1	STATE OF MICHIGAN
2	COUNTY OF OTTAWA
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4	IN RE: VILLAGE GREEN ESTATES DRAIN
5	BOARD OF DETERMINATION
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8	Proceedings commenced at 2:45 p.m., on
9	June 28, 2022, at the Holland Charter Township Fire Station
10	No. 1, 131 Riley Street, Holland, Michigan, held before
11	Dawn M. Houghton, CSR-3071, RPR, Certified Shorthand Reporter
12	and Notary Public.
13	
14	APPEARANCES:
15 16	Mr. Joe Bush, Ottawa County Water Resources Commissioner Mr. Josiah Timmermans, Chief Deputy to Water Resources Comm. Ms. Marie Snyder, Secretary
17	Mr. Rich VanderKlok, Board Chairman
18	Mr. Josh Westgate, Board Secretary Mr. Ken Souter, Board Member
19	Mr. Lucas Timmer, P.E., Prein & Newhof Mr. Ken Bosma, P.E., Prein & Newhof
20	Mr. Jerry Olman, Ottawa County Road Commission
21	MI. Delly Olman, Octawa Country Road Commission
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Holland, Michigan 1 June 28, 2022 - 2:45 p.m. 2 PROCEEDINGS 3 WATER RESOURCES COMM. JOE BUSH: Well, good 4 afternoon, everyone. I'm Joe Bush, your Water Resources 5 Commissioner, also known as Drain Commissioner. It's the 6 same office, just different title. 7 So, we're here today for the Village Green Estates 8 Drain Board of Determination at the fire barn here, so we 9 appreciate you spending some time with us to get kind of 10 familiar with why you're here, and why we're here, and what 11 the process is, how it works, and what does it look like 12 moving forward after today. 13 So, we're here today because we got a petition from 14 15 Holland Charter Township. There's a couple ways to petition It's either by the people, or through the township, or 16 me. 17 the road commission. And there's a couple other ways, but today's petition that we're talking about is a petition from 18 Holland Charter Township. 19 And some people ask, well, why are they petitioning 20 and what does that do? Well, what we're talking about in 21 today's watershed or subdivision or drain district is an 22 23 orphan drain. An orphan drain means that the county, me, or the road commission, or the township, we don't have any 24

jurisdiction over any of the infrastructure. Whether it's a

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pond, open channel, enclosed pipe, or anything in there, we 1 don't have any jurisdiction over it. 2 3 And if something happens, who do you call? going to fix it, you know, if there's an emergency? All 4 those things come into play at some point because 5 infrastructure does fail. 6 7 And this particular subdivision, this is one of five today, of the orphan drains that we've been meeting on, 8 and it's kind of -- it's a situation that the township has 9 said, hey, we want to establish five to seven, even sometimes 10 eight of these a year, orphan drains, into a county drain. 11 And some people are like, well, who do you call if 12 there's an issue? If it becomes a county drain, who do you 13 call? Well, it would be the Ottawa County Water Resources 14 Commissioner. And we have staff to go out, inspect, and do 15 things like that. 16 17 When it's an orphan, it's the private property's ownership responsibility, so if there's an issue currently, 18 without today's hearing, it would be under the property 19 owners' responsibility to fix whatever it would be. 20 21 Unless if it's in the road right of way, and it's an emergency, the road commission typically goes out and 22 fixes those if it's an emergency. 23 But these orphan drains, we've been doing these 24 25 since 2013. Holland Charter Township has been saying we want

to do so many of these a year. And, again, this is the fifth 1 2 one today that we're doing. We try to do about seven or 3 eight a year, typically, of these orphans. Every township has them. These are older 4 subdivisions that were established back in the '80s or '90s, 5 early '90s, sometime before '96, '97, and they didn't go 6 7 through the review process like they would today. If this same subdivision came through, Holland 8 Charter Township says, hey, Joe, I want you to review this, 9 and then it becomes a county drain at that time. 10 But back in the '80s and '90s, '70s, '60s, they 11 didn't become county drains, typically, so here we are today 12 having to establish a county drain system if the three-panel 13 14 board that I appointed today sees it's necessary. The other part of Drain Code, which is state law, 15 is when I get a petition, I've got to appoint a three-panel 16 17 board and hold a Board of Determination or a testimony, public hearing. That's why we're here today. 18 This three-panel board has been doing these for 19 quite some time, some longer than others. But when I pick a 20 21 board, Number 1, they live in the county; Number 2, they don't live in Holland Township. They're not part of Holland 22 Township Board, and they live outside of this jurisdiction. 23 So, here's a map right there of kind of what we're 24 25 talking about, and they don't live anywhere near that or in

1 that.

So, if they make a decision today to move forward with making it a county drain, that doesn't mean there's going to be a project. That doesn't mean there's a cost. It doesn't mean anything. Their sole responsibility today is, does it seem necessary or not to make it a county drain system to put under the Water Resources Commissioner for future maintenance in the future.

As of right now, we don't know of any issues. I think the road commission has said, you know, and they'll probably make a statement later, there's no issues that he is aware of.

But we do go hire an engineering firm. They go out and do a very preliminary inspection. They'll go out, look at the boundary, review our files in our department. They go out, do kind of an inspection of the pipe a little bit, maybe the outlet of the pond, check the catch basins to make sure that they are there if they're there on the as-built plans. They check the plans.

And that's about as far as they go as an engineering firm for today's hearing, so then that gives you something to look at. They put a presentation together, and they'll share that later.

So today's engineers that we have is from Prein & Newhof. Again, we have Lucas Timmer and Ken Bosma. So they

do a lot of these orphans for us, again, since 2013. And then, like I said, it's part of Holland Township's Master Plan to get all these orphans established in time, like I say, a little bit at a time.

When we do hold a public hearing, I appoint gentlemen who, Number 1, they know how to run a meeting;

Number 2, they understand Drain Code, because that's why we're here. Everything is through Drain Code. And, Number 3, they understand drainage. And they know how to listen to people with drainage concerns, because all three of these gentlemen have had their own experiences in their own township or their own previous employment. So they do understand drainage very well. But they don't understand anything except your testimony today and the presentation from the engineering firm.

Everything is court recorded, so Dawn is with us today. She is -- so, everything is word for word, so make sure you speak loudly, and speak your address and name when you do give public testimony, whether you have an issue or not. But we're happy to hear it because we don't know of any. So the more we know, the better off we are, the more educated we get if there's something going on that we should look into.

So, again, everything is court recorded. These will be on my website, usually at about four to six weeks,

typically. If you go to miottawa.org and look under Water Resources Commissioner, look under petition and minutes, you'll be able to read what is said today.

It's not required by law, again, to do this, but

I've been doing it since 2013, and it's helped out in a lot

of situations, whether it's for now, or if I got ran over by

a bus walking to the parking lot, at least it's recorded that

Joe said this, the Board said that, and the people in the

audience said this.

So, it's just a way to keep track and just to know what was said. Five years later, you might want to go back and read it. Because I read them. Ten years ago, I read Board of Determinations that I had. So it's always a good way to go back and just kind of relearn, because we forget over time what happened and what was said.

So, again, it's a Holland Township petition, and then the three-panel board is here to determine a necessity, not a project.

Couple other introductions is the road commission,

Jerry Olman is here. He's been doing quite a few of these

with us over the years. He's a big partnership, and kind of

because they do have road and right of way in there, and so

they're a big part of the team on coming together if there's

issues, or in favor of or not in favor of, so he'll probably

give testimony later.

1	And we have Josiah. He's my chief deputy. We have
2	Marie Snyder as my secretary. So we have some of my staff
3	here. And, again, we have the engineering firm.
4	And usually the Holland Charter Township is here,
5	but they can't be here today, but they definitely are in
6	favor of all of these, because they're the ones that passed
7	the resolution to have these meetings.
8	So, at this time, I'll go ahead and do
9	introductions to my Board members for the Board of
10	Determination. From my right to left, we have Ken Souter.
11	Ken Souter is retired from the road commission. He was there
12	38 years as an engineer, so he's got a lot of expertise and
13	experience with water drainage, building roads, and flooding
14	situations. So he's been doing BODs for a number of years.
15	Then we have a previous retired board member from
16	Georgetown Township, and he's usually been chairing a lot of
17	these meetings, so he's been a big part. I don't know how
18	many years you've been doing these now.
19	BOARD MEMBER RICH VANDER KLOK: Lots.
20	WATER RESOURCES COMM. JOE BUSH: So he's been a big
21	team player.
22	Then we have Josh Westgate. He's from Wright
23	Township, and then Josh also is a deputy supervisor in
24	Jamestown now. But, again, these are they don't live in
25	Holland Township or your subdivision.

1	So when I give these three gentlemen the oath,
2	they'll run the meeting, and then from there, they will be
3	happy to answer any questions. And if they don't have the
4	answers, they can reach out to the engineering firm, or
5	myself, or the road commission, and happy to answer any
6	questions that we can do.
7	So, Gentlemen, please rise. Raise your right hand.
8	Do you each solemnly swear that you will faithfully
9	perform and discharge the duties imposed upon you as required
10	by law as members of the Board of Determination, appointed by
11	the Ottawa County Water Resources Commissioner, to determine
12	the necessity to locate, establish and construct the proposed
13	Village Green Estates Drain located at Holland Charter
14	Township in said county; Gentlemen?
15	BOARD MEMBER KEN SOUTER: I do.
16	BOARD MEMBER RICH VANDER KLOK: I do.
17	BOARD MEMBER JOSH WESTGATE: I do.
18	WATER RESOURCES COMM. JOE BUSH: Thank you.
19	BOARD MEMBER RICH VANDER KLOK: Thank you, Joe.
20	First order of business for the Board of
21	Determination is the election of a chairperson. A motion
22	would be in order.
23	BOARD MEMBER JOSH WESTGATE: I'll make the motion
24	to appoint Rich VanderKlok as chair.
25	BOARD MEMBER KEN SOUTER: I'll second that.

1	BOARD MEMBER RICH VANDER KLOK: Moved and supported
2	to appoint Rich VanderKlok as chair.
3	All those in favor, say aye.
4	BOARD MEMBER JOSH WESTGATE: Aye.
5	BOARD MEMBER RICH VANDER KLOK: Aye.
6	BOARD MEMBER KEN SOUTER: Aye.
7	BOARD CHAIR RICH VANDER KLOK: And then we need the
8	election of secretary, and I would move that Josh Westgate be
9	elected as secretary.
10	BOARD MEMBER KEN SOUTER: I'll second that motion.
11	BOARD CHAIR RICH VANDER KLOK: Moved and supported
12	to elect Josh Westgate as secretary.
13	All those in favor, say aye.
14	BOARD MEMBER JOSH WESTGATE: Aye.
15	BOARD CHAIR RICH VANDER KLOK: Aye.
16	BOARD MEMBER KEN SOUTER: Aye.
17	BOARD CHAIR RICH VANDER KLOK: And then we have
18	rules of public comment, and I'd like to make a motion that
19	public comment be limited to three minutes.
20	BOARD SECRETARY JOSH WESTGATE: I'll second that.
21	BOARD CHAIR RICH VANDER KLOK: Moved and supported
22	that public comment be limited to three minutes.
23	All those in favor, say aye.
24	BOARD SECRETARY JOSH WESTGATE: Aye.
25	BOARD CHAIR RICH VANDER KLOK: Aye.

1	BOARD MEMBER KEN SOUTER: Aye.
2	BOARD CHAIR RICH VANDER KLOK: And that is passed.
3	Then we've heard the role and function of the
4	Board, some of the procedural history, and now, Lucas, from
5	engineering, if he would give us their report.
6	ENGINEER LUCAS TIMMER: Thank you, Board. Once
7	again, my name is Lucas Timmer. I'm an engineer with Prein &
8	Newhof out of Holland. We were hired by the Ottawa County
9	Water Resources Commissioner to do the preliminary
10	engineering for the Village Green Estates Drain.
11	So as Joe has mentioned, the Village Green Estates
12	Drain is an orphan drain. So it's an orphan drain in which
13	that is an existing storm water drain system that is without
14	authorized local and county governmental jurisdiction, and
15	administrative, procedural and funding mechanisms to address
16	current, slash, future needs for maintenance and
17	improvements.
18	So, essentially, Holland Township, the road
19	commission, the county, none of those entities have legal
20	jurisdiction over that infrastructure that was put in. So
21	this process today, then, is that, in a sense, like a legal
22	formality to transfer that ownership, then, over to Ottawa
23	County Water Resources Commissioner's office.
24	To go through that process, Holland Charter
25	Township filed a petition to establish a drainage district on

March 3, 2022. Once that petition was filed and given to

Joe's office, then their office has to set up a Board of

Determination per Michigan Drain Code, which is what you guys

are at here today.

So the Village Green Estates Drain, the preliminary engineering work that we did, we first reviewed utility record drawings. So we looked at the utility records for storm sewer, sanitary sewer, water main, and the road grades that were put in when this neighborhood was developed. And we also reviewed the plat maps for the different plats that are part of this drainage district.

So there are Westshore Estates Number 2 from 1990.

That's on the northern end. Westshore Estates Number 3 from 1991. There is Woodfield Estates from 1992. There's Village Green Estates from 1992. There's Sun Berry Corners from 1996. And then there's Sapphire Lake Estates condos from 1996.

So once we review that information and get a good idea on where the storm drainage goes based on those record plans, we then delineate a drainage district or a watershed boundary using county Geographic Information System, one-foot contours, and also using aerials that we have available from the county.

We then go and visit the site to locate drain infrastructure, and then we also confirm drainage patterns

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just to make sure from what we're seeing on our Geographic Information Systems is matching with what we're seeing with our eyes out in the field. So this is the map of the drainage district boundary and the proposed county drain. There's also a map in the back there that you guys can look at. For explanation, the infrastructure that's already existing that we are proposing to establish as a county drain includes storm sewer systems on Thistlewood Lane that go west and then south into the back yards of these homes here. There's also a Caryn Way, in which their storm sewer also goes to the west and then to the north into the back yards here. There's also a system that runs along Thistle -- or perpendicular to Thistlewood Lane that brings some back yard drainage from these homes at the Westshore And in Woodfield Estates, it brings it from north Estates. to south. There's also infrastructure along Caryn Way that brings road drainage into the back yards. And in these back yards as well, there is a drainage easement that was provided as part of these plats when these plats were developed. And in general, the drainage was designed to flow, then, to the west to an outlet located just east of 132nd

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continues to flow to the west to the Number 8 Drain, which is

between Thistlewood and Caryn, and then it flows and

an open county drain that flows to the south along the west 1 side of 132nd. 2 The red boundary here is the proposed drainage 3 district boundary. Essentially, that's the watershed. 4 Anyone within this drainage district boundary is considered 5 to be contributing runoff from a rain event into the storm 6 7 sewer infrastructure, and into this detention area easement, and then out towards Drain Number 8. 8 So following the presentation, we'll have a time 9 for public testimony. I already talked with the Curriers, I 10 believe is their name, and it sounds like they do have some 11 drainage issues just in their back yard. So we'll find out 12 some more information from them on that. 13 This Board will then determine the necessity of the 14 15 petition based on the public health, welfare and/or convenience after hearing testimony. 16 17 If it's deemed necessary by the Board for this to become a county drain, then it will become established as a 18 county drain. It will then be under the Water Resources 19 Commissioner's jurisdiction. 20 21 If deemed not necessary by the Board, then no further action will occur. The system would then maintain 22 itself, I guess, as an orphan system, and no government, 23 then, would have jurisdiction over it. So this is a 24 25 possibility.

If the drain is deemed necessary by the Board and there's no drainage issues brought up, or the drainage issues, I guess, are minor enough at this time that it does not make sense to have a project, then what will end up happening is Holland Township, Ottawa County, the road commission will pay all the costs of getting this established.

However, if it's determined today that there are some significant drainage issues that require some form of project, the process we'd go through, then, is we'd have a project design where we would then design a project and determine if we need any easements.

Upon completion of the design, the project then would be let to contractors through a public bidding process. After the project is bid and the project costs are determined, there would be this process called the Day of Review of apportionments, which everyone within that drainage boundary, Holland Township, the county, and the road commission then would be aware of what their assessment, estimated assessment would be for this project.

Construction would then commence on a project. And as I said, then, the costs of a project to deal with any of that drainage would then be assessed out to Holland Township, Ottawa County, Ottawa County Road Commission, and parcels, then, within that drainage district boundary.

1	If drainage issues were to occur in the future,
2	then a petition would be needed if it's greater than the
3	\$5,000 per mile. So if there's a minor issue, and it's
4	\$5,000 per mile or less, Joe's office, then, has the right to
5	maintain that drain without having to go through this
6	petition and Board of Determination process like we're doing
7	today.
8	However, if the cost is greater than that and
9	there's some major issues, then we'd go through the similar
10	petition and Board of Determination process, then, where you
11	guys would be notified again of possibly a future project
12	going on in your neighborhood.
13	As indicated, again, assessments for all future
14	projects would be made, then, to the county, the road
15	commission, the township, and the property owners within the
16	drainage district.
17	That's the end of my presentation. Thanks.
18	BOARD CHAIR RICH VANDER KLOK: Okay. Thank you,
19	Lucas.
20	Now, Board, either Ken or Josh, do you have a
21	question for Lucas?
22	BOARD MEMBER KEN SOUTER: I'd like to ask Lucas
23	questions.
24	ENGINEER LUCAS TIMMER: You like to keep me on my
25	toes.

1	BOARD MEMBER KEN SOUTER: Okay. Most of this
2	within the red district that you show goes through that swale
3	in the back yards, crosses 132nd Street over to Number 8
4	county drain; is that correct?
5	ENGINEER LUCAS TIMMER: That's correct, yep.
6	BOARD MEMBER KEN SOUTER: Okay. Now you've got one
7	little portion here that maybe bugs me a little bit, which
8	would be you show a storm system that starts at Caryn Way
9	ENGINEER LUCAS TIMMER: Yep.
10	BOARD MEMBER KEN SOUTER: and goes south. Was
11	that built as part of this particular subdivision, or was
12	that built as part of Sapphire Lake's?
13	ENGINEER LUCAS TIMMER: And I might have misspoke
14	on that, too, Ken. So the Caryn Way system, you know,
15	starting at the upstream end there, flows west, and then it
16	flows north. And then also that back yard easement on the
17	south side of Caryn Way, all of that then flows north towards
18	that pond. So, yeah, that was built as part of the
19	subdivision.
20	BOARD MEMBER KEN SOUTER: Okay.
21	ENGINEER LUCAS TIMMER: Good question.
22	BOARD CHAIR RICH VANDER KLOK: Josh?
23	BOARD SECRETARY JOSH WESTGATE: I have nothing at
24	this time.
25	BOARD CHAIR RICH VANDER KLOK: Okay. Before we

1	open it up to public testimony, Jerry, from the road
2	commission, do you have any comments that you'd like to make
3	at this time?
4	ROAD COMMISSIONER JERRY OLMAN: Yeah, I'm not aware
5	of any drainage issues on on the road or in the right of
6	way. As far as I know, the system's working fine. And the
7	road commission is in favor of establishing this district and
8	having the county take over the storm infrastructure.
9	BOARD CHAIR RICH VANDER KLOK: Okay. Good. Thank
LO	you, Jerry.
L1	Then we'll open it for public comment, and I would
L2	ask that you would state your name and give your address, and
L3	then also identify whether you live or have lands in the
L4	drainage district.
L5	And so I'll start with the gentlemen in the back.
L6	JONATHAN WIGGER: My name is Jonathan Wigger, 13174
L7	Thistlewood Lane, so second one in on this one, laying on the
L8	pond side.
L9	I'm not quite sure what the intention is of the
20	pond. It's a dry pond, detention pond, from what I
21	understand. But there is water in our back yard for weeks at
22	a time, as well as a spot with corrugated plastic pipe
23	running underneath the ditch, the pond, that has a leak and
24	is making a hole in our back yard. That's caught ankles a
) E	few times. And then that little din on the south side of the

1	pond is there's water in that year around that attracts
2	mosquitos like crazy.
3	BOARD MEMBER KEN SOUTER: So you're the second lot
4	in on the south side of Thistlewood?
5	JONATHAN WIGGER: Yep.
6	BOARD MEMBER KEN SOUTER: Right here. So, that's
7	fairly close to the outlet.
8	JONATHAN WIGGER: Yes.
9	BOARD MEMBER KEN SOUTER: Is the outlet itself
10	open?
11	JONATHAN WIGGER: From what I've seen, it is.
12	There's the little there's a little channel. So let's
13	see. There's the outlet, and then there's like a berm over
14	that, and then it's open all the way to 132nd. That little
15	open spot is always wet year round, so it doesn't actually
16	drain from there
17	BOARD MEMBER KEN SOUTER: Okay.
18	JONATHAN WIGGER: unless there is significant
19	rainfall.
20	BOARD MEMBER KEN SOUTER: How far east does the
21	drainage run?
22	JONATHAN WIGGER: It runs about to the sidewalk.
23	There's the sidewalk along 132nd has a fence up, and you
24	can see the little
25	BOARD MEMBER KEN SOUTER: No, further to the east.

1	JONATHAN WIGGER: Sorry. Like how far does it stay
2	wet?
3	BOARD MEMBER KEN SOUTER: Yes.
4	JONATHAN WIGGER: Our neighbors to the east have it
5	worse, and I think you guys are a couple farther ease yet, so
6	they'll be able to speak better to that, but it stays wet for
7	at least four weeks if we get good rainfall after snow melt,
8	especially.
9	BOARD MEMBER KEN SOUTER: Okay.
10	BOARD CHAIR RICH VANDER KLOK: Good. Thanks. The
11	next?
12	WILLIAM CURRIER: Yeah, it's William Currier.
13	We're at 13102 Thistlewood Lane. And so the the outlet
14	there is in our back yard into the retention pond.
15	So large rain falls, I mean, over several days, we
16	will see that back up across our back yard and further east
17	into the neighbor's yard.
18	It seems to drain fairly quickly after a storm
19	unless we're getting, you know, constant rain. It does dry
20	out fairly quickly.
21	I think I think in the past, more our issue has
22	been we've been told it was a county drain even back to when
23	we purchased the house, so it's kind of interesting to find
24	out that it's not.
25	Because we talked to the township, and the township

1	was like, no, it's the county. And, yeah, that's that's
2	really the biggest thing for me. And in finding out that
3	it's, you know, if that comes out in my back yard and
4	something happens to it, it's mine to fix, that's going to be
5	interesting.
6	BOARD MEMBER KEN SOUTER: This will solve that
7	problem.
8	WILLIAM CURRIER: Yeah.
9	BOARD MEMBER KEN SOUTER: Okay. Since you're right
10	there, you are pretty close to both those drains, one's
11	coming from the south, one's coming from the north.
12	How far to the east of you does it stay wet, or
13	does it dry out fairly easily?
14	WILLIAM CURRIER: No, I would say it it drains
15	westward fairly quickly. It's, once or twice a year, it
16	might it might push, you know, halfway across our back
17	yard. Every ten years, it might go all the way across our
18	back yard and out into the neighbor's yard and that. But
19	it's it typically dries up within a few days, yeah, within
20	a few days of not having rain.
21	BOARD MEMBER KEN SOUTER: Okay. You're right at
22	the outlet, so that makes sense. You're right at both the
23	outlets, so it makes sense you're going to get wet.
24	WILLIAM CURRIER: Yeah, we get wet. It fills in
25	quick. We look out back, oh, yeah, the lake's back, there's

1	ducks in it already, and that. But usually it's it's gone
2	from our view within a couple days.
3	BOARD MEMBER KEN SOUTER: Okay.
4	BOARD CHAIR RICH VANDER KLOK: Does your wife, I'm
5	assuming, is that
6	WILLIAM CURRIER: Yes.
7	BOARD CHAIR RICH VANDER KLOK: Would you like to
8	make any comments?
9	MRS. CURRIER: No, thank you.
10	BOARD CHAIR RICH VANDER KLOK: He said it all,
11	okay.
12	Then I would make the motion, then, to close public
13	comment.
14	BOARD SECRETARY JOSH WESTGATE: I'll support that.
15	BOARD CHAIR RICH VANDER KLOK: Moved and supported
16	to close public comment.
17	All those in favor, say aye.
18	BOARD SECRETARY JOSH WESTGATE: Aye.
19	BOARD CHAIR RICH VANDER KLOK: Aye.
20	BOARD MEMBER KEN SOUTER: Aye.
21	BOARD CHAIR RICH VANDER KLOK: Public comment is
22	closed.
23	And now, Board members, either Josh or Ken, if you
24	have comments you want to make based on the public input that
25	we've heard?

1	BOARD MEMBER KEN SOUTER: It sounds like we have a
2	grading problem
3	BOARD SECRETARY JOSH WESTGATE: It does.
4	BOARD MEMBER KEN SOUTER: from here to here.
5	And I don't know if it was intended to stay wet. Ken will
6	probably answer that quicker or
7	ENGINEER LUCAS TIMMER: This is a grading problem.
8	MRS. CURRIER: Except he was just pointing this
9	way. I didn't know what he was pointing at.
10	BOARD MEMBER KEN SOUTER: It's a grading problem to
11	get the water there. Now, I don't know where we stand here
12	on this, whether or not we can does it need require
13	another hearing to or can we actually suggest
14	ENGINEER KEN BOSMA: I'd like just to suggest, Ken,
15	you're just to determine if it is necessary to make it as a
16	county drain. Then it's up to Joe's office to determine what
17	type project. This still can all occur under this because
18	it's under this hearing. So if he wants to do a project, he
19	can do it because of this hearing.
20	BOARD MEMBER KEN SOUTER: He can do it because of
21	this hearing?
22	BOARD SECRETARY JOSH WESTGATE: Correct. We're
23	establishing it right now into a county drain.
24	BOARD MEMBER KEN SOUTER: Okay.
25	BOARD CHAIR RICH VANDER KLOK: Josh, do you have

1	anything further?
2	BOARD SECRETARY JOSH WESTGATE: No. I'm in
3	agreement with everything there. Let's make this a part of
4	the county drain system underneath the authority of the Water
5	Resources Commissioner so we can resolve some of these issues
6	hopefully.
7	BOARD CHAIR RICH VANDER KLOK: Then I'd make the
8	motion that the establishment and construction of the
9	proposed Village Green Estates Drain, as petitioned on March
10	3, 2022, is necessary and conducive to the public health,
11	convenience or welfare.
12	BOARD SECRETARY JOSH WESTGATE: I'll support that.
13	BOARD CHAIR RICH VANDER KLOK: Motion is made and
14	supported.
15	All those in favor, say aye.
16	BOARD SECRETARY JOSH WESTGATE: Aye.
17	BOARD CHAIR RICH VANDER KLOK: Aye.
18	BOARD MEMBER KEN SOUTER: Aye.
19	BOARD CHAIR RICH VANDER KLOK: And that is carried.
20	And then, Joe, do you want to make a comment,
21	please, about appeal process.
22	WATER RESOURCES COMM. JOE BUSH: Sure. Thank you,
23	Mr. Chair.
24	If somebody wanted to appeal today's Board of
25	Determination, you can appeal that through circuit court

1	within ten days from today. So I always have to make that
2	announcement, that if somebody wanted to appeal it, you have
3	the legal right to do that through circuit court.
4	We've never had that, but you never know. So if
5	somebody wanted to appeal it, you can by law.
6	And then also, yeah, moving forward, we will have
7	Prein & Newhof go out and do an actual inspection, and kind
8	of do an assessment for options on what to do to fix some of
9	these wet back yards. I'm sure the maintenance in it maybe
10	hasn't been up to speed over the years.
11	And so, yeah, we'll look into that with Prein &
12	Newhof and myself, and keep in contact with you folks that
13	came. And we appreciate you taking the time out to learn,
14	listen, and give testimony. And that's what we go off of is
15	people showing up on these orphans, whether there's a
16	problem, because we don't know what we don't know.
17	So appreciate it. Thank you.
18	BOARD CHAIR RICH VANDER KLOK: Thank you, Joe.
19	I would declare the meeting adjourned.
20	(Board of Determination adjourned at 3:14 p.m.)
21	
22	
23	
24	
25	

1	CERTIFICATE OF COURT REPORTER AND NOTARY PUBLIC
2	
3	
4	STATE OF MICHIGAN)
5) SS COUNTY OF KENT)
6	
7	I certify that this transcript, consisting of 26
8	pages, is a complete, true and correct record of the Board of
9	Determination - Village Green Estates Drain, held on
10	06/28/2022.
11	
12	
13	
14	DATE: July 12, 2022
15	
16	awn M. Houghton
17	
18	Ms. Dawn M. Houghton
19	Michigan License CSR-3071 Certified Shorthand Reporter
20	Registered Professional Reporter Illinois License 084.004881
21	Wisconsin License 20109559 Oregon License 20-0469
22	
23	
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