STATE OF MICHIGAN

OFFICE OF THE MUSKEGON COUNTY DRAIN COMMISSIONER

In the Matter of:

Kent Drain

Board of Determination for
Petitioned Maintenance and Improvement to
Kent Drain

June 16, 2015
6:30 P.M.

Muskegon Charter Township Hall
1990 Apple Avenue
Muskegon, MI 49442

Board of Determination:  Ms. Judy Marcinkowski
Mr. David Split (chairman_
Mr. Tony Crosser
Ms. Deb Harris (alternate)

RECORDED BY: Michelle M. McKee, CSR 3841
Certified Shorthand Reporter
MS. BRENDA MOORE: I appreciate everybody taking the time to come on a beautiful summer night to come to this hearing. I'm the county drain commissioner. My name is Brenda Moore. This is my right hand, Stephanie Barrett. She's our deputy. And Dan Fredricks is the project engineer. Michelle is our court reporter. She actually takes everything down verbatim, and we will put that on the website, as well as minutes that Stephanie does. And there's a copy of the report and the Power Point you're going to see tonight on the website.

We received a petition actually last year to do something about the Kent Drain. There's some issues -- reported issues with drainage, and basically I didn't have the authority to help. I cannot help in certain ways--

AUDIENCE MEMBERS: We can't hear you.

MS. BRENDA MOORE: I'm sorry. I'm not going to start over with introductions. I'll try to do my outdoor voice. I'm told my voice doesn't match my attitude, so I'll try to be loud. Okay. Can you hear me all right?

AUDIENCE MEMBERS: Yeah.

MS. BRENDA MOORE: So we received a petition last summer which makes the drain office go through this process. The petition was about reported drainage problems. And so what I'm obligated to do under the State
Drain Code is to start this process. I have to appoint a
Board of Determination, and the people can't own property
in the township and they can't have any property and—

Property. Right? They can't live here and own--

MS. STEPHANIE BARRETT: They can't--

MS. BRENDA MOORE: --and own property.

MS. STEPHANIE BARRETT: Yeah. They can't live
here and--

MS. BRENDA MOORE: Can't live here and can't
own property. So I have four folks that they barely know
each other, but the whole idea is they don't know a whole
lot about the politics or what's going on, and they are
going to listen to the engineer and to your comments
tonight. Ms. Harris is from White River Township.
Mr. Crosser is from Cedar Creek Township. Mr. Split, you're Fruitport?

MR. DAVID SPLIT: Fruitport Township.

MS. BRENDA MOORE: Fruitport Township. And

Ms. Marcinkowski is from Fruitland Township. So I try and
get people outside the area who kind of don't know what's
going on. They've all served, except for Ms. Harris, on a
Board of Determination before, but I try to mix it up so
it's fair. Okay?

The only thing I ask them to do is listen and
be objective. They decide on whether or not there will be
changes to the district, but the engineer looks at the
district and decides whether land should be added or taken
out, and they will also decide if this project should go
forward. They do not decide cost and how it's fixed. We
have not spent the time or engineering money to decide on
fixes. That would be irresponsible if we don't even know
if we can go ahead.

So most folks have questions about cost and
how you're going to fix it, but those won't be answered
tonight. Tonight is only is there an issue, should we go
forward, should the drain commissioner's office go forward
and try to fix this? That's it.

Did I miss anything, Ms. Stephanie?

MS. STEPHANIE BARRETT: No.

MS. BRENDA MOORE: Okay. I'd like to
introduce Dan Fredricks, our engineer. What I do want to
say before he starts--

MS. STEPHANIE BARRETT: Oath.

MS. BRENDA MOORE: Yes. Thank you. The oath.
We select engineers based on a request for proposals. I
have probably 16 engineering firms that we ask. About 6
actually answer, so it is a cost-and-bid process. There is
a competition for this. So his firm won the bid to
actually help us with the work.

I do have to administer the oath of office.
Thank you, Ms. Stephanie.

Would you all raise your right hand, please.

You, and each of you, do solemnly swear that you will faithfully perform and discharge the duties imposed upon you and execute with strict impartiality according to the law and to the best of your ability as members of the Board of Determination determine whether the maintenance and improvement of the Kent Drain is necessary and conducive to public health, convenience, or welfare, whether the same is necessary for the protection of the public health of Muskegon Charter Township and whether the proposed revisions to the Kent Drain Drainage District as recommended by a licensed professional surveyor engineer would more accurately define the land benefited by the Kent Drain and whether such revisions are just and equitable pursuant to Section 197 of Act Number 40, P.A. 1956 of the drain code as amended.

MR. TONY CROSSER: I do.

MS. JUDY MARCINKOWSKI: I do.

MR. DAVID SPLIT: I do.

MS. DEB HARRIS: I do.

MS. BRENDA MOORE: Thank you. Have you pass this down and sign it for us, please (indicating). Once you're done with that, if you could formally elect your chair and secretary. The secretary is not taking minutes.
They will just read anything that came from the public. Michelle will take the minutes for us.

MR. DAN FREDRICKS: We're good?

MS. BRENDA MOORE: I'm trying to jump ahead, so slow down.

MR. TONY CROSSER: I'll nominate David Split for chairman.

MS. JUDY MARCINKOWSKI: I will second that nomination.

MR. DAVID SPLIT: Nominate Mary for secretary.

MS. JUDY MARCIKOWSKI: Judy.

MR. DAVID SPLIT: Judy.

MR. TONY CROSSER: I'll second that motion.

MS. JUDY MARCINKOWSKI: I will accept that.

MS. BRENDA MOORE: Madam secretary, if you could help me remember after public comment, you can read the e-mails I received.

MS. JUDY MARCINKOWSKI: Yes.

MR. DAN FREDRICKS: With that, I guess we're up, here. As Brenda said, my name is Dan Fredricks and I'm with Land and Resource Engineering. And we were retained by the drain office to do some preliminary work, specifically investigate some of the issues that we had heard. We spoke with some of the petitioners out here on the project. We walked the drain. We reviewed the area.
We took some very preliminary survey shots just to kind of see how things were draining, how much sediment was in the drain. And then we reviewed -- the other part of this, too, is we reviewed the drainage district, which is basically the special assessment district for who is within the watershed of the drain.

MS. BRENDA MOORE: I'm going to hold you up a second. Can you guys see this okay? It's really awkward because it's not set up very well. If you guys want to move or-- Like I said, this is on the website, so if you really want to see it. I'm sorry.

MR. DAN FREDRICKS: I'll apologize. We're short on extension cords and things like that here.

So just to give you an overview of what I'm going to talk about today, the first thing we're going to go over is why we're here. Brenda basically filled us in on that, but I'll go over that one more time reiterating that. Then I'm going to give you an overview of basically the watershed and the drain itself, kind of an overview map. Then we're going to talk about historic projects that have been done on the -- on the drain in the past. And then we'll go into current issues on the drain. We'll touch briefly on--

Again, this is to determine necessity of the drain, not how we're going to fix it, but looking at some
potential improvements based on just kind of our firsthand visual out there and talking to land owners, and then obviously we want your input, as well. And then we're going to go into the changes in the drainage district which, again, is basically the special assessment tax district, which is based on the watershed or the area that contributes surface runoff to the drain. And then finally, we'll go into what happens next.

So why we're here basically is, Brenda had mentioned, eight freeholders of land came to her with a petition last year asking for cleaning out, other things like extending, relocating, adding lands, adding branches was included in the petition. We're here tonight to give testimony to the Board of Determination, so not only myself and what I saw out there as an engineer but also you living out there, what are the flooding problems you're experiencing, what are the problems you're having, or if you're not having any problems, let the drainage board know that, as well, whether or not you think a petition is -- or a project is necessary.

So the Board of Determination will hear all the testimony and then they're going to make a decision based on the public health, welfare or convenience, whether or not this petition, this project, should go forward. We're not going to determine the scale of the project, but
just the necessity of a project.

So overview, if you noticed when you came outside, there were a couple of maps on boards out there. Those were maps of the drainage district. So right here (indicating), basically the drain district is bound by Apple Avenue to the north -- or I'll give you an over-- The drain basically itself is a tributary to the Holland Drain, and the Holland Drain eventually flows into Ryerson Creek, so we're all part of the Ryerson Creek Watershed. The drain, basically the upstream end of it, is down south of Kregel Road, and then it flows about -- a little over 4,000 feet primarily north to Apple Avenue where it joins the Holland Drain.

The drain was originally established and constructed way back in 1919. It's almost a hundred years ago. There is a 50-foot easement along the entire drain, a drainage easement that's 25 feet either side of the drain centerline. There is approximately 236 acres of land that contributes their surface water runoff to the drain. That -- that drainage area is roughly bound by Apple Avenue on the north, Kregel Avenue on the south, Sheridan Drive on the west, and Walker Road on the east, so roughly any lands contained within that area more or less flow in towards the Kent Drain.

So the project -- the drain was originally
established in 1919. Then in 1947 and 1966, there was subsequent petitions to improve the drain. These improvements primarily consisted of deepening and widening the drain. Originally when it was constructed, it only had a bottom width of about a foot or two. And the last construction project in 1966 increased that bottom width between six and eight feet.

One thing to know about the drain is that the gradient of that, how it was designed and how it is today, it is extremely flat. It's a very flat area out there. The slope of -- of the drain is almost -- is essentially flat. It's less than a 10th of a percent, which means over 100 feet, it drops less than a 10th of a foot, about an inch, so it's -- it's virtually flat. There was also, in 2000, a portion towards the northern end by at that point it was Central Assembly o God Church, but it was relocated around that property.

Drainage issues. When we went out there, and we did do some GPS survey measurements and probing of the drain itself, and we found that there's about anywhere from one to two feet of sediment built up in the drain. The further south you start going, the more sediment you actually get in there. A lot of the private crossings towards the upper end closer to Kregel are basically almost completely full of sediment. Some of the culverts that
have been set along the drain are either purged so they're set too high above the channel bottom or they're tipped backwards so they don't flow properly, so there's issues there, as well.

And then we also did go look within the Holland Drain itself. It's hard to see with these photos here, but the Holland Drain itself, there is some sediment built up there, too. That is part of this project, some maintenance work at the very outlet of the Holland Drain may be necessary to give you the optimal benefit and relief.

Other issues was primarily flooding, not necessarily along the drain but closer to Barlow Street. Particular, we know that there were residents we talked to near Annette and Burke, kind of that whole area. The network of the road kind of ditch system right now, just so everybody knows, that is not a part of the established drain. The established drain is what I showed you on that first slide there going north to south from Kregel to Apple Avenue. So that means, then, that's what the drain commissioner at this point in time can be responsible for.

But to take care of some of these other issues, to get the water to flow better through the existing road ditch network, a lot of what we noticed out there is some of the culverts are set too high within
driveways, some are set at inverse grades, some areas there are no culverts where there probably should be culverts, so there's definitely a lot of inefficiencies within the existing conveyance network that's supposed to be getting the water from these residential areas to the Kent Drain itself.

The other thing, too, is, as I talked about before, this is basically -- we did a very rough profile of the drain where we actually took some shots out there on the drain and looked at where the sediment is versus where we found the hard bottom and where it is in relation to existing culverts that are through there. This just basically kind of reiterates what I said. There is about -- that's a good solid foot. Here (indicating) would be the bottom of the culvert at Holland Avenue, here is the bottom of the culvert at McLaughlin, and both of those have a good foot or more of sediment basically built up in that channel. And then if you go further upstream closer to Kregel would be up there, you start getting up to 2 feet of sediment in some of these culverts, which are 2-1/2 feet in diameter, so there's a lot of -- when you -- further you go upstream, the more sediment there is.

MS. BRENDA MOORE: Sediment, not everybody knows sediment.

MR. DAN FREDRICKS: Sediment -- sediment would
be it's basically your -- it could be sand, it could be
like loamy topsoil type stuff, but it's basically, maybe
for lack of a better term, muck. This is so flat right
here that is has a tendency over time, as vegetation decays
and -- and sediment is delivered to the stream, it can't
like push through it, so it just kind of builds up in this
channel bottom. So in other words, the bottom is -- it's
starting to fill up with like dirt or muck, for lack of a
better term.

MS. BRENDA MOORE: Thank you.

MR. DAN FREDRICKS: Again, when we went out
there looking at improvements, knowing that there were
flooding on some of the residences off of Barlow Street,
this whole area from McLaughlin to all the way down to like
Vine or even Kregel, there were -- there's definitely-- Is
it Kregel or Kregel?

AUDIENCE MEMBERS: Kregel.

MR. DAN FREDRICKS: I'm sorry. I'm always
bound to get one name wrong. I apologize. But anyway, we
definitely -- we identified, again, there's major -- I
mean, there's significant deficiencies that are trapping
water in these areas. And whether we go along-- And
within these roadways and right of ways, there's a lot of
possible options for improvements. Again, if this went
forward, we'd look and investigate those and figure out
which ones are most cost effective, which ones create the least amount -- or least obstructive or make the least amount of impact to residential properties. But, you know, we try to enhance basically what's there to make it work more efficiently.

And then now, the last thing we want to talk about today, too, would be revising the drainage district boundary. Okay. So back in 1999, there was an area basically that they -- where the water contributed to Kent -- the Kent Drain. Over the last hundred years or so since it's established, new drains have been constructed, new ditches have been constructed along roads. This drainage area has changed quite a bit. So what we did is we looked at -- we looked at basically adjacent drainage districts, because there is the Barnes Drain, which is basically to the southeast; there is the Rosenbloom Drain, which is to the southwest; there's the Holland Drain on the north side, which this is actually a part of the larger Holland Drain Drainage District. So we reviewed those district boundaries.

We went out there and we looked at the actual road network. We looked at available topographic maps that the county has. And after -- after reviewing all this data, we realized that there is the portion of drainage district right now that is west -- or east of Walker Road.
The majority of that actually goes down a ditch system along the east side of Walker Road and goes to the Barnes Drain. So we're proposing to remove that at this time, and then we're also proposing to remove a small section in the southwest corner of the drainage district which flows to the Rosenbloom Drain. So, basically, we're talking about removing 77 acres from the drainage district, which would bring the total district area down to about 236 acres.

So what happens next is we're going to open the floor to public testimony. You'll have a chance to come up here, express whether you're for or against any type of petition project. There will also be a few e-mails that will be read. And then at that point in time, the Board of Determination is going to make a determination on whether the project is necessary. If it's determined not necessary, then everything stops at this point and a new petition cannot be filed for at least another year. If it goes forward, then the project will be conducted as part of the drain code and that's when we'll go out, do a more enhanced topographic survey, engineering of alternatives, come up with the most cost effective solution. An easement has to be maintained if branches are established, permits may be necessary. And then after that, it would go out to a competitive bid -- once the design is done, a competitive bid to contractors who will ultimately construct the
project.

So with that, if there is anything else you would like to add, Brenda, otherwise we'll open it up to public testimony.

MS. BRENDA MOORE: I have nothing to say. We're supposed to stay objective, so we want to hear from you.

MR. RALPH STERNBERG: When are you going to read the letters sent in, before or after the—

MS. BRENDA MOORE: It's part of all this, so the chair is running the show, so—

MR. DAVID SPLIT: It's after the petitioners.

Welcome everybody here tonight. And if you'd like to speak, just simply raise your hand and state your name and your address, where you live. And you don't have to walk up here or anything, but just speak loudly so everybody can hear you.

(Whereupon, hands raised.)

MR. DAVID SPLIT: Sir, would you like to make a comment?

MR. FRED OOM: Well, I've got a question.

MS. BRENDA MOORE: Name and address, please.

MR. FRED OOM: My name is Fred Oom, 2593 McLaughlin Avenue. When I purchased my property and built my house, at my own expense, I had the drain running in
front of my place and to the side dredged out because it was filthy. I then had a culvert put in in front of my property which I had covered. I did all this at my own expense. And I'm not complaining, I volunteered to do that.

My question is, why do we have to go through all this rigmarole to get the county drain commission to clean it out? You know, when I first moved in there, that was free-flowing water. There was fish in that drain. When I first built my place there, neighborhood kids would fish in there and I could see the fish in there. Now, it's so -- 20 years later, it's nothing but a mosquito farm filled with muck and duck. It is blocked.

Over the past 15 years, twice I've used chains and Come-Alongs to pull logs and branches out of that drain, because my house is right next to it on McLaughlin-- I mean, my property is here (indicating), the drain is here. --just to try and restore the thing. I haven't seen the county do anything--

MS. BRENDA MOORE: I'm here to answer questions if they want to call on me to answer questions, otherwise--

MR. FRED OOM: --at any point.

MR. DAVID SPLIT: Yeah, sure, Brenda, if you could comment on that.
MS. BRENDA MOORE: This petition, if it goes forward, likely involves an extension of the drain which, even if I wanted to, I can't without this process. That's state law. Let me finish--

MR. FRED OOM: Okay.

MS. BRENDA MOORE: --please. So this may entail an extension of the drain, which I can't do. The clean out, I can't speak to. I've been in office not two years yet, but I do have the authority to go in and clean. And if this project doesn't go forward, I could still do that. And there are probably a hundred -- hundred and how many miles -- 120 some miles?

MS. STEPHANIE BARRETT: 120 plus drains, so many more miles.

MS. BRENDA MOORE: I'm facing this in a lot of places, so -- so noted.

MR. FRED OOM: Well, I remember when you were running for office, you knocked on my door and talked to me face to face and you told me one of your first priorities was to clean out that drain.

MS. BRENDA MOORE: To clean drains.

MR. FRED OOM: And it hasn't been nothing.

UNIDENTIFIED SPEAKER: Hasn't been in 10 years.

MS. BRENDA MOORE: I said what I think is
appropriate to answer the question. I said what I think is appropriate to answer the question.

MR. DAVID SPLIT: All right.

MR. FRED OOM: I'm not complaining, I'm just confused. Why do we have to have a big meeting and all this just to get the drains cleaned? You know, if you clean them, they'll flow. They flew at one time with the same gradient that they have now, except now it's blocked with silt and runoff, which started when they put in a development south of me and was totally knocked off when they put in that development to the northeast of me just kitty-corner, the 15 acres where they built that youth center, that totally blocked that drain--

MR. DAVID SPLIT: Well, maybe Dan--

MR. FRED OOM: --the runoff from that construction, I saw it happen.

MR. DAVID SPLIT: Well, excuse me a second, though. Now maybe, Dan, you can explain a little better about the drain extension and some of the improvements, like to the culverts. I mean, it's more than just a basic cleaning. It's infrastructure there.

MR. DAN FREDRICKS: The thing about the cleaning, too, is that the drain commissioner is limited on how much they can expend in maintenance every year. They're limited to $5,000 per mile. The drain that you
have is less than a mile long. That's $5,000 -- $5,000 to
go up there and clean that, it -- you know, it would
probably take several years to actually -- probably at
least two years to go down there with -- to get a
contractor to clean out the drain and then to restore
things to a way that we would want it to be done.

MR. FRED OOM: I spent a couple thousand
dollars just in front of my house at my own expense because
I put in a culvert there.

MR. DAN FREDRICKS: Right. Right. So, you
know, the fact here is that it's been since 1966 that this
drain has been cleaned out or possibly even maintained,
aside from I guess when they did the realignment work in
2000. So there is definitely, you know, a significant
amount of work that needs to be done to basically bring it
up to its condition that it was functioning back then in
1966, which probably is going to exceed what would be
allowable under normal maintenance expenditures in a given
year by the drain office. So by having the petition here,
that gives us the ability to go out there and actually
clean the drain out. If we have to replace any culverts
that are failing or perched, to actually do that. She
couldn't do that under maintenance.

MR. FRED OOM: Seems to me if it was
maintained from the beginning, it wouldn't be in the
condition it is now. It's been neglected, it's been
ignored, and it has just been sitting there. A problem
ignored is a problem that's going to compound and get
worse.

MR. DAN FREDRICKS: Sure. Absolutely.

MR. DAVID SPLIT: All right. We have another
comment in the corner, please.

MS. LeANN LaFRANCE: LeAnn LaFrance at 2552
Burke. When we purchased our home and had our culvert put
in, it was told to us that where our culvert was that they
were going to come through and realign them to our culvert
because that's where it was supposed to be and that was
never done.

MR. DAVID SPLIT: Okay.

MS. LeANN LaFRANCE: That's why our culvert
sits so far back than anybody else's.

MR. DAVID SPLIT: Lady in the front.

MS. MARVA GOULD: Yes. I'm Marva Gould. I
live at 1225 South Walker. I'm not bragging to anybody,
but we're the ones that gave the township the easement to
put Walker -- or to put McLaughlin all the way through.
They were told-- We were told, though, when -- where the
everly -- the man over there is sitting, that that would
-- there would be a ditch dug from his property -- that
drain, I guess you call it, all the way down to the corner
of Walker and McLaughlin and then that would all be cleaned. It would all run through. That has never been done.

And across the street on Walker, from one end to the other, half of it, there's no culverts for it to run on either side, and when the one road is full of water up to your ankles. Every time it rains, there's no -- the ditch goes here, and then it stops and there's no culvert for it to continue to go.

But we gave them the easement, but we were told that that ditch would be dug out and water would run there and that has never happened. We had to put in a culvert to get our pole barn put up and have that approved and everything, and nothing has been done since, and that was-- I don't know when that was put.

MR. LARRY GOULD: We can't even get them to cut the crap.

MS. MARVA GOULD: Yeah, we can't even get them to cut the crap down, so--

MR. DAVID SPLIT: Brenda are you familiar with that section of property she's referring to?

MS. BRENDA MOORE: No, but I'll become familiar. There is a difference between a county road commission drain on the road and the county drain, Kent Drain, in this instance. Although some county drains are
along the road, most road commission drains are along the roads.

MS. MARVA GOULD: Okay. Would this help? If the Township plows McLaughlin, the County does Walker, that's the difference?

MS. BRENDA MOORE: I would have to look into it.

MS. MARVA GOULD: Oh, okay.

MS. BRENDA MOORE: But it doesn't mean we can't integrate at some point county road commission drains to tie into a county drain, that's part of the investigation.

MS. MARVA GOULD: Well, some of these go right up to people's doors, the water on -- on Walker. The drains are that bad. There's no drain.

MR. LARRY GOULD: No place for it to go.

MS. MARVA GOULD: No.

MR. DAVID SPLIT: Okay. Sir?

MR. RALPH STERNBERG: Have any of you four been over to this area where we all live--

MR. DAVID SPLIT: No.

MR. RALPH STERNBERG: --to look? Okay. I grew up on-- Ralph Sternberg, 2528 Vine Avenue. I grew up on Kregel as a kid, 2528 Kregel. They used to dig them ditches every October before winter because we get such
severe winters back then. They'd dig them out. All my friends, we'd all play in them as soon as they dig them out. Nice, beautiful sand. That's been— I was a little kid when they did that. I'm 48 today. Thank you. It's my birthday.

AUDIENCE MEMBERS: Happy birthday.

MR. RALPH STERNBERG: I live on Vine now for 16 years. And talking to the neighbors up on Sheridan and all them, they ain't dug them ditches in over 20 years. You know, if they'd fix what we got, it would help a ton. I got eight-inch trees in my ditch. You can't see the culvert going down Vine. Oh, yeah. And it's only bad when it goes from 30 to 70 in one day, which it did last year, I think. Right?

The guy that started this petition, I don't even think he's here, but he bought that nice house on the end there real cheap price, beautiful house, walkout basement. Anybody got a basement around that area? What happens? What happens? No wonder the house was cheap. He didn't research it.

You know, so clean out what we got. We got ditches there in our area, anyway. Some don't, I see. I see. I've lived there. Clean out what we got. I got eight-inch trees. You can't see the ditch culverts in there, you know.
UNIDENTIFIED SPEAKER: At least you got culverts.

MR. RALPH STERNBERG: Oh, yeah, they're there. It's rough. You want us to pay for an extra firm to come in out of our pockets, well where did our taxes go here? We all pay. You know, that's my complaint.

MR. DAVID SPLIT: I understand. Gentleman there in the back?

MR. KERRY HUNT: Kerry Hunt, 2580 Kent. I live on the corner of Densmore and Kent. Right across Densmore, my house is Kent Drain, it's right there. I've seen cars go in that ditch with kids sliding sideways and ricocheting. The road is narrow. Love to say the-- Brenda, how many employees do you have in your department that are workers that go out and work in drains or whatever?

MS. BRENDA MOORE: None. I contract everything. It goes up for bid.

MR. KERRY HUNT: Whose truck is that with the yellow--

MS. BRENDA MOORE: I have a drain inspector that -- in a green truck, which is the drain commission. You're probably talking about road commission.

MR. KERRY HUNT: This is-- This is a blue truck with a yellow--
MS. BRENDA MOORE: It's probably the township or the road commission. You're looking at the employees in the drain office and a clerical person.

MR. KERRY HUNT: I know it's not a Muskegon Township truck, but I don't know about the--

MS. BRENDA MOORE: Road commission, maybe?

MR. KERRY HUNT: They're orange.

MS. BRENDA MOORE: Was this several years ago?

MR. KERRY HUNT: Well, anyhow--

AUDIENCE MEMBERS: No.

MR. KERRY HUNT: This is a new truck. Anyhow, I've seen -- I've seen them do a little of cleaning debris out of the ditch, one driver and two or three people. Most of the time, they're standing around smoking and joking. And it's nice that they're pulling tires and wood and all that out of the ditch. Instead of putting a bed liner in that truck and hauling it to the landfill and paying to get rid of it, they put it on the top of the ditch right by the edge of the road -- the road and then the top of the ditch and put tires and junk there and they don't pick it up and do anything with it. Needless to say, what do the kids do with it?

UNIDENTIFIED SPEAKER: Push it back in.

MR. KERRY HUNT: Yeah. There's -- there's taxpayer dollars at work. You're going to take it out of
the ditch, put it in your truck and take it to the landfill. It don't cost $5,000. You only have to do it a couple times a year and that would probably keep that -- a lot of that drainage flowing halfway decent, which means your mosquito population is going to be nil, but I don't see anybody hauling it out of there.

I mean, I try to watch people. I'm not blind sided there like -- like Joe is. He's on the corner, too, and a couple other neighbors, and you're blind over there. You got people come by there and drop garbage and debris in that ditch. You get ahold and cite some of them and put those moneys into the road commission or the drain commission, you would have some new trucks to do something with, all the people that dump junk in there.

MR. DAVID SPLIT: Thank you. Any other comments?

(Whereupon, raised hand.)

MR. DAVID SPLIT: Yes, sir?

MR. RICK SPOELMAN: Rick Spoelman, 4411 Apple Avenue. Curious as to how you're going to allocate the expenses for that and do you have any kind of idea what them expenses are going to be?

MR. DAVID SPLIT: No. Brenda can speak about that.

MS. BRENDA MOORE: I can just give you a
general idea. Typically, the county pays 20 percent, and that's between the county and the road commission, because they benefit. The community pays generally 10 percent of the bill. And then the remaining 70 percent is spread over everybody that lives there. There's usually a minimum assessment, and then it's based on the acreage. That's typically how it goes.

Am I answering your question? For this one, I can't tell you price or anything. We're not there yet.

MR. RICK SPOELMAN: Are we looking at 10,000, 50,000, 500,000, million? What's closer? You're an engineer. I mean, I'm not going to hold anybody to anything, but what's closer?

MR. DAN FREDRICKS: At this point in time, I mean, depending on the scope we're talking about, you're looking at anything from a clean out to adding branches, without going out there and doing the engineering and looking at what needs to be done and kind of-- What I'm hearing kind of from people in here is that definitely everybody agrees that the drain -- the main drain-- Remember, the Kent Drain is only that north-south. That's all it is. Everything else going along the roads is -- has nothing to do -- no jurisdiction of the drain commissioner at this time, unless you're so upset with no -- that the Township is not going -- nobody maintaining those ditches
that you want that to become a county drain so that now you can actually have that done and have -- have an entity that will take actually responsible and ownership of it, because right now nobody -- nobody is.

MR. RICK SPOELMAN: Well, who is responsible for that, Dan? Is the drain commission solely responsibility for cleaning and dredging that drain or do you have the Gradall out there at the road commission that would grade--

MR. DAN FREDRICKS: The only thing the drain commissioner has jurisdiction of is the actual established Kent Drain, which goes from Holland Street, maybe not even like -- maybe a little -- a little less than a half a mile east of Sheridan and basically goes straight down.

MR. RICK SPOELMAN: That's all closed off.

UNIDENTIFIED SPEAKER: Yeah.

MR. DAN FREDRICKS: Okay. Exactly, but that's the only thing that's established as a county drain right now. So any of these-- Any of the ditches going down Barlow, Kent, Vine, anything like that, are all just private road ditches that the drain commissioner does not have any jurisdiction over.

MR. RICK SPOELMAN: A lot of that water coming out -- coming down that Kent Drain uses -- comes from that Marathon Refinery. Is that -- is that that Holland area?
MR. DAN FREDRICKS: No. The Kent Drain goes into the Holland Drain and that's--

MR. RICK SPOELMAN: Where is this Holland Street or whatever?

MR. DAN FREDRICKS: It's north of Apple Avenue. This is Apple Avenue right here (indicating).

MR. RICK SPOELMAN: Going north.

MS. BRENDA MOORE: Mr. Chair, for the record, please. Barnes -- the Hulburt and Barnes are what receives Marathon Oil's discharge.

MR. RICK SPOELMAN: Okay. So we're not getting any discharge--

MS. BRENDA MOORE: No. It's completely separate watershed. That's Black Creek. You're Ryerson.

MR. RICK SPOELMAN: I've heard a couple different things over the years. We bought our house 20 years ago. I had it built, because I didn't want to be building in the middle of an oil refinery that went belly up.

MR. DAN FREDRICKS: Right. Right. But I guess, you know, talking now is that if there are major issues-- You know, again, when you have a lot of these road ditches like -- like we're hearing right now and what we've seen out there, some people have culverts, some people don't have culverts along these areas, some people's
culvert are completely set in the wrong area.

So if you -- and realistically, just looking right at -- right now, you guys can go out there after it rains and you see the birdbaths and the puddles and the ponding and different things like that, it's obviously not efficiently getting the water to the drain. So if you wanted to established some of these or in a way that we could convey this water from the streets better to the drain as a branch, that can be done at this process right now, because we have the ability through the petition process to add branches. Then after that comes and it becomes an established county drain on Kent Street or Vine Street, you will call the drain office and say: Hey, my culvert is blocked up with completely buried sediment. We need maintenance done out here, and then that gets on the table. But right now, if you have a problem on Vine Street, there is nothing that the drain commissioner can do at all. And as far as who is responsible for it, I mean, you can say you're in the Township, maybe the Township.

MS. BRENDA MOORE: County road commission.

MR. DAN FREDRICKS: County road commission on all them?

MS. BRENDA MOORE: County road commission has jurisdiction in the Township over all county roads.

MR. DAN FREDRICKS: Okay.
MS. BRENDA MOORE: Unless it's a private road. I don't think there's any private roads.

MR. RALPH STERNBERG: I hardly get flooded, anyway. It don't bother me at all. I just can't see paying for a private firm to come over there and dig that one straight ditch and charging me, that's my problem. I don't have a problem with water, and I got a full basement.

MR. DAN FREDRICKS: Right.

UNIDENTIFIED SPEAKER: Muskegon Township, a lot of it is on--

MS. BRENDA MOORE: I'm sorry. Can you get all of this with people talking out here?

MR. RALPH STERNBERG: Sorry.

UNIDENTIFIED SPEAKER: --sandy soil.

MR. STEVE SOWER: Well, my name is Steve Sower. I live at 1243 Walker. I guess I got 165 feet of your easement. And I've been there over 20 years, and I've seen the same thing for 20 years. I've asked previous administrations if anything could be done, and they said no. You do much with that ditch and it's going to flood the subdivision and so, you know, they don't do much with it. It's -- it's been satisfactory the way it is, as far as I know. My kids used to go out there and catch fish in it when it was deeper. Now, it's not so deep. There's pollywogs in it.
I object to the exclusion of all those areas on the other side of Walker. That -- that water drains into that section, as well. That doesn't all run into the Barnes Drain. The water table out there is high. I would have liked to have seen-- When the road went past Larry and Marva's, I would have liked to have seen some guardrails go up on McLaughlin and Densmore there. Densmore never got put through. Annette never got put through. The Township relieved the contractor from putting the roads and culverts through back when the subdivision was platted.

So years ago, we used to get a postcard from previous administrations, and they said we had so many days to clean the area, the frontage that we owned on the drain or they would send a crew through. Their crew cost us about 60 bucks every 3 years. They would put it on the taxes, so I don't know, you know, what the big to do about this drain is. It's been that way since I lived there, and I haven't suffered all that much. My kids are grown and gone. But you know, I don't need a four-bedroom house. I can move out before it gets expensive.

MR. DAVID SPLIT: Dan, can you talk about that drainage on the area to the east of Walker?

MR. DAN FREDRICKS: Yeah.

MR. DAVID SPLIT: Are you pretty sure about
that?

MR. DAN FREDRICKS: Yeah. I mean, essentially what we did here with the area east of Walker is that the Holland -- we looked at the Holland Drain Drainage District, which includes the Kent Drain, as well as the Barnes Drain Drainage District, as those are established. And the Barnes Drain picks up all of this (indicating), and this area is excluded from the Holland Drain.

Going out there, there is -- probably when you get more south of McLaughlin, there's a -- basically a better ditch to convey the water south on the -- on the east side. Here (indicating), it's a little bit-- I don't know how-- I would say that it's basically, the general flow, when you get closer to Apple up in this area would go to the actual Kent Drain.

MR. DAVID SPLIT: Okay. You have that section out there.

MR. DAN FREDRICKS: Yep. We got that section out there. Again, and there isn't a good ditch system at all in here, so there is definitely flooding. And so basically, right now, kind of cleaning things up to what we're -- saw out in the field versus what the other adjacent districts are, we would still recommend taking that area out east, because it's easier to get the water down to the Barnes Drain.
UNIDENTIFIED SPEAKER: Can you reiterate that to us?

MR. DAN FREDRICKS: Yeah.

MS. BRENDA MOORE: Question, also?

MR. DAVID SPLIT: Yeah, sure.

MS. BRENDA MOORE: Did you rely on topographic survey of what we have on GIS?

MR. DAN FREDRICKS: Topo. We actually went out there with a GPS unit. I mean, it's so flat that you can't really--

MS. BRENDA MOORE: Survey equipment?

MR. DAN FREDRICKS: Survey equipment to get some points where it's hard to see, where it's so flat. But essentially right now, see, the Barnes Drain down here to the south, we looked -- and then we have the Holland Drain, which the Kent Drain is a part of. When you looked at both of those districts there, the Holland Drain, which again the Kent Drain is a part of that, basically stops along Walker Road here, and then Barnes -- the Barnes Drain included this area east of Walker. I know that when you get north of the McLaughlin there -- correct me if I'm wrong, but there is not a very good drainage system through that area?

MR. DENNIS NEER: Dennis Neer, N-E-E-R.

MS. BRENDA MOORE: Address, please.
MR. DENNIS NEER: 2898 Genesee. It pretty much stops right here at Genesee. There's a -- and the culvert's covered on that side of the street, so it shoots out down here (indicating). And it seems like some of this drains, but everything north of that doesn't.

MR. DAN FREDRICKS: Yeah.

MR. DENNIS NEER: It's like it's a plug right there. They--

MR. DAN FREDRICKS: And.

MR. DENNIS NEER: That's what's strange to me. It seems like there should have been already a culvert that went the whole district.

MR. DAN FREDRICKS: It should keep going, except--

MR. DENNIS NEER: Something is plugged or they never connected it.

MR. DAN FREDRICKS: Yeah, and that's kind what we're looking at there. I mean, if you were going to-- Realistically, if you had drainage issues on the east side of Walker, it would make more sense to do the improvements along the road and take it to what's already going down to the Barnes, that's the way that district is set up. So we would recommend, you know, rather than having to create, you know, other additional brand new -- new drains to get it -- or branches to get it into the Kent Drain.
MR. DENNIS NEER: We lived there about 19 years, and I've only had my crawl space flooded, seriously, once.

MR. DAN FREDRICKS: Once, okay.

MS. BRENDA MOORE: Question, please? We can't do improvements on Walker going to the Barnes under this petition. Right?

MR. DAN FREDRICKS: Well--

MS. BRENDA MOORE: Because we'd be taking it to a different district.

MR. DAN FREDRICKS: Yeah, you can't take it to a different drain, exactly.

MS. BRENDA MOORE: So that would be off the table.

MR. DAN FREDRICKS: But where was the-- I'm sorry. You folks live on Walker?

MS. MARVA GOULD: Yes. Walker and McLaughlin.

MR. DAN FREDRICKS: Walker and McLaughlin. And you're right-- Yeah. And you're-- Are you on the east side or west side of the road?

MR. LARRY GOULD: West side.

MR. DAN FREDRICKS: West side. So you're in the district and we could help you, and--

MR. LARRY GOULD: We don't have no problems with our water.
MS. MARVA GOULD: We don't have any water problems.

MR. DAN FREDRICKS: Okay.

MS. MARVA GOLD: Yeah, across the street, but it goes from what this man was talking about, his property, where his -- it's -- there's a stream-- I call it a stream. It's not. Like I said, when they -- when we would give -- gave them the easement to put the road through because they needed property -- so much of our property--

MR. DAN FREDRICKS: Right.

MS. MARVA GOULD: --then they were going to dig that ditch so the water would run back through there and keep going, and they never touched that. They've never been-- Nobody over there didn't even dig a little tiny hole.

MR. DAN FREDRICKS: Got you.

MS. MARVA GOULD: Why do you promise all this stuff and we get all geeked up, because look what's going to happen, this is going to get done, and this is going to get done, and nothing happens. And then you wonder -- and everybody wonders why-- I'm not mad at any of you guys, but then people wonder why you get an attitude about where you live. This is why.

MR. DAN FREDRICKS: Right. Right.

MS. MARVA GOULD: Don't make promises you
can't keep. Don't say you're going to do something, damn it, and not have it done.

MR. DAN FREDRICKS:  Amen.

MR. DAVID SPLIT:  Thank you. Question from the lady.

MS. KAREN SCHLIEWE:  Karen Schliewe, 2531 Burke. I just want-- For the record, I've lived in the area 50 years and none of my neighbors nor myself has had any issue of water standing.

MR. DAVID SPLIT:  Okay. Good to hear. Yes, gentleman?

MR. JERRY KELSCH:  Jerry Kelsch, 1428 Walker. And when they put the -- redid the sewer, they did sewer and water on Walker, they put in a storm sewer. Why didn't they continue it down and why would I need to pay assessment for that drainage? My stuff is all going down the sewer or the--

MR. DAN FREDRICKS:  Are you-- Are you east, on the east side of Walker or the west side?

MR. JERRY KELSCH:  East side.

MR. DAN FREDRICKS:  You're probably out of the drainage district, then, because that area that got the storm sewer put in would serve you. You would not be part of the Kent Drain.

MR. JERRY KELSCH:  Why did they come up with
that whole thing?

MR. DAN FREDRICKS: Well, we're removing you from the drainage district. We're taking you out.

MR. JERRY KELSCH: I have another property, too.

MR. DAN FREDRICKS: Okay.

MR. STEVEN SOWER: Steven Sower, 1243 Walker. I'm just wondering by what authority you're going to exclude all these people on the other side of Walker on the east side?

MR. DAN FREDRICKS: The authority of the -- the drain code provides the drain commissioner to add or remove lands.

MR. STEVEN SOWER: So you're going to do this prior to the cleaning and -- and the transitioning of Kent Drain or are you going to do this subsequent?

MR. DAN FREDRICKS: This would-- Actually, this can be all done right here tonight, if the -- if the decision -- yeah, the decision of adding or removing lands.

MR. STEVEN SOWER: I see. Well, I would propose that you not remove that section of land from the drainage district.

MR. DAN FREDRICKS: I guess just in talking to you, you're saying you would keep everything highlighted in red here or would you just maybe a portion of that?
MR. STEVEN SOWER: Well--

MR. DAN FREDRICKS: I'm curious what you're saying.

MR. STEVEN SOWER: You're keeping E & A Grocery within the district, and they just dug a huge retention pond, and yet you're going to leave them in and they're on that side of Walker, as well, so they're draining half the neighbors on that road, too. So you know, I'm just trying to find out--

MR. DAN FREDRICKS: What we did out here, because it is very -- it is very flat, like we said, when we get into that area north of Genesee there, you don't have a really well-defined system, okay, for drainage. If we look at the topography, and it's very, very micro, this is -- this is like basically the area there to the north adds -- it's going to mostly flow towards the Kent Drain. Whereas when you get into these other areas further south, either -- you know, it's really not going anywhere. And probably if it was going to go anywhere, it's going to get blocked by the road here. If it got blocked by the road, it's probably going to eventually find its way into these -- into maybe the ditch system in there by south towards -- along the east side of the road. And if you were to do an improvement, a project, like I said, and extend that road ditch up Walker, it would capture those areas, be more
efficient to take the water that way.

MR. STEVEN SOWER: Well, I live there. Steve Sower, 1243 Walker. And Sylvan floods across Walker when we have spring rains. And the culvert under Sylvan is insufficient and they have to clean that almost every year.

Also, what is the parameters of the people living or owning land on that Kent Drain draining it themselves? Could we just put a pump out there and pump it out? How long is the water allowed to stand before it's considered a nuisance?

MR. DAN FREDRICKS: Pumping out the--

MR. STEVEN SOWER: The drain. I got five acres sitting there, I could pump it out if I had some help with electricity.

MR. DAN FREDRICKS: And then where are you going to-- And then put it down to the Holland Drain or where are you going to pump the water to?

MR. STEVEN SOWER: I'm just going to let it sit back on 1,000 feet by 165 foot. It's all pond.

MS. BRENDA MOORE: I have a question, please? Please?

MR. DAVID SPLIT: Yes.

MS. BRENDA MOORE: Now if the Board of Determination decides we can change the boundaries, we don't have to decide the nuances tonight.
MR. DAN FREDRICKS: We don't have to decide the nuances. It's just in general, we're here to add and remove land. And at this point in time, you know, we're going to-- We're not proposing to add any lands, which — and at this point in time under the drain code, that's the only thing that really she needs to get permission to do. To remove land can be done at any time. So if there are— You know, I would, you know, like to go out there and maybe meet with you or when we get to the final finalizing the drainage district before it's done, and if — and maybe we can take some additional shots in that area and hear testimony if there are some lands up here maybe north of the McLaughlin, because that is an area that is—

MR. STEVEN SOWER: This whole section in here is now draining into Barnes.

MS. BRENDA MOORE: And you may want to show that to the Board.

MR. DAN FREDRICKS: With that gentleman in the back, by Genesee--

MR. DENNIS NEER: Storm sewer.

MR. DAN FREDRICKS: You got storm sewers going through there. There's storm sewers there and it's going down this way, so it's definitely a good part of—

MS. BRENDA MOORE: You might want to show that to the Board.
MR. DENNIS NEER: I'm not having a big issue with it.

MR. DAN FREDRICKS: I'm not-- I'm not-- The only areas possibly for additional discussion might be some of these -- couple of these properties right here north of the McLaughlin on the direct east side (indicating); but other than that, it would--

MS. BRENDA MOORE: Second question. My first question is any -- or taking away land, does it have to be fine-tuned tonight or we can take it under advisement?

MR. DAN FREDRICKS: Right.

MS. BRENDA MOORE: Second question, if there is other ideas for handling the storm water better, that's all about what we do in the next step.

MR. DAN FREDRICKS: Right.

MS. BRENDA MOORE: We can take that under advisement, as well. Correct?

MR. DAN FREDRICKS: Right.

MS. BRENDA MOORE: Okay.

MR. STEVEN SOWER: Well, Steve Sower, 1243 Walker. What is considered a reasonable amount of time for water to stand in a flat ditch?

MR. DAN FREDRICKS: For water to stand in there, I mean, what we want to do is you don't want -- as far as generating mosquitos or what are you -- or as far as
getting the water--

MR. STEVEN SOWER: What's the code call for? How long is water allowed to stand?

MR. DAN FREDRICKS: There is no-- There is nothing in the drain code.

MR. STEVEN SOWER: So it's not out of code yet?

MR. DAN FREDRICKS: I would say it is not -- it is -- right now, it's filled up with sediment. Everybody is-- Everybody can basically testify here that at one point in time, it was deep and we could fish in it, and now it's filled up with sediment and there is -- and it's not the same dimensions that it was dug historically. So therefore, we could say that it is not -- it's not functioning at its ultimate capacity of what it historically was.

MS. BRENDA MOORE: We have a bottom set. Right? We have a route and course for the bottom?

MR. DAN FREDRICKS: We have-- We have old historic drawings that can compare to as far as where this is at. So if you look at-- There is nothing in the drain code that says water can be standing for so long or anything like that. But if you're looking at-- If you want to leave the drain as it is and -- or let it keep filling up with sediment and have no drain eventually, I
mean, that's -- that's, you know -- that's -- well, that could happen. You know what I mean? So it's basically just maintaining.

MR. STEVEN SOWER: I'm just wondering how long the water is allowed to stand there. Because I talked with the previous administrations and they said that was a -- a drain that was running actually backwards. It was running north, rather than south, which is the topographical, which was against the topographical incline.

MR. DAN FREDRICKS: Lay of the land?

MR. STEVEN SOWER: Yeah.

MR. DAN FREDRICKS: Okay.

MR. STEVEN SOWER: And so, you know, you're going to always have a drainage ditch there, whether it's deep or not. The water table is high there. I can dig down six foot in my backyard and, you know, have water.

MR. DAN FREDRICKS: Sure. Sure.

MR. STEVEN SOWER: So what is the complaint, do we know?

MS. BRENDA MOORE: Can we take testimony rather-- I feel like we're doing too much back and forth. We need to hear from everybody.

MR. DAVID SPLIT: Okay. Another comment?

(Whereupon, hand raised.)

MR. DAVID SPLIT: Gentleman in the blue, would
you give your name and address?


I have lived there for about 10 years and I've had no water in my crawl space at all. And are we talking about digging out the end drain or are we talking about digging out my front yard and making the ditch through there?

MS. RENEE NYBLADE: Because there is no ditch there. Renee Nyblade, 2456 Burke.

MR. DAVID SPLIT: Dan, could you answer his question about that? Do you live on the road or are you close to that Kent Drain or the ditch you're talking about cleaning?

MR. MATT ANDREWS: I live--

MR. DAN FREDRICKS: East or west of Barlow, I guess?

MR. MATT ANDREWS: 300 feet from the drain.

MR. DAN FREDRICKS: Okay. Okay. Again, we're-- at this point right here, we're not here to make a decision on the scope of the project or what's going to be done. We're trying to get--

MS. RENEE NYBLADE: So you don't know whether you're going to dig up our -- the road?

MR. DAN FREDRICKS: If people-- I mean, basically, you know, if they're -- we're not going to add branches unless somebody specifically said: I live at this
address. I have chronic flooding. There's no culverts in any of my neighbors from here to the ditch and there's no way I can get any drainage relief, and my basement is flooding, my house is flooding. You know, if we hear testimony like -- testimony like that, then we'll evaluate that, the feasibility of it, but we're not here to take over every single road ditch or anything through there.

I mean, basically, we're trying to let you guys voice your opinion and say this is the problems we're having or, you know -- and if you're not having any trouble on the particular street, we want to know that, as well.

MR. ROBERT MANIE: Robert Maine, I live on 1134 Barlow. We don't have any kind of drainage ditch or nothing and been there for two years. And we have a crawl space, I put sump pumps in there, and last year had a waterfall going down there. Two pumps don't hold up there right now.

MR. DAVID SPLIT: Okay. Gentleman in the corner, give your name.

MR. VINCE WELCH: Vince Welch, 2440 Kent Avenue. Bought our house 3 years ago, that spring had 2-1/2 feet -- over 2-1/2 feet of water in my crawl space. My furnace was was six inches under water. Insurance wouldn't cover it because it's rain water and it's not considered a flood zone and won't give you flood insurance
because it's not considered a flood zone. Every year since I've been there, it's flooded at least two foot every year. But the 1 year, 3 years ago, it was 2-1/2 feet, completely flooded. I have no ditches, no culverts, nothing down our road.

MR. DAVID SPLIT: Yeah, you're definitely in the drainage district there.

MR. VINCE WELCH: Yeah. I'm just off Sheridan, second driveway after Sheridan.

(Whereupon, hand raised.)

MR. DAVID SPLIT: All right. Your name again, sir? Yes, you.

MR. RICHARD HANCOCK: Richard Hancock, 1262 Barlow.

MR. DAVID SPLIT: Okay.

MR. RICHARD HANCOCK: We moved in probably, what, last year. As soon as we got in, about a foot and a half of water in the crawl space, flooded, front driveways are completely flooded. Next door neighbor, flooded, literally flooded. I mean, there's -- undoubtedly, there's a huge problem.

MS. SARAH HANCOCK: Sarah Hancock, 1262 Barlow. My neighbor, Ms. McLaughlin, her driveway and garage is kind of constantly flooded every time it rains. There's a culvert under her driveway, but it doesn't help.
And we pump out our crawl space all the time, and the water doesn't go anywhere.

(Whereupon, raised hand.)

MR. DAVID SPLIT: Okay. Ma'am, can you give your name?

MS. LISA DODD: Lisa Dodd, D-O-D-D, 2749 Willowstone, two houses on Willowstone. I've been there eight years, no issue at all.

MR. DAVID SPLIT: Okay. Thank you. Gentleman in the blue.

MR. MATT ANDREWS: Matt Andrews, 2528 Burke. My question is for the engineer. I put a well down for my irrigation for my sprinklers and I hit the hardpan about 15, 16 feet. Is there a way we can just like poke holes in the hardpan and let the water out--

MR. DAN FREDRICKS: You are lucky out there.

MR. MATT ANDREWS: --without digging up my front yard?

MR. DAN FREDRICKS: I mean, first of all, I was going to say that you're lucky. There would probably be worse flooding out there than what you have. Realistically, probably not as far as the drain office would do something like that as far as putting in -- but possibly the idea of putting in leaching basins, that's something we could look at doing in solving areas, but, you
know, we'd have to really look and see how much water is being conveyed to some of these areas that are really flooding. And, again, it could be something as simple as adding a few culverts, maybe digging some -- the road ditches a little bit versus completely going in there and--

You know, I think with any of these branches or something we would add, it would look closer to what you have now as far as a mobile kind of grass swale system versus the big eight-foot wide, five-foot deep Kent Drain that's, you know, filled with water. These would be-- There's enough grade to do basins, when you get those rain events, that surface runoffs, getting it more efficiently into the Kent Drain.

MR. MATT ANDREWS: Is there-- Matt Andrews, 2528 Burke. Can people have sump pumps in their crawl space, is there a law that they probably can't hook it up to the city sewers and get the water out of there instead of pumping it in the drain -- or in the ditch and going back in the crawl space?

MR. DAVID SPLIT: That is a law, and Brenda can talk about that.

MS. BRENDA MOORE: You already know that. The municipalities have meters and they get charged by the wastewater based on what you're throwing. If you're throwing your groundwater in there, they get charged and
they don't like that. It's a no-no. Isn't it a plumbing code thing?

    MR. DAVID SPLIT: Yeah, it's a code. Yeah.

Any other comments?

    (Whereupon, raised hand.)

    MR. DAVID SPLIT: Sir?

    MR. FRED OOM: Fred Oom, and that's O-O-M.

Sorry. I should have spelled it for you before. If you're on the ground of just standing water, my crawl space is approximately 4-1/2 feet deep, it's cement on the bottom. And like I say, my property and the drain right by -- right off from McLaughlin, just south of McLaughlin on that corner, in the past 20 years, the most water I've had in one section has been about an inch, and I do not have a sump pump at all. I've never seen-- Now, I don't know if that's because of the work I put in at my expense in the beginning to put in piping to take that away or what, but it's not an issue where I'm at.

    UNIDENTIFIED SPEAKER: Crawl space that keeps it out.

    MR. FRED OOM: I can see where it could be a big problem for some others.

    MR. DAVID SPLIT: Okay.

    MR. FRED OOM: My neighbors here, they--

    MR. McNEAL: We have a sump pump, but we don't
have no big problem. You know, if we get a lot of rain, yeah, but like this -- this kind of rain that we're having right now, we ain't -- we're not having no problem. Our sump pump isn't running.

MS. BRENDA MOORE: Address, please? Sir, your address, please?

MR. FRED OOM: Your address? I'm sorry. They're my neighbors.

MS. McNEAL: 2573 McLaughlin.

MR. FRED OOM: 2573 McLaughlin.

MS. BRENDA MOORE: Thank you.

MR. DAVID SPLIT: Thanks.

(Whereupon, hand raised.)

MR. DAVID SPLIT: Okay. Gentleman?

MR. JOE SHAWBOOSE: Joe Shawboose, 2589 Burke. I live right on the corner of Burke and Densmore. Have no problems. Been there approximately 17, 20 years.

MR. DAVID SPLIT: Okay. Thank you. Ma'am, in the corner?

MS. LeANN LaFRANCE: LeAnn LaFrance, 2552 Burke. I've lived there my whole entire life. I'm 44 years old, never had a problem.

MR. DAVID SPLIT: Okay. Where do you live again?

MS. LeANN LaFRANCE: 2552 Burke.
MR. DAVID SPLIT: Burke? Okay.

MS. LeANN LaFRANCE: And my mother lived across the street. I've lived there my whole life and we've never had a problem.

MR. DAVID SPLIT: That's good.

MS. LeANN LaFRANCE: That's why we built there.

MR. DAVID SPLIT: Thank you. Someone else here?

(Whereupon, hand raised.)

MR. DAVID SPLIT: Gentleman, yes?

MR. RICK SPOELMAN: Rick Spoelman. I own the corner at 2411 Apple. And it seems like every time they play with the water level out there, I develop sink holes in my lot. A few years ago, the county denied any culpability, but I don't know how much concrete they pumped into one there at the end of my driveway right by Apple Avenue. I know I had one on my lot that I personally put a yard of dirt in. I've been there on that corner since 1971.

MR. DAVID SPLIT: Dan, do you have any comments about those problems that the gentleman is having?

MR. DAN FREDRICKS: I would have to investigate that in more detail to make any--

MR. DAVID SPLIT: Could be a failed drain.
MR. DAN FREDRICKS: There's a lot -- a lot of options.

MR. DAVID SPLIT: A lot of different things might be happening there.

MR. DAN FREDRICKS: Right.

MR. DAVID SPLIT: Okay. Sir?

MR. KERRY HUNT: Kerry Hunt, 2580 Kent.

THE COURT REPORTER: Excuse me. Could you stand and state your name?

MR. KERRY HUNT: I've never been accused of having a soft voice. Kerry Hunt, 2580 Kent. Right behind Joe, my backyard neighbor here. We don't have trouble with crawl space. We have ditch. It's all sandy soil. I've got a ditch that's four-feet deep and the drain is across the street. I'll have you know, I don't have water. I'd rather give the ditch to him and I can mow on level ground. That would be nice. They got things all swapped around when they paved the roads in there or something. I don't know who paved the roads, but I think they did a poor job of ditching. And you see where some of the road is -- the asphalt is getting all chopped up because of freeze and thaw, freeze and thaw over the years, so I don't know.

Dan, the question about -- you say 4,000 feet, linear feet from Kregel to Apple?

MR. DAN FREDRICKS: Yes.
MR. KERRY HUNT: What kind of a drop do you need in your topography to -- to dig that out of there with a Gradall, how much drop do you need over that 4,000 feet to make it function, make it work?

MR. DAN FREDRICKS: If we can get it back, we can get some grade back through there, again, even at flat, the water will build up basically head pressure and force itself down -- downstream.

MR. KERRY HUNT: Exactly right. How much does it cost to dig out 4,000 foot with a Gradall and clean it out again for the next 20, 30 years probably?

MR. DAN FREDRICKS: Yeah. I mean, if you had 4,000 feet, figure you're taking 2 feet out of the bottom--

MR. KERRY HUNT: Yeah, just take it out of the bottom. You only need--

MR. DAN FREDRICKS: Need a half a -- maybe a half a cubic yard or so a foot.

MS. BRENDA MOORE: I don't think you're giving the engineer--

MR. DAN FREDRICKS: Is this a range? Okay. That's kind of what I'm looking at. I mean, generally to do that, you're going to clearing with a residential area. You can't just side cast soil in somebody's yard.

MR. KERRY HUNT: It's got to be--

MR. DAN FREDRICKS: You got to make it look--
MR. KERRY HUNT: --taken out of there.

MR. DAN FREDRICKS: In certain areas, you know what I mean? So realistically, I think you start pushing that up to, you know, from maintenance purposes and not replacing any culverts or anything like that, but you're probably 5 to $10 a linear foot to do that, to do that type of work. As far as digging out the existing soil, doing any type of clearing, you need to get your equipment through, digging out the sediment that's in there, you might have to do a little bit of hauling and then making sure -- especially in the areas where there's yards and restoring it properly.

MR. KERRY HUNT: So 20 or $40,000?

MR. DAN FREDRICKS: And probably -- and probably to clean it out, you know what I mean, it's probably in that range.

MR. KERRY HUNT: Like I say, the wildlife that's in there, I mean, I hate to see it tiled. I hate to see a bill for having it tiled. I mean, that would be totally ridiculous.

MR. DAN FREDRICKS: I wouldn't--

MR. KERRY HUNT: The only way I would ever submit to that, pay for that, is if our road on Densmore was moved over about 30 feet and made legal instead of a one lane two-track through that.
MS. BRENDA MOORE: I don't think DEQ would allow that, either.

MR. DAN FREDRICKS: I don't think tile is the idea, enclosing that whole--

MR. KERRY HUNT: (Unintelligible.)

MR. DAN FREDRICKS: Nobody is proposing to do anything like that. Like I said, right now, it really hasn't had a good clean out since '66. I think everybody can say that there's more sediment or material built up in there then there was back when they can remember when there was fish and things like that. You know, a clean out would help. But then some of these other areas, you'd have to look at can you put a branch in there reasonably to help these folks out that are chronically flooding and--

MR. KERRY HUNT: Well, they say they haven't even a ditch, their place.

MR. DAN FREDRICKS: Right.

MR. KERRY HUNT: I mean, if you lower that water table, you won't have problems with most of these houses.

MR. DAN FREDRICKS: And if you do clean that out, if you take like a foot or two, because that will -- it will actually draw down the water level. We can make the drain function better if we can -- especially as you get further south. And like I said, we've got like
culverts that are -- where the water almost on a normal basis is, you know, 2-1/2 feet or it's almost completely clogging the culvert there because there's so much sediment in there that if you can get those drains functioning, you will drawn down groundwater levels and that water level in the drain will reduce.

MR. KERRY HUNT: Well, takes care of the mosquito problem, too. Standing water, you got a problem. You aren't going to have anywhere near the odor problem or mosquitos.

MR. DAN FREDRICKS: Right.

MR. DAVID SPLIT: All right. Do we have any other questions?

MR. RALPH STERNBERG: Ralph Sternberg, 2528 Vine Avenue. If you go through with this, you're going to tell me that ditch is going to stay dry?

MR. DAN FREDRICKS: I'm not going to tell you that ditch is going to stay dry, not on the Kent Drain. I think that--

MR. RALPH STERNBERG: That's the one we're working on. Right?

MR. DAN FREDRICKS: If we did-- I'm saying if we -- some branches like down Vine Street where you live--

MR. RALPH STERNBERG: I thought that wasn't part of this, though, you just said earlier.
MR. DAN FREDRICKS: Right now, it is not.

MR. RALPH STERNBERG: If we want to pay, it's available.

MR. DAN FREDRICKS: Yeah. If you want to establish a branch, you could do that, and then it would be under the jurisdiction--

MR. RALPH STERNBERG: I don't have problems on Vine Street.

MR. DAN FREDRICKS: Okay. All right.

MR. RALPH STERNBERG: I don't want to pay. I pay enough already. Thank you. That's what I was wondering. I thought you thought you were going to keep that ditch— That water table is high there.

MR. DAN FREDRICKS: No, no, no.

MR. RALPH STERNBERG: There ain't but eight inches in there right now. Come down there and look, there's nothing in that ditch. I used to float down that ditch with a raft, back in the day, honest.

MR. DAN FREDRICKS: Yeah.

(Whereupon, hand raised.)

MR. DAVID SPLIT: Okay. Another question here? Gentleman in the blue?

MR. MATT ANDREWS: Matt Andrews, 2528 Burke. My understanding is that ditch hasn't had any maintenance since 1966. Where does my tax payer money go? And it
should be like a car, everybody does maintenance on their car. How come you can't do maintenance on the ditch every year?

MS. BRENDA MOORE: If I may speak to the drain code. The only way the drain commissioner and the office can get funds is through an assessment. We do not get general funds, we don't get any tax dollars. We raise our own tax dollars through the district. So I can't speak to what happened before I took office, but I can't just go to the county board or the Township and say, hey, finance this. I administer the State Drain Code which says if you do this, drain commissioner, this is how you get your money back, only through special assessments, unfortunately.

(Whereupon, hand raised.)

MR. DAVID SPLIT: Yes, ma'am, your name?

MS. KAREN SCHLIEWE: Karen Schliewe, 2531 Burke. What I'm hearing, my question is why does it seem like the east and west streets going east and west don't have a flooding issue, but those that are going north and south are the ones that are having problems?

MR. DAN FREDRICKS: I think one of the -- one of the issues you got going there is a lot of those north and -- and south streets, they have a little bit more fall either -- either going to the north or going to the south, and a lot of them act almost as dams, if will you. A lot
of these east-west streets, either they don't have culverts, or the culverts aren't sufficiently sized, or they're set up too high. So those north-west streets, you know, particularly like Barlow, kind of acts almost like as a dam and creates -- creates flooding issues.

MS. KAREN SCHLIEWE: Why shouldn't they maintain themselves like we had to?

MR. DAN FREDRICKS: I mean, that's -- whether you have the road commission go out there and do the work or private -- private land owners do the work, what happens-- I guess the problem is, what happens when my neighbor doesn't have any flooding and they don't feel any need to put in a culvert; but by them not having a culvert, and I am getting a ton of water and I'm getting completely flooded. That's why you have an office like the drain commissioner to go in there and say for the common good, because not everybody can work together or wants to work together, we need to go in there and create a system that benefits and serves all.

(Whereupon, hand raised.)

MR. DAVID SPLIT: Ma'am in the corner?

MS. LeANN LaFRANCE: LeAnn LaFrance, 2552 Burke. Then if the culverts weren't put in correctly then why was my culvert, when I paid to have it put in, they told me, you know, yours is done correctly. We're going to
come out and fix the rest of them so they flow correctly. Why do I have to pay for somebody else?

MR. DAN FREDRICKS: If yours-- You know what I mean? That's-- We can't answer that question because--

MS. LeANN LaFRANCE: But that's--

MR. DAN FREDRICKS: I understand your frustration but, yeah, unfortunately, we can't--

MS. LeANN LaFRANCE: So, you know, all this problem of not flowing correctly should have already been an issue, you know, when you have ones that are good. Yes, mine is flat property. I will agree with that.

MR. DAN FREDRICKS: Right.

MS. LeANN LaFRANCE: But when our house-- That's what the County told us it had to be. So, you know, we're -- we paid to have it put there and now we have to pay again, if it goes through, to have it fixed. I don't agree with that.

MR. DAVID SPLIT: All right.

MS. LeANN LaFRANCE: We have several lots. I mean, I'm not just talking a hundred, a hundred foot frontage. We're talking -- we have quite a bit of land.

MR. DAN FREDRICKS: Okay.

MR. DAVID SPLIT: Well, Dan, maybe you could explain the role of the drain commissions in applying for a driveway permit. I mean, they size out your culvert for
you.

MS. BRENDA MOORE: That's the road commission.

MR. DAVID SPLIT: Road commission. I'm sorry.

And there's a process there that the road commission authorizes the culverts. And if there's a problem with one, I believe they could, you know, look at that and possibly deal with that issue, but it's separate from the drain commission.

MS. LeANN LaFRANCE: I understand that. But the thing is is when it was put -- when we put our house in, they told us that they were coming out to fix it and nothing has been done. So I mean, I -- you know, it might be two separate issues, but my complaint is it was supposed to be fixed when we put our house in.

MR. DAN FREDRICKS: Right. And everybody else-- You were supposed to be the new standard--

MS. LeANN LaFRANCE: Absolutely.

MR. DAN FREDRICKS: --and everything was supposed to get updated according to that.

MS. LeANN LaFRANCE: Absolutely.

MS. BRENDA MOORE: And it may well be, once we get out there, if we do.

MS. LeANN LaFRANCE: But then I have to pay for it again.

MR. DAN FREDRICKS: So then what you're saying
is that the road commission or whatever promised that they would do the work and get it done right.

MS. LeANN LaFRANCE: Absolutely.

MR. DAN FREDRICKS: And unfortunately--

MS. LeANN LaFRANCE: At my expense.

MR. DAN FREDRICKS: Yeah. I mean, the problem is the road commission isn't here, we can't have them--

MS. LeANN LaFRANCE: I understand. I'm just stating.

MR. DAN FREDRICKS: No. I understand your frustration completely. For the record, definitely, we got it. Thank you.

(Whereupon, hand raised.)

MR. DAVID SPLIT: Another comment?

MS. KAREN SCHLIEWE: Yes. Karen Schliewe at 2531 Burke. Do you know what the ratio is, percentage wise, the ones that are having problems versus all of us that don't have problems?

MR. DAN FREDRICKS: No. I mean, we know that the most extensive flooding was in that Barlow area.

MS. KAREN SCHLIEWE: There's not even that many houses on that street.

MR. DAN FREDRICKS: No, but near the corner. We know the petitioner we talked to-- There -- there were eight petitioners and I think there were like four or five
properties. Probably some of them might have been husband
and wife. And they all -- they're all kind of in that
Barlow, Annette to Burke, I believe there was one closer to
the drain.

MR. STEVEN SOWER: Is there any-- Excuse me. Is there any ditch going down that street Barlow?

MR. DAN FREDRICKS: Yeah. Again, there -- it's -- it's not the-- Everything out there, there isn't a really efficient, let's say, conveyance network.

MR. STEVEN SOWER: Cleaning out the Kent Drain really wouldn't do much for them if there isn't a ditch in front of their house.

MR. DAN FREDRICKS: It probably-- It probably wouldn't solve their problem.

MR. DAVID SPLIT: Any other comments? Otherwise, we'll go with a couple correspondences we have had with e-mail.

MS. JUDY MARCINKOWSKI: We received two correspondences. One is from-- Let's see. --John and Laura Wright. Dear Mrs. Moore, I recently--

MS. RENEE NYBLADE: What is their address, did they say?

MS. JUDY MARCINKOWSKI: It's at the end. Dear Mrs. Moore, I've recently received the county's letter about the Board of Determination meeting. Unfortunately, I
will be out of town during the time of said meeting. I would like to state that in the almost 20 years that I've owned my home that we have had measurable, measurable amounts of water in our ditches very few times. Seems like a lot of time and money may be spent to make a few homeowners happy. Sincerely, John and Laura Wright, 2515 Kregel Avenue.

Second letter is from Ralph Sternberg. To Whom It May Concern. I'm directly affected by the drainage issue. I feel that if the drains were cleaned up and cleaned out, trees, shrubs and brush, the drainage ditch would work adequately for the home owners in this area. I have lived here 16 years and have never seen anyone clean out the ditch. There is a tremendous amount of forestry growing in these ditches covering the drain tiles. You can't even see them. I have no desire to pay for upgrades to the system through a private firm when we can't even keep up with the one we have now. This is ridiculous. I grew up over on Kregel Road and they used to clean the drains yearly before winter. And I have noticed there hasn't been any upkeep on any of the drainage ditches anywhere in the area. I don't know who proposed this, but we have had no issues that would warrant paying extra for something that should already be taken care of regularly with our tax moneys. We had no idea this was even an issue
around here. The only time there is standing water is after a rapid snow melt or heavy rains. If someone is having issues that warrant a private firm, have that person deal with their issues without involving us. I am directly opposed to this. Just clean up the ditches that we have. It would make sense that this is a cheaper alternative.

Thank you, Ralph Sternberg, II.

That concludes the correspondence.

MR. DAVID SPLIT: Okay. Thank you. Any last comments from anybody?

(Whereupon, no response.)

MR. DAVID SPLIT: The Board needs to discuss some of these issues that we'll vote on here. The public is free to leave, if would you like. We'll end the public comment here at this time.

We need to make a determination for the drain maintenance, improvement, also a determination regarding public health benefits, and then a determination for revising the district boundaries.

Do you have something to say?

MR. JOE SHAWBOOSE: Joe Shawboose, 2589 Burke. Yeah. Do you guys have like a goal when you're going to come up with this decision so everybody is informed of what--

MR. DAVID SPLIT: It will be on the website,
won't it, Brenda?

MS. BRENDA MOORE: Yes.

MR. DAVID SPLIT: Okay.

MS. BRENDA MOORE: Tonight is the decision night. Tonight is the decision night for them, what we do. If anything comes later, we would let you know.

MR. DAVID SPLIT: Yes. State your name.

MR. RALPH STERNBERG: Ralph Sternberg, 2525 Vine. When you vote on this and you say, yeah, you're going to bring in this firm, those of us that have no problem, we're just going to get charged a bill and that's final or we don't vote on it? How do you do that? You know what I'm saying?

MR. DAVID SPLIT: What happens here, and Brenda can explain this, as well, that we make a decision whether to proceed or not. If it's warranted that there are problems that need to be addressed, we'll decide and agree on yes or no on that issue. And it's nothing that really gets decided on cost or what, it's just if it proceeds or, no, we drop it, there's not enough warrant for work, and another year later it can come up again if it's still a problem.

MS. BRENDA MOORE: May I?

MR. DAVID SPLIT: Yes.

MS. BRENDA MOORE: If work is done, everybody
in the district will receive an assessment. If I choose to
do maintenance as much as I can without anything else,
you'll get an assessment.

MR. RALPH STERNBERG: That's easier to understand.

MR. DAVID SPLIT: Okay. Well, at this time,
we're going to have a private discussion and try and--

MS. BRENDA MOORE: You can stay. This is an open meeting. You don't need to go. They're closing the public comments.

MR. TONY CROSSER: Well, I've listened to everybody here, and some people have problems and some people don't. That seems like it's that way no matter what drain you look at. But the drain hasn't been looked at for all this time. My -- my feeling is that the drain is not a pipe and if cleaned out and -- and runs correctly that it's going to draw -- draw groundwater, at least try and draw the groundwater down to its level, which should help you.

I heard people say that they do have water coming up to their doors. And we're talking about cleaning out what we have. What we have is the Kent -- is that drain to -- and it looks -- from the pictures that we saw tonight, it looks pretty bad. People have basement flooding, and we have some ditching problems, we have some culvert problems and so forth that can be looked at. If
this is allowed to go ahead, not that any money is going to be spent yet, but at least you're going to -- you know, it's going to take further study.

And so my -- my vote is to go and -- have it go ahead and get further study on all of these kinds of things that are happening.

MR. DAVID SPLIT: Okay. We won't vote on it just yet. We ask questions of our engineer here. And Judy, if you have any questions for Dan?

MS. JUDY MARCINKOWSKI: I do have some observations that I would like to refresh everyone with. If I counted correctly, there are about 27 people, residents here in attendance who have an interest in this. 21 of you spoke, some of you more than once, twice. That's great.

I heard a lot of different testimonies, but it all kind of points back to the same problem. You all agree that there is problems with the ditches -- haven't been cleaned, 20 some years of -- there's trees growing in it. I'm just going to do a few quotes: Lack of ditches, culverts, furnaces, flooding crawl spaces, driveways, poor job of ditching, big rains equal big problems. What was some of the others here? There used to be fish, now it's muck. Culverts were supposed to be redesigned. Everybody who spoke had something negative to say about the current
condition, whether or not they had problems with flooding or not. Some who don’t have trouble with flooding have it only when there’s big rain. But my personal opinion is there is enough information here to at least warrant going to the next step.

MR. DAVID SPLIT: All right. Understood. Dan, I’ve got a question for you. About the boundaries here, Brenda mentioned there might be slight changes or nuances that if we agreed that they were accepted or not, do you know if they’re still subject to change depending on your evaluation possibly down the road?

MR. DAN FREDRICKS: Yeah. We will not be adding any new lands to the drainage district, no matter what. All we were proposing to do is remove some land to better match the adjacent drainage districts that are already established, such as the Barnes and the Holland Drain, which the Kent Drain is a part of. So at this point, making some minutiae changes as far as maybe not removing some of the lands can be done.

MR. DAVID SPLIT: And that’s basically because the surface water doesn’t flow to the Kent Drain?

MR. DAN FREDRICKS: If there was ways that we could go and create an improvement, a branch or something, maybe efficiently provide better drainage to these areas, then it might make sense to keep some of those lands in the
district.

MR. DAVID SPLIT: Okay. Okay. Well, we're clear on that. More questions, Tony?

MR. TONY CROSSER: I don't think so.

MR. DAVID SPLIT: I think we're probably prepared to make a vote on this. My questions have been answered. Judy?

MS. JUDY MARCINKOWSKI: Yes, I am--

MR. DAVID SPLIT: All right. First, do we have a motion to determine that the necessity of the drain maintenance improvements are necessary?

MS. JUDY MARCINKOWSKI: I will.

MR. TONY CROSSER: I will make the motion.

MS. JUDY MARCINKOWSKI: Go ahead. I will second.

MR. STEVEN SOWER: Chair, can I have a clarification between ditching of the roads and cleaning of the Kent Drain, because it sounds like there's a mixup here.

MR. DAVID SPLIT: Okay. State your name again, sir.

MR. STEVEN SOWER: Steven Sower, 1243 Walker.

MR. DAVID SPLIT: Dan, could you address that for us?

MR. DAN FREDRICKS: Right now, the only,
again, portion that is established as a county drain is the blue line shown on that map there going north and south. And with this petition right here, the ability to take some of those roadside ditches, whether it's along Burke, Barlow, there would be a potential to actually add a branch and establish that as a county drain so that it could be maintained and constructed under the jurisdiction of the drain commissioner. But it's not -- we're not determining if that's going to happen or where it's going to happen. It's just the petition allows for that possibility to.

MR. STEVEN SOWER: I'm just saying, what I heard the people that are having water problems have no ditches in front of their house. And so regardless of how clean the Kent Drain gets, if there's no tributary leading into it then there's not going to be any lowering the ground table.

MS. BRENDA MOORE: The first motion is necessity of drain maintenance or improvement. Right?

MR. DAVID SPLIT: Yes, for the necessity. All right. We're going to have to close this to public comment at this time so we can finish our voting on this, but Dan will be around after the meeting, if you would like to talk to any of us, I guess.

On the determination of necessity of drain maintenance and improvements are necessary, it was moved by
Tony and seconded by Judy.

The second item is do we have a motion regarding public health benefits to Muskegon Charter Township?

MS. BRENDA MOORE: Mr. Chair? I'm sorry. You should vote on them separately, because they may not feel the same way on all of them to vote on this, and then do the second and third, please, so it's clear.

MR. DAVID SPLIT: Okay. Motion carried. Vote yes?

MS. JUDY MARCINKOWSKI: Yes.

MR. TONY CROSSER: Yes.

MR. DAVID SPLIT: Yes. No's?

(Whereupon, no response.)

MR. DAVID SPLIT: And the second item, do we have a motion regarding public health benefits to Muskegon Charter Township are necessary? Do we have a motion on that?

MS. JUDY MARCINKOWSKI: I will make the motion that if this project is deemed necessary that it -- that we move ahead with the determination of public health benefits.

MR. TONY CROSSER: Support.

MR. DAVID SPLIT: Okay.

MR. STEVEN SOWER: There goes our quality of
MR. DAVID SPLIT: Motion carried. Vote yes?

MS. JUDY MARCINKOWSKI: Yes.

MR. TONY CROSSER: Yes.

MR. DAVID SPLIT: Yes. No?

(Whereupon, no response.)

MR. DAVID SPLIT: And the third determination is do we have a motion to revise drainage district boundaries and will it be accurately define drainage boundary?

Motion carried, yes.

MR. TONY CROSSER: Yes.

MS. JUDY MARCINKOWSKI: I will second that.

MR. DAVID SPLIT: Seconded. No's?

(Whereupon, no response.)

MS. JUDY MARCINKOWSKI: So Tony made the motion for that?

MR. TONY CROSSER: I can make the motion for it.

MS. JUDY MARCINKOWSKI: You made the motion for the third one?

MR. TONY CROSSER: Uh-huh.

MS. JUDY MARCINKOWSKI: All right. And I will second that. And then we vote.

MR. DAVID SPLIT: All those in favor, say yes.
MR. TONY CROISS: Yes.

MS. JUDY MARCINKOWSKI: Yes.

MR. DAVID SPLIT: Okay.

MS. BRENDA MOORE: May I?

MR. DAVID SPLIT: Yes.

MS. BRENDA MOORE: So the three things under the state law that we were asked to give guidance on the Board of Determination decided that our office can proceed, but anybody who is -- who doesn't agree with this has 10 days to appeal at the circuit court level. The court's review is limited to whatever the Board's actions are authorized by law and whether the Board's findings of fact are supported by material, substantial and competent evidence in the record.

The order of necessity will be available at our office and we will have that signed tonight. As I said, we usually get the verbatim within a week and that will go on the website. The minutes should go on the website within a couple of days. And we'll hang around and answer questions, if you like.

Okay. Thank you so much for coming tonight.

MR. DAVID SPLIT: Meeting is adjourned. Thank you all.

(Whereupon, meeting concluded at approximately 8:02 P.M..)
STATE OF MICHIGAN

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 the meeting then given 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 22nd day of June, 2015.

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