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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: COLES PARK DRAIN  
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday,  
December 5, 2019, at the Barber School Community Building,  
102 West Exchange Street, Spring Lake, 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, Chief Deputy to Water Resources Comm.
- Ms. Sara Hirts, Secretary
  
- Mr. Ken Souter, Board Chairman
- Mr. Rich VanderKlok, Board Secretary
- Mr. Ron Brink, Board Member
  
- Mr. John Nash, Spring Lake Township Supervisor
  
- Mr. Jerry Olman, Ottawa County Road Commission
  
- Mr. Ryan McEnhill, P.E., Eng. Engineering

1 Spring Lake, Michigan

2 December 5, 2019 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: We'll go ahead and  
5 get the meeting started, or public hearing.

6 I appreciate everybody taking the time this morning  
7 to come to the Coles Drain public hearing, so we appreciate  
8 that.

9 My name is Joe Bush, the Ottawa County Water  
10 Resources Commissioner, also known as the Drain Commissioner.  
11 Same position, just a different title, back in 2012.

12 People are like well what about it? Well this is a  
13 part of the job that we do, and today we are -- you're all  
14 invited to a public hearing to talk about the Coles Drain.

15 So we're here today because we were petitioned and  
16 what that means is the township petitioned my department,  
17 myself, to hold a public hearing to talk about infrastructure  
18 in the Coles Drain area. Well what does that mean?

19 When we have a petition, we hold a public hearing  
20 and that's why you got invited because you probably live in  
21 the watershed or also known as the drain district. You might  
22 be outside of it a little bit, you might be inside, you might  
23 not think you're in it. You could be out of it.

24 But we invited people who we think are in it, and  
25 then the engineer -- if you think you're not in it, please

1 speak up. Because during the public comment time there will  
2 be a time to say, well I don't think I'm in it, I live over  
3 here, and we'll investigate that. We will look into that.  
4 That's why we got an engineer involved.

5 The other part when we have a petition there is  
6 usually a problem. People have been calling us saying hey,  
7 we have got some issues over here in this area with flooding,  
8 water problems, water in my crawl space, water.

9 And if you live near Spring Lake, everybody knows  
10 it's really high and there is a lot of water issues already,  
11 countywide, state wide, we have all kinds of issues.

12 So I do appreciate your taking the time at 10  
13 o'clock in the morning to figure out what this is all about.

14 Today is not about a project, because we don't have  
15 one. In order for me to move forward with a project, these  
16 three gentlemen have to make that decision.

17 So in the course of a petition, I have to hold a  
18 Board of Determination and appoint three people who are not  
19 affiliated with Spring Lake Township or this particular drain  
20 district or watershed.

21 So I have to appoint three people and then actually  
22 come here and then they hear your testimony, so it's not me  
23 who makes the determination. So when you hear of a Board of  
24 Determination they determine whether we move forward or not.

25 People are like, well where does that come from.

1 It's called Michigan Drain Code, and this is kind of what I  
2 live by, this is state law. If you ever want to know about  
3 it and you get bored, it's a thin read but very interesting.  
4 So I'm just doing the legal process, that's why we're here.

5 I don't have a project yet because it hasn't been  
6 deemed necessary, based on public comment. These three  
7 gentlemen have not been out there, nor do I share with them  
8 the issues, because they want to hear it from the people so  
9 I'm not in the middle. It's the people who get to voice  
10 their concerns or opinions or problems to these three  
11 gentlemen, and then they'll make a decision. Once I give  
12 them the oath, they will pick a chair, they'll run the  
13 meeting and at some point they'll make a motion to not move  
14 forward, if they don't see a necessity, or they will move  
15 forward and that becomes a county drain for improvements, and  
16 that's when I step in and move forward. So again, that's why  
17 we're here.

18 So we don't have a project, we don't have a cost,  
19 we don't have a whole lot because we need more information  
20 based on all the other comments we've gotten in my  
21 department.

22 So I'll do a few introductions and then introduce  
23 people. And then once public comment is here -- everything  
24 is court recorded. So Margie here is taking it word for  
25 word, so please come to the mic, speak loudly, your address,

1 your name and your concern, number one for her; but number  
2 two for those three gentlemen, so they can hear you very  
3 clearly.

4           And then state where you live and kind of your  
5 concerns of water, or you don't have a problem. It's okay to  
6 get up and say, we don't have a problem. But your water runs  
7 somewhere that might be creating somebody else's problem. So  
8 always remember water runs downhill, and it's very flat over  
9 there. So it's hard to say whose water goes where, but we  
10 know there is quite a few issues in that area.

11           So that's -- again we're here to listen, and I  
12 appreciate any information that we can get through that  
13 process.

14           We don't have a cost, so I don't know how much it's  
15 going to be, and we don't have a project. We'll get that  
16 determination after this Board of Determination, if that  
17 makes sense.

18           So I'll go ahead and introduce the Board, from left  
19 to right, Rich VanderKlok, he is from Georgetown Township,  
20 he's on the board over there. He's done a lot of these for  
21 me for a lot of years, and he's very experienced in Drain  
22 Code and he knows how the process works legally, so that's  
23 why he's appointed to this.

24           In the center is Ken Souter. He's got nearly 40  
25 years of experience at the road commission in the engineering

1 department. He's retired. So he's been a part of these  
2 boards for a number of years as well, very experienced with  
3 Drain Code and also the process.

4 And then we have -- oh boy -- Ron Brink. I was  
5 trying to think. We had a couple alternates too.

6 BOARD MEMBER RON BRINK: I was going to make up a  
7 name.

8 WATER RESOURCES COMM. JOE BUSH: Mr. Brink has been  
9 on some of these too, and he's over by Zeeland Township.

10 So none of these people live in this area as far as  
11 they don't have properties, nor do they have any affiliation  
12 with this kind of a project in this area. So just FYI, they  
13 are not part of Spring Lake Township board. I can't appoint  
14 Spring Lake Township board members because again they're on  
15 the board in the township.

16 And then we got Margie our court recorder. And  
17 like I said everything is word for word. It will be on our  
18 website. I post all the minutes usually about four to six  
19 weeks after this meeting, it should be posted on my website,  
20 MIOttawa.Org. You'll find Water Resources Commissioner on  
21 there, the link, and you can find the minutes.

22 We have Larry who is an alternate in the front row  
23 here, he's out of Georgetown. He does a lot of these too.  
24 We weren't sure if we needed an alternate, but I'm only  
25 required to have three, so we wanted to make sure we had

1 plenty of people here for that.

2           And then we have Jerry Olman. He's from the road  
3 commission currently. He's here because there are county  
4 roads involved. And there will be a time where he might get  
5 up and say a few words from the road commission.

6           And then we have Spring Lake Township Supervisor is  
7 here, and he's in the back, Mr. Nash. So he's here.

8           Then my staff, my chief deputy, Chad is here as  
9 well as my senior secretary, Sara.

10           And then we have the engineer who is from Eng. And  
11 they do a lot -- they work for probably 25, 30 drain  
12 commissioners across the state.

13           His office is in Grand Haven, but their main branch  
14 is out of Lansing, but they work for multiple drain  
15 commissioners or water resources commissioners, and does a  
16 lot of projects for me, and again, for multiple drain  
17 commissioners. So he is very experienced in water.

18           And he'll do a presentation. Kind of do -- show a  
19 few pictures of what he saw out there, and maybe some  
20 recommendations; but again we don't have a cost or a project.

21           So until these folks make that determination, I  
22 can't do that, because the number one question is what's it  
23 going to cost me? I don't have a cost yet. We're just  
24 trying to figure out what we need to do and improve the area  
25 if this Board of Determination deems that necessary.

1           And I think I mentioned everybody.

2           Again, once I give these gentlemen the oath,  
3 they'll run the meeting. Any questions, be sure to ask them  
4 and then they'll in return either ask me or the engineer some  
5 questions too.

6           So, gentlemen, please rise, raise your right hand.

7           UNKNOWN SPEAKER: Who's the attorney?

8           WATER RESOURCES COMM. JOE BUSH: Who is the  
9 attorney? We don't have an attorney here. Usually we might  
10 have one sometimes, but it's not necessary.

11          UNKNOWN SPEAKER: On your agenda, that's why I  
12 asked.

13          WATER RESOURCES COMM. JOE BUSH: Right. We don't  
14 have an attorney here today because we didn't feel we needed  
15 one, but it's typical with the agenda that sometimes we do  
16 have one here just in case, but we don't have one today.

17          Gentlemen, please raise your right hand.

18          Do you each solemnly swear that you will faithfully  
19 perform and discharge the duties imposed upon you as required  
20 by law as members of the Board of Determination appointed by  
21 the Ottawa County Water Resources Commissioner to determine  
22 the necessity for maintenance and improvement of the Coles  
23 Park Drain located in Spring Lake Township, in said county,  
24 gentlemen?

25          BOARD MEMBER KEN SOUTER: I do.



1 BOARD MEMBER RICH VANDER KLOK: I do.

2 BOARD MEMBER RON BRINK: I do.

3 BOARD MEMBER KEN SOUTER: As part of the agenda we  
4 need to elect a chairperson and a secretary. I'll take a  
5 motion.

6 BOARD MEMBER RICH VANDER KLOK: I'll make a motion  
7 that Ken Souter be the chairman.

8 BOARD MEMBER KEN SOUTER: I need a second for that.

9 BOARD MEMBER RON BRINK: I'm make a second.

10 BOARD MEMBER KEN SOUTER: Moved and seconded that  
11 I'll be chairman.

12 All in favor, say aye.

13 BOARD MEMBER RICH VANDER KLOK: Aye.

14 BOARD MEMBER KEN SOUTER: Aye.

15 BOARD MEMBER RON BRINK: Aye.

16 BOARD MEMBER KEN SOUTER: All opposed?

17 BOARD CHAIRPERSON KEN SOUTER: Then we also need a  
18 motion for secretary and I'd make a motion that Rich, you --

19 BOARD MEMBER RON BRINK: I will second that.

20 BOARD CHAIRPERSON KEN SOUTER: Okay. Moved and  
21 seconded that Rich is the secretary.

22 All in favor, say aye.

23 BOARD MEMBER RICH VANDER KLOK: Aye.

24 BOARD CHAIRPERSON KEN SOUTER: Aye.

25 BOARD MEMBER RON BRINK: Aye.

1 BOARD CHAIRPERSON KEN SOUTER: Opposed?

2 And then third motion that we always make on this  
3 and basically as one of the chairman in the past has always  
4 said, you can summarize War & Peace in three minutes very  
5 easily, I'd ask for a motion that public comment be limited  
6 to about three minutes per person. And I need a motion for  
7 that.

8 BOARD SECRETARY RICH VANDER KLOK: I will make that  
9 motion, Mr. Chairman.

10 BOARD CHAIRPERSON KEN SOUTER: Do I have a second?

11 BOARD MEMBER RON BRINK: I will second that.

12 BOARD CHAIRPERSON KEN SOUTER: Moved and seconded.

13 All in favor, say aye.

14 BOARD SECRETARY RICH VANDER KLOK: Aye.

15 BOARD CHAIRPERSON KEN SOUTER: Aye.

16 BOARD MEMBER RON BRINK: Aye.

17 BOARD CHAIRPERSON KEN SOUTER: Okay. We're going  
18 to start out with a, with having the engineer give a synopsis  
19 of this area and what the problems are that he's seen in it,  
20 giving an idea of where the Coles Park Drain actually lays,  
21 and it's all yours.

22 ENGINEER RYAN McENHILL: Again, my name is Ryan  
23 McEnhill with Eng. I'm a professional engineer in the State  
24 of Michigan. We do have offices in Lansing, Grand Haven,  
25 obviously as Joe mentioned we work with drain commissioners,

1 water resources commissioners all over the state.

2 I do have a short presentation, I'll try to keep it  
3 brief. We already talked kind of about an overview of what  
4 this meeting is for, what the purpose is.

5 The petition that was generated for this project  
6 was done by Spring Lake Township for maintenance  
7 improvements.

8 One of the important things as well is that the  
9 petition also has some language in there about extending  
10 branches, adding branches and also adding lands.

11 So I'll talk about how we went about delineating  
12 the drainage district boundary because it's little bit larger  
13 than just the Coles Park Drain. And that's that green line  
14 that's shown on that exhibit over there.

15 So this board's responsibility is basically just to  
16 determine whether a project is necessary based on public,  
17 health, welfare and convenience.

18 Like I said we don't have a project yet, we don't  
19 have a design yet. All of that stuff gets determined later  
20 if this board finds this project necessary.

21 So some of the preliminary work that we've done --  
22 and really we don't do a lot of work up front for the main  
23 purpose that we don't want to spend a bunch of money up front  
24 should this board turn the project down. Obviously we don't  
25 want to have a bunch of funds that have been expended.

1           So we do a brief analysis, we go to Ottawa County  
2 offices, look through the files for the Coles Park Drain. We  
3 review any maps. We use the GIS tool on the county's website  
4 which helps us to delineate the drainage district boundary.

5           And then I think one of the most important things  
6 we do is we go out there and we do field visits. There has  
7 been a couple rain events lately where obviously we can see  
8 where potential issues are at. That also assisted us with  
9 delineating this drain district boundary.

10           So boots on the ground is a big thing that we try  
11 to do so we can come to this meeting prepared, give this  
12 board information because obviously they haven't been out  
13 there. So we'll go through some of those photos that we've  
14 generated.

15           So the district boundary, basically a way to look  
16 at a district boundary is it's considered a watershed. And  
17 this green line that's shown on that map as well, that's the  
18 Coles Park Drain. That is the only established county drain  
19 that we have.

20           But from speaking with Ottawa County, there has  
21 been a lot of issues widespread that go beyond just this  
22 green line and extend kind of throughout this district that  
23 we've delineated. So it's little bit different in the fact  
24 that this district that we delineated is probably a little  
25 bit bigger. If we were just to delineate for water that

1 contributes to that green line, obviously the district would  
2 be a lot smaller.

3           What we've done, you can almost look at this purple  
4 line as kind of a study area. This is the area where when we  
5 went out there we identified issues kind of throughout these  
6 areas. And eventually I think, after we hear the public's  
7 feedback, and determine what our project will ultimately be,  
8 that district may get considerably smaller.

9           So a district is all the water that flows to a  
10 storm sewer system.

11           So with the district boundary that we have right  
12 now, there is about 57 acres of land in the district. All of  
13 it is in section 14 of Spring Lake Township. Again we use  
14 the GIS as a tool. It's primarily based on topography and we  
15 can get those things pretty close with all the technology  
16 that's out there today.

17           So like we said, the green line, that's the Coles  
18 Park Drain, that was established in 1972. That's the only  
19 actual county drain that the county has the legal authority  
20 to go in, maintain and improve.

21           Everything else that is out there, you know, we  
22 noticed that there is catch basins which are basically  
23 leaching systems. There is not pipes that extend all the way  
24 to Spring Lake. They're just relying on water getting into  
25 those structures and leaching into those soils.

1 All those are private so the road commission as far  
2 as we know, and Jerry can expand on this further, doesn't  
3 maintain those. The township isn't in the business of  
4 maintaining storm sewer systems. All of those are private  
5 and there is no mechanism in place for those to be maintained  
6 and improved, which is a lot of the reason that some of those  
7 systems are surcharging and causing surface flooding as well.

8 So I think the point of this is if a project did  
9 move forward, that we would establish some of these other  
10 branches as county drains so that there is a mechanism for  
11 them to be maintained and improved in the future.

12 So I'm going to talk about just some of the areas  
13 that were just very obvious of where flooding and standing  
14 water sat for prolonged periods of time.

15 Some of it was on Rhoda. We noticed -- let me  
16 see -- on Oak and Ottawa, there is the mid block here where  
17 water just went into a depression. There is no storm sewer  
18 system in place, everything just kind of sat there.

19 Obviously at the bottom of each there was notable  
20 standing water and ponding. And even to the south of Beach  
21 as well there were areas where no infrastructure was in place  
22 and the water just sat there.

23 And then just a couple photos that kind of  
24 illustrate that. These are a couple photos -- you told me  
25 not to touch it, on Oak. Sorry.

1           So a couple photos on Oak kind of mid block that we  
2 talked about. These were just taken in the past week that  
3 kind of show standing water again, no place for it to go.  
4 The same kind of issue is happening along Ottawa as well.

5           And then this is along Beach Street. You know,  
6 kind of standing water on both sides of the road. And then  
7 this is the ponding area that we saw right at the bottom  
8 where everything kind of flows into this area.

9           UNKNOWN SPEAKER: That spot on beach, do you know  
10 if that pond elevation is the same as the lake elevation?

11          ENGINEER RYAN McENHILL: It potentially could be,  
12 we didn't do any survey information at this point.

13          UNKNOWN SPEAKER: (Inaudible.)

14          THE REPORTER: I can't hear him. I don't know what  
15 he's saying. I'm sorry.

16          UNKNOWN SPEAKER: The ponding elevation is the same  
17 elevation as the lake at that corner?

18          ENGINEER RYAN McENHILL: Potentially could be  
19 groundwater based, or other equilibrium. I don't have survey  
20 information to verify that.

21          UNKNOWN SPEAKER: Are we only talking drain water?

22          BOARD CHAIRPERSON KEN SOUTER: Um --

23          UNKNOWN SPEAKER: I mean rain water is -- we're not  
24 talking sanitary sewer.

25          BOARD CHAIRPERSON KEN SOUTER: No, we're talking

1 rain water.

2 UNKNOWN SPEAKER: Okay.

3 BOARD CHAIRPERSON KEN SOUTER: We'll get to all the  
4 other comments. Let's get through his first and we'll get to  
5 public comments on it.

6 ENGINEER RYAN McENHILL: This is along Beach Street  
7 as well, again just standing water in somebody's drive  
8 approach.

9 Again, no infrastructure in place. This is --  
10 you'll notice the sign there where maybe the road commission  
11 had put that out there, where water was standing over the  
12 roadway.

13 And then so just kind of a widespread summary,  
14 there is kind of issues all over the place that we noticed.  
15 None of them that are just, I guess, overpowering in nature  
16 where you say, wow, that's a massive problem. It was just  
17 kind of when we're out there there is a nuisance problem here  
18 and a nuisance problem here. And that's how we kind of  
19 delineated the district boundary.

20 It's kind of a difficult decision about, well where  
21 do we stop the drainage district boundary. And we talked  
22 about this with Ottawa County, I think we wanted to start  
23 with a larger district boundary and kind of get feedback from  
24 the public at this meeting about where are specific problems  
25 that need to be addressed.



1           And then once we determine what this project will  
2 be, there is the potential that, you know, say we don't -- we  
3 don't do any work south of Beach, those lands may come out of  
4 the district. And there will be a time later down in this  
5 process where we would finalize that district boundary and  
6 the folks would be able to come in and give us feedback on  
7 whether or not they thought they were in or out.

8           And that's a process that is required by the Drain  
9 Code than would happen later on down the road.

10           But it is kind of a unique situation. Normally we  
11 come in here and it's, this is the district boundary based on  
12 everything that's going to this drain.

13           So a little unique. I just wanted to point that  
14 out. There may be questions on that later and I'm happy to  
15 answer those.

16           A couple things that I just wanted to point out, as  
17 you start to look at, well, what would be a potential  
18 solution.

19           The first thing that we looked at was the soils out  
20 there. Obviously most of them are sandy materials, which is  
21 common in west Michigan, we have sand.

22           The depth of the water table is an important  
23 factor, in this case you actually have significant depth to  
24 the water table which helps with the infiltration systems.  
25 And the infiltration rates that we get in the sand materials

1 are pretty good.

2           So I bring that up because when we look at  
3 potential solutions of how we would maybe correct some of  
4 these areas, obviously ripping up a bunch of roads and  
5 putting in underground conveyance systems all the way to  
6 Spring Lake can be, will be extremely expensive. And there  
7 needs to be a significant benefit to actually do that.

8           The first thing that we would do is do a  
9 cost-benefit analysis. There is different things we can do  
10 to try to minimize the amount of road impact so that we can  
11 keep costs to a reasonable level.

12           Obviously with the soils information that I talked  
13 about, there is a lot of solutions that could be done. We  
14 call them low impact solutions where we're not running off a  
15 bunch of water to Spring Lake, we're actually using  
16 infiltration systems.

17           There is a leach basin system where the structure  
18 actually has holes in it so it's allowed to -- once it gets  
19 in there, it's allowed to infiltrate into the soils. And  
20 then we have like an infiltration swale where instead of  
21 maybe having catch basin structures in a curb line, you let  
22 the water go into a swale where it's allowed to infiltrate  
23 into the ground as well.

24           So there are options that can keep costs at a  
25 reasonable level. I want to bring that up because a lot of

1 folks ask during public comment, how would you fix this? So  
2 there are options available should a project be deemed  
3 necessary.

4 So that was my brief summary for Coles Park.  
5 Obviously the next step, and it's an important step is the  
6 public testimony to hear what you feel the issues are or if  
7 you don't feel there are issues at all. The board needs to  
8 hear that as well.

9 They will determine the necessity of the petition.  
10 If they find it's not necessary, the project ends, nothing is  
11 going to happen out there from the Water Resources  
12 Commissioner standpoint.

13 If they do find it necessary, obviously then we  
14 would start scoping what's this project going to be, where  
15 are we going to do work, do we need easements from folks, do  
16 we need permits.

17 And then we would finalize the design and then you  
18 go into obviously construction. We prepare detailed  
19 construction plans and things like that.

20 If there is any questions from the board, I'd be  
21 happy to answer those at this time.

22 BOARD CHAIRPERSON KEN SOUTER: I have a question.  
23 As the Coles Park Drain is just a short piece of this whole  
24 area, the -- you probably don't even have an intention right  
25 now, but would the intention be to bring all the water to

1 that, or would there be -- I mean it appears on the map like  
2 a lot of this area is along the Spring Lake area.

3 ENGINEER RYAN McENHILL: The answer is no, we would  
4 not bring all this water to Coles Park Drive. We would  
5 probably be looking at multiple different branches that, like  
6 I said, we may just have an infiltration system in a certain  
7 area that really doesn't have a direct outlet to Spring Lake.

8 And this type of project, just when you look at the  
9 cost, like I said of ripping out roads, you have to be a  
10 little bit of creative about how you design it.

11 BOARD CHAIRPERSON KEN SOUTER: So that's all --  
12 really that part is up in the air at this point. What we're  
13 looking at is where the people have the problems?

14 ENGINEER RYAN McENHILL: Correct. And the way that  
15 the petition was, the language in it was to add branches,  
16 extend branches, add lands, so it gives us some flexibility  
17 about how big that district boundary is.

18 And again it was just a very difficult thing to try  
19 to determine, where do we stop this because there is kind of  
20 issues widespread.

21 BOARD CHAIRPERSON KEN SOUTER: Any other questions?

22 BOARD SECRETARY RICH VANDER KLOK: Not at this  
23 time.

24 BOARD CHAIRPERSON KEN SOUTER: Then I'd like to go  
25 to public comment but before I do, I'd like to have -- we

1 have Jerry Olman from the road commission.

2           Could you please let us know what your situation is  
3 there?

4           ROAD COMMISSION JERRY OLMAN: It's pretty much what  
5 Ryan mentioned. There are several leaching systems already  
6 in the plat area that my opinion have reached their life  
7 expectancy.

8           UNKNOWN SPEAKER: We can't hear him back here.

9           (Inaudible.)

10          BOARD CHAIRPERSON KEN SOUTER: Everybody remember  
11 that when they're talking, speak up real good.

12          ROAD COMMISSION JERRY OLMAN: The leaching systems  
13 that are there, in my opinion they've reached their life  
14 expectancy and something needs to be done about them.

15          One of the challenges is going to be that the width  
16 of the right-of-ways in this plat was developed --

17          BOARD CHAIRPERSON KEN SOUTER: Eons ago.

18          ROAD COMMISSION JERRY OLMAN: Eons ago. And your  
19 typical right-of-way would be 66 feet. But in here it  
20 varies, some are 20 feet, some are 25, and there is a couple  
21 that are 40 feet wide. So very limited space.

22          So as far as the road commission goes, we would be  
23 in favor of finding a solution, whether that's --

24          UNKNOWN SPEAKER: We still can't hear you.

25          ROAD COMMISSION JERRY OLMAN: The road commission

1 is in favor of finding a solution to -- whether it's  
2 replacing the existing leaching basins in place, or some  
3 other solution beyond that, I don't know.

4 UNKNOWN SPEAKER: With standing water on the road  
5 that is the road commissioner's problem -- (inaudible.)

6 BOARD CHAIRPERSON KEN SOUTER: Let's wait for  
7 public comment on that later, but pretty much you're in favor  
8 of trying to find a solution?

9 ROAD COMMISSION JERRY OLMAN: Right.

10 BOARD CHAIRPERSON KEN SOUTER: I got a question for  
11 the engineer a second.

12 You see, everybody keeps talking about these  
13 leaching basins in this area, are the leaching basins being  
14 affected by high water itself or not?

15 ENGINEER RYAN McENHILL: So that's why I brought up  
16 the slide about depth to groundwater table. So the more  
17 separation you have from where the leach basin is set to  
18 where that groundwater table is, the more effective it's  
19 going to be.

20 So when we -- development standards that are out  
21 today, if a commercial development was submitting a storm  
22 water plan to us, we typically like to see three feet of  
23 separation between the bottom of a detention pond and where  
24 the groundwater table is at. Because then if you have a high  
25 water table, you're not getting infiltration down, you're

1 only getting infiltration out the sides so it's reduced.

2 So it does -- it is a factor in how you design a  
3 leaching system.

4 BOARD MEMBER RON BRINK: Along with that same  
5 question, I'm from the south end of Ottawa County. Our water  
6 levels all through there --

7 UNKNOWN SPEAKER: You guys need to speak up.

8 BOARD MEMBER RON BRINK: Pardon me. I'm from the  
9 south end of Ottawa County. All of our water tables are --  
10 Macatawa to Lake Michigan, everything is four, five foot over  
11 what it was. Everybody is underwater.

12 Is this reflective of that or not?

13 ENGINEER RYAN McENHILL: So in general, groundwater  
14 levels tend to mimic the cyclical levels of the lakes. So as  
15 the lakes rise, the groundwater levels typically rise in a  
16 similar fashion. They're not directly tied, but it's a  
17 function of rainfall and they typically do go up and down  
18 together.

19 But again, this area comes up pretty sharply from  
20 Spring Lake. I don't have a topo map in front of me but it's  
21 not like this area is down five feet like from where the  
22 Spring Lake water level is right now. It comes up anywhere  
23 from 15 to 20 feet, I'm guessing, from Spring Lake.

24 So the groundwater table -- and we can do  
25 geotechnical work as a part of a design to see where is the

1 water table at, so that we can kind of implement a design  
2 that would work well depending on what the ground water  
3 conditions are currently.

4 BOARD CHAIRPERSON KEN SOUTER: Okay. If Mr. Nash  
5 from Spring Lake Township, apparently you had a bunch of  
6 complaints in this area, why you filed the petition? Do you  
7 have comments on that?

8 UNKNOWN SPEAKER: (Inaudible.)

9 SPRING LAKE TOWNSHIP SUPERVISOR JOHN NASH: Let's  
10 just go on.

11 I would say a few preliminary comments, and since  
12 I've coached forever, like some of you know, I hope I can be  
13 heard.

14 If this is a new subdivision, a drain district is  
15 required. That's the way the law is right now in Spring Lake  
16 and most places. Understand that.

17 Second thing I would say and I don't have to tell  
18 you, we all know, I see people around here who live on the  
19 lake. And whenever the water is so high, like we said, it's  
20 a very unusual situation and I'm not sure personally that you  
21 look at it the way it is right now as average. It's not  
22 average at all.

23 And I would say you talk about the road commission,  
24 we have just recently put in a couple of leach basins with  
25 Jerry in cooperation from the township. So we have worked on



1 it.

2 It's just really a matter of long range, and  
3 unfortunately, in my personal mind, I'm not the township  
4 board, I'm just one person, it's very difficult to talk about  
5 any of these issues right now when the water is over your  
6 head to start out with.

7 If you're going to compare the way the water is  
8 right now to the average, there is absolutely no comparison.  
9 And I would think in all of our minds hopefully it goes down,  
10 but that's not the prediction.

11 So we have heard some concerns, we have dealt with  
12 some concerns. As to what happens from now on, you heard the  
13 Board of Determination will decide and then Joe will move  
14 forward. And I have a meeting at 10:30.

15 UNKNOWN SPEAKER: John, could you tell us where the  
16 main complaints were at? Is it Main Street?

17 SPRING LAKE TOWNSHIP SUPERVISOR JOHN NASH: The  
18 easiest thing is just to drive around and see where the water  
19 is standing like the engineer said. Where the water kind of  
20 ends up, you know.

21 And like we said, you know, at the corner of Beach  
22 and Lake, there used to be a beach, now we have to take the  
23 sidewalk up. So --

24 BOARD CHAIRPERSON KEN SOUTER: Okay. Let's go to  
25 public comment then. And we're going to take the rows one at

1 a time. We'd like to know if you have a problem, don't have  
2 a problem. You think this is all because of high water or  
3 whatever the case may be.

4 I'd like to start on this side, go right to the  
5 back and then start on this side and go right to the back, so  
6 we get all the comments.

7 And please come up to the front, apparently there  
8 is no mic, but come up to the front and state your name and  
9 address so we can get it on the court reporter's, and we will  
10 start right out with the young lady here in the front.

11 Would you like to make any comment?

12 UNKNOWN SPEAKER: No.

13 BOARD CHAIRPERSON KEN SOUTER: No comment.

14 UNKNOWN SPEAKER: I'm good.

15 BOARD CHAIRPERSON KEN SOUTER: Okay? The gentleman  
16 there?

17 MR. STACY ZAVITZ: Stacy Zavitz, 15816 Pine Street.

18 BOARD SECRETARY RICH VANDER KLOK: Address your  
19 comments to the Chair, please.

20 BOARD CHAIRPERSON KEN SOUTER: You have to say it  
21 loud enough so everybody hears it.

22 What was your address?

23 MR. STACY ZAVITZ: 15816 Pine Street. But my  
24 property boundaries are Pine Street, Franklin and Ottawa. So  
25 I'm three sided.

1 I can see there is tons of water that -- these  
2 water pockets are just laying around.

3 Yes, that's because of the high water levels, we  
4 have white caps on Spring Lake that made that pond in front  
5 of the house.

6 If you go back to the pictures, I believe there is  
7 a shot of Ottawa Street. Keep going.

8 ENGINEER RYAN McENHILL: I only have the ones of  
9 Oak.

10 MR. STACY ZAVITZ: Well there was a shot of Ottawa.  
11 Right here.

12 So this is Ottawa Street, and this is the back side  
13 of my property right here. And I had to put my own drain in  
14 here because the watershed is -- I'm basically the toilet  
15 bowl for all of Strawberry Point. I'm very frustrated,  
16 flooding constantly. You know, you can't even leave -- I  
17 feel like a hostage in my house and I take very good care of  
18 my property, my house.

19 And so when I try to deal with these things over  
20 the last three, four, five years, it's just batting it back  
21 and forth. That's why I appreciate something like this  
22 happening finally that we can solve the problem.

23 I don't know if the problems exist with the leach  
24 basins, because where all this water contributes from the  
25 north, south, east and west of that area, it funnels

1 everywhere around me.

2 And these leaching basins, there is one here and  
3 one across the street on Oak. I guess I didn't know that  
4 nobody did not have to maintain these, so I maintain this  
5 one, it got upset, and this one was cleaned out. But it can  
6 only handle so much water, it's a very old system. I get  
7 that.

8 They did update the one on Franklin Street in front  
9 of my house. But there again, now we're up to a four-foot  
10 leach basin that does leach out, but can only handle so much  
11 of the water for that area. And once it fills up, I'm a  
12 swimming pool. One foot deep in the backyard, through the  
13 windows, through the basement, and on and on and on.

14 And it doesn't have anything to do with the snow  
15 melt, it has to do with all the water runoff. I can't stress  
16 that enough.

17 I don't know what other people's problems are, but  
18 that's a big problem for me.

19 BOARD MEMBER RON BRINK: Sir, could you come up for  
20 a minute? I can't find Franklin Street.

21 BOARD CHAIRPERSON KEN SOUTER: Right here.

22 BOARD MEMBER RON BRINK: You think that's the low  
23 spot of all of this?

24 MR. STACY ZAVITZ: Well there is humps here. You  
25 have different elevations. So this is the highest elevation.

1 That funnels down, this funnels down, and this funnels down.

2 So I'm --

3 BOARD CHAIRPERSON KEN SOUTER: You're basically the  
4 low spot.

5 MR. STACY ZAVITZ: Right.

6 BOARD MEMBER RON BRINK: Okay, thank you.

7 BOARD CHAIRPERSON KEN SOUTER: Okay. Any other --  
8 okay.

9 The gentleman with the yellow hat?

10 MR. MILTON REDICK: I'm going to shout.

11 BOARD CHAIRPERSON KEN SOUTER: We can hear you.

12 MR. MILTON REDICK: My name is Milton Redick. I  
13 live on Laura. I am in the district.

14 Do you want my address? 17170 Laura Street, Spring  
15 Lake.

16 These are picky -- the law says this is a three-man  
17 board. And I see four, is that right?

18 BOARD CHAIRPERSON KEN SOUTER: No, three man.

19 MR. MILTON REDICK: You're the three.

20 BOARD CHAIRPERSON KEN SOUTER: We're the three.

21 MR. MILTON REDICK: Maybe you or the county guy, is  
22 Coles a private street or public street?

23 BOARD CHAIRPERSON KEN SOUTER: Coles Park is a  
24 public I think.

25 UNKNOWN SPEAKER: Public.

1 BOARD CHAIRPERSON KEN SOUTER: Coles Park is a  
2 public street.

3 MR. MILTON REDICK: It's not on the map, that's why  
4 I asked.

5 Let's see. Was the petition signed by five members  
6 or can the township petition?

7 BOARD CHAIRPERSON KEN SOUTER: The township  
8 petitioned for this.

9 MR. MILTON REDICK: The law says five people, is  
10 that different than --

11 BOARD CHAIRPERSON KEN SOUTER: I don't know how  
12 many people are on the board.

13 ENGINEER RYAN McENHILL: So there is two ways --

14 MR. MILTON REDICK: It's legal anyways?

15 BOARD CHAIRPERSON KEN SOUTER: Yes.

16 ENGINEER RYAN McENHILL: Yes.

17 MR. MILTON REDICK: Thank you very much.

18 A drainage district is the same as a watershed?

19 BOARD CHAIRPERSON KEN SOUTER: That's correct.

20 MR. MILTON REDICK: I am in a hole. And as the  
21 engineer probably knows, my land does not drain into that  
22 pipe. Okay.

23 So can you have -- fundamentally can you have a  
24 district with a bunch of little areas that are not connected  
25 by one pipe?

1 ENGINEER RYAN McENHILL: Do you want me to answer  
2 that?

3 BOARD CHAIRPERSON KEN SOUTER: Answer that.

4 ENGINEER RYAN McENHILL: So, yes, there are --  
5 we've worked on a significant number of drain projects where  
6 we have multiple different branches in different parts of the  
7 drainage district that maybe even discharge to different  
8 water courses.

9 So, yes.

10 MR. MILTON REDICK: The Supreme Court probably  
11 would be on my side because it says the watershed is water  
12 that drains to a certain point, okay, one point. And so it  
13 seems like you'd have to have five different districts to  
14 meet the law, but that's not important to me right now.

15 I like the idea that you brought up of these  
16 basins, I didn't even know we had some. I think if you took  
17 photos, somebody ought to do this, take the photos two days  
18 after the rain, all the water is gone. So as you imply, it's  
19 raining into the ground. I got a great big puddle in front  
20 of my house. But, you know, the next day it's gone because  
21 the water is not -- the water table is at least, in Spring  
22 Lake, with the land in that area, is at least ten to twelve  
23 feet high, as you're implying. It's all up. It's not flat  
24 like you're talking about.

25 So basically I'm in favor of this project because

1 the approach is good, you don't have to build big pipes,  
2 right, we're lucky that we're on a sand dune, right?

3 So we can kind of improve as he's implied, there is  
4 a really whole lot of work being done on this infiltration  
5 stuff, as you can see all around town, you know. That new  
6 housing development, down in the village, all of that's in  
7 the ground.

8 So I'm in favor of it. Go for it.

9 BOARD CHAIRPERSON KEN SOUTER: Thank you, sir.

10 We're going to go to the gentleman with the scarf?

11 UNKNOWN SPEAKER: No, I don't have anything.

12 BOARD CHAIRPERSON KEN SOUTER: Okay.

13 The young lady back there?

14 MS. HEIDI TICE: Hi, my name is Heidi Tice, and I  
15 live at 63 South 8th Avenue in Fruitport, I'm representing an  
16 owner on Coles Park at 17362 Coles Park.

17 And I do know some about the Drain Code, the drain  
18 laws, but the drains were put in to do -- to take water out  
19 of yards, not roads. So I'm curious as to why the road  
20 commission isn't removing the water that we see -- hi, Ron,  
21 that we see on the roads. I mean that would be their own  
22 problem to take care of.

23 She's not in favor of -- there is a drain that  
24 comes right next to hers, so she knows where her water is  
25 going. And if that drains needs cleaned out, she's very much



1 in favor of maintaining it and getting that drain cleaned  
2 out. Because that's a definitive thing that needs to be  
3 done, it's an established drain.

4 But all of the other little problems around are  
5 not -- it's not going to benefit the people on Coles Park  
6 that have a drain right there because their water is not  
7 leaving that area. It's -- if it's designed properly, that  
8 drain should be taking their water out and it actually goes  
9 to Spring Lake.

10 So curious as to why you're extending drain  
11 watershed and not actually getting that watershed to go to  
12 the drain, that that's what the drain commissioner would do.

13 Instead if it's in the roads, then get the road  
14 commission to get it off our roads.

15 ENGINEER RYAN McENHILL: Can I --

16 BOARD CHAIRPERSON KEN SOUTER: I'm going to go the  
17 engineer.

18 ENGINEER RYAN McENHILL: So you asked a good  
19 question and this is probably good for everybody to know.

20 Let's say we have the Coles Park Drain, let's just  
21 say that we put in three different separate systems.

22 People that contribute water to Coles Park, we  
23 would work through this when we did assessments, the people  
24 on Coles Park aren't going to pay for work that was done on  
25 the drain that we put in maybe a half mile away.

1 MS. HEIDI TICE: Their apportionments would be much  
2 smaller.

3 ENGINEER RYAN McENHILL: Correct. So that's stuff  
4 that we address later down the line, once we design the  
5 project. We'll probably delineate some districts so that the  
6 people that are contributing to one of -- if we had three  
7 drains, would only pay for the one that they're contributing  
8 water to. So it would be addressed when we did the  
9 apportionment.

10 BOARD CHAIRPERSON KEN SOUTER: Okay. I think we're  
11 getting confused on calling this whole thing Coles Park  
12 Drain.

13 MS. HEIDI TICE: Right.

14 BOARD CHAIRPERSON KEN SOUTER: When it's a basic  
15 area in Spring Lake Township. Is this not correct?

16 MS. HEIDI TICE: That has high water going on.

17 BOARD CHAIRPERSON KEN SOUTER: The only outlet, the  
18 only actual county drain we have there is Coles Park Drain.

19 So I think what they're doing is incorporating all  
20 this into that drain district and probably very little of it  
21 will end up going through Coles Park Drain. Is that correct?

22 ENGINEER RYAN McENHILL: That's correct.

23 BOARD CHAIRPERSON KEN SOUTER: So I mean I think  
24 the confusing part here is the fact that we've got a large  
25 area there, there is problems here, problems here, a problem

1 here, and we only have one drain. So we're calling it the  
2 Coles Park Drain.

3 MS. HEIDI TICE: Right.

4 ENGINEER RYAN McENHILL: Right.

5 BOARD CHAIRPERSON KEN SOUTER: And it's very,  
6 very possible that if need be, that we're going to work over  
7 here, and it aint even going to go through the Coles Park  
8 Drain, but it will all be named the same thing. It's in name  
9 only.

10 MS. HEIDI TICE: Okay. Well that is her concern is  
11 that she's right on that so she just doesn't feel that --

12 BOARD CHAIRPERSON KEN SOUTER: I would imagine the  
13 people on Coles Park Drive don't really have a big problem  
14 because they got a drain that goes through there.

15 MS. HEIDI TICE: They don't. Their basements are  
16 dry, they don't have standing water on the lawn.

17 BOARD CHAIRPERSON KEN SOUTER: So I think that  
18 answers your question?

19 MS. HEIDI TICE: Yep, that does, and I will pass  
20 that along. Thank you very much.

21 BOARD CHAIRPERSON KEN SOUTER: Thank you.

22 Yes?

23 MR. MATT RAY: I'm Matt Ray. I have actually three  
24 properties in the Strawberry Point area that would be in this  
25 district.

1 UNKNOWN SPEAKER: (Inaudible.)

2 BOARD CHAIRPERSON KEN SOUTER: Louder. Right over  
3 here by the engineer.

4 MR. MATT RAY: 17340 Oak, 17304 Oak and 15773  
5 Cherry Street.

6 None of them have water in the basement, but I am  
7 familiar with the flooding that's in the area. I do support  
8 something being done to help eliminate that, particularly at  
9 Beach Street.

10 But as I mentioned, as they showed the photographs  
11 I'm not sure this is the right time to be approaching that  
12 project because it is -- lake water levels being high in that  
13 area.

14 I also noticed that's not part of the district.

15 BOARD CHAIRPERSON KEN SOUTER: I was going to ask  
16 you about the picture because there was a picture and you  
17 commented on it right away that you thought that pond was in  
18 relationship to the level of the lake.

19 MR. MATT RAY: Yeah. So as I walked that area  
20 during the storm events this summer, it's trying to drain.  
21 They are, as John said, they had to remove the sidewalk, but  
22 it is in direct relationship to the storm events that are  
23 occurring.

24 And whether -- it is trying to drain through the  
25 sand off of the road, it just can't go quick enough.

1           It's the same thing that's happening in the  
2 photographs on Oak Street. It wasn't that bad of ponding  
3 years back when I first purchased the property, but it is  
4 much worse now.

5           And I'm not familiar with Ottawa Street, I haven't  
6 driven by that in a storm event.

7           But I think the subdistricts, I think something  
8 should be done. I just don't know that this is the right  
9 time to do it because we're at such abnormal levels and I  
10 have a well on one of my properties and that well water, I've  
11 checked the table in that, and it is significantly higher.

12           So I don't think even putting in these draining  
13 ones is going to solve it as quickly as it should today.

14           That's all.

15           BOARD CHAIRPERSON KEN SOUTER: Okay, thank you.

16           BOARD MEMBER RON BRINK: Can I ask you a question,  
17 sir? How many years ago was it dry? You said awhile ago.

18           MR. MATT RAY: Well five years -- even three years  
19 ago it would dry within -- at least in my area within 24  
20 hours.

21           BOARD MEMBER RON BRINK: Before the water table  
22 went up.

23           MR. MATT RAY: Yes. The water has really come up  
24 in the last three years.

25           BOARD MEMBER RON BRINK: Okay.

1 MR. MATT RAY: Nothing in the basement.

2 BOARD CHAIRPERSON KEN SOUTER: Okay. Since we --  
3 second row there? The gentleman with the glasses?

4 MR. MATTHEW WARNER: Okay. I'll try standing over  
5 here.

6 BOARD CHAIRPERSON KEN SOUTER: Good spot.

7 MR. MATTHEW WARNER: My name is Matthew Warner, my  
8 property is at 17376 Blandford Avenue.

9 And I have an issue with the water drainage coming  
10 down Margaret, on the corner of Blandford and Margaret. And  
11 most of the water comes down the street on Margaret into my  
12 garage area.

13 And I get flooding, you can see the curb, it comes  
14 down the curb and then kind of collects in my garage. So I  
15 get standing water in my garage every moderate rainfall.

16 So I tried to see if it was just the flow at the  
17 curb, and it was -- it looks like the -- it comes back -- let  
18 me give this to you.

19 BOARD CHAIRPERSON KEN SOUTER: Okay.

20 MR. MATTHEW WARNER: So, yeah. It goes -- the  
21 water flows down to the end of the street, that's the end of  
22 Margaret on the east end.

23 And the -- and then it comes back up and around and  
24 it kind of -- water settles there. There is a stone area  
25 there that that water settles in.

1 BOARD CHAIRPERSON KEN SOUTER: Okay.

2 MR. MATTHEW WARNER: So that's why I'm in support  
3 of the project and to further study to see about how to  
4 alleviate the rain water issue here.

5 BOARD CHAIRPERSON KEN SOUTER: Okay, thank you very  
6 much.

7 The gentleman with glasses?

8 MR. BILL BOICE: My name is Bill Boice, and I live  
9 at 17371 Lake Beach, I'm right on the lake.

10 I don't have a problem with water at my house, but  
11 I have to sympathize with, what, Stacy?

12 When I drive down Franklin to get to Margaret to  
13 get to my house, many, many times there is a puddle right in  
14 his yard because the road is full of water, and so his yard  
15 has water in it. It would be on the west side of the yard --  
16 the yard that's west of your house?

17 UNKNOWN SPEAKER: Correct.

18 MR. BILL BOICE: So I have sympathy for him. And  
19 that road needs a drain or needs something. That road is not  
20 good.

21 BOARD CHAIRPERSON KEN SOUTER: Thank you.

22 Young lady?

23 UNIDENTIFIED SPEAKER: It's probably not the road,  
24 it's underneath the road.

25 MS. KATHY BAILEY: I live at 17 -- 15845 Pine. I'm

1 also on the lake neighbor and I don't have a problem.

2 BOARD CHAIRPERSON KEN SOUTER: Your name, please?

3 MS. KATHY BAILEY: Kathy Bailey.

4 My house is dry, but we certainly have the lake.

5 But I also sympathize with Stacy because I think it started  
6 like four years ago, maybe? And he's put in a lot of work  
7 and a lot of time and I swear he's the hardest worker I've  
8 ever seen.

9 So I also think something needs to be done because  
10 I deal with driving by his house everyday and sometimes it  
11 just turns into a big ice rink also.

12 So the other question I had is do you have a map of  
13 where the leaching drains are?

14 BOARD CHAIRPERSON KEN SOUTER: I don't have  
15 nothing.

16 MS. KATHY BAILEY: I mean somebody? Does somebody?  
17 Because I don't think anyone knew that they had to maintain  
18 their own leaching drains.

19 So that's my thought.

20 BOARD CHAIRPERSON KEN SOUTER: Okay. We don't  
21 really know where everything is out there yet. Okay.

22 ROAD COMMISSION JERRY OLMAN: Even at the road  
23 commission our records show very little as far as drainage in  
24 that area. It's not good.

25 BOARD CHAIRPERSON KEN SOUTER: No, that's not good.



1                   We're going to go to the third row back. The  
2 gentleman? Or the lady in the red coat?

3                   Fourth row back, we're going to start on that side.

4                   MR. ROBERT METZLER: My name is Robert Metzler, I  
5 live at 15725 Beach Drive.

6                   I am one of those wonderful people that have a  
7 lake, we fondly call it Lake Metzler in front of our house.  
8 I have pictures.

9                   CHAIRPERSON KEN SOUTER: What's your address, sir?

10                  MR. ROBERT METZLER: 15725 Beach. I am right on  
11 the corner of Coles Park.

12                  I do have one of those catch basins that this  
13 gentleman talked about. Unfortunately there is only four  
14 feet that I can see down, right now currently into it, it's  
15 been filled up year after year. And I understand that a lot  
16 of people, I guess this is a fate thing, that a lot of people  
17 said, well the water level is going up, the water level is  
18 going up.

19                  I have been making phone calls, I've lived at that  
20 residence for 20 years and been making phone calls and stuff  
21 like that to the police about putting high water stuff up on  
22 there and everything like that for 15 years.

23                  This happened way before we had any water problems.  
24 I just recently found out about the catch basin. And I  
25 understand the engineering behind it and everything like

1 that, only if it was effective. And it is not effective to  
2 the point that we get any substantial rain, any time  
3 throughout the year, it will go and flood in front of my  
4 house first, then it will go into my landscaping. Then it  
5 will go in and I have a cement slab that has the heating  
6 ducts, the ceramic heating ducts underneath the house and  
7 fills up those ducts.

8 I have bought two pumps. I'm out there with the  
9 ladder and a nice little gerry-rig out there pumping water  
10 into my backyard because I have a decent-sized lot there.

11 Also I have seen it other places throughout there  
12 where the catch basins are, around the -- I live right across  
13 from the graveyard in Spring Lake, right across from Beach,  
14 so they're not contributing anything right now.

15 However, last year they did go and eliminate a lot  
16 of trees and regrade, and that added a causing problem which  
17 it actually had water all the way from our side all the way  
18 to the other side.

19 That has -- that part I see that there isn't the  
20 runoff to it and I brought that to their attention as well.  
21 So they made sure that the grade was going into their little  
22 catch ditch right there.

23 So, yes, this is a concern of mine. This is -- I'm  
24 one of the main reasons why they're having this. And I  
25 understand you need to identify what drainage district

1 systems they are. I understand as this gentleman said it's  
2 not cost effective to run it all the way from my house 12  
3 houses down plus a beach to connect to that system. It's  
4 mainly I want to go and see that this catch basin is going to  
5 be effective. Whether we go and run it across, up and  
6 underneath the street, over to where the graveyard is. I  
7 don't think those people mind very much if they have a little  
8 water. But still, you know. They're dying to get in there,  
9 really.

10 That's my piece.

11 BOARD CHAIRPERSON KEN SOUTER: Okay, thank you very  
12 much.

13 The pictures are really helpful. I wouldn't have  
14 thought out there by the cemetery you'd have that problem.

15 MR. ROBERT METZLER: And Mr. Bush has some more of  
16 our pictures as well.

17 BOARD CHAIRPERSON KEN SOUTER: Thank you.

18 Okay. We'll go to --

19 MR. JOE PDAVIC: Morning. My name is Joe Padavic.  
20 I live at 17297 Coles Park, just two doors up from Rob.

21 Fortunately I'm on the high end so I might be  
22 sending some water down the hill towards Rob, towards Beach  
23 but it also goes towards the lake. But there is a catch  
24 basin at the bottom of the hill that's two doors down from  
25 me, and the water will sit there. It's not as extensive as

1 Rob's but it will sit there until it eventually leaches into  
2 the ground.

3 The drainage that runs off of Spring Lake services  
4 the last eight homes on there. But going north from there --  
5 or south from there, there is a catch basin like I said two  
6 doors down from me and one at the corner by Rob. So it's  
7 Lake Metzler, like he said.

8 When he's out of town he gives me a yell and says,  
9 check his ducts, to make sure he's not flooding inside the  
10 house.

11 So whether the water sits there for ten minutes or  
12 for two days, it's going to end up in a basement in five  
13 minutes. So it will drain out in two days, it's already into  
14 the basement five minutes after it gets to the house.

15 So thanks.

16 BOARD CHAIRPERSON KEN SOUTER: Thank you, sir.

17 MS. JOAN BAILEY: I'm in the last row.

18 BOARD CHAIRPERSON KEN SOUTER: Are we to the last  
19 row? Okay. Your name and address, please.

20 MS. JOAN BAILEY: I'll speak loudly. Joan Bailey,  
21 17300 Coles Park.

22 It's a rental that we've owned, we've owned it  
23 since 2012. So we don't actually live there but we're there  
24 quite a bit, and I've talked to my renters, and from since  
25 2012 we've never had problems at all. We're very fortunate,

1 we're kind of top of the hill. No water problems in the  
2 basement, no drainage problems, nothing like that.

3 So I feel fortunate, but I empathize with all of  
4 you that do have problems because obviously it is a big  
5 problem.

6 A couple questions that I had because I'm not too  
7 familiar with drain commission, I'm just wondering is it  
8 because it's an older area that there is only one drain  
9 that's going into the lake in that particular area? That's  
10 my first question.

11 Number two, can the leaching basins be replaced?  
12 Is that something that's more cost effective?

13 And third thing I want to know is is part of this  
14 the road commission's responsibility or isn't it? Those are  
15 kind of generic big picture questions I have because I don't  
16 personally have a problem. So I would just like some of  
17 those things answered.

18 And I do think just based on the pictures and the  
19 flooding and things like that something probably does need to  
20 be done because obviously I wouldn't want to live like you or  
21 you or a lot of people having the issues. But I just need to  
22 know some big picture questions.

23 Thank you.

24 BOARD CHAIRPERSON KEN SOUTER: Do you want to  
25 answer some of those big picture questions?

1 ENGINEER RYAN McENHILL: Yes. So the Coles Park  
2 drain was put in in 1972, which I'm probably fairly certain  
3 that the plat was done well before that.

4 MS. JOAN BAILEY: Like a hundred years ago.

5 ENGINEER RYAN McENHILL: So they probably at that  
6 time had an issue with water going in the driveways, into  
7 homes and petitioned the drain commissioner and said, can you  
8 do something about this and they put the pipe in in 1972. I  
9 assume that's how that happened.

10 Your question about the road commission, in just  
11 talking about an apportionment in general, so it's not just  
12 the property owners that pay a portion of the costs. The  
13 road commission will pay a portion of the cost for their  
14 benefits to public roadways. Spring Lake Township will pay a  
15 portion. That's pretty much for public health benefit, and  
16 that's determined by Joe, what he wants those percentage to  
17 be at.

18 So there are at-large percentages that come right  
19 off the top before you start to determine what individual  
20 apportionments are. And typically how we do property  
21 assessments, it's primarily based on the size of the property  
22 that you own, what it's being used for relative to is it all  
23 pervious where nothing is allowed to infiltrate like a house,  
24 a driveway; do you have a big lawn that allows water to  
25 infiltrate that is impervious. Those people that have more

1 impervious would pay less than somebody that, for instance  
2 like a Meijer parking lot that runs off everything is going  
3 to have a much higher apportionment percentage. That's the  
4 two main factors that we look at.

5 But you're also going to have the branch factors  
6 that I talked about where you may have three different drains  
7 irrespective of each other that would only pay for what  
8 they're contributing to that specific drain.

9 MS. JOAN BAILEY: Well what about the leach basins  
10 that he brought up? Is that something that is replaceable or  
11 how does that work specifically?

12 ENGINEER RYAN McENHILL: So just like most  
13 infrastructure it needs to be maintained. If it's maintained  
14 properly, every five to ten years, they have a long lifespan.

15 MS. JOAN BAILEY: Has anybody maintained them at  
16 all?

17 ENGINEER RYAN McENHILL: No, and that's what I was  
18 getting at with the orphan drain system. Right now nobody is  
19 taking responsibility for maintaining those and part of this  
20 process is to get an entity to be able to have a mechanism to  
21 go in and maintain those.

22 So if you had a leach basin on your property, you  
23 saw that it was having a problem, you could call the Water  
24 Resources Commissioner's office, they would send somebody out  
25 to fix that. Whereas now there is no mechanism in place for

1 that to happen.

2 UNKNOWN SPEAKER: What do they do to maintain it?

3 ENGINEER RYAN McENHILL: So you're going to get  
4 sediment into these basins. So you're going to want -- they  
5 vac them out and do it that way.

6 The detail that we had, if I can get to it quickly,  
7 is we not only have the structure but we have -- you see this  
8 pipe that actually comes out of it (indicating). So -- and  
9 that's a perforated pipe. So not only do you have the leach  
10 basin itself that has holes in it that allows the water to  
11 infiltrate; but you also, in this particular case we extend a  
12 perforated pipe out so you have more area for that water to  
13 infiltrate.

14 MS. JOAN BAILEY: Aren't there leaching basins like  
15 all around the different areas? Are none of them maintained?  
16 I mean outside this district even. I'm curious about that  
17 there is no responsibility that's been taken generically for  
18 the entire area.

19 ENGINEER RYAN McENHILL: Well Joe can speak for the  
20 fact that he's taking over orphan drains at an alarming rate.  
21 I mean there is so many of them out there and he's just  
22 started the process with individual townships, he can only do  
23 so many BODs in a year.

24 MS. JOAN BAILEY: Right. But I'm just saying it  
25 seems kind of strange to me that no one has taken



1 responsibility for it.

2 WATER RESOURCES COMM. JOE BUSH: I think Jerry can  
3 probably answer that.

4 ROAD COMMISSION JERRY OLMAN: Well for example he  
5 had a photo of the corner of Rhoda and was it Benjamin? We  
6 had a call this past summer that the sediment was built up,  
7 it was draining very slowly, there was water on the road. So  
8 we sent a vac truck out and vacuumed out that sediment.

9 But beyond that, one problem with leaching basins  
10 is that over time, you know, oil leaks off of vehicles, and  
11 all those little holes that are in these leaching basins end  
12 up getting sealed off. And with that sediment that builds up  
13 the, the sediment gets in those pores or those small holes  
14 and that reduces the life expectancy of the leaching basins.

15 So eventually they do need to be replaced. It's  
16 not something that lasts forever.

17 MS. JOAN BAILEY: All right. I guess my final  
18 question is if it goes through and you do the apportionments  
19 and whatever percentage it ends up being, is that over a  
20 period of like ten years, 20 years or whatever that gets  
21 added to your tax bill? Is that how that works?

22 ENGINEER RYAN McENHILL: Yep. So once we know what  
23 the overall cost is, we kind of -- and Joe really makes the  
24 call, but we try to make it so what's affordable for these  
25 folks. I mean do we spread it over three years? Is it a big

1 enough cost where we spread it over five or ten? That's a  
2 decision that Joe makes and it's individual to each project.

3 We want to try to make it reasonable and affordable  
4 for everybody to be able to pay that.

5 MS. JOAN BAILEY: Because I think we just got done  
6 paying all of us for something in (inaudible), right? There  
7 was a 20-year assessment or what (inaudible).

8 THE REPORTER: I'm sorry, ma'am. If you're going  
9 to keep talking, I'll need you to come back up here. I can't  
10 hear you.

11 MS. JOAN BAILEY: There was another assessment that  
12 we all just got done paying for relative to Spring Lake, I  
13 believe. It was some special assessment that had been going  
14 on for 20 years, I believe, which is now done.

15 So that's why I asked that question because I  
16 didn't know how long it would be spread out and that kind of  
17 thing.

18 BOARD CHAIRPERSON KEN SOUTER: And at the end if we  
19 have -- if we end up having a project, there is always the  
20 review process once the project is going to be assessed.

21 MS. JOAN BAILEY: Okay, thank you.

22 BOARD CHAIRPERSON KEN SOUTER: Is there anybody  
23 else that hasn't spoke? Yes, sir?

24 MR. PATRICK KENNEDY: Patrick Kennedy, 17384 Coles  
25 Park, down the street. My family has lived there since 1916.

1 I'm 74 and I was raised there.

2 High water, low water, that catch basin up at the  
3 end of that road is constantly -- okay. Now I know water  
4 runs downhill, and I can sit down there at the end and watch  
5 it go into Spring Lake, now it's underwater because the water  
6 is high. But that has nothing to do. It seems to me that  
7 that catch basin is lower, or is in the piping running down.  
8 I am for the project.

9 That's all I got to say.

10 BOARD CHAIRPERSON KEN SOUTER: Thank you.

11 MR. PATRICK KENNEDY: You're welcome.

12 BOARD CHAIRPERSON KEN SOUTER: Okay. If everybody  
13 has told me what they -- do we have anybody else?

14 UNKNOWN SPEAKER: No.

15 BOARD CHAIRPERSON KEN SOUTER: Okay. I didn't see  
16 you, I'm sorry.

17 Okay, then I would take a motion to close --

18 MR. MILTON REDICK: I'm Milt Redick, 17170 Laura.

19 The engineer suggested we might have three  
20 different projects, quite possible. Can they proceed if one  
21 of them doesn't want to do it? Do you have another hearing  
22 for each one so I can complain so I don't have to pay for  
23 that -- well that's what he said, I don't have to pay for the  
24 one a half mile away.

25 BOARD CHAIRPERSON KEN SOUTER: You're not going to

1 have to. They'll split this up so if you're not -- your  
2 water doesn't go through something, you aint paying for it.

3 MR. MILTON REDICK: No. No. But the  
4 apportionment, we are against it. Can you proceed with two  
5 out of the three projects that he presents? Or is it one big  
6 project?

7 BOARD CHAIRPERSON KEN SOUTER: I think this is  
8 going to be one project.

9 BOARD SECRETARY RICH VANDER KLOK: One project.

10 BOARD CHAIRPERSON KEN SOUTER: Okay.

11 Is there something new?

12 MR. MATT RAY: Is this project going to address the  
13 Beach and Lake intersection? Or not because it's not drawn  
14 in this map right now?

15 BOARD CHAIRPERSON KEN SOUTER: If it's not within  
16 these boundaries, can we expand?

17 OTTAWA COUNTY WATER RESOURCES COMM. JOE BUSH: No.

18 BOARD CHAIRPERSON KEN SOUTER: If it's not within  
19 these boundaries, no.

20 MR. MATT RAY: Is there another area to address  
21 that? Because I think that's one of the major areas right  
22 now.

23 ENGINEER RYAN McENHILL: So the area --- wherever  
24 we -- it's hard to figure where that, exactly that line is  
25 because we don't have an aerial image, but a lot of that

1 water is running down that hill that gets to that spot. We  
2 would probably do something right at that point to intercept  
3 it before it ran into that spot, if in fact our boundary line  
4 doesn't include that area.

5 MR. MATT RAY: So there will be another district  
6 even though we flow to that? Everything on Beach Street is  
7 flowing down to that, so a lot of this district is going to  
8 that area and impacting that, but you're saying that could be  
9 another district or were --

10 ENGINEER RYAN McENHILL: No. No. I'm just saying  
11 that we could potentially intercept that water before it gets  
12 to that area where it's ponding now. So there would be  
13 infrastructure put in place there.

14 MR. MATT RAY: Okay. And then what about the  
15 others that are draining to that same watershed, the ones  
16 that are up Lake Street and --

17 ENGINEER RYAN McENHILL: They would be included in  
18 the assessment for that for whatever those improvements are.

19 MR. MATT RAY: Would it make more sense to draw a  
20 watershed around the actual area with the largest impact  
21 right now versus what we have here?

22 ENGINEER RYAN McENHILL: That's what I was talking  
23 about with the subdistricts that we would do based on this  
24 overall one.

25 So if we did something there, the people that

1 contributed water to whatever improvements we did there,  
2 would be included in that subdistrict.

3 This is the district that's before this board  
4 today, there is not going to be any other.

5 (SEVERAL PEOPLE SPEAKING OVER EACH OTHER.)

6 ENGINEER RYAN McENHILL: I'm only referring to  
7 subdistrict in the sense of the apportionment, that's it.

8 BOARD CHAIRPERSON KEN SOUTER: Okay.

9 MR. ROBERT METZLER: Can I make one more? Robert  
10 Metzler, 15725 Beach Drive.

11 I did want to make a note though as far as we're  
12 talking about the water and being built up again too is that  
13 one of the problems that we have had, and I don't know if  
14 Stacy has had this problem over there as well, is just before  
15 the thaw, and we get a lot of rain and everything like that,  
16 before the ground is fully thawed, that becomes a big problem  
17 as well.

18 So like that's why I kind of want to put an  
19 emphasis, this happens throughout the year, this is not  
20 happening at one certain time.

21 Of course when the snow and everything is frozen,  
22 no problem. But when you have runoff and you have frost that  
23 starts less than six feet down, that builds up that basin,  
24 and that's something to consider.

25 BOARD CHAIRPERSON KEN SOUTER: Okay. Then at that

1 point, I think we've heard from everybody.

2 I'm going to close this hearing, the public portion  
3 of this hearing.

4 BOARD SECRETARY RICH VANDER KLOK: I'll support  
5 that.

6 BOARD CHAIRPERSON KEN SOUTER: And, Rich, I'd like  
7 to ask what your thoughts are on this.

8 BOARD SECRETARY RICH VANDER KLOK: Well let me -- I  
9 just want to consult my notes here.

10 I would say that based on the public comment that  
11 obviously there is a necessity. So -- and everyone, pretty  
12 much everyone, not everyone, but spoke in favor of --

13 BOARD CHAIRPERSON KEN SOUTER: Something.

14 BOARD SECRETARY RICH VANDER KLOK: -- of doing  
15 something. And I think Ryan, our engineer, in his  
16 presentation told us that the -- we have the boundaries that  
17 are laid out here, but he said that some of those could --  
18 there was flexibility. And so I think that's a good thing.

19 And Jerry from the road commission, at the very  
20 beginning made the comment that these leaching basins have  
21 fulfilled their lifetime use. And so obviously from their  
22 perspective something has to be done.

23 And so I would speak in favor of the necessity for  
24 this.

25 BOARD MEMBER RON BRINK: I have a question for you

1 two guys.

2 The way I'm looking at this comment section, let's  
3 say 5 percent of the property owners attended this meeting  
4 that are affected here on the map, okay. Half of them didn't  
5 have a problem. They support what they're proposing, but  
6 they didn't have a problem, they're never wet.

7 So you're talking about a very limited number of  
8 people in this area that have an issue. Severe issues when  
9 they have them like the gentleman over here have. That's one  
10 thing, okay.

11 The next thing is, like I said, the lake water is  
12 the highest it's ever been.

13 BOARD CHAIRPERSON KEN SOUTER: This area is well  
14 above the lake level.

15 BOARD MEMBER RON BRINK: Right. Is it?

16 BOARD CHAIRPERSON KEN SOUTER: It is.

17 BOARD MEMBER RON BRINK: So that doesn't affect  
18 this at all.

19 BOARD SECRETARY RICH VANDER KLOK: No.

20 BOARD MEMBER RON BRINK: That answers that. That's  
21 my question. Okay.

22 I think those are the only things I'd like to  
23 discuss. I don't know. I don't know where you assess a  
24 whole district for a limited number of -- I agree there is a  
25 problem.



1           BOARD SECRETARY RICH VANDER KLOK: But I think in  
2 terms of assessing the whole district, it was pointed out, I  
3 think, that that may not be the case. I mean it depends on  
4 where -- if we would approve it, the Water Resource  
5 Commissioner would have to do a cost-benefit analysis and  
6 determine what's the scope of the project and what are the  
7 parameters for that project, and that would determine at some  
8 point what the apportionment would be for residents.

9           BOARD MEMBER RON BRINK: I understand that. But we  
10 got -- we have residents here, this gentleman lives here, he  
11 doesn't have a problem, the guy right next door does, okay,  
12 Joe is going to have a tough time differentiating.

13           BOARD CHAIRPERSON KEN SOUTER: That's not our  
14 problem.

15           BOARD MEMBER RON BRINK: I know that. I'm being  
16 realistic.

17           BOARD CHAIRPERSON KEN SOUTER: But that's what  
18 the --

19           BOARD SECRETARY RICH VANDER KLOK: That's the  
20 purview really of the Water Resources Commissioner, and the  
21 engineer to look at that.

22           And they wouldn't look at it if we would say, there  
23 is really not a problem, so let's just leave it the way it  
24 is. So it would not be addressed, in my opinion, it wouldn't  
25 be addressed appropriately.

1           BOARD MEMBER RON BRINK:   Okay.  Another question  
2 that I have, fixing the leaching basins seems like the first  
3 response to me.  It sounds like there is a problem with them,  
4 correct?

5           BOARD CHAIRPERSON KEN SOUTER:  Um-hum.

6           BOARD MEMBER RON BRINK:  So I guess what do we do,  
7 are we addressing is this a problem or are we addressing to  
8 go forward?

9           BOARD CHAIRPERSON KEN SOUTER:  If we say no,  
10 there -- it's going to stay status quo.  Nothing will be  
11 fixed.

12          BOARD MEMBER RON BRINK:  Well there is a problem.

13          BOARD CHAIRPERSON KEN SOUTER:  Okay.  That's what  
14 we needed you to say.

15          BOARD MEMBER RON BRINK:  Is everybody happy?

16          BOARD CHAIRPERSON KEN SOUTER:  Okay.  Basically I  
17 think -- I've been on a lot of these boards, and I think the  
18 biggest question on this particular drain is calling it Coles  
19 Park Drain, and not Strawberry Point Drain.  I think if we  
20 would have called it Strawberry Point Drain, everybody would  
21 say, okay, this is all part of the drain.  We're not just  
22 singling out Coles Park as being the only problem child  
23 because Coles Park really isn't the problem child, they have  
24 a drain already.

25                 It's -- it's incorporating a lot of things.  Maybe

1 drains out to Spring Lake different ways, maybe leaching  
2 basins fixed, maybe -- I think this is going to be a real  
3 difficult project to make everybody happy.

4 BOARD MEMBER RON BRINK: That's what I'm saying.

5 (At 11:20 a.m. went off the record.)

6 (At 11:23 a.m. went on the record.)

7 BOARD CHAIRPERSON KEN SOUTER: Basically what I'm  
8 going to call for is a motion, and the motion is in front of  
9 us here.

10 Yep, it's a motion on the decision of necessity. I  
11 need a motion.

12 BOARD SECRETARY RICH VANDER KLOK: Mr. Chairman, I  
13 would make the motion that the proposed maintenance and  
14 improvement of the Coles Park Drain as petitioned as of  
15 September 9, 2019 is necessary and conducive to the public  
16 health, safety, convenience and welfare.

17 BOARD CHAIRPERSON KEN SOUTER: Do we have a second?

18 BOARD MEMBER RON BRINK: I'll second that.

19 BOARD CHAIRPERSON KEN SOUTER: Move and seconded.

20 Is there any discussion?

21 BOARD SECRETARY RICH VANDER KLOK: No. I think --

22 BOARD CHAIRPERSON KEN SOUTER: All in favor, say  
23 aye.

24 BOARD MEMBER RON BRINK: Aye.

25 BOARD CHAIRPERSON KEN SOUTER: Aye.

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BOARD SECRETARY RICH VANDER KLOK: Aye.

BOARD CHAIRPERSON KEN SOUTER: Opposed?

It's carried.

That completes this meeting.

I wish the Drain Commissioner well on this one because it's going to be a lot of different little things to take care of, and it's probably going to be a difficult one to do.

Thank you very much for your attendance and your input into this meeting.

BOARD SECRETARY RICH VANDER KLOK: Thank you very much.

(BOD concluded at 11:21 a.m.)

CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN )

) SS

COUNTY OF MUSKEGON )

I certify that this transcript, consisting of 61 pages, is a complete, true and correct record of the BOD - Coles Park Drain, to the best of my ability, held on December 5, 2019.

DATE: December 26, 2019



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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