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STATE OF MICHIGAN  
COUNTY OF OTTAWA

IN RE: GRAND OAKS SUBDIVISION #3 DRAIN  
BOARD OF DETERMINATION

HELD VIA ZOOM

Proceedings commenced at 10:00 a.m., on Thursday,  
September 24, 2020, held with all participants appearing via  
Zoom, in Michigan, held before Marjorie A. Covey, CSR-2616,  
Certified Shorthand Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Chad Meints, Water Resources Chief Deputy
  
- Mr. Steven Koski, Attorney, Fahey, Schultz
  
- Mr. Rich VanderKlok, Board Chairman
- Mr. Ken Souter, Board Secretary
- Mr. Larry Bruursema, Board Member
  
- Mr. Bill Cargo, Manager, Grand Haven Charter Township
  
- Mr. Dan Fredricks, Engineer, LRE

1 VIA ZOOM, Michigan

2 September 24, 2020 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Welcome, everyone.

5 Good morning, my name is Joe Bush, the Ottawa County Water  
6 Resources Commissioner, and welcome to the Board of  
7 Determination meeting for Grand Oaks Subdivision, this is the  
8 #3 Drain.

9 So again we welcome everyone and I wish that we  
10 were in person, but we have to do the executive order and  
11 Steve will give us an update on the executive order and why  
12 we're Zooming in today, and we'll go through that later in  
13 the agenda here.

14 Again, we're meeting this morning for a Board of  
15 Determination to determine a necessity from a petition we  
16 received, and the only way that we have a Board of  
17 Determination is through a petition process, which is Drain  
18 Code. And that is through the township or the people, and  
19 once we get a petition I have to appoint a three-panel board  
20 that is not affiliated with Grand Haven Township, nor do they  
21 own property in Grand Haven Township, but they have to live  
22 in Ottawa County. And the three gentlemen I have today have  
23 done many, many of these Board of Determinations.

24 And then some people go, well what's the criteria  
25 that you point to. Well they understand Drain Code, they

1 understand drainage, and they understand how the townships  
2 kind of operate as far as why we do what we do, and what is  
3 the responsibility for the townships, the county and kind of  
4 the legal stuff, which is very, very important.

5 So I appoint these three gentlemen and I'll go  
6 ahead and introduce them on our Zoom call.

7 We have Rich VanderKlok who is from Georgetown  
8 Township. He's a current board member over there.

9 We have Larry Bruursema who was a board member at  
10 Georgetown Township, and on the road commission board for  
11 some years -- or, yeah, the road commission board, not the  
12 county commissioner's board.

13 And then we got Ken Souter, who was also an  
14 engineer for nearly 30 years.

15 Is that right, Ken.

16 BOARD MEMBER KEN SOUTER: A little more than that.

17 WATER RESOURCES COMM. JOE BUSH: A little more than  
18 that on the road commission, and he's retired from the road  
19 commission as well.

20 So these are our three board members today. And  
21 again they have no properties in Grand Haven Township, nor do  
22 they have in the drain district that we'll be taking about  
23 today.

24 We do have a court reporter, her name is Margie,  
25 and she's done many, many of these.

1           So there is time for public comment later, and  
2 during the public comment please speak your name, address and  
3 speak loudly and clearly. With the Zoom it can be a  
4 challenge to hear, but everything is court recorded word for  
5 word. And this is not required by state law or Drain Code,  
6 but I do it to reference later what was said, whether it's  
7 between the property owners, the township or the county or  
8 the engineer, or legal counsel, if we have one on the line.

9           So everything is word for word and it takes about  
10 four to six weeks to get those back. You can always go back  
11 to miottawa.org and click under the petition project, click  
12 under this one, which is the Grand Oaks Subdivision, and  
13 you'll read the minutes, and again it's recorded word for  
14 word for the protection of everybody.

15           The other part is we have the three board members.  
16 We do have Bill Cargo with us, he is the Grand Haven Township  
17 superintendent or manager. And then we also have Dan  
18 Fredricks from Land & Resource who -- his engineering firm  
19 has been out there and did kind of a preliminary for today's  
20 Board of Determination meeting.

21           What that means for today is there is no project  
22 that we know right now, and we don't know a cost because we  
23 have to do this first. And this is all through Drain Code.  
24 This is the first step in the process.

25           People are always like, well how much do we pay?

1 Well we haven't done a clearly -- a project yet because you  
2 have to hold the Board of Determination to determine whether  
3 these three gentlemen move forward with a certain project.  
4 So that's kind of how -- what the meeting is all setup for.

5           Some people ask why is it 10 o'clock in the  
6 morning? Why isn't it at night? Well most legal processes  
7 that I know of are during the day so we do it during business  
8 hours just like any other court ordered process. So that's  
9 why we usually hold them in the mornings. And I know some  
10 people can't get to them, but -- and we try our best to  
11 accommodate everybody, even though it can be a challenge,  
12 especially with IT and technology. So that's why we have  
13 them, again, the time that we do.

14           The other part is in order to get three board  
15 members can be a challenge sometimes, who don't live in that  
16 township or have properties in that township, so that can be  
17 another challenge, so we do the best we can.

18           And then we also have Steve, he is with our legal  
19 firm, and he's going to go through the executive order, why  
20 we're doing it via Zoom and kind of how that all works. So  
21 I'll let Steve highlight that as soon as I get done giving  
22 the oath.

23           Once I give these three gentlemen the oath they  
24 will run the meeting. Any further questions will be directed  
25 to them and then they're more than happy to ask myself or the

1 engineer questions as we go through the public hearing, or  
2 the process. So I'm happy to answer any questions when we  
3 get to that point.

4           Again, there was some issues earlier. We had  
5 rescheduled this because we didn't have everything, all the  
6 information we needed at that time. I don't want to hold two  
7 of these, I'd rather do it once and do it right, and we  
8 needed some more parts of the missing pieces of the puzzle we  
9 were looking for with LRE, so we wanted to go ahead and  
10 reschedule. So I apologize for that, but we wanted to make  
11 sure we did it right.

12           There might have been a petition in the past that  
13 happened, but it never got to this point, for whatever  
14 reason, it was before my time, and I don't have answers for  
15 that. But I do know here we are today and we have a Board of  
16 Determination and we'll see how the board votes on this  
17 particular hearing.

18           Again, once I give the gentlemen the oath, they  
19 will run the meeting, and answer any questions and go through  
20 the process.

21           So I think I pretty much said everything I needed  
22 to fit in for this morning. Again I appreciate everybody's  
23 time and willingness to listen and learn on how the process  
24 is and what happens moving forward.

25           Gentlemen, please raise your right hand and I'll go

1 ahead and give you the oath and you guys can take over.

2 Do each of you solemnly swear that you will  
3 faithfully perform and discharge the duties imposed upon you  
4 as required by law as members of the Board of Determination,  
5 appointed by the Ottawa County Water Resources Commissioner,  
6 to determine the necessity for maintenance and improvement on  
7 the Grand Oaks Subdivision #3 Drain, located in Grand Haven  
8 Charter Township, in said county? Gentlemen?

9 BOARD MEMBER RICH VANDER KLOK: I do.

10 BOARD MEMBER LARRY BRUURSEMA: I do.

11 BOARD MEMBER KEN SOUTER: I do.

12 WATER RESOURCES COMM. JOE BUSH: Thank you.

13 At this time we'll go ahead and have Steve fill us  
14 in on the executive order so everybody is clear.

15 Go ahead, Steve.

16 ATTORNEY STEVEN KOSKI: Thanks, Joe.

17 Good morning, everyone, and welcome to this Board  
18 of Determination meeting. As Joe mentioned this is being  
19 held electronically to comply with the governor of Michigan's  
20 executive orders, that's Executive Order 2020-154, which  
21 allows for meetings under the Open Meetings Act to be held  
22 electronically while there is a state of emergency related to  
23 COVID-19.

24 I will make every effort for you to have full  
25 participation and to have full transparency for those in

1 attendance.

2 For each vote we recommend that the board does a  
3 roll call vote after a motion has been made and supported.

4 With respect to all of you from the public that are  
5 in attendance, we ask that -- as Joe mentioned there will be  
6 an opportunity for public comment. So prior to that, though,  
7 we ask that you remain muted while the meeting is going on,  
8 and that -- we're just trying to have as many microphones on  
9 mute during the meeting so no noises get picked up. And it  
10 can become a challenge for people to hear what's going on  
11 especially for the court reporter as well.

12 But once you have an opportunity to give your  
13 public comment, then you're certainly welcome to un-mute  
14 yourself and engage with public comment.

15 When you are giving your comment, again, please  
16 state your name and address for the record.

17 Also public comment will be in accordance with the  
18 rules that the Board sets forth. So the Board of  
19 Determination, this is their meeting, they will be the ones  
20 to make the rules of participation. We recommend a 3-minute  
21 comment period, and one comment per person to ensure that  
22 everybody gets to speak, and at that point the Board can  
23 decide if they need to hear anything further.

24 In order to indicate that you would like to comment  
25 during the public comment, you can select the Raise Your Hand

1 option, which if you pull up the participant's list, it's the  
2 bottom right. You can also hover over your name and select  
3 Raise Your Hand.

4 If you're dialing in by phone, you can dial star  
5 nine, and that will indicate that you are raising your hand  
6 as well. So either of those I will -- if I see that hand  
7 raised, I will call on you.

8 There also is a chat function on here, you see the  
9 chat button at the bottom. If you would prefer to not give a  
10 public comment and rather type it in there and have me read  
11 it to the Board, that's totally fine as well. Just please  
12 make sure you include your full name and address with your  
13 comment so that I can read that into the record as well.

14 You see -- for those of you on a computer or other  
15 device, you see the mute button, usually that's at the bottom  
16 left. And if you select that, that will mute and un-mute  
17 yourself. And if you are calling in by telephone, you can  
18 dial star six to mute and un-mute yourself. So on the phone  
19 again it's star nine to Raise Your Hand, and star six to  
20 un-mute yourself.

21 If anybody experiences connection issues or  
22 technology issues, they can just try to leave the meeting and  
23 log back in. That usually solves a lot of audio or video  
24 problems.

25 If you can't get back in, we recommend dialing in

1 by telephone.

2 And we'll do the same procedures too for the Board  
3 members, except if a Board member does drop off, we obviously  
4 have to pause the meeting, so we will pause and wait for them  
5 to log back in. And if they still can't get logged back in  
6 we will have them dial in by telephone.

7 Just one more reminder, this is being recorded and  
8 we do have a court reporter. So if at any point we interrupt  
9 you, it's just because we did not hear what you said,  
10 sometimes the connection will cut out. So we just want to  
11 make sure that everything is on the record for this meeting.

12 And I'll go over again the procedures to  
13 participate once we get closer to the public comment in the  
14 agenda. So if you forget any of this, I will give you a  
15 reminder.

16 At this point I will turn things over to the Board  
17 to proceed.

18 BOARD MEMBER LARRY BRUURSEMA: I will nominate Rich  
19 VanderKlok as chairman.

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

22 BOARD MEMBER RICH VANDER KLOK: Motion has been  
23 made and supported that Rich VanderKlok be chairman.

24 Are we ready to vote?

25 Larry?

1 BOARD MEMBER LARRY BRUURSEMA: Yes.

2 BOARD MEMBER RICH VANDER KLOK: Ken?

3 BOARD MEMBER KEN SOUTER: Yes.

4 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich votes  
5 yes. That is passed.

6 And the next item on our agenda would be a motion  
7 which I will make to limit public comment to three minutes.

8 Is that supported?

9 BOARD MEMBER KEN SOUTER: I'll support that.

10 BOARD CHAIRPERSON RICH VANDER KLOK: Motion made by  
11 Rich VanderKlok, supported by Ken Souter that public comment  
12 be limited to three minutes.

13 Larry?

14 BOARD MEMBER LARRY BRUURSEMA: Yes.

15 BOARD CHAIRPERSON RICH VANDER KLOK: Ken?

16 BOARD MEMBER KEN SOUTER: Yes.

17 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich votes  
18 yes.

19 BOARD MEMBER LARRY BRUURSEMA: Mr. Chairman, I  
20 think you forgot the secretary.

21 BOARD CHAIRPERSON RICH VANDER KLOK: I think we --

22 BOARD MEMBER LARRY BRUURSEMA: You have to vote for  
23 a secretary.

24 BOARD CHAIRPERSON RICH VANDER KLOK: Yes, right.

25 I'll make a motion that Ken Souter be chairman, is

1 that supported?

2 BOARD MEMBER LARRY BRUURSEMA: Secretary.

3 BOARD MEMBER KEN SOUTER: Supported.

4 BOARD CHAIRPERSON RICH VANDER KLOK: Moved and  
5 supported that Ken Souter be secretary for the Board of  
6 Determination.

7 Larry?

8 BOARD MEMBER LARRY BRUURSEMA: Yes.

9 BOARD CHAIRPERSON RICH VANDER KLOK: Ken?

10 BOARD MEMBER KEN SOUTER: Yes.

11 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich  
12 VanderKlok votes yes.

13 Then we have our next presentation would be by Dan  
14 from LRE Engineering to give his presentation.

15 Dan?

16 ENGINEER DAN FREDRICKS: All right, thank you. I'm  
17 going to go attempt to share my screen here.

18 Steve Koski, are you out there?

19 ATTORNEY STEVE KOSKI: Are you having issues?

20 ENGINEER DAN FREDRICKS: Yes, usually -- okay. I  
21 think I've got it. We'll see if this works.

22 Is anybody -- is anyone seeing the screen now that  
23 says Grand Oaks #3 Board of Determination?

24 BOARD CHAIRPERSON RICH VANDER KLOK: Yes.

25 BOARD SECRETARY KEN SOUTER: Yes.

1 ENGINEER DAN FREDRICKS: Next question, if I hover  
2 by the top of the water drop of the LRE logo, can you see my  
3 little pointer?

4 ATTORNEY STEVE KOSKI: Yes, we see it.

5 ENGINEER DAN FREDRICKS: Perfect. My name is Dan  
6 Fredricks. I'm with Land & Resource Engineering, and in May  
7 of this year we received a call from the Ottawa County Water  
8 Resources Commissioner's office about reports of flooding  
9 around the Grand Oaks #3 Subdivision, specifically within the  
10 retention basin area of the project.

11 So on May 28th, 2020, we conducted an inspection  
12 and kind of did a little bit more homework on the project.  
13 So I want to present a little bit today some of our  
14 preliminary findings.

15 So first thing we'll go over is why we are here,  
16 then I'll give you a brief overview on the drain and some of  
17 the history surrounding the drain. We'll talk about the  
18 current drainage issues and what we encountered out in the  
19 field in late May, and then we can discuss what happens  
20 next.

21 So as previously discussed, the Ottawa County Water  
22 Resources Commissioner's office received a petition from  
23 property owners within the Grand Oaks #3 Subdivision in  
24 accordance with Chapter 8 of the Michigan Drain Code.

25 As I said before, the complaint that's going on

1 here is chronic flooding of the retention basin near the  
2 northwest corner of the Grand Oaks #3 Subdivision, Lots 65  
3 and 66.

4 As Joe said, it's part of the Michigan Drain Code  
5 that mandates once a petition is received, a Board of  
6 Determination meeting is scheduled and heard. And then  
7 obviously the Board will be hearing testimony to determine if  
8 a project is necessary based on public health, convenience or  
9 welfare.

10 All right. So if you can see my arrow here, this  
11 red dot (indicating) is basically the south end of the Grand  
12 Oaks Subdivision. So you've got Oak Chapel Drive, which  
13 bends into Red Oak at the cul-de-sac here (indicating) and  
14 then you have Oakleigh at the other cul-de-sac to the south  
15 (indicating).

16 So in this, if you can see where my arrow is, the  
17 northwest corner of the bend, if you will, of that Oak Chapel  
18 Avenue is where the issue -- where the retention basin is,  
19 which is overflowing, and then we're getting flooding  
20 basically all within the subdivision (indicating).

21 I apologize, these roads, some of the labels didn't  
22 come on here. But this main north-south road just to the  
23 east is 152nd Avenue. Up here to the north, this main kind  
24 of east-west road is Groesbeck Street.

25 And in general this Grand Oaks #3 is also connected

1 to the larger Grand Oaks Subdivision to the south.

2           It's kind of located -- where this retention basin  
3 is is a natural low area. This area in general, the two main  
4 water bodies nearby that connect to the Grand River are  
5 Pottawattomie Bayou to the north, and then to the east we  
6 have Millhouse Bayou.

7           Here is a zoom-in of the Grand Oaks #3 Subdivision,  
8 so this is currently what's established as the drainage  
9 district. It was established under Section 433 of the  
10 Michigan Drain Code.

11           So right now basically this plat that you see here,  
12 which I believe consists of around 22 parcels, is where the  
13 drainage district is.

14           Obviously if we're looking at -- right now in this  
15 northwest corner here between Lots 65 and 66 (indicating)  
16 that's where the existing retention basin is. It's a  
17 retention basin which means there is no storm water outlet  
18 for it. This is kind of a natural low area, and it's also  
19 receiving water from the Grand Oaks proper subdivision to the  
20 south. Again, there is no outlet for this.

21           So as part of this project, one thing that might  
22 happen is if we find a viable outlet for the area, which  
23 would likely go to the east towards Millhouse Bayou, there  
24 could be an expansion or would be most likely an expansion of  
25 the drainage district which would include additional

1 properties.

2 So we wanted to make sure that we notified  
3 everybody that may be impacted by this project. That was  
4 part of the delay is making sure we had everybody, not just  
5 the people in this subdivision notified.

6 At this point we're not going to, because we don't  
7 know where we might expand the drainage scope, we're not  
8 going to ask the Board to make any decisions on adding lands  
9 or removing lands from the district, that would be done later  
10 as part of the Section 197 process of the Michigan Drain  
11 Code.

12 So again, the key thing that we have right here is  
13 all this storm water is going to the existing retention basin  
14 or infiltration basin (indicating) right here in the  
15 northwest corner between Lots 65 and 66. And there is no  
16 surface outlet for that water. So the water either has to  
17 infiltrate into the ground or it has to evaporate.

18 So there has been -- when we looked through the  
19 files here there has been issues going on in this Subdivision  
20 since 2009, and possibly even before that. But there was, at  
21 that point in time there was concerns about the retention  
22 basin.

23 It had noted that properties near the retention  
24 basin had a walkout finished floor basement elevation of  
25 around 588.5 feet. Other houses within that subdivision had

1 basement elevations, finished floor basement elevations lower  
2 than that. It was concluded at that time, the groundwater  
3 level was at about 581 feet. Something to consider now is  
4 that Lake Michigan is at 582 feet. So Lake Michigan is  
5 already one foot higher than where the groundwater was ten  
6 years ago.

7           How the basin was designed at that time, the basin  
8 had a bottom elevation of around 585.5 feet, so about three  
9 feet below these walkout elevations, and the design high  
10 water level was 587.5 feet, so two feet above that minimum  
11 level. And we'll hit back to these when we go to what we  
12 encountered in the field, but those are good things to know.

13           So the drainage issues, again we're here to look in  
14 regards to public health, convenience or welfare. As we  
15 stated before, there is -- we're seeing high groundwater  
16 levels and then we're seeing flooding over topping the banks  
17 of the retention basin itself.

18           What's happening out there is there is continuously  
19 running sump pumps. If you have a power outage and these  
20 sump pumps fail, the water backs up in the basements causing  
21 substantial amounts of damage.

22           Also, a lot of these people are pumping out in the  
23 backyard trying -- putting in excess pumps to keep up with  
24 things, and that water is being pumped into the existing  
25 roadway which goes into the storm sewer which then circulates

1 right back into that retention basin and keeps filling that  
2 up.

3 And as I said before, we have high groundwater  
4 levels, and there is no surface outlet for the retention  
5 basin. So it basically has no capacity right now for storm  
6 water.

7 We also have, when we get these large ponding areas  
8 of flooding, those become stagnant breeding grounds for  
9 mosquitos which carry diseases associated with that. So  
10 there is public health concerns with that as well.

11 Here is a couple photos of the back of Lot 66, the  
12 water spills out of the water retention basin area and it's  
13 flooding the lots here at Lot 65 and 66. This is just a  
14 couple of examples from when we out there in May.

15 This is another example, you can see the water  
16 running down the gutter of the street. People basically  
17 pumping water out from the basements and the backyards and  
18 then recirculating right into the storm sewer system.

19 This is going into -- this shows a little bit more  
20 of a design here. These are the as-built drawings of the  
21 retention basin. It says storm detention, but it's really a  
22 retention as there is no outlet. So these are the drawings  
23 that they provided from back in 1988.

24 You'll note here that the bottom elevation was  
25 around 585.5, the high watermark design on here was 587.5, so

1 about two feet above that.

2 So now we look at today's conditions. Lake  
3 Michigan as I said is already at 582, which is a foot higher  
4 than where groundwater was back in 2009. When we were out  
5 there we did two things, we surveyed the water level of the  
6 retention basin, which was around 588.30 feet, which is a  
7 little bit above or right at a lot of the walkouts of these  
8 homes right here (indicating). So there is significant  
9 surface flooding that can happen there.

10 And the groundwater level was about a foot or so  
11 below that. We did a boring outside of the retention basin  
12 and that was about 587.23. Again that's over six feet higher  
13 than what it was in 2009. And that high groundwater level is  
14 also going to -- people have their basements that might be  
15 even lower than some of these walkouts. It's going to create  
16 continually running sump pumps and the potential for those  
17 basements to flood as well.

18 The other thing to note is that with the  
19 groundwater at over 587 feet, it's essentially at what the  
20 designed high water level was for the retention basin, which  
21 means that there is no real storm water capacity volume  
22 within that retention basin. And so as you're seeing now,  
23 after a rainfall, there is nowhere for the water to go other  
24 than to just spill out on the properties surrounding the  
25 area.

1           So obviously these are concerns. And we don't go  
2 into necessarily solutions here for a project like this, but  
3 there is sufficient grade, and probably your best outlet  
4 would be going to the east to the Millhouse Bayou and  
5 providing some form of outlet for this basin. And  
6 potentially even an underground system to help lower  
7 groundwater levels within that subdivision area would be  
8 potentially feasible solutions that would have to be  
9 investigated to help alleviate the situation.

10           So at that, that's our report right here.  
11 Ultimately the Board is going to hear the testimony from the  
12 impacted residents in the area to determine whether the  
13 project is necessary.

14           If it's determined necessary -- or if it's not  
15 determined necessary, then there can be no petition for  
16 another 12 months. If it is determined necessary, based on  
17 public health, welfare and convenience, then we basically go  
18 forward with a project which would include additional  
19 engineering design and surveying, obtaining easements,  
20 applying for permits from the state of Michigan, ultimately  
21 bidding the project to qualified construction contractors.  
22 And then once a total project cost is determined, the Ottawa  
23 County Water Resources Commissioner's office would hold Day  
24 of Review to look at what residents understand their  
25 assessment could be and to potentially object to that at that

1 time.

2 And then once we got through that whole process  
3 we'd ultimately construct the project.

4 So with that I'd like to thank the Board for their  
5 time and I'm here to answer any questions that anyone may  
6 have.

7 BOARD CHAIRPERSON RICH VANDER KLOK: I want to ask  
8 if any of the Board of Determination members have any  
9 questions for Dan before we move to public comment?

10 BOARD SECRETARY KEN SOUTER: I definitely have a  
11 question.

12 Do you have an elevation of the surface water in  
13 Pottawattamie Bayou to know that you can even outlet to that  
14 point?

15 ENGINEER DAN FREDRICKS: We do not have that -- no,  
16 I don't have an elevation on that. But my guess is -- it's  
17 probably similar to Lake Michigan, maybe 582 to 583 elevation  
18 is what our best estimate is at this time.

19 BOARD SECRETARY KEN SOUTER: Because isn't that,  
20 that body of water there ties into the groundwater elevation  
21 that you're experiencing high water also then?

22 ENGINEER DAN FREDRICKS: Well groundwater -- I mean  
23 based on where this is right here, we're assuming that the  
24 groundwater would be mounted up higher in the subdivision and  
25 it will decrease as you get towards either Millhouse Bayou or

1 Pottawattamie Bayou as you get closer to the Grand River.

2 BOARD SECRETARY KEN SOUTER: Okay.

3 BOARD CHAIRPERSON RICH VANDER KLOK: Larry, do you  
4 have any questions for Dan?

5 BOARD MEMBER LARRY BRUURSEMA: Not at this time.

6 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
7 you.

8 Before we move to public comment, I know that Bill  
9 is on with us.

10 And, Bill, as the representative for Grand Haven  
11 Township, do you have anything that you would like to comment  
12 on before we move to public comment?

13 GRAND HAVEN CHARTER TOWNSHIP SUPERINTENDENT BILL  
14 CARGO: Well I think that Grand Haven Charter Township  
15 believes that the Board of Determination will find that there  
16 is a need for improvements to the existing storm water  
17 system, and the township recognizes that it will be  
18 responsible for an at-large portion of any costs that will be  
19 incurred to improve this system.

20 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
21 you.

22 I'm under the impression that your Board also  
23 passed a resolution regarding this, am I correct in saying  
24 that?

25 GRAND HAVEN CHARTER TOWNSHIP SUPERINTENDENT BILL

1 CARGO: They passed a resolution petitioning the Ottawa  
2 County Water Resources Commissioner to hold a public hearing,  
3 a Board of Determination to address the flooding problems  
4 that were occurring in the Grand Oaks Subdivision #3.

5 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
6 you, Bill.

7 Then we'll move to public comment. And again, I'm  
8 going to turn this over to Steve reminding all those who are  
9 on this Zoom meeting with us that there is a time limit of  
10 three minutes.

11 And, Steve, if you want to review the procedures  
12 for this public comment period, please do so.

13 ATTORNEY STEVE KOSKI: Thank you, Mr. Chair.

14 So again, if you would like to comment, please  
15 indicate that by selecting the Raise Your Hand button that  
16 you'll find at the bottom of the participant's list. If you  
17 are calling in by telephone, you can dial star nine, that  
18 will indicate that you would like to comment. Or if you're  
19 having issues with that on your computer, you can wave your  
20 hands in front of your screen and I'll call on you.

21 Also, you can submit a comment by sending me a  
22 message on the chat, with the chat button. So I'd just ask  
23 that you include your full name and address for that.

24 BOARD CHAIRPERSON RICH VANDER KLOK: Just a  
25 reminder, when you do make your public comment, please give

1 your name and your address, and please indicate whether you  
2 live within this particular drainage district.

3 So, Steve, is there anyone who would like to make a  
4 public comment at this time?

5 ATTORNEY STEVE KOSKI: I am not seeing anybody at  
6 the outset here.

7 Here we go, Ron Redick, if you can un-mute yourself  
8 and state your name and address for the record, please?

9 (Inaudible sound.)

10 ATTORNEY STEVE KOSKI: It's a little bit like  
11 grainy, if that's the word I can use.

12 (Inaudible sound.)

13 THE REPORTER: I'm not understanding any of that.

14 ATTORNEY STEVE KOSKI: You may be able to, if you  
15 mute, you may be able to call in as well and ask your  
16 question? It sounds like there is an issue with your  
17 microphone.

18 (Inaudible sound.)

19 ATTORNEY STEVE KOSKI: Same issue. You could also,  
20 if you have a comment or a question as well, you could send  
21 it in the chat as well, if we can't get your microphone to  
22 work.

23 BOARD CHAIRPERSON RICH VANDER KLOK: Steve, we did  
24 not understand that, and I'm wondering if Ron chooses one of  
25 the options that you suggested, then I hope he feels free to

1 go ahead and do that.

2           However, I would like to ask you, Steve, if there  
3 is anyone else who would like to make a public comment?

4           ATTORNEY STEVE KOSKI: I do not see anybody else at  
5 this time. Nothing in the chat yet.

6           Ron is sending a message -- here we go. He says,  
7 could Joe or someone else comment on why nothing was done  
8 after 2009 when your engineers concluded that future flooding  
9 would continue to occur?

10           And his address, Margie, is 14044 Oak Chapel, Lot  
11 56.

12           BOARD CHAIRPERSON RICH VANDER KLOK: Joe, you  
13 probably heard that question. Do you want to comment on  
14 that? That's a historical question. It might be -- I don't  
15 know if you were involved in that at all, whether you were  
16 even the drain commissioner at that time.

17           WATER RESOURCES COMM. JOE BUSH: No, I was not -- I  
18 didn't become Water Resources Commissioner until 2013 when I  
19 got elected, so that was before my time. But that being  
20 said, it looked like in the files they never held a Board of  
21 Determination. It sounds like a petition potentially didn't  
22 come back, is my understanding, but again I wasn't here. And  
23 we can not just go and act on something like that without a  
24 petition, that's why we're here today.

25           So I've heard that rumor in the past, why didn't we

1 do anything? Number one, I wasn't even here, so I got thrown  
2 under the bus quite a bit later, which is fine. But I wasn't  
3 here. I can't answer for Paul Geerlings, the past drain  
4 commissioner.

5 I can look in the file, and my understanding is  
6 nothing got completed or done for that reason. So I can't  
7 technically answer that because I wasn't here.

8 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
9 you, Joe.

10 Steve, is there anyone else who would like to make  
11 a public comment?

12 ATTORNEY STEVE KOSKI: We do have one more, it's  
13 from Kevin Bowling.

14 If you could state your name and address for the  
15 record please.

16 MR. KEVIN BOWLING: My name is Kevin Bowling. I'm  
17 at 15396 Grand Oaks Drive, it's Lot 39. And first of all I'd  
18 just like to thank all of you as Board members for your  
19 public service. I usually see Joe in a very different  
20 context, at Board of Commissioner meetings or other things in  
21 the county, but this is the first time I've been able to  
22 observe a Board of Determination and be involved in it. So I  
23 appreciate the effort that you are making to share the  
24 engineer's report, which I found very helpful.

25 I guess my question for all of you is I don't have

1 a real understanding of how the assessment process works down  
2 the road. Based on the engineer's presentation, it looks  
3 like the two lots that are primarily involved where the  
4 flooding is is at the north end of Oak Chapel on the lots  
5 that you identified, and I'm just curious if you get to the  
6 point where you approve a project and there needs to be  
7 construction work that's, done, as discussed among all the  
8 neighbors, does an assessment automatically cover all of the  
9 lots in the Grand Oak Subdivision? Is that how it happens,  
10 or is there a geographical area immediately around the  
11 affected plots that are assessed?

12 So if you could explain how that works, I would  
13 appreciate it.

14 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,  
15 Kevin, for your comments.

16 Just one quick comment there, and that is that the  
17 Board of Determination certainly would not be determining how  
18 those assessments would be made. However, I do want to ask  
19 Joe if he wants to comment on that.

20 WATER RESOURCES COMM. JOE BUSH: Yeah, I'd be more  
21 than happy to, Rich. Thanks.

22 Typically assessments work by who is contributing,  
23 who is benefiting, so we go based on the watershed. And  
24 that's why we, with the original Board of Determination, we  
25 didn't quite have -- I wasn't confident the district looked

1 like it did. So we kind of relooked at that set of plans.  
2 There is a couple of phases in there.

3 So whoever is contributing water would be assessed  
4 or benefiting from the project would be assessed.

5 And usually, like you heard Bill, I can't speak for  
6 Bill but he did speak earlier in the minutes that they know  
7 they're going to be at large, which is typically 25, 30  
8 percent.

9 The road commission and the county, which we're  
10 separate but we're the same when it comes to road  
11 right-of-way and runoff on the road right-of-way. So we  
12 split that. That's typically, I would say in here could be  
13 about 10 percent.

14 And then so I get 5, the road commission gets 5 so  
15 we split it for road runoff for the benefit of that because  
16 our road does become an issue, road water does. So we pay  
17 for that.

18 And then whatever is left over would be spread  
19 amongst the other residents. Usually the people who are, we  
20 try to do -- we have formulas, Kevin, that we set into a  
21 program, and then it divvies up factors of how far do you  
22 live from the project, further away, maybe you don't benefit  
23 as much, if you get less of a factor; if you live right on  
24 it, if you're getting a lot of benefit you could get a higher  
25 assessment based on a higher factor. That's kind of -- and

1 that's why we have Land & Resource, that's why we use a lot  
2 of the engineering firms that deal with groundwater and  
3 water.

4           And the more challenging part is special  
5 assessments, but Dan is fully aware of how these work. He  
6 works for, I want to say about 30 other county drain  
7 commissioners as well across the state.

8           So we go through that with a fine tooth comb  
9 because people can appeal their assessments, we don't want  
10 that, through the courts. So we try to do it very well, fair  
11 and equally. But also who benefits, who is contributing, how  
12 far away do you live from the project, those are typically --  
13 and then being a subdivision you don't have like a 40-acre  
14 piece or a 300-acre piece, so these are going to be fairly, I  
15 think equal because it's a subdivision, everybody's lots are  
16 going to be about the same. It's just the factor of how far  
17 are you from the work being done.

18           I hope that answers your question.

19           BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,  
20 Joe, I appreciate that.

21           Steve, are there any other people who want to make  
22 public comment?

23           ATTORNEY STEVE KOSKI: We have a couple messages in  
24 the chat. The first one actually was the same question that  
25 was just asked, from Caleb Townsend, T-O-w-n-s-e-n-d, at

1 13995 152nd Avenue. He asked basically the same question Joe  
2 just answered.

3 At one part at the end he asked if taxes by the  
4 county are used to pay for any of these. And I could just  
5 answer that quickly, if you want.

6 As Joe mentioned these are -- all these --  
7 everything per Drain Code is paid for by special assessment.  
8 So no general funds money is used for these drains, except  
9 for the small -- the portion of these projects that is  
10 assessed to the county in which the district is then to  
11 benefit through public roads, they pay a small portion for  
12 that.

13 But generally speaking for drains, it's always the  
14 people or the properties that are within the drainage  
15 district that are benefiting from the district that pay for  
16 that.

17 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
18 you, Steve.

19 Is there anyone else who would like to make public  
20 comment? You said you had two, I believe.

21 ATTORNEY STEVE KOSKI: Yes, the next one is from  
22 Heather Shenefield, S-h-e-n-e-f-i-e-l-d, at 15303 Red Oak  
23 Street, Lot 62.

24 She said, good morning, please explain to me the  
25 options that would be considered for a drainage outlet to

1 Millhouse Bayou. I am concerned about my property being  
2 negatively affected by this.

3 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
4 you, Heather.

5 Just a quick comment on that question, and that  
6 would be if the Board of Determination determines that this  
7 is necessary, then the Water Resources Commissioner and the  
8 engineer would move forward to determine the scope.

9 But I wonder if, Joe, do you or, Dan, either of  
10 you, Joe, do you want to comment on Heather's questions, or  
11 Dan?

12 WATER RESOURCES COMM. JOE BUSH: I can let Dan  
13 answer that. He's had his crew out there a couple more times  
14 after I was out there for the original water issues.

15 Right now we don't currently have a direct  
16 direction, but one thing that my department and what we do is  
17 work with residents so we don't have a negative impact. We  
18 try not to do that so -- but, Dan, if you want to go ahead.

19 BOARD CHAIRPERSON RICH VANDER KLOK: Dan, do you  
20 want to comment on Heather's question?

21 ENGINEER DAN FREDRICKS: Yeah, I would just follow  
22 up with what Joe said right there. We haven't done anything  
23 to formally -- we've looked at in general, there is the  
24 ability to go to the east towards Millhouse Bayou, but exact  
25 routes and alinements, we haven't determined what those could

1 be at this point specifically. And obviously we're going to  
2 speak with property owners and the Water Resources  
3 Commissioner's office to make sure we minimize impacts as  
4 much as possible.

5 BOARD CHAIRPERSON RICH VANDER KLOK: Thank you,  
6 Joe; thank you, Dan.

7 Steve, is there anyone else who would like to make  
8 public comment?

9 ATTORNEY STEVE KOSKI: Mr. Chair, it looks like we  
10 do not have anymore looking to make public comment.

11 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, seeing  
12 that there is no one else that would like to make public  
13 comment, I would make a motion to close the public comment  
14 portion of the Board of Determination meeting.

15 Is that supported?

16 BOARD MEMBER LARRY BRUURSEMA: Yes.

17 BOARD CHAIRPERSON RICH VANDER KLOK: Supported by  
18 Larry Bruursema.

19 Those in favor, Larry?

20 BOARD MEMBER LARRY BRUURSEMA: Yes.

21 BOARD CHAIRPERSON RICH VANDER KLOK: Ken?

22 BOARD SECRETARY KEN SOUTER: Yes.

23 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich  
24 VanderKlok votes yes as well.

25 Is there any other kind of correspondence that

1 we've received regarding this drainage district?

2 WATER RESOURCES COMM. JOE BUSH: I don't have any,  
3 Rich -- Mr. Chair.

4 BOARD CHAIRPERSON RICH VANDER KLOK: No? There is  
5 no -- okay.

6 Then I'm going to ask our Board of Determination  
7 members to comment and, Ken, if you'd like to go first, that  
8 would be fine.

9 BOARD SECRETARY KEN SOUTER: I wish we would have  
10 heard from a few more people in this district; but from what  
11 it looks like, we're sitting in the middle of a bigger area  
12 that's being affected primarily by high water, not allowing  
13 the basins that were set up in the first place to operate  
14 properly. So the only way that they're going to get any  
15 relief is to get some kind of a drainage system to go to an  
16 outlet.

17 You can't keep pumping back into the same place and  
18 pumping out of your basement or whatever it is and pumping  
19 it, it's just going to recirculate. So something needs to be  
20 done.

21 I think the engineer has got himself a tough little  
22 project here to try to get a drainage outlet for an area like  
23 this that is probably very flat, and it's being affected  
24 drastically by high water.

25 So he's going to have a little bit of a challenge,

1 I would think. But until you get all the elevations and all  
2 of the information that he needs on what's draining into  
3 here, he's going to have -- he's going to have a design  
4 problem.

5 But I think that people need to have a shot at  
6 getting their backyards to drain and their basements to  
7 drain.

8 BOARD CHAIRPERSON RICH VANDER KLOK: Okay. Thank  
9 you, Ken.

10 Larry, any comments from you?

11 BOARD MEMBER LARRY BRUURSEMA: Yeah. I would --  
12 I'd like to know, Dan, are you going to increase the size of  
13 the drainage pipe coming out of those retention ponds, which  
14 I'm assuming that's going to happen?

15 ENGINEER DAN FREDRICKS: There is no pipe out of  
16 that retention pond right now, that's the problem. It's high  
17 groundwater and no outlet, no overflow outlet.

18 So what we'd be trying to do in this case is find a  
19 way through under drain systems to hopefully lower  
20 groundwater levels, and then also provide an outlet for the  
21 retention basins so we can get these high water conditions so  
22 it's not flooding adjacent properties.

23 BOARD MEMBER LARRY BRUURSEMA: And would it be  
24 enough downfall for the water to get down to the bayou?

25 ENGINEER DAN FREDRICKS: It appears so but

1 obviously as Ken said, there is a lot more studying and  
2 engineering and groundwater monitoring that we got to do  
3 before we can definitely confirm that, but it appears as  
4 though there is.

5 BOARD MEMBER LARRY BRUURSEMA: But you promise  
6 relief?

7 ENGINEER DAN FREDRICKS: We're going to do our  
8 best. We got to do -- we study it. I mean we're not going  
9 to do a project -- if it's not going to work, then we're not  
10 going to spend money on a project that's not going to work.  
11 But if we can go out there and do our due diligence and come  
12 up with a solution that's going to help people out, then  
13 we'll move forward.

14 BOARD MEMBER LARRY BRUURSEMA: Thank you.

15 BOARD CHAIRPERSON RICH VANDER KLOK: Thanks, Dan.

16 Thank you, Larry.

17 Thank you, Ken.

18 I would agree with what Ken said and certainly in  
19 order to address the issue, and to deal with it, we as a  
20 Board of Determination, in my opinion, have to vote to move  
21 forward.

22 Therefore, I would make a motion that the  
23 maintenance and improvement of the Grand Oaks Subdivision #3  
24 Drain is necessary and conducive to the public health,  
25 convenience or welfare. And I wonder if another Board of

1 Determination member would second that?

2 BOARD SECRETARY KEN SOUTER: I'll support that.

3 BOARD MEMBER LARRY BRUURSEMA: I'll support that.

4 BOARD CHAIRPERSON RICH VANDER KLOK: I believe it  
5 was supported by Mr. Bruursema. So the motion is made and  
6 supported.

7 Are there any other comments that either Ken or  
8 Larry would like to make?

9 Not hearing any, we will vote.

10 Ken?

11 BOARD SECRETARY KEN SOUTER: Yes.

12 BOARD CHAIRPERSON RICH VANDER KLOK: Larry?

13 BOARD MEMBER LARRY BRUURSEMA: Yes.

14 BOARD CHAIRPERSON RICH VANDER KLOK: And Rich  
15 VanderKlok votes yes. That motion is carried.

16 And now in terms of our agenda, I want to turn it  
17 over to Joe for just a moment to talk about the appeal  
18 process.

19 And again I would like to thank those individuals  
20 who did make public comment, thank you for your input.

21 And, Joe, do you want to speak briefly about the  
22 appeals process?

23 WATER RESOURCES COMM. JOE BUSH: Sure. If anybody  
24 wants to appeal --

25 GRAND HAVEN CHARTER TOWNSHIP SUPERINTENDENT BILL

1 CARGO: I need to leave, I have another Zoom meeting at 11  
2 o'clock to deal with our IT. So I appreciate the Board's  
3 determination that there is need, and we'll look forward to  
4 the solution that the Water Resources Commissioner comes up  
5 with, but I do have to leave now. Thank you.

6 BOARD CHAIRPERSON RICH VANDER KLOK: Okay, Bill,  
7 thank you. Good to see you again.

8 Go ahead, Joe.

9 WATER RESOURCES COMM. JOE BUSH: Are you ready,  
10 Mr. Chair?

11 BOARD CHAIRPERSON RICH VANDER KLOK: I am.

12 WATER RESOURCES COMM. JOE BUSH: I do appreciate  
13 everybody's time this morning coming to learn and listen and  
14 kind of get some education on a petition and why we're here  
15 today. That's important, education and getting informed on  
16 why we're here and how the process works, so I appreciate  
17 that.

18 The other part is if somebody doesn't agree with  
19 today's Board of Determination, you can appeal it through  
20 circuit court, and you've got ten days to do that as of  
21 today. So if anybody feels that necessary, again, that's  
22 through circuit court.

23 I just want to kind of follow-up to some people  
24 are, why didn't you do a full study, why didn't you do  
25 engineering?

1           You have to be real careful because the Board could  
2 choose not to move forward, and then I'm stuck with a large  
3 engineering bill and no project, and then what do I do with  
4 the costs. So we try to do the minimum to get the Board of  
5 Determination enough information to make a decision, because  
6 they really haven't been involved because we try not to -- we  
7 don't want to give the -- give them too much information  
8 because then, you know, then they're involved too much.

9           So they got enough, they know the location, they  
10 know what's going on, and then the engineer gives the  
11 presentation on what they know and what we know.

12           But again, some people are probably like, why  
13 didn't you do a full study? Again, the Board could have  
14 decided to not move forward and I'm stuck with a large  
15 engineering bill. And today's process was basically to see a  
16 necessity, not a project.

17           So thanks again, Board, for your time today. And  
18 I'll give it back to you, Mr. Chair.

19           BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank  
20 you, Joe. I appreciate that.

21           Steve, do you have any additional comments that you  
22 want to make at this point?

23           ATTORNEY STEVE KOSKI: No. I think Joe covered  
24 everything very well, as usual. So I think we're all set.

25           BOARD CHAIRPERSON RICH VANDER KLOK: Okay, thank

1 you, Steve.

2 I'd like to thank Ken and Larry for, again, serving  
3 on the Board of Determination.

4 Dan, good to have your input as well, thank you  
5 very much.

6 And, Margie, it's always good to see you and know  
7 you're doing your diligent work there, so thank you very  
8 much.

9 Having said all of that, thank you again, and I  
10 will declare that the meeting is adjourned.

11 (Board of Determination adjourned at 11:05 a.m.)

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