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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: LOVELL PARK SOUTH DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Tuesday, July 10, 2018, at the Barber School Community Building, 102 West Exchange, Spring Lake, Michigan, held before Marjorie A. Covey, CSR-2616, Certified Shorthand Reporter and Notary Public.

APPEARANCES:

Mr. Joe Bush, Ottawa County Water Resources Commissioner
Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.

Mr. Rich VanderKlok, Board Chairman
Mr. Ken Souter, Board Secretary
Mr. Glenn Nykamp, Board Member

Mr. Gordon Gallagher, Township Manager, Spring Lake Township

Mr. Ryan C. McEnhill, P.E., Engineer,
Eng. Engineering and Survey

Mr. Jerry Olman, Ottawa County Road Commission

1 Spring Lake, Michigan

2 July 10, 2018 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good morning,
5 everyone. Welcome to the Barber School here in Spring Lake.

6 My name is Joe Bush, the Ottawa County Water
7 Resources Commissioner, also known as the Drain Commissioner.
8 I changed the name back in 2012 when I got elected because
9 this job has way more to do than just cleaning the drains.
10 That's a very dynamic job.

11 But water resources fits what I do and today is one
12 of those public hearing things that I do to have an
13 opportunity for a public hearing, to speak about the petition
14 that was received through my office to establish potentially
15 a county drain depending on what these three gentlemen do.

16 And the reason we're here is because I did get a
17 petition from Spring Lake Township on this particular area.

18 Most of you know, because you live there, that it
19 has a lot of issues with flooding over the road on West
20 Spring Lake Road and Lovell Drive. There is a lot of water
21 concerns there. There is some neighbors here that are
22 saying, hey, what's the solution? Right. And nobody really
23 has one.

24 It's not a county drain. The road commission,
25 their hands are tied because they're like, we really don't

1 know what to do with it. It's a lot of public water. It's
2 not just road commission right-of-way water, or it's just not
3 one property owner. It's a whole district.

4 The district is also known as a watershed, so it's
5 everybody's water. And that's why you're here because you
6 got invited on that map. And on that map that you got in the
7 mail, that kind of says, well your water does run to this
8 particular issue and that's why you're here today, that's why
9 you got invited.

10 So I appreciate everybody's time this morning to
11 come and listen.

12 Some people say, why do you have it in the morning
13 and not at night? I get more grief at night than when I do
14 it in the morning or afternoon because their kids have
15 homework, sports, they're busy, supper time. So I get it
16 either way, honestly. It doesn't matter which way I go, I'm
17 going to get yelled at, which is part of the job. So I try
18 my best.

19 I appreciate your time, it means a lot to me that
20 you're here and that you come to listen to what I have to
21 say, what the Board would have to say, what your neighbors
22 who you might not know have to say, or the engineer. So
23 again that's why we're here this morning.

24 I'll do a little bit of brief introductions. We
25 have Jerry Olman, he's from the road commission, he's always

1 invited. We have the township here, Gordon Gallagher. We
2 got my secretary here, Jen, who signed everybody in and gave
3 them an agenda.

4 And then we have Margie, and Margie is a court
5 reporter. Every meeting I have is court recorded word for
6 word. It's like if you were in court. Because what happens
7 is people will say, Joe didn't say that, or Joe said that, or
8 the engineer said that, or the Board said that. Everything
9 is court recorded.

10 So when -- if you do have a comment during public
11 comment time, be sure to come to the mic, speak loudly, speak
12 your address and your name, and whatever concerns you have.
13 This is why I'm here. I want to listen to your concerns. A
14 lot of people don't come, but yet they have water concerns.
15 Then they call me afterwards and go, well I have water
16 problems too.

17 Well I didn't know about them. I only know what I
18 know. So again I appreciate your time, I can't express that
19 enough how much I appreciate your time here.

20 So Margie will be recording every single word said
21 in this meeting. And then later, if you have questions about
22 it, you can go on my website at MIOttawa.org, everything will
23 be on there. The transcript takes about six weeks,
24 potentially eight weeks maybe, but then after that,
25 everything will be on my website.

1 You can go into every meeting I've had since I've
2 been elected because I've had a court reporter at every
3 single one of these public hearings. And again, it's word
4 for word. So you can always go back and see what was said at
5 the meeting by either the public or the Board.

6 And we'll have questions in just a few minutes.

7 So then this three-panel board, I have to appoint
8 people by Drain Code that have no affiliation with Spring
9 Lake Township, any properties in this district, or any
10 neighboring properties. So these people are from -- these
11 three gentlemen are from outside of the area.

12 And I usually pick -- and I appoint them again.
13 It's like, why do you appoint them? Well it's because it's
14 what the Drain Code says. And if you ever get bored, you
15 want to read Drain Code, that's on my website too. It's a
16 book about that thick (indicating). It's very complicated,
17 but it's state law.

18 These three gentlemen -- I usually pick people who
19 are from a township, the road commission and understand
20 drainage, not just a person who doesn't have a clue or
21 doesn't understand the Drain Code. It's important to
22 understand that. It's important to understand drainage. And
23 it's important to understand how government kind of operates
24 with townships.

25 So these three gentlemen I picked. We'll start

1 from right and go left.

2 Ken Souter worked with the road commission in the
3 engineering department for a great number of years. He's
4 retired so he has no affiliation with the road commission
5 anymore. But he retired from there, and he was an engineer
6 for I think probably thirty plus years.

7 BOARD MEMBER KEN SOUTER: Close to forty.

8 WATER RESOURCES COMM. JOE BUSH: Close to forty
9 years. So he understands drainage and drain codes and the
10 road commission.

11 And then in the center we have Rich VanderKlok, and
12 he's from Georgetown Township. He's a board member there for
13 many, many years.

14 And then we have Glenn Nykamp and he's the
15 supervisor of Zeeland Township.

16 So these three gentlemen understand drainage and
17 drain law. And they're eager to hear your testimony, whether
18 you're in favor of or you don't agree with it.

19 But this three-panel board makes the decision and
20 will vote. And once I give them the oath, they run the
21 meeting. I'm over here on the side just listening. And you
22 guys can ask them questions, and then in return they can ask
23 me questions. But I don't run the meeting. I'm not for it
24 or against it. This is why I hold a public hearing for this
25 particular reason.

1 So these three gentlemen make that decision based
2 on your testimony, what the engineer has to present, and they
3 go off that.

4 And I don't think these gentlemen -- they don't
5 know anything about the site particularly because then
6 they're not biased before they show up. They're like, what
7 is it, where is it, when they show up here. But it's not
8 like they do homework and go look at it and have an idea
9 before they hear your testimony or the engineer's
10 presentation.

11 So then we got Ryan McEnhill, he's from Eng.
12 Engineering. A lot of people say, well the address says
13 Lansing. They have an office in Grand Haven too. And they
14 work for probably, I want to say, 25 plus drain commissioners
15 across the state, and know Drain Code and know how the
16 process works very well.

17 So I don't think there is anybody else here that I
18 need to mention as far as names that I need to introduce,
19 except again, I'm Joe Bush. And after the meeting, I'm
20 always able to stick around and talk.

21 And in a day or two if you have questions, be sure
22 to call my office, and I'll return your call, and we can have
23 dialogue.

24 So again this is part of Drain Code, and this is
25 part of the process, and this is why I changed the name from

1 Drain Commissioner to Water Resources Commissioner because
2 it's just one of the many jobs that we actually do besides
3 just clean drains.

4 So gentlemen, at this time will you rise and raise
5 your right hand and I'll give you the oath?

6 Do each of you solemnly swear to faithfully perform
7 and discharge the duties imposed upon you as members of the
8 Board of Determination, appointed by the Water Resources
9 Commissioner of Ottawa County, to determine the necessity of
10 drainage improvements in a certain drain to be known and
11 designated as the Lovell Park South Drain, in the Township of
12 Spring Lake, in said county, as required by law, gentlemen?

13 BOARD MEMBER RICH VANDER KLOK: I do.

14 BOARD MEMBER KEN SOUTER: I do.

15 BOARD MEMBER GLENN NYKAMP: I do.

16 BOARD MEMBER RICH VANDER KLOK: Our first item is
17 to elect a secretary and a chairperson. So I would like to
18 know if I have a motion to elect a chairperson.

19 BOARD MEMBER KEN SOUTER: I so move that we elect
20 Rich VanderKlok as chairperson.

21 BOARD MEMBER GLENN NYKAMP: Supported.

22 BOARD MEMBER RICH VANDER KLOK: Moved and
23 supported.

24 All those in favor, say aye.

25 BOARD MEMBER KEN SOUTER: Aye.

1 BOARD MEMBER RICH VANDER KLOK: Aye.

2 BOARD MEMBER GLENN NYKAMP: Aye.

3 BOARD CHAIRMAN RICH VANDER KLOK: Do I have a
4 motion to elect a secretary?

5 BOARD MEMBER GLENN NYKAMP: So moved.

6 BOARD MEMBER KEN SOUTER: That's me.

7 BOARD MEMBER GLENN NYKAMP: I'm trying to point
8 around that thing.

9 BOARD CHAIRMAN RICH VANDER KLOK: You're talking
10 about Ken, correct?

11 BOARD MEMBER GLENN NYKAMP: Yes.

12 BOARD CHAIRMAN RICH VANDER KLOK: All those in
13 favor, say aye.

14 BOARD MEMBER KEN SOUTER: Aye.

15 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

16 BOARD MEMBER GLENN NYKAMP: Aye.

17 BOARD CHAIRMAN RICH VANDER KLOK: That is carried.

18 Then we have the Rules of Public Comment, and I'd
19 like to entertain a motion to limit public comment to three
20 minutes per person.

21 BOARD SECRETARY KEN SOUTER: So moved.

22 BOARD MEMBER GLENN NYKAMP: Support.

23 BOARD CHAIRMAN RICH VANDER KLOK: Moved and
24 supported.

25 All those in favor, say aye.

1 BOARD MEMBER GLENN NYKAMP: Aye.

2 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

3 BOARD SECRETARY KEN SOUTER: Aye.

4 BOARD CHAIRMAN RICH VANDER KLOK: That is also
5 carried.

6 Then we come to the opportunity for the township to
7 make comments with regard to this --

8 TOWNSHIP MANAGER GORDON GALLAGHER: We have no
9 comments.

10 BOARD CHAIRMAN RICH VANDER KLOK: Okay. Then we'll
11 move to the engineer's presentation.

12 Ryan?

13 ENGINEER RYAN McENHILL: Thank you.

14 I do have a short presentation. My name is Ryan
15 McEnhill with Eng. I am a licensed professional engineer in
16 the State of Michigan.

17 And as Joe mentioned, not only do we do a lot of
18 drain projects with Joe here in Ottawa County, but we do
19 projects all across the state from here to Washtenaw County,
20 Ann Arbor area. So we're very familiar with the Drain Code.
21 And obviously every project is a little bit different, but we
22 do have a breadth of experience in this area.

23 So Joe gave a pretty good overview of what the
24 Board of Determination entails. I think the only thing I'll
25 add to that is that all three of these Board Members are

1 disinterested. They don't live in Spring Lake Township so
2 they don't have any interest in the project.

3 And then secondly, basically this Board is
4 determining necessity based on three factors. So based on
5 public health, welfare and convenience. That's pretty much
6 what they're basing their decision on on whether they find
7 necessity or not.

8 So the work performed to date -- so basically what
9 we try to do in these preliminary stages is try to keep costs
10 to a minimum. There is not a detailed engineering study
11 that's done at this point, primarily because we don't want to
12 expend a lot of funds up front evaluating, coming up with
13 solutions, because if this Board were to turn the project
14 down, we have these funds that have to be disbursed and we
15 don't have a project.

16 So we don't have a big detailed engineering study.
17 We did evaluate the Chapter 3 and Chapter 4 which are
18 basically just referencing chapters in the Drain Code that
19 layout a new drain. And at that time they come up with the
20 route and course of the drain tentatively. That can be
21 changed at a later date.

22 And then a drainage district boundary, which as Joe
23 mentioned is just a watershed. Everything that is drained to
24 this blue line on this map (indicating). So it's a fairly
25 small drainage district.

1 We did verify that district boundary. I'll go
2 through how we do that shortly here.

3 We did a site inspection. I think we've been out
4 to the site two or three times. And this is actually only
5 probably ten minutes from where I live so it's very close by,
6 I'm actually familiar with the area already.

7 And then we just prepared an unbiased assessment,
8 kind of what we saw, and present that here today to the Board
9 of Determination.

10 They have never seen, this three-person Board has
11 never seen the site. They've likely never been out there.
12 So I'm going to try to give them an overview of what the
13 conditions look like so they can make an informed decision.

14 BOARD CHAIRMAN RICH VANDER KLOK: Ryan, excuse me.
15 You're not projecting.

16 ENGINEER RYAN McENHILL: Oh.

17 BOARD CHAIRMAN RICH VANDER KLOK: I don't mean you
18 personally.

19 ENGINEER RYAN McENHILL: No.

20 I'm going to try to restart it.

21 (At 10:13 a.m. went off the record.)

22 (At 10:19 a.m. went on the record.)

23 ENGINEER RYAN McENHILL: I can do the presentation
24 without it.

25 BOARD CHAIRMAN RICH VANDER KLOK: I would say go

1 ahead.

2 BOARD SECRETARY KEN SOUTER: Do it old school.

3 ENGINEER RYAN McENHILL: Okay. Sorry about that.

4 I checked this before I even came here today to make sure
5 everything was running smoothly on it.

6 Okay. So the drainage district --

7 TOWNSHIP MANAGER GORDON GALLAGHER: I'll wheel this
8 out to see if I can get it plugged in for you.

9 UNKNOWN PUBLIC SPEAKER: Can you turn that just a
10 little bit?

11 ENGINEER RYAN McENHILL: Yes. I think the Board
12 members have a copy.

13 BOARD SECRETARY KEN SOUTER: Yes.

14 ENGINEER RYAN McENHILL: The drainage district, how
15 we come up with this, there is actually an established
16 district up here called Lovell Park, which we just recently
17 did a project in the last couple of years. So this line is a
18 common line with Lovell Park up in this area.

19 But basically what we do is primarily utilize the
20 GIS contours. The simplest way is that we're basically
21 connecting high points to determine what water is getting to
22 this blue line, and our tentative route and course at this --
23 in this location (indicating).

24 So everybody within this red line (indicating) is
25 contributing water in some fashion off their property and it

1 eventually makes its way to this line (indicating).

2 So we go out there and we do -- we review culverts
3 and how water is being transported across roadways.

4 We just do on site visual things to just make sure
5 what this line -- make sure that actually what we see in the
6 GIS matches up with what we're seeing on the field.

7 And this is a fairly small district. It's only
8 12.7 acres, I believe, which is on the small side.

9 So that's primarily how we do that. It's all in
10 Spring Lake Township, and there is actually only 21
11 properties involved, or within that red line.

12 So just to give an overview of what the existing
13 system looks like, it is an orphan drain system. So
14 basically what that means is how it exists today nobody has
15 ownership of it. It's a private system. The road commission
16 doesn't have jurisdiction over it, the Water Resources
17 Commissioner office doesn't have jurisdiction over it.

18 So if something were to happen to it, basically
19 it's on the homeowners, or if you have an association within
20 your subdivision, they'd be on the hook to fix it.

21 And a lot of these -- in the '70s, '80s, '90s,
22 there was no jurisdiction taken over for these types of
23 systems. And actually a lot of what Joe has been doing in
24 Ottawa County is taking orphan drains and making them
25 established as county drains. So that in the future, when we

1 have a public utility, it should be managed by a public
2 agency to make sure that it can be maintained and improved
3 should things need to be done.

4 So the main issues that we knew of, and Joe talked
5 about this previously, was the flooding that's occurring at
6 Spring Lake Road and Lovell Road.

7 There is -- some of that is due to a large portion
8 of the watershed, ten acres of it, that all comes down to
9 this point (indicating), eventually making its way to this
10 culvert under Lovell Road. And it's only a 12-inch diameter
11 pipe. So ten acres going to a 12-inch diameter pipe is
12 severely undersized.

13 It consists of -- so as this system crosses Lovell
14 Road, there is a -- it goes across the rear yards of private
15 property. It goes from an open system to a couple of
16 enclosed pipes that are also 12 inch, and it eventually makes
17 its way to the small tributary just to the west of Spring
18 Lake.

19 So what we basically -- and we've only been looking
20 at this system for about three or four weeks. So it's kind
21 of a short time span, which is why we're interested to hear
22 what you have to say from your public testimony about the
23 conditions that you've been seeing.

24 But basically what we ascertained from our, just
25 the short time that we were out there is there is a

1 significantly undersized culvert under Lovell Road that's
2 probably causing the majority of the issues there.

3 A 12-inch pipe for a ten-acre contributing area can
4 probably handle a one- or two-year storm event.

5 So a standard in this day and age is to size an
6 enclosed system for a ten-year rain event. If you're going
7 to put a culvert under a roadway where it can impact a
8 primary roadway, you're sizing those for a 25-year rainfall
9 occurrence.

10 So in this particular case it's not surprising that
11 you're seeing some backup and flooding at that culvert on the
12 north side of Lovell Road.

13 There is 24 feet of grade change from the northern
14 part of the district down to that culvert. So that's quite a
15 bit in a short length. And basically what that does is it
16 gets all that water there in a very short period of time. So
17 the time of concentration for the water to go from the upper
18 point of this district down to that culvert is very short,
19 which kind of exacerbates it even more.

20 So the other thing that we noticed out there is
21 there is not a culvert as well under Woodcrest Road. And
22 that's at this point here (indicating). There may have been
23 one in the past, we didn't notice one visually.

24 So basically there is a lot of water coming down
25 through here (indicating), to the west down Lovell. And an

1 inadequacy of water getting across Woodcrest was something
2 that we noticed right away as well.

3 So the other spot that we noticed that had some
4 flooding concern was actually on the south side of Lovell
5 right at Spring Lake Road. There is no infrastructure in
6 place at that point so the water just sits there. It sits
7 there until it can either infiltrate -- and so there is
8 standing water in that area that really doesn't have an
9 option at this point.

10 So I think one of the things is we have this
11 existing alignment in place that goes across Lovell Road, and
12 then it veers into some rear yards of private property. That
13 was the route that was in place as part of a tentative route
14 in course, as part of the Chapter 3 application.

15 This project isn't tied to that route and course.
16 We don't necessarily have to take this pipe across these rear
17 yards and do it in that fashion.

18 I think if this project were to move forward, we
19 would look at some alternative routes for the drain,
20 primarily just utilizing road right-of-way, whether it be
21 putting additional catch basins in Lovell Road, upsizing that
22 culvert, you know.

23 I think we did a rough calculation, you'd probably
24 need a 24-inch pipe in there to convey a ten-year storm
25 event.

1 So we would do that, and we could look at
2 alternative options to not necessarily impact these private
3 properties and just have public infrastructure within the
4 public road right-of-way.

5 And that's something that we would look at. But
6 again, we'll look into more route options, if this were to
7 move forward at this point. You can tell just by going out
8 there there are some better options for that, but we have to
9 look at where the utilities are at, how we can fit a pipe in
10 there.

11 So there are some options, and definitely ways to
12 improve the system, specifically at that intersection.

13 That's all I have. I certainly apologize for -- I
14 can promise you, I set this up this morning before I even
15 came to make sure it was going to work, and so --

16 TOWNSHIP MANAGER GORDON GALLAGHER: It will
17 probably come up about the time we're done.

18 ENGINEER RYAN McENHILL: Right. I apologize for
19 that.

20 If the Board has any questions for me, I'm
21 certainly happy to answer them at this time or as we move
22 along.

23 So thank you.

24 BOARD CHAIRMAN RICH VANDER KLOK: Thanks, Ryan.

25 Does anyone have a question for Ryan at this point?

1 BOARD SECRETARY KEN SOUTER: What's the soils over
2 there? Is that all sand? Or is that sand over clay or don't
3 you know?

4 ENGINEER RYAN McENHILL: We didn't look at the NRCS
5 Soil Survey. There is, just to the north of Lovell Road
6 there is kind of almost a wetland system up in there. So you
7 would think that those soils are, you know, some sort of a
8 Houghton muck or similar in that nature to where -- and maybe
9 these folks can speak to it even more, but it holds water for
10 certain periods of time probably year round.

11 And then just based on what we see in West
12 Michigan, I'm sure it's primarily sand material.

13 One of the gentlemen I was talking to before the
14 meeting said there is a section of hardpan out there. But
15 that's not something I can confirm at this point.

16 BOARD SECRETARY KEN SOUTER: Okay.

17 BOARD CHAIRMAN RICH VANDER KLOK: Good. Thanks,
18 Ryan.

19 Now we'll move to the public testimony time. And
20 we're open for public comment. What we would ask is if you
21 would come to the podium, state your name and address, and
22 then identify whether you live or have lands in the drainage
23 district, and we'll go from there.

24 So is there any one that would like to make public
25 comment?

1 If you'd come forward, please.

2 Your name and address?

3 MR. ROB DERCK: Rob Derck, and I'm at 18274
4 Kristina Court.

5 And I might need four minutes, and Mr. Ellis, my
6 neighbor said I could have his minutes.

7 My house is here at the end of this (indicating).
8 And I guess to start out, if you were to take a 55-gallon
9 drum and dump the water, it actually would run to this low
10 point between me and Ellises (indicating).

11 And then this kind of goes low but it flattens out
12 and there is ridges and stuff. So we've actually never seen
13 groundwater on the ground flowing this way (indicating).

14 You go back where this drops off (indicating), and
15 there is water standing down here (indicating). And water
16 comes out of the ground, if you walk up about 20 feet, it's
17 actually coming out of the ground as of right now
18 (indicating). In the spring, the water runs out of this hill
19 (indicating).

20 About five years ago, this house was built
21 (indicating). And they -- I'm a general contractor too, they
22 never put a silt fence in.

23 This culvert is about 70 to 80 percent clogged
24 (indicating), and all this through here has filled in with
25 sand and vegetation and stuff.

1 So in the spring this road floods right here, this
2 pools, this whole area floods all in through here
3 (indicating).

4 We've got PVCs running out of neighbor's yards
5 (indicating). All of this water comes here, tries to get out
6 here, but it can't get through because this culvert is
7 clogged (indicating). It goes down here, turns up, and
8 that's Taft, and it goes over here and drains out
9 (indicating).

10 But this water goes down into the ground and it all
11 runs out through here (indicating), and I see it running out
12 of the side of this hill in the spring time.

13 Then over here, I was just out here Sunday, there
14 is a small amount of water still running through here
15 (indicating). There is just a trickle through here
16 (indicating), and coming from this way there is another
17 culvert, and there is just a dribble (indicating).

18 So all this water comes through here (indicating).
19 In the spring I went out there and I took a leaf, about six
20 times, and it takes one second for it to travel the distance
21 of a five-gallon bucket. And the volume is about the size of
22 a five-gallon bucket. Which means we're getting 432,000
23 gallons a day running through here (indicating).

24 Just kind of driving, you got 168th, Lovell -- or
25 168th, VanWagoner, West Spring Lake Road, Taft. The majority

1 of all this drains this way (indicating). So a lot of the
2 issues we're having is coming from the water on the property
3 to the north.

4 This section here (indicating) is roughly four
5 million, three hundred and thirty thousand -- or million
6 square feet. There is another 2.9 million square feet
7 (indicating). Like I said there is pipes running here.

8 But I think a lot of these problems are the water
9 coming from here (indicating).

10 Then the top of this section drains out into a
11 little bayou over there (indicating). But that's kind of it.

12 I think a lot of our problems are right through
13 here (indicating), because this water can't get out and drain
14 like it's supposed to.

15 BOARD SECRETARY KEN SOUTER: Can you --- I'm
16 looking at your map there, and can you relate it to --

17 MR. ROB DERCK: Here is West Spring Lake road
18 (indicating).

19 BOARD SECRETARY KEN SOUTER: Okay. That's West
20 Spring Lake Road.

21 MR. ROB DERCK: This would be VanWagoner.

22 BOARD SECRETARY KEN SOUTER: Okay. And where is
23 the subdivision in accordance to what your --

24 MR. ROB DERCK: This red line is the area that
25 (indicating) --

1 BOARD SECRETARY KEN SOUTER: Okay. That's the area
2 that's shown here.

3 MR. ROB DERCK: Right. But all this water is
4 coming from the east (indicating). And there again, if this
5 was dug out and repaired, we still -- it's been five years
6 and there is still no grass there. So water is still running
7 out and filling this ditch up (indicating). But this whole
8 area floods right over the road in the spring time.

9 And now we have that new subdivision up here, which
10 they brought, I don't know how many truck loads, truck load
11 after truck load of sand. And they filled all this in and I
12 think that's going to force more water this way too again.

13 So like I said, right now, we're just barely
14 getting a dribble coming this way (indicating). And we still
15 have quite a bit of water flowing out of this drain that goes
16 under West Spring Lake Road (indicating). And there again,
17 in the spring, it's running out of the side of this hill
18 (indicating), and it's all coming from the property across
19 the street.

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

21 MR. ROB DERCK: Yep.

22 BOARD CHAIRMAN RICH VANDER KLOK: Anyone else that
23 would like to make public comment?

24 If you'd come to the podium and state your name and
25 your address and whether you live in the --

1 MR. TOM SPELMAN: My name is Tom Spelman, I'm at
2 18049 Lovell Road.

3 I'm a retired engineering manager from Consumers
4 Energy, civil, and I've lived here for some 32 years. And so
5 I understand a lot of morphology of what we have here because
6 I've dug into it over the years.

7 What we have on the back side here, we have an
8 interception ditch that comes all along here (indicating)
9 that's about three-foot by one-foot. It goes along the back
10 side of these properties.

11 In addition we had, in those years, we've had
12 probable a hundred year rain event. And your coefficient of
13 runoff up in this area here, because you got trees and dense
14 foliage, is really not very much. It holds water.

15 But under this whole area here (indicating) is a
16 hardpan, it's about three foot down. It's two to three foot
17 thick. I tried to go through it, I didn't go through it.

18 And all these houses along here hit the hardpan,
19 that's where their foundations ended up.

20 So we have this water purge coming down this way
21 (indicating). Right here at the corner of this property, I
22 live right here (indicating), my neighbor here (indicating),
23 there is probably a crack in the hardpan and we have a spring
24 that comes up there. And that pretty much feeds it.

25 Normally, probably four weeks of the year we may

1 have a little flow up here (indicating), but typically we
2 have none.

3 This down here, coming through here (indicating),
4 the flow is handled by the structure that is there. And what
5 we've done over the years is we just clean things up. And if
6 we have a heavy rain, this acts as a little retaining basin
7 here (indicating) and it goes through. If you don't clean it
8 out, it plugs up, and then goes across the road because of
9 leaves and things.

10 I try to keep things as simple as possible. And
11 our problem here (indicating) is the intake structure that we
12 have. It's just a matter of some sort of intake structure
13 that will handle the flow and the pluggage, and it just needs
14 to be cleaned out once in awhile.

15 We've never -- we have had it I think twice or
16 three times come over the road. But every time in the past,
17 for the past 30 some years, we used to -- me and the boys
18 used to clean this out. And when we cleaned it out, we never
19 had an issue. But that is the 12-inch CMP, and I agree with
20 you, that is small.

21 The other thing that was mentioned is flow coming
22 down here (indicating). There used to be drainage ditches on
23 either side. Well, the water never flowed in the drainage
24 ditches, and as people built things, they filled them in.

25 So Ed's place here, Baldwin, Ed's got his place

1 (indicating), it still has the ditch there. But it's
2 basically gone. It used to go down into -- down here towards
3 this (indicating).

4 But we really don't have flow coming down this
5 road. In heavy rains we'll get just a little bit, but we
6 don't get a torrential downpour where you get a flood. Most
7 of the stuff is soaked up that we have. So I don't see the
8 need for that.

9 The cheapest -- the best thing is the intake, and
10 that will take care of your issue. The CMP pipe, that's
11 another issue.

12 This house here (indicating), when they did an
13 addition, this pipe here is like -- it used to be 20 foot
14 from the edge of the house. Well now it's right at the edge
15 of the house. So if you have any leakage, you like to
16 keep -- you always like, CMP, to keep it away from the house.
17 Well this got real close, and you got a block foundation. So
18 you get leakage in there, if you get a high flow through
19 there (indicating). But that's because they did the
20 addition. You know, they knew it was there .

21 But that's my comments for you on what we have in
22 this area, and the problem area is right here (indicating).

23 And if you have any of these structures, any time
24 you have drainage structures, you like to have some sort of a
25 holding pond. And this in the past (indicating) acted as a

1 small holding pond. And it would surge and take care of
2 things.

3 BOARD SECRETARY KEN SOUTER: You live there, does
4 water -- it shows like a little lake up above, does water
5 from up that direction still come down through here or not?
6 Or does that go over towards West Spring Lake Road?

7 MR. TOM SPELMAN: Okay. Below the hardpan is sand.
8 I would assume at this elevation, it's above the lake,
9 because what you have down here is anywhere that you have a
10 break in the hardpan, water comes up.

11 BOARD SECRETARY KEN SOUTER: Right.

12 MR. TOM SPELMAN: So it's coming -- it could be
13 coming from up there or down here (indicating) depending on
14 what this elevation is over here.

15 BOARD SECRETARY KEN SOUTER: But you don't see
16 anything on the surface flowing from that direction?

17 MR. TOM SPELMAN: No, nothing on the surface. It
18 would be all subsurface.

19 MR. ROB DERCK: Is that from the pond that you're
20 talking?

21 MR. TOM SPELMAN: No. I'm just saying you have
22 subsurface flow below the hardpan.

23 MR. ROB DERCK: Are you talking the pond --

24 BOARD SECRETARY KEN SOUTER: Yeah, I'm talking
25 about the pond up there, if there was a surface flow or a

1 ditch from that pond.

2 MR. ROB DERCK: Well in the spring water comes out
3 of the side of this hill (indicating). But that's not -- and
4 it's flowing this way (indicating).

5 MR. TOM SPELMAN: But it's not --

6 MR. ROB DERCK: I think it's trying to hit Spring
7 Lake.

8 BOARD SECRETARY KEN SOUTER: So you don't have a
9 ditch coming south?

10 MR. ROB DERCK: No.

11 MR. TOM SPELMAN: We have such a dense woods
12 through here, you don't see surface flow. The only surface
13 flow we have is this right in this area (indicating), this
14 area right here (indicating), and that's where you have a
15 spring coming up through the hardpan.

16 BOARD MEMBER GLENN NYKAMP: And where is that
17 flowing to?

18 MR. TOM SPELMAN: This flows right down through the
19 ditch here on the corner. We got the picture --

20 BOARD MEMBER GLENN NYKAMP: That would be Lovell
21 Road?

22 MR. TOM SPELMAN: Yeah, here it is right here, I'll
23 bring it up.

24 What you have up here is, you see this area right
25 here (indicating), that's a spring. And that comes right

1 down through here (indicating).

2 And typically what happens is that the road here,
3 this goes out about like this (indicating), and that can
4 flood. It acts as a reservoir.

5 But the problem that we have here is right here
6 (indicating), that's the problem.

7 BOARD SECRETARY KEN SOUTER: Okay. It's an inlet
8 to that?

9 MR. TOM SPELMAN: Inlet and it gets plugged up.
10 And if we had an intake structure of sorts, that would be a
11 simple solution to a lot of the problem.

12 But the other problem is then eventually you have
13 the CMP pipe that should be replaced at some time down the
14 road.

15 But you have the essential elements, you just don't
16 have the structure. You have a place to store water and you
17 have a place where it drains. But that only happens two or
18 three -- let's say one time, I think three times in the
19 last -- since '03.

20 UNIDENTIFIED PUBLIC SPEAKER: It's been more than
21 that.

22 MR. TOM SPELMAN: A couple more times. But it
23 comes through. But as long as it's kept clean, in my
24 experience, we didn't have a big problem. But when it plugs
25 up, then it's a problem.

1 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

2 Any other public comments?

3 MS. WENDY GLASGOW: Hi, my name is Wendy Glasgow.

4 I live at 18072 West Spring Lake Road, at the corner of West
5 Spring Lake Road and Lovell. The house that the addition was
6 put on prior to when we were there. They did not know the
7 culvert was there when it was put on, nobody told them, they
8 didn't do their research, they didn't know.

9 It is -- what I believe is it used to be okay to
10 clean it out and it would continue to work, and it wouldn't
11 really be a problem. Within the past year, twice it's
12 overflowed to the point of covering the road.

13 The first time, because it's an orphan drain,
14 nobody would come help pump it out. Where the drain is is
15 more than five feet down from the road, and we have a bus
16 stop right on the corner of West Spring Lake Road and Lovell.
17 So kids walking by, it's not likely, but could not realize
18 that it's five-foot deep filled with water. It becomes a big
19 safety hazard too.

20 So the first time it happened recently -- I mean
21 it's happened a few times over ten years, but two times in
22 the past year we went to Home Depot ourselves, paid for a
23 pump, spent 24 hours pumping it out over the road, over our
24 driveway to the backyard, down to meet the stream, I guess
25 behind our neighbor's yard (indicating).

1 Rob and Lisa live across the street from us, and
2 they and this home next door, they do a great job of keeping
3 it cleaned out. Despite being cleaned out, we had that
4 blockage and that backup.

5 When we -- someone from -- I believe somebody from
6 your office ended up coming out with a huge truck and they
7 were able to use some equipment that would, I guess, direct
8 something in the culvert that would kind of shake it up. And
9 they found -- they believe it to be blocked kind of in our
10 front yard underneath our driveway.

11 So some hypotheses are that some tree roots are
12 possibly getting through those pipes now. So keeping it
13 clean doesn't work anymore, because the blockages are now
14 within the pipe underneath our driveway, underneath our yard.

15 In the spring -- well not quite spring, it was
16 still quite snowy and it started to get backed up again to
17 the point where both times where it crosses the road and it
18 crosses, it crosses Lovell and then it crosses the bike path
19 and it crosses West Spring Lake Road to -- and I do have some
20 pictures, but you can see the water flowing, you can see the
21 ripples as it's going across.

22 It hasn't gotten to the point where it's gotten
23 very deep because either we ourselves have pumped it out, or
24 the last time the township helped us out quite a bit and were
25 sending people out to pump it out every few hours. So we

1 were able to keep up with it then, until I believe they
2 called somebody, an engineering firm who came in, or plumbing
3 or something who came in and cleared those pipes for us.

4 That group also found a blockage in about the same
5 spot. They put a pink post right in our front yard. So both
6 times they found a blockage in the same spot which is in a
7 place that we can't get to right now.

8 I love the idea of a different path. I think
9 that's a great way to go. I love the idea that you guys are
10 looking at it, trying to assign it to somebody. I think it's
11 going to be more and more as the pipe underneath is getting
12 blocked.

13 No matter how clean we keep it, it's now to the
14 point where the blockage is underneath.

15 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

16 Any other public comments?

17 MR. ROB HENRY: Hi. Rob Henry, we're at 18043
18 Lovell, which is going to be across the street from the
19 Glasgows, and we also own the property there at the corner of
20 Lovell Park too. So this house, and these where most of the
21 drain comes through (indicating).

22 So we're hearing about this and we're digging out
23 as much as we can every fall and every spring and keeping it
24 as clear as possible.

25 I forgot, I'm sorry, Wendy, that was two times this

1 last year it came up. We have a picture somewhere of all the
2 guys hanging out in the drain with our boots on and --

3 MS. WENDY GLASGOW: That was a different time.

4 MR. ROB HENRY: That would be like '08, we had a
5 lot of problems with that.

6 The big concern, I heard of a collapsed culvert
7 underneath their property, tree roots coming through,
8 whatever.

9 But on our side that drain, I can sit there and I
10 can clean that thing out constantly, and unless you're moving
11 every tree out of there and every piece of grass, it's going
12 to get blocked.

13 A couple of concerns as I looked at this map, I
14 noticed that the river ends, according to this, right at the
15 corner of our properties, and folks on the hill right here
16 (indicating). But this, there is a stream, as Tom mentioned
17 as well, that goes all the way back through these properties
18 (indicating) that off and on we've tried to clean out and
19 keep clean. It's three-foot wide and it gets filled up
20 pretty easily with the muck and the sand.

21 But we try to keep that clean. So there is a lot
22 of flow that comes through there and it all ends up at that
23 single one point (indicating). It's basically just, I'm
24 reiterating what they're all saying, but that's the spot and
25 that's the critical area for the whole thing.

1 And if there is a way to, I don't know, put an
2 insert in there of some nature, some type of screening or
3 whatever it is that makes it even easier for me to clean out,
4 I would appreciate it.

5 But we've been there since '03, and trying to keep
6 that thing clean is -- you know, it's a couple times you do
7 it each year. But it's an act of love for the neighborhood
8 to keep the thing from letting us all drown.

9 Thank you.

10 BOARD CHAIRMAN RICH VANDER KLOK: Thank you.

11 Anyone else that would like to make public comment?

12 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: Jerry
13 Olman with the road commission.

14 BOARD CHAIRMAN RICH VANDER KLOK: Jerry, go ahead.

15 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: I'll
16 tell you what I know about it. Back when the plat was
17 originally built, it was simply a culvert, 60-feet long, and
18 the water would go from north to south, under the road; and
19 then from the south right-of-way on down, it would just be
20 open ditch.

21 At some point the house was built on the corner,
22 and I'm assuming that's when they enclosed -- they added on
23 to that tile. The problem is all that goes through private
24 right-of-way, or private property.

25 And I think it was last year or the year before,

1 when the road was flooding, our crews did go out with a
2 jetter and they got into a certain point and couldn't get in
3 further. Then the flow did improve, and the water did go
4 down. But then it happened again, and they couldn't get it
5 all the way through.

6 And I believe Joe's office got a contractor out
7 there and I don't recall if they were able to get all the way
8 through either.

9 WATER RESOURCES COMM. JOE BUSH: No.

10 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: So how
11 it's all tied together, nobody knows. That's kind of the big
12 problem there, and it's on private property.

13 So as far as the road commission's view goes on it,
14 we would be in favor of having something engineered and done
15 so it's -- it can be fixed.

16 BOARD MEMBER GLENN NYKAMP: So what you're
17 referring to there, Jerry, you're saying that maybe if you
18 brought that out to the road itself, you would alleviate all
19 these issues?

20 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: And if
21 it's properly sized, yeah.

22 BOARD MEMBER GLENN NYKAMP: Because you said this
23 is private property, so it's not in the road work to start
24 with, right?

25 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: Right.

1 If it were to stay there, there would have to be an easement.
2 And then -- it's in a bad location now anyway with the
3 proximity to the foundation of the house that sits there.

4 I don't know if you'd even find a contractor that
5 would want to go in there and work on that, that close to the
6 house.

7 BOARD CHAIRMAN RICH VANDER KLOK: Thank you, Jerry.
8 Is there anyone else that would like to make public
9 comment?

10 MS. WENDY GLASGOW: Can I say one more thing, If I
11 didn't get to my three minutes?

12 BOARD CHAIRMAN RICH VANDER KLOK: Well we have open
13 policy. No one else is standing up, so to speak.

14 MS. WENDY GLASGOW: Okay. I'm Wendy Glasgow.

15 We do get water in our basement, a lot of it, when
16 it backs up and floods, when there is a heavy rain. Not a
17 ten-year rain, not a hundred-year rain, just your normal
18 heavy rain. But especially if it backs up and blocks that.

19 That's why we're happy to go rent a pump because it
20 affects us personally. So we know there is 20 lots involved,
21 but we also know that it affects us the most. So we're
22 definitely willing to help out and participate in any way.

23 But we do get -- if it blocks and is not pumped and
24 just eventually drains, or goes over the road and drains in
25 our front yard, we get significant water in our basement.

1 BOARD CHAIRMAN RICH VANDER KLOK: Okay, thank you.
2 Is there anyone else that would like to make public
3 comment?

4 We have received no letters or correspondence to be
5 read into the record. Therefore the public comment section
6 is closed.

7 And now we'll go to the members of the Board of
8 Determination for their input and their comments. And who
9 would like to begin?

10 Ken? You look like you're ready.

11 BOARD SECRETARY KEN SOUTER: Just from public
12 comment and from what the engineer said, there is definitely
13 a problem. The problem is the outlet, I think the outlet and
14 the structure or culverts are added to this.

15 It appears that the drainage outlet is right there,
16 it's not like it's a long ways away like we've got to take it
17 through mountains to get there. It sounds like that we're
18 fairly -- bringing the water fairly close but then it gets
19 hung up.

20 I guess I would be in favor of making a motion to
21 have it drained down.

22 BOARD CHAIRMAN RICH VANDER KLOK: What do you
23 think?

24 BOARD MEMBER GLENN NYKAMP: I agree, same thing.
25 It doesn't look like it's -- every issue is a big issue, but

1 this isn't like it's a great big area that we're talking
2 about here.

3 It sounds like this corner of Lovell Road and that
4 area there is what's causing all the issues. So I would say
5 that it could be fixed relatively easily compared to some of
6 the other ones that we get to see once in awhile.

7 BOARD CHAIRMAN RICH VANDER KLOK: Sure.

8 BOARD MEMBER GLENN NYKAMP: But I agree with what
9 Ken said though.

10 BOARD CHAIRMAN RICH VANDER KLOK: Good, thanks.

11 First of all, I'd like to commend you residents for
12 all the work that you've done over all the years in order to
13 keep that flowing and keep it clean, which is -- had to be
14 just a yoman's task. So that certainly has to be
15 acknowledged.

16 And based on the comments as Ken and Glenn have
17 said, I too would agree that there is a necessity there.

18 The one thing that also I thought was very
19 important, someone made the comment about the five-foot drop,
20 and about a bus stop for children right there, and about a
21 potential safety issue. And I think that also, if process
22 can be put into motion to take care of all of this, that will
23 help obviously with that concern too. Because that would be
24 a terrible concern, at least for me, and I think for all the
25 rest of us as well.

1 And so I would say that, is there a motion that the
2 drain is deemed necessary or not necessary?

3 BOARD SECRETARY KEN SOUTER: I'll so move.

4 BOARD CHAIRMAN RICH VANDER KLOK: That it be
5 necessary?

6 BOARD SECRETARY KEN SOUTER: That it be necessary.

7 BOARD MEMBER GLENN NYKAMP: I'll support.

8 BOARD CHAIRMAN RICH VANDER KLOK: Moved and
9 supported that the drain is deemed necessary.

10 And all those in favor, say aye.

11 BOARD MEMBER GLENN NYKAMP: Aye.

12 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

13 BOARD SECRETARY KEN SOUTER: Aye.

14 BOARD CHAIRMAN RICH VANDER KLOK: And so that is
15 carried.

16 Then I would also like to have a motion that the
17 drain is necessary for the protection of the public health in
18 Spring Lake Township, and that a portion of the costs shall
19 be appropriated to the municipality at large.

20 BOARD MEMBER GLENN NYKAMP: I'll make that motion.

21 BOARD SECRETARY KEN SOUTER: I'll second that.

22 BOARD CHAIRMAN RICH VANDER KLOK: Moved and
23 supported.

24 All those in favor, say aye.

25 BOARD MEMBER GLENN NYKAMP: Aye.

1 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

2 BOARD SECRETARY KEN SOUTER: Aye.

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

4 Then one final motion that I'd like to have the
5 Board of Determination act on, is that the drainage district
6 boundary be adjusted as necessary, and lands be added and
7 deleted as determined by the Water Resources Commissioner as
8 recommended by the engineer.

9 BOARD SECRETARY KEN SOUTER: I'll make that motion
10 because I think it's fairly preliminary here on what they
11 have, and I think they got to be given that boundary --

12 BOARD MEMBER GLENN NYKAMP: Right, I agree.

13 BOARD SECRETARY KEN SOUTER: So I'll move that.

14 BOARD CHAIRMAN RICH VANDER KLOK: All in favor, say
15 aye.

16 BOARD MEMBER GLENN NYKAMP: Aye.

17 BOARD CHAIRMAN RICH VANDER KLOK: Aye.

18 BOARD SECRETARY KEN SOUTER: Aye.

19 BOARD CHAIRMAN RICH VANDER KLOK: Okay. That's
20 carried.

21 And I don't think we said this, but that's the
22 scope of our determination. We are not in a position to
23 dictate to anyone, to say this is how you ought to do it.
24 That's in the hands of the Water Resources Commissioner and
25 the engineer as they evaluate.

1 And so we want to make that clear, we don't say,
2 well this is how you ought to handle it, we leave that to the
3 professionals from that standpoint.

4 What else do we need to do?

5 BOARD MEMBER GLENN NYKAMP: Well I have one
6 question to ask the gentleman from Spring Lake.

7 You're planning on helping with some of this issues
8 as far as the costs and stuff like that coming down the road?

9 TOWNSHIP MANAGER GORDON GALLAGHER: I believe so.
10 I don't know to what extent. But generally we work on that
11 through the Water Resources Commissioner's office.

12 BOARD MEMBER GLENN NYKAMP: Sure.

13 TOWNSHIP MANAGER GORDON GALLAGHER: And we take it
14 to the Township Board for their consideration at that time.

15 So generally, as I've understood the process, if
16 it's been determined that it needs to be under the Water
17 Resources, and be an actual drainage district, then a
18 district is setup. And what our portion would be considered
19 is established at that time.

20 But we do that by Board action. I think we've
21 supported drainage issues in a fairly consistent manner.

22 BOARD MEMBER GLENN NYKAMP: Good, thank you.

23 BOARD CHAIRMAN RICH VANDER KLOK: Good.

24 BOARD MEMBER GLENN NYKAMP: Now you may say we're
25 adjourned, if you'd like.

1 BOARD SECRETARY KEN SOUTER: The boss gets to say
2 that.

3 BOARD CHAIRMAN RICH VANDER KLOK: Yes, that
4 concludes our portion.

5 Joe may have some closing comments that you want to
6 make.

7 WATER RESOURCES COMM. JOE BUSH: I do. I just want
8 to say again thanks for taking the time this morning. I know
9 your time is very valuable, especially in the business world
10 we live in. So just thanks again for your comments, so the
11 engineer understands too.

12 Again I will say that the district is very
13 preliminary, it's not set in stone. I think what you see is
14 pretty much what it is, but we might get phone calls from
15 your neighbors, and say, well I don't think I should be in
16 the district, my water doesn't flow that way. Or if you have
17 concerns and want to talk to the engineer, he can give you a
18 card and have that discussion.

19 We usually come out on site. There could be
20 potential to get easements is one of the things we come in
21 and look at, so we can actually have an easement on your
22 property potentially. I'm not sure what that looks like yet,
23 but if you get notices from the engineer, or there is a firm
24 called Land Matters and we work through them to get easements
25 to be on your property to do the drain.

1 And that easement is only for drain purposes. It's
2 not public easement where people from the township can just
3 walk on it or just public. It's just for drain, just for my
4 office to work on that drain. That's it, that's the only
5 thing the easement is used for.

6 And so if somebody is trespassing, if you get an
7 easement, they're trespassing. It should be -- the law
8 should be called, because they're not allowed on there,
9 unless they're from my office. And you'll get notice when
10 there is people from my office if we get an easement.

11 Other than that, the cost, some people say who is
12 going to pay for this? Nobody really mentioned the cost.

13 Well it did get asked. And a lot of times we have
14 a district, that's the watershed, people will participate in
15 that, but I usually start with the township, the road
16 commission and the county. We all pay a percentage.

17 I usually throw just a number, I have no idea what
18 the scope of the project is because we didn't determine that
19 because we really don't know what direction we're going to go
20 until we speak with you folks on your property and say, maybe
21 we're going to go this route or this route.

22 We usually get like three routes and we look at the
23 cost benefit. I don't try to build a Cadillac system every
24 time because it's tax payer's money and I'm very concerned.
25 I don't want to spend more money than we have to, but we have

1 to fix the problem at the same time.

2 So usually the township will pick up a share of the
3 cost. It could be 20 percent, could be 30, could be 25,
4 that's determined by me. And they've always been willing to
5 work with us on every project in Spring Lake Township. All
6 17 townships have been very willing to share that cost.

7 And then the road commission will pay based on the
8 road right-of-way and how much water comes off the road. And
9 that's a calculation that the road commission will come up
10 with. And then they'll share a cost of that water because
11 it's their water too. And they're also getting -- their
12 roads are getting flooded. So there is a benefit for that.
13 So they're willing to share the cost. What that looks like,
14 we don't know yet.

15 But whatever the road commission percentage will
16 be, determined by me, I will pay the other half. So I'm just
17 going to go throw a number out, if it's ten grand to fix
18 this, and the township, I say, you know, you guys pay 25, and
19 then the road commission and I will pay the other 25. So 50
20 percent of the project will be paid for with just our monies,
21 the three of us.

22 And then if MDOT's right-of-way, they're not, but
23 if they were, or the railroad, or any other municipality or
24 organization, I usually go after them and say, will you be
25 willing to share the cost. And by Drain Code, technically if

1 their water runs into this system, they got to pay.

2 And then I divvy it out amongst all the property
3 owners. I usually go based on size of acreage, contribution,
4 benefit. There is about four different factors I factor in
5 my BS&A software and it will calculate what the percentage
6 is.

7 So I don't have that offhand today because I have
8 no idea because we don't know what the scope is.

9 But when we do there is a notification that goes
10 out, and everybody will be aware what the cost will be and
11 what the project looks like. There will be a letter going
12 out for the day when we do the bidding. So there is
13 opportunities to share your opinions on it before we get
14 there because we're either going to need an easement, we'll
15 be working on your property, or we'll be working with the
16 road commission, we'll have engineers out there trying to
17 figure it out, so there will be plenty of opportunity.

18 One good thing about being a small district,
19 everybody is close, right? You don't have a thousand
20 property owners. I've had that before, that's a little
21 tougher situation.

22 So everybody should be in the loop pretty well
23 because we all know what the problems are, we all know what
24 properties they are sitting on. And now the engineer is
25 going to go out and try to figure out where to go from here

1 and give me three rough kind of projects. And then we'll do
2 the cost analysis to make sure everything makes sense.

3 Yes, sir?

4 UNKNOWN PUBLIC SPEAKER: Is the maintenance of they
5 system, the ongoing maintenance of the system also part of
6 that formulation of splitting it?

7 WATER RESOURCES COMM. JOE BUSH: Correct. Once we
8 set a tax roll, we usually use that for the duration of the
9 drain. Unless it's really less, like say it's five hundred
10 bucks, a lot of times the township will just pay it because
11 it's hard to assess 21 people 500 bucks. It's not worth the
12 mailing and the headache for the secretary from my
13 administration to do all that.

14 Sometimes the township will just say, you know
15 what, it's just \$500. So they've been willing -- we're
16 blessed in Ottawa to work with so many great townships and
17 Spring Lake is one of them.

18 So you brought up a good point, when there is
19 maintenance issues, you call me, that's part of my
20 responsibility. I have over a thousand of these drains.
21 Just another one that will be added to it, where we have
22 contractors on standby 24/7. And we're more than happy to
23 bring them out and fix the problem if it becomes a problem.

24 And maintenance, that's our baby too. So it gets
25 routine maintenance when you have a drain.

1 Yes, sir?

2 MR. TOM SPELMAN: If you look at your plat map
3 you'll find there is already drainage right-of-ways.

4 WATER RESOURCES COMM. JOE BUSH: We did look at
5 those. Sometimes they're not designated to the right people
6 and they're not recorded. So sometimes we just have to get
7 them recorded, or the new property owners --

8 MR. TOM SPELMAN: Most of that stuff is already
9 recorded.

10 WATER RESOURCES COMM. JOE BUSH: Okay.

11 MS. WENDY GLASGOW: How much ahead of time are we
12 supposed to get those notices for like a meeting coming up?
13 Do you know usually? Is it a few days, or a week?

14 WATER RESOURCES COMM. JOE BUSH: It could be -- if
15 we do a bid letting, we have to put a notice in the mail how
16 many day?

17 SECRETARY JEN VANDENBERG: Ten days.

18 WATER RESOURCES COMM. JOE BUSH: Ten days prior to
19 the bid letting.

20 And then you're more than welcome to come to my
21 office and then sit in on the bid letting and see what
22 contractor gets it.

23 I've had it already where I put it up for rebid
24 again, because I didn't like the prices. I don't always go
25 with the lowest bid, but I go with the lowest qualified

1 bidder, because I want to make sure the job gets done right.
2 And I don't pay people until it's finished or done right.
3 And I also turn down bids that are too high.

4 There is a season to bid, and contractors are busy
5 as some people know, so I always make sure I get the best
6 price for the project.

7 BOARD CHAIRMAN RICH VANDER KLOK: We're going to
8 allow -- if you have questions you'd like to ask Joe, we're
9 going to adjourn our meeting.

10 And so I declare that the meeting is adjourned.

11 (Board of Determinations Hearing concluded at 11:06 a.m.)

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1 CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

2 _____
3
4 STATE OF MICHIGAN)

5) SS

6 COUNTY OF MUSKEGON)
7

8 I certify that this transcript, consisting of 49
9 pages, is a complete, true and correct record of the Board of
10 Determination - Lovell Park South Drain, held on July 10,
11 2018.

12
13
14
15 DATE: July 15, 2018
16
17

18 _____
19 MARJORIE A. COVEY, CSR-2616
20 141 East Michigan Avenue, Suite 206
21 Kalamazoo, MI 49007
22 1.800.878.8750

23
24 Notary Public Expires: October 14, 2021, Muskegon
25 County, Michigan/Acting in the State of Michigan.

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