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STATE OF MICHIGAN
COUNTY OF OTTAWA

.....
In the Matter of: .
LOVELL PARK DRAIN .
BOARD OF DETERMINATION .
.....

T R A N S C R I P T

of the proceedings had on Thursday, April 14th, 2016,
commencing at 10:00 AM, at 102 West Exchange Street, Spring
Lake, Michigan, before David R. Walley, Certified Shorthand
Reporter, and Notary Public in and for the County of Muskegon
and State of Michigan, acting in the County of Ottawa.

APPEARANCES:

MR. JOE BUSH, Ottawa County Water
Resources Commissioner;
Jen Vandenberg, Secretary to Mr. Bush;

BILL CARGO, Board Chairman;
KEN SOUTER, Board Member; and
TODD WOLTERS, Board Member.

Present:

KEN BOSMA, P.E., Engineer

David R. Walley, CSR

1 MR. BUSH: Well, good morning, everyone.
2 Welcome to Spring Lake Township. This is a public
3 hearing for Lovell drain and what that is, we received--
4 Well, I will start out with the introductions. Again my
5 name is Joe Bush, the water resources commissioner, also
6 known as the drain commissioner. Same office, just a
7 different name. I changed the name back in 2012. I
8 thought water resources sounded a lot better than drain
9 commissioner because nobody knew what a drain
10 commissioner did, but water resources, I think it goes
11 -- fills the void of what we really do and what's the
12 purpose of Joe Bush and my staff and what we do for the
13 county.

14 So again we're here to help you and hold this
15 public hearing based on a petition that came from the
16 township with concerning residents and there's been some
17 issues that's been going on in this area for quite some
18 time. So the township authored a petition per the drain
19 code. That's what I work off of. So that's why we're
20 here today to have a board of determination and that is
21 to take that orphan drain that is not one of mine--

22 I have nearly 900 county drains that I have
23 authority or you can say a watch over that's under my
24 jurisdiction. So it's for maintenance, reconstruction
25 or whatever purpose there may be. That's one of my

1 functions as a water resources commissioner -- is drain
2 maintenance. This one is not a drain, but it's there,
3 but it's not under my jurisdiction or the township or
4 the road commission.

5 So people always ask well, who do we contact?
6 Well, normally if it was a county drain, you would be
7 calling my staff and my office, but this is an orphan.
8 Spring Lake Township is starting a process of going
9 through and identifying what is the county's
10 jurisdiction and what is an orphan, whose is what.
11 That's what we're identifying those now and this
12 happened to be the first one we're doing for Spring Lake
13 Township is this Lovell Park drain.

14 In the process of getting a petition, I get
15 together a board of determination. So I appoint three
16 men, and I will go ahead and introduce these people
17 right now, and these people are not in Spring Lake
18 Township, nor are they affiliated, and we'll have public
19 comment in a little bit if you have questions, but these
20 people have no financial situation in this particular
21 area whatsoever. I picked these. These are appointed
22 by me and that's per drain code. That's per state
23 statute and that's what I go off of -- state law.

24 So -- and we'll start off by going from right
25 to left. Ken Souter, he's from Port Sheldon Township.

1 He worked at the road commission for a great number of
2 years and understands drainage; and when I pick a
3 3-panel board, I try to go off experience, what do they
4 know, how long have they served in public service so
5 they can know both sides and figure out, you know,
6 what's the problem, what's the solution.

7 They are not here to determine what the
8 project is. They are here to figure out do we move
9 forward with something? And they will hear testimony
10 from you, and when you do talk, by the way, everything
11 is court recorded, so everything is word for word, and
12 that will be on my website, miottawa.org, and you have
13 got to give him about three to four weeks, and we
14 publish it. It will be on my website and, if you don't
15 have Internet or access to it, I can get you a hard copy
16 as well from my office. I will be more than happy to do
17 that.

18 So in the center is Bill Cargo. He's from
19 Grand Haven Township. He's their manager and then to
20 the left is Todd Wolters and he's the supervisor of
21 Olive Township. So those men have drainage experience
22 and they can hear your concerns or complaints and
23 understand them and work through that. So -- and then
24 we have David. He is the court recorder.

25 We also have an engineer who I hired to go out

1 and evaluate it. We're not perfect, so there could be
2 mistakes and that's why we're here to listen to
3 everybody's testimony and say I don't feel this or I
4 don't believe that, but Ken Bosma from Prein and Newhof
5 is here and then Lukas is here from Prein and Newhof.

6 We have your township engineer in the back,
7 Kevin Keefe from Prein and Newhoff who understands this
8 area very well and we have Lukas. He's in the back of
9 the room. He's from Spring Lake Township, and then
10 Gordon Gallagher is your township manager, and then Jen
11 is my secretary from my staff, and she's in the back to
12 sign you in. So again I appreciate everybody coming
13 this morning. It's going to be a learning experience
14 for people who are in this area, I'm sure, and don't be
15 afraid to talk, speak, disagree, agree. That's why
16 we're here;

17 And if you have more information, then that
18 would be great. Sometimes we don't know everything.
19 Again we've had an engineer out there, but they will do
20 a presentation according to the agenda. Hopefully
21 everybody grabbed an agenda, and once we go through it,
22 everybody will have a say and we'll go from there.
23 Again I'm neutral, so I can't say I'm in favor of or not
24 in favor of. That's up to this 3-panel board to decide
25 that.

1 Today we don't necessarily have a project.
2 When We say "a project", that clarifies does it need to
3 be established under Joe Bush's jurisdiction? Does it
4 need to be an orphan drain anymore? That's kind of what
5 these three men will do today. So not determine do we
6 have a million-dollar project or not. That's not what
7 we're here for.

8 They are here to determine whether we move
9 forward by everybody's comments. Then we'll put a
10 project together or figure out what we need to do to fix
11 the problem out there or fix -- because there is issues
12 that we know of. So normally sometimes orphan drains
13 have no issues. This one has issues. So it's a little
14 different, but we'll walk through the process and do
15 that. These three men, once they take the oath, I will
16 sit up here and take comments from these three folks,
17 but they will run the meeting.

18 They will actually elect a chair and
19 secretary, and then they will run this meeting, the
20 hearing, and then they will ask me for a response where
21 I can respond to you guys as well, but just to let you
22 know, I don't run the meeting. This three panel does
23 once we give the oath, and then again we have questions
24 from the audience, but be more than happy to ask those
25 questions during public comment.

1 AUDIENCE MEMBER: Now, will this be available
2 on your website, the presentation, where we can access
3 it?

4 MR. BUSH: Yes. We can do that, too.
5 Everything will be available on my website as far as
6 minutes and that any time we have a power point, I
7 would be more than happy to put that in the same way.

8 AUDIENCE MEMBER: An orphan drain, how do you
9 get one of those? How is it not--

10 MR. BUSH: We'll get into that in the
11 presentation from the engineer, Ken. Just so everybody
12 knows, Prein and Newhof has been doing a lot of these.
13 We just had one on Tuesday in Grand Haven. We have had
14 multiple ones in Park Township with Prein and Newhof and
15 Holland Township now has 90 orphan drains. To give you
16 an idea, Holland Township has 90 orphans that they want
17 to establish under my jurisdiction, which is a lot.

18 Some of them big, some of them small, but the
19 thing is nobody owns them, and when you live in a
20 subdivision and have a failing pipe or your basement
21 gets flooded, you can call whoever you want, but people
22 are going to go that's not ours. It's not ours. It's
23 not ours. Well, I'm here to help. It's all about
24 customer service and how we provide that relief for you
25 or that phone number to call in the middle of the night.

1 That's me to come and help you. So right now, I'll go
2 ahead and give these three gentlemen the oath and then
3 they will run the meeting from there. Thank you again
4 for everybody taking the time and coming this morning
5 and learning the process.

6 Gentlemen, please raise your right hand. Do
7 each of you solemnly swear to faithfully perform and
8 discharge the duties imposed upon you as members of the
9 board of determination appointed by the water resources
10 commissioner of Ottawa County to determine necessity of
11 drainage improvements in a certain drain to be known and
12 designated as the Lovell Park drain in the Township of
13 Spring Lake in the said county as required by law?

14 Gentlemen?

15 MR. CARGO: I do.

16 MR. SOUTER: I do.

17 MR. WOLTERS: I do.

18 MR. BUSH: Thank you.

19 MR. CARGO: The first item of business is to
20 elect a chairperson. Are there any suggestions?

21 MR. SOUTER: I make a motion that Mr. Cargo
22 serve as chair.

23 MR. WOLTERS: Support.

24 MR. CARGO: OK. We have a motion and support.

25 I do not object, so all in favor, say aye.

1 MR. SOUTER: Aye.

2 MR. WOLTERS: Aye.

3 MR. CARGO: Aye; and opposed, nay. There are
4 no nays, so I will be glad to serve; and I would also
5 make a motion that Ken Souter serve as the secretary for
6 this board of determination. Do I have support?

7 MR. WOLTERS: Support.

8 MR. CARGO: I have support. Any objections?
9 Then all in favor, say aye.

10 MR. WOLTERS: Aye

11 MR. SOUTER: Aye.

12 MR. CARGO: All opposed, nay; and it is all
13 again approved without objection. Typically the first
14 thing we do is we talk briefly about the role and
15 function of the board. I think that that has already
16 occurred. Joe has already kind of gone over that, and
17 so again I want to just emphasize that this board of
18 determination is not going to be looking at solving
19 problems or assessing any costs to solve the problems.
20 It's simply looking at is there a need? Is there
21 necessity for this drain to be brought into the public
22 realm?

23 Right now, there can be no public monies spent
24 on this drain because it's an orphan drain. Simply put,
25 it's against state law for the county drain commissioner

1 or the township to spend public monies on a private
2 property, and so there are a number of these orphan
3 drains throughout Ottawa County, and many communities
4 are trying to get these orphan drains into the public
5 realm.

6 For instance, in Grand Haven Township, I'm
7 authorized to spend up to \$10,000 just for typical
8 maintenance on a drain, but I can't spend it on an
9 orphan drain. So if we needed to clean something out,
10 we can't do that if it's an orphan drain not under the
11 county drain commission. Is that a fair summary, Joe?

12 MR. BUSH: That is, yes.

13 MR. CARGO: Is that your understanding,
14 Gordon?

15 MR. GALLAGHER: Yes.

16 MR. CARGO: And so that is why we're here
17 today to determine whether this orphan drain should be
18 brought under the county drain code, and throughout
19 this, also, one of the other things, if we determine
20 that this orphan drain should be brought under the
21 county drain code, we'll also make a vote as to whether
22 public dollars from the township should be spent on it.
23 We can say that we believe there's a public purpose and
24 then assess whatever future costs or a portion of those
25 future costs would go to the township. Is that also a

1 fair summary, Joe?

2 MR. BUSH: Along with the road commission and
3 the county.

4 MR. CARGO: Along with the road commission and
5 the county. So that's something else that we're looking
6 at. So not only would this orphan drain be brought into
7 the county drain system, the county drain commissioner
8 would have our authorization to spend both the
9 township's money and the county money, a portion that is
10 allocated by county drain code, on any future project,
11 and the city -- excuse me -- the township itself, like
12 we do in Grand Haven Township, could spend money on
13 maintenance, also, through the county drain
14 commissioner.

15 Is there anything else, Ken or Glenn, you
16 would like to add?

17 MR. SOUTER: I also make this motion that
18 public comment be limited to about three minutes per
19 person.

20 MR. CARGO: We have a motion to limit comments
21 to about three minutes per person. We have a motion on
22 the floor. Is there a second?

23 MR. WOLTERS: Support.

24 MR. CARGO: And support. Given that, I will
25 also support that. All in favor, say aye.

1 MR. SOUTER: Aye.

2 MR. WOLTERS: Aye.

3 MR. CARGO: So that motion is also adopted.

4 Again if you have comments that are going to take you

5 beyond that, that is fine, but please let us know.

6 Typically you could summarize War and Peace in less than

7 four or five minutes, so we hope you can summarize your

8 comments because we want to be sensitive to the public.

9 That said, I'm going to start with the

10 township, the county drain commissioner's engineer on

11 this. Now, who is speaking? Is Kevin speaking or--

12 MR. BOSMA: I'm speaking.

13 MR. CARGO: OK. Feel free to step forward.

14 This is Ken Bosma, by the way. He's an engineer with

15 Prein and Newhof.

16 MR. BOSMA: Good morning. I'm probably going

17 to stand over here so I can move the computer as well.

18 To start off, I will give you a little bit of history

19 that we have. I guess first of all, let me go back a

20 little bit. I know that the chairman and Joe has

21 addressed a little bit of orphan drains and done a very

22 nice job with that as far as what an orphan drain is.

23 Obviously there is no jurisdiction for maintenance on

24 there.

25 I will tell you that we're working with

1 several other different communities in the county on
2 these as well, and just to add to that, some communities
3 are being proactive and changing orphan drains into
4 county drains even before there's any issues in there,
5 and others are identifying there's an issue that arises,
6 and that causes them to find an area which may bring up
7 and changes what is an orphan drain into a county drain.
8 So that's a little bit of difference on some of the
9 thought processes in some of the different townships and
10 that in the county.

11 Lovell Park here, just a little bit of
12 history. I will show you a picture right after this,
13 but there are several different plats that are involved
14 in this, and you can see that they range from 1891 up to
15 1988. OK. They just-- The district, there's a
16 boundary that we'll identify that encompasses portions
17 of these plats -- not necessarily all parts of the
18 plats.

19 About in the mid 1990s as plats are being
20 reviewed by the drain office, those plats then
21 eventually get into what is called an agreement. They
22 call it a 433 agreement with the Ottawa County Water
23 Resources Commission as they are being reviewed and
24 approved by the state. So today, new plats that come in
25 have these drainage agreements. They don't wind up

1 having to go through this process. They will already be
2 established as county drains. Prior to somewhere in the
3 middle 1990s, a lot of that didn't happen, and that's
4 whats happening here with Lovell Park, and that's why
5 it's an orphan drain today. It never was established as
6 a county drain.

7 I did want to point out, too, that the drain
8 that we identified, the original plat showed it as an
9 open water course in there. There's a section that
10 we'll talk about today that's enclosed. In 1979, a
11 similar thing, a board of determination was started, but
12 never -- the whole process never went through such that
13 there was enough evidence in the files at the drain
14 office to determine and it was reviewed through the
15 attorney that all the county drain commissioners use to
16 determine that actually there is no record identifying
17 this as a county drain. So that's why we're starting
18 this process today.

19 MR. CARGO: Well, that was before Joe -- is
20 what you are telling us. Right? It's not his fault.

21 MR. BOSMA: Right. So here is the district
22 that we have identified as in this black line, this what
23 we would identify as potentially the county drain that
24 would be turned over to the water resource commission in
25 there, which would be called the Lovell Park drain.

1 This district is identified by going through the county
2 GIS system, the geographical information system, and it
3 gives us contours to help us define where the high, low
4 spots generally are into the drainage patterns that are
5 there to create the watershed -- OK -- that would
6 contribute into this drain.

7 So that's defined by that plus whatever
8 construction drawings that we have available, we often
9 use those, too, to help identify different systems in
10 there. So when you ask about what the district may be,
11 that's how it's defined. You can see that along the
12 edge where the lake is, kind of there's a bluff in here
13 and that drains back to the lake. So that's why those
14 areas aren't included.

15 Just I will bring up real briefly, I think in
16 about 2007, there was some discussion of Lovell Park,
17 they might say, drain, and some discussion maybe on the
18 township level, but that was related to an area here
19 that really drains towards the south. We're not talking
20 about that today.

21 MR. CARGO: When was the subdivision or the
22 plats established that are included within the Lovell
23 drain again?

24 MR. BOSMA: They are anywhere from 1891 to
25 1988 in there you can see in that first line. So-- OK.

1 So here's the same thing, but it just has the ortho
2 photo underneath so you can identify kind of where the
3 roads are, you can identify some houses in there. I
4 know it's not as clear probably because obviously a lot
5 of tree cover that's in that area, but it just gives you
6 an overall kind of view of that.

7 What we have found, which I think started a
8 lot of this petition rolling, was there's an enclosed
9 system that begins at Spring Lake and crosses over
10 Lovell Drive here that's an enclosed system, and it
11 actually seems to cross a couple of different
12 properties, but right here about right in the middle, we
13 have an actual collapse of the pipe, and what I'm really
14 just going to show you is a couple of pictures of this
15 in there. I just wanted to give you a little bit of
16 perspective. So if we go back here, you can see what
17 we're looking at here and that circle is about right
18 there.

19 So this is looking at -- going to the east at
20 the beginning there by the road. This is on the east
21 side of the road, but we're starting -- the culvert is
22 going in this direction kind of on an angle, and then
23 this is the outlet at Spring Lake that we have found,
24 and what we're finding now, the last few pictures I have
25 with the presentation, this will show you some of the

1 issues; that a video was actually done on this culvert
2 here and what you will find here is there's some
3 misalignment.

4 This is showing the edge of a pipe here and
5 that. This is showing roots coming in through the
6 joints. This is actually showing a separation at the
7 joint. There's this gig gap. There's some intrusion
8 that's in there. Now, this may or may not be a big
9 issue, depending on how it's patched on the outside, but
10 then here's looking upstream. So we're going from the
11 lake looking towards the street and you can see how the
12 pipe is collapsed in here.

13 So water is still flowing through there.
14 People may ask questions. It seems to still be
15 draining? Yes, water is still flowing through there,
16 but here's the other part. You can see it's all cracked
17 in there, but it's going to collapse before long and
18 it's an issue in there. So that's really-- I think
19 that's about the end of my presentation, but that's
20 really why we're meeting here today.

21 MR. BUSH: Ken, the date on that is 8-20 of
22 '14. So that's fairly recent video camera and we do
23 that very often or we try to do it as much as we can.
24 Put a camera in there, you really see what's happening.
25 You can see your yard will collapse or have something in

1 it, but when you video it, it tells the story of what's
2 going on. So--

3 MR. SOUTER: Ken, is there any indication when
4 the portions of drain were constructed?

5 MR. BOSMA: No, other than-- Let me go back
6 to this. The only thing on the old plats, it always
7 just showed an open water course just going right
8 through here. We don't know when this culvert was
9 constructed. We have no idea when it got enclosed in
10 there, and to be honest with you, the only easement
11 that's actually shown on any of it is right on this
12 parcel right here that we can identify, and the plats
13 are in our files.

14 So there's not much history on any of that.

15 MR. SOUTER: The lower part of it, was that an
16 early or later drain? I mean, the part where it goes
17 into the lake there, is that one of the real older
18 subdivisions?

19 MR. BOSMA: What year was that?

20 MR. HILL: 1891, summer, was the plat.

21 MR. SOUTER: That's one of the older ones
22 there.

23 AUDIENCE MEMBER: Is the rest uncovered? Is
24 that what I--

25 MR. BOSMA: Yes, except for up right in here

1 where it crosses Terrace Road. Then there's some
2 enclosed storm sewer here, but--

3 AUDIENCE MEMBER: So for the most part, that's
4 a natural drainage and there's two stubs on the end
5 where something was--

6 MR. BOSMA: Correct.

7 AUDIENCE MEMBER: So it's a natural course?

8 MR. BOSMA: Yes.

9 MR. CARGO: And Ken, obviously natural
10 courses, drainage courses need to be -- brush needs to
11 be cut back, needs to be sometimes even dredged out. So
12 even a natural course, if it's part of a drainage
13 system, has to be maintained.

14 MR. BOSMA: Right, because like in this case
15 here, upstream, if this is not maintained, you could
16 block where issues of drainage on this road and that can
17 occur.

18 MR. CARGO: I appreciate that. At this time,
19 we're going to begin the public comments section. I
20 always first give the township an opportunity to say
21 anything. Gord, do you have any comments?

22 MR. GALLAGHER: No, I think. Thank you.

23 MR. CARGO: Is anybody here representing the
24 road commission today?

25 MR. BUSH: No. Jerry had another meeting, but

1 he said he was in favor-- I will speak on Jerry's
2 behalf. --was in favor of establishing it if you three
3 men choose to do that.

4 MR. CARGO: OK. We're going to open the
5 public comment section at this time. I'm going to start
6 from the front row and just kind of work my way back.
7 The only thing I ask is that you state your name and
8 your address and, if you can, identify on this map where
9 your property is. You don't have to, but if you can,
10 that would be helpful to us to understand it, and what
11 we're taking comments on again is to see whether there's
12 a need or a necessity to bring this orphan drain into
13 the system.

14 We're not going to talk about specific
15 solutions and we're not going to talk about specific
16 costs of those solutions. That's not our purpose.
17 Given that, I'm going to start with the lady in the
18 purple sweater here on my left in the front. Would you
19 like to speak?

20 MS. BYLENGA: I would like to speak, but I
21 would like to wait, if I could.

22 MR. CARGO: No. This is your opportunity. So
23 this is how we're going forward. So I need you to step
24 forward now and speak. By the way, for the record, I
25 want to note that we have not received any letters or

1 correspondence. So the only comments that will be taken
2 today will be verbal unless somebody hands us a written
3 comment.

4 MS. BYLENGA: OK. My name is Nancy Bylenga.
5 I live at 18148 Lovell, which would be this property
6 right here and I also am a co-owner of the property
7 across the street that does not have anything on it.
8 One of the questions I had was what is the standard that
9 you are going to be applying to this decision?

10 MR. CARGO: I think the standard is whether
11 there's a need. That's why I talk about need. Is there
12 a drain there? Does the drain need maintenance? Is the
13 drain going to need maintenance in the future? Have
14 there been or are there existing any problems? Those
15 are the type of comments we're looking for. Joe, is
16 there anything else that I should add to that list?

17 MR. BUSH: No. I think that's pretty much--
18 Basically is the public community concerned, you know?

19 MR. CARGO: So what we're not trying to do is
20 establish what every property contributes to this drain
21 because every property obviously contributes storm water
22 because it runs downhill. So whether you are at the top
23 of the hill or the bottom of the hill, you are
24 contributing storm water that's going through this
25 drain.

1 MS. BYLENGA: OK. And the standards that you
2 are applying to make this determination, how do you
3 decide what those are, I mean?

4 MR. CARGO: That's what the public comments
5 are for. That's why we are taking public comments right
6 now. We have heard from the engineer. We have heard
7 about why orphan drains are often brought into the
8 drainage system, why there's often a necessity for that,
9 but the public comments also help us determine as to
10 whether there's needs, support and so that's why we're
11 taking the public comments.

12 MS. BYLENGA: OK. As you commented before,
13 that the drain works very well right now. It runs 24/7
14 year around, a lot of ground water coming into it, not
15 so much surface water as ground water and is it possible
16 to reline the pipe like you do a chimney flue or
17 something? Is it possible to reline?

18 MR. CARGO: It certainly is possible. Again
19 we are not going to talk about solutions because we're
20 not here to talk about solutions. Yes, you can in
21 certain circumstances put a lining in a pipe. That has
22 happened before.

23 MS. BYLENGA: OK. I realize you are not here
24 to determine all those things yet and is it also
25 possible to just replace part of a pipe?

1 MR. CARGO: Absolutely; and again, the drain
2 commissioner, the elected official, one of his jobs is
3 to determine what would be necessary in the future if
4 something collapsed and he's looking at cost and
5 benefit. He's not going to necessarily come up with the
6 Cadillac solution. He's going to come up with a
7 solution that he thinks is viable and reasonable.

8 MS. BYLENGA: Thank you.

9 MR. CARGO: Next person, name and address.

10 MR. HARTLIEP: Larry Hartliep, 18136 Lovell
11 Road. I'm probably the most impacted by anybody here
12 because I own the property right here that the pipe is
13 going through. So right through my property, the drain
14 starts in my front yard as it comes underneath Lovell
15 Road. I guess I will just add you have really done a
16 good job at defining that this is just a need based on
17 moving forward or not because of anybody here, again I
18 think there's probably more impact to construction and
19 damage and cost to my property as probably anybody
20 because the other property next to me hasn't been built
21 on yet.

22 I've maintained that drain. I have lived
23 there for 10 years. As Nancy said, it always flows. If
24 I did not keep it cleared out where there's an open
25 section before it goes underground, the older properties

1 across the street would flood. So yes, that water runs
2 year around. It's always run. I always keep it cleared
3 out. I was very impressed with how clear the drains
4 seem to go, but again it sounds like a good thing
5 potentially if this comes under the commission's
6 responsibility because they will maintain it.

7 Again I think beyond this hearing today is
8 what's the associated cost and who's going to be
9 responsible, because I do believe that the thing is
10 going to collapse. Maybe it will have no impact to me
11 because I don't have any issues now. Like I said, I
12 have been there for 10 years, but it will impact
13 everybody across the street because there won't be any
14 drain for water there.

15 Again, to me, the biggest issue that I'm here
16 for, that thing always does run. It is maybe surface
17 water. Maybe there is maybe some surface water,
18 probably a lot of ground water from across the street,
19 but I will be much more of an advocate of how much my
20 impact is going to be once something is determined how
21 are they going to fix this thing. There's a lot of
22 stuff that has to be done and all that. So if that's a
23 later -- a later area, so--

24 MR. WOLTERS: Are you on the -- 13--

25 MR. HARTLIEP: 18136.

1 MR. WOLTERS: 36. Top one. Got you. Thank
2 you.

3 MR. SOUTER: You are really in the know, the
4 know person on this whole thing because you live right
5 there.

6 MR. HARTLIEP: Yes.

7 MR. SOUTER: Are there any basins or any catch
8 basins that surface water gets into from the road right
9 at your location?

10 MR. HARTLIEP: There is not, not at my
11 location. It's above the hill up the street and this
12 gentleman right here has got quite a bit of
13 documentation on where the other drains are, but there's
14 no surface drains now that are by me.

15 MR. SOUTER: So this is just a pipe that comes
16 from the other side of the road all the way across to
17 the lake?

18 MR. HARTLIEP: Absolutely correct.

19 AUDIENCE MEMBER: It's open right there.

20 MR. BOSMA: It's open, yes, right there. I'm
21 sorry.

22 MR. SOUTER: Oh. That's the front of his
23 house? Oh. OK.

24 MR. BOSMA: This here is.

25 MR. CARGO: So there's a little bit of open

1 drain?

2 MR. HARTLIEP: This is what I have to keep
3 clear right there because it flows underneath the road,
4 comes out this middle section. There's the pipe you can
5 see right there. It's got a gray screen so we keep
6 animals from going up there.

7 MR. SOUTER: Was that originally enclosed and
8 it just looks like it was dug out?

9 MR. HARTLIEP: In the 10 years, it's been
10 there.

11 MR. CARGO: It used to be all open, according
12 to the original records. Somebody enclosed it. We
13 don't know when.

14 MR. HARTLIEP: I will make a point there's a
15 concrete pipe coming from the south. So this is south,
16 this is north. In the 10 years with any kind of surface
17 water, nothing has ever come north or south ever, ever
18 in 10 years. So it definitely flows from across the
19 street from the west. Nothing comes north to south.

20 MR. WOLTERS: So we have a culvert going under
21 the road at this point in time. Then it goes to this
22 drain. Correct?

23 MR. HARTLIEP: Yes.

24 AUDIENCE MEMBER: Thank you for taking care of
25 that. Seriously, thank you.

1 AUDIENCE MEMBER: What's minimum wage?

2 MR. CARGO: We'll start with the next
3 gentleman.

4 MR. McLAUGHLIN: Well, I actually came--

5 MR. CARGO: Name and address, please.

6 MR. McLAUGHLIN: My name is Larry Mclaughlin
7 and I live up at the end of Lovell and Terrace in this
8 area right here. I actually came to represent five
9 families that live in the area, and so my comments are
10 reflecting discussions that we have had with a number of
11 people, and I want to thank Lukas for his patience and
12 time in providing data and coming out to look at the
13 properties and help us understand completely how this
14 works.

15 MR. SOUTER: Which five are you representing?

16 MR. McLAUGHLIN: I'm representing these two
17 that are here plus Bob Grunstra and his wife, Eileen,
18 who is here and another family which is not, the
19 Welches, that all of us live along that edge. So trying
20 to understand all this, we have looked around the entire
21 neighborhood and, as all of you know, there's a great
22 deal of water between 168th and Spring Lake.

23 All up behind us, there are three or four
24 lakes. There's a lake on that property that Spring Lake
25 owns. There are all sorts of culverts, ditches, swampy

1 areas that stand in water. So there's a lot of ground
2 water, and there's surface water runoff, and the Lovell
3 Park area accepts a lot of that as it trickles along and
4 tries to get to the lake. So we understand the need for
5 water management. We agree with that.

6 The fact is that as already been mentioned,
7 that surface water is really not the problem here. It's
8 ground water. That stream is ground water and Lovell in
9 this area does not contribute surface water to this
10 drain. So we're talking about a ground water issue,
11 flows 24 hours.

12 MR. CARGO: Does the surface water then become
13 ground water? Do you recognize that the rain enters the
14 ground, becomes ground water?

15 MR. McLAUGHLIN: Clearly; and my point is
16 that it becomes ground water as much as a mile or two
17 west of this area. So when you talk about what is the
18 source of all this, who does it benefit, Lovell is
19 draining many, many, many acres well outside of this
20 circle that's been drawn and I think people understand
21 that and know it, but we all face it. Our lots have
22 underwater drainage that flows up against our seawalls
23 and erodes, you know, roads and sand and everything
24 else.

25 So the question of public benefit is a

1 challenge here. Just who is benefiting and it's
2 probably a very large region.

3 MR. CARGO: One of the -- and again I stated
4 this earlier. One of the things that the board will
5 determine is, if we determine there's necessity, we'll
6 also ask whether there is a public benefit portion that
7 the township should pay at large, that the road
8 commission should pay at large, and that the county
9 should pay at large. So I think that addresses your
10 concern because you are asking to say the boundaries as
11 far as the water that's coming in may be beyond the
12 black line that is drawn, but that's why we also have
13 that second resolution saying if we determine there's a
14 necessity, we'll also make a determination whether
15 there's a broader public benefit.

16 MR. McLAUGHLIN: So is that done through
17 public hearing as well?

18 MR. CARGO: That's one of the-- One of the
19 motions that this board could make is not only to
20 determine if there is necessity, but to determine that
21 there is public benefit at large so that if, at some
22 point in the future, there is an assessment to maintain
23 this, a portion -- at least a portion would come from
24 these other three communities I just told you.

25 MR. McLAUGHLIN: All right. That was going to

1 be one of our recommendations; that the board consider
2 that if this is approved, that they relook at this
3 picture in light of what I have said in term of where is
4 it all coming from and who is really benefitting and so
5 forth.

6 MR. CARGO: Absolutely.

7 MR. McLAUGHLIN: So I gave you a hand-out and
8 it probably covers things that I now realize--

9 MR. SOUTER: This is your hand-out? Because
10 we haven't seen it yet.

11 MR. McLAUGHLIN: It's out of the scope for
12 this meeting, but it contains work that we did, pictures
13 we took, hiked-- We did a lot of hiking through the
14 area and makes some points that may be useful now and in
15 the future. So I want to make -- just skip -- not going
16 through that packet in detail, just skip to our
17 questions and recommendations.

18 MR. SOUTER: I guess I would like you to,
19 since you have this particular form, can you maybe
20 identify a few of the things that you are trying -- the
21 point you are trying to make outside of the district?

22 MR. McLAUGHLIN: Well, the first page makes
23 the point of where all those water sources are located
24 between 168th and Spring Lake; that there's a huge
25 amount of standing water up there and a huge amount of

1 culverts and channels and all kind of swales-- I guess
2 I'm using words from the engineers. --that seem to deal
3 with this. It is a real problem in our area and it's
4 not just this drain that's dealing with it. There's all
5 sorts of drains and there are other issues when in
6 Lovell where we have standing water that can dissipate
7 very rapidly. So that was the point of that first
8 chart.

9 Let's see. The second chart was-- Let me see
10 it. --was -- I think that those are pictures of the
11 stream, and one of the things I would add to the stream
12 is that in addition to it being a natural course that
13 somebody asked for, there are a couple of spots where
14 people have put in pipes between lot lines to manage
15 that stream, and those should be considered part of the
16 system, I assume, to be maintained, and they are not
17 identified on the map although I have pictures of them.

18 MR. SOUTER: OK. This particularly?

19 MR. CARGO: I don't think one of the purposes
20 of this is not to look at all these different
21 appurtenances that may exist, private and/or public,
22 within that drainage district because if it becomes part
23 of the county drain system, the county will have
24 responsibility to look at and maintain those
25 appurtenances if they contribute to the drainage

1 district.

2 MR. McLAUGHLIN: Appurtenances, help me.

3 MR. CARGO: Appurtenances are stuff, the
4 swales, the culverts, all those different -- all the
5 appurtenances, all the--

6 MR. SOUTER: Pieces and parts. Pieces and
7 parts.

8 MR. CARGO: They have identified the main
9 drain course. That doesn't mean that every appurtenance
10 within this drainage district that deals with storm
11 water have been identified. That's not the purpose of
12 this meeting. In fact, they are not going to spend that
13 amount of time until they know whether this is part of
14 the county drain system or not. If they do, again one
15 of the motions we also say is they have the right -- if
16 they find that the boundaries are incorrect, they have
17 the right to modify those boundaries, but we can't do
18 anything until we bring it into the system.

19 MR. McLAUGHLIN: With public input?

20 MR. CARGO: What's that?

21 MR. McLAUGHLIN: With public input or property
22 owner input?

23 MR. CARGO: That would be--

24 MR. BUSH: That's why we're here.

25 MR. McLAUGHLIN: When you get to the second

1 step and you say reconsider that boundary, we have an
2 opportunity to weigh in on that?

3 MR. CARGO: You should talk to the township
4 engineer. I'm glad you've been talking to the county,
5 but if you think that the boundaries are incorrect,
6 that's a conversation that you should have with the
7 engineer.

8 MR. BOSMA: Just to clarify, he has contacted
9 us. We have been in some conversations. Probably after
10 this meeting, depending on if it's deemed necessary, we
11 would then meet again out in the field.

12 MR. McLAUGHLIN: All right. Thank you.

13 MR. SOUTER: Can I ask just one quick
14 question? What's the soil types out here?

15 MR. BOSMA: Sandy.

16 MR. SOUTER: Sandy.

17 MR. McLAUGHLIN: While there's sand, which the
18 water permeates fast, there is a clay layer underneath,
19 and that's what the ground water is riding down on its
20 way into the lake, and if you dig down, you will get it.
21 So there are multiple underground rivers in this area
22 besides this one surface where it's surface.

23 MR. CARGO: That's very typical for this area.

24 MR. McLAUGHLIN: All right. So I would like
25 to address something that Nancy brought up. I have a

1 follow-up question. You stated that the petition must
2 identify known concerns for public health, convenience
3 or welfare or need for protection of the public health.
4 So that's the standard that you are weighing this
5 against. I haven't seen any material presented or
6 otherwise that seems to satisfy this. Why is this a
7 public health issue?

8 MR. CARGO: Well, let me-- First of all, I'm
9 not going to get into a debate or discussion because you
10 are right. That is, reasonable people can disagree on
11 that, but for instance, if you know that you have a pipe
12 that's about to fail, and you can show that in this
13 right here, and if that pipe fails and there is no
14 mechanism to repair it, isn't that a public health
15 concern?

16 MR. McLAUGHLIN: It's a public concern.

17 MR. CARGO: OK. That's good enough, because
18 to me-- Let's just take this example. If that pipe
19 fails, water can't flow to Spring Lake Township. What's
20 going to happen to that water? Is it going to back up?

21 MR. McLAUGHLIN: Well, at one time, it was a
22 natural drainage and--

23 MR. CARGO: But you are avoiding the question.
24 The answer is--

25 MR. McLAUGHLIN: Well, trying to manage it and

1 the management of it is failing. By the way, I'm not
2 against-- I'm not against managing this water. I tried
3 to make that point in the first place.

4 MR. CARGO: But there is no mechanism for you
5 as a private individual to manage this water because
6 it's not on your property. You understand that?

7 MR. McLAUGHLIN: Well, if it's not owned by
8 anybody--

9 MR. CARGO: Then it's an orphan.

10 MR. McLAUGHLIN: --why isn't the property
11 owner responsible for a drain that some other person put
12 under there when they bought the property?

13 MR. CARGO: Because that serves a wider area.
14 The brief answer is that one piece of pipe that could
15 fail, if it does fail, could affect many property
16 owners, but that property owner that it rides under
17 right now is not responsible for those other property
18 owners because right now, it's a private or an orphan or
19 unknown who even put that in there, but he's not
20 responsible to maintain it to the benefit of the public.
21 That's why it's an orphan drain.

22 MR. McLAUGHLIN: OK. Good.

23 MR. BUSH: My comment would be that the
24 gentleman that spoke before, for the last 10 years, has
25 been the best friend for every one of you because he

1 doesn't have to go out and clean those leaves out and
2 that would be a worse issue.

3 MR. HARTLIEP: The rake's always there.
4 Anybody can use it.

5 MR. BUSH: So we deal with this all the time
6 where leaves are the number one, you know, the number
7 one culprit.

8 MR. McLAUGHLIN: Did I finish what's in the
9 hand-out? There's--

10 MR. SOUTER: I think I understand.

11 MR. CARGO: You have a lot of questions in
12 here. I think they are good questions, but really what
13 we're looking at, is there a public need. So that's
14 what we're looking at right now.

15 MR. McLAUGHLIN: Well, I think you have
16 answered Number 2. I think you have answered Number 3,
17 why you can't just step up and repair it because you
18 can't spend public money on it. I think an issue for
19 the future is whether that conduit moved, and you are
20 telling me that that's part of the design and solution,
21 and we're not going to deal with that, and the issue
22 potentially of the trees that might be affected by that
23 move.

24 So -- and you have dealt with my last
25 question, which is that we can have public discourse

1 over the allocation of properties through the district
2 post this hearing.

3 MR. CARGO: Post this hearing, there will be
4 an opportunity to continue that discussion.

5 MR. McLAUGHLIN: All right. Thank you very
6 much.

7 MR. CARGO: Thank you. I was really generous
8 with that individual with the time and I hope that he
9 answered or raised most of the questions, but I'm going
10 to be a little bit more strict from this point forward.
11 So I'm going to start now in the second row, the
12 gentleman. Do you have any comments? First you on the
13 left-hand side.

14 MR. PITCHER: Can I go ahead and speak on his
15 behalf?

16 MR. CARGO: Yes, you may.

17 MR. PITCHER: Father, son.

18 MR. CARGO: OK. And again just name and
19 address and if you identify the property.

20 MR. PITCHER: Sure. My name is Ben Pitcher.
21 As I said before, I'm representing our family. We're at
22 12 -- or 18126 Lovell, and that is this property here
23 just to the north -- or I'm sorry -- south of Larry, and
24 so as Larry mentioned, we are probably the most--

25 MR. CARGO: You can direct your comments to

1 us.

2 MR. PITCHER: We are probably the most
3 affected by this. I will start by saying I do believe
4 there's a need here. Attached here is a sketch of where
5 that drain runs, based on my knowledge. The video that
6 you saw, I believe, came from us. Correct?

7 MR. BOSMA: That was your office.

8 MR. BUSH: That's yours.

9 MR. PITCHER: About two years ago, we realized
10 that there was an issue on our property.

11 MR. CARGO: Again, if you could direct your
12 comments to us, I appreciate it.

13 MR. PITCHER: Sorry. About two years ago, we
14 realized there was an issue on our property. Here are
15 some photos. Our foundation started failing and there
16 was a sink hole. I don't have a picture of the sink
17 hole because it has since been filled in, but as you can
18 see, here's where the sink hole was right next to where
19 it was broken and then here's where the foundation issue
20 was that we had.

21 MR. SOUTER: You believe this is the tiled
22 portion?

23 MR. PITCHER: Yes.

24 MR. SOUTER: So the tile then curves?

25 MR. PITCHER: Yes. It's very curved and again

1 it's broken here so it's running downstream. I'm not an
2 engineer. I'm not familiar with water, but I do believe
3 that that water that is seeping out of the damaged
4 portion would have an effect on the soil here as well as
5 our foundation here.

6 MR. CARGO: And a sink hole could easily be
7 caused if you have gaps in the pipe like you are
8 showing. The soil is going to go into that and create
9 sink holes. That's fair, too, right there.

10 MR. WOLTERS: You are 18121?

11 MR. PITCHER: 18126.

12 MR. WOLTERS: 26.

13 MR. PITCHER: Right south of that little--

14 MR. WOLTERS: OK. I had you across the
15 street. Wasn't making sense.

16 MR. PITCHER: The straight line that's drawn
17 with the pipe, I don't believe that's 100 percent
18 accurate. One would assume that it's straight, but I
19 don't believe it is, based on the camera that we had run
20 through there.

21 MR. SOUTER: You don't think that the pipe is
22 underneath the house at any point?

23 MR. PITCHER: I don't believe it's underneath
24 the house. Where it's next to the house, I believe it's
25 about 14 feet below surface because again when we had

1 Plummers Environmental run the camera, they gave us an
2 approximate depth.

3 MR. SOUTER: Appreciate it.

4 MR. PITCHER: And I have some more data on
5 that that I can provide to you if you have more
6 questions.

7 MR. CARGO: Do you have any additional data?
8 We would be glad to take it if you have it with you
9 right now.

10 MR. PITCHER: I can check.

11 MR. CARGO: You don't have the date-- What
12 you are telling us is you believe there's a need because
13 the pipe is failing and it's impacting your property?

14 MR. PITCHER: That's correct.

15 MR. CARGO: Thank you.

16 MR. PITCHER: And then I would also like to
17 answer a question that you asked earlier or help to
18 answer it. I believe in that video, if you were to
19 obtain the whole video, there is a date stamped on the
20 inside of one of those tiles and I think that will help
21 you understand at least what year it was--

22 MR. CARGO: Do you recall what year it was?

23 MR. PITCHER: --after-- I do not remember. I
24 want to say '50s.

25 MR. BOSMA: 8-20 of '14.

1 MR. PITCHER: No. I'm sorry. There's
2 actually a date stamped on the inside of one of those
3 tiles physically.

4 MR. BOSMA: Oh. OK. When the tile was
5 made.

6 MR. CARGO: Actually that's interesting, but
7 not critical because whether the pipe was laid last year
8 or 100 years ago, if it's failing, then there could be a
9 need for maintenance in the future.

10 MR. PITCHER: Sure.

11 MR. CARGO: OK. I agree.

12 MR. PITCHER: I believe that's all I have.
13 Did I make it?

14 MR. CARGO: I charged you late. So yeah, you
15 did.

16 MR. SOUTER: Thank you, sir.

17 MR. CARGO: And again in the purple right
18 there; and again please address us.

19 MS. ELLIS: I was just-- Kristina Ellis.
20 This is my property right here. Most of my -- a lot of
21 my concerns have been addressed. I'm very aware that
22 it's ephemeral streams that cause a great deal of the
23 wet -- the wetness in the property. I have very serious
24 concerns about the destruction of the wetland and the
25 environment for the animals, the creatures, the

1 integrity of the property.

2 I don't know if you are planning on closing
3 the stream that's already there, the natural flow. I
4 don't know-- I know these are questions as to whether
5 or not, once you determine to do this, but I do have
6 concerns that once you determine to do this, which I
7 think you already have-- I just have that sense.
8 --that we will then not be able to be again a part of
9 the process and I'm very concerned about that. I don't
10 want to have the water--

11 MR. CARGO: I think you will be part of the
12 process because if they do decide to do something like
13 enclose the drain, they would inform you. They take
14 comments on that. You can review the plans, and most of
15 the drains in Ottawa County are open drains, and many of
16 them are streams that are only maintained to the point
17 of removing brush that may be blocking the stream from
18 flowing.

19 MS. ELLIS: Well, that's reassuring because I
20 do have concerns about the integrity of the property and
21 destroying that whole wetland environment which is very
22 delicate.

23 MR. CARGO: I agree.

24 MS. ELLIS: Thank you.

25 MR. BUSH: Mr. Chairman, can I add--

1 MR. CARGO: Yes.

2 MR. BUSH: --or answer some of her questions?

3 I do take wetlands very seriously because we have Spring
4 Lake right there. So I wouldn't want to enclose it. I
5 try to keep all my open drains as a natural water
6 course. We would have to get a DEQ permit if we did do
7 some dredging or dipping out, but I try to do minimal
8 dredging near wetlands because that's kind of what water
9 quality benefits to Spring Lake.

10 So when it comes to trees and stuff like that,
11 they absorb water. So I try to keep as many trees as I
12 can on projects and just so you know what I try to do
13 when I do a new drain project, I try to design them as
14 natural water courses because water always wants to
15 meander. Number one, it slows the water down a little
16 bit before it ever gets to Larry's house. You put it in
17 a pipe, it gets there quicker and then it takes away its
18 water quality purposes and the wetland. I don't want to
19 drain the wetland because there's a lot of habitat in
20 there that would--

21 MS. ELLIS: Most of it's the kind you get that
22 every-- After we have lived there a couple years, it's
23 just important that you-- I know you did, but it's
24 important to say that out loud.

25 MR. BUSH: Sure. It's in the minutes and I

1 try to maintain wetlands and try to keep the environment
2 as it is today.

3 MR. CARGO: I think one of the major reasons
4 you changed your name from drain commissioner to water
5 resources commissioner was because of that.

6 MR. BUSH: That's correct.

7 MR. CARGO: We'll go next to the young man,
8 young gentleman in the front. I know you are the
9 alternate. We're going to go to the -- now to the third
10 row. Any questions or comments?

11 MR. LAUG: I think you are doing a fantastic
12 job setting this all up. I'm curious about where the
13 pond is.

14 MR. CARGO: Could you give us your name?

15 MR. LAUG: Oh. Randy Laug.

16 MR. CARGO: Randy--

17 MR. LAUG: Laug.

18 MR. CARGO: And your address?

19 MR. LAUG: 18082 Lovell.

20 MR. CARGO: And are you within the drainage
21 district?

22 MR. LAUG: I'm the last one way on the south.

23 MR. CARGO: OK.

24 MR. LAUG: Yeah, where my water has to run
25 uphill to get to your district, but that's irrelevant.

1 I was curious on the pond area, which is that nine acres
2 owned by the township. Is that wetlands considered by
3 you then that won't be drained out? Because that's a
4 real bad area.

5 MR. CARGO: I don't think the Lovell drainage
6 district as designed by the engineer is not meant to
7 drain out that wetland area that's owned by Spring Lake
8 Township. Is that correct, Ken?

9 MR. BOSMA: We haven't gotten any designs yet,
10 but that would not be our intent.

11 MR. CARGO: OK.

12 MR. LAUG: That's a different drainage
13 district?

14 MR. BOSMA: You are talking to the west?

15 MR. LAUG: Where the pond is.

16 MR. BOSMA: Yes. That is all a different
17 district.

18 MR. LAUG: Different district. Thank you.

19 MR. CARGO: The gentleman next to you.

20 MR. PAPARELLA: My name is Thomas Paparella,
21 18348 West Spring Lake Road. It's up here and I'm not
22 here to debate need. I'm just asking the question on
23 why my property is included. To my knowledge, the
24 surface water drains to the north to the lake. I know
25 there is a low spot there, but it's my belief that it

1 either drains from the surface or it does go down
2 approximately four to five feet and hits hard pan and
3 drains out the bluff to the north to the lake.

4 MR. CARGO: And I think that's a good question
5 to ask. What we're doing is I suspect the engineer --
6 and Ken, you can confirm this. They go based on the
7 elevations or elevation surveys and, since we know that
8 water flows downhill at the surface, that's what we're
9 basing this on. If you disagree with that, you will
10 have the opportunity to talk to Ken and see if the
11 property should be removed.

12 Obviously the back portion of your property
13 drains directly to the lake. That's why it's not
14 included. The question on the front, I think you should
15 direct towards Ken.

16 MR. PAPARELLA: OK. At another time or at
17 this--

18 MR. CARGO: Not right now during public
19 hearing, but he will be remaining here after the public
20 hearing because again we will make a motion to add or
21 remove properties from this drainage district based on
22 the recommendation of the engineer and the drain
23 commissioner.

24 MR. BOSMA: I would just make one point, if I
25 may, and that is one thing we have got to look at as

1 well, it seems like at this time of year, that's
2 correct, but we also have a lot of times in the
3 wintertime when ground is specifically frozen and it
4 acts like an impervious layer. That's how wide we look
5 at surface direction.

6 MR. PAPARELLA: If I may comment, my low area
7 does dry out very rapidly after a rain. Typically it
8 goes dry. It's not standing water year round. So again
9 I believe that it goes to the north.

10 MR. CARGO: And if you can show that, I think
11 that's a good thing to have. One thing we do know is
12 water flows downhill. That's engineering 101. So
13 that's why they follow the contours of the land.

14 MR. PAPARELLA: Thank you.

15 MR. CARGO: Next gentleman.

16 MR. NEUSIIS: I'm Tom Neusiis and I'm the
17 neighbor of Tom Paparella. I'm at 18460, the lot here.
18 The same concern about the inclusion within that
19 boundary in that after 16 years, there's been zero water
20 problems on my particular properties. The house itself
21 doesn't even have a sump pump and I do, as Tom, we kind
22 of share that between our driveways this low area.
23 April showers tend to fill it and, when they stop, it
24 then runs out to the lake.

25 As you heard some of the other lake

1 homeowners, there's a shelf where it will have constant
2 water draining out, whether that comes from a spring
3 somewhere or, you know, that drainage, I'm sure, both
4 applies to that. So the concern again that I have is
5 the inclusion.

6 MR. CARGO: OK. I appreciate that. Now, just
7 as a question of curiosity, do you have a driveway, is
8 it asphalt or is it hard surface asphalt?

9 MR. NEUSIIS: It's asphalt. It's built up.

10 MR. CARGO: Does it drain towards the road at
11 all or does it drain away from the road?

12 MR. NEUSIIS: No. It drains all to the lake.

13 MR. CARGO: OK. Ken will be able to take a
14 look at that later. I appreciate that.

15 MR. NEUSIIS: Thank you.

16 MR. SCHROEDER: I'm Mark Schroeder, 18159
17 Lovell, across the street from the lake. I just have a
18 question. Obviously the questions about the inclusion
19 of the boundary is the concern and that you alluded to
20 public money being spent, but I assume there's also
21 assessments for the property owners. Is that correct?

22 MR. CARGO: There is no annual assessment for
23 the property owners. The only time you would be
24 assessed as a property owner is if there was a major
25 project. I'm going to speak on behalf of Spring Lake

1 and I'm going to ask that Gordon correct me if I'm
2 wrong, but typically does Spring Lake Township
3 contribute to normal maintenance of these if it's below
4 a certain percent or certain dollar figure or do you
5 assess even normal maintenance to the property owners?

6 MR. GALLAGHER: No. Generally for larger
7 projects, it's on an assessment basis, but for small
8 normal maintenance, we have taken care of those.
9 There's a dollar figure there in our annual budget
10 that's--

11 MR. CARGO: And that's very typical for most
12 communities. They won't even assess normal maintenance.
13 For Grand Haven Township, I have the authority to spend
14 10,000 before I have to go to the board, and that's
15 normally enough to clean out drains, to do minor
16 projects, and again, though, Spring Lake Township can't
17 spend any public money even on normal maintenance for
18 this unless it's part of a public drain. Is that fair?

19 MR. SOUTER: That's fair.

20 MS. ELLIS: Would this be considered a major
21 project?

22 MR. CARGO: At this stage, I don't know. I
23 mean, I don't think it's-- Nothing sounds-- I don't
24 see anything here to me that sounds that significant,
25 but again--

1 MS. ELLIS: Fair enough.

2 MR. CARGO: --I'm not going to get involved in
3 this at this stage. Now I'm going to the right over
4 here, the gentleman in the blue shirt.

5 MR. GRUNSTRA: OK. I'm Bob Grunstra. We live
6 at 16093 Terrace, which is this triangular lot right
7 there. No comment, but I guess I would say, first of
8 all, Larry and Larry and Nancy addressed it. We were
9 one of the five families. So the only thing I would say
10 is that observation is where our home's located, Larry's
11 next door to us. The water flows off our driveway at
12 the base and, right at the corner of Lovell and Terrace,
13 it tends to pool in this area right here, and then I
14 think it percolates through the soil and comes back on
15 the hard pan, and it runs back to the lake this way. I
16 don't think we go this way at all.

17 This here is lower than this right here and,
18 if you have the GIS, those are 2-foot increments, and
19 since it's downhill, two foot is quite a bit of
20 difference in that. So I would get more accurate GIS
21 readings on that, but my comment is Larry had mentioned
22 it briefly, but the other thing we have observed in this
23 area here as well is we have quite a bit of erosion that
24 can happen behind our seawalls. All right, and it goes
25 down there, and it just flows on that hard pan and pops

1 out and flows there.

2 I just state it for what it's worth. The rest
3 of the comments, I think, were pretty well already
4 addressed.

5 MR. CARGO: Appreciate it. And immediately
6 adjacent?

7 AUDIENCE MEMBER: I'm with him.

8 MR. CARGO: OK. We'll go across to the
9 gentleman in the fourth row back on the right. Actually
10 I was going to go with you. Yes. That's correct.

11 MR. ERICKSON: Me?

12 MR. CARGO: Yes.

13 MR. ERICKSON: All right. My name is Alan
14 Erickson. I'm here with my wife, Audna, and we own the
15 two properties that -- 18088 and 18092, and Ken, I would
16 strongly suggest you look at the elevation there because
17 from Lovell Road, it flows all the way downhill into
18 Spring Lake on our properties. We have owned them for
19 10 years and we have never had an issue there; and then
20 point of clarification. Is the project you are looking
21 at just the circled portion where there has been damage
22 to the pipe?

23 MR. CARGO: Again I want to make it clear.
24 We're not looking at a project. We are looking at
25 whether this should be brought into the county drain

1 system. That is what our question is here today. Is
2 there necessity to bring this into the county drain
3 system?

4 MR. ERICKSON: The other thing I would just
5 point out, that if you decide to put this into the
6 system and if you're trying to look at what it's going
7 to take to repair that pipe, I would also look at the
8 root cause of what created the failure in that
9 particular area, because it looks like the pipe is
10 flowing well, based on comments from residents who are
11 there. So it's very localized. So there's something
12 that's created that issue right in that spot.

13 MR. CARGO: OK. Next. OK. Down to the back.

14 MR. DERCK: My name is Rob Derck and I'm at
15 18274 Kristina Court. This is my house here and then I
16 own that vacant lot. I have done some homework, took
17 some pictures. A lot of this water is pools from the
18 blueberry farm here and there's a ditch along the road
19 about six foot wide and two foot deep. It wants to flow
20 out here, up here and through here. There's a new house
21 that was built right here. I think they put an
22 undersized culvert. Actually they used about an 8-inch
23 PVC.

24 There's been a ton of erosion. I'm a licensed
25 contractor. They used no silk cloth or erosion control.

1 There's about four culverts that are completely clogged.
2 As of this morning, the water is still over the top of
3 the culverts. So it can't escape up there. So a lot of
4 that water is coming this way. This is all low and wet
5 and then out right about here, we have all this water
6 coming out of the ground.

7 My estimate is probably 80 percent of the
8 water that's going here is ground water, compared to
9 what I can see coming out of this pipe and I don't know
10 where this pipe comes from, but the water comes here,
11 goes this way and down here, it works its way out. I
12 have got a map here. One concern about this pipe, too,
13 is all the discharge is orange. I don't know if that
14 would be an iron pipe or-- That there again, thanks
15 again for cleaning that spot out. He's got a grate of a
16 gas grill on there that kind of protects it.

17 I shot some elevations. This is never going
18 to dry out. As far as you're concerned, Kristina, about
19 wetlands, there was a log about 10 feet back from the
20 pipe that goes under the road, and I pulled it up, and
21 there was a surge of water. The pipe handled it and
22 then it just kind of resumed back to its normal flow.

23 I was against this before I walked in here,
24 but given what I know and potential failure, I'm kind of
25 for it now. I think that's about it

1 MR. CARGO: And your house again is-- Have
2 you had any flooding on your house or are you concerned
3 about flooding with your house?

4 MR. DERCK: No. I'm way high.

5 MR. CARGO: You are way high. OK.

6 MR. DERCK: But I do have this where all the
7 natural runs through here and I do have-- I took a
8 couple of 18-inch PVC or corrugated drain pipe so I have
9 a little path on here and here where I can walk through
10 that natural, but the biggest concern is to try to get
11 rid of some of this water that's working it's way
12 through the ground because, like I said, about four of
13 these culverts, as of this morning, the water was still
14 a foot over the top of them.

15 The new house, the driveway, there's probably
16 a foot and a half of erosion underneath the new cement.
17 Their culvert pipe, I think, is undersized. It's just a
18 little white 6- or 8-inch diameter pipe and this could
19 probably be cleaned out a little bit on Taft, too,
20 because the water comes here and it comes here and goes
21 out.

22 MR. CARGO: And a quick question for Gordon.
23 Immediately to the -- I guess that would be on the map,
24 the area that he's talking about, is that part of an
25 established drainage district or not?

1 MR. GALLAGHER: No; and in fact, we have had
2 some discussion about whether or not we should be going
3 through that same process. The pond that you see there,
4 if I understand it correctly, tends to drain to the
5 south almost to the corner of that lot and then
6 there's-- I will just step up here.

7 MR. DERCK: The pond drains right here and
8 that's one of the pictures. It's straight that way.

9 MR. GALLAGHER: OK. I was under the
10 assumption -- and this is low in here as well -- that
11 there's another drainage course that comes down here,
12 but that's--

13 MR. DERCK: Right. A lot of this does go--
14 But on Kristina's property, she is getting this ground
15 water, you know. Everybody wants it to go that way,
16 whether it's-- The majority of it is all surface water.
17 Do you have any idea why that's all orange, that
18 discharge coming out of here?

19 MR. BUSH: Looks like iron.

20 MR. SOUTER: Iron oxide.

21 MR. BUSH: Iron oxide.

22 MR. CARGO: And I don't think we even have a
23 camera to see what was within those pipes there, but--

24 MR. DERCK: I was surprised up here, this
25 actually flows this way and tries to get out to Taft and

1 then all the pools from the blueberry patches, which is
2 a huge amount of water, it's just hung up right now
3 because it can't get through.

4 MS. ELLIS: Because of that house.

5 MR. DERCK: Because of that new house and the
6 culverts being cleaned out.

7 MR. CARGO: There may be a need for the county
8 and the drain -- township and the county drain
9 commissioner to take a look at that. Now, what you have
10 heard today early on is it's not unusual for these older
11 established platted areas not to have drains, which
12 makes it difficult to address these type of concerns
13 that are being raised by you. So it sounds like that's
14 also an orphan drain to the other side of this. OK.
15 Appreciate it.

16 MR. DERCK: Through here?

17 MR. SOUTER: No. North of Taft.

18 MR. DERCK: Here? This is all just a ditch.
19 All it needs is to be cleaned out. There is a pipe
20 under the road.

21 MR. CARGO: And that's something the road
22 commission may be able to do, too. I would talk to
23 Gordon before you leave here today and ask him to ask
24 the road commission to look at possibly cleaning out
25 that county drain and also ask them, if it's undersized,

1 to put in a larger culvert. That's something that again
2 the township and the road commission can work on
3 together.

4 MR. DERCK: OK. The majority of the problem
5 is these just need to be cleaned out.

6 MR. CARGO: And that's something--

7 MR. DERCK: Do you have a spec when a new
8 house is being built as far as what's going underneath?

9 MR. BUSH: If you don't mind me answering
10 that, Mr. Chairman, the road commission usually gives
11 out right-of-way permits for drive culverts and they are
12 supposed to spec them out or inspect them after they are
13 installed. I don't think that happens sometimes over
14 the years or people just fill in their ditch because
15 they don't like-- They put their leaves in it because
16 it's convenient.

17 I mean, it's a variety of things, but I will
18 contact the road commission. Jerry is usually at all
19 these BODs, but he's not here today, but I will contact
20 him.

21 MR. DERCK: Who is in charge of soil erosion?

22 MR. BUSH: That would be me, my department.

23 MR. DERCK: OK. Typically when I pull a
24 building permit, I have to use soil silk mesh or
25 whatever.

1 MR. CARGO: Sometimes a single-family home,
2 because of the size, they are not required to do that.

3 MR. DERCK: Yes, they are.

4 MR. BUSH: Well, yeah, they are.

5 MR. CARGO: Apparently for wetland, there is?

6 MR. BUSH: If it's near a wetland or over such
7 an acre, so many feet near a drain. There's a criteria.
8 Sometimes people don't want to get-- Again if you
9 didn't get a road commission permit to put a culvert in,
10 they probably didn't get a soil erosion permit, either.
11 They just filled it. Sometimes that happens. They
12 slide through and then this is what happens. We end up
13 with issues.

14 MR. CARGO: Appreciate it. Thank you. And--

15 MR. DERCK: Those pictures, do you want them?

16 MR. CARGO: Yes, please.

17 MR. ROLF: My name is Mike Rolf. I live at
18 18098 Lovell and that is just north of the little Lovell
19 Park Road on the lake side and--

20 MR. CARGO: OK.

21 MR. ROLF: --I know we had supposedly a
22 100-year rain a couple of years ago and no water
23 problems down there. I'm next to Ericksons and Laugs
24 and the south end there doesn't have any water issues,
25 just for information.

1 MR. CARGO: Appreciate it. And the gentleman
2 next to you?

3 MR. TEITSMA: I'm Jim Teitsma. I live at
4 18338 West Spring Lake Road and again question whether
5 or not that property should be in the district. It
6 appears -- or the boundary, you said, was built or
7 determined by land contours?

8 MR. CARGO: They use a land contour map. Is
9 that correct, Ken?

10 MR. BOSMA: The county's land contour map.
11 Yes.

12 MR. TEITSMA: And is that visually examined
13 then, too? You go to the property and find out or just
14 rely on the contour map?

15 MR. BOSMA: Yes, as best you can, but as you
16 know, you stand sometimes in the area and sometimes it
17 looks a little bit different as well, but yes, we rely
18 on lot of that and go out there and visually look. Now,
19 again maybe there's some changes in there and that's why
20 we're willing to meet with property owners afterwards
21 and double check that as well. So--

22 MR. TEITSMA: There is a drain under Lovell
23 there, apparently?

24 MR. BOSMA: Yes.

25 MR. TEITSMA: Under Terrace Road?

1 MR. BOSMA: Yes, there is.

2 MR. TEITSMA: OK. That drain is clear right
3 now and that's where the orange water is coming from?

4 MR. BOSMA: Yes, but I don't know where that
5 goes to.

6 MR. TEITSMA: That drain is a corrugated kind
7 of PVC pipe, and I looked at it the other day, and it
8 connects to the manhole cover that you popped up on the
9 north side, and it goes along the lot line right over
10 here and pops up right behind that lot line right over
11 there. Yeah.

12 AUDIENCE MEMBER: So it's open on the other
13 side then?

14 MR. TEITSMA: It's open on the other side, but
15 it doesn't look like it's iron from what I can see. So
16 I don't know where--

17 AUDIENCE MEMBER: Open on both ends?

18 MR. TEITSMA: Well, no. The one end goes into
19 the catch basin right on Terrace. There's a catch
20 basin-- There's a catch basin here, there's one here,
21 there's one here, and there's one there. There's four
22 of them that are connected there.

23 AUDIENCE MEMBER: There are pictures in the
24 hand-out I gave you of those.

25 MR. CARGO: And it's also clear on the map

1 here. I can see those catch basins are marked on the
2 map.

3 MR. TEITSMA: And then the only other comment
4 that I would have is that if and when this gets
5 reconstructed, that there be some containment or
6 remediation device at the end of the drain before the
7 water goes into Spring Lake to catch any debris that
8 might be coming through there. Spring Lake has got
9 enough difficulties without having extra.

10 AUDIENCE MEMBER: Larry has a grill cover.

11 AUDIENCE MEMBER: Are you going to lay that
12 out?

13 MR. CARGO: OK. Next?

14 MS. LARSEN: My name is Katrina Larsen. I'm
15 at 18113, which is the south end of your boundary right
16 above an empty lot. Our concerns would be that our
17 backyard is 100 percent of the time completely saturated
18 and unusable. It's squishy 100 percent of the time. I
19 might be one of the only ones here from that side. Our
20 neighbor to the north, his backyard is the same way.
21 The next neighbor up, most of the backyard is the same
22 way.

23 I would want to be completely sensitive to the
24 wetland that we can see beyond our property and our
25 neighbor to the north does have some cattails and things

1 that are growing in his backyard, but we are concerned
2 about the water levels in our backyard.

3 MR. CARGO: Do you feel as if the wetland has
4 increased in terms of the level of water that you are
5 experiencing in your backyard?

6 MS. LARSEN: We have been there for two years.
7 It's been at the same level both summers.

8 MR. CARGO: OK.

9 MS. LARSEN: So it's just basically unusable.

10 MR. CARGO: Appreciate it. OK. Next?

11 MR. KOSTER: Jim Koster. I'm with the Spring
12 Lake Township board. I'm just here to listen to the
13 comments.

14 MR. CARGO: OK. Kevin, I know you don't have
15 any comments. Next?

16 MR. MIERLE: Larry Mierle.

17 MR. CARGO: Oh. Larry. Nice to see you.

18 MR. MIERLE: Also on the township board, just
19 observing.

20 MR. CARGO: I appreciate it. At that stage--
21 Lukas, anything?

22 MR. HILL: No, sir. Thank you.

23 MR. CARGO: At that stage then, we have taken
24 comments from all of the public. So without objection,
25 I will close the public portion of this hearing. Is

1 there any objection to closing it?

2 MR. WOLTERS: No objection.

3 MR. SOUTER: No objection.

4 MR. CARGO: We will close the public hearing
5 at this time and begin discussion among ourselves.

6 Glenn, I will start with you. Do you have any questions
7 or comments that came out of what you heard today?

8 MR. WOLTERS: From what I see, we have a fair
9 amount of properties that are relying on the tile that's
10 coming through where we have damage there. Knowing what
11 I have been through in the past where one owner may have
12 an issue or may have cause on their property and stuff
13 and it affects a lot of other people, there's not a lot
14 of avenue besides putting them into a district unless
15 the owner wants to go through and take care of it
16 himself, you know. Typically that's not the case.

17 My judgment on this is I think it should be
18 probably put into a drain district due to the fact he
19 say, she say it would be a lot easier for the
20 maintenance of this line and everything else.

21 MR. CARGO: Ken, what do you have to say?

22 MR. SOUTER: I guess I'm about at the same
23 point as has been commented here. The drain is there,
24 the drain is working, but the drain has got some
25 problems, and a lot of the comments that I see that we

1 heard is well, maybe my water doesn't get into it or
2 maybe somebody else's water doesn't get into it, but
3 rain comes down evenly on every piece of property that
4 we have in the district. So that water has got to go
5 someplace and to determine where that water is going is
6 going to be Ken Bosma's problem and not ours. I mean,
7 he's got to satisfy people that their water is actually
8 getting to the drain if there is such an assessment.

9 So I really truly believe this thing has got
10 to get into somebody's jurisdiction; that if there's a
11 problem, that tile fails, somebody's going to take the
12 heat and that's going to be Joe over here. So I'm to
13 the point here saying that we should have a drain. We
14 have a drain, but we need it under somebody's
15 jurisdiction.

16 MR. CARGO: I think it's obvious that somebody
17 took a lot of time to try to direct the water in this
18 district to Spring Lake. I would have a concern with,
19 if I was the private property owner who has been
20 maintaining this, if he did anything further, he could
21 even have some liability. If he dug it up to replace it
22 after it collapsed without it going through the public
23 process and it damaged his neighbor's property, there
24 could be liability there. So by not putting it in the
25 public, you are creating a potential civil litigation

1 matter in the future if anybody tries to repair it.

2 Now, the other question, of course, is would
3 they even have the right to go on his property to repair
4 it? If you don't put it into a public drain, then you
5 also have that issue. If you don't allow it to drain
6 out here, the flooding problems or the high water table
7 problems that have been expressed by some of the people
8 in their backyard would only be exacerbated and so
9 because of that, I think there is a public purpose;
10 one, to avoid any potential liabilities; two, because
11 if it does fail, that's going to make the matter much
12 worse for the people who are abutting the existing
13 wetlands right now.

14 Those wetlands would expand quite a bit, I
15 would suspect. I think that's a fair summary. Ken,
16 would you disagree with anything that I'm saying there?
17 I'm saying that because if you do, then I wanted to know
18 that. Based on that, I agree that this orphan drain
19 should be brought into the county drain system so that
20 the public at large and the people within the district
21 specifically can have maintenance done to this drainage
22 district if at some point it needs it in the future.

23 Based on that, I'm going to make a motion that
24 the proposed Lovell Park drain as petitioned on October
25 12th, 2015, is necessary and conducive to public health,

1 convenience and welfare. Is there support?

2 MR. WOLTERS: I will support.

3 MR. CARGO: We have a motion on the floor and
4 support. Is there any further discussion that needs to
5 occur? Ken, are you comfortable?

6 MR. SOUTER: I'm comfortable.

7 MR. CARGO: Then all in favor signify by
8 saying aye.

9 MR. SOUTER: Aye.

10 MR. WOLTERS: Aye.

11 MR. CARGO: Opposed, nay. And so it is passed
12 without objection. The second thing I'm going to do is
13 I'm going to make a motion as to the at-large assessment
14 for municipalities in the drain as the drain has been
15 found necessary. So I will make a motion the proposed
16 Lovell Park drain is necessary for the protection of
17 public health in Spring Lake Township and that a portion
18 of the costs should be assessed to Spring Lake Township
19 at large. Is there support?

20 MR. SOUTER: I'll second that.

21 MR. CARGO: Because I am making a motion that
22 future costs, a portion of which would be assessed to
23 Spring Lake Township, does Spring Lake Township support
24 that?

25 MR. GALLAGHER: We do, but I just -- I want to

1 be careful, too, because the board probably feels the
2 same way as the property owners do. It depends on what
3 a future project would look like and what the cost of
4 those, but I understand that's a decision for a future
5 meeting. I think the township has generally paid a
6 portion of those costs. I think those have generally
7 been around 20 percent of the overall cost and we would
8 be supportive of that.

9 MR. CARGO: Hearing that, they are supportive
10 of this motion, also. All in favor say aye.

11 MR. SOUTER: Aye.

12 MR. WOLTERS: Aye.

13 MR. CARGO: Opposed? And there's no
14 opposition, so that also passes without objection. I
15 would encourage the drain commissioner to examine more
16 closely, now that this has been brought into the county
17 drain system, the boundaries to make sure that the
18 elevations are correct, and I would also encourage
19 Spring Lake Township to have a formal policy put in
20 place so the people can expect -- know what to expect
21 with regards to normal maintenance.

22 I'm not talking about a major project, but the
23 normal maintenance, I think that would be a good policy
24 to have. That said, is there anything else anybody on
25 the board wants to say?

1 MR. SOUTER: Other than that, we really
2 appreciate the comments out here and the work that
3 people did on this particular issue so we can find out
4 exactly what's going on.

5 MR. CARGO: I agree. I think the comments
6 have been more detailed than you normally find at board
7 of determination hearings. So I appreciate that. Then
8 without objection, I'm going to see if there's any
9 appeals process that you want to discuss.

10 MR. BUSH: No. I just wanted to go ahead and
11 say thanks, everybody, for taking your morning to come
12 here and give your voice and your knowledge because that
13 helps us. The reason somebody would probably think
14 well, Joe, why didn't you do the research before you got
15 here with my engineer and the contours, you know? Why
16 the contour thing? Well, I just want to make it clear
17 this board could reject what we proposed or whatever we
18 do and then I'm stuck with an engineering cost going.

19 So I don't want to spend a lot of money on
20 engineering. We do enough to get what we got and then
21 come up with a district and then we can always make a
22 motion to go out and change the district if we need to,
23 the boundaries, with some of the property owners'
24 comments today. So you know, I don't want to go out and
25 spend tons of money and then this board determine it not

1 necessary and then I'm stuck with the cost.

2 So I try to keep it minimal and be very
3 conservative, but yet you have got to have something to
4 go off of. So I appreciate everybody's comments for
5 Ken, my engineer, to go out and do some more research
6 now and we can redefine it and make changes as
7 necessary. So again I thank everybody for again taking
8 the time. I appreciate that. Thank you.

9 MR. CARGO: Joe, before we adjourn, I had a
10 quick question as to policy or procedure. I seem to
11 recall that in the past, we have also adopted a motion
12 authorizing you to expand or change the boundaries as
13 you determine necessary.

14 MR. BUSH: I see that's not on there. They
15 did change the form on me. So we need to make that
16 motion.

17 MR. CARGO: I'm going to make another motion.
18 I apologize. I said I was going to make this motion and
19 I suddenly realized I had not. I'm going to make a
20 motion that the county water resources commissioner has
21 the authority to add or subtract properties from this,
22 based on the recommendation of the engineer. Is that
23 the proper form of the motion, Joe?

24 MR. BUSH: I would say that is correct.

25 MR. WOLTERS: Support.

1 MR. CARGO: OK. I have support from Glenn.

2 MR. WOLTERS: Todd.

3 MR. CARGO: Todd. I'm sorry. I've been
4 calling you Glenn this entire meeting.

5 MR. WOLTERS: Just not late for supper.

6 MR. CARGO: That's embarrassing. I just
7 realized I've been calling him Glenn through this entire
8 meeting. I apologize. So I will embarrassingly ask all
9 in favor say aye.

10 MR. SOUTER: Aye.

11 MR. WOLTERS: Aye.

12 MR. CARGO: Opposed?

13 MR. WOLTERS: One question. The previous
14 motion, was there -- is there supposed to be a motion to
15 the road commission as well potentially for their share
16 outside of Spring Lake or is that--

17 MR. CARGO: I think that's determined actually
18 through state law where they will take a look at the
19 part of the impervious land that's included in this, and
20 they have a calculation, and I think the same is true
21 for the county that they are--

22 MR. BUSH: By state law. Road commission by
23 state law.

24 MR. CARGO: But because the township doesn't
25 have a responsibility by state law, we just imposed it

1 on them. So they can thank us for that later. Fair
2 enough? And I apologize. All in favor, say aye.

3 MR. SOUTER: Aye.

4 MR. WOLTERS: Aye.

5 MR. CARGO: To adjourn. Thank you very much.

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STATE OF MICHIGAN)
) SS.
COUNTY OF MUSKEGON)

I, David R. Walley, Certified Shorthand Reporter (CSR-2718), County of Muskegon, State of Michigan, do hereby certify that the foregoing Pages 1 through 71, inclusive, comprise a full, true, and accurate transcript of the proceedings taken in the matter of Lovell Park Drain Board of Determination, on April 14, 2016.

David R. Walley
Certified Shorthand Reporter

April 25, 2016