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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: BROOKVIEW DRAIN  
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday, July 23, 2020, at the Holland Charter Township Fire Department Station 1, 131 Riley Street, Holland, Michigan, held before Marjorie A. Covey, CSR-2616, Certified Shorthand Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Chad Meints, Water Resources Chief Deputy
- Ms. Sara Hirst, Secretary to Water Resources Comm.
  
- Mr. Bill Cargo, Board Chairman
- Mr. Rich VanderKlok, Board Secretary
- Mr. Ken Souter, Board Member
  
- Mr. Steve Bulthuis, Manager, Holland Charter Township
  
- Mr. Lucas Timmer, Engineer, Prein & Newhof
- Mr. Ken Bosma, Engineer, Prein & Newhof
  
- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 July 23, 2020 - 10:02 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good morning,  
5 everyone. It is 10:02.

6 Welcome to Holland Township Fire Department or  
7 township building. My name is Joe Bush, the Ottawa County  
8 Water Resources Commissioner. It used to be called drain  
9 commissioner and when I got elected eight some years ago, we  
10 changed the name to Water Resources Commissioner. Same  
11 office, same duties, if not included more when I changed the  
12 name.

13 But anyway we appreciate you coming today for the  
14 Board of Determination meeting for the -- I got three of them  
15 today. So this is the Brookview Drain.

16 And people are probably wondering why are we here  
17 and what's the notice for. Over the past eight years, as  
18 many years as I've been elected, Holland Township has been  
19 establishing orphan drains. And this is an orphan drain.  
20 Which means it's really under nobody's jurisdiction, the road  
21 commission, the county, myself or the township.

22 So we don't have jurisdiction to go in there and do  
23 any future maintenance or repairs on this particular drainage  
24 district which is on the board here.

25 So we notify everybody, have a Board of

1 Determination and that Board of Determination is a  
2 three-panel board, and a public hearing which we setup. And  
3 these three gentlemen behind me are the three-panel board  
4 that I appointed today.

5           These three gentlemen have no affiliation with any  
6 properties or Holland Township. They're all outside of the  
7 district and as well as the township.

8           This is all per Drain Code, state law, in order to  
9 do the legal process.

10           So currently, as I know it, there is no work to be  
11 done in this particular storm sewer or in this drainage  
12 district that we're aware of. So we hold a public hearing  
13 just to make sure that there isn't any issues that we're not  
14 aware of and bring everybody in and say, hey, if you have  
15 issues, this is the time to talk about them during this  
16 process, this legal process. That's why you're here today.

17           Right now I don't know of any projects that I'm  
18 aware of, but we hold a public hearing just to make sure that  
19 there is no issues in there as it's an orphan coming into a  
20 county drain system.

21           Currently I have over a thousand county drains.  
22 And Holland Township, I think we still have, I want to say  
23 about 70, 75 maybe, orphan drains that are just like these.

24           After about 2006, there are really no more orphan  
25 drains through the process of my office. Those all get

1 handled up front. But back in the '80s, '90s, early 2000s,  
2 some of them were not part of our county drain system for  
3 whatever reason. Through the development review process,  
4 sometimes things weren't just in the order they are in  
5 today's standards.

6 So anything that's developed today or in the past  
7 ten years, they are a county drain, but prior to that they  
8 typically are not. Sometimes, sometimes not.

9 So today we're holding a public hearing. And I got  
10 my mask down simply because the executive order does say that  
11 if you're doing presentation or talking, you don't have to  
12 have a mask on.

13 But I want to make sure it's clear because we have  
14 a court reporter, and when you do give public comment at the  
15 podium, if you do, make sure you don't have a mask on, if you  
16 care -- it's up to you, but at least she can hear you. You  
17 have to give your name, address and comments so it's on the  
18 record.

19 Having a court reporter is not Drain Code or state  
20 law, but I do it to protect you and I for down the road. So  
21 if you go to my website, [miottawa.org](http://miottawa.org) and you look at minutes  
22 from previous board of determinations, everything is court  
23 recorded word for word. That is to protect you or I if  
24 something came up and I missed it or I forgot, or the  
25 property owner says, oh, I don't know if I was there or not,

1 you can look it up in the minutes and everything is court  
2 recorded. So Margie is here with us.

3 While I'm doing introductions, we'll start with  
4 Margie. She is a court recorder. And then Jerry Olman, he's  
5 from the Ottawa County Road Commission.

6 And then we have Steve Bulthuis, he's from Holland  
7 Township. He's the manager.

8 Prein & Newhof, who has been working on these  
9 orphans with the township for several years now, we have  
10 Lucas Timmer and Ken Bosma.

11 And then the three gentlemen behind me, I will  
12 start on my left, is Ken Souter. He's a retired engineer  
13 from the road commission. So he has no properties or not  
14 affiliated with this area. And in the center is Bill Cargo,  
15 he is the township manager in Grand Haven Township. And then  
16 we have Rich VanderKlok who is from Georgetown Township and  
17 he's a board member over there.

18 These three gentlemen have been on many, many  
19 boards. They understand Drain Code, drainage, how the  
20 township operates, public hearings, comments, and they're  
21 hear to listen. They've been doing a lot of these orphans,  
22 but be sure if there is a problem in your area, be sure to  
23 come to the podium, state your name and address and talk  
24 about it. Because if you don't talk about it, a lot of times  
25 we don't know about it.

1 I'd rather get it on the upfront part of it than to  
2 come back a year from now and say, oh, I should have said  
3 something. This year we have a lot of flooded basements, not  
4 in this area, but all over the county with all the high  
5 ground water, lake levels and all the rain we had.

6 So if you do have an issue or are concerned about  
7 something, today would be your time to explain that.

8 Moving forward, once I give these three gentlemen  
9 the oath, they will be running the meeting. I don't run the  
10 meetings, these three gentlemen do.

11 And there is an agenda, I think everybody got one  
12 when you came in, I appreciate that. And I appreciate  
13 everybody wearing a mask today, just because I know it's kind  
14 of an inconvenience but I know it's the protection for others  
15 as well as yourself, so we appreciate that.

16 Other than that, you know, the engineer will do a  
17 presentation, go through kind of the area and the formality  
18 of where we go from here.

19 And, again, these three gentlemen, once I give them  
20 the oath, they'll run the meeting.

21 And when you come to the podium, make sure you ask  
22 them the question, not so much me. If they have any  
23 questions, I'm sure they'll ask the engineer or myself or the  
24 road commission. But this is kind of where we're at today  
25 and I appreciate your time this morning.

1 I know the letters we give out are kind of  
2 confusing sometimes, but I appreciate the time you take to  
3 come and listen and see what it's all about.

4 Thank you.

5 Gentlemen, please rise. Raise your right hand.

6 Do each of you solemnly swear that you will  
7 faithfully perform and discharge the duties imposed upon you  
8 as required by law as members of the Board of Determination  
9 appointed by the Ottawa County Water Resources Commissioner  
10 to determine the necessity to locate, establish or construct  
11 a proposed Brookview Drain located in Holland Charter  
12 Township, in said county?

13 BOARD MEMBER BILL CARGO: I shall.

14 BOARD MEMBER KEN SOUTER: I will.

15 BOARD MEMBER RICH VANDER KLOK: I will.

16 WATER RESOURCES COMM. JOE BUSH: Thank you.

17 BOARD MEMBER BILL CARGO: We'll do a few things  
18 administratively. The first is do I have a motion to elect a  
19 chairperson?

20 BOARD MEMBER RICH VANDER KLOK: I'll make the  
21 motion to elect Bill.

22 BOARD MEMBER KEN SOUTER: I'll second it.

23 BOARD MEMBER BILL CARGO: We have a motion by Rich,  
24 seconded by Ken to appoint Bill Cargo as the Chair of this  
25 committee.

1 All in favor, say aye.

2 BOARD MEMBER RICH VANDER KLOK: Aye.

3 BOARD MEMBER BILL CARGO: Aye.

4 BOARD MEMBER KEN SOUTER: Aye.

5 BOARD MEMBER BILL CARGO: All opposed?

6 And so I will chair the meeting.

7 We also need to have a motion to elect a

8 secretary.

9 I'll make a motion that -- did we decide who's

10 going to be the secretary?

11 BOARD MEMBER KEN SOUTER: He has a pen.

12 BOARD CHAIRPERSON BILL CARGO: Rich, you are

13 qualified.

14 So I'll make a motion for Rich to be the secretary

15 of this Board of Determination.

16 BOARD MEMBER KEN SOUTER: I'll second it.

17 BOARD CHAIRPERSON BILL CARGO: And I have a second

18 from Ken.

19 All in favor, say aye.

20 BOARD MEMBER RICH VANDER KLOK: Aye.

21 BOARD CHAIRPERSON BILL CARGO: Aye.

22 BOARD MEMBER KEN SOUTER: Aye.

23 BOARD CHAIRPERSON BILL CARGO: And, Rich, you are

24 the secretary.

25 BOARD SECRETARY RICH VANDER KLOK: All right.



1 BOARD CHAIRPERSON BILL CARGO: And we'll start with  
2 also just talking about the rules of public comment. This  
3 shouldn't be controversial, it's more of an administrative  
4 function.

5 So I'm going to make a motion to limit public  
6 comments to three minutes. You can summarize War and Peace  
7 in three minutes.

8 And so I'll make a motion that public comments be  
9 limited to three minutes per person.

10 BOARD MEMBER KEN SOUTER: I'll second that.

11 BOARD CHAIRPERSON BILL CARGO: We have support by  
12 Ken.

13 All in favor, say aye.

14 BOARD SECRETARY RICH VANDER KLOK: Aye.

15 BOARD CHAIRPERSON BILL CARGO: Aye.

16 BOARD MEMBER KEN SOUTER: Aye.

17 BOARD CHAIRPERSON BILL CARGO: So we will do that.

18 The first thing we're going to do today is first of  
19 all ask is anybody from Holland Charter Township here that  
20 wants to make any comments regarding this orphan drain?

21 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: Just  
22 briefly again my name is Steve Bulthuis. And as Joe had  
23 mentioned, the township now for several years has undertaken  
24 a systematic process to bring orphan drains under the  
25 jurisdiction of the drain commission, and that's why we're

1 here this morning again.

2 BOARD CHAIRPERSON BILL CARGO: And I understand  
3 with orphan drains, if they're not brought under the  
4 jurisdiction of the county, if something goes wrong, you  
5 cannot use public dollars to improve or repair these drains.  
6 Is that your understanding also?

7 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: Yes, it  
8 is.

9 BOARD CHAIRPERSON BILL CARGO: Okay. So this is  
10 something that's done to bring it under public control so  
11 public monies could be spent for it?

12 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: Correct.

13 BOARD CHAIRPERSON BILL CARGO: Thank you very much.  
14 We also have Jerry from the road commission here.  
15 Does the road commission have any comments on this  
16 public drain, or orphan drain, I should say?

17 ROAD COMMISSION JERRY OLMAN: Well I guess maybe  
18 I'd like to hear the engineer's comments, if they have a  
19 presentation first.

20 BOARD CHAIRPERSON BILL CARGO: Okay. Jerry, then  
21 during the public testimony, if you have any comments after  
22 the engineer, we'll come back to you or you can let us know.

23 ROAD COMMISSION JERRY OLMAN: Sure.

24 BOARD CHAIRPERSON BILL CARGO: And who is going to  
25 give it? It's not Ken?

1 Do you want to introduce yourself to the public?

2 ENGINEER LUCAS TIMMER: Yes.

3 My name is Lucas Timmer. I'm an engineer with  
4 Prein & Newhof.

5 And, Bill, are you ready for me to jump in?

6 BOARD CHAIRPERSON BILL CARGO: I'm ready for you to  
7 jump in and move forward, Lucas. Thank you.

8 ENGINEER LUCAS TIMMER: Sounds good. We'll get  
9 over here to the first slide.

10 So I'm here today to present to you about the  
11 Brookview Drain. We were hired by the Ottawa County Water  
12 Resources Commissioner to do some preliminary engineering to  
13 look at the Brookview Drain and to delineate a drainage  
14 district.

15 I'm going to request that during my presentation  
16 that the public refrains from any questions or comments.  
17 Once the presentation is done, you'll have the opportunity to  
18 go up and present your comments and questions. And I'd be  
19 glad to go back to any slide that you have questions on or  
20 need additional clarification on.

21 So the Brookview Drain is an orphan drain system.  
22 And the definition of an orphan drain system is that it is an  
23 existing storm water drain system that is without authorized  
24 local and county governmental jurisdiction and  
25 administrative, procedural and funding mechanisms to address

1 current or future needs for maintenance and improvements.

2 That description is a bit of a mouthful.

3 Essentially nobody owns this drain and if an issue would  
4 happen, who would repair it. Right now there is not anyone  
5 who can legally repair that drain system.

6 So Holland Charter Township, as Joe mentioned, has  
7 many orphan systems throughout their township, and they've  
8 been doing a proactive approach on getting these orphan  
9 systems established as county drains so that if an issue  
10 would ever arise, there would then be the mechanism to  
11 maintain or improve the drainage system.

12 So they filed a petition to establish a drainage  
13 district on June 3, 2020. And we are all here today because  
14 once that petition is filed, we need to have a Drain Code to  
15 allow the public to have an opportunity to provide their  
16 testimony, and then for the Board to determine whether this  
17 will become a county drain or not.

18 So Prein & Newhof was hired to do some preliminary  
19 engineering. So one of the things that we first started with  
20 is we reviewed utility record drawings. So we reviewed your  
21 sanitary sewer, water main and storm sewer record drawings  
22 when your plat was put in and when those utilities were put  
23 in. We also reviewed your plat maps.

24 So the Brookview Plat was established in 1962;  
25 Brookview Subdivision Number Two was established in 1970; and

1 Brookview Subdivision Number Three was established in 1984.

2 So once we reviewed all this information, we then  
3 had the opportunity to delineate a drainage district  
4 boundary. And a good way of understanding what a drainage  
5 district is is that it is a watershed boundary. So anything  
6 within that drainage district or watershed is considered  
7 contributing runoff to the proposed Brookview Drain.

8 And we were able to do this by using county GIS  
9 contour data. Ottawa County has some of the best contour  
10 data available. It's one-foot contour data.

11 We were also able to use aerial photography just to  
12 be able to see different features in your neighborhood.

13 And what we also then do after we put this together  
14 is we go to your neighborhood and actually walk around and  
15 visit the site. So we locate your drain infrastructure and  
16 we try to confirm the drainage patterns.

17 That's not to say that we haven't been wrong before  
18 and we're open if you have any questions or any  
19 clarifications, the drainage district boundary can still  
20 change if there are any issues with it.

21 So this red line here is what we consider to be the  
22 drainage district or water shed boundary (indicating). This  
23 blue line here is the storm sewer system (indicating).

24 As you can see the storm sewer was installed just  
25 east of 107th Avenue.

1           And the upstream end is east of 107th and it flows  
2 west through an easement area into Noordeloos Creek.

3           When we went on site and reviewed contour data, how  
4 the roads appear to be setup is that they would all drain  
5 towards the west to get into this storm sewer system. And  
6 107th Avenue was designed to drain north and then get into  
7 the catch basins at the intersection and then drain towards  
8 Noordeloos Creek.

9           I want to emphasize too that there is an easement  
10 along these property lines that was put in with the Brookview  
11 Plat in 1962. So there was an easement set aside for the  
12 storm sewer when that plat was installed.

13           The next slide here just shows the drainage  
14 district boundary with an aerial. So I'm not going to  
15 continue much more in that. We'll move onto the next slide.

16           As mentioned, after my presentation the Board  
17 usually has an opportunity to ask a couple questions of the  
18 engineer, if they have any.

19           Following that, then you, the public will have an  
20 opportunity to testify and present any issues you have with  
21 it becoming a county drain, or present any concerns with  
22 drainage or anything you've seen over the years.

23           A lot of you have lived, I'm assuming, in your  
24 neighborhood a long time, so you definitely know a lot about  
25 how things drain in your neighborhood.

1           Following that, the Board will determine the  
2           necessity of the petition based on public health, welfare  
3           and/or convenience, and this is after hearing your testimony.

4           So the Board will determine whether it's necessary  
5           to establish this as a county drain. And if they deem it  
6           necessary, this will become a county drain. If they deem it  
7           not necessary, this will remain an orphan system, and thus  
8           will not have the ability for a public entity then to  
9           maintain the drain system.

10           So this next slide is some next step, if this would  
11           become an orphan drain system, I know this has a lot of text,  
12           but I think probably what your biggest concern and what  
13           probably a lot of you will ask is who is paying for this,  
14           right?

15           So I want to start with this second bullet point  
16           right here. If today the drain is deemed necessary by the  
17           Board and there are no drainage issues, if all you guys come  
18           up today and say, hey, we don't have any drainage issues, the  
19           system is performing fine, then we have no need to do a  
20           project as Joe said. And we as the county and engineers are  
21           aware of no drainage issues.

22           And if that's the case, Holland Charter Township is  
23           paying for all this cost to establish a drain. You, the  
24           public, are not paying. The county is not paying. The  
25           township is paying the cost to establish this as a county

1 drain.

2           However, if one of you guys came up and you said,  
3 hey, we're having drainage issues, whether a storm sewer has  
4 collapsed we don't know about, there is roots in a drain,  
5 there is flooding issues, then that presents the opportunity  
6 for a project to occur.

7           And if that was the case, what Prein & Newhof would  
8 then review is we would review feasible projects that could  
9 be done. We'd review that then with the county and the  
10 township to make sure the project makes sense from a cost  
11 perspective and engineering perspective.

12           We then select the project that makes the most  
13 sense. We would then do a project design and survey. It  
14 would be possible, if needed, we'd have to acquire an  
15 easement. Say we wanted to run a new storm sewer line  
16 through someone's side yard to the creek in the backyard,  
17 we'd have to then contact the property owners to acquire an  
18 easement. We would then go through project bid and  
19 construction.

20           And then how this would work following this is we'd  
21 have a day of review of apportionment. What the day of  
22 review of apportionment is we have this when we have our  
23 construction costs determined. We'll know our engineering  
24 costs at that point, our administrative costs and legal  
25 costs, and an apportionment is the percentage of what each



1 entity has to pay of that project.

2           So for example, the apportionment, you'd take the  
3 percentage of the total cost, and that total cost then is  
4 assessed out to Ottawa County, and the Ottawa County Road  
5 Commission, and they pay for the road right-of-way portion  
6 that's within the drainage district, so they'll pay for those  
7 costs.

8           Holland Township also will pay for an at-large  
9 portion of those costs that the Ottawa County Water Resources  
10 Commissioner determines makes sense.

11           And then the property owners then would pay the  
12 remainder of the costs of that project.

13           Holland Charter Township, if there was something  
14 that came up in place and we determined a project was needed,  
15 Holland Township still would cover all the costs of  
16 establishing the drain, but they would also then cover some  
17 of the drain improvement costs that the Ottawa County Water  
18 Resources Commissioner would determine what percentage makes  
19 sense for the township to pitch in.

20           So finally I want to go through, if any drainage  
21 issues occur in the future, so say some of you guys live in  
22 your house not for as long, some of you maybe will be there  
23 for the next 20 or 30 years, and if an issue arose in the  
24 next decade or so, what would happen then is you would bring  
25 up a drainage issue to Ottawa County. And either then the

1 township or the property owner would petition the county to  
2 have a drain improvement project.

3 And that's where the case -- if it's a pretty  
4 extensive or expensive project, if the project is less than  
5 5,000 per maintenance mile, like an example of that would be  
6 say a catch basin filled with some sand and Joe could bring  
7 out a vac truck quick and vacuum it out so that some flow  
8 could get better in there, then you don't need the petition.  
9 The county would just then do the work and the cost would be  
10 allocated out later on.

11 So as previously stated all future projects,  
12 assessments then would be made to Ottawa County, the road  
13 commission, Holland Township and property owners for any  
14 future projects that would occur.

15 So that's the end of my presentation.

16 Do you have any questions, Board?

17 BOARD CHAIRPERSON BILL CARGO: Lucas, just a few  
18 things to clarify. When you went out there, this is actually  
19 a fairly old drainage system then?

20 ENGINEER LUCAS TIMMER: Yes.

21 BOARD CHAIRPERSON BILL CARGO: Did you see any  
22 issues at all with the catch basin or the pipes as you did a  
23 quick review?

24 ENGINEER LUCAS TIMMER: We did a very preliminary  
25 view, we did not stick cameras or anything in the system. At

1 this point, I did not notice any issues, and Ken was out  
2 there as well and we didn't see anything.

3 BOARD CHAIRPERSON BILL CARGO: And the outflow into  
4 the creek seems to be working well? That's often where  
5 problems might occur if they did occur.

6 ENGINEER LUCAS TIMMER: No, that was working well  
7 too.

8 BOARD CHAIRPERSON BILL CARGO: But even this drain,  
9 which is well over 50 years old, eventually everything breaks  
10 down. So the purpose of bringing this orphan drain into the  
11 system is that 25 years from now, if there was a collapse of  
12 pipe, somebody could go in there and repair it and the cost  
13 could be shared both among the public entities and possibly  
14 the property owners?

15 ENGINEER LUCAS TIMMER: That's correct.

16 BOARD CHAIRPERSON BILL CARGO: One other  
17 clarification, I understand that Holland Charter Township  
18 also, for smaller projects that might be above the 5,000 but  
19 less than, I can't remember what the number was, 10 or  
20 20,000, they normally pay for that out of their general fund,  
21 don't they?

22 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: Yes.

23 BOARD CHAIRPERSON BILL CARGO: So bringing this  
24 under the public control there is no -- at this time, there  
25 is no danger you see of having a major cost to the public or

1 any cost to the public?

2 ENGINEER LUCAS TIMMER: Not that I'm aware of.

3 BOARD CHAIRPERSON BILL CARGO: That's what I was  
4 looking for.

5 Anyone else?

6 BOARD MEMBER KEN SOUTER: One question. You showed  
7 the Noordeloos Creek. And then on the north boundary line of  
8 some of these lots you show another. Is that a named  
9 tributary or is that just a natural watercourse up there?

10 ENGINEER LUCAS TIMMER: It's I think just a natural  
11 watercourse of Noordeloos Creek. It's not a main tributary.  
12 That northern creek you're talking --

13 BOARD MEMBER KEN SOUTER: That northern creek. The  
14 one along the north line there. Is there easements for that  
15 then?

16 ENGINEER LUCAS TIMMER: The Brower I think is just  
17 a water course, right?

18 OTTAWA COUNTY WATER RESOURCES COMM. JOE BUSH: It's  
19 an orphan.

20 ENGINEER LUCAS TIMMER: It's an unnamed water  
21 course.

22 BOARD CHAIRPERSON BILL CARGO: Lucas, I appreciate  
23 it. I don't think we have anymore questions.

24 We'll now open this for public comment. Again, if  
25 you have any public comment that you want to make, please

1 come to the podium, give your name and address and speak  
2 slowly and clearly so the court reporter can hear that.

3 You can take your mask off if you need to, that's  
4 up to you, but do we have any public comments?

5 I'll go through the rows. I'm going to start in  
6 the front row.

7 After the presentation, does the road commission  
8 have any comments?

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

11 As far as I'm aware of, there isn't any drainage  
12 issues within the plat. And the road commission is in favor  
13 of establishing the district and having the county take over  
14 the system for future maintenance.

15 BOARD CHAIRPERSON BILL CARGO: Thank you.

16 I'm going to go the second row on the far, what is  
17 my right, the gentleman in the baseball cap? Any comments?  
18 If you would, come up to the --

19 MR. GARY MEHRTENS: I do. Gary Mehrtens, 10781  
20 Brookview.

21 I'm right about this part, right where it delivers  
22 into the river (indicating).

23 BOARD CHAIRPERSON BILL CARGO: Okay.

24 MR. GARY MEHRTENS: Thiry some years, I don't know  
25 how many drain commissioners, this one is the only one who

1 hasn't been on my property.

2 I think it was the gentleman from Allendale,  
3 previous commissioner, they stopped out and there had been  
4 some issues. It was determined that the diameter of the pipe  
5 in the storm drain right here (indicating) was somewhat  
6 bigger than the one that delivers into the river.

7 So whoever initially put it in used pieces and  
8 tapered it down. At that point they dug it all up until they  
9 got to the original size and fixed it. We'll call it fixed  
10 it. No cost to the people.

11 So is this a more recent change in policy?

12 BOARD CHAIRPERSON BILL CARGO: I think what happens  
13 is they did not realize at the time that it had not been part  
14 of the county drain system. And so they may have used public  
15 monies to make the improvement; but once they became aware  
16 that they did not have the proper paperwork and that this was  
17 an orphan drain, they wouldn't be able to do that in the  
18 future.

19 I think in the past if you were talking about  
20 something that happened prior to the current director of the  
21 water resources commission, they may have spent public monies  
22 to improve or to fix a problem, but technically they probably  
23 shouldn't have.

24 So that's what we're trying to correct nowadays so  
25 if 20 years from now they have to go back and redo something

1 there, you'll have the same benefit without having to go  
2 through the full public hearing again.

3 MR. GARY MEHRTENS: Okay. One other quick  
4 question. As you can see, it doesn't even encompass half of  
5 the neighborhood (indicating). I presume it was designed in  
6 size according to that. So if they were to extend it and try  
7 to pick up these other people, which it does drain all the  
8 way down, and in a pretty good rain like we've seen several  
9 recently, it completely inundates this end (indicating) and  
10 goes all across my property and has eroded a groove right  
11 down through our yard.

12 BOARD CHAIRPERSON BILL CARGO: Okay.

13 MR. GARY MEHRTENS: So the size and everything was  
14 probably based on this, right? So if you were to extend it,  
15 would we presume that this is probably going to be  
16 overwhelmed and undersized?

17 BOARD CHAIRPERSON BILL CARGO: What I'm going to do  
18 is I'm going to refer to the engineers Ken or Lucas.

19 Could you respond to the question?

20 ENGINEER KEN BOSMA: So when we were --

21 BOARD CHAIRPERSON BILL CARGO: And, Ken, could you  
22 say who you are for the record?

23 ENGINEER KEN BOSMA: Ken Bosma, Prein & Newhof.

24 So when we were there to review that, we went out  
25 when there were storm events occurring and we could see that

1 the water was running from east to west on there.

2 So that water does get there, that's how that  
3 watershed is setup, that water gets there and gets into that  
4 system today.

5 Now where some erosion may occur is we've had some  
6 events that are very large storm events. So what we follow  
7 is, back in 1960 I don't know what the standards were, but  
8 they probably are pretty close to what they are today.

9 So the sizing of the storm sewer setup is for what  
10 they call a 10-year storm event. The chance of that storm  
11 happening once every ten years based on the amount of  
12 intensity of rain that comes in.

13 We've had some storms now that have been 25, 50 or  
14 a hundred year that are much more intense storm systems and  
15 those systems are not designed to convey that kind of water  
16 so they do overflow.

17 That's not different in your subdivision than  
18 anybody else's in the county. That's a typical standard.  
19 Somebody has to set up, hey, what is the most economical, yet  
20 feasible way of doing storm sewer systems.

21 So that 10-year design is done throughout the  
22 county. In fact, it's done over several counties the same  
23 way that picks up that event.

24 But anything bigger, that's probably where you're  
25 getting some overflow on the land.



1           We often look, with new developments that come in,  
2 we look to try to find some overflow route. Where is this  
3 going to go if it exceeds it. So that's why it's setup that  
4 way.

5           MR. GARY MEHRTENS: Okay, one other small  
6 observation. There is this storm drain or grade noted right  
7 there on the end (indicating). Oddly enough, about seven  
8 feet behind it, somewhere in my neighbor's property or my  
9 property, there is another one in the grass (indicating).

10           Was that an afterthought when it became obvious  
11 that it was woefully not going to get the job done?

12           ENGINEER LUCAS TIMMER: I'm not sure why that was,  
13 we did see that on the record drawings too. But it's more of  
14 an alignment issue, I believe to kind of follow your property  
15 lines. So maybe there was a low point in your road one  
16 direction, but they tried to get more on the property line to  
17 get the pipe out.

18           So it's more of an alignment issue, that's why they  
19 protect other structures in there.

20           MR. GARY MEHRTENS: Okay. One little historic note  
21 also and then I'll sit down and be quiet.

22           One of the past drain commissioners had a berm  
23 built here (indicating) because it very frequently inundates  
24 all of this and goes across our property.

25           It lasted through the winter and when the county

1 snowplow came in, they leveled it. So the berm that someone  
2 tried to dam up some of the water is no longer there.

3 Thank you for your time.

4 BOARD CHAIRPERSON BILL CARGO: Appreciate it.

5 And next to the gentleman with the black cap?

6 Would you like to speak now? Right there?

7 UNKNOWN SPEAKER: No.

8 BOARD CHAIRPERSON BILL CARGO: Okay. Across?

9 Please come to the podium and give your name and address.

10 MR. BARRAND PAZAN: I live next to the fellow that  
11 just talked.

12 My name is Pazin, P-A-Z-I-N. My address is 10770  
13 Brookview.

14 And we're very satisfied with the way the drains  
15 work. They're doing a great job.

16 But there is a very serious problem that you're  
17 going to be faced with if you do any work on that drain. It  
18 drops off very severely towards the creek. And that's -- the  
19 salmon run in that creek. And you're going to end up -- if  
20 you dig holes and that sort, you're going to end up letting  
21 dirt go into that creek and that's going to do a lot of  
22 damage you are not going to be able to correct.

23 Be very careful on what you're doing, and do it  
24 only if you have to do it. There is no real reason for  
25 damaging the creek.

1 BOARD CHAIRPERSON BILL CARGO: Yep. I understand.

2 MR. BARRAND PAZAN: I was complaining about this or  
3 talking about more than 20 years ago, and there is a little  
4 creek that runs from the other side into the, into what used  
5 to be the Hulst and Bosch Drain. That's what we used to call  
6 it. It's a nice place to live and we don't want to see any  
7 changes.

8 I always want to see this 11-year-old kid getting  
9 in the creek, standing in the water and fighting with a  
10 38-inch salmon.

11 Thank you very much.

12 BOARD CHAIRPERSON BILL CARGO: Thank you.

13 The gentleman next to you?

14 UNKNOWN SPEAKER: No.

15 BOARD CHAIRPERSON BILL CARGO: Okay, across?

16 And again your name and address when you come up to  
17 the podium.

18 MR. BRYAN VAN DYKE: Bryan VanDyke, 10617 Brookview  
19 Drive.

20 I guess since we're talking about the drainage, I  
21 want to point out, and I'm sure the engineers understand and  
22 know how much water truly flows through here. It's about a  
23 foot deep to the Brower's drain.

24 But when we get a lot of water, this entire course  
25 right here is probably about six to seven feet deep

1 (indicating). And my property is right here (indicating),  
2 and it drops off about 20 to 30 feet.

3 And there is not much room for any erosion before  
4 our house is at risk. So I guess it's more for Joe's general  
5 information, just know anything upstream, you got to be  
6 careful how much water we're dumping and having run back  
7 through here from an erosion standpoint.

8 That's my only comment.

9 BOARD CHAIRPERSON BILL CARGO: Appreciate it.

10 And then I'm going to go to the third row. Third  
11 row? Next to them? Anybody?

12 Again, name and address.

13 MR. PHILLIP FRITZ: Okay, Phil Fritz, 10657  
14 Brookview.

15 So my question is when they put the ball fields up  
16 on the corner of Riley and 96th, that was a wetland area and  
17 now they tiled all that and that goes into that drain.  
18 Correct?

19 ENGINEER LUCAS TIMMER: So just so we're all clear,  
20 the drain we're talking about is strictly related to what is  
21 in the watershed area of this --

22 MR. PHILLIP FRITZ: Okay. But if that water is all  
23 tiled from those fields and they made a wetland somewhere  
24 else -- we've lived there 20 years, it rarely flooded when we  
25 first moved there. Now when it rains -- the rain the other

1 day, it will go up two or three feet in an hour. So we have  
2 a lot more water volume going through there than it did  
3 before. More creek, more water, you have erosion and the  
4 banks are started to erode away.

5 So that's the question I have.

6 BOARD CHAIRPERSON BILL CARGO: There is a couple of  
7 things happening and I'm not sure if we can answer your  
8 question or your concern. One of the things we do know is we  
9 are dealing with historically high water levels right now.

10 Four of the last five years have been record rain  
11 falls. Groundwater levels are much higher than they were six  
12 years ago. Lake levels are at record heights. We've  
13 actually in the township lost homes into Lake Michigan  
14 because of erosion, but that's affecting also groundwater.

15 So when we have these very significant storm  
16 events, because the groundwater is so much higher, it's not  
17 able to absorb as much water as it was before.

18 Now the issue with the wetland being changed into a  
19 ball field, I can't comment on that, it's outside the scope  
20 of this hearing.

21 But be aware that one of the reasons the drain  
22 commissioners has been so busy lately is four of the last  
23 five years have been record high rain events. And we're  
24 dealing with record high groundwater and lake levels and  
25 river levels in Ottawa County right now.

1           Is that a fair summary for the engineer and, Joe,  
2 do you have anything to add to that?

3           OTTAWA COUNTY WATER RESOURCES COMM. JOE BUSH: No.  
4 I think you're correct.

5           BOARD CHAIRPERSON BILL CARGO: So be aware of that.  
6 So the erosion you're talking about probably is occurring.  
7 Make sure that the Water Resources Commissioner is aware of  
8 that, because if they need to do some protection of that,  
9 they will have -- they can step into it and take a look at  
10 that.

11           MR. PHILLIP FRITZ: So is there a way to get an  
12 answer to that question, if that tile all runs into that,  
13 upstream?

14           BOARD CHAIRPERSON BILL CARGO: Talk to Holland  
15 Charter Township and they can get back to you. Give them  
16 your name after this and they'll be able to tell you that  
17 answer.

18           MR. PHILLIP FRITZ: Okay.

19           BOARD CHAIRPERSON BILL CARGO: Thank you.

20           And then the very last gentleman in the third row?  
21 And again, remember, name and address.

22           MR. MIKE WINDISCH: Mike Windisch, at 10592  
23 Brookview Drive.

24           And I don't know what this -- how much this has to  
25 do with the drain system, but all I know is it seems in the

1 middle of the block on the south side of Brookview there it  
2 seems like all the water drains out of there through my  
3 basement, that the water -- the water table is so high in  
4 there, my sump pump runs 24/7.

5 I sleep with it on, trying to listen to make sure  
6 the sump pump is running. If the power goes out, I'm  
7 screwed. I've had six, eight inches of water in there.

8 BOARD CHAIRPERSON BILL CARGO: There is a lot of  
9 people in Ottawa County that are having the exact same  
10 problems.

11 In Grand Haven Charter Township we have sandy soil,  
12 here you have more clay, even in Grand Haven Charter Township  
13 with beach sand soil, we are having flooded basements because  
14 at one time we didn't even require people put in sump pumps  
15 because we had sandy soil. And now we're dealing with record  
16 high water levels and basements are being flooded even in a  
17 community like ours.

18 MR. MICHAEL WINDISCH: Okay. Well that may be, but  
19 mine has done it ever since -- I've lived there 20 years and  
20 mine has done it since day one.

21 If it rains heavy, my neighbor's backyard turns  
22 into a lake and the water seems to have nowhere to go, and --  
23 we're way down the middle of the block.

24 BOARD CHAIRPERSON BILL CARGO: It's draining away  
25 slower now too, I get that. Absolutely.

1 MR. MICHAEL WINDISCH: Thank you.

2 BOARD CHAIRPERSON BILL CARGO: There being no  
3 further public comments, last chance, if anybody did not  
4 speak that would like to speak, let me know now.

5 I don't see anybody, so we're going to close the  
6 public comment section of this.

7 And I'll ask for comments from the -- from the  
8 Board Members as to whether you believe this orphan drain  
9 should be brought under the county drain system.

10 BOARD SECRETARY RICH VANDER KLOK: My response to  
11 that question would be yes, based on presentation and some of  
12 the comments that we've heard.

13 BOARD MEMBER KEN SOUTER: I'm always in favor of  
14 getting these drains to the point that if something goes  
15 wrong, there is a person that they can call and get an answer  
16 and get something done. So I am totally in the favor of  
17 getting this under the jurisdiction of the Ottawa County  
18 Drain Commissioner.

19 BOARD CHAIRPERSON BILL CARGO: And my comment would  
20 be it seems that in the past they assumed it was part of the  
21 Ottawa County drain system because they spent money to  
22 improve it and fix it.

23 The fact that it isn't, I agree should be corrected  
24 simply so that public monies can be spent to fix a problem if  
25 it occurs in the future. So I'm also in favor of bringing



1 this orphan drain under the county drain system.

2 So I will make a motion that the location,  
3 establishment and construction of the Brookview Drain is  
4 necessary and conducive to the public health, convenience or  
5 welfare.

6 Do I have support for that motion?

7 BOARD SECRETARY RICH VANDER KLOK: Support.

8 BOARD CHAIRPERSON BILL CARGO: I have support from  
9 Rich for that motion.

10 Is there any further discussion?

11 Then all in favor, say yes.

12 BOARD SECRETARY RICH VANDER KLOK: Yes.

13 BOARD CHAIRPERSON BILL CARGO: Yes.

14 BOARD MEMBER KEN SOUTER: Yes.

15 BOARD CHAIRPERSON BILL CARGO: And all opposed?

16 No opposition there, so it passed unanimously.

17 At this stage I'm going to ask that the Water  
18 Resources Commissioner give a brief explanation of the appeal  
19 process. I don't think it's going to happen, but just in  
20 case somebody does want to appeal, if you could tell us that,  
21 I would appreciate it.

22 WATER RESOURCES COMM. JOE BUSH: I'll finish off by  
23 saying you can appeal today's Board of Determination. You  
24 have ten days, you can appeal it to probate court.

25 If you see something that you don't agree with or

1 agree with the process, you can appeal the process. And  
2 that's through Drain Code.

3           Again, I appreciate everybody's time this morning.  
4 If you have any concerns that were talked about today, be  
5 sure to give either Steve Bulthuis or us a call, and to  
6 answer a few other questions about maybe Zeeland tiling some  
7 ball fields, either Steve or I will get back with you on  
8 that. Thanks for your time.

9           BOARD CHAIRPERSON BILL CARGO: And without  
10 objection, we're adjourning the meeting.

11           (Board of Determination adjourned at 10:40 a.m.)

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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

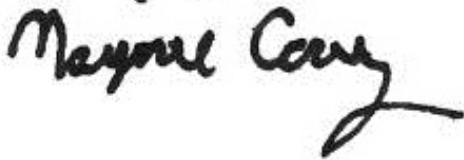
STATE OF MICHIGAN )

) SS

COUNTY OF MUSKEGON )

I certify that this transcript, consisting of 35 pages, is a complete, true and correct record of the Board of Determination held on July 23, 2020.

DATE: August 2, 2020



MARJORIE A. COVEY, CSR-2616  
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Notary Public Expires: October 14, 2021, Muskegon County, Michigan/Acting in the State of Michigan.

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