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STATE OF MICHIGAN

COUNTY OF OTTAWA

IN RE: JAMESWOOD ESTATES SOUTH DRAIN

BOARD OF DETERMINATION

Proceedings commenced at 10:45 a.m., on
June 28, 2022, at the Holland Charter Township Fire Station
No. 1, 131 Riley Street, Holland, Michigan, held before
Dawn M. Houghton, CSR-3071, RPR, Certified Shorthand Reporter
and Notary Public.

APPEARANCES:

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

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

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

Mr. Jerry Olman, Ottawa County Road Commission

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Holland, Michigan

June 28, 2022 - 10:45 a.m.

PROCEEDINGS

WATER RESOURCES COMM. JOE BUSH: Well, it's 10:45.

Good morning, everyone. My name is Joe Bush, Ottawa County Water Resources Commissioner, or also known as the Drain Commissioner. The name got changed in 2012 before I took office from water -- or from Drain to Water Resources Commissioner. So it's still the same office, just a different title. We're still one of the elected officials in Ottawa County.

So, and I appreciate you taking the time to come to Holland Township's Fire Barn to learn and understand why you're here, what's a petition, what's an orphan, and how the process works. So I greatly appreciate you taking your morning.

I know we have one gentlemen that was in the last one, so I appreciate you sticking around for this one, because I know it's the one right next to you.

So, again, we're here for the Board of Determination for Jameswood Estates South Drain, and what that really means is it's a subdivision or a watershed that's an orphan. And over the years, Holland Township has been very proactive on trying to establish orphan drains.

Orphan means the township or the city or the road

1 commission or the county has no jurisdiction to fix anything
2 or the ability to go in and repair anything. Sometimes the
3 road commission will do an emergency repair in the road, but
4 technically, it's an orphan.

5 So, and that -- and to establish an orphan, it
6 requires the petition from either the people or the township
7 or city or the road commission. And since 2012, Holland
8 Township has been very forward thinking on, hey, let's
9 establish orphans and put it under the jurisdiction of the
10 Water Resources Commissioner for any future issues.

11 This particular subdivision or watershed is -- has
12 no issues, just like the one neighboring to it. It's just
13 the infrastructure is already in the ground, and it's already
14 platted.

15 And we have an engineering firm, Prein & Newhof,
16 who goes out and does a preliminary overview of the files,
17 and actually goes out and does the site visit, walks through.
18 So we have Ken Bosma from Prein & Newhof and Lucas Timmer.
19 Both of these individuals have done all of our orphans since
20 2013, and worked in collaborating with Holland Township to
21 get these under the jurisdiction of the Water Resources
22 Commissioner in case something happens in the future.

23 Right now, when we get a petition, I have to
24 appoint a three-panel board. So today, you have three
25 gentlemen who have done these for quite a few years. Rich

1 and -- Rich has been doing this, who is in the center, Rich
2 VanderKlok -- why don't I do introductions now that we're
3 talking about names.

4 We have Jerry Olman from the road commission. The
5 road commission is one of our other partners who comes and
6 talks, if there's any issues, or in support of, so Jerry's
7 here.

8 Usually Steve Bulthuis is very involved in these
9 orphans, but he's actually busy today, so he is not here.
10 But Holland Township usually has a representative.

11 And then we have Dawn Houghton. She's our court
12 reporter. Everything is court reported word for word. You
13 can, in about four to six weeks, they should be available
14 on-line on miottawa.org, look under Water Resources
15 Commissioner, and you'll be able to look at the petitions and
16 minutes.

17 And these are court reported for everybody's
18 protection, like what did he say or what did she say, what
19 did the engineering department, engineering firm, what did
20 they say, what did the Board determine. It's good to have
21 for future reference. It's not required by drain law. I do
22 it to protect everybody.

23 People always wonder, what did Joe say, or what
24 did, years away, five years from now, what happened then.
25 You can always go on the website and look it up, what did the

1 Board decide and what did they talk about, or what was public
2 testimony. Because sometimes people say, well, I didn't say
3 that. You look it up, and it's like, well, you actually did.

4 So the way to petition, again, is from the people
5 or from the township. And being an orphan, the township is
6 just trying to do these -- they probably have about 30 or 40
7 more to go, I think, in the township of orphans. They'd like
8 to establish those just so somebody has jurisdiction.

9 That being said, our three-panel board today from
10 -- from our right to go left is Ken Souter, 38 years at the
11 road commission, retired as an engineer there.

12 And then Rich was involved on the township board in
13 Georgetown for many years, and Rich has been doing a lot of
14 my BODs for me, so he definitely understands the purpose for
15 today. Well, actually, all three of them understand the
16 purpose, a little bit about the Drain Code, and what their
17 job is today, and how to run a meeting and listen to the
18 people and just try to make a determination.

19 There is no project as we know it, so it's not
20 their job to pick a project. There is no cost as far as, oh,
21 we're going to do this and that. This Board solely is to
22 determine whether is it necessary to make it a county drain
23 or not. That's totally it.

24 And then Josh Westgate from Wright Township, and
25 he's also the Deputy Supervisor in Jamestown Township, so

1 they definitely understand local government and Drain Code,
2 state law, and what their job is, and basically the biggest
3 part is how to run a meeting and keep it organized. So we
4 appreciate you -- your gentlemen's time today.

5 Once I give them the oath, then they'll run the
6 meeting. Any questions, be sure to ask them. And then when
7 you do talk or speak, give your name and address just for the
8 court reporter, just so we have it for future reference if
9 there's issues.

10 Again, right now, we don't know of any issues.
11 We're not here to say there's a project because something's
12 broken. We don't know about it, and that's why we hold a
13 public testimony and public hearing for the public to speak,
14 because that's definitely how we learn is from people coming.

15 Some people ask, and I like to put it in the
16 minutes, why is it during the day? Because it is court
17 recorded, and it is during business hours. And we have five
18 of these orphans today, with another one at the end of the
19 day for a potential project. We have five orphans today.

20 And if you were to appeal it or anything, you'd
21 have to go to the court, and it is a court proceeding. So,
22 that being said, we have them during the day, and that's just
23 to put it in the minutes.

24 So, at this time, I'll go ahead and introduce our
25 -- or go ahead and give the oath. I already gave you guys

1 introductions. I'll give you the oath for the Jameswood
2 Estates South Drain hearing.

3 So, do you each solemnly swear that you will
4 faithfully perform and discharge the duties imposed on you as
5 required by law as members of the Board of Determination,
6 appointed by the Ottawa County Water Resources Commissioner,
7 to determine the necessity, locate, establish, and construct
8 the proposed Jameswood Estates South Drain located in Holland
9 Charter Township?

10 BOARD MEMBER JOSH WESTGATE: I will.

11 BOARD MEMBER RICH VANDER KLOK: I do.

12 BOARD MEMBER KEN SOUTER: I do.

13 BOARD MEMBER RICH VANDER KLOK: Our first order of
14 business will be the election of a chairperson. Is there a
15 motion?

16 BOARD MEMBER KEN SOUTER: Motion to elect Rich as
17 chair.

18 BOARD MEMBER RICH VANDER KLOK: Motion is made. Is
19 that supported?

20 BOARD MEMBER JOSH WESTGATE: I'll support.

21 BOARD MEMBER RICH VANDER KLOK: Motion made and
22 supported that I serve as chair.

23 All those in favor, say aye.

24 BOARD MEMBER JOSH WESTGATE: Aye.

25 BOARD MEMBER RICH VANDER KLOK: Aye.

1 BOARD MEMBER KEN SOUTER: Aye.

2 BOARD CHAIR RICH VANDER KLOK: That is passed.

3 Then our next order of business is the election of

4 a secretary, and I would move that Josh be secretary.

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

6 BOARD CHAIR RICH VANDER KLOK: Moved and supported

7 that Josh serve as secretary.

8 All those in favor, say aye.

9 BOARD MEMBER JOSH WESTGATE: Aye.

10 BOARD CHAIR RICH VANDER KLOK: Aye.

11 BOARD MEMBER KEN SOUTER: Aye.

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

13 And then for public comment, I'll make a motion

14 that public comment be limited to three minutes.

15 BOARD MEMBER KEN SOUTER: Second it.

16 BOARD CHAIR RICH VANDER KLOK: It's moved and

17 supported that public comment be limited to three minutes.

18 All those in favor, say aye.

19 BOARD SECRETARY JOSH WESTGATE: Aye.

20 BOARD CHAIR RICH VANDER KLOK: Aye.

21 BOARD MEMBER KEN SOUTER: Aye.

22 BOARD CHAIR RICH VANDER KLOK: That is also

23 carried.

24 And we've had the outline of the Board of

25 Determination, the procedural history that Joe has given us,

1 and so now I'm going to Lucas for our engineer presentation.

2 Lucas, would you?

3 ENGINEER LUCAS TIMMER: Thank you, Board.

4 Once again, my name is Lucas Timmer. I'm an
5 engineer with Prein & Newhof out of Holland here, and we were
6 hired by the Ottawa County Water Resources Commissioner to do
7 some of the preliminary engineering work on the Jameswood
8 Estates South Drain.

9 So the Jameswood Estates South Drain is an orphan
10 drain, and the definition of an orphan drain is that it's an
11 existing storm water drain system that is without authorized
12 local and county governmental jurisdiction, and
13 administrative, procedural, and funding mechanisms to address
14 current or future needs for maintenance and improvements.

15 So, essentially, this system doesn't have anyone
16 who owns it. So the County Water Resources Commissioner
17 currently doesn't own it, the road commission doesn't own it,
18 the township doesn't own it.

19 So this process, in a sense, is a legal formality,
20 then, to get this infrastructure that's already in the ground
21 as part of the Jameswood Estates subdivisions, and to get it
22 established as a county drain.

23 So, to go through that process, we first file a
24 petition. Holland Township filed a petition to establish the
25 drainage district on March 3, 2022. And then as part of that

1 Drain Code, which is state law, we're required to have this
2 Board of Determination where we notify the county, the
3 township, and the residents within the drainage district
4 about this becoming a possible county drain.

5 So, for our engineering work, we first reviewed
6 utility record drawings. So we reviewed the water main,
7 sanitary sewer, and storm sewer plans that are available for
8 the subdivisions. We also reviewed the plat maps of when
9 these subdivisions were established.

10 So, Jameswood Estates was established in 1989,
11 Jameswood Estates Number 2 was also 1989, and Jameswood
12 Estates Number 3 was established in 1994.

13 Once we have that information, we can then
14 delineate a drainage district or a watershed boundary by
15 using one-foot contour data from Ottawa County Geographic
16 Information Systems and also using their aerials.

17 So once we determine what our drainage district and
18 watershed is, we go out in the field, then, and check it to
19 make sure that we confirm the drainage patterns that we see
20 from the county data, and we also then locate drain
21 infrastructure to see if it matches up, then, with what we've
22 noticed on the record drawings.

23 So, this is a map of the drainage district.
24 There's one in the back that you can see it a lot closer than
25 the one here. To give you an idea of what's involved,

1 there's an existing storm sewer here along Oak Forest Drive
2 and Jameswood Drive, and both of these storm sewers, then,
3 drain into the back yard detention area; and this back yard
4 detention area, then, would flow to the west, and flow out of
5 a pipe right near the bike path along 132nd; and then that
6 storm sewer flows south into the storm sewer system that's
7 along James Street.

8 The green areas here are the easements, so you can
9 see that this detention pond is within an easement. You can
10 also see that the storm sewers that go through the side yards
11 are also within easements that were established as part of
12 the plat.

13 The red boundary here is the drainage district
14 boundary, so essentially anything within this red boundary
15 contributes runoff, then, to the storm sewer system or to
16 this pond, and that's, in a sense, what the definition of a
17 drainage district or watershed is.

18 And you can also see on this map the different
19 plats. So right along James Street is Jameswood Estates
20 Number 1. You can see Jameswood Estates Number 2 along Oak
21 Forest Drive. And then the cul-de-sac here is Jameswood
22 Estates Number 3.

23 So, following this presentation, you'll have time
24 for public testimony. The Board will then determine if it's
25 necessary to -- the necessity of the petition, based on

1 health, welfare, and/or convenience after hearing your
2 testimony.

3 If it's deemed necessary by the Board for this to
4 become a county drain, then this existing system will be
5 transferred to the county drain system. If deemed not
6 necessary by the Board, then no further action will occur.
7 It would remain, then, an orphan system with no legal frame
8 for a government entity to be attached to it.

9 So this is the most likely scenario here. If the
10 drain is deemed necessary by the Board and no drainage issues
11 are brought up, which at this time, from our very preliminary
12 review in the field, we're not aware of any drainage issues,
13 then the township, the county, and the county road commission
14 will pay all the costs to establish this as a county drain.

15 And in the future, though, if there were ever any
16 issues, or if we find out today that there are issues that
17 require a project, what then would occur is we would do
18 project design, and we would acquire easements as necessary.

19 Upon completion of the design, the project then
20 would be let out to contractors through a public bid process.
21 After the project is bid, the project costs then are
22 determined, and a Day of Review will be held to review
23 apportionments.

24 Construction would then commence on the project,
25 but the costs of that project or any future projects, then,

1 would be assessed to Holland Township, Ottawa County, the
2 Ottawa County Road Commission, but also to the parcels within
3 the district. So the people within the watershed, then,
4 would also cover a portion of those costs.

5 So, if drainage issues occur in the future, then a
6 petition would be needed, and we would go through this Board
7 of Determination process again to maintain the county drain
8 if the costs are more than \$5,000 per mile of drains.

9 So if it's a very minor issue, then likely the
10 county then just takes care of it, and we do not go through
11 this process again. If it's a major issue that's more than
12 \$5,000 per mile of drain, we're going to go through the
13 petition, Board of Determination process again, so you guys
14 would be notified.

15 Once again, assessments for all future projects
16 will be made to Ottawa County, the road commission, Holland
17 Township, and property owners. Thank you.

18 BOARD CHAIR RICH VANDER KLOK: Okay. Thanks,
19 Lucas.

20 BOARD MEMBER KEN SOUTER: I'm going to be a pain
21 again. I've got a couple questions.

22 ENGINEER LUCAS TIMMER: Yes.

23 BOARD MEMBER KEN SOUTER: Okay. Number 1, I would
24 assume that since the Jameswood 1 and 2 were done in 1989,
25 that was pre-storm sewer in James Street?

1 ENGINEER LUCAS TIMMER: That's correct, yep.

2 BOARD MEMBER KEN SOUTER: Okay. So, after the
3 plats were done originally, then an outlet, a positive outlet
4 was provided for that area; is that correct?

5 ENGINEER KEN BOSMA: Yeah, there was an issue
6 earlier, and I think when there were improvements being made
7 there, the outlets were added. But it was never added to
8 part of the county drain system, as in James Street, as far
9 as a county system, as far as a route course. So this is
10 being included as part of that.

11 BOARD MEMBER KEN SOUTER: Okay. So that stub that
12 comes up from James Street and picks up the drains there at
13 -- on 132nd was built during that period of time that the
14 James Street --

15 ENGINEER KEN BOSMA: Correct.

16 BOARD MEMBER KEN SOUTER: -- drainage was put in?
17 Okay. Secondly, you show, are there easements between each
18 one of those lots on-- Okay. So that was intended just to
19 be of surface drainage?

20 ENGINEER LUCAS TIMMER: Correct. Yep.

21 BOARD MEMBER KEN SOUTER: There's not pipes
22 involved there?

23 ENGINEER LUCAS TIMMER: Yep. So, Ken is referring
24 to Jameswood Estates Number 1. Yes, there were easements
25 that were put in between the lots there, but there was no

1 pipe infrastructure, to our knowledge. It was just put for
2 drainage, for perhaps private swale or --

3 BOARD MEMBER KEN SOUTER: Very good. That's all.

4 ENGINEER LUCAS TIMMER: Thank you.

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

6 Now we'll open it for public comment. If you would
7 like to make a comment, please give us your name and your
8 address, and you can address the Board of Determination.

9 Let's start with Mr. Mouw, I think it is.

10 MR. MOUW: Yep, Tim Mouw, 2482 Oak Forest Drive.

11 Again, just here to hear -- to hear what's going on. And I'm
12 not aware of any issues, so I'm just here to witness the
13 proceedings.

14 BOARD CHAIR RICH VANDER KLOK: Okay. Thank you.

15 BOARD SECRETARY JOSH WESTGATE: Thanks.

16 TAMI BELTMAN: Tami Beltman, 2413 Oak Forest Drive.

17 Same, informational.

18 I do have one question, and that's if something
19 happens right now the way it's set up with no government
20 attachment to it, if something goes wrong, what happens to
21 get it fixed right now?

22 BOARD CHAIR RICH VANDER KLOK: Who wants to answer
23 that, Joe, or --

24 ENGINEER KEN BOSMA: Well, I can do that. So,
25 that's really why we're here, because there is no entity to

1 take care of this. So in order for this process to go
2 forward, if there was a failure today, you'd actually be
3 trying to go through the same process, but more identifying
4 it as, hey, there is going to likely be a project to be done.

5 But there is, at this time, no entity. The road
6 commission or the township or the water resource system does
7 not claim ownership and jurisdiction over it.

8 BOARD CHAIR RICH VANDER KLOK: And so, as Ken said,
9 that's -- that is the purpose of our being here, to bring
10 this orphan drain into the county system in order that they
11 would then have oversight if something should go wrong or if
12 there is an issue or a problem, which there isn't at this
13 point. Does this help?

14 TAMI BELTMAN: Yep. Thank you.

15 BOARD CHAIR RICH VANDER KLOK: Yes, sir?

16 BRIAN BELTMAN: Brian Beltman, 2413 Oak Forest
17 Drive. Just here for informational services.

18 BOARD CHAIR RICH VANDER KLOK: Thank you. Jerry,
19 do you want -- Jerry Olman from Ottawa County Road
20 Commission.

21 ROAD COMMISSION JERRY OLMAN: Yeah, I'm not aware
22 of any issues with any of the storm sewer under the roads, so
23 should be functioning fine, and the road commission is in
24 favor of establishing the district and having the storm sewer
25 be under the control of the county.

1 BOARD CHAIR RICH VANDER KLOK: Okay. Thank you,
2 Jerry.

3 I would make a motion that the public comment time
4 be closed.

5 BOARD MEMBER KEN SOUTER: Support.

6 BOARD CHAIR RICH VANDER KLOK: Moved and supported
7 that public comment time be closed -- or supported? Do you
8 support that, Josh?

9 BOARD SECRETARY JOSH WESTGATE: Yes, I support it.

10 BOARD CHAIR RICH VANDER KLOK: Okay. All those in
11 favor, say aye.

12 BOARD SECRETARY JOSH WESTGATE: Aye.

13 BOARD CHAIR RICH VANDER KLOK: Aye.

14 BOARD MEMBER KEN SOUTER: Aye.

15 BOARD CHAIR RICH VANDER KLOK: And then we have
16 opportunity now for the Board, if you want any other comments
17 that the Board would like to make.

18 BOARD MEMBER KEN SOUTER: Basically, it makes
19 sense. All of these make sense to get them under a
20 jurisdiction where if the people have a problem, they have
21 somebody to go to. The Water Resources Commission has the
22 ability to go in and fix small problems, and if there's a
23 major problem, they can petition them, and there's somebody
24 to petition to do it.

25 So these make total sense to get it done and get it

1 under -- under the entity of the drain commissioner.

2 BOARD CHAIR RICH VANDER KLOK: Sure.

3 BOARD SECRETARY JOSH WESTGATE: Correct. I agree,
4 because of the legal process, if anything should happen,
5 there's a way we can resolve it for residents.

6 BOARD CHAIR RICH VANDER KLOK: Okay. Good. Thank
7 you. Then I would make the motion that the proposed
8 Jameswood Estates South Drain, as petitioned on March 3,
9 2022, is necessary and conducive to the public health,
10 convenience, and welfare. I'd make that motion. Is that
11 supported?

12 BOARD SECRETARY JOSH WESTGATE: I'll support.

13 BOARD CHAIR RICH VANDER KLOK: Moved and supported.
14 All those in favor, say aye.

15 BOARD SECRETARY JOSH WESTGATE: Aye.

16 BOARD CHAIR RICH VANDER KLOK: Aye.

17 BOARD MEMBER KEN SOUTER: Aye.

18 BOARD CHAIR RICH VANDER KLOK: That is carried.

19 And then, Joe, do you want to say a word about the
20 appeal process at this point?

21 WATER RESOURCES COMM. JOE BUSH: Yeah, thanks
22 Board.

23 Again, you can appeal today's decision of the Board
24 of Determination. You have ten days from today if somebody
25 wanted to appeal it, and you'd be appealing their decision of

1 making it a county drain or not. So that's there if somebody
2 wanted to.

3 Also, I forgot to introduce my staff. Josiah
4 Timmermans is here, with my secretary, Marie Snyder. So, I
5 actually forgot to introduce them earlier, so for the
6 minutes, my staff is here.

7 And, yeah, I appreciate everybody's time this
8 morning to come and learn and listen, and any questions, be
9 sure to ask us. Thank you.

10 BOARD CHAIR RICH VANDER KLOK: Okay. Thanks, Joe.

11 Motion to adjourn?

12 BOARD MEMBER KEN SOUTER: So moved.

13 BOARD SECRETARY JOSH WESTGATE: Support.

14 BOARD CHAIR RICH VANDER KLOK: Moved and supported
15 to adjourn.

16 All in favor, say aye.

17 BOARD SECRETARY JOSH WESTGATE: Aye.

18 BOARD CHAIR RICH VANDER KLOK: Aye.

19 BOARD MEMBER KEN SOUTER: Aye.

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

21 Thank you all for coming.

22 (Board of Determination adjourned at 11:06 a.m.)

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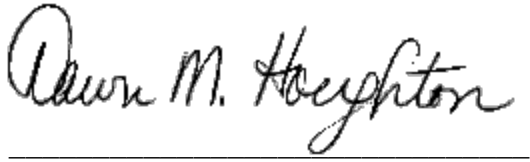
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CERTIFICATE OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN)
) SS
COUNTY OF KENT)

I certify that this transcript, consisting of 20 pages, is a complete, true and correct record of the Board of Determination - Jameswood Estates South Drain, held on 06/28/2022.

DATE: July 12, 2022



Ms. Dawn M. Houghton
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