STATE OF MICHIGAN

OFFICE OF THE MUSKEGON COUNTY DRAIN COMMISSIONER

In the Matter of:

Hurlbut Drain

Board of Determination for

Petitioned Maintenance and Improvement to

Hurlbut Drain

October 11, 2017
6:04 P.M.

Muskegon Charter Township Hall
1990 Apple Avenue
Muskegon, MI 49442

Board of Determination: Mr. Donlad Munski (chairman)
Mr. Ken Erdman
Ms. Sharon Ackerman (secretary)

RECORDED BY: Michelle M. McKee, CSR 3841
Certified Shorthand Reporter
MS. BRENDA MOORE: Good evening. My name is Brenda Moore. I'm the County Drain Commissioner. You all received a notice from my office.

Can you hear me okay in the back?

(Whereupon, heads nodding.)

MS. BRENDA MOORE: Okay. You received a notice from my office because we received a petition from property owners to do something about a drainage problem in a drainage district. And so as part of that process, when I get a petition, I have to have an engineer -- civil engineer take a look at the situation and they're supposed to give an objective overview of what they found.

This is the Board of Determination (indicating). They are three citizens that live in the county but they can't live in this area so they'll be objective. We've got -- Wendy is not here yet. But Sharon Ackerman, Don Munski and Ken Erdman are the Board of Determination. So what they'll do is they'll listen to Ryan. Ryan McEnhill is the civil engineer that investigated this. They'll listen to you. I'm here to answer questions. I'm really not supposed to be involved in the process. I'm supposed to remain objective and outside of it. And then they'll make a decision -- several decisions, if this project should go forward or not, whether or not we should revise the district boundaries,
and whether or not the township should pay a portion of this cost.

And these maps here is the district (indicating). The blue is proposed to come in and the pink is proposed to come out. And how this is done is based on a watershed. The engineers will look at topography, the lay of the land, and see where water flows. So anything in this pink line, the proposed revised boundary, finds its way to the Hurlbut and then out and actually eventually to Black Creek and Mona Lake.

So this is a process outlined in the drain code, which is a state law that I have to follow as the Drain Commissioner. So when I get done with this, I'll turn it over to the Board of Determination. They'll elect their Chair and they'll go through the process.

And then if you didn't fill out a card, this is such a small group, you don't have to fill out a card. You can just raise your hand and the Chair will recognize you. Sometimes we have a few hundred angry people in the room so we have to try to keep it in order. But unless you guys can make up for 300 angry people, we'll just keep it more casual.

I'm just going over my notes to make sure that we have everything. I do want to make clear, because Marathon Oil, the old Dutch refinery that's been working in
the area, this is completely separate from them. They
started a project to relocate the drain that they were
going -- they are -- We're still up in the air about it,
to relocate the drain to keep contaminated groundwater from
reaching surface water. There was petroleum products
reaching the county drain. And the drain commissioner
before me sort of got an agreement with them to hold their
feet to the fire to do something. The state is still
involved and they're still treating it, but the fact that
it's reaching surface water is a big issue.

So that's a project that's still in process,
because we're getting permits from the Army Corp of
Engineer -- or I'm sorry, the Department of Environmental
Quality and Environmental Protection Agency is also
involved in it. That's a huge deal. That's still in
process, completely separate from this, even though it's
the same drainage district. And anything they do, they
have to pay for. That's part of the agreement with my
office.

So this is completely separate. A different
set of property owners have a different set of drainage
problems and they petitioned our office coincidentally as
we're working on this, because we got a lot of calls on
that.

So if anybody does not like a decision that
this Board makes, you have 10 days to appeal it. It goes
to circuit court for review. And we can tell you how to do
that if you want to.

I don't know if there are any just procedural
questions that you want to talk about, but the Board of
Determination looks at it -- certain things they look at,
like protecting property from flooding, protecting public
and private property values, maybe health concerns, like
septics or standing water that might cause disease or
mosquito breeding or whatever. So they're supposed to look
at rational things that apply or is part of this.

They've been through training. I have a corp
of people I use. They're people from the community. They
tend to have positions that run meetings, but the whole
point is they need to be objective and listen to you and
the engineer and make a decision.

So I think, unless anybody has questions, I
will turn it over --

MR. GERALD SMITH: (Whereupon, raised hand.)

MS. BRENDA MOORE: Yes, sir? As long as it's
not something that needs to go in the public hearing. Is
it a question about the process.

MR. GERALD SMITH: It's a question on the old
area and compared to the new area.

MS. BRENDA MOORE: Okay. That --
MR. GERALD SMITH: Who's paying for this?

MS. BRENDА MOORE: Okay. Is it okay to answer how the assessments go?

MR. DONALD MUNSKI: If you want to.

MS. BRENDА MOORE: It's not part of the -- your hearing, I think.

MR. DONALD MUNSKI: Sure.

MS. BRENDА MOORE: So under the drain code, things are paid for through special assessments. The County Board does not give us any general fund money and the only way that we can pay for this is through an assessment. So what happens is we do the work and then we spread the assessment on people who live in the district.

So these people are coming out -- well, they're proposed to come out. We don't know what's going to happen. And these people are proposed to go in. So the people in this district would share the cost. But if -- if repairs are localized, we'll tend to spread them on the people who benefit. For instance, if we replace a culvert, we'll tend to put the cost on the people who need that.

So but we don't know if we're continuing. We don't know the scope of what we're doing because I don't invest anything in engineering until I know I get the go ahead. So I can't tell you cost, but I can tell you --

MR. GERALD SMITH: Well, my -- I ain't
talking cost. I'm talking who is paying.

  MS. BRENDA MOORE: People who live in the district.

  MR. GERALD SMITH: Because I live at 3270 East Laketon. I've paid twice for drain repairs.

  MS. BRENDA MOORE: Okay. I think this is probably more appropriate to tell them during the public hearing.

  MR. GERALD SMITH: I don't think there's anything wrong with our drains.

  MS. BRENDA MOORE: Well, sir --

  MR. GERALD SMITH: And --

  MS. BRENDA MOORE: Sir --

  MR. GERALD SMITH: -- we shouldn't have to pay for new ones coming in if you want to change the boundaries.

  MS. BRENDA MOORE: This is probably part of public hearing, so I -- I don't mean to cut you off, but you shouldn't talk to me about it. Let's get into -- Let's hear the engineer and then get into that. I just wanted to be clear about process. So I apologize.

  MR. GERALD SMITH: Well, I'm more concerned about --

  MS. BRENDA MOORE: Well --

  MR. GERALD SMITH: -- dollar and cents. I've
already paid twice.

MS. BRENDA MOORE: I understand. I understand. So let's --

MR. GERALD SMITH: I don't think you do.

MS. BRENDA MOORE: I'd like to turn it over to the Board. What's your name and address, please?

MR. GERALD SMITH: Gerald Smith, 3270 East Laketon.

MS. BRENDA MOORE: I'm sorry. I had my back to Michelle, but she's our court reporter and she takes everything down verbatim. And what we do is we post this when we get them, we'll post the hearing notes.

MR. BOB VASQUEZ: (Whereupon, hand raised.)

MS. BRENDA MOORE: Only about process and about the drain code. Do you have a question, sir?

MR. BOB VASQUEZ: I do. My name is Bob Vasquez, 2148 DeBaker. You addressed a petition earlier. Do you have a copy of that petition?

MS. BRENDA MOORE: I do.

MR. BOB VASQUEZ: Is that something we can review?

MS. BRENDA MOORE: Absolutely. Ma'am?

UNIDENTIFIED SPEAKER: No.

MS. BRENDA MOORE: Oh, I thought you were --

UNIDENTIFIED SPEAKER: No.
MS. BRENDA MOORE: Anybody else before I turn it over to the Board of Determination?

(Whereupon, no response.)

MS. BRENDA MOORE: Okay. Thank you. I forgot to give you your oath.

MR. DONALD MUNSKI: Okay. First we have --

MS. BRENDA MOORE: I'm sorry. I don't have -- Okay. I'm sorry. Thank you. All right. I'm going to -- this is what we need to sign after you take your oath.

Will you raise your hand, please?

Do each of you solemnly swear that you will faithfully perform and discharge the duties imposed upon you and each of you as required by law as members of the Board of Determination appointed by the Drain Commissioner of the County of Muskegon to determine the necessity of maintenance and improvement of a drain known and designated as the Hurlbut Drain located in Egelston and Muskegon Charter Township in said county?

MS. SHARON ACKERMAN: I do.

MR. DONALD MUNSKI: I do.

MR. KEN ERDMAN: I do.

MS. BRENDA MOORE: Do each of you affirm that you are land owners and residents of Muskegon County but do not own lands or reside in the following municipalities -- either Egelston Township or Muskegon Charter Township?
MS. SHARON ACKERMAN: I do.

MR. DONALD MUNSKI: I do.

MR. KEN ERDMAN: I do.

MS. BRENDA MOORE: Okay. Thank you. And if you would sign this (indicating). Thank you.

Also, Ryan has a study that he does. He just puts together the photos and that sort of thing. Those will be put on our website. If you Google Muskegon County Drain Commissioner and look under Recent Petitions, they're listed alphabetically and you'll get -- you can get the court transcript -- or the reporter transcripts, you can get anything that Ryan provides tonight and anything that we have that's of relevance.

Thank you. Okay. Now I'm butting out.

MR. DONALD MUNSKI: Okay. All right. Now that the oath has been taken -- administered, the next on the agenda is election of secretary and chairperson.

MR. KEN ERDMAN: I make a motion that Don Munski serve as chairperson of the Board of Determination.

MS. SHARON ACKERMAN: I will second that.

MR. DONALD MUNSKI: All in favor of the motion, signify by saying aye.

MS. SHARON ACKERMAN: Aye.

MR. KEN ERDMAN: Aye.
MR. DONALD MUNSKI: Aye. Motion so carries.

MR. KEN ERDMAN: I make a motion that Sharon Ackerman serve as secretary of the Board of Determination.

MR. DONALD MUNSKI: I second that motion.

MR. KEN ERDMAN: All in favor?

MR. DONALD MUNSKI: All those in favor of Sharon serving as the secretary -- Sharon Ackerman serving as the secretary, signify by saying aye.

MR. KEN ERDMAN: Aye.

MR. DONALD MUNSKI: Aye.

MS. SHARON ACKERMAN: Aye.

MR. DONALD MUNSKI: Motion carries. Sharon, congratulations.

MS. BRENDA MOORE: You only have to read something if we get written letters. We've got a court reporter here, so no sweat.

MR. DONALD MUNSKI: Okay.

MR. KEN ERDMAN: And I'll make a motion that public comment be limited to three minutes per person.

MS. SHARON ACKERMAN: I'll second that.

MR. DONALD MUNSKI: A motion has been made to limit the public comment to three minutes per person. All those in favor, signify by saying aye.

MS. SHARON ACKERMAN: Aye.

MR. KEN ERDMAN: Aye.
MR. DONALD MUNSKI: Aye. Opposed, same.

(Whereupon, no response.)

MR. DONALD MUNSKI: Motion passes. Next on the agenda, rules of public comment. Public comment is limited to three minutes per person. And when you want to make public comment, please raise your hand and the chairperson will recognize you. And then stand up, if you are able, and then give your name out loud and your address so that the court reporter can take that down.

Now I ask the Drain Commissioner to review the role and function of the Board and the procedural history.

MS. BRENDA MOORE: Okay. I actually touched on that a little bit when I began. They're picked because they're objective and they're from outside the area, and so they listen to the testimony here and the engineer. Again, this is part of the drain code. It's a similar check and balance to make sure that the drain commissioner doesn't just go pick projects and run with them when they're not really necessary. So that's -- that's their role.

MR. DONALD MUNSKI: Thank you, Brenda. Next is the presentation. And I ask Mr. McEnhill to give us the presentation.

MR. RYAN McENHILL: All right. Thank you. My name is Ryan McEnhill with EMG. I'm a professional engineer here in the State of Michigan. Our firm has
offices in Lansing and Grand Haven and I am the branch manager here in Grand Haven, but we do drain work for drain commissioners and water resource commissioners all across southern lower Michigan.

So Brenda kind of already went through the -- already determined the overview of what their role is. And the only thing that I'd like to say in addition to that is this Board of Determination is making their decision of necessity based on these items down here -- public health, convenience or welfare -- after they hear all this testimony. So those are -- those are the big things that they're basing their decision on.

So in 2015-2016 is when the Drain Commissioner's Office started getting complaints about drainage concerns in this district, primarily focused around the Industrial Park, which I'll get into. And so as part of that, she wanted us to take a preliminary look at both the Industrial Park and then also the entire Hurlbut Drain, as well, to determine how each of those could be potentially impacting each other. And what we did was come up with an independent and unbiased assessment of the conditions in the district, and we outlined that in a preliminary engineering report that all the Board members have, and that will also become part of the record, too. And as Brenda mentioned, we'll put that up on the website
so you guys can view that, as well.

And then secondarily what we did was try to just come up with a very brief preliminary design, and we'll go through the issues here as I go through my report about how can we alleviate those issues, is there a feasible way to correct these things. And so I will go through all of those, as well, and then we have that report, as well.

So just to give you some background on the drain, typically when a petition comes forward, we want to go back and look through the files and see what has been done. This drain was established in 1912, which is pretty typical for the drains in Muskegon County. Most of them were established in the late 1800's, early 1900's. This drain had petition maintenance done in 1968 where they actually increased capacity of the drain. This originally had a one-foot bottom on it and they expanded it out to six foot to provide some additional capacity to the drain. And then in 1975, there's the culvert under Laketon Avenue that was enlarged from a 36 inch to a 54 inch. And since that time, over 40-plus years, nothing has been done as far as maintenance or improvement to that system that's at least documented until the petition was received in June of this year to alleviate drainage issues. So that gives you some background.
We talked a little bit, Brenda did already, about the drainage district. A lot of the drainage district boundaries have not been updated in a long, long, long time. This green that you see here (indicating) is the historical district boundary for the Hurlbut Drain. This purple line is what we feel is the watershed boundary as it exists today.

So when we talk about drainage district boundary, basically what we're talking about is a watershed. What lands are -- their surface runoff is getting to that drainage system, that would be the Hurlbut Drain. Similar to what you would find in the Muskegon River Watershed or something like that, this is just a smaller scale of that same type of thing.

And to delineate that, we had a lot of assistance from the Muskegon County GIS Department. They give us one foot topography contours to try to figure out where the high points are, how everything -- whether an area is draining to this drain or another drain. We're able to use that information to really get these pretty accurate these days. Back in the 1900's, they didn't have that information available to them.

We'll review adjacent district boundaries. In this case, there's quite a few. There's the Kent Drain, the Barnes Drain, the Holland Drain. All of those are
adjacent to the Hurlbut Drain. So we try not to -- to make
sure that there's no overlaps in those systems. We review
culverts to see whether or not water is capable of getting
from one side of the road to the other. All those things
impact how we come up with that drainage district boundary.

So just an overview of what is all
encompassed, it's about 965 acres total in this district.
Pretty much all of it is in Muskegon Township. This stuff
over here to the east of Brooks Road is the portion in
Egelston Township. And all in all, it's 480 total
properties that are in this district.

So I'm going to give an overall summary of the
system and then talk about the existing conditions. I'll
try to keep it as brief as I can, but you have to
understand that these three board members have never been
out to this site. They don't know anything about it, so
I'm trying to give them as much detail in a short amount of
time as I can.

So this green line here is the Hurlbut Drain
(indicating). This is a system that we're here talking
about today. This blue line down here is the Marathon
work. That's their proposed relocation. This purplish
line is the Laurene Taylor Drain and that's upstream of the
Hurlbut, so all the water from the Laurene Taylor Drain is
being discharged into this drain system. And then lastly,
this orange line here services the Industrial Park. That was done by a 433 Agreement, which is a section of the drain code which basically gives the drain office the opportunity to maintain it and a funding source to do that.

So I think I covered all of those. I'm just going to go through some quick terminology that I'll use probably throughout this that some of you may not be familiar. Okay. So if we're talking about a culvert, this is basically a structure that is placed in the drain to be able to get water from, for instance, one side of the road to the other under driveways, that sort of thing. The issues that we'll be talking about with culverts is, one, that they were placed at inappropriate elevations for several different reasons.

Sedimentation, which is basically the buildup of material sediment, sand, stuff that gets into the drain channel, decaying vegetation that limits the capacity and builds up in the bottom.

Obstructions, so downed trees, log jams, heavy vegetation, just grass, stuff from -- that typically happens when you just -- there's been a long time where maintenance hasn't been done.

And then erosion, which isn't a huge concern in this system, except for a few -- a few locations, but basically eroding banks where the banks are actually caving
in, which results in sedimentation.

All of these things put together reduce capacity in the drain and eventually lead to flooding.

Those are the four main terms that I'll use kind of throughout, so I just wanted to throw those out there at the beginning here.

So there's two things that I'm going to focus on. I'm going to talk a little bit about the Industrial Park drainage, since that was kind of the key driver of the petition, and then go through and talk about the main drain down here (indicating), just to give an overview, because this is kind of a good aerial shot of the Industrial Park.

They have a system which you can see it here along the west side and then along the northern portion of the drain district. And all this water gets funneled to this point (indicating). There is a control structure there. And then there is an eight-inch pipe which goes in that direction and discharges to the county drain at that location.

So of these properties, this is Emergency Services, which just went in this year, and I don't even think they have an occupancy permit yet. They do have a separate detention system on their property. Scherdel is in the process of putting in a detention system up here (indicating). But otherwise, the remaining portions of
these properties really are not detained, other than the fact that there is a significant restriction at that control structure which I'm going to expand on here shortly.

So this is that control structure that exists in the Industrial Park. There's 18 or 19 total acres in this Industrial Park. Of that, there's probably a net 13.25 acres that's being funneled to this location and is being restricted to an 8-inch diameter outlet, which Brenda just enacted some new standards, and this is even beyond restrictive for an Industrial Park with that amount of impervious area and buildings on it, so that is one thing that is significantly restricting the amount of water that can get into the county drain.

The second part of this is that the eight-inch pipe is actually set, the outlet pipe, two feet above the drain bottom, two foot above this drain bottom, so water has to build up two feet in that system before it's allowed to discharge. And there's orifice holes in the structure that are all completely clogged up. There's actually fabric wrapped around them, so even those are not allowing water in, and so now water has to go up 2-1/2 feet to the rim elevation of that structure before it's able to discharge any water, so it's a significant strain on the system that's already being restricted to an 8-inch
diameter outlet.

And then the fourth factor that goes into this is this is a very high groundwater area. So if you just think about just an example of how that impacts storage, if we had a three-foot deep detention basin and the groundwater levels had come up two feet and are taking up two feet of that storage volume, now when a rainfall event comes, we only have one foot to work with to take care of storage during rainwater event. So all those things coupled together, it causes a real big problem for water to get away from that Industrial Park.

Typically when we design a system, we have a low flow discharge, which would probably be considered as 8 inch, but then we also have an emergency overflow that would be a much larger pipe, say 18 or 24 inch, that if we got to our high water level, there would have some way for that water to get out and not have structure damage. That doesn't exist with this system that's currently in place.

So these are a few pictures (indicating). This is actually at the Scherdel property. This is Dodson Drive. So this is at the front in their loading docks, you can kind of see the water. And I've been out there several times and it seems like every spring for a long period of time, that's a common occurrence. And you can see it in this picture, this is in dry conditions. You can see how
far up that -- that water goes. There's just not an outlet available to get rid of this water, so they have to actually pump that every single day to be able to get rid of it.

These are just a couple photos of that system that exists in that Industrial Park along the western and northern edges of the park. You can kind of see, I delineated a line up there, but all these areas down here don't have any vegetation growing, so it's kind of a pretty indicative line of how far that water gets up on a regular basis because they're not able to grow vegetation in those areas. And again, that's just a function of their outlet pipe being so far above the bottom of the basin. And the Hurlbut County Drain dictates that, and so I want to talk about that right now.

There's kind of three issues that all kind of go together with the actual Hurlbut County Drain. There is culverts that were placed much too high. Driveway culverts and the Laketon Avenue culvert are the three big issues that we noticed right away. I'm going to show a profile drawing which kind of gives you a better feel for how that looks. And then stagnant flow conditions and water must actually rise in the system before it will ever get out.

This is the Laketon Avenue culvert up here (indicating). And 1200 feet to the east is Dodson Road and
this is their culvert system down here. There's actually
-- This culvert up here is half a foot higher than the
culvert down here. That water has no way to get out. It
has to rise before it will ever go through at that Laketon
Avenue culvert. So that section along Laketon Avenue, I
can try to get a -- get a better view of. But between
Laketon and Dodson, that water has to build up before it
will ever go through this Laketon Avenue culvert.

So this profile that I wanted to show, and I
think I have a better one on the back of this that I wanted
to show the Board. And I can -- I'll show it to this
group, as well. But these hatched areas, these are the
existing culverts that are in place. And for this drain to
operate correctly, they actually have to be down here for
water to move appropriately. There is a 2-foot difference
from where that culvert sits there, the 54 inch, from where
it actually needs to be. It's a significant difference.

And what we found is -- And I'll show that to
the audience, as well. These hatched culverts are how they
exist today. And based on all the survey work that we did,
this culvert that's under Laketon Avenue right now really
needs to be two feet lower for this system to be able to
move water effectively. 1-1/2 feet lower here and about 1
and a quarter feet lower here. So it's not just a couple
of inches, it's a significant disparity in where the
culvert locations need to be for the system to operate correctly.

MS. BRENDA MOORE: If you want to pass this around (indicating).

MR. RYAN McENHILL: So here we show the culvert at the existing at 642.83 should really be at 640.8, so almost 2 feet difference there. So this is the downstream end. This is Dodson Road down here (indicating). We basically have all this water that has to surcharge. It all comes back this way, has to surcharge, come up before it will start going that way.

If you have questions on that, let me know. That was a difficult thing to try to -- I tried to do the best job I could with that exhibit to be able to kind of show that.

And then just a couple other things. These are down at the lower part of the district (indicating). This is at the overhead utility line crossing. You've got ATV and probably private utility equipment crossing that drain. That basically causes this thing -- I mean, it's 50 percent full of sediment right there. This is only a 36-inch pipe. Just up street at Laketon, we have a 54 inch, so there's a significant disparity in the size of that pipe. Typically as we move downstream, our pipe sizes are going to get bigger, so this is almost a 50-percent
reduction in capacity.

And then this just talks a little bit about the sediment and overgrowth. Here you can kind of see this is the centerline of the drain. Vegetation builds up. Very difficult for water to move when water -- or when vegetation gets that thick and dense, so that was the other thing that we noticed when we were out there.

And so just to kind of I guess link the Industrial Park to the actual Hurlbut Drain, we looked at, okay, how could we -- if we just alleviated the issues in the Industrial Park, would they be all set? And the simple answer was no, that we weren't able to make any significant impact just doing work in here without solving the problem that was with the main drain itself. There's just not enough -- The outlet from the Industrial Park is not low enough to be able to alleviate all that flooding issue that's going on. We need to have a deeper outlet to that Hurlbut Drain, and part of that is the culvert elevations, part of that is just the buildup of sediment over time.

So what we -- When we started this, we thought maybe we could just do this with maintenance funds, which maintenance funds for county drain system is $5,000 per mile, which doesn't get you very far these days, so that's kind of what triggered the petition so that we could solve those issues, because the maintenance funds just
wasn't going to cover it.

The other part of this is that the Laurene Taylor, which some of you may be here that live in the Laurene Taylor district, as well, is that that system was recently cleaned out in 2016, so that's bringing additional flow downstream to this system. So really this downstream system to be able to accommodate that flow needed to be cleaned out or it kind of exacerbates everything in here (indicating). So that's kind how the two -- the two mesh together there as far as the Industrial Park and the main drain.

So just a couple next steps. We will hear public testimony from the crowd just to be able to -- You guys live in the district or have businesses in the district and are there to see the conditions every single day, so we urge you to speak where you can. And then the Board is going to determine -- is the one that determines the necessity of the petition. If they feel that there isn't the necessity for a project, then the project just ends, nothing else happens moving forward.

If they do find it necessary, the next steps would be we sit down with Brenda and kind of go through, evaluate what the scope of the project would be, alternatives and what's the best way to fix the problem. We've kind of done some preliminary work to know the nuts
and bolts of the main items that need to be improved, but we go through that in more detail. And then sometimes we typically have a scope meeting where we come with drawings and plans and kind of get your input again for a second time. And then we finalize design. In some cases, we have to get easements, in some cases we have to get permits through the Michigan DEQ. And then we prepare big plans and send it out for bid. So that's kind of where we're headed here tonight.

So that's all I have. If the Board has questions for me, I'll be happy to answer.

MR. DONALD MUNSKI: Do you have questions, Ken?

MR. KEN ERDMAN: No. It seems pretty straightforward to me.

MS. SHARON ACKERMAN: I just -- and this might be oversimplifying, but basically then what happened was, the reason we have this problem here, is partly because in 2016, that Taylor Drain was cleaned out, thereby giving more flow, and the fact of the elevation.

MR. RYAN McENHILL: I'd say there's three things. Yes, you're getting more flow from the Laurene Taylor Drain. The culvert elevation that occurred is two feet too high, really, from what we would propose it to be, if there was a project, you know.
MS. SHARON ACKERMAN: Okay. Okay. I just wanted to --

MR. RYAN McENHILL: And then there's also -- I mean, in the Industrial Park, there's also the issue with their -- the elevation of their outlet pipe.

MS. SHARON ACKERMAN: Right.

MR. DARREL BARTOS: Is your direction of flow south of the water?

MR. RYAN McENHILL: It's on a west -- southwesterly direction.

MS. BRENDA MOORE: Sir, what's your name, please, for the record and address?

MR. DARREL BARTOS: Darrel Bartos, 680 Quarterline Road, Muskegon, Michigan. I own the property on Apple and Brooks, which is better known as 1035 Brooks, which is the southwest corner and I'm on the far north of this proposed addition. I got taxed with the Laurene Taylor Drain. And now that there's going to be additional drainage that I'm going to have to pay for and the company was allowed to build in a swamp, now myself and a whole bunch of other taxpayers are going to have to probably help bail these businesses out because of poor engineering 5, 10 years ago.

And I'm approximately about a mile and a half away from there and I'm probably just being added to the
assessment to help bring the cost down to other people, but
I'd like to know what the cost of this is. I don't want
you folks to be giving them a blank check in order to build
this and, when it could be built for say $50,000, charge us
a million and a half, then we'd have to pay for it.

I used to sit on the board here and we never
approved anything out -- without having a dollar-and-cents
cost to it. And those are my quick comments.

MR. DONALD MUNSKI: Just to review what and
provide some answer to your question is the Board of
Determination doesn't authorize the work. It just
determines whether or not the drain is necessary and
conducive to the public health, convenience or welfare and
whether the drain is necessary for the protection of the
public health. So if we make that -- If we make a
decision, it's based on that. Then the actual estimate and
-- of how much it would cost is left up to the activities
of the Drain Commissioner. So this is only the first step.

MR. DARREL BARTOS: Okay. But I wanted to
voice my two cents --

MR. DONALD MUNSKI: Right.

MR. DARREL BARTOS: -- because also my
property just being on the south side of Apple does drain
across the street into that Holland Drain, along with the
other people. So there's -- I got plenty of drainage on my
property, which now with all these other special assessments that might be added on in November for the township for roads and the county for a youth, people, look at your tax bills and look at how many special assessments we have voted for and how many special assessments that are on there. A $1500 tax bill could jump up to 2,000, 2200 real quick in one year. And some people like myself is retired and I have a small pension and Social Security. Social Security hasn't gone up. My pension hasn't gone up, but everything else has, including taxes. Thank you.

MR. DONALD MUNSKI: Thank you for your comments. Next?

MR. GERALD SMITH: Gerald Smith, 3270 East Laketon. I know what the problem is. I think you got a pretty smart engineer right there, but evidently they didn't have one years ago. I moved there in '67. I dug down where my pole barn is now six inches to put fence posts in and hit water. Our water table is much lower today, believe it or not.

Where the Industrial Park is was under water when I moved there. Scrambler Tractors owned that. They ended up building out off of the freeway, off on the Norton Shores side because the township wouldn't let them build out there because it was under water. It was a swamp.

Now why the township ever made that Industrial
Park, they're a bunch of idiots. And it should be left to
the cost of the township and the Industrial Park that built
there. They should have knew better. Now why would
anybody build on a swamp?

I built a house next door to mine on my
property. I built it on top of the ground. I paid for
water going down Dangl. Fisher was the head here then. He
wouldn't let me hook my well up -- or my water up to that
city water. It wouldn't go up the hill. I built the hill.
It was existing ground, that was on the ground level. I
built right on the top of the ground.

They just -- somebody has to look out for the
people. This is just idiotic the stuff that goes on in
this township.

MR. DONALD MUNSKI: Thank you for your
comments. Next?

MR. BOB VASQUEZ: I'm Bob Vasquez, 2148
DeBaker. In referencing the overhead -- not really
overhead, whatever it is, blue or green, whatever, color
blind. There's two areas that are significantly added to
this. Correct? What drained them before?

MR. RYAN McENHILL: You okay if I answer that?

MR. DONALD MUNSKI: Please answer.

MR. RYAN McENHILL: So the blue in the upper
portion of the district that extends up to Apple Avenue,
that's all serviced by the Laurene Taylor Drain. Okay? So any water that gets into the Laurene Taylor Drain, because it outlets into the Hurlbut Drain, is automatically included in that district boundary, as well. That's the simplest way to explain it.

Now what they did -- Like I said, these were done in 19 -- I don't think this has been updated since 1912 when they initially set it up. So whether even the Laurene Taylor was built at that time, I don't know. So maybe that upper watershed didn't drain into the Hurlbut at that time. But since these districts haven't been updated in so long, this is how it exists today. And I agree, it is a significant add to what was there previously.

MR. BOB VASQUEZ: So if it previously drained into the Laurene whatever it was, how does it no longer do that?

MR. RYAN McENHILL: It does do that.

MR. BOB VASQUEZ: Okay. So there will be two drainage systems that take care of that area?

MR. RYAN McENHILL: Correct. Correct.

MS. BRENDA MOORE: One is upstream from the other. I don't know if that's clear.

MR. RYAN McENHILL: Yes. The Laurene Taylor -- Where is mine?

MR. GERALD SMITH: What about the Kent Drain?
MR. RYAN McENHILL: The Kent Drain goes to the Holland. Okay. So this is -- this here is the Laurene Taylor (indicating) and it goes up -- they have ditching on both sides of Brooks Road, so it comes down this direction, works its way down here and connects into the Hurlbut Drain right there. So automatically all the lands over here that drain to this Laurene Taylor are included in the Hurlbut Drain district.

MR. BOB VASQUEZ: So it would no longer drain into that other drain?

MR. RYAN McENHILL: No, no, no. It will.

MR. BOB VASQUEZ: But because then it connects to the Hurlbut Drain --

MR. RYAN McENHILL: Exactly.

MR. BOB VASQUEZ: -- you're included?

MR. RYAN McENHILL: Exactly.

MR. BOB VASQUEZ: What about the lower area?

MR. RYAN McENHILL: This spot right here (indicating)?

MR. BOB VASQUEZ: Correct.

MR. RYAN McENHILL: So this was on the premise that the Marathon Oil Drain relocation project would move forward. So when they relocate this drain from this spot down to this spot (indicating), all this area gets included. If that project -- If that project does not
move forward, we would adjust that brown -- adjust that boundary before the assessment was done and they would be excluded.

MR. BOB VASQUEZ: And what is controlling that?

MS. BRENDA MOORE: That's Marathon's land, too, isn't it?

MR. RYAN MCENHILL: Some of it is, not all. Does that make sense?

MR. GERALD SMITH: Does the Hurlbut drain into the Kent Drain?

MR. RYAN MCENHILL: No. No. The Kent Drain is up here (indicating) and it discharges north to the Holland.

MR. DARREL BARTOS: I know they did a tremendous amount of work in the Holland Drain the last couple of years and extended it -- excuse me, yeah, the Kent Drain. I don't know how many hundreds of thousands of dollars they put in last year redoing that drain and they extended it south quite a bit. I don't know how many hundreds of feet it went down, but it's --

MR. RYAN MCENHILL: This boundary -- this boundary right here is -- was matched with the Kent -- Kent Drain district boundary. So everything in this area flows -- flows north and is part of the Kent.
MS. BRENDA MOORE: I think this gentlemen still has --

MR. RYAN McENHILL: I'm sorry.

MR. BOB VASQUEZ: If this project with Marathon does not go through, am I correct in hearing what you said that that lower area isn't included in that drainage district?

MR. RYAN McENHILL: Correct.

MR. BOB VASQUEZ: So has the Marathon project been approved or not?

MR. RYAN McENHILL: See, what we -- the way we notice is if you're potentially liable for an assessment, we need to notice you. Okay. So this -- if they build this, these folks down here are potentially liable for an assessment.

MR. BOB VASQUEZ: I understand, but I don't think you answered the question that I asked. Has the Marathon project been approved? Have they been authorized to make modifications to the existing Hurlbut Drain?

MS. BRENDA MOORE: We're waiting on Department of Environmental Quality to approve.

MR. BOB VASQUEZ: Okay. Then are we cart before the horse here?

MR. RYAN McENHILL: I'm not sure what you mean. As far as the district boundary?
MR. BOB VASQUEZ: Okay. Well, yeah. You're establishing a boundary for an area that may not be the case based on an event that has not occurred yet. Am I -- am I missing that? If I'm incorrect, just tell me that. I just don't understand.

MR. RYAN McENHILL: You're not incorrect. We send out the notices if you're potentially liable for an assessment. So it may take us a year or two years before we even assess this project. If that project didn't move forward within that timeframe, these people down here or a portion of them may not be liable for an assessment. If in that time they did do that project, those people -- all those people would be liable for an assessment.

MR. BOB VASQUEZ: Okay. My last quick stuff and then I'll sit down and get out of the way. I don't know if you're timing me.

MR. DONALD MUNSKI: I am, but it's okay.

MR. BOB VASQUEZ: Real quick one, then. You showed us photographs of culverts on Laketon and in that area. Okay. Obviously, those weren't put in in 1912.

MR. RYAN McENHILL: Correct.

MR. BOB VASQUEZ: Okay. Who was the engineer for -- And this is -- this is rhetorical in nature, to be honest. Who engineered that?

MR. RYAN McENHILL: No. That's a good --
that's a good question. And I had meant to -- I wanted to try to -- What happened in 1975, this Laketon Avenue culvert was put in. And based on the design drawings, it was actually put in at a much -- You can see it's got an upward slope, pretty significantly. It wasn't designed or put in at that slope, from what we can gather. What we think happened is either it frost heaved, which is probably not the case but could be, or it was damaged during sanitary sewer construction which occurred in the early 1980's. Because sanitary sewer is on that side of the roadway, we think that's probably what happened to be able to hump it up or they just did a bad job of repairing it, one of those two things is probably the culprit for that.

These ones, these driveway culverts (indicating), I don't know that they ever went through the Drain Commissioner's office. There's been a lot of cases where driveway culverts on county drains aren't approved at the drain commissioner's level, although they should be.

MR. GERALD SMITH: That Laketon Drain was actually changed. It wasn't -- It's a new one on a bigger angle, because the other one come further to the east and then turn. And they add -- This is when they -- in '75, they added a bunch of drains to the east of us. They dug Laketon too low. My drain dries up in the summer, always has. That drain across the road has always been that way.
MR. DONALD MUNSKI: Next, please?

MR. MICHAEL HENNINGS: My name is Michael Hennings, 2014 DeBaker. The Marathon project is actually running pretty much through my backyard. If this Hurlbut goes through and the Marathon doesn't do their part, is there going to be any issue with those two running into each other?

MS. BRENDA MOORE: I'm not sure I follow what the question is.

MR. RYAN McENHILL: Can you say that again?

MR. MICHAEL HENNINGS: All right. This Hurlbut Drain, it runs down Laketon. It goes across into the power lines onto Marathon's property. I'm on 2014 DeBaker. The new drain that they're proposing to dig on the Marathon property, if this is fixed and they don't do their part on whatever they're trying to do, is that going to affect the work done on this?

MR. RYAN McENHILL: No. No.

MS. BRENDA MOORE: We'll use the old channel.

MR. RYAN McENHILL: We'll use the old channel.

MS. BRENDA MOORE: Did we answer your question okay?

MR. MICHAEL HENNINGS: Yes.

MR. DONALD MUNSKI: Any other questions or comments?
MR. ALLEN BONTHUIS: I have a question. Allen Bonthuis speaking on behalf of Pioneer Resources, property at 0 South Division. How much higher is the water in the Industrial Park now than when the original outlet was put in?

MR. RYAN McENHILL: Well, the -- the pipe -- the outlet pipe that's in there now -- The Industrial Park, from what I understand, was built in 2005, 2006ish. That pipe was basically put in because, from what I can gather, there's not a basis of design that's on file with the Drain Commissioner's office. It was put in at the elevation it was because there's so much sediment in that Hurlbut Drain that they had to put it at that elevation. They had no other choice. So they basically dug these detention basins that had to build up that two feet before they would discharge. If you're asking -- if you're asking like --

MR. ALLEN BONTHUIS: If it's been at that level -- I'm just ask -- I guess I'm curious, what's changed since they -- since they put the drain in?

MR. RYAN McENHILL: I don't know -- From what's there, I don't think it ever -- ever operated correctly.

MR. ALLEN BONTHUIS: They still -- they still built on that property. They probably had the same problem
with the docks that are below grade in the water table and now they want to drop the water table is essentially what they want to do.

MR. RYAN McENHILL: Well, the thing with the loading docks is that they can have a gravity outlet from those loading docks if this drain is cleaned out. If the drain is not cleaned out, they would have to put in a pump. They would have to pump -- pump those --

MR. ALLEN BONTHUIS: Which a lot of businesses do.

MR. RYAN McENHILL: Yeah.

MR. ALLEN BONTHUIS: And they probably should have from -- They've never gravity flowed.

MR. RYAN McENHILL: Correct, but they have the ability to potentially.

MR. ALLEN BONTHUIS: They've never gravity flowed from the day they built the property.

MR. RYAN McENHILL: I don't -- No, they didn't. No, they weren't able to.

MR. ALLEN BONTHUIS: So now they're asking for tax payers to go back and fix the problem that was done when they established the drain -- I understand the -- the culverts and that problem. They're all done to fix the Industrial Park problem, which has been a problem since the day they put it in. None of these culverts are causing
that issue to be worsened. If you fix all these and don't do anything with that outlet, it's still the same problem. Is that correct?

MR. RYAN McENHILL: They need -- they need to be done together to ultimately fix the problem.

MR. ALLEN BONTHUIS: Unless you don't do the Industrial Park, then they don't have to be done at all.

MR. RYAN McENHILL: Well, if we just ignored the Industrial Park and just fixed the drain, there would still be benefit to the Laurene Taylor Drain because it's able to go through.

MR. ALLEN BONTHUIS: But that's not the -- Correct me if I'm wrong, it's not what the petition was asking for. The petition was from the Industrial Park owners to fix their drain.

MR. RYAN McENHILL: Not all of the signatures came from the Industrial Park.

MR. ALLEN BONTHUIS: Okay.

MR. RYAN McENHILL: I mean, I don't have the petition in front of me, but --

MS. BRENDA MOORE: Some of these signatures, frankly, I don't know who these folks are. Our deputy made sure that if anybody signed on behalf of a business, they were part of the corporation. And it was beyond the -- and I have a copy. It was beyond the Industrial Park.
MR. ALLEN BONTHUIS: Okay. Well, from your comments, Mr. McEnhill, I assumed that's where the petition came from, so --

MR. RYAN McENHILL: The majority of the petitioners came from the Industrial Park.

MR. ALLEN BONTHUIS: Okay. Thank you.

MS. BRENDA MOORE: Mr. Munski?

MR. DONALD MUNSKI: Next, yes.

MR. MARGARET EASTLEY: Hi. I'm Margaret Eastley from Scherdel Sales and Technology. I'm the vice president there. And this is Bob Hermann, he's our builder, Clifford Buck Construction.

We've been in the township for 18 years. We love the township. We're very happy to be there. We're an employer with about 135 people right now.

I hear all this, you know, historical things about the water problems and stuff. We moved in to a commercially zoned Industrial Park. We had no idea there was any water issues. We moved in in 1999-2000. We built on -- added onto our plant twice. We have about 98,000 square feet right now. Now we need to build an office, so that kind of pushed our parking lot right out against the culvert.

And we employ, like I said, about 135 people. Out of those, people live and work in the township. And
we're just concerned about environmental issues, that it gets very stagnant. And you're right, it's only when the rainy season is and when it gets very, you know, full of water and it really becomes an issue.

We're a global spring supplier. We sell all over the world. We're a very clean and quiet company. And I understand that everybody gets concerned about property taxes. We do, too. We're one of the biggest tax payers in the charter township. So not knowing how much it's going to cost, I totally understand that.

But you're welcome to visit our plant, you want to come see us. And we're very active in the community. We volunteer a lot. We're a good company. And we had no knowledge of this being an issue when we first entered into an agreement with the township to purchase this property. So thank you.

MR. BOB HERMANN: And all I can say is since I've been working there for about a half year or so, a little bit more than that because I was there last winter, the water levels like it is in the loading dock, some of the trucks can't even get in there. So to get the water level down would be great.

Could we pump it out? I suppose we could if we have to, you know, like you had mentioned. But if would just drain naturally, it would be -- well, one thing, it
would be less costly, and that's just looking out for the business. We need to look out for everybody in the area, but it is very stagnant out back. And if that water -- because if we pump the loading docks out, that's not going to do anything for the water on the west side of the building. That's kind of stagnant and there's a lot of mosquitoes. And I know they go everywhere and it's not for the people that work there, it's the houses and residences around the area, as well.

So I would like to see it go through. We have no idea what it will cost and I know there's a lot to talk about and think about in the future, but it would be a benefit to the Scherdel business and, you know, maybe the Jackson-Merkey and the Emergency Services, as well, in the future. So look forward to seeing what the comments are and the decisions and hopefully they can go forward and come up with a good solution. Everybody is never happy all at once, but hopefully everybody can be pretty happy with the outcome.

MR. DONALD MUNSKI: Another comment? Yes, please.

MR. DARRYL TODD: Good evening. My name is Darryl Todd. I'm with Muskegon Area First and we are the countywide economic development agency for Muskegon County. And our primary purpose is to help bring higher paying jobs
and increase the tax base here in Muskegon County. And we worked on several -- for several years with Scherdel and we would be in support of a project such as this because the expansion that they're -- that they're looking at doing is proposed to increase, bring in more jobs for the area, for the community.

And as Margaret indicated, Scherdel Sales is a great corporate citizen here in Muskegon County. They've participated in a number of events here and I would like to see that continue and have them be a viable company here in Muskegon County and continue to contribute as a great corporate citizen here.

My address is 380 West Western, Suite 202, Muskegon. Thank you.

MR. DONALD MUNSKI: Yes, please.

MR. DARREL BARTOS: Darrel Bartos, 680 Quarterline, Muskegon. I appreciate the work that Muskegon First does, but they don't have a dime invested into this project. When Scherdel bought that property, they probably didn't have a water problem, but they dug how many feet of black dirt off that property to get down to probably sand so they could start putting a foundation. I don't know if you built that property back up with fill sand or not. When you dug foot, two feet down, that automatically put you in the water table, because I'm very aware of what
happens when you dig down there. The water doesn't at
times want to go through muck, but it will sure go through
sugar sand. And I remember seeing big, big piles of black
dirt in front of the side of Scherdel, Scherdel. I'm
pronouncing the name wrong.

MS. MARGARET EASTLEY: It's Scherdel. That's
fine. Thank you.

MR. DARREL BARTOS: But now we as tax payers
that don't have a thing to do with this industrial project
are going to be forced to pay a share of getting their
water level down. It's a great idea, but if a company
built on a water table that's low, they should be
responsible. I don't care if it's 5 or 10 or 20 years down
the road, that's their problem, their responsibility, not
the tax payers of Muskegon Township and probably part of
Egelston Township, also. Thank you.

MR. DONALD MUNSKI: Any other comments?

MR. BOB VASQUEZ: Yeah. Just very quickly.
Bob Vasquez, 2148 DeBaker. You know, I understand the need
for improvement, drainage systems, all of that sort of
thing. Improvement is one thing. It certainly looks like,
when I look at this, that this is a total redesign. It is
now encompassing a very large significant larger area than
it ever did before. Is this an improvement? I guess I'm
-- I'm not so sure it is. That's my opinion.
I'm not educated in public engineering. Okay. But you've taken a small area that was draining adequately, except for in a specific zone, the Industrial Park, and now made it much, much larger area based on current information that has been arrived at at the request of -- the majority request of that Industrial Park. I believe cost should be apportioned to those who benefit from it. Thank you.

MR. DONALD MUNSKI: Thanks.

MR. GERALD SMITH: I got one other comment. Gerald Smith. When I moved there in '67, building inspector came out. I was in the building business. And he told me that that whole area was slated for Industrial Park within 10 years. It took 30 years before they -- Hughes moved across the street and they've been adding buildings on that side, also, which is a little bit higher ground than what that Industrial Park is. In fact, the township still wants my property for the Industrial Park, but they ain't going to get it cheap.

MR. DONALD MUNSKI: Thank you.

MR. GERALD SMITH: They've been cheap all along.

MR. DONALD MUNSKI: Any other comments? (Whereupon, no response.)

MR. DONALD MUNSKI: All right. Motion to close the public -- well, except -- public comment, sure.
Chairperson reads any letters or correspondence received, and we haven't received any?

MS. BRENDA MOORE: We didn't receive anything.

MR. DONALD MUNSKI: Okay. Okay. Do I have a motion to close the public comments?

MR. KEN ERDMAN: I'll make a motion to close the public comments.

MS. SHARON ACKERMAN: I will support that.

MR. DONALD MUNSKI: Okay. Thank you. All those in favor of closing the public comment period, signify by saying aye.

MR. KEN ERDMAN: Aye.

MS. SHARON ACKERMAN: Aye.

MR. DONALD MUNSKI: Aye. The public comment period is closed.

MR. KEN ERDMAN: Now time for the Board to comment?

MR. DONALD MUNSKI: Now time for the Board to comment.

MS. SHARON ACKERMAN: Okay.

MR. KEN ERDMAN: Okay. I got a couple of comments.

MR. DONALD MUNSKI: Okay.

MR. KEN ERDMAN: Now everybody can see that by the graph there that the one culvert on Laketon is
substantially high. How it got there is obvious, somebody made a mistake. But I want to read part of what I have here so that you guys can feel a little bit more at ease. Because as a Board of Determination, we don't only determine if a project moves forward, we determine who pays for it by what it says here, and I'd like to read it to you so you can -- you can get a grasp of it here.

It says a decision as to at large assessment from municipalities and it says -- And I'm not making the motion yet, but it says: I make a motion that the Hurlbut Drain as petitioned June 1st, 2017, is necessary or not necessary for the protection of public health and/or a portion/all of the cost should be assessed to the following municipalities at large, Egelston Township and Muskegon Charter Township. So the burden may not fall on any of you, it may just fall on those people that are responsible for putting that in there. We'll see how the motion goes, but I'm -- based on what the -- what the engineer has given us and based on public comment, that's how I'll be making my motion to what I feel should be done, and then we'll vote on it.

MS. BRENDA MOORE: Mr. Chair, just for point of clarity, may I make a comment about assessments? In this case, there is an existing 433, which is an agreement between the drain office and the Industrial Park. And that
gives the Drain Commissioner the ability to bill anything
done in the drain in the Industrial Park to those people.
That would be my intent. The maintenance for the rest of
it that everybody uses, whether it's discharge from Laurene
Taylor or the rest of the Hurlbut, is for everybody's
benefit, so that would be a different --

MR. GERALD SMITH: There's no problem with the
drain from my place south.

MS. BRENDA MOORE: That's not for me to say.
That's for this group to say, but just -- I wanted to
clarify how things could be billed and what my intent is.

MR. GERALD SMITH: They dug that drain --

MS. BRENDA MOORE: There's a real feeling --

Sir, please.

MR. GERALD SMITH: -- the second time deeper
than mine.

MS. BRENDA MOORE: There's a concern of equity
that I understand and I hear you loud and clear.

MS. SHARON ACKERMAN: I have a couple. Just
for my own benefit, when you said about the -- what is it,
the Taylor Drain and you said they had to be this
additional, they had to come into this because it flows
through this, is that the case whenever you do anything
with any drain -- any additional drain that uses that drain
or that it goes to has to be included in the --
MR. RYAN McENHILL: Correct.

MS. SHARON ACKERMAN: Is this a statute or is that --

MS. BRENDA MOORE: They have to be included in the district, but their assessment can be very -- much smaller or zero, but they -- It's acknowledgment of where water flows.

MS. SHARON ACKERMAN: Okay. Okay.

MR. RYAN McENHILL: You can be in multiple districts.

MS. SHARON ACKERMAN: Okay. That was my question, so I -- just for instance, somebody could be in a position where their drain goes maybe in two different directions or anything like that that would ever happen, these people could be, you know, tied up with --

MS. BRENDA MOORE: We've had situations where somebody owns a big piece of property and part of their property goes in one system and the other part goes in another system, but they're only assessed for the land that's in the system.

MS. SHARON ACKERMAN: Okay.

MS. BRENDA MOORE: And then when one system discharges into another to another to another, how we generally spread the cost is the farther away you are from the work, the less --
MS. SHARON ACKERMAN: And that's not part of what we would determine?

MS. BRENDA MOORE: No. You're deciding --

MS. SHARON ACKERMAN: Okay. I wanted to make --

MS. BRENDA MOORE: And I should have said this earlier. I skipped a paragraph.

MS. SHARON ACKERMAN: -- clear where we can come in.

MS. BRENDA MOORE: You're deciding whether there's work that needs to be done and who -- and whether the township should pay a portion and whether the boundaries should be changed.

MS. SHARON ACKERMAN: Okay.

MS. BRENDA MOORE: If we don't get the go ahead, we're done. I'm not spending more engineering money. But if we do, now it's like what are we doing, what's the scope, who's paying, that's up -- under the code is up to the drain office with that person's team to decide how to best execute. You can't possibly know because we haven't done all -- It's just not fair to you.

MS. SHARON ACKERMAN: Right. And the Industrial Park is completely in Muskegon Township?

MR. RYAN McENHILL: Correct.

MS. BRENDA MOORE: Yes.
MS. SHARON ACKERMAN: The only reasoning that Egelston is included in here is there's is a portion of this additional district you're adding that's in Egelston? Okay.

MS. BRENDA MOORE: They're in the watershed. You got it.

MS. SHARON ACKERMAN: I just wanted to get this clear for my own --

MR. GERALD SMITH: The Industrial Park is including 38 acres.

MS. SHARON ACKERMAN: I wanted to have it clear in my own --

MR. DONALD MUNSKI: Okay. All right. Any other comments, Ken?

MR. KEN ERDMAN: No, I don't -- I don't think so.

MR. DONALD MUNSKI: Sharon?

MS. SHARON ACKERMAN: No. I just had to get those couple of points clear.

MR. DONALD MUNSKI: Okay.

MS. SHARON ACKERMAN: I don't think this is an -- in my opinion, for me, it's not a one-motion thing, because it -- It obviously needs something done to it, that's not a question. The question becomes just what you were pointing out, where the problem lies. And -- and if
we have some part in that, which I am assuming by these motions we do.

MR. DONALD MUNSKI: And so first off, we need to determine if work is necessary and conductive to public health, convenience or welfare, so is -- has the information that's been presented indicated that it's necessary and conducive to public health, convenience or welfare?

MS. SHARON ACKERMAN: I believe so.

MR. KEN ERDMAN: I believe so.

MS. SHARON ACKERMAN: Yeah. I don't have a problem with that. And I would -- I would make that motion, that it is necessary.

MR. DONALD MUNSKI: Okay. Then the decision as to necessity, this would be the motion that you --

MS. SHARON ACKERMAN: Okay. I make a motion that the petition for the maintenance and improvement of the Hurlbut Drain is necessary and conductive to the public health, convenience or welfare.

MR. KEN ERDMAN: I support.

MR. DONALD MUNSKI: Support. Okay. Is there any discussion?

(Whereupon, no response.)

MR. DONALD MUNSKI: Members in favor of the motion signify by saying aye.
MR. KEN ERDMAN: Aye.

MR. DONALD MUNSKI: Aye.

MS. SHARON ACKERMAN: Aye.

MR. DONALD MUNSKI: Obviously no one is opposed, so the motion passes by a three-to-zero vote.

Then next is the necessity for the protection of public health and municipalities. And so there is a decision as to an at large assessment for municipalities and that's what you had spoken about earlier.

MR. KEN ERDMAN: You know, I just wanted to touch base on it so the audience had a little --

MR. DONALD MUNSKI: Right.

MR. KEN ERDMAN: -- overview of it. But we are fortunate that we do have a drain commissioner that is fair and equitable. Like she explained to you guys, a person farther away from the project is going to get an assessment less if it doesn't affect them, and she's very fair and equitable on her assessments, so --

MR. DARREL BARTOS: Could I have a quick question? I have the property on Apple and Brooks and it looks like I'm going to get tagged for assessment on Apple and also partially on Brooks, according to this layout right here.

MS. BRENDA MOORE: Do you want me to answer?

MR. KEN ERDMAN: Yeah, you can.
MR. DONALD MUNSKI: Yeah.

MS. BRENDA MOORE: I mean, it's not -- Right now, you're supposed to be talking about whether the townships pay a portion of this or not, but --

MR. DONALD MUNSKI: Right.

MS. BRENDA MOORE: It sounds like you're thinking the assessment is based on road frontage.

MR. DARREL BARTOS: That's what it kind of looks like.

MS. BRENDA MOORE: It's not. It's based on land area. There's different factors. There's type of land use. For instance, industrial pays more than residential because they have more runoff. And then typically an assessment --

I'll back up. Typically an assessment, 20 percent is billed to the county, and then there's a portion that goes to the townships, only if these guys decide that, and then the rest goes to property owners based on their land use and on their property size. And in some cases we say, you know, are they in another drain district that is impacting this but discharging and there's other factors that we can put into that and the engineer helps us with their runoff coefficients and different other engineering things. And then the end, however it's applied is based on your acreage, because that is the area that's discharging
water.

Does that makes sense? Because you're --

It's sounding like when you said both roads, we don't
assess on road frontage. That's a street thing or a sewer
thing or a sidewalk thing. Okay.

MR. DARREL BARTOS: I wasn't aware.

MR. DONALD MUNSKI: Okay.

MS. BRENDA MOORE: No. That's good. That's
why we do this. We all learn something from each other.

MS. SHARON ACKERMAN: I feel like I'd like to
go the next step.

MR. KEN ERDMAN: Okay.

MR. DONALD MUNSKI: Go ahead.

MS. SHARON ACKERMAN: On the second motion, I
would make a motion that the petition for the maintenance
and improvement of the Hurlbut Drain is necessary for the
protection of the public health and in the affected
municipalities and that a portion of cost shall be
apportioned to following municipalities, and I believe that
Muskegon Charter Township only would be the one that I
would think would be apportioned some of the cost of this.
That's my feeling. That's my motion.

MR. DONALD MUNSKI: Do I have a second?

MR. KEN ERDMAN: I'll second that.

MR. DONALD MUNSKI: So let me read the motion
again. Sharon Ackerman made a motion that the petition for
maintenance and improvement of the Hurlbut Drain is
necessary for the protection of the public health in the
affected municipalities and that a portion of the cost
shall be apportioned to the following municipalities at
large, Muskegon Charter Township. And that was seconded by
Ken.

Any discussion?

(Whereupon, no response.)

MR. DONALD MUNSKI: Question for you. Why
would you limit it to Muskegon Charter Township?

MS. SHARON ACKERMAN: Well, I kind of felt
that, number one, because the Industrial Park is there and
they were involved in the decisions that were made to put
this Industrial Park there. They had the ability at that
time through their planning and zoning and those type of
departments to get the necessary input and possibly save
some of the problem that we have there now.

And you know, I served on a township myself
and I'm not trying to make this a township problem, but I'm
just saying that there was a time when they were involved
in some of these decisions and I feel they have to bear
some responsibility. And I don't feel that Egelston does
because what's happening to them is they're being included
simply because of an exiting drain that's there, so I don't
feel Egelston Township has a problem with that. That's my feeling.

MR. DARREL BARTOS: Will there be any draining work be done to Egelston Township or not?

MR. RYAN McENHILL: We can not legally do anything on the Laurene Taylor Drain under this petition.

MR. KEN ERDMAN: Call for the question?

MR. DONALD MUNSKI: All right. Any further discussion?

(Whereupon, no response.)

MR. DONALD MUNSKI: No. All right. Let me read -- read the motion again and then we'll have a vote on it. Sharon Ackerman made a motion that the petition for the maintenance and improvement of the Hurlbut Drain is necessary for the protection of the public health in the affected municipalities and that a portion of the cost shall be apportioned to the following municipalities at large, Muskegon Charter Township. Seconded by Ken Erdman. Discussion has been completed.

And members in favor of the motion signify by saying aye.

MR. KEN ERDMAN: Aye.

MS. SHARON ACKERMAN: Aye.

MR. DONALD MUNSKI: Those opposed, same sign. Aye. The motion passes by a two-to-one vote.
Okay. Next on the agenda is revision of the drainage district boundaries. I think essentially the revision of the drainage district boundaries is, if we go to the map or the chart, would be the addition of that in blue --

MS. SHARON ACKERMAN: Right.

MR. DONALD MUNSKI: -- being added to the district boundaries and then that in salmon color being deleted from the district boundaries. Is that correct?

MR. RYAN McENHILL: Correct.

MR. DONALD MUNSKI: Okay. Thank you.

MS. SHARON ACKERMAN: I had a question about that. I understand now what the reasoning was for the addition. I'm not sure what the reason was for the subtraction of these two areas.

MR. RYAN McENHILL: Well, I can tell you, this part here (indicating) that's excluded is on the opposite side of the Barnes Drain. There's absolutely no way it can get to the Hurlbut Drain.

MS. SHARON ACKERMAN: Okay.

MR. RYAN McENHILL: This section over here (indicating) was specifically based on topography. There's just no way from the contours that this has the ability to go this direction, so this was kind of the break line topography -- or the easiest way to think about it is that
was at the high point, this purple line. Everything over
here was going this direction, everything on this side.

   MS. SHARON ACKERMAN: Okay. I just wanted to
make sure. I guess I don't have a problem with the
boundaries, then.

   MR. DONALD MUNSKI: All right.

   MR. KEN ERDMAN: I'll make a motion to approve
the boundaries.

   MS. SHARON ACKERMAN: I'll second that.

   MR. DONALD MUNSKI: Well, let me read the --
Let me read it, first.

   MS. SHARON ACKERMAN: Okay.

   MR. DONALD MUNSKI: Okay. Ken Erdman made a
motion that the addition and/or deletion of the lands as
recommended by a licensed engineer or surveyor will more
accurately define the boundaries of the land benefited by
the Hurlbut Drain and that such additions and/or deletions
of lands is just and equitable.

   Do I have a second?

   MS. SHARON ACKERMAN: Yes, I'll second that.

   MR. DONALD MUNSKI: Okay. Thanks, Sharon.

   Any discussions?

   (Whereupon, no response.)

   MR. DONALD MUNSKI: There being no discussions
then members in favor of the proposal -- motion signify by
saying aye.

MS. SHARON ACKERMAN: Aye.

MR. KEN ERDMAN: Aye.


(Whereupon, no response.)

MR. DONALD MUNSKI: The motion passes by a three-to-one vote -- three-to-zero vote.

MS. SHARON ACKERMAN: I was just going to ask you who the other person was.

MR. DONALD MUNSKI: Wait a minute. There is nobody else here. All right. Then we have completed that agenda item.

Next is the appeal process and Brenda is going to give us the --

MS. BRENDA MOORE: As I mentioned before, whether or not you agree with this one way or the other, you may appeal the decision of the Board of Determination. It's heard by a circuit court judge, so you have to go to the circuit court and it's under the drain code that there's an appeal process, but you have to do it within 10 days. You have to file it within 10 days of today at circuit court.

And I would like to comment that after --

We've basically been given the go ahead to look at this.
So Ryan and I will look and look at design and various other things. And there's another point in this process, it's called Day Of Review. When we're ready to assess on this particular project, we have to have a public forum from 9:00 to 5:00, people can drop in and look at the proposed assessment rule, what we're doing, the plans and comment on that. And I have changed a lot of assessment rules based on Day-Of-Review comments.

And the comments I heard today in terms of, hey, we're upstream and we already paid, heard you loud and clear. There is ways we balance that on an assessment when we get down to it of how to figure that out. You won't -- The majority of the work is going to be downstream from you and the majority of that will be paid for by people downstream. And the work in the Industrial Park I can -- I can say definitively that will be billed to the Industrial Park, but there are some things that have to be done to the drain that benefits everybody that they shouldn't have to pay for.

And then the township gets a bill and the county gets a bill, so you'll be able to see how that's all distributed and on that Day Of Review. So you'll get another letter from our office and we post it in the newspaper, again. Just pay attention.

And if anybody is interested as we're going
and seeing what we're up to, feel free to call our office
and say, hey, what's going on with this? If I get
interest, we can have a scope meeting like Ryan talked
about. I have found that in my four years, we do that and
people just kind of don't show and I don't want to spend
the time and money on postage and standing here and paying
Ryan's hourly rate if people just don't show, so you need
to let us know you're interested and we'll definitely
include you. And it doesn't have to be a meeting, just
come in and talk to us. But pay attention if you're
worried.

And I'll get off my soapbox. And thank you
for coming tonight. We always learn something. And I make
mental notes of what to pay attention to, so appreciate
your time. And thank you all for being here and serving.
These are citizens that sometimes take a lot of guff and we
appreciate them.

MR. DONALD MUNSKI: Thank you. All right.

MS. BRENDA MOORE: I'll hang around if you
have other questions, but basically the business is done
tonight.

MR. DONALD MUNSKI: Thank you.

MS. BRENDA MOORE: Thank you.

MR. DONALD MUNSKI: Thank you for coming to
this meeting and I hope you've learned a little bit. I
have learned a little bit, sometimes a little bit more.

And do I have a motion to adjourn the meeting?

MR. KEN ERDMAN: Motion to adjourn.

MS. SHARON ACKERMAN: Second.

MR. DONALD MUNSKI: All in favor?

MR. KEN ERDMAN: Aye.

MS. SHARON ACKERMAN: Aye.

MR. DONALD MUNSKI: Aye. Meeting is adjourned. Thank you very much.

(Whereupon, meeting concluded at 7:27 P.M.)

--ooOoo--
STATE OF MICHIGAN   )
   ) ss.
COUNTY OF MUSKEGON   )

I, Michelle M. McKee, Certified Shorthand Reporter (CSR-3841), and Notary Public in and for the County of Muskegon and State of Michigan, do hereby certify that the foregoing meeting was taken before me at the time and place herein before set forth.

I further certify that said meeting was recorded by me stenographically, and subsequently transcribed under my directions and supervision; and that the foregoing is a full, true, and correct transcript of my original shorthand notes.

I further certify that I am not counsel for or related to any of the parties to the foregoing cause, or employed by them or their attorneys, and am not interested in the subject matter or outcome thereof.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.

Dated at Muskegon, Michigan, this 18th day of October, 2016.

Michelle M. McKee, CSR-3841
Notary Public, Muskegon County, Michigan
My commission expires June 7, 2021
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