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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: BROOKWOOD DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday, July
30, 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 Chairperson
- Mr. Ken Souter, Board Secretary
- Mr. Rich VanderKlok, Board Member

- Mr. Steve Bulthuis, Manager, Holland Charter Township

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

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Holland, Michigan

July 30, 2020 - 10:02 a.m.

PROCEEDINGS

WATER RESOURCES COMM. JOE BUSH: Good morning, everyone. I'm Joe Bush, the Ottawa County Water Resources Commissioner.

And I appreciate you taking the time this morning to come and listen to the Board of Determination for -- we've got three of these today, so today is Brookwood Drain.

What this is is a public hearing because this is an orphan drain and we were petitioned by Holland Township, and Steve Bulthuis can talk later about why the township has decided to get these orphans potentially established. But in order to do that in Drain Code you need a petition, and that came from Holland Township.

And in order to do that, I got to have a Board of Determination. I appoint three gentlemen, or ladies, but these three gentlemen have come up and said, hey, I'll do your BODs for today. We have three of these.

In order to do that, a public hearing is for the public, obviously, to come and give testimony on whether you're in favor, whether you have problems.

Currently we don't have any issues in this drain that I'm aware of, or I don't think the engineering firm has any issues that they're aware of or property owners haven't

1 called and said, hey, Joe, there is an issue in here.

2 The only reason we're doing this today is to
3 establish it under my jurisdiction potentially, based on
4 these three gentlemen's decision.

5 Once I give the oath, these three gentlemen will
6 run the meeting, or the public hearing.

7 And we do have a court reporter, Margie is here and
8 everything is word for word and court recorded. That's not
9 required by state law, but I do have her show up at everyone
10 of these for my protection and for your protection for down
11 the road. Because we always put them on my website, on
12 miottawa.org, look under Water Resources Commissioner, and
13 you'll see that every board of determination has minutes, and
14 these are court recorded. So it's not like a secretary
15 actually taking the minutes, it's word for word.

16 So if there is an issue, be sure to bring it up,
17 because we don't know of any of them unless you give
18 testimony today and tell us about it.

19 So Holland Township has been working on these for
20 several years, since I've been elected. My office was the
21 drain commissioner title, but water resources today. It got
22 changed when I got elected back in 2013. So same office,
23 same everything, just a different verbiage for a name, which
24 makes us a little bit busier being the Water Resources
25 Commissioner, but that's better than drain commissioner.

1 So again I appreciate you taking the time to be
2 here this morning. I know it's in the morning; some people
3 are, why in the morning, why not at night? Well there is a
4 lot of conflicts, one of them is getting this scheduled for
5 three people to be on the BOD.

6 Number two, most people are angry because I'm
7 interrupting their supper time or their sports, which is a
8 little different with COVID.

9 And by the way, my mask is off because according to
10 the executive order, if you're talking or doing a
11 presentation, you can remove it, otherwise you won't be able
12 to hear me. And I want to make sure she can hear what I'm
13 saying word for word.

14 So if you do come up to the podium, give your name
15 and address, and it's up to you, you don't have to remove the
16 mask, but if you want to, according to the executive orders
17 you can to give a presentation.

18 So that's why we're here today, it's pretty simple.
19 It's not like we're going to go in and put a new storm sewer
20 in. There is a lot of rumors, hey, why is this? The storm
21 sewer we have works perfectly. And that's great, that's good
22 news. We're not here to reinvent the wheel and cost money.

23 The township picks up the cost of these BODs. In
24 today's standards, all the reviews go through my department
25 and I usually check off on all of today's developments,

1 subdivisions, commercial, industrial, all that stuff has got
2 a stamp on it today to be a county drain system.

3 But these were earlier older drain systems,
4 infrastructures years ago that were not part of the standards
5 and just happens to linger out there.

6 So if the -- if you have a catch basin in the road,
7 usually the road commission fixes it sometimes. But if it's
8 outside of the road right-of-way and you have a storm sewer
9 system that's draining your property into the road, the road
10 commission is not going to fix it. It's usually on the
11 property owner.

12 Having this mechanism, if they decide to make it a
13 county drain, people can call me and say, hey, Joe, we got a
14 problem over here. We'll get a contractor, a cost estimate
15 and then we'll go from there.

16 But right now, the township, the road commission,
17 who is not here today but they're usually at every one of
18 these, they're usually in favor of these orphans getting
19 under somebody's jurisdiction. Because typically the
20 township doesn't fix them; the road commission won't fix them
21 unless they're a safety to the traveling public; and then we
22 can't because we don't have easements, jurisdiction and it's
23 not part of a route and course so it's not legal.

24 Today is a legal part of the process. So I'll quit
25 rambling and get some introductions so everybody knows who

1 everybody is up here and also the engineering firm.

2 Anyway I just want to make sure that's why were
3 here. Some people think we're here to put a new storm system
4 in that's working perfectly. And if it's working, then we'll
5 leave here knowing that it's working. And then if these
6 three gentlemen decide to move forward with putting this
7 under my jurisdiction, then you can call me when there is an
8 issue.

9 And the older the system gets, the more issues that
10 could happen down the road. So it's pretty much for your
11 protection as well as the property owners.

12 My current board has no affiliation with any
13 properties or not on the township board. They have nothing
14 to do with Holland Township as far as owning anything here or
15 actually having any parcels that are under their ownership or
16 anything. So they're outside of Holland Township.

17 I usually pick three people who understand Drain
18 Code. They understand township government, and they
19 understand what the people's needs are too.

20 Because sometimes we get a lot of people in these
21 and there is like you need somebody to understand, look at
22 both sides. These three gentlemen have done a lot of these
23 for me so they understand the legal process, Drain Code,
24 which is very, very important.

25 So today our three gentlemen are, we'll go from the

1 right to the left, Rich, a board member over in Georgetown
2 Township.

3 In the center is Bill Cargo, he is the manager of
4 Grand Haven Township, and Bill has done these for years. He
5 does a great job chairing them, if they choose to pick him as
6 chair. I assume they will.

7 And then we have Ken Souter. He was an engineer
8 with the road commission for I want to say 40 years, he's
9 retired, but he lives in Port Sheldon Township. So none of
10 these people live in Holland Township or have any properties
11 in this particular drain district.

12 So once I give these gentlemen the oath, they'll
13 take over the meeting.

14 We have Margie, again, our court reporter. We have
15 Steve Bulthuis, Holland Township Manager. And then Ken Bosma
16 and Lucas Timmer, and they are with Prein & Newhof, the
17 engineer who goes through these orphans and tries to get them
18 all established.

19 Right now I want to say we're still 60 to 70 orphan
20 drains in Holland Township. Park Township is doing the same
21 thing, Grand Haven Township is looking at their master plan
22 trying to get some of those orphan drains in that township
23 established, so it's kind of the common thing to get this
24 older infrastructure under somebody's jurisdiction.

25 You met my two staff outside, my chief deputy, and

1 then Sara is my secretary. And then Chad is the taller
2 gentlemen outside that helped you check in.

3 Again I appreciate your time this morning to come
4 and listen about what the process is, and we'll go from
5 there.

6 Gentlemen, please rise and raise your right hand.

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

14 BOARD MEMBER BILL CARGO: I shall.

15 BOARD MEMBER KEN SOUTER: I will.

16 BOARD MEMBER RICH VANDER KLOK: I will.

17 WATER RESOURCES COMM. JOE BUSH: Thank you.

18 BOARD MEMBER BILL CARGO: The first thing we need
19 to do is we need to formally elect a chairperson.

20 Do I have a motion?

21 BOARD MEMBER RICH VANDER KLOK: I would move that
22 Bill Cargo be the chair.

23 BOARD MEMBER KEN SOUTER: I'll second that motion.

24 BOARD MEMBER BILL CARGO: I have a motion by Rich,
25 supported by Ken for Cargo to be the chair.

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 CHAIRPERSON BILL CARGO: And nobody is
6 opposed.

7 And this week we are also going to have a motion
8 for electing a secretary.

9 And I'm going to make a motion that Ken be
10 appointed as secretary for this board of review.

11 Do I have support?

12 BOARD MEMBER RICH VANDER KLOK: I will support
13 that.

14 BOARD CHAIRPERSON BILL CARGO: I have support from
15 Rich.

16 So all in favor of Ken being the secretary for this
17 board of review, please say aye.

18 BOARD MEMBER RICH VANDER KLOK: Aye.

19 BOARD CHAIRPERSON BILL CARGO: Aye.

20 BOARD MEMBER KEN SOUTER: Aye.

21 BOARD CHAIRPERSON BILL CARGO: And again, it passes
22 unanimously.

23 The rules for public comment, typically we limit
24 public comments to three minutes. You can summarize War And
25 Peace in three minutes. So if you have some comments, we

1 just expect people would try to limit it to three minutes.

2 Do I have a motion to limit public comments to
3 three minutes per person?

4 BOARD MEMBER RICH VANDER KLOK: I'll make that
5 motion, Mr. Chairman.

6 BOARD CHAIRPERSON BILL CARGO: We have a motion by
7 Rich to limit public comments to three minutes.

8 BOARD SECRETARY KEN SOUTER: Seconded.

9 BOARD CHAIRPERSON BILL CARGO: And support from
10 Ken.

11 And again, all in favor of that, say aye.

12 BOARD MEMBER RICH VANDER KLOK: Aye.

13 BOARD CHAIRPERSON BILL CARGO: Aye.

14 BOARD SECRETARY KEN SOUTER: Aye.

15 BOARD CHAIRPERSON BILL CARGO: And again that is
16 unanimous.

17 First for this orphan drain, I would simply ask
18 that Steve from the Holland Charter Township, he is the
19 superintendent of Holland Charter Township, if he could make
20 some comments, I would appreciate it.

21 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: Good
22 morning. I certainly want to just reiterate what Joe had
23 mentioned already in that the township board several years
24 back established a policy to systematically bring these
25 orphan drains throughout the township, as he mentioned there

1 are numerous drains that need attention here, and we are
2 systematically bringing those forward, petitioning to have
3 those come under the jurisdiction of the Water Resources
4 Commissioner's office and that's why we're here today.

5 BOARD CHAIRPERSON BILL CARGO: Steve, as I
6 understand it, if these are, remain orphan drains, you could
7 not spend public monies to make any improvements or
8 maintenance on them, is that your understanding?

9 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: That's
10 correct.

11 BOARD CHAIRPERSON BILL CARGO: And also I
12 understand that Holland Charter Township, along with most of
13 the larger townships, have a policy whereby maintenance
14 typically under \$10,000, they would simply pay that out of
15 their general fund, and not assess the property owners, if it
16 is brought under the county drain system.

17 HOLLAND TOWNSHIP MANAGER STEVE BULTHUIS: That is
18 correct.

19 BOARD CHAIRPERSON BILL CARGO: I appreciate that.
20 Thank you.

21 At this stage we're going to turn it over to --
22 Ken, are you -- okay.

23 We're going to have comments from the engineering
24 firm, this is with Prein & Newhof and I will leave the
25 presentation to yourself then.

1 ENGINEER LUCAS TIMMER: Thanks, Bill.

2 Once again my name is Lucas Timmer. I'm an
3 engineer with Prein & Newhof out of Holland. We were hired
4 by the Ottawa County Water Resources Commissioner and Holland
5 Township to do some preliminary engineering work on the
6 Brookwood Drain.

7 I would ask that everyone here just refrain from
8 questions during the presentation. You'll have an
9 opportunity after the presentation to ask any questions or
10 request any clarifications on anything presented to you
11 today.

12 So the Brookwood Drain is an orphan drain system.
13 The definition of an orphan drain is that it is an existing
14 storm water drain system that is without authorized local and
15 county governmental jurisdiction, and administrative,
16 procedural and funding mechanisms to address current/future
17 needs for maintenance and improvements.

18 As both Joe and Steve mentioned, Holland Township
19 has many of these orphan drain systems. A lot of these
20 orphan drain systems are in subdivision plats that were set
21 up before the late '90s, early 2000s when a more formal
22 process went through to establish their infrastructure as
23 county drain.

24 So Holland Township has taken a proactive approach
25 of getting these orphan systems to at least get them

1 considered to become a county drain.

2 So a part of that process of establishing a county
3 drain required Holland Township to file a petition to
4 establish a drainage district. They did that on June 3,
5 2020.

6 And once that petition was submitted in, the Ottawa
7 County Water Resources Commissioner then is required to set
8 up a Board of Determination, which is the meeting that we are
9 all at here today.

10 So some of the preliminary engineering that we did
11 for the Brookwood orphan drain system is we first reviewed
12 utility record drawings, utility being water main, sanitary
13 sewer, storm sewer in your neighborhood, and we also reviewed
14 plat maps.

15 And there are two plats that are part of this
16 Brookwood Drain orphan system. There is Brookwood Sub-plat
17 which is from, was established in 1963. There is also
18 Brookwood Sub Number One, which was also established in 1963.

19 Once we reviewed that information we were able to
20 then delineate a drainage district boundary, and a drainage
21 district is essentially a watershed boundary. We were able
22 to do that by using county GIS contour data. So there is
23 one-foot contour data that we're able to look at and see
24 where high points are and low points are in this drainage
25 district.

1 And we're also able to use recent aerials, aerial
2 photography, just to see how water patterns are shown from
3 the air.

4 We then use that information to go out in the
5 field, and we do a quick site visit to locate drain
6 infrastructure, and also to confirm some of the drainage
7 patterns that we determine from our watershed delineation.

8 So this next slide here shows the proposed
9 Brookwood Drain drainage district. This red boundary line is
10 your drainage district line or your watershed line
11 (indicating).

12 These blue lines here are the existing storm water
13 infrastructure (indicating). So as you can see Holiday Drive
14 has two catch basins that flow through some backyard
15 easements. They flow then to Joy Drive, and continue to flow
16 in backyard easements towards Springwood Drive. And then
17 continue to flow then northeast to this large pond area right
18 here (indicating).

19 And then this pond has two overflow structures that
20 end up getting into the Brower Drain.

21 Springwood Drive also has another catch basin
22 system here (indicating) that's located just east of this
23 system. This also flows northeast to a separate pond. And
24 then this pond overflows then, has an outlet pipe that gets
25 into the Brower Drain.

1 So the next slide here shows the drainage district
2 boundary and a proposed route and course relative to -- with
3 an aerial in the background, so it's a little easier to gauge
4 where you're at.

5 We have a map over here as well if you wanted to
6 point out where you lived within the drainage district during
7 the time of public testimony.

8 So a couple of questions came in to the Ottawa
9 County Water Resources Commissioner office just regarding how
10 these ponds drain, some of the residents just wanted some
11 clarification.

12 So this is Springwood Drive, here is the larger
13 pond (indicating), I'm going to call this the west pond for
14 clarification purposes.

15 This photo right here shows you the outlet into
16 this west pond of all the storm sewer drainage. And that
17 takes storm sewer and runoff all the way from Holiday Drive.

18 And then right here (indicating) is a photo of the
19 pond outlet. You can see a little circular basin here, and
20 then what looks to be either four-inch or six-inch PVC pipe
21 that ends up draining then into the Brower Drain.

22 This next slide shows the other outlet to this
23 pond. You can see there is -- it's tough to see in this
24 picture, but there is another one of those little catch
25 basins here that collects the water. When it's above a

1 certain level, it will flow into that catch basin and then it
2 outlets into the Brower Drain.

3 So here is the east pond. The east pond you can
4 see right here (indicating), there is an outlet from the road
5 that goes into this east pond.

6 And then there is also -- it's tough to see, it's
7 pretty buried, but there is what looks to be a 12-inch
8 concrete storm sewer that drains to the northwest and then
9 brings the -- brings any of the pond water here toward the
10 Brower Drain.

11 So following the presentation, the board is going
12 to have the opportunity to ask the engineer a couple of
13 questions, and then you, the property owners, will have an
14 opportunity for public testimony, just to request any sort of
15 clarification on this process, to inform us of any drainage
16 issues, because at this point we aren't aware of any drainage
17 issues within the Brookwood Drain.

18 Following your public testimony the board will then
19 determine the necessity of the petition based on public
20 health, welfare and/or convenience, after hearing the
21 testimony.

22 If they deem it necessary, the board will then
23 approve this becoming the county drain and this will then no
24 longer be an orphan system.

25 If it's deemed not necessary by the board, this

1 system will remain an orphan system and will have no
2 governmental unit attached to it to maintain it.

3 So I think this is probably the most important part
4 of the slide here for everyone here today, and I'm going to
5 jump to bullet point number two.

6 What this says is if the drain is deemed necessary
7 to become a county drain, but there are no drainage issues,
8 you in the neighborhood here don't have any problems that
9 require any sort of maintenance, well what happens then is
10 that Holland Township then pays all the costs of establishing
11 the drain.

12 So you the property owners are not going to pay
13 anything, any sort of assessment to get this drain
14 established. It would be covered then solely by the
15 township.

16 However, if there are drainage issues and you have
17 the opportunity to bring up if there are any issues, and if
18 these issues are determined to require a corrective action by
19 the Ottawa County Water Resources Commissioner, this would be
20 the following process that we'd go through.

21 So Ottawa County Water Resources Commissioner would
22 have Prein & Newhof review feasible drainage projects to
23 improve drainage. We would review these projects with the
24 Ottawa County Water Resources Commissioner and the township
25 to determine what's a feasible project.

1 We would select a project then to do. We'd have to
2 go through project design and survey. We'd have to then go
3 through easement acquisition to obtain easements for the
4 project.

5 We would then bid the project out and there would
6 then be construction. And once the project is bid out we
7 have an idea then of what our total costs would be.

8 So at that point we have an idea of what our
9 construction costs would be, our engineering costs and our
10 administrative costs and legal costs.

11 And from that point on then there would be
12 something called a day of review of apportionment.
13 Apportionments are a percentage of the total cost that
14 different entities pay of that portion of the project.

15 So an example would be as an apportionment, if you
16 have that percentage, you'd multiple that by your total
17 construction cost, and that would be what the county or the
18 property owner or the township would have to pay.

19 These assessments then would be made out to Ottawa
20 County, the Ottawa County Road Commission, Holland Township,
21 and the property owners. And Holland Township pays an
22 assessment out based on an at large the Ottawa County Water
23 Resources Commissioner determines, an at-large percent and
24 that's based on health, safety and welfare that the township
25 benefits from this drainage project.

1 So I want to clarify again that if there was ever
2 any issues and we had to go ahead and move forward with a
3 project, Holland Township would still cover all these costs,
4 these initial engineering costs to establish this as a county
5 drain; and they would then cover some of the drain
6 improvement costs as determined by the Ottawa County Water
7 Resources Commissioner.

8 So in the future, say five years, ten years from
9 now, there is a major drainage issue, maybe a pipe collapsed,
10 and this would require any drain improvements in the future,
11 if this were to become a county drain, you, the property
12 owners have the opportunity to contact the Ottawa County
13 Water Resources Commissioner and explain what's going on.

14 And if it's a pretty big, involved project that
15 needs to happen, say it needs to be a large portion of the
16 storm sewer that needs to be replaced, we'd go through
17 another petition process like this where either the township
18 or the property owners would petition, and then everyone
19 within the drainage district again would be notified and
20 there would be one of these board of determinations where we
21 would have an engineer then explain, you know, what some of
22 the drainage issues are and what's possibly looking to be
23 done.

24 And then from there, assessments would then be made
25 out again to the county, the road commission, the township,

1 and property owners.

2 If there is ever a minor issue, say there is some
3 sand in a catch basin that just needs to be get vacuumed out
4 by a vac truck, Ottawa County Water Resources Commissioner
5 has the right to do that work, to maintain the county drain
6 without a petition, if it's less than 5,000 per mile of
7 drain.

8 And it's worth mentioning too, as stated earlier,
9 if there any of these minor projects, Holland Township has a
10 policy in place, I think what was stated was \$10,000 that
11 they would cover those costs for minor drainage improvements.

12 So that's the end of my presentation.

13 BOARD CHAIRPERSON BILL CARGO: Lucas, thank you
14 very much.

15 This system seems to be about 60, almost 60 years
16 ago, 57 years old, if my math is right.

17 ENGINEER LUCAS TIMMER: That's correct.

18 BOARD CHAIRPERSON BILL CARGO: Typically at some
19 point a pipe is going to fail, a catch basin is going to
20 break or something like that, tree roots will get in there
21 and it will need maintenance. And right now -- in fact up to
22 this point hasn't the county and the township assumed it was
23 a county drain?

24 ENGINEER LUCAS TIMMER: That would be my
25 understanding, correct.

1 BOARD CHAIRPERSON BILL CARGO: So really this is
2 not going to do anything different than what has existed in
3 the past, that was assumed to exist, it's just that the
4 paperwork wasn't done properly at the time and now we're
5 going through the proper process of establishing this as a
6 county drain.

7 ENGINEER LUCAS TIMMER: That is correct.

8 BOARD CHAIRPERSON BILL CARGO: Okay. Thank you
9 very much, I appreciate it.

10 Any questions from the Board?

11 BOARD MEMBER RICH VANDER KLOK: I'm good.

12 BOARD CHAIRPERSON BILL CARGO: That said, we're
13 going to now enter into the public testimony portion of this.
14 And I just want to remind everybody to state your name and
15 address when you come up to the podium.

16 You can take your mask off if you have any -- if
17 you want to make sure you're heard.

18 And I'm going to start in the second row right
19 behind Joe here. Is there anything you would like to say?

20 MR. LON EDING: Yeah, I guess so.

21 BOARD CHAIRPERSON BILL CARGO: Come up to the
22 podium and again, state your name and address.

23 MR. LON EDING: Lon Eding, 10320 Springwood Drive,
24 Lot 50.

25 We do get occasional sink holes between us and Lot

1 51, between the road and the houses. About every four or
2 five years we throw some dirt in.

3 We called once and nothing was done so rather than
4 sprain our ankles, we fill the holes back in.

5 I don't know what it's from, but it's right in line
6 with the drain.

7 BOARD CHAIRPERSON BILL CARGO: With the pipe. What
8 typically happens is there could be some separation of the
9 pipe. If there is separation of the pipe, heavy rains or
10 high ground water tables will suck soil into the pipe or
11 force soil into the pipe. If that occurs, at some point they
12 may need to fix it with some formal action.

13 Again it's a good idea to bring this under the
14 control of the county so if a pipe does need to be replaced
15 or replaced, you have a mechanism to pay for it, rather than
16 having to pay for it yourself.

17 MR. LONG EDING: Until then, we'll throw dirt in.

18 BOARD CHAIRPERSON BILL CARGO: Okay. Thank you.

19 I'm going to go into the third row, the gentleman
20 in the center? And again your name and address.

21 MR. RON SNOEYINK: My name is Ron Snoeyink, address
22 is 10261 Holiday Drive, Lot 44.

23 Just a question in watching Lucas's pictures here.
24 As part of this process will the water resource be the ones
25 that will maintain the outlet structures and that type of

1 thing?

2 One of the pictures he had noted that the drain,
3 looked to be a 12-inch, was plugged up or covered up.

4 Will they then routinely come through and maintain
5 those or who is?

6 BOARD CHAIRPERSON BILL CARGO: They won't routinely
7 come through, they come through on a complaint basis.

8 So if you notice a beaver has put all this wood
9 into an outlet and it needs to be cleaned, you could call the
10 Ottawa County Water Resources Commissioner and he would have
11 that repaired.

12 That repair would be less than 5,000, he'd send the
13 bill to Holland Charter Township in that example.

14 MR. RON SNOEYINK: And same thing with outlet
15 structures that are -- there is erosion that's at the Brower
16 Drain connected to the outlet.

17 BOARD CHAIRPERSON BILL CARGO: It's his
18 responsibility. If this orphan drain is brought under the
19 control of the Water Resources Commissioner, it's his
20 responsibility.

21 But again it's mostly complaint based. So if you
22 notice something, you know, it's one of those things, if you
23 see something, say something. And this is a great example of
24 that.

25 MR. RON SNOEYINK: Thanks.

1 BOARD CHAIRPERSON BILL CARGO: Yep.

2 And in the very back corner? No comment?

3 And no comment.

4 Well that's a very brief public hearing we're going
5 to have.

6 I will now close the public comment section of the
7 public hearing and we will open up the comments for the
8 members on the Board of Determination.

9 I'll start with you, Rich, do you have any
10 questions or comments?

11 BOARD MEMBER RICH VANDER KLOK: I have no
12 questions. My comment would be it seems appropriate to bring
13 this under the Ottawa County Water Resources Commissioner.

14 BOARD CHAIRPERSON BILL CARGO: And, Ken, do you
15 have any questions or comments?

16 BOARD SECRETARY KEN SOUTER: Maybe one little
17 comment on the gentleman that brought out the fact that there
18 was some erosion happening above this drain, that there is
19 some joints that are missing.

20 This is a perfect example of why it needs to be
21 under the jurisdiction of the drain commissioner, so that if
22 they have a problem, they have somebody to call and fix it,
23 and it isn't going to cause flooding or anything else.

24 So I'm totally in favor of this.

25 BOARD CHAIRPERSON BILL CARGO: Also I'd like to

1 make a comment, although the Ottawa County Road Commission is
2 not represented here today, the Ottawa County Road Commission
3 has left information or comment that they are in support of
4 bringing this under the control of the Water Resources
5 Commissioner.

6 I'm going to say the same thing, I think for years
7 people assumed this was a county drain. I suspect that in
8 the past the county has probably done repairs or maintenance
9 on this county drain, and I would like to also make sure that
10 continues in the future.

11 So I'm also in support of bringing this formally
12 under the control of the Ottawa County Water Resources
13 Commissioner.

14 So I will make a motion that the location,
15 establishment and construction of the Brookwood Drain is
16 necessary and conducive to the public health, convenience or
17 welfare.

18 BOARD SECRETARY KEN SOUTER: I'll second that
19 motion.

20 BOARD CHAIRPERSON BILL CARGO: I have support from
21 Ken.

22 Is there any other comments that anybody would like
23 to make?

24 BOARD MEMBER RICH VANDER KLOK: No.

25 BOARD CHAIRPERSON BILL CARGO: Then all in favor,

1 say aye.

2 BOARD SECRETARY KEN SOUTER: Aye.

3 BOARD CHAIRPERSON BILL CARGO: Aye.

4 BOARD MEMBER RICH VANDER KLOK: Aye.

5 BOARD CHAIRPERSON BILL CARGO: That is unanimous.

6 And so this will be under the control of the Ottawa
7 County Water Resources Commissioner.

8 The Water Resources Commissioner now will make a
9 brief presentation on the appeals process.

10 WATER RESOURCES COMM. JOE BUSH: So if you do want
11 to appeal today's BOD, you can do that with probate court.
12 And for the record here, I don't think anybody here wants to
13 appeal it, but if you do, you can appeal today's hearing,
14 that's through probate, and you have ten days, ten days from
15 today.

16 So other than that I appreciate you taking your
17 time this morning. And tell your neighbors that there isn't
18 going to be a project that we know of. Usually it gets out
19 of there, Joe wants to get control and put all new storm
20 sewer in and that's not the case.

21 But be sure to call me if you have any issues. We
22 are complaint driven because I don't have enough staff. We
23 have a thousand of these and they add up every year by the
24 tens or the hundreds of them.

25 So we don't have the staff to go out and do routine

1 maintenance, but we do have staff and contractors to go do
2 maintenance when there is a problem.

3 Thank you.

4 BOARD CHAIRPERSON BILL CARGO: And so at that
5 stage, without objection, I will adjourn the public hearing
6 of this Board of Determination at approximately 10:30.

7 Thank you very much for attending.

8 (Board of Determination adjourned at 10:30 a.m.)

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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

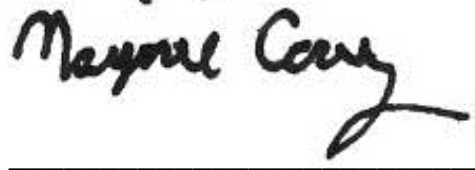
STATE OF MICHIGAN)

) SS

COUNTY OF MUSKEGON)

I certify that this transcript, consisting of 28 pages, is a complete, true and correct record of the Board of Determination held on July 30, 2020.

DATE: August 7, 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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