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STATE OF MICHIGAN

COUNTY OF OTTAWA

IN RE: SPRING GROVE FARMS DRAIN

BOARD OF DETERMINATION

Proceedings commenced at 4:00 p.m., on Wednesday,
June 7, 2023, at the Jamestown Township Offices, 2380 Riley
Street, Hudsonville, Michigan, held before Marjorie A. Covey,
CSR-2616, Certified Shorthand Reporter, RPR and Notary
Public.

APPEARANCES:

Mr. Joe Bush, Ottawa County Water Resources Commissioner
Mr. Shaun McLarty, Chief Deputy
Ms. Marie Snyder, Secretary

Mr. Rich VanderKlok, Board Chairman
Mr. Ken Souter, Board Secretary
Mr. Todd Wolters, Board Member

Mr. Paul Forton, P.E., Spicer Group
Mr. Noah M. Szott, P.E., Spicer Group

Mr. Josh Westgate, Jamestown Township Deputy Supervisor

Mr. Jerry Olman, Ottawa County Road Commission

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Hudsonville, Michigan

June 7, 2023 - 4:00 p.m.

PROCEEDINGS

WATER RESOURCES COMM. JOE BUSH: Well, good evening everyone. My name is Joe Bush, the Ottawa County Water Resources Commissioner, also known in the past as the Drain Commissioner. The name changed back in 2012, but the office and our job responsibilities are the same.

So I'm one of the countywide elected officials. I got the whole county, and we deal with drainage. So here you are.

So welcome to Jamestown at 4 o'clock. We do appreciate everybody showing up, taking the time out of their schedule to come and give public testimony, if you want. That's why we hold these, because what we ended up having was a petition from the people for improvements over on the Spring Grove Farms Drain.

So one of the things that -- we did go out and look at it and looked at some maintenance opportunities. We put it out for bid with one of my staff members. And what we found out was the cost to repair was, what was potentially needed, was more than what is allowed me to spend in Drain Code.

And in Drain Code, I'm only allowed to spend \$5,000 per mile, per year, per drain. When I say that 5,000 per

1 mile, that's accessible dollars. That's not like the
2 township, or the county, or the road commission, or MDOT,
3 anybody else has money. That means that per Drain Code, I'm
4 only allowed to spend assessable dollars to assess back.

5 The township could pay for it a hundred percent,
6 but that's how we pay for drain projects. So anything beyond
7 that requires a petition.

8 So that's why we're here today, because we received
9 a notice, because we had property owners sign a petition to
10 give public testimony to talk about the issues and backyard
11 drainage over in Spring Grove Farms.

12 So our first step is, again, to be here. And when
13 you're here, please speak loudly, and name, address, and your
14 concern. Even if you're for it, or against it, or you have a
15 problem, or you don't, and you just want to talk, this is the
16 people's time to talk.

17 And everything is court recorded. I record all of
18 this. It's not required by law. I've been doing it for the
19 last ten years, which works out pretty well because over time
20 we forget what we said or who said it, when did they say it.
21 Because in time, we forget.

22 But Margie has been a court reporter for us for the
23 last ten years. And they're always posted online, they're
24 posted on miottawa.org. Go under Water Resources
25 Commissioner, find projects, petition. And it takes her

1 about four to six weeks to get back to us. And then we post
2 them on our website.

3 That way everybody knows what was said. It's not
4 somebody's what did they think they heard, or what do they
5 think they said. Everything is court recorded. So when you
6 do speak, if you speak, no pressure, but if you do, speak
7 loudly so she can hear you, and get your name and address and
8 your concern. That's why we're here today.

9 Once we receive the petition in my department, I
10 appoint three people who are not affiliated with Jamestown
11 Township board, or the road commission, or anything. They
12 don't have properties in the drain district.

13 And typically, this is all through state law and
14 Drain Code that, when I appoint three people, they have to
15 have experience in drain law, which is drain codes; drainage,
16 because that's why we're here today; and kind of how the
17 process works with construction, and listening. And they're
18 typically a past board member from another township, or we
19 have a few here today, or one here today that was at the road
20 commission for nearly 40 years, he's retired. But he was an
21 engineer there at the road commission for, again, almost 40
22 years.

23 Right, Ken.

24 BOARD MEMBER KEN SOUTER: Yes.

25 WATER RESOURCES COMM. JOE BUSH: So they understand

1 drainage, they understand what their job is here today, which
2 is not to come up with a scope, not to come up with a
3 project. It's either to say, yes, Joe, you should move
4 forward; or, no, we don't deem it necessary. This is a Board
5 of Determination, it's a Board of Determination of a project.

6 So it's not a cost, it's not what is this going to
7 be on my assessment, or who is paying for it. We don't know
8 any of that yet.

9 This is the first step. So when we do, again, I
10 appoint three people, and I'll do introductions.

11 On my far right is Ken Souter, he's from Port
12 Sheldon Township, but again he worked for the road commission
13 as an engineer for nearly 40 years.

14 Then we have, to our far left, that's Todd Wolters.
15 He was a supervisor in Olive Township for a number of years.

16 How many years were you in Olive?

17 BOARD MEMBER TODD WOLTERS: For 22 on the board,
18 and 16 on the --

19 WATER RESOURCES COMM. JOE BUSH: For 22 in Olive
20 Township.

21 And then we have Rich, and Rich VanderKlok was from
22 Georgetown Township, past board member there.

23 So when I appoint people, I appoint people who
24 understand why we're here today and the purpose.

25 After we get the Board of Determination setup, we

1 hold a meeting, I appoint three gentlemen, we get a court
2 reporter.

3 Something else we do is hire Spicer Group to do a
4 preliminary. This is just an overall, what they saw out in
5 the field. I think some of you might have met Paul Forton or
6 Noah from Spicer Group.

7 They went out, and they're going to do a
8 presentation and kind of go and see what they saw, maybe have
9 a few comments from some of you folks who they might have
10 spoke with in the field.

11 Just so you know, these three gentlemen have never
12 spoke to the engineers, nor do these three gentlemen even
13 know what we're talking about today, because that's not our
14 job to tell them. They're here to listen to you folks
15 showing up, not me or them.

16 All we do is say, hey, can you make this date at
17 the township for a Board of Determination. And that's,
18 they're here again, to hear you folks, not the presentation,
19 nor me. I don't make the decision. I have no say in this at
20 all.

21 But I know we've been out there before with my
22 staff. Some of you might have met my staff out there in the
23 field, because I know they've been there a couple times.

24 And, again, it seems like maybe there was a
25 project. If there was -- we put it out for bid and the cost

1 came back way too much for drain maintenance. And that's
2 where I felt the petition was necessary and maybe an overview
3 with the engineering firm.

4 We got a lot of different phases. We got this all
5 over the county. You got phase one, two, three, different
6 builders, different developers, a lot of moving parts when
7 you have growth and you have different spaces of
8 subdivisions.

9 So I want to hear everybody's voice today, if you
10 have something to say about what's going on out there.

11 We also have Jerry Olman here today. He is from
12 the road commission. He is their drain guy from their side.
13 He's the environmental coordinator.

14 We also have my secretary, Marie, a lot of you may
15 have spoke with her on the phone. And then we have my Chief
16 Deputy Shaun is over there as well.

17 And we have Josh Westgate. He is the deputy
18 supervisor of Jamestown. So he's here to let us in and open
19 up the facility.

20 Thanks for opening it up and allowing us to have
21 this meeting. Thanks, Josh.

22 And I think I got everybody.

23 How this works is once I give these three gentlemen
24 the oath, I am going to sit down and they're going to run the
25 meeting. They'll pick a chair, secretary, and go through

1 kind of how the meeting is going to go.

2 And everybody has an agenda, so that's how we'll
3 just roll down the agenda. They'll give a presentation and
4 then it will be time for public comment.

5 But I do want to stress the fact that I appreciate
6 your time being here. And please, if you got a concern, be
7 sure to speak up. That's what we're here for. Don't be
8 afraid. Thank you, again.

9 Gentlemen, please rise. Raise your right hand.

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

17 BOARD MEMBER TODD WOLTERS: I do.

18 BOARD MEMBER KEN SOUTER: I will.

19 BOARD MEMBER KEN VANDERKLOK: I will.

20 WATER RESOURCES COMM. JOE BUSH: Thank you.

21 BOARD MEMBER RICH VANDERKLOK: Our first item of
22 business is to elect a chairperson. And so a motion would be
23 in order for that.

24 BOARD MEMBER TODD WOLTERS: I'll make a motion for
25 Rich.

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

2 BOARD MEMBER RICH VANDERKLOK: Motion is made and
3 supported that Rich serve as the chairperson.

4 All those in favor, say aye.

5 BOARD MEMBER KEN SOUTER: Aye.

6 BOARD MEMBER RICH VANDERKLOK: Aye.

7 BOARD MEMBER KEN WOLTERS: Aye.

8 BOARD MEMBER RICH VANDERKLOK: Those opposed?

9 That's carried.

10 And then we need the election of a secretary. And
11 I would move that Ken be our secretary.

12 BOARD MEMBER TODD WOLTERS: Support.

13 BOARD CHAIR RICH VANDERKLOK: Moved and supported
14 that Ken Souter serve as our secretary.

15 All those in favor, say aye.

16 BOARD MEMBER KEN SOUTER: Aye.

17 BOARD CHAIR RICH VANDERKLOK: Aye.

18 BOARD MEMBER KEN WOLTERS: Aye.

19 BOARD CHAIR RICH VANDERKLOK: Those opposed?

20 That's carried.

21 Then the next is a motion for public comment, and I
22 would make a motion that we limit our public comment to three
23 minutes per speaker.

24 And is that seconded?

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

1 BOARD MEMBER TODD WOLTERS: Support.

2 BOARD CHAIR RICH VANDERKLOK: All those in favor,
3 say aye.

4 BOARD SECRETARY KEN SOUTER: Aye.

5 BOARD CHAIR RICH VANDERKLOK: Aye.

6 BOARD MEMBER KEN WOLTERS: Aye.

7 BOARD CHAIR RICH VANDERKLOK: It's carried.

8 So our public comment will be, when we get to that
9 point in our meeting, I'll just ask you to indicate your
10 name, and your address, and then you may speak to us as you
11 would like.

12 We've already talked about the roles and function
13 of the board, and procedure that we follow.

14 And our next item on the agenda will be the
15 engineer's presentation. So, Paul, I'll turn it over to you.

16 ENGINEER PAUL FORTON: You bet, thanks, Rich.

17 So my name is Paul Forton. I work for Spicer
18 Group. We're an engineering firm based out of Byron Center,
19 and Noah is here with me from our staff as well.

20 And as Joe alluded to earlier, we have done a
21 visual inspection of the drain, at least in the area where
22 there were complaints that have been received from the drain
23 office. We did that last week.

24 We always try to do it somewhat close to the day,
25 to a day like this so the conditions are fresh, so we have

1 some photos of that. I think everybody knows it's been
2 extremely dry lately. And so when we see petitions like this
3 complaining about flooding, we keep that in mind as you see
4 our photos, it's been exceptionally dry.

5 So going onto the next slide, we're going to talk a
6 little bit about the location. I'm assuming most of you
7 folks live there, but as Joe mentioned, the Board members
8 don't know what we're talking about or where we are.

9 So we'll talk about location, give a little
10 background and history. We'll talk about a drainage district
11 boundary and why that's important. We'll talk about the site
12 conditions that we saw from our inspection.

13 We also have a few photos that were sent to us from
14 land owners that we can show, we can get it into the record.
15 And then at that time we can take any questions from the
16 board at that time.

17 Generally speaking, we're presenting to the Board,
18 but many times, if there are questions from the public, we
19 can help address those, Board, if you'd like.

20 So moving on, I'll turn it over to Noah to describe
21 where we are.

22 ENGINEER NOAH SZOTT: So like Paul said, you guys
23 are all familiar because you live there. But for the Board's
24 reference, we're south of 196, north of Quincy Street and
25 just west of 22nd avenue.

1 So the background and history of this drain, it had
2 been established in phases through a 433 Agreement. And
3 that's Drain Code speak for essentially a developer will
4 develop a neighborhood, and they will pay to install all the
5 infrastructure. And then when it's installed, they will sign
6 an agreement with Joe, and Joe will take over jurisdiction of
7 the storm sewer that they install.

8 And so as the drainage district has been getting
9 bigger through the phases of development, it's now about 82
10 acres. There is 141 parcels in the district. It is 14,600
11 feet long. And that gets to Joe's comment about maintenance
12 miles.

13 So we round up in the drain world, so there is
14 three miles of maintenance budget that Joe has that he can
15 annually spend \$15,000 on maintenance, if necessary.

16 And so the quotes we got back earlier for
17 maintenance were above the \$15,000. So Joe couldn't do that
18 work with his budget.

19 ENGINEER PAUL FORTON: On that note, I want to just
20 add for the Board's benefit because, I've worked with several
21 of you before on different boards, this is not a three-four
22 petition for a new drain.

23 Again, as Noah mentioned, this is an existing
24 county drain. It's completely a storm sewer network, aside
25 from some basins for storage and outlet. But again, keep

1 that in mind, it's currently an existing system that you're
2 going to see photos of in a little bit.

3 ENGINEER NOAH SZOTT: And since this was developed
4 at a neighborhood, the land use is completely residential.

5 So here is a photo of the watershed boundary, it's
6 the red line outlining the neighborhood. As you can see,
7 it's been developed in phases in the aerial. There is not
8 even houses built on some of the parcels because it's still
9 currently being developed.

10 Now, the next slide shows elevation data, with that
11 same district. The white is kind of the higher areas, and
12 the green to blue is the lower areas.

13 So typically, we like to have the drainage
14 districts match the watershed and match the topography. But
15 a lot of times, when developers develop drains in districts,
16 they just set the boundary to be the edge of the
17 neighborhood.

18 And so if we were to do a project, we would
19 probably update the boundary to more accurately reflect the
20 lay of the land. But as it sits, the boundary is just this
21 red box.

22 ENGINEER PAUL FORTON: Now, as engineers, we really
23 appreciate a watershed boundary. Everything we do is based
24 on that topography, how much water hits the surface of the
25 land, how much of that runs off, how big does the pipe need

1 to be so roads don't flood, and so on and so forth, which
2 doesn't really mean a lot to you unless you're flooding.

3 But where the rubber does meet the road here, as
4 Joe Bush mentioned, and this is an important part of this
5 process, who pays? Who is going to pay for any work, who
6 pays for the maintenance and that sort of thing.

7 And that's very important for you as residents to
8 understand because Joe alluded to this, but it's a little
9 bit easier to see on a map. There will be some benefit to
10 the county because of the drainage for the county roads, so
11 the county road commission does -- or the county pays a
12 portion.

13 The township would be paying a portion as well,
14 because they have a tax base from these parcels, and
15 improvements here would then allow the township to get drawn
16 in as what we call an at-large assessment.

17 But then the remainder of the assessment, or the
18 cost, is spread out typically to the watershed boundary, or
19 drainage district boundary.

20 So right now, again as Noah mentioned through the
21 433 Agreements, everybody inside of that red line would have
22 a portion of the cost. And we don't need to dive into all of
23 the details of that, but typically it's based on how many
24 acres you own, derived benefits from any improvements that
25 are done and so and so forth.

1 We could spend a lot of time diving into the
2 details of that, I don't think we need to at this point, but
3 I want folks to understand that if it is found necessary, and
4 a project does happen, the remainder of the cost, or the
5 balance of the cost, after the county and the township pays,
6 does fall back on the residents.

7 ENGINEER NOAH SZOTT: So this next area, the yellow
8 circle shows where the Water Resources Commission has
9 received complaints. So that's where we focused our
10 inspection. We didn't look at the other portions of the
11 drain.

12 So if you live on those portions, and there are
13 issues, feel free to speak during public comment. We just
14 didn't want to spend the time looking at it if there were no
15 known issues in that area.

16 Again, we can't -- or the Board can't determine if
17 a project is necessary if there is a problem that they don't
18 know about. So if there is a problem on those portions of
19 drain, the only way they will know that is through public
20 comment.

21 So now we're going to go through photos that we
22 took during the inspection, and we'll start at the downstream
23 end and work upstream.

24 So this is the flared-end section that is the
25 outlet to the detention basin at the very downstream end.

1 Typically, we would like to see some of that vegetation
2 cleared away. But overall, the vegetation wasn't really
3 blocking the flow. If we were to do a project, we'd probably
4 clear a little bit of it away to help with the flow.

5 This is the overflow structure in that detention
6 basin. You can see the metal grate. Again, it's surrounded
7 by vegetation. There is some woody shrubs that we'd probably
8 like to remove. But in general, the vegetation wasn't
9 hampering flow that much.

10 BOARD CHAIR RICH VANDERKLOK: Noah, I think Ken may
11 have a question.

12 BOARD SECRETARY KEN SOUTER: Can we start out,
13 point me a little bit on where we are? You talk about the
14 detention basin, you're talking about the flow. I have no
15 idea where we're talking.

16 ENGINEER PAUL FORTON: You don't have the whole
17 county memorized yet, Ken?

18 ENGINEER NOAH SZOTT: So there is a detention basin
19 in this area (indicating), and it outlets to the north.

20 BOARD SECRETARY KEN SOUTER: So the outlet is the
21 north into a county drain?

22 ENGINEER NOAH SZOTT: A natural watercourse.

23 BOARD SECRETARY KEN SOUTER: A natural watercourse.

24 Okay.

25 ENGINEER NOAH SZOTT: And then all the photos will

1 be on -- well the detention basin and then storm sewer
2 working up the rear lots.

3 BOARD SECRETARY KEN SOUTER: Okay. That helps.

4 ENGINEER NOAH SZOTT: So this is the overflow
5 structure. We'd like to remove the woody vegetation, but in
6 general, the flow was still able to pass through.

7 This is looking down into the grate. There is a
8 six-inch or eight-inch PVC pipe coming into this structure,
9 and then a 24-inch concrete pipe going out of this structure.

10 So I believe it was designed that way to hold water
11 in the basin and release it at a controlled rate.

12 ENGINEER PAUL FORTON: And that's typically a
13 requirement, for those that aren't used to residential
14 developments. When you take a farm field, or an undeveloped
15 area, and you put homes on it, you increase the impervious
16 area. So therefore you have more runoff of water from the
17 land.

18 And the requirements typically for a residential
19 area like this would be to restrict the flow back to the
20 preexisting conditions before the development. So that's
21 why you see that smaller pipe letting water out of that
22 basin.

23 So during a storm event, if you don't live in or
24 around that basin, and you don't see it every time it rains,
25 when rain water enters that during a heavy storm, water will

1 come up, it's stored there, and then released slowly so that
2 areas downstream don't basically get washed out by the heavy
3 flow created by the development.

4 Just a little bit of background information so
5 there is a little bit higher understanding.

6 ENGINEER NOAH SZOTT: This is the flared-end
7 section outletting from the storm sewer into the detention
8 basin.

9 So, again, there is the woody debris, there is
10 cottonwoods and then a root wad from a previous cottonwood
11 right in front of that flared-end section blocking probably a
12 third of the capacity of the pipe.

13 So if we were to do a project, we'd like to remove
14 that woody debris so everything is free flowing into the
15 basin.

16 This next photo is from the top of the berm, so
17 those cottonwoods in the center of the photo are surrounding
18 the flared end that we were just looking at. So again, we'd
19 like to remove that from in front of the basin.

20 So working upstream, this is a storm sewer cover in
21 the easement. It's a flat grate, which is convenient to mow
22 around, but it isn't always the best for water flowing into,
23 because it can sometimes have smaller open area. And we'll
24 see in a later photo they get plugged with debris quite
25 easily.

1 It's hard to tell from this photo because it's hard
2 to take a picture of water and make it seen on the grass
3 background. But this is saturated ground and a little bit of
4 standing water above the drain in the drainage easement.

5 This again, this is looking over the pipe in the
6 drainage easement. There is vegetation, long grass where
7 it's too wet to mow. So its just kind of grows in the
8 drainage easement because you can't mow it without sinking
9 into the ground.

10 This is another storm cover. As I said earlier,
11 they get covered with debris. This one when we saw it was
12 completely covered in leaves. So when we were there we
13 brushed the leaves way to open up the grate so water could
14 more easily flow through.

15 Another photo of a storm sewer inlet. Again, it's
16 a flat cover, and grass is grown up around it. And then
17 there is trees and stuff in the drain right-of-way, and a
18 little bit of uneven grading because I believe it was
19 developed in different phases. So it wasn't all graded at
20 the same time. So it's sometimes hard to make one continuous
21 swale.

22 This is that same storm sewer inlet, but looking
23 upstream at the drain right-of-way. You can kind of see
24 there is a little bit of a swale, but it's hard to see in the
25 photo because it just looks like grass.

1 Another flat storm sewer inlet, and then vegetation
2 downstream where it was too wet to mow.

3 BOARD MEMBER TODD WOLTERS: Are most of these
4 inlets in that same yellow area?

5 ENGINEER NOAH SZOTT: Yep, it's that same strip of
6 storm sewer going up the rear lots.

7 And this is, I believe, the last photo from our
8 inspection looking upstream towards the road crossing. That
9 wad or clump of vegetation is actually cattails growing in
10 the drain easement. So clearly there is evidence that it is
11 wet to sustain cattail growth.

12 This is a photo we received from a landowner. It's
13 slightly hard to see, but the white kind of reflection area
14 beyond the play set is ponding water that happened, took
15 place after a light rain.

16 And then the cattails on the left, the brown
17 cattails at this point, that is the same clump of cattails
18 from the previous photo.

19 And this is a photo we also received from a
20 landowner. It's a pipe outlet from their neighbor. It's a
21 four-inch black plastic tile, presumably coming from
22 downspout gutters.

23 And when we did our inspection, there is a couple
24 different downspout gutter types that we saw. These
25 outletted to the open air. They were pop-up drains. And

1 then there were some that were completely underground tying
2 into the drain. So just different ways that different houses
3 and different builders tied the roof drainage into the drain.

4 Again, this is a zoom in of that same pipe outlet.

5 This is a photo, there is silt fence left over from
6 a phase of development that never got taken out.

7 And then a photo of a shed with a cracked
8 foundation. Another -- a different perspective from the
9 cracks in the shed foundation.

10 ENGINEER PAUL FORTON: So moving on, the next
11 steps, as we moved forward here, if the Board decides that a
12 project is not necessary, then there can really be -- and
13 that means there is no petition project or no large scale
14 project. That still leaves the opportunity to do
15 maintenance, if needed, and wherever needed, in the
16 watershed.

17 Also, though, if the Board says no tonight, then a
18 new petition can't be received by the Water Resources
19 Commissioner for one year, and this is just Drain Code law.
20 It's basically the law that the drain commissioners have to
21 follow across the state.

22 Moving onto if it is found necessary, it would lead
23 into a survey, engineering, final design, what the solution
24 would look like, potentially property acquisitions or
25 easements, which here I think we're pretty covered on

1 easements.

2 I don't foresee any need for permitting for what
3 we've seen so far. Then that leads to permitting and day of
4 review, and potentially construction.

5 A lot of people ask, well how long does this
6 process take? Honestly, it kind of depends on which steps.
7 If we don't need a permit, that saves a lot of time, because
8 then we don't need to involve the state.

9 But realistically speaking, six to nine months
10 would be on a fast track. So this isn't going to happen
11 overnight. So if you're sitting here and you have a problem
12 and you think, man, if they find it necessary, we're going to
13 be great by August, dream on.

14 The bidding process per the law itself takes almost
15 three months to get through. Okay? We're working at the
16 speed of government, there are rules we need to follow, and
17 we need to be transparent and things like that. So just to
18 make sure that everybody is on the same page.

19 So a quick little summary of our inspection and
20 what we saw as far as deficiencies, honestly, from a county
21 drain standpoint, not that bad. There is some woody debris,
22 as Noah pointed out. There is a flared-end section that has
23 a little root growing on the end of it, we can knock that
24 out. If you're in there, again, we'd like to remove the
25 woody debris around the outlet structure, maybe check that

1 inlet plate, make sure that's functioning properly.

2 Really the core issue seems to be that the
3 downspout gutters all go back to the rear lots. And I don't
4 know if you can -- if you picture, if you're standing on the
5 road and you look north, you have houses on both sides of
6 that storm sewer, they all have roof drainage and what not
7 coming to that rear lot where the storm sewer is. But
8 because it was developed in phases, none of the builders had
9 a chance to really set up positive drainage all the way
10 across the top of the storm sewer.

11 So what you see is, look, just even little high
12 points, even if it's several inches, if you get rain, that
13 water can't flow. So it comes off quickly off the roofs,
14 comes to the rear lots, and then hopefully gets into the
15 system if the inlets aren't plugged.

16 So certainly there are some efficiencies that we
17 could, as Noah mentioned, if you go from a flat top to a dome
18 lid and different things that are more maintenance free, but
19 they are a bigger challenge to mow around, so those do pose
20 issues.

21 But in general, it's not in terrible shape. And a
22 lot of the issues, again, stem from downspout gutters coming
23 down and water getting away.

24 Now, that being said, we don't live there. I don't
25 live in your neighborhood. We don't see it every day. This

1 is a very quick inspection. We just do a very quick visual,
2 take a look at it, look at where the complaints were.

3 As Joe, or Noah, mentioned earlier, if you live in
4 a different part of the red zone that's not in the yellow,
5 highlighted circle, and you got issues, we haven't even
6 looked. So please use public comment as a chance to talk
7 about those.

8 If you've lived in the system and you don't think
9 there is a problem, the Board would love to hear that.

10 They're only going to base their decision on the
11 information that they hear tonight. So please feel free,
12 this is your meeting, when we get the public comment.

13 I'm going to throw up one question right off the
14 bat and that is how much is this going to cost? We don't
15 know yet. We're expensive. We're private consultants, we
16 have hourly rates. And the way the law is written is for a
17 very brief inspection to kind of kick things off.

18 I know everybody in the room wants to know how much
19 this is going to cost, I have one lot or two lots, whatever
20 the case may be. And we don't know.

21 You don't want to pay us, at this point in the
22 process, to send a survey crew out to shoot this. And then
23 we got to pay a drafter to put it on plans. And then we got
24 to engineer the design after existing.

25 So this whole process is a little bit screwy. And

1 I know that frustrates a lot of people. You can't even tell
2 me how much this is going to cost yet?

3 No, not yet. We don't have enough information.

4 So, as engineers, we need to gather information for
5 the next step. And, again, if it's found necessary, we can
6 do that.

7 If, Board, you hear the testimony of the public and
8 the pictures that we've seen, if you don't think a large
9 petition project is necessary, maybe solutions can be
10 implemented under maintenance, but the reason that it is
11 setup this way so there is not five figures worth of costs
12 racked to get to this point, and have the Board say no.

13 I know that's frustrating, but we have to work with
14 the law we're given, and a spade is a spade.

15 So other than that, Noah, I don't know if you have
16 any other comments as we wrap up, or have we touched on
17 everything?

18 ENGINEER NOAH SZOTT: I'm good on my end.

19 ENGINEER PAUL FORTON: I think I'm good as well.

20 So, Board, do you have any questions at this point?

21 BOARD SECRETARY KEN SOUTER: Yeah, I'm confused.

22 It looks like everything you've shown us is all
23 backyard drainage.

24 ENGINEER PAUL FORTON: Yes.

25 BOARD SECRETARY KEN SOUTER: And there is a storm

1 sewer that goes through that backyard and goes into the
2 ponding area. The streets that are there, do they go through
3 the backyard drains, or do they, the streets outlet at the
4 pond?

5 ENGINEER PAUL FORTON: Great question. So yes and
6 no. So some of the streets, there are catch basins in the
7 road right-of-way that do drain through this pipe to get to
8 the basin. Not all of them go through this basin, but, yes,
9 there are road basins and road drainage that does utilize
10 this system.

11 And one of the things that I'm hoping maybe we can
12 pick up from public comment, it's very difficult to tell if
13 you have flooding in your backyard, was the inlet sealed with
14 a Meijer bag and a couple leaves, or was the water not able
15 to get to the pipe because maybe the pipe is not big enough.

16 So from the public comment that I've heard so far,
17 from the different folks I've talked to, I can't ascertain
18 that yet, and that's a pretty important question. Because if
19 the pipe is not big enough, that's a different problem than
20 the water just can't get into the pipe.

21 Totally two different solutions and order of
22 magnitude and cost.

23 BOARD SECRETARY KEN SOUTER: So is there any
24 indication how high the water gets in the pond? Was there
25 any indication that you could see out in the field?

1 ENGINEER PAUL FORTON: No field indicators, again,
2 because it's been so dry. But in talking with landowners, it
3 has filled up in the past, which it's supposed to. If we get
4 a huge rain, that pond is designed and built by an engineer,
5 not us, we didn't do this plat or development, but if you see
6 that pond full, that's not a problem, it's a good thing.
7 It's storing that water.

8 We got brought in a month or two ago, and we
9 haven't had a drop of water in weeks, it seems. But in
10 talking to landowners that live in and near the basin, not in
11 the, but near the basin, it has filled up in the past. And
12 it has filled up more routinely, as more of the phases have
13 been developed. If that makes sense.

14 BOARD SECRETARY KEN SOUTER: It makes sense.

15 ENGINEER PAUL FORTON: Which it does, as the area
16 gets developed, you have more runoff, it will fill up faster
17 and more frequently.

18 ENGINEER NOAH SZOTT: But we also heard that the
19 pond never filled up to a point where it spilled in the
20 overflow spillway. It always remained below that level.

21 BOARD SECRETARY KEN SOUTER: So it's working.

22 ENGINEER PAUL FORTON: It does seem to be working,
23 yes.

24 BOARD MEMBER TODD WOLTERS: Have we had any
25 indication of any gurgling and stuff on the manholes and

1 stuff at this point?

2 ENGINEER PAUL FORTON: Again, not that I heard.

3 BOARD MEMBER TODD WOLTERS: If there is testimony,
4 that would be nice to know.

5 ENGINEER PAUL FORTON: Right. Is the water
6 swirling? Is the water coming up out of the manhole? That's
7 probably one of the best ways to describe it, if you're
8 standing there, is it Old Faithful and water is blowing out?
9 Have any of those lids been physically pushed off by the
10 water pressure and pushed to the side?

11 Or is it, hey, we've got standing water but it's
12 gone in 24 hours.

13 That's some of the questions I've hoping to hear
14 more of in public comment.

15 BOARD CHAIR RICH VANDERKLOK: Okay. Any other
16 questions?

17 Now we'll open up for public comment. But before
18 we ask any of you to speak, Jerry from the road commission is
19 here.

20 Jerry, do you have any comments that you want to
21 make?

22 ROAD COMM. JERRY OLMAN: I'm Jerry Olman with
23 Ottawa County Road Commission.

24 I'm not aware of any drainage issues in the road
25 right-of-way. So with that I'll --

1 BOARD CHAIR RICH VANDERKLOK: Thank you, Jerry.

2 So if you would like to make a public comment,
3 please come to the podium, state your name, and your address,
4 and you have three minutes.

5 I will start right in the front here, if any of you
6 would like to --

7 STOSIJA FEDEWA: I guess I'll go first.

8 My name is Stosija Fedewa. My address is 4195
9 Springside Drive.

10 And I actually started reaching out to Allen Edwin
11 prior to July of 2021. So I noticed issues as the homes
12 behind me were coming in. I even currently have standing
13 water behind my house.

14 You've seen pictures, one of the picture was my
15 home, by the backyard of my home behind my shed.

16 The water back there builds up to where it's
17 actually, when we have a rain, it's actually pouring in the
18 front of my shed, and it's not draining.

19 As for -- I just watched it progress. So years
20 ago, at this point, probably 10 plus years ago, we actually
21 had issues behind my shed to the left, where we almost had
22 like a pool. And the developer came in, corrected the issue,
23 and we haven't had issues until the homes behind us came in.

24 Even if we have a light rain, I have standing
25 water. It doesn't seem to dry very quickly. As it's been

1 said already, with it being so dry, it's hard to see now.

2 But really, when it rains, I have standing water there for
3 days.

4 There is a section of my yard I haven't been able
5 to mow in two years. At this point you can barely walk
6 there, you still sink in. And with how dry it is, it should,
7 ideally you would think it would dry up.

8 So I know that I have a personal issue and that's
9 my French drain has failed, so I will correct that. But I
10 can't correct the issues at the back of the lot.

11 So -- sorry. So I have actually talked to Allen
12 Edwin. I've talked to the township. I actually started the
13 petition. And so I've met with, it was Chris Machiela from
14 Ottawa County had came out before and I spoke with him. And
15 from that he actually said the grading wasn't done properly.
16 There is stuff that essentially could benefit the water flow
17 more efficiently.

18 My biggest complaint is there is standing water
19 constantly in the back of my lot. I walk behind my shed and
20 you can hear the water.

21 BOARD MEMBER TODD WOLTERS: When you have the
22 standing water, are the drains, basically the drain grates
23 dry already, and you still have standing water, so you still
24 have the low spot before the drain?

25 STOSIJA FEDEWA: Yes. Yes.

1 BOARD MEMBER TODD WOLTERS: Okay, thanks.

2 STOSIJA FEDEWA: Even if you were to go out there
3 today, you can step behind my shed and you can hear the water
4 and you sink right in. And the drain is completely dry on
5 the other side.

6 Actually I have a drain on both sides of my home
7 kind of near the property lines, and they're both totally
8 dry, but I still have standing water.

9 So I don't have the cracking in my shed yet, but
10 that is a concern of mine because the water does buildup
11 enough to where the water is still standing and not draining
12 properly.

13 I noticed there is little areas that are washed out
14 on the back of my lot, that actually need to be filled in at
15 this point.

16 BOARD CHAIR RICH VANDERKLOK: Anything else?

17 STOSIJA FEDEWA: I was reviewing really quickly. I
18 have lots more, but it will go beyond three minutes.

19 BOARD CHAIR RICH VANDERKLOK: Thank you.

20 Next in the front row?

21 MATTHEW LARSON: My name is Matthew Larson. I live
22 at 4207 Springside Drive. I'm actually Stosija's neighbor.

23 We moved in in August of 2021. We purchased the
24 home. Upon purchasing, very dry climate that summer, but by
25 about October of that year we had standing water in almost

1 the entirety, probably the back third of the entire lot.

2 Currently, we will have standing water, and similar
3 to Stosija, the drain is just completely dry. So it just
4 pools up down there.

5 And last year we had standing water all the way
6 until, I believe June 21st was the last day that I was taking
7 pictures and walking and sloshing around in it.

8 A lot of the pictures you saw, or the evidence kind
9 of given, you'll notice the drains, you'll notice the drain
10 tiles coming up above that kind of come out into the gully,
11 or the area where it's supposed to drain to the north.

12 ENGINEER PAUL FORTON: Just to clarify, we can't
13 use a laser on the TV screen, sorry, but let me get my
14 bearings. Springhill is here (indicating), Springside is
15 here (indicating) and if I'm not mistaken, you're in this
16 zone, right?

17 MATTHEW LARSON: Right.

18 ENGINEER PAUL FORTON: Okay. So right in here in
19 the storm sewer section here, which is the one that we had
20 photos over for both of you guys.

21 MATTHEW LARSON: What you also noticed in the
22 photos is just all the play sets in every single one of these
23 neighborhoods because there is kids in pretty much every
24 single house. I have a two-year-old and six-year-old who
25 would love to play in the backyard all spring long, and they

1 can't go out there until June after the snow melts, because
2 it's just a muddy, mucky mess.

3 That's really all the evidence I have to share with
4 you. Just the drain is not working. It's completely dry
5 year round, and the yards are swamped.

6 BOARD CHAIR RICH VANDERKLOK: Okay, thank you.
7 You're with him?

8 Okay. Then let's start in the next row. The
9 gentleman with the hat.

10 UNIDENTIFIED SPEAKER: I'm just here to listen.

11 BOARD CHAIR RICH VANDERKLOK: Okay. We'll go to
12 the next. If you'd come up here please.

13 JACKIE McFARLANE: Can I just point where -- so we
14 are, the one where there is a lot of -- right there. So
15 we're on Springhill.

16 ENGINEER PAUL FORTON: Springhill.

17 JACKIE McFARLANE: So when it was yellow, circled
18 yellow.

19 BOARD CHAIR RICH VANDERKLOK: Okay. If you'd give
20 us your name and address please.

21 JACKIE McFARLANE: My name is Jackie McFarlane, and
22 we're at 4236 Springhill. And actually we lived at 4213 as
23 of before April. We moved in July at 4213, and then we moved
24 to 4236. I know, we're crazy.

25 So anyway, having said that, when we were looking

1 at this house, the previous owner did tell us that my husband
2 would have a hard time mowing the grass in the very back
3 because it stayed really wet and squishy.

4 There is a manhole to the left of the property that
5 he always keeps clean, so we've been trying to do that.

6 Our neighbor told us the same thing. He said, good
7 luck in trying to mow your lawn when it rains because you
8 won't be able to in the very back.

9 So having said that, we moved in in April, and we
10 had a little bit of rain, and it's true. So I walked back
11 there and it was just like that squishy. The water had
12 drained into the drain, but the grass did stay wet.

13 Otherwise, that's all I have to say, really.

14 BOARD CHAIR RICH VANDERKLOK: Okay, good, thank
15 you.

16 JACKIE McFARLANE: You're welcome.

17 BOARD CHAIR RICH VANDERKLOK: And going down that
18 row, the next row behind, the gentleman with the glasses?
19 Sir?

20 UNIDENTIFIED SPEAKER: I'm just observing.

21 BOARD CHAIR RICH VANDERKLOK: Okay. Next to him.

22 UNIDENTIFIED SPEAKER: All set, thank you.

23 BOARD CHAIR RICH VANDERKLOK: Gentleman in the
24 white?

25 UNIDENTIFIED SPEAKER: Nothing to say.

1 BOARD CHAIR RICH VANDERKLOK: Okay. And then next
2 to him, at the end of the row?

3 WENDY BARGAS: My name is Wendy Bargas. And I live
4 at 4244 Springside Drive. I actually live across the street
5 from where the yellow circle was.

6 We moved into our house about five years ago, and
7 every summer, with the exception of right now, it's just
8 swamp. Literally when we try to mow, because we have a push
9 mower, it just sticks and goes through mud. It pulls our
10 shoes off.

11 And the other thing that I find is there is bugs
12 because there is standing water constantly.

13 We have a family. We don't use our backyard. If
14 we have people over for a barbecue, we eat in our front yard
15 because it's just not usable. We can't go out there.

16 So that's all I want to share with you.

17 BOARD MEMBER TODD WOLTERS: Get a clarification,
18 you're on the east side of Springside Drive? Or the west
19 side of it?

20 WENDY BARGAS: I'm on Springside Drive.

21 ENGINEER PAUL FORTON: And you're on the east side
22 (indicating)?

23 WENDY BARGAS: Yes.

24 BOARD MEMBER TODD WOLTERS: Okay.

25 WENDY BARGAS: And I don't know if there is -- I

1 have not seen any round drains in our backyard or anywhere.
2 But behind, there is an easement. So I don't know if there
3 is something back there, but it's all brush.

4 ENGINEER PAUL FORTON: I believe in the plat that
5 that is plated natural area for the association, if I'm not
6 mistaken. And so, are you north of Springside Court?

7 WENDY BARGAS: Yes.

8 ENGINEER PAUL FORTON: Past?

9 WENDY BARGAS: I'm third house up.

10 ENGINEER PAUL FORTON: So if you're the third house
11 up, in that area, there might be a storm sewer a little
12 further north of you where that blue line is. But in
13 general, you don't have any storm sewer, to our knowledge, in
14 that area.

15 But the reason that is a natural area, and I
16 believe setup to be per the, probably the HOA rules on how
17 they plated it with the township. So that would make sense
18 that it's kind of natural and wild.

19 WENDY BARGAS: And we were told by our neighbors
20 that somebody before us, years before had contacted an
21 engineer, but they said it would have to be completely
22 regraded because it was just -- the lowness of it was where
23 the water was sitting.

24 BOARD CHAIR RICH VANDERKLOK: Okay. Thank you.

25 WENDY BARGAS: Thank you.

1 BOARD CHAIR RICH VANDERKLOK: And you're all set?

2 UNIDENTIFIED SPEAKER: Yes.

3 BOARD CHAIR RICH VANDERKLOK: Okay. Then let's go
4 down, the gentleman in the back?

5 UNIDENTIFIED SPEAKER: I'm good.

6 BOARD CHAIR RICH VANDERKLOK: Next to him? You're
7 all set.

8 UNIDENTIFIED SPEAKER: So far, yes.

9 CHAD HARLOW: I would just have more questions --

10 BOARD CHAIR RICH VANDERKLOK: Come forward and give
11 us your name and address, please.

12 CHAD HARLOW: Chad Harlow, 4196 Springline Drive,
13 so I'm in like the newer part. So I haven't been there long
14 enough, I don't even have a real lawn yet.

15 I'm just wondering, this is for the engineer, so
16 the bid, you said you had some bids, Joe, right? And they
17 came in higher than what you were allowed to spend?

18 WATER RESOURCES COMM. JOE BUSH: Correct.

19 CHAD HARLOW: Do you mind if I ask what bids you
20 got.

21 WATER RESOURCES COMM. JOE BUSH: Just general
22 maintenance.

23 CHAD HARLOW: What was the cost?

24 WATER RESOURCES COMM. JOE BUSH: \$23,000, I
25 believe, was the low bid.

1 CHAD HARLOW: As far as the engineers, does this --
2 the soil here is like completely clay, and it's very muddy.
3 And you step in it, it doesn't matter, any rain, you step in
4 it, you're going to sink in.

5 I'm just saying if the improvement is done, how
6 much is actually going to improve? It's still going to be
7 wet when it rains, right?

8 ENGINEER PAUL FORTON: That's a great question.

9 So with the clay soils that you have in this area,
10 I've heard several comments about, well the drain isn't
11 working.

12 Well the water that's getting to the drain, it is
13 functionally working; the water that gets there, goes.

14 The challenge is getting the water to it, and not
15 just the surface water. But I think the challenging thing
16 I'm hearing tonight is a lot of it is subsurface drainage
17 issues.

18 For example, if this were a farm field, a farmer
19 would install a clay tile -- well not clay anymore, but most
20 farm fields in Ottawa County have clay tile in them, or
21 little pipes, four-inch pipes that they put on 30-foot,
22 40-foot, 50-foot centers down into the earth. And those are
23 permeable, so they take that surface ground water away.

24 That water then gets into the pipe and gets carried
25 to a main, which is what the county drain essentially is

1 serving as, and then that water can go away. So that helps
2 to dry out the soils.

3 Now again, in heavy clay soils, that spacing for
4 that farmer has to be very tight because they're trying to
5 grow a crop for a farm.

6 What happens when we develop a neighborhood,
7 typically all those clay tiles get destroyed, the mains are
8 gone, and then the developer needs to redo things.

9 And so the county drain actually appears to be
10 functioning just fine for carrying the water away. But when
11 you have that stagnant wetness that you guys are experiencing
12 regularly, that water can't infiltrate into the clay.
13 Therefore, it can't get into any open joints or anything in
14 the pipe.

15 So I heard mention of a French drain earlier,
16 that's essentially what a French drain is setup to do. It's
17 to pull water from areas, through stone, into a pipe and then
18 carry it to an outlet.

19 So you basically hit the hot button on the solution
20 here to some extent. The big question is going to be how
21 much of this is a private problem for residents, and how much
22 is a public problem.

23 Because see, Joe, in his office in the county, they
24 can't just go anywhere they want. They can't knife in
25 four-inch tiles everywhere, even if he wanted to. I mean we

1 don't have easements to do so. And I know I'm probably
2 hitting my three minutes so I'll shut up for the sake of
3 time.

4 But you're basically hitting the hot button on the
5 head. From what I'm hearing from the testimony, if you have
6 standing water for weeks after it stopped raining, the pipes,
7 it's not perfectly dry, there is a little trickle through it,
8 but essentially it's dry right now. But yet there is still
9 water in it. If you jump in one spot for two seconds, like
10 my six year old would do, he'd be covered in mud in an
11 instant.

12 So it gets a little bit difficult, what's public
13 and what's private, and how do you move toward a solution.

14 CHAD HARLOW: That's just -- it just seems like
15 something -- it seems like there is a lot of little
16 improvements that could improve things rather than having the
17 government have to fix it for us.

18 BOARD CHAIR RICH VANDERKLOK: Thank you.

19 In the back there? Yes, sir?

20 KRIS HARRINGTON: So my name is Kris Harrington,
21 live 4171 Springside Drive. So we're actually the second
22 house in from the street inlet there.

23 Kind of the issue we have is we get a lot of
24 ponding back there. And part of our issue is just improper
25 grading, to where the first seven houses have to wash all the

1 way across to get to the first surface drain. But after
2 that, it seems like every other house has a surface drain.

3 So my issue is the corner of our property, that's
4 the one that has all the cattails, it seems like it was kind
5 of a miss for a perfect opportunity to have a surface drain.
6 I know that wasn't in the petition, but it was something that
7 I emailed the drain commission about.

8 But, yeah, the light rain, you kind of saw that
9 ponding, puddling in the back. But after a heavy rain, I
10 mean it's big, you know. The neighbor behind me, they're not
11 able to use their fire pit because it's just one huge pond
12 back there. So that's our main issue.

13 BOARD CHAIR RICH VANDERKLOK: Okay.

14 BOARD SECRETARY KEN SOUTER: Does the water
15 eventually get into the drain? Or does it just have to go
16 across the surface to the ground to get to the drain?

17 KRIS HARRINGTON: It just sits there until it
18 drives out from the sun.

19 BOARD CHAIR RICH VANDERKLOK: Okay. Thanks, Kris.

20 The gentleman in the red shirt?

21 MATT FISHER: Matt Fischer, 4072 Springmist. We're
22 phase three, right off of Quincy. That little cul de sac,
23 keep going to the right.

24 ENGINEER PAUL FORTON: Springview?

25 MATT FISHER: To your right, in there. So we built

1 when they first started that phase. And so we do have the
2 drain on our easement, next to our house. We actually have a
3 six-inch pipe that goes back into the street.

4 We do get some standing water when it rains, but it
5 does dry off. It runs off into the storm sewer like it's
6 supposed to.

7 I guess the biggest thing for us, we're on a farm
8 field so it's heavy, super clay. We know that, that's where
9 we built. That's where we built our houses.

10 I think most of it is just grading issue, really,
11 seeing these pictures. You tell us what's in the yard and
12 they have different grades. And it all, to me it just
13 doesn't seem like it's -- it's a surface level issue, not a
14 drain issue because our drains are working in our phases, in
15 phase three, the neighbors in our area.

16 And the developer did tell us at the beginning, or
17 Allen Edwin did say, hey, here is the map, and these three
18 houses go to this drain, these three houses go to that drain.
19 Make sure when you have your final grade done by your
20 landscaper, make sure that they follow that, and make sure
21 the drains are going, or the slope is going towards those
22 drains. So they gave us the heads up when we initially
23 bought the house.

24 But, yeah, that's all I have to say.

25 BOARD CHAIR RICH VANDERKLOK: Thank you.

1 The gentleman in the back?

2 ADAM COMER: I'm Adam Comer. I live at 4299
3 Springhill, so it's on the top, left corner up there.

4 So I'm not directly impacted by the water itself.
5 I'm just kind of wanting to question a little bit as far as
6 they talk about the pooling of it, I know there is the
7 drainage easement. So is it within the easement itself
8 that's getting wet? It sounds like it was expanding outside
9 of that. Which, in saying the drain is dry, to me it sounds
10 like the drainage is working. It sounds like it might be a
11 landscaping issue as far as getting your elevation to meet
12 the runoff to get to the drain.

13 The other thing is that I know basically every
14 house in that corridor has their houses run their water all
15 to the back of the yards. So every house is adding more
16 water to that drainage, and also the back of the yards are
17 adding to it.

18 I know it does state that if it does cause
19 flooding, the other alternative is that you run the water
20 right off your house, and not to the back of your yard.
21 Maybe that can help solve some of the issues as opposed to
22 redoing the whole drainage.

23 So I guess that's just kind of where I wanted to
24 get some clarification. Is it actually the drainage that's
25 the issue, or is it the landscaping on the individual

1 properties that needs to be redone, and wasn't done properly
2 before, to where it creates a low spot before it gets to the
3 drainage easements? And that's why it's pooling before it
4 can fill up enough to get over that hump and down into that
5 drainage.

6 So that's kind of where I'm --

7 BOARD CHAIR RICH VANDERKLOK: Go ahead.

8 ENGINEER PAUL FORTON: From our inspection, I could
9 say the majority of the issue is in the drain easement.
10 There is a lot of standing water, and the cattails that you
11 see and the high vegetation is within the easement.

12 But there are areas, specifically the fire pit was
13 mentioned, I think Chris mentioned the fire pit. Probably
14 the fringe of that flooding would be outside of the easement,
15 and something that we couldn't necessarily touch. Now if you
16 were to rework the easement, maybe that puddle could go away,
17 working in that corridor.

18 But generally speaking, a lot of the downspout
19 gutters that are coming down from the homes do make it out
20 into the easement, and then the water just saturates there.
21 Even a morning dew, you'll have water, a heavy morning dew
22 you'll have water dripping off those downspout gutters.

23 So hopefully that answers your question.

24 BOARD CHAIR RICH VANDERKLOK: Thank you.

25 I think that takes everyone.

1 And the gentlemen in the back? That's you.

2 BRIAN HELMHOLDT: Brian Helmholdt, 4183 Springside
3 Drive. I'm the third house on Springside. Right there.

4 ENGINEER PAUL FORTON: Right there.

5 BRIAN HELMHOLDT: Yes, right there.

6 So I built in 2008. I tied all of my downspouts,
7 footings, all of my drain ties directly into the underground
8 pipe in the back there. There was a pipe that we could
9 connect to, as homeowners, so I connected there. So all my
10 water runs underneath the ground.

11 I was not part of the petition, but I will give you
12 my testimony, what I notice back there.

13 The first storm drain is behind my property on the
14 corner there, on the corner of my property.

15 So there is probably, like Kris alluded to,
16 probably seven or eight houses that the water flows from down
17 to that drain. On heavy rains, that drain does not keep up.
18 It's usually about a foot deep. This is on your torrential
19 downpours. On most normal rains, it keeps up just fine.
20 Some of the water stops before it gets there.

21 I installed French drain along the whole back half
22 of my property to help give the water someplace to fall. It
23 is clay, and you walk anywhere on your property after rain,
24 and it's squishy. I have numerous French drains in place in
25 my yard just to help that water get off the surface.

1 So that's my experience in 15 years. So there is
2 water, it does stand at times.

3 But, yeah.

4 BOARD CHAIR RICH VANDERKLOK: Okay. Thank you.

5 Yes, ma'am?

6 ASHLEY SMITH: My name is Ashley Smith. I live at
7 4291 Springside Drive. I'm at the end of the street, so the
8 easement into the drainage basin is directly behind my
9 property. We've lived there for nine years.

10 I'm the testimony that Paul spoke of that said it
11 filled occasionally when we moved in. We kind of got excited
12 about it because we would never see it happen.

13 We've seen it fill more so since the houses have
14 been developed.

15 I will also qualify that I'm a licensed mechanical
16 engineer for the state. I have 17 years of construction
17 industry experience. And in my humble opinion, the drainage
18 is working appropriately, from what I can see. Behind my
19 house the basin is functioning.

20 I would agree with Paul's assessment that you could
21 remove like roots and maybe some brush. However, I don't see
22 any issues. Our lawn is also very swampy and wet. However,
23 we associate that with the clay in the ground.

24 So I question some of the photos that were taken as
25 to what time of year they were taken. It looked like it was

1 early spring. We had a fairly cold spring, so I question if
2 the ground was still semi frozen and wasn't able to really
3 accept more water, or was overly saturated from a lot of our
4 freeze/thaws that happen in Michigan in the spring.

5 I also question, as Paul said, how much of this is
6 private versus public of an issue. It sounds like Brian
7 installed French drains.

8 I question why there is one house in the center
9 that is not on the petition; and why one house, if it's all
10 not functioning, then why would one house not have the
11 problem? Why wouldn't all of them have the problem?

12 So I just have a lot of questions like that.

13 And I think, Paul, you did a good job of explaining
14 it.

15 Stosija mentioned that she had a French drain
16 that's failed and needs to be repaired out of her own pocket,
17 and so I question how much that is contributing to it.

18 And I also question the cracked shed floor, if the
19 clay is really at fault for holding a lot of that water, and
20 was the ground prepped appropriately to pour that slab prior
21 to pouring.

22 We have a shed right along the back there, as well,
23 and we do not have excessive cracking to that point. And
24 I've not seen other people that are submitting photos
25 similar.

1 So I just have a lot of questions that logically
2 I'm trying to put the puzzle together in my head.

3 BOARD CHAIR RICH VANDERKLOK: Okay, thank you.

4 I believe that has given everyone an opportunity,
5 so --

6 AMY LARSON: Can I go? I'm sorry.

7 BOARD CHAIR RICH VANDERKLOK: Okay.

8 AMY LARSON: My name is Amy Larson, and I live at
9 4207 Springside Drive.

10 The reason only five people signed the petition is
11 because this has been going on for, what I understand, you
12 know, for over a year now, we have been working on this. And
13 we only needed five signatures.

14 So we didn't go house to house, you know, to
15 everyone to get the signature. So that was the reason for
16 only the five.

17 As far as our shed being cracked, we are at the
18 lowest point, so our yard does hold more water too. But it
19 is so bad that we can't mow.

20 And it's all spring that it stays -- I mean with
21 the exception of now, because it's been so dry, we haven't
22 had any rain. So it is dry. But certain areas are still
23 wet, and we haven't had rain in over a month. And I can step
24 into it and squish down, you know. Who else's yard is like
25 that, if there isn't an issue?

1 And all fall, all spring, it's just a mess back
2 there. My dog is covered in mud. The kids can't go back
3 there. And it's not just back behind the shed, it's halfway
4 through the yard, if not the whole yard, is just a swampy
5 mess.

6 So I mean we are getting a new French drain put in.
7 That will help with the water that's close to our house, but
8 we have had three engineers, I believe, come out and look at
9 this. This isn't the first time when they came out.

10 And they said that there is an issue with the
11 grading. They said it will take the standing water near your
12 house away, but it's not going to help the rest of the yard.
13 And that's what we were told.

14 And I really believe this is an issue, and it's not
15 just our issue, it's everyone's issues because if we were
16 trying to sell our home, we have to disclose this
17 information. And that does not look good for our property
18 values. And this is not what I want for our neighborhood.
19 So I think it is a big issue, honestly.

20 BOARD CHAIR RICH VANDERKLOK: Okay, thank you. I
21 believe everyone has had an opportunity to speak.

22 And so I'll make the motion to close public
23 comment.

24 WATER RESOURCES COMM. JOE BUSH: You have to read
25 one.

1 WATER RESOURCES SECRETARY MARIE SNYDER: He had
2 spoke.

3 BOARD CHAIR RICH VANDERKLOK: We did receive an
4 email, but I believe you spoke.

5 Do you want the email read, or did you cover it?

6 UNIDENTIFIED SPEAKER: I covered it.

7 BOARD CHAIR RICH VANDERKLOK: All right, thank you.
8 Then the motion is to close public comment.

9 BOARD MEMBER TODD WOLTERS: Support.

10 BOARD CHAIR RICH VANDERKLOK: Moved and supported.

11 All those in favor, say aye.

12 BOARD SECRETARY KEN SOUTER: Aye.

13 BOARD CHAIR RICH VANDERKLOK: Aye.

14 BOARD MEMBER KEN WOLTERS: Aye.

15 BOARD CHAIR RICH VANDERKLOK: And we'll close
16 public comment.

17 Now, Board members, we'll turn it over to your --

18 BOARD MEMBER TODD WOLTERS: How wide is the drain
19 easement, Joe?

20 WATER RESOURCES COMM. JOE BUSH: Paul, is that--

21 ENGINEER PAUL FORTON: Noah? I think he has it in
22 front of him.

23 ENGINEER NOAH SZOTT: I think it's generally 20
24 feet.

25 BOARD MEMBER TODD WOLTERS: So ten for each side of

1 the drain basically?

2 WATER RESOURCES COMM. JOE BUSH: Yes.

3 BOARD MEMBER TODD WOLTERS: I guess what I'm seeing
4 is that area that's at 20 foot, is under the drain
5 commissioner's responsibility. And whether the slope is
6 there, you know, I guess that's my question, if the water is
7 not flowing just strictly to that 20-foot area.

8 The rest of the issues up on the property owners is
9 really on the owner, it's not on the drain district, I don't
10 think. We're strictly looking at an issue in the easement,
11 if I'm not mistaken, correct?

12 BOARD SECRETARY KEN SOUTER: That's the way I'm
13 understanding it. That's the way I'm understanding it. But
14 I am a little confused on that you had -- is there a way to
15 know what was in your bid? Was it just coming in and
16 readjusting the grates down through there?

17 WATER RESOURCES COMM. JOE BUSH: Yes.

18 BOARD SECRETARY KEN SOUTER: And that's how
19 expensive it was. So the grates are pretty bad in certain
20 areas.

21 WATER RESOURCES COMM. JOE BUSH: Could be, yeah. I
22 mean that's what the bid came in at.

23 BOARD SECRETARY KEN SOUTER: But they bid without
24 plans, right?

25 WATER RESOURCES COMM. JOE BUSH: Correct.

1 BOARD SECRETARY KEN SOUTER: So if you had a set of
2 plans that you were going to grade it to a grade, I would
3 think that a bid would come in, my personal opinion, they
4 would know exactly what they're getting into, if you had a
5 construction plan for them.

6 ENGINEER PAUL FORTON: Right. Well it is a
7 challenge. I mean there is trees, there is landscaping,
8 there is sheds all within the easement which would complicate
9 things.

10 Another reason, I'm sure for the cost, is we're
11 working in somebody's backyard, not out in a back 80-acre
12 farm field. And when you work in backyards, they're going to
13 expect four inches of topsoil put back, and high quality
14 landscaping mix.

15 So honestly, this \$20,000 to regrade that, I think
16 it might have also included swapping out some manhole lids
17 potentially to increase the flow rate and reduce the
18 maintenance. But you'd be hard pressed, I bet, to get a
19 dozer down that easement without hitting something important
20 to somebody.

21 BOARD SECRETARY KEN SOUTER: Let's put it this way,
22 in 20 feet you're not going to get a dozer to even stay
23 within the easement.

24 ENGINEER PAUL FORTON: To do a whole lot, right.
25 And that is one of the challenges too.

1 CHAIR RICH VANDERKLOK: Anything else?

2 ENGINEER PAUL FORTON: Just quickly on that, if we
3 put a bid set out and engineered it, it's going to be more
4 expensive than probably a maintenance quote, just to answer
5 your question very fairly. If we put out a bid package, it's
6 probably going to cost more than what Chris received quotes
7 for.

8 BOARD CHAIR RICH VANDERKLOK: Anything?

9 BOARD MEMBER TODD WOLTERS: Like I say, I'm kind of
10 falling in the line of thinking that, yeah, there is a need
11 here, okay. But it's strictly that 20-foot easement of what
12 it takes to work in that area; then of course these property
13 owners are going to have to work with them to say, okay, you
14 can get on our property a little bit to help it out to make
15 this work.

16 And are you going to get everybody to agree on that
17 part? That's going to be the hard part, I think, to make
18 sure that they're good with that.

19 Myself personally, I feel there is a probably a
20 need here to get the drain easement taken care of.

21 BOARD SECRETARY KEN SOUTER: Nobody wants water
22 sitting in your backyard all the time. I can understand
23 that, that situation totally.

24 I see a real problem, now that you've talked about
25 that engineer thing, it's going to cost more.

1 I don't know if there is any way that we could --
2 you could make a recommendation that the drain commissioner
3 come in and isolate individual problems in there and just
4 take care of them lightly. I don't know how to do that.

5 WATER RESOURCES COMM. JOE BUSH: We tried that.

6 BOARD CHAIR RICH VANDERKLOK: I don't think we can
7 do that.

8 BOARD SECRETARY KEN SOUTER: I don't think we can.
9 We either have to --

10 BOARD CHAIR RICH VANDERKLOK: We either need to
11 approve or disapprove. And based on public comment, my sense
12 is that the majority of the comments lean toward --

13 BOARD SECRETARY KEN SOUTER: Getting it fixed.

14 BOARD CHAIR RICH VANDERKLOK: -- getting it fixed.
15 Therefore, it seems to me that from my perspective, I believe
16 that the maintenance and improvement is necessary, and is
17 conducive to public health, convenience, or welfare. And
18 therefore, I would make that motion.

19 BOARD MEMBER TODD WOLTERS: I'd support that
20 motion. Like I say, as long as everybody understands that
21 what's up on the property is still the homeowner's
22 responsibility down to that easement. That's not for us to
23 determine.

24 BOARD CHAIR RICH VANDERKLOK: We do not determine
25 the scope, or the extent, or the cost, or the project itself.

1 We don't know what that's going to be.

2 If this motion is approved, then it would be the
3 responsibility of Paul and Noah and his company, to proceed
4 with this, working in conjunction with the Water Resources
5 Commission's office, and go from there.

6 However, we do not determine, and we can't cherry
7 pick and say, well, let's do a little of this, and do a
8 little of that, which probably to a lot of people sounds if,
9 well that would make the most sense, it seems like.

10 But then we'd have to go to every property owner
11 and say, let's take you aside, and it's going to cost you
12 this much. And we'd be doing that consistently for all of
13 you folks.

14 So I believe that this motion is a more practical
15 step toward solutions. And so -- but the motion is made and
16 supported.

17 Ken, do you have any other comments, or Todd?

18 BOARD SECRETARY KEN SOUTER: I just still see a lot
19 of difficulty in this. I understand what you're saying. And
20 I think maybe if we actually could approve this, they could
21 come up with a plan that would work for everybody. I'm not
22 positive.

23 ENGINEER PAUL FORTON: May I just have 30 seconds?

24 BOARD CHAIR RICH VANDERKLOK: Yeah, go ahead. I'm
25 timing you.

1 No, go ahead.

2 ENGINEER PAUL FORTON: Somebody had three engineers
3 look at their property and say, hum.

4 We can improve the county drain right of way, no
5 doubt, I promise you we can improve it. But I promise you I
6 will not be able to solve all your problems.

7 So if you find it necessary, which is completely
8 fine, there are issues outside of the drain easement with
9 clay soils that we will not be able to fix by touching
10 anything in that easement. I just want to be clear so that
11 expectations are clear, okay.

12 BOARD CHAIR RICH VANDERKLOK: Because it's not --

13 ENGINEER PAUL FORTON: The worst thing for a
14 professional, oh, Forton is going to fix it, Spicer is here.
15 I can't change soil conditions, and, again, we can help, we
16 can certainly help, I promise you that. But I just want to
17 make sure that all the expectations in the room are on the
18 same page.

19 BOARD SECRETARY KEN SOUTER: This petition, if we
20 approve it, this petition would only include that portion
21 within the 20-foot county drain, period. You can't work
22 outside of that.

23 ENGINEER PAUL FORTON: The only way we'd be able to
24 work outside of that have would be if we got additional
25 easements from somebody to add a branch, or something like

1 that, which we could do during a petition project.

2 But we can't just go off into yards and do private
3 drainage because obviously the rest of the taxpayers don't
4 want to pay for that either.

5 BOARD CHAIR RICH VANDERKLOK: Right. And we're not
6 saying that you're going to be waving a magic wand and just
7 that quick, everything will be corrected. We know that's not
8 practical, nor is it possible.

9 ENGINEER PAUL FORTON: It has been so dry for so
10 many weeks that when you still experience those wet spots,
11 and I stepped in them last week because we walked through the
12 backyards, those could still exist on the private parcels.
13 Or even within the easement potentially to some extent.

14 But the surface water will go away more
15 efficiently, we certainly can add more inlets, as was
16 mentioned before. There are certainly things we can do.

17 But I don't want people thinking, all right, we're
18 good, if it's found necessary, because there are improvements
19 that would need to be made that others have done that would
20 help the drainage situations in the yard.

21 Sorry, that was more than 30 seconds.

22 BOARD MEMBER TODD WOLTERS: Like I said, I think
23 you have to improve the spine or the drain. And then the
24 residents, at least they have an option to get to it. But
25 then at least the main back bone is done.

1 BOARD SECRETARY KEN SOUTER: Right.

2 BOARD CHAIR RICH VANDERKLOK: Okay. The motion is
3 made and supported.

4 All those in favor, say aye.

5 BOARD SECRETARY KEN SOUTER: Aye.

6 BOARD CHAIR RICH VANDERKLOK: Aye.

7 BOARD MEMBER KEN WOLTERS: Aye.

8 BOARD CHAIR RICH VANDERKLOK: Those opposed?

9 It is carried.

10 And now, Joe, do you want to speak to the appeal
11 process?

12 WATER RESOURCES COMM. JOE BUSH: Yes. So if
13 anybody wanted to appeal today's decision, you're more than
14 happy to do that through Probate Court, not through my
15 department, but there -- you have ten days from today that,
16 by law, people could appeal today's decision based on their
17 motion, and supported.

18 But, again, that's through probate, and there is a
19 cost to that. But it's not through my department, so you can
20 appeal if somebody felt the need to do that.

21 Again, I want to thank everybody for your time and
22 coming up and speaking. That helps them as the Board members
23 decide their decision, and I appreciate you taking the time
24 to spend with us here in Jamestown Township.

25 And we'll looking forward to speaking with a lot of

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you because a lot of you spoke, and it's your backyard.

We'll be looking forward to it.

BOARD CHAIR RICH VANDERKLOK: Okay, our meeting is
adjourned.

(Spring Grove Farms -

Board of Determination adjourned at 5:13 p.m.)

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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN)

) SS

COUNTY OF OTTAWA)

I certify that this transcript, consisting of 60 pages, is a complete, true, and correct record of the Spring Grove Farms Board of Determination, held in this case on June 7, 2023.

DATE: June 14, 2023

Marjorie Covey

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