1	STATE OF MICHIGAN
2	COUNTY OF OTTAWA
3	
4	IN RE: SWISS VILLAGE SUB DRAIN
5	BOARD OF DETERMINATION
6	
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8	Proceedings commenced at 11:30 a.m., on Thursday,
9	December 5, 2019, at the Barber School Community Building,
10	102 West Exchange Street, Spring Lake, Michigan, held before
11	Marjorie A. Covey, CSR-2616, Certified Shorthand Reporter and
12	Notary Public.
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14	
15	APPEARANCES:
16	Mr. Joe Bush, Ottawa County Water Resources Commissioner
17	Mr. Chad Meints, Chief Deputy to Water Resources Comm. Ms. Sara Hirts, Secretary
18	Ms. Sala fills, Secretary
19	Mr. Ken Souter, Board Chairman Mr. Rich VanderKlok, Board Secretary
20	Mr. Ron Brink, Board Member
21	Mr. Gordon Gallagher, Spring Lake Township Manager
22	Mr. Jerry Olman, Ottawa County Road Commission
23	Mr. Ryan McEnhill, P.E., Eng. Engineering
24	
25	

1	Spring Lake, Michigan
2	December 5, 2019 - 11:30 a.m.
3	PROCEEDINGS
4	WATER RESOURCES COMM. JOE BUSH: Good morning.
5	Welcome to a Board Of Determination, a public hearing,
6	because we were petitioned by the Township of Spring Lake for
7	some improvement over in Swiss Village Drain District. So
8	and that's why we're here today. You guys walked into the
9	other one at 10 o'clock, so, again, we welcome you to sit and
10	listen to why we're here. And it's all part of Drain Code
11	which is state law.
12	We got to have a public hearing to hear testimony
13	on whether people are having problems or they're not having
14	problems.
15	And it's just required for me to appoint a
16	three-panel board, and that's what I did. That have no
17	affiliation with Swiss Village or Spring Lake Township.
18	These gentlemen are outside of the district and they're here
19	to deem it necessary or unnecessary to move forward with the
20	project.
21	So I'll do a few introductions and then we can kind
22	of move quickly.
23	I'll introduce my three-panel board. These
24	gentlemen from my left to my right, we got Rich Vander Klok
25	and he is from Georgetown Township, he's on the board, he's

been doing a lot of these over the years.

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When I pick these gentlemen it's usually based on experience, what they know about, most important is Drain Code, drain law and that's what I go by. So Rich has done many, many of these and he does a great job.

Then we have Ken Souter. He's from Port Sheldon Township, but he's also nearly 40 years at the road commission in the engineering department. He's retired now but he has a lot of experience with drainage and drain law.

Then we have -- I always --

UNKNOWN SPEAKER: Old what's his name.

BOARD MEMBER RON BRINK: You're fired.

WATER RESOURCES COMM. JOE BUSH: So then we have --

BOARD MEMBER RON BRINK: Ron Brink.

WATER RESOURCES COMM. JOE BUSH: Ron Brink. I keep wanting to call him Larry, but Ron Brink is also from Zeeland Township, so not near here. And he's been doing a few of these and he does a great job as well.

He's been on the board at Zeeland Township and understands the procedures.

So there is a process here, everything is court recorder by Margie. Margie has been doing these for years and does a great job, so if you ever want to read the transcript, everything is recorded word for word. And you can go to MIOttawa.org and look under Water Resources

Commissioner. And I have all the Board of Determinations on there. And in about four to six weeks after today's meeting they should be posted on there if you ever wanted to read what happened or why we're here.

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And then Larry is from Georgetown, he's our alternate, from Georgetown. He does a lot of these but he's here to sit in in case we needed a spare person.

And then we have Jerry Olman, he's with the road commission currently in the engineering department and he's been there for quite a few years as well.

And I'm Joe Bush, the Water Resources Commissioner. It used to be Drain Commissioner, I changed the name when I got elected in 2012, because it fits more of what I do.

This is just one small part of my job but it's one of the most important is having a public hearing and looking at what the issues are and whether they see it necessary or not to move forward to help people out.

I got the whole county, I'm elected, so this is just one of the townships that I do work in. Again we have Gordon Gallagher, he's the township manager. And my chief deputy Chad in the back and Sara, who is my secretary.

And then we have Ryan from Eng. Ryan has been -he works for probably I'd say at least 25 different drain
commissioners, and his firm works for commissioners across
the whole state. He's based out of Grand Haven currently but

their main office is in Lansing.

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So people are like, well, Eng, I haven't heard of them, but they've been in the water business for a long time. He does a great job for us. He'll be giving a presentation at some point.

And once I give these three gentlemen here the oath, they'll be running the meeting. They'll pick a chair and they'll be -- you guys will be going to those folks if you have any questions or concerns. So it won't be me. So I'm not the one who determines the necessity or not. By state law I got to appoint this panel board.

So we'll move forward based on their decision.

And if you do have a comment, please give your name, address and your concerns so the court reporter can hear it. And then as of now we'll go ahead and move forward.

Gentlemen, raise your right hand, we'll give you the oath.

Do you each solemnly swear that you will faithfully perform and discharge the duties imposed upon you as required by law as members of the Board of Determination appointed by the Water Resources Commissioner to determine the necessity to locate and establish and construct the proposed Swiss Village Sub Drain, located in Spring Lake Township in said county, gentleman?

BOARD MEMBER RICH VANDER KLOK: I do.

1	BOARD MEMBER KEN SOUTER: I do.
2	BOARD MEMBER RON BRINK: I do.
3	WATER RESOURCES COMM. JOE BUSH: Thank you.
4	BOARD MEMBER KEN SOUTER: The first thing on our
5	agenda is to elect a chairperson.
6	Do we have a motion?
7	BOARD MEMBER RICH VANDER KLOK: I'll make a motion
8	that Ken Souter be the chair.
9	BOARD MEMBER KEN SOUTER: Do we have a second to
10	that motion?
11	BOARD MEMBER RON BRINK: I'll second that.
12	BOARD MEMBER KEN SOUTER: Moved and seconded. All
13	in favor, say aye.
14	BOARD MEMBER RICH VANDER KLOK: Aye.
15	BOARD MEMBER KEN SOUTER: Aye.
16	BOARD MEMBER RON BRINK: Aye.
17	BOARD CHAIRPERSON KEN SOUTER: Also we need to have
18	a secretary, and I'll make a motion that Rich, you serve as
19	secretary.
20	BOARD MEMBER RON BRINK: I'll support that.
21	BOARD CHAIRMAN KEN SOUTER: Moved and supported
22	that Rich is secretary.
23	All in favor, say aye.
24	BOARD MEMBER RICH VANDER KLOK: Aye.
25	BOARD CHAIRPERSON KEN SOUTER: Aye.

1	BOARD MEMBER RON BRINK: Aye.			
2	BOARD CHAIRPERSON KEN SOUTER: And then the third			
3	thing, I'd like to make a motion that, and we don't have that			
4	many people so it's not going to be a problem, but I'd like			
5	to make a motion that public comment be limited to about			
6	three minutes.			
7	BOARD SECRETARY RICH VANDER KLOK: I'll support			
8	that.			
9	BOARD CHAIRPERSON KEN SOUTER: Moved and seconded.			
10	All in favor, say aye.			
11	BOARD SECRETARY RICH VANDER KLOK: Aye.			
12	BOARD CHAIRPERSON KEN SOUTER: Aye.			
13	BOARD MEMBER RON BRINK: Aye.			
14	BOARD CHAIRPERSON KEN SOUTER: Okay.			
15	I think we're going to get right into the crux of			
16	the thing.			
17	Ryan, would you just give us a blow-by-blow account			
18	on what's happening out here?			
19	ENGINEER RYAN McENHILL: Yep, I will do that.			
20	I'm Ryan McEnhill with Eng., I'm a professional			
21	engineer in the State of Michigan, and Joe asked us to do			
22	some preliminary investigation work out there to identify			
23	where some of the potential issues are at.			
24	And then we also delineated the district boundary			
25	and came up with a tentative route and course for where a			

drain may be.

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Again the petition was filed by Spring Lake
Township. This is a new drain, so there is not an existing
county drain in this area so it's done through Chapter 3 and
4 of the Michigan Drain Code. Joe talked about kind of the
role of the board so I won't go into that any further.

But some of the things that we did just preliminarily up and to this point, again being a new drain there is not any history to go back and find in the Ottawa County Water Resources office.

But we did review primarily out in the field, we did site visits to determine where the issues were at to come up with where a potential drain centerline would be.

And then we provide kind of the independent and unbiased assessment to this Board of Determination to assist them in making their decision. They obviously haven't been out and visited the site, so we're going to provide some photos and things of some various issues and things like that to give this board some background.

So to come up with a district boundary, the majority of these issues exist on Alpine Court. So that purple line -- what we're trying to do is what are the lands contributing water to this blue line essentially.

And the --

UNKNOWN SPEAKER: Excuse me, what is the blue line?

ENGINEER RYAN McENHILL: That's the tentative route and course of where the drain centerline would be.

UNKNOWN SPEAKER: Oh, okay.

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ENGINEER RYAN McENHILL: It's just a tentative one we have at this point.

So the topographical features in this area obviously being in a dune area were pretty distinct. So it was a fairly easy district to delineate from that standpoint. But we used GIS data and contours from the county to assist us as well.

And so this purple line is basically the watershed for this district, came up with about 14 acres plus or minus.

So just based on our field review, there is a depiction for the board members in the packet of kind of how drainage is flowing out there.

There is a large hill, that water all comes down

Swiss Drive here, takes a turn onto Alpine Court, and then

there is not any curb and gutter or a valley gutter that kind

of keeps the water contained to the roadway. And what's

happening is as it comes down that hill, it's actually

veering off into a resident's driveway and going down their

driveway. So there is a lot of roadway runoff that's making

its way onto private property.

And there was this second area over on Alpine Court as well, and there will be photos of this that kind of show

that. But there is a couple obvious areas that stood out as issues.

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And this -- these are photos of that area. So where that truck is parked at in the first photo, that's kind of where it veers off the roadway. It's a pretty large area of runoff from the roadways that's making its way to this driveway approach, running down, and then the property owner has taken the liberty of putting something to try to alleviate these issues which is probably just a small infiltration basin, one or two foot diameter.

But considering the amount of water that's coming to this location, that just can't keep up with it. So there is water issues to the garage and the residence.

This is the second area. This is on Alpine Court too. Again, roadway drainage and how the parking area is graded. This is kind of a standing water location as well with no infrastructure in place to kind of convey that to a low point or an area where it can infiltrate.

And just talking about the soil conditions again, obviously being in a dune area we have a lot of sandy soils.

The water table is a little bit variable out there where we would probably look to do some infiltration practices. The water table is only 18 to 24 inches, this is from the NRCS Soil Survey that gives us this info. We could get better information by doing tech geotechnical work, but

that's something we can explore down the line if the board finds it necessary.

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And then infiltration rates are 20 to 60 inches per hour which is very, very good and conducive to infiltration. So there are opportunities there where if we can get the water directed to a point, such as a grass or soil area, there is the opportunity there for infiltration to occur.

So just as a summary, obviously being very little -- there is some storm water infrastructure, but not in the locations where it needs to be to be effective, so not having that capability to handle some of the runoff is issue number one.

There are things that can be done by adding curb and gutter or valley gutter to keep the water contained and be able to convey it to a location where it's not causing structure damage, it's something that's noticeable and could be corrected.

So that's all I have, kind of a brief summary.

It's a very small district, there is just a handful of problems there that could potentially be corrected.

But obviously there is a small crowd for public testimony. But we'll do that next.

And then if this board makes a determination that this project is not necessary, then the project would die, nothing would happen.

If they did find the project necessary, we would start the process of scoping the project and then designing it.

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This particular project, I'm not certain that easements or any type of permits other than a road commission permit would be necessary. So this is the type of project that would be, I guess, swifter than most drain projects.

And then we'd prepare a big plan and make some of these corrections to fix where we got these ponding water areas.

BOARD CHAIRPERSON KEN SOUTER: A question for you. Did you go back into the -- when this thing was plated and where that water was supposed to go?

ENGINEER RYAN McENHILL: We did not. So there is -- I can go back quickly.

So just when you're out there and you start to look at, okay, what would we do to try to alleviate some of these issues. This area right here (indicating) at Alpine Court, I don't know if you can see that, right down here (indicating), is an obvious area where if you can get the water directed to that point and have it infiltrate at that location, that would be something where we'd be looking to do that.

BOARD CHAIRPERSON KEN SOUTER: Okay.

Now I also looked on -- I mean I don't know this area that well, but it looked like there is multifamily housing here? Or is this -- I mean like parking areas.

ENGINEER RYAN McENHILL: Yes. So I think there is 1 2 just a handful of single-family homes and the majority of it 3 is apartment complexes, yep. 4 BOARD CHAIRPERSON KEN SOUTER: Okay. 5 From that point, the township? 6 SPRING LAKE TOWNSHIP MANAGER GORDON GALLAGHER: 7 Thank you very much. Gordon Gallagher, Spring Lake Township Manager. 8 9 First off, we greatly appreciate your work and Joe Bush's 10 work in dealing with some of these problems. 11 Over the years I think that problems have not been 12 addressed, and the efforts of everyone to finally look and 13 say let's get something in place so that we have a mechanism 14 to address these problems, is greatly appreciated. 15 The other thing about this issue, as you have 16 noticed from the last hearing to this one, this really impacts one -- the impact is to one or two residents. 17 18 it's as important as larger ones as well because the impact 19 is significant. And that's why our board decided that we 2.0 should petition because the impact that one or two homeowners 21 are having here is very significant from the runoff that's 22 happening. 23 So we would urge that you do make a determination 24 that this should become a county drain so that the resources

can be put towards getting a solution put in place.

25

1	Thank you.
2	BOARD CHAIRPERSON KEN SOUTER: So basically what
3	you're saying is all of the area is draining into two
4	particular spots?
5	SPRING LAKE TOWNSHIP MANAGER GORDON GALLAGHER:
6	That I'm aware of. And so I know that the Checks are here,
7	who are one of those families, and they're the ones that have
8	seen the most significant I believe this is their home
9	here (indicating).
10	UNKNOWN SPEAKER: Yes, sir.
11	SPRING LAKE TOWNSHIP MANAGER GORDON GALLAGHER:
12	And so what ends up happening is they're the ones that see
13	the most significant runoff from the roads and area. And
14	they also happen to be one of the lower properties.
15	So it's not their water. That's the problem, when
16	it gets right down to it. It would be different if this was
17	a situation where they were just dealing with the water that
18	was just on their property.
19	But and I think that the reason that there
20	aren't more people here is because the other folks don't have
21	a problem. They're high and dry. And so they don't
22	necessary wouldn't necessarily see this as a problem.
23	BOARD CHAIRPERSON KEN SOUTER: So the township is
24	in favor of this?
25	SPRING LAKE TOWNSHIP MANGER GORDON GALLAGHER: Yes,

1	we are.
2	BOARD CHAIRPERSON KEN SOUTER: Thank you.
3	Jerry Olman from the road commission?
4	ROAD COMMISSION JERRY OLMAN: On Alpine Court there
5	are a couple of leaching basins right here where Ryan
б	suggested that that would be a good spot for infiltration.
7	But and it is a 20-foot wide paved ditch section,
8	cross-section road that was put in here.
9	But there is some areas there is no longer any kind
10	of a visible ditch there, and years after this plat was put
11	in, the bike path came in, and that may have taken the place
12	of what used to be a ditch.
13	So now all of this water from here runs down and
14	around into this parcel, whether it was intended, people with
15	the bike path for this water to come down and around to this
16	basin, that I'm not sure on.
17	But, yeah, it is an obvious problem in that area.
18	So with that being an orphan system, the road
19	commission would be in favor of having the Water Resources
20	Commissioner take it over to find a solution for it.
21	BOARD CHAIRPERSON KEN SOUTER: Thank you, Jerry.
22	Then we're going to open the, open it for public
23	comment. And we'll start with the young lady up front.
24	UNIDENTIFIED SPEAKER: No comment.
25	BOARD CHAIRPERSON KEN SOUTER: No comment, okay.

1	The other two people here.
2	MS. JANET PETERS: First I'd like to say that I
3	don't know
4	BOARD CHAIRPERSON KEN SOUTER: Come up to the mic
5	and give your name and address.
6	MS. JANET PETERS: Janet Peters, 18225 Alpine
7	Court, Spring Lake, Michigan, 49456.
8	I don't know how this has not been addressed
9	previously. This happens every time there is a torrential
10	downpour. There is no way to direct the water to where it's
11	going.
12	The small drain that we have is too small to
13	MR. DAVID CHECK: About a four-inch drain.
14	MS. JANET PETERS: to take on all this water.
15	So our driveway floods, then our backyard floods, and then
16	the water goes into the two apartments.
17	So we've had to re-carpet, sanitize, the whole nine
18	yards that you have to do when there is a flood.
19	MR. DAVID CHECK: Sanitation isn't cheap.
20	BOARD CHAIRPERSON KEN SOUTER: You're her husband?
21	MR. DAVID CHECK: Yes, I'm sorry David Check.
22	MS. JANET PETERS: And we've gone through this
23	several times. We've had new carpeting, almost every year,
24	at least one a year, and that's
25	MR. DAVID CHECK: Twice last vear.

MS. JANET PETERS: -- five to \$10,000 every year, 1 2 and that's what it's costing us to stay in our home. 3 MR. DAVID CHECK: And we also can't get flood 4 insurance because we're not in a floodplain. So I had to 5 petition FEMA in order to get the flood insurance and trust 6 me, that's not cheap. 7 Our homeowner's insurance won't cover it. 8 go to my insurance company and ask them for help, tell them, 9 we're flooded again, well, we can't do anything unless your 10 drain is backed up. 11 So last year I lied to them and told them my drain 12 was backed up, at least we got a little bit of help. 13 But this happens two or three times a year. 14 think the reason is shortly before we moved there, they put 15 in a three-car garage on the side. 16 Can you go forward one picture? This driveway right here I don't think was there 17 18 before we moved in. And the problem is none of the water 19 goes past my driveway. None of it. 2.0 It comes down Swiss Drive, it comes down Alpine 2.1 Court, and nothing goes by my driveway, nothing goes down to 22 Everything goes down here and this little tiny drain here. 23 that I have here is supposed to catch everything. 24 I have black mold in my garage. I mean I haven't

even touched the garage yet. My garage floods every time.

25

1	BOARD CHAIRPERSON KEN SOUTER: Okay.
2	MS. JANET PETERS: The water basically is almost
3	knee high when we're dealing with this flood.
4	MR. DAVID CHECK: I've tried to do several things
5	to alleviate it. I've cut a ditch over here (indicating) to
6	make the water go behind this apartment. But unless you're
7	out there shoveling the water, it's just not going to go.
8	I've tried in the front here. I cut ditches into
9	my lawn on both here and on the other side to try to get the
10	water to drain into my lawn, and the water just, it comes by
11	too fast. It just won't go in there.
12	So unless you're out there pushing the water, you
13	got to be out by the garage pushing the water, and I got to
14	be out in the street pushing the water.
15	I travel for a living, my wife is disabled. So,
16	you know, it
17	BOARD CHAIRPERSON KEN SOUTER: Thank you very much.
18	MR. DAVID CHECK: I'm screwed.
19	BOARD CHAIRPERSON KEN SOUTER: Thank you very much.
20	MS. JANET PETERS: Thank you.
21	BOARD CHAIRPERSON KEN SOUTER: Okay. I don't know
22	that we've got anybody else in the room for comments, which
23	is unusual.
24	So I would call it an end to the public comment,
25	and take board comment.

1	BOARD MEMBER RON BRINK: Well, the township is in
2	favor of it, the road commission is in favor of it, and
3	they've got a problem.
4	BOARD CHAIRPERSON KEN SOUTER: They've got a
5	problem.
6	BOARD MEMBER RON BRINK: So I would be in favor of
7	it.
8	BOARD CHAIRPERSON KEN SOUTER: Rich?
9	BOARD SECRETARY RICH VANDER KLOK: I really can't
10	add anything. I would also concur and I'm in favor of it.
11	BOARD CHAIRPERSON KEN SOUTER: Then I'm going to
12	call for a motion. I agree with you both, both of you, the
13	same thing. We got a problem here and hopefully we can fix
14	it. So
15	BOARD SECRETARY RICH VANDER KLOK: Mr. Chairman,
16	I'll make the motion that the location, establishment and
17	construction of the Swiss Valley Sub
18	BOARD CHAIRPERSON KEN SOUTER: Swiss Village.
19	BOARD SECRETARY RICH VANDER KLOK: I said valley,
20	Swiss Village is necessary and conducive to the public
21	health, convenience or welfare.
22	BOARD CHAIRPERSON KEN SOUTER: Do we have a second?
23	BOARD MEMBER RON BRINK: I will second that.
24	BOARD CHAIRPERSON KEN SOUTER: Moved and seconded
25	that it is necessary for public health, convenience and

1	welfare.				
2	All in favor, say aye.				
3	BOARD SECRETARY RICH VANDER KLOK: Aye.				
4	BOARD CHAIRPERSON KEN SOUTER: Aye.				
5	BOARD MEMBER RON BRINK: Aye.				
6	BOARD CHAIRPERSON KEN SOUTER: Opposed?				
7	Motion carried.				
8	Hopefully we can get something done for you.				
9	MR. DAVID CHECK: I hope so, thank you. I mean				
10	come spring, I'm looking at torrential rains again so I'll be				
11	flooded again.				
12	BOARD MEMBER RON BRINK: I don't know if it will be				
13	done before spring though.				
14	BOARD CHAIRPERSON KEN SOUTER: It's a small				
15	district, so maybe something can be done.				
16	BOARD MEMBER RON BRINK: Maybe.				
17	MR. DAVID CHECK: If we can just get the water to				
18	go past my driveway, that would be great.				
19	BOARD CHAIRPERSON KEN SOUTER: Kind of a secondary				
20	thought on this whole thing, this is probably, and Jerry				
21	probably understands it too, this is probably back in the era				
22	that the road commission allowed ditches within subdivision				
23	areas. And these were all the ditches were supposed to be				
24	also leaching areas for the water coming from the houses,				
25	coming from the street, ditches that were supposed to be in				

1 there. 2 The first thing that happened to those ditches is 3 they were filled. So the water doesn't have any place to 4 leach anymore. We had that case a lot of times in the 5 subdivisions where they dug a hole for the basement that fell 6 and went right into the ditches. And we struggled with it 7 for years and years and finally went to curb section where they had to actually put storm sewer in to rig it to an of 8 9 outlet. 10 And we had that problem for years and years. And 11 this probably dates back to that era. It sounds like that 12 must be -- it's a 20-foot wide roadway? 13 ROAD COMMISSION JERRY OLMAN: 14 BOARD CHAIRPERSON KEN SOUTER: So a 20-foot wide 15 roadway with two foot ditches on either side, and I'll 16 quarantee you can't find any ditches anymore. There are no ditches. 17 MR. DAVID CHECK: BOARD CHAIRMAN BILL CARGO: So that's just a side 18 19 note. 2.0 I appreciate you coming in. I appreciate your 21 And hopefully for the township we can get this 22 taken care of. 23 Thank you for your time. 24 (BOD concluded at 11:58 a.m.) 25

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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 22
pages, is a complete, true and correct record of the BOD -
Swiss Village Sub Drain, held on December 5, 2019.
DATE: December 26, 2019
neyour cour
MARJORIE A. COVEY, CSR-2616 141 East Michigan Avenue, Suite 206
Kalamazoo, MI 49007 1.800.878.8750
Notary Public Expires: October 14, 2021, Muskegon
County, Michigan/Acting in the State of Michigan.

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	account 7:17	20.23,24	7,9,11,12,14,	centerline
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