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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: DETERS SUBDIVISION DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 11:30 a.m., on Thursday,
August 26, 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
- Mr. Josiah Timmermans, Chief Deputy to Water Resources Comm.
- Ms. Sara Hirst, Secretary

- Mr. Rich VanderKlok, Board Chairman
- Mr. Ken Souter, Board Secretary
- Mr. Todd Wolters, Board Member

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

- Mr. Doug Kuiper, Holland Charter Township Finance Director

- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 August 26, 2021 - 11:30 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good morning,
5 everyone. I'm Joe Bush, the Ottawa County Water Resources
6 Commissioner, also known as the Drain Commissioner. And we
7 appreciate your time here this morning to learn a little bit
8 about the Deters Subdivision Drain petition, and kind of why
9 you're here, why you got a notice, and what's the process.

10 So again, we're here today because we had a
11 petition from Holland Township, and we've been getting a lot
12 of these petitions. And we've been petitioned because this
13 particular drainage area is what we call an orphan drain
14 system.

15 And an orphan means that the township, the county
16 with me and the road commission, we don't own any of this
17 infrastructure or have jurisdiction over it. And when it's
18 an orphan and there is flooding issues or some kind of
19 malfunction within the system, if you call one of the three
20 of us or somebody else, they're going to say, well, we don't
21 know whose it is. It's really nobody's, it's private. It's
22 on the property owner.

23 Sometimes when the property owner has an issue, the
24 issue isn't on their property, it's a couple properties down,
25 where the issue is. But if nobody has jurisdiction and that

1 property owner says, it's not my problem, sorry, who do you
2 call or how do you get that resolved? We're always looking
3 for solutions, right? Especially when it comes to flooding
4 or water problems.

5 So Holland Township over the years has been
6 petitioning us, this is my third term, and we've been -- I
7 don't know how many, 50, 60 of these orphans it seems like
8 we've been petitioned to establish those as a county drain
9 system.

10 So today we're here to figure out with this Board
11 of Determination -- I appoint these three gentlemen to figure
12 out, all right, should we put this under the jurisdiction of
13 the Water Resources Commissioner. And in order to do that
14 there has to be a petition either from the township or the
15 people. This is all Drain Code, it's all state law and
16 everything is legal.

17 So in order to do that we have a public hearing and
18 that's why you got invited. You got a letter stating a legal
19 notice, you live in this drain district, we're going to have
20 a public hearing, come and let us know if you have any
21 problems or not.

22 You don't have to speak today, and you're more than
23 welcome to speak. They make their decision based on public
24 testimony. Typically, sometimes we get nobody at these
25 because there are no issues, it's just part of the process.

1 So that's why you're here today basically. As of
2 right now we don't know of a needed project. We don't know
3 of any flooding issues. We don't know of anything that's
4 really bad in this area to date. That could change after
5 today's testimony. But as of right now, we don't foresee a
6 project. And we don't know of any major issues that's going
7 to create any type of a cost or something like that.

8 Their job today, these three gentlemen's job is not
9 to say, oh, yeah, we need a project. Their job is to say it
10 should under the jurisdiction of my department moving
11 forward. That's totally their 100 percent job today is to
12 take comments and say, yes, this should be under Joe's
13 jurisdiction moving forward, or his department.

14 That being said, you know, we hire Prein & Newhof,
15 a couple engineers to go out and kind of do a preliminary.

16 And so I'll go ahead and do introductions right now
17 while I'm talking about the engineering firm. Ken Bosma and
18 Lucas Timmer, they're from Prein & Newhof. They went out and
19 kind of observed the situation, kind of went through the
20 plats, the plans, and they'll give their -- they're on the
21 agenda to talk and do a presentation on what we know today.

22 Again, we're not here for a project and we're not
23 here for a cost.

24 Today Holland Township picks up the cost. There is
25 a cost.

1 We have a court reporter, Margie is here to make
2 sure everything is word for word. We could always have
3 somebody handwrite and listen and takes notes, but that's
4 pretty challenging to do. And it's always nice to have a
5 court reporter.

6 It's always on my website. We're very transparent.
7 If you want to look in three to six weeks, these meeting
8 minutes should be on the website. And then you can work --
9 or read it and figure out what was said today. And if you
10 have to look back in two or three or four years from now and
11 go, what was that again? I thought it got established, and
12 what did the engineer say, what did the Board of
13 Determination say? Everything is court recorded and word for
14 word so just for reference points down the road.

15 So again, Margie has been doing this for many, many
16 years and we appreciate her talents of getting all that down
17 when it's a lot of work to try to keep up with everybody. So
18 when you do speak, pull your mask down so she can hopefully
19 hear you, and give your name and address during public
20 comment time.

21 Again these three gentlemen I appoint. They don't
22 have any affiliation with properties in here. They don't
23 have any -- they don't own anything, they don't rent anything
24 and they're not on the Holland Township board. They're not
25 on the planning commission.

1 These three gentlemen live outside of Holland
2 Township and -- but I appoint people who understand, number
3 one, the Drain Code, the law; number two, they understand
4 drainage; and they understand their purpose today which is
5 very critical because it's not like they're going to have a
6 project today. They have a job to do and they understand it
7 very well according to why they're appointed.

8 So a few more introductions first. We have Doug
9 from Holland Township. And we also have Jerry Olman from the
10 road commission.

11 And then I'll go ahead and give these three
12 gentlemen the oath. Once I do, they'll run the meeting and
13 any questions, I'm more than happy to answer through that
14 dialogue. But they'll run the meeting, listen to public
15 testimony and make that decision at the end of the meeting
16 with a motion on whether to bring it under my jurisdiction.

17 I don't have any say in it at all, which is why
18 Drain Code has it in there. It's not my -- it doesn't go
19 based on what I think needs to happen. It's public
20 testimony, it's a public hearing, and it's up to these three
21 gentlemen who I appoint to make that decision.

22 So gentlemen, please rise. Raise your right hand.

23 Do you each solemnly swear that you will faithfully
24 perform and discharge the duties imposed upon you as required
25 by law, as members of the Board of Determination, appointed

1 by the Ottawa County Water Resources Commissioner, to
2 determine the necessity to locate, establish, construct the
3 proposed Deters Subdivision Drain, located in Holland Charter
4 Township in said county, gentlemen.

5 BOARD MEMBER TODD WOLTERS: I do.

6 BOARD MEMBER RICH VANDER KLOK: I do.

7 BOARD MEMBER KEN SOUTER: I do.

8 WATER RESOURCES COMM. JOE BUSH: Thank you.

9 BOARD MEMBER KEN SOUTER: I'll make a motion that
10 Rich serve as chairperson.

11 BOARD MEMBER TODD WOLTERS: Supported.

12 BOARD MEMBER RICH VANDER KLOK: Moved and supported
13 that Rich serve as chair.

14 All those in favor, say aye.

15 BOARD MEMBER TODD WOLTERS: Aye.

16 BOARD MEMBER RICH VANDER KLOK: Aye.

17 BOARD MEMBER KEN SOUTER: Aye.

18 BOARD CHAIR RICH VANDER KLOK: And then I would
19 make the motion that Ken Souter serve as secretary.

20 BOARD MEMBER TODD WOLTERS: Support.

21 BOARD CHAIR RICH VANDER KLOK: That's moved and
22 supported.

23 All those in favor, say aye.

24 BOARD MEMBER TODD WOLTERS: Aye.

25 BOARD CHAIR RICH VANDER KLOK: Aye.

1 BOARD MEMBER KEN SOUTER: Aye.

2 BOARD CHAIR RICH VANDER KLOK: That is carried.

3 And then we also have opportunity for public
4 comment, and so I would make a motion that we limit our
5 public comment to three minutes, and that the person then
6 would indicate their name and also their address.

7 So I'll make that motion.

8 BOARD SECRETARY KEN SOUTER: I'll second it.

9 BOARD CHAIR RICH VANDER KLOK: Moved and supported.

10 All those in favor?

11 BOARD MEMBER TODD WOLTERS: Aye.

12 BOARD CHAIR RICH VANDER KLOK: Aye.

13 BOARD SECRETARY KEN SOUTER: Aye.

14 BOARD CHAIR RICH VANDER KLOK: That's carried.

15 We've already heard the role and function of the
16 board and the procedural history as Joe has described it, and
17 so I'm going to turn it over to Lucas to give us the
18 engineering presentation.

19 ENGINEER LUCAS TIMMER: Thank you, Rich.

20 Once again, my name is Lucas Timmer. I'm a civil
21 engineer with Prein & Newhof and we were the company that was
22 hired to do some of the preliminary engineering for the
23 Deters Subdivision Drain.

24 As Joe mentioned, the Deters Subdivision Drain is
25 currently an orphan system. So that means that it is an

1 existing storm water drain system that is without authorized
2 local and county governmental jurisdiction, and it lacks the
3 administrative, procedural and funding mechanisms to address
4 current and future needs for maintenance and improvements.

5 So essentially this system is considered an orphan
6 or a private system. Nobody owns it, nobody maintains it.

7 Holland Township has been taking a proactive
8 approach of establishing these orphan systems as county
9 drains. They've done already six this year and they did six
10 last year. And part of that process was that they filed a
11 petition to have this system established as a county drain
12 and drainage district on May 20.

13 Once that petition was filed, Joe then in his
14 office is required to set up this Board of Determination
15 which we're all at here today.

16 So some of the preliminary engineering work that we
17 did is we reviewed utility record drawings. So we looked at
18 the storm sewer record drawings for when the neighborhood was
19 put in. We looked at the water main and sanitary sewer
20 records. And we looked at that just to see, get an idea for
21 the neighborhood and get an idea of how the neighborhood
22 drains. We also reviewed plat maps.

23 So Deters Subdivision is split into three different
24 plats. The first one was in 1961, the second one was 1965,
25 the third plat was 1988.

1 We then delineated a drainage district. So a
2 drainage district is a watershed. So people within the
3 drainage district boundary are considered contributing runoff
4 to the drain infrastructure. People on the outside are
5 considered not contributing runoff to the drain
6 infrastructure.

7 And we were able to do this by using county GIS
8 contour data. The county has one-foot contours so that gives
9 us some good information on how an area drains, and we're
10 also able to use the aerials that the county provided.

11 We then go out and visit the site. So we go out
12 and look at the drain infrastructure and we just confirm that
13 what we drew for our watershed confirms what we are visually
14 seeing out in the field.

15 And we also then do just a very preliminary brief
16 view of some of the drain infrastructure when we were on
17 site.

18 So this next slide shows the proposed drainage
19 district. We can see that this red boundary is the drainage
20 district or the watershed. Everyone within this drainage
21 district is considered contributing runoff to this county
22 drain.

23 So this is the proposed county drain. It's already
24 existing, it's an existing orphan system. But this existing
25 storm sewer system is being proposed to be part of the county

1 drain system.

2 And this system here is in blue. It drains -- that
3 would be Amwood, Redwood, Whitewood and North Bellwood
4 Street, and it drains towards the east, towards Drain Number
5 15 and 17 which is an open drain on the east side of 128th.

6 The next slide shows an aerial of the drainage
7 district and drain infrastructure. You can find that also on
8 the map in the back if you want to show us where you live and
9 have any questions following the meeting.

10 So we will then go to public testimony, which you
11 guys will have three minutes as the board mentioned to
12 provide some info. If there are any existing issues, please
13 state your name and address as well so that Margie can have
14 that, the court reporter.

15 The board will then determine if it's necessary to
16 establish this as a county drain. And that's based on public
17 health, welfare and/or convenience.

18 So if this is deemed necessary, this orphan or
19 private system will become part of the county drain system.
20 If it's deemed not necessary, it will then remain as a
21 private or an orphan system.

22 So I want to jump down to this one right here. Ken
23 and I went on site. We are not aware of any drainage issues.
24 The drain office is not aware of any drainage issues. Jerry
25 Olman from the road commission, who will talk later,

1 mentioned there may have been some sinkholes a few years ago,
2 but other than that, there has not been any other issues that
3 they are aware of.

4 So if the drain is deemed necessary by the board,
5 and there are no issues that are brought up during public
6 testimony or post-public testimony, then Holland Township
7 will pay all the costs to get this established as a county
8 drain.

9 If we were to find out from you guys today that
10 there are drainage issues that we weren't aware of, the
11 process then will be to review what the drainage issues are.
12 And then we'll go through the design process where we'll
13 review feasible projects that can be used to fix that
14 project.

15 We'll then select a project that makes sense
16 financially for the neighborhood. We will then do project
17 design and survey. The next process then would be easement
18 acquisition, if it's at all necessary. And we will then go
19 through project bid and construction.

20 And then there will be a Day of Review of
21 Apportionments. So how the Day of Review of Apportionments
22 works is that the project costs, the engineering costs and
23 the legal costs would then be assessed out to Holland
24 Township, Ottawa County Road Commission, Ottawa County and
25 people within the drainage district, so the property owners

1 in the drainage district.

2 So in the future, if there were ever any issues,
3 let's say ten years from now there is a major sinkhole or
4 issues with some of the storm infrastructure, what would need
5 to happen is there are two different processes.

6 First, there would be the petition process. So
7 that would either come through Holland Township or would come
8 through you guys as the property owners could petition Joe's
9 office to have another Board of Determination like this, to
10 determine if it's necessary to have any maintenance or
11 improvement projects on a storm sewer infrastructure.

12 If it's a small problem like Jerry mentioned in the
13 past, if there is a small sinkhole that they had to take care
14 of, the road commission, that can just be taken care of
15 without the petition process. That's usually less than 5,000
16 per mile, per the Drain Code. So Joe can just take care of
17 that problem without going through the petition and Board of
18 Determination process.

19 And then how that would work then, if there was
20 ever a bigger project, or just a small little fix,
21 assessments then are made out to the township, the road
22 commission, the county and the property owners.

23 So that's the end of my presentation.

24 BOARD CHAIR RICH VANDER KLOK: Thank you, Lucas.

25 Ken?

1 BOARD SECRETARY KEN SOUTER: Pull up your last
2 screen again, would you?

3 ENGINEER LUCAS TIMMER: Yep.

4 BOARD SECRETARY KEN SOUTER: Okay. I'm looking at
5 my little drawing here which is kind of hard to see, but you
6 show a storm sewer system coming from like the westerly road
7 all the way through and probably crosses 128th. Is that
8 128th?

9 ENGINEER LUCAS TIMMER: That's correct.

10 BOARD SECRETARY KEN SOUTER: Crosses into that main
11 drain.

12 ENGINEER LUCAS TIMMER: That's correct.

13 BOARD SECRETARY KEN SOUTER: Okay, the first street
14 back, which is that one.

15 ENGINEER LUCAS TIMMER: Okay.

16 BOARD SECRETARY KEN SOUTER: You show a line going
17 up there and then there is a hole bunch of little dots there.
18 It doesn't show a set of catch basins. Is that a ditch
19 section road or is that a low curb section road or what?

20 ENGINEER LUCAS TIMMER: So Whitewood Avenue, it
21 does have catch basins in the road.

22 BOARD SECRETARY KEN SOUTER: Okay.

23 ENGINEER LUCAS TIMMER: They just go up about one
24 house to the north and then there are two catch basins there.

25 BOARD SECRETARY KEN SOUTER: Because you have a

1 whole series of little dots there.

2 ENGINEER KEN BOSMA: I think what you're seeing
3 there, Ken, is labeling for the subdivision, the name. That
4 happens to be right there too.

5 ENGINEER LUCAS TIMMER: The maps are tough to read.

6 BOARD SECRETARY KEN SOUTER: You got it so small
7 here, I have to have a microscope to see it.

8 There is a set of catch basins in the road up
9 there?

10 ENGINEER LUCAS TIMMER: Yeah, about right here.
11 Next time I'll make sure to get you a better map.

12 BOARD SECRETARY KEN SOUTER: Okay. That's my only
13 question on how this whole thing drains then.

14 BOARD CHAIR RICH VANDER KLOK: Okay.

15 BOARD SECRETARY KEN SOUTER: Thank you.

16 BOARD MEMBER TODD WOLTERS: No questions.

17 BOARD CHAIR RICH VANDER KLOK: Okay. Then we'll --
18 before we go to public comment, Jerry is here from the Ottawa
19 County Road Commission.

20 Jerry, do you have any comment to make?

21 ROAD COMMISSION JERRY OLMAN: Yes, speaking of the
22 same spot that Ken was referring to on Whitewood Avenue,
23 that's, within the last two or three years that's where we
24 had the sinkholes at is right by one of those catch basins in
25 Whitewood.

1 Other than that, I don't know of any other issues.
2 And the road commission is in favor of establishing
3 this into the Water Resources Commissioner as a county
4 drain.

5 BOARD CHAIR RICH VANDER KLOK: Okay, thank you,
6 Jerry.

7 HOLLAND TOWNSHIP FIN. DIRECTOR DOUG KUIPERS: Yes,
8 so the township, we are systematically seeking to bring all
9 orphan drains under the jurisdiction of the Water Resources
10 Commissioner's office and that is the reason for the petition
11 before you today.

12 BOARD CHAIR RICH VANDER KLOK: Okay, thank you.

13 Then we will have public comment. And please, if
14 you'd like to make a comment, give your name and your
15 address.

16 Sir, would you -- do you have a public comment?

17 UNKNOWN SPEAKER: I do not.

18 BOARD CHAIR RICH VANDER KLOK: Okay, thank you.

19 UNKNOWN SPEAKER: I do not.

20 BOARD CHAIR RICH VANDER KLOK: Okay. Then I would
21 move that the public comment section be closed.

22 BOARD MEMBER TODD WOLTERS: Support.

23 BOARD CHAIR RICH VANDER KLOK: Moved and supported.

24 Those in favor, say aye.

25 BOARD MEMBER TODD WOLTERS: Aye.

1 BOARD CHAIR RICH VANDER KLOK: Aye.

2 BOARD SECRETARY KEN SOUTER: Aye.

3 BOARD CHAIR RICH VANDER KLOK: So the public
4 comment section is closed.

5 And now comments from Ken or Todd? Anything
6 further?

7 BOARD SECRETARY KEN SOUTER: Well I might as well
8 just state my piece.

9 I'm always in favor of these. I live in a
10 subdivision that's got an orphan drain in it and I've been
11 talking to my supervisor about getting it taken over by the
12 county system because we're starting to see some degradation
13 in there. And so I know what this is and how it works.

14 I'm just in favor of somebody being responsible for
15 the drain. And this is the right way to go, as far as I'm
16 concerned.

17 BOARD CHAIR RICH VANDER KLOK: Okay. Good, thank
18 you.

19 Todd, anything?

20 BOARD MEMBER TODD WOLTERS: Besides echoing his own
21 subdivision, I'd say the same thing as what he says.

22 BOARD CHAIR RICH VANDER KLOK: Okay. Well hearing
23 those comments and the presentation, then I would make a
24 motion that the location, establishment and construction of
25 the Deters Subdivision Drain, as petitioned on May 20, 2021,

1 is necessary and conducive to public health, convenience and
2 welfare. I'd make that motion.

3 Is that supported?

4 BOARD MEMBER TODD WOLTERS: Supported.

5 BOARD CHAIR RICH VANDER KLOK: It's supported.

6 Those in favor, say aye.

7 BOARD MEMBER TODD WOLTERS: Aye.

8 BOARD CHAIR RICH VANDER KLOK: Aye.

9 BOARD SECRETARY KEN SOUTER: Aye.

10 BOARD CHAIR RICH VANDER KLOK: That's carried.

11 And then I'm going to turn it over to Joe again.

12 He can make reference to the appeal process.

13 WATER RESOURCES COMM. JOE BUSH: So again I have to
14 talk about this at every Board of Determination, but just to
15 let everybody be aware of it, that if somebody wanted to
16 appeal today's process, you can do that through Ottawa County
17 Circuit Court, and you have ten days from today if somebody
18 wanted to appeal the outcome of today's Board of
19 Determination.

20 So, again, thanks for your time to learn about a
21 Board of Determination. And now you know who to call if
22 there is issues or you see it, either call my office at the
23 Water Resources Commissioner's office or the road commission,
24 and we'll come out and take a look at it.

25 So, thank you.

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BOARD CHAIR RICH VANDER KLOK: Thank you.

We are adjourned. Thank you, all.

(Board of Determination - Deters Subdivision Drain -
adjourned at 11:50 a.m.)

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