIR KEN SOUTER: Aye.

11 BOARD SECRETARY RICH VANDER KLOK: Aye.

12 BOARD CHAIR KEN SOUTER: It's kind of unusual we
13 don't have anybody. Okay.

14 Ken? Do you want to just tell us where this is
15 and what is going on and currently we don't have any
16 problems?

17 ENGINEER KEN BOSMA: I'll have Lucas do an
18 overview. We don't have to do all the procedure stuff,
19 but --

20 BOARD CHAIR KEN SOUTER: Go through what's
21 happening.

22 ENGINEER LUCAS TIMMER: Okay, thank you.

23 Once again my name is Lucas Timmer, we're talking
24 about the Westshore Estates Drain.

25 The Westshore Estates Drain is an orphan drain so

1 it lacks the governmental jurisdiction and administrative,
2 procedural and funding mechanisms to address future
3 maintenance.

4 So as part of this Board of Determination we're
5 looking at establishing this as a county drain.

6 For some of the preliminary engineering work we
7 reviewed utility record drawings and plat maps. This
8 proposed Westshore Estates Drain includes three plats that
9 were in the early -- late 1980s, early 1990s.

10 The proposed drainage system is shown in the
11 attached slide, along with the watershed boundary. As you
12 can see it drains into the Trinity Woods Pond. And the
13 Trinity Woods Pond then drains to the west towards, I believe
14 this is Drain No. 8 to the west there.

15 Following this, I guess our next steps then are to
16 determine if it's necessary for this drain to become an
17 established county drain.

18 If it's deemed necessary, then it will become a
19 county drain. If deemed not necessary by the board, it will
20 be deemed not necessary to be a county drain. And that's it.

21 BOARD CHAIR KEN SOUTER: That was quick.

22 ENGINEER KEN BOSMA: Do you want to go back to the
23 drain slides --

24 BOARD CHAIR KEN SOUTER: Did you get a chance to go
25 over the drainage system and how it's working and whether it

1 looks like it's working properly?

2 ENGINEER LUCAS TIMMER: Yes. Ken and I did go on
3 site and visit it and it appears that the drain system is
4 working properly. We are not aware of any issues, nor are we
5 aware from the township or the road commission or the Water
6 Resources Commissioner that there are any issues with
7 drainage on that property.

8 BOARD CHAIR KEN SOUTER: Steve, township wise, have
9 you gotten any calls about this, and have you had any
10 problems with this drain?

11 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: We have
12 not received any calls and we're not aware of any problems.

13 BOARD CHAIR KEN SOUTER: Jerry?

14 ROAD COMMISSION JERRY OLMAN: Yeah, we haven't had
15 any issues in there as far as I know.

16 BOARD CHAIR KEN SOUTER: It's a fairly new system.
17 I mean it's within 20 years old, so it's not a real old
18 system yet.

19 Basically the township wants this to, again, be in
20 so that it is under the jurisdiction of the drain
21 commissioner.

22 Is that correct?

23 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: Correct.

24 BOARD CHAIR KEN SOUTER: Okay. Well I guess we're
25 going to close it for public comment because we do not have

1 any public here.

2 Rich?

3 BOARD SECRETARY RICH VANDER KLOK: No, I'm in
4 favor.

5 I would, in fact, I'll make the motion that the
6 maintenance and improvement of the Westshore Estates Drain is
7 necessary and conducive to public health, convenience or
8 welfare.

9 BOARD MEMBER JOSH WESTGATE: I'll support.

10 BOARD CHAIR KEN SOUTER: Moved and supported.

11 All in favor, say aye.

12 BOARD MEMBER JOSH WESTGATE: Aye.

13 BOARD CHAIR KEN SOUTER: Aye.

14 BOARD SECRETARY RICH VANDER KLOK: Aye.

15 BOARD CHAIR KEN SOUTER: Okay. That one is done.

16 (Board of Determination - Westshore Estates Drain -
17 adjourned at 11:05 a.m.)

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<hr/> <p style="text-align: center;">1</p> <hr/> <p>11:05 8:17 1980s 6:9 1990s 6:9</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>20 7:17</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 6:14</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m. 8:17 address 6:2 adjourned 8:17 administrative 6:1 appears 7:3 attached 6:11 aware 7:4,5,12 aye 5:1,2,3,8,9,10,11 8:11,12,13,14</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 6:22 Basically 7:19 board 5:1,2,3,4,9,10,11,12,20 6:4,19,21,24 7:8,13,16,24 8:3,9,10,12,13,14,15,16 BOSMA 5:17 6:22</p>	<p>boundary 6:11 BULTHUIS 7:11,23</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calls 7:9,12 Carried 5:5 CHAIR 5:2,4,10,12,20 6:21,24 7:8,13,16,24 8:10,13,15 chance 6:24 close 7:25 comment 5:6 7:25 commission 7:5,14 commissioner 7:6,21 conductive 8:7 convenience 8:7 correct 7:22,23 county 6:5,17,19,20</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>deemed 6:18,19,20 Determination 6:4 8:16 determine 6:16 drain 5:24,25 6:5,8,14,16,17,19,20,23 7:3,10,20 8:6,16 drainage 6:10,25 7:7</p>	<p>drains 6:12,13 drawings 6:7</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>early 6:9 ENGINEER 5:17,22 6:22 7:2 engineering 6:6 established 6:17 establishing 6:5 Estates 5:24,25 6:8 8:6,16</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 8:5 fairly 7:16 favor 5:8 8:4,11 funding 6:2 future 6:2</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>governmental 6:1 guess 6:15 7:24</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>happening 5:21 health 8:7 HOLLAND 7:11,23</p>	<hr/> <p style="text-align: center;">I</p> <hr/> <p>improvement 8:6 includes 6:8 issues 7:4,6,15</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Jerry 7:13,14 JOSH 5:1,9 8:9,12 jurisdiction 6:1 7:20</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Ken 5:2,4,10,12,14,17,20 6:21,22,24 7:2,8,13,16,24 8:10,13,15 kind 5:12 KLOK 5:3,11 8:3,14</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lacks 6:1 late 6:9 limited 5:7 Lucas 5:17,22,23 7:2</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>maintenance 6:3 8:6 make 5:6 8:5 MANAGER 7:11,23 maps 6:7 mechanisms 6:2</p>	<p>MEMBER 5:1,3,9 8:9,12 minutes 5:7 motion 5:6 8:5 Moved 8:10</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>OLMAN 7:14 Opposed 5:4 orphan 5:25 overview 5:18</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>part 6:4 plat 6:7 plats 6:8 Pond 6:12,13 preliminary 6:6 problems 5:16 7:10,12 procedural 6:2 procedure 5:18 properly 7:1,4 property 7:7 proposed 6:8,10 public 5:6 7:25 8:1,7</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quick 6:21</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>real 7:17</p>
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