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STATE OF MICHIGAN

COUNTY OF OTTAWA

IN RE: RED MAPLE ESTATES DRAIN

BOARD OF DETERMINATION

Proceedings commenced at 2:00 p.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 - 2:00 p.m.

PROCEEDINGS

WATER RESOURCES COMM. JOE BUSH: Well, good afternoon, everyone. Welcome to the fire station in Holland Charter Township for the Red Maple Estates Drain. Some people probably wonder, well, why am I here and what's the process and how does this work?

Well, again, you know, I'm Joe Bush, the Water Resources Commissioner, also known as the Drain Commissioner, and one of the rules that we have to do, when we get a petition, is to hold a Board of Determination, and that's why we're here today on our Number 4 of our orphan drains today.

A little bit about orphan drains. An orphan drain is the county, myself, or the road commission, or the township doesn't have jurisdiction over this subdivision, doesn't have jurisdiction over the watershed as far as infrastructure, whether it's open ditch or closed storm sewer. And with no jurisdiction, there's no way to fix it or help anybody in the future.

So what Holland Township has agreed to do is do about anywhere from five to seven or eight of these orphan drain Board of Determinations, and they petition us every year to narrow that number down, because when we started, we were probably in the 80s, and I think we're halfway through

1 the orphans going on ten years I've been doing these.

2 So, part of the process is to hold a Board of
3 Determination with this petition, and that's actually
4 appointing three people, men or women, and trying to -- or we
5 put a meeting together, and they will try to determine
6 whether it's a necessity or not to move forward with making
7 it a county drain.

8 So, today, we're not here for a project. We're not
9 here for a cost, because we don't have a project. Nor do we
10 have a cost because we don't have a project. We don't even
11 have a drain yet. So, to make it a county drain, you have to
12 have a petition, whether it's by the people or whether it's
13 from the township or the road commission, to have this public
14 hearing.

15 Today, we'll have public testimony. We do have a
16 court reporter, and her name is Dawn Houghton. I almost said
17 Margie, who usually does this. I'm so used to Margie. But
18 it's Dawn. So everything gets court reported, so if you do
19 have testimony, you want to talk, be sure to speak your name
20 and address so we can get that on the record.

21 This is for the protection of the people, whether
22 it's the audience giving testimony or the county, myself, the
23 road commission, or even the board of people who I appointed.
24 This is just kind of a protection that you look years down
25 the road and figure out what was said, what did the Board

1 decide, and who gave testimony, who was there, just so we can
2 know that down the road.

3 Seems like right now there's no issues in this
4 particular subdivision that we're talking about, or watershed
5 today, but with that being said, five, ten years from now,
6 there could be an issue, and it's an orphan, and nobody knows
7 who to call. And if you call somebody, you're going to get,
8 well, you might want to call the road commission, or you
9 might want to call the drain office, or you might want to
10 call the township.

11 So, today, the sole responsibility of this Board is
12 to make a determination of making it a county drain or not.
13 These three gentlemen that we have today have no jurisdiction
14 as far as they don't own any properties in this township.
15 They're from other townships. They have to live in Ottawa
16 County, and they all three do. And these three gentlemen
17 have run a lot of our Board of Determinations over the years.

18 The criteria that I look for is they understand
19 Drain Code, because that's pretty much state law. They
20 understand drainage, because that's primarily why we're here
21 most of the time. It's either an orphan or there's a
22 flooding problem or water problem. And they understand how
23 to run a meeting. So that's all priority, and that's
24 important to make a great determination.

25 So once I give these three gentlemen the oath,

1 they'll run the meeting. Any questions can be asked of any
2 of us, whether it's the Prein & Newhof folks or myself, to
3 answer those questions.

4 I'll do introductions quickly. We have Jerry Olman
5 in the back from the road commission. Road commission's one
6 of our partners that we do a lot of projects together, so
7 they're here to give testimony.

8 We have my staff. Josiah Timmermans is here. He's
9 my chief deputy. And then also Marie Snyder is my secretary.

10 Prein & Newhof, we have two of their engineers,
11 Lucas Timmer, Ken Bosma.

12 And, again, Dawn Houghton is our court reporter
13 today.

14 And we have our three Board of Determination
15 members. From right to left, we have Ken Souter. He's from
16 the road commission, 38 years experience, retired from there
17 now, but he was an engineer at the road commission. We have
18 Ken -- or Ken Souter.

19 Then we have Rich VanderKlok. He was from
20 Georgetown -- or he is from Georgetown. He was a board
21 member and retired from the board.

22 And then we have Josh Westgate, and he was the
23 supervisor in Wright Township, now the chief deputy
24 supervisor in Jamestown Township. But none of these
25 individuals live in the said district or in the township.

1 So at this time, we got everything, I think, and
2 there's nobody here from -- just for the record, Holland
3 Township usually has somebody here, but I believe they're out
4 of town or can't make it, so we don't have a representative
5 from Holland Township. But they've been fully supportive of
6 actually all of the BODs.

7 So, at this time, we'll go ahead and rise,
8 Gentlemen. Please raise your right hand.

9 Do you each solemnly swear that you will faithfully
10 perform and discharge the duties imposed upon you as required
11 by law as members of the Board of Determination, appointed by
12 the Ottawa County Water Resources Commissioner, to determine
13 the necessity to locate, establish, and construct the
14 proposed Red Maple Estates Drain located in Holland Charter
15 Township in said county; Gentlemen?

16 BOARD MEMBER KEN SOUTER: I will.

17 BOARD MEMBER JOSH WESTGATE: I do.

18 BOARD MEMBER RICH VANDER KLOK: I do. Thank you,
19 Joe.

20 Our first order of business would be the election
21 of a chairperson, so a motion would be in order.

22 BOARD MEMBER JOSH WESTGATE: I'll make a motion to
23 appoint Rich VanderKlok as chairperson.

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

25 BOARD MEMBER RICH VANDER KLOK: Motion made and

1 supported to appoint Rich VanderKlok as chair.

2 All those in favor, say "aye."

3 BOARD MEMBER JOSH WESTGATE: Aye.

4 BOARD MEMBER RICH VANDER KLOK: Aye.

5 BOARD MEMBER KEN SOUTER: Aye.

6 BOARD CHAIR RICH VANDER KLOK: That is carried.

7 And then the second item is to elect a secretary,

8 and I would make a motion that Josh Westgate serve as

9 secretary.

10 BOARD MEMBER KEN SOUTER: I second that motion.

11 BOARD CHAIR RICH VANDER KLOK: Motion made and

12 supported that Josh serve as secretary.

13 All those in favor, say aye.

14 BOARD MEMBER JOSH WESTGATE: Aye.

15 BOARD CHAIR RICH VANDER KLOK: Aye.

16 BOARD MEMBER KEN SOUTER: Aye.

17 BOARD CHAIR RICH VANDER KLOK: And that is also

18 carried.

19 And then I'd like to make a motion that the rules

20 of public comment, that there be a time limit of three

21 minutes for public comment, and I'll make that motion.

22 BOARD SECRETARY JOSH WESTGATE: I'll support that.

23 BOARD CHAIR RICH VANDER KLOK: Moved and supported

24 that public comment be limited to three minutes.

25 All those in favor, say aye.

1 BOARD SECRETARY JOSH WESTGATE: Aye.

2 BOARD CHAIR RICH VANDER KLOK: Aye.

3 BOARD MEMBER KEN SOUTER: Aye.

4 BOARD CHAIR RICH VANDER KLOK: And so with that,
5 we've had the outline of what the Board of Determination
6 does, the procedures, and so I'm going to turn it over to
7 Lucas from Prein & Newhof for our report.

8 ENGINEER LUCAS TIMMER: Thank you, Board.

9 Once again, my name is Lucas Timmer. I'm an
10 engineer with Prein & Newhof out of Holland. Today we're
11 presenting about the Red Maple Estates Drain.

12 So, the Red Maple Estates Drain is an orphan drain
13 system. This means it is an existing storm water drain
14 system that is without authorized local and county
15 governmental jurisdiction, and administrative, procedural and
16 funding mechanisms to address current or future needs for
17 maintenance and improvements.

18 This is a system, in a sense, that never got
19 established as a county drain. Typically, new neighborhoods
20 now, any sort of storm sewer system would go through that
21 process to become a county drain, but when this area was
22 developed, it did not go through that formal process.

23 Holland Charter Township filed a petition to
24 establish a drainage district on March 3, 2022, and we are
25 here today as part of that petition. The Drain Code requires

1 us to have this Board of Determination where then the people
2 in the proposed drainage district, the township, and the
3 county, and the county road commission then are notified of
4 this proposed county drain.

5 So, one of the first things that we did for Red
6 Maple Estates is we reviewed utility record drawings. So we
7 have record drawings for the sanitary sewer, water main, and
8 storm sewer for this neighborhood. We also have in the
9 record plans for how the road was laid out in the
10 neighborhood. And Red Maple Estates site condos, those
11 record plats that we had for that were from 2003 when that
12 site condo was established.

13 We then delineate a drainage district or a
14 watershed boundary using county one-foot GIS contour data and
15 aerials. Once we were able to delineate this watershed, we
16 then go out and visit the site to locate drain
17 infrastructure. This would be where catch basins, manholes
18 and outlets are located. And we also go to confirm that our
19 watershed delineation matches up with what we're visibly
20 seeing in the field.

21 So, here is the proposed drainage district.
22 There's also a map in the back you can look at where it's a
23 closer view. The red line here is the watershed boundary, so
24 the properties within this watershed are considered
25 contributing to the storm sewers through this system.

1 The blue line here is a storm sewer. It starts up
2 at Beeline Road and heads to the west towards the retention
3 pond. There's also a storm sewer system that is on Amur
4 Maple Lane that goes then through, I guess, probably some
5 form of back yard swale that ends up getting to the pond.

6 There's also drainage easements that were
7 established as part of the site condo located on the south
8 property lines and the north property lines of the homes on
9 Red Maple, and also a drainage easement running along the two
10 homes here where the storm sewer outlets into the pond.

11 So, following this presentation, we'll have an
12 opportunity for public testimony. The Board will then
13 determine if it's necessary -- necessity of the petition
14 based on health, welfare and/or convenience after hearing
15 testimony.

16 So, if it's deemed necessary by the Board for this
17 to become a county drain, then the existing system will
18 become a county drain. If deemed not necessary by the Board,
19 the system will remain an orphan system. That means no
20 governmental jurisdiction will be attached to that system.

21 So, if the drain is deemed necessary by the Board
22 and no drainage issues are brought up, which to our
23 knowledge, Joe's knowledge, and our knowledge, we're not
24 aware of any drainage issues, the plan is for Holland
25 Township, the county, and the road commission to cover all of

1 the costs to get this established as a county drain.

2 If we find there are drainage issues, or in the
3 future if we find out there are drainage issues, how the
4 process would begin is we would do a project design, begin an
5 easement acquisition, if necessary. Upon completion of
6 design, the project will be let out to contractors for public
7 bid.

8 After the project is bid, project costs are
9 determined. A Day of Review of apportionments will occur in
10 which the people within that drainage district, the township,
11 and the county would be aware of what their assessments would
12 be for that project.

13 Construction then would commence on the project,
14 and the cost of the project, then, would be assessed, like I
15 said, to Holland Township, Ottawa County, Ottawa County Road
16 Commission, and the parcels within the drainage district
17 boundary.

18 If drainage issues occur in the future, let's say
19 if it's a minor issue, and the project costs less than \$5,000
20 per mile of drain, the county can then just be called up and
21 maintain that drain without having to go through this
22 petition and Board of Determination process.

23 However, if a major project had to occur in the
24 future and there were major issues, a petition would be
25 needed, then, from either the property owners or the

1 township, and then there would be an additional Board of
2 Determination like today to inform the people within the
3 district of what's going on.

4 Like I said, assessments for all future projects
5 will be made to the county, the county road commission,
6 Holland Township, and property owners.

7 That's the end of my presentation.

8 BOARD CHAIR RICH VANDER KLOK: Okay. Thank you,
9 Lucas.

10 Does anyone, either Ken or Josh, have a question
11 for Lucas?

12 BOARD MEMBER KEN SOUTER: I always have a question.

13 ENGINEER LUCAS TIMMER: That's good.

14 BOARD CHAIR RICH VANDER KLOK: Good.

15 BOARD MEMBER KEN SOUTER: Okay. This particular
16 land, is this all in the Number 8 drainage, full drainage
17 district?

18 Two, is there any -- I see the pond here and the
19 Number 8 county drain is down in the corner here. Was there
20 any attempt -- I wonder if there was ever an attempt to
21 provide an overflow for that pond to the Number 8, or is this
22 just strictly a ponding area or tied into Sapphire Lake as an
23 overflow?

24 ENGINEER LUCAS TIMMER: I'll look to Ken for that
25 one.

1 ENGINEER KEN BOSMA: Yeah, I think back then when
2 this was developed, there wasn't a way to get to Drain Number
3 8, probably from a feasibility standpoint, so this right now
4 is all set up just as a straight retention pond.

5 BOARD MEMBER KEN SOUTER: Okay. Is Sapphire Lake
6 also in the Number 8 Drain?

7 ENGINEER KEN BOSMA: Yes, it is.

8 BOARD MEMBER KEN SOUTER: That total big district?

9 ENGINEER KEN BOSMA: Yes. Yes.

10 BOARD MEMBER KEN SOUTER: Okay.

11 BOARD CHAIR RICH VANDER KLOK: Josh, do you have
12 anything at this point?

13 BOARD SECRETARY JOSH WESTGATE: Not at this time.

14 BOARD CHAIR RICH VANDER KLOK: Okay. Then we'll
15 open it up for public testimony. And if you'd like to
16 address the Board, give us your name, your address, and
17 identify whether you live or have lands in the drainage
18 district. Would you like to --

19 AUDIENCE MEMBER: No, no questions.

20 BOARD CHAIR RICH VANDER KLOK: Okay. All right.
21 Then I move that our public comment time -- oh, Jerry, do you
22 want to? Sorry, Jerry.

23 ROAD COMMISSION JERRY OLMAN: No, that's all right.
24 Probably heard my spiel too many times already.

25 Yes, I'm not aware of any issues with the storm

1 sewer in Red Maple. It's all been functioning fine, as far
2 as I know. And the road commission is in favor of
3 establishing the district.

4 BOARD CHAIR RICH VANDER KLOK: Okay. Thank you,
5 Jerry.

6 BOARD MEMBER KEN SOUTER: Jerry, Red Maple is a
7 public road. Right?

8 ROAD COMMISSIONER JERRY OLMAN: Yeah.

9 BOARD MEMBER KEN SOUTER: Okay.

10 BOARD CHAIR RICH VANDER KLOK: Then I would move
11 that the public comment period be closed.

12 BOARD SECRETARY JOSH WESTGATE: I'll support that.

13 BOARD CHAIR RICH VANDER KLOK: Moved and supported
14 to close public comment.

15 All those in favor, say aye.

16 BOARD SECRETARY JOSH WESTGATE: Aye.

17 BOARD CHAIR RICH VANDER KLOK: Aye.

18 BOARD MEMBER KEN SOUTER: Aye.

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

20 And now, Board, Josh or Ken, do you have any other
21 comments regarding --

22 BOARD MEMBER KEN SOUTER: Go ahead, Josh.

23 BOARD SECRETARY JOSH WESTGATE: I guess like all
24 the other ones we've had today, this is a very
25 straight-forward, simple request here. It makes sense to

1 pull this into the county drainage system. If there ever
2 would be an issue here, it gives a lot of protection to the
3 home owners of the area so something could be repaired if
4 there would be an issue.

5 BOARD MEMBER KEN SOUTER: Totally agree with it.

6 BOARD CHAIR RICH VANDER KLOK: Okay. Then I would
7 make the motion that the location, establishment and
8 construction of the proposed Red Maple Estates Drain, as
9 petitioned on March 3, 2022, is necessary and conducive to
10 public health, convenience or welfare. I make that motion.

11 BOARD MEMBER KEN SOUTER: Support that motion.

12 BOARD CHAIR RICH VANDER KLOK: Motion is made and
13 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: Opposed, same.

19 That's carried.

20 Joe, did you want to say anything about the appeal?

21 WATER RESOURCES COMM. JOE BUSH: Yes. If anybody
22 wanted to appeal today's decision of the Board of
23 Determination, they can do that within ten days from today at
24 circuit court. So everybody has the right, if they feel that
25 they want to protest it, I guess you could say, you could

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actually appeal it at the circuit court.

And I appreciate you coming out this afternoon to hear what it's about. And if anybody has any further questions when they read the minutes later, or if anybody goes back and shares the information, these will be on our website in about six weeks, I would say. Usually they'll be on, and you can read them word for word. So thank you.

BOARD CHAIR RICH VANDER KLOK: Okay. Thanks, Joe. Then I would declare our meeting adjourned.

Thank you. Thanks for coming.

(Board of Determination adjourned at 2:17 p.m.)

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