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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: STEADERS BOROUGH SOUTH DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday,
August 8, 2019, at the Holland Charter Township Building, 353
North 120th Avenue, Holland, Michigan, held before Marjorie
A. Covey, CSR-2616, Certified Shorthand Reporter and Notary
Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Ms. Sara Hirts, Secretary

- Mr. Bill Cargo, Board Chairman
- Mr. Ken Souter, Board Secretary
- Mr. Rick VanderKolk, Board Member

- Mr. Ken Bosma, Engineer, Prein & Newhof

1 Holland, Michigan

2 August 8, 2019 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Well good morning.
5 It's 10:00, let's go ahead and call the Board of
6 Determination meeting for the Steaders Borough South Drain to
7 order.

8 We're here today because people in the public
9 petitioned in this drain district to do improvement. Back in
10 2017 we were on the same drain, same location, not a drain at
11 that time, it was an orphan drain. And back in 2017 that
12 Board at that time determined it to be an orphan, and
13 established it after that meeting as a county drain.

14 The reason we're here today is people who live in
15 this new drain district want some improvements for some
16 flooding concerns with the situation that it's flat there,
17 which Ken Bosma from Prein & Newhof will give an update later
18 on kind of what the scenario is and what we're facing out
19 there.

20 So we're here today basically for to see if this
21 Board has a possible solution by making it a necessity.

22 Right now we don't have that necessity. I can't go
23 out and determine that because when the costs in a situation
24 like this happens that over exceeds my drain maintenance
25 limits, which I'm only allowed 5,000 per mile per year per

1 drain, that kind of ties my hands to a limited amount of
2 money. And this is probably going to cost more than 5,000
3 more mile according to some rough engineering estimates from
4 Prein & Newhof.

5 So it's easier to hold a petition and come here and
6 hold a hearing. So I appreciate the two people that have
7 come here from the one household to help kind of guide us, or
8 guide the Board.

9 It's not me. Once I give the oath, these three
10 individuals will go ahead and run the meeting.

11 And then we have a court recorder, Margie is the
12 court recorder. She does a lot of these BODs for me.
13 Everything is court recorded word for word, so if you want to
14 read the transcript, or if anybody else wants to read the
15 transcript in Steaders Borough South, they're more than
16 welcome to get those online, or if they request a hard copy
17 they can contact my office.

18 So all my BODs are online and they can read them
19 word for word.

20 It's kind of unique not having more than one
21 household here for a BOD. So we do appreciate you taking the
22 time this morning to be here.

23 I'll do some introductions and kind of roughly go
24 through a little bit of it.

25 So the three Board members are appointed by me and

1 they don't have any affiliation with any properties or homes
2 in this drain district, or near the drain district, or the
3 township. So usually I pick, or appoint three members who
4 are either supervisors, township managers, or some kind of
5 leadership maybe from the road commission that no longer
6 works for the road commission but retired that understand
7 Drain Code, drainage and kind of why we're here today.

8 And these three gentlemen have done quite a few of
9 these for me and they understand the process of Drain Code
10 and the law.

11 And it's up to these three gentlemen to make that
12 decision whether we move forward or not. Not me. Like I
13 said, I could -- I'm not involved. Once I give these three
14 gentlemen the oath through Drain Code, they run the meeting,
15 they make that decision based on motions they make toward the
16 end of their meeting.

17 I'm just here to facilitate it and get it going.
18 And then once I give them the oath, again, I just want to
19 make sure that it's in the minutes that I don't make the
20 decisions, they do, on moving forward.

21 I think we do have some correspondence that will be
22 read later by our secretary, whoever that might be, when they
23 appoint their own from these three gentlemen.

24 But I'll go ahead and make introductions. From my
25 right is Rich VanderKolk. He's from Georgetown Township,

1 he's a board member over there.

2 In the middle is Bill Cargo, and he's probably been
3 doing this the longest out of the three. Bill has been doing
4 this with my predecessor, and now he's been doing this with
5 me. I've been doing this for going on eight years. Bill
6 does a fabulous job chairing most of the time depending on
7 who they pick for a chair to run the meetings. He's from
8 Grand Haven Township, he is the manager.

9 On the left is Ken Souter, he lives in Port Sheldon
10 Township, but he also was at the road commission for, I want
11 to say 40 years?

12 BOARD MEMBER KEN SOUTER: Close to it.

13 WATER RESOURCES COMM. JOE BUSH: Close to 40 years
14 in the engineering department. So definitely is another one
15 who is strong with drainage, understands Drain Code pretty
16 well and helps facilitate what they're trying to accomplish
17 with the three people up here.

18 So between the three they do a great job.

19 Then again Margie is my court recorder. And then
20 also Ken Bosma from Prein & Newhof, he's the engineer. He
21 works on a lot of BODs and gets it and tries to help the
22 Board with his presentation to understand what's going on.

23 These three gentlemen have never been out there.
24 So they don't have any idea what's going on technically until
25 really the engineer reports and goes through it and they can

1 figure out themselves what they got in front of them.

2 That's why it's always important that people come
3 to these public hearings so they can express whether they're
4 in favor of or if they have issues, because we don't know
5 what we don't know.

6 And again my secretary is Sara, and she's the one
7 that actually signed people in and handed out the agendas.

8 So that's pretty much -- nobody from the road
9 commission is here, and the township representative --

10 ENGINEER KEN BOSMA: They were unavailable today.

11 WATER RESOURCES COMM. JOE BUSH: They were
12 unavailable today. So usually there is someone here from
13 Holland Township on behalf of the township to speak, and I
14 know they were in meetings this morning.

15 The road commission is usually here and they're not
16 here. So this is who we have today.

17 So once I give the oath, again, these three
18 gentlemen will run the meeting. And then just make sure you
19 state your name, address the scenario out there, if there are
20 any pictures, or whatever information, please share it with
21 these three gentlemen so they can make their decision based
22 on, between the report and your situation.

23 So, gentlemen, please rise. Raise your right hand.

24 Do each of you solemnly swear that you will
25 faithfully perform and discharge the duties imposed upon you

1 as required by law as members of the Board of Determination
2 appointed by the Ottawa County Water Resources Commissioner
3 to determine the necessity for maintenance and improvement
4 for the Steaders Borough South Drain located in Holland
5 Township, in said city?

6 BOARD MEMBER KEN SOUTER: I shall.

7 BOARD MEMBER BILL CARGO: I shall.

8 BOARD MEMBER RICH VANDER KOLK: I will.

9 WATER RESOURCES COMM. JOE BUSH: Thank you.

10 BOARD MEMBER BILL CARGO: Well this is the fewest
11 people I think I've ever seen in one of these.

12 I'm going to take a motion as to who should serve
13 as chairperson of the board. Do we have a motion?

14 BOARD MEMBER RICH VANDERKLOK: I would move that
15 Bill Cargo be the chair.

16 BOARD MEMBER KEN SOUTER: I'll support that.

17 BOARD MEMBER BILL CARGO: We have a motion and
18 support.

19 All in favor, say aye.

20 BOARD MEMBER RICH VANDER KOLK: Aye.

21 BOARD MEMBER BILL CARGO: Aye.

22 BOARD MEMBER KEN SOUTER: Aye.

23 BOARD CHAIRMAN BILL CARGO: And then I'm going to
24 ask who wants to be the secretary, Rich or Ken?

25 BOARD MEMBER RICH VANDERKLOK: I would move that

1 Ken be the secretary.

2 BOARD MEMBER KEN SOUTER: I was going to move you
3 because it's closer to you.

4 BOARD CHAIRPERSON BILL CARGO: I'll support the
5 motion that Ken be the secretary for this Board of
6 Determination.

7 We have a motion on the table and support.

8 All in favor, say aye.

9 BOARD MEMBER RICH VANDER KOLK: Aye.

10 BOARD CHAIRPERSON BILL CARGO: Aye.

11 BOARD MEMBER KEN SOUTER: Aye.

12 BOARD CHAIRPERSON BILL CARGO: And then I'm just
13 going to, for the purposes -- this is kind of perfunctory,
14 but typically we limit public comments to three minutes
15 because you can summarize most novels in three minutes.

16 And so I will make a motion that the public
17 comments be limited to three minutes per person.

18 BOARD MEMBER RICH VANDER KOLK: I'll support.

19 BOARD CHAIRPERSON BILL CARGO: We have a motion and
20 support.

21 All in favor, say aye.

22 BOARD MEMBER RICH VANDER KOLK: Aye.

23 BOARD CHAIRPERSON BILL CARGO: Aye.

24 BOARD SECRETARY KEN SOUTER: Aye.

25 BOARD CHAIRPERSON BILL CARGO: So we are now going

1 to move on into the actual Board of Determination.

2 Now typically at this stage we will talk about --
3 well I'm going to give this over to the engineer first. I'm
4 going to have Ken from Prein & Newhof. Right, Prein &
5 Newhof?

6 ENGINEER KEN BOSMA: Right.

7 BOARD CHAIRPERSON BILL CARGO: I thought so, but
8 sometimes I get confused.

9 So anyhow, Ken, can you give us a brief overview of
10 the issues involved in this drainage district?

11 ENGINEER KEN BOSMA: Yes. I'll stand over here so
12 I don't affect your site.

13 This is the Steaders Borough South Drain we call
14 it. The drain was established in December of 2017, that's
15 when it changed from an orphan drain to a county drain and
16 went through the hearings back then.

17 This petition for this particular project was done
18 by the property owners, I think as Joe had mentioned. And
19 you had received at least five property owners who signed
20 that petition, I believe, and turned that in. So that's how
21 this process is coming to be.

22 And we are required to have this Board of
23 Determination because of the Drain Code.

24 There is only one plat that is within the
25 boundaries of this district and that's the Steaders Borough

1 Number Two which was actually developed in 1989.

2 If you recall, when we did the orphan drain to a
3 county drain, those were in that process of about the mid
4 '90s where things are happening where the developer
5 develops -- or provides a 433 Drainage District. This is
6 before that so that's why we went through the process of
7 converting it from an orphan drain to a county drain.

8 This is the area we're identifying. It's the same
9 district that we presented back in 2017.

10 And if you will recall, what I particularly want to
11 point out is on the east side of this, the backyards, as well
12 as some of the south, but particularly the east side, the
13 backyards were excluded out of the drainage district; and
14 there was also what we called Steaders Borough North, which
15 is the development to the north, and it also includes some of
16 104th. Those were awful long -- 104th was included in the
17 north, but the backyards were also not included.

18 The backyards on the east side per the original
19 design of the development were to drain to the south and out.
20 So it never went through basically the drainage district
21 area. And I want to point that out because we will show some
22 things, some pictures or so that will also identify that
23 area.

24 This is the same overview with the houses shown and
25 the streets shown on there.

1 I'll point out -- I'm sorry. I want to point, you
2 can see the blue lines in the road. That's the established
3 county drain as it is today. There is nothing in the rear
4 yards or anything in there that would be considered county
5 drain.

6 This is the area that the petitioners have
7 basically talked about. You can see established in the blue,
8 it's in the rear yards between River Bluff Court and Steaders
9 Pass there that we will be talking about and I will show you
10 some pictures in here.

11 So I don't know how well you can see, and I think
12 you guys also have copies of this, but it identifies the
13 views here.

14 So the first one that you see on the left, it says
15 it's the backyard of 1296, kind of looking north at the
16 backyard of 1341. I will also defer to the residents that
17 are here if I'm misspeaking because you have a better idea
18 what's in that area. But you can see there is some water
19 trapped in here.

20 We've had a lot of water this year, and I think
21 that this spring has been excessive that way. This area is
22 clay. I think Joe mentioned as well that this is a very flat
23 area. So this is why you're seeing a lot of the water in the
24 area.

25 This is some of the same picture -- or from the

1 same backyard you can see looking to the northeast there is
2 some water trapped behind a berm behind this area.

3 Again here is some additional pictures looking
4 towards 1323, some of the water.

5 These pictures that you see here I believe were
6 provided to us from the petitioners. The other ones were
7 ones that I noticed when we were notified this spring to go
8 out there and took those pictures.

9 And then this one also is northwest of 1357.

10 So another area that we have that are the ones that
11 I talked about east of the drainage district here in the rear
12 yards between 104th and Steaders Pass. The reason we
13 identify these also on here, maybe those people aren't here
14 today, when we had that hearing in 2017, the one on the
15 north, which I believe the address was 1294 Steaders Pass,
16 was at that hearing and talked about some issues there.

17 So after that meeting we did go out to that area.
18 In addition I think it was 1242 Steaders Pass, which is the
19 south area you kind of see there with blue, met with us and
20 talked with us too about some drainage issues.

21 At that time -- and I'll show you what those were.
22 So they had some flooding back in there as well that are back
23 in behind the homes.

24 The reason nothing was done at that point is we
25 talked to those properties at that time and those particular

1 property owners had indicated that once they heard that the,
2 what may need to be done in there to obtain, or to recede
3 that water and the costs that might be involved, they decided
4 to kind of just withhold and they would address it personally
5 themselves or just let it be at this time.

6 I will acknowledge, and I guess, Jim, you can tell
7 me if there is anything different, but I'm not aware of any
8 issues that the buildings are flooding at this point, it's
9 more rear yard drainage flooding.

10 So the next steps that we talk about here is if you
11 guys deem this is necessary, then we would begin looking at
12 project design. One of the biggest things that we have
13 before us if something is to be done is easement acquisition.
14 That's going to be something that is going -- could be a
15 challenge for us, I don't know.

16 When we looked at the plat, there is no rear yard
17 easements for this. Which some of the newer plats have rear
18 yard drainage easements already established. But this one
19 did not have any so there are no rear yard drainage easements
20 in here at all.

21 If that was all done and acquired, then we would
22 bid the project. And then once it's bid, then the property
23 owners would have a chance for what's called the day of
24 review to look at what their apportions are based on that.

25 Obviously if you deem this not necessary, then no

1 further action would be done.

2 BOARD CHAIRPERSON BILL CARGO: Can I ask a couple
3 of follow-up questions?

4 ENGINEER KEN BOSMA: Yes.

5 BOARD CHAIRPERSON BILL CARGO: With regard to the
6 first area of flooding in the backyard, how long does that
7 typically remain wet and flooded? Is it something that is
8 gone within 48 hours? Is it something that's there for weeks
9 at a time?

10 ENGINEER KEN BOSMA: I will defer to them, but from
11 my understanding what I know in there, it sits there more
12 than just 24 hours in there.

13 And even when the surface water finally does go
14 away, I think their backyards are staying fairly wet. That
15 is going to be typical with very flat clay sites.

16 I think we have indicated to the property owner
17 even if the surface water was to go away, the backyard
18 issues, which wind up going well into your backyards, it's
19 probably not going to be totally resolved. We've had a lot
20 of issues throughout the county with flat clay areas.

21 The only way those typically dry up is in the
22 summertime with the heat and the wind and that. It just does
23 not get way back to the rear yard swales.

24 But the surface issue, I'll let them talk when it's
25 public comment time to present that.

1 BOARD CHAIRPERSON BILL CARGO: Now on the same
2 area, do you have -- just because I'm curious, the problem
3 here is like you say, surface, not flooding of homes and
4 structures itself.

5 ENGINEER KEN BOSMA: Right.

6 BOARD CHAIRPERSON BILL CARGO: What is kind of the
7 preliminary cost estimate for the first area? Would you
8 simply connect it to an existing line? Do you have the --

9 ENGINEER KEN BOSMA: Without being able to really
10 meet with the property owners and define the whole project, I
11 will tell you that this project, depending on how it's done,
12 if both this part and the part to the east is done, we could
13 be in the range of a hundred to \$200,000.

14 Now the biggest issue is going to be acquiring
15 easements as well. That is a cost, we don't know how that
16 will proceed, etcetera. If people are willing to give
17 easements, that definitely keeps a lot of the project costs
18 down too.

19 But the system -- excuse me, the system that has to
20 be built for a drain to be a county drain has to be a minimum
21 of a 12-inch pipe in there with structures. So that's one of
22 the biggest items is getting back in there and putting
23 structures in there.

24 BOARD SECRETARY KEN SOUTER: Ken, one thing that a
25 lot of times you see in clay areas are -- they backfill sand

1 around the hoses and they put a sump pump system in.

2 ENGINEER KEN BOSMA: Yes.

3 BOARD SECRETARY KEN SOUTER: Is that part of --
4 have you seen any evidence throughout that that's part of the
5 cause that people are pumping that out into these low areas?
6 Or --

7 ENGINEER KEN BOSMA: Again, I'll let them defer if
8 they have any issue that way.

9 I can tell you the plat was designed with a sump
10 discharge line in the right-of-way. So when the homes were
11 built they should have been connecting to the front there.

12 BOARD SECRETARY KEN SOUTER: Okay.

13 ENGINEER KEN BOSMA: So I would not anticipate
14 that.

15 I will note that the conversations we had with the
16 gentleman on the east side, which was I think 1296 Steaders
17 Pass, he seemed -- the way I understood it is it sounds like
18 he almost piped the drainage water, the surface water back
19 almost into a sump and the sump was pumping it out the other
20 way.

21 BOARD SECRETARY KEN SOUTER: Oh, really?

22 ENGINEER KEN BOSMA: Yes.

23 BOARD CHAIRPERSON BILL CARGO: Which one are you
24 talking about? The second area?

25 ENGINEER KEN BOSMA: Yeah. It would be the second

1 area. It would be 1296. It's on the north.

2 MS. DENISE BOVEN: That's us.

3 ENGINEER KEN BOSMA: I'm sorry, not 1296. It's
4 1294 Steaders Pass.

5 BOARD SECRETARY KEN SOUTER: That one seems like a
6 lot more water than is shown in the pictures in the other --

7 ENGINEER KEN BOSMA: It might have been the time we
8 took it. I think Bovens can address how much water they had.
9 I had certain pictures when I finally got called and went out
10 there so they can address that.

11 BOARD SECRETARY KEN SOUTER: Okay.

12 BOARD CHAIRMAN BILL CARGO: Any other questions,
13 Ken?

14 BOARD SECRETARY KEN SOUTER: I'm good.

15 BOARD CHAIRPERSON BILL CARGO: Rich, any other
16 questions?

17 BOARD MEMBER RICH VANDER KOLK: No.

18 BOARD CHAIRPERSON BILL CARGO: Okay. So we'll move
19 onto the next issue -- or this is simply taking public
20 testimony.

21 Typically we would have the road commission make a
22 comment, they're not here; the township would make a comment,
23 they're not here.

24 So we'll open this up to the public. We simply ask
25 that you -- first of all I'll have you briefly summarize, you

1 don't have to read them verbatim, but could you summarize the
2 correspondence that we have regarding this and whether
3 they're supportive or not?

4 BOARD SECRETARY KEN SOUTER: Okay. The first one
5 basically is from Sheryl Zandstra, and it -- she's lived
6 there for 24 years, and do not have a problem. I urge you to
7 make a decision today to not do any maintenance or
8 improvements as set in the petition. So she basically says
9 that she doesn't have a problem.

10 She lives at 1282 Steaders Pass.

11 MS. DENISE BOVEN: It's across the street, her yard
12 does not back up into this.

13 BOARD SECRETARY KEN SOUTER: It would be that part,
14 but it looks like it's -- her backyard is in the other flood
15 area though, isn't it?

16 BOARD CHAIRMAN BILL CARGO: I don't see it. Oh,
17 there it is, 1282.

18 BOARD SECRETARY KEN SOUTER: 1282.

19 BOARD CHAIRPERSON BILL CARGO: Right there.

20 BOARD SECRETARY KEN SOUTER: And that's where you
21 show the ponding in the pictures, right?

22 ENGINEER KEN BOSMA: They are in the district and
23 again, they were notified because of the other issues that if
24 the district had to go further to the east to accompany those
25 flooding areas, correct.

1 BOARD SECRETARY KEN SOUTER: Okay. So she's
2 basically saying she doesn't have a problem.

3 ENGINEER KEN BOSMA: Okay.

4 BOARD SECRETARY KEN SOUTER: Good. And I have one
5 from the County of Ottawa Water Resources, Chad. I received
6 support from Wendy Yam, 1235 - 104th. That's way down there
7 at the, almost to the south end of where that ponding is.

8 BOARD CHAIRPERSON BILL CARGO: Way over here
9 (indicating). Okay.

10 BOARD SECRETARY KEN SOUTER: She basically says
11 that she's dealt with water in her basement in the past. The
12 front half of her property is currently only in Steaders
13 Borough North drainage. These backyards tend to flow south
14 and west.

15 If drainage improvements were to occur in the
16 backyard of these properties, addressing the backyards would
17 potentially be connected to the storm sewer that would outlet
18 in the Steaders Borough.

19 I don't see -- other than she's dealt with water
20 problems, so she has had some water problems, she doesn't say
21 if she's for or against the project.

22 BOARD CHAIRMAN BILL CARGO: Okay.

23 I appreciate that. And so now we're going to open
24 it up to public comment. We simply ask that you state your
25 name and address, identify whether you've lived in lands and

1 had drainage issues, and then just explain any questions or
2 comments you might have.

3 BOARD SECRETARY KEN SOUTER: One thing before we do
4 that, I'm sorry, but we've got this one where this is the
5 petition.

6 BOARD CHAIRPERSON BILL CARGO: Yes.

7 BOARD SECRETARY KEN SOUTER: And so these people
8 apparently would be the ones that are interested in having
9 something happen, even though they didn't attend here, or
10 remark, they're the petitioners. We might just want to lay
11 out where these petitioners live.

12 BOARD CHAIRPERSON BILL CARGO: Okay.

13 MR. JIM BOVEN: Pretty much all those petitioners I
14 share a property line with.

15 BOARD SECRETARY KEN SOUTER: All those petitioners
16 you share a property line with?

17 MR. JIM BOVEN: Yes.

18 BOARD SECRETARY KEN SOUTER: Okay. Then I'll let
19 you address these people then.

20 BOARD CHAIRMAN BILL CARGO: Okay, please come up to
21 the microphone, I'm sorry.

22 MR. JIM BOVEN: So people in the back can hear me?

23 BOARD CHAIRMAN BILL CARGO: So the court reporter
24 can hear you.

25 MR. JIM BOVEN: Jim Boven, 1296 River Bluff Court.

1 And we have water. I'm going to take my three minutes and my
2 wife's because I will need all of them.

3 BOARD CHAIRPERSON BILL CARGO: Okay.

4 MR. JIM BOVEN: I appreciate you addressing this
5 issue. And I wish if I had known 25 years ago I could have
6 done this, I would have. We've been fighting this since --
7 I'm an original owner, one of the first 25 houses. And we
8 have had -- can you pull up some of the pictures I took?

9 ENGINEER KEN BOSMA: Yes.

10 MR. JIM BOVEN: And we've had it pretty much since
11 the beginning. It got worse when the houses behind us were
12 built because then it started trapping the water.

13 And particularly that house there that's my
14 backyard, closest, and that house there was built higher than
15 the rest of us. And ever since that house was built -- and
16 that water, where the five bushes are, I added that berm two
17 years ago because after his hose burst on a holiday weekend
18 and he was gone, my backyard was flooded.

19 And that's when I said, yeah, most of the water I
20 get that sits in my yard for weeks after a rain comes from
21 his yard and my own. So I built that berm.

22 And I assume he's the one that called the township
23 and said, hey, a guy built a berm, and now I get water. Well
24 now he's keeping his water instead of me.

25 Twenty years ago I put in a five-gallon bucket with

1 a sump -- with a pump in the ground in the back corner, just
2 to the right of that picture, and I pump it out into the
3 street. I've been doing that for 20 years. It doesn't flow.

4 And now the house to the left, as you look to the
5 picture to the left, they have standing water similar to him
6 but not as much.

7 Now that I've added that berm now everybody -- I
8 guess maybe I made a point that everybody's water was sitting
9 in my yard. My yard looked like that a lot any time it
10 rained for way more than 48 hours. And then even after it
11 dried it was still mush. You couldn't even mow, or come
12 close to mowing.

13 And I think now everybody realizes that the water
14 is just not going anywhere. And these people that called
15 in -- if you're not in that little cul-de-sac, you don't see
16 that back little area. It's pretty secluded so to speak.
17 It's just standing water all the time.

18 Yeah, I'm not sure what else to tell you. Being on
19 clay, it just doesn't -- it doesn't soak in and it doesn't go
20 away.

21 And the pump thing isn't great, but everybody
22 knows, everybody who signed that petition -- why they're not
23 here, I guess I don't know. Because I got the biggest dog in
24 the fight, I guess, but they were all more than happy to sign
25 it, excited that it would be good to get something addressed.

1 Because like this, the picture on the -- well on
2 the right, and also there was another picture of my neighbor
3 to the side of me, they also can go weeks without mowing that
4 section because of either the standing water or just the
5 mush.

6 I don't care if it's a \$200,000 project. I mean it
7 doesn't have to be, if we can come up with a simple solution
8 to pump it out of there, just to move it. I mean originally
9 the theory was it was supposed to flow down a couple lots and
10 then out to the road behind us. Well it never did.

11 The house to our right of this one, when that guy
12 moved in, we built a berm with pea gravel. We got a piping
13 in there, socked in there to try to absorb water.

14 It maybe took 10, 20 percent off but that didn't
15 help. But then when this house was built it just got worse.

16 BOARD SECRETARY KEN SOUTER: Do you think it got
17 worse more because of the way he graded it? Or was it just
18 absorbing it because it was just -- it was absorbing it
19 before and now he's got it graded so it --

20 MR. JIM BOVEN: Well I mean we're talking late '90s
21 when that house was built.

22 BOARD SECRETARY KEN SOUTER: We're talking quite a
23 while ago.

24 MR. JIM BOVEN: It was '91 when we built. It was a
25 few years later. But you can kind of even see in the picture

1 how high of a grade that is.

2 And when that house came in, he never had a water
3 problem until I built that little berm extension to kind of
4 hold his water.

5 I still get his water, it still seeps through the
6 berm. It just doesn't come in a rush, it comes in a trickle
7 so to speak.

8 But my yard stays wet longer now because of it.
9 And this year really accentuated the point because of all the
10 rain we had.

11 BOARD CHAIRPERSON BILL CARGO: Sure.

12 MR. JIM BOVEN: I think he thought we had a berm
13 problem. But I don't remember which drain commissioner guy
14 it was, I think it was Chad? He came out and he said, yeah,
15 this isn't a berm problem, he said this is a drainage
16 problem.

17 And he's right. We've always had water. It's just
18 now in different spots with the little section I've added on.
19 But we've tried different things between the berm and the
20 pumping. And yeah, that's just -- and the reason, I believe
21 he's the one that called and I'm a little surprised he's not
22 here.

23 But that's what kind of brought this to a head.
24 But maybe it's fortunate because now I know that we did have
25 a recourse.

1 BOARD CHAIRMAN BILL CARGO: Okay. I appreciate
2 your time.

3 MR. JIM BOVEN: Thanks.

4 BOARD CHAIRMAN BILL CARGO: I do have a question
5 and I'd like to direct this to the Water Resources
6 Commissioner.

7 Joe, when we have this hearing, could we have a
8 ruling that there is a necessity on one problem area, but not
9 a necessity on the second problem area?

10 WATER RESOURCES COMM. JOE BUSH: I think what we
11 would do in this situation is kind of pick where the issues
12 are and those people who are affected or their water -- I can
13 only assess based on necessity and contribution and benefit.

14 BOARD CHAIRMAN BILL CARGO: Okay. And the reason I
15 say that is because we have people here who are making what I
16 consider to be valid complaints about the first area.

17 The second area we have a picture from a few years
18 back, but we have nobody here, and only one person made a
19 statement, but they didn't say whether they're in favor or
20 against it. And the other person who would be in that area
21 made a statement against it.

22 So I'm wondering if it's possible to have a motion
23 so that one area is determined to be a necessity and the
24 other one we are not commenting on or we could even say it's
25 not a necessity. I just don't know the process.

1 WATER RESOURCES COMM. JOE BUSH: We would look at
2 the whole district because there could be more issues once we
3 go out there and maybe talk with one of the people that maybe
4 sent an e-mail.

5 CHAIRMAN BILL CARGO: And you're correct, that's
6 fair. I hadn't thought about that.

7 BOARD SECRETARY KEN SOUTER: I got a question for
8 Ken.

9 I'm just doing a little pre-engineering here in my
10 own mind. The quickest or the closest storm system you have
11 is a storm system that outlets in a different area than this
12 area, it's supposed to go south. Yet you have a storm system
13 that comes up to the corner of Sentry and Steaders Pass.

14 ENGINEER KEN BOSMA: Yes.

15 BOARD SECRETARY KEN SOUTER: I could see -- okay,
16 just pre-engineering here, and I'm not supposed to do that,
17 but could a line be run to that backyard from that corner?
18 Or is it totally illegal bringing the water out of the
19 district, this district into another district? I mean that
20 seems like the closest outlet.

21 ENGINEER KEN BOSMA: Right.

22 BOARD SECRETARY KEN SOUTER: And I don't know if
23 you got depth enough or whatever. But --

24 ENGINEER KEN BOSMA: Right.

25 BOARD SECRETARY KEN SOUTER: -- is that an option

1 or not even be able to be considered an option because the
2 water goes different directions?

3 ENGINEER KEN BOSMA: So in answer to your question,
4 first of all some of the challenges we looked at early is
5 even how it would get through some of the house. I don't
6 recall to be honest, and Bovens might know better. But like
7 going through 1341, 1323, I can't remember if there was --

8 BOARD SECRETARY KEN SOUTER: 1323 is on the
9 petition.

10 ENGINEER KEN BOSMA: Pardon?

11 BOARD SECRETARY KEN SOUTER: 1323 is on the
12 petition.

13 ENGINEER KEN BOSMA: Okay. But what I'm saying is
14 I don't know if there was a utility issue, transformer or
15 something, a pole, or something between the houses that would
16 make us go somewhere else.

17 BOARD SECRETARY KEN SOUTER: Okay.

18 ENGINEER KEN BOSMA: The other thing is, yes, depth
19 wise was something that we did look at. That is shallow to
20 really address the issues in there, that happens to be one of
21 the shallowest ones that you see surrounding there.

22 We did look at all those access points surrounding
23 that area.

24 BOARD SECRETARY KEN SOUTER: Okay. So basically
25 you're looking probably at keeping the water in the park

1 district that it's in?

2 ENGINEER KEN BOSMA: I will tell you preliminarily
3 where we were looking to go is near 1275, 1259. That's the
4 depth that we could get to provide what we need.

5 But again, preliminarily, just coming out of there,
6 for example, where you start adding some costs is going
7 through that lot line, there was not the availability to go
8 through there. We'd actually have to go almost like one lot
9 north, 1275, 1289 to get through.

10 BOARD SECRETARY KEN SOUTER: Okay.

11 ENGINEER KEN BOSMA: But again, that all gets into
12 the easement discussions and how things go.

13 BOARD SECRETARY KEN SOUTER: Yes. What's the best
14 way to get back into there.

15 ENGINEER KEN BOSMA: Yes.

16 BOARD SECRETARY KEN SOUTER: Okay.

17 BOARD CHAIRMAN BILL CARGO: Okay. Well then in
18 that case I'm going to allow you more comment.

19 MR. JIM BOVEN: Can I say something?

20 BOARD CHAIRPERSON BILL CARGO: Keep it under three
21 minutes.

22 BOARD SECRETARY KEN SOUTER: He's on his wife's
23 now.

24 MR. JIM BOVEN: Okay. I know for sure that the
25 four around the cul-de-sac, I don't know about the two corner

1 lots, but I know the other four have all had water in their
2 basement at some point since I've lived there.

3 BOARD CHAIRPERSON BILL CARGO: Okay, that's good to
4 know. I didn't know there was water in the basement
5 problems.

6 ENGINEER KEN BOSMA: I didn't know that.

7 MR. JIM BOVEN: And the other thing is I will
8 gladly do whatever with berms to make water flow better.

9 Normally my lot looks like a baseball field. Deep
10 center field is where I have my pump and that is the lowest
11 spot back there and that's where I pump it all out.

12 That's -- mine doesn't look so wet because I
13 pumped. That's what his looks like, but I can move all that
14 water into that center field spot by just cutting through
15 that berm a little bit. So I'd be willing to do that.

16 BOARD CHAIRPERSON BILL CARGO: I understand that.
17 They will look at where the low spot is as they take a look
18 at this.

19 That said, I'll close the public comment section
20 and we'll have a time for discussion among ourselves.

21 I'll start with you, Rich, do you have any comments
22 or questions that you have on this?

23 BOARD MEMBER RICH VANDER KOLK: I really don't have
24 any questions. I think my only comment is I can see that
25 there definitely is a need to attempt to correct this. And

1 the suggestion that Ken made in terms of a possible solution
2 with the 1259, 1270 and 1275 and 1289, but they have to get
3 in there and check the easements and all of that.

4 So but I do see that there is a need to address it.

5 BOARD CHAIRMAN BILL CARGO: Ken?

6 BOARD SECRETARY KEN SOUTER: Well, I'm always in
7 favor of doing something if it's possible, of doing it -- and
8 I have, when I lived in Holland Township 20 years ago, 25
9 years ago, I had a wet basement. So there is nothing more
10 frustrating than a wet basement or water in the backyard you
11 can't get rid of. And so --

12 BOARD CHAIRPERSON BILL CARGO: Where do you live
13 now?

14 BOARD SECRETARY KEN SOUTER: I live in Port Sheldon
15 Township in the sand dunes.

16 BOARD CHAIRMAN BILL CARGO: I was going to say you
17 have sand now, you don't have any clay soil.

18 BOARD SECRETARY KEN SOUTER: I live in the sand
19 dunes and I did it for a reason.

20 BOARD CHAIRPERSON BILL CARGO: Absolutely.

21 BOARD SECRETARY KEN SOUTER: But the same token,
22 the cost that, I'm a little more concerned with that than
23 anything. We're talking about a small area here, and the
24 costs, when you're looking at a hundred grand for a cost,
25 that seems excessive for such a little area.

1 So that's the part that concerns me more than
2 anything.

3 BOARD CHAIRPERSON BILL CARGO: And unfortunately we
4 can't as a Board of Determination get into that. I agree
5 with you that it seems excessive. The thing that I would
6 point out is that a portion of this will be absorbed by the
7 township because when we created this, we created it so that
8 maintenance costs would be shared with the county, with the
9 township. So I would suspect at least 25 percent would go
10 that direction.

11 The county may be able also as a municipality to
12 make a contribution, and the same with the road commission,
13 maybe less likely there as far as their percentage.

14 BOARD SECRETARY KEN SOUTER: Right.

15 BOARD CHAIRMAN BILL CARGO: But I think that's
16 determined by state law.

17 Isn't the percentage for these maintenance projects
18 determined by state law?

19 WATER RESOURCES COMM. JOE BUSH: That's correct.

20 BOARD CHAIRPERSON BILL CARGO: So if it's a hundred
21 thousand, I think you're probably going to find a good chunk
22 of it being paid for by the municipalities directly out of
23 their general fund.

24 Is that correct?

25 WATER RESOURCES COMM. JOE BUSH: Yes, I'll set

1 those percentage based on -- yes.

2 BOARD SECRETARY KEN SOUTER: Okay. Let's say we
3 approve this, which I am tending to do because I know water
4 just drives people nuts.

5 But if we get to a point where this seems, even to
6 the residents, we would rather deal with it ourselves than to
7 spend that much money, is there a recourse down the pipe that
8 the people actually can stop it if they -- let's say the
9 design goes way out of kilter for the amount of benefit that
10 people are getting.

11 WATER RESOURCES COMM. JOE BUSH: Yeah. I can speak
12 on that, just so it's on the record for Steaders Borough
13 people who are not here if they want to read the transcript.

14 What I typically do is have Ken or an engineering
15 firm come up with three options. And if the costs -- if the
16 cost outweighs the benefit, because it is a small district,
17 and say it's a half million dollars, I'd say that's not going
18 to fly. It's not going to work. I'm not going to break
19 people's banks. We'll go back to the drawing board and we'll
20 try to figure out what's the most cost efficient way that's
21 reasonable.

22 And maybe that's having the township even pick up
23 more than their 25 percent. That's a discussion I would have
24 with the township, the road commission. There is road water
25 that's going to go in there and they're going to be

1 benefiting, and the county, myself. So we'll share that
2 percentage with the road commission.

3 But one thing I do with every project, I always
4 look at the cost-benefit analysis and figure out does the
5 cost of the project outweigh. That's when we go back to the
6 property owners and people who need easements, and to keep
7 the costs down, we need to make sure we work on easements
8 for free and not wanting to get appraisals and the cost of an
9 easement. Because that all takes time and money and energy.

10 So we look at that. We'll have Ken come up with at
11 least two to three options, and maybe bid it out and see --
12 the bidding climate sometimes right now has me in a situation
13 where I don't accept bids because the cost is too high right
14 now. So I'll re-bid it out at a later date to see if I can
15 get better bids.

16 BOARD SECRETARY KEN SOUTER: That would be the only
17 part where I'm concerned with saying yes to this because I
18 want the people to have an option once we get to that point
19 of saying, hey, I'd rather put in a big sump pump there and
20 pump it out.

21 WATER RESOURCES COMM. JOE BUSH: Right. And that
22 might be one of the cheap options is getting a sump pump
23 or some kind of -- we don't like pumps, but sometimes they're
24 a --

25 BOARD SECRETARY KEN SOUTER: They're always a

1 headache. And then the power goes down right when the pump
2 is needed.

3 WATER RESOURCES COMM. JOE BUSH: Correct.

4 BOARD CHAIRPERSON BILL CARGO: But I think it's
5 interesting when you take a look at the Steaders Borough
6 Number Three, you notice that they do have the drains in the
7 backyard that is removing all that water, and they didn't do
8 that here and that's unfortunate.

9 That said though, I agree that there is a necessity
10 here in terms of there is a problem. I also agree that we
11 hope that this is a fairly localized problem. It's not
12 normally as large as the issues we typically deal with, but
13 it's still an issue for the people that live there.

14 So that said, I will make a -- I'm sorry, I can't
15 find my motion.

16 BOARD SECRETARY KEN SOUTER: There is your motion.

17 BOARD CHAIRPERSON BILL CARGO: I will make a motion
18 that the maintenance improvement of the Steaders Borough
19 South Drain is necessary and conducive to the public health,
20 convenience and welfare.

21 BOARD MEMBER RICH VANDER KOLK: I will support
22 that.

23 BOARD CHAIRPERSON BILL CARGO: I have support from
24 Rich, is there any further discussion? I know we've hit this
25 fairly well.

1 Then all in favor of the motion, say aye.

2 BOARD MEMBER RICH VANDER KOLK: Aye.

3 BOARD CHAIRPERSON BILL CARGO: Aye.

4 BOARD SECRETARY KEN SOUTER: Aye.

5 BOARD CHAIRMAN BILL CARGO: Opposed? None.

6 So it passes unanimously.

7 That said, I'm going to turn it back over to the
8 Water Resources Commissioner to talk about the appeals
9 process. And then when that's done I will close the hearing.

10 WATER RESOURCES COMM. JOE BUSH: Yes, there is an
11 appeal process which means if somebody wants to appeal
12 today's Board of Determination, they have ten days to do
13 that. But nobody is here so I guess they have to read the
14 transcript at some point, but they're not here to hear an
15 appeal which kind of makes it a challenge. But they can by
16 law, can appeal today's Board of Determination, if they want
17 to follow that route. So that's how the appeal process
18 works.

19 BOARD CHAIRPERSON BILL CARGO: Again, I appreciate
20 you coming. This is my smallest BOD I think we've ever had.

21 So that said, we will adjourn the meeting without
22 objection.

23 (BOD adjourned at 10:42 a.m.)

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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN)

) SS

COUNTY OF MUSKEGON)

I certify that this transcript, consisting of 36 pages, is a complete, true and correct record of the Board of Determination - Steaders Borough South Drain, held on August 8, 2019.

DATE: August 15, 2019

Marjorie Covey

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

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