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STATE OF MICHIGAN

COUNTY OF OTTAWA

IN RE: FLAG STICK DRAIN

BOARD OF DETERMINATION

Proceedings commenced at 3:30 p.m., on
June 28, 2022, at the Holland Charter Township Fire Station
No. 1, 131 Riley Street, Holland, Michigan, held before
Dawn M. Houghton, CSR-3071, RPR, Certified Shorthand Reporter
and Notary Public.

APPEARANCES:

Mr. Joe Bush, Ottawa County Water Resources Commissioner
Mr. Josiah Timmermans, Chief Deputy to Water Resources Comm.
Ms. Marie Snyder, Secretary

Mr. Rich VanderKlok, Board Chairman
Mr. Josh Westgate, Board Secretary
Mr. Ken Souter, Board Member

Mr. Lucas Timmer, P.E., Prein & Newhof
Mr. Ken Bosma, P.E., Prein & Newhof

Mr. Jerry Olman, Ottawa County Road Commission

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Holland, Michigan

June 28, 2022 - 10:00 a.m.

PROCEEDINGS

WATER RESOURCES COMM. JOE BUSH: Well, good afternoon, everyone. My name is Joe Bush, the Ottawa County Water Resources Commissioner, also known as the Drain Commissioner. Title change in 2012, but it's still the same office as the Drain Commissioner. So they just call us the Water Resources Commissioner now.

So welcome. I appreciate you taking the time this afternoon to kind of go over and kind of learn and listen on the kind of the issues over here in the subdivision that we call Flag Stick Drain district.

There were some potential issues that I heard about, or issues going on with flooding and some water drainage issues, so one thing that we try to do is we talked it over with the township, and it's -- there's two ways to go about it, either a petition from the people on the issues or a petition from the township.

In this particular situation, the township was willing to petition to hold a Board of Determination, and that's why we're here today. So, by Drain Code, by state law, when we receive a petition, whether from -- no matter who it's from, even the road commission if they want to petition a project, I have to hold a Board of Determination.

1 Some people say, well, what does that mean? Well,
2 today, it's kind of a public hearing, and it's public
3 testimony, and it's court recorded word for word. I've been
4 doing this since 2013 when I got elected, and it is to
5 protect everybody involved, whether it's me, the road
6 commission, the township, the board who I appoint today, or
7 the public giving testimony, who said what, what did they
8 say, what did Joe say, what did the Board decide, and why.

9 A lot of years later, down the road, people go back
10 and go, well, what did I say? And a lot of times they don't
11 remember. But if it's court recorded, we can always use it,
12 whether it's in court, and hopefully we never have to do
13 that, but it's always a good reminder of what was said and
14 what the issues are so we can go back and look at it.

15 When I took this job, it was a lot of hearsay,
16 well, a lot of things happened in the past, we don't know,
17 it's not in the file, a lot of hand shakes, so I figure we'll
18 just court record it, which, again, is not required by Drain
19 Code, but I do it just so it's word for word.

20 I can't imagine somebody taking minutes or doing it
21 all by hand and getting it right, so I want to make sure
22 we're accurate on the information that's getting provided,
23 whether it's public testimony or the Board making a decision
24 or the engineering report.

25 So at that time, when Holland Township said, hey,

1 we'll go ahead and petition you guys to hold a public
2 hearing, the next step for me is to, again, get a three-panel
3 board. So these three gentlemen before you are your
4 three-panel board. They have no jurisdiction in this
5 property or the drain district that's in red on that map.
6 That is the watershed. They have no properties within this.
7 And they have no properties in Holland Township.

8 These three gentlemen are not affiliated with the
9 township board or anything to do with the township, period.
10 These are all people who are living within Ottawa County but
11 outside of this area.

12 So, this is all per state law and per Drain Code
13 that I do this. Their role today is, not for a project, not
14 to come up with a cost, not to come up with a solution, even
15 though they probably would like to.

16 We do have an engineer on this Board, retired
17 engineer after 38 years. But that being said, their job
18 isn't for that today. Their job is to say, yeah, Joe, we see
19 you to move forward with a project.

20 Now, again, I will repeat, there's no cost today,
21 because this, again, they could turn it down. They could say
22 yeah, we don't see a big enough issue. Or they could
23 determine it necessary. So today is basically trying to hear
24 public comment on the issues that we're kind of aware of.

25 Sometimes we get brought things to us that we're

1 not aware of, so that's why we hold these. We hear more
2 about things that we didn't know about than we do in certain
3 cases.

4 Again, this is the sixth one we've held today, so
5 it's been an interesting day. But, to say the least, these
6 three gentlemen have been doing these for a number of years.
7 They understand, Number 1, how to run a meeting. Number 2,
8 they understand Drain Code, which is what I follow. That's
9 -- that's the law that I go by. And they also understand
10 township stuff, township business, how it goes, public
11 testimony. They're very good at it. They do a very good job
12 at it. And we appreciate people taking the time of their day
13 to be on this Board.

14 And, again, when they do ask for public comment,
15 you know, it's court recorded, so state your name, address,
16 and be sure to tell us what the issues are, what your
17 concerns are. We don't know what we don't know. So we're
18 always happy to hear them.

19 And then, again, there's no project. People going
20 in, what's this going to cost? Well, we have no idea. We
21 don't even know what the solution is. Like I said, their job
22 isn't to figure that out.

23 I was trying to think what else. Being that this
24 is already a drain district, I know Prein & Newhof had been
25 out there, kind of did some surveying for us probably a month

1 ago. They took some shots in back yards. Maybe some of you
2 have seen them out there. They were taking some elevations
3 just to kind of get their head wrapped around the situation
4 that we're hearing about there, and then just kind of having
5 a preliminary engineer, what I want to say, overview for
6 today's public hearing.

7 And then they can share those results in a
8 PowerPoint that they're going to provide for us. But for
9 Prein & Newhof, we have Ken Bosma and Lucas Timmer.

10 And then we have Dawn Houghton who is our court
11 reporter.

12 And then Jerry Olman, this is Number 6, but Jerry
13 is from the road commission. He's been a big supporter and a
14 partner. Ottawa County Road Commission has been a supporter
15 and a partner of ours on all these projects because
16 somewhere, somehow, there's road right-of-way, and roads
17 involved, and public safety involved. So Jerry's been at all
18 of these.

19 And then we have two of my staff, my Chief Deputy
20 Josiah, and Marie Snyder is my secretary.

21 And then I'll go ahead and introduce these three
22 gentlemen. Once I give them the oath, they will run the
23 meeting. It's their hearing. They can ask me any questions
24 at any time. But, again, be sure to ask them and talk to
25 them when you're giving public testimony.

1 So after I give them the oath -- I'll do
2 introductions first, just so you know who you're talking to.
3 To my right to left, we have Ken Souter, 38 years at the road
4 commission in the engineering department. Ken lives now
5 currently in Port Sheldon Township.

6 We have Rick VanderKlok from Georgetown Township,
7 retired board member from there, from that township.

8 Then we have Josh Westgate. Josh came from Wright
9 Township. He is currently the deputy supervisor in Jamestown
10 Township.

11 But, again, all three of these gentlemen have been
12 doing these Board of Determinations for -- for quite some
13 years, so I appreciate your -- your time today.

14 If you would please rise, raise your right hand,
15 and we'll get started.

16 Do you each solemnly swear that you will faithfully
17 perform and discharge the duties imposed upon you as required
18 by law as members of the Board of Determination, appointed by
19 the Ottawa County Water Resources Commissioner, to determine
20 the maintenance, improvement, the extension of the Flag Stick
21 Drain, located in Holland Charter Township in said county?

22 Do you each affirm that you are landowners and
23 residents of Ottawa County, but do not own land or reside in
24 Holland Charter Township; Gentlemen?

25 BOARD MEMBER KEN SOUTER: I do.

1 BOARD MEMBER JOSH WESTGATE: I do.

2 BOARD MEMBER RICH VANDER KLOK: I do.

3 WATER RESOURCES COMM. JOE BUSH: Thank you.

4 BOARD MEMBER RICH VANDER KLOK: Thank you, Joe.

5 Our first order of business would be the election

6 of a chairperson for the Board of Determination.

7 BOARD MEMBER JOSH WESTGATE: I'll make the motion

8 to appoint Rich VanderKlok as chairman of the Board of

9 Determination.

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

11 BOARD MEMBER RICH VANDER KLOK: Motion is made and

12 supported that Rich VanderKlok be chair of the Board of

13 Determination.

14 All those in favor, say aye.

15 BOARD MEMBER JOSH WESTGATE: Aye.

16 BOARD MEMBER RICH VANDER KLOK: Aye.

17 BOARD MEMBER KEN SOUTER: Aye.

18 BOARD CHAIR RICH VANDER KLOK: Then we need to

19 elect a secretary, and I would move that Josh Westhouse (sic)

20 be elected as secretary.

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

22 BOARD CHAIR RICH VANDER KLOK: All those in favor,

23 say aye.

24 BOARD MEMBER JOSH WESTGATE: Aye.

25 BOARD CHAIR RICH VANDER KLOK: Aye.

1 BOARD MEMBER KEN SOUTER: Aye.

2 BOARD CHAIR RICH VANDER KLOK: I think I said
3 Westhouse. I think I meant Westgate.

4 BOARD SECRETARY JOSH WESTGATE: Aye.

5 BOARD CHAIR RICH VANDER KLOK: That was one of our
6 drains we worked at, didn't we? Oh, shoot.

7 BOARD MEMBER KEN SOUTER: It's getting late.

8 BOARD CHAIR RICH VANDER KLOK: It is.

9 Then I would like to make a motion that public
10 comment be limited to three minutes. And is that supported?

11 BOARD MEMBER KEN SOUTER: Second that.

12 BOARD CHAIR RICH VANDER KLOK: Moved and supported
13 that public comment be limited to three minutes.

14 All those in favor, say aye.

15 BOARD SECRETARY JOSH WESTGATE: Aye.

16 BOARD CHAIR RICH VANDER KLOK: Aye.

17 BOARD MEMBER KEN SOUTER: Aye.

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

19 And we've already heard from Joe, the role and
20 function of the Board, the procedural history.

21 And now I'd like to turn over to our engineer. Ken
22 Bosma will make this presentation. Ken?

23 ENGINEER KEN BOSMA: Thank you.

24 Good afternoon. Ken Bosma, Prein & Newhof. Just
25 here to give an overview on the Flag Stick Drain as we know

1 it today.

2 So, the existing storm water system is an existing
3 county drain that was established in what they call a 433
4 agreement. It's set up through the Drain Code. It allows
5 the developer, once he's developed a development, to turn the
6 county system over to the Water Resources Commission.

7 Holland Township filed for this petition. As Joe
8 mentioned, there's different ways this can be done. Holland
9 Township filed this petition back on May 19, 2022, for this.
10 And then, again, as required by Michigan Drain Code, we have
11 to have this Board of Determination to do anything to move
12 forward.

13 What we have done is we've reviewed the available
14 records that we have on file or that are in the Ottawa County
15 Water Resources Commission's files, and take a look at what
16 is around there.

17 A couple of things that have happened, as that is
18 in part related to this Flag Stick Drain, is there's a storm
19 sewer on 100th Avenue. It was built at the outlet of
20 Hunter's Creek, and that was constructed in 2001. And then
21 there is the existing Flag Stick Drain, basically developed
22 and established in 2005.

23 From there, we also delineate the drainage
24 district. I know Joe has alluded to it, and we'll show
25 pictures, but this drainage district is what we consider the

1 watershed boundary of what enters into the system of both the
2 existing Flag Stick Drain and the storm sewer on 100th
3 Avenue. And then we visit this site to make sure, you know,
4 what we're seeing in there is representative of what's on the
5 drawings in there.

6 So back in May of this year, we were called out
7 prior to that, and had an opportunity on May 26 to go out
8 on-site. And we took some pictures here. And you'll see
9 what we have kind of identified as maybe some potential
10 issues in the area.

11 So you'll see the shot Number 1 is basically, I'm
12 sorry, shot Number 1, looking here, is looking towards the
13 east towards this house that is just in the southeast corner
14 of the Flag Stick development.

15 By the way, the yellow district here is the Flag
16 Stick development, which is the 433 district. So that is
17 looking to the east. What you can see there is there's some
18 water being trapped in this back yard here.

19 And then the second picture down here is looking
20 south, really standing more kind of from the back, behind
21 this barn area here and kind of looking back. And, again,
22 you can see that same water area which is identified in here.

23 And then Number 3, we'd be standing more on the
24 driveway. There's kind of a low area between these two
25 driveways. Currently, there is a culvert right under this

1 driveway. Then there's a culvert under here under this part
2 of the driveway and lawn area. What we're looking at, and
3 maybe this doesn't show real well, but there was some water
4 that was trapped in here. That was back on May 26, again.

5 And then this last picture here, Number 4, this is
6 standing on 100th Avenue looking east. It's really hard to
7 get a good picture of it, but the drain and the swale in this
8 area is kind of overgrown. This is actually sitting on the
9 Zeeland West School property.

10 And currently, this is not a county drain. There
11 is no easement applicable or anything in that regard.

12 The drainage for this, that we have up here to see,
13 is everything does appear to be going to the north towards
14 the swale, school, and 100th Avenue.

15 So here is, again, the overall district that we've
16 identified, basically looking at the county GIS system with
17 the one-foot contours. And what we understand from the
18 drainage systems in there, they all come into the watershed
19 that potentially get here, and then this drainage system
20 outlets into Hunter's Creek, which then flows westerly this
21 way.

22 Here, again, is the Flag Stick 433 district that
23 you can see is this yellow area here. So the pictures we
24 were looking at were kind of in this corner and in this part
25 of the swale here.

1 Again, this is a little bit more of a blow-up of
2 the Flag Stick area. So, again, there's culverts here, a
3 culvert here. These green areas are easements that have been
4 designed as part of the development.

5 I believe there is some drainage going right
6 through this area, and then they do have a detention pond.
7 However, the drainage on the east side here does not get to
8 the detention pond. It goes more toward these swales and
9 out. Both of these do outlet into the same 100th Avenue, and
10 then eventually up to Hunter's Creek.

11 So today, we're going to hear from public
12 testimony, those who wish to present any kind of new
13 information in there. The Board then will determine if this
14 is necessary to make it, as a public health, welfare,
15 convenience, as a project.

16 If it is deemed necessary, then the Water Resources
17 Commission will review the project and then start to commence
18 the project. If they deem the -- the Board deems it's not
19 necessary, then nothing more happens at this point.

20 If it is deemed necessary by the Board, and then it
21 goes to the Water Resources Commission, the next steps we'll
22 be looking at is project design. That's looked at closely
23 with Joe's office as to what kind of project we would
24 include.

25 And then upon completion, the project is designed.

1 Then it will go out for public bids. And after the public
2 bids are received, those costs will all be compiled together.
3 And then the costs of that will be set up for a Day of Review
4 where the property owners can come and see the apportionments
5 that are set up for that. And then after that, construction
6 will commence.

7 The cost of these projects, they're dependent on
8 the type of project. If there is one, it will then be
9 assessed out to Holland Township, the road commission, the
10 county, and then the parcels that are within the district.

11 That's the end of my presentation.

12 BOARD CHAIR RICH VANDER KLOK: Okay. Thank you,
13 Ken.

14 For the Board members, Ken or Josh, do you have any
15 questions for Ken at this point?

16 BOARD MEMBER KEN SOUTER: So the storm sewer shown
17 on this paper in the 104th Avenue is existing?

18 ENGINEER KEN BOSMA: 100th Avenue.

19 BOARD MEMBER KEN SOUTER: 100th Avenue is existing?

20 ENGINEER KEN BOSMA: Correct.

21 BOARD MEMBER KEN SOUTER: And did you look at the
22 outlets to it and this sort of thing? Are they functioning
23 properly?

24 ENGINEER KEN BOSMA: Yeah, I don't see any issues
25 on 100th Avenue.

1 BOARD MEMBER KEN SOUTER: On 100th Avenue, okay.
2 And that was all built with Flag Stick?
3 ENGINEER KEN BOSMA: No, it was separate. The one
4 on 100th Avenue was built in 2001. The Flag Stick
5 development was 2005. So it is the outlet for Flag Stick.
6 It was not part of any type of county drain either, so that's
7 why it's also being included, because this is the only way
8 the positive drain potentially can occur as -- as the -- has
9 really two outlets from this development here. There's a
10 detention pond that has an outlet further to the south, and
11 then the east line kind of goes to the north and over to the
12 west to 100th Avenue.
13 BOARD MEMBER KEN SOUTER: So that was put in there
14 by a township road project?
15 ENGINEER KEN BOSMA: Yes.
16 BOARD MEMBER KEN SOUTER: So it was never part of a
17 county drain system?
18 ENGINEER KEN BOSMA: Correct.
19 BOARD MEMBER KEN SOUTER: It was part of the road
20 project?
21 ENGINEER KEN BOSMA: Correct.
22 BOARD CHAIR RICH VANDER KLOK: Good.
23 Josh, any?
24 BOARD SECRETARY JOSH WESTGATE: Not at this time.
25 BOARD CHAIR RICH VANDER KLOK: Okay. Good.

1 Then, Jerry, from Ottawa County Road Commission, do
2 you have any comment that you'd like to make?

3 ROAD COMMISSION JERRY OLMAN: Yeah, with -- we'd be
4 in favor of expanding the district to include 100th Avenue
5 storm sewer, this county drain, the reason being is we had
6 the -- the drainage system in the public right-of-way, and --
7 but then we have private development draining into that
8 system, so it only makes sense to have it all continue as
9 county drain out to the outlet.

10 BOARD CHAIR RICH VANDER KLOK: Okay. Good. Thank
11 you, Jerry.

12 Then we'll open it up for public comment. And if
13 you'd like to make a comment, then if you would state your
14 name and your address, and then also identify whether you
15 live within or have lands in the drainage district.

16 And so we'll start right here, if you would like to
17 make a comment, your name and address?

18 MARIANNE HUNDERMAN: Marianne Hunderman, 3284 100th
19 Avenue. I do have a home in the district. And I guess
20 talking to the former owner of the house that he showed
21 pictures of off Riley, they had stated before they sold they
22 had no water issues until Riley was resurfaced and the
23 drainage was like higher now than Riley Street, like the
24 culverts were now higher. So I guess I just am curious if
25 that was looked at at all as part of this study.

1 BOARD CHAIR RICH VANDER KLOK: Ken, do you want to
2 answer that because you did the preliminary work on this?

3 ENGINEER KEN BOSMA: We looked at that to even see
4 if there was possibly an outlet there, and that elevation of
5 that storm sewer in Riley Street is higher than what it is
6 going to the north, yes, so there's not that access there.

7 MARIANNE HUNDERMAN: Okay. Because that was his
8 comment, that's when he had water issues, after Riley was
9 redone.

10 ENGINEER KEN BOSMA: And again, just for your sake,
11 this line here is based on also Ottawa County GIS contours
12 where they kind of break as well.

13 BOARD CHAIR RICH VANDER KLOK: Okay. Does that
14 help?

15 MARIANNE HUNDERMAN: Yes.

16 BOARD CHAIR RICH VANDER KLOK: Okay. The lady next
17 to you, if you would like to make a comment, your name and
18 address please.

19 TRACIE PIERSMA: Sure. My name is Tracie Piersma,
20 and I do live in the district. I'm at 3254.

21 And the drainage issue is actually in my back
22 corner of my lot. And I don't know all of what was looked
23 at, so I think before I comment, I'd like to hear maybe what
24 some of the solutions would be.

25 I don't really know that there is one. I know when

1 we built, there was standing water back behind there.
2 There's like a little woods area where the barns are and the
3 culverts are, and I know that that was always water before we
4 even built our house. So it isn't --

5 ENGINEER KEN BOSMA: Right there?

6 TRACIE PIERSMA: Correct. Yep. And we did the
7 culverts, and the water's all supposed to drain. If it
8 doesn't drain correctly, that's one issue. But there always
9 was water back there. It's all clay, so the water was always
10 there to begin with. It wasn't necessarily created by our
11 building of houses there.

12 BOARD CHAIR RICH VANDER KLOK: Sure.

13 TRACIE PIERSMA: But the people that live on -- the
14 newer people on this road on Riley may not know that, but
15 there was always water back there.

16 BOARD CHAIR RICH VANDER KLOK: In answer, or
17 comment to one of the things that you asked about, our job is
18 not really to provide solutions. Our job is really to
19 determine whether or not we should go forward to put it into
20 the county system --

21 TRACIE PIERSMA: Yep.

22 BOARD CHAIR RICH VANDER KLOK: -- in order that
23 they can look at that, and then provide the solutions that
24 they might find, depending on the engineering work that's
25 done. Is that helpful?

1 TRACIE PIERSMA: Yeah. I mean, there is standing
2 water back there. But, like I said, there always has been,
3 so I don't really know what could or couldn't be done about
4 it.

5 BOARD CHAIR RICH VANDER KLOK: Okay. Good. Thank
6 you.

7 The next lady?

8 DEBRA MALEC: My name is Debra Malec. I also have
9 a house. My address is 3292 100th Avenue. I actually own
10 the property where that retention pond is. I actually don't
11 have a comment. I kind of had the same question as Tracie,
12 so that was answered fairly well.

13 BOARD CHAIR RICH VANDER KLOK: Okay. Did you find
14 that to be helpful for you?

15 DEBRA MALEC: Yeah, I think so. My question was
16 mostly also like what would some of the ideas be behind
17 possibly for that.

18 BOARD CHAIR RICH VANDER KLOK: Sure. And you're
19 also probably -- Riley Street issue might be something you're
20 thinking of, too?

21 DEBRA MALEC: Yes.

22 BOARD CHAIR RICH VANDER KLOK: Okay. All right.
23 Thank you.

24 The gentlemen in the back?

25 SCOTT STEGGERDA: Yes. My name is Scott Steggerda,

1 and I own the property at 9925. That's the low house on the
2 block. My daughter owns the house. I own the lot next door.

3 We bought it from Randy Ruster who lived there for
4 30 years, so I got quite a bit of history what's going on
5 back there. I met with the road commission, gentleman here,
6 and some other folks, and we went out there on the rainiest
7 day of the year. We could see how flooded it was back there.

8 So they -- they did some measurements. I think
9 they were the ones that called Prein & Newhof in, checking
10 things out. But there's standing water back there that has
11 nowhere to go.

12 And I -- my understanding was, when they put the
13 Flag Stick lots in there, there's a retention pond. All the
14 homes and the barns and everything are supposed to drain, the
15 driveways are supposed to drain down to 100th Street, and I
16 don't see where they do that.

17 There's drains, tiles coming off the roof from the
18 gutters right to the back of my barn there, and the standing
19 water sits there and it has nowhere to go. So the -- when
20 they made the road wider on Riley, they got rid of the ditch
21 in front of our house, there's a couple -- actually, what are
22 they called?

23 ROAD COMMISSION JERRY OLMAN: The catch basin.

24 SCOTT STEGGERDA: So there's really no catch basin
25 anywhere on my property anymore, so the water has nowhere to

1 go. All the water from the barns that were put up there are
2 going down.

3 And we were -- the understanding was it was all
4 supposed to drain to 100th Street. But it doesn't. So
5 there's a lot of drainage from those properties come on to
6 ours, so it makes our yard unusable most of the summer while
7 it's raining. Can't really mow the lawns it's so wet. Still
8 wet today.

9 And we're just, you know, we had a lot of rain this
10 spring. I know you always have. You've got clay out there.
11 I'm used to being in sand.

12 We're hoping that you can get the water out of
13 there so we don't have these issues. So, you know, my
14 comment is there was standing water back there, it was a
15 field because it was lower back there, but we never had the
16 problems like we have now.

17 BOARD CHAIR RICH VANDER KLOK: Sure.

18 SCOTT STEGGERDA: And it's just, how do we get the
19 water out of there? If we can get the water to go where it's
20 supposed to on 100th, that would be what we'd like to see,
21 you know, makes our property better used. Because I don't
22 feel that other people's property should drain on somebody
23 else's property, and I see that's what's happening.

24 So if we could figure that out, that's all we're
25 asking. I mean, you know, there's going to be water back

1 there. I get it. It's a low spot. All the houses that were
2 built up, they all brought in fill sand. You know, there's
3 some, hardly -- the house to the east of us, you know, he
4 raised his whole property up two feet, so the water's got
5 nowhere to go there.

6 There was a catch basin that it could have gone to.
7 There's a natural swale. That's higher than what ours is, so
8 it has nowhere to go there. And, of course, the back
9 property gets caught between, you know, the barns that were
10 put up, and the houses, have nowhere to get out of there.

11 So, hopefully, if this is truly where the line is
12 going to be where those houses are, we get that draining out
13 of there. It has to go somewhere. Right now, it sits in my
14 back yard.

15 My barn was flooded all spring, you know, had
16 standing water inside the barn, which it never had before
17 those houses were there. Never came up that high. So I do
18 appreciate if we can get the water out of there somehow.

19 BOARD CHAIR RICH VANDER KLOK: Good. Thank you for
20 those comments. Appreciate that.

21 BOARD MEMBER KEN SOUTER: I got a couple questions
22 for the people.

23 A lot of times you hear in clay areas that you're
24 having problems with flooded basements, this type of thing.
25 We're just dealing with standing water? Is that the main

1 problem?

2 SCOTT STEGGERDA: You're asking me?

3 BOARD MEMBER KEN SOUTER: Standing surface water?

4 SCOTT STEGGERDA: Well, so I own a property that's
5 a vacant lot. It has a barn on it. My daughter bought the
6 other property, 9925, so she owns that.

7 There's a sump pump in the basement that runs
8 non-stop. There's always water. The guy I bought the house
9 from put tile all the way around the house, so it's always
10 draining in there.

11 But there's a barn on that back property, a 30 by
12 40 pole barn, and that had standing water this spring. When
13 everything is falling and everything else, it has nowhere to
14 go, so it just creeps up to our back yard, gets to our house,
15 because it just can't go to the draining culverts, you know.

16 And like I say, when they widened Riley, they got
17 rid of the ditch, put the culverts on the ground, they
18 bypassed our property. The one that's east of our property,
19 that's the closest one to us. I guess there's one on my
20 property, too, but it's so high, it doesn't get to that point
21 from the back yard there.

22 BOARD CHAIR RICH VANDER KLOK: All right. Good.

23 Thank you.

24 If there are no other public comments, then I would
25 move that public comment time be closed.

1 BOARD SECRETARY JOSH WESTGATE: Support.

2 BOARD CHAIR RICH VANDER KLOK: Moved and supported
3 to close public comment time.

4 All those in favor, say aye.

5 BOARD SECRETARY JOSH WESTGATE: Aye.

6 BOARD CHAIR RICH VANDER KLOK: Aye.

7 BOARD MEMBER KEN SOUTER: Aye.

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

9 And now, Board members, Ken, Josh, if you have
10 comments that you want to make based on the public comment
11 that we heard?

12 BOARD MEMBER KEN SOUTER: I guess I see a problem,
13 and the people have a problem, so they can't do anything with
14 it through the Drain Commissioner unless this becomes a
15 public -- under public domain.

16 So, as far as I'm concerned, it's a good idea to
17 get it under public domain, and they can take a look at it
18 and see once if there's a solution to the problem.

19 I'm a little surprised that we didn't have anybody
20 from the school, since the school is being included in this
21 entire area, but it looks like if everything drains to that
22 drain, it should be included in the drainage district.

23 So I'm in favor of getting this under jurisdiction
24 so something can be looked at.

25 BOARD CHAIR RICH VANDER KLOK: Okay. Good. Thank

1 you.

2 Josh?

3 BOARD SECRETARY JOSH WESTGATE: I'm going to agree
4 with Ken on this. We have to bring this in the county
5 drainage system to be able to fix, obviously, the issues in
6 the area, so I'm in favor of this project going forward.

7 BOARD CHAIR RICH VANDER KLOK: Okay. We, just so
8 that you're aware, those of you in the public, your comments,
9 obviously, were recorded there, and the engineers also
10 recorded them, so those are the issues that they'll be
11 looking at trying to address when they do their engineering
12 study.

13 Our purpose only is to determine whether or not it
14 should be brought under the auspices of the Ottawa County
15 Water Resources Commission, and so that's our -- our task.

16 And based on the comments that I heard and the
17 comments from the Board members, I would make the motion that
18 the proposed Flag Stick Drain, as petitioned on May 19, 2022,
19 is necessary and conducive to the public health, convenience,
20 or welfare.

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

22 BOARD CHAIR RICH VANDER KLOK: Motion is made and
23 supported.

24 All in favor, say aye.

25 BOARD SECRETARY JOSH WESTGATE: Aye.

1 BOARD CHAIR RICH VANDER KLOK: Aye.

2 BOARD MEMBER KEN SOUTER: Aye.

3 BOARD CHAIR RICH VANDER KLOK: Opposed? That is
4 carried.

5 And, Ken, do you -- or, I mean, Joe, do you want to
6 make a comment about --

7 WATER RESOURCES COMM. JOE BUSH: Well, I appreciate
8 everybody taking the time to kind of learn about the process
9 and how this works. That way it's not a Joe decision. It's
10 actually a Board of Determination decision, and they see it
11 necessary.

12 That being said, if anybody wanted to appeal
13 today's decision, you can do that through circuit court. You
14 have ten days from today to appeal it. Typically, nobody
15 does, because they're in favor of, but if somebody wanted to
16 appeal it, again, circuit court's the way to do that.

17 I appreciate everybody's time this afternoon, and
18 we look forward to doing what we can do to fix the problem.

19 BOARD CHAIR RICH VANDER KLOK: Okay. Thank you,
20 Joe.

21 I would declare the meeting adjourned. Thank you
22 all for coming.

23 (Board of Determination adjourned at 3:59 p.m.)

24

25

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