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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: NO. 29 DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 11:00 a.m., on Wednesday,
September 28, 2016 at Holland Charter Township, 353 North
120th Avenue, Holland, Michigan, held before Marjorie A.
Covey, CSR-2616, Certified Shorthand Reporter and Notary
Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.

- Mr. Todd Wolters, Board Chairman
- Mr. Jerry Hunsburger, Board Member
- Mr. Glenn Nykamp, Board Member

- Mr. Don Komejan, Holland Township Manager

- Mr. Lucas Timmer, Prein & Newhof

- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 September 28, 2016 - 11:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COM. JOE BUSH: Well good morning,
5 gentlemen. Welcome to the Holland Township for the Drain No.
6 29 Orphan Drain, public hearing.

7 Again my name is Joe Bush, I'm the Water Resources
8 Commissioner, used to be the drain commissioner. Same
9 office, same place, I changed the name in 2012 from drain to
10 water resources, thought it sounded more appropriate for what
11 we do. And this is part of the process of one of our things,
12 many things that we're obligated to do by state statute.

13 So I'm Joe Bush, the Water Resources Commissioner.
14 We have Jerry Olman from the road commission here for any
15 questions directed to him. We have Don Komejan, he's the
16 township supervisor -- manager, I'm sorry. And then we got
17 Jen, she's from my -- she's my secretary from my office. I
18 make sure that she shows up to make me stay in line. We have
19 Margie. Margie is a court recorder, so everything is court
20 recorded that you say on public comment time.

21 So during public comment, if you have any questions
22 or concerns, come up to the mic, speak your name and address,
23 and it will be all documented.

24 And then if you want a copy of it, hard copy, you
25 can get that through my office, or usually in four to six

1 weeks it will be online. So if you go to MIOttawa.org, you
2 can look up water resources, go to the left tab for minutes
3 and just click on it and it will be there word for word.

4 And then we have Lucas Timmer from Prein & Newhof.
5 Ken Bosma would be with us today, but Ken Bosma had a family
6 emergency and is heading to Chicago as we speak. So Lucas is
7 filling in for him.

8 And there is on the agenda, there is a time for a
9 presentation from the engineer. So we look forward to
10 hearing that.

11 And then another process to this is being that this
12 is an orphan through statute I have to appoint three men, or
13 women, either or, that's not affiliated with this drain
14 district or any properties in it. So I look out and ask
15 people to show up who are, or who could be appointed that
16 have experience in water, municipality, drain code, the law.
17 All that comes into play when I appoint these people to make
18 the decisions based on the determination. And we'll get into
19 that as far as the agenda goes.

20 So these people are -- these three gentlemen I pick
21 now are from different townships and they have been on many
22 boards and they understand drainage, which is typically
23 important, and drain code. And they have drains in their
24 townships as well.

25 So from right to left we have Jerry Hunsburger from

1 Park, Todd Wolters in the center from Olive and Glenn Nykamp
2 is from Zeeland Township. And again, they've been on many
3 boards that I've done over the years, and they do a very good
4 job at it. And their expertise is very important to me and
5 for the public.

6 So how we go from here is I'll give these three
7 gentlemen the oath, and then they'll pick a chair and vote on
8 it, but they'll run the meeting, and then they'll direct any
9 questions to me or the engineer, Mr. Lucas.

10 So that's how this usually goes. So I'll give the
11 oath and then they'll go through the agenda and run the
12 meeting, and then any questions will be directed to me if
13 there is any.

14 And then there is time after the meeting too, after
15 the hearing, if you have any further questions, we'd be more
16 than happy to stick around and talk and figure out a solution
17 for any problems. All right?

18 Gentlemen, please rise.

19 Raise your right hand.

20 Do each of you solemnly swear to faithfully perform
21 and discharge the duties imposed upon you as members of the
22 Board of Determination appointed by the Water Resources
23 Commissioner of Ottawa County to determine the necessity of
24 drainage improvements in a certain drain to be known and
25 designated as the No. 29 drain in the Township of Holland,

1 and in said county as required by law, gentlemen?

2 MEMBER TODD WOLTERS: I do.

3 MEMBER GLENN NYKAMP: I do.

4 MEMBER JERRY HUNSBURGER: I do.

5 WATER RESOURCES COM. JOE BUSH: Thank you.

6 MEMBER TODD WOLTERS: Okay, the first order of
7 business is to elect a chair and secretary.

8 MEMBER JERRY HUNSBURGER: I make a motion that Todd
9 Wolters chair this board.

10 MEMBER GLENN NYKAMP: Support.

11 MEMBER TODD WOLTERS: Okay. All in favor say aye.

12 MEMBER GLENN NYKAMP: Aye.

13 MEMBER JERRY HUNSBURGER: Aye.

14 MEMBER TODD WOLTERS: Opposed?

15 MEMBER GLENN NYKAMP: I make a motion to appoint
16 Jerry Hunsburger as the secretary.

17 CHAIRMAN TODD WOLTERS: I'll support that.

18 All in favor say aye.

19 MEMBER GLENN NYKAMP: Aye.

20 CHAIRMAN TODD WOLTERS: Aye.

21 MEMBER JERRY HUNSBURGER: Aye.

22 CHAIRMAN TODD WOLTERS: It carries.

23 All right. Do I have a motion to limit the public
24 comment to three minutes per person?

25 MEMBER GLENN NYKAMP: So moved.

1 MEMBER JERRY HUNSBURGER: I'd second that.

2 CHAIRMAN TODD WOLTERS: All in favor say aye.

3 MEMBER GLENN NYKAMP: Aye.

4 CHAIRMAN TODD WOLTERS: Aye.

5 MEMBER JERRY HUNSBURGER: Aye.

6 CHAIRMAN TODD WOLTERS: Okay. Township, at this
7 point in time, Don, if you'd like to make any comments
8 regarding this project?

9 TOWNSHIP MANAGER DON KOMEJAN: Just briefly from
10 the township standpoint, within our policy that was approved
11 by our board, we have a storm water drains funding policy.
12 By means of that we want to try to be proactive in working
13 with the drain Water Resources Commissioner to determine if
14 there are issues within the drain area. And then typically
15 also being a part of the funding for solving those problems
16 we have a policy that authorizes generally costs of about
17 \$10,000 or less per year per drain for maintenance purposes
18 that we typically would say we would take responsibility for,
19 other than any other jurisdictions having an apportionment
20 for that.

21 And then for larger scope projects, we would also
22 typically be involved just by way of a percentage
23 apportionment that would come out of the decision of the
24 water resources office.

25 So we are -- our goal is to, for those drains that

1 are not part of the county drain district, try to proactively
2 bring them on board; and those that are part of it, to work
3 with the water resources director, commissioner to be at
4 least a funding partner within the scope of the project.

5 CHAIRMAN TODD WOLTERS: Thank you.

6 And at this time we'd like to ask Prein & Newhof's
7 representative Lucas, if you would have a presentation for
8 us?

9 MR. LUCAS TIMMER: Thank you. Once again my name
10 is Lucas Timmer. I'm an engineer with Prein & Newhof in
11 Holland and I assisted my supervisor Ken Bosma in some of the
12 preliminary engineering work that was needed prior to this
13 Board of Determination.

14 So the branch to Drain No. 29 was petitioned by
15 Holland Charter Township on August 1, 2016 under Chapter 8 of
16 the Michigan Drain Code of 1956 to establish a branch to
17 Drain No. 29.

18 Drain No. 29 is an existing Chapter 4 drain, and
19 Chapter 8 relates to maintenance, improvement, extensions of
20 drains and also relates to establishing a branch.

21 So this is the drainage district for Drain No. 29.
22 As you can see the blue here (indicating) is a, this is like
23 a natural water course, that's part of Drain 29. And then it
24 keeps going up here, and then there is all storm sewer
25 located on James Street (indicating) right here.

1 And what we're proposing is that a branch, this
2 natural water course located here (indicating) and we're also
3 proposing the storm sewer located here on Garden Avenue
4 (indicating).

5 This system right here is an orphan system which
6 means there is no procedural or funding mechanisms for drain
7 improvement because there is no local or county government
8 jurisdiction over that system. And that's why we want to
9 establish that storm sewer there on the north end of Garden
10 Avenue and that drainage ditch as a part of the county drain
11 system.

12 This drainage district boundary was delineated
13 using three different tools, the first being a contour,
14 county contour data which we use on GIS.

15 The second being a record plan of previous
16 utilities that were put in. And this is, a primary use of
17 that is just to see where high points and roads are located.

18 And the third tool that we use, which is especially
19 important in this area is development plans, because
20 development plans shows where their drainage goes, and this
21 is a fairly developed area.

22 So this is an aerial map showing the drainage
23 district, and we are aware of some maintenance concerns
24 within this drainage district. We weren't able to locate the
25 outlet through the, of the storm sewer right there

1 (indicating), it's likely buried. And we've also heard from
2 landowners in that area that they do have some concerns with
3 flooding.

4 At the end of this presentation we'll open the
5 floor to comments if you have any other known issues or
6 concerns regarding this drainage district or the proposed
7 drain. Thank you.

8 CHAIRMAN TODD WOLTERS: All right, thank you.

9 Okay, at this point am time we'll move into public
10 testimony. If you'd come up to the mic, and if you have a
11 comment you'd like to make, state your name and your address,
12 and where you live. And I think we only have a couple folks
13 here, so I'd say we're going to open it up at this time.

14 If either one of you have a comment that you'd like
15 to make. Are you guys all set?

16 UNIDENTIFIED SPEAKER: I don't.

17 CHAIRMAN TODD WOLTERS: Okay, hearing none at this
18 time, Ottawa County, do you have any concerns at this time?

19 MR. JERRY OLMAN: No.

20 CHAIRMAN TODD WOLTERS: Hearing that, I will close
21 the public hearing. And let's move into discussion of what
22 we have going.

23 MEMBER JERRY HUNSBURGER: I'd like to put a motion
24 on the floor that we can discuss that we consider this drain
25 be necessary, I make that motion.

1 CHAIRMAN TODD WOLTERS: Okay.

2 MEMBER GLENN NYKAMP: Support.

3 CHAIRMAN TODD WOLTERS: Motion and support.

4 MEMBER JERRY HUNSBURGER: For discussion,
5 absolutely no question that the water resources
6 commissioner's hands would be tied, as would be the
7 township's for that matter, if there is a need to do
8 maintenance, if a problem is brought up by people in that
9 area.

10 And of course that's the purpose of identifying who
11 would be responsible, and it would seem to me that based on
12 that alone, that there is necessity for this to be assigned
13 to the, as a county drain.

14 CHAIRMAN TODD WOLTERS: Okay. Glenn?

15 MEMBER GLENN NYKAMP: I agree. Especially seeing
16 there is no controversy over this issue, it's just a matter
17 of making it a drain that is being brought into the Ottawa
18 County Resource Commission's responsibility.

19 CHAIRMAN TODD WOLTERS: Okay. I really can't add a
20 lot to what you just said because I agree 100 percent with
21 that. There is times where you may have one issue in one
22 area and it's a matter of who is going to pay for it, who is
23 going to take care of it. This is a good resolve for that.

24 So I have it moved by Jerry and supported by Glenn,
25 that the drain is necessary for the protection of the public

1 health of Holland Charter Township and that a portion of the
2 costs will be apportioned to the municipality at large.

3 I'm sorry, necessity.

4 So all in favor, say yes.

5 MEMBER GLENN NYKAMP: Yes.

6 CHAIRMAN TODD WOLTERS: Yes.

7 MEMBER JERRY HUNSBURGER: Yes.

8 CHAIRMAN TODD WOLTERS: Okay. Now we're down to
9 the second motion, I apologize.

10 MEMBER JERRY HUNSBURGER: I'll read it, as
11 secretary I'll read the motion, that the drain is necessary
12 for the protection of the public health in charter township
13 and that a portion of the costs be apportioned to the
14 municipality at large, which would of course include the
15 township, the county, and others.

16 And I would make that motion.

17 MEMBER GLENN NYKAMP: Support.

18 CHAIRMAN TODD WOLTERS: Seconded by Glenn.

19 All in favor say aye.

20 MEMBER GLENN NYKAMP: Aye.

21 CHAIRMAN TODD WOLTERS: Aye.

22 MEMBER JERRY HUNSBURGER: Aye.

23 CHAIRMAN TODD WOLTERS: It carries.

24 Okay, so now the third motion we need is -- would
25 you care to read the third motion?

1 MEMBER JERRY HUNSBURGER: The third motion would be
2 that the drainage district boundary be adjusted as necessary
3 and lands be added or deleted as determined by the Water
4 Resources Commissioner as recommended by the engineering,
5 once file engineering is done.

6 CHAIRMAN TODD WOLTERS: Is that your motion?

7 MEMBER GLENN NYKAMP: I'll make the motion.

8 MEMBER JERRY HUNSBURGER: Glenn makes the motion, I
9 would second that.

10 CHAIRMAN TODD WOLTERS: Okay.

11 All in favor say aye.

12 MEMBER GLENN NYKAMP: Aye.

13 CHAIRMAN TODD WOLTERS: Aye.

14 MEMBER JERRY HUNSBURGER: Aye.

15 CHAIRMAN TODD WOLTERS: Okay. And with that, Joe,
16 did you have anything you wanted to add at the end here?

17 WATER RESOURCES COM. JOE BUSH: I just want to say
18 thanks for coming out and spending your time at Holland
19 Township this morning. Thank you.

20 CHAIRMAN TODD WOLTERS: And with that I make a
21 motion that we adjourn.

22 MEMBER JERRY HUNSBURGER: I second that.

23 MEMBER GLENN NYKAMP: Support.

24 CHAIRMAN TODD WOLTERS: Okay.

25 (Hearing concluded at 11:16 a.m.)

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CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN)

) SS

COUNTY OF BARRY)

I certify that this transcript, consisting of 13 pages, is a complete, true and correct record of the Board of Determination Hearing on September 28, 2016.

DATE: October 5, 2016

MARJORIE A. COVEY, CSR-2616
141 East Michigan Avenue, Suite 206
Kalamazoo, MI 49007
1.800.878.8750

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

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