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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: HOP DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Tuesday,
November 19, 2019, at the Borculo Community Center, 6520 96th
Avenue, Zeeland, 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. Rich VanderKlok, Board Chairman
Mr. Ken Souter, Board Secretary
Mr. Larry Bruursema, Board Member

Mr. Paul Forton, P.E., Spicer Group

Mr. Greg Golembiewski, Blendon Township Treasurer

Mr. Jerry Olman, Ottawa County Road Commission

1 Zeeland, Michigan

2 November 19, 2019 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good morning
5 everyone. I'm Joe Bush, the Ottawa County Water Resources
6 Commissioner, also known as the Drain Commissioner. I
7 changed the name back in -- or the Board of Commissioners did
8 change the name and water resources more fit to what the job
9 is really all about.

10 Basically we're here today because we had a
11 petition from residents and that's -- there is two ways to
12 petition my office, and that is either through the property
13 owners for the township, and this particular petition, which
14 is in Drain Code, if anybody gets bored, you can look up the
15 Michigan Drain Code online and read it. It's not very thick
16 but it's very complex and that's why we're here, because we
17 received a petition from the property owners. And this is
18 for improvements on a drain known as the Hop Drain, which is
19 a county established drain.

20 One thing to note on a particular drain, the Drain
21 Commissioner or Water Resources Commissioner is only allowed
22 to spend 5,000 per mile, per year, per drain. If it goes
23 beyond that it's going to require a petition or resolution
24 from the township.

25 In this circumstance we kind of said hey, we need

1 to petition our office if you want improvements or adding a
2 branch, anything to do legally on this particular Hop Drain
3 as we know it, the improvements need to be done through a
4 petition.

5 And we invite people within the drain district and
6 that's where you got your mailing for today's meeting.

7 So to do all of that is part of my job. And that's
8 why we're here at the Borculo Community Center is to go
9 through the process and have a public hearing, have public
10 testimony, which are you folks.

11 And I have to get a three-panel board, that's what
12 I have to do. They're not affiliated with the Hop Drain,
13 Blendon Township, or have any affiliation with the project
14 whatsoever. They're outside of the drain district. Usually
15 outside of the township.

16 And I appoint people who understand Drain Code,
17 which is very important. Number two, they understand
18 drainage. And number three, they understand the process of
19 why we're here and they represent their own townships that
20 either now currently or they have in the past or they
21 understand engineering, and they have experience in doing
22 these BODs. Several of these folks have been doing these for
23 quite a few years.

24 So we try to get experts at drainage, that's why
25 were here, primarily focused on drainage or flooding concerns

1 or basically high water.

2 So what we do is we invite people, and then I got a
3 court recorder, we have Margie, and she's a court recorder so
4 everything is recorded word for word. So during the public
5 testimony, you'll see on the agenda, get up, state your name,
6 address and go ahead and voice your concerns or if you have a
7 problem.

8 We find out at these Board of Determinations that
9 there is more problems than what we're aware of because we
10 can't be everywhere. We don't talk to everybody. But people
11 would normally come and say oh, yeah, I had a problem too; or
12 they can say, I don't have a problem.

13 That's good for this panel to understand. These
14 three gentlemen, they don't know anything beforehand. They
15 get appointed, I call them, my secretary who signed everybody
16 in, Sara and Chad, puts the Board of Determination together.
17 These gentlemen have not been out there to say oh, yeah,
18 there is a problem or talk to the property owners. They're
19 here for the public testimony to hear the problems.

20 And then we're here today for these three gentlemen
21 to decide whether we move forward with the project.

22 There is no project cost, we don't even have a
23 project. But in Drain Code it requires me to hold a Board of
24 Determination to determine the necessity. That's why we're
25 here today, the necessity for me to move forward with

1 something with an engineering firm to say, yeah, there is a
2 problem, how do we fix it, and what does that look like? So
3 that's why we're here today.

4 If somebody asks what's the cost of this? We
5 haven't evaluated that, because this three-panel board has a
6 decision. They can turn it down and say, we don't see a
7 necessity. I can't have a \$10,000 engineering cost that I
8 have to pay and they decide to turn it down because I have no
9 way to pay that cost.

10 So I don't put the carriage before the horse, so to
11 say. I wait for this three-panel board per Drain Code to
12 say, yes, we see a necessity to move forward. And that's why
13 you're here today.

14 I appreciate everybody's time this morning. People
15 say, why at 10 o'clock in the morning, why not at 6? I get
16 more people that show up at 10 than I do at night, and that's
17 the truth. Everybody says you get more people at night; no,
18 I get more complaints at night, I'm interrupting supper time,
19 sports, homework, there is always something, people are busy
20 at night so we try to stick with 10 o'clock.

21 I do appreciate your time, I respect your time and
22 we'll try to make this go as smoothly and quickly as possible
23 because if you have an issue or disagreement, this is the
24 time to do it in front of the court recorder.

25 You can read this later. You can always go to the

1 website, MIOttawa.org, give her four to six weeks and it will
2 be on my website, hopefully, and you can read word for word
3 what I say, what the engineer, what the board and what you
4 folks say.

5 This is why we're here, to listen to you folks,
6 that's primarily our job, and then for this three-panel board
7 to make a decision on that. That's what they base their
8 decision on.

9 I'll do introductions quickly. We have a township
10 board member, Greg is in the front row with us today. So,
11 Greg, we appreciate your time to come here and kind of see
12 the process and the issues over in that area.

13 We have Jerry Olman from the road commission. The
14 road commission is one of our key partners in a lot of
15 projects because a lot of road water and roadside ditching
16 affects drainage and affects the stability of the road. So
17 they're a big partner in all of our projects, and one of the
18 key people for how we move things forward.

19 We will go from right to left. Ken Souter is from
20 Port Sheldon Township, he was with the road commission nearly
21 40 years as an engineer so he definitely knows Drain Code and
22 water, it flows downhill. Right, Ken?

23 BOARD MEMBER KEN SOUTER: Right, it also has.

24 WATER RESOURCES COMM. JOE BUSH: And then we have
25 -- oh, my gosh, Rich VanderKlok, I always forget Rich. He's

1 been doing this for a few years. He's a township board
2 member at Georgetown Township and Rich does a great job of
3 doing this, he understands drainage and Drain Code and the
4 process.

5 Then we have Larry Bruursema and he's from
6 Georgetown Township as well. He was a board member, city
7 town -- township manager for multiple, multiple years, sat on
8 the road commission board for, I forget how many years.

9 BOARD MEMBER LARRY BRUURSEMA: 18.

10 WATER RESOURCES COMM. JOE BUSH: How many?

11 BOARD MEMBER LARRY BRUURSEMA: 18.

12 WATER RESOURCES COMM. JOE BUSH: So 18 years as a
13 commissioner. So very experienced board members and they're
14 here to listen to your testimony.

15 And then of course I introduced Margie, our court
16 reporter.

17 We have Paul Forton from Spicer Group, he's the
18 engineer. There will be a presentation from him to highlight
19 some of the concerns and the issues out near the Hop Drain.
20 And then if you have an issue with maybe your district, the
21 lines on the map or -- be sure to stand up because we always
22 have Paul go out and check that out, if it's deemed necessary
23 to move forward, to make sure those lines align to what's
24 really happening.

25 Paul will go into more detail on that but we're

1 more than happy to go out and evaluate it and say, yeah,
2 you're in, or no, you're not really in. Now is the time to
3 voice that if you don't think you're in.

4 Then my staff, of course, my chief deputy Chad, and
5 Sara my secretary.

6 So as soon as I give these three gentlemen the
7 oath, they'll take over the meeting, they will elect their
8 own chair and secretary.

9 If there is any questions, be sure to ask them and
10 they'll direct their questions to either Paul Forton or I.
11 But I'll give them the oath and they will run the meeting.

12 Gentlemen, please rise. Raise your right hand.

13 Do you each solemnly swear that you will faithfully
14 perform and discharge the duties imposed upon you as required
15 by law as members of the Board of Determination appointed by
16 the Ottawa County Water Resources Commissioner to determine
17 the necessity for maintenance and improvement for the Hop
18 Drain, located in Blendon Township in said county, and to
19 further determine whether the addition or deletion of said
20 lands as recommended by a licensed engineer or surveyor will
21 more accurately define the drainage district boundary of the
22 land benefited by the drain, and whether such revision is
23 just and equitable pursuant to Section 197 in Public Act 40
24 of 1956, as amended, gentlemen?

25 BOARD MEMBER KEN SOUTER: I do.

1 BOARD MEMBER RICH VANDER KLOK: I do.

2 BOARD MEMBER LARRY BRUURSEMA: I do.

3 WATER RESOURCES COMM. JOE BUSH: Thank you.

4 BOARD MEMBER RICH VANDER KLOK: The first order of
5 business is the election of a chairperson for our Board of
6 Determination. A motion would be in order.

7 BOARD MEMBER KEN SOUTER: I move that Rich serve as
8 chairman on this.

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

10 BOARD MEMBER RICH VANDER KLOK: Moved and supported
11 that I serve as chair.

12 If there is no discussion, all those in favor, say
13 aye.

14 BOARD MEMBER KEN SOUTER: Aye.

15 BOARD MEMBER RICH VANDER KLOK: Aye.

16 BOARD MEMBER LARRY BRUURSEMA: Aye.

17 BOARD CHAIRMAN RICH VANDER KLOK: And opposed?

18 None opposed, that's carried.

19 And then a motion would be in order to appoint a
20 secretary for our Board of Determination. And I would move
21 that Ken Souter be the secretary.

22 BOARD MEMBER LARRY BRUURSEMA: I will support that.

23 BOARD CHAIRMAN RICH VANDER KLOK: It's moved and
24 supported.

25 There being no discussion, all in favor, say aye.

1 BOARD MEMBER KEN SOUTER: Aye.

2 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

3 BOARD MEMBER LARRY BRUURSEMA: Aye.

4 BOARD CHAIRMAN RICH VANDER KLOK: That is carried.

5 Then the next item of business that we want to do
6 is just make reference to public comment. And I would like
7 to make a motion that public comment shall be limited to
8 three minutes per person, and if someone would support that?

9 BOARD MEMBER LARRY BRUURSEMA: I would support
10 that.

11 BOARD CHAIRMAN RICH VANDER KLOK: Moved and
12 supported that public comment be limited to three minutes per
13 person.

14 All those in favor, say aye.

15 BOARD SECRETARY KEN SOUTER: Aye.

16 BOARD CHAIR RICH VANDER KLOK: Aye.

17 BOARD MEMBER LARRY BRUURSEMA: Aye.

18 BOARD CHAIRMAN RICH VANDER KLOK: And that is
19 carried.

20 The next -- the next item that we want to deal with
21 is the engineer presentation. And then after his
22 presentation, then we will entertain public testimony.

23 So, Paul?

24 ENGINEER PAUL FORTON: Thank you, Board. I know
25 I've worked with several of you before, but if I haven't and

1 you haven't worked with me, I'm extremely casual so again if
2 you guys have questions at any time, feel free to stop me.

3 I'll try to be brief in respect of everybody's time
4 but I do want to go through the information in a little bit
5 more detail on what we've seen.

6 Joe hired us to come on and do an inspection, a
7 cursory inspection of the drain. I've spoken with many of
8 you out in the field as we've done that.

9 So we'll get into number one where is this drain,
10 talk a little bit about the background about this drain, then
11 we'll get into that inspection that we were able to complete,
12 and we're going to talk about the drainage district boundary
13 and then take any questions that you may have.

14 So again just as a reminder for everybody in the
15 room, Joe mentioned this, but we are not here to talk about
16 scope or how big or small this project will be or how much
17 it's going to cost. We have no idea with the information
18 that we have. This is really just the first step in the
19 process.

20 So I know a lot of times folks want to know how
21 much is this going to cost? We have no idea. I don't even
22 have survey data on this drain.

23 This is completely a visual inspection. Given that
24 it was hunting season we tried to stay on the roads and not
25 traverse outside of the road right-of-way so as not to mess

1 any of you up if you were trying to bow hunt earlier in
2 October.

3 So the location is just about three miles east of
4 here at Port Sheldon and 76th is where our drain is located.

5 The dark blue line that you see up the middle here
6 is the drain. Here is the intersection of Port Sheldon and
7 72nd. I might have said 76th earlier.

8 BOARD SECRETARY KEN SOUTER: You did.

9 ENGINEER PAUL FORTON: My fault. 72nd Avenue, that
10 is close to where the drain outlets. This would be the
11 downstream point where it dumps into the Beldt Drain.

12 The drain itself flows generally in a northerly
13 direction from Van Buren Street past Bingham over to 72nd and
14 then north until it crosses Port Sheldon.

15 The system itself is an open drain system so we're
16 talking about a creek or a ditch. This is not a storm sewer
17 or a pipe system. It's an open drain system.

18 The watershed that it serves is approximately 800
19 acres or one-and-a-quarter square miles. And generally
20 speaking the land use in this area is agriculture and
21 undeveloped forest ground. We do have homes along the roads,
22 but again you're looking at mostly agriculture and forest for
23 a land use type in this area.

24 That's important probably only to somebody like me
25 as we look to model a system like this, potentially how much

1 water runs off, how much can be absorbed in the ground, how
2 much is commercial and so on and so forth.

3 I want to go through a series of photos now so that
4 those of you who haven't seen the drain or looked at other
5 portions beyond where you live, you can kind of see the
6 general condition.

7 This is a picture standing along 72nd, and it's
8 facing south which is upstream of our drain. You can see
9 that there is a large box culvert here. This is the upstream
10 end of the Beldt Drain. So this water is flowing towards us
11 and then making a turn and heading west.

12 So I'm going to -- just as you see here, the drain
13 looks in fairly decent condition at this location, you have
14 good vegetation on both sides and things are stable.

15 As we move further upstream, this is a picture
16 close to Port Sheldon, now looking north or downstream.
17 Again things are in pretty good condition. There are a few
18 isolated areas where we're starting to see some erosion along
19 the roadside. That can cause obviously safety concerns for
20 the traffic if somebody moves over on the shoulder and
21 perhaps goes, we try to have a bank there so folks have
22 something to ride on and recover.

23 But there are a few isolated spots where some
24 erosion is starting to occur and things are getting a little
25 closer to that edge of asphalt than we'd like to see.

1 This is a picture at 72nd and Port Sheldon. You
2 can see we have a steel tube here that conveys the water from
3 the south side of Port Sheldon to the north side. And this
4 culvert is in pretty decent condition. It's a little bit
5 tough with the lighting in here but you can see -- this is
6 typical, that it's starting to rust along the water surface
7 line.

8 A positive here is that you have a large amount of
9 open area in this culvert. That means that there is not a
10 lot of sediment in this culvert. It can convey the water,
11 and in this case, this is in fairly good condition here at
12 Port Sheldon, the Port Sheldon crossing.

13 As we move upstream, down 72nd Street, you can see
14 that we start to see some of the vegetation is getting a
15 little bit excessive in areas where it can start to slow that
16 flow in the drain.

17 There is several driveway culverts along 72nd and
18 there is one buried under the grapevines here. And you can
19 see how this vegetation could inhibit flow during a storm
20 event where the water just can't quite get through as
21 efficiently as we'd like to see it.

22 Also some of these driveway crossings, again most
23 are steel culverts, some of them are pushing their service
24 life. I would say most of them are in fairly decent
25 condition, but as we see that rust line grow, we start to

1 have concerns about that culvert failing ultimately and
2 causing capacity issues.

3 But in general the culverts are in good to fair
4 condition. There are several though that are approaching the
5 end of their service life.

6 If you remember from the map, that open drain
7 paralleled 72nd and it broke off to the east, this is just a
8 picture of that bend.

9 And the next photo here is looking upstream from
10 72nd looking east up the drain. Again, no major blockages,
11 we did not observe any major woody debris within the drain
12 itself, but we are starting to see some of the vegetation
13 encroach.

14 My understanding is this drain was cleaned out not
15 too many years ago, I guess in my world probably within five
16 to ten. Some maintenance work had been done on this drain to
17 try to alleviate some of the issues.

18 And it's clear here that in some of those portions
19 things are looking pretty good still. So that's excellent
20 news.

21 Moving up the next crossing is Bingham Street, and
22 we have another steel culvert here fairly close to the same
23 size as Port Sheldon, maybe a little bit smaller.

24 Again, it's in fairly good condition but you can
25 see the rust line is beginning to form. And any time we get

1 that water-air interface, that's where we'll start to see the
2 wear on these culverts the soonest. I did not witness any
3 holes through the rusting at this point or pitting, but you
4 are starting to lose some of the cross-sectional area of the
5 steel.

6 Upstream of Bingham Street you can again see we do
7 have some vegetation that's beginning to encroach.

8 The next crossing is a concrete pipe. I believe
9 this is an old airport runway, I'm not sure if it's still
10 being utilized that way or not, but there is an old concrete
11 pipe that is buried in the weeds here. You can just see the
12 edge.

13 So take my word for it, it's buried in there. Not
14 a great photo but you have a concrete pipe in there.

15 That concrete pipe is much smaller compared to the
16 road crossings that we see downstream, okay.

17 And with that, this is a photo now that's taken
18 from on top of that culvert looking downstream. And it's
19 hard to see because of the leaf cover, but the yellow lines
20 represent the width of the channel, the average width of the
21 channel if you were to cut all the brush and trees away,
22 you'd see a channel that is this wide between the yellow
23 lines.

24 What you're seeing from the culvert, which is under
25 my feet here, and just downstream of that is it's much wider.

1 We have what we call a scour hole on the downstream side of
2 this concrete pipe.

3 Without doing any modeling and with your experience
4 with the road commission, you know, you guys already know
5 this, this is an indicator that this pipe, in particular,
6 this pipe is too small. Any time we see a scour hole on the
7 downstream side of a pipe, we know that that pipe is too
8 small.

9 There is several reasons for that. Again, when
10 compared to the downstream culverts, it's a much smaller
11 pipe; but another issue that this particular crossing has is
12 on both ends, the last section of concrete pipe on each end
13 has dropped, it's tipped down. So instead of having a nice
14 shotgun barrel type pipe (indicating), it goes across the
15 runway strip and both ends have dropped. And any time an end
16 drops, you start to lose some of the cross-sectional area
17 that that pipe can carry, okay.

18 It's a fancy way of saying when you get a big
19 storm, water builds up, it's blasting through the downstream
20 end of this thing like a shotgun barrel, it's just blowing.

21 To give you a sense of how big a gap this is, this
22 is a picture on the upstream end of that same crossing where
23 that pipe is tipped down. It's always hard to tell from a
24 photo's size and perspective, I was able to stick my head in
25 that joint through the gap in the top of that, and I have a

1 pretty big head, most engineers probably do. I know I'll get
2 a laugh from the guy with the road commission, but to give
3 you a sense, my head fit through that so I could take a peek
4 and look at what it looked like downstream to see how the
5 pipe is.

6 The main run of the pipe is in great shape, but the
7 ends are definitely a cause for concern.

8 UNKNOWN SPEAKER: What size is that pipe?

9 ENGINEER PAUL FORTON: What size is that pipe? I
10 did not measure it. I believe it's 36 or 48, somewhere in
11 that size range.

12 BOARD SECRETARY KEN SOUTER: Quick question.

13 ENGINEER PAUL FORTON: Go ahead.

14 BOARD SECRETARY KEN SOUTER: It looks like from
15 your picture there has been some work done around that pipe?

16 ENGINEER PAUL FORTON: Yes, I did notice a backhoe
17 behind the owner's home there. And it looked like they tried
18 to repair some of the erosion that's been occurring here.

19 Many times if it's undersized, what will happen is
20 the water will build up on the upstream side and it will
21 start to swirl trying to get into that pipe. And a lot of
22 times that swirling action will start to chew out around the
23 sides of that pipe as that water is trying to suck in and get
24 through.

25 I don't know if that's what happened here, I don't

1 know for sure, but that would be my best guess. And as it
2 chews out the sides it undermines that invert, and that pipe
3 and material underneath it disappears and drops.

4 On the downstream end, very similar circumstances
5 where when the water comes blasting out of this, because it's
6 at a high velocity, it starts to swirl. And a lot of times
7 that's what causes this scour hole to form and it will scour
8 even on the edges of that pipe. It will chew away the
9 backfill from that pipe and that's another reason why the
10 downstream end would drop. Excellent question.

11 UNKNOWN SPEAKER: The pipe that crosses Bingham is
12 still full on a bad storm so --

13 ENGINEER PAUL FORTON: Yes. Yes. So I don't know
14 if you caught that.

15 I know we're kind of intermingling public comment
16 with the presentation, but the pipe that crosses Bingham is
17 still full when that pipe is full.

18 Up at Van Buren Street, we have another concrete
19 pipe underneath the road. It's in great condition, no
20 concerns here.

21 You do see that the waterline is slightly high in
22 this culvert, which leads me to believe we need to do a
23 little bit of maintenance dipping downstream so we can
24 provide more relief for this culvert.

25 Another thing you'll notice here is the change in

1 vegetation color. And you can see there is a ring right
2 here, and these photos were taken after I believe it was an
3 inch-and-a-half or two-inch rain.

4 I'll put a mark on it, you can see there is a high
5 watermark where the vegetation is brown down here and green
6 up high (indicating). So that tells me that the last storm
7 event prior to my inspection, the water was up that high.

8 It's a little easier to see in the photo here where
9 now I'm standing on Van Buren looking north, or downstream.
10 And you can very clearly see the mud line, where that
11 vegetation is brown from here down and green up above that.

12 So the water in this particular system does
13 buildup, and it holds there for quite awhile.

14 This is the end of the legally established drain at
15 least as it's shown on the county GIS layer. We have not
16 done historic research to see if it continues past this
17 point. But on the county GIS it ends here at Van Buren and
18 this is looking upstream into yard areas.

19 Facing west down Van Buren, this is just a photo
20 that I took because at this point you're saying, why are we
21 here, Paul, why are we even talking about this? What's the
22 problem?

23 Most of the source of the complaints that we've
24 received are right here at Van Buren. The reason for that,
25 if I go to the overall map, there has been localized flooding

1 that's been reported on the south side of Van Buren. And I
2 know that there are a lot of folks here in the audience today
3 that will attest to that.

4 Perhaps with your experience with the road
5 commission you know that. I'm going to be honest quite
6 frankly, welcome to Blendon Township. It's flat as a
7 pancake. If you get on Port Sheldon down here and you look
8 to the east, you're not seeing large hills. It's flat, which
9 leads to drainage issues.

10 And so the localized flooding on the south side of
11 Van Buren, what will happen in this watershed is water will
12 flow generally from Barry Street, from this area, in a
13 northerly direction. And it's hitting Van Buren Street and
14 kind of gets stuck there. Van Buren is almost serving like a
15 dam.

16 There is several small cross culverts that can get
17 the water to the other side, and then obviously the culvert
18 on the county drain; but those tubes cannot keep up with the
19 water that comes to that area. That's either -- without
20 doing any modeling, it's quite simply either a function of
21 the capacity at Van Buren or the ability of the open ditch
22 downstream to carry that water away. If it's extremely flat,
23 it takes a lot of time for that water to exit the system.

24 So those would be the two things that we would want
25 to look at if a design were required for this particular

1 system.

2 That being said, again, I want to emphasize we're
3 not here to talk about scope or cost. I'm just here to
4 present what I have seen and what I have heard from the
5 residents that I've talked to.

6 This particular area on the north side of Van Buren
7 is very similar in the fact that water just sits there. I
8 talked to several landowners and you can see all the ditches
9 and the aerials where farmers have tried to get that water
10 away.

11 In this particular township, as flat as it is, dig
12 a ditch and you can send it east or you can send it west.
13 We'll talk about that a little bit more when we get into the
14 boundary.

15 This particular picture is taken on the south side
16 of Van Buren, and this is a residence where this is a shed
17 that they've got in a little lower area. What I always look
18 for is indicators, right, like that mud line in the open
19 channel.

20 The indicator on the shed, you can see that water
21 has come up high enough on that shed to put grass clippings
22 sticking to the side of that. So we have another high
23 watermark on this particular building where you can see in
24 that storm event the water came up, begins to spill over Port
25 Sheldon. But at that point it's causing issues for

1 homeowners on the south side.

2 So overall there are a few areas of concern where
3 you've got erosion along the banks on 72nd. There are a few
4 spots where the vegetation is now beginning to encroach on
5 that open channel. There are some of the driveway culverts
6 specifically that are getting close to their service life
7 given that they're steel and beginning to rust out.

8 We also have that concrete culvert that appears to
9 be undersized with the scour hole. Those joints obviously
10 are indicating that that culvert is beginning to fail. Then
11 we have localized flooding on the south side of Van Buren
12 Street.

13 So that's kind of a summary of the inspection, just
14 a window to look into the area.

15 Now I'm going to completely shift gears.

16 So the first thing you have in front of you is
17 necessity. Again you're not determining what the project
18 will be but is it necessary that we do something or not.

19 The second thing that's in front of you, and Joe
20 spoke to this is the actual drainage district boundary. And
21 when I say drainage district boundary, there is a couple
22 different ways to say that. There is the district boundary,
23 you can call it a watershed boundary, a special assessment
24 district, all of those things are the same thing.

25 And what Joe asked us to do is, as a result of the

1 inspection, hey, while you're out there, verify the boundary,
2 let's modernize it to match our new elevation data, basically
3 LiDAR data. They fly an airplane over the county, it shoots
4 a beam down, comes back up to the airplane and they can get
5 basically a surface model of the ground.

6 And then why is that important? We'll get to that
7 in a little bit.

8 But I mentioned the special assessment district, I
9 guess we'll dive into it right now.

10 This is the current historic existing boundary and
11 anybody inside of that line would have received a notice
12 about today's meeting.

13 One thing I'd like to point out about the existing
14 district boundary is that it's very blocky. This is how we
15 used to do it years ago before we had real high quality data.

16 Well now everybody inside of that district boundary
17 or special assessment district would be liable for an
18 assessment for any work, maintenance and so on that's done on
19 this particular drain.

20 So it's important that we get that line as accurate
21 as possible to ensure that the correct people are paying, and
22 those that shouldn't be paying, don't.

23 How we determine that is basically off the surface
24 flow, surface water, where does that water go. We're
25 identifying that outer boundary of the watershed. We're

1 basically looking for the edge of the bathtub where any rain
2 that hits goes down the drain hole. That's what we're trying
3 to do here through this process.

4 So how do we do that? We look at LiDAR data. And
5 you can see the old yellow line here, this is at Barry and
6 72nd. The old yellow line was fairly close, we didn't make
7 any major, major changes around this line.

8 But you can see that there are two different
9 drainage patterns here that I want to point out. You can see
10 there is an area here at the south end, and if you have never
11 looked at this LiDAR data before, this white area here I like
12 to think of that as the high point, like the snow on the
13 mountain. So this is a colorized rendering of this
14 information data.

15 Here is the snow on the mountain, and the
16 continental divide, per say, and then it flows down to the
17 lower green colors. So what we have here is an area or
18 acreage that does drain to the north through this valley has
19 historically not been included in this district.

20 The way that plays out for the drain office at a
21 day of review is that this person comes in and says, hey, I'm
22 paying, but all of their water is coming onto me and they're
23 not, and that's not fair. We agree, this is the time and the
24 process that we can fix that.

25 The reverse situation is that we have a particular

1 parcel like this where their water clearly flows to the west,
2 and I'm going to go to the next slide and show you where
3 there is some culverts that we identified.

4 This water doesn't even make it through this
5 culvert, it goes to a different drain, but currently it's
6 being assess to that based on the historic boundary. So
7 that's why we're here today.

8 So the process that we take, we sit in the office
9 and we draft up what's called a field check in line based
10 purely on LiDAR. Sitting in an office doesn't get it done.
11 You have to go out in the field and then we field check it,
12 and that's where we find these culverts to verify that, yes,
13 this water goes that way, and this water goes that way.
14 We've done that around the entire perimeters of the boundary.

15 The magenta line is what we would propose to
16 include and then the yellow line is the existing boundary as
17 it sits today. So again very close, especially considering
18 the data that they had when some of these old boundaries were
19 originally established, but we do need to make some
20 corrections.

21 I'll point out one right here especially since
22 there is so many guys from the road commission in the room or
23 former road commission. There is one cross culvert right in
24 this particular area (indicating), and the way it sits today,
25 there is a little blip right there if I were to zoom in,

1 there is some water on the east side of 72nd that goes that
2 way, but not as much as historically used to go that way. So
3 that's one particular area that we've cleaned up.

4 Coming over here to the corner of 64th and Van
5 Buren there is a new home that got built and you can see from
6 that corner there is a road side ditch on the south side of
7 Van Buren that brings that water over to the west, until it
8 hits another cross culvert under Van Buren to get it to the
9 other side.

10 There is another ditch that brings the water out to
11 the south and takes it that way. So that's how we do this
12 process and we look at each individual area to figure out
13 where we are adding and removing lands.

14 The other thing that I'll note is that I mentioned
15 earlier that everybody inside the yellow line received a
16 notice, we also extend that boundary out for today's purposes
17 to include everybody in our proposed line as well.

18 So you might be sitting in the room and you might
19 say, I own a parcel -- let me see if I can find one. I own
20 this corner right here, my water doesn't even go that way, it
21 goes to a culvert and goes west. I agree, but by law we have
22 to send you a notice so you're aware of today's meeting,
23 okay?

24 So there are some of you that may have been removed
25 and there might be some of you that we've added or added more

1 acreage based on our field inspection and what the elevation
2 data can show us.

3 More than you ever wanted to know about district
4 boundaries and watersheds.

5 So at this point this would be the proposed
6 boundary that we would like you folks to vote on later on in
7 your proceedings.

8 Yes?

9 BOARD SECRETARY KEN SOUTER: I have a question.

10 Now if this is passed and you revise this drainage
11 district, do you then go and revise the drainage districts
12 that are adjoining it so that -- or does that have to go
13 through some kind of a hearing also?

14 ENGINEER PAUL FORTON: Excellent question.

15 So when we revise this boundary today, in effect
16 what you're saying is all the other surrounding areas are now
17 slightly inaccurate too.

18 BOARD SECRETARY KEN SOUTER: That's correct.

19 ENGINEER PAUL FORTON: So we can't just change
20 those. Is a portion in the law called Section 197, and I'm
21 not a lawyer but that's what they labeled it as part of the
22 Drain Code. And you can go through this Section 197 process
23 and have a day of review for each of the other drains
24 surrounding this to match that.

25 I believe that's something that Joe's office is in

1 the process of doing, going through their historic file and
2 looking at the new LiDAR data. Because at the end of the day
3 you want all of these district boundaries to fit like a
4 puzzle. You don't want any overlaps, and you don't want any
5 gaps.

6 If you have overlaps, say I own an 80-acre farm and
7 I've got 60 acres going into this district, well there might
8 be a historic roll that has 60 acres of my property in
9 another one. Well wait a minute, 60 and 60 is 120 and I only
10 own 80, that's not fair.

11 So those are the types of things that we are in the
12 process of updating through the files.

13 So certainly not today we can't legally change it
14 today. The lawyers would kill me if we tried to do that
15 today. Legal counsel would not be happy.

16 But it is something that's on our radar screen to
17 correct because I know for example, I believe it was at Van
18 Buren and 72nd there have definitely been some issues where
19 folks were getting assessed for the Klynstra Drain, and they
20 came in and Joe's office corrected that. Saying we don't
21 have a cross culvert that takes water across 72nd, we
22 shouldn't be in.

23 So that's again, a lot of those comments, I
24 appreciate talking to many of you in the field so that we
25 could verify and nail this basically.

1 Any other questions that the board has?

2 Great. I will turn it back over to you. I'm
3 available for questions.

4 BOARD CHAIRMAN RICH VANDER KLOK: Thanks.

5 Now I'd like to open it to the public comment and
6 I'm going to ask that if you want to address the board, that
7 you state your name and address; and if you could, identify
8 where you live or have lands in the drainage district.

9 And so normally we have you come forward so that
10 Margie is able to hear you, but if you'd like to -- if you
11 can stand and speak loudly enough so that she can hear you,
12 that would be fine.

13 So is there anyone that would like to address the
14 board?

15 If you'd stand and please state your name and
16 address and the land that --

17 MR. BERNIE TERLAAN: My name is Bernie Terlaan,
18 7100 Van Buren Street.

19 BOARD CHAIRMAN RICH VANDER KLOK: Margie, can you
20 hear him okay?

21 (At 10:41 a.m. went off the record.)

22 (At 10:42 a.m. went on the record.)

23 BOARD CHAIRMAN RICH VANDER KLOK: And just address
24 your comments to the board.

25 MR. BERNIE TERLAAN: Okay. My name is Bernie

1 Terlaan. I live at 7100 Van Buren Street.

2 I own four acres which is adjacent to 28 acres
3 that's behind me which is where all the water comes from and
4 it comes on my property. I also have a bunch of photos from
5 different times. I've also went to the road commission years
6 ago.

7 I've lived there since 19 -- actually since 1974 in
8 the same area within a thousand feet of where I'm living
9 right now. But I've lived in this house since 1998. And
10 I've had water go over the road. I've had water all the way
11 around my house. I've got pictures here, I don't know when
12 you want to see them.

13 BOARD CHAIRMAN RICH VANDER KLOK: Sure, if you have
14 pictures, that would be fine.

15 MR. BERNIE TERLAAN: I can give you those. These
16 are from 10-2. These are from 13, and the ones from 13 are
17 going to show a lot worse because the county changed the
18 drain -- they added a drain -- well years ago I went to the
19 drain commission and they didn't do nothing for me so I ended
20 up going to Grand Haven to Ottawa County.

21 And they in turn came out and checked and they
22 could not lower the ditch that's along 72nd because there is
23 a huge gas line that runs right down the middle of it.

24 So in turn they came down about, I don't know, a
25 hundred, 200 feet from -- might be a little more than that.

1 It's actually on Kamps property line.

2 But anyway they put a culvert in there to get rid
3 of the water because they couldn't get it where it was
4 properly supposed to go. So now it crosses the road and goes
5 in front my house back over to the Hop Drain.

6 And this has happened four times already this year.
7 But it's happened, there are summers that we don't have it;
8 but any time you get more than two inches of rain and up to
9 four inch, once the ground gets saturated I get flooded. I
10 have pictures of my building.

11 BOARD CHAIRMAN RICH VANDER KLOK: Sure.

12 MR. BERNIE TERLAAN: And I also got another set of
13 photos just like that of October 27th, so that was within the
14 last couple of weeks.

15 BOARD CHAIRMAN RICH VANDER KLOK: Okay.

16 MR. BERNIE TERLAAN: So this is my problem, this is
17 the 28 acres that you're looking at right here, that's what
18 it looks like. It looks like I'm at the cottage.

19 But anyway that's what I've been dealing with for
20 20 years. And I used to live on the other side of 72nd
21 Street, and I've seen that -- which is Kamps house now, but
22 I've seen that where that was flooded and actually got water
23 into the building itself, in their home.

24 BOARD CHAIRMAN RICH VANDER KLOK: So you're
25 basically speaking in favor of the necessity to --

1 MR. BERNIE TERLAAN: Yes.

2 BOARD CHAIRMAN RICH VANDER KLOK: -- that something
3 has to be done?

4 MR. BERNIE TERLAAN: Yes.

5 BOARD CHAIRMAN RICH VANDER KLOK: Okay, good. And
6 you can pick these pictures up --

7 MR. BERNIE TERLAAN: You guys can have those if you
8 want to look at the other ones that I have on the phone.

9 BOARD CHAIRMAN RICH VANDER KLOK: I think that's
10 fine.

11 ENGINEER PAUL FORTON: I've seen them.

12 MR. BERNIE TERLAAN: There is one thing I'd like to
13 say about this.

14 That water all runs in my pond which it used to be
15 agriculture, now it's zoned for residential. But that
16 particular field right there got zoned residential, and it
17 used to be a huge farmer, Borson Farms had that land, or
18 leased it. And they used to unload in front of my, on Van
19 Buren Street they used to come up and go around.

20 Well they also bought all the land around it. Well
21 they filled in a bunch of the ditches on the other end so
22 that they didn't have to go with their combines and go on
23 72nd to unload their stuff. So they have a farm on Barry
24 Street so they just cut through that corner which in turns
25 sent most of that water this way.

1 BOARD CHAIRMAN RICH VANDER KLOK: Sure. Sure.
2 Okay.

3 BOARD SECRETARY KEN SOUTER: Thank you.

4 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

5 MR. BERNIE TERLAAN: You're welcome.

6 BOARD CHAIRMAN RICH VANDER KLOK: You can take your
7 pictures if you'd like.

8 Is there anyone else that would like to address the
9 board?

10 State your name and your address and where you
11 are -- where your property is located.

12 MR. ERIC PAYNE: Eric Payne, 5438 - 72nd.

13 BOARD CHAIRMAN RICH VANDER KLOK: Okay.

14 MR. ERIC PAYNE: And to kind of show you where I'm
15 located at here, it would be right here (indicating). I have
16 the 28 or 29 1/2 acres that borders Mr. Terlaan that just
17 spoke.

18 And what hasn't been mentioned that I guess I want
19 to make clear is a lot of us would like to extend the Hop
20 Drain branch due to the concerns that Bernie mentioned. But
21 I have the same issue on my property that I'm pulling water
22 through an open ditch coming from Barry, that hits my land
23 dead center. And that's what's flowing haphazardly across my
24 29 1/2 acres towards Mr. Terlaan.

25 The issue that we have since we don't have a legal

1 county drain is where do I go with the water to make this
2 situation better without hindering someone else.

3 BOARD CHAIRMAN RICH VANDER KLOK: Right.

4 MR. ERIC PAYNE: So if I dig a new open ditch, and
5 now the other neighbor has a water issue.

6 BOARD CHAIRMAN RICH VANDER KLOK: Sure.

7 MR. ERIC PAYNE: So I'm kind of running out of
8 options on where to go. And I mean I'm willing to try to
9 manage my own property, but the issue is I can't also modify
10 the natural flow of the water.

11 But I don't really consider it natural because I
12 have a ditch that comes right in from the south to my
13 property.

14 BOARD CHAIRMAN RICH VANDER KLOK: Sure.

15 MR. ERIC PAYNE: So if I were to fill in the end of
16 that ditch, bury the end of it to protect that, that might
17 help Mr. Terlaan, but then it affects these properties back
18 here to the south.

19 So the general idea that hasn't been stated is if
20 along this property line here there is an old open ditch from
21 40 years ago that hasn't been touched, probably due to the
22 same issue of liability. If that was extended as the Hop
23 Drain, that would fix the majority of our problems because
24 that would give us a place to put the water legally.

25 ENGINEER PAUL FORTON: Board, if I may before you

1 move on, Eric, he used the word extend which doesn't mean
2 anything to most people, but it's very critical with the
3 Drain Code and the way that the petition was written was to
4 possibly extend and/or add branches.

5 So what Eric is asking for is viable under this
6 petition, I guess I wanted to point out.

7 BOARD CHAIRMAN RICH VANDER KLOK: Sure.

8 So you're speaking in favor of the necessity for
9 improvements?

10 MR. ERIC PAYNE: Yes, sir. And I cannot speak on
11 behalf of some of my neighbors with larger tracks of land but
12 I know on my own, if I had somewhere to legally go with my
13 water at my own expense, I would push my water that
14 direction. And I'm out of -- since the water is flowing
15 north to where I have, I'd say five neighbors with two- to
16 four-acre parcels, I'm really out of options with the
17 direction the natural flow is going to make it any better.

18 BOARD CHAIRMAN RICH VANDER KLOK: Sure, okay.
19 Good, thank you.

20 MR. ERIC PAYNE: Yep.

21 BOARD CHAIRMAN RICH VANDER KLOK: Is there anyone
22 else who would like to address the board?

23 If you'd come forward, please, and state your name
24 and your address.

25 MR. CAREY KAMPS: I'm Carey Kamps, and I live at

1 6671 Bingham. And I've lived there 45 years. It wasn't even
2 a road when I came.

3 But we have no ditches on the side of Bingham to --
4 I'm on the border I think of this shed. But there is no way
5 we can get our water to the drain. We need ditches on the
6 side of the road with proper culverts, we've needed it for
7 years.

8 And I'm in favor of, if we're going to work on the
9 drain, we got to be able to get our water there.

10 BOARD CHAIRMAN RICH VANDER KLOK: So are you saying
11 that you are in the current district, or you're on the --
12 just on the border?

13 MR. CAREY KAMPS: I believe I am, I'm on the edge.

14 And I've also got 40 acres on New Holland. And
15 according to the picture it looks like it could be -- could
16 be -- DeLange owns the 40 on the corner, and I'm the next 40.

17 BOARD CHAIRMAN RICH VANDER KLOK: Okay.

18 MR. CAREY KAMPS: And that water comes across the
19 back and it actually flows east onto DeLange. And DeLange
20 put in a drainage system, and real close to my property line
21 he's got a manhole there that would take my water.

22 But I plowed that this fall, and I skipped it
23 because you got to leave that open for that water. But it's
24 flowing east through there. And I think according to your
25 picture it looks like it's supposed to go north, northwest.

1 ENGINEER PAUL FORTON: I want to, if I may, I would
2 like to take a look at that if we can, let me get down to
3 that boundary slide. I want to make sure I understand
4 exactly where you are.

5 I believe this is one is going to be our best bet,
6 right there.

7 So up on Port Sheldon, are you speaking to this
8 area here?

9 MR. CAREY KAMPS: No. My first thing was on
10 Bingham.

11 ENGINEER PAUL FORTON: Okay. Right here?

12 MR. CAREY KAMPS: East of the Hop Drain.

13 ENGINEER PAUL FORTON: Okay. In this area?

14 MR. CAREY KAMPS: Yeah. There is no ditches in
15 there to carry that water, all that area where all them
16 houses are.

17 ENGINEER PAUL FORTON: Very, very flat.

18 MR. CAREY KAMPS: It's flat, but if we had a ditch,
19 head pressure would carry it.

20 ENGINEER PAUL FORTON: Yep. And so when you say --
21 okay, so as we talk about extending and adding branches, we
22 can't just do that on a whim, we would need easement from
23 folks or working with the road commission to maybe establish
24 a branch along the road, or possibly work with the road
25 commission to not even establish a branch, but work within

1 your right of way, Jerry, to accomplish some of these things.

2 So to the east of the drain on Bingham is your
3 first concern?

4 MR. CAREY KAMPS: Yep.

5 ENGINEER PAUL FORTON: You've mentioned DeLanges,
6 which kind of brought me up here.

7 MR. CAREY KAMPS: No, DeLange is down here on new
8 Holland.

9 ENGINEER PAUL FORTON: Down here?

10 MR. CAREY KAMPS: You see 64th and New Holland
11 there?

12 ENGINEER PAUL FORTON: Yes.

13 MR. CAREY KAMPS: That's his 40.

14 ENGINEER PAUL FORTON: 64th and New Holland, all of
15 this water --

16 MR. CAREY KAMPS: Right. That 40. And I'm the
17 next 40 so I'm close.

18 ENGINEER PAUL FORTON: All of that water in that
19 particular area, it's difficult to see in the aerial but I
20 know from being out there it's not in this drainage district.
21 So at New Holland and 64th that all bleeds to the east.

22 MR. CAREY KAMPS: I wasn't sure.

23 ENGINEER PAUL FORTON: Just as you said.

24 MR. CAREY KAMPS: Okay. Then I guess Bingham
25 Street is my own --

1 BOARD CHAIRMAN RICH VANDER KLOK: Sure. Sure. And
2 you're speaking in favor of the necessity of it?

3 MR. CAREY KAMPS: Well we need ditches and it's
4 only going to help the road. In spring we got to carry that
5 frost out of the road. Without a ditch the road goes to
6 pieces.

7 BOARD CHAIRMAN RICH VANDER KLOK: Absolutely,
8 understand.

9 MR. CAREY KAMPS: Thank you.

10 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

11 Is there anyone else who would like to address the
12 board?

13 MR. DAN GRAVELING: My name is Dan Graveling. And
14 I own property on, well it comes off of Barry Street. My son
15 also has a house there as well that connects to my property.
16 His address is 7065 Barry Street.

17 His house would be right next to that culvert that
18 is going underneath Barry from -- yeah.

19 ENGINEER PAUL FORTON: Right in there?

20 MR. DAN GRAVELING: A little bit further to the --
21 go to the west.

22 ENGINEER PAUL FORTON: Okay.

23 MR. DAN GRAVELING: Right in there.

24 ENGINEER PAUL FORTON: Gotcha.

25 MR. DAN GRAVELING: And then as Eric Payne said,

1 yeah, that culvert goes through. There is an old, I don't
2 know if it was a drainage district or what it is, but again
3 if Eric were to block that, I would flood out all that much
4 worse too.

5 And part of that does flood when we do have heavy
6 rains as well in the back. So I guess I'm in favor. I don't
7 exactly know of what, but --

8 BOARD SECRETARY KEN SOUTER: Of getting rid of the
9 water?

10 MR. DAN GRAVELING: Right. And my son's house too,
11 just, you know, that basement has -- you know, it lays pretty
12 flat, the lay of the land behind us. So if things were to
13 get worse, I could see a problem with his basement flooding
14 as well. So, yeah.

15 BOARD CHAIRMAN RICH VANDER KLOK: Okay, good, thank
16 you. Appreciate your comments. Because that's obviously one
17 of the things that this Board of Determination, we make that
18 determination for necessity and maintenance.

19 Then it goes to the Water Resources Commissioner,
20 and with the engineer, then they have the authority to go
21 ahead and look at the scope.

22 We don't know what that scope will be, and so your
23 comments are very pertinent and important because you're
24 giving us direction in terms of what you see and what you're
25 experiencing with your property. So thank you.

1 Is there anyone else that would like to --

2 MS. CHERYL DOORNBOS: Hi, I'm Cheryl Doornbos. I
3 live at 6485 - 72nd. So I am just at the junction of the
4 two, you know, where you cross Port Sheldon, we're on the
5 north side.

6 We had never been included in this type of an
7 assessment before, it had stopped at Port Sheldon. And I
8 wasn't familiar with it at all.

9 But we are assessed for the drain going west, which
10 is, I thought the Avink Drain.

11 ENGINEER PAUL FORTON: Right.

12 MS. CHERYL DOORNBOS: Is that correct?

13 ENGINEER PAUL FORTON: She's right here on the
14 corner. I'm going to go down to the one with the aerial,
15 this one is better. It has a label. You have the Beldt
16 coming up to 72nd and the Avink coming in. And then you got
17 the Hop Drain drain coming along the --

18 MS. CHERYL DOORNBOS: So that's the Beldt Drain,
19 not the Avink?

20 ENGINEER PAUL FORTON: Well Beldt to 72nd and then
21 it looks like it is the Avink from there up. So behind you
22 it is the Avink.

23 So if you were to receive a special assessment, you
24 have the pleasure of being in at least four, I think.

25 Because number one you're on the continental divide, so some

1 of your water, some of your acreage gets to the Hop. The
2 bulk of your acreage goes to the Avink. But since both of
3 those drain through the Beldt, you're in that one.

4 And then if you do any work on anything downstream
5 of the Beldt then you happen to be in that one too.

6 For example, I'm in two drainage districts as well
7 because I'm in a small one that dumps into a big one. You're
8 in a situation where some of your water goes one way, some
9 goes to another, but it all ends up in one spot going
10 downstream.

11 MS. CHERYL DOORNBOS: The drain on the north side
12 of our property always flows east. I've noticed that, even
13 the fish coming up are going east.

14 But there were neighbors that I've talked to, and
15 they were all wondering about this too, why are we on the
16 west side assessed for this Hop Drain.

17 ENGINEER PAUL FORTON: So are you on the west side
18 of 72nd?

19 MS. CHERYL DOORNBOS: On the west side of 72nd,
20 yes, and our house is bermed up and setback.

21 ENGINEER PAUL FORTON: The folks on the west side
22 of 72nd, the only parcel on the west side that is in is
23 the -- I believe there is some greenhouses there on that
24 corner.

25 MS. CHERYL DOORNBOS: The greenhouses there.

1 ENGINEER PAUL FORTON: And those are the only folks
2 that would be included in the assessment role. The reason
3 for that is there is a culvert that goes underneath 72nd
4 bringing their water from the west side to the east side.
5 Not a very big area, but a little one.

6 MS. CHERYL DOORNBOS: Okay.

7 ENGINEER PAUL FORTON: Now you may have received a
8 notice because you're so close to the line, we tend to
9 over-notify slightly so that we don't want to miss a parcel
10 that by law needs to get a notice.

11 So if you're on the west side of 72nd and you don't
12 own anything near the greenhouse, then Merry Christmas,
13 you're not in this district.

14 MS. CHERYL DOORNBOS: Yeah. Otherwise that's a
15 double whammy for the assessments. And the neighbors are all
16 wondering, there is a couple of them just on the south side
17 of Port Sheldon too, and they've all said, we're on the west
18 side, why do we have to be assessed for this drain?

19 ENGINEER PAUL FORTON: Most likely those are folks
20 that received a notice just to over-notify slightly to make
21 sure that every parcel was --

22 BOARD CHAIRMAN RICH VANDER KLOK: So you didn't
23 miss anyone, right.

24 BOARD SECRETARY KEN SOUTER: We didn't want to miss
25 you.

1 MS. CHERYL DOORNBOS: That's good. Thank you.

2 BOARD CHAIRMAN RICH VANDER KLOK: That's good
3 clarification, appreciate that.

4 Is there anyone else that would like to address the
5 board?

6 Jerry, do you have -- I'm sorry, before -- after
7 he's finished, Jerry, if you, from the road commission have
8 any comments.

9 Yes, sir?

10 MR. CAL KARSTEN: Cal Karsten, 7004 Van Buren. I
11 have a piece of property on Van Buren which is along the back
12 side of Eric's.

13 But we were talking about cleaning out ditches that
14 are not part of the drain. Is that a part of the assessment
15 that the Hop Drain costs would go to? Or would that be just
16 the individual landowners paying for the cleaning of those
17 ditches?

18 ENGINEER PAUL FORTON: It depends. So number one
19 we might not get jurisdiction.

20 If I may, sorry, guys?

21 BOARD CHAIRMAN RICH VANDER KLOK: No, go ahead.

22 ENGINEER PAUL FORTON: I forget formality here, but
23 to answer your question, if some of the -- if additional
24 branches are established, many times the Water Resources
25 Commissioner or Drain Commissioner will give a higher benefit

1 factor for folks that are served by that branch. They don't
2 always have to do that, but occasionally that will happen.

3 For example, somebody could say I live at the lower
4 end of the Hop Drain, I don't have any benefit by extending
5 this up further.

6 And so you're all in a watershed together so to
7 some extent everybody pays; but the folks that might be
8 serviced by a branch that's added or extended, may receive
9 what's called a higher basis of benefit, a higher benefit
10 factor for their acreage.

11 And so that's a long way of saying, yes and yes,
12 you might have to pay some of it, but probably not all of it.
13 If that makes any sense.

14 MR. CAL KARSTEN: I got another question.

15 Joe, you mentioned that you have 5,000 per mile per
16 year?

17 WATER RESOURCES COMM. JOE BUSH: That's all I'm
18 allowed to spend.

19 MR. CAL KARSTEN: That's county money, right? Or
20 drain money?

21 WATER RESOURCES COMM. JOE BUSH: That's actually
22 money assessable from the people. So the county doesn't have
23 money for drains. Everything is special assessment.

24 So that 5000 per mile, per year, per drain comes
25 from the road commission based on road runoff and

1 right-of-way, it comes from a percentage that I put to the
2 townships, which is usually sometimes 20, 25 percent of the
3 cost, and then the county will split half. When I say
4 county, the county, me, will split the special assessments
5 with the road commission because we share that per Drain
6 Code. And that's how we operate by doing that.

7 And then whatever is left over, whether it's MDOT
8 or the railroad or another township does a split in the cost,
9 then it goes back to the residents.

10 So that 5,000 isn't money that's in a pool of money
11 that the county has for drain maintenance.

12 MR. CAL KARSTEN: It's not like you take 5,000 from
13 mile two and put 10,000 toward mile one?

14 WATER RESOURCES COMM. JOE BUSH: We could go up to
15 10,000 if it's two miles.

16 MR. CAL KARSTEN: But you can't take 10,000 and put
17 it on just one of the miles?

18 BOARD CHAIRMAN RICH VANDER KLOK: No.

19 ENGINEER PAUL FORTON: I want to clarify a few
20 things if I may, because I think we're asking a question but
21 I want to make sure there is a bigger elephant in the room.

22 The maintenance miles, that's when we do
23 maintenance, clear trees, remove beaver dams, ash tree falls
24 in the drain, you got to cut it out.

25 That is not what we're talking about today. That

1 would be general maintenance like you do an oil change on a
2 car or Jerry replaces a culvert or repaves a road. So that
3 cap is not what a cap would be here.

4 In a petition project, what this is going to allow
5 Joe's office to do would be to exceed that 5,000 per mile in
6 maintenance in order to conduct a larger project.

7 And then that cost would be assessed again to the
8 township at large, the road commission has a benefit for the
9 right-of-way that they have, and then the county in general
10 for convenience, health and welfare I believe is how the law
11 is written. So I just wanted to clarify that too.

12 And, as far as those maintenance dollars, if you
13 can assess 10,000 in maintenance without notice and just
14 cleaning things up, that 10,000 can get spent anywhere on
15 this drain centerline.

16 I just want to clarify to make sure that you don't
17 walk away without all the answers and that you don't make a
18 decision based on some of the facts.

19 WATER RESOURCES COMM. JOE BUSH: I want to be clear
20 too because I know Rich is on Georgetown Township, and
21 sometimes they pay at large because they have a bigger
22 budget, bigger pot of money, it comes down to the township.

23 I have about six to seven townships that pay at
24 large and pay whatever the three big ones, township, road
25 commission and county will pay that mechanism.

1 But we'll say Blendon, Robinson, some of your more
2 out in the country, less tax base, they don't pay at a
3 hundred percent. So they'll say, give us our 25 percent,
4 we'll pay that, and then the residents would have to take the
5 rest of the costs.

6 So it varies township to township too, and year to
7 year and project to project. Some years Blendon might not
8 spend much money, some years they're like, we're at our max.
9 And it's spread over years. I can actually spread an
10 assessment like this, hypothetically speaking if it's 50,000,
11 and the residents are like, well I really can't afford it
12 this year. Can you spread it over three or four or five
13 years? I can do that, or ten years. So I can spread that
14 out at very low, low interest rates. We get phenomenal
15 interest rates for projects.

16 I hope that answers your question.

17 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

18 Anyone else from the audience who wants to speak?

19 Yes, sir, Greg.

20 MR. GREG GOLEMBIEWSKI: Good morning. Greg
21 Golembiewski, address 6874 Bingham Street.

22 And I would speak in support of starting with the
23 extension that Eric was talking about early on.

24 Clearly there is a water issue out here in Blendon
25 Township. We have drains that need to be maintained,

1 extended. We have residents that are accruing property
2 damage and buildings, not being able to farm. We certainly
3 don't want residents to face liability where their property
4 is being devalued at all.

5 And I live just west of Carey Kamps, and our street
6 is an issue there with no drains on either side. So he lives
7 on the north side, I live on the south side.

8 So when the frost comes out of the ground, the
9 water will go over the road. And I'm not really sure even if
10 they put drains on the north side, how is our water going to
11 get over to there. So -- but that's obviously something for
12 the experts to answer there.

13 I just do know that anywhere you look in Blendon
14 there is water, water, water. And dirt roads. So I would
15 speak in support of that.

16 And just quickly if I can address Joe there, on the
17 special assessment part of it, Blendon does have drains that
18 are paid at large. So in a project like this, how do we go
19 about getting Blendon to maybe accept some of that burden of
20 that cost?

21 WATER RESOURCES COMM. JOE BUSH: That's -- that's a
22 discussion we can have when we get more of the process done,
23 see what that cost looks like.

24 BOARD CHAIRMAN RICH VANDER KLOK: Because that
25 would not be in the scope of the Board of Determination at

1 this point.

2 WATER RESOURCES COMM. JOE BUSH: Right. But that's
3 definitely a conversation I have with everyone of the 17
4 townships I work with, I feel, like what can you guys help
5 with.

6 MR. GREG GOLEMBIEWSKI: Thanks for your time this
7 morning.

8 BOARD CHAIRMAN RICH VANDER KLOK: Thank you. I
9 think everyone has spoken.

10 So Jerry?

11 OTTAWA COUNTY ROAD COMM. JERRY OLMAN: Jerry Olman,
12 Ottawa County Road Commission. I just have a question for
13 Paul, I guess.

14 Based on your presentation, is it your opinion that
15 the culvert that's failing at the airstrip is the bulk of the
16 problem based on your photos? I didn't see any scour at the
17 Bingham Street crossing. It's possible the Van Buren Street
18 culverts could be too small.

19 Do you think they are too small or is it just a
20 combination of the failing culvert at the airstrip?

21 ENGINEER PAUL FORTON: I think it's a combination
22 of several things. And I want to take this minute to talk
23 about something I didn't mention in the presentation, and
24 I'll be brief.

25 But certainly that concrete culvert is a large

1 portion of the problem. When you see high water marks and
2 mud lines that high in the open channel upstream of that but
3 not downstream of that, that's a red flag. So certainly in
4 looking at that crossing, if a project is found necessary,
5 that's the first place I'll look. How much water comes to
6 that point and how big does that culvert need to be.

7 The second issue that's been brought up repeatedly
8 is Blendon Township is flat. So if we do a project and
9 replace the culverts and they're properly sized, the
10 topography of the land will only carry so much water. So we
11 could spend this money and help that two- to three- to
12 four-inch rain carry that on through.

13 I always pick on Louisiana because it's easy. If
14 you build a city below the ocean, it will have a problem. So
15 if we get a six-inch rain in this watershed after we've
16 potentially improved it, you could still have a problem. I'm
17 not going to lie, guys. I'm not going to pull the fleece
18 over anybody's eyes.

19 You can upsize culverts, but at that point once the
20 culverts are big enough what takes control is the slope of
21 the stream. And you can only pitch it so much before you hit
22 the Avink to carry that water away.

23 So I guess to answer your question, Jerry, more
24 specifically, yes, I think that's a critical issue. Not only
25 is the pipe itself small, but when you tip the end of the

1 barrel down below the stream bed, you've just cut the
2 capacity in half. So that's definitely a source of the
3 problems that we're seeing out there and it might be the
4 silver bullet.

5 But it won't address some of the issues that Eric
6 mentioned about taking that water, maybe more efficiently or
7 how it was setup years ago when the farmers dug their
8 drainage districts and their ditches, you add some homes and
9 trees start filling them in and things don't flow as
10 efficiently.

11 So I think there is areas very easily to optimize
12 what you're mentioning. And then also I believe it was
13 Mr. Kamps mentioned that we got issues that the water can't
14 even get through it. And it is flat as a pancake. And
15 anything that is there as a roadside ditch there is trees in
16 those too that block the flow.

17 So, yes, a long way of saying that is definitely a
18 part of the problem.

19 BOARD CHAIRMAN RICH VANDER KLOK: Okay, thank you,
20 Paul.

21 I'm going to close the public portion of our
22 meeting and then I think I will ask Ken and Larry for
23 comments that they'd like to make, or any observations.

24 MR. CAREY KAMPS: Mr. Chair, may I say one thing,
25 yet? I know I'm past.

1 BOARD CHAIRMAN RICH VANDER KLOK: If it's something
2 new that hasn't been said.

3 MR. CAREY KAMPS: It's in regards to that airstrip.

4 THE REPORTER: I need your name again.

5 BOARD CHAIRMAN RICH VANDER KLOK: Your name and
6 address.

7 MR. CAREY KAMPS: Carey Kamps. And I spent a lot
8 of time out there by that airstrip. I worked my horses out
9 there. And that, I believe that's a 48-inch tile.

10 And I agree with you, they're tipped, okay. But
11 it's still carrying the water because the Bingham Street is
12 plugged.

13 ENGINEER PAUL FORTON: Okay. Which Bingham is
14 downstream of the -- so, yep. If there is no head
15 differential or water elevation surface difference between
16 the upstream side and the downstream side, then it's not the
17 culvert, it's the ditch. And that's the game that we play in
18 design is what controls, culverts or slopes?

19 BOARD SECRETARY KEN SOUTER: How long is that
20 48-inch culvert? How long is that underneath that airstrip?

21 ENGINEER PAUL FORTON: It's fairly long. You're
22 talking about a hundred feet, maybe even more.

23 BOARD CHAIRMAN RICH VANDER KLOK: Okay. Anything
24 more? Ken or Larry?

25 BOARD MEMBER LARRY BRUURSEMA: I don't think so. I

1 think it's been pretty well covered. I think there is a big
2 problem out there.

3 BOARD SECRETARY KEN SOUTER: This is not a
4 stranger. When I worked for the road commission, this area
5 has had problems for years. And it's flat, and they need an
6 outlet. I am in favor of doing something.

7 I feel sorry for the people that can't get the
8 water to it, so that, those areas should be looked at too.

9 BOARD CHAIRMAN RICH VANDER KLOK: Sure.

10 BOARD SECRETARY KEN SOUTER: If you're ready, I'd
11 make a motion that the maintenance and improvement of the Hop
12 Drain is necessary and conducive to public health,
13 convenience and welfare.

14 BOARD CHAIRMAN RICH VANDER KLOK: And I will
15 support that.

16 Motion is made and supported. Any other
17 discussion?

18 BOARD MEMBER LARRY BRUURSEMA: No.

19 BOARD CHAIRMAN RICH VANDER KLOK: Ken, anything
20 else?

21 BOARD SECRETARY KEN SOUTER: No.

22 BOARD CHAIRMAN RICH VANDER KLOK: Okay, all those
23 in favor, signify by saying aye.

24 BOARD SECRETARY KEN SOUTER: Aye.

25 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

1 BOARD MEMBER LARRY BRUURSEMA: Aye.

2 BOARD CHAIRMAN RICH VANDER KLOK: That is carried.

3 And so now the next decision that we as a Board of
4 Determination need to make is for the addition or deletion
5 and the boundary lines that Paul showed us in his
6 presentation.

7 Any comments about that or is there a motion?

8 BOARD SECRETARY KEN SOUTER: No. I'd like to
9 comment on it. I'm kind of impressed that we have that kind
10 of finite detail. We always have these problems on drains
11 where it's like, hey, Joe's drainage goes into it, but Pete's
12 doesn't.

13 And if we've got this kind of data, that's
14 wonderful. I really -- we've always had this problem with
15 drain maintenance.

16 BOARD CHAIRMAN RICH VANDER KLOK: Anything else on
17 that?

18 Then I would make the motion that the addition of
19 lands as recommended by the engineer will -- will more
20 accurately define the boundaries of the land benefited by the
21 Hop Drain, and that such additions or deletions is just and
22 equitable.

23 BOARD SECRETARY KEN SOUTER: I'll second it.

24 BOARD CHAIRMAN RICH VANDER KLOK: Any other
25 comments?

1 Moved and seconded.

2 All those in favor, say aye.

3 BOARD SECRETARY KEN SOUTER: Aye.

4 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

5 BOARD MEMBER LARRY BRUURSEMA: Aye.

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

7 I think in the motion -- let me just go back a
8 moment.

9 I think when I made that motion that the addition
10 and/or deletions, did I say that in the original --

11 BOARD MEMBER LARRY BRUURSEMA: Yes, you did, in the
12 motion.

13 BOARD CHAIRMAN RICH VANDER KLOK: I just wanted to
14 be sure that both of those things are included.

15 BOARD MEMBER LARRY BRUURSEMA: I just want to know
16 if everybody understands that, what we just did.

17 UNKNOWN SPEAKER: Repeat it.

18 BOARD MEMBER LARRY BRUURSEMA: Does everyone
19 understand it?

20 BOARD CHAIRMAN RICH VANDER KLOK: Well I think --

21 BOARD MEMBER LARRY BRUURSEMA: The district has
22 changed somewhat.

23 BOARD CHAIRMAN RICH VANDER KLOK: And you all saw
24 the map of where the proposed changes are going to be, so you
25 understand that. Because that was pretty clear in the

1 presentation.

2 And now what happens, these -- the Board of
3 Determination has made their decision, and now of course it
4 goes to the Water Resources Commissioner.

5 I'm going to ask Joe if he has any comments that he
6 wants to make about that at this point.

7 WATER RESOURCES COMM. JOE BUSH: I just want to say
8 again thanks for everyone's time this morning to be here at
9 10 o'clock and to sit through and learn some of the process.

10 One of my multiple parts to this job, it's one of
11 my funner parts. I get to meet people and hear different
12 concerns that I'm either aware of or not aware of.

13 Also this day, you have ten days to appeal today's
14 Board of Determination if you feel it necessary to do that
15 through Probate Court, not through the county, it's through
16 probate but you can appeal the decision, or the Board of
17 Determination, just, I throw it out there for the court
18 reporter to pick up on so people understand they can do that,
19 if you don't feel that it's a necessity.

20 But be sure to always call us, contact us. You've
21 got my phone number up there. We can hand out business
22 cards.

23 Paul Forton is always available. Spicer, they're
24 working across the state and other states on drainage.
25 That's their number one thing is water management, so that's

1 why we hire Spicer. There is a lot of great firms out there,
2 we use multiple firms but Spicer is definitely a good firm and
3 we trust that he'll be working with me and going in the right
4 direction.

5 So thank you again for coming.

6 BOARD CHAIRMAN RICH VANDER KLOK: Thank you, Joe.

7 I would declare that the meeting is adjourned.

8 Thanks.

9 (Board of Determination adjourned at 11:17 a.m.)

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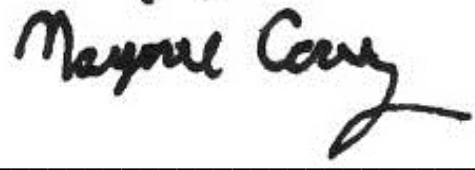
STATE OF MICHIGAN)

) SS

COUNTY OF MUSKEGON)

I certify that this transcript, consisting of 60 pages, is a complete, true and correct record of the BOARD OF DETERMINATION - HOP DRAIN held on November 19, 2019.

DATE: November 27, 2019



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