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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: HARLEM DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 6:00 p.m., on Wednesday,
September 18, 2019, at the Macatawa Legends Golf Club, 4600
Macatawa Legends Boulevard, Holland, Michigan, held before
Marjorie A. Covey, CSR-2616, Certified Shorthand Reporter and
Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Chad Meints, Chief Deputy to Water Resources Comm.
- Ms. Sara Hirts, Secretary

- Mr. Rick VanderKlok, Board Chairman
- Mr. Larry Bruursema, Board Secretary
- Mr. Ron Brink, Board Member

- Mr. Howard Baumann, Port Sheldon Township Supervisor
- Mr. Todd Wolters, Olive Township Supervisor

- Mr. Jerry Olman, Ottawa County Road Commission

- Mr. Dan Fredricks, P.E., LRE Engineering

1 Holland, Michigan

2 September 18, 2019 - 6:00 p.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good evening,
5 everyone. Can I get your attention, please? Can everybody
6 hear me okay? No?

7 I'm going to walk around, I like to walk. We have
8 a few more people coming in here, quickly, we'll get this
9 evening start.

10 THE REPORTER: Hey, Joe, I'm having a hard time
11 hearing you.

12 WATER RESOURCES COMM. JOE BUSH: That's what I
13 wanted to know. We're going to figure out how to turn it up
14 because it's not loud enough. Can you hear me now? Is that
15 better?

16 All right, good to go?

17 All right. Welcome, everyone. Welcome to Macatawa
18 Legends and welcome to the Harlem Drain Board of
19 Determination.

20 I'm Joe Bush, your Ottawa County Water Resources
21 Commissioner, also known as the Drain Commissioner. I
22 changed the name in 2012 to Water Resources Commissioner.
23 You can do that with Drain Code.

24 I thought it more fit this position than it did
25 being Drain Commissioner. I think it's worked out pretty

1 well countywide.

2 I am a countywide elected official, and I am here
3 tonight because the state statute requires me to hold a Board
4 of Determination when I have petitions. I had four townships
5 petition me for improvements on the Harlem Drain, that's why
6 we're here tonight.

7 People are like, well why was I invited? Everybody
8 is in a watershed. And the big watershed that you guys are
9 in is the Harlem. You might live on a tributary, but that
10 tributary probably ends up going into the Harlem Drain.

11 So what happens is when I have a petition, I have
12 to mail out everybody. I have 5600 letters to mail out and
13 everybody got a letter that's sitting in here, plus all the
14 other people in Holland, Park, Port Sheldon and Olive
15 Township that is a part of this watershed. So that's why
16 you're here tonight.

17 Just for information in the getgo, it is news to me
18 this week -- or last week, I'm sorry, that three of the four
19 townships have said they're covering the costs for any drain
20 improvements along the dams that will be discussed tonight.
21 So there is no special assessments on the project for the
22 dams if you live in Park Township, Olive Township and Holland
23 Township.

24 Port Sheldon is still in discussion on if they're
25 going to pay at large, but Port Sheldon is only 5.6 percent

1 of the overall watershed. So it's a very small percentage of
2 that.

3 But Holland, Park and Olive have decided to cover
4 the cost of that. So there is no special assessments to the
5 property owners for the replacements of the dam if that's
6 necessary.

7 So if this three-panel Board deems it necessary to
8 do a replacement for the dams, I'm not here to say there
9 should be or should not be, being the Water Resources
10 Commissioner and with state statute, Michigan Drain Code
11 tells me, I got to hold a Board of Determination, appoint a
12 three-panel board like I did. These three panel members have
13 no properties, nor do they live in any of the townships that
14 we're talking about, nor do they live in the watershed.

15 So I appoint these people, they will run the
16 meeting once I give them the oath. And then they run the
17 Board -- they run the meeting tonight, the public hearing.

18 One thing that's very important is we keep it
19 civil. Everything is court recorded. Margie here is my
20 court reporter. It's not in state statute to have it court
21 recorded, but I do. Since I get elected, I have a court
22 recorder at everyone of my Board of Determination meetings so
23 later you can reference those, either via website on
24 MIOttawa.org, find Joe Bush, Water Resources Commissioner; or
25 I can give you a hard copy of those minutes from the BOD.

1 And everything is court recorded. So if you want
2 to take me to court later, she's got it in there or somebody
3 else, the Court, of what I said, what he said, what she said.
4 It's all court recorded. So that's why I do that to protect
5 everybody.

6 The other thing is I'll make a few announcements.
7 If anybody wants to go see the dams, they're not too far away
8 from here. Some people said, why are we having a meeting on
9 a Wednesday night? Well, typically I got to have it at night
10 or during the day. That's one thing.

11 Why Wednesday night? It's church tonight, I've
12 heard people are pretty upset with me that it's church
13 tonight. This is the only time that I can get these three
14 panel members, get Margie, get my staff, get the engineer,
15 and get myself in one place, and have a location. A location
16 is not easy to find to fit these kind of numbers of people
17 very quickly.

18 So it took a lot of coordination. So I apologize
19 if it's Wednesday night, and you got to skip out on
20 something, I apologize. But this is the only time I could
21 get it to work was Wednesday night.

22 The other part is I talk about special assessments,
23 they're not here tonight to determine a cost. They're here
24 to determine a necessity or not, whether it's necessary to
25 pass the petition or not. That's why they're here.

1 Again I give them the oath, they run the meeting.
2 They're more than happy to ask me any questions, but during
3 the public comment, it's very important that you come up
4 here, state your name, address, and your concerns, so the
5 court recorder can record it. So that's going to be very
6 crucial.

7 And it's probably going to be limited to three
8 minutes because we have a lot of people here, so I'm assuming
9 they'll make that motion. That's up to them if they want it
10 for three minutes, but sometimes they do that.

11 I'll make a few more introductions.

12 So I'll introduce the Board. I introduced Margie
13 already, my court recorder.

14 From right to left we have Ron Brink, and then in
15 the center -- he's from Zeeland Township. And in the center
16 we have Rich VanderKlok, he is from Georgetown Township. And
17 on the left we have Larry, and Larry is from Georgetown
18 Township.

19 These members have been at several BODs, they
20 understand Drain Code and they also understand drainage and
21 how the legal process works.

22 They have no idea what we're talking about tonight.
23 I don't go meet with them and tell them do this or say this.
24 They absolutely have no idea. It's not my job to tell them,
25 it's you people's job to tell them if you have issues with

1 whatever. It's not my job to tell them. I just appoint
2 them.

3 And we have Dan Fredricks, he's from Land And
4 Resource, he is the engineer.

5 We have the road commission here tonight, Jerry
6 Olman.

7 We have two township supervisors, Howie Baumann
8 from Port Sheldon; and Todd Wolters from Olive. And then two
9 of my staff are in the back, Chad Meints is my chief deputy,
10 and Sara is my secretary. She went somewhere.

11 So that's my staff.

12 Again I'm going to go ahead and give these three
13 gentlemen the oath. And there is an agenda, I think
14 everybody got an agenda. And then they'll run the meeting.
15 So thank you for coming tonight.

16 Gentlemen, please rise, raise your right hand.

17 Do each of you solemnly swear that you will
18 faithfully perform and discharge the duties imposed upon you
19 as required by law as members of the Board of Determination
20 appointed by the Ottawa County Water Resources Commissioner
21 to determine the necessity for maintenance and improvement of
22 the Harlem Drain located at Holland Charter Township, Park
23 Township, Olive Township, and Port Sheldon Township in said
24 county? Gentlemen?

25 BOARD MEMBER LARRY BRUURSEMA: I do.

1 BOARD MEMBER RICH VANDERKLOK: I do.

2 BOARD MEMBER RON BRINK: I do.

3 WATER RESOURCES COMM. JOE BUSH: Thank you.

4 BOARD MEMBER LARRY BRUURSEMA: With that I'll make
5 a motion to appoint Rich VanderKlok as the chair.

6 WATER RESOURCES COMM. JOE BUSH: Can you speak in
7 the mic?

8 BOARD MEMBER LARRY BRUURSEMA: I have to speak in
9 the mic.
10 With that I'll make a motion that I nominate Rich
11 VanderKlok as the chairman.

12 BOARD MEMBER RICH VANDER KLOK: Is there support?

13 BOARD MEMBER RON BRINK: That's supported.

14 BOARD MEMBER LARRY BRUURSEMA: It's been supported.

15 BOARD MEMBER RICH VANDER KLOK: It's been moved and
16 supported.

17 All those in favor, say aye.

18 BOARD MEMBER RON BRINK: Aye.

19 BOARD MEMBER RICH VANDER KLOK: Aye.

20 BOARD MEMBER LARRY BRUURSEMA: Aye.
21 That's just for us, but thank you for the vote of
22 confidence.

23 BOARD MEMBER RON BRINK: I'll make a motion to
24 appoint Larry Bruursema as the secretary.

25 BOARD CHAIRMAN RICH VANDER KLOK: Support.

1 Motion made and supported to appoint Larry
2 Bruursema as secretary.

3 All in favor, say aye.

4 BOARD MEMBER RON BRINK: Aye.

5 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

6 BOARD MEMBER LARRY BRUURSEMA: Aye.

7 BOARD CHAIRMAN RICH VANDER KLOK: That's carried.

8 Then because we have such a nice crowd of good
9 looking people here tonight, we're going to limit public
10 comment to three minutes. And if you would like to make a
11 comment, I'm asking that you come forward and state your name
12 and address and address your comment to the chair. Don't
13 turn your back on us and address the audience.

14 And the reason I'm doing that is because the court
15 reporter needs to hear the comment, and she is recording all
16 of this. And if you happen to turn, she may miss some of
17 your comments.

18 So during the public comment, you'll be given three
19 minutes. Come forward, state your name and address, and make
20 your comment during that three-minute comment period.

21 Let's see. What else do we need to do? I think
22 we've -- I think Joe has clearly delineated for us what we as
23 a Board of Determination do and so the role and function he
24 very much explained that. So I won't need -- I'm not going
25 to repeat that.

1 And also, the procedural history, he also referred
2 to that and how a Board of Determination functions and what
3 our role is. He alluded to the fact that we are not involved
4 in determining costs or any of that sort of thing. And he
5 already mentioned about the three townships that have already
6 said that they would -- that they would cover the costs for
7 the particular issues that he described.

8 I just wonder if anyone from one of the
9 representative townships or Jerry of the road commission, if
10 you have any comments that you want to make before we begin
11 the public hearing? Is there any -- Jerry, do you have
12 anything?

13 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: I
14 don't.

15 BOARD CHAIRMAN RICH VANDER KLOK: Okay, and
16 representatives that Joe alluded to, do you have anything
17 that they'd like to share?

18 I don't see anyone. Okay, thank you.

19 Then we're going to ask for the engineer's
20 presentation, and so we'll turn it over to him.

21 ENGINEER DAN FREDRICKS: Thank you.

22 My name is Dan Fredricks, I'm with Land And
23 Resource Engineering out of Grand Rapids, Michigan, I'm going
24 to give a brief overview of why we're here today and some of
25 the specific issues along the drain that prompted the

1 petition.

2 So the first thing we're going to do is go over why
3 we're here, which Joe already alluded to. I'll give you a
4 brief overview of the drain and the watershed or the drainage
5 district associated with that, talk a little bit about the
6 history of the drain, the structural issues with some of the
7 in-stream control structures. That's what prompted this
8 petition. And then we'll discuss what happens next.

9 So as Joe mentioned before, Holland Charter
10 Township petitioned the Drain Commissioner's office under
11 Chapter 8 of the Drain Code to make improvements to the
12 drain. In this case the specific concerns were three
13 in-stream control structures which I'll show you here in just
14 one second.

15 As Joe said, Michigan Drain Code requires that a
16 Board of Determination be held to determine if a project is
17 necessary. That's what these three gentlemen are up here are
18 to decide. It's your testimony from the audience to
19 determine whether the project is necessary.

20 The other thing I think mentioned before too, from
21 the cost standpoint for these structures, three of the four
22 townships that are within this drainage district have already
23 agreed to step up to the plate and pay for these structures.
24 So the assessment to any individual land owners should be
25 minimal as a result of that.

1 So this first slide here is a photograph of the
2 Holland Drain drainage district. And I apologize, my laser
3 pointer is not working very well.

4 But this dark line right here, this drainage
5 district was last updated back in 1989. So back in 1989 we
6 didn't have as detailed topographic maps and contour
7 information as we have today. So it's a little bit more kind
8 of rigid and squared off, as we would say I guess, following
9 basic property lines to determine who is within this drainage
10 district or who isn't.

11 If you got notified today, you're most likely
12 within the drainage district. What that means that
13 ultimately a drop of water from your property is going to
14 enter the Harlem Drain.

15 Now the Harlem Drain, you might know it as Pine
16 Creek, basically the downstream end is right here at Lake
17 Macatawa. And it flows -- it starts way north almost up by
18 Port Sheldon Road in Olive Township, and it flows kind of
19 south, southwesterly. It crosses 144th Avenue into Port
20 Sheldon, kind of near Van Buren. And then it goes through
21 Port Sheldon, crosses New Holland into Park Township briefly,
22 before it heads back east, coming back into Holland Township
23 and then crosses 144th again. And ultimately gets down to
24 Lake Mac.

25 So I apologize this map is old and not easily seen

1 but this is to give you a reference. Here is 144th, here is
2 New Holland, Port Sheldon is up here, 128th is right there,
3 and 160th is right about here. That actually gives you an
4 idea of where we are geographically.

5 So the watershed is quite big, it's over 17 square
6 miles. There is about a little over ten miles of drain
7 established. There is an easement associated with that drain
8 which is 70 feet either side of the drain centerline. So
9 there is 140-foot easement which is dedicated to the drainage
10 district and maintained by the drain commissioner.

11 The drain was established actually before 1890.
12 And the first records we have of work being done on it was in
13 1890. It was established actually sometime before that, but
14 we don't have the exact record on that.

15 As I mentioned before this drainage district, which
16 is essentially a special assessment district, was updated in
17 1989. So since 1890 there has been about fifteen projects on
18 the drain, whether those are maintenance projects or petition
19 projects such as today. So it's been fairly well maintained
20 on average of about every eight years there has been some
21 work done on the project.

22 What really brings us here today are these
23 in-stream control structures. So we have one -- here is Van
24 Buren Street, the first one is just south of Van Buren Street
25 on the west side of 144th Avenue. The second control

1 structure is just north of Barry Street. And the downstream
2 most is in Quincy Park south of New Holland between like
3 Quincy and New Holland, just east of 144th Avenue.

4 Those structures, the bulk of them were last
5 improved -- two of the three were improved back in the '70s.
6 And the one at Barry Street had some work done back in 1995.

7 So in general, a lot of these control structures
8 are in varying states of deterioration. Basically they're
9 in-line weirs. I can show you a photograph, here is an
10 example of one.

11 This is the one at Quincy Park, so this is the
12 downstream most one. It's basically a steel-sheet piling
13 weir going across the channel. So here is the pedestrian
14 bridge. You can see the channel right here, a
15 trapezoidal-shaped channel, a steel-shaped piling weir going
16 across.

17 In this notched area you have stop logs they put in
18 to raise or lower water levels. And then there is -- most of
19 them have some level of catwalk out over it.

20 In the state of -- in the Quincy Park one here the
21 structure is in decent condition, but we are beginning to see
22 signs of erosion on the steel itself, and we're getting
23 downstream bank erosion. They have put in some concrete
24 slope paving armory, but downstream of that we're getting
25 more erosion.

1 There is also issues as far as operational issues
2 with these using stop logs versus we might look at using a
3 little bit more easily, even potentially automated system,
4 like a slew escape to allow better regulation of water levels
5 for these control structures.

6 So these control structures are here for two
7 purposes; one is for irrigation purposes to be able to back
8 water up for farmers to be able to draw water from, so it
9 helps regulate waters from an agricultural standpoint. And
10 they do provide some leveling of flood control I guess on the
11 downstream areas there because they are a restriction within
12 the channel itself.

13 They do help to reduce peak flow rates which
14 technically helps reduce downstream flooding, so they do have
15 a flood control element to them as well.

16 So again we're here today specifically because of
17 property owners complaining about these structures that they
18 need to be improved and that's what prompted Holland Township
19 to petition this project.

20 I apologize this is really sensitive here.

21 So on the next structure upstream is at Barry
22 Street. This structure is in very poor condition. It's
23 leaking, both beneath the sheeting, and it's flacking around
24 the sides of it. There is erosion downstream. So this one
25 is in need of repair.

1 There is also, from a hydraulic standpoint and from
2 the road commission standpoint with the erosion that it's
3 causing by Barry Street we're looking at possibly relocating
4 this one downstream of Barry Street so it would have less
5 adverse impact on the culvert there.

6 And the final structure is located just west of
7 144, south of Van Buren Street. This structure is 40 to 50
8 years old. It's in pretty poor condition but it's also not
9 regularly used. So it's questionable whether or not we would
10 replace the structure right now.

11 Generally there is no stop logs in it, so it's not
12 necessarily backing up water. So this one right now, based
13 on what we've talked with the residents and the farmers in
14 that area, there may or may not be any work done to this one.

15 So going onto what happens next now we'll open the
16 floor to public testimony. So the Board is going to hear
17 input and ultimately make a decision on whether or not this
18 petition is necessary.

19 If the petition is found not necessary, then the
20 project cannot be re-petitioned again for another year.

21 If it is determined necessary, then we would go
22 forward with conducting an engineering study to look into not
23 only these issues, but any other issues that you may have
24 along the drain, and then go specifically address those
25 issues in some form of a project, the scope of which will not

1 be determined today, but will be based on the results of the
2 engineering study and input from the Drain Commissioner.

3 So with that, I'll turn it back over to the Board.

4 BOARD CHAIRMAN RICH VANDER KLOK: Okay. Thank you.

5 For our public comment, as I said before, we'd like
6 you to come forward, please state your name and address. And
7 then also identify whether you live or have land in the
8 drainage district.

9 So anyone who would like to come forward, you have
10 three minutes to make your comment, give your name, address,
11 and also specify whether you have land -- live or have land
12 in the drainage district.

13 Who would like to begin?

14 Come forward and state your name and address,
15 please.

16 MR. BRAD PAULSEN: I may not need a mic.

17 My name is Brad Paulsen, and I live at 13982 Fox
18 Trail Drive right behind the junior high school, the drain
19 goes through my backyard.

20 Last fall my wife and I was out working in the yard
21 and she fell in the hole, it was about this deep
22 (indicating), the sod was still over it, and she took a step
23 and went right down into a hole. It's undermining my yard.
24 And over the years I've noticed that it seems like my
25 backyard gets lower all the time.

1 Well then we got this big hole in it, so I filled
2 it back in and we could see flowing water.

3 I filled it back in last fall, and we noticed now
4 there is spots in it that are starting to give way again.
5 Because I step in it, my foot went down two or three inches.
6 So it's not fixed.

7 And I was told -- I called the drain commissioner
8 and there was a guy, a gentleman came out, and he assessed
9 it. And about a month later I got a letter in the mail that
10 said they would be dredging from Riley to Quincy. And he
11 says they were just taking bids, and he said it was going to
12 be done this summer.

13 Now I don't know if that's what started part of
14 this, but that's what happened with us.

15 I will say that the first ten years I lived there,
16 water was a lot more consistent than it is today as far as
17 the highs and the lows. Since this place has been built, the
18 highs come up a lot quicker, and it seems like our lows
19 really get low, compared to what it used to be like for the
20 first ten years that I lived there.

21 But my concern is are they going to take care of --
22 are they going to dredge, or are we just talking bridges
23 today? Because that was my understanding, it was going to
24 happen this summer, they were just taking taking -- waiting
25 for bids.

1 BOARD CHAIRMAN RICH VANDER KLOK: Thank you. I
2 can't answer that question.

3 I think the petition that we're addressing, I don't
4 believe dealt with the dredging issue, did it?

5 WATER RESOURCES COMM. JOE BUSH: We can include it.

6 BOARD CHAIRMAN RICH VANDER KLOK: You can include
7 it, but that was not part of the petition at this point, was
8 it?

9 WATER RESOURCES COMM. JOE BUSH: It is maintenance.

10 BOARD CHAIRMAN RICH VANDER KLOK: Maintenance,
11 okay, yes. So then it would be.

12 MR. BRAD PAULSEN: Okay.

13 BOARD CHAIRMAN RICH VANDER KLOK: Good, anyone
14 else?

15 Come forward, please, state your name, address.
16 There is a gentleman just ahead of you, sir.

17 UNKNOWN SPEAKER: It's okay.

18 BOARD CHAIRMAN RICH VANDER KLOK: Who wants to be
19 first? I think he's letting you.

20 MR. RON DEWAARD: Thank you.

21 My name is Ron DeWaard, I live at 13975 Port
22 Sheldon Road. And I'm in the tougher part of this drain
23 commission, and we've been battling these control dikes here
24 for as long as I've lived here. And I've lived in here since
25 1971 before they were ever put in.

1 We have had flooding problems up there because the
2 people that are under control of these dams will not remove
3 the boards when we call and ask them.

4 And this last gentleman that says he's having water
5 flow problems down below, it's the same thing because they're
6 holding the water back.

7 I just put a test hole in my backyard this week, I
8 went down six feet, six feet square, and as of right now,
9 I've got water within 14 inches of the top of that hole. And
10 that's eight feet from the back of my house. And we've never
11 had this problem until this was originally put in here.
12 These dams were put in, to hold the water back. And they
13 will not remove them.

14 We even had a lawsuit against them, and the judge
15 said -- threw that out. So what are we supposed to do?

16 I mean there is another gentleman here I'm pretty
17 sure he's going to speak tonight that he's been flooding out,
18 and he said he was a hobby farmer and he didn't count.

19 So -- and like I said, these drains are not good
20 for this. My grandfather originally hunted in around the
21 marsh that's being drained. That water was dug out -- that
22 ditch was dug by a horse and scrapers to put back in. So
23 this land, my land was originally farmed by one of the other
24 couples here, we knew them. And they're -- well in fact
25 their farm used to be part of this, here right here.

1 And she used to walk -- VanCampen, she used to walk
2 across and sit under the trees in front of my house today,
3 bringing her dad and her brothers meals for plowing property
4 there.

5 So I mean there is a lot of problems in here, and
6 yes, it could be solved. Number one, these dams are not wide
7 enough openings to let the water go through.

8 When we got high water, we got as much as five to
9 eight inch difference from one side to the other side of the
10 dam. The openings are not big enough.

11 They do not pull the dam boards all the way out to
12 the bottom to flush the system out.

13 So I hopefully, myself, I personally would just
14 assume these dams were out of here because the people that
15 are in charge of them do not want to take proper control of
16 them.

17 And that's all I got to say.

18 BOARD CHAIRMAN RICH VANDER KLOK: Okay, thank you.

19 Yes, sir? Next?

20 If anyone else would like to make a comment, you
21 can come forward and be ready to go when this gentleman is
22 finished.

23 MR. ROBERT KAHLE: Hi. My name is Robert Kahle. I
24 live at 14183 Deer Cove Drive.

25 My property, which contains my residence, and in

1 the back is wooded, and I live probably across Pine Creek
2 from Mr. Paulsen who spoke earlier. Somewhere very near him.

3 And the problem that I am having is this. When we
4 moved into the home we're in now and took control of the
5 property we have, it was 22 years ago last month. We had in
6 that first summer, and particularly in September, I'm not
7 going to know for sure, but a horrendous amount of rain in
8 West Michigan, in fact it washed out part of U.S. 31 up near
9 Ludington in that time. I had a hard time planting and just
10 being able to mow because of the continuous rain we seemed to
11 have for months. And I had no flooding problems in those
12 days whatsoever.

13 A few years later they did have a dredging of it in
14 the summer. And I noted that in the area between Riley
15 Street and Quincy that there didn't seem to be any spoil
16 removed. The people that came along and did the work on the
17 ditch, the whole length, just seemed, especially behind my
18 place, just seemed to have tamped things down and rounded it
19 out. So they didn't actually remove any sediment that would
20 have come from upstream over some years.

21 And shortly thereafter on June the 8th in 2008 --
22 I'm sorry, on June the 7th, that evening, and into June 8th
23 we had a lot of rain. If I recall right there was about 14
24 inches of rain measured somewhere up near West Olive.

25 And at that point in time for the first time I

1 think ever, my residence got flooded, you know, into the
2 basement. And I noted that there were puddles that came
3 up -- after the rain was done, a few days later, I had water
4 come seemingly from underground into an area of the yard up
5 near my home, and then just because of hydraulic pressure,
6 come up through the floor and cracks and so forth that are in
7 the basement.

8 Now days any time you get two -- we get two inches
9 of rain, I get pretty -- pretty close, two inches of rain or
10 anymore, I'm going to get that condition, you know, severity
11 depending on how much water has come out of the sky, of
12 course, and how long it takes to drain back out through the
13 basement floor.

14 But if this thing -- I was here because like the
15 previous gentleman noted, we got a notice earlier in the year
16 that they were going to come along and do surveying and
17 people would be coming back to give us estimates of their
18 costs for doing a job of dredging this between Riley and
19 Quincy.

20 I haven't heard or seen a thing of any activity
21 regarding that. But I'd just like to state that if they
22 actually do this, I'd like somebody in the county that works
23 for a drain commissioner that's got some sort of
24 responsibility to see that they actually come along and dig
25 the thing out and remove it so that it will drain and let the

1 water level go down back there. I'm sure they got paid for
2 that.

3 But you've got tree line and yards on both sides
4 much of the length and it's a difficult area to get to. But
5 I'd like to see spoils actually dug out and removed and put
6 the level of the thing back down where it was 22 years ago
7 when I moved in.

8 Thank you.

9 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

10 Is there anyone else who would like to make a
11 comment? Just come forward, state your name and address, and
12 if you are living in that drain --

13 MS. LISA TURKSTRA: My name is Lisa Turkstra. I
14 live at 4260 North 160th Avenue.

15 I found out when I read the letter today that I am
16 part of the Harlem Drain district. A few years ago I was
17 part of the Park West Drain District. So I was really
18 shocked when I got my letter.

19 My questions here are more procedural because I
20 lived through the nightmare that was the Park West Drain.
21 And I seen how these petitions grow and grow and expand and
22 include more things and include more people.

23 So what I'm hoping to get tonight is assurances
24 that this project will be limited to maintenance and what the
25 engineers have proposed, and not some grand plan to move

1 drains, connect drains and use ditches that are dug by
2 farmers years ago to become part of a drainage system.

3 I do not want to live through this again. It is
4 not part of my health, welfare or convenience to go through
5 another project like the Park West Drain.

6 I don't know how often a decision is made to move
7 people from one drainage district to another, but I hope in a
8 few years when they have to fix the Park West Drain I don't
9 get another letter to have to come to a meeting.

10 I'm in the Harlem Drain, I'm staying there.

11 Thank you.

12 BOARD CHAIRMAN RICH VANDER KLOK: You're welcome.

13 Anyone else like to come forward, state your name
14 and address and make a comment.

15 MR. JOHN SCHEFFLER: Hi, my name is John Scheffler.
16 I live at 363 Fourth Avenue, Holland Michigan.

17 I have the issue with, they put a new road in in
18 May of 2017, and now all the water comes down the road and
19 drains in my driveway, through my -- between my house and my
20 garage. And the drain is on the opposite end of the street,
21 but it's flooding my -- it's really bad. It's like a river
22 every time it rains.

23 I was excited to get this Harlem thing because I
24 thought maybe this was a contact from Joe or Bob Russell at
25 the road commission because they were going back and forth,

1 not wanting to talk to me about this situation.

2 So I just hope I'm put on this drainage or
3 something because right now I have to put sandbags because
4 stuff is flooding my backyard.

5 I have kids, I've had people fall in my driveway in
6 winter. Then when it thaws out -- it's so bad in the
7 wintertime I have to put sandbags because stuff is flooding.
8 So I would like someone to contact me to see if I can be put
9 in the drain, I don't know. It's really bad. So before I
10 have to take it to another level -- it's been almost like two
11 years, they say they're busy and they'll get back with me,
12 but I haven't heard anything.

13 BOARD CHAIRMAN RICH VANDER KLOK: John, did you say
14 you are a part of this Harlem Drain?

15 MR. JOHN SCHEFFLER: Yes, they sent this to me.

16 BOARD CHAIRMAN RICH VANDER KLOK: I thought that's
17 what you said.

18 MR. JOHN SCHEFFLER: Yeah, I didn't know. I
19 thought it was something they were going to contact me to fix
20 it. And I thought, oh, I'm finally getting something. But I
21 guess everybody is getting this Harlem Drain.

22 BOARD CHAIRMAN RICH VANDER KLOK: Okay, thank you.

23 Anyone else? Yes, ma'am?

24 MS. RITA HURON: Hi. My name is Rita Huron. I
25 live at 13758 Quincy Street, west of 136th and before 142nd.

1 And every time -- we've been living there since
2 '94. Every time we get a heavy rain, our whole front yard is
3 just like flooded, I mean you can see in the pictures there,
4 and our backyard.

5 Now when we built, they said there was going to be
6 an easement back there. I called the drain commissioner when
7 we were having issues, our crawl space is flooding, our water
8 heater is down there and our heater. So every time we get
9 flooding in the crawl space, everything goes out. We have to
10 pump it out because we don't have a sump pump. We didn't
11 know we were going to have this issue when we first built.

12 We are so worried with the continuous rain and the
13 saturated ground that our walls might start to give. That's
14 going to be very expensive to repair.

15 My concern is when I called the drain commissioner,
16 I think it was back in 2008, I was told that I had to contact
17 my association. And I'm like, well where is that? How do I
18 get a hold of them?

19 So in other words they couldn't do anything for me.

20 The easement that's in our backyard runs all the
21 way through everyone's backyard and everyone has kind of
22 altered that. They've kind of filled it in and it's just
23 kind of like a little slope.

24 We have never touched ours. But because our sits
25 the deepest, because everyone else has filled, it all pools

1 right in our backyard. Everyone's trash, everyone's
2 retaining boards that they have put in, have given way and
3 they all flowed into our backyard.

4 And I don't know what to do. I don't know who to
5 complain to. But it needs to be graded so that it's even
6 throughout the whole subdivision and so that it can drain
7 away somewhere because it's just sitting there.

8 I have grandchildren and now with the EEE thing
9 going on, I'm very concerned.

10 So I don't know -- this water has to drain into one
11 of those drainage easements that you were talking about, so
12 I'm hoping that maybe the drain commissioner can come out and
13 look back there and see what's going on, because as you can
14 see in the pictures, it's not good.

15 And this is my whole subdivision, that's just not
16 my yard.

17 So I'm sure many of you have driven down Quincy and
18 have seen the lake in my front yard.

19 BOARD CHAIRMAN RICH VANDER KLOK: Okay.

20 MS. RITA HURON: Thank you.

21 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

22 Anyone else who would like to make a comment?

23 Those of you who are getting up, just come on
24 forward and we'll form a line.

25 MR. RON BORR: Ron Borr, 519 Douglas Avenue, also

1 known as Ottawa Beach Road.

2 Technically I guess I'm part of the drain but I
3 live on flat land and it's all sand so I really don't know
4 whether it affects me or not.

5 But I have a question on procedure. It was said
6 that this is a result of a request from someone to do work?

7 BOARD CHAIRMAN RICH VANDER KLOK: Joe can answer
8 that.

9 MR. RON BORR: I used to be an accountant with
10 government contracting and I always thought that there had to
11 be written requests from somebody requesting something to be
12 done. And was that done --

13 BOARD CHAIRMAN RICH VANDER KLOK: Yes.

14 MR. RON BORR: And what was the written request?

15 BOARD CHAIRMAN RICH VANDER KLOK: A petition was
16 submitted but if Joe wants to, I think he would reaffirm what
17 I just said that there was a petition from the four
18 townships.

19 WATER RESOURCES COMM. JOE BUSH: That's correct.

20 BOARD CHAIRMAN RICH VANDER KLOK: That petitioned
21 in order to have a Board here.

22 MR. RON BORR: Is there a copy of that petition
23 available?

24 WATER RESOURCES COMM. JOE BUSH: We have it.

25 BOARD CHAIRMAN RICH VANDER KLOK: I'm sure that

1 they have it.

2 MR. RON BORR: Because I didn't -- I get technical.

3 WATER RESOURCES COMM. JOE BUSH: Yes, we have it.

4 BOARD CHAIRMAN RICH VANDER KLOK: There was a
5 petition by those four townships.

6 MR. RON BORR: By the four townships?

7 BOARD CHAIRMAN RICH VANDER KLOK: Correct.

8 MR. RON BORR: Not just one of them.

9 BOARD CHAIRMAN RICH VANDER KLOK: Correct.

10 MR. RON BORR: Thank you.

11 BOARD CHAIRMAN RICH VANDER KLOK: You're welcome.

12 Yes, sir?

13 MR. GARY DREYER: Yes, my name is Gary Dreyer,
14 14034 Van Buren Street.

15 I live in the drain district, I farm in the drain
16 district. Actually I've farmed there for in excess of 50
17 years, pushing 60.

18 The dams are absolutely necessary. It's a
19 no-brainer. I know not everybody agrees.

20 But back in 1975 we were flooded out pretty
21 regular. And speaking with the drain commissioner and other
22 farmers it was decided to deepen -- or cleanout the drain.
23 Not just clean it out but deepen it, and this was in 1975.

24 And prior to that time there -- the dam that's in
25 by the township park, there was a dam there before that, and

1 the gentleman who lives there is in this audience.

2 And that dam, he told me this morning, was put in
3 like in 19 -- in the '40s, 1940s.

4 So my point is when this petition went around it
5 was to deepen the drain with water controlled measures as
6 necessary. And that's where we went from there.

7 I'm thinking about three of the road bridges were
8 taken out and lowered. A couple of them had culverts put in
9 and lowered. And the dam -- or the ditch was deepened as
10 much as three feet.

11 Now the blueberry farmers said, whoa, this is going
12 to really hurt us because you're lowering the water table.

13 So then the drain commissioner put in there water
14 control measures as necessary. And that's where these dams
15 come in.

16 So if you go out and take these dams out, you
17 actually have to put three feet of dirt back in the whole
18 drain, or otherwise everybody is going to be under drain and
19 people think they got a problem now, anybody who says they're
20 going -- they got too much water right now, because the dams
21 are in, are going to be worse off if you put three feet of
22 dirt back in.

23 Now there was also a study by the engineer from
24 this past summer, and some of the people who are expressing
25 concern whether or not the dams were hurting them, it was

1 documented by an engineer form that they were not.

2 And Joe Bush has all them records. And all that
3 documentation that these dams, even when they're in their
4 normal operating height in the summer, does not hurt these
5 people.

6 Now the dams need to be replaced because the sheet
7 metal is rusting out. And there is also a big concern, there
8 is a dam up west of Allendale on that highway that a
9 gentleman drowned in putting these boards in by himself.

10 And so we're hoping that in the replacement of this
11 dam structure that we would get something more safe so --

12 BOARD CHAIRMAN RICH VANDER KLOK: Okay.

13 MR. GARY DREYER: I've been part of that for all
14 those years, and it would be a disaster if those dams were
15 not replaced by the proper methods.

16 BOARD CHAIRMAN RICH VANDER KLOK: Okay. Thank you,
17 Gary.

18 Anyone else that would like to come forward and
19 make a comment?

20 MR. CURT CARINI: Hi. My name is Curt Carini,
21 address is 665 West Olive Road.

22 We're trying to plant a blueberry farm there, and
23 the water is so high, the water table, that we can't plant.
24 It's always flooding. So my request would be that they would
25 clean out the ditches.

1 I do think the dams serve a purpose. I wouldn't
2 want to see them removed. But it would be nice if they would
3 be a little bigger. And when it rains hard, if they would be
4 lowered sooner so the water can get out and just work it that
5 way.

6 Thank you.

7 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

8 Is there anyone else who would like to make a
9 comment?

10 Yes, sir?

11 MR. GARY KELLER: My name is Gary Keller, I live at
12 15742 Ryan Drive. And I do live in this drainage district
13 which, like the young lady that spoke before, I was surprised
14 because I was originally part of Park West Drain, and went
15 through all those hearings, went through all that procedure.

16 And so all of the sudden I am now in Harlem Drain
17 and I'm surprised by that.

18 But what I'd like to do is a more procedural
19 comment and that is to make sure that if this commission, or
20 if this panel decides to go forward, that there is a finite
21 point to be made as to what's going to get done and what's
22 going to be moved ahead.

23 Because after the Park West thing, it changed
24 almost daily, and we never knew where we were until it was
25 finally decided. And then it was too late.

1 So anyway, I'd like to know -- I'd like to see the
2 petitions that were submitted, and what they were
3 specifically asked about; and secondly, make sure that if
4 this panel decides to go forward, that we have a pretty
5 precise idea of what's going to get done and when and how.

6 Thank you.

7 BOARD CHAIRMAN RICH VANDER KLOK: Okay. Thank you
8 very much.

9 Is there anyone else who would like to make a
10 comment?

11 Just a second, this lady. You may have the last --
12 well it might be the last word, we'll see.

13 MS. CHRIS ROCHA: Chris Rocha, 14728 Anchor Court.

14 My thing is that these people really have issues
15 and I don't have a problem with that.

16 The thing is if the township is going to pay for
17 the watershed, so they already know what the cost is. And
18 all our taxes constantly go up and constantly go up.

19 I would like the people that have been up there
20 that really have a problem to dedicate it just to that area
21 and then work forward. Because if you go to everybody,
22 that's going to be lengthy, as far as shutting down roads and
23 what not, you know. But I do think that we should, like
24 being at this meeting, have a chance to vote when it comes to
25 the certain parcels that you do so much at a time, so it

1 isn't such a big cost to everybody else.

2 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

3 I do believe that Joe Bush mentioned that Park,
4 Olive and Holland Township have agreed to cover costs. I
5 think Port Sheldon was still deciding because of the --
6 anyway, the proximity and the drainage district and so forth.

7 Is there anyone else before we hear from the
8 engineer? Is there anyone else who would like to make a
9 comment?

10 Yes, sir?

11 MR. MARION HOEVE: My name is Marion Hoeve. I live
12 at 13900 Fox Trail Drive.

13 You've heard from two other people in our area on
14 Deer Creek and Fox Trail Court.

15 I moved there thirty years ago and when I moved
16 there my backyard would flood about halfway from the creek to
17 the house. That hasn't happened for the last twenty years,
18 so I have no water problem, no problem with flooding.

19 I do have a problem with the drain maintenance.
20 When I came home from Florida on April 5, I found a 40-foot
21 log in my creek. And I have quite a bit of curves going in
22 there (indicating), and I was told the drain commissioner was
23 going to come and clean the drain out.

24 I haven't seen anybody in that drain for the last
25 five years. I see them go down once in awhile and check

1 things out, but the drain needs to be maintained, not
2 necessarily improved.

3 And I still have that 40-foot log in the drain.
4 I've got it tied up so it won't move. I tried to cut part of
5 it off in the water about four feet deep and I'm not going to
6 get drowned in that creek. So I think somebody has to take
7 care of that log.

8 BOARD CHAIRMAN RICH VANDER KLOK: Okay, thank you.

9 Is there anyone else who would like to make a
10 comment?

11 If you do, please come forward. You can come right
12 up and stand in line.

13 Is there anyone else after these two gentlemen who
14 would like to make a comment? If you would, please come
15 forward so that we can assess how many more we're going to
16 have before we terminate public.

17 Go ahead, sir.

18 MR. GARY HOLT: My name is Gary Holt. I live at
19 6220 - 144th Avenue on the north end of the Harlem Drain.

20 I've been opposed to these dams for the last forty
21 years. I farm them, I'm always complaining about too much
22 water.

23 The dams, you know, have been managed, you know,
24 primarily by a couple of farmers for the benefit of those
25 farmers. They are on the Board, they manage the dams

1 according to their needs.

2 And I've worked with four drain commissioners, the
3 most recent one I got to admit has been the best as far as
4 helping me manage water on and off my property.

5 I do not feel these dams are necessary anymore. I
6 know we heard from the gentleman talking about when they were
7 established fifty years ago, but things have changed
8 dramatically.

9 I never flooded in my barns up until the last few
10 years. And all the people that I'm hearing about down south
11 of here that have all this erosion and erratic water flow
12 problems, I can attest that the drains have been a lot more
13 erratic than they've ever been because of all the
14 improvements that have happened around here.

15 There used to be another southern route for water
16 which was the Cranberry Drain. And this subdivision that
17 we're standing in filled it in and they dumped it into their
18 pond. And they also have a water control structure they
19 built into the drain.

20 I am of the opinion that because there is only a
21 handful of people that benefit from these drains, the
22 majority of people are -- well I can't say the majority.
23 There is 5600 letters sent out, so probably the majority are
24 neutral in it.

25 But there is probably more people affected

1 adversely by the dams than are beneficial by the dams.

2 However, the people that benefit from the dams also
3 own a heck of a lot of the land around here. And back in the
4 '70s, it probably was prudent for them to have the primary
5 voice. But I think in this day and age things have changed.

6 Even in my fields, when they put the road through
7 of all things, 144th, they raised it six feet. And it used
8 to be the water would run across the road and just kind of
9 make its way into the swamps. And it would never even get
10 near my house. Now we have huge amounts of water and then no
11 water.

12 The other thing that's changed dramatically from a
13 farming perspective is all of the irrigation that people have
14 put in. Back in the '70s I agree they needed water control
15 for their blueberries and for their crops. In this day and
16 age they've got center pivot irrigation.

17 I can stand in front of my ditches and within three
18 days they've sucked those ditches dry. I never used to have
19 dry ditches in the summertime. And now we have dry ditches
20 every year. As soon as those center pivot irrigations come
21 on, the water table drops like a rock.

22 So I guess I really question the need to even do
23 anything with these dams. I guess my perspective would be
24 the people that are adversely affected by it would benefit
25 from not having the dams there period.

1 BOARD CHAIRMAN RICH VANDER KLOK: Okay.

2 Thank you, Gary.

3 Anyone else.

4 Yes ma'am?

5 MS. CAROL HARRIS: Hi. I'm Carol Harris, 450 North
6 Division Avenue.

7 And I'm not exactly sure what this whole thing is
8 about, but I see that -- because I couldn't find this place.
9 I went around the whole subdivision at 19 miles an hour, that
10 was quite fruitless. I finally ended up going through a back
11 road that was just mud.

12 Anyhow, I do see in this that I'm in the district
13 that is going to be paying for this project, and paying
14 upkeep on it, and I don't see any benefit to me.

15 And I feel like the last man spoke that a lot of
16 people who have moved into all of these new subdivisions and
17 so forth may be the ones that are benefiting more than the
18 common people who -- I've lived here thirty years, just about
19 thirty, and I've never had any problems whatsoever. And I
20 don't feel I should have to pay extra taxes for something I
21 just simply can't afford.

22 I'm retired, I'm alone. So there is my take on it.

23 BOARD CHAIRMAN RICH VANDER KLOK: Okay. Thank you,
24 Carol.

25 Next?

1 MS. PHYLLIS LANESEY: My name is Phyllis Lanesey.
2 I live in Bay Meadows, 981 Bay Ridge Drive. And I had no
3 idea I was near the Harlem Drain.

4 So therefore I started out being interested in this
5 because I thought I'd have an assessment, and I wanted to
6 know how much it would be and why I needed it, why the drain
7 needed to be taken care of.

8 And I discovered that these -- the engineer -- I
9 thought the petition was very unclear, what you said to us in
10 the mail was very unclear as to what we were going to hear
11 tonight.

12 I thought that the engineer was yet to study why
13 these things need to happen, the drains, why they needed to
14 be taken care of, improved, automated, that sounds very scary
15 to me, and very expensive.

16 But now you're saying that three of the things are
17 going to pay for them.

18 So I'm saying that the argument here tonight
19 probably isn't over money, it's over the possibility of the
20 dams that are causing some of this problem.

21 So I've written something here that says, the
22 necessity of maintenance improvement means more to the people
23 that use the water for irrigating than those that are harmed
24 by the water because of flooding. They have more invested
25 interest in this.

1 The majority of the large area of all of the people
2 here probably are not interested in whatever you do, and it's
3 money, that's why they're here.

4 But now we discover money isn't the issue, it's the
5 drains that are the issue, and the dams that are the issue.

6 So we have two camps, those who need water want to
7 control the dams according to the seasons, and the need for
8 flooding in the spring, they want it to stop coming onto
9 their land so they can plant their seeds on time. I
10 understand that. I'm a farmer's daughter. Thus they close
11 the dams to hold back the water which floods the north corner
12 of 144th Avenue where Mr. Gary Holt lives.

13 And if this happens in an extra amount of rain, it
14 also can cause basement flooding in all of these subdivision
15 areas, like the one that was just up here and said it was a
16 nightmare. And it also might include the water rising in
17 Pine Creek Bay, which we know cannot happen.

18 So in the summer they open the ditch, and lots of
19 water flow in after they planted their seeds. Now the
20 irrigating people need the water to run those big machines
21 that's going to use the water, and the drain goes down
22 exponentially fast.

23 So the control of the dams is in the hands of a
24 few.

25 The other camps, the little farmers --

1 BOARD CHAIRMAN RICH VANDER KLOK: Could you wrap it
2 up?

3 MS. PHYLLIS LANESEY: Okay. Well then I feel this
4 petition needs more review. It sounds as though the engineer
5 has already said about the drains, I think it needs more
6 review before you can continue to do this.

7 And another meeting should be held or -- what I'd
8 like to see is to have someone from the -- both parties
9 represented on this engineering study. Have the engineer
10 work with Gary Holt or some of those others that know what
11 they're doing so there is double representation. Thus far I
12 have not seen this.

13 BOARD CHAIRMAN RICH VANDER KLOK: Okay. Thank you.
14 Is there anyone else who would like to speak?
15 Yes?

16 MR. TOM WOLTERS: Tom Wolters, Olive Township
17 Supervisor.

18 Our Board put this through as a resolution because
19 of, number one, for safety sake.

20 In the spring time when you do have the high rains,
21 if there are boards in the dams, it is a dangerous situation
22 that we have going on out here, plus the fact that these dams
23 are deteriorating.

24 We're looking at it from the fact that we can get
25 them -- where I can get on the dam, crank them, I mean

1 potentially they can control the water I would say easier
2 through time. So when we do have high rain periods, it would
3 allow the farmers, instead of getting into these ditches and
4 trying to pull boards manually, without potentially drowning
5 themselves, I think our Board felt this was a necessity to
6 keep moving forward to get these dams replaced, if necessary.

7 As far as 144th, Port Sheldon area, I understand
8 the concerns. Our farm is actually just north of there, on
9 the north end of this thing. And honestly, since I've
10 been -- I was born in '65, so I wasn't there in '70, I don't
11 remember too much in '70 anyway. But that land is a low area
12 north of these dams, it always has been. And it's always had
13 water on them. Growing up that's pretty much the way it's
14 been.

15 So that's really all I had to say.

16 BOARD CHAIRMAN RICH VANDER KLOK: Thanks, Todd.

17 Is there anyone else?

18 Yes, sir?

19 MR. LUKE DeVRIES: Hi. I'm Luke DeVries, 15000
20 Barry Street. I'm one of the farmers that actually controls
21 the dams with Dreyers.

22 We desperately need these dams to be updated. We
23 need them there for not just our community, for our farming,
24 but for countless jobs, countless dollars that goes back into
25 the township.

1 We had to like basically drill a couple of boards
2 into the dam this year that had holes into it. One of the
3 Dreyers and I actually had to just kind of patch it
4 ourselves.

5 The people upstream, I do feel for them. But I
6 agree with what the gentleman said earlier from what my
7 grandparents said, my father said, that it used to always
8 flood, they said they used to fish there.

9 So I can understand if they would like to farm it.
10 But I would refer to the study that was done earlier this
11 year that states that the dams are being used at a proper
12 level, that they have no impact whatsoever on the people
13 upstream.

14 I know they would disagree with me, but a study is
15 a study so that's kind of what it is.

16 BOARD CHAIRMAN RICH VANDER KLOK: Thank you, Luke.
17 Is there anyone else?

18 MR. DON BERGMAN: Don Bergman, 62 Sun Ridge Drive.

19 And I'm just curious, with a lot of this flooding,
20 there is a lot of low ground around here and is this because
21 of the development in areas that really should not be
22 developed? And that's a question for the township people
23 that are here.

24 When you're approving developments, think twice
25 about what that water table is and what's going to happen to

1 those people down the road when they get a big flood.

2 Thank you.

3 BOARD CHAIRMAN RICH VANDER KLOK: Yes, okay, thank
4 you.

5 Is there anyone else?

6 Seeing no one, then we'll close this.

7 I'll make a motion to close the public hearing.

8 Support?

9 BOARD SECRETARY LARRY BRUURSEMA: He wants to say
10 something.

11 BOARD CHAIRMAN RICH VANDER KLOK: We'll have him
12 speak after.

13 BOARD SECRETARY LARRY BRUURSEMA: Okay.

14 I'll make a motion that we adjourn.

15 BOARD CHAIRMAN RICH VANDER KLOK: Not adjourn.

16 Close public comment. Thank you.

17 So the engineer has been feverishly taking notes.

18 So he has some comments that he can make.

19 Go ahead.

20 ENGINEER DAN FREDRICKS: I just want to make one
21 brief comment specifically regarding the people that live in
22 Park West Township.

23 As part of this project in order to go forward we'd
24 look at revising the drainage district boundary. So as we
25 said before the last time that the district was looked at was

1 essentially in 1989, almost thirty years ago. Obviously
2 there was a petition, a project done in the Park West Drain
3 not too long ago.

4 So we'd be making sure that -- that the drainage
5 district accurately reflects the contributing watershed and
6 we're matching adjacent drainage district boundaries.

7 So theoretically if you live in Park West, you
8 should either be in Park West or the Harlem Drain. Or if you
9 have a big enough piece of property it's possible, say a
10 40-acre piece of property and right on the watershed divide,
11 you have might have 20 acres in Park West and 20 acres in the
12 Harlem. But you're not going to be double assessed for that
13 same piece of property.

14 So just if there was any concerns for people who
15 thought they were in a different drainage district, that
16 would be reviewed as part of this process if the petition
17 goes forward.

18 BOARD CHAIRMAN RICH VANDER KLOK: Okay, thank you.

19 Now it's our time as a Board to discuss these
20 comments and as the Chair, I made several notes, and also
21 when the engineer was giving his report.

22 And based on the comments for me that I heard, it
23 seems to me that the proposed maintenance and improvement of
24 the Harlem Drain as petitioned on August 1, 2019, is
25 necessary and conducive to the public health, convenience or

1 welfare of those within the Harlem Drain district.

2 And I'd be interested to hear Larry and Ron's
3 comments and -- but I'll make that a motion, if someone wants
4 to support it.

5 BOARD SECRETARY LARRY BRUURSEMA: I'll support it.

6 BOARD CHAIRMAN RICH VANDER KLOK: It's been moved
7 and supported.

8 BOARD SECRETARY LARRY BRUURSEMA: These dams, who
9 are they really benefiting? Why were they installed?
10 Anyone?

11 BOARD CHAIRMAN RICH VANDER KLOK: I think the
12 engineer said that they are control structures that were put
13 in. So my sense of that is that they were put in in order to
14 control the flow -- the flow and level of water that comes
15 through them.

16 That's -- I believe that's --

17 BOARD SECRETARY LARRY BRUURSEMA: I understand
18 that, we have them in Georgetown also. But I wanted to know,
19 who is it really benefiting? Who are they really benefiting?
20 Is it the residents? I see a lot of flooding, I hear a lot
21 of flooding by a lot of people. But I also hear the farmers,
22 they have to have the water. And I understand that the
23 farmers are controlling the level of the dam, or the water
24 going through the dam.

25 And those are creating a problem for who? The

1 farmers or for the residents?

2 BOARD CHAIRMAN RICH VANDER KLOK: I think both.

3 BOARD SECRETARY LARRY BRUURSEMA: I am asking the
4 engineer. I want his opinion.

5 ENGINEER DAN FREDRICKS: I mean I would say it
6 depends on who you're talking to here.

7 For me to give you a scientific answer, we'd have
8 to go out there and do engineering. We haven't done any
9 level of engineering study or design at this point.

10 The firm that did the previous study was a
11 different engineering firm than us. We've reviewed their
12 work and their conclusion at that point was the effects of
13 the control structures are localized and that it would not
14 have impacts as far upstream as Mr. Holt's property.

15 That's what that summary was. But we have not done
16 an independent analysis. I'm limited on what I can derive at
17 this point, short of the testimony that you heard from the
18 individuals here today.

19 BOARD SECRETARY LARRY BRUURSEMA: So the repair of
20 the dams would be of a benefit to a lot of people?

21 ENGINEER DAN FREDRICKS: Potentially. And I think
22 again hearing the comments made, and we got to take into
23 account both parties and what's in the best interest for the
24 drainage district, I think there are certainly ways that we
25 can better maintain and regulate the flows and how those dams

1 are operated to improve drainage.

2 BOARD SECRETARY LARRY BRUURSEMA: Okay. One other
3 question, has there been a lot of development since 1989?

4 (Audience responded.)

5 BOARD SECRETARY LARRY BRUURSEMA: I thought I knew
6 the answer, you guys confirmed it.

7 Okay. Thank you.

8 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

9 Don, go ahead.

10 BOARD MEMBER RON BRINK: Yeah. I would say, well
11 I'm hearing just as much about the dams as the creek has to
12 be maintained, has to be dredged. Everybody here said that
13 it was backfilled, it wasn't taken care of.

14 And on the dams, I think they're more of a
15 necessity, and in very poor repair, okay? If you don't -- if
16 you're going to keep them, which I assume we are --

17 UNKNOWN SPEAKER: We can't hear you.

18 BOARD MEMBER RON BRINK: Better now?

19 On the dams, they're in very poor repair. They
20 have to be either -- I guess replaced, okay? They can't
21 control them like the new ones can be, okay.

22 And when you start talking about safety and people
23 replacing those planks -- the safety is a big thing, okay?
24 It's a dangerous situation right now, in my mind.

25 So I would say that the dredging is as important as

1 the dams, from what I'm hearing the public say.

2 BOARD CHAIRMAN RICH VANDER KLOK: Okay, thank you.

3 I think I would just like to point out that the
4 Board of Determination, we've made a motion, we've supported
5 it that the improved proposed maintenance and improvement of
6 the Harlem Drain is necessary. We're going to vote on that
7 in a minute.

8 But I want to say that this is the reason why we
9 would support this motion as a Board of Determination,
10 because now that gives the engineering company the direction
11 to move forward with the Water Resources Commissioner in
12 Ottawa County and the road commission and all in order to
13 evaluate. And as I said, he was making copious notes of all
14 your comments and so this gives them the direction to move
15 forward with that.

16 If we would say it's not necessary, then everything
17 would stop. And as it was pointed out earlier, then they
18 could re-petition in a year, if they determined to do that.
19 And so I think I'm correct in making that statement.

20 And so, members of the Board of Determination, I
21 would call for a vote.

22 All those in favor of the motion, signify by saying
23 aye.

24 BOARD SECRETARY LARRY BRUURSEMA: Aye.

25 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

1 BOARD MEMBER RON BRINK: Aye.

2 BOARD CHAIRMAN RICH VANDER KLOK: That is carried.

3 So we have -- we do, I think, before we adjourn,
4 we're going to turn it over to Joe Bush, our Water Resources
5 Commissioner, and he can make a statement about the appeal
6 process and he can also discuss anything else for
7 clarification that maybe we've been unclear. And if we've
8 been unclear about that then he can clarify for us.

9 But just for myself and the other two members of
10 the Board of Determination, I would like to thank all of you
11 for coming. Obviously you're showing your interest and
12 concern, whatever it might be. And so thank you very much
13 for coming and we appreciate that very much. We don't
14 normally see this large of a group at a Board of
15 Determination meeting, but we appreciate you being here.

16 For those of you who made comments, I took down
17 your names and your comments. We appreciate that.

18 So thank you for taking the time.

19 Joe?

20 WATER RESOURCES COMM. JOE BUSH: Can you do a roll
21 call on your vote?

22 BOARD CHAIRMAN RICH VANDER KLOK: Oh, yes.

23 BOARD SECRETARY LARRY BRUURSEMA: I was going to
24 remind him.

25 BOARD CHAIRMAN RICH VANDER KLOK: Roll call.

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Ron?

BOARD MEMBER RON BRINK: I vote yes.

BOARD SECRETARY RICH VANDER KLOK: Larry?

BOARD SECRETARY LARRY BRUURSEMA: Yes.

BOARD CHAIRMAN RICH VANDER KLOK: And VanderKlok
votes yes.

Thank you.

WATER RESOURCES COMM. JOE BUSH: Well thank you
everyone for showing up on a Wednesday night. I appreciate
your time and your concerns.

Lisa, I knew you were going to get up and talk
about Park West. We've had lots of discussions back in the
day, Park Township.

Again if you look at when it was revised -- the
engineer is going to revise it.

Here is one of the issues that could happen, this
Board, I could have had him spend 30, \$40,000 on engineering
on this drain; you come tonight and this Board says, not a
necessity. Guess what, I got a 30, \$40,000 bill. I don't
know what to do with it because they didn't see a project
necessary. Now I'm stuck.

So the engineer is only limited to X amount of
money that I tell him because we don't know if it's going to
pass based on this Board of Determination. So that's why we
didn't do a full-on evaluation of the drain from the

1 beginning to the end.

2 And we took all your comments, Dan is going to look
3 into all of those issues, make phone calls and get back to
4 those folks.

5 Again, I appreciate your time. Some people say
6 it's a process, and they're all about numbers, who
7 petitioned.

8 It started out with one petition, Holland Township.
9 I asked for area township petitions so it's not just one
10 sided. I figured they're all in it together, all four
11 townships petitioned. So I have those.

12 The petition language is maintenance. It's not
13 technically adding a whole new drainage district from across
14 the county or anything. It's maintenance on the Harlem
15 Drain. So that's what the petition was for.

16 And all four townships petitioned. If anybody
17 wants a copy of those, you're more than welcome, I can send
18 them to you if you need them because we have them.

19 You heard one of the townships speak tonight, Olive
20 Township. So they're all onboard, and they all agree for the
21 costs to be shared amongst the townships. The road
22 commission will pay for their percentage. The county, MDOT
23 is a part of the Harlem Drain, so is the railroad.

24 So all of those folks will be contributing to the
25 costs because their water does contribute to the Harlem

1 Drain.

2 So there is an appeal process of tonight's meeting.
3 So you have ten days from tonight if you appeal tonight's
4 meeting, that's a whole process, but if you feel that,
5 contact us, and if you want to appeal to the Circuit Court --
6 Probate Court, I'm sorry, and you can appeal tonight's
7 meeting if you feel necessary.

8 But again I appreciate everyone's time.

9 There is -- I can talk to you afterwards because
10 public comment time is done and I'm sure everyone wants to
11 get out of here and get on with their evening.

12 So I appreciate everyone's time. Thank you.

13 BOARD CHAIRMAN RICH VANDER KLOK: We are adjourned.

14 (BOD adjourned at 7:15 p.m.)

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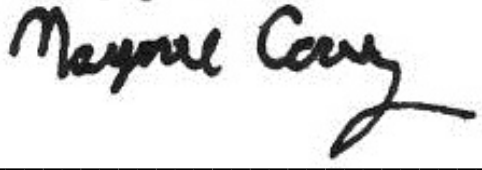
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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

I certify that this transcript, consisting of 55 pages, is a complete, true and correct record of the testimony of the BOARD OF DETERMINATION - HARLEM DRAIN, held on September 18, 2019.

DATE: September 27, 2019



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Notary Public Expires: October 14, 2021, Muskegon County, Michigan/Acting in the State of Michigan.

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			yard 17:20,23 23:4 27:2	