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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: DEGROOT DRAIN  
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on  
June 24, 2021, in Grand Rapids, Michigan, held before  
Rebecca S. Renzema, CSR-1435, Certified Shorthand Reporter  
and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Josiah Timmermans, Chief Deputy
- Ms. Sara Hirst, Secretary to Water Resources Commissioner
- Mr. Bill Cargo, Board Chairperson
- Mr. Rich VanderKlok, Board Secretary
- Mr. Ken Souter, Board Member
- Mr. Dan Fredricks, PE, Land & Resource Engineers
- Mr. Taylor Mantey, PE, Land & Resource Engineers

1 Grand Rapids, Michigan

2 June 24, 2021; 10:00 a.m.

3 \*\*\*

4 PROCEEDINGS

5 WATER RESOURCES COMM. JOE BUSH: Good morning,  
6 everyone. It's 10:00. Welcome to the Tallmadge Township Hall  
7 for the DeGroot Board of Determination. I'm Joe Bush, the  
8 Ottawa County Water Resources Commissioner, also known as the  
9 Drain Commissioner. Same office, different name. Back in  
10 2012 the county changed the name per drain code that they were  
11 able to do and put out the title Water Resources Commissioner.

12 So I do appreciate everybody taking the time to come  
13 here this morning. A lot of people ask right away, "Why is it  
14 held in the morning? Why can't you do it at night?" Well,  
15 it's kind of a legal proceeding just like a court and so we  
16 have it in the morning typically. That's when most people can  
17 make it. We tried 3:00 before, it doesn't work. 2:00 doesn't  
18 work.

19 So 10:00 has been kind of the norm for many, many  
20 years and I did have some night meetings and it didn't go so  
21 well between people's sports, kids' homework, everybody's busy  
22 at night, so we hold them at 10:00. So I get that question  
23 out of the way because I get that a lot.

24 The other one is we're here today because we  
25 received a petition. People are, like, "Well, what's a

1 petition?" Well, a petition -- what we're talking about today  
2 is the DeGroot drain district. Everybody got a mailing I'm  
3 sure and you were invited because it's an orphan drain system.  
4 What does that mean? Well, it's not under my jurisdiction,  
5 which requires a -- Board of Determination requires a petition  
6 and your township, Tallmadge Township Board, decided to pass a  
7 resolution and send a petition to me and that's why we're here  
8 today is to hold a public hearing.

9           So today's meeting is court recorded and so  
10 everything is word for word. I've been doing that. It's not  
11 by drain code or by law. I've been doing it since I've been  
12 elected. I'm in my third term. I've held quite a few of  
13 these over the years and it's word for word, for your  
14 reference, my reference, the engineer, the township board, for  
15 everybody. You can always go back to miottawa.org, and look  
16 under Water Resources Commissioner.

17           Those minutes are usually posted about four to six  
18 weeks after the Board of Determination. And if you need a  
19 hard copy, we're more than happy to give you a hard copy,  
20 but usually as soon as the court recorder gets it to them or  
21 to me, we'll put it on the website so you can read it. Again,  
22 when you do give public testimony, be sure to speak loudly,  
23 your name, address, so that she can catch it.

24           Once I give the board here the oath, they will run  
25 the meeting. So this meeting is really up to them. And

1 they'll either say, "Joe, move forward with the project" or  
2 "do not move forward with the project." So a lot of  
3 questions, right? Is there a project? Nope. Have we spent  
4 any money? Nope. This is the very first step of having a  
5 Board of Determination. This is the very first step of maybe  
6 making it a county drain. Totally up to them.

7           These gentlemen have not seen the -- all  
8 they're hearing today is your testimony and the engineers'  
9 presentation. So we don't have a project, we don't have a  
10 cost, nor do we determine the cost today because we don't have  
11 a project. It's hard to have a cost when we don't even know  
12 what we're doing yet.

13           The reason here is, again, public testimony. There  
14 has been a lot of Board of Determinations that have moved  
15 forward and there's been some that's been denied. It's  
16 totally up to these gentlemen. Like I said, when I give them  
17 the oath, they run this meeting.

18           These three gentlemen have no parcels or nothing to  
19 do with Tallmadge Township. So they're not your neighbor,  
20 they're not on the township board. They're appointed by me.  
21 This is all in drain code. I appoint people who are  
22 experienced, number one, with leadership, number two, with  
23 drain codes, because these guys have been doing a lot of these  
24 over the years and they've been doing a lot for me personally  
25 on a lot of Board of Determinations.

1           So they're here to listen and take in the  
2 information and then they base their judgment on public  
3 testimony and the engineers' report. There'll be time,  
4 again, for public comment and, again, I just -- I cannot  
5 stress enough that if you have a problem or don't have a  
6 problem, just speak up and talk about it so they can base  
7 that decision on -- it's totally on your guys' comments.

8           But that being said, like I said, I'll do  
9 introductions in a second, but these three gentlemen have done  
10 an awesome job. Are they engineers? Yep, we do have one.  
11 Have they been in townships before? Yep. As a matter of  
12 fact, two of them have been on township boards within Ottawa  
13 County and they have to live in Ottawa County. So they've  
14 been on township boards.

15           They're very experienced on how drain code works,  
16 how assessments work, and why they're here. That's the  
17 biggest part, why are they here? They're very knowledgeable  
18 on their jobs today. Again, it's not about a project, it's  
19 not about a cost, and it's not about a solution. It's  
20 definitely, "Is Joe moving forward with a project or not?" So  
21 we're in the very, very beginning stages. I know there's been  
22 a lot of questions, like, "What's the project? What's the  
23 cost?" We don't even -- we haven't gotten there yet. We need  
24 to get past the first step of drain code and state law first.

25           Now, if they decide to move forward, then we'll get

1 the engineer involved more. So the engineering firm is LRE,  
2 Land & Resource Engineering. We have Dan Fredricks and  
3 Mr. Mantey here. They have been out. They looked at it.  
4 They haven't come up with a solution because there is no  
5 solution yet. They went out and looked at the problems that  
6 potentially could be there from the petition.

7 So, you know, we hired them to go out and just do a  
8 visual kind of a good PowerPoint to say, "This is what we  
9 think could be going on." But, again, it's up to you guys.  
10 It's not the engineer who's going to make that decision today.  
11 It's the public. So really, before I hire an engineering firm  
12 to go do something, I have to have a project and I don't have  
13 a project because these three gentlemen haven't said, "Yes,  
14 move forward."

15 So I've got to be real cautious on spending money on  
16 engineering when I haven't had a project yet. Hopefully that  
17 makes sense. A lot of people get confused. "Well, you've got  
18 an engineering firm." Well, yeah, but they haven't approved  
19 it and told me to move forward yet either. So they just go  
20 out and do the preliminary for the Board of Determination.

21 So that's what you'll be seeing today. It's all  
22 preliminary. It's all just what they've seen out there.  
23 And, obviously, there's been a complaint of water problems.  
24 That's why we're here. So whether it's one person or whether  
25 it's 20 people, we're here because there's people who are

1 supposedly having some water problems. That's why we're  
2 having a Board of Determination.

3 That being said, I'll go ahead and do introductions  
4 and I'll start from my left going right. Mr. Ken Souter, he  
5 was with the road commission for what, 40 years?

6 BOARD MEMBER KEN SOUTER: Plus.

7 WATER RESOURCES COMM. JOE BUSH: Plus? In the  
8 engineering department. So he's very knowledgeable with  
9 road water, ditch water, drainage, you name it, design.  
10 He's retired, so he's not working for the road commission any  
11 longer, but he's retired from there and, again, 40-plus years.

12 And then Bill Cargo in the center. He's the manager  
13 at Georgetown Township.

14 BOARD CHAIRPERSON BILL CARGO: Grand Haven.

15 WATER RESOURCES COMM. JOE BUSH: Or Grand Haven.  
16 I'm sorry. Sorry. Then you've got Rich and Rich was a board  
17 member at Georgetown Township. Sorry. I got ahead of myself.  
18 I was looking at Rich. And Rich has been around doing these  
19 BODs again for many, many years. So these three gentlemen,  
20 again I repeat, have a lot of experience on what we're doing  
21 today.

22 And I introduced the engineering firm and then our  
23 court reporter. Make sure you speak loudly so she can hear  
24 you. We've got some of my staff. Josiah was the taller  
25 gentleman in the back who was helping signing in, my

1 secretary, Sara. We have a couple board members. We have  
2 Mark Bennett and we have Dave, a supervisor, and then we have  
3 the staff, too. Oh, of course, we have Lenore Cook. I'm sure  
4 some of you have spoke with her.

5 MS. LENORE COOK: Val is the treasurer.

6 WATER RESOURCES COMM. JOE BUSH: And Val is the  
7 treasurer, yep. I was getting there. I didn't want to miss  
8 you, though. So we do have several board members in the back  
9 from Tallmadge Township who passed the petition to me. So  
10 they're here to bring comments, too.

11 So again, once I give the oath, they run the  
12 meeting. And then if there's any questions to me, they'll  
13 be referring it to me. So try not to talk to me directly  
14 because, again, they run the meeting. They've never been on  
15 this site as far as looking at it, though they're excited to  
16 hear your comments for sure to help them make a decision.

17 Again, the road commission is usually here, but I  
18 know Jerry will have a comment. I think we printed off an  
19 e-mail from him this morning, but he can't make it. But  
20 Jerry Olman is usually here as well at all these Board of  
21 Determinations.

22 Again, I'm in my third term. I am an elected  
23 official and I had 12 years experience at the road commission  
24 prior to being elected in 2012, so this is kind of my  
25 background and forte as well. So again, I do appreciate



1 everybody's time and we'll go ahead and proceed and get the  
2 oath.

3           Gentlemen, please rise and raise your right hand.  
4 Do you each solemnly swear that you will faithfully perform  
5 and discharge the duties imposed upon you as required by law  
6 as members of the Board of Determination appointed by the  
7 Ottawa County Water Resources Commissioner to determine the  
8 necessity to locate, establish, and construct the proposed  
9 DeGroot drain located in Tallmadge Charter Township in said  
10 county? Gentlemen?

11           BOARD CHAIRPERSON BILL CARGO: I shall.

12           BOARD SECRETARY RICH VANDERKLOK: I do.

13           BOARD MEMBER KEN SOUTER: I do.

14           BOARD CHAIRPERSON BILL CARGO: Well, the first thing  
15 we need to do is we need to do an election for a chairperson  
16 and the election for a secretary. Do we have a motion to  
17 select a chairperson?

18           BOARD MEMBER KEN SOUTER: I'll move that Bill Cargo  
19 be chairman.

20           BOARD SECRETARY RICH VANDERKLOK: I'll support that.

21           BOARD CHAIRPERSON BILL CARGO: We have a motion and  
22 support on the floor. All in favor of Cargo being named the  
23 chairperson say aye?

24           BOARD SECRETARY RICH VANDERKLOK: Aye.

25           BOARD MEMBER KEN SOUTER: Aye.

1 BOARD CHAIRPERSON BILL CARGO: Aye. And it is  
2 passed without objection. Next I'll make a motion that Rich  
3 be appointed to the secretary for the Board of Determination.  
4 Do I have support?

5 BOARD MEMBER KEN SOUTER: I will support that.

6 BOARD CHAIRPERSON BILL CARGO: We have a motion and  
7 support on the floor. All in favor of that say aye? Aye.

8 BOARD MEMBER KEN SOUTER: Aye.

9 BOARD SECRETARY RICH VANDERKLOK: Aye.

10 BOARD CHAIRPERSON BILL CARGO: And again, that was  
11 passed without objection. The other thing I want to do is I  
12 want to talk about rules of comment or rules of -- when we get  
13 to the public comment portion of it, typically we limit public  
14 comments to three minutes. You can summarize War and Peace in  
15 three minutes and so we're just looking for somebody to be  
16 able to come up here and we're trying to determine is there a  
17 water issue or stormwater issue problem.

18 That's what we're here for today. We're going to  
19 determine if there's a problem and if the problem has a  
20 potential solution and that's what we're looking at. And so  
21 is there a motion to limit public comments to three minutes  
22 per person?

23 BOARD SECRETARY RICH VANDERKLOK: I'll make that  
24 motion, Mr. Chairman.

25 BOARD MEMBER KEN SOUTER: Support.

1 BOARD CHAIRPERSON BILL CARGO: We have a motion by  
2 Rich, supported by Ken, to limit public comments to three  
3 minutes. All in favor say aye?

4 BOARD MEMBER KEN SOUTER: Aye.

5 BOARD SECRETARY RICH VANDERKLOK: Aye.

6 BOARD CHAIRPERSON BILL CARGO: Aye. And that then  
7 is the purpose of this stage. We've already talked about the  
8 role and function of the board. I think that was kind of  
9 discussed by the Water Resources Commissioner, but again,  
10 we're here to take a look at a particular area. It is  
11 considered an orphan drain.

12 An orphan drain means that there is a drainage  
13 system that is in existence, but it's not owned by any public  
14 entity. That means that we can't spend public monies on  
15 private property if it's not part of a district. So if  
16 there are problems -- and that's what we're here to determine  
17 today -- we couldn't spend public monies to solve them; the  
18 township can't, the county can't, unless it's brought into a  
19 system. If it's brought into a system, public monies can be  
20 spent; monies from the county, monies from the township, and  
21 if there is a determination, there could be assessments made.

22 That said, I'm going to ask the engineer -- who  
23 is going to be making the presentation and could you introduce  
24 yourself when you make the presentation?

25 DAN FREDRICKS, PE: Sure. We're with Land &

1 Resource Engineers out of Grand Rapids, LRE. It's going to  
2 be Taylor Mantey and myself, Dan Fredricks, who will be  
3 presenting.

4 BOARD CHAIRPERSON BILL CARGO: And if you would  
5 please move ahead with your presentation I'd appreciate it.

6 DAN FREDRICKS, PE: All right. Thank you. So  
7 again, thank you everybody. Again, my name is Dan Fredricks.  
8 I'm here with Taylor Mantey. We went out there and did a  
9 preliminary, just kind of an engineering reconnaissance on  
10 behalf of the drain commissioner in response to the petition  
11 they received and we're just going to go over a little bit of  
12 a brief overview of some of the drainage issues that we saw  
13 out there.

14 So why we're here -- I'm going to go over an  
15 overview of why we're here today. Joe touched on it. I'm  
16 going to hit it again. I'm going to give you a little bit of  
17 an overview of the potential drainage area. Then Taylor is  
18 going to talk about the specific drainage issues. He walked  
19 the actual area and met with property owners that have had the  
20 issues out there and then we'll go -- circle back and talk  
21 about what happens next.

22 So why we're here today, as Joe mentioned before and  
23 as the Board just reiterated, there is no established county  
24 drain out here right now, but there are drainage issues in the  
25 area and that prompted the township to actually petition the

1 drain commissioner. When you create a new drain, there's  
2 basically a two-step process within the drain code itself  
3 which governs how drains are established and maintained  
4 throughout Michigan.

5           There's two sections, Chapter 3 and Chapter 4.  
6 Chapter 3, basically the first thing you have to do is, okay,  
7 what might be the area that could be drained by this? What  
8 lands might be drained by this drain? So that's laying out  
9 what they call the drainage district and that's usually based  
10 on the watershed or the contributing drainage area to the  
11 drain.

12           And then we go into the Chapter 4 part of the  
13 petition, which is why we're here today, to have the Board of  
14 Determination to say, okay, does -- maybe it's not exactly  
15 going to look like this drain, but does there need to be some  
16 type of drainage improvement being made? So that's why the  
17 Board of Determination is here today. They're going to hear  
18 the testimony from everybody out here to determine whether  
19 or not there is a drainage issue and then based on the --  
20 basically it's public health, welfare, or convenience to make  
21 a determination of whether the project is necessary.

22           So just a brief overview here. That map is kind of  
23 hard to see, but if you came in the back, hopefully you were  
24 able to pick up one of these maps right here. This whole area  
25 shaded in yellow, which is within this bounded black line,

1 that is kind of the preliminary drainage district that we're  
2 talking about here, the preliminary watershed.

3           When we set out to look at a potential drain here,  
4 we really used this pond right here, which actually has an  
5 outlet control which goes down to then -- so there's like a  
6 catch basin that goes into a little storm sewer and then  
7 outlets to a ravine in the same creek.

8           So when we set this kind of preliminary drainage  
9 district, at least for notification purposes to bring people  
10 here today, we set this district based on what are the lands  
11 that are contributing into the pond right here and then into  
12 the little ravine that would ultimately outlet into Sand  
13 Creek.

14           So just to kind of give everybody perspective,  
15 we're up here. Basically we're talking about right across the  
16 street from the township hall. So we've got Leonard bounded  
17 by the north. This is 14th Ave. here, which is basically the  
18 eastern limits. We've got Parkland Trail down here, Lamac,  
19 Sand Creek Trail, and then Sand Creek itself to the left.

20           So in all within this drainage district area and --  
21 so basically the watershed, again, flows primarily from the  
22 west, from the east I should say, along 14th Avenue, west  
23 towards this pond, and then ultimately into Sand Creek.  
24 Within that preliminary drainage district there's about 91  
25 acres and about 50 parcels of land.

1           There are -- again, depending on the testimony that  
2 we hear today, there are potential -- I mean if we're really  
3 just looking at water drainage specifically at Leonard and  
4 Lamac, you might -- and we're just purely looking at road  
5 drainage in there, there might be opportunity to put an  
6 additional culvert or storm sewer to continue the ditch line  
7 along Leonard Street towards Sand Creek.

8           So I don't want anybody to get -- you know, again,  
9 we're not trying to figure out what the exact final project  
10 scope is going to be today. Really when we set the drainage  
11 district, we're trying to say, "Okay, here's the most  
12 comprehensive area that might be served by the potential drain  
13 and, therefore, we want to notify people accordingly."

14           So again, this blue alignment that you see right  
15 here, which is the proposed route and course of the drain, is  
16 not set in stone. It's just basically to get us through this  
17 first Chapter 3 area of where our drain might be located and  
18 what the drainage district might be.

19           So I think with that, some of the issues, again, the  
20 Board is going to hear testimony and make a decision based on  
21 public health, convenience, or welfare. Some of the issues  
22 that we've seen out there are flooding of homes, basement --  
23 basement flooding and then yard flooding, particularly between  
24 Sand Creek Trail and Lamac.

25           And then some of the potential issues you can get

1 from that, obviously, flooding of homes is going to be an  
2 issue for public health, welfare, and convenience. It can  
3 also impact the function of septic fields. If we have high  
4 water levels, they're not going to function appropriately.  
5 And then it can also create -- where we have long areas of  
6 standing, ponding water that can create --

7 REPORTER: You dropped your voice a lot there. We  
8 have what? Longstanding ponding --

9 DAN FREDRICKS, PE: Longstanding ponding that can  
10 create breeding grounds for mosquitoes which can then  
11 create --

12 TAYLOR MANTEY, PE: Transmit diseases.

13 DAN FREDRICKS, PE: Transmit diseases, yeah. So  
14 with that I'm going to turn it over here to Taylor and he's  
15 going to talk about some of the particular issues that we saw  
16 out there.

17 TAYLOR MANTEY, PE: Okay. Well, we have to start  
18 with Mr. DeGroot's property here. Anecdotally --

19 UNIDENTIFIED PERSON: Wait, wait.

20 TAYLOR MANTEY, PE: Yes.

21 UNIDENTIFIED PERSON: Which one?

22 TAYLOR MANTEY, PE: 12131 Lamac.

23 UNIDENTIFIED PERSON: There's two DeGroots. J.R.?

24 TAYLOR MANTEY, PE: J.R. DeGroot. So anecdotally,  
25 we had reports. I met with Mr. DeGroot and there's ponding in



1 the northwest part of his property just about every spring,  
2 so that means first groundwater, not sufficient drainage  
3 connectivity. And when I met with Mr. DeGroot, we also had  
4 some -- the property to the south had shared with me, the  
5 owner came out and said that they had to add a sump pump  
6 system because they had some drainage issues with their  
7 walkout basement.

8           So it's kind of that there's a corridor there that  
9 is definitely not being served with the proper drainage.  
10 That's very clear from my visit. So these are some photos  
11 from the ground here. You can see -- we'll start on the  
12 northern part here. And there is a culvert here across Sand  
13 Creek Trail and it's about -- it's an undersized culvert,  
14 12-inch culvert. It's plastic.

15           It is first a little too high to make any difference  
16 for Mr. DeGroot and the surrounding properties. It was done  
17 privately. Like I said, it's undersized and a lot of that is  
18 taking, like Dan said, the roadside drainage along Leonard all  
19 the way up to 14th Avenue. So it's a long stretch of drainage  
20 that is just really overwhelming this culvert here. It's  
21 putting -- it's a bend, too. So this culvert is set back from  
22 the road.

23           But, you know, we'd like to use what the terrain is  
24 giving us out there, right? So we have this roadside -- I  
25 call it a roadside swale and it's a very crude swale. You'll

1 see from -- well, hopefully you can see from some of these  
2 photos, these ground photos, showing where they were taken.  
3 It's very shallow. It's like a roller coaster, the grade.  
4 So you've got some ponding water in some of these areas. It  
5 should be a flat slope and at the appropriate depth and, you  
6 know, slope percentage correct.

7           So here's the ponding area in Mr. DeGroot's yard.  
8 These are flow accumulation lines, if you can see these light  
9 blue arrows. So there's a culvert right here across Lamac.  
10 And, you know, Mr. DeGroot's actually getting hit twice.  
11 He's getting over-land flow from the east to the west in  
12 the district generally trending and then he's getting a  
13 concentrated flow from the drainage along the road here along  
14 Leonard Street. So it doesn't end up well right here for  
15 Mr. DeGroot as it is now.

16           So we'll move on to continuing south. Here's  
17 more of that anecdotal data and hopefully this -- hopefully  
18 this is understood. So we used Wigard(ph). That's where  
19 we're getting this color-graded visualization model from and  
20 white is high, so high elevation, and then the light blue is  
21 low. So you've got Sand Creek down here, right, and then  
22 you've got this uplying area.

23           And generally you can see that this is grading and  
24 the trend is naturally sloping from east to west. And some  
25 proof of that are all these culverts. They're green dots,

1 they're hard to see, but they're all along Lamac Avenue that  
2 we've collected data on. And those wouldn't be there if the  
3 flow wasn't happening from east to west, right?

4           So what happens after the water crosses Lamac  
5 Avenue? Well, it just floods right into these people's yards  
6 here because, you know, there's not a sufficient channel or  
7 alignment for all these -- to intersect all these flow lines.  
8 So what should really happen is all those flow lines should be  
9 dumping perpendicularly into a channel alignment to have the  
10 most effect, right? So this is just kind of what, you know,  
11 the terrain is giving us and this is our proposed preliminary  
12 thought on this.

13           Here's the property to the south. I met with the  
14 lady out there. She said, you know, she had to install some  
15 sump pumps and her walkout basement was flooding. So that's  
16 south of Mr. DeGroot's property here at 12131 Lamac. And then  
17 you can see some of these ground photos here of just the large  
18 trees that are encroaching on this crude swale.

19           And like I said, there was ponding. I walked it  
20 right along the centerline of it and it was like a roller  
21 coaster. You know, my boots were getting wet and then they  
22 were dry and then they were wet again and then they were dry.  
23 There was just -- you know, it's not graded appropriately and  
24 at the appropriate depth to relieve the elevation of these  
25 properties here.

1 BOARD CHAIRPERSON BILL CARGO: Taylor, when did you  
2 walk this?

3 TAYLOR MANTEY, PE: This was about -- was it three,  
4 four weeks ago?

5 DAN FREDRICKS, PE: A couple weeks. It's been three  
6 weeks ago?

7 (Overlapping discussion.)

8 TAYLOR MANTEY, PE: It was dry. It was dry, yeah.

9 (Overlapping discussion.)

10 BOARD CHAIRPERSON BILL CARGO: -- during this  
11 drought period.

12 TAYLOR MANTEY, PE: I'm sorry?

13 BOARD CHAIRPERSON BILL CARGO: So even during this  
14 drought period three weeks ago, you were seeing the standing  
15 water and the flooding that was --

16 TAYLOR MANTEY, PE: Uh-huh. Yes.

17 BOARD CHAIRPERSON BILL CARGO: Thank you.

18 TAYLOR MANTEY, PE: Yep.

19 BOARD MEMBER KEN SOUTER: Another question. What do  
20 you call the ponding area? Is this a pond or is this --

21 TAYLOR MANTEY, PE: No.

22 BOARD MEMBER KEN SOUTER: -- an area that was  
23 ponding water?

24 TAYLOR MANTEY, PE: I would say seasonal flooding --

25 BOARD MEMBER KEN SOUTER: It's not a pond.

1 TAYLOR MANTEY, PE: -- to be more specific. No,  
2 it's not a pond. But it looks like an ice rink out there.  
3 That's what Mr. DeGroot said, you know. He said it was  
4 flooding and then freezing and flooding and freezing and --  
5 you know, those were his words that, you know, he basically  
6 had an ice sheet out there, so --

7 UNIDENTIFIED PERSON: Is this a new development?

8 BOARD CHAIRPERSON BILL CARGO: Please. Wait -- wait  
9 until the public comments.

10 UNIDENTIFIED PERSON: Fair enough.

11 BOARD CHAIRPERSON BILL CARGO: We'll hold a public  
12 comment where you can ask questions if that's not --

13 UNIDENTIFIED PERSON: Proceed.

14 TAYLOR MANTEY, PE: So hopefully that's pretty  
15 clear, the flow accumulation lines here. And then moving  
16 further south we get into this area here where, you know,  
17 we've got some large trees up here. Not really graded  
18 appropriately, like a roller coaster, like I said. Pretty  
19 shallow.

20 And then we get to this area right here and this was  
21 a bit of a surprise. There's an oil well, pump jack, and a  
22 drill rig out there, so we'll have to work with the property  
23 owner and the owner of that. You can see right here there's a  
24 culvert where the swale is connected to, this crude swale that  
25 I'm talking about. And it's undersized, you know. I would

1 say that it needs to be scaled up and done appropriately. I'm  
2 sure that this could be replaced, this stone pad. We just  
3 have to make sure we can break this.

4 And then, you know, you can kind of see a little bit  
5 there. There's the pump jack and the well for those of you  
6 who haven't taken a drive down Sand Creek Trail. Then  
7 continuing on we just have more debris downstream from that.  
8 And I think that covers everything there.

9 DAN FREDRICKS, PE: The pond, yeah.

10 TAYLOR MANTEY, PE: And then we go to the pond. So  
11 this is kind of where -- right about here where the oil rig is  
12 and, you know, the drill rig and the oil well. And then we  
13 get into the pond here and then we'll talk about the pond a  
14 little bit here. So the pond, from my assessment, has a  
15 degrading outlet. The concrete structure has shift, spawling,  
16 cracking, generally in poor condition. So that would need to  
17 be replaced if we're going to do this and the outlet, which is  
18 under Sand Creek Trail.

19 So the outlet for this structure is submerged.  
20 That's right here. The pipe is submerged and you can see  
21 this is about 100 feet or so of buried storm sewer. So I'm  
22 assuming that would have to be replaced. We'd have to do,  
23 you know, a further assessment on that. But based on the  
24 condition of the outlet riser, it probably would need to be  
25 replaced.

1           And then continuing on from that, this is the look  
2 downstream from the outlet, the storm sewer outlet. Not a bad  
3 drainage system here; good relief, good elevation relief, but  
4 probably a management situation where we would just clean  
5 things up a little bit really lightly and make sure  
6 everything's appropriately graded. And that takes us to Sand  
7 Creek and the relief for these property owners.

8           DAN FREDRICKS, PE: So with that we're going to turn  
9 things back over to the Board to hear public testimony. One  
10 of the things to note is that if the Board determines the  
11 project is not necessary, then a petition cannot be heard for  
12 at least another 12 months. If the project is determined  
13 necessary or the petition is determined necessary, then the  
14 scope of the project still has yet to be determined.

15           So we would have to go out there, conduct a detailed  
16 engineering survey, complete design work. We'd have to get  
17 easements since, again, there is not a drain, so wherever  
18 we're locating the drain, we'd have to get easements from and  
19 negotiate those, apply for permits from the State Department  
20 of Environment, Great Lakes, and Energy, formerly known as,  
21 like, the DEQ.

22           And then once that's put together, we'd have an  
23 actual construction project. We would bid it out to qualified  
24 construction contractors. The low bid that's qualified will  
25 get the job. At that point we would know what all of the

1 total project costs are going to be. There would be another  
2 meeting. It's called a day of review where you would be sent,  
3 "Okay, your assessment is going to be x-amount of dollars for  
4 so many years." And then at the day of review you'd have a  
5 chance to go in there to, you know, testify one way or another  
6 if you agree or have any objection to the proposed assessment.

7 And then once we got through that process, we would  
8 actually construct the project. So generally this process is  
9 probably going to take at least a year to get through, so it  
10 wouldn't be -- it would be most likely a 2022 construction  
11 project if we were to go forward. With that, we appreciate  
12 your testimony that you're about to give here and we'll turn  
13 it back over to the Board.

14 BOARD CHAIRPERSON BILL CARGO: One question, Dan.

15 DAN FREDRICKS, PE: Yes.

16 BOARD CHAIRPERSON BILL CARGO: Basically one of the  
17 major factors we consider if we decide this is a necessary  
18 project is whether flooding is occurring and whether storm  
19 water and problems exist. And the summary of what you're  
20 telling me, from what I understand, is that there are storm  
21 water problems out there and you suspect there are simple  
22 solutions that would be able to correct them?

23 DAN FREDRICKS, PE: Correct.

24 BOARD CHAIRPERSON BILL CARGO: Thank you. Does  
25 anybody else have -- Rich?



1 BOARD SECRETARY RICH VANDERKLOK: Not at this  
2 point.

3 BOARD MEMBER KEN SOUTER: No.

4 BOARD CHAIRPERSON BILL CARGO: At this stage we're  
5 going to open this for public comments. Before we do that, we  
6 have one piece of correspondence from the Ottawa County Road  
7 Commission. Rich, would you read that?

8 BOARD SECRETARY RICH VANDERKLOK: Right. These  
9 comments come from Jerry Olman from the Ottawa County Road  
10 Commission. He says, "My comments are: There appears to be a  
11 bottleneck at the dry culvert under Sand Creek Trail and that  
12 apparently is a private trail. I believe Sand Creek Trail was  
13 installed sometime in the 1980s and the drainage at this point  
14 was never an issue because the land to the east was vacant.  
15 Any minor flooding that may have occurred probably went  
16 unnoticed.

17 Now with Lamac Drive private, there are homes and a  
18 road on the property which create additional run-off. The  
19 Road Commission is in favor of the Water Resources Commission  
20 establishing a district to solve the drainage issues in this  
21 area. Thank you, Jerry Olman, Special Services, Ottawa County  
22 Road Commission."

23 BOARD CHAIRPERSON BILL CARGO: Okay. With that,  
24 we're going to open it up for public comments. The one thing  
25 I'll remind everybody is simply state your name and address

1 and identify whether you live or have lands within the  
2 drainage district. And I'm going to do this row by row and  
3 I'm going to start with the second row to my right, that  
4 section there. Would the gentleman like to make any public  
5 comments? If so, simply stand at your location and give your  
6 name and address.

7 BOARD SECRETARY RICH VANDERKLOK: Could we have the  
8 lights on again, please? Thank you.

9 MR. DEGROOT: Good morning. My name is Mr. DeGroot,  
10 the other one.

11 TAYLOR MANTEY, PE: Okay. That's --  
12 (Overlapping discussion.)

13 MR. DEGROOT: Sorry for interrupting you earlier. I  
14 want to make that clear.

15 TAYLOR MANTEY, PE: That's okay.

16 MR. DEGROOT: I moved to the area eight months ago.  
17 I believe I'm the largest property owner in the proposed  
18 district. I'm on the southwest edge. The proposed drain on  
19 the other side of Sand Creek Trail would go directly through  
20 my property, which basically consists of 100-year-old oak and  
21 maple trees.

22 The questions that I have is, I was not contacted or  
23 consulted when the review happened to walk through my property  
24 and the effects of lack of planning to the east that would  
25 push onto my land by the proposed drain. I have not

1 personally seen ponding or flooding in that I've only been  
2 here eight months. Because I haven't seen it I would suspect  
3 that that probably would be a heavy rain period or spring  
4 run-off is what I would think that would be.

5           When I first saw this I thought, okay, if there's  
6 a community issue, is there a simpler solution, a common sense  
7 solution? The first thought is, why wouldn't we open up the  
8 drains and go 20 yards west on Leonard in the ditch that you  
9 talked about? I believe there's already a call for a system  
10 that would go straight down to Sand Creek and you wouldn't  
11 destroy a pristine forest and you're in the right-of-way of a  
12 road.

13           Has the impact on the environmental -- has the  
14 environmental impact been considered with the oil situation  
15 that's back there? Is this a natural drain or a buried drain?  
16 I don't know. I don't know if there's different sections  
17 and different parts. Who in the City of Grand Rapids was  
18 contacted regarding this? That proposed drain would go  
19 straight through Aman Park. Aman Park has significant  
20 restrictions. My property abuts Aman Park. It's a pristine  
21 property with 330 acres. I can't imagine they would do that,  
22 allow something lightly.

23           My last question is, is this a building code issue?  
24 Are the minimal local (inaudible) correct off of Lamac? Is  
25 that done correctly? And my final comment would be, if the

1 issue seems to stem from Lamac and water coming across Lamac  
2 from the floodplain to the east, wouldn't a solution be to  
3 install a drain system to the east of Lamac and tie that into  
4 Leonard Street instead of basically taking significant action  
5 for approximately a quarter mile of forest?

6 BOARD CHAIRPERSON BILL CARGO: I appreciate the  
7 comments. Most of the questions you're asking are dealing  
8 with potential solutions and the environmental impact.  
9 That is a stage that would have to be reviewed by the water  
10 resources commissioner and the engineer should we decide that  
11 there is a storm water problem that needs to be addressed.

12 Next to the gentleman, would you like to speak?

13 MS. NORA VANTZELFDE: Yes. I'm Nora Vantzelfde,  
14 1610 Leonard Street. Sand Creek Trail is right next to our  
15 property. There's a large drain at the front of our property  
16 that I've seen individuals there on our property uncovering it  
17 with leaves. So I don't think that's draining properly. I  
18 don't know if there's a solution to get a better drain system  
19 there. I think that would help a lot.

20 And same thing. We back up to Aman Park with an  
21 established forest and we'd hate to have all those trees cut  
22 down, the little bit of trees we have back there. But I  
23 agree. If there's flooding, there's got to be some solution  
24 to it. Thank you.

25 BOARD CHAIRPERSON BILL CARGO: Thank you. Then I'm

1 going to go across the aisle. Would the gentleman like to  
2 speak? Again, name and address.

3 MR. JOHN KLAASEN: John Klassen, 11950 Sand Creek  
4 Trail. So I own the majority of the pond. I prefer not to  
5 have anybody come and digging in the yard or my property, keep  
6 it natural and whatnot. And I agree with the gentleman down  
7 there. Is there a way that we can keep the water from even  
8 flowing over these people's yards to the east and divert it to  
9 Leonard Street and send it down to Sand Creek down Leonard  
10 Street?

11 It just seems like that would make -- I don't know  
12 anything about civil engineering, but it seems like that would  
13 be a pretty reasonable solution to even prevent the water from  
14 going over the yards. With this, it just seems like the water  
15 is still going to be going over it. So to keep it from --  
16 like, divert it to the east maybe to Leonard.

17 BOARD CHAIRPERSON BILL CARGO: I understand what  
18 you're asking. Okay. Thank you. Gentleman?

19 MR. JEFF MARSHALL: I'm Jeff Marshall, 11924 Sand  
20 Creek Trail. We've been there for 32 years. We wanted to be  
21 out in the beauty of the nature. We would hate to see the  
22 trees cut down. Looking at this and what John just said --  
23 and you had said that, too -- it's in the northwest corner.  
24 So that seems like it would just be ideal to run that down --  
25 even down Leonard. You can go deep enough because it drops

1 far enough.

2           And you had talked about a crude drainage system  
3 there. We love it. The deer love it. The eagles love it.  
4 The turtles love it. We moved back there by ourselves to  
5 enjoy that and we would like to keep it that way. We would  
6 like to take care of the neighbors' problem, though, with the  
7 water, but then again, east of Lamac is the problem, so -- a  
8 few years back they filled in a swale back there. That acted  
9 like a retention pond. When they filled that in, the problems  
10 started.

11           BOARD CHAIRPERSON BILL CARGO: Okay. Thank you for  
12 the information.

13           MR. JEFF MARSHALL: Thank you.

14           BOARD CHAIRPERSON BILL CARGO: Before you leave  
15 here, if you want to point out where the swale is that was  
16 filled in, you can talk to the engineer.

17           MR. JEFF MARSHALL: Thank you. All set.

18           BOARD CHAIRPERSON BILL CARGO: I'm going to go to  
19 the row right behind.

20           MS. BETTY MACFARLIN: My name is Betty MacFarlin. I  
21 live at 1526 Leonard. And from our observation in the spring  
22 especially, the water that is on the west side, those two  
23 residents that their yards flood, is coming across from the  
24 church down past our property. And a few years ago Ryan  
25 filled in his ditch and now it is dug up some. But that's the

1 reason why it is on that side of the road.

2 BOARD CHAIRPERSON BILL CARGO: Okay.

3 MS. BETTY MACFARLIN: All those properties in the  
4 back, that straight line, floods every spring, but now so more  
5 because Ryan filled it in. That's the big problem. It wasn't  
6 like that before.

7 BOARD CHAIRPERSON BILL CARGO: Thank you. Do you  
8 understand her comments with regard to where she believes the  
9 water is coming from, Taylor and Dan?

10 TAYLOR MANTEY, PE: I know where the church is at.  
11 Could you be a little bit more specific about what was filled  
12 in and --

13 MS. BETTY MACFARLIN: Okay.

14 MR. CHARLES TOLSMA: I've lived there 33 years.

15 BOARD CHAIRPERSON BILL CARGO: Can you give me your  
16 name and address, please?

17 MR. CHARLES TOLSMA: Charles Tolsma. I live at  
18 1484 Leonard, right across from here, the town hall.

19 BOARD CHAIRPERSON BILL CARGO: Okay.

20 MR. CHARLES TOLSMA: I've lived there 33 years.  
21 There's always been water and it's always ran back.

22 MS. BETTY MACFARLIN: Down to the creek.

23 MR. CHARLES TOLSMA: Down to the creek. Her  
24 neighbor filled in the culvert and we started having problems.

25 TAYLOR MANTEY, PE: Did his driveway cause it?

1 MR. CHARLES TOLSMA: Pardon?

2 TAYLOR MANTEY, PE: His driveway caused it?

3 MR. CHARLES TOLSMA: No, no. In the back.

4 TAYLOR MANTEY, PE: Oh, okay. The back of the lot.

5 (Overlapping discussion.)

6 MR. CHARLES TOLSMA: It floods back by the church,  
7 behind the church.

8 TAYLOR MANTEY, PE: Okay.

9 MR. CHARLES TOLSMA: In that yard. You can't walk  
10 in there, you know, in the spring.

11 TAYLOR MANTEY, PE: Sure, sure.

12 MR. CHARLES TOLSMA: It's moosh(ph), moosh, moosh,  
13 you know what I'm saying?

14 TAYLOR MANTEY, PE: Yeah.

15 MR. CHARLES TOLSMA: It's always been like that.

16 TAYLOR MANTEY, PE: Okay.

17 (Overlapping discussion.)

18 MR. CHARLES TOLSMA: I get water in my yard now  
19 because he filled that culvert in.

20 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate  
21 it.

22 MR. CHARLES TOLSMA: Okay.

23 TAYLOR MANTEY, PE: And you're next to the church?  
24 Your property is next to the church?

25 MR. CHARLES TOLSMA: You've got the church, the



1 parsonage, and then me.

2 TAYLOR MANTEY, PE: Okay. Thank you.

3 BOARD CHAIRPERSON BILL CARGO: And in the third row,  
4 the gentleman?

5 MR. JEFF LEESTMA: Jeff Leestma, 11805 14th Avenue,  
6 I'm at the very tip of the property, which would be right  
7 here. Been there 30-some-plus years. Don't really see how  
8 this is going to do anything for me. We've been here and  
9 we've had issues. We've had our own little bit of flooding on  
10 and off and it's not a big deal. It seems to me more like  
11 some of the stuff wasn't -- I haven't had any information  
12 before now. It's just from what I've heard.

13 You have private roads, private drives. They're  
14 having some issues now. I'm empathetic for that because I had  
15 a private road put next to myself, also. But it seems like  
16 it's more their issue, not our whole issue. I understand  
17 their issues with it, but I don't believe we all should have  
18 to pay for that little bit when it was all put in privately to  
19 begin with.

20 And just as an added note, good luck with doing  
21 anything with the oil company. We had them put stuff and  
22 bully us the whole time behind our house and then did things  
23 illegal and still haven't cleaned it up and can't get anywhere  
24 with it. But that's a side note. I know that's not part of  
25 it. But you brought up the oil well as not being done right

1 or possibly not being done right and --

2 TAYLOR MANTEY, PE: I never said that.

3 MR. JEFF LEESTMA: Well, okay. It appeared to be  
4 there's some issues with --

5 TAYLOR MANTEY, PE: Right.

6 MR. JEFF LEESTMA: -- the oil area.

7 TAYLOR MANTEY, PE: Yes.

8 BOARD CHAIRPERSON BILL CARGO: The culvert he said  
9 was undersized.

10 TAYLOR MANTEY, PE: The culvert is the stone pad.  
11 The culvert goes under the stone pad where the oil -- the  
12 drill rig is parked currently.

13 MR. JEFF LEESTMA: Understood. My comment towards  
14 that is we've had dealings with them on that and they've been  
15 less than cooperative in our area.

16 TAYLOR MANTEY, PE: Okay.

17 MR. JEFF LEESTMA: But I just think it's more of  
18 a private issue and I just don't really understand it. But I  
19 see it's a long ways until it happens, but that's just --

20 BOARD CHAIRPERSON BILL CARGO: Understand.

21 TAYLOR MANTEY, PE: Okay.

22 BOARD CHAIRPERSON BILL CARGO: Gentleman in the back  
23 row?

24 MR. TIP BRONKEMA: Yes, sir. Tip Bronkema. I  
25 live on 14th Avenue, 11989 14th Avenue. I was down there

1 and checked that ditch out before I got here and the one on  
2 McNamara(ph) Drive is the whole -- is the whole problem.  
3 Right now there's a 12-inch -- (inaudible) a 12-inch pipe  
4 under the road and I looked at both ends and they're both  
5 open. But the one on the east end, somebody dumped concrete  
6 in there. Somebody dumped concrete in there on the east end  
7 of that culvert.

8 TAYLOR MANTEY, PE: Where --

9 BOARD CHAIRPERSON BILL CARGO: If you go down  
10 Leonard Street to --

11 MR. TIP BRONKEMA: The first culvert -- the first  
12 private when you get off 14th Avenue.

13 TAYLOR MANTEY, PE: The first culvert I have  
14 crossing 14th Avenue is right here.

15 MR. TIP BRONKEMA: I'm sorry. I didn't understand  
16 you.

17 TAYLOR MANTEY, PE: Are you talking about --

18 BOARD CHAIRPERSON BILL CARGO: He's talking about  
19 west of Sand Creek Trail, there's a road, private road.

20 TAYLOR MANTEY, PE: Oh, I heard 14th Avenue. Okay.  
21 So west of Sand Creek Trail.

22 BOARD CHAIRPERSON BILL CARGO: Take it down to --  
23 it looks like --

24 (Overlapping discussion.)

25 MR. TIP BRONKEMA: McNamara, McNamara, McNamara.

1 TAYLOR MANTEY, PE: Lamac.

2 (Overlapping discussion.)

3 TAYLOR MANTEY, PE: Okay. West of Lamac. All  
4 right. So this is Lamac right here. So we're talking west of  
5 Lamac, but whereabouts in here?

6 MR. TIP BRONKEMA: Actually, they're right behind  
7 all the houses. There's water coming from all these people's  
8 houses from the back end of their lot line from behind the  
9 church.

10 TAYLOR MANTEY, PE: Okay.

11 MR. TIP BRONKEMA: Follow me?

12 TAYLOR MANTEY, PE: Yes, yes.

13 MR. TIP BRONKEMA: And you come down there and  
14 that should be cleaned out from that point where it comes  
15 underneath the driveway there. Clean it all the way through  
16 the east. I would have thought if you would have to go clear  
17 back to the church --

18 TAYLOR MANTEY, PE: Right. There's a swale that  
19 runs right into a culvert there on Lamac, right? And it needs  
20 to be --

21 MR. TIP BRONKEMA: I don't know what you're talking  
22 about.

23 TAYLOR MANTEY, PE: Well, I know what you're talking  
24 about. There --

25 (Overlapping discussion.)

1 TAYLOR MANTEY, PE: Yeah.

2 MR. TIP BRONKEMA: Anyway, this gentleman here that  
3 bought his house, DeGroot, the drain, I went down there and I  
4 seen where the water was going to run. If it comes through  
5 that pipe where it's supposed to be, it goes on an angle. His  
6 house is right on the corner of Leonard Street.

7 TAYLOR MANTEY, PE: Right.

8 MR. TIP BRONKEMA: And the next house is a big  
9 house right there and it goes in between them two big houses  
10 and goes down in there through where they used to have a  
11 greenhouse and there's an oil well down there. And then it  
12 goes down into that pond and that pond has been there since  
13 1940 at least because I'm 85 right now and I know where that  
14 pond is.

15 So I'm telling you, all them -- the biggest problem  
16 is when we get snow run-off and it melts. And then if we get  
17 a heavy rain, I mean, like a two-incher or a four-inch rain,  
18 which don't happen very often, but it does, it will flood that  
19 tile on Lamac Drive there. And you've got to have -- that's  
20 got to be cleaned out.

21 It should have a brand-new drain all the way back to  
22 the church. Because I had horses and I went on a hayride and  
23 before that new house was built there with all the big -- they  
24 added all that dirt up to it and he's got it way high there.  
25 You know where I'm talking about, don't you?

1 TAYLOR MANTEY, PE: Yes, I do.

2 MR. TIP BRONKEMA: Okay. I got stuck in there with  
3 the horses and I had to get everybody off the wagon so we  
4 could get out of there because it's always wet. I lived  
5 there. That's why I -- actually on an old farm. We lived  
6 there forever. So that's where the water goes.

7 And as far as Leonard Street, if you come down from  
8 Leonard Street, one, two, three houses, four houses maybe,  
9 I'll betcha all of them tiles that's under their driveways are  
10 plugged. They don't clean them out. You've got to clean them  
11 tiles out under the driveways. Over a period of time you get  
12 weeds and you get dirt, it builds up and then it -- it don't  
13 work.

14 BOARD CHAIRPERSON BILL CARGO: I appreciate the  
15 comments, that's helpful, and I think you've said there are  
16 some problems and you've offered some solutions. I appreciate  
17 that. And we've gone past -- well past the three minutes so  
18 I --

19 MR. TIP BRONKEMA: But the biggest problem is --  
20 I can't see going -- running the drain all the way down there  
21 because we're not getting that much water.

22 BOARD CHAIRPERSON BILL CARGO: Again, we're here  
23 not looking for the solutions right now. I appreciate your  
24 comments. I'd like to move to the next gentleman next to you.

25 MR. TIP BRONKEMA: Okay.

1 BOARD CHAIRPERSON BILL CARGO: Thank you. If you  
2 could give your name and address.

3 MR. TODD VANMALDEGEN: My name is Todd VanMaldegen.  
4 11846 14th Avenue. I'm right at the eastern edge of your  
5 district here. I myself parked in an ag field. Built a house  
6 about 30 years ago. I had to bring in 4,000 yards of sand.  
7 It's how things work out, folks. If you build in a low area,  
8 you're going to get flooding. That's the reason I brought in  
9 4,000 yards of sand.

10 There's a gentleman that's building right up the  
11 road from me. Bought the property next-door. He also is  
12 hauling in yards and yards and hundreds of yards of sand.  
13 This was my problem. Now, according to these gentlemen,  
14 it's approximately 50 parcels there, is that correct, that is  
15 affected by this?

16 BOARD CHAIRPERSON BILL CARGO: Fifty that are within  
17 the district. In other words --

18 MR. TODD VANMALDEGEN: How many of those 50 are  
19 being affected by this at the moment?

20 BOARD CHAIRPERSON BILL CARGO: Probably a small  
21 number because we know water flows downhill --

22 MR. TODD VANMALDEGEN: Thank you.

23 BOARD CHAIRPERSON BILL CARGO: -- just like you  
24 said.

25 MR. TODD VANMALDEGEN: A small number. I would not

1 want my neighbors to have to pay for my 4,000 yards of sand  
2 that I had to haul in to make my place livable. That's the  
3 way things are, folks. I'd be more than happy to help these  
4 folks out, but this looks like an absolute major project.  
5 Quite possibly millions and millions of dollars across a bunch  
6 of people's property that have no desire to have this.

7 BOARD CHAIRPERSON BILL CARGO: From what I  
8 understand -- and I want to go to the engineer on this --  
9 the solutions that we're talking about, he's talking about  
10 millions and millions of dollars. I don't see anything that  
11 would even remotely indicate that.

12 TAYLOR MANTEY, PE: No.

13 MR. TODD VANMALDEGEN: Okay. Please, gentlemen,  
14 ballpark it.

15 DAN FREDRICKS, PE: I would say a couple hundred  
16 thousand dollars. It depends on how far we keep going further  
17 upstream and going to the church.

18 MR. TODD VANMALDEGEN: And who plans to pay for it?

19 DAN FREDRICKS, PE: The assessment would go  
20 towards --

21 BOARD CHAIRPERSON BILL CARGO: Here, I think I  
22 can answer that because really the first thing the drain  
23 commissioner has to do with the assessment is they determine  
24 if there's a problem and if there's a solution, it should be  
25 resolved. The local units are going to have to pay for it; in



1 other words, Tallmadge Township. Ottawa County would pay for  
2 a portion of it. The road commission would pay for a portion  
3 of it. And that would have to be determined by the drain  
4 commissioner talking to the governmental units.

5           Once you get that portion decided, the remainder  
6 would be spread among the property owners. But again, that's  
7 why you would have to put it into a public drainage district  
8 in order to spend public money and there will be an assessment  
9 that's given to the local units and the road commission and  
10 the county.

11           MR. TODD VANMALDEGEN: Yes, I understand that, and  
12 we would also help pay to maintain it, would we not?

13           BOARD CHAIRPERSON BILL CARGO: Yes. I mean, if  
14 there is -- well, first of all -- let me step back. It  
15 depends on what you're talking about. Because the drain  
16 commissioner can spend money, like, \$10,000 per mile I  
17 believe --

18           DAN FREDRICKS, PE: 5,000.

19           BOARD CHAIRPERSON BILL CARGO: -- \$5,000 a mile. So  
20 keeping of ditches and so forth may cost some money over the  
21 course of four, five, or ten years. Typically what happens  
22 is he talks to the local unit and they pick up those costs  
23 because it's minor and they typically pay for it out of their  
24 governmental.

25           For myself in Grand Haven Charter Township, if it's

1 less than 40,000 we simply pay for it. We don't go back to  
2 the voters. That is something you would discuss with the  
3 Tallmadge Township elected officials as to when those types of  
4 5,000-per-mile maintenance fees begin to occur for this piece  
5 of property or for this drain if it is decided.

6 MR. TODD VANMALDEGEN: So basically the folks in  
7 this district now would receive another tax, perhaps?

8 BOARD CHAIRPERSON BILL CARGO: Again, that's not  
9 what I said. I said I think I would recommend and I think  
10 many communities do this is they pick up those costs as part  
11 of their general operating budget.

12 MR. TODD VANMALDEGEN: But there's still a  
13 possibility that basically --

14 BOARD CHAIRPERSON BILL CARGO: It's a possibility  
15 that they could, yes, absolutely.

16 MR. TODD VANMALDEGEN: That's it. Thank you.

17 BOARD CHAIRPERSON BILL CARGO: The last row?

18 MR. JIM ROSENDALL: Jim Rosendall, 11932 Lamac.  
19 Everybody is focused on Leonard. There's really two spots  
20 that are a problem. One -- I'm the second house from the end  
21 of Lamac. On the north side of our house, as Tip alluded to,  
22 the water coming from the 14th area, if we get a two-inch  
23 rain or there's snow melt going on, I can literally see the  
24 water coming from the east towards us. It fills up Bergsmas'  
25 pond, goes all the way across our backyard, and then goes

1 down like a river between my house and the house to the north  
2 of me to the 12-inch drain that goes under Lamac, which  
3 blasts into that pond and then wherever it goes.

4 You know, did I know all that water was coming from  
5 the east when I built? No, I didn't. But it is what it is  
6 and we have to deal with it. You know, like some people  
7 allude to, like, "Well, it's not my problem because I'm  
8 upstream," but you know what? You're generating water  
9 upstream which is going down past me to go to that drain. So  
10 that's one issue.

11 The other issue I know is out on Leonard. There's  
12 problems on Leonard and there's problems across from your  
13 house where that swale got filled in. When Smiths sold the  
14 house, they took and replaced the septic system, they filled  
15 that swale in, got pictures of the water diverted all the way  
16 over, going in a complete opposite direction of where the  
17 tile is. Ryan that lives there now, they cleaned out a  
18 section of it, so some of it flows that way, but it still  
19 goes around. There's just a few things that need to --

20 TAYLOR MANTEY, PE: You're talking about the same  
21 swale that this gentleman was talking about, right?

22 MR. JIM ROSENDALL: The same one that he was talking  
23 about.

24 TAYLOR MANTEY, PE: Can you -- when I get close to  
25 it here, can you stop me?

1 MR. JIM ROSENDALL: Are you on Lamac?

2 UNIDENTIFIED PERSON: We can't see that.

3 TAYLOR MANTEY, PE: I know. I know you can't. Can  
4 you point it out on here --

5 UNIDENTIFIED PERSON: It's by that barn.

6 TAYLOR MANTEY, PE: -- just so we know?

7 (Overlapping discussion.)

8 REPORTER: Wait. Everybody's talking at once here.  
9 (Overlapping discussion.)

10 BOARD CHAIRPERSON BILL CARGO: Okay. We're going to  
11 take just a pause right now in the comments while he points  
12 this out.

13 (Pause in proceedings.)

14 BOARD CHAIRPERSON BILL CARGO: We're going to go  
15 back and we're going to talk after the meeting.

16 (Overlapping discussion.)

17 BOARD CHAIRPERSON BILL CARGO: Excuse me. Just  
18 for -- we're going to go back into the public hearing now.  
19 For the purposes of this swale, you can talk to the public  
20 after the public hearing is over because that may be part  
21 of the solution or part of the problem that we need to  
22 understand. I'm addressing the engineers right now. That  
23 said, do you have any final --

24 MR. JIM ROSENDALL: I don't. There's two points to  
25 the problem and the water definitely flows on past us. The

1 gentleman on the end here, I know they had water problems.  
2 You're the one on the corner, right?

3 UNIDENTIFIED PERSON: Yeah.

4 MR. JIM ROSENDALL: Thank you.

5 BOARD CHAIRPERSON BILL CARGO: Okay. And then I'm  
6 going to say next to -- yes. Would you care to make comments?  
7 Again, your name and your address.

8 MS. TRICIA ERIKSSON: Tricia Eriksson. I live at --

9 REPORTER: Can you speak up a little bit?

10 MS. TRICIA ERIKSSON: Tricia Eriksson. I live at  
11 12073 Lamac Drive. We are just south of the property that is  
12 getting the most water. We also get water sometimes. Just a  
13 couple of points. I --

14 REPORTER: You're going to have to speak up. Plus  
15 you keep turning that way so I can't hear.

16 MS. TRICIA ERIKSSON: Sorry. It's nice to see  
17 everybody. I know we don't get a chance to see each other  
18 very often, but a lot of us are neighbors and I appreciate  
19 everybody coming out today. What I want to say is that we did  
20 build in, like, 2013 and we didn't build our house up because  
21 at that time we weren't the low point. We were actually at  
22 the same height as across the street and that was okay. We  
23 decided to build because they had more water over there and  
24 that made sense and it was supposed to be fine.

25 We have had water since then. We did put a sump

1 pump in and that has helped. We haven't had too much in our  
2 basement since then, but we have had some pond-like water in  
3 our yard from time to time. And I would just like to say that  
4 we had that little swale across the street that the Smiths  
5 kind of filled in and then the current owner trying to dig it  
6 out a little bit, that helped a little bit, but we still get  
7 quite a bit of drainage in our yard.

8           And that ultimately we -- I think what I wanted to  
9 point out -- I wasn't sure if this was mentioned, but I talked  
10 to Sara on the phone. I had a question. When it comes to the  
11 assessment piece, that it's not, like, an equal everybody pays  
12 the same; that it would be kind of like the people most  
13 affected potentially would pay more than the least affected  
14 based on their property size and where you're located?

15           BOARD CHAIRPERSON BILL CARGO: That may be part of  
16 the factors. I don't want to talk about those factors because  
17 it talks about contribution, it talks about the amount of  
18 permeable area. There's a number of factors that the drain  
19 commissioner, water resources commissioner, will look at when  
20 we could see an assessment --

21           (Overlapping discussion.)

22           MS. TRICIA ERIKKSON: Okay.

23           BOARD CHAIRPERSON BILL CARGO: -- if this moves  
24 forward.

25           MS. TRICIA ERIKKSON: So I guess that's something

1 that I would say is that, obviously, the people that are  
2 affected the most by it paying a little bit more makes sense.  
3 I am onboard with that, but that's in the future. And the  
4 last thing I want to point out is the oil rig issue. Our  
5 other neighbor to the south who couldn't be here today, she  
6 also has young children -- I brought mine, I'm sorry -- she's  
7 home with hers, but they have this oil rig (inaudible) behind  
8 their house and it's been there -- it was supposed to be for  
9 two days and it's been there three months.

10 It's kind of heinous looking. It's an old truck  
11 they parked there. They put the cement down. They called.  
12 The company has not done a thing. So at the very least, if  
13 you could get that oil rig thing to move or do something  
14 different, like, I know they're onboard with it.

15 UNIDENTIFIED PERSON: (Inaudible comment.)

16 MS. TRICIA ERIKSON: It's gone? Yesterday?

17 (Inaudible) I haven't looked in my backyard yet today.

18 Thanks. So other than that, you guys, just thank you for  
19 everybody taking the time to come today and hearing me out.

20 And some of the nicest neighbors you'll ever meet. We had  
21 COVID back in April and they brought us food and (inaudible).

22 Just wanted to point that out.

23 BOARD CHAIRPERSON BILL CARGO: In the very back, the  
24 last gentleman.

25 MR. J.R. DEGROOT: My name is J.R. DeGroot. I'm the

1 other DeGroot. I'm that DeGroot, actually, 12131 Lamac. I  
2 guess I'm the reason we're all here today. So sorry, not  
3 sorry about that. I guess I -- you know, I just started with  
4 the question back to the township, you know, a couple years  
5 ago when this became evident to us. I mean, we moved in kind  
6 of in the spring, so it wasn't till a whole year later that  
7 this became evident to me and didn't really know anything  
8 about that drain that exists today.

9           But, you know, my question was, well, what's the  
10 plan? Is this the way it was supposed to be? Because if it  
11 is, then that's fine. But I think it's pretty clear by all  
12 the things that have been said here, there really wasn't a  
13 plan and it sounds like we need one. So that's my comment.

14           BOARD CHAIRPERSON BILL CARGO: Appreciate it.  
15 Before I close the public hearing, I want to give the  
16 Tallmadge Township officials who have been kind enough to  
17 attend -- often we don't have the township or public officials  
18 attend, so I do appreciate that. Any comments from any of the  
19 officials of Tallmadge Township?

20           MS. LENORE COOK: I have one question and I think  
21 it's to Joe, but --

22           BOARD CHAIRPERSON BILL CARGO: Again, I'm sorry.  
23 I know you're known, but if you could give your name and  
24 address.

25           MS. LENORE COOK: I'm sorry. My name is Lenore



1 Cook. My address is 11913 14th Avenue. My question is to  
2 Joe. Can the people in this district refuse to let the drain  
3 commission go through their property?

4 BOARD CHAIRPERSON BILL CARGO: Joe, would you want  
5 to answer that? Do you have your attorney with you today  
6 or do you --

7 WATER RESOURCES COMM. JOE BUSH: I wear many hats,  
8 but thank you, Mr. Chair, and I want a couple of comments as  
9 well. But we can't go on really private property without  
10 people's permission. So I think they did -- only really  
11 walked in areas that you had permission to be on --

12 TAYLOR MANTEY, PE: Yep.

13 WATER RESOURCES COMM. JOE BUSH: -- to get pictures.  
14 So technically -- unless you're a professional surveyor, then  
15 you go on the road right-of-way and you can do certain things.  
16 There's a law for that for professional surveyors. That's one  
17 thing. The other thing Mr. DeGroot in the back mentioned was  
18 the one that kind of started the petition and had questions  
19 with the previous board and was "What's the plan?"

20 And I remember I had many discussions with  
21 Mr. DeGroot and it's an orphan drain. We heard that name  
22 earlier, orphan, and typically when you have a road or a  
23 subdivision put in, they get reviewed through my office. Both  
24 of these are private drives, private developments, and they  
25 were done privately. So my department, even my predecessors

1 back in the '80s, '90s, 2000s, it never got reviewed by us  
2 because it's a private development.

3 When that happens, we don't have a plan because  
4 we -- they can't force us to do something when it was  
5 developed with a land split. There are different laws with  
6 different land splits with zoning and ordinances and is it a  
7 PUD. There's a lot of moving parts when you do a subdivision.

8 That being said, I just want to make it clear for  
9 the record that this has been a couple-year issue, previous  
10 board issue. And again, the Chair, Bill Cargo mentioned,  
11 you know, I couldn't spend any money on a private and a  
12 public -- or a private orphan system. That being said, that's  
13 why we're here today.

14 So there's two ways I want to make known to take  
15 care of an issue with the petition. The property owner  
16 can petition. That was mentioned for a couple -- a year and  
17 a half. We didn't receive a petition from the people. We  
18 received a petition from the township and that can happen,  
19 too. So it can go both ways and that's why we're here.  
20 Again, I'll talk about what I said in the beginning. We were  
21 petitioned from the township.

22 BOARD CHAIRPERSON BILL CARGO: And I appreciate  
23 that. Thank you.

24 WATER RESOURCES COMM. JOE BUSH: So that's all.

25 BOARD CHAIRPERSON BILL CARGO: At that stage,

1 anybody else from the township who would like to make any  
2 closing comments for the public hearing before we go into the  
3 deliberation portion of this public hearing?

4 MR. MARK BENNETT: Mr. Cargo, Mark Bennett from the  
5 Tallmadge Township Board. I'm thankful that I could attend  
6 today to listen to the concerns of the residents and for me  
7 it was kind of a learning process. Just so you know that if  
8 the district is developed, I know that the board members have  
9 discussed and we're ready and willing and able to go to work  
10 with the residents if that should happen. So thank you,  
11 sir.

12 BOARD CHAIRPERSON BILL CARGO: Okay. I appreciate  
13 that. That said, I'm going to close the public comment  
14 portion of the public hearing and we'll go into deliberations,  
15 which we'll do in front of the public. I'm going to start,  
16 Ken, do you have any questions or comments that you would like  
17 to share?

18 BOARD MEMBER KEN SOUTER: It's kind of hard to  
19 vision exactly what's happening down there, but from what I  
20 gather from the people that have talked, there's definitely a  
21 water problem. And to do that without a county drain going  
22 through it doesn't make any sense, that people can do their  
23 little thing and create another problem for their neighbor.

24 You can fill a high ground and be up at the very  
25 high part of the drain district, but your water goes

1 someplace. So the people that are on the low end of the  
2 drain district get your water. I don't care how high you  
3 build yourself up. So you're responsible for your water that  
4 lands on your property that drains off of your property on  
5 somebody else's. The only way that I see possible for  
6 everybody to benefit and get rid of their water is through a  
7 public entity to do it.

8           And I know Joe and I know the Ottawa County Drain  
9 Commission doesn't go on there and say, "We want this perfect  
10 system and we want to take it up to carry for a 200-year  
11 rainstorm" and everything else, but what they do is get a  
12 solution to a problem. And until -- until everybody gets  
13 together and says, "Okay, this is the drain district and  
14 this is the course that would be most practical and the best  
15 way to take it," that's the way to go. So I'm in favor of  
16 getting this into a public system.

17           BOARD CHAIRPERSON BILL CARGO: Rich, do you have any  
18 comments?

19           BOARD SECRETARY RICH VANDERKLOK: Well, thanks, Ken,  
20 for your comments because I agree with what he said. I think  
21 just looking over all the comments that were made, certainly  
22 there are differences of opinion regarding this, but the  
23 overriding factor for me is the fact that there is an issue,  
24 some kind of issue, some things that have been done in the  
25 past.

1           And so there has to be a determination made in terms  
2 of if there's a plan, what would be the scope of that plan  
3 and how would that affect the property owners within this  
4 proposed district. And given that, because people have said  
5 there's a problem and this happened and that happened, but  
6 unless something is done in terms of looking at this  
7 particular piece of property, no one's going to be -- we're  
8 not going to find what the answers are. So given that, I,  
9 too, would be in favor of putting this into a county drain  
10 district.

11           BOARD CHAIRPERSON BILL CARGO: And I think what's  
12 been made clear to me during this whole hearing is that  
13 although there may be questions on what the solution should  
14 be, there are even some questions as to some of the root  
15 causes, everybody seems to acknowledge that there is a problem  
16 in a portion of this district with regard to flooding and  
17 standing water and so that's what we're here today to  
18 determine.

19           And if there is problems with flooding and standing  
20 water, then we would typically put this into a county drain so  
21 there can a public solution to this and the public entities  
22 can pay their fair portion and the private entities can pay  
23 their fair portion.

24           Do we have a motion that I can take a look at? I  
25 think we have one. With regard to a decision as to necessity,

1 I would make a motion that the location, establishment, and  
2 construction of the DeGroot drain is necessary, conducive to  
3 the public health, convenience, and welfare. Is there a  
4 second to my motion?

5 BOARD SECRETARY RICH VANDERKLOK: I'll second that,  
6 Mr. Chairman.

7 BOARD CHAIRPERSON BILL CARGO: We have a motion and  
8 support. Is there any additional discussion that needs to  
9 occur to determine whether a problem exists here?

10 BOARD MEMBER KEN SOUTER: I think I said my piece.

11 BOARD CHAIRPERSON BILL CARGO: Okay. Then all in  
12 favor say aye? Aye.

13 BOARD MEMBER KEN SOUTER: Aye.

14 BOARD SECRETARY RICH VANDERKLOK: Aye.

15 BOARD CHAIRPERSON BILL CARGO: Opposed? And it  
16 passes without objection. At that stage do we need to make a  
17 motion for the public entities to pay their fair share or has  
18 that drain code been amended so I no longer need to do that?

19 WATER RESOURCES COMM. JOE BUSH: Correct.

20 BOARD CHAIRPERSON BILL CARGO: Okay. So this is the  
21 total motion and the fair share as far as your determination  
22 will be made pursuant to the drain code and discussions with  
23 the local governmental entities --

24 WATER RESOURCES COMM. JOE BUSH: That's  
25 correct.

1 BOARD CHAIRPERSON BILL CARGO: -- at some stage in  
2 the future?

3 WATER RESOURCES COMM. JOE BUSH: Correct.

4 BOARD CHAIRPERSON BILL CARGO: Okay. In that case,  
5 is there a motion to have the -- no. First I need to have the  
6 water resources commissioner talk about the appeal process and  
7 then we will have a motion for adjournment.

8 WATER RESOURCES COMM. JOE BUSH: Correct.  
9 Thank you, Mr. Chair. And you can appeal today's Board of  
10 Determination to circuit court within ten days of today. So  
11 if somebody wanted to appeal the Board of Determination, you  
12 can do that by law to the circuit court.

13 So again, I appreciate everybody's time here. A lot  
14 of different opinions. I just want to make one thing clear.  
15 I'm not a guy that goes down and cuts a lot of trees down and  
16 then goes through something to make a mess. I'm a guy that  
17 tries to come up with three or four solutions and look at  
18 those proposals with the engineering firms. We do a lot of  
19 projects together and won a lot of awards and I want to  
20 protect people's properties.

21 So whatever we can do to save trees I try to.  
22 I know there's a pristine wooded area with the other  
23 Mr. DeGroot, so we'll look at all the options moving forward  
24 and be talking to individuals and try to come up with the most  
25 common sense, practical, cost-efficient solution. So that's

1 all I've got.

2 BOARD CHAIRPERSON BILL CARGO: Okay. In that case,  
3 is there a motion for adjournment?

4 BOARD MEMBER KEN SOUTER: I'll make a motion.

5 BOARD SECRETARY RICH VANDERKLOK: Support.

6 BOARD CHAIRPERSON BILL CARGO: We have a motion by  
7 Ken, supported by Rich for adjournment. All in favor say aye?

8 BOARD MEMBER KEN SOUTER: Aye.

9 BOARD SECRETARY RICH VANDERKLOK: Aye.

10 BOARD CHAIRPERSON BILL CARGO: And that passes  
11 without objection. We are adjourned at about 11:08 a.m.

12 (Hearing concluded at 11:08 a.m.)

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CERTIFICATE

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STATE OF MICHIGAN    )  
                                   )  
 COUNTY OF KENT        )

I, REBECCA S. RENZEMA, Certified Shorthand Reporter and Notary Public, do hereby certify that the foregoing matter was taken before me at the time and place hereinbefore set forth.

I FURTHER CERTIFY that this matter was taken in shorthand and thereafter transcribed by me, to the best of my ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of July of 2021 at Allegan, Michigan.

*Rebecca S. Renzema*

REBECCA S. RENZEMA, CSR-1435  
 Notary Public for Kent County,  
 Acting in Allegan County.  
 My Commission Expires: 12-31-2022

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