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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: WILDWOOD SPRINGS NO. 5 DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Tuesday, June 4, 2019, at the Barber School Community Building, 102 West Exchange, Spring Lake, Michigan, held before Marjorie A. Covey, CSR-2616, Certified Shorthand Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Mr. Chad Meints, Chief Deputy to Water Resources Comm.
- Ms. Stacy Hissong,
Attorney for Ottawa County Water Res. Commission
- Ms. Sara Hirts, Secretary

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

- Mr. Ryan McEnhill, P.E., Engineer, Eng.

1 Spring Lake, Michigan

2 June 4, 2019 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: Good morning,
5 everyone. I'm Joe Bush, the Ottawa County Water Resources
6 Commission, also known as the Drain Commissioner.

7 I see a lot of familiar faces from previous evening
8 meetings I had over there with your associations in Wildwood
9 Springs.

10 So again, I appreciate your time this morning
11 coming for the Board of Determination for the Wildwood
12 Springs drain. Again, this is a meeting that's held because
13 I had a petition from Spring Lake Township to establish
14 potentially, depending on today's outcome, the rest of your
15 neighborhood, pretty much the whole drain district.

16 And today's meeting is basically for the necessity
17 of being a county drain. So it's not what the project is.
18 It's not a project cost. It's not related to anything but
19 whether these three gentlemen that I appoint say, yep, it's a
20 necessity to be under the Water Resources jurisdiction.

21 Currently I have over 914 county drain systems.
22 This would be just another added county drain, possibly if
23 this board determines that it's necessary.

24 And that's why we're here today. We don't know of
25 any major issues. I know there is a few of them that's been

1 mentioned to me in the past meetings, but as far as major,
2 major flooding or basements flooding, I'm not aware of any of
3 those.

4 And today is a public hearing that if there is
5 something that we don't know about, or if Michael or Mark has
6 had -- doesn't know or is not aware of, then be sure to talk
7 about that today.

8 Today is court recorded. Margie is here, and she
9 does everything word for word. So when it does come time for
10 public hearing, give your name, address and talk about the
11 issues that you're having or concerns. Again, that's why
12 we're here today so we can hear those. I don't know what I
13 don't know.

14 And having a jurisdiction over something as large
15 as this, it would be nice to know if there is issues other
16 than what we previously talked about. But this board needs
17 to know that so they can make a determination.

18 Again, I don't make that determination today. This
19 three-panel board does.

20 And you're like, well who appoints the three-panel
21 board? I do. Being the Water Resources Commissioner in the
22 Drain Code I appoint a three-panel board that have no
23 properties or have no affiliation with anything with this
24 drain district. They don't own property, they don't live
25 there, and they're outside of the scope of any type of work

1 or assessment or cost or anything.

2 And I usually pick three panel people who actually
3 have experience in Drain Code and have experience in drainage
4 and have experience in the process of why we're here today.
5 These folks have been on multiple boards. I've been doing
6 this almost eight years -- actually eight years and they've
7 been on a lot of different boards, a lot of different
8 scenarios.

9 So that's why I appoint the three gentlemen I have.
10 And I'll give those introductions here in a minute.

11 Again, make sure you speak loudly so Margie can
12 actually get it. And if you want to get the transcripts,
13 they'll be online. It usually takes about four to six weeks
14 and they will be on my website at MIOttawa.org. Look under
15 Water Resources Commissioner, and they'll be on there.
16 Again, it's word for word so make sure that if you have
17 comments, today is the time to talk about it.

18 We're not here to talk about a project, a cost or
19 anything. It's just a determination to see if it should be
20 under my jurisdiction moving forward.

21 So right now it's kind of an orphan drain because
22 really who do you call if you have issues? Your association
23 I really don't think takes care of drainage issues in the
24 bylaws. And also the other part is who contributes, who pays
25 for it, who assesses it? Who goes out and looks at it to see

1 really what's the problem?

2 And that all falls under my jurisdiction. So if it
3 is a county drain after today then you have somebody to call,
4 and that would be me. And we'd have staff go look at it as I
5 mentioned in previous meetings, and then we'll move forward
6 with the project later after this meeting.

7 But, again, this is a Board of Determination to
8 determine the necessity of making it pretty much a county
9 drain or not.

10 And that's why we're here today. Again the
11 Township petitioned, and because Spring Lake wants to be
12 proactive and look at these orphan drains, or what doesn't
13 have jurisdiction, and try to help the folks out. They're
14 constituents and you are all my constituents because I am
15 elected and I am countywide. So, yeah, you guys are a part
16 of a drainage system. We need to see if it needs to be under
17 my jurisdiction or not.

18 Again, I'll do introductions. We have Ryan
19 McEnhill. He is with Eng. Him and his firm work on a lot of
20 different drainage projects across the state.

21 We have Chad, maybe some of you met Chad, he's my
22 chief deputy.

23 CHIEF DEPUTY CHAD MEINTS: I direct traffic.

24 WATER RESOURCES COMM. JOE BUSH: He directs
25 traffic. He was going from the front door to the back door

1 because the front door isn't currently working.

2 And then we have Sara, I'm not sure where she went,
3 but she was having people sign in. She's my secretary.

4 And we have Stacy Hissong who is here with us today
5 as a guest. She's legal counsel for the MACDC and she does a
6 lot of legal work for me as well for easements or other type
7 of legal things that we run into in my department. So she's
8 a part of that.

9 She just wanted to come and I guess be an observer
10 and listen and see how things went today.

11 And then my three-panel board going from right to
12 left is George VanderKlok from Georgetown Township, he's a
13 board member over there and he's been on quite a few of
14 these. He understands again, Drain Code, drainage, and his
15 township kind of deals with the same things.

16 In the center is Bill Cargo. He's Grand Haven
17 Township manager and again he's been on these for years. And
18 he understands the process, and how it works.

19 And then we have Ken Souter. Ken Souter worked
20 with the Road Commission for, I always get this wrong, was it
21 almost 40 years?

22 BOARD MEMBER KEN SOUTER: Yes.

23 WATER RESOURCES COMM. JOE BUSH: So he has a lot of
24 experience in the engineering department at the Road
25 Commission. He's now retired, but he knows Drain Code and

1 understands drainage as well. So that's why I picked this
2 three panel.

3 And again we have Margie again, our court reporter.

4 And I don't see anybody here from the Road
5 Commission or Spring Lake Township. Usually they're here,
6 but I don't see anybody. So I guess they're okay with it
7 since they're not here. Right?

8 I don't think I'm missing anybody.

9 So after I give these three gentlemen the oath,
10 they'll run the meeting. If you have any questions, be sure
11 to contact -- or be sure I guess to forward your question to
12 them and then they'll turn around and question me. But
13 they'll run the meeting. I pretty much will sit back and
14 just be an observer and just let them do their -- what
15 they're supposed to be doing.

16 So, gentlemen, please rise. I'll give you the
17 oath. Raise your right hand, please.

18 Do each of you solemnly swear that you will
19 faithfully perform and discharge the duties imposed upon you
20 as required by law as members of the Board of Determination
21 appointed by the Ottawa County Water Resources Commissioner
22 to determine the necessity for maintenance and improvement to
23 the Wildwood Springs No. 5 Drain, located in Spring Lake
24 Township, in said county?

25 BOARD MEMBER KEN SOUTER: I will.

1 BOARD MEMBER BILL CARGO: I shall.

2 BOARD MEMBER RICH VANDERKLOK: I will.

3 WATER RESOURCES COMM. JOE BUSH: Thank you.

4 BOARD MEMBER BILL CARGO: The first thing we need
5 to do is elect both a chair and a secretary.

6 Is there a motion to -- for the chair position?

7 BOARD MEMBER KEN SOUTER: I'll make a motion that
8 Bill Cargo be the chair.

9 BOARD MEMBER RICH VANDERKLOK: Support.

10 BOARD MEMBER BILL CARGO: Well we have a motion on
11 the floor. And if there is no further discussion, we will
12 take a motion -- we will take a role call -- not a role call.
13 We will take vote on that.

14 All in favor, say aye.

15 BOARD MEMBER KEN SOUTER: Aye.

16 BOARD MEMBER BILL CARGO: Aye.

17 BOARD MEMBER RICH VANDERKLOK: Aye.

18 BOARD MEMBER BILL CARGO: Opposed?

19 And so I will act as a chair for this Board of
20 Determination.

21 BOARD CHAIRPERSON BILL CARGO: That said, I will
22 make a motion that Ken act as secretary of the Board of
23 Determination. Do I have support?

24 BOARD MEMBER RICH VANDERKLOK: Support.

25 BOARD CHAIRPERSON BILL CARGO: Made by me,

1 supported by Rich.

2 All in favor, say aye.

3 BOARD MEMBER KEN SOUTER: Aye.

4 BOARD CHAIRPERSON BILL CARGO: Aye.

5 BOARD MEMBER RICH VANDERKLOK: Aye.

6 BOARD CHAIRPERSON BILL CARGO: And so, Ken, you
7 have the privilege of trying to keep all the notes. And I've
8 seen your handwriting, so I hope we can decipher that.

9 The other thing we're going to do is typically we
10 try to limit public comments to three minutes. You can
11 summarize War and Peace within three minutes, and so we're
12 going to make a motion that public comments be limited to
13 three minutes.

14 So I will make a motion that public comments shall
15 be limited to three minutes per person.

16 Do I have support for that?

17 BOARD MEMBER RICH VANDERKLOK: Support.

18 BOARD CHAIRPERSON BILL CARGO: So we have a motion
19 and support. Any discussion?

20 BOARD SECRETARY KEN SOUTER: No.

21 BOARD CHAIRPERSON BILL CARGO: Seeing none, all in
22 favor, say aye.

23 BOARD SECRETARY KEN SOUTER: Aye.

24 BOARD CHAIRPERSON BILL CARGO: Aye.

25 BOARD MEMBER RICH VANDERKLOK: Aye.

1 BOARD CHAIRPERSON BILL CARGO: And so that is
2 something we will do.

3 The other thing is that we will start with getting
4 some comments from the -- we've already outlined the
5 procedure.

6 So, Joe, do you have anything you want to add at
7 this point?

8 WATER RESOURCES COMM. JOE BUSH: I don't believe
9 so.

10 BOARD CHAIRPERSON BILL CARGO: Okay. Then what I'm
11 going to do I'm going to ask the engineer, Ryan, to give a
12 PowerPoint presentation.

13 Ryan, if you could take the lead in this now, I'd
14 appreciate it.

15 ENGINEER RYAN McENHILL: Yep, thank you.

16 My name is Ryan McEnhill with Eng. I run our Grand
17 Haven office. We also have an office in Lansing, Michigan,
18 but we work with drain commissioners, water resources
19 commissioners, all across the state from Ann Arbor all the
20 way up to Traverse City, so this is something that we're
21 familiar with and the process that goes along with it.

22 So just to give you a brief overview of this
23 process, and Joe touched on it briefly, a petition was filed
24 with the Township. This is actually what we call a Chapter 8
25 petition, which is for maintenance and improvements.

1 And when Wildwood Springs was originally
2 constructed, I think the first phase went in in 1993, none of
3 these were established as county drain systems. It wasn't
4 until the fifth phase of Wildwood Springs where that phase
5 was actually established as a county drain. So that's why
6 it's referred to as Wildwood Springs No. 5.

7 So what we're looking to have happen with this
8 particular petition is to, of course, do maintenance
9 improvements but also to extend branches and add lands to the
10 district.

11 So instead of just being the fifth phase of
12 Wildwood Springs, we're talking about actually doing a major
13 expansion to include all the phases within Wildwood Springs,
14 and then everything in the watershed that actually
15 contributes to that system. And I'm going to talk about that
16 a little bit further.

17 So Joe talked about the procedural stuff so I'm not
18 going to get into that too much.

19 Just some of the things that we've done to this
20 point, so when Joe brings us on to do -- just get some
21 background on the system, we try to spend the minimal amount
22 of funds as possible for the major reason that if this board
23 were to find this project not necessary, we don't want to
24 have accumulated a bunch of costs that have to be assessed
25 back.

1 So we try to keep it to a minimum amount at this
2 point. And then if a project moves forward, obviously we get
3 into a more detailed analysis of the system, rely on comments
4 that you give us, where problem issues are at.

5 But so to this point we've delineated the watershed
6 which is the pink line on this map and that's everything
7 that's contributing to this system.

8 We try to track down original plat maps, back from
9 the original Wildwood Springs all the way through the fifth
10 phase, and then there is actually two other site condos that
11 are included. I think one is called Parson's Walk, and there
12 is The Cottages. There are two more that we tried to track
13 down.

14 And then we did do a brief field inspection.
15 Obviously a lot of this system is enclosed underneath the
16 road, and it's a pretty extensive system of ponds and
17 wetlands that we just took a brief look at to evaluate their
18 condition.

19 And then, you know, our objective is just to give
20 an independent and unbiased assessment to this board so they
21 have enough information, along with your public comments, to
22 make their decision today.

23 So this is a district -- a district boundary
24 overview. Basically the first thing that we did was, you
25 know, in addition to all these orange lines on this map,

1 which designated existing enclosed storm sewer system, we
2 also talked about finding an adequate outlet for all this
3 system.

4 So you see this dark blue line here which actually
5 extends all the way to 174th, right near Van Wagoner. I
6 think you're probably familiar with that box culvert that
7 goes under the road.

8 We wanted to make sure we established at least a
9 positive outlet to that point so that, you know, if issues
10 down here were causing problems further up in the district,
11 that we would at least have the ability to clean that, do
12 maintenance on it.

13 So based on Joe's and I's discussion we decided to
14 try to take that over as county drain as well all the way to
15 174th.

16 So based on that, we look at our downstream point
17 of ending and we try to determine what are the lands that are
18 contributing water to this system.

19 We used county mapping. They have really good
20 LiDAR data that gives us one-foot contours that we can try to
21 figure out what's actually contributing.

22 In this case there is actually two different county
23 drains adjacent to it. The VanderKolk and also the Feenstra
24 here which we recently delineated as well, I think within the
25 last three years.

1 So if you're not in this district, if you're up
2 here, your water is going to the Feenstra. If you're down
3 here, your water is going to the VanderKolk drain. So that's
4 how we come up with that watershed boundary.

5 And then it's primarily Spring Lake Township. You
6 see 297 acres there, and then a very, very small portion is
7 in the city of Ferrysburg as well.

8 So Joe mentioned the orphan drain system. So other
9 than phase five of this development, all the previous four,
10 all the infrastructure that's there is considered private.
11 So if you were to have a pipe failure underneath the road,
12 that destroyed the road, basically the association would be
13 on the hook to fix it, you know. You might -- the Road
14 Commission obviously doesn't have jurisdiction over it. You
15 could maybe get the township to pay for it.

16 So the whole basis of the hearing today is to try
17 to get this established as public infrastructure as a legally
18 established county drain. So if something like that were to
19 happen, you guys could pick up the phone, call Joe, he has
20 jurisdiction over it now and he could actually make the
21 repairs and get it fixed in a timely fashion.

22 BOARD CHAIRPERSON BILL CARGO: Can I follow up on
23 that?

24 You talk about this being an orphan drain meaning
25 that it's a private system, there is nobody legally

1 responsible for it.

2 ENGINEER RYAN McENHILL: Correct.

3 BOARD CHAIRMAN BILL CARGO: From what I understand,
4 you cannot spend public monies on a private drain system.

5 Is that understanding correct?

6 ENGINEER RYAN McENHILL: Correct. So --

7 BOARD CHAIRPERSON BILL CARGO: And the reason I say
8 that is that one of the main reasons that people want to
9 bring orphan drain systems into the public drain system is so
10 that if repairs happen, typically there is a formula where
11 the municipalities would pay for a portion of it, the county
12 road commission would pay for a portion of it, and that would
13 reduce the costs directly to the property owners within the
14 district.

15 So not only would they benefit by having somebody
16 responsible, but there is public monies available, but only
17 if it's a public system.

18 ENGINEER RYAN McENHILL: Correct.

19 BOARD CHAIRPERSON BILL CARGO: The other thing is
20 there is nobody from Spring Lake Township here, but most
21 communities also have a project where if there is minor
22 maintenance, in Grand Haven Township it's less than 10,000,
23 we would just pay for that from our general fund without
24 going through the assessment process.

25 I suspect Spring Lake Township has something like

1 that. Maybe they do, maybe they don't. But for minor
2 maintenance it would allow us to eliminate the assessment
3 process and deal with small maintenances of \$10,000 or less.

4 ENGINEER RYAN McENHILL: Absolutely.

5 BOARD CHAIRPERSON BILL CARGO: And then what I also
6 understand, the drain commission can also spend monies up to
7 5,000 a mile, I believe?

8 WATER RESOURCES COMM. JOE BUSH: That's correct,
9 per drain, per year.

10 BOARD CHAIRPERSON BILL CARGO: Per drain. So again
11 those monies are only available if it's part of the public
12 system.

13 Is that understanding correct?

14 ENGINEER RYAN McENHILL: You are correct.

15 BOARD CHAIRPERSON BILL CARGO: Okay. Thank you.

16 I just wanted to say that because you talked a lot
17 about costs, and I wanted to say one of the benefits they
18 often cite for moving from an orphan drain to a public drain
19 is the fact that public monies are then made available to
20 maintain and repair.

21 ENGINEER RYAN McENHILL: Right.

22 BOARD CHAIRMAN BILL CARGO: Okay. Thank you.

23 WATER RESOURCES COMM. JOE BUSH: Just to be clear,
24 on the 5,000 per mile, that's not money that's just there.
25 That 5,000 still usually comes from the municipalities or the

1 people.

2 BOARD CHAIRPERSON BILL CARGO: Okay.

3 WATER RESOURCES COMM. JOE BUSH: It's not just
4 5,000 the state gives me to do maintenance.

5 BOARD CHAIRPERSON BILL CARGO: Okay.

6 ENGINEER RYAN McENHILL: Yep. So I think I talked
7 a little bit about the existing conditions that are out
8 there. All these purple lines are existing enclosed storm
9 sewer systems that we would be looking to take over as county
10 drain systems.

11 And then also we evaluated this darker blue line.
12 The thing with that is we would have to obtain easements for
13 it. We would have to -- because it is private, we do have to
14 obtain easements from private landowners, in some cases, to
15 make that a public system.

16 The one thing that happened in -- you know, as
17 these plats were staged out, you know, one through five, is
18 that even though they didn't actually go through the full
19 process of making each of these a drainage district, they did
20 grant drainage easements to the Drain Commissioner/Water
21 Resources Commissioner.

22 So we wouldn't have to go back and actually obtain
23 these easements. They're there. The problem was they didn't
24 take the final step to make these county drain systems
25 through a 433 Agreement. So there wasn't any funding

1 mechanism to be able to assess people.

2 So even though the easements are there in some
3 cases, currently they don't have the funding mechanism to
4 actually assess folks and public municipalities to pay for
5 that. So this is the next step to do that.

6 And then I just want to briefly go through just
7 some of the existing conditions. I think for the most part
8 we're going to rely a lot on what we hear from you folks
9 today.

10 There is obviously a lot of open water ponds in the
11 system. Some of it we noticed signs of stagnation, some
12 algae growth. You think about a system that was setup in
13 1993 all the way to today in 2019, that's probably never been
14 maintained since. Storm water standards have changed quite a
15 bit since then as far as we do -- we focus on a lot of
16 pretreatment now so we're treating the water before it gets
17 to these ponds so we can try to minimize the amount of
18 sediment that gets into them.

19 So there is probably a lot of sediment accumulation
20 in these ponds that just needs proper maintenance to function
21 properly.

22 You know, a lot of the channels between the ponds
23 have seen just a lot of vegetation overgrowth and things like
24 that. Again, just from not having maintenance being done
25 over time.

1 And then there is just culverts and things like
2 that that, you know, eventually you get accumulations, you
3 get logs buildup at the front end of them, you get vegetation
4 buildup. This is just something that we observed when we
5 were out there in the last two weeks.

6 And then just a few more photos, kind of indicative
7 of those same type of conditions.

8 So like we said, there is nothing out there, and
9 Joe mentioned this previously, where you can just go there
10 and look at and say, that's a major issue, that has got to
11 get fixed. We didn't see any of that.

12 It's just being proactive about maintenance, you
13 know. As you get to a 20, 30-year-old system things are
14 going to start popping up. It's a good idea to have a
15 mechanism in place to be able to fix those.

16 So at this point, again, we rely on public
17 testimony. Obviously all you folks live out there. You know
18 the issues. We rely a lot on you to tell us what the issues
19 are, and then we investigate on those further.

20 The Board is going to determine the necessity of
21 the petition. You know, if they determine that it's not
22 necessary, then, you know, the project ends, and this stays
23 as a private system, except for number five, which is just
24 that small phase of Wildwood Springs in the whole.

25 But if it is found necessary, I think we'd sit down

1 together with the county, try to figure out, you know, based
2 on what we've heard, how we're going to maybe do some
3 periodic maintenance, have a maintenance schedule to be able
4 to keep the system operating how it was originally designed.

5 There may be the chance where we have to get some
6 easements and some permitting depending on what we do. And a
7 lot of times these days we do have scope meetings and
8 informational meetings just to try to let everybody know,
9 keep you up to speed on what we're thinking about doing, and
10 then we can get feedback from you, not only if that's a good
11 solution or if there is something else that we maybe should
12 be addressing as well.

13 I guess that's all I have for the Board. If the
14 Board has any questions for me, I'd be happy to answer them.

15 BOARD CHAIRPERSON BILL CARGO: Ken, any questions?

16 BOARD SECRETARY KEN SOUTER: No.

17 BOARD CHAIRPERSON BILL CARGO: Rich?

18 BOARD MEMBER RICH VANDERKLOK: No.

19 BOARD CHAIRPERSON BILL CARGO: Just a quick
20 question, just as a follow up.

21 You talked about you didn't see any major
22 maintenance, you talked about the maintenance that is out
23 there. It sounds like it's mostly sedimentation and the
24 clearing of vegetation that has encroached into the
25 waterways.

1 ENGINEER RYAN McENHILL: Correct.

2 BOARD CHAIRPERSON BILL CARGO: Okay, simple.

3 At this point we're going to begin taking public
4 testimony. I'm going to start at the front row and work my
5 way back. And as I point, we'd simply ask that you come up
6 to the podium. We don't have a mic so you need to speak loud
7 enough so the court reporter can hear what you say. Please
8 we'd ask that you give your name and address and then any
9 public comments.

10 So I'll start in the very front row, and the very
11 first person there? Would you like to make any comments?

12 No?

13 Any in this row? Okay.

14 I'll go back to the second row, the gentleman in
15 the red shirt, would you like to make a comment?

16 MR. EDWARD DeKEIP: Yes.

17 BOARD CHAIRPERSON BILL CARGO: Come up to the
18 podium so the court reporter can clearly hear your name and
19 address.

20 MR. EDWARD DeKEIP: Ed DeKeip, 17813 174th Avenue.
21 I have a question and then a comment for the engineer.

22 I'm wondering why the district has stopped at 174th
23 Avenue and nothing east of that is shown. The drain that you
24 put on the map there continues under the box culvert at 174th
25 Avenue and goes all the way to the bayou at Spring Lake.

1 So wouldn't it make more sense to have that entire
2 system included?

3 BOARD CHAIRPERSON BILL CARGO: Ryan, could you
4 answer that? I think it goes into another system, but if you
5 could respond, I'd appreciate it.

6 ENGINEER RYAN McENHILL: So ultimately it outlets
7 to Spring Lake, and it was a decision both Joe and I
8 discussed early on, how far do we want to extend the system.

9 The thing it comes down to is the further we have
10 to go, the more easements we have to obtain, and the longer
11 the project takes. We wanted to come, I guess, to a happy
12 medium.

13 And, Joe, you can feel free to chime in too.

14 We wanted to find a meeting of, okay, what's
15 reasonable. We start acquiring -- we go from a project that
16 maybe we have to acquire two easements to now we have to
17 acquire ten to get down to Spring Lake, the project cost goes
18 up, and maybe we don't get the benefit by extending it
19 further.

20 So it's kind of an analysis there that we had to go
21 through that this just seemed to make the most sense.

22 BOARD CHAIRPERSON BILL CARGO: So you would be able
23 to add that at a future date if you find that you're having
24 maintenance issues with that segment of drain?

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

1 The other issue that we could run into, if you
2 don't mind, Mr. Chair, is wetland issues. We could maybe not
3 even get the permits if we went further. So it would be a
4 waste of time and money because we might not even be able to
5 do the work we planned on if we went further south.

6 So I want to at least get this established. And
7 then if there is issues further down, we might be able to
8 look at that --

9 BOARD CHAIRPERSON BILL CARGO: You could then
10 extend the drain district at that time?

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

12 BOARD CHAIRPERSON BILL CARGO: Or create a new one.

13 WATER RESOURCES COMM. JOE BUSH: Right.

14 BOARD CHAIRPERSON BILL CARGO: Does that answer
15 your question?

16 MR. EDWARD DeKEIP: Somewhat. I'm still concerned
17 that you approve the drainage in the district, but don't
18 provide an outlet for any of the drainage to leave that
19 district and get to the bayou.

20 BOARD CHAIRPERSON BILL CARGO: It sounds like they
21 have a positive outlet, but I understand your concern that if
22 somewhere downstream in the positive outlet they have some
23 issues, they may be back in this room five to ten years from
24 now.

25 WATER RESOURCES COMM. JOE BUSH: And there is a

1 possibility that once this all happens, we get a route and
2 course that does stop at 174th, in Drain Code there is a
3 provision that if there was an emergency removal of something
4 that would flood people out downstream, we could go remove
5 that further downstream based on property permission.

6 So if we have to get individual permission to be on
7 that property to remove the dam, then we could do that, if
8 it's flooding people out upstream.

9 BOARD CHAIRPERSON BILL CARGO: All I would do is I
10 think the Board would agree that is keep that in mind.

11 WATER RESOURCES COMM. JOE BUSH: Right.

12 BOARD CHAIRPERSON BILL CARGO: That if we need to
13 address that issue at a future date, we do. But right now
14 that's not in front of us, and it's beyond the scope of this
15 Board to expand the district to that extent.

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

17 BOARD SECRETARY KEN SOUTER: Joe, could I ask one
18 more question on that same subject?

19 Joe, if we're talking to the east of 174th Avenue
20 down to the bayou, is that what would be considered a natural
21 watercourse or --

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

23 BOARD MEMBER RICH VANDERKLOK: -- or has that been
24 a ditch dug by someone.

25 WATER RESOURCES COMM. JOE BUSH: It's a natural

1 water course.

2 BOARD CHAIRPERSON BILL CARGO: It sounds like the
3 question was, is this a natural watercourse, or is it
4 something that's been ditched out in the past. It sounds
5 like it may have been ditched out in the 1960s. Again, for
6 the purposes of this public hearing that's an interesting
7 question because it does change how they would go about
8 bringing that into a system, but that's not what's in front
9 of us today.

10 WATER RESOURCES COMM. JOE BUSH: That's correct. I
11 believe that's not a county drain. If that was a county
12 drain, we wouldn't be having this discussion.

13 BOARD CHAIRPERSON BILL CARGO: Okay. The gentleman
14 in the cap.

15 MR. DAVE PETERSON: Yes, Dave Peterson, 17788
16 Dogwood Drive.

17 That was never an established drain. I know we had
18 talked about it years ago, and it never happened. And the
19 last time that was, I want to say it was in the mid '60s when
20 my granddad had that dug out --

21 BOARD CHAIRPERSON BILL CARGO: Okay.

22 MR. DAVE PETERSON: -- all the way from -- he used
23 to own the 15 acres that butted up against Wildwood Springs.
24 So that area was dug from there to Smith's bayou where it
25 goes underneath the highway.

1 So, yeah, I'm afraid you're just going to flood us
2 out.

3 BOARD CHAIRPERSON BILL CARGO: They'll have to
4 watch that, and I think we have that into the record. They
5 need to take a look at that. If they need to extend the
6 County drain, we would need to.

7 We don't want to solve one person's problem, the
8 Water Resources Commissioner does not want to solve one
9 problem while creating others. They will have to monitor
10 that. I appreciate it.

11 MR. DAVE PETERSON: Thank you.

12 BOARD CHAIRPERSON BILL CARGO: The gentleman on the
13 end of the second row?

14 MR. LARRY DUNN: Larry Dunn, 17797 Woodcreek. I'm
15 in the Parson's Walk complex. And right next to my house in
16 the back of my yard is a large drain, and then there is a
17 10-foot easement that comes out and goes out to the street
18 and down. And from what I can see, you didn't draw the
19 ponds, but everyone of these drains into a pond.

20 ENGINEER RYAN McENHILL: (Indicating).

21 MR. LARRY DUNN: So when it rains, it comes up,
22 dirt, everything goes into that cistern that's back there,
23 and all the leaves and everything else.

24 And then when I moved in about '97, '98, shortly
25 after we were there, we -- our basements, my neighbors on

1 both sides, we were flooded.

2 So then we got a hold of Bos and they come along
3 and put eavestroughs around our houses and ran rubber tubing
4 down to that pipe, and put into it.

5 Since then -- and the water table on our side is
6 very, right to the basement. So on the back street, what Bos
7 did, they raised everything four feet on the back street.

8 So the hundred-year flood comes, we're going to get
9 water again, even if we're running in that drain. So I'm
10 concerned that that drain and everything else, that it's not
11 enough.

12 BOARD CHAIRPERSON BILL CARGO: Okay.

13 MR. LARRY DUNN: So we have a valley behind us,
14 they have walkouts and that's where the problem is.

15 BOARD CHAIRPERSON BILL CARGO: So you believe there
16 is a need to take a review of how the drain system is
17 currently working.

18 MR. LARRY DUNN: Exactly. The original
19 engineering, they weren't low enough. And Dogwood was the
20 same issue they had over there with flooding.

21 And the other issue with Parson's Walk, we pay, my
22 assessment there is so much that goes in and they take care
23 of the two ponds that we drain into.

24 BOARD CHAIRPERSON BILL CARGO: Okay.

25 MR. LARRY DUNN: They treat those ponds.

1 BOARD CHAIRPERSON BILL CARGO: Okay. They treat
2 them but they don't remove the sedimentation that occurs --

3 MR. LARRY DUNN: No, I don't believe.

4 BOARD CHAIRPERSON BILL CARGO: I appreciate that.
5 Thank you.

6 Second row, first seat? Your name and address.

7 MR. MICHAEL KURAS: Michael Kuras, 18246 Lost Creek
8 Lane.

9 First a question. The presentation that we heard
10 today, regardless of the determination, where will it be
11 available for public inspection?

12 BOARD CHAIRPERSON BILL CARGO: First I think they
13 will give you a copy of it. If not, we will have some extra
14 copies up there.

15 But will this be posted on the website, the
16 presentation made by Ryan?

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

18 BOARD CHAIRPERSON BILL CARGO: And it will also be
19 posted on the website that the Water Resources Commissioner
20 discussed.

21 MR. MICHAEL KURAS: Thank you.

22 Also, Mr. Cargo, could you explain or clarify the
23 jurisdiction of the district with respect to wetlands?
24 Wildwood Springs includes a significant amount of wetlands as
25 well as ponds, and we want to understand the jurisdiction of

1 the Water Resources Commissioner with respect to those, if it
2 becomes a drain district. Thank you.

3 BOARD CHAIRPERSON BILL CARGO: If it becomes a
4 drain district, he will have to work with the Michigan
5 Department of Environmental Quality to receive permits before
6 he works within the wetlands.

7 Is that correct, Joe?

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

9 BOARD CHAIRPERSON BILL CARGO: He would not
10 supersede the Michigan Department of Environmental Quality,
11 which has now been changed to --

12 WATER RESOURCES COMM. JOE BUSH: EGLE.

13 BOARD CHAIRPERSON BILL CARGO: -- I think it's
14 EGLE, I don't know what that means yet, but we will learn
15 over the coming year.

16 Next on the second row? Yourself? Neither one.

17 Next?

18 MR. MARC MORIN: My name is Marc Morin, Marc is
19 spelled with a C, M-A-R-C; Morin is M-O-R-I-N. I live at
20 18092 Wildwood court.

21 I am currently the president of Wildwood Springs
22 Property Owner's Association, of which we have 174 homes. We
23 are a relatively new community, we're only 26 years old, in
24 the big scheme of things.

25 However we want to be very proactive regarding our

1 community. We have ponds, as you well know, as well as
2 streams that feed from one pond to another.

3 We have received many comments from neighbors, I
4 have, and our board, regarding sentiment regarding how the
5 water flows from one pond to another, and some issues that
6 have come up regarding beavers. Yes, there are beavers that
7 come and love our community as well.

8 So again, we want to be very proactive, and on
9 behalf of the board we support the creation of a drain
10 district for Wildwood Springs, and district five.

11 And I do want to make mention that we also are
12 concerned about what happens downstream as well. We just
13 don't want things to kind of back up. So we'd like that to
14 be looked at.

15 So thank you.

16 BOARD CHAIRPERSON BILL CARGO: I appreciate it.

17 We're going to go to the third row on my right-hand
18 side. If you would again just come up and give your name and
19 address.

20 MR. JACK KETCHUM: Your right hand side, my left
21 hand side.

22 BOARD CHAIRPERSON BILL CARGO: I said my right-hand
23 side.

24 MR. JACK KETCHUM: Good morning. I'm Jack Ketchum,
25 K-E-T-C-H-U-M, 17858 Woodcreek Lane.

1 I also happen to be on the Wetlands Review Board
2 for Spring Lake Township as well as I'm the Planning
3 Commissioner there.

4 But I'm here as a citizen and a resident of
5 Parson's Walk. And it was interesting that Mr. Morin
6 mentioned the beavers because it kind of fits in with this
7 gentleman's comment as well.

8 I live downstream from where the beavers typically
9 build their dam, and the two creeks that come out both
10 co-join in my backyard.

11 It doesn't bother me when the beaver is there;
12 unfortunately anyone upstream from there, it does bother
13 them. That fits into what you were saying as well, when
14 something happens downstream it just keeps going back up. As
15 a good plumber know, you have to have a downhill flow to make
16 the refuse flow.

17 So -- and we have already paid for that beaver
18 removal. When that happened, we hire a guy to come in,
19 somebody is really brave and wants to go in and fork that
20 stuff apart. And they've had to trap a number of critters
21 out as well.

22 One of the first slides that Ryan showed, I think
23 the first slide of the photo, was actually my and my next
24 door neighbor's backyard. And you will see it's a very
25 beautiful stream where it goes through there.

1 And of course I'm concerned if there has to be some
2 sort of maintenance done that involves getting to the water,
3 if you look at the slide, you realize that's all rock lined
4 and we've taken great care to keep it beautiful.

5 So unlike in the agricultural situation where you
6 take a backhoe and go in and dig a hole, I would hope that
7 they're not going in and removing the rocks which actually
8 stabilizes that creek. Because they're not just on the edge,
9 they're also at the bottom all the way through that so that
10 keeps a good flowing thing.

11 So that is a concern of mine. If maintenance had
12 to be done beyond the banks, how would that be handled in the
13 creek.

14 You talked about an orphan drain as it is now
15 versus a public drain. And I'm not certain I quite
16 understood your response to that because the question was
17 raised by the chair, well public funds wouldn't be available
18 for private drains.

19 Do I understand you then to say that if this were
20 to be accepted as a drain by the board, and it were to
21 become, it then becomes public so it's available for public
22 money or is that a question?

23 BOARD CHAIRPERSON BILL CARGO: You can direct the
24 question to me.

25 MR. JACK KETCHUM: Sorry.

1 BOARD CHAIRPERSON BILL CARGO: But you are correct,
2 if it is a public drain, there are formulas within the public
3 Drain Code that would pass some of the costs directly to the
4 municipalities.

5 When we make a motion today, we make a motion, I
6 believe, both to make it into a public drain if it's
7 something we approve. I think we also, at least we used to,
8 make a motion saying that some of the costs would be assessed
9 to the various municipalities and county organizations.

10 MR. JACK KETCHUM: Okay.

11 BOARD CHAIRPERSON BILL CARGO: As far as the other
12 question you had about the banks and what would happen there,
13 the drain commissioner does that on a case-by-case basis.
14 He'll have to go in there and examine what the situation is.

15 I know he's won awards for being sensitive to the
16 environment. I think he would also be sensitive to the
17 environment here.

18 He's a public official. He is elected. He wants
19 to do something that's going to be beneficial to everybody
20 involved.

21 Is that a fair statement, Joe?

22 WATER RESOURCES COMM. JOE BUSH: That is correct.

23 BOARD CHAIRPERSON BILL CARGO: Thank you very much.

24 MR. JACK KETCHUM: Thank you.

25 BOARD CHAIRPERSON BILL CARGO: And the next in

1 line?

2 MS. MARTHA KETCHUM: I just have a question.

3 BOARD CHAIRPERSON BILL CARGO: Again I need your
4 name and address.

5 MS. MARTHA KETCHUM: My name is Martha Ketchum,
6 17858 Woodcreek Lane.

7 I just have a question, so I think I will address
8 them to Mr. Bush.

9 BOARD CHAIRPERSON BILL CARGO: You need to address
10 them to me. If you want to address them to Mr. Bush, you can
11 talk to him after the meeting.

12 MS. MARTHA KETCHUM: I'll do that.

13 BOARD CHAIRPERSON BILL CARGO: Okay, that will be
14 great.

15 Next gentleman?

16 MR. PAUL HUGO: Paul Hugo, 18283 Lost Creek Lane.

17 If I'm hearing things as they stand now it is a
18 healthy watershed, is it not? That's kind of my first
19 question.

20 BOARD CHAIRPERSON BILL CARGO: Okay, I don't think
21 we're really addressing the issue of whether it's a healthy
22 watershed or not. And I guess I don't want to get involved
23 in that because we're not here to talk about the health of
24 the watershed. We're here to talk about the storm water and
25 what is happening with the existing storm drains and ponds.

1 What we have heard is that sedimentation has
2 occurred. And we've also heard that vegetation is growing
3 into some of the drains and connectors which reduces the flow
4 of the water, and that causes issues.

5 I don't want to get into a -- that's a question I
6 don't think anybody here will be able to respond to.

7 MR. PAUL HUGO: Fair enough, and I want to thank
8 all of you for being here. We as citizens really appreciate
9 you taking the time to be here today.

10 BOARD CHAIRPERSON BILL CARGO: Next gentleman.

11 MR. JOHN NORTH: I'm John North. I live at 17816
12 Wildwood Springs Parkway.

13 And I'm president of The Cottages Association which
14 is one of the member associations of the Wildwood Springs
15 Property Owner's Association. And I bring general support
16 from The Cottages for this project. We think it will be
17 valuable and helpful. We think it will save us money, and we
18 think it will be more effective than our efforts so far have
19 been to do this privately.

20 I would say that I'm happy to see that the outlet
21 between Wildwood Springs and 174th is included in this
22 because it's a major -- it's the only outlet for the entire
23 drain system, and it frequently becomes blocked. We have no
24 access to that because it's not in Wildwood Springs property.

25 And so the only way to clear that is gorilla kind

1 of action that's clandestinely done by residents who want to
2 see it completed.

3 So that's very helpful to us to have that outlet
4 cleared, and efficiently drain the rest of the system.

5 We also like to see that you've included the
6 properties north of Taft since they also contribute water
7 into the system and need to share in its maintenance.

8 Thank you.

9 BOARD CHAIRPERSON BILL CARGO: Next?

10 MR. HOYT FONGER: Hello. My name is Hoyt Fonger.
11 That's H-O-Y-T, F-O-N-G-E-R. I live at 18243 Lost Creek
12 Lane.

13 My question involves -- I've heard some talk about
14 easements and public funds. And up until just recently we've
15 had a little trouble with trespassing around the area there.
16 And law enforcement has pretty much taken care of it for us,
17 again just recently.

18 Does an easement -- is that -- would that involve
19 like the road?

20 BOARD CHAIRPERSON BILL CARGO: The easement is
21 for -- I believe the easements we're talking about are for
22 storm water purposes, they're not for purposes of inviting
23 the public on to private land.

24 MR. HOYT FONGER: So there wouldn't be any roads or
25 anything?

1 BOARD CHAIRPERSON BILL CARGO: There won't be any
2 trapping or anything like that. This is not for public
3 access. It's for storm water maintenance purposes.

4 MR. HOYT FONGER: Perfect, thank you.

5 BOARD CHAIRPERSON BILL CARGO: Last gentleman in
6 that row? Okay.

7 I'll go behind? Next to him?

8 Nothing? The very far corner?

9 Then we have the very end?

10 I see a face that's familiar, no comments either.

11 Then at that stage we're going to close the public
12 comment portion of this public hearing and have some
13 discussions in the front.

14 And I'm going to digress just a little bit because
15 I hear the talk about beavers. And my favorite story about
16 the industrialness of beavers is when they plugged the little
17 Pigeon culvert, which is a big culvert in Grand Haven
18 Township. And they had found a wooden pallet, and they were
19 able to use that wooden pallet to block an entire four-foot
20 culvert.

21 And that water went up very quickly and we were
22 wondering how they could do so quickly. They found a pallet,
23 pulled it over there, put it in the culvert and stopped
24 everything up. It's amazing how quickly water can rise when
25 you do something like that. So that's digressing quite a

1 bit.

2 Ken, do you have anything you want to add?

3 BOARD SECRETARY KEN SOUTER: No, other than I
4 appreciate all the comments that we've had. And I've heard
5 mostly positive comments on it.

6 I'm always in favor of drain districts to come
7 under the jurisdiction of the Ottawa County Drain
8 Commissioner. Because then if there is a problem, anybody
9 has a problem, they know who to call. And Joe can get out
10 there with -- he's got maintenance crews that he can hire to
11 get out there and fix it quickly.

12 So I'm always in favor of that. I'm in favor of
13 getting a good outlet and then securing an outlet for a
14 subdivision area like this.

15 So I'm a little concerned with not going all the
16 way to the far outlet, but if it's a natural watercourse,
17 that should take care of it. He can generally ask for
18 permission, somebody is not going to stop him from going in
19 there to pull out a tree or something like that.

20 So I'm in favor of getting these things under the
21 proper jurisdiction.

22 BOARD CHAIRPERSON BILL CARGO: Rich?

23 BOARD MEMBER RICH VANDERKLOK: Well I also
24 appreciate the comments that you folks have made. They've
25 been very helpful. And I appreciate your determination to

1 see something done.

2 And so I would agree with what Ken has said here.

3 And I too think that there is a need to bring this into
4 the -- as a drainage district under the auspices of the
5 Ottawa County Water Resources Commissioner.

6 BOARD CHAIRPERSON BILL CARGO: And I agree. I
7 think that when you have these type of systems, whether it's
8 in the street or whether it's the ponds or the connecting
9 waterways, maintenance has to occur. The street pipes are
10 going to become clogged with sedimentation over time with
11 sand. You need to have somebody in there cleaning those out
12 as necessary.

13 The only thing I would also encourage is that I
14 hope that Spring Lake Township has a policy with regard to
15 spending monies on minor maintenance, something less than
16 maybe 10 thousand or 5 thousand so you don't have to go
17 through the assessment process, which can be cumbersome and
18 actually add costs.

19 So I would encourage that if you talk to anybody
20 with the Spring Lake Township, make sure they have a policy
21 in place, whether formal or informal.

22 But again, I have not heard anything today that
23 would make me think that the orphan drain should not be
24 brought under the public domain.

25 So I would like to hear if there is a motion to

1 that regard as to the necessity of this, I would appreciate
2 it.

3 BOARD SECRETARY KEN SOUTER: I'll make a motion
4 that the maintenance and improvements of the Wildwood Springs
5 No. 5 Drain is necessary, and conducive to public health,
6 convenience and welfare.

7 BOARD MEMBER RICH VANDERKLOK: I'll support that.

8 BOARD CHAIRPERSON BILL CARGO: We have a motion by
9 Ken, supported by Rich.

10 Is there any further discussion on this?

11 BOARD SECRETARY KEN SOUTER: No.

12 BOARD MEMBER RICH VANDERKLOK: No.

13 BOARD CHAIRPERSON BILL CARGO: In that case, all in
14 favor, say aye.

15 BOARD SECRETARY KEN SOUTER: Aye.

16 BOARD CHAIRPERSON BILL CARGO: Aye.

17 BOARD MEMBER RICH VANDERKLOK: Aye.

18 BOARD CHAIRPERSON BILL CARGO: Opposed?

19 So it is approved.

20 At this stage, I believe that's all the motions we
21 would need.

22 Is there -- I'm going to turn it over to Joe though
23 before we adjourn this public hearing to see if you have any
24 final comments on the process of appeals or anything else.

25 WATER RESOURCES COMM. JOE BUSH: So as of today you

1 have ten days to appeal today's public hearing. So if you
2 decide, well, I want to appeal it, you have ten days to do
3 that with the Probate Court.

4 The other thing I want to talk about is healthiness
5 of the watershed, somebody asked that earlier. You have one
6 of the best people in your district, Al Steinman. If anybody
7 knows about water quality, that guy is on top of it. Al and
8 I have a great relationship.

9 If there is issues, I'm sure Al will bring those up
10 to me. Al and I again have that relationship where we call
11 each other, we talk and we work on multiple projects.

12 And the other part downstream, beavers are an issue
13 in Ottawa County again this year, we have a lot of trappers
14 out all over the County. So it's not just Spring Lake.

15 Lake levels are high in Spring Lake, and the other
16 issue again I would just talk about the outlet with a lot of
17 wetlands and a lot of jurisdiction that we probably didn't
18 have over it anyway. So I just want to make sure that that's
19 kind of understood today that wetlands I still have to get
20 permits for that.

21 And I'm real sensitive to the environment. I've
22 won a lot of awards so I'm not just going to come in and dig
23 drains and cause erosion and take away some of your native
24 plants. We're going to be really, really sensitive to any
25 type of future maintenance project.

1 Either Mike or Marc will be fully aware of what
2 we're going to do. If you want me to come to one of your
3 evenings meetings like I've done in the past, I'm always
4 happy to come and share what the maintenance may look like
5 and have you guys be a part of it. Because it is your
6 community and I want to be sensitive to that.

7 So again, that's all I have.

8 Thanks again for your time this morning, and I
9 appreciate everyone being here.

10 BOARD CHAIRPERSON BILL CARGO: With that, I will
11 note if anybody wants a copy of the presentation, there is a
12 few copies up here that you can grab.

13 So I will, without objection, adjourn this public
14 hearing.

15 (Board of Determination concluded at 10:51 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 43 pages, is a complete, true and correct record of the Board of Determination held on June 4, 2019.

DATE: June.10, 2019

Marjorie Covey

MARJORIE A. COVEY, CSR-2616
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Kalamazoo, MI 49007
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Notary Public Expires: October 14, 2021, Muskegon County, Michigan/Acting in the State of Michigan.

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